



Legislative Assembly of Alberta

The 29th Legislature
Third Session

Standing Committee
on
Legislative Offices

Tuesday, November 28, 2017
6:17 p.m.

Transcript No. 29-3-8

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The 29th Legislature
Third Session**

Standing Committee on Legislative Offices

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

Cooper, Nathan, Olds-Didsbury-Three Hills (UCP)*
Drever, Deborah, Calgary-Bow (NDP)
Fitzpatrick, Maria M., Lethbridge-East (NDP)**
Gill, Prab, Calgary-Greenway (UCP)
Horne, Trevor A.R., Spruce Grove-St. Albert (NDP)
Kleinstauber, Jamie, Calgary-Northern Hills (NDP)
Littlewood, Jessica, Fort Saskatchewan-Vegreville (NDP)
Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (UCP)
Pitt, Angela D., Airdrie (UCP)
van Dijken, Glenn, Barrhead-Morinville-Westlock (UCP)
Woollard, Denise, Edmonton-Mill Creek (NDP)

* substitution for Jason Nixon

** substitution for Denise Woollard

Also in Attendance

Aheer, Leela Sharon, Chestermere-Rocky View (UCP)

Legislative Officers

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

Office of the Ethics Commissioner Participants

Lara Draper	Lobbyist Registrar and General Counsel
Kent Ziegler	Chief Administrative Officer

Support Staff

Robert H. Reynolds, QC	Clerk
Shannon Dean	Law Clerk and Director of House Services
Trafton Koenig	Parliamentary Counsel
Stephanie LeBlanc	Parliamentary Counsel
Philip Massolin	Manager of Research and Committee Services
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

6:17 p.m. Tuesday, November 28, 2017

[Mr. Shepherd in the chair]

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

To begin, I'd just like to ask that members and those joining the committee at the table introduce themselves for the record. We'll start to my right.

Mr. Malkinson: Thank you very much, Mr. Chair. My name is Brian Malkinson, MLA for Calgary-Currie, deputy chair.

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

Mr. Gill: Prab Gill, MLA for Calgary-Greenway.

Mrs. Pitt: Angela Pitt, MLA, Airdrie.

Mrs. Aheer: Leela Aheer, MLA, Chestermere-Rocky View.

Ms Draper: Lara Draper, lobbyist registrar and legal counsel to the office of the Ethics Commissioner.

Ms Trussler: Marguerite Trussler, Ethics Commissioner.

Mr. Ziegler: Kent Ziegler, chief administrative officer.

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

Mrs. Littlewood: Jessica Littlewood, MLA for the beautiful rural constituency of Fort Saskatchewan-Vegreville.

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

Ms Fitzpatrick: Maria Fitzpatrick, MLA, Lethbridge-East.

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

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

The Chair: Excellent. Thank you.
Member Drever.

Drever: Hi. Deborah Drever, MLA for Calgary-Bow.

The Chair: Thank you. Excellent.

We have no one on the phones.

For the record I would note the following substitutions. Ms Fitzpatrick is substituting for Ms Woollard, and Mr. Cooper had indicated he would be substituting for Mr. Nixon.

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

We have our agenda. A draft agenda was distributed for this meeting. Does anyone have any changes to propose? If not, do we have a member that would move a motion to approve today's agenda as posted? Ms Drever. Thank you. All those in favour? Any opposed? That motion is carried.

We have the minutes from the previous meeting, on November 7, 2017. Are there any errors or omissions to note? If not, do we have a member that would move that we approve the minutes as distributed? Mr. Horne. Thank you. All those in favour? Any opposed? That motion is carried.

That brings us to our business for the evening, the beginning of the review of the 2018-19 budget estimates for officers of the Legislature. Tonight we will be reviewing the 2018-19 budget submissions of the Ethics Commissioner.

Just to remind everyone, our time is limited this evening, so decisions on the actual budget estimates of all the officers will occur at our meeting on December 1, 2017, so we will not be voting tonight. We will have the opportunity to discuss the budget and business plan for the office of the Ethics Commissioner and then move towards the vote on Friday.

If there are no questions at this point, I'd like to call on the hon. Ms Trussler, Ethics Commissioner, to begin her presentation. Ms Trussler, if you could keep your presentation to about 20 minutes so that we can leave sufficient time for questions from committee members. If you wouldn't mind just once again for the record introducing your team, and then please go ahead.

Ms Trussler: Thank you. I'm hoping to keep my submission to under five minutes. Thank you very much for accommodating my schedule and considering the budget for my office today. I cannot tell you just how grateful I am.

As you already know, I have with me today Kent Ziegler – you all are acquainted with him – and Ms Lara Draper, who is the new lobbyist registrar and also my legal counsel.

Now, the budget for the office of the Ethics Commissioner is similar to last year's budget for the most part; however, Bill 27, which I am presumptuously assuming will be enacted, will create considerably more work for our office. When I was initially asked, I estimated the increase to the budget would be between \$80,000 to \$100,000, and in fact that's what was told to Treasury Board. However, now having seen the bill and having thought very carefully about it, I'm of the belief that it can be done for quite a bit less.

I don't want to hire more permanent staff as we don't have any more office space, and I don't want to have to spend time dealing with Infrastructure. In considering the legislation, it appears that the bulk of the extra work will occur in the first year and then will decrease, so here's what I'm proposing. It involves increasing the hours in existing employment contracts, reassigning workloads and reclassifications. I would increase from .8 to full-time from January 1, 2018, until June 30, 2018, and at that point I'd revert to .8. Half of the costs would be absorbed by this year's budget, and that can easily be done. The limited increase would give adequate time to reorganize the office, put processes in place, make a start on the new work, and also cover extra time that will be needed for the mandated review of the Conflicts of Interest Act.

My legal counsel and lobbyist registrar will permanently increase from .8 to full-time, and one of our administrative staff will increase from .5 to .75. For the next year only we would hire a summer student, probably a second-year law student, to assist in the initial review of the codes of conduct. There will be four of us involved in the process so that the timelines can be met.

The increase in budget for next year would be \$21,000 as opposed to \$80,000 to \$100,000, but most of it will only be needed for one year. We can do this because my salary will actually decrease by \$24,000 next year as I no longer receive the payment in lieu of pension. In addition, we have found savings elsewhere in the budget. By using existing staff, we will save some payroll costs and the cost of more office space. As a result, I am requesting a

budget increase of \$21,000 over last year and a temporary six-month amendment to my contract.

I have to say that we've reduced our budget as far as possible and perhaps further than we should have. We can't do the extra work for anything less than what we've proposed. When I became Ethics Commissioner, I had about 130 to 140 people making financial disclosures to me and meeting with me yearly. Once the new bill is enacted, that number will be closer to 280 people. We will also have to review 140 codes of conduct and provide written comments on them over the next year.

Thank you for listening to my short presentation. We would be very happy to answer any questions you might have.

The Chair: Excellent. Thank you, Ms Trussler.

At this point, then, I will open the floor to questions from committee members.

6:25

Mr. Kleinsteuber: Well, good evening, and thanks, of course, for joining us here tonight. My first question is: under note 4 of your budget submission it shows that you managed to reduce spending on supplies and services by \$10,000, which is almost a 30 per cent reduction. I was just wondering if you could expand perhaps on how you managed to reduce your budget by that much on that line?

Mr. Ziegler: Primarily, most of the savings in office supplies and equipment means hanging on to some shredders that are nearing end of life and are about to break – and a good high-security shredder, which we use, costs about \$5,000 – hanging on to everything else we've got in the office, including desktops, anything electronic. It's just, really, watching every penny we spend. Realizing that office equipment does have a limited life, we've just basically put off a lot of costs that we might have otherwise decided to incur.

Mr. Kleinsteuber: Okay. Makes sense. Thanks.

The Chair: Mr. van Dijken.

Mr. van Dijken: Thank you, Chair. I'm just taking a look at contract services. We have two pages on the budget. We have Budget 2017 and then forecasted expense for 2017-18. Then we have another sheet that shows us explanation of changes to budget. In the explanation of changes to budget we see under contract services a slight decrease, \$3,000, so we're looking at that as essentially anticipated savings in operating costs. Yet when we look at the forecast for 2017-18 on the previous page, contract services are expected to be coming in at \$35,000. I guess if we look at forecasted costs of \$35,000 and look at an estimated budget of \$55,000, it's an increase to forecast, a decrease to previous budget expectations. It looks like a \$20,000 increase when I look at it, so if you could explain if that's a realistic assumption to make.

Ms Trussler: When I first became Ethics Commissioner, this line for contract services was \$110,000, so we have over the years reduced it substantially. It's a difficult area because we never know what contract services we might have to use, and it's even more difficult right now because the McIver judicial review is ongoing, and we have legal fees to pay for that. We have had to hire outside counsel. It's the first time since I became Ethics Commissioner that we've had to do so. So we're just not quite sure what those legal expenses will be. We thought that we would reduce it a little bit, but that's the one area we didn't want to cut, just because we have no idea. That \$35,000 may be low for this year. We just don't know because we haven't received the legal bills yet.

Mr. Ziegler: As you'll note from 2016-17 the actual budget in the contract services was only \$6,300. It really is a fund or a code that we use when we need it, and if we don't need it, we don't use it. But given this year's potential costs . . .

Ms Trussler: So we just don't spend it. It's not one of these things where in March we say: oh, we've got extra money; we need to spend it. We just don't spend it if we don't use it.

The Chair: You have a follow up, Mr. van Dijken?

Mr. van Dijken: Yes, please.

Yeah. Thank you for that clarification.

We take a look in your report at the reinvestigation essentially conducted at your request by the ethics commissioner in British Columbia. Would there be costs that your office incurs by hiring the ethics commissioner from British Columbia. Is that a cost to your office?

Ms Trussler: No.

Mr. van Dijken: Okay. So we don't see that. Is that ongoing, or is that concluded?

Ms Trussler: It's concluded.

Mr. van Dijken: Okay. Thank you.

Ms Trussler: There were no costs for the ethics commissioner except for his travel expenses, and I think he did have outside counsel, but Justice paid that cost.

The Chair: Ms Drever.

Drever: Yes. Good evening. Just looking at your budget submission, I notice the budget submission also mentions an anticipated savings of \$3,000 from the technology services due to operating costs for the new lobbyist registry. Can you just explain to the committee members what the new system looks like and how you anticipate it will save your office that amount?

Mr. Ziegler: On the amount, we actually built the lobbyist registry last year, and that new system is now on our website. It's really a much more user-friendly website now, and it's web based. The other one was a Lotus Notes based system that was run out of a different office. Now we run the new registry online, and it is more user friendly. The cost savings that you're seeing there are because about five years ago the offices of the Child and Youth Advocate, the Ombudsman, and the Ethics Commissioner decided to merge IT services to save money out of the taxpayer purse generally. What we're seeing are the fruits of those savings starting to come now because we're in our third year, we're set up, and we're running good. We're starting to actually see the savings that we hoped we would see a long time ago. That's why they're going down.

Drever: Okay. Thank you.

The Chair: Do any other members have any questions? Mr. van Dijken.

Mr. van Dijken: Yes. I'm going to ask just a couple of questions with regard to the changes in the number of requests for investigations. Also, then, the number of requests from MLAs went down significantly in this past year. Now, moving on with the Bill 27 requirements, to meet the requirements by the ABCs, do you anticipate that this year you have a lot of work to do to have their codes of conduct in place and respond to those and to review those?

Do you expect that you will get a significant number of inquiries that you're going to have to deal with in this first year and possibly into the second year also?

Ms Trussler: We can never anticipate what inquiries we're going to get. It really depends. I think it should hold pretty steady. They've gone down, I think, because MLAs are more comfortable and know the rules better now, so they don't feel that they need to phone. So you really can't tell what inquiries we'll get.

The same thing with requests for investigations. You just don't know when something is going to happen and someone asks for a request for an investigation. But, certainly, reviewing the 140 codes of conduct: it's going to be a lot more work.

Mr. van Dijken: Yeah. You did allude to your ability to accomplish that work without significant changes to the staffing in the office. Are you quite comfortable that one year is going to be enough of a length of time to get that accomplished?

Ms Trussler: Well, the bill requires us. It becomes law to have it finished by March 2019. After that, they will have to approach us if they want to change their code, to get permission to do so. We will probably do another review of the codes, but we'll spread it out. We'll do it on a three-year rotation or a four-year rotation, just to make sure that everybody is up to date with sort of the latest views on how codes should read, because we will keep up to date on what's sort of the gold standard on these sorts of codes of conduct. But after that first year I think we can spread it out so that it's not a significant amount of work each year.

Mr. van Dijken: Okay. Thank you.

The Chair: Do any other members have a question? Mr. Malkinson.

Mr. Malkinson: Thank you very much, Mr. Chair. You know, I thank the Ethics Commissioner for, I think, doing a good job of explaining ongoing where the extra costs would be. Specifically, you have a registrar that's going from a .8 to a full-time position, and then you're adding another quarter time to one of your other staff on an ongoing basis. I think you alluded to this, and I just want to make sure I heard you correctly. After June 2018 you yourself plan to go back to a .8 position?

Ms Trussler: Yes.

Mr. Malkinson: Excellent. Then for the remainder of this year, would that come out of your current budget?

6:35

Ms Trussler: Yes. If we put everyone up the 1st of January, assuming that the legislation is proclaimed – we won't do it until it's proclaimed – then we've got enough in our current budget, we think, because we've been careful this year to cover the small increase this year till the end of March. Then the bigger increase would be next year.

Mr. Malkinson: I think many of us appreciate your office's fiscal prudence in that regard.

You're confident that you think that by June 2018 you would be able to sort of work with that initial, upfront review and that you would, at least as you sit now, have a degree of confidence that that would be all you need?

Ms Trussler: Yes.

Mr. Malkinson: Awesome. Thank you very much.

The Chair: Thank you, Mr. Malkinson.
Mrs. Littlewood.

Mrs. Littlewood: Thank you. Thanks for being here with us tonight. Bill 27 with its proposed amendments to the Conflicts of Interest Act would obviously, as you've detailed, increase the mandate of the office if it were passed. I'm just wondering: how did your staff consider this increased mandate while you were preparing your budget submissions, and do you believe that through the work of your office and increasing the budget it will accomplish those goals of accountability and transparency for those that make disclosures to you, enabling Albertans to have that confidence that you're looking for to have trust and integrity in these public institutions?

Ms Trussler: The budget was prepared on the basis that the bill would pass, and we might be being foolish, but we think that we can deal with the increased work with an increased budget of \$21,000.

Mrs. Littlewood: Thank you.

Mr. Ziegler: And some overtime.

Ms Trussler: And some overtime.

The Chair: Thank you.

Any other members? Ms Fitzpatrick.

Ms Fitzpatrick: Okay. I'm not normally on this committee, but I do have a question for you. Thank you for being here and being prepared to answer questions. In your budget submission under note 2 you mentioned the slight decrease in the contract services, and then you noted that "a current court case will seriously impact this budget." When you have any kind of court case, I would suspect that you can't anticipate, when you do your budget, if you're going to have one court case, 10, or none, so how do you determine what you should put in the budget for a line item like that?

Ms Trussler: Well, at one point the amount, as I said earlier, was \$110,000. Because I don't use outside legal counsel unless we have a court case, that's why we've been able to bring it down this year to \$55,000. You never know what those legal fees are going to be. We just have to give it our best guess as to what they will be.

Ms Fitzpatrick: Okay. What would you consider kind of a serious case?

Ms Trussler: Well, this one is a judicial review of a recommendation that I made, and it'll be heard probably some time in the new year.

Ms Fitzpatrick: Okay. A judicial review?

Ms Trussler: Well, that means that the lawyer will have preparation for a written brief. We'll have to go to Calgary to have the matter heard. I don't know whether it can be done in one day or whether it's going to take two or three, but we have to hire outside counsel.

Ms Fitzpatrick: Oh, I totally understand that. My experience with judicial reviews in federal corrections is that it's, like, weeks that they go on. That's why I was kind of wondering, you know, if it could be within a week or if it's going to take months to get resolved.

Ms Trussler: I don't know, but I am fairly confident it'll be heard in under a week, probably two days, but it depends on whether it gets adjourned. You just never know.

Ms Fitzpatrick: Okay. Thank you.

The Chair: Are there any other members that have any questions for Ms Trussler and her staff?

All right. If there are no further questions, then I would thank Ms Trussler and her staff for the presentation this evening and for responding to our questions. For your information the committee's decisions on the officers' budgets will be sent out next week.

Thank you.

Ms Trussler: Okay. Thank you.

The Chair: All right. Are there any other items, then, for discussion under other business?

If not, our next meeting date is set for December 1, when we will review the remaining budgets and business plans for officers of the Legislature.

Do we have a member, then, that would move to adjourn? Mr. Horne. All those in favour? Any opposed? This meeting stands adjourned.

Thank you.

[The committee adjourned at 6:40 p.m.]

