



Legislative Assembly of Alberta

The 30th Legislature  
First Session

Standing Committee  
on  
Legislative Offices

Friday, November 29, 2019  
8:15 a.m.

Transcript No. 30-1-2

**Legislative Assembly of Alberta  
The 30th Legislature  
First Session**

**Standing Committee on Legislative Offices**

Ellis, Mike, Calgary-West (UCP), Chair  
Schow, Joseph R., Cardston-Siksika (UCP), Deputy Chair  
Goodridge, Laila, Fort McMurray-Lac La Biche (UCP)  
Gray, Christina, Edmonton-Mill Woods (NDP)  
Lovely, Jacqueline, Camrose (UCP)  
Nixon, Jeremy P., Calgary-Klein (UCP)  
Rutherford, Brad, Leduc-Beaumont (UCP)  
Schmidt, Marlin, Edmonton-Gold Bar (NDP)  
Shepherd, David, Edmonton-City Centre (NDP)  
Sigurdson, R.J., Highwood (UCP)  
Sweet, Heather, Edmonton-Manning (NDP)

**Legislative Officers**

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

**Office of the Auditor General Participant**

Val Mellesmoen	Executive Director, Stakeholder Engagement
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**Office of the Child and Youth Advocate Participants**

Terri Pelton	Executive Director, Child and Youth Advocacy
Bonnie Russell	Director, Strategic Support

**Elections Alberta Participants**

Steve Kaye	Senior Manager, Investigations
Doug McKenzie	Director, Election Finances

**Office of the Ethics Commissioner Participant**

Lara Draper	Lobbyist Registrar and General Counsel
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**Office of the Ombudsman and Public Interest Commissioner Participants**

Suzanne Richford	Director, Corporate Services
Peter Sherstan	Deputy Ombudsman and Deputy Public Interest Commissioner

### Support Staff

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Stephanie LeBlanc	Clerk Assistant and Senior Parliamentary Counsel
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Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>



**8:15 a.m. Friday, November 29, 2019**

[Mr. Ellis in the chair]

**The Chair:** Okay. Good morning, everybody. Happy Friday. I'd like to call the meeting to order.

I'd like to welcome members and staff and guests to the meeting of the Standing Committee on Legislative Offices. I'm Mike Ellis, MLA for Calgary-West and chair of the committee. I'd ask that members, those who are joining the committee at the table, introduce themselves for the record, and then we will hear from those on the phone, but there's nobody on the phone. We'll start with the person on my right.

**Mr. Schow:** Joseph Schow, MLA, Cardston-Siksika.

**Ms Goodridge:** Laila Goodridge, MLA, Fort McMurray-Lac La Biche.

**Mr. Sigurdson:** R.J. Sigurdson, MLA, Highwood.

**Mr. Jeremy Nixon:** Jeremy Nixon, Calgary-Klein.

**Mr. Rutherford:** Brad Rutherford, Leduc-Beaumont.

**Ms Lovely:** Jackie Lovely, Camrose constituency.

**Mr. Schmidt:** Marlin Schmidt, Edmonton-Gold Bar.

**Mr. Shepherd:** David Shepherd, Edmonton-City Centre.

**Ms Gray:** Christina Gray, Edmonton-Mill Woods.

**Ms Sweet:** Heather Sweet, MLA, Edmonton-Manning.

**Ms Rempel:** Jody Rempel, committee clerk.

**The Chair:** All right. Fantastic. As indicated, there is nobody teleconferencing in, and there are no substitutions.

Before we turn to the business at hand, a few operational items. Please note that the microphones are operated by *Hansard*. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Please set your cellphones and other devices to silent for the duration of the meeting.

Number two, we'll start with the agenda. A draft agenda was distributed for your consideration and comment. Does anyone have any issues to raise or changes to propose? Would a member please move a motion to approve today's agenda that has been circulated? Ms Goodridge. Ms Goodridge moves that the agenda for the November 29, 2019, meeting of the Standing Committee on Legislative Offices be approved as circulated. All in favour, say aye. Any opposed? Hearing none, that motion is carried.

All right. We'll move on to the adoption of the meeting minutes. Are there any errors or omissions to note? If not, would a member move to approve the minutes of the October 9, 2019, meeting as distributed. Thank you, Mr. David Shepherd. Mr. Shepherd moves that the minutes of the October 9, 2019, meeting of the Standing Committee on Legislative Offices be approved as distributed. All in favour, say aye. Any opposed? Hearing none, that motion is carried.

Okay. We'll continue on with the officers of the Legislature 2020-2021 budget estimates and presentations from legislative officers. The committee will be reviewing the annual reports, business plans, and 2020-2021 budget submissions of the officers of the Legislature today. Once we've completed the review process, the committee will be making its decisions on each of the budget submissions. There will be time for questions from committee

members following each officer's presentation. Please ensure that you have all the information you need to vote on the budget estimates for each of the offices at the end of this meeting. We have a busy day ahead of us. So, everyone, let's just please stay on task and use our time effectively.

Okay. Next we'll go to the office of the Child and Youth Advocate. Sir, if you don't mind coming forward. As we prepare to hear from the first officer of the Legislature, the Child and Youth Advocate, I will note for the record that through Government Motion 40 the Assembly has specifically referred the 2018-2019 report of the office of the Child and Youth Advocate to this committee. Therefore, we will be undertaking an in-depth review of this report in the near future. The goal of our review today is to approve the budget amount for this office for the 2020-2021 fiscal year.

With that, I would like to call on our first officer, Mr. Del Graff, the Child and Youth Advocate, to begin his presentation. Welcome, sir. If you could keep your presentation to 20 minutes, please, that will leave us time for questions from the committee members. Thank you very much for being here. The floor is yours.

#### Office of the Child and Youth Advocate

**Mr. Graff:** Good morning, Chairperson Ellis and committee members. I want to thank you for the opportunity to meet with you this morning to present our 2018-19 annual report, our 2020-23 business plan, and our 2020-21 budget estimates.

With me today, on my left, is Terri Pelton, our new executive director of child and youth advocacy. Terri was formerly our director of investigations and legal representation. This is her third appearance before this committee. Also with me, on my right, is Bonnie Russell, who is our director of strategic support. Bonnie has appeared before this committee many times.

This morning I'd like our presentation to focus on our activities in 2018-19, our priorities for the year ahead, and our 2020-21 budget request. Over the last year we have undertaken a process of significant organizational renewal. We looked at who we are, how we have evolved, and how we are fulfilling our purpose for young people. It was important for us to consider these areas as we have been operating as an independent office of the Legislature since 2012. Over that time we were involved in significant processes such as the child death review round-table and the Ministerial Panel on Child Intervention. We participated in a review of the Child and Youth Advocate Act, and since 2012 there were three amendments to our legislation, resulting in significant changes to our work.

We had also spent years developing relationships with communities, stakeholders, and young people throughout the province. We've involved our staff, young people, ministry stakeholders, and others in developing our new vision, mission, and values. Our vision is that "young people in Alberta succeed in their lives and communities," and our mission is that "we stand up for young people," and the values we uphold are "rights-focused, accountability, respect, integrity."

As part of our organizational review we updated our advocacy practice framework, that outlines how we provide advocacy to young people. Our work crosses three continuums: direct to indirect, individual to collective, and prevention to intervention. With young people at the centre, we strive for our approach to be principled, holistic, relational, and balanced. This framework reflects our practice and provides guidance to our whole organization and our work with young people. It is especially valuable when describing our advocacy practice to those who are unfamiliar with our work.

Revisions to our vision, mission, values, and practice framework enabled us to develop our five-year strategic plan. We completed this through a concentrated effort involving all of our staff and

leadership. We established three strategic priorities for the OCYA: first, we are guided by the individual and collective rights of young people; second, we are a model of youth participation; and third, we are meaningfully involved in communities. An integral part of this process was developing the three-year business plan, that focused on outcomes, key strategies, and performance measures for each priority.

We also changed our organizational structure from four divisions to three teams: direct advocacy services, investigations and legal representation, and strategic support. This allows us to increase our capacity to provide services with greater co-ordination and collaboration, whether it's direct services to children through education and advocacy or increasing our efficiency through quality assurance and finance. As well, communications reports directly to me. It is a more streamlined structure, and we believe it is more effective for the young people that we serve. As well, with the inclusion of both investigations and LRCY together, there is some balance that would not otherwise be there.

I'll now ask Terri to talk about direct advocacy services.

**Ms Pelton:** Good morning, Chairperson Ellis and committee members. Young people involved with the youth justice system and child welfare system face significant challenges and frequently require support from the office of the Child and Youth Advocate. Each area of the direct advocacy services team has a unique role in advancing the rights and interests of young people. The collaboration enables us to better understand how issues impact individual children and youth and to consider broader implications for the systems and organizations that serve them.

Our intake services team engages our callers with openness and compassion and refers young people to services within our office that best address their issues. If a matter is outside the scope of our mandate, we refer them to an outside organization that can best help them.

Individual advocates meet face to face with young people, take direction from them whenever possible, and work with them to resolve their issues and have their viewpoints considered. We also help them learn to advocate for themselves. Our advocates meet with young people where they're most comfortable. Each young person has a unique story, and taking the time to get to know who they are, who's important to them, and where they come from is critical to our relationships and the basis for effective advocacy.

While individual advocacy focuses on supporting young people with their specific issues, systemic advocacy is about identifying issues that impact a number of young people and working towards broad changes that will benefit them now and in the future. We identify systemic issues in a number of ways, primarily through information sharing across our office. An example of a systemic issue we recently reported on was the use of pepper spray and segregation in young offender centres and the impact that these practices have on young people. The Care in Custody report was released this past September.

8:25

We also provide public education to a variety of stakeholders and young people about advocacy and children's rights. We have a youth panel that meets three to four times a year and provides advice to the advocate from a youth perspective. Our work is guided by the United Nations convention on the rights of the child and the United Nations declaration on the rights of indigenous peoples. We work at having strong relationships with indigenous communities and strengthening our organization to effectively serve indigenous young people. This is especially important because of the overrepresentation of indigenous young people in the child welfare

and youth justice systems. We are committed to reconciliation and the calls to action from the Truth and Reconciliation Commission.

I'll talk about some of our statistics, not many because there are a lot of them. In 2018-19 we responded to over 5,300 intake inquiries. Approximately 4,600 of those were directed to services within our office while 725 fell outside the scope of our mandate and were referred to an organization that could help them. This is about a 7 per cent increase in inquiries from the previous year.

Also in 2018-19 we provided individual advocacy services to over 2,800 young people, of which 31 per cent were self-referrals, an increase of approximately 10 per cent from the previous year.

Finally, in 2018-19 we delivered over 200 presentations and workshops to over 4,000 participants. About 20 per cent of those in attendance were young people.

As we move forward, there are a number of opportunities for the direct advocacy services team. We will develop a process to categorize and prioritize systemic advocacy issues, develop a common understanding of the relationship between individual and collective rights and how these rights must guide our advocacy work. We will focus more on connecting with young people in the youth justice system, and we will continue to connect with indigenous communities and strengthen our relationships with them.

I'll turn it over to Del, who will talk about investigations and legal representation.

**Mr. Graff:** Thank you, Terri.

The investigations team completes reviews when young people are seriously injured or pass away. Our reviews are grounded in the rights of young people and focus on the life experience of these young people. Whenever possible, we meet with the young person's family to learn more about their lives and how their loss impacts the people close to them. Our reviews also are about learning from these tragic events and identifying through our recommendations how systems and processes should be changed or strengthened. We can also provide public assurance when systems and processes serve young people well.

Our systemic reviews include young people who have been seriously injured or who pass away while receiving services from Children's Services or youth justice or within two years of receiving services. Our legislation was amended in 2018 and created additional responsibilities for the office of the Child and Youth Advocate to complete mandatory reviews. This requires public reporting related to any young person identified as a child in need of intervention at the time of their death or within two years of their death. Mandatory reviews must be released within one year of notification. We are releasing mandatory reports twice a year, once in March and once in September.

Legal representation for children and youth, or LRCY, is available to young people for matters related to the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act. Young people have a right to be heard and to have their wishes and interests considered by the court. LRCY makes sure that this happens.

The OCYA has a roster of 62 lawyers across the province who have specialized training in child legal representation. The LRCY program is directly impacted by Children's Services caseloads. As the number of young people in care increases and their legal status changes, there is a direct impact on the LRCY program.

With respect to investigations, in this past year we received 69 notifications of serious injuries or deaths. This is a reduction of 17 notifications from the previous year. Of the 69 notifications, 11 were for serious injuries, 33 were for deaths that occurred while

receiving designated services, and 25 were for deaths within two years of receiving child intervention services. Of the 21 mandatory notifications received, we completed 17 mandatory reviews, which were released in two reports. Four of those mandatory reviews were assigned stays by law enforcement, which means that we do not proceed with our review until the stay has been removed. We completed four systemic reviews: three individual reviews and a systemic review about 12 young people who died from opioid poisoning called Into Focus: Calling Attention to Youth Opioid Use in Alberta. Our hope is that reviewing these circumstances brings attention to the needs of young people and helps prevent further tragedies for young people and those who love them.

In the LRCY program we made over 1,400 new appointments for more than 2,300 young people. Appointments frequently include sibling groups. This represents a 22 per cent increase in young people served over the previous year. Of the appointments made, 31 per cent related to applications for permanent guardianship, 28 per cent were applications for temporary guardianship, and 24 per cent were related to secure services. We continue to see increases in the demand for lawyers for young people.

Our focus moving forward is to continue to provide legal service to young people while also implementing measures to contain the cost for this program. These measures prioritize the matters that are most important to the young people that are being seen by the courts.

Bonnie will now talk about strategic support.

**Ms Russell:** Good morning, Chairperson Ellis and committee members. I am pleased to highlight the work of strategic support. We are the internal operations of the organization and have the pleasure of supporting our staff so that they have the resources and tools to stand up for young people. My team is responsible for strategic planning, finance, human resources, information management and technology, quality assurance, accommodations, and administration. It is our responsibility to ensure that the organization has quality and timely information to set the strategic direction, to make spending decisions, to recruit the right people who are passionate about advocating for young people and share the values of our organization, to provide technical solutions that support our operations, to assess the quality of services provided to young people, and to take care of the administrative functions. Although many in the strategic support team do not have the privilege of face-to-face contact with the young people that seek services from our office, we take pride in knowing that what we do makes a difference for them.

I'll now touch on some highlights of our work. We worked with Children's Services, Justice and Solicitor General's young offenders branch, and vital statistics to put in place information-sharing agreements. We surveyed 337 young people, after they worked with an advocate or a lawyer, to learn about their experience. We implemented the new organizational structure and facilitated the expansion of our office. We have made significant advancements in modernizing and improving our IT infrastructure and application environments to keep up with increasing capacity and security demands. We provide shared services for IT, finance, and human resources to our other legislative office partners. We are proud to say that since becoming an independent office in 2012, we have received clear audit reports.

Looking forward, we are leading the development of the OCYA's five-year strategic plan and three-year business plan to effectively report on our progress towards achieving our vision. We will move forward with a replacement of our advocacy information system. We will implement the government of Alberta's new enterprise resource planning environment, 1GX, for human

resources, payroll, finance, and procurement. We're developing a quality assurance plan that supports timely, effective, and meaningful evaluation and reporting of our services to young people.

I will briefly touch on the 2018-19 financial results that are in our annual report. The voted budget for our operating expenses was \$15,275,000 and for capital \$150,000. We had budget savings of \$1.2 million in salaries and benefits due to delays in hiring of new staff and a recruitment lag related to other vacancies; \$475,000 in contracted services due to lower costs for expert advice, independent file reviews, and production and printing of reports; \$178,000 across the organization in savings for travel, telecommunications, hosting, materials and supplies; and \$48,000 in capital. These savings were off-set by an increase in spending of \$961,000 for LRCY, which is attributed to a 22 per cent increase in the number of young people that sought legal representation in that year. Our actual voted operating and capital expenditures totalled \$14,485,000, which was \$940,000, or 6 per cent, lower than the budget.

Del will now introduce our '20-21 budget estimates for the committee's consideration.

8:35

**Mr. Graff:** Thank you, Bonnie.

First, I want to bring your attention to our 2019-20 forecast. Early in the 2019-20 fiscal year Treasury Board and Finance advised that our current spending was to be held at the 2018-19 third-quarter forecast level, which for us was \$15,198,000. As you can see from this slide, we are forecasting this year's spending to be \$15,022,000.

Now on to our 2020-21 voted budget estimates, for which we are requesting \$14,922,000. This is a \$603,000, or 3.9 per cent, decrease from the 2019-20 budget. In the current year we will be lapsing \$175,000 in capital due to delays we've experienced in replacing our advocacy services information system. We'll be requesting this lapsed capital funding to be included in our budget estimates over the next two fiscal years.

I'll now pass it back to Bonnie to talk about the changes in our budget request.

**Ms Russell:** Thanks, Del. In developing our next year's budget estimates, we have looked at all areas of our organization. We assessed the resource impacts of our new strategic priorities, we took a hard look at our past spending patterns, we identified areas where we can be more efficient, and we assessed our vacant positions to determine if they're still required. We have reduced the budget for six of our programming areas by a total of \$1,073,000, which is off-set by an increase of \$470,000 for the LRCY program. This results in a \$603,000 reduction from the prior year's budget.

We continue to experience funding pressures in LRCY. In September 2019 we implemented a number of program changes to help reduce costs. However, we continue to see increases in demands for lawyers.

This chart shows how our estimates are allocated by expenditure type. Salaries and benefits for our staff are \$8,823,000, which represents 59 per cent of our total budget. This is a reduction of \$843,000, or 8.7 per cent, from the current budget. We are reducing our full-time equivalent positions through vacancies and attrition and reducing the employer contributions to the management employees pension plan for their 4 per cent reduction in the contribution rate.

As you can see in this chart, LRCY fees and disbursements paid to roster lawyers represent 25 per cent of our total budget. Contracts and IT services represent 9 per cent of the budget, and we have

reduced contracted services by \$203,000 related to the use of subject-matter experts and file reviewers as well as reducing production and printing costs for reports. The primary budget reductions for contracts are in investigations and strategic support. An additional \$88,000 is being allocated within our budget to IT services to implement better reporting for service standards, address security gaps, upgrade our LRCY interface to the new IGX standards, and conduct ongoing disaster recovery testing. We have reduced other purchased services by \$100,000 as we no longer use this funding to buy HR services. Other reductions are made for travel, telephones, and hosting across the organization.

As Del had indicated, we are lapsing \$175,000 in capital this fiscal year. We experienced delays in replacing our aging advocacy information system. We had originally planned this year for development and next year for implementation. However, we have had to shift this development to next year and implementation to the following year. In so doing, we are asking for a total capital funding of \$250,000.

I'll now turn it back to Del for his closing comments.

**Mr. Graff:** Chairperson Ellis and committee members, in conclusion, we are requesting that you approve the office of the Child and Youth Advocate's budget request of \$14,922,000 to provide quality advocacy services. As indicated previously, this is an overall reduction of \$603,000, or 3.9 per cent, from our current year's budget. In the last year we have completed a tremendous amount of work to further develop our organization, and we are excited about the direction of the OCYA. The OCYA is committed to standing up for young people and working with them, engaging with their communities, and influencing the government systems that support them. It is a privilege to have such a role in the lives of Alberta's young people.

Chairperson Ellis, I want to thank you and this committee for the opportunity to be with you this morning and will be happy to respond to any questions that you have. Thank you.

**The Chair:** Sir, thank you very much. I just want to take a moment to thank you very much for the work you and your staff do on a daily basis. I do want to apologize for a second. Would you mind just introducing your associates at the table for the *Hansard* record? If you wouldn't mind, please.

**Mr. Graff:** Terri Pelton is our executive director for advocacy services, and Bonnie Russell is our director of strategic support services.

**The Chair:** Fantastic. Thank you very much.

We'll now take questions from committee members. I noticed Mr. Shepherd got my attention first, so go ahead, please, sir. You may begin.

**Mr. Shepherd:** Thank you, Mr. Chair, and, through you to Mr. Graff, thank you so much for being here today with your staff. It's been a pleasure to get to know you a bit over the last few years as I've had the chance to serve on this committee. I deeply appreciate the work you do. Thank you again for coming in with an excellent presentation.

I just wanted to start off. Recently we've heard, I guess, that there are some changes that have been made through the government in terms of how we're approaching youth who have aged out of government care. I know that you, in fact, have a mandate to look out for the interests of children and youth up to age 24. We've seen that change now made where the government is no longer going to be providing financial assistance through the Children's Services programs for those aged over 22, a move that's expected to affect

approximately 500 young Albertans, something that I know you yourself have expressed some disappointment and concern with in the press, noting that, of course, many of these youth are coming from complex backgrounds, living with trauma, having difficulty reaching financial stability, and a policy that disproportionately affects indigenous youth, which, of course, make up the majority of the children that we're talking about here, both, that you've been advocating for.

To bring it around, I just want to start by clarifying: will this decision on the part of the government make any change in the advocacy services you're able to provide, being that you advocate for youth who were receiving public services? If they're no longer receiving this financial assistance, is your office still able to advocate for these youth aged 22 to 24?

**Mr. Graff:** We would have to look fairly closely at that question, because to some extent, once a young person is no longer involved with the ministry, our designated services stop being provided. That being said, young people can contact us if they believe they should be provided a service and they're not being. So there is some uncertainty around the specific circumstances. But, by and large, if the age range reduces, then our service reduces.

**Mr. Shepherd:** Okay. Thank you for that clarification.

With that, then, I guess, within your budget, when we're looking at things like education, engagement, intake, are you considering the impacts this might have on your need to reach out to youth that may be currently working with you that no longer would be able to access those services, or is that something you're going to have to look at once there's that clarity provided?

**Mr. Graff:** I can clarify. Well, first, perhaps I can back up for a moment and just explain a bit about the report that we've recently released called *A Critical Time*, that looks at this stage of late adolescent development. It's referred to more consistently as emerging adulthood. We started work in 2018-19 on a report because we've been involved with reviewing the circumstances of six young people who died while they were receiving support and finance assistance. Then when we asked our advocates who are directly involved with individual young people on a day-to-day basis what their experience was, they identified over 100 young people who are coming to us seeking advocacy for issues related to their support and finance agreements.

From that time period, in 2018, we moved forward and completed this report that we just recently released. It's been a report that's been in the works for quite some time. We had community stakeholder meetings, so we heard from different community groups who had a vested interest in this population. Certainly, our report was meant to provide advice about the fact that this is a stage of adolescent development that has been recognized fully as a challenge, as a unique kind of phase of growing up, and we wanted everyone to know that. We had done a report in 2013 that was about youth aging out of care: do they have the supports they need when they leave care? That report was focused on primarily the programs, et cetera, that they needed to have in place and the finances. This report certainly focused more on the policy and the support needs of these young people as they move through that developmental process. Really that's what the focus was of our report.

8:45

**Mr. Shepherd:** I appreciate that.

**The Chair:** Mr. Shepherd, we'll circle back to you.



**Mr. Shepherd:** Yes, of course, if there are other members. I have more, but if you'd like to . . .

**The Chair:** Yeah. Let's do questions with a supplemental, and we'll just go back and forth.

**Ms Lovely:** Well, first of all, Bonnie, Del, Terri, thank you so much for the work that you do. I think I can safely speak for everyone here in the room that we all have a place in our hearts for our Alberta children, and it's painful to think that any of them have passed or that they're enduring any sort of difficulty at all. Thank you so much for the work that you and your team do.

I understand that the responsibilities, the mandate of your office expanded with the passing of the Child Protection and Accountability Act in June 2017, requiring you to conduct a review of all deaths of children who are receiving intervention services or had received such services within two years. As a result of that, this committee had approved a \$1.9 million increase in your budget. Can you speak to how close that estimate of \$1.9 million was to the actual amount required?

**Mr. Graff:** Perhaps I'll speak generally, and then I'll ask Bonnie to clarify some of the information. When we appeared before the standing committee with that request, it was in December of 2017, and we were providing a submission with our best estimate of what it would cost to provide the additional services that were being considered. When the legislation was passed, in March of 2018, there were some differences that we hadn't planned for in terms of our estimate. That resulted in us overestimating how much resources we required.

I could explain a bit more about that. You'll note in our presentation that when we speak about systemic issues and doing systemic reviews, we talk about young people who are receiving services, yet when we talk about mandatory reviews, we talk about children who've been identified as in need of intervention. Those are two distinct groups of young people. When the legislation was brought forward, it was layered one on top of the other. For systemic reviews we are looking at different criteria than we are for mandatory reviews, and the criteria for mandatory reviews are more narrow than the ones for systemic reviews. So the request that we made: we had overestimated that by a margin. I don't know specifically what that margin was, and I could ask Bonnie if she can clarify that, but certainly there was a difference between what we had submitted and what we actually required.

**The Chair:** Do you have a follow-up, Ms Lovely?

**Ms Lovely:** I do. How much of this additional \$1.9 million went to recruiting and training new staff to support your office's increased mandate?

**Ms Russell:** It was about \$1.2 million of that \$1.9 million.

**The Chair:** Okay. Thank you.

Mr. Shepherd, go ahead.

**Mr. Shepherd:** Thank you. Thank you, Mr. Graff. You were just outlining there a bit, I guess, talking about your recent report. I appreciate that work very much. With this change from the age of 24 to 22, thankfully that won't impact your work in that regard because you do have that two-year window, so even if they are cut off at 22, you'll still be able to investigate, I guess, in the case of any death or injury up until the age of 24. I'm relieved to hear that.

I did want to ask a little bit about legal services. You noted that the need to refer youth for legal services has been rapidly

increasing, so you've been seeing that growth in that impact. I just wanted to get a sense on that if – you have sort of maintained that amount in the face of, I guess, the request from Treasury Board and Finance that you hold your budget. My question around that. We have seen some cuts to legal aid and just yesterday saw that we've got about 90 lawyers who have been involved in civic law who are losing their positions. Is that going to have some effect on your capacity here? Are the amounts that you've set aside for obtaining legal representation for children and youth going to be adequate to, I guess, meet the demand given some of these other pressures that are being created by government?

**Mr. Graff:** I'm not sure about my ability to comment on the impact of changes to legal aid services on our budget. What I can comment on is that we have made an effort to contain our costs by looking at: what are those services that we provide in LRCY, and how we can reduce those services that are not absolutely required? How can we manage the hours that are allocated to lawyers, et cetera? We believe that with this shift in allocation that we've made regarding our submission to you, we will be able to manage our LRCY services.

The pressures around increase, as I mentioned previously, are directly related to the increases in Children's Services activity. For example, in Children's Services in 2018-19 there was a 37 per cent increase in custody orders. We know that those orders are related to court, and that creates more court activity, so there's a corresponding increase in demand for LRCY lawyers. Because our lawyers are on a roster, it's different than an increase in demand for an advocate. Because the advocates are our employees, an additional child or two or five or six children doesn't add to our direct costs. But with an LRCY lawyer, because they're on a roster, every hour that we add to service adds to our direct costs. We do believe that we can manage it within the budget that we've outlined, along with those kinds of cost containment measures that we've put into place.

**Mr. Shepherd:** The 60 lawyers, then, that you currently have or the 62 that are your roster: those exist within the public service but aren't at this point affected? Or they're outside of that?

**Mr. Graff:** They would be considered contractors.

**Mr. Shepherd:** Okay. I see. So you don't anticipate that that's going to be affected by the decisions currently or that the government is choosing to contract out more. Those should still remain available to you.

**Mr. Graff:** I can't comment on that.

**Mr. Shepherd:** I understand. Thank you.

**The Chair:** Thank you very much.

**Ms Lovely:** On page 42 of your annual report – I'll just give you a second to get there – it indicates that your office implemented a new organizational structure to support your expanded mandate for mandatory reviews of child deaths. My question is: will you please give us a brief explanation of what changed in terms of organizational structure?

**Mr. Graff:** I can provide some overarching comments, and then I'll ask Bonnie to talk about the specific numbers in terms of positions. We made a submission that included additional people to do the investigations. We also included analysts in that submission because when we do investigative reviews, we have to also look at what the research is telling us has happened before in terms of that area of practice that we might be commenting on, et cetera. We also

increased our communications capacity because of the number of reports that we were writing and publicly releasing. I think that that's about it.

**Ms Russell:** We also increased some of the strategic support staff, the administration and our IT, in order to support this increased mandate.

**The Chair:** Follow-up?

**Ms Lovely:** Okay. Hold on here. Variance explanations in your budget estimate for 2020 on page 7 indicate that the number of positions budgeted decreased by six. Is that part of the restructuring?

**Mr. Graff:** As part of the current restructuring, is your question?

**Ms Lovely:** Yes.

**Mr. Graff:** Yes.

**The Chair:** Okay. Thank you very much.  
Ms Sweet, go ahead, please.

**Ms Sweet:** Thank you, Mr. Chair, and thank you, Mr. Graff and Terri and Bonnie. First off, just before I get into my questions, I just want to say thank you to you and to all the staff that work at LRCY. Coming, again, from child protection services, I called often to support youth that were on my caseload to get access to the supports that they needed and always felt that they were supported. It helped me do my job better, I think, through that.

In saying that, I want to switch to youth justice if we could. I know that initially when the advocate was set up, youth justice was not part of the mandate, and then the mandate expanded because of concerns around, basically, youth court issues and different things like that. I'm wondering. As you're moving forward, I see a 25 per cent decrease in lawyers' fees. Do you think, given the fact that your caseloads were increasing because you're now dealing with youth justice, that this is going to meet the mandate? I appreciate that they're contractors, and I appreciate all that. But with youth justice, because it's so fluid – I mean, kids are coming in and out of the system as well – will this be able to meet the mandate?

8:55

**Mr. Graff:** I'm not sure what you're referring to: a 25 per cent reduction in lawyer fees.

**Ms Sweet:** Maybe I misunderstood it. I thought you said 25 per cent in your presentation. Maybe I was wrong. Maybe I heard that wrong. I heard it wrong? Okay. That's fair.

Can you speak to the increased demand, though, on youth justice, or has it not increased that much?

**Ms Russell:** The legal representation is 25 per cent of our total budget. That's where that came from.

**Ms Sweet:** Thank you.

**Mr. Graff:** With respect to LRCY, our lawyers are not appointed for criminal matters, so issues related to lawyers with youth justice wouldn't be part of that pool of resources or the demand on our services.

**Ms Sweet:** Can I have one follow-up?

**The Chair:** Yeah. Go ahead.

**Ms Sweet:** Are you seeing, though, a demand in advocacy around youth justice, and is that represented – I'm concerned around the investigation, advocacy reduction that you have in your budget. Obviously, youth justice is kind of one of my things where I'm a little bit more sensitive because of the high-risk youth piece.

**Mr. Graff:** We're involved with youth justice advocacy on a day-to-day basis. It's embedded and a part of our work, and we consistently are involved with the custody centres and with community youth justice as well. It's really embedded. It's not really treated as a separate entity from the advocacy work that we do across the province.

**Ms Sweet:** Okay. Thank you.

**The Chair:** Thank you.

**Ms Lovely:** On page 30 of your annual report it states that your team enhanced processes and policies to ensure that both mandatory and systematic reviews receive the same scrutiny. Will you briefly expand on how your processes were enhanced?

**Mr. Graff:** I'm not sure quite what it is that you mean by – could you repeat the question? I'll try my best.

**Ms Lovely:** On page 30 of your annual report it states that your team enhanced processes and policies to ensure that both mandatory and systematic reviews receive the same scrutiny. That's, I believe, a line that's out of your report, a quote. I'm just asking if you'll briefly expand on how your processes were enhanced.

**Mr. Graff:** Certainly. One of the things that we had committed to, when the new responsibilities for mandatory reviews were provided to our office, is that we didn't want to have distinct and separate processes if we were doing similar kinds of tasks. For example, when we first receive a notification, we do an initial kind of review of: what are the circumstances? What do we know? We do what we call a collateral contact, where we contact somebody who's familiar with that child's situation to get some more information.

It took us some time to align our processes for mandatory reviews and systemic reviews so that we were following the same kind of set of steps with both of them. We also had a number of new staff who were needing to in fact be exposed to the work of our office in investigations, so we had staff who had significant experience and new staff and then a new process to unfold. It took a considerable period of time both to set the course for that new process and to have our full workforce be able to align with it. We had new capacity to do the research and to do the kind of analysis of what we were finding as well, and we had to sort through how that fit into the new array of services. It was really a task that was all about those kinds of things.

Terri was our director. Perhaps she'd have a couple of more comments to make about it.

**Ms Pelton:** Sure. I'd be happy to. When we received the additional mandate for the mandatories, we were concerned that the young people who didn't fall into that category – the young people who are subject to screenings, referrals about child protection where the matter was just under investigation, or young people who'd been seriously injured didn't meet the criteria for the mandatories, but their circumstances and their deaths and their serious injuries are tragic, too. So we wanted to make sure that whatever we were doing for mandatories, we still needed to carry over to the systemic reviews and not lose sight of those young people. We thought it was really important that the processes be very closely aligned. We did

a lot of training with our staff to make sure that they understood the differences and that it was an additive legislation, so a lot of that enhancement was around training and getting out and talking to front-line child protection workers and people involved in these situations.

We also had to work closely with policing agencies. The Crown, the fatality board, and vital stats were places where we didn't have relationships in the same way that we do now. We needed memorandums of understanding, so we had to get out to those places and get that. Vital stats wasn't in our legislation before, and we had to develop a process where they were sending us lists. If young people die and there isn't a referral to the medical examiner's office, we might not hear about it, so we had another avenue that we needed to follow up. There were a number of things that we needed to get figured out all at once.

**The Chair:** Yeah. I'm just going to interject for a moment. We're getting a little past 9 o'clock. Ms Lovely, if you do a follow-up, that's fine. We've got Mr. Shepherd for a question and a follow-up, and then I have nobody else on the list. We have a long day ahead of us.

We'll go to Ms Lovely. Your follow-up? Okay. That's fine.  
Mr. Shepherd, a question and a follow-up.

**Mr. Shepherd:** Thank you, Mr. Chair. I appreciate that indulgence. I'll make this quick.

You noted that you had chosen, I guess, with this instruction from Treasury Board, to forestall an upgrade to your information system for advocacy. Could you just give us a sense: what is the age of the current system? What are the concerns? Are we talking risk of failure? What is the situation that you're in that you're feeling there's this pressure, that you need to upgrade?

**Mr. Graff:** I can tell you that the age is about 15 years, that it is getting harder and harder to be able to support it, and that we don't want to wait until it fails before we do the upgrade. That is the overview of the circumstance that we're in.

Certainly, Bonnie, if you want to add anything to that.

**Ms Russell:** As you all know, I mean, 15 years ago technology was very different than it is today, and our staff are much more savvy today than they were probably 15 years ago. We need to bring our system to the point where it's more usable for staff, that the information and that that we collect in that system is more reportable. Also in that is security. You know, we have the privilege of working with 2,800 young people a year. It's their information that's in our system, so we need to ensure that we have the highest level of security. As things age, things change as well.

**Mr. Shepherd:** So you are lapsing, you said, about \$175,000 for that. It seems like that's not that large an amount for what could realize a real increase in efficiency and security.

**Ms Russell:** Yeah. We've been doing a lot of security work over the last year for our systems. We had a gap analysis, and we've been working a lot around that. Some of our funding has already addressed some of those issues, but going forward, Treasury Board didn't ask us to lapse any of that funding.

**Mr. Shepherd:** Of course.

**Ms Russell:** We ran into issues with our own internal resources to take leads on doing this. We are currently at the stage of collecting all of the information around what our requirements are, so it's going to take us a year of working through, "What is the best case

management system out there?" and then, you know, into the next year to be able to actually implement it.

**Mr. Shepherd:** So it's not a question of funding; it's a question of logistics.

**Ms Russell:** Yes.

**Mr. Shepherd:** Thank you for that clarification.

9:05

**The Chair:** Thank you very much, Mr. Graff, Ms Pelton, Ms Russell. Thank you so much for being here today. Thank you for your presentation this morning and for responding to questions from the committee. For your information, we anticipate that the decisions on the officers' budgets will be sent out to you in writing early next week. Thank you again for your presentation, and thank you for all that you do for the province of Alberta.

**Mr. Graff:** Thank you very much.

**The Chair:** Thank you.

All right. Next up, committee members, is the Information and Privacy Commissioner. I'd like to welcome Ms Jill Clayton, the Information and Privacy Commissioner, and her staff to the meeting this morning. As with our previous presenter, we've set aside approximately 20 minutes for the presentation, and after this I'll open the floor, of course, to questions from committee members. We're just waiting for Ms Clayton to get all settled in, and then we will get started.

Ms Clayton, thank you and welcome. Before you start, would you mind introducing your associates that you have at the table with you?

**Ms Clayton:** Absolutely. I'm joined here today by Kim Kreutzer Work and LeRoy Brower. Scott Sibbald, with my office, is also in the gallery.

**The Chair:** Great. Fantastic. Thank you so much. When you are ready, the floor will be yours. You have approximately 20 minutes to provide your presentation, and then you will be asked questions by committee members. Go ahead. The floor is yours.

#### Office of the Information and Privacy Commissioner

**Ms Clayton:** Thank you very much. Well, it is a pleasure to be here. As I've already mentioned, I'm joined at the table by my colleagues Kim Kreutzer Work and LeRoy Brower and by Scott Sibbald in the gallery. I do recognize some familiar faces from past years, and I certainly would like to say hello to them and to the new committee members around the table. I appreciate all of you being here today. Thank you.

First, I will provide just a really brief overview of what the office does. Kim is going to assist me here. We can move to the next slide, Kim. Thank you. My office was established by the Legislative Assembly to provide oversight and enforcement of Alberta's access to information and privacy laws.

Most of you will be familiar with our first law, which is the Freedom of Information and Protection of Privacy Act, commonly known as FOIP. That law came into force on October 1, 1995, which means we will be celebrating 25 years of access to information next year, in 2020. Since that time, of course, we've seen the Health Information Act and the Personal Information Protection Act come into force. They were enacted in 2001 and 2004 respectively. As many know, FOIP provides Albertans with a general right of access to information held by public bodies.

Individuals also have a right to access their own personal and health information under all three of these statutes, subject only to specific and limited exceptions.

The laws also place responsibilities on public health and private-sector organizations to protect personal and health information. When Albertans disagree with decisions that are made by public bodies or health custodians or private-sector organizations, they may seek recourse through my office – for example, if someone has made an access to information request and they’ve received a response and they’re not happy with that, they can ask us, as a neutral party, to review that decision – or if someone feels that their personal or health information has been collected, used, or disclosed improperly, they can submit a complaint to our office.

Mediating and investigating requests for review and complaints are a significant component of the work that my office does. When a matter is not resolved, though, through these informal processes, it may go forward to an inquiry. An inquiry is heard by someone in our adjudication unit, which performs a quasi-judicial function in that adjudicators decide matters of fact and law and issue binding orders, which are subject only to judicial review by a court.

My legislated mandate also includes providing advice and recommendations, reviewing proposed legislation or programs that have access and privacy implications, and informing the public. Other responsibilities include reviewing privacy impact assessments and breach reports, and increasingly it is those last two functions that account for the bulk of my office’s caseload.

What we do is rooted in the legislation we oversee. We take our authority from the language of the legislation, and we’ve described it in our business plan, which sets out three goals to address our mandate. Various initiatives help us work towards achieving those goals.

Certainly, in recent years I think we have had to become more reactive rather than proactive based on the sheer volume of what is coming through the door, but I am proud that we continue to make progress on some proactive initiatives by issuing advisories and other guidance documents on issues that we think are important to Albertans and also to the entities that we regulate. Examples of that include: earlier this year we published an advisory on phishing attacks. We’ve seen an enormous increase in the number of breach reports to our office that have to do with compromised business e-mail accounts as a result of phishing attacks. We also issued some guidance on managing e-mails and education resources for children and youth.

I’ll now move on to our office’s experience in 2018-2019. Last year when I appeared before this committee, I said that we had just had our busiest year ever. We had opened close to 2,500 files, and I said that our new normal was to expect over 2,000 files a year. Today we’ve now seen a 33 per cent increase over that, and in 2018-19 we opened close to 3,300 files.

I’m very proud of my colleagues, who have responded to this challenge by consistently increasing the number of cases that we’re able to close each year. We’ve more than doubled our output over six years with the same complement of staff, but our case closures have effectively plateaued while the backlog of cases coming in is increasing. This is what that looks like. Over the last six years my office has opened 128 per cent more cases and closed 108 per cent more cases. The increased number of closed cases reflects efforts we have made and that we continue to make to find efficiencies and streamline our processes.

In December 2016, when I was before this committee, one of the members asked whether we were “going to get to a point where we can’t get any more efficiencies and the bulk of the work is . . . getting . . . away from us.” At the time I responded that, of course, we would continue to look for efficiencies and better ways of doing

our work, but I did say that if mandatory breach reporting were to come into effect – at that time the legislation had been approved for some years, but we hadn’t seen it in force – we would need more resources. Last year, after those amendments came into force, I told the committee that we had reached a breaking point.

Today we are beyond that. Continuous improvement has led to us closing more cases than before, but the numbers are outpacing the progress we’ve made. We have had to revise our estimated timelines for resolving cases, and we are now telling Albertans, who are already potentially frustrated by delays when they come to our office, that they’ll have to wait 12 to 18 months for us to complete our review.

Some of the factors that have led to this situation include: on the access to information side, certainly the FOIP system in government and in other public bodies has also been strained by increased volume. I was pleased to see in budget documents that the government has committed to a slight increase for FOIP services in Service Alberta and is continuing to invest in a new case management system for processing access requests. I certainly hope this will help to address delays in access, which has been a persistent problem for a number of years.

All types of Albertans make access to information requests. Businesses typically make the most requests for general information from public bodies, but individuals also frequently seek access to their own personal information, which is not surprising. In recent years the digital environment in which we live has led to greater awareness of access and privacy rights globally. The number of requests to public bodies has increased dramatically, which has resulted in a subsequent increase in requests for review by my office over the last few years.

On the privacy side of our work the greatest contributor to caseload increases in the past few years has been privacy breach reports. Private-sector businesses, organizations have been legally required to report certain types of privacy breaches to my office since May 2010, and I have the power to require those organizations to notify individuals who have been affected by the breach. We have seen consistent increases in the number of reports received year over year, and that has gone up noticeably since amendments to the federal private-sector privacy law came into force last year, requiring organizations to report incidents to my federal colleague. We are seeing an overall increased awareness of breaches on the part of organizations as well as on the part of individuals who are impacted and concerned.

Now, as of August 31 last year, mandatory breach reporting is required in Alberta’s health sector – it is mandatory – and we went from receiving roughly 130 voluntary breach reports a year from health custodians to over 1,000 breach reports in the first full year of mandatory reporting.

#### 9:15

In addition to breaches, we’ve seen a significant increase in the number of privacy impact assessments submitted to our office for review. PIAs must be completed under the Health Information Act. They are mandatory. Last year, as noted in our annual report, we opened more than a thousand. That’s the first time we’ve gone over a thousand, which represents a 37 per cent increase over the prior year. Nearly all of these PIAs are technology based and require both technical security knowledge and an understanding of privacy laws to review them. The increase is due in part to significant health information systems projects – connect care is a good example of that – and an increased number of custodians who are now authorized to access Netcare, the provincial electronic health record.

These last two factors provide me with an opportunity to just speak about privacy breaches again for a moment. As I said, the

mandatory breach-reporting requirements under the Health Information Act came into effect in August of last year. They require that when a health custodian determines there is a risk of harm to an individual as a result of a privacy breach, the custodian must notify the individual affected, the Minister of Health, and me. We review every breach report to determine whether any particular incident may warrant further investigation. We ensure not only that a custodian complied with the requirements to report the breach, but we also review whether a breach needs to be elevated to a potential investigation under the law, including possibly an offence investigation.

The most common type of offence investigations are those that look into whether someone knowingly accessed health information in contravention of the law. You'll often hear these referred to as snooping breaches. In the past, before mandatory breach reporting, we would have roughly five to six active offence investigations going at any time. Now, as of I think it was November 15 this year, we have nearly 50, and upwards of 60 more flagged as potential offences.

I take these particular breaches very seriously. The health sector employees that are committing these breaches are knowingly abusing their access to health record systems. These incidents affect all corners of the province as well. We've seen reports from small towns, where an employee allegedly snooped on community members to see whether any had sexually transmitted infections. We've seen reports of patients being photographed by employees on personal cell phones and with the images shared via text. Other snoopers have looked up the health information of elected officials or people mentioned in the media out of curiosity.

These offences and other systemic breaches affect a significant number of Albertans, sometimes just one or two, but often 100 or 150 or 400 or 2,000 or more. We focus our efforts on these investigations. They are the most egregious of what walks through our door, but they are highly resource intensive. There's often a great number of parties, witnesses, that need to be interviewed and a high standard to be met to be able to admit evidence in court. They're subject to strict timelines due to limitation periods. It's one thing to have five or six offence investigations going at a time, knowing that the statute of limitation is two years; it's another thing to have 30 of them going at a time, knowing we will lose hundreds of potential charges if the limitation period runs out.

In summary, this is what mandatory breach reporting in the health sector looks like for us. Mandatory notification of breaches is good news for Albertans. I think Albertans have a right to know what's happened to their information and to make complaints if they want. The majority of Canadians in other jurisdictions have had this right, but there are enforcement considerations in making sure that the law is complied with.

Over the first year of mandatory breach reporting we received about 21 breach reports a week, for a total of 1,077 in the year. This coupled with year-over-year increases in reports in the private sector as well as more public bodies voluntarily reporting breaches: we are looking at reviewing close to 1,500 breach reports in our current fiscal year, 2019-20. I contrast this to five years ago, when our annual total caseload was less than 1,500 files.

I'm moving on to our statement of operations from last year. Last year we returned nearly \$93,000 of our approved budget. This was primarily due to reduced payroll-related costs due to vacancies and staff leaves. Technology services were also under budget. We had some plans for cloud services that we weren't able to move forward with; we were completing our own privacy impact assessment. Other contract services were over budget as we brought in third-party contractors while we recruited to vacant positions. Legal fees and external adjudication were over budget due to unexpected

issues arising, some legal matters that were unscheduled but brought to the fore and complications in inquiries. Supplies and services were over budget due to some additional storage files that we purchased to support some new processes.

This leads me to my budget request for 2020-21. I want to start, of course, by saying that I do completely understand and appreciate the fiscal situation of the province, and I've been on record before this committee for several years recognizing the economic situation. We've tried very hard and have for the most part managed to stay essentially within the same budget envelope, but it is also my responsibility to tell you what resources my office needs in order to fulfill our legislated mandate.

As I alluded to before, I think we have now entered into what in my view is unacceptable territory in providing timely service to Albertans. Over the years I have said to this committee that I expected we would require additional resources when mandatory breach reporting came into effect. That happened last year, and I was pleased when this committee unanimously approved five new positions for my office. However, as you know, our budget as approved by last year's committee did not come into effect as anticipated, so we have not filled those five positions.

Recognizing current fiscal realities, I approached the 2020-21 budget estimate by looking closely at every line for opportunities to reduce expenses. Overall, we are asking for a budget that is 4.2 per cent less than last year's approved budget. We were able to arrive at this estimate by making changes to our office structure and reviewing and reclassifying positions for overall cost savings. We are applying a 4 per cent decrease in employer contributions for pensionable salaries as per Order in Council 224. We have reduced our external legal costs. We have renegotiated contracts for telephone services, and we've reduced planned expenses for technology hardware. With this reduced budget we can fill the five vacant positions that were approved last year. We've revisited those positions, and one is now an intake support position as opposed to an adjudicator position. We filled that position with an adjudicator after a previous investigator left the office.

At the moment it takes us approximately three to six months just to let Albertans know if we're able to review a matter they brought before our office. We want to improve this timeline by adding two positions to our intake team. These are support positions to review matters as they come in and help to triage them so we can deal with significant cases that require immediate attention as quickly as possible. Investigators in our office currently have dozens of files on their caseloads plus hundreds of files in the queue awaiting assignment. Three of the new positions will focus on reducing that backlog and getting us back to more reasonable timelines for reviews and investigations.

That is where I will conclude my presentation. Thank you.

**The Chair:** Thank you very much for your presentation.

I will now open up the floor to questions from the committee members. Ms Sweet, you got my attention first. Go ahead.

**Ms Sweet:** Thank you, Mr. Chair, and thank you for the presentation. I just have one question that's come to mind, and it's about privacy. I appreciate that there's now mandatory reporting on health breaches. Coming from Children's Services, I feel like there's potential within that ministry as well for people to become curious around family history. Is that something that you're seeing happening or that you're also having to manage and deal with, or is that not the same as health issues?

**Ms Clayton:** There is potential, absolutely, any time there are information systems with sensitive health information or personal information and a number of people having access to that

information. There's definitely potential for that. At the moment, though, breach reporting is not mandatory in the public sector, so if those sorts of breaches occur, there's no guarantee that we would hear about it. We have had matters brought to our attention by way of a complaint, for example, but the chances of somebody understanding that their information has been breached, being in a position to know that that has happened and submit a complaint to our office, is lower, obviously.

**Ms Sweet:** Okay. Can I have one more follow-up? Just another follow-up actually not related to that. That was more curiosity.

What would your average caseload numbers look like, and what would be ideal?

**Ms Clayton:** Well, I used to be an investigator in the office. When I started with the office, I was an investigator. I found that 30 to 35 files is manageable for complaint investigations and requests for review. At one point in our office we were getting up to about 50 or 60 files per individual, and frankly that's just too much to manage. Every file has at least one complainant, at least one respondent, and when you have 60 files that's at least 120 parties that are contacting you to find out where things are at. It's impossible to stay on top of that. That's in mediation and investigation.

9:25

Case workloads, case volumes, are higher in our compliance and special investigations team, that deals with breaches and with PIAs. I've seen folks in the office with caseloads of up to 130 files, which is too much. We were at one point able to commit to reviewing privacy impact assessments within – what was it, LeRoy? – 45 days of receiving them, certainly for PIAs that are related to individuals being granted access to the provincial electronic health record. Now we are at least six to nine months away from completing a review on a PIA. When I started as commissioner, I remember thinking: oh, my goodness, 470 PIAs submitted in a year. As I said, we had over a thousand submitted last year. Health information systems are becoming far more complex, and increasingly, as individuals' custodians are being granted access to Netcare, they are required to submit privacy impact assessments to the office. That does account for some of the changes.

**The Chair:** Thank you.

Mr. Rutherford, go ahead.

**Mr. Rutherford:** Thank you, Chair. I appreciate your being here today. Goal 1.1 lists compliance reviews as a method for "advocating for open, transparent and accountable government." I was wondering. Do you have any compliance reviews planned for 2020?

**Ms Clayton:** We don't have anything planned. I can tell you that one of the things that I would very much like to be doing – as you may be aware, the government of Alberta centralized its access response unit, the FOIP unit, about a year and a half ago. Part of the idea there was to increase response times because I think that a few years ago I'd say we were getting close to a crisis. We had applicants who were waiting sometimes two years to get a response to an access request, so there were some definite problems. We were issuing more deemed refusal orders, so parties were not receiving any kind of request. Certainly, LeRoy is responsible for reviewing time extension requests, and we've seen a huge spike in those. We're in the mid-200s for that.

One of the compliance reviews that I would like to do is to take a look at how that centralization is working. In preparation for that, we commissioned some research and we published a paper that

looked at different models: centralized systems, decentralized systems, and hybrid models. The paper found that there's no one model that guarantees fast response times, but it all depends on how it's implemented. One of the things I would really like to do is take a look at how centralizing in the GOA is working. Is it, in fact, increasing response times? The challenge right now is that I don't have anybody I can put on that kind of compliance review, on that kind of proactive review.

We have files opened already to do certain proactive reviews, for example to look at how public bodies across the province deal with the public interest disclosure provisions under FOIP. That work was completed when we had a student last summer, and we haven't been able to finalize the report. We have another proactive review that's looking at the use of electronic devices in health systems, mobile devices in the health sector. Again, we haven't been able to complete that because we've seen a thousand breach reports come in with timelines attached to them and they're particularly egregious and they affect a large number of individuals. So we've scaled back on the proactive work that we're doing. I'd like to complete the work we have under way. There are lots of proactive reviews that I would like to undertake, but we're just not in a position to do that at this point.

**Mr. Rutherford:** I appreciate that.

**The Chair:** Do you have a follow-up, sir?

**Mr. Rutherford:** I don't. My follow-up was covered.

**The Chair:** Okay. Mr. Shepherd, go ahead.

**Mr. Shepherd:** Thank you, Chair, and through you to the commissioner, thank you so much for being here today with your staff. It's good to see you again. I'm just curious. You talked a bit there about, I guess, how the changes to the Health Information Act have impacted your office. It sounds like that's been a significant increase in your workload but, I think, increasingly important, as you noted, as we're expanding health care information systems. Part of that, of course, is that now we have connect care coming online with Alberta Health Services. I'm just wondering. Has that been factored in already? Is that something that you anticipate will add additional workload and impact, and is that something that your office has been consulted on in that process?

**Ms Clayton:** We have been consulted. We have been working with AHS. We were anticipating that a number of privacy impact assessments would be submitted to our office. We have seen some of those. We haven't seen all of the privacy impact assessments we were expecting. I don't think that that project is going to wrap up overnight, where all the health systems will be in place and that will be the end of any enhancements or changes. I expect that as connect care rolls out over the next few years, new systems will be brought online, and changes will be made. We would certainly expect to see privacy impact assessments associated with those changes. So I think that that is new work and has contributed to the numbers that we've reported. I think that will just continue.

**Mr. Shepherd:** Yeah. Then that's something that's going to continue probably to impact the caseload, grow that for you.

Then you noted you are bringing two new members on your intake team, two new investigators. Do you anticipate that will be enough, then, to help reduce the current caseload and deal with anticipated future growth?

**Ms Clayton:** I think it will help. The truth is that when I asked for five new positions last year, that was based on our mandatory

breach-reporting plan, where we estimated that we would receive 620 breach reports under the Health Information Act. As I said, we received 1,100. Clearly, we underestimated the number of resources that we will need to deal with that. However, as I've said, I am very much aware of the fiscal situation and the reality. What I would like to do is be able to fill the positions that were approved last year. That's no guarantee that we're not at some point in the future going to have to come back and ask for more staff, but I would much like to assess where we're at with some new staff and figure out what those positions might look like if they, in fact, are necessary.

**Mr. Shepherd:** Thank you.

**The Chair:** Mr. Nixon, go ahead, please.

**Mr. Jeremy Nixon:** Thank you. I'm new, so you'll have to forgive me. I'm still a little bit confused in regard to the staffing side of things. Is it our job? Do we approve your staffing structure in regard to what you can hire, in regard to what positions are in your org chart?

**Ms Clayton:** No.

**Mr. Jeremy Nixon:** No. So, just looking at the numbers from 2018-2019, we came in \$450,000 under budget on wages and salaries. I know you cited restructuring. Can you talk a little bit about why restructuring caused us to come \$450,000 under budget back in 2018-2019?

**Ms Clayton:** The difference between our 2018-19 budget and our actual was due to vacancies in the office, and we had a number of vacancies. What we try to do when there is a vacancy is consider – we look at that, frankly, as an opportunity to look at whether or not we have the right positions in place to do the work. So one of the vacancies that opened up in that year was at a director level. It was the director of intake and case review. So at that time our intake unit was an amalgamation of both an intake function, opening cases, and performing a preliminary review when they come in. We also had some investigators as part of that unit who actually completed some files, single-issue investigations, that kind of thing. We looked at whether or not that was the best structure going forward. I talked to a number of people in the office. The position ended up being held open for about nine months.

In the end, we rewrote that position. We reclassified it at a lower position. So instead of a director it was a manager. We ended up amalgamating our intake unit with our adjudication support unit because they perform similar functions, and we removed the case review piece and added that to our mediation and investigation team. I'm hopeful that because of that change and associated position reviews and classifications, that's reduced our overall payroll cost, which is allowing us to get to a 4.2 per cent reduction in our budget this year. So that's one example where we restructured the office and looked at the positions and tried to figure out where we could get, frankly, the most value for the dollar.

**Mr. Jeremy Nixon:** Always happy to hear that story. Thank you for your work there.

I'm then just curious. When you get to 2019-2020, we talk about the five new positions, so we're coming \$786,000 under budget for human resources, or wages specifically, and that's \$200,000 under budget from the 2018-2019 year. So are we still having trouble filling positions, or can you talk a little bit about why we are coming in so significantly under budget?

**Ms Clayton:** In 2019-2020?

**Mr. Jeremy Nixon:** In 2019-2020, yeah.

9:35

**Ms Clayton:** Okay. The budgeted amount there represents the five positions that we did not fill.

**Mr. Jeremy Nixon:** Okay.

**Ms Clayton:** The forecast is based on those positions not being filled and also based on a couple of vacancies that we've had this year. Again, you know, we've had a couple of positions. Again, we have reviewed them. We've reclassified them, but because they were vacant for a period of time, that also contributes to the lower forecast. The forecast in 2018-19, that third-quarter . . .

**The Chair:** Mr. Nixon . . .

**Mr. Jeremy Nixon:** I just want to clarify real quick.

**The Chair:** You can clarify.

**Mr. Jeremy Nixon:** We've been running understaffed, under budget on staffing, for a couple of years right now. Is that true based on what I'm seeing here?

**Ms Clayton:** We are running under our budget that was approved last year because we didn't fill those five positions. Of the positions that we already had, the 42 positions we had, we've had some vacancies, and it takes a while to fill those positions.

**Mr. Jeremy Nixon:** Okay. Thank you very much.

**The Chair:** Thank you.

Mr. Shepherd, go ahead.

**Mr. Shepherd:** Thank you. Actually, continuing on that if I could, through you, Mr. Chair, to the commissioner: just to clarify, those five positions that have gone unfilled, what have been the challenges at filling those? Has it been a question of a lack of qualified individuals? Has it been a lack of interest? Or what have been the barriers in being able to, I guess, make use of that and increase the capacity?

**Ms Clayton:** We didn't move to recruit to those positions because we didn't have – well, because we were holding to our third-quarter 2018-19 forecast, and the 2018-19 forecast was based on the fact that we had some vacancies in the office at that time, and we didn't expect to be able to fill them before the end of that fiscal year. We were anticipating to be under budget in 2018-19, and we did not move to fill the five positions.

**Mr. Shepherd:** Okay. So it's the impact, then, of that carry-over. We had the election, which kind of interrupted the cycle. Then it was a question of waiting to see what the new direction was going to be. At this point, though . . .

**Ms Clayton:** Uh-huh. I don't want to fill positions and then have to let people go.

**Mr. Shepherd:** I understand. Now you feel you have the certainty, and you're making the request in this budget, then, to fill those five positions.

**Ms Clayton:** I am making the request to this committee to be able to fill those positions. Yes.

**Mr. Shepherd:** I understand. Thank you for that clarity.

**The Chair:** Thank you very much.

Okay. Mr. Nixon, go ahead.

**Mr. Jeremy Nixon:** Yeah. Just to clarify, then: if you have those positions filled, do you feel like you're going to be able to get on top of this caseload, or do you feel like you're still going to be running from behind?

**Ms Clayton:** I think that will help greatly.

**Mr. Jeremy Nixon:** Okay.

**Ms Clayton:** As I said, the five positions were based on an estimated 620 breach reports in the health sector. We actually received about 1,100. I would like to fill those positions and see where we're at. I think it will make a tremendous difference, frankly, just to be able to get cases opened and in our system. It takes about 15 minutes to get a file, read it, enter it into the system, and get it assigned to somebody. Our estimate of five individuals is based on the timeline to open these files. We don't have enough intake folks to deal with that.

**Mr. Jeremy Nixon:** I'm hearing that loud and clear. Appreciate that.

My next question was about contract services: other. We budgeted \$70,000 back in 2018-2019; we spent \$456,000. Then we budgeted \$40,000, and it looks like we're going to spend \$175,000. Now we're budgeting \$40,000 again. Can you talk about how we're going to make that \$40,000 and why we exceeded the budget so significantly in previous years?

**Ms Clayton:** We exceed the budget on contract services. That's where you will see it. If we have a vacancy in the office, then we will bring in a contracted resource, frankly, so we don't fall further behind.

**Mr. Jeremy Nixon:** So we've been supplementing wages and salaries with contract services.

**Ms Clayton:** Yes. Exactly.

**Mr. Jeremy Nixon:** Okay.

**Ms Clayton:** So the offset, the reduction, the reduced expenses for salaries, makes its way into contract services.

**Mr. Jeremy Nixon:** There you go. Okay. Thank you very much.

**The Chair:** We have more people on the list. We'll go back to the Official Opposition. Is there anybody who wants to ask a question? Okay.

Then, Mr. Rutherford, you can go ahead.

**Mr. Rutherford:** Thank you, Chair. I just want to turn your attention to goal 2.3, focusing, basically, on "informing Albertans about emerging access and privacy issues." I notice that you've prepared advisories on technological issues such as phishing and ransomware. This is obviously critical given the very serious privacy implications that these new technologies can have and the growing awareness by average Albertans about these issues. Can you touch on how effective your outreach has been at informing Albertans about these issues?

**Ms Clayton:** I think what I will say is that that is one of the great challenges as a regulator, to reach Albertans, to reach citizens, frankly. Often I think individuals believe that privacy doesn't – you know, if you have nothing to hide, then why do you care about

privacy, and that access doesn't matter if you're not trying to actually access your own information. So I consult with my colleagues. I know that this is a challenge across the country to reach individuals.

A couple of years ago we did a general population survey where we asked individuals whether or not they thought access to information and protection of privacy were important. Resoundingly, in the sort of 96, 97 per cent range, we heard that these are important issues and that the public is more concerned now about the protection of their personal information and their access rights than they were five years ago. We also asked them about what kinds of issues matter to them. Breaches matter to them, children and youth privacy matters to them, so we focused our efforts, basically, on those areas.

But it is really challenging to find out if you're having an impact with individuals. I think if we were to do the survey again – we haven't budgeted to do the survey again, certainly not in this upcoming year – I think we would find that the numbers are at least the same if not higher. There's definitely a lot more awareness of privacy issues, and I think that's reflected in the number of complaints that come to our office.

One of the questions we asked the public was: how do you hear about us? They hear about us through social media tweets; they hear about us when the media cover investigation reports. We've seen a decrease, frankly, in the number of requests from media for on-camera interviews, for example, but if we have the opportunity to accept those invitations to get out there and speak to Albertans, we absolutely take them on.

**Mr. Rutherford:** Okay. Just looking at the budget for advertising, I think, at \$1,500, do you find that that is sufficient given the outreach that might be necessary to inform people about what your office does and what options they have?

**Ms Clayton:** That advertising budget is mostly for recruitment if we are recruiting. To be honest, we found in the last couple of years other mechanisms for recruiting. We use networks to reach out to access and privacy professionals rather than pay for advertising in local newspapers, for example. We're looking for people with very specific skills, so it's a very minor budget item. Should we happen to have a need to recruit to a position that's not, say, an access or privacy specialist position, we'll have that money in case of that.

**Mr. Rutherford:** So your public engagement is more organic then?

**Ms Clayton:** We look for every opportunity to do that without cost. We keep our costs very, very low on that. One of the things that we do every year is help hold public events for Data Privacy Day and public events for Right to Know. We advertise those through social media. We also partner with our colleagues in other jurisdictions – so the cost doesn't come out of our budget – that, frankly, have larger budgets for advertising and awareness. For example, with the federal commissioner's office we've co-branded things like bookmarks that are distributed in libraries across the country, and we work with them on things like lesson plans that get distributed to schools that also are co-branded. So we look for opportunities to do those sorts of initiatives where it won't impact our budget.

**Mr. Rutherford:** Okay.

**The Chair:** Thank you.

Mr. Sigurdson, last question to you, please.

**Mr. Sigurdson:** Yeah. Just a quick one. Just going back, you were saying that mandatory breach reporting came in August last year,



of course, which has increased, we understand, the caseload to 1,077 just in the last year. I know nobody has a crystal ball, but now that you are doing mandatory breach reporting, and I understand there may be a spike this year, as you get through these and you're investigating, do you think these will start to come down once people realize that they're going to be looked into? Do you think that caseload will drop year to year?

**Ms Clayton:** That would be nice, but no. That has not been the experience in the private sector at all. We have seen year-over-year increases in the number of breaches that are reported to us by organizations. I think that as awareness grows, the numbers will continue to increase. Frankly, you know, I certainly advocate for better proactive monitoring. In the health sector it's proactive monitoring, auditing that catches some of these egregious behaviours. As that technology improves, it won't mean that fewer people will be caught; it means that more people will be caught. I actually expect that number could increase.

9:45

There are other potential ways to mitigate against the risk of snooping. We actually have a review ongoing right now to look at what that looks like for the provincial electronic health record, for Netcare. Hopefully, we'll have some recommendations as a result of that review that will help to reduce the number. But, no, none of what I've seen suggests that the number of reports will go down.

**Mr. Sigurdson:** You actually answered my supplemental. It's great to hear that you're looking into it. I look forward to that report as well because that is concerning.

Thank you for all the work that you do. I appreciate it.

**Ms Clayton:** Thank you.

**The Chair:** Thank you, sir.

All right. Ms Gray, last question to you there.

**Ms Gray:** Last question. Thank you so much for the presentation, and thank you to your office. I mean, I think we've heard a clear story about an office under very large pressures, increasing caseloads, and working very hard to manage that. I appreciate that. Under your strategic business plan and around – I believe this falls under section 1.1. Your office has at times issued legislation recommendations. I note that the most recent was in October around police information checks and vulnerable sector checks. That type of work, if I understand from your website, was started because of the results of a particular case. I'm just wondering. How often do those legislative recommendations come forward from your office? I believe I heard you earlier saying that because you're reacting so often to the large caseloads, there aren't as many resources for those proactive or more in-depth reviews if that's correct.

**Ms Clayton:** I think that is true. Well, you may or may not be aware that I and my colleagues from the various jurisdictions across the country, just last month I think it was, issued a joint resolution calling on governments to modernize access to information and protection of privacy legislation. There are so many changes brought about by technology and, frankly, awareness as a result of things like the GDPR, which came into force in 2018. I think that legislation across the board, frankly, needs to reflect these new realities. Some of our legislation has been around for a very long time and doesn't reflect these new changes.

We've been fortunate in some ways. There were a number of reviews of our FOIP legislation up until, I think, the review in 2010, and we saw some real enhancements to the legislation. The review

that was completed in 2010 resulted in recommendations, but none of those recommendations have gone forward. We saw a subsequent review in 2015, I think it was, '14-15, a government review of the legislation that did not result in recommendations. I have made submissions to those reviews and pointed out where I think that the legislation needs to be reviewed and modernized. I think that is also true in our private-sector legislation. We were leaders in private-sector privacy legislation. There was a three-year review of that that led to the mandatory breach-reporting requirements. Alberta has led the way in that. The standard that is now in force at a federal level is the standard that was adopted by Alberta in 2010. We have almost nine years of breach reporting.

We actually had a delegation from the federal office. They sent four investigators. They hired a number of new staff to deal with new requirements under federal legislation, and they sent those folks to our office to learn from our experience so that we can harmonize what we're doing and harmonize the standard, the real risk of significant harm standard, which has become the standard across the country.

But there's still more reform that I think needs to happen. I can't remember the last time the Health Information Act was reviewed and updated. When you consider what we're seeing in terms of health information systems, I know that we have a number of recommendations that we would make to enhance that legislation.

**Ms Gray:** Then just a very brief follow-up. The joint recommendation that officers across Canada signed on for: in that context is there a jurisdiction in Canada that has kind of ideal legislation, or is it a need across the country right now to respond to the changing conditions and situations?

**Ms Clayton:** We've seen some reform after many, many, many years. The federal access to information legislation was reformed with order-making power for the federal commissioner with the ability to authorize public institutions to disregard frivolous and vexatious requests. Those are some enhancements that we saw at a federal access to information level. Those are powers that I already have here in Alberta. There has been repeated media just yesterday about reform of the federal Personal Information Protection and Electronic Documents Act, which is the federal equivalent of our Alberta private-sector privacy legislation. The federal government has talked about its digital charter and about providing order-making power to the federal Privacy Commissioner. There has also been, as I said, just an article yesterday about possible fines. One of the things that we don't see in Alberta and we do see in other jurisdictions is the ability to fine private-sector organizations for egregious breaches of privacy laws. There are lots of opportunities to modernize and enhance our legislation.

**Ms Gray:** And potentially generate revenue.

I will stop there. Thank you.

**The Chair:** Thank you very much.

Thank you, Ms Clayton, and thank you to your staff for your presentation this morning and for responding to questions from the committee. Thank you very much, and thank you for your service to the people of Alberta. For your information, it is anticipated that the committee's decision on the officers' budgets will be sent to you in writing early next week.

With that, the Ombudsman and Public Interest Commissioner will be doing their presentation at 10 o'clock, so we have a few minutes. We will take a short break and return for 10 a.m. Thank you.

[The committee adjourned from 9:52 a.m. to 10 a.m.]

**The Chair:** All right. It's 10 a.m. Thank you. We're returning here with the offices of the Ombudsman and Public Interest Commissioner. I'd like to welcome Ms Marianne Ryan – thank you very much for being here – and her staff from the office of the Ombudsman and the office of the Public Interest Commissioner. If you could please keep your presentation between 15 and 20 minutes for you and your staff, that would be much appreciated, and once we've heard the presentations, in the time left we'll have time for questions from committee members. If you wouldn't mind just introducing the staff that you have at the table with you, ma'am, and then the floor will be yours.

**Ms Ryan:** Sure.

**The Chair:** Thank you.

### Office of the Ombudsman

**Ms Ryan:** Thank you, Mr. Chair, and thank you to all of the committee members for giving us the opportunity to speak to you today about the offices of the Ombudsman and the Public Interest Commissioner. In addition to copies of our annual reports, budget estimates, and business plans, which we have provided, we are also providing the committee today with a copy of our presentation, which I'm also hopeful will be of benefit to you.

For those of you who are new to the committee, you should note that the offices of the Ombudsman and the Public Interest Commissioner are governed by separate legislation and, consequently, have separate and distinct mandates. In other words, I wear two hats: I am the Ombudsman, and I am the Public Interest Commissioner.

I'm joined here today by Peter Sherstan, who is our Deputy Ombudsman and Deputy Public Interest Commissioner, and Suzanne Richford, who is our director of corporate services. Both will have the opportunity to present today and answer any questions that you may have. I will be presenting each office's 2018-2019 annual report, Peter will address the 2020-2021 business plans, and Suzanne will speak to each office's budget for the upcoming fiscal year, 2020-2021. In total, we are aiming at approximately 40 minutes for our presentation, which will cover both offices, beginning with the Ombudsman's office, followed by the presentation for the office of the Public Interest Commissioner.

Before I speak about the specifics of each office, it is important to note that while the two offices operate independently, they share administrative services. These services include executive management, finance, human resources, IT, communications, and our general counsel. This has allowed us to achieve better efficiencies for our budget allocations. This is an area that Suzanne will speak more to in her presentation.

This is our current year's organizational chart, which shows a total of 38 positions, of which 33 are in the office of the Ombudsman and five are with the Public Interest Commissioner. However, over the past eight months we have had three positions become vacant through attrition on the Ombudsman side. In recognition of the current fiscal environment, our budget reflects that we will not be funding these three positions in 2020-2021. We will assess the effect of not funding these three positions in the coming year to determine whether we can continue to defer hiring into those positions. On the Public Interest Commissioner side we will continue to operate with the existing five positions in the upcoming fiscal year.

Now, speaking specifically about the Ombudsman office, while many of you are familiar with my office, I'd like to give you a brief overview of what we do. We conduct thorough, impartial, and

independent investigations of complaints from Albertans who feel that they have been treated unfairly in a decision-making process of an administrative body. I will be providing some examples of the types of cases we work on shortly. Once we determine that a complaint falls within our jurisdiction to investigate, we look for fair resolutions and make recommendations to improve administrative processes. We may also launch investigations stemming from a referral by a committee of the Legislative Assembly or a minister of the Crown.

I can also initiate an investigation on my own motion when I have identified an issue which is systemic in nature. For example, this past year we prepared a report on the mental health review panels. This own-motion investigation resulted in nine recommendations to solve problems and ensure that people with mental illness are treated fairly. A number of the recommendations focused specifically on the steps to ensure that patients understand their rights under the act. The Minister of Health at the time accepted all of our recommendations.

It's important to understand what our jurisdiction is and what administrative bodies fall within our legislation when we receive complaints from the public. We respond to complaints of unfair treatment by provincial government authorities, municipalities, the patient concerns resolution process of Alberta Health Services, health professions, and other designated professional organizations.

It's equally as important to understand what type of complaints we can't pursue. We do not investigate complaints involving the federal government, the police, universities, schools, companies, or individuals. We do not investigate complaints about decisions of the courts or issues that are or may be before the courts, and we do not investigate complaints about MLAs and individual elected officials, including government ministers. We are neither advocates for complainants, nor do we represent government departments or professional organizations.

Now I would like to speak about our numbers. This slide shows that, statistically, the volume of our work is increasing. We have also shown the percentage increase over last year; 2018-2019 was the busiest year in our 52-year history. You'll note that we received over 5,000 cases in our office, which is an increase of about 7 per cent from last year. Of that total number, approximately 3,500 were classified as assistance calls as our service delivery includes helping people find the appropriate service provider or advising if a complaint is not ready for us. We consider every issue, gather information, and help people navigate the system and understand their options for a way forward. That leaves a total of approximately 1,500 investigations which we opened, which is an increase of 24 per cent from our previous year.

I should also note that last year was our first full year for having jurisdiction over municipalities, during which we received 461 complaints from various municipalities. While the number of complaints we received this past year from municipalities is significant, I believe it may still represent only a fraction of the volume of complaints we could receive as more Albertans become aware of our mandate to review the administrative fairness of decisions made by municipalities.

As noted in the previous slide, last year we opened a total of 1,530 investigations generated in our jurisdiction. This slide gives you the breakdown of the various sectors which those investigations relate to. With respect to the various sectors, I can also share with you that the majority of the complaints received were for Justice and Solicitor General, Community and Social Services, Children's Services, and the Workers' Compensation Board. If you have any questions about the specific sectors or would like more detail with respect to a certain area, I'd be happy to provide that information as well.

Last year at this meeting I spoke about how we had restructured our investigative teams and processes in response to our increased jurisdiction on municipalities. We also wanted to look at how we can provide a more timely response to complainants while minimizing any potential burden on the authorities we deal with, especially the CAOs in municipalities who were just learning about our role and mandate.

As part of our restructuring, we now start all investigations with something we refer to as early resolution. Essentially, early resolution is an effort to front-end load our response to complainants by analyzing whether the complaint can be resolved informally or if there is a need to conduct a full investigation. In the past the standard practice was to conduct full investigations, which could take a year or more to conclude. What we have found is that by restructuring our teams and introducing early resolution in all cases, our success at resolving complaints in a relatively short time frame remains at a high level.

You can see from the numbers provided by these pie charts that early resolution is paying off. This past year we were able to resolve 84 per cent of the complaints we received within three months, with only 14 per cent of the more complicated investigations concluding within 12 months and approximately 2 per cent taking longer than one year. We have also received very positive feedback from complainants and the authorities we engage with with respect to the timeliness and mutually acceptable resolutions achieved.

**10:10**

Before I turn our presentation over to Peter, I'd like to highlight three cases where early resolution in investigations has helped everyday Albertans. The first case involved the maintenance enforcement program, or MEP. MEP mistakenly garnisheed the bank account of a man on welfare. The garnishment of the man's bank account created an extremely stressful situation as his rent was due and he could face eviction and homelessness. MEP intended to return the money; however, because of the process involved, the money would not be returned for several days. The man contacted my office. Much to the man's great relief, we were able to convince MEP to forgo their usual practice and take immediate steps to return the money to his bank account.

In another case, a truck driver whose job it was to dump waste water faced losing his licence and his employment because of a decision by Alberta Environment and Parks. The department advised him that he violated provincial law and was facing a fine and suspension of his licence. The truck driver contacted my office for assistance. As it turns out, the truck driver received municipal approval for his impugned actions, and the department neither contacted him prior to making its decision nor advised him of how its decision could be appealed. My office was able to help the truck driver understand the appeal process and advised him whom to contact. Armed with information from my office, the truck driver was able to quickly resolve the matter, and the department reversed its decision to suspend his licence.

Finally, my office was involved in a case where Children's Services refused to intervene in a conflict between grandparents. The maternal grandparents had custody of their grandchildren under a kinship care agreement with Children's Services, and the paternal grandmother – I'll call her Mrs. Smith – wanted visitation. I found that Children's Services had legitimate reasons for the refusal. However, they failed to adequately convey their reasons to Mrs. Smith. Principles of administrative fairness require that reasons for decisions be provided in all cases, and the best way to do this is in writing. I made two suggestions to the department: first, that Mrs. Smith be provided with written reasons, and second, that written reasons be provided in all cases as a way to prevent or at

least assist in quickly resolving future complaints. Children's Services readily agreed to both suggestions.

These cases demonstrate how effective early resolution can be. A co-operative government department, familiar with the oversight responsibilities and power of my office, is often able to avoid the time and resources required for a full investigation. The result: a resolution by my office that is not only fair to both parties but often helpful to the department being investigated.

With that, I'll turn it over to Peter Sherstan to present the Ombudsman business plan.

**Mr. Sherstan:** Thank you, Marianne. Good morning, everyone. The purpose of our '20-21 business plan is to provide the Ombudsman's investigators, managers, corporate services, general counsel, and administrative staff with a road map that leads to continuous improvement. It provides an effective means of defining our office's collective goals and the tangible actions required in order to continually assess and improve not only individual performance but also our combined efforts to better serve Albertans. The inclusion of the measurable milestones in our 2019-20 business plan has proved to be an effective mechanism for monitoring and assessing our progress and has been included in this year's business plan as well. The 2019-20 business plan, this current year, focuses on the review and assessment of existing systems, investigative processes, and even the governing legislation. The plan for the upcoming year will lead and build upon that analysis.

At this point I'd like to direct your attention to the business plan, where we've identified three high-level outcomes and the specific actions or strategies necessary for achieving them. They are: firstly, the Ombudsman's office will continue to develop best practices to ensure efficient, timely, and thorough investigations; secondly, that fairness is promoted to Albertans and authorities through education and awareness; and finally, the Ombudsman's office will ensure that the relevant legislation is meeting the needs of Albertans and that her office has the ability to fulfill its roles and responsibilities. Simply put, we are looking at employing investigational best practices, ongoing education and awareness, and updating of our governing legislation.

The first outcome focuses on our core day-to-day operations and seeks to balance operational efficiencies with meeting the individual and sometimes complex needs of Albertans who seek to access the services of our office. Here the strategies include an emphasis on the use of the provisions of the Ombudsman Act to conduct an own-motion investigation to address potential systemic maladministration, also a review and analysis of existing tools, resources, and processes employed to manage complainants with complex needs.

The second outcome describes our education and awareness initiatives. Supporting the strategies include enhancing authorities' understanding of the Ombudsman's jurisdiction and their responsibilities to ensure administrative fairness and increasing Albertans' understanding of the mandate of the Ombudsman and the avenues available to them in addressing complaints of unfair treatment.

The third outcome outlines the work needed to ensure legislation relevant to the Ombudsman is meeting the needs of Albertans and that our office has the ability to fulfill its roles and responsibilities. Here our strategy will be to take formal steps to make substantive amendments to the Ombudsman Act, and it's our intention to prepare and present to the standing committee in 2021 proposed amendments to the act.

In addition to these strategies, we've also established performance measures that, if achieved, will demonstrate

progressive advancement towards each outcome. We are confident that the '20-21 business plan will build on the assessment and analysis that is ongoing in our current year's business plan and will result in a high level of service to Albertans.

With that, I will invite Suzanne to introduce the proposed budget for the Ombudsman's office.

**Ms Richford:** Thank you, Peter. Good morning. The budget documents you received earlier this week are very detailed, so this morning I would like to provide you with only the salient points of our budget. Each year we develop our budget estimates using the following principles: ensuring all expense estimates are justified based on a review of the office's key responsibilities and resulting deliverables, analyzing the current fiscal year's forecasted expenses, and considering Alberta's economic and fiscal environment. For 2020-21 the budget estimate is an 8 per cent, or \$355,000, reduction from the 2019-20 budget.

As Marianne mentioned earlier in our presentation, three employees have recently resigned or retired from our office, and we will not be filling or funding these vacancies. In making this decision, we considered Alberta's economic environment and our continued ability to provide quality services to Albertans. Therefore, our staffing complement in 2020-21 will be 30 full-time equivalent positions, which is down from 33 in 2019-20. As our personnel budget makes up approximately 90 per cent of the total Ombudsman budget, changes to staffing always have a significant impact on the funding requirements for our office. Our 2020-21 travel and office equipment and supplies budgets have also been reduced from 2019-20 to reflect the office's reduced staff complement. It is also important to note for the current fiscal year, ending March 31, 2020, that our forecasted expenses will also be less than the 2019-20 budget by approximately \$400,000. Again, this is as a result of not hiring to our vacant positions.

I'd like to make one further comment before concluding the Ombudsman's budget presentation. Employees of legislative offices are non-unionized and have been subject to a salary freeze since April 1, 2016. This freeze includes both cost-of-living allowances and performance merit increases. Similar to the previous three fiscal years, our 2020-21 budget does not include salary increases for our employees.

Marianne?

**Ms Ryan:** Mr. Chair, this concludes our presentation on the Ombudsman office. I'm just wondering if you'd like to ask questions now, or would you like me to continue with the Public Interest Commissioner's office presentation?

**The Chair:** Well, I see hands going up, so we can do some questions now. I'll tell you what. Why don't we do a few questions, and then I'll let you do the second presentation. Okay?

I see Mr. Schmidt. Go ahead, sir.

10:20

**Mr. Schmidt:** Thank you, Mr. Chair, and thank you to your office for the presentation. Now, in the beginning of the report you had said that 84 per cent of investigations are closed within three months, 14 per cent within 12, and 2 per cent in over 12 months. What are your targets, I guess, for closing investigations, and are you meeting your targets currently?

**Ms Ryan:** Well, I guess that in terms of targets our overall objective is to find that fair resolution, and, you know, it's difficult to assess and categorize different types of complaints, but ideally, I think, in the interests of a complainant and the authority, because we want to

reduce that bureaucratic burden, we'd like to keep our investigations to as short a timeline as possible. However, sometimes investigations require a more in-depth analysis of the complaint, and perhaps they involve an authority looking at policy or even perhaps changes to legislation. That will take longer. In any case we work very closely with the authorities, with municipalities, with ministries, professional colleges to help them get to where we think is a fair resolution, so some of them do take longer.

As I mentioned, in the past we did a really deep dive on investigations just to make sure that we had covered everything to minimize future complaints of a particular nature. However, now our goal is to resolve the individual complaints in as quick a timeline as possible. You know, it varies from year to year but not by much. I'm pleased with anything 80 per cent and above.

**The Chair:** Any follow-up, sir?

**Mr. Schmidt:** Yeah. Thank you, Mr. Chair. I appreciate, then, that it's difficult to set targets, I guess, for closure time frames. Do you have a target for workload, then, for staff, and can you give us a comment on whether or not your staff have an appropriate workload? Is their workload too high? Could you let us know that?

**Ms Ryan:** Well, again, it's difficult to assess. When we received jurisdiction from municipalities a year and a half ago, we were concerned that that was going to significantly augment our workload. So we asked for a significant budget increase, which we received. That also allowed us to hire several new resources. I use the analogy of the pendulum. The pendulum was in play initially with respect to not knowing where this was going to go with respect to our workload. However, over the past year I feel it's coming a bit to rest. As I mentioned, we still don't know what the impact will be on our workload as more municipalities and people in municipalities realize that we have that jurisdiction. However, we assess it based on individual performance measures: you know, are people able to meet the objectives of the office, the priorities of the office?

But, as I said, by restructuring our teams, we do this front-end loading where a whole team will take a look at complaints and figure out: what is the best way to manage a case? Is this a case that could be handled by someone relatively new to our office, or is it a case that's going to require more in-depth analysis, perhaps by a senior manager? It's difficult, again, because of the wide spectrum of complaints to assess caseload. We monitor feedback. We assess the number of cases. Every week we get a printout of the number of cases that individual investigators have, and we continue to assess, you know, balance. Are more investigators getting the majority of the investigations, or can we spread it around?

**The Chair:** Thank you.

Ms Goodridge, go ahead.

**Ms Goodridge:** Thank you. I'm really pleased to see that your office has considered the difficult economic times that we face here in the province when you were developing this budget, so thank you for that. Also, a big thank you for the handout. I really appreciated being able to follow along, and being the weird Gantt chart fan I am, I really appreciated also seeing your org chart for the employees. It really helped out.

As you noted, the salaries are down from \$235,000, and that's due to the three vacated FTEs, as you've mentioned. Can you identify what type of positions the vacated ones were?

**Ms Richford:** Yes. We had a very senior executive assistant leave our office, a senior investigator, and a junior investigator.

**Ms Goodridge:** Wonderful. Thank you so much.

What portion of the reduction in professional development and travel is attributed to the reduction of the number of FTEs in your office?

**Ms Richford:** Half of that. We have reduced by \$10,000, so \$5,000 is with respect to the reduction of the three FTEs. The other \$5,000 is in consideration of the times we're in right now.

**Ms Goodridge:** Wonderful. Thank you so much.

**The Chair:** Mr. Shepherd, go ahead.

**Mr. Shepherd:** Thank you, Mr. Chair and through you to the commissioner. Wonderful to see you again. Thank you. A great presentation, as always. Just following up, then, I appreciate that clarity on the positions, I guess, that you're not refilling in the office and on your discussion with MLA Schmidt around capacity. I just wanted to clarify those three positions exiting, recognizing that right now you feel that you're still waiting to see where the balance is going to lie with the additional capacity you're taking on in overseeing municipal jurisdictions.

Of course, you recognize this government is making some choices in their budget. It's going to download some significant costs on municipalities. It may affect services; it may in turn impact on people that are expressing concerns. I recognize that, of course, you aren't commenting on the government budget, but within your scope, I guess, it sounds like you feel, then, that the loss of this senior investigator and the junior investigator shouldn't impact significantly on the caseload and your ability to sort of meet expanding needs?

**Ms Ryan:** Well, that's a good question. I will say that it's difficult to assess. We gave this a lot of thought. In the past few years that I've been in the office, we have lapsed I would say a significant amount of our budget every year. You have to assess: is it an anomaly because you had people leave the office and you had that period of time where you ran vacancies, or are you able to manage with the resources that you have? This year we felt it was important to really assess, you know, without negatively impacting on our employees' workload: can we hold without filling those positions?

I'm not saying a hundred per cent that we will be able to. As I mentioned, I feel that we've only, you know, scraped the surface with municipalities and that that workload could go up. However, I think that's a discussion that I could have again with the committee if our workload went up significantly and I felt it was negatively impacting our resources. I'm also aware that other legislative offices are facing resource issues right now, resource challenges right now. I felt that I could do the what-if with the budget and carry extra cushion in case. However, I felt it was important to say: "No. Let's make the cut. Let's try to manage, and if necessary we'll come back."

**Mr. Shepherd:** I appreciate that leadership in that area. We did hear from Ms Clayton this morning about her concerns in her office, some of those other areas of investigation. I appreciate that you want to conserve resources so they can be put where they're needed.

I think that's actually all I have on that topic at the moment if there's another member that's ready to go.

**The Chair:** We're going to go to Ms Goodridge and then back to Mr. Schmidt. Then we're going to allow for that second portion of the presentation.

Ms Goodridge, go ahead.

**Ms Goodridge:** Wonderful. Thank you.

I really appreciate all the answers that you're giving. It's really beneficial. To move over to the business plan, pages 3 and 4, I appreciate your office's determination to engage the public about your functions and the services that you provide to Albertans. I just have a few questions based on the performance measures. Performance measure 2(a) discussed delivering webinars about your office. Has your office previously delivered webinars?

**Mr. Sherstan:** No.

**Ms Goodridge:** Fantastic.

**Mr. Sherstan:** Just to fill in, this is our first year where we've explored it with our communications manager. She's actively put the systems in place. We've gone through a few of our dry-run preparations, and our first one will come out in this year's business plan. The goal for this year's business plan was to initiate the process, to begin. We're quite confident that, based on where we're at right now, by next year – we'll be doing them in this current year's business plan, but next year we'll have a little bit more focus as to which specific elements we're going to be delivering. For example, the two that are listed here: we did a travelling road show, so to speak, where in five different locations within Alberta we delivered one of these sessions, the administrative fairness guidelines. Again, due to certain factors – this was primarily for municipalities – due to budget considerations and human resource issues some people weren't able to attend, so we're looking at next year being able to deliver the exact same content but in a format that reduces travel costs to the individuals, reduces travel costs to our office as well, and still gets the same content out.

10:30

**Ms Goodridge:** Wonderful. I appreciate that.

In performance measure 2(b), facilitating Q and As, I'm going to assume that these are in-person Q and A sessions. Is that correct?

**Mr. Sherstan:** We haven't explored that fully. We're also looking at webinars for that. Due to the fact that you have people located all over Alberta and, again, the reality of what we have now given that different government departments' travel budgets may be restricted, if we can achieve the same results through an interactive system – and the Webex system that we will be employing does have the capacity to receive questions in a scrolling format to be responded to by our subject-matter experts or investigators in the room. It would be an interactive type of format that we've used previously with other departments, but we will be hosting this time.

**Ms Goodridge:** Wonderful. Being a rural MLA from a northern, isolated community, that's something that really speaks near and dear to my heart, so I really appreciate hearing that. Thank you.

**Mr. Sherstan:** Thank you.

**The Chair:** Thank you.

Mr. Schmidt.

**Mr. Schmidt:** Thank you. To build on the questions, then, asked by Ms Goodridge, what are your plans, I guess, to track the feedback that you're hearing from people who are engaging in these sessions and then to modify the presentations going forward?

**Mr. Sherstan:** Again, that was one of the goals in this year's business plan. Our communications manager has created a system. Basically, it's a QR code that finishes off every presentation, and we just simply ask people to point their phone at it. It takes them to

a survey, and we can get direct feedback right at the conclusion of every presentation that we do. Also, if we have handouts, we include the QR code on one of the pages, and we direct people, if they're so inclined, to take a quick shot of that. That should lead them, depending on their mobile's platform, to the survey site. Plus, we give them the web access as well if they want to do it back at the office. Based on that feedback – it's always somewhat difficult to get people at the end of a presentation to spend that three to five minutes to give you feedback, but it's one of the things that we're really encouraging people to do so that we can assess where we are in terms of presentation, content, style and then make the changes necessary.

**Mr. Schmidt:** Okay. Thank you.

**The Chair:** Thank you very much.

Ms Ryan, please continue with the second half of your presentation. Thank you.

### Office of the Public Interest Commissioner

**Ms Ryan:** Now I would like to speak briefly to you about my other role, as Public Interest Commissioner. This is all about promoting public confidence in the management of our public services. We have provincial legislation which is called the Public Interest Disclosure (Whistleblower Protection) Act, or commonly referred to as the whistle-blower act. This legislation came into effect six years ago, in 2013, and it was also amended on March 1, 2018. I'd also like to reiterate that this is completely separate legislation and work from the office of the Ombudsman.

The whistle-blower act creates a safe avenue for public servants in Alberta to speak out about wrongdoings or make complaints of reprisal. Employees governed by this legislation can choose whether to report internally or directly to my office as the Public Interest Commissioner. Our job is to conduct thorough investigations if public-sector employees disclose wrongdoing or complaints of reprisal to our office. Under the act a wrongdoing can be contraventions of provincial or federal laws; acts or omissions causing danger to life, health, or safety of individuals or to the environment; gross mismanagement of public funds or public assets; gross mismanagement of the delivery of a public service; or gross mismanagement of employees through conduct of a systemic nature that indicates a problem in an organization's culture relating to bullying, harassment, or intimidation. A reprisal refers to any measure that adversely affects the complainant's employment or working conditions.

Our larger aim is to promote a culture within the public sector that encourages employees and management to report wrongdoings in their workplace. By doing this, we can help to ensure public confidence is maintained in all aspects of the public sector in Alberta. By way of interest, I would also like to note that Alberta is one of the busiest jurisdictions in Canada for this legislation, next to Quebec and the federal public service integrity commissioner. In fact, Alberta has the highest caseload per investigator of all jurisdictions in Canada.

Again, I think it's important to understand: what is our jurisdiction, or who does the whistle-blower act apply to? Under the act it applies to provincial government departments, offices of the Legislature, public entities, MLAs and their offices, ministers and their offices, the Premier, and the Premier's office.

This next slide shows that statistically, similar to our numbers on the Ombudsman side, the volume of our work is increasing as we have also shown the percentage increase over last year. You'll note that this past year we received a total of 256 cases in our office,

which is up by approximately 20 per cent from last year. Of the 256 cases, 101 were complaints or disclosures alleging wrongdoing or reprisal, which is a 66 per cent increase from the previous year. The other statistic provided on this slide notes that we received 155 inquiries with assistance provided. This includes requests for assisting with policy development and advice regarding the act. We always try to ensure our complainant has the information they need to better understand the circumstances and advance their complaint forward.

As noted in the previous slide, last year we had a total of 256 cases generated. This slide gives you the breakdown of the various sectors those cases relate to as well as the number of cases which were nonjurisdictional. I won't go through the list, but these are provided for your information. If you have any questions about the specific sectors or would like more detail, I'd be happy to provide that information as well.

While my annual report for 2018-2019 indicates that my investigations found no formal findings of wrongdoing or reprisal, it is important to note that my office takes all disclosures seriously. As many of you may know, whistle-blower complaints need not come directly to my office. In fact, the act requires agencies and departments to have internal whistle-blowing policies and procedures. However, sometimes my office is called upon by jurisdictional agencies or departments due to the lack of expertise or resources to conduct their own investigations. When this happens, my office often treats it as a training or learning experience for the agency or department requiring assistance.

Further, many disclosures cannot easily be dismissed without a full investigation such as a complaint of reprisal. When someone makes a complaint of reprisal, they are effectively saying that they accessed or tried to access the whistle-blower process and suffered negative repercussions because of their actions. During the reported fiscal year my office received a complaint from a former employee of a government department alleging that they were fired as a result of having sought whistle-blower advice. The department denied the allegation. My investigation determined that the employee's complaint was unfounded. The evidence did not support the complaint, and more importantly the intention to fire the employee predated the employee seeking advice on whistle-blowing. In other words, the department was taking steps towards terminating employment prior to the employee seeking whistle-blower advice. While an allegation of reprisal was unfounded, the department would not have been vindicated without a full investigation.

**10:40**

Finally, thorough investigations may result in the discovery of a systemic issue related to the original complaint. In one case a whistle-blower alleged gross mismanagement and a possible reprisal in a government-related agency. While my investigation found no wrongdoing, it did uncover a significant problem that warranted action. It was this agency's practice to have terminated employees sign a release and waiver. Receipt of their severance depended on the release being signed. The problem was that the wording of the release forced the employee to disclose whether they had ever made a whistle-blower complaint. A fundamental principle of the whistle-blower act is that disclosures may be made anonymously and that anonymity will be protected. Forcing someone to identify themselves as a whistle-blower, even at the end of their employment, is contrary to the principles of the act. After much discussion the agency agreed to remove references to the whistle-blower act from the release and waiver, thereby ensuring anonymity even after employment has ended.

Once again, I will turn it over to Peter Sherstan to present our business plan for the Public Interest Commissioner's office.

**Mr. Sherstan:** Thank you.

Over the course of the past year provincial, national, and international events along with corresponding media coverage have increased the prominence of whistle-blowing within both the public and private sectors. This has significantly elevated Albertans' awareness not only of the concept of whistle-blowing but also of the relevant legislation.

The '20-21 business plan focuses on supporting the Public Interest Commissioner's responsibilities and those of her investigative team. As described in the business plan update for the Ombudsman, the plan for the office of the Public Interest Commissioner also identifies high-level outcomes, supporting strategies, and performance measures that will outline our focus and direction for the upcoming fiscal year.

The key priorities and desired outcomes for this office include, firstly, that all individuals, offices, and entities to which the act pertains recognize the office of the Public Interest Commissioner as an avenue for reporting wrongdoing in the public service and are aware of the protections afforded under the act; secondly, that designated officers within departments, offices, and public entities are aware of how to assess and investigate disclosures of wrongdoing under the act; and thirdly, that departments, offices, and public entities work collaboratively with the office of the Public Interest Commissioner to investigate and remedy wrongdoing within their organizations.

The actions and strategies related to the first outcome include conducting awareness and educational initiatives to heighten public-sector employees' awareness of the act and increasing stakeholder understanding of the mandate of the Public Interest Commissioner through resources designed to effectively educate and inform Albertans.

Strategies and actions related to the second outcome include providing training and resources to assist designated officers in assessing and investigating complaints under the act and encouraging designated officers to utilize the office of the Public Interest Commissioner for advice on managing and investigating disclosures of wrongdoing.

Strategies and actions related to the third outcome include promoting the benefits of an effective whistle-blower protection policy to chief officers and senior executives and encouraging chief and designated officers, where appropriate, to work collaboratively with our office during investigations.

Suzanne will now speak to the office's budget.

**Ms Richford:** Thanks, Peter.

For the current year, 2019-20, we are forecasting expenses to be less than the budget by approximately \$130,000. This is primarily due to two positions being vacant for a portion of the year. These positions were backfilled during the year to meet the office's increasing volume of work.

The Public Interest Commissioner's office 2020-21 budget estimate is 9 per cent, or \$106,000, less than the 2019-20 budget. As Marianne indicated, the Ombudsman's office provides shared administrative services to the Public Interest Commissioner. Again, these services include executive management, finance, human resources, reception, legal, communications, and IT.

Based on a formal agreement between the offices, the salaries and benefits of Ombudsman staff providing their shared services are allocated to the Public Interest Commissioner based on actual time spent. This shared service arrangement is a savings to Albertans as the Public Interest Commissioner's office does not need to hire or pay external vendors for administrative services. Shared services costs are included in the Public Interest Commissioner's voted

budget; however, it is important to note that cash is not required from the general revenue fund for this allocation.

For 2020-21 the budget for shared services costs has been reduced as both offices have worked together to gain operational efficiencies. Also, the personnel and supplies and services budgets of the office have been reduced in light of the current economic situation, which also does include the reduction to employer contributions as a result of the pension employer contribution reduction that was announced, effective January 1, 2020.

Marianne.

**Ms Ryan:** Thank you, Suzanne. I'd like to this opportunity to thank the chair and members of the standing committee for your time and consideration of the information we've shared today, and at this time we would be pleased to answer any questions on the Public Interest Commissioner's office.

**The Chair:** Thank you very much for your presentation.

We'll open the floor to questions.

**Mr. Schmidt:** On page 6 of the annual report it states that your caseload grew by 20 per cent from last year. Can you tell us a little bit about how your office is working through the caseload? Again, you know, related to the question about appropriate caseload, just comment on what you think the appropriate caseload is for your staff.

**Ms Ryan:** Sure. I believe our increase in our caseload was due to a number of factors: firstly, the increase in jurisdiction. Secondly, as it is relatively new legislation, we are continually making efforts to get the word out, especially to the public service, about what our office does. I still have a strong feeling that we still have work to do in that area. However, we've made progress, and I think that when we continue to get that word out, we see an increase of complaints.

Again, we monitor the caseload on a weekly basis. We get statistics of what each investigator is carrying and the length of time that that investigation is taking place. I think one of the nice things about our office and sharing with the Ombudsman is that when investigators are hired into either office, they are sworn in to both offices for confidentiality. They don't cross-pollinate investigations. They stay to their own investigations. However, when there is a requirement to temporarily reassign an investigator over to another side to help, as we have done on the public interest side, we have that flexibility, so that also allows us a bit of flexibility to meet increased caseloads.

But, as I said, right now we have five positions. I feel we're running at full strength, particularly in consideration of what's happening in other jurisdictions. We're continuing to monitor that, you know, in terms of stress and any excess workload that that may have on our folks. It is an increase, and we are looking at it very carefully. There may be a requirement to augment that office as we move forward and as more employees in the public sector become aware of what our office does.

**Mr. Schmidt:** A follow-up if I may. On the issue, then, of awareness, in the annual report on page 11 it states that you held roughly half the amount of presentations that you were targeting to do. Can you tell us a little bit about why you didn't meet that target and what your plan going forward is going to be to increase awareness of the role of the Public Interest Commissioner?

**Ms Ryan:** Certainly. With a small office, with only five – and realistically speaking, all five positions weren't filled the past year – although it's a goal, sometimes situations call for more of an

operational focus. In this past year we had a significant investigation take place, which is ongoing for us, involving whistle-blowing and significant issues of wrongdoing and that essentially required basically an all-hands-on-deck approach from an operational perspective. As a result, unfortunately some of our outreach had to be put on the back burner. You know, in a perfect world, we'd like to continue to maintain that high level of outreach, and we have, as Peter mentioned, plans in place to do that, but with the ebb and flow of some very complex investigations it's difficult to sometimes meet those targets.

**Mr. Schmidt:** Okay. Thank you.

10:50

**The Chair:** Thank you very much.

Mr. Nixon, go ahead, please.

**Mr. Jeremy Nixon:** Thank you, Chair. Just a quick question for clarification. You saw an increased bump due to jurisdiction, taking on municipalities, and a year ago you requested more funds to be able to help accommodate that growth in both departments, right?

**Ms Ryan:** Not exactly correct. The legislation on the Ombudsman's side was changed to add municipalities to us. That did not happen on the public interest side. It does get a bit complicated. We sought additional funding on the Ombudsman's side to address the increase in jurisdiction with municipalities, and we based that, you know, on basically an environmental scan with other jurisdictions when they took on municipalities, what that workload would look like. That did not happen on the public interest side.

The changes in our legislation involved a couple of sort of key issues. One was the amendment which spoke to bullying, intimidation, and harassment of a systemic nature in an office. It wouldn't be a case of harassment between two employees – we view that as an internal HR matter – but if it's a cultural thing, the whole office or a significant portion of the office is feeling that it's under challenges or feeling the unfortunate environment where that is a systemic issue, that is something that we will take a look at.

The other change to the legislation had to do with what we call prescribed service providers. Basically what that is is that it was an amendment that any private entity which received government funding or may have government contracts would also fall under the Public Interest Disclosure (Whistleblower Protection) Act. That hasn't been fully initiated yet. That is still a work in progress with the Department of Justice to sort of work out: who will those prescribed service providers be?

Those are sort of the key elements: the bullying, harassment, intimidation, gross mismanagement, and the prescribed service providers. Those were the key amendments to the whistle-blower protection act.

**Mr. Jeremy Nixon:** Okay. So there are some unknowns there in regard to what that workload is going to look like.

**Ms Ryan:** That's correct.

**Mr. Jeremy Nixon:** Okay. But with these numbers you're feeling reasonably well that you can manage that.

**Ms Ryan:** Yes. Again, you know, you look at previous years. You try to manage the best. Obviously, the workload of our employees is one of the key priorities as well as meeting our mandate, so we have to try to find that balance. To operate again on the what-ifs in this fiscal environment: I'm not sure that that's the proper – I would rather come back to the committee and say: look, here are the numbers to justify why I'm asking for more resources.

**Mr. Jeremy Nixon:** Okay. I appreciate that. Thank you.

**The Chair:** Thank you very much.

Mr. Schmidt, go ahead, please.

**Mr. Schmidt:** Thank you. I think this is related to Mr. Nixon's question. On page 11 of the annual report it says that only 37 per cent of the jurisdictional public entities have advised you that procedures have been amended to conform to the legislation. Do you have a target, I guess, for the upcoming year or over the term of your business plan that you want to achieve, and if you do, can you comment on the strategies that you're going to employ to achieve that?

**Mr. Sherstan:** Yes. Again, in a perfect world a hundred per cent would be what we'd want, everyone to be up to that standard. Some of the initiatives we've done that we put into the business plan for this year are twofold. One is just the education of designated officers. Within each office or entity they are required to have their own chief officer and designated officer. We are hosting this year our first conference of designated officers, where we'll have the opportunity to bring them in – again, we'll look at web access as well, but the initial one will be live and in person – to get them trained to a level to realize the importance of having policies and procedures in place.

The second thing we're looking at is that we'll be developing, in the '20-21 business plan, a working group which will take our investigative team and its manager and embed them in a working group with designated officers from the different jurisdictional entities, working collectively as a group to identify some of the problems. For example, if one of the entities has developed a good, strong procedure, they might be able to share it with another one of the entities, which would not be linked up unless we had this working group where they could come together.

That's our twofold strategy to increase compliance with that initiative.

**Mr. Schmidt:** A supplemental question, then, I guess. When you're getting your staff to prioritize workloads, is it correct to assume, then, that you'd get them to prioritize investigations and that this other proactive work, I guess, working with designated office holders and that kind of stuff, falls to the wayside if investigation workloads are too high? Can you give us a sense of how you tell your investigators to prioritize their workload? It sounds to me like they have to balance, you know, the reactive investigations that they're assigned to with the proactive work that they're expected to do.

**Mr. Sherstan:** Exactly. There's not a formal triage process. Our manager is a senior manager who's been with the unit since its inception. He is very careful of realizing what the priorities are in terms of – there is a need for awareness and education, and that's a very strong need because that's where we ensure that those people to which the act applies have the knowledge required to actually access our services or to know when the act applies to them and the protections that are afforded to them. Again, the primacy of operations is one of our keys as well. When we have information that there may be wrongdoing or a reprisal, that becomes a priority, that we address our attention towards that. So it's a balancing act. It's difficult, but we certainly recognize that the need for education and awareness is one of the keys, and that is one of our performance measures.

**The Chair:** Thank you.

Mr. Sigurdson, go ahead, please.

**Mr. Sigurdson:** Yeah. First of all, thank you for everything you do and the hard work you put into your department every year. I



wanted to just discuss about the opportunities for the informal conflict resolution. I think this is something that, if you can get through the process, is going to speed it up and relieve some of that caseload that you see. I just wanted to kind of ask how often you've been able to engage in this and what you're doing to build on that to be able to try to resolve some of these issues in a more timely fashion and alleviate the formal part, I guess, on the back end if you can't get there.

**Ms Ryan:** Well, as Peter mentioned, with the designated officer and the chief officer in every department or every entity that we are mandated to engage with, our primary goal is to first assess and work with the entity. Is there something that we can help you with for you to resolve it internally first? Sometimes it does involve or may involve the designated officer or the chief officer themselves. However, our number one goal is to look for ways that a complaint – maybe improve a process or address an issue – can be resolved by the department themselves. If it cannot be and if the department says, “No; this is beyond our expertise or it's beyond our resources” – some of the departments can be quite small – “We need your help,” then that's when we open an investigation if it meets our mandate.

**Mr. Sigurdson:** Excellent. You actually answered my supplemental in there. Thank you very much.

**Ms Ryan:** Thank you.

**The Chair:** Thank you.

Any further questions?

No. We're good. Okay. Thank you very much. Ms Ryan, thank you so much and, of course, your staff for being here. We thank you for your service as well. Just a reminder: it is anticipated that the committee's decision on the officer budgets will be sent out to you in writing early next week. Thank you again for your presentation.

Committee members, my understanding is that the office of the Auditor General is going to be coming in here momentarily. We are slightly ahead of schedule. That's a good thing. That's a good thing. If we can just be patient, they will take their seats.

Thank you again, ladies and gentlemen. Thank you very much.

We'll get started with the next presentation. Welcome.

11:00

**Mr. Wylie:** Good morning.

**The Chair:** Good morning. All right. I do see members of the Official Opposition as well as members of the government. I will talk slow as a few more start to filter in. Our last guests joining us this morning are from the office of the Auditor General, and of course I'd like to welcome Mr. Doug Wylie, Auditor General, to the committee and his colleagues meeting us this morning and thank them for joining us here today.

As with previous presenters, sir, you'll have approximately 20 minutes for your presentation, and then I'll open up the floor to questions from committee members. Mr. Wylie, of course, if you can introduce the staff you have along with you there. The floor is yours, and you may go, sir.

#### Office of the Auditor General

**Mr. Wylie:** Well, thank you very much, Chair and committee members. It's a great privilege to be with you today. First, beside me is Loulou Eng, our senior financial officer, so she's going to deal with all of the tough questions. In the gallery we have Assistant Auditors General Rob Driesen, Brad Ireland, and Eric Leonty. We

have our audit practice business leader, Karen Zoltenko. Our executive director of stakeholder engagement, Val Mellesmoen, and then my chief of staff, Pam Appelman, are there.

Chair and committee members, thank you again. It's a great privilege to be with you today. I'd like to begin with a brief bit of background on the office of the Auditor General. The office of the AG plays an important role in our democratic system. The origins of our office date back to the appointment of the first Provincial Auditor in 1905, when Alberta became a province. Under the authority of the Auditor General Act our office is the independent auditor of every ministry, department, regulated fund, and most provincial agencies. We audit so that we can report on how well the government is managing the resources entrusted to it by Albertans.

In doing so, we provide independent assurance to the 87 Members of the Legislative Assembly and the people of Alberta that public money is spent properly and provides value. As an auditor our independence is crucial to the work that we do. Our independence from those that we audit ensures that our work is objective and credible. It is indeed the foundation of our value proposition as a credible and trusted source of information on government spending and activities.

It also relates to our relationship with your committee. You play a key role in ensuring that independence. Indeed, the origins of this committee date back to November 1977, when the Auditor General Act was adopted. Bill Rogers, the Provincial Auditor, who then became Alberta's first Auditor General under the act, stressed the need for a mechanism to ensure the preservation of the independence of the Auditor General from government. As a result, there was a standing committee that was established, and it was actually the Standing Committee on the Office of the Auditor General. That was created on March 20, 1978. Eventually it has evolved to its current name, representing all officers of the Assembly.

As required by my act, it is in this context that we appear before you today to present our results report for the past year and our business plan and budget for the fiscal year ending March 31, 2021. To that end, I would like to now provide a few comments about our 2018-19 results. In advance of this meeting we provided members with a copy of the results report for the year ending March 31, 2019. The results report summarizes the activities of our office over the past year and reports on the financial statements for the funds allocated to the office to conduct our work.

While the past year had many highlights, there are a few items that I would like to bring to your attention now. Our financial statement audit work by far made up the largest portion of our budget last year. You may ask: what's the value that Albertans receive for that investment? Well, during the year we completed 139 financial statement audit reports on government entities, including ministries, departments, regulated funds, and agencies.

I just want to stress that the nature of those organizations is indeed quite complex. For example, we audit a bank, Alberta Treasury Branches, which requires specialized skill sets when you're auditing a bank. AIMCo: management of significant investments. Alberta Health Services: I believe that's the fifth-largest corporation or organization in Canada, and it certainly is the largest integrated health care organization in Canada. So while we audit a great volume of organizations, their complexity also is indeed something that we consider when we're staffing the audits and ensuring we have the specialized skill sets to do so.

Each of these reports that we provide provides Albertans with an independent assurance that the information presented by government is being reported fairly and accurately. We also provide Albertans with independent, unbiased assurance that management's internal controls over financial reporting comply with authorities and legislation. In short, our work gives Albertans the confidence

that they can trust the financial information being presented by government to the Legislative Assembly.

I'm going to touch briefly on our performance audit line of business. Section 19(2) of the Auditor General Act assigns our office with the responsibility to conduct audits on accounting systems and management control systems, including those systems designed to ensure economy, efficiency, and effectiveness of the programs and related procedures. These performance audits are often referred to as value-for-money audits, and they comprised about 30 per cent of our operating costs last year.

Last year we issued 12 new recommendations for improvement to government. For the meeting today we provided a document with a summary of all of our current and outstanding recommendations as of November of this year. This is an important reference and tracking tool that supports the work of the Standing Committee on Public Accounts. As you are aware, that committee reviews government spending and our reports to examine how the government has accounted for and used public funds and how it is acting on our office's recommendations. We also believe it is an important reference for all MLAs in tracking government progress to act on our recommendations. I believe the summary of that report is that there are 149 outstanding recommendations, and 64 of those are ready for our review. I'll come back to that in a couple of minutes.

One of the cornerstones of the reliability and credibility of our work is the professional standards under which we operate. A highlight of the past year involved the results of an independent review of the quality of our audit work. As a registered audit and training office of the Chartered Professional Accountants of Alberta our goal is to meet all standards, including those for practice review, and to continue to maintain our registration in good standing. CPA Alberta conducts a practice review of our office every three years.

#### **11:10**

I'll just point out that our office operates in a highly regulated profession. These reviews are important to ensuring that all members of that profession are maintaining the high standards that are ascribed to each one of those practising offices. Undergoing this review, which involves an independent examination and assessment of our audit files and practices, provides assurance that our audit practices are comprehensive and meet the rigorous standards of the profession. Last year CPA Alberta conducted that review of our audit practice, and I am very pleased to report that our office received an excellent assessment, meeting all the professional requirements.

One final area I'd like to highlight is around the people that make up our office. The strength of our office is indeed our people. Our people resources represent the largest portion of the cost of operations, over \$24 million of our \$27 million budget. It continues to be a challenge for our office to obtain and retain professional accountants in a highly competitive environment for the people with the expertise we require. Our people bring the dedication and passion for our province to work every day. I'd like to acknowledge and thank the entire team that makes up our office. I am privileged to have such a dedicated group of people that work with me every day.

I'd now like to shift my remarks from the past year to the year ahead. Our '20-21 business plan outlines our plan of work, for both our financial statement and performance audit lines of business, to provide timely and relevant information to MLAs, the public service, and Albertans. Specifically, our annual plan of work for our financial statement audit line of business includes our work on the consolidated financial statements of the province, audit work

related to the conversion to the enterprise resource planning system – that's the new financial information system – and 109 independent auditors' opinions of the provincial agencies, boards, and regulated funds that I mentioned earlier.

Related to our performance audit work, we're often asked: how do we select the topics for our performance audits? The performance audits we select are the result of extensive planning and reflect our assessment of significance, the level of risk, and relevancy to Albertans. In October of this year the government of Alberta released its 2019-2023 strategic plan. We're in the process of reviewing and refreshing our future performance audit work plan to ensure our work is relevant to the current government's programs and strategies.

In the 2020-21 fiscal year our priority is to conduct audits of government programs with a stronger emphasis on audits of efficiency and economy. This will allow us to help identify potential savings through improvements directed at program delivery efficiencies. Within our current fiscal environment I believe more than ever that Albertans want assurances that their money is being spent wisely and that they are receiving good value for the services and programs delivered to them by government. I want to also stress that our performance audit work will also focus on the quality of the front-line services provided to Albertans through those programs.

To help us leverage our capacity to deliver performance audits, we are also streamlining our own approach to how we follow up our previous recommendations. I'd mentioned that we have 149 outstanding recommendations to address; 64 of those are ready for work right now. Through our audits we call attention to opportunities to improve management of public resources and the performance of public service. It's the responsibility of the public service to respond to those reports and our recommendations and act on those recommendations; however, our office conducts follow-up work to ensure that government managers are indeed acting on those recommendations. Ideally, implementation by management and our follow-up reporting are completed within three years of the original recommendation. The results of our follow-up audits are included in Auditor General public reports to complete our reporting to Albertans.

A significant portion of our audit resources are used following up outstanding recommendations. In the year ahead we are adjusting our processes to ensure greater efficiency in how we do this work. Our commitment remains to ensure we report on whether the recommendations are implemented while at the same time improving the efficiency of our own practices. An additional priority in our audit plan is to enhance the timeliness of the release of our audit reports. It's been the practice of our office to release our audits in comprehensive volumes three times a year. That's in February, July, and October. Beginning next year, we are adjusting our audit reporting cycles to include quarterly reviews of our audits by the Provincial Audit Committee, enabling us to table our reports in a more timely fashion. This approach follows consultation with MLAs and stakeholders, through which we also have made improvements to how we present our audits. To make them more accessible and understandable to readers, our reporting format has changed significantly over the past year. We will continue to issue an annual report on government finances and report on the status of each recommendation in the fall, however.

The details on how we will work within our office to deliver on these audit priorities as well as measure our progress are outlined on pages 15 to 20 of our business plan. We list three core priority areas of focus: first, to

increase [our] audit capacity and [further increase] government action on our audit findings and recommendations;

second, to

engage MLAs, public servants, stakeholders and Albertans in our work;

and third, to continue to

conduct high-quality audits to provide reliable, relevant, and timely information to Albertans.

I'd like to conclude my presentation with our budget request for '20-21. Like all provincial organizations, the current fiscal environment prompted us to continue to challenge ourselves to see how to best leverage our resources and better serve the Legislative Assembly and Albertans. Our budget requests represent a reduction of 3.3 per cent in our total budget from last year. This reduction is through efficiencies and restructurings, with the elimination of full-time equivalent positions through attrition, adjustments to the employer portion of the management employees pension plan, and reductions to our travel and office expense line items. Our ability to achieve our operational plan for '20-21 is based on our budget request of \$26.9 million.

Chair and committee members, in an environment of provincial economic constraint and government fiscal restraint it is vital that MLAs and Albertans have the assurance that public money is being spent wisely. Our office plays a key role in ensuring that that happens by providing independent assurance that government has appropriate financial controls and processes; providing independent assurance on the accuracy and quality of the government's financial reporting; identifying, examining, and reporting on key areas of risk to government; identifying what programs and processes are working well and where improvements can also be made; and examining and reporting on how well government is delivering on its commitments to Albertans.

I'd like to thank you, Chair and committee members, for the opportunity to make this presentation today. Along with my entire office I look forward to continuing to work with you and your colleagues in serving Albertans. At this time we'd be pleased to answer questions of the committee.

**The Chair:** Thank you, sir, for your presentation.

I see lots of people indicating they want to talk. I saw Mr. Schmidt get my attention first, so go ahead, please, sir.

**Mr. Schmidt:** Thank you, Chair, and thank you to the Auditor General for that presentation. I do have a couple of questions. In the materials that you presented to us, you identify a number of financial agencies, boards, commissions, and regulated funds that you're responsible for auditing. A number of these funds have been eliminated or rolled into other agencies this fall through bills 20 and 22. Can you give us a sense of how that will impact the work that you do, the auditing processes that you have to undertake? And if a fund is disestablished, for example the Alberta Lottery fund, will the audit process assist Albertans in having confidence that the monies disbursed under that program are continuing? Will you be able to provide Albertans with the assurance that the government is doing what they said they would do with the disestablishment of those kinds of funds?

**11:20**

**Mr. Wylie:** Yes. Let me answer it this way. I'll come at it at a high level and then come back to more specifics if you wish. In the work that we do, we are either the auditor by legislative mandate or by being the appointed auditor. What that means is that we will audit the financial statements of the organization, and then our value-for-money or performance audit mandate also applies.

However, I will say this. Within our Auditor General Act, under sections 18 and 19, the provisions allow us to examine financial management and control systems within the broader organizations

in the government of Alberta, if you will, that exist outside of a financial statement context. Although we are maybe not necessarily auditing the financial statement of the organization, we will still be doing work on those financial processes and controls within them. For example, this past year we no longer have departmental and ministry financial statements, so that reduced our audits substantially. I mentioned earlier that we had last year 139 audits; this year, going forward, we're looking at 109 with the deletion of audits plus the addition of a few audits.

We'll continue to look at financial transactions and processes. Our legislation also deals with safeguarding assets and legislative compliance. We will continue to do that even if a financial statement is not being produced or there is the requirement to be audited.

**Mr. Schmidt:** Okay. I'll turn it over to them for now. Thanks.

**The Chair:** Mr. Nixon, go ahead, please.

**Mr. Jeremy Nixon:** Thank you, Chair, and thank you for being here today. My brief time on Public Accounts is already clearly demonstrated in seeing the importance of your office.

Just a quick question in looking at the operating expenditures over the years. Looking back to 2018-2019, we had \$27,735,000, and we actually spent \$26,809,000, which is about \$926,000 under budget. Do you have a number or an approximate number – I just don't see it in here – in regard to what we're on pace to spend in 2019-2020?

**Mr. Wylie:** Yeah. I'll tell you that we're looking at turning back to the Assembly approximately \$800,000. We're planning on coming in under budget to the tune of \$800,000 overall.

**Mr. Jeremy Nixon:** Okay. That's my question going into 2020-2021, where we're actually estimating approximately what we spent in 2018-2019. It sounds similar to what we spent in 2019-2020. Are we at risk of coming in over budget? I mean, this seems to be just in line with what we've been spending for the past three years. Would that be accurate to say?

**Mr. Wylie:** Well, what I will say is that we have not been able to spend – it's not about spending. It's about attracting the resources. Let me first of all say that when you're looking at those line items, it's important, I would suggest, to look at the total amounts, because what we do is that we manage our audits, and we conduct our audits depending on the resources we're able to have by way of staff. If we are short of the requisite staff, we will use temporary audit services or agents, and those are all included. There are four line items there. Essentially, if you look at those, sometimes the overage or underage on one line is off-set by another. For example, I believe that in '19 we were short on the staff yet significantly over on advisory services. The reason for that was that we were not able to bring in the permanent staff resources that we needed, so we had to go to the market and hire contractors, if you will, to supplement to do the work that we need to do.

As I said earlier, the book of work that we have requires specialized skill sets. For example, we require actuaries to help with our audits when we're dealing with pensions, and there are other specialized skill sets that we bring in on various elements. We have not been able to recruit the senior and targeted individuals that we have been looking for, so we adjust our agent and our temporary staff services and our advisory services line items accordingly to ensure that we're delivering on our mandate. At the end of the day, we want to make sure that we are providing a quality audit product.

**Mr. Jeremy Nixon:** Yeah. I appreciate that. I had made that assumption about the \$752,000 in the actual in regard to just seeing the dip in salaries and employee benefits. Again, looking at that specifically, \$24,420,000 in '18-19 versus \$24,660,000 in '20-21, from my perspective, that still looks like we're seeing a slight increase in your budget. Is that accurate?

**Mr. Wylie:** No. In fact, based on the business plan, the work that we have to do, that's where we have identified the estimate that we have presented for you for the '20-21 estimate, or the \$24,660,000. That's our reasonable best estimate to deliver on the business plan that we have before you.

**Mr. Jeremy Nixon:** Okay. Perfect.

**The Chair:** Thank you.

Mr. Schmidt, go ahead, please.

**Mr. Schmidt:** Thank you. In your response to the second-last question that we heard, you identified some difficulties in recruiting people with the senior experience that you need. Can you expand upon the barriers that you're seeing in filling those positions?

**Mr. Wylie:** Sure. Well, in our profession it's highly competitive. We're competing with private-sector firms, the large accounting and auditing firms. We're going after the same resources. We're recruiting on campus for the students. We are also recruiting in the same secondary market for more senior individuals. The median salaries in Alberta's marketplace right now for professional accountants are higher than the median salaries that we're able to pay for our staff. So when we're looking at recruiting new students or indeed professionals to come into the office, they're looking at the salary, to begin with, and then they're also looking at the future opportunity for growth and, again, increased salaries.

We've been in an environment since April 2015 where we have not had any salary increases to our senior staff. Quite frankly, candidates know that, recognize that, and understand it. So we're basically competing with the private-sector marketplace with respect to looking for the same individuals.

**Mr. Schmidt:** I guess a follow-up question, then. In the 2020-2021 estimate you're showing a slight decrease in the professional membership fees and development line item in your budget. You've already stated that you're already having difficulty filling the senior positions and that professional development is one of the opportunities that people you're recruiting for are looking for in being hired. Will this kind of reduction make it even harder in the year going forward to recruit?

**Mr. Wylie:** No. I think that, again, in answering the previous question, this budget reflects what we realistically view is needed to deliver on the business plan. So we are able to reduce the professional membership and training fees. I believe that was the line item you were referring to?

**Mr. Schmidt:** Yes. That's right.

**Mr. Wylie:** Yeah. What we've done there is that we're also making other changes within the organization, that I won't talk about now, but part of that is that we're moving to a new team structure. We believe that the learnings – there are classroom learnings, and then there's on-the-job mentoring. We believe that this new team structure is going to help with the learnings of the new students through different ways, and that is through the mentoring on the job more and that there will be a greater opportunity for learning there.

We're trying to really leverage off that as well, and we think that will reduce classroom learning by on-the-job learning.

**The Chair:** Okay. Thank you, Mr. Schmidt.

**Mr. Sigurdson:** I'm just going to reference back. Before, you were talking about working interactively and for improvements, and on page 34 it states that your office is working "with the government to identify reporting improvements." Does this mean your office will be helping the government to develop, you know, some more performance measures? What is the current process of improvement that you're putting forward right now and, I guess, your thoughts on whether you believe this will lead to better performance of the government in general, as a whole?

**Mr. Wylie:** Member, I'm assuming that was on page 34 of our results report?

**Mr. Sigurdson:** Yes. That's correct.

**Mr. Wylie:** Thank you. Two aspects, one from an internal perspective. We have been working to improve our own reporting of our audit findings. If you were to go back a couple of years, you will see that the reporting has changed substantially. We're trying to have more interactive reporting or – what's the word we use? – infographics, et cetera, to try and summarize the findings of our recommendations and our work to be more readily readable by members of the general public, Albertans, whom we serve, and the MLAs. Time is of the essence, so we're really trying to focus on that. That's been part of our process internally. That, by the way, has been very well received. We've received some very positive feedback on the readability of our reports and the understandability of, actually, the audits and what we're trying to do.

**11:30**

Looking outside of the organization to the government, that focuses a little bit on what we were talking about earlier. Although we might not audit the financial statement of the organization, which is where you will have financial reporting coming through, there are other mechanisms of reporting through annual reports of organizations that we audit; for example, reporting on key initiatives, key programs that management and the boards will report on. That's where we're looking at the nature, the quality of reporting on key initiatives and programs by the organization, whether it's an agency, board, commission, or indeed a department, that they're having. How is that reporting to Albertans? Is it giving them what they need to understand what is being achieved, the results, for the dollars invested? That's really what this is about. It's trying to integrate not only the nonfinancial performance reporting, the results, but actually: at what cost, right? There's always a cost. It's really that aspect. It's looking beyond the financial reporting to more of what's happening within the ministry annual reports and other reporting mechanisms at the organizations we audit.

Can I just add one thing that might help this committee? The reporting context in the public sector is different than in the private sector. I'm going to be very brief, but let me try to summarize it this way. In the private sector, a set of financial statements: you can understand the value proposition. Let me explain. The organization reports revenue and expenditures. The objective of a private-sector organization is to make money, increase shareholder wealth, maximize that. If customers are not satisfied with the quality of the services, they take their business elsewhere. Revenue falls; profits fall: you see that through your financial statements. That reflects the value proposition of the consumer and the stakeholders of the organization.

In the public sector the financial statements don't necessarily represent that. They represent the source of resources and the consumption or the use of resources; hence, this other reporting that often occurs in the public sector on: what's being achieved, what's the value proposition for the services provided, and at what cost? That really kind of drives at this aspect of the work, and that, quite frankly, is why there's a need for the value proposition of the Auditors General not only across Canada but elsewhere. The original role of Auditors General was really to start with the financial, to report back on: have the taxpayers' dollars been spent in accordance with the estimates approved by the Legislative Assemblies? In '78 that mandate was changed to reflect this very notion, the value proposition. Hence, our mandate now looks at value for money, or efficiency, economy, and effectiveness.

**Mr. Sigurdson:** Okay. As a follow-up to that, I guess I'll ask – on the same page, page 34, you're encouraging the government to use a balanced and effective combination of performance measures and indicators. Does this mean that there is a lack of balance currently in performance measures and indicators in the government's annual reports?

**Mr. Wylie:** I'm not going to provide a general, broad statement like that. I would suggest that there are some organizations and departments that have very, very good and robust performance metrics and others where there's less reporting on performance and more reporting on activity. We have provided in the past several reports on this subject matter, and in fact the Provincial Audit Committee has provided some comments on this as well. It's difficult to provide a general statement. It's something that needs to be looked at, I think, by each reporting division.

**Mr. Sigurdson:** I appreciate that. Thank you.

**Ms Sweet:** Thank you for your presentation. As well, thank you for the response to my letter that I'd written around your auditing processes for value proposition around CEC, the Canadian Energy Centre. I'm just wondering if you can walk us through – because of the government's move into these new ways of doing business, specifically with the Canadian Energy Centre and then, of course, the public inquiry, what is the role of the Auditor General in those financial components now that they've been kind of set up differently than, like, just functioning under what would be a typical ministry? We have a public inquiry, and then we've also got the independent corporation now.

**Mr. Wylie:** Yeah. On the energy corporation, we are the auditor, so our mandate applies. We will be auditing the financial statements of that organization and applying the standards and rigour that we do on any financial statement audit. Our performance audit mandate also applies, which means that we could do performance audits on any of the processes within that organization. Nothing has changed there, from my perspective.

As I indicated, part of our process is that we go, and the first thing we will do is look at the governing and enabling legislation of the organization: what's its mandate, what's its *raison d'être*, what are the objectives of the organization, and what are the processes that are in place to achieve those objectives? If there's any area for us to do any performance audit, that's what we would usually focus on: what are the key organizational objectives, and then what are the key processes to support those organizational objectives? Again, our role is not to be involved in or set policy. Our role simply is: policy is set; once policy is set, management then puts in place the processes to achieve that policy, and then we make an

assessment on the quality of those processes. Our mandate would apply to that organization just as it would to a department.

**Ms Sweet:** Is that the same for the public inquiry as well?

**Mr. Wylie:** I'm not too sure. The extent of the public inquiry: I've actually asked my legal counsel to determine what the scope of my mandate is with respect to that commission.

**Ms Sweet:** Okay. Thank you so much.

**The Chair:** Thank you.

Government members, any further questions?

Seeing none, we'll go back to the Official Opposition.

**Mr. Schmidt:** Sorry. I do have a question on the Provincial Audit Committee. Now, in the information that you provided, you listed the past members of the Provincial Audit Committee. Are those people all continuing on?

**Mr. Wylie:** No.

**Mr. Schmidt:** No. Who's now on the Provincial Audit Committee?

**Mr. Wylie:** I'm sorry, Member. I don't have that information with me right now.

**Mr. Schmidt:** You don't.

**Mr. Wylie:** No.

**Mr. Schmidt:** Okay.

**Mr. Wylie:** I believe there are two members that – their times are up. I'm not too sure of their names.

**Mr. Schmidt:** Is there anybody with you who could provide that information?

**Mr. Wylie:** Val Mellesmoen will.

**The Chair:** There's a microphone. If you could just identify yourself.

**Ms Mellesmoen:** Certainly. Val Mellesmoen, executive director of stakeholder engagement with the office.

Just recently, in the past couple of weeks, in fact, there have been two members expiring: the chair, Barry James, as well as Mark Anielski, who's listed on the list there. There have been two new members appointed – I don't know their names, off the top of my head; they just, like, within the last couple of weeks, have been appointed to it – one whose term started immediately and then the other one whose term starts on January 1. I believe that leaves one vacancy on the committee.

**Mr. Schmidt:** Okay. Can you explain to us in more detail the role of the Provincial Audit Committee and perhaps comment on how, when the Premier attacks the reputation of one member of the Provincial Audit Committee – and I'm speaking about Melanee Thomas, who has been the subject of the attacks of the Premier for her past association with the federal NDP – that impacts the ability of members of the audit committee to do their work?

**Mr. Wylie:** No, I cannot comment on the impact on the individual members. I mean, that would be, I guess, for them to articulate if that impacts their work or not. I can't comment on that.

**Mr. Schmidt:** Okay.

**The Chair:** Thank you.

Are there any further questions? No? On this side? Okay. Thank you very much.

Mr. Wylie, thank you so much to you and all of your staff for attending here this morning. Just for your information, it's anticipated that the committee's decisions on the officers' budgets will be sent out in writing early next week.

Committee members, at this time we're scheduled for our lunch break. I know we're still ahead of schedule. I'm going to ask the committee clerk to see if they can get a hold of our next presenter to see if we can get them to attend a little bit early. In a worst case scenario we will be starting at 1 p.m. I will notify both parties if we have reached our next presenter and we can get them to attend a little bit earlier, in a best case scenario maybe somewhere between 12:30 and 12:45, okay? At this time we'll take a break.

Thank you very much.

[The committee adjourned from 11:40 a.m. to 12:30 p.m.]

**The Chair:** All right. Good afternoon, ladies and gentlemen, committee members. I would like to welcome the hon. Ms Marguerite Trussler, the Ethics Commissioner, and her staff to our meeting this afternoon. Thank you for joining us here today. I'd like to thank everyone for a great morning that we had.

We've set aside 20 minutes for your presentation, after which I will open the floor to questions from committee members. Please begin when you are ready, ma'am. Thank you very much.

#### **Office of the Ethics Commissioner**

**Ms Trussler:** Thank you. Thank you for inviting me today to present our budget. I have my administrative officer, Kent Ziegler, with me and my legal counsel and lobbyist registrar, Lara Draper.

To begin, I'd like to give a brief recap of last year. We had an exceptionally busy year from April 2018 to March 2019. During that time we had to review codes of conduct for 112 agencies, boards, and commissions and postsecondary institutions, and it was an arduous process. There are eight statutory requirements for codes, and the first time we reviewed all the codes, only nine of those 112 organizations met the requirements, and we had to send some of them back five or six times to get compliant.

We had serious problems with the postsecondary institutions, the universities in particular, and in December 2018, with the help of the University of Alberta, we were able to work together and come to an arrangement with the universities that addressed and alleviated their concerns about increased administrative burdens.

In April 2018 approximately 54 CEOs and presidents were made designated senior officials. They will eventually all have to provide financial disclosure, and at the moment just under half are filing disclosure. The 25-plus that will have to report as of April 2020 will further increase our workload. So far this year our requests for investigations and advice are much higher than the total for last year.

Last year we saw an increase in those failing to submit disclosure by the deadline, and of course for those people we have to follow up with them. As well as the three investigations mentioned in the annual report, we also commenced the Jim Ellis investigation last year, which took an enormous amount of time and resources.

There's also been increased activity on the lobbyist registry side of our office as a result of the 2018 amendment to the Lobbyists Act, particularly the limits on gifts offered by lobbyists. Six administrative penalties were issued during the year, with four of them being related to prohibited gifts.

I'm now going to turn to the budget for 2020-2021. I have assumed that being frugal and finding savings are the goals for this year, so my remarks are in keeping with these themes. Let me start by saying that we've been frugal for the last five years. Our budget request is lower than the budget of five years ago. During the five years we've had two temporary increases in our budget, one for the lobbyist registry of \$200,000 and the other to hire some very limited assistance with the code of conduct, which was \$20,000. Over the last five years our workload has close to tripled, and we've managed that increase with my going from .7 to .8 and hiring a .7 administrative assistant. Our office has five people but only 4.5 full-time equivalents.

Just for comparison, I'd like to add that Ontario, which, when I investigated, I found had a surprisingly similar workload, have a staff of 27. We paid for the increase in my time and the administrative assistant by using surplus and, more importantly, reducing our contract services from \$120,000 to \$50,000, a drop of more than half. Every year we go over every line in our budget to see where we can adjust it downwards.

Let me amuse you with some of the small cuts that have added up to savings. We've stopped offering coffee to people who come to meetings in our office. Did you notice? We were throwing out a lot of three-quarter cups of leftover coffee. So now we only offer coffee if it's minus 20 and the wind is blowing. There is a TV in my office with cable. I never used it, so we cancelled the cable. We cancelled subscriptions to newspapers, magazines, and journals. We dropped memberships in organizations like COGEL, which is the North American organization of ethics commissioners and lobbyists. We have a number of designated senior officials in Calgary. Rather than having each of them come to Edmonton, it's a lot less expensive for government for me to go to Calgary for two days, camp in my daughter's basement, and meet them in borrowed space at the Auditor General's office. Doing so slightly increases our budget, but overall it's much more economical.

These are just a few examples of the ways that we have kept expenses down, and I believe budgeting is an exercise with a scalpel, not with an axe. We have little room to cut any further. In the past years we've had some surplus at the end of the year, and it's really been a badge of honour to come in under budget. When we found we were running a surplus, we did not rush out to spend it all at the year-end. However, as the workload has increased, the surplus has decreased. Our surplus this year will be much lower than before, and we will not have one next year as we have some upcoming expenses. As I'm sure you heard from the Child and Youth Advocate, we share IT services, including a server, with the Child and Youth Advocate and the Ombudsman. That actually is a huge cost saving, but this technology is now outdated and needs refreshing. The Child and Youth Advocate has budgeted to do this over two years, and we will need to pay our share of these expenses over the next two years.

Furthermore, if we get too large, complex investigations in the next year or if we're forced to go to court on a judicial review or an appeal of an administrative penalty, we run the risk of going over budget. In these cases, particularly if we go to court, we need outside counsel. I have trimmed that budget, as I told you, from \$120,000 to \$50,000. The way things are going, though, it's certainly not beyond the realm of possibility that this might happen.

In summary, I'd ask that you accept our budget. We'll be very good stewards of the money. I would be quite happy to answer any questions anyone might have.

**The Chair:** Thank you very much for your presentation.

We will now go to questions. I see Mr. Schmidt got my attention first. Go ahead, sir.

**Mr. Schmidt:** Thank you, Mr. Chair. Thank you, Ms Trussler, for your presentation. I, for one, appreciate not using PowerPoint. I wish everybody followed that practice.

Can you comment on workload? You've said that you've increased your time from .75 to .8?

**Ms Trussler:** From .7 to .8.

**Mr. Schmidt:** From .7 to .8.

Can you comment on the workload that you're seeing in your office right now and, you know, whether or not you have workload targets for each staff and what an ideal workload for each member of your staff would be?

**Ms Trussler:** One of the things I did when I took the position was that I made sure everybody was cross-trained. I can do some of Kent's work. I can do some of Lara's work. Kent can do some of Lara's work. Lara can do some of Kent's work, and the same thing with our admin assistants. One of them can do some of Kent's work. So that's how we balance the workload, by everyone being cross-trained. If somebody gets swamped, then somebody else comes and helps out although I have to say that Kent is very bad about staying late at night to get caught up.

**Mr. Schmidt:** A follow-up question. You've said that a lot of the workload over the past year was related to getting the codes of ethics for agencies, boards, and commissions and, particularly, postsecondary institutions. Is that work completed, and can you project, I guess, for the committee what you anticipate as the ongoing workload? Because the bulk of the review of the codes of ethics has been completed, what will the workload related to that piece be going forward?

**Ms Trussler:** One of the things is that many of the agencies are reviewing and making changes or amendments to their codes, so we have to review those. We've been doing that. Because of them coming within our purview with the codes of conduct, we get lots of requests for advice on their code and how to interpret the code, and we get requests for advice from individuals who are subject to the code and also particularly from the CEOs and presidents about their obligations under the code. There's follow-up work with it. It's not quite the same intensity, but there still is a fair amount of follow-up work.

**Mr. Schmidt:** Okay.

**The Chair:** Thank you.

Mr. Rutherford, we'll come back to you.

**Ms Trussler:** I'm actually the appeal person on the codes, too. If everything goes wrong and they can't resolve it within the agency, board, commission, or postsecondary, then I'm usually the appeal person.

12:40

**The Chair:** Mr. Rutherford, go ahead, please.

**Mr. Rutherford:** Thank you, Chair. Thank you for being here and taking the time to be with us today. Under goal 2 item 4 mentions that your office "issues warning letters and administrative penalties as needed." In your annual report on page 14 you mention that you levied six administrative penalties. Can you comment on how many warning letters you have issued?

**Ms Trussler:** I can. It just will take me a minute to find it. Is this for the lobbyist registry, or is this for the MLAs?

**Mr. Rutherford:** I'm just referencing under your business plan on page 14 where you talked about six administrative penalties. I was wondering how many warning letters have been sent.

**Ms Trussler:** So just a minute. I just have to add this up, actually. Thirty-one.

**Mr. Rutherford:** Thirty-one. Thank you.  
Just a few more?

**The Chair:** Yeah. You have more time here under supplementals.

**Mr. Rutherford:** Perfect.

On page 2 your message at the start of the annual report states that your office had difficulty with compliance with postsecondary institutions after the new Conflicts of Interest Act amendments were in place. Can you provide some examples of compliance issues that you had with these institutions?

**Ms Trussler:** The difficulties were getting them to do the codes that met the statutory requirements.

**Mr. Rutherford:** Okay.

**The Chair:** You can finish.

**Ms Trussler:** They're some of the ones that went back five and six times. Finally, I just called a meeting with the universities, and we sat down and worked it out around the table because we were going nowhere.

**Mr. Rutherford:** Okay.

**The Chair:** Thank you very much.  
Mr. Schmidt, go ahead.

**Mr. Schmidt:** Yeah. Thank you very much. So with respect to – I mean, in the last year you've had a significant increase in your workload, developing codes of conduct and ethics for a bunch of agencies, boards, and commissions that were not under your purview before. One of the goals that you've set in your business plan is to increase awareness of compliance with those codes of ethics and codes of conduct. Can you tell me a little bit more about how you provide information to those agencies, boards, and commissions, what work you've done to inform stakeholders in those new agencies, boards, and commissions as to the new requirements for codes of conduct and ethics, and how they can raise complaints or ask for advice, those kinds of things?

**Ms Trussler:** When we started the process with the codes, we let them all know that they had to do the code, and we actually did a checklist for them. By the end we were actually drafting sample clauses for them when they were just not being able to put them together. So now when a new board comes on, we send them the best of the codes that were submitted, and there were two that were very good, so we usually submit those to them. Occasionally an issue will come up, and we will actually send a blanket e-mail out to all those agencies, boards, and commissions. We also have resources on our website so that they know, basically, what the standard is. We do get the questions for – on the lobbyist side, with respect to the gifts, we have sent out five e-mails to all the lobbyists, trying to get their attention on what's appropriate and what isn't.

**Mr. Schmidt:** There's now a requirement for financial disclosure for CEOs and designated office holders in a bunch of agencies, boards, and commissions. Will those financial disclosures also be made public, similar to with MLAs, or not?

**Ms Trussler:** No.

**Mr. Schmidt:** They won't be. Okay.

**Ms Trussler:** For the deputy ministers, the political staff, and the CEOs of the agencies, boards, and commissions presents are not made public.

**Mr. Schmidt:** Thanks.

**The Chair:** Thank you.  
Mr. Nixon.

**Mr. Jeremy Nixon:** For sure. Thank you, Chair, and thank you very much for being here today and for the great work that you do. Just kind of curious a little bit about the conversation about Ontario's workload being similar to ours and them having 27 staff or FTEs compared to your 4.5. Can you talk a bit about why we would see such – I mean, Ontario is such a bigger province than us, and they have more MPPs than we have MLAs, significantly more. So why is our caseload or workload in the ethics office so similar?

**Ms Trussler:** We have the same jurisdiction in terms of MLAs, political staffers. They've just now taken on the deputies, agencies, boards, and commissions. They have the same jurisdiction as a final appeal in the Public Service Act. It's how we do the work that makes it very similar. They've probably got twice the political staff we have, and they do have more MLAs, but they don't meet with any other political staff, so there isn't the same sort of scrutiny on the financial disclosure if it's done. It ends up that – I would say that, yes, they do a little bit more than we do but not five times more than what we do in terms of: if you took our 4.5, five people and their 27, they don't do five times more.

**Mr. Jeremy Nixon:** Okay. We ask you to investigate or look into more than they are asking of their ethics office. Like, in regard to . . .

**Ms Trussler:** I think it's probably pretty similar. I have a good relationship with the Ethics Commissioner in Ontario, and we chat back and forth. It seems their workload is pretty close to ours except that they have a few more people, which might take, I would think, another two staff. If we were covering as many people, we'd need maybe another two staff.

**The Chair:** Mr. Nixon, we'll come back to you.

**Mr. Jeremy Nixon:** Okay.

**Mr. Schmidt:** Back to my prior question about disclosure for designated office holders and the CEOs of agencies, boards, and commissions: is that prohibited by legislation, or is it not explicitly prescribed by legislation? Why would that not be made public?

**Ms Trussler:** It's not required, so I would be in breach of the act if I divulged it.

**Mr. Schmidt:** I see. So the individual office holders would not be prohibited in any way from making that financial disclosure.

**Ms Trussler:** They can make it public if they want to, but we can't make it public. We don't have the authority to make it public, so I would be in breach of the act if I did. To some extent, if I'm doing my job, it probably doesn't need to be public. We scrutinize them very carefully, but there are limits to how far you want to go with these people, or you're not going to be able to attract really good people. I think it needs to be done. I think you need the disclosure.

If we'd had that disclosure with Jim Ellis, we might have found things a lot earlier.

**Mr. Schmidt:** Certainly, you know, in my prior work I had people who would be required to disclose that information openly musing about the possibility of not being fully forthcoming with their disclosure information because it was easier to pay the fine, I guess, in their view, rather than go through the process of assessing their massive personal holdings or what have you. How would . . .

**Ms Trussler:** I presume you're talking about the postsecondary institutions.

**Mr. Schmidt:** Indeed.

**Ms Trussler:** Is that for the ones that have had to disclose, have disclosed? I had one spouse who didn't want to, but she and I came to an arrangement that worked out, so I was satisfied that there were no issues. As they're coming on to do their disclosure, I haven't seen any problems with them. We've been questioning them fairly closely about their assets.

**Mr. Schmidt:** I appreciate that you have the ability to question them about their assets and hold them accountable, but your office is limited in staff, and you have an incredible workload.

**Ms Trussler:** And we have no investigators.

**Mr. Schmidt:** Right. So how would a member of the public even know if there was a concern with the financial disclosure of somebody in an agency, board, or commission so that they could bring something to your attention?

**Ms Trussler:** I suppose if they saw something that they thought was strange, they could send us a letter, and then we would look into it. We've done that before.

**Mr. Schmidt:** Okay. Thank you.

**The Chair:** Thank you very much, Mr. Schmidt.

I had Mr. Rutherford next. Is it Mr. Nixon? Mr. Schow. Okay. That's fine.

**Mr. Schow:** Thank you, Mr. Chair, and thank you, Commissioner, for being here. I have a question for you regarding a little bit of a concern I had. I note that there were six administrative penalties levied against lobbyists in 2018-2019 for prohibited gifts or breaches of registration requirements. How does this compare to previous years?

12:50

**Ms Trussler:** Ms Draper will answer the question.

**Mr. Schow:** Sure.

**Ms Draper:** Well, I've been in the office in this role for two years, since September 2017. My first year I did not issue any administrative penalties. This year would have been six, the first time. From what I know from the previous registrar before me, she did not issue any penalties either. The registrars before her: I'm not sure. I'm not sure if the records were kept in a way that I would have seen them.

**Mr. Schow:** Sure. Thank you for that answer.

As a supplemental, how would that compare to the 2019-2020 year?

**Ms Draper:** Sorry. I'm just trying to recall if I have issued any yet since April. Yes, I have issued one that I can recall. If you need a



for-sure answer, I can double-check and get back to you later, but from what I recall right now, just one.

**Ms Trussler:** We try and work with them before we issue the penalty.

**Mr. Schow:** Certainly. Thank you for the answer, and thank you for all your hard work.

**The Chair:** Thank you very much.

Now, I had Mr. Shepherd. Is that okay?

**Mr. Shepherd:** Oh, sorry. No. It's a misunderstanding, Mr. Chair.

**The Chair:** That's okay.

Mr. Schmidt, go ahead, sir.

**Mr. Schmidt:** Yeah. Following up on the vice-chair's questions, can you give us a sense of the '19-20 year-to-date number of, I guess, requests for investigations, investigations that you've got ongoing or completed?

**Ms Trussler:** Under the Conflicts of Interest Act we've had over 130 requests thus far this year. Last year we had 107 in total. It's a bit misleading because many of the requests that we get are outside of our jurisdiction.

**Mr. Schmidt:** Do you have a target for closing a request for an investigation file? Like, within what kind of time frame can somebody contacting your office expect to get an answer back on whether or not there's something here that needs to be investigated and then, if you do launch an investigation, the time frame for completing that?

**Ms Trussler:** Well, we usually get back to people right away, but we can't confirm or deny to the people who are asking for an investigation that we're doing an investigation. They will just get an innocuous letter back. Once we get a request, it really depends: it depends on the time of year; it depends on the other things we're doing. With the Ellis investigation, I was asked to start in October, but because of the vast amount of documentation I didn't have it finished till April. I would say that six months is probably the outside on a really, really complex one. Normally we can do it in six weeks to two months.

**The Chair:** Mr. Nixon.

**Mr. Jeremy Nixon:** Yeah. Kind of going down the path of the nonjurisdictional numbers, can you tell us a little bit about how those have compared to the previous years? Have we seen an increase in that?

**Ms Trussler:** Well, in 2018-19 our total requests for investigation were 107. So far this year there are over 130.

**Mr. Jeremy Nixon:** So a significant increase?

**Ms Trussler:** Significant.

**Mr. Jeremy Nixon:** Were any of those nonjurisdictional requests referred to other offices? How many?

**Ms Trussler:** I have occasionally said: this is not within our jurisdiction; maybe you should contact the Ombudsman or the Auditor General.

**Mr. Jeremy Nixon:** Okay.

**The Chair:** Thank you.

**Mr. Schmidt:** Do you have a triage system in place? Like, you know, let's say, hypothetically speaking, that you get a request to investigate 33 potential conflicts of interest on a vote of the members of the Legislature or something. How do you prioritize that workload? Because you're dealing with public officials but you're also dealing with agencies, boards, and commissions and their designated office holders, what's your triage system, I guess, for managing caseloads when you get a flood of requests like that?

**Ms Trussler:** It comes across my desk, I look at it all, I decide which ones are within jurisdiction and which ones aren't, and then I decide the priorities.

**Mr. Schmidt:** Okay. So it's fair to say that that's a first-come, first-served basis. Or do you prioritize elected officials over the appointed folks serving in agencies, boards, and commissions, or is it sort of . . .

**Ms Trussler:** Oh. In terms of who I investigate first? I tend to look at the seriousness of the allegation.

**Mr. Schmidt:** Okay. Yeah.

**The Chair:** Thank you very much.

Mr. Rutherford, you were next on the list. No? Anybody on the government side? That's fine.

We can go back to the Official Opposition.

**Mr. Schmidt:** Back to that, then, Madam Trussler. If you could tell us, like, how you rate the seriousness of the investigations that you're requested to investigate: what in your view, I guess, are the most serious breaches of the act compared to the ones that, you know, don't need to be dealt with as quickly?

**Ms Trussler:** Well, I have to say, you know, that most people within the public service and most people who are elected try and do the right thing.

**Mr. Schmidt:** Sure.

**Ms Trussler:** While we've had over 130 requests for investigation, the vast majority of those are not within jurisdiction or they don't meet the requirements in the act for an investigation, because there are very specific requirements for an investigation. It's very rare that we would get more than one at a time, but if we were, I would probably do elected members first and then the others. It would really depend. If it was not a particularly strong allegation against an elected member and I had something that was the likes of Jim Ellis from an agency, board, or commission, I would probably do the more serious one first unless I could do the other one quite quickly and get it out of the way.

**Mr. Schmidt:** Okay.

**The Chair:** We have another question over here.

**Ms Goodridge:** Thank you, guys. I'd just like to thank you for all the work that you guys do. I know it's not always easy. During your speech you highlighted some of the cost savings that your office undertook. I was wondering if there were any other cost savings that you undertook that would be worth noting, small or large, just for our information.

**Ms Trussler:** Well, the most significant one was, over the years, dropping the contract services. That was the huge one. We were

able to drop our rentals in terms of Xerox fairly significantly during the year. Over the past five years we went together with the Ombudsman and the Child and Youth Advocate to share IT services, which saved us a lot of money. The other way we'd save money on IT is that a lot of people evergreen every three or four years. We tend to do it every five or six years. We have some equipment: "Well, it's still working, so we're not going to replace it," that type of thing, even though it's on its last legs and well beyond where it should be. That's the sort of way we save money. Just because it's five years old, you don't replace it unless it stops working.

**Ms Goodridge:** Wonderful. Thank you.

Just a follow-up to that: do you have any ideas as to how you could go and further save money within your office, or do you think you've reached your limit on that; for instance, going paperless or more electronic?

**Ms Trussler:** Well, we do a fair amount of electronic now. Because every year we have gone through every line of our budget and looked at every expense and tried to cut, it would be very hard for us to find anything more. I've made an effort every year. You know, I consider the funds we get to be public funds, to belong to the citizens of Alberta, so I'm not anxious to go out and spend a lot of them. I only spend what I need to do the job.

1:00

**Ms Goodridge:** Wonderful. That really warms my heart to hear. Thank you so much.

**The Chair:** Thank you very much.

Are there any further questions?

Seeing none – okay – thank you, Ms Trussler, for this afternoon. Thank you so much to all of your staff who attended. Thank you very much. Just for your information, as anticipated, the committee's decision on the officers' budgets will be sent out in writing early next week. Thank you again for your time this afternoon.

Next up on our agenda we'd like to invite Elections Alberta to show up.

Thank you very much. Thank you so much.

Committee members and ladies and gentlemen, for those watching, while the Chief Electoral Officer does get set up, I will just say that our final presenters of the day are from Elections Alberta, and I'm going to welcome Mr. Glen Resler, the Chief Electoral Officer, and his colleagues to our meeting this afternoon. We will just stand by while the switch takes place, and we'll be with you momentarily here.

All right. Fantastic. It looks like everyone is almost set up there. I see members of the Official Opposition. I see government members. I, of course, see the Chief Electoral Officer here. Again I'd like to welcome Mr. Glen Resler, Chief Electoral Officer, and all of his colleagues to the meeting here this afternoon.

Sir, you'll have up to about 30 minutes of presentation time, and then I will turn the floor over to questions from the committee. Mr. Resler, if you get an opportunity before you begin, if you can introduce as well all of your staff that you brought along with you. The floor is yours. Go ahead, sir.

Thank you very much.

## Elections Alberta

**Mr. Resler:** I'll just get set up here. Good afternoon, Chair, committee members. I'm pleased to introduce my team this afternoon, starting on my left: Steve Kaye, who's the senior investigative manager; directly beside me is Drew Westwater, our

Deputy CEO; Pamela Renwick, who's our director, election operations and communications; and Doug McKenzie, who is our director of election finances. In the gallery we have Keila Johnston, who's director of IT and geomatics, and Blair Edl, who's the investigations manager.

It's our pleasure to be able to come here this afternoon and review the activities of our office over the last year and to present our budget estimates for the fiscal year 2020-21. To assist members with today's discussion, we have provided documents from the office of the Election Commissioner, including the 2018-19 annual report and the four-year business plan. In addition, we have provided Elections Alberta's 2018 enumeration report, which was tabled on October 10 of this year, our four-year business plan, our 2018-19 annual report, and a consolidated '20-21 budget submission for the two offices.

When we reflect on the electoral activity of my office in the last fiscal year, it can be summarized within this timeline, a timeline that was heavily impacted by the changes brought about by Bill 32. Most substantially, this bill introduced the requirement for a full door-to-door enumeration, which took a substantial amount of resources from my office to deliver within the time frames available. Additionally, two by-elections were held in July 2018, requiring my office to split their focus between the by-elections and the enumeration events. After the enumeration was completed, little time was remaining to finish implementing the other changes in the legislation and to be fully prepared to deliver the 2019 provincial general election. My office and all the returning office staff put in a significant effort to ensure that we were fully prepared to deliver a successful electoral event.

In the 2018 provincial enumeration report we provided a comprehensive overview of the process and results of the enumeration. The provincial enumeration ran from August 1, 2018, where online and phone enumeration options became available, until October 2. Enumerators completed door-to-door visits between September 8 and October 5. Over 1.3 million households were contacted, with just over 1 million households participating and providing information about the electors that resided in their households. This resulted in a household participation rate of 57.5 per cent.

There was an overall 6.3 per cent increase to the names contained in the register of electors following the enumeration. This included just over 324,000 electors that were newly added to the register and updates to the records of over 193,000 electors that had moved to new addresses. Of the newly added electors, 130,000 comprised the age group between 18 and 34, increasing the coverage of this age group in the register of electors. My office has also started receiving information on future electors from Alberta Education, and we now have over 56,000 sixteen- and seventeen-year-olds preregistered. This new initiative will have a significant future impact on the percentage of young electors maintained within the registered electors system.

Major expenses for the enumeration included staffing and the associated training costs, materials and supplies for enumerators, including tablet computers for data collection, and an advertising campaign to promote enumerator recruitment and register-to-vote opportunities. The total cost of the enumeration was \$10.3 million. This was \$3 million below the approved budget for the event. Half of the amount that was unexpended, or \$1.4 million, was directly related to the challenges experienced with recruitment and retention of enumerators. In many areas of the province and particularly in rural Alberta we were unable to hire sufficient enumerators to complete all of the visits that had been budgeted. Other savings related to favourable price variances across cost categories are shown on the slide before you.

**1:10**

A number of challenges were experienced during the enumeration in addition to those posed by the time constraints in which we were working. Many of these were known in advance such as the challenge with recruitment in order to find sufficient workers across the province and also keeping our workers safe. New measures were put in place to address worker safety. They contributed to reducing the number of reported incidents, but unfortunately there still were seven incidents where enumerators were assaulted, threatened, or confronted by electors. There were also several incidents where the police were called in to assist. We encountered challenges gaining access to multi-unit dwellings.

What was new in this enumeration, that we had not seen previously, was the negative public perception of the process. There was a heightened distrust by the public. People didn't understand why the enumeration was necessary, thought it was a waste of funds, and had privacy concerns in providing information to strangers. Also, the number of electors that declined to provide us with contact information, which is phone numbers, increased as far as nonparticipation, from 45 per cent to 81 per cent of the people refusing to provide the information.

In the enumeration report I provided five recommendations to address both costs and the challenges that we observed. These include eliminating the requirement for a mandatory door-to-door enumeration and adding the flexibility to the legislation on the methods of enumeration available to my office. This is the largest impact on cost, with an estimated \$5 million saved when completing a targeted enumeration process in which we would look at door-knocking of new construction, new subdivisions, new condos, or high-mobility areas rather than going door to door to every residence. Flexibility is also requested in the type of elector contact information that is collected so we can have e-mail addresses provided from electors. This would also look at opportunities for cost savings where we're able to collect the information for where-to-vote cards when we contact electors, printing costs, and we can send the information out to the electors directly by e-mail.

Elector concerns with sharing information with the political parties were very apparent, so two recommendations have been made to address this: first, to remove elector contact information from the list of electors, and to require parties and candidates to submit privacy policies that follow established guidelines before receiving access to the list of electors.

In our 2018-19 annual report we provided details on the undertakings of our office in regard to electoral finance. Due to the changes in the electoral boundaries as well as the legislative requirements regarding leadership and nomination contestants, we had a 350 per cent increase in the number of political entities that were registered or deregistered throughout the year, with over 2,000 political entities on file. This is an increase from 454 the previous year. Each of the registrations results in financial reporting requirements that my office staff manage. The annual report provides details on financial reporting that was received by political entities in regard to quarterly and annual contributions as well as the two by-elections that were held in July 2018. In total, over \$16.5 million in contributions was reported by all political entities combined. The totals relating to the 2019 provincial general election will be reported in a subsequent report, in 2020. Of the \$5.38 million in contributions to political third-party advertisers, 55 per cent were made by trade unions, 34 per cent by corporations, and 11 per cent by individuals.

Requirements for the timeliness of financial statements are legislated, with all financial statements that are received late subject

to an automatic \$500 late filing fee. Overall compliance with the filing deadlines is very high, with 98 per cent of annual statements filed on time.

My office has continued its work to modernize the filing of contributions, quarterly and annual financial statements through our new online financial system. Current work is under way to have online financial statements available for constituency associations for the 2019 annual filings. Subsequently, in 2020 online financial statements will also be made available to political parties' third-party advertisers. Financial statement capacity for candidates, nomination contestants, and leadership contestants will then follow as IT development time and budget allow. We have already seen an increase in the quality of the filings. Cost savings are reflected by both political entities and our office, and there are efficiencies of automation which are alleviating staffing constraints, allowing us to improve our review processes.

Looking at the 2018-19 annual report of the Election Commissioner, details are provided on the number of complaints, investigations, and penalties. Between July 2018 and March 2019 451 complaints were received, with the majority in the lead-up to the general election. Of those, 255 were outside of the jurisdiction of the commissioner or not a breach of the legislation; 133 complaints required further analysis. Of those, a further 23 were determined to not require investigation, and overall 74 of the complaints were investigated through 58 investigations. The investigations revealed that no breach occurred in 13 instances, and 34 resulted in enforcement recommendations.

Looking at the breakdown of enforcement recommendations, the 34 investigations resulted in 31 administrative penalties totalling \$72,333 and 10 letters of reprimand. Of these, of both the administrative penalties and the letters of reprimand, 68 per cent of the enforcement recommendations were a result of Elections Alberta referrals, which reflects the close working relationship that already exists between our two offices.

Bill 23 expanded the mandate of the office to include responsibility under the Local Authorities Election Act. We will oversee spending limits, contribution restrictions, and rules for third parties. This applies to all municipalities, school boards, Métis settlements, and irrigation district elections. The total stakeholder complement is 441 governments and over 4,000 elected positions.

We have participated in five educational sessions to date, and more are planned in 2020. The challenges that we see moving forward: there's the potential in the varying record-keeping practices – storage and retention – of the different municipalities; locating and accessing information for complaint follow-up; and accessing returning officers after the event.

Turning our focus to the 2019 provincial general election, with this election a number of new voting opportunities were introduced, including a fifth day of advance poll voting; vote-anywhere at all advance polls across the province; advance poll opportunities provided in many new settings such as malls, hospitals, work camps, recreation centres, and on campus; mobile polling on election day for shelters and community support centres. The variety and convenience provided by the abundant advance poll locations and the vote-anywhere capacity resulted in a 200 per cent increase in voters at the advance polls from the 2015 provincial general election. There was an increase from 235,000 votes cast in advance in 2015 to approximately 700,000 in 2019.

Just to highlight, if you're able to see the photos there, on the top left that's a polling station at Streets Alive mission in Lethbridge, where we have an Albertan with no fixed address who was able to vote in one of our mobile polls, so that's very good to see. On the top right, in Fort McMurray, is a poll where you see quite a long lineup entering the hotel where their polling place is held, and that

was a work camp that brought staff in to accommodate their voting during the election. At the bottom, a University of Alberta student poll: that's a poll in the SUB building.

Following the election, an online survey was conducted with 1,200 voters and nonvoters to seek their feedback on the event: 86 per cent of eligible voters were satisfied with all aspects of the voting process; 84 per cent of voters were aware of the vote-anywhere feature at the advance polls, which is an impressive statistic considering that this was the first year that this vote-anywhere capacity was available for voters; 86 per cent of voters thought that identification should be required, consistent with the common message we were hearing from electors during the event; 75 per cent of voters supported the use of technology in the polls, particularly if it improves the speed of the service or the release of election night results.

*1:20*

My office has consistently maintained election costs per registered elector as the lowest in Canada. While final numbers are still being calculated for the cost of this election and the number of electors in the post polling-day list, we are estimating that the costs will come in between \$8 and \$9 per elector.

We are currently working on compiling the report for the 2019 provincial general election, and the report will include approximately 100 recommendations for legislative amendments, many of which will lead to modernization of the voting process and offer opportunities for cost savings. My number one recommendation is a fixed-date election. This would allow my office to co-ordinate polling places, office space, supply shipments, and advertising space well in advance of the election. Office space could be leased for only the time frame that was necessary. In the 2019 election our leased space commenced on February 1, which is the start of the campaign period, in order to be prepared for the potential for the writ to be issued that day and also to allow returning officers to meet with candidates to accept nominations. For every month of delay in the calling of the election, we are paying over \$500,000 a month in lease costs alone.

The size of polling subdivisions has been capped at 450 electors since 1980, since the office existed. The size of the voting area is necessary to ensure that appropriate staffing levels are maintained on election day. By legislation we have to have a poll clerk and a deputy returning officer for every polling subdivision. But since 1980 alternate voting opportunities have increased, and in the 2019 election we saw over 39 per cent of electors voting in advance of election day, resulting in lower elector volumes during election day itself. For example, over \$1 million could be saved in staffing costs alone by increasing the size of the polling subdivisions from 450 to 650 electors, keeping in mind that for rural Alberta the subdivisions would largely remain at a lower number because they're determined more in relation to geography than elector counts.

Increasing the flexibility in the staffing model would allow my office to modernize the voting process and save on election-day staff costs. For example, in the 2019 election we streamlined the advance polling staff model to provide a first-come, first-served service. This resulted in cost savings of \$500,000 in staffing alone. By reinvesting these savings in vote-counting equipment, we could eliminate the postelection delay to complete the unofficial count of the vote-anywhere ballots.

Taking a look at election third-party advertiser contributions, they followed a similar pattern to the political third-party advertisers, with 45 per cent of the contributions coming from trade unions, 41 per cent from corporations, and 14 per cent from individuals.

Two additional reports will be issued in 2020 pertaining to the 2019 provincial general election. One will be released on the

administration of the election itself, the other on the financial reporting of the political entities.

In our business plan we provided several key assumptions along with timelines that impact our deliverables. While preparing for these events is extensive, we have summarized the key activities here. Our budget figures are based on our core services that we provide annually in addition to the timeline of events that have a direct impact on our activities.

In 2020 it is a key development year for my office. Significant preparations for the Senate elections will take place. We'll also push for legislative amendments to occur in the spring session of 2020 in order to allow my office to fully integrate and implement those changes for the impacted electoral events. My office will also be completing significant IT developments on applications that are necessary for all electoral events to take place and the modernization of the online financial reporting system.

In 2021 we have assumed that the Senate election will coincide with the municipal elections. In 2022 it'll include our pre-election planning, a targeted enumeration, recruitment of RO office staff, and finalizing inventory materials for the election. Finally, in 2023 the RO office staff training is delivered, we open 87 offices across the province, and it's the administration of the general election.

As you can see from our budget documents, there isn't one year that is comparable to the next. We operate on a four-year election cycle, which can make budget comparisons difficult from year to year. You can see in the peaks of the election and enumeration activities on this slide just how much it varies. Looking at the gold line, which represents corporate services, it has been holding steady for the past seven years, with increases largely resulting from legislative changes.

In your handouts I provided members with the budget estimates. I will be going through that document right now. If you'd take a look at pages 1 and 2, the first two columns relate to the 2018-19 budget, and that reflects the largest budget in our four-year cycle. It includes the map and list activities, a full enumeration, and all costs associated with the election. Because the election didn't take place before the end of the fiscal year, we had \$22 million that was left unexpended.

For the next two columns, the 2019-20 budget and forecast, which is our current year, the main event was the election itself. Some of the election expenditures were completed in the prior year as inventory and supplies, RO office leases for two months, development of our advertising plan, and the extensive training of our core staff of returning officers of approximately 450 people. Because we don't know when the election is going to be called, we have to budget for an election in both of those years.

The consolidated budget estimate for the 2020-21 fiscal year represents an overall decrease of 75 per cent from the '19-20 budget, so we look pretty good, I think. The total funding that we're requesting for this year is \$8,746,000, and the funding request is spread out over the five program areas of the office: corporate services, election, enumeration, Senate, and compliance and enforcement, which was formerly the Election Commissioner's office.

Turning to page 3 of the handout, we're comparing the budget and the estimates for corporate services. The overall total personnel costs are decreased by 5 per cent, a reduction of \$141,000, and there's a net decrease of supplies and services at \$43,000. Where we have increased spending is in three areas. Freight and postage increased by \$42,000, and that's directly related to an outreach engagement with new electors as they turn 18 years of age. There's a \$7,000 increase in photocopy rental charges and a \$67,000 increase relating to wide-area network charges for introducing the

VOIP telephone service in our office. This results in a net decrease of 3 per cent year over year.

I have provided a slide showing a crossjurisdictional comparison of our office size with other election management bodies to show that our core staff for elections is managed by 32 persons in Alberta. We hire contract staff during events, but we wanted you to know that in this period of fiscal restraint we are very cost-effective in the delivery of electoral services. The primary comparative is between Alberta and British Columbia. We both have 87 electoral divisions, our populations are close, 4.4 million to 5.1 million, but the core staffing in B.C. is 70 compared to our 32.

Turning to page 6 of your handout, there is a significant, 95 per cent decrease in our funding for elections: just over \$700,000 is a decrease in personnel costs; a \$26 million decrease in supplies and services. Obviously, that's a result of the general election being held in the prior year. What I wanted to show is what election costs we actually incur on the annual basis for this coming year.

**1:30**

We budget for three by-elections yearly. The total cost of that is \$835,000. If by-elections do not occur, those funds are lapsed. We do not expend them. We have budgeted an additional \$500,000 in capital to upgrade our now 20-year-old register of electors system. We're looking at enhancements to the advance poll, the vote-anywhere application, the special ballot module, the candidate/party portals, in which we communicate with you.

Turning to pages 9 and 11, we have budgeted for enumeration and Senate development costs. There is \$150,000 for the updating of the enumeration application and developing an online training module for enumerators. For the Senate, there's \$153,000 being budgeted to develop an information-sharing portal with municipalities, for ordering ballots and supplies, and for hiring the temporary staff to assist with the training of municipalities.

Turning to page 13, \$1,662,000 has been allocated for the compliance and enforcement program area. Total personnel costs is \$708,000, which is a 5 per cent reduction in budget, but this is based on actual costs with all positions being fully funded. Total supplies and services of \$894,000 is a reduction of 28 per cent. This includes decreases of \$55,000 in relation to travel, insurance, rentals, materials, and supplies, which are based on the actual costs of the prior year. There's a decrease of \$250,000 in contract services, which is based on our anticipated costs and reduction in corporate support costs, which are now provided by Elections Alberta. A further \$40,000 decrease in advertising and a \$13,000 decrease in travel related to the former commissioner's vehicle. Where we show an increase is in postage of \$6,000, which is anticipated for any increased costs of registered mail relating to investigations.

In summary, Elections Alberta is submitting a total budget request of \$8,746,000.

Mr. Chair, that ends my presentation. We'd be pleased to respond to any questions that you may have.

**The Chair:** Well, thank you very much, sir, for that presentation.

I'll now open the floor up to committee members.

**Ms Gray:** Thank you very much, Mr. Resler, and to the team at Elections Alberta for the presentation but also for all of the work that has been happening over the last number of years. You've been very busy, and I appreciate you summarizing everything. There were a few things that I was very excited about: the 200 per cent increase in advance polling numbers, 84 per cent of people understanding that they can vote anywhere. Like, this is great stuff. So I really appreciate that.

I, first off, just want to make sure that I understand, because the compliance and enforcement section is essentially the Election Commissioner office . . .

**Mr. Resler:** Correct. Yes.

**Ms Gray:** . . . moved over and under to that piece, correct?

**Mr. Resler:** Yes.

**Ms Gray:** Okay. Thank you very much.

Moving forward for salaries and wages, there is a decrease right now. Now, in your report you talked about 451 complaints. That's the information in the annual report. We've received information through a public letter that to date there are now over 800. Is that accurate?

**Mr. Resler:** Eight hundred in total over both periods. Yes.

**Ms Gray:** Okay. Thank you very much. I appreciate that.

I just wanted to really test: do you believe you have the resources to properly investigate all of the outstanding complaints from the commissioner's office with the request that you've brought forward here today?

**Mr. Resler:** I believe we do. When you look at the salary and wages component, that's the primary staff. Two of them are here today and a couple of support staff. It also includes the commissioner's position. But we also contract investigators to deal with the ebbs and valleys of the investigations themselves. There are two, one in Edmonton, Calgary, that are currently contracted, and there's also a competition ongoing for another one in Edmonton and Calgary to address the investigative workload that's encountered right now. Most of that workload is a result of the general election itself. Some of that is still flowing from that. Otherwise, I believe that the investigations have slowed for the current year in relation to the volume that was encountered previously. Obviously, we want to deal with that workload now before the municipal election campaign starts, so that will be a focus for the office.

**Ms Gray:** Thank you.

**The Chair:** Thank you.

Mr. Nixon, go ahead.

**Mr. Jeremy Nixon:** Thank you, Chair and the Resler team, for being here today. The previous government changes brought the nomination races under the direct purview of Elections Alberta, and I'm just wondering if you can talk about how that worked in practice.

**Mr. Resler:** How it worked in practice? We did develop an online registration and approval system in which the political parties and constituency associations were able to provide information to us. It was a considerable number of activities that took place in order to manage all the different contests that occurred. It's slightly different in the sense that it isn't a one-time event like an election or enumeration that occurs within a certain time period; it is spread out over several months. There are staggered dates as far as reporting and compliance, so it was something that required attention in order to manage those different timelines.

The success: I think the system worked very well. We were able to get online approvals from the different political entities online in order to provide the information to us.

Is there anything you'd like to add, Doug, on the nomination contests?

**Mr. McKenzie:** Well, it was a high volume. We had over 700 nomination contestants that were registered with us. The nomination contestants, particularly with the smaller groups like the independents, experienced a little more difficulty in the completing of their financial compliance forms than the ones that were affiliated with registered parties. The registered parties did a good job of providing that assistance. So we flagged that group, the independents, as ones needing, I think, special help next time.

**Mr. Jeremy Nixon:** Okay. I guess you can confirm for me that there were a lot of people that were applying as nomination contestants through your website well in advance of the party opening up the nominations. Can you talk a little bit about that in regard to the timing and what kind of additional workload this created for your office?

**Mr. Resler:** The registration process: contestants, as soon as they express their intent, spend money, and raise contributions, are required to register. In most cases it occurs before the actual contest commences. In some instances you have people that show their intent of running in the contest in which the political entity does not approve their participation, so even though they're not included as part of those contests, they still have the financial requirement in order to file financial reporting. So, you know, some of it resulted in complaints. You have a lot of media. You have people, candidates, or contestants at the time state – it could be public meetings or different situations where they announce their intention, but they aren't following through with the legislation, so there's a lot of follow-up, conversations, communication with these persons in order to bring them into compliance. A fair amount of legwork is involved in dealing with the nomination contests.

**Mr. Jeremy Nixon:** Thank you.

**The Chair:** Ms Sweet, go ahead.

**Ms Sweet:** Thank you, Mr. Chair, and thank you, Mr. Resler, for being here today. I recognize it's been an interesting few weeks since the changes in the commissioner's office, so I wanted to just clarify some questions that we're hearing from Albertans to give you an opportunity to maybe just calm some things down in the sense of the documentation and the files that are being transferred to your office. I think the biggest concern that we're hearing from Albertans around the change is not in your office's ability to do the work but wondering what's happening from all of that information. If you could just maybe clarify for us how you're moving the files and who's handling the process and then also maybe on getting rid of the rumour that the RCMP seized some of the records out of that office, if that did in fact happen or did not happen.

**1:40**

**Mr. Resler:** Staff that are employed by Elections Alberta are employed under the Alberta Public Service Act, and as public servant employees they have a responsibility to take reasonable steps to safeguard government information regardless of whether they're the creator of the information or the recipient of the information. Currently nothing has changed as a result of Bill 22. The commissioner's office and staff remain in place. The records are still in the custody of the office. We continue to maintain a records management system that ensures the secure, efficient, and orderly preservation of those case records, and we maintain a high level of information security and appropriate access restrictions.

There will be a time when the two offices will amalgamate. Prior to any movement of these documents, either to the Elections Alberta head office or to our secure data servers, we will have

processes established to ensure the appropriate backup and security of the paper and the electronic transfer of documents, and that'll ensure that there's no risk of loss. Steps have already been taken to preserve those records held by the commissioner, and we'll ensure that we uphold the public trust.

**Ms Sweet:** Then, I guess, just a follow-up: did the RCMP seize any of the records from the office of the Election Commissioner prior to that?

**Mr. Resler:** I wouldn't be able to comment on any investigative activities. Sorry.

**Ms Sweet:** Okay. Thank you.

**Mr. Sigurdson:** On the same kind of thing, just to clear the air a bit, I wanted to ask a couple of questions, so bear with me. Like all independent offices of the Legislature, your office is nonpartisan, correct?

**Mr. Resler:** Correct. We are independent, nonpartisan, and we do not report to a minister.

**Mr. Sigurdson:** Excellent. Now that Bill 22 has passed, who will determine whether an investigation occurs? Who determined that before the previous government's creation of the Election Commissioner?

**Mr. Resler:** Ultimately, it's the Election Commissioner that makes decisions, and I am in the position of the Election Commissioner. But the work that is performed is performed by the front-line staff of Elections Alberta now – two of those staff members are here – and they're responsible for the intake, documentation, and investigative processes of the office. That hasn't changed at all.

**Mr. Sigurdson:** Okay.

**The Chair:** A follow-up?

**Mr. Sigurdson:** Yeah, just a follow-up. Prior to the establishment of the Election Commissioner last year were there no investigations or enforcements in effect when that change happened then?

**Mr. Resler:** There was always a continuation. Investigations have occurred since the inception of the office and even before then, I'm sure. Prior to the Election Commissioner's office I had the responsibility to ensure the delivery of all investigations that took place, so even with the introduction of the Election Commissioner's office there was still a continuation of investigations – that would have occurred – that initiated prior to the legislation. Those investigative activities were grandfathered, and I had the responsibility in order to complete those investigations. That continued even though the commissioner was in place.

**Mr. Sigurdson:** Excellent. Thank you.

**The Chair:** Thank you very much.  
Ms Sweet.

**Ms Sweet:** Thank you, Mr. Chair. I just want to follow up on my last question. I recognize that you can't speak specifically to RCMP investigations, but because they're public documents, can you inform Albertans whether or not the RCMP have actually seized some of those public documents?

**Mr. Resler:** Again, I wouldn't comment on any investigations at hand. I can tell you that the legislation is very specific about where

records can be disclosed, and those disclosure items can exist as far as to the courts or to police authorities. That is allowed under the legislation itself.

**Ms Sweet:** Okay. I'm just going to switch here to something else. With just a jurisdiction-to-jurisdiction analysis, we know that Manitoba has a Chief Electoral Officer that also has an independent commissioner office. It's the only other province in Canada that has this set up the way that we had it set up. As part of that process the Chief Electoral Officer works with the bipartisan committee and/or elected officials to recruit. Given that now the commissioner is under your jurisdiction, will that be the practice, or have you set up any requirements around how recruitment would be if there will be a future commissioner? Have you talked to Manitoba about how they do it?

**Mr. Resler:** Yeah. With Elections Manitoba the CEO is responsible for hiring the Election Commissioner. That's in the legislation itself. That's consistent with what we're looking at. Obviously, it's been five days since the legislation has changed, and we have been very busy in the last five days, but we are, you know – I think the public expects us to take our diligence and our time to review the process. Part of the review that we'll be looking at is to determine whether the commissioner is a full-time or a part-time position. Just looking at that alone, we have to have conversations with the staff, the investigative staff. We have to look at: what is the caseload, what is the workload, what activity is occurring, and where is it in the future? That will be part of the conversation, and once that is determined, then we'll look at having an open competition.

**Ms Sweet:** Thank you.

**The Chair:** Mr. Sigurdson, go ahead.

**Mr. Sigurdson:** Thank you, Glen, to you and your team, for coming and answering all of these questions for us. Kind of tracking back here, did you or your office recommend creating the Election Commissioner position, and were you consulted on this by the previous government when this change happened?

**Mr. Resler:** I'm sorry. If you could repeat the question for me, please.

**Mr. Sigurdson:** Did your office recommend creating the Election Commissioner position and the change that happened previous to the previous election, and were you consulted on those changes by the previous government?

**Mr. Resler:** We did not have any recommendation as far as creating the commissioner position, nor were we consulted on it. No.

**The Chair:** A follow-up?

**Mr. Sigurdson:** Yeah. One quick follow-up. We see in your organizational chart on page 2 of your business plan – maybe I'll give you a minute just to get there. How do you anticipate the compliance and enforcement department will fit in?

**Mr. Resler:** The compliance enforcement area will – I'm just trying to see here. It'll be no different than any of the other director positions in that sense. It'll be kind of an area, branch, itself reporting to the Election Commissioner directly.

**Mr. Sigurdson:** Excellent. Thank you.

**The Chair:** Ms Gray, go ahead.

**Ms Gray:** Thank you very much. I'll preface this question with just concern around the salary costs for the compliance and enforcement section as well as the 28 per cent reduction in contract services because this committee received, prior to the legislative changes, a budget submitted by Election Commissioner Lorne Gibson, and in his submission there were significant increases to salary and wages and significant increases to contract services. Now, I understand it would be unfair of you to suggest you know what Lorne Gibson was thinking, but we appear to have the former Election Commissioner, who was in a position where he was going to be coming to this committee asking for more resources, both contracting out and staffing, yet in your budget that you have put forward, there is a significant decrease. Can you please address the potential difference in approaches that we are seeing?

**Mr. Resler:** Actually, my budget is higher than the one that the commissioner submitted. You'll also notice that in his submission – and I'm not sure which page it was – there's a \$500,000 allocation from Municipal Affairs. I'm not sure if that was in prior year or current where it was shown separately, but that \$500,000 was part of his budget. Where we'd look – as far as the manpower side of things, that is pretty much verbatim as what the commissioner originally put forward. It's at the \$580,000. I did add a few thousand dollars extra as far as professional fees and development.

**1:50**

Where we differed: I added a few more dollars in travel because there are going to be more educational requirements with the municipal elections, so we added extra dollars there. The commissioner originally had an increase in contract services for \$150,000 from prior year, and that was directly related to additional legal costs. There are a considerable number of court actions that are coming up, so there is an increase in legal fees there. Where I added, I believe, approximately \$150,000, I think, I added compared to his original budget in technology services. There is a temporary solution as far as file management, investigative management, as far as a software solution, and it isn't the most efficient manner in which to manage the investigations, so I've put back that \$100,000 in order to develop an appropriate system in order to manage the investigations.

**Ms Gray:** Thank you.

Then my follow-up. Just based on the description of cost increases – and I appreciate that; obviously, I needed that feedback – my question is that the government stated repeatedly throughout the debate on Bill 22 that the reason for merging the Election Commissioner office into the chief electoral office was for significant cost savings. Would you be able to direct me to where those cost savings are in the budget?

**Mr. Resler:** I've provided a budget based on my opinion on where those funds should be allocated. Just from this budget alone there are savings of \$390,000 roughly. If you were to look on a four-year basis, that exceeds a million dollars right there. Obviously, this is in the initial stages, and again it's only been five days. There will be cost savings as far as leasing when we amalgamate the two offices. There won't be a requirement for a second office. There are cost savings as far as the services that are provided by Elections Alberta in the administration of the office, so human resources, finance, that type of thing. This is a preliminary budget as far as the office is still in its infancy, and I'm sure there will be future cost savings when we look at this and get through the next fiscal cycle.

**Ms Gray:** Thank you.

**The Chair:** Ms Goodridge, go ahead, please.

**Ms Goodridge:** Thank you, Mr. Chair. I'm sure many members on this committee have a very good understanding of the difference in jurisdiction between the Chief Electoral Officer and the Election Commissioner, but I assume that many Albertans didn't have the same level of understanding. That being said, were there any examples of complaints or information requests that went to both the Election Commissioner and the Chief Electoral Officer that you're aware of?

**Mr. Resler:** When the offices existed separately, in a sense, like during the election period, that type of thing, absolutely there would have been a crossover of complaints. We worked together, the two offices. As far as on our website, we have a complaint mechanism tool that redirects it to the Election Commissioner. They also received many complaints, as reported in the annual report, that directly related to the election administration process. Part of their intake and triage of those complaints would result in those complaints being forwarded to our office for resolution. And the same in the other direction: we received complaints that we would direct to the commissioner's office. So it's a continual activity.

**Ms Goodridge:** Wonderful. As a supplemental: do you know if there were any times when complainants or persons requesting information received conflicting responses given the separation of the two offices?

**Mr. Resler:** I couldn't provide you anything directly. That is always a risk, yeah.

**The Chair:** Thank you.  
Ms Sweet.

**Ms Sweet:** Thank you, Mr. Chair. I just want to go back to the hiring process, if possible, recognizing it has only been five days. I appreciate that. I think, again, speaking on behalf of the feedback that I'm receiving from Albertans, that there is some concern around whether or not there will be a commissioner that actually will exist. I feel like I'm hearing from you that, as you review this, it's just a matter of full-time versus part-time, but do you have any indication or feeling around whether or not Mr. Gibson would be able to return to that position now that he's been terminated given his experience and the fact that he has all of this investigation background in electoral reform and stuff?

**Mr. Resler:** His termination is a result of the legislation itself. He is contracted with the Legislative Assembly, and because of the bill that was proclaimed, that ended the contractual arrangement. As far as what the posting is, if he's a qualified candidate for that posting, absolutely he can apply for that position.

**Ms Sweet:** Okay. Thank you.

**The Chair:** Good? Okay.  
We'll go to Mr. Schow.

**Mr. Schow:** Thank you, Mr. Chair, and thank you, Mr. Resler, for all the work you do. I do appreciate it. I just have a question. I understand that your contract was renewed in 2016, but prior to that renewal how long had you served as the Chief Electoral Officer?

**Mr. Resler:** I've been in the position since December 2013.

**Mr. Schow:** Okay. A fair amount of time. When your contract was renewed in 2016 by the previous government, were there any

expressed concerns or doubts on your ability to do the job that you'd been doing?

**Mr. Resler:** No. For my competition originally, the committee, as far as the recruitment committee, the special select committee: I received unanimous support from all parties from that committee and also in the Legislature. There was no discussion as far as on the renewal process itself either. It was passed.

**Mr. Schow:** I can see why. Your work is exemplary.  
Thank you.

**The Chair:** Mr. Schow is good? Okay.

**Ms Gray:** Thank you very much, Mr. Resler. I'm just following up on the previous questioning line we had. This request that you're making to the committee today is for a higher total than when both offices were separate. Is that correct?

**Mr. Resler:** Correct.

**Ms Gray:** Thank you.

**The Chair:** Thank you very much.  
Ms Lovely.

**Ms Lovely:** On page 29 . . .

**Mr. Resler:** Of which document?

**Ms Lovely:** In the annual report 2018-19, Election Commissioner.

**Mr. Resler:** Of the commissioner?

**Ms Lovely:** Yeah, the Election Commissioner annual report 2018-19.

**Mr. Resler:** And that was page 29?

**Ms Lovely:** Yeah, page 29. The question. One of the recommended changes to the Election Finances and Contributions Disclosure Act is that "political contributions made illegally should not be returned to the contributor but should instead be forfeited by the recipient" to the general revenue fund. If an Albertan mistakenly donated too much money to a political party, would this recommendation apply to them? Do you want me to say it one more time?

**Mr. Resler:** Say the last part. If an Albertan . . .

**Ms Lovely:** If an Albertan mistakenly donated too much money to a political party, would this recommendation apply to them?

**Mr. Resler:** Yes. Yes, it would.

**Ms Lovely:** It would? Okay.

**Mr. Resler:** I would just preface my response also. These are recommendations that were made by the commissioner. Some of them – there are one or two, that one specifically – are contrary to a recommendation that I would have made. The legislation itself – part of the advisory process, the advisory services that we provide at Elections Alberta is that we're dealing with volunteers out there that work with the political entities. Most of them are volunteers. It changes on a constant basis. Most of them aren't familiar with the legislation itself. As part of the process – and we're afforded that now with the legislation with the quarterly reporting process – all those contributions are now provided to us in advance. We're able



to look through those contributions, look at the compliance. Are they complying with their spending limits and activities?

We're able to go back and forth with the political entities, correct some of these overcontributions before it gets to the point where it is officially receipted, where the financial statements are filed with their office. Once it's at that point, that's where it becomes an investigation. Those advisory services: once we've notified the chief financial officers of the overcontribution, they have 30 days in which to comply with my request and correct any discrepancies or overcontributions or potential breaches of the legislation. We provide opportunities for Albertans who may have mistakenly, unknowingly made such an overcontribution to correct those activities. Those activities exist, and that's something that I would wish to continue.

**The Chair:** Ms Sweet asked first.

2:00

**Ms Sweet:** Okay. I'm just going to follow up on that and just clarify. Under the previous commissioner the recommendation was that any money that was donated in excess would go into general revenue instead of being returned. That, obviously, is now going to be under review. If we were looking at some of the penalties that have been already levied, up to \$200,000, that money would then go back to those individuals. Can you just clarify that for me, please?

**Mr. Resler:** This is legislation that currently exists. I have capacity to order political entities to refund overcontributions. That is currently occurring, and that is correcting to ensure that political entities aren't holding on to money that's overcontributed to them, right? It's correcting that wrong. That's what is occurring there.

When you get into the investigative process, that's where the contributions are receipted, financial statements are filed. The information, obviously – and in those instances it is our office that's making the referral to the commissioner in the past to say that a breach occurred and that an investigation is required, and we provide all the documentation on that overcontribution. That's where it went, into that place. We already know it's a breach, pretty much, when we send it to the commissioner, and the commissioner then makes a decision on that investigation. We would not go back to previous fines or investigations and retroactively make any changes. That's a completed investigation.

**Ms Sweet:** But any further investigations at this point . . .

**Mr. Resler:** Well, further investigations at this point: it's the process itself. In most of those instances that would have been encountered, that money has probably already been refunded and corrected. Like, the political parties would not be holding on to money that wasn't rightfully theirs.

**Ms Sweet:** Thank you.

**The Chair:** Mr. Schow, go ahead.

**Mr. Schow:** Thank you, Mr. Chair. Thank you again, Mr. Resler. We do know that one of the primary reasons for Bill 22 is to bring your office, again, in line with other jurisdictions in the country. But I just want to go back to something that was mentioned by the members opposite, that the Election Commissioner, if I'm correct, was coming in with a request for an increased budget. Is that correct? Is that my understanding?

**Mr. Resler:** No. The commissioner's budget was coming in with – I'll just take a peek here. I think his budget submission was just over \$1.5 million.

**Mr. Schow:** Right. You're also coming with an increased budget, so the combined budgets of his office and your office . . .

**Mr. Resler:** I wouldn't phrase it as "an increased budget." The budget from 2019-20, as far as what was approved previously, was \$2,021,000. Our estimate that we're submitting is for \$1,632,000 for the compliance and enforcement. That's a reduction of \$389,000 from the previous year. We have certain line items in which the expenditure item has increased, like technology services, but overall it is a decrease of \$389,000 for that program.

**Mr. Schow:** Thank you for that.

Just to understand this, then, your budget that you're asking for this year is less than what your budget would be plus what the commissioner was asking for if you combined the two.

**Mr. Resler:** You might have to repeat that one for me.

**Mr. Schow:** What I'm saying is that you have a budget that you're presenting here.

**Mr. Resler:** Yes.

**Mr. Schow:** And the Election Commissioner himself had a budget as well that he would have been presenting here, pre Bill 22. If you combined those two numbers, the number that you're asking for is less to do similar work.

**Mr. Resler:** Between the commissioner and myself I'm asking for approximately \$100,000 more. Overall, if we're looking at a consolidated budget, we're looking at a 75 per cent decrease overall from the previous budget.

**Mr. Schow:** Thank you.

**The Chair:** Okay. Thank you.

Ms Gray, go ahead.

**Ms Gray:** Thank you very much. I will start my question just by saying how much we appreciate all the work that happens across all the different areas at Elections Alberta, but my question is about compliance and enforcement again. I just wanted to check that I saw it correctly on the slides, and please correct my language if I'm using the wrong terms. There have been over 800 complaints. Some will obviously not be in the right jurisdiction and so on. There are 36 complaints that are currently undergoing analysis as of fiscal year-end, and there are 11 investigations still under way as of fiscal year-end. Is that correct?

**Mr. Resler:** I am going to pass this on to Mr. Kaye.

**Mr. Kaye:** You're correct. Thank you for your question. The numbers: 816 total complaints since inception of the office; 76 of those are awaiting assignment to investigators. The vast majority of those complaints came after the election or during the election period. Thirty-seven of those files are currently assigned to two contract investigators within the province. Thirteen are pending conclusion in very short order; by that, I mean within probably the next two weeks. To give you a breakdown of the complaints, we received 177 complaints in April of 2019; we received 133 complaints in March of 2019, and from the date of the writ drop until election day there was a total of 229 complaints.

**Ms Gray:** Thank you very much.

Then my follow-up question. If I heard you correctly, there are 37 currently assigned with 13 pending conclusion, but you also mentioned 76 awaiting assignment. Can you speak to that process and how long that generally takes?

**Mr. Kaye:** It depends on the complaint. Obviously, as Mr. Resler alluded to, we were in the process of interviewing people to try and bolster our contract investigation contingent. That, in my understanding, will continue, which will allow us to get through those complaints. Generally speaking, they're addressed in a chronological manner, meaning the oldest complaint will be addressed first or assigned to an investigator. We deal with them as they come through the door, typically in a chronological manner unless there are exigent circumstances.

**Ms Gray:** Thank you very much.

**Mr. Kaye:** You're welcome.

**The Chair:** Thank you very much.

We've gone past the allotted time that we have scheduled for Mr. Resler and his team. I don't see any questions further from the government member side. I'm going to ask one more – if you have one more that's . . .

**Ms Gray:** Just one more follow-up exactly on this line of questioning.

**The Chair:** Sure. Absolutely.

**Ms Gray:** As they are processed in chronological order – if you are able to share, I'd be curious – what is the oldest complaint that is awaiting assignment? The queue backlog would go back to what time frame?

**Mr. Kaye:** Sorry. That's awaiting assignment?

**Ms Gray:** Yeah. Of the 76 awaiting assignment – you spoke of processing those in chronological order – I'm just wondering: what is the oldest complaint? Would that still be something from around the time of the election?

**Mr. Kaye:** It would be prior to that.

**Ms Gray:** Prior to the election. There are still files awaiting assignment for investigation.

**Mr. Kaye:** Yes, ma'am.

**Ms Gray:** Thank you.

**The Chair:** Good. Thank you very much, Ms Gray.

Thank you very much to the government members.

Thank you to Mr. Resler and your team. Thank you so much for being here today. We certainly appreciate that. It was an excellent presentation with the question and answer. Thank you again for being here. For your information it's anticipated that the committee's decision on the officers' budgets will be sent out in writing early next week.

Well, committee members, that was our last presentation of the day. We're going to move on to section (b). That's the decisions on officers' 2020-2021 budget submissions. Now, I do have a note here that indicates that the committee may approve a budget amount other than what was requested by the office. This should be done by adjusting the total amount approved for the office and not by amending line items within the budget. As we have completed the

agenda item 4(a), presentations from legislative officers, the committee now needs to make decisions on the budget submissions made by each of the officers. To this end, I've asked the committee clerk to provide some draft motions for use during our deliberations to ensure that we have appropriate wording for each budget estimate under consideration. The draft motions will be displayed on the screen and available through the meeting motion section on the internal committee site.

Now, I suggest that we deal with the estimates in the order that we've received them, starting with the office of the Child and Youth Advocate. I will open the floor to any discussions, or of course we do have a possible motion. Okay. Go ahead, Mr. Shepherd.

**2:10**

**Mr. Shepherd:** Thank you, Mr. Chair. I would go with the motion as submitted, that we approve the amount as submitted from the Child and Youth Advocate, the amount shown there, \$14,922,000.

**The Chair:** I see a lot of nodding of the heads. Okay. I will read that. Thank you, Mr. Shepherd. Mr. Shepherd will move that the Standing Committee on Legislative Offices approve the 2020-21 budget estimates for the office of the Child and Youth Advocate in the amount of \$14,922,000 as submitted.

I will call the question. All those in favour, say aye. Any opposed?

That motion is carried.

I guess we'll now move on to the office of the Information and Privacy Commissioner. Any discussion, or would somebody like to move the motion?

**Mr. Sigurdson:** I'll move the motion as submitted.

**The Chair:** Okay. Mr. Sigurdson will move that the Standing Committee on Legislative Offices approve the 2020-21 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$7,256,000 as submitted.

All in favour, say aye. Any opposed? Hearing none, that motion is carried.

We'll now move to the office of the Ombudsman. Discussion, or would somebody like to move?

**Mr. Rutherford:** Mr. Chair, I'll move the motion.

**The Chair:** Thank you very much.

Discussion?

**Mr. Shepherd:** Sorry. If we could bring it up on the screen.

**The Chair:** Yeah, absolutely. Yeah, I know. It's moving quick.

**Mr. Shepherd:** Thank you.

**The Chair:** Okay. Any further discussion on that? It looks like \$3,936,000. Okay. Seeing that, Mr. Rutherford would like to move that

the Standing Committee on Legislative Offices approve the 2020-21 budget estimates for the office of the Ombudsman in the amount of \$3,936,000 as submitted.

All in favour, say aye. Any opposed? Hearing none, that motion is carried.

We'll now go to the office of the Public Interest Commissioner. Any further discussion on that?

Seeing none, would somebody like to move that motion?

**Ms Goodridge:** I'll move it as submitted.

**The Chair:** Okay. Thank you very much. Ms Goodridge will move that

the Standing Committee on Legislative Offices approve the 2020-21 budget estimates for the office of the Public Interest Commissioner in the amount of \$1,043,000 as submitted.

All in favour, say aye. Any opposed? Hearing none, that motion is carried.

Okay. Now we'll move to the Auditor General. We'll put that up there. Okay. Any further discussion?

Seeing none, would somebody like to move this one? Mr. Shepherd. Okay. Mr. Shepherd will move that the Standing Committee on Legislative Offices approve the 2020-21 budget estimates for the office of the Auditor General in the amount of \$26,925,000 as submitted.

All in favour, say aye. Any opposed? Hearing none, that is carried.

Okay. Office of the Ethics Commissioner: any further discussion on that?

Would somebody like to move the motion as soon as it's up there? It is up there. Ms Goodridge. Okay. Ms Goodridge moves that the Standing Committee on Legislative Offices approve the 2020-21 budget estimates for the office of the Ethics Commissioner in the amount of \$939,500 as submitted.

All in favour, say aye. Any opposed? Hearing none, that motion is carried.

All right. Next we'll go to the office of the Chief Electoral Officer. Any further discussion?

Would somebody like to move the motion, then?

**Mr. Schow:** Absolutely, Chair.

**The Chair:** Mr. Schow. Mr. Schow will move that the Standing Committee on Legislative Offices approve the 2020-21 budget estimates for the office of the Chief Electoral Officer in the amount of \$8,746,000 as submitted.

All in favour, say aye. Any opposed? Hearing none, that motion is carried.

Okay. With that, we have now completed the review of the officers' budget estimates for 2020-2021. Thank you very much, everyone.

I guess we'll now go to number 5 on our agenda. That's other business. At this time I'd just note again that the committee has been tasked with reviewing the 2018-2019 annual report of the office of the Child and Youth Advocate and reporting back to the Assembly either within 90 days or within 15 days after the commencement of the next sitting. As such, I'll be following up with members shortly regarding their availability for meetings. Are there any other items of discussion under other business?

If not – okay – we'll carry on to next meeting date. As noted, the next meeting date will be at the call of the chair following the consultation with the committee members.

I would now like to ask for a motion to adjourn. I saw Mr. Shepherd's hand go up really quick. Okay. All in favour, say aye. Any opposed?

Hearing none, thank you very much, everybody. Hope everyone has a great day.

[The committee adjourned at 2:16 p.m.]









