



Legislative Assembly of Alberta

The 30th Legislature  
Second Session

Standing Committee  
on  
Legislative Offices

Friday, December 4, 2020  
9 a.m.

Transcript No. 30-2-3

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

**Standing Committee on Legislative Offices**

Schow, Joseph R., Cardston-Siksika (UCP), Chair  
Sigurdson, R.J., Highwood (UCP) (UCP), Deputy Chair

Ceci, Joe, Calgary-Buffalo (NDP)  
Dach, Lorne, Edmonton-McClung (NDP)\*  
Lovely, Jacqueline, Camrose (UCP)  
Loyola, Rod, Edmonton-Ellerslie (NDP)  
Nixon, Jeremy P., Calgary-Klein (UCP)  
Rutherford, Brad, Leduc-Beaumont (UCP)  
Shepherd, David, Edmonton-City Centre (NDP)  
Sweet, Heather, Edmonton-Manning (NDP)  
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UCP)  
Walker, Jordan, Sherwood Park (UCP)

\* substitution for Rod Loyola

**Also in Attendance**

Stephan, Jason, Red Deer-South (UCP)

**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**

Brad Ireland	Assistant Auditor General
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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 Participant**

Steve Kaye	Director, Compliance and Enforcement
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**Office of the Ombudsman/Office of the Public Interest Commissioner Participants**

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

### Support Staff

Shannon Dean, QC  
Stephanie LeBlanc  
Teri Cherkewich  
Trafton Koenig  
Philip Massolin  
Sarah Amato  
Nancy Robert  
Jody Rempel  
Aaron Roth  
Rhonda Sorensen  
Jeanette Dotimas  
Tracey Sales  
Janet Schwegel  
Amanda LeBlanc

Clerk  
Clerk Assistant and Senior Parliamentary Counsel  
Law Clerk  
Senior Parliamentary Counsel  
Clerk of Committees and Research Services  
Research Officer  
Research Officer  
Committee Clerk  
Committee Clerk  
Manager of Corporate Communications  
Communications Consultant  
Communications Consultant  
Director of Parliamentary Programs  
Deputy Editor of *Alberta Hansard*



9 a.m.

Friday, December 4, 2020

[Mr. Schow in the chair]

**The Chair:** All right. Good morning, everyone. I would like to call this meeting of the Standing Committee on Legislative Offices to order and welcome everyone in attendance.

My name is Joseph Schow, MLA for Cardston-Siksika and chair of this committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining us remotely. We'll begin to my right.

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

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

**Dr. Massolin:** Good morning. Philip Massolin, clerk of committees and research services.

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

**The Chair:** Excellent. Thank you.

I will now call on members on the phone, beginning with Mr. van Dijken.

**Mr. van Dijken:** Glenn van Dijken, MLA, Athabasca-Barrhead-Westlock.

**The Chair:** Thank you.

Mr. Nixon.

**Mr. Jeremy Nixon:** Yeah. Jeremy Nixon.

**The Chair:** Excellent. If you could state your name and the constituency you represent.

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

**The Chair:** Excellent. Thank you.

**Mr. Walker:** Good morning. Jordan Walker, Sherwood Park.

**The Chair:** Thank you.

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

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

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

**The Chair:** Thank you.

Mr. Shepherd. Mr. Shepherd, are you on the phone? You might be having some troubles with your microphone. We'll go to Mr. Ceci.

**Member Ceci:** Hi. Joe Ceci, Calgary-Buffalo.

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

I don't see Mr. Dach on the phone at the moment, but we do have one substitution today, which is Mr. Dach subbing for Mr. Loyola.

A few housekeeping items to address before we turn to the business at hand. Pursuant to the November 16, 2020, memo from the hon. Speaker Cooper I would remind everyone of the updated committee room protocols, which require that outside the individuals with an exemption, those attending a committee meeting in person must wear a mask at all times unless they are speaking. Based on the recommendations from the chief medical officer of health

regarding physical distancing, attendees at today's meeting are reminded to leave the appropriate distance between themselves and other committee participants.

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.

I also note that someone is on the phone. We're not sure who it is. Mr. Dach, are you on the phone?

**Mr. Dach:** Yes, I'm on the phone.

**The Chair:** Oh. Excellent, Mr. Dach. If you could introduce yourself, please.

**Mr. Dach:** Yeah. Lorne Dach, MLA for Edmonton-McClung.

**The Chair:** Excellent. I guess that while we're at it, I did hear Mr. Shepherd earlier. Mr. Shepherd, are you there, or are you having some microphone problems? All right. If you're having some issues, I'll have you e-mail Ms Rempel.

Moving on to item 2 of the agenda, a draft agenda was distributed for consideration and for comments. Does anyone have any issues to raise or changes to propose?

Hearing none, can I get a member to move a motion to approve today's meeting agenda?

**Ms Lovely:** So moved.

**The Chair:** I see that Ms Lovely has moved that the December 4, 2020, meeting agenda for the Standing Committee on Legislative Offices be approved as circulated. All those in favour, please say aye. Any opposed, please say no. That motion is carried.

**Ms Rempel:** Mr. Chair, I think Mr. Stephan has joined us.

**The Chair:** Okay. Also, I understand Mr. Stephan has joined us. Mr. Stephan, would you please introduce yourself?

**Mr. Stephan:** Hi. MLA Jason Stephan from Red Deer-South joining. Thank you.

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

Okay. I'll go on to adoption of meeting minutes. Are there any errors or omissions to note?

Hearing none, would a member move to adopt the minutes as distributed? I see Mr. Rutherford has moved that the minutes for the October 23, 2020, meeting of the Standing Committee on Legislative Offices be approved as distributed. All those in favour, please say aye. Any opposed, please say no. That motion is carried.

All right. We'll go to item 4, officers of the Legislature 2021-2022 budget estimates, for presentations by legislative officers. As we prepare to hear from each officer of the Legislature, I will note for the record that through Government Motion 51, which passed on Wednesday, the Assembly has referred the 2019-2020 report of the office of the Child and Youth Advocate to this committee. As such, we will be undertaking an in-depth review of this report in the near future.

However, today the standing committee will be reviewing the annual reports, business plans, and the 2021-2022 budget submissions of the officers of the Legislature, and once we've completed the review process, the committee will make its decisions on each of the budget submissions. There will be time for questions from committee members following each officer's presentation. Please ensure you have all the information you need to vote on the budget estimates for each of the offices at the end of the meeting.

All the presentations scheduled for today will occur by video conference to help ensure everyone's health and safety. Officers who have prepared slides to go along with their presentations have sent us copies in advance, so you may follow the presentations on your own computer if you wish. Those of you who are participating by video conference may notice some users joining the conference from time to time without introducing themselves. These may be the officers and their colleagues, who will participate at the appropriate time. We do have staff monitoring the conference call at all times.

We have a busy day ahead of us, so let's go ahead and use our time as effectively as possible.

The first presenter today is from the office of the Auditor General. I'd like to call upon Mr. Doug Wylie to begin his presentation. If you could keep your presentation to 20 minutes, please, then we'll have time for questions from the committee members. Mr. Wylie, are you there?

**Mr. Wylie:** I am, Chair.

**The Chair:** Excellent. When you begin your presentation, we will begin the clock.

### Office of the Auditor General

**Mr. Wylie:** Okay. Well, thank you, Chair and committee members. It's great to be with you, albeit virtually. Joining me today for our budget presentation, sitting at the table, if you will, is Loulou Eng, our senior financial officer. Sitting in the gallery we have Brad Ireland, one of our AAGs – and he has key responsibility for our financial statement line of business – as well as Eric Leonty, another Assistant Auditor General, who has overall responsibility for the performance audit line of business. As well, we have Val Mellesmoen, who is the lead for our stakeholder engagement groups. Where I fail to answer the questions, I am very confident that any one of these individuals will be able to provide you with the information you need.

The role of our office is well entrenched in the history of democratic governments around the world. In Canada there are 11 Auditors General, including the federal Auditor General, and we all have somewhat similar mandates. Under our legislation here in Alberta our office is the independent auditor of every provincial ministry, department, regulated fund, and provincial agency. Now, our independence is critical to the work that we do. Our independence from those that we audit ensures our work is objective. It's in that context, Chair and committee members, that we are here before you today, representing an all-party committee of the Legislative Assembly, to discuss our business plan and our budget.

I'll spend a few minutes discussing our past results, then turn to our business plan and budget. In advance of this meeting we provided members with a copy of the results report for our office for the year ended March 31, 2020. As well, you should have received a business plan for fiscal '22, including a budget for fiscal '22. Throughout this brief presentation I'll be making a couple of references to those documents.

The results report summarizes the audit and operational results of our office. It also includes our audited financial statements, reporting on the investments made by Albertans in our office. In fiscal 2020 we issued 107 independent auditors' reports on financial statements of government entities, nine reports on specified financial information primarily relating to municipal returns, six new performance audits, seven follow-up audit reports, two annual report cards on Alberta's postsecondary institutions, and a report examining the relationship between the Alberta Energy Regulator

and the International Centre of Regulatory Excellence, also known as ICORE. Our financial statement audit work by far makes up the largest portion of our budget. Approximately 66 per cent of our budget goes to financial statement audit work.

**9:10**

Just as a sideline, that varies substantially from other jurisdictions with respect to the mix of their book of work, if you will, and the scope of their mandate. Some spend almost the inverse of that, spending a significant more time doing performance audits and less doing financial statement audits, and that goes to the variations, quite frankly, of budgets between the legislative auditors within Canada. We can talk about that more later if you wish. In Alberta we audit the majority if not – basically, you can say that we audit all of the public entities in Alberta whereas other Leg. offices do not.

These financial statement audits provide Albertans with independent assurance that the information being presented to Albertans by government is being reported fairly and accurately, and we've established processes to ensure compliance with professional standards and indeed on our mandate. We operate in a highly regulated profession and a highly regulated industry, so our work is reviewed by CPA Alberta. They conduct practice reviews. We also are subjected to peer reviews by our counterparts across Canada as well, so Albertans can be assured our work meets the highest standards of the profession and at a reasonable cost to Albertans.

I'd like to turn briefly to our performance audit line of business. Now, this past year we saw an increase in the number of reports issued over the year. The AG Act in Alberta assigns our office the responsibility to conduct audits on accounting systems and management control systems, including those systems that are designed to ensure economy, efficiency, and effectiveness of government programs and indeed of those organizations that we audit. These performance audits are often referred to as value-for-money audits in other jurisdictions and in other countries. That book of work represents about 34 per cent of our budget.

As noted earlier, in fiscal 2020 we completed and brought forward the 60 performance audits, seven follow-up audits dealing with previous recommendations, and one additional examination, as I've mentioned, on the AER and ICORE. These reports are listed on pages 21 to 27 of our results report, that I referred to earlier.

In addition to the reports tabled in the past year, we also conducted planning and examinations on another group of performance audits. Essentially, committee, our work is not a nice, tight fit within a fiscal period. Our work spans fiscal periods, so there's always ongoing work occurring relating to our performance audits.

In fiscal 2020 through both of our lines of business we issued 27 new recommendations to government. For the meeting today we provided a document with a summary of all of our current and outstanding recommendations as of November 2020. We believe that that's an important reference and tracking tool. It supports the work of the Standing Committee on Public Accounts, and 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 recommendations. That document provides a summary of all of the outstanding recommendations and is categorized accordingly. We believe it's an important reference for not just the Public Accounts Committee members but all MLAs and indeed Albertans who wish to see how the government is tracking with respect to the implementation of recommendations from our office.

The key to our ability to provide value to the Assembly and to Albertans is the people who make up our office, and you'll notice

that when you look at our budget and see that our budget is predominantly comprising people, either through our own staff or staff of our agents or temporary services that we contract. Our people resources represent the largest portion of our operations. In fiscal 2020 that was \$19.5 million. Our people bring their dedication and passion as the public service to Albertans every day. You know, I know this for a fact, that many of our people could find more lucrative employment elsewhere, but they have chosen to serve Albertans as legislative auditors, and they have a passion for the work of the office and indeed serving Albertans and trying to make their contributions to make processes better that ultimately serve Albertans.

It is and continues to be a challenge for our office, however, to obtain and retain professional accountants in a highly competitive environment, with the expertise that we require. You'll note that in our business plan, it's one of the key risks that we identify. It's something that we are continually working on addressing.

I'd like to acknowledge and indeed thank the whole, entire team that makes up the office of the Auditor General. As I said, I'm privileged to have such a dedicated group of individuals who are committed to come to work every day and serve Albertans. Especially during this past year it's really been evident to me. The challenges with dealing with COVID: like every other organization, we face those same challenges. When the public state of emergency was called in March, we initiated our resiliency business plan. First, we wanted to ensure the health and safety of our staff and then ensure that we were to deliver on our mandate to Albertans. For your information as of March 17, 2020, the majority of our staff began working remotely, but we've continued to remain in contact with all of our auditees, working to ensure that their deadlines were met. I'm very pleased with how that worked. Over some adaptations essentially our operations and all aspects of our work were able to continue almost without interruption. Obviously, there were issues we had to address, but it worked very well.

I'd now like to shift my remarks from the past a little bit to the future and the year ahead. Our fiscal '22 business plan outlines a plan of work for both our financial statement and performance audit lines of business. Specifically, our audit plan at work for financial statement audit line of business includes our audit on the consolidated financial statements of the province, continued work related to COVID-19, and to the conversion of the one government enterprise resource planning system, ERP, which is a significant undertaking and will impact the operations of our office as well. I understand that that became effective this week. Our staff have been working closely with the government on that transition. It also includes an audit of over 100 of the government organizations that I'd mentioned earlier. In early 2021 we'll publish our planned program of work for the fiscal '22, which deals with the performance audits that we plan to complete over the coming year.

Related to our performance audit work, we're often asked: how do we select the topics of our performance audits? The performance audits we select are a result of extensive planning and reflect our assessment of significance in the level of risk and indeed relevancy to Albertans. As you can imagine, things are constantly changing, and we are constantly revising and retooling and reprioritizing the work that we do, and we continue to do that. In particular, this last year it's posed some issues with realigning work to address COVID and future work that we'll be doing there, but, as I say, we'll be making our book of work public in early 2021.

What we do is we essentially gather a great deal of information from our stakeholders, from our auditors who are out in the field, who are identifying issues to financial statement audits. We get information from MLAs, yourselves, and others, indeed Albertans, who are the recipients of program services. There's a fair bit of

work and analysis that's done to evaluate and prioritize our work. In the fiscal '22 year our priority will continue to be on audits, with a stronger emphasis on economy and efficiency. How we'll deliver on those audit priorities as well as how we'll measure our progress was identified and outlined on pages 10 and 16 of our business plan.

#### 9:20

In that section we list five specific outcomes in the three core priority areas. First, we'll "conduct high-quality audits to provide reliable, relevant, and timely information to Albertans." Second, we're going to increase our audit capacity and further increase government action on our audit findings and recommendations, predominantly in the performance audit line of business. Third, to "engage [with] MLAs, public servants, stakeholders and Albertans in our work" more going forward.

Now, our ability to achieve our fiscal '22 year is contingent on the budget request that we have before you, which is \$26.3 million. Like all provincial organizations, the current fiscal environment prompted us to continue to challenge ourselves to see how we could best leverage our resources and better serve the Legislative Assembly. Our '22 budget request represents a 2.5 per cent reduction to our total budget from '21.

This reduction is achievable by a number of factors. We're continually realigning some of the responsibilities within the organization and how we're conducting our audits. We've reduced operational costs for travel, hosting, supplies, and printing and equipment costs, and I can assure you that we've examined every line item within our budget, exploiting opportunities for improved efficiencies in our operations. Over the past two years we've achieved an overall 5.7 per cent budget reduction as we continue to seek efficiencies in how we're conducting our work, all the while without compromising the quality of our work.

Now, at this point – I'd mentioned salary earlier – you will probably be interested, so I'll just mention it right now. The salary budget that we have included in the business plan is a flat budget, so we are not proposing salary increases, nor are we proposing salary decreases for our staff. For your benefit all of our staff are opted-out employees, including those who are on our operational side, including non-management. What that means is essentially there's been no movement to our salary grid within the office here since April 1, 2015. That's six years that we maintained salary from six years ago. I thought that might be useful background information. The budget line item that we have in there does not reflect any increases, nor decreases. It reflects other operational changes that we've made to manage that line item as well as the other line items to ensure we're able to continue to do our mandate and all the while, as I said, looking for new ways of doing things to be more effective.

Chair and committee members, during the challenging economic environment we believe it is vital that MLAs and Albertans have independent assurance of the management of the public resources entrusted to government. Through our independent work our office plays a key role in that by doing a number of things. One is reporting on management's financial reporting processes and internal controls, which are extremely important; providing independent assurance on the accuracy and the quality of government's financial reporting and examining and reporting on key areas of risk to government – I spoke about that earlier – identifying what programs, processes, and controls are working well and where improvement may be needed; and providing decision-makers with the information to make decisions on government programs and resource allocation going forward.

So, Chair and committee members, I certainly want to thank you again for the opportunity to be with you this morning. Along with

my entire office, we look forward to continuing to work with you and your colleagues to serve Albertans better. We'd be pleased to take any questions that you may have.

**The Chair:** Thank you very much, Mr. Wylie. I appreciate your presentation.

We'll now go to questions from members. I do have a question. We'll begin, I guess, with government questions that caught my attention first and then, basically, just go back and forth unless members in the opposition object to that.

**Member Ceci:** No.

**The Chair:** Okay. We'll begin first with Mr. Jason Stephan for a question and a brief follow-up.

**Mr. Stephan:** Thanks. Can everyone hear me?

**The Chair:** Yes, we can.

**Mr. Stephan:** Great. Thanks for coming, Mr. Wylie. I just have a question about the annual report on the Auditor General. The financial statement auditing cost for taxpayers in the most recent report was \$17.4 million for 116 audit reports, or \$150,000 per report. In the year before that the costs were \$18.7 million for 157 audit reports, or \$119,000 per report in the prior year. Why has the cost of an audit report for taxpayers gone up by over 30 per cent from the 2019 to the 2020 year-end? Why has it gone up over 30 per cent?

**Mr. Wylie:** Thank you for the question. The cost per audit has not gone up 30 per cent. What this reflects – and I'm assuming you're referring to page 36 – is an allocation of the resources of our office to the two lines of business. The cost per audit is not a simple average of taking the total and then dividing it by the number of audits. There are certain audits that cost substantially more. For example, we audit Alberta Treasury Branches, which is a bank, a complex organization. The cost of that and the cost of the Alberta Health Services audit, for example, which is, I believe, the fifth-largest organization in Canada – and it certainly is a complex organization – are substantially higher.

In fact, the costs of the individual audits: there's been, you know, a minimal change. That analysis that you've done, I would suggest, by taking the total and dividing it by the total number of audits, does not reflect a cost increase of individual audit.

**The Chair:** A brief follow-up, Mr. Stephan?

**Mr. Stephan:** Sure. I understand that we have 116 audit reports. And you're right; I think you did Alberta Treasury Branches and AHS in both years that you referenced. But how does \$150,000 per audit report – how would that compare to a private-sector performance on doing that kind of audit?

**Mr. Wylie:** Thank you for the question. Again, we benchmark with both private-sector firms as well as our peers across Canada, and we do that on a project-by-project basis as well as on an hourly cost basis. All of our costs, fully loaded cost, to running the operations, including support services, are fully loaded into a rate. We call it a charge-out rate. That rate we compare to our private-sector peers, and indeed we have really good information on the cost to private-sector auditors because we use them as our agents, so we have really good insight on what they're charging. Again, we benchmark against our peers.

I can tell you that on a fully loaded hourly cost to do an audit at our office, we are 18 per cent below the cost of a private-sector firm.

Again, recognize that we don't have a profit element within our office, so it would make sense that our cost is less. Right now that's the latest number that I have, that on a fully loaded hourly cost we're running 18 per cent on average to the private-sector costs in Alberta.

When you compare our cost to other jurisdictions – again, we do that – there is, I would suggest, less information on a project basis because of the level of some of the information that other legislative offices capture, but on a macroperspective I can tell you that we are very competitive.

For example, we audit, as I indicated, about 107 audits currently, with the removal of the ministry and the departmental. The Ontario audit office audits approximately 40 audits in total. Again, 107 audits that we do here in Alberta. B.C., I believe, audits approximately 20. Although there are more public-sector organizations in each one of those jurisdictions, the amount that is actually audited by the Auditors General offices is substantially less than Alberta.

Again, benchmarking with our peers, we are definitely competitive, and that extends as well to salaries. We benchmark our pay against the other jurisdictions, and I can tell you that we are competitive and, quite frankly, under compared to our peers, particularly Ontario and B.C. That seems to be a popular reference point. Certainly, we're comparable in each classification or indeed under in some classifications compared to those peers and others. I'll stop there.

**9:30**

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

I'll now to go questions from the opposition caucus.

**Member Ceci:** Can I jump in, Mr. Chair? It's Joe Ceci, MLA for Calgary-Buffalo.

**The Chair:** Yes, Mr. Ceci, go ahead.

I should just note that we do have 25 minutes for questions and answers for each presenter – I didn't outline that prior – just for everyone's edification.

Go ahead, Mr. Ceci.

**Member Ceci:** Thanks very much. Thank you very much for the presentation, Mr. Wylie. I appreciate it. I note from your presentation that this is the second year in a row that we're seeing reductions in your office, 2.5 and, I think, in previous years 3.3 per cent. That's great, great work. I know you're looking for efficiencies and improving on the work you do even in light of all that.

I guess I just want to follow up with regard to your concerns about risk, particularly around your staff, and the point you were just making about being comparable or under in terms of comparisons with other leader provinces in pay. Being able to attract and retain quality audit professionals is a challenge. I think you identify going forward that 10 to 20 per cent is what you think will probably turn over, and also I think you were in the 13 per cent in terms of your results. By holding and even reducing your budget and knowing that you've got a flat pay scale since April 1, 2015, six years of no increases, what are you doing, in addition to making sure you've got great, motivated staff to do their work, to keep them with you going forward?

**Mr. Wylie:** Well, that's a good question. We have tried various things, but, you know, salary is an important factor for young, aspiring individuals, newly designated accountants who are looking at a career. We have tried to really focus our efforts on, when we're looking at recruiting, those who are really interested in the public sector, those who are interested in making a difference and making a positive change in the public sector, and really focus our efforts

on attracting those. So it's not just a matter of getting people in the office, but it really is trying to identify up front those individuals that are really a good fit and a fit from not only a cultural perspective of the office but from the perspective of wanting to make a difference and truly believe in the work of the office rather than it being necessarily all about the dollars and advancing one's career. It takes more time to recruit.

You know, as I said in my introductory comments, we've just got excellent staff here, and I'm so proud of their commitment to the work. We try and do that in the recruiting phase, and we just try and recognize effort within the office. We can't do that through monetary means that individuals would get in the private sector, but we're trying to make this a good, healthy work environment, a positive work environment where people are recognized for their contributions, Mr. Ceci.

**Member Ceci:** That's great. That's great.

**The Chair:** And a follow-up?

**Member Ceci:** Sorry, Chair. Did you say "a follow-up question"?

**The Chair:** Yeah; a question to follow up for each member if you have one.

**Member Ceci:** Okay. Yeah, I do. Thank you.

Just on the enterprise resource planning across the system, I know it's a huge challenge. What comparables – I remember it started up in force when I was Finance minister and funding for this to government. I've forgotten, though, how many other provinces use similar kinds of systems in place. Are you learning from those in terms of auditing those systems?

**Mr. Wylie:** I don't have the number, Member. I know that the staff involved are definitely engaged with those who have experience, prior experience. You know, the head of the IT is certainly engaged.

Brad Ireland is on the call. Maybe, Brad, can you supplement? I know that Chris M.V. is doing significant work in this area and informing what we're doing, but I'm not too sure of the number of jurisdictions. Brad, do you have any insight for the member?

**Mr. Ireland:** Thanks, Doug. I would say that we've been in discussions with not necessarily some of the audit offices in Canada but some of the other audit offices internationally where they've moved to an SAP system – that's the type of system that the government is using – and looking for opportunities to learn from them and identify some of the audit tools and particularly some of the data analysis and data analytics tools that they're using that we might benefit from here in Alberta.

**Member Ceci:** That's great. All right. I'll be interested in further reporting on all this as we go forward. It's very progressive. It's going to help us become even more efficient across the government. Thank you for that, and I'll look forward to more information in the future.

**The Chair:** Thank you, Mr. Ceci.

We'll now go to Mr. Rutherford.

**Mr. Rutherford:** Thank you, Mr. Chair. Mr. Wylie, just a quick question around any reduction in hours, if there are any, as a result of the discontinuance of departmental audits: if so, how many hours would that be?

**Mr. Wylie:** The precise hours I don't have. I'll see if Brad has that, but what we have done is the – well, it's taken a little while for the

transition, so I should say that the ministry and the departmental financial statement audits are no longer required. Separate financial statement audits are no longer required.

But in Alberta we have a model where the deputy heads of the departments are responsible for the financial reporting within each one of those departments, and then they assert through to Treasury Board and Finance relating to the transactions within each one of those departments. Essentially, a good chunk of our audit work remains. There have been substantial savings on, for example, auditing the notes to the financial statements and note disclosure, but as far as the audit numbers coming from the department, that still is flowing through the department. The departments still do the consolidation at that level, and then they assert up through to Treasury Board and Finance. You might expect on the surface that there would be, you know, huge, substantive savings. There have been savings, but I just want to caution that, again, a lot of the testing carries on in a similar format, the way it did before.

Let me give you a practical example. Take the Department of Health. We no longer audit the ministry and Department of Health financial statements, yet Alberta Health Services, which is the largest portion there, we continue to audit. The consolidation actually happens at the ministry level, and then the consolidated numbers are rolled up into Treasury Board and Finance, which the ministry asserts through to the numbers. We continue to do the audit, if you will, auditing the numbers at the ministry level going forward.

Again, back to your specific question, let me circle back on that. The exact number of hours: I don't have that specific number.

Brad, do you have that number with you today?

**Mr. Ireland:** Yes. I have it here right in front of me. From 2018, which we sort of used as a reference point going into this and in comparing to what our plan is for this year, we've reduced about 15,000 audit hours in looking at ministry/department financial statements versus looking at just the consolidated audit right now and how we're doing that.

**Mr. Rutherford:** I think, Mr. Wylie, that you had mentioned that there were some savings. I can't quite recall the language you put around the size of the savings. Do you know what they are from the departmental audits, and if so, where have they been reallocated to?

9:40

**Mr. Wylie:** We have been reallocating any savings through to our performance audit line of work. However, I've got to tell you that this last year with COVID really kind of sent that off. The amount of our performance audit work was – we pulled back on a few audits at auditees' request, and we agreed, and we understood that. That actually worked out to a certain extent in our favour when you look at our results because you see our temporary services numbers went down substantially. What that allowed us to do was to use our internal staff to deal with the March year-end crunch and require less contracting of private services. Does that answer your question? Sorry.

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

I guess we'll move on, Mr. Chair.

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

We go now to Mr. Shepherd. We do have about 10 minutes left, so we do want to get through a couple more questions if possible, so keep our answers and our questions, I guess, relatively concise.

**Mr. Shepherd:** Thank you, Chair. Good morning, Mr. Wylie. It's a pleasure to see you again, virtually though it be. You mentioned

earlier that you are quite competitive compared to your private-sector counterparts and, in fact, that due to not needing to pursue a profit, you indeed are able to deliver at a lower cost. Now, that's certainly been an object of some discussion across a number of services from the government. In your work, I guess, auditing other departments, have you found that this is a common trend across the public service? If not, what sets your office apart?

**Mr. Wylie:** Well, I don't think we've done that specific analysis, so I'd be hesitant to speculate, Member.

I guess what sets my office apart is that I'm prepared to talk about the analysis that we have done ourselves when analyzing how we conduct our audits, how best to staff those. All the while we are considering many factors. For example, Member, it is often more cost-effective to use a private-sector firm in certain circumstances, and that would be where the location of the auditee is in rural Alberta, where there would be a lot of travel associated with that audit. Indeed, the travel costs in certain circumstances might be higher than the savings that I was referring to earlier from that private-sector differential. We're using that to make decisions all the time in how we're conducting our work as well as different staffing models, et cetera.

But it's just one of the factors that we consider when we're looking at how we're going to do our audits and what's the best way to do them, also considering the specialized skill sets. We've made some decisions there, where sometimes it is more cost-effective to work with a private-sector firm where they are able to combine two elements, one, the audit side as well as, let's say, an actuarial service delivery model. We can combine that and get that at a far more efficient cost. But these are decisions that are made on an audit-by-audit basis, and we do that, Member.

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

**Mr. Shepherd:** Thank you, Mr. Chair. Thank you, Mr. Wylie. Following on that, then, sort of in terms of those savings, I guess, those calls you're making and the staff that you have in the office to do that, you mentioned earlier that there were some challenges around continuing, in retention, to be able to deliver those cost savings. I know that your predecessor, Mr. Saher, had invested quite a bit of time in making the AG's office a more competitive place for hiring and that sort of thing. Have you found that there has been an increasing challenge with that since that time? I know he did a lot of work to set that up, but it sounds like perhaps there may be some further difficulty that's involved.

**Mr. Wylie:** I can tell you that all legislative audit offices in Canada are facing the same challenge. I meet frequently with my counterparts, and a common and recurring discussion that we have is getting the right resourcing to deliver on our mandate. It's something that we're constantly talking about. We even discuss options to look at seconding staff between jurisdictions and whatnot. I mean, we're open to anything, quite frankly, but again it's a common challenge that we're all facing, Member.

**Mr. Shepherd:** Thank you.

**The Chair:** Excellent. Thank you.

We'll now go to Mr. Stephan for a question and a follow-up.

**Mr. Stephan:** Thanks. How much time do I have, Mr. Chair?

**The Chair:** About five minutes.

**Mr. Stephan:** Okay. I note that as an objective measure of value the office of the Auditor General performance audits do not specify

the monetary savings to taxpayers resulting from the recommendations of the work. Can you comment on why that is the case?

**Mr. Wylie:** Thank you, Member. Simply, it's very difficult to do. You will find very few jurisdictions either within Canada – and I don't think anybody is doing it within Canada now – or even internationally that do it. I know that there are some internationally that try. It's a challenge, quite frankly, because the nature of our work and the determination and attribution of value depends on the various stakeholders that you might be dealing with. But I just want to assure this committee and Albertans that the work that we do, although we might not monetize savings, certainly results in value to Albertans.

Let me just give you a simple example. We've made some recommendations to improve the board appointment process within Alberta. Now, can I quantify a specific savings on that? No. I think it would be dangerous to do so, but certainly I think evidence would demonstrate that if you have the best at the governance table, who are leading the strategic direction of the organization, that would manifest itself throughout the organization to ensure that that organization is operated efficiently and effectively and that it has sound governance processes to demand that from management and ensure that there's the accountability going forward. There's a value proposition that we can't quantify, but I'm sure the evidence would demonstrate – and, in fact, all kinds of principles and governance practices are premised on that: getting the right leadership in, competency matrices, et cetera, et cetera. Certainly, things are not quantified always, but clearly there's some value.

You know, there are a couple of audits, I guess, that come close . . .

**Mr. Stephan:** Sorry.

**Mr. Wylie:** Yes.

**Mr. Stephan:** I just want to make sure I have enough time. I'd like to ask my supplemental. Concurrent with the office of the Auditor General performance audits, which increased in cost to \$8.9 million, I note that EY released an AHS performance review in a 220-page report containing 57 recommendations and 72 savings opportunities for taxpayers of up to \$1.9 billion. How would you compare the value for Albertans on the Auditor General performance audit results versus the results produced by the private-sector performance reviews such as the EY reports?

**Mr. Wylie:** I would draw back to our mandate. You know, if our mandate was changed and wanted to remove many of the aspects and tenets of an Auditor General's role and just focus on efficiency, there are all kinds of things, you know, that people could do differently. I mean, back in days gone past we used to do that type of work. I believe you're an accountant. Private-sector firms would do that on a contingency basis. They would go in and do work to say: if we save you money, you will pay us. That's not the fundamental root of our mandate, though. There is a big difference.

Government hires people to do specific work, and the government sets the direction of that work. We're mandated by the Legislative Assembly to serve all Albertans, and our mandate extends beyond efficiency. It includes economy and effectiveness. A big part of what we see the public demanding right now is accountability, which stems from the effectiveness component. How are government and those government organizations reporting on what they've delivered themselves? That's a big part of our work and a big part of our mandate.

9:50

The difference, I would suggest, is that it's two different playing fields, if you will, two different scopes or areas of responsibility. If we focused entirely on efficiency, then, quite frankly, we would be missing on the effectiveness and the economy side, which are, again, big areas of our mandate. Our mandate extends broader. We certainly try and do a breadth of work, but we are looking for efficiencies as well as how the acquisition of resources is acquired. Are they acquired economically through, for example, work we've done in the past on P3s? That deals with the economic acquisition of resources. Again, it's . . .

**The Chair:** Mr. Wylie, if you could just finish that thought. Our time has run out. So just finish the thought, of course, if you could briefly, but our time has run out.

**Mr. Wylie:** I would just summarize by saying that it's a different scope.

**The Chair:** Okay. Thank you very much, Mr. Wylie, to you and your staff, for your presentation this morning and for responding to the committee's questions for information. We anticipate the decisions of the office's budget will be sent out to you in writing earlier next week.

We will now go on to the next presenter, which is the office of the Information and Privacy Commissioner. I do believe we have Ms Jill Clayton, the Information and Privacy Commissioner, on the phone. Is that correct? Okay.

Ms Clayton, are you there? Can you hear me? Ms Clayton, can you hear me? We do see that you are connected to the conference. We just can't hear you. Maybe unmute your microphone. Okay. It seems like we might be having some technical difficulties. Still can't hear you, Ms Clayton.

We just can't hear Ms Clayton, so we'll just take a very brief recess. I don't want to put a time limit on it, so everyone just stay close. We're going to try and sort this out, and we'll come back as soon as we can.

[The committee adjourned from 9:52 a.m. to 9:53 a.m.]

**The Chair:** I do have Ms Jill Clayton, the Information and Privacy Commissioner, here. I can see you, and I can hear you. This is excellent. I suspect your staff are here in the meeting this morning as well. As with our previous presenter we'll set aside 20 minutes for your presentation. After this, I'll open the floor up to questions from the committee members for 25 minutes, for question and answer with a brief follow-up. Now, Ms Clayton, whenever you are ready, please begin by introducing yourself and your staff.

#### **Office of the Information and Privacy Commissioner**

**Ms Clayton:** Okay. Well, thank you very much. My name is Jill Clayton. I'm the Information and Privacy Commissioner of Alberta. I'm joined today by Assistant Commissioner Kim Kreutzer Work. Thank you, Chair, and hello to all the committee members. It's a pleasure to be here with you today, and I'm glad the technology is working.

With a few new members at the table this year, I thought I would start this morning by providing a very brief overview of what my role is and what my office does before moving into a review of the previous fiscal year, our business plan, and our budget estimate.

The Legislative Assembly established my position as Information and Privacy Commissioner to oversee and enforce Alberta's freedom of information and protection of privacy laws. This year marked 25 years of the Freedom of Information and Protection of

Privacy Act, or FOIP, which most people are familiar with, which first came into force on October 1, 1995. The other two laws that I oversee are the Health Information Act and the Personal Information Protection Act, which came into force in 2001 and 2004 respectively. Each of these laws provides rules for how public bodies, health custodians, and private-sector organizations collect, use, disclose, and protect personal and health information.

Individuals also have a right to access their own personal and health information under all three laws, and FOIP, of course, provides applicants with a general right of access to information held by public bodies subject only to limited and specific exceptions. When Albertans disagree with decisions that are made by public bodies, health custodians, or private-sector organizations, they can seek recourse through my office. For example, if someone disagrees with a decision made by a government department to withhold access to information they've requested, they can ask us to review that decision, or if someone believes their personal or health information was collected, used, or disclosed improperly, they can submit a privacy complaint to us.

Mediating and investigating requests for review, as we call them, and complaints that Albertans bring before us make up a significant component of my office's work. When the matter is not resolved, though, through these informal processes, it may go to an inquiry. An inquiry is a quasi-judicial process in which adjudicators in my office decide matters of fact and law and issue binding orders at the conclusion of the inquiry, and orders are subject only to judicial review by a court. All of these above case types also work their way, first, into our office through our intake team, and then we have an adjudication support unit that administers the inquiry processes.

My legislative mandate also includes reviewing privacy impact assessments and breach reports, which together now represent the bulk of my office's caseload. We also have responsibilities for reviewing proposed legislation or programs that have access and privacy implications. We give advice and recommendations, and we also have a mandate to inform the public about these laws. To support these operational functions of the office, we also have staff that are focused on administrative functions through knowledge management and legal services staff who oversee IT needs, finance, and human resources.

Similar to every other organization, the COVID-19 pandemic has forced us to reflect on the work that we do and how we do it and where we can improve, and I think that we've tried to reflect this in our updated business plan. The exponential growth of digital workplaces, e-commerce, virtual health care, and online learning has really amplified privacy and security challenges. In addition, life-and-death decisions that are being made by governments at all levels have increased the public's awareness of their right to know why decisions are made that affect their lives. The spotlight the pandemic has shone on access and privacy rights has also coincided with an already shifting global access and privacy landscape, which further highlights the need to update and modernize access and privacy laws across Canada in order to reflect 21st-century realities.

The spotlight has also been on how we do our work. We've had to adjust to the new normal of working from home and have moved more rapidly towards digital solutions within our own office, and we continue to make improvements in that regard, keeping privacy and security top of mind.

The pandemic and the various access and privacy issues, like disclosing an employee's diagnosis or creating and keeping customer lists, also highlighted the importance of our regulatory and education mandates for Albertans. We saw visits to our website increase by up to 40 per cent early on in the pandemic, and we issued several resources to respond to common concerns or

questions. Despite the rapid changes that we've seen throughout 2020, we remain committed to our legislated mandate and the mountain of work that is currently in front of us.

I'll now provide a review of last year, 2019-20, which seems a long time ago now. We did see record-breaking case numbers last year. We opened 3,658 files in 2019-20, or 12 per cent more compared to the previous year. In 2012-2013, which was my first full year as commissioner, we opened 1,400 files. To go from 1,400 to 3,600, we've clearly come a long way. We've also closed more cases than ever before last year, with 2,968 closed files, which is a 23 per cent year-over-year increase and 133 per cent increase since my first full year as commissioner. Put another way, we have more than doubled our output over seven years with about the same complement of staff, and I really can't thank my colleagues in the office enough for their commitment and dedication to the work that we do.

**10:00**

An interesting shift that has occurred during my time as commissioner is highlighted in my commissioner's message, and it has to do with the type of files that we are seeing. Proportionately about 75 per cent of the files that we opened last year related to privacy impact assessments or reported breaches, and back in 2012-2013 these two case types represented about 43 per cent of our open files. There are a number of factors that are contributing to this shift. The most obvious example is mandatory breach reporting provisions under the Health Information Act, which came into force on August 31, 2018. The other main drivers are the increased use of information systems, which contribute to more privacy impact assessments in the office, and the constant challenges and threats faced in securing various types of information systems, which we see reflected in an increasing number of privacy breaches.

We also continue to see well over 200 requests for time extensions from public bodies, time extensions for responding to requests for access. This is primarily provincial government departments, and we've seen anecdotally further delays in the system accumulate as a result of the pandemic. Based on our experience, these sorts of delays in the system can lead to a breakdown in trust, which results in more files before our office where we're increasingly asked to review responses.

Thankfully, last year, when I was before this committee, I had asked to fill five FTE vacancies that had accumulated. I very much appreciate that the committee recognized the struggles we had been experiencing in performing our legislated mandate in a timely manner and appreciate that the budget request was approved. We hired staff to fill those vacancies earlier this year, and I'm quite thrilled to be able to say that that is really starting to pay off in terms of case closures. For example, in 2019-20 we had closed just about a thousand PIAs in total. In this current fiscal year, during the first eight months, we closed 959, and we're on pace to close nearly 1,300 in 2020-21, this year. Combined with all other cases, we appear to be on pace to close well over 3,000 cases for the first time ever this year despite the influence the pandemic has had on workflow and operations.

Nonetheless, although we have worked to increase our case closures, we are still behind. We have a bit of a backlog. Our overall case closures are below the volume that is coming through the door. We're still seeing increases in new cases. To illustrate this point, we are about two to six months behind in getting opened cases into our system and assigned to investigators to work on them. In my view, this is still unacceptable, but we are making progress. I recognize, however, that we have to balance my office's needs and the need to fulfill the legislated mandate with the province's current

fiscal realities, and that leads me to the budget portion of my presentation this morning.

First, with respect to our statement of operations from last year in 2019-20 we returned \$742,492, or 9.8 per cent, of the total approved budget. As I explained last year, when the provincial budget for 2019-20 was delayed to the fall of 2019, I was notified that my office's funding was being held to the 2018-2019 third-quarter budget forecast and not the amount that this committee had approved, so that led to us returning nearly 10 per cent of the approved budget last year. Overall, payroll-related costs, legal fees, and technology services were under budget. For the current year, fortunately, the committee restored the funding shortfall, and as I mentioned, we hired more staff earlier this year, and the numbers suggest we will have a record-breaking year for case closures despite the pandemic.

This leads me to my budget request for 2021-22. I have to say that I do fully appreciate the economic challenges that are facing the province. Even before the pandemic when I was before this committee, I acknowledged the need to balance my office's needs with fiscal pressures. For example, last year I had requested a budget that was a 4.2 per cent decrease for this current year, 2020-21. We arrived at that estimate by, among other things, reducing external legal costs, had made some changes to our office structure, and through reviewing and reclassifying positions. These savings occurred while also ensuring that we could hire staff to fill vacancies to tackle our increasing caseloads.

This year I'm again submitting a budget estimate with a decrease of 3.6 per cent. This means that over the last two years we've been able to reduce the office's budget request by nearly 8 per cent. To underscore this point, this is the lowest budget request for supplies and services since 2009-2010, which is a period of more than 10 years, of course.

Due to COVID we are seeing additional savings related to travel and professional development. Our external legal fees have been reduced. We're seeing, I think, that the courts are somewhat backed up. Fewer matters are currently at judicial review. Our contracted services for investigations and, particularly, offence investigations have also been reduced. In some cases the Crown has advised us that pursuing breaches of health information in the courts at this time is not in the public interest.

We have also been able to hire new staff at less than the estimated budgeted amount, so we've seen an overall reduction in our previously estimated personnel costs. Since early 2015 we have continued to follow the direction of government and we have frozen our staff salaries. I am very proud that our budget as proposed commits more than 85 per cent towards staffing, which ensures that as much of our funding as possible is going directly to the people we need to carry out our legislated mandate. With this reduced budget request, we can maintain the total number of FTEs that we have. Hopefully, that's enough to keep our heads above water in addressing caseload pressures.

Again, it does take us about three to six months to get cases opened and assigned and often up to a year or more for our reviews to be completed. We have been chipping away at our backlogs, but that is definitely challenging when we increasingly see more cases coming through the doors than we're able to close. So while I recognize that these timelines are difficult and unacceptable to many and we certainly could use more staff to get rid of that backlog faster, I know that we're not operating in a vacuum, and we can't stick our heads in the sand and ignore the very real and pressing fiscal issues facing Alberta at this time. This is why we've tried to ensure a reduction in our budget over the past two years while maintaining service levels to perform our legislated mandate.

On that note, I will end my presentation, and I certainly look forward to any questions you may have. Thank you.

**The Chair:** Excellent. Thank you very much, Ms Clayton.

We now open the floor to members for a maximum of 25 minutes of question and answer. That is one question and a brief follow-up. We'll begin this time with members from the opposition caucus.

**Mr. Shepherd:** Well, good morning, Ms Clayton. Thank you so much for joining us and for a very clear presentation. I just wanted to start with priority 1 on your slide there for your strategic business plan for the next few years. "Priority 1: Modernizing regulatory mechanisms to support economic diversification and improve healthcare delivery and outcomes." I think we all agree that that's an incredibly important goal. We know that the government has taken some steps to move in what they think is an appropriate direction. They've introduced Bill 46. You've expressed some real concerns, I guess, with how Bill 46 moves forward on this, and I was very sorry to read of how you were excluded from the opportunity to engage with the minister before this legislation was brought forward. My question is: based on this being one of your top three priorities, how does Bill 46 impact your ability to pursue this while protecting the privacy information of Albertans?

**Ms Clayton:** Okay. Well, thank you very much for your question. I think that for those of you who have read my commissioner's message in the annual report – and I know that's everybody – when I was reflecting on what I was going to cover in that presentation, I was looking at what had been happening globally and certainly across Canada over the last couple of years. We are seeing an increased focus on protection of privacy legislation and access to information legislation.

We're seeing the GDPR two years ago out of the EU. Just in the last week or so we've seen Bill C-11 introduced at the federal level to update the federal Personal Information Protection and Electronic Documents Act. There's a consultation in Ontario about bringing in new private-sector privacy legislation. We are seeing some real reforms that are proposed coming out of Quebec. There are reviews ongoing in British Columbia. Reflecting on that, I recognized – and this is pre Bill 46 – that we hadn't seen any significant amendments to any of Alberta's laws in almost 10 years. The HIA had not been amended for about 10 years. We've seen a couple of reviews start and stop with respect to freedom of information and protection of privacy. There was one review of Alberta's private-sector law – I think it was the second review; it was concluded around 2017 – which really did not result in any substantive recommendations for change.

**10:10**

I think we are falling behind, and that is why you see that reflected in our business plan. I think it's really important that Alberta's access and privacy laws not only just recognize what's happening globally and across Canada but also what's happening with respect to technology and innovation and the need to be on top of that. We're seeing artificial intelligence and data analytics and the need to deidentify information and turn information into something that is useful, that we can build an economy on, a strong foundation for a strong, information-based economy, perhaps.

With respect to Bill 46 in particular, my comments are public. They're available on the website. I provided this little bit of an introduction because I want to be absolutely clear. I don't think that the legislation should stay exactly the same. I absolutely recognize that there are challenges with legislation that has not been updated in 10 years. There are very real issues. I know we've heard a lot in

the media around the border city of Lloydminster, and what about health care providers who are trying to provide services to patients and need to have access to Netcare? That's not an issue that is new.

What I am concerned with is proposed amendments to that legislation that are significant and substantial and the first significant changes in 10 years without robust discussion and certainly concerns about increasing access to health information that's stored in Netcare and the number of individuals who can access health information in Netcare and the increased number of purposes for using information in Netcare without seeing additional controls in place to protect that information.

I think what I would like to say is that I want to be clear. I'm not opposed in any way to modernizing the legislation. I think there is scope for improvement, absolutely, with all of Alberta's access and privacy laws, but I do think that there needs to be a real look at these sorts of changes. If we are modernizing, we should be looking at some of these technology issues – for example, again, deidentification, artificial intelligence, data analytics, those kinds of things as well as improved access – but we need to make sure that the appropriate safeguards and controls are in place to make sure that health information, the most sensitive of information, is protected.

**Mr. Shepherd:** Thank you, Mr. Chair, and thank you, Ms Clayton. A quick follow-up. I think you've been quite clear that you support a modernization but have expressed some concerns, indeed indicating that there are portions of this bill that, in your view, run quite counter to what we need to be doing, protecting more information, and running counter to the proactive action we're seeing in other jurisdictions.

That being the case, noting that your primary increases in your work have been around privacy impact assessments and around individuals reporting concerns with breaches, given that this legislation opens these things up quite a bit more and removes the government's requirement to do its own privacy impact assessments, do you anticipate you're going to see these areas of your work grow more as you have to deal with the outcomes and impacts of this legislation?

**Ms Clayton:** Well, I think that is certainly a possibility. Again, as we open up Netcare to more users and just more information systems, I would expect to see a commensurate increase in the number of privacy impact assessments that are coming into the office from those custodians who have access. Privacy impact assessments are one of the most useful things that I think our office does. It's one of the most proactive functions that we undertake, to review a privacy impact assessment before a system is implemented. We might not get our review done before the system is implemented because that's not what the law says. The law says that the PIA must be submitted to us before the system is implemented.

Ideally, we are reviewing these PIAs, we are engaging with the custodians, and we are making sure that a system is developed and implemented in a safe and secure manner. What that does is make sure that after the fact the system doesn't need to be changed if it's not compliant with the legislation. I think that it also results in a decrease in complaints from individuals. What we see in the health sector is far fewer complaints from individuals about misuses of their health information. To some extent I think that's because through the PIA process we make sure things are developed and implemented in a safe and secure way.

Absolutely, with more users of Netcare we are going to see the potential for more breaches, and that concerns me because, you know, we are finding it challenging to get through offence

investigations. We're finding that the Crown is not able to or is deciding not to pursue some of those investigations, and then ultimately if they're heard in court, it's the court that – we might lay the charges, but the court is the one that decides on a conviction and ultimately on fines. We know that the courts are also backlogged, so all of this is potentially a problem.

**Mr. Shepherd:** Thank you.

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

We'll now go to Mr. Walker on the phone.

**Mr. Walker:** Thank you, Mr. Chair, and thank you, Ms Clayton and your staff, for being here today for this important meeting of the Standing Committee on Legislative Offices. I deeply appreciate the work of all our legislative officers. Through our British-inherited institutions it's just an honour to be part of this important process, where we ask questions and review the budgets and related documents for each of the legislative offices.

Ms Clayton, in your introductory comments you touched on some of the points I wanted to question your office on, so I'm just seeking, if you could expand more on this point, some more meat on the bone, if you will. Specifically, in the opening letter to your office's budget estimates you mention that overall personnel costs are decreased by 2.2 per cent and that the reduction is due to filling new FTEs below budget estimates and planned staff changes for 2021-2022. Now, can your office provide further detail on these reductions and further changes? Just looking for a bit more detail to enhance our understanding.

Thank you.

**Ms Clayton:** Sure. Thank you very much for the question. Absolutely. When we submitted our budget estimate last year at this time for the current fiscal year, I had estimated what it would cost my office to fill the five vacant FTEs, and ultimately when we hired individuals, we were at slightly less than what we had estimated. Across those five positions there are some savings there. Also, because I know that some folks in the office have plans in the upcoming year, we're estimating a bit of a reduction there as well. That's where the difference is.

**Mr. Walker:** Thank you very much. For my follow-up it goes back to your introductory comments as well, Ms Clayton. I was struck by you noting your files increasing overall, and I would like to and for this committee to, through the chair, gain a greater understanding of your thoughts on why you think your file load has increased, if you can speak to that a bit more.

Thank you.

**Ms Clayton:** Sure. Absolutely. Well, I think that, again, the significant increases in files that we're opening each year are particularly with respect to self-reported breaches and with respect to privacy impact assessments. We've seen that the increase in privacy impact assessments has been quite steady over the last few years, and that has to do with a larger number of authorized custodians, for one thing. A custodian who's authorized to access Netcare has to submit a privacy impact assessment to my office in part to demonstrate that they have a privacy management program in place. New information systems will require privacy impact assessments submitted to my office. For example, with the start of the pandemic – this won't be reflected in last year's numbers, but just for example – a lot of health care providers started to turn towards virtual care applications for delivering health care services virtually as opposed to in person. That resulted in 150 privacy impact

assessments in our office within about two weeks. I think that so far, last time I checked a month or so ago, we were at about 250.

**10:20**

Again, those sorts of new technologies and the pandemic have driven that. When there's a new technology like that, where personal information or health information is collected, used, or disclosed in the health sector, then that's what we see, an increase in privacy impact assessments. We've seen that occurring over a couple of years due to, as I say, new technology and more authorized custodians, in particular Alberta Health Services and the implementation of connect care. Connect care: last November I think we saw 50 privacy impact assessments on November 1, when that was being rolled out. So that's on the privacy impact assessment side.

On the self-reported breach side we've seen a steady increase in the number of self-reported breaches in the private sector since mandatory breach reporting was introduced in 2010. That increased exponentially in the last couple of years in large part due to, again, just increased awareness. People are seeing breach-reporting regimes in other jurisdictions. Again, globally it's mandatory through the GDPR, anticipating, I think, that the federal office, federal PIPEDA would include mandatory breach reporting. That happened in November 2018, I believe. Again, just increased awareness. We receive more breach reports.

Then the really key thing is that the amendments to the Health Information Act came into force in August 2018. As a result of that, we went from 130 self-reported breaches in the health sector per year to about a thousand, and that will definitely continue. Now health custodians, when they experience a breach that meets the definition in the legislation, are required to report it to me and to the Health minister and to the individuals who are affected. As a result, we've just seen an explosion in the numbers of cases coming in.

**The Chair:** Excellent. Thank you.

We'll now go to the opposition caucus. We have 10 minutes remaining.

**Mr. Shepherd:** Ten minutes. Thank you, Mr. Chair. Coming back around, with Bill 46 we have seen some significant changes now with the government through the Minister of Health deeming themselves, I guess, the sole controller now of who does or does not have access to health information through Netcare. That, of course, would include folks outside the province of Alberta at this point. At the same time they are exempting themselves as well as the HQCA, AHS from the requirement to perform these privacy impact assessments. That being the case, I know that in some instances you have the power to go ahead yourself and do an investigation; for example, with the Telus Babylon app, where you determined there were issues despite the fact that they had filed the PIA but, as you noted, you had not yet had the chance to go through it.

I guess my question is: do you anticipate, then, that this could generate further work for your office and that you may need to initiate more independent investigations of steps that are taken by Alberta Health or access that they are giving since they are no longer automatically required to provide that PIA? How might that impact, I guess, the capacity for your work?

**Ms Clayton:** Well, I think that what I had laid out in the letter that we made public commenting on Bill 46, the big concern for me with respect to excluding that requirement, the sharing of information from the PIA requirement, frankly, is that I won't know what is taking place. I won't know about those data-sharing activities. If I don't know about those data-sharing activities, then the public will not know about those data-sharing activities, and there is no

opportunity to engage in the back and forth that we do for significant privacy impact assessments so that we can understand what's going on.

I think that I and my office perform a valuable function for Albertans. It's impossible for Albertans to understand everything that is going on behind the scenes with the health information system. It's just become an increasingly complex and sophisticated world. Staff in my office have expertise in this area. They understand the way the legislation works. We have brought in staff that have extremely impressive technical backgrounds, so when they are looking at these systems and reviewing privacy impact assessments, they are asking important questions around things like deidentification and data matching of systems. I guess that's what I am concerned about here, that through this information sharing we won't actually know what's going on. We don't have that transparency and accountability.

Having said that, I do understand that many people find privacy impact assessments tedious. They're very resource intensive. They certainly can be for significant information systems, but I think that there are, perhaps, ways of addressing that through other kinds of transparency mechanisms. Certainly, reporting to me what kinds of activities are taking place would give me an opportunity to go in and ask more questions if there's something in particular that we have some concerns about, for example.

The real challenge, as far as I'm seeing at this point, is not that it will result in more work for me down the road although that's possible. If there's an information system, some sort of information sharing initiative, that goes forward and results in a breach, then, of course, we might have a whole lot of work to do on the back end of things to follow that up and make sure it's being dealt with properly. But I certainly have concerns around the transparency of these initiatives and my role in terms of being able to reassure Albertans that these systems and these data-sharing initiatives are compliant with the legislation and that they have been through a vetting process.

**The Chair:** A brief question and a brief follow-up.

**Mr. Shepherd:** Yes. Thank you, Mr. Chair. Briefly to follow up, then, you've indicated that, I guess, for these kinds of serious changes you would be looking for much deeper consultation. I'm not aware of any real consultation that was done in regard to any of these changes that are in Bill 46.

**Mr. Rutherford:** Point of order, Mr. Chair.

**Mr. Shepherd:** Under your priority 1 . . .

**The Chair:** A point of order has been called.

**Mr. Rutherford:** All right. Mr. Chair, 23(b)(i), "the question [that's] under discussion." We're now getting into a point where we're discussing the bill and its consultation as opposed to the annual report or the estimates or the business plan of the commissioner. I was wondering if we can just focus on that, please.

**Mr. Shepherd:** If I may, Mr. Chair.

**The Chair:** Certainly.

**Mr. Shepherd:** I was just about to tie this to priority 1 in the commissioner's presentation, which was just presented to us, before the member interrupted. If I was allowed to continue my remarks, I think it would address the member's concerns.

**The Chair:** Certainly. I can appreciate – I don't find a point of order in this instance, but I will caution that we are seeing members use

long preambles that don't seem to be quite germane to the audit reports or, rather, to the business plans or the reports submitted by the legislative officers. If we could keep our questions in line with that because I'm seeing we actually have had three questions in total asked over the course of 25 minutes, and I suspect the Alberta public would like to hear more from members and more from our legislative officers. I don't find a point of order, but please, if you could.

**Mr. Shepherd:** Certainly. If I may finish, under priority 1 you speak of "modernizing [these] regulatory mechanisms [et cetera] to . . . improve health care delivery." For your part, how would you go about and what would you consider to be appropriate consultation with the Alberta public to achieve that priority?

**Ms Clayton:** Well, I think that since putting that letter out publicly, I have had contact with the minister and with the department. I understand that there will be a meeting scheduled in the future, and we will be talking more about certainly the concerns that I have raised and what ongoing consultation will look like. I'm feeling positive about that, but I do think that with respect to, you know, significant changes to legislation that affects pretty much every single Albertan in the province who has information stored in a health information system and potentially accessible through Netcare, there – in terms of modernizing legislation to meet challenges of the 21st century, I think all of the stakeholders should have an opportunity to be making submissions. That is, ideally, what I would like to see.

**The Chair:** Thank you.

We'll now go to Mr. Walker on the phone again for a question and follow-up. You have about four minutes remaining.

**Mr. Walker:** Thank you, Chair, and thank you for letting me know the time. Ms Clayton, on page 2 of the budget estimates, under the travel line item, I see that travel made a significant decrease from \$33,794 in 2019-2020 to a forecasted \$3,000 in 2020-2021 and that you have budgeted \$5,000 for this year.

It is clear that your office is adapting to COVID-19 challenges, and you've touched on that in your prior comments here today, which I greatly appreciate. In line with that, do you foresee adapting some of these methods to a more permanent model of operation in the future? So many people talk of how COVID-19 has been a game changer for so many walks of life, institutions, and professions. How do you see it? Please go ahead.

**10:30**

**Ms Clayton:** Thank you for the question. Yes. The short answer is yes. I do see that some of this will become more permanent going forward. Most of that travel budget has gone to travel for courses or conferences or, more significantly, a larger percentage of it was for operational travel within the province. I do have an office both in Edmonton and in Calgary, and our staff previously have gone back and forth. I have litigation counsel in Calgary, who also travels to Edmonton when we have matters before the courts here. Obviously, a lot of that travel has gone away, and that is reflected, certainly, in our forecasted travel budget for this current year.

I suspect – I'm hopeful, as everybody is – that we will see the pandemic behind us sooner rather than later and that some travel will recommence. We also travel, for example, to view information systems or to interview witnesses in small towns when we're investigating offences. A lot of that work has been put on hold, and we are looking for new and different ways of fulfilling our mandate that do not involve travelling from city to city or around the province. I do think that – again, I'm hopeful that the pandemic

won't be with us forever – we will see a little bit more operational travel perhaps, perhaps some conference travel less likely. Most conferences seem to be held virtually now, and I suspect that will become the norm going forward.

To deal with those issues, obviously, we are looking at technology solutions. In my office we're not doing a lot of video conferencing for our own internal matters. We use teleconferencing, so you'll see that there is an increase in our telecommunications budget. We issued cellphones, not smart phones but cellphones, to staff so that they can contact parties in an investigation. For example, we do a lot of teleconferencing. We are looking at a video conferencing application that we will adopt for the office once we get our own privacy impact assessment completed.

I think that, for us, working from home – right after the pandemic, the start of the pandemic, we worked very quickly to issue encrypted laptops to staff and some other technology so they could work from home. It seems to be working really well, and we're seeing that our case-closing numbers are maintained at previous levels, if not going up in some cases, so it does seem to be working rather well. I don't think we're going back to the way things were any time soon, certainly not during the pandemic, but I think there are certain efficiencies that we've been able to achieve as a result of some of the changes we've made over the last year.

I hope that answers your question. I don't think we'll stay quite where we're at right at this very moment, but I don't foresee us going back to a \$30,000 travel budget. No.

**The Chair:** Okay. Thank you very much. Pretty much 25 minutes right on the dot. Thank you very much, Ms Clayton, to you and your staff for your presentation, for responding to questions. For your information, it is anticipated that the committee's decisions on officers' budgets will be sent to you in writing early next week.

At this moment we'll now take a short break, if we could stay on task here, for 10 minutes as opposed to 15 minutes unless anyone objects. We will come back on the record at 10:45.

**Ms Clayton:** Thank you.

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

[The committee adjourned from 10:34 a.m. to 10:45 a.m.]

**The Chair:** Okay. We are back and ready for action.

We will now hear from the Ombudsman and Public Interest Commissioner. I'd like to welcome Ms Marianne Ryan and her staff from the office of the Ombudsman and the office of the Public Interest Commissioner. If you could keep your presentation between 15 and 20 minutes for each of your offices to allow time for questions from the committee.

I believe we have sound checked, video checked. It obviously works. We're good to go? Okay.

Ms Ryan, whenever you begin your presentation, we will begin the time.

**Office of the Ombudsman  
Office of the Public Interest Commissioner**

**Ms Ryan:** Thank you, Mr. Chair, and thank you to all the committee members for giving us the opportunity to speak to you today about the offices of the Public Interest Commissioner and the Ombudsman. I'm joined here today by Peter Sherstan, who is our Deputy Public Interest Commissioner and Deputy Ombudsman, and Suzanne Richford, who is director of our corporate services for both offices. Both will have the opportunity to present today and answer any questions that you may have.

I will be presenting each office's 2019-2020 annual report, Peter will address the 2021-2022 business plans, and Suzanne will speak to each office's budget for the upcoming fiscal year, 2021-2022. In addition to copies of our annual reports, budget estimates, and business plans, which we have provided, we've also provided the committee with a copy of our presentation, which I am hopeful will also be of benefit to you. We are aiming at approximately 20 minutes for each of our presentations, beginning with the office of the Public Interest Commissioner, followed by the presentation for the Ombudsman's office.

If you could please turn to slide 2 of our presentation. It's important to note that while our two offices operate independently, they share administrative services. These services include executive management, finance, human resources, administration, 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 to in her presentation. This is our current year organizational chart, which shows a total of 35 positions for both offices combined. We have five positions on the side of the Public Interest Commissioner's office, and we have 30 positions which are with the Ombudsman's office, of which 11 provide services to both offices.

I noted at this meeting last year that in recognition of the fiscal environment and improved operational efficiencies at that time, we did not seek funding for three positions which had become vacant on the Ombudsman side during our last fiscal year. I also indicated last year that we were going to assess the effect of not funding these three positions in this current year to determine whether we could continue to defer hiring into those positions. I'm pleased to report that because of our operational efficiencies, we will continue to operate with just the 30 positions in the Ombudsman's office going forward. On the Public Interest Commissioner's side we will continue to operate with the existing five positions in the upcoming fiscal year.

If you could please turn to slide 3. Before I speak about the specifics of each office, I would like to briefly provide you with some information about how we are managing our operations during the COVID-19 pandemic. I can advise that in mid-March our staff quickly mobilized to work remotely due to the rapid spread of the COVID-19 virus. Staff continue to receive, investigate, and respond to individual complaints and requests for assistance from Albertans while working remotely from home. The public was still able to contact us by regular mail or virtually using tools such as our online complaint form, e-mail, fax, or by telephone.

A challenge we encountered early in our remote work environment was our inability to take live phone calls from complainants. However, by closely monitoring our voice messaging system, we were able to return those phone calls within the same day. An exception was related to complainants who were incarcerated as callbacks were difficult to co-ordinate with the correctional facility. During the first four weeks alone, our Ombudsman's office received over 70 contacts related to the pandemic. On the public interest disclosure side, of the 16 complaints received during this four-week period, three cases were related to the COVID-19 pandemic.

In early June we were able to return to the office work environment on a part-time basis. At that time we implemented a rotational shift schedule, which proved quite effective in having our employees in the office while respecting proper health and safety protocols. We maintained this process until very recently, when we reverted to a remote work environment once again due to the significant increase in COVID-19 cases in the province. I can report that statistically our numbers of complaints have remained steady over the past eight years.

If you could please turn to slide 4. I'd now like to speak specifically about my role as the Public Interest Commissioner. The public interest disclosure act, which is more commonly referred to as the whistle-blower protection act, came into effect seven years ago, in 2013. This act is currently under a legislated, mandated review, and we are engaged with the Standing Committee on Resource Stewardship to review and amend this act. This is an important opportunity to ensure that the legislation remains current and relevant. It's important to note that this is completely separate legislation and work from the office of the Ombudsman.

The purpose of the whistle-blower protection act is to create a safe avenue for public servants in Alberta to speak out about wrongdoings or make complaints of reprisal. Protection from reprisal includes confidentiality, anonymity, and the legal ability to disclose confidential and private information. Our job is to ensure that thorough investigations are conducted if public-sector employees disclose wrongdoing or make complaints of reprisal. 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.

Under the act a wrongdoing can be contraventions of federal or provincial 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 condition.

If you could please turn to slide 5. Again, I think it's important to understand: what is the Public Interest Commissioner's jurisdiction, or whom does the whistle-blower protection 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.

Now, turning to slide 6, this slide shows a three-year comparison of cases that our Public Interest Commissioner's office received about entities under our jurisdiction. You'll note that in our 2019-2020 annual report we received a total of 191 cases, which is down by approximately 25 per cent from the previous year. Some of the reasons for this decrease in the number of cases may include the fact that jurisdictional entities are becoming more effective in promoting their own internal mechanisms, that public service employees are developing a better understanding of the act, resulting in fewer inquiries, and that we have made improvements to our website, which provides more information and resources, reducing the need for direct contact with our office.

However, I would like to point out that while the total number of cases has decreased from the previous year, we have observed that the majority of cases we received in 2019-2020 are of a more complex nature than has been observed in previous years. I will also be referencing examples of these cases shortly. Of the 191 cases 75 were complaints or disclosures alleging wrongdoing or reprisal. The other statistic provided on this slide notes that we received 116 inquiries where assistance was provided. This includes requests for assisting with policy development and advice regarding the act. We always try to ensure that our complainant has the information they need to better understand the circumstances and advance their complaint forward.

If you could please turn to slide 7. As noted in the previous slide, last year we had a total of 191 cases generated, and 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.

Please turn to slide 8. I'd now like to provide a few examples of the types of cases we investigated last year. In our annual report for 2019-2020 we report on a case, that I'm sure many of you are familiar with, which considered wrongdoing at the Alberta Energy Regulator, more commonly referred to as the AER. In October 2019 after an extensive investigation I released a report outlining serious and significant wrongdoing being committed at the AER. This case was very resource intensive, and my office interviewed several executives and employees of the AER and analyzed over 5,700 records in addition to thousands of electronic communications. This case also involved two other independent legislative officers, the Ethics Commissioner and the Auditor General.

**10:55**

As a result of our investigation I found that the president and CEO of the AER at the time demonstrated a reckless and wilful disregard for the proper management of public funds, public assets, and the delivery of a public service. In my report I provided the AER with a series of recommendations that outlined how the agency was to take corrective measures and protect itself and its staff against further wrongdoing. This case is an example of the level of complexity involved in the investigation of wrongdoings in a public entity.

In another case an employer in a government-related agency withheld an employee's severance payment because of a complaint to the commissioner's office. It was this agency's practice to have terminated employees sign a release and waiver. The 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 protection 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 protection act from the release and waiver, thereby ensuring anonymity even after employment has ended.

Finally, in my last example an employee disclosed to our office that a large and significant entity under our jurisdiction had failed to address serious IT security vulnerabilities. According to the whistle-blower over 120 specific vulnerabilities created a substantial risk not only to the security of the information controlled by the entity but also to the IT network itself. A systems failure or compromise could have a devastating impact on the operations of the entity. The overarching goal of the whistle-blower protection act is to promote confidence in the administration of government. Ultimately, the entity addressed the security vulnerabilities identified by the whistle-blower and made significant process changes and resource commitments to ensure that it would identify and most expeditiously resolve future potential vulnerabilities. Moreover, the entity expressed appreciation that the whistle-blower had come forward to bring to their attention the IT vulnerabilities that may have gone otherwise unresolved.

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

**Mr. Sherstan:** Thank you, Marianne, and good morning, everyone. As described in the commissioner's presentation, her office exists to provide Alberta's public-sector employees with a safe avenue for

making disclosures of wrongdoing and reprisal, to conduct investigations into matters of public interest, and to enhance overall awareness of the whistle-blower protection act.

The 2021-2022 business plan focuses on supporting the Public Interest Commissioner's responsibilities and those of her investigative team. The plan for the office of the Public Interest Commissioner identifies high-level outcomes, related strategies, and performance measures that will guide our direction and focus for the upcoming year.

If you would please refer to slide number 10, the key priorities and targeted outcomes for our office this year include, firstly, that all public-sector employees 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 to them under the act; secondly, that designated officers within the departments, offices, and public entities are aware of how to assess and investigate disclosures of wrongdoing under the act; thirdly, that departments and offices and public entities are positively motivated to work collaboratively with our office to investigate and remedy wrongdoing within their organizations in order to advance the public confidence in the administration of their department or office; and lastly, that the commissioner will contribute to the review of the act and the implementation of any amendments to ensure that the legislation meets the needs of Albertans and that her office has the ability to fulfill its roles and responsibilities.

The actions or strategies related to the first outcome include increasing stakeholder understanding of the mandate of the Public Interest Commissioner through resources designed to effectively educate and inform Albertans.

Strategies 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 our office for advice on managing or investigating disclosures of wrongdoing. Strategies and actions related to the third outcome include encouraging chief and designated officers to work collaboratively with our office during investigations where appropriate.

Lastly, the strategies and actions related to the fourth outcome include actively engaging the Standing Committee on Resource Stewardship during their review of the act and, once that review is complete, to develop strategies and plans that will ensure our office, public-sector employees, and the entities, where they work, are well-positioned to understand and implement the new amendments to the act.

Suzanne will now speak to our office's budget.

**Ms Richford:** Thank you, Peter.

Good morning. The Public Interest Commissioner's budget estimate document that you received earlier this week provides detailed information regarding the budget estimate and the current fiscal year budget and forecasted expenses. After our presentation I will be pleased to answer any questions regarding this information.

As Marianne mentioned, the Public Interest Commissioner's office receives administrative services from key Ombudsman employees. The Ombudsman's estimated and actual costs for provision of these services is allocated to the Public Interest Commissioner. This allocation is based on the Ombudsman's personnel costs prorated to time spent providing the services. The estimated allocation is included in the Public Interest Commissioner's supplies and services budget and is classified as a cost recovery for the Ombudsman. Most importantly, cash from the general revenue fund for these administrative services is not required and is, therefore, a savings for Albertans.

Referring now to slide 11, the Public Interest Commissioner's 2021-22 budget estimate is \$1,030,000. This slide highlights the Public Interest Commissioner's 2020-21 budget reduction of 9 per cent from the previous year and the further reduction of 1.25 per cent for the 2021-22 budget estimate. Over these two fiscal years the Public Interest Commissioner's budget has decreased by approximately 10 per cent. I would also like to point out that the allocated shared services estimate for 2021-22 represents 40 per cent of the total Public Interest Commissioner's budget estimate. This means that only 60 per cent of the Public Interest Commissioner's 2021-22 expenses will require cash from the general revenue fund. This further emphasizes the importance of our shared services arrangement and the actual savings to Albertans.

Marianne?

**Ms Ryan:** Mr. Chair, this concludes our presentation for the Office of the Public Interest Commissioner, so I'm wondering if you would like to ask follow-up questions now, or would you like me to continue with our presentation on the Ombudsman's office and address any questions at the conclusion of that presentation?

**The Chair:** I think it would be best if you continue with the presentation and we amalgamate all the questions into one lump sum, if you will.

**Ms Ryan:** Certainly. Thank you, Mr. Chair. If you could please turn to slide 12. With respect to our Ombudsman office, while many of you are likely 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 they may have been treated unfairly in a decision-making process of an administrative body that falls within our jurisdiction. 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.

In April of 2020 we released a special report describing what we have learned in the two years since Alberta municipalities joined our jurisdiction. This report shared observations working with municipal leaders in addressing complaints. Most importantly, we reported on the experiences of municipal complainants and explored how our office helps facilitate resolution of their complaints.

If you could please turn to slide 13. It's important to understand what other administrative bodies fall in our jurisdiction within our legislation when we receive complaints from the public. In addition to municipalities we respond to complaints of unfair treatment by provincial government authorities, the patient concerns resolution process of Alberta Health Services, health professions, and other designated professional organizations.

**11:05**

If you could please turn to slide 14. It's equally as important to understand what types of complaints we can't pursue. We do not investigate complaints involving the federal government, 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 unlike the Public Interest Commissioner the Ombudsman does 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, if you could please turn to slide 15. Now I would like to speak about our numbers. This slide shows that statistically the volume of our work is increasing, and we have shown the percentage increase over last year; 2019-2020 was the busiest year in our 53-year history. You'll note that we received over 5,000 cases in our office, which is an increase of about 3 per cent from last year. Of that total number approximately 3,600 were classified as assistance calls as our service delivery includes helping people find the appropriate service provider or to advise 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 1,576 investigations which we opened, which is a slight increase from our previous year. I should also note that last year was our second full year for having jurisdiction over municipalities, during which we received 189 written complaints from various municipalities.

Please turn to slide 16. As noted in the previous slide, last year we opened a total of 1,576 investigations generated in our jurisdiction, and this slide gives you the breakdown of the various sectors of where those investigations relate to. With respect to the various sectors I can also share with you that the majority of complaints received were for government departments at 752, professional colleges at 65, municipalities at 189, and 570 were assessed as nonjurisdictional. 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.

Please turn to slide 17. I noted in my introductory comments that we have become more efficient and are able to do more on an operational level with fewer resources. This has occurred for a few reasons. In response to our increased jurisdiction of municipalities we restructured our investigative teams and processes a couple of years ago. The restructuring of our investigative teams allowed for managers to better lead and mentor investigators while emphasizing a more team-oriented approach to our investigations. This also created the opportunity for us to look at how we could provide a more timely response to complainants while reducing 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 that restructuring we implemented a process where 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 continued to find 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. Early resolution has proved to be an effective step in an investigative process as in 2019-2020 we closed 30 per cent more complaints during the early resolution phase than in 2018-2019.

Further, you can see from the numbers provided in this chart that we have also compared the time taken to close written complaints, with 95 per cent of our total investigations closed within three months compared to the previous year at 84 per cent; 4 per cent of the more complicated investigations were concluded within 12 months, and 1 per cent took longer than one year to conclude. 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.

Our efforts to improve our service to Albertans continue. In mid-2018 in an effort to be more operationally strategic, we considered acquiring a new telephone system. Over the course of last year we moved toward the implementation of voice over Internet protocol,

or VOIP. Transferring to the VOIP system has allowed us to set dedicated lines to be recorded, such as reception and intake, and have mobile remote access, which allows us to answer telephone calls live while we are working from home. Interestingly, this process, which was started over a year and a half ago, has recently served us well during the pandemic and will continue to serve us well in any future situations which require us to work remotely from the office.

Further, we are looking at shifting our IT environment from on-site physical servers to cloud computing such as Microsoft 365. Moving to a cloud environment will essentially future-proof our office as we will no longer have to budget for major hardware, software purchases, or maintenance. In addition to cost savings other benefits include enhanced security, data, and hardware redundancy and increased efficiencies when working from home.

If you could please turn to slide 18. Also for your information I feel it may be beneficial to provide a comparison of other provincial jurisdictions. On this slide we have included some numbers for the three other western provinces as we feel these provinces are the closest to Alberta in terms of legislative mandates, provincial makeup, and population. You'll note that while the office of the Ombudsperson in British Columbia has a population which is only 16 per cent greater than Alberta, the B.C. office has a hundred per cent, or twice the number, of staff that we have in our offices.

While I have noted that we have increased our efficiency in terms of service delivery, I would also like to speak to you briefly about changes which we believe are necessary and long overdue to the Ombudsman Act. In 1967 Alberta was the first province in Canada to see the need for an office of the Ombudsman. Unfortunately, while there have been incidental amendments to the Ombudsman Act, a meaningful review has not taken place since my office was created. Unlike other legislation, such as our whistle-blower protection act, the Ombudsman Act does not have a mandatory review clause.

Much has changed over the last 53 years, but the act has not kept up with those changes. For example, the current legislation does not reflect technological advances in records management or modern concepts of early and alternate dispute resolution. The law, as it relates to administration, has evolved, and amendments, particularly as they relate to my jurisdiction over municipalities, need to be clarified. A review of the Ombudsman Act would not only ensure that the needs of Albertans continue to be met but assist in modernizing the legislation and making my office more efficient.

Please turn to slide 19. Before I turn our presentation over to Peter, I would like to briefly highlight three cases which exemplify the types of complaints we receive and resolutions achieved for these complaints. The first case concerns a complainant who was diagnosed with lung cancer and was receiving Assured Income for the Severely Handicapped, or AISH. The complainant was unaware that her condition qualified her for AISH and did not apply for assistance until later in her illness. She asked the AISH appeal panel to make her AISH payments retroactive effective the date of her diagnosis instead of the date she actually applied. The complainant asked that her request be granted on compassionate grounds, but the appeal panel denied her request. The complainant contacted my office, and we investigated the appeal panel decision. As a result of our investigation the appeal panel instituted biannual training with a view to ensuring decisions are written in plain language and that they properly cite and apply legislative authorities. While my investigation did not result in the complainant receiving retroactive payments, she was nonetheless satisfied with the outcome. She thanked my office, saying she was happy that someone finally listened to her concerns, and she was grateful her complaint had made a positive impact.

In the second case a large municipality worked with our office to achieve an early resolution to a matter involving the issuance of a trespass notice. A man complained to us about a trespass notice banning him from a municipal complex for one year due to his behaviour with city staff. While our office did not dispute the validity of the trespass notice itself, our investigator did find that the city did not apply its own procedures fairly in this case. When we contacted the corporate security management for the city, we learned that they agreed with our assessment and had actually already started drafting a new procedure and a new trespass notice form. New procedural guidelines and trespass notices are now in place to ensure the provision of reasons for issuing a trespass notice, whether those reasons are verbal or in writing, and information about the appeal process.

#### *11:15*

In my final case a foster mother accepted two teenage siblings with special needs into her care. Children's Services provides a basic daily rate for child care but can add a special rate to compensate for the extra care required by some children. In this case both children had high needs, so the foster mother asked Children's Services to assess special rates for both of the teenagers. When the assessment was completed, the foster mother complained to our office that Children's Services had set a different rate for each child and would not explain why. After repeated efforts for a review of the special rates, the department had refused her request.

When our office became involved, Children's Services could not explain the criteria for these assessments, and we learned that there was not a set of standards applied consistently across the province. Further, Children's Services could not identify a review or appeal process for the foster mother. As a result of our involvement an administrative review was conducted, resulting in the special rate being increased for the foster mother and payment made retroactive to the time of placement of the teenage siblings. I'm also pleased to report that Children's Services acknowledged the opportunity for improvement beyond this one case and created a province-wide policy for rate assessment as well as a review process.

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

**Mr. Sherstan:** Thank you, Marianne. The purpose of our '21-22 business plan is to ensure a path for continuous improvement and to provide Ombudsman's investigators, managers, corporate services, and general counsel with a figurative roadmap for the upcoming fiscal year. The business plan for '21-22 provides an effective way to incorporate and build on the results achieved during our current year business plan.

As Marianne mentioned earlier, the ongoing state of the COVID-19 pandemic here in Alberta has required us to adapt our business practices and make significant operational changes. The need for creative solutions when transitioning to the remote work environment has prompted us to pivot or change course on many planned initiatives. Moving forward, a focus on providing a high level of service during the pandemic or any other challenging circumstance that disrupts normal operations maintains a strategic consideration for the '21-22 business plan. We are confident that the service levels provided by the Ombudsman's office remain high, and we will continue to introduce new ways to fulfill our mandate while advancing during these unique and challenging times.

At this point I'd like to direct your attention to the business plan, where we have identified three high-level outcomes and specific actions or strategies necessary for achieving them.

They are, firstly, that 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 the relevant legislation is meeting the needs of Albertans and her office has the ability to fulfill its roles" and mandates. As summarized in slide 21, in simple terms our focus is on employing investigational best practices, ongoing education awareness, and updating our governing legislation.

The first outcome focuses on our core of operations, which is investigations. Here we'll build on the findings of the current business plan and continue to develop new policies and processes to facilitate timely, efficient, and thorough investigations. Here the strategies include assessing and amending the investigative and business practices to ensure service continuity and effectiveness in a pandemic or a postpandemic environment and maintaining an emphasis on the use of the provisions of the Ombudsman Act to address potential systemic administrative unfairness through our own-motion investigations.

The second outcome describes our education and awareness initiatives. Supportive strategies include: increasing Albertans' understanding of the mandate of the Ombudsman and the avenues available to them in addressing complaints of unfair treatment; increasing our own understanding of how to best meet the needs of Albertans, including gaining a deeper understanding of potential barriers indigenous communities may experience when attempting to access our office; and finally, enhancing the authorities' understanding of the Ombudsman's jurisdiction and their responsibilities to ensure administrative fairness.

The third outcome outlines the work needed to ensure the legislation relevant to the Ombudsman is meeting the needs of Albertans and that our office has the ability to fulfill its roles and responsibilities. The Ombudsman Act has not undergone a full review since it came into effect 53 years ago. As we've seen with the previous and currently ongoing review of the Public Interest Disclosure (Whistleblower Protection) Act on the other side of our house, a critical assessment of legislation on a regular basis ensures that it's consistent with the spirit and intent for which it was brought into effect and that it continues to meet the needs of Albertans.

It is our intention to seek the support of the standing committee to initiate a review of the Ombudsman Act, and we will be providing the chair with correspondence in the near future requesting that we be permitted to appear before the committee to provide rationale as to why the Ombudsman Act requires a review.

In addition to the priorities and strategies I have briefly mentioned, we've also established performance measures through our business plan which, if achieved, will demonstrate progressive advancement towards each outcome. We are confident that the '21-22 business plan builds on the achievements of previous years while taking into consideration the anticipated impact of the pandemic and to ensure a continuity of 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:** Again, thank you, Peter. Similar to the Public Interest Commissioner, the Ombudsman's budget documents you received earlier this week contain detailed information regarding the current fiscal year's expense forecast and the 2021-22 budget estimate.

The Ombudsman's 2020-21 total expenses are forecasted to be lower than the 2020-2021 budget. This is partially due to the COVID-19 pandemic curtailing travel and on-site Ombudsman education and awareness presentations for 2020-21. As a result, we will realize a savings of approximately \$65,000.

Turning to slide 22, the Ombudsman's 2021-22 budget estimate is \$3,847,000. As you can see, the Ombudsman's budget for 2020-21 was a reduction of 8 per cent from the previous year and included elimination of three positions. The 2021-22 budget estimate is a further reduction of 2.26 per cent. In essence, we have reduced the Ombudsman's budget by more than 10 per cent over these two fiscal years.

The Ombudsman's 2021-22 budget estimate reduction is primarily due to lower salaries for two senior investigator positions that have been reclassified to junior investigators, aligning the employer contributions budget to the lower forecast for the current fiscal year; travel decreasing by 70 per cent due to COVID-19 limitations; and supplies and services reductions given consideration to Alberta's current economic climate.

I would also like to emphasize the continued importance of the Ombudsman and Public Interest Commissioner's shared service arrangement as over the last five years Albertans have saved approximately \$1.8 million.

Lastly, like the other legislative offices, our staff have not received cost-of-living or merit increases for the last five years. Similar to the previous five fiscal years, both the Public Interest Commissioner and the Ombudsman's 2021-22 budget estimates do not include any salary increases for our employees.

**The Chair:** That does conclude the time that we have for presentations.

We will now go to the floor with questions from committee members. We began the last presentation with questions from the opposition, so we will now begin with questions from the government side, beginning with Ms Jackie Lovely.

**Ms Lovely:** Well, thank you so much to the team for this presentation. I enjoy hearing about the work that you're doing, and I'm very passionate about the role that you all play, so thank you so much for this.

I do have a question with regard to your business estimates. On page 2 your office is forecasting expenses to be approximately \$334,000 less than the '20-21 budget, attributing it to unanticipated challenge during COVID-19. The first question is: what are some of the challenges that your office has had to face? If you could go into that in a little more depth. Then secondly, how are those challenges reflected in your budget?

11:25

**Ms Ryan:** The challenges that we've had with respect to the COVID pandemic are our inability to conduct outreach, education, and awareness, which we had factored into our previous budgets. Also, our training of our investigators: we do have, through attrition, new employees coming in, so they have not been able to attend training courses, which are usually held outside the province. However, with this new reality that we're in, like everyone else, we are finding that through the virtual environment we are able to accomplish many of our objectives because, you know, we can have presentations done to groups virtually and we can also have our training and instructional opportunities provided to our staff virtually, so that has saved us.

Also, as I mentioned earlier, with any business continuity plan the ability to work remotely for whatever reason in the future is going to be much better for us. We're able to basically pack up very quickly, on short order, and return, you know, to a remote work environment because of how we have things set up, including even our mail intake as well as our ability to respond to complainants in a very timely manner because of this new system where we can take calls live through this voice over Internet protocol.

I'm just going to ask: Suzanne, if there's anything else you'd like to add.

**Ms Richford:** Yes. You, I believe, asked how it's reflected in our budget for the upcoming 2021-22 year. Given COVID-19 and the uncertainty as to where things are going, we've reduced our travel budget by 70 per cent as well as reduced contract services by \$4,000, and that reflects still not being able to do presentations outside and not printing promotional materials, et cetera.

**The Chair:** Okay. Any follow-up, Ms Lovely?

**Ms Lovely:** I do have a follow-up question as well. Thank you, Chair. Thank you for those thorough answers. I appreciate the team collaboration in the response.

Also on page 2, with regard to budget estimates, with the office mentioning that it has faced unanticipated employee vacancies, can the office identify the reason for these vacancies and what types of positions these were? Can the reductions in employer contributions, professional development, and travel only be attributed to a reduction in the number of FTEs? You did touch on it, but if you could go into a little bit more depth, I would appreciate your fulsome answer.

**Ms Ryan:** Sure. I'll speak with respect to the unexpected employment vacancies. As you can appreciate, people move on, take other jobs for promotional opportunities or whatever, so we have to address that. The filling of those vacancies doesn't happen very quickly because, you know, you have to advertise and go through a competitive process, so sometimes it takes two or three months to actually get someone to fill a vacancy. The unexpected vacancies: like I say, it could be retirements which we didn't plan for, but most likely it's people occasionally moving on. Apart from that, that's essentially it.

I'm going to ask Suzanne to comment on the employer contribution part.

**Ms Richford:** Employer contributions are a very interesting budgeting area. Over the past the Leg. Offices – we all used to set a percentage that we knew was correct at 24 per cent, 25 per cent of salaries, and over the years, due to the lessening of pension contributions and a few other things, these percentages have gone down. This current year, '20-21, we had budgeted the employer contributions, which are everything from pension to our health spending account, WCB, et cetera, at 21 per cent, and we're forecasting right now that it looks like it's going to be about 20 per cent of salaries. Going forward to '21-22, we've also applied the budget at 20 per cent of the salaries.

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

Do you have any questions from the opposition caucus?

Okay. Hearing none, do we have any questions from the government caucus?

Okay. Hearing . . .

**Member Ceci:** Mr. Chair? Sorry. I tried to get in just a second ago.

**The Chair:** Sorry. Yeah, Mr. Ceci.

**Member Ceci:** I couldn't find the unmute button.

**The Chair:** All right. Go ahead, please.

**Member Ceci:** Thank you. Briefly, I was just wondering, with regard to the COVID restrictions that are being put in place and enforced by municipalities, whether that would be a source of future potential complaints coming into your office. Do you envision that

your office would have a role in addressing the complaints of individuals with regard to COVID restrictions municipalities are enforcing or enacting?

**Ms Ryan:** Potentially. As you can appreciate – thank you for the question, Mr. Ceci – it’s a new world for us, so I’m going to address it sort of on both sides of both offices. On the Ombudsman side, with municipalities being under our jurisdiction, you know, certainly we would look at: first of all, is it something within our jurisdiction? Is it a decision that we could take a look at in terms of fairness? Normally it’s things like bylaws, that sort of thing, policy. But just off the top of my head, I think we would want to tread very carefully because of health officers, the health officers’ role, and what their direction and guidance is.

On the Public Interest Commissioner’s side, where we have received complaints, you know, from whistle-blowers about areas where there may be a breach or a perceived breach of a public health order issued by the chief medical officer, we may take a look at that because if it does fall under the category of endangering the health and life and safety of someone, we may engage as we have where we received a complaint that a public entity had opened up its recreational facilities, and this was contrary to the direction of the chief medical officer of health. We felt that that was an area that did fall within our jurisdiction. However, we deferred it to the chief medical health officer, but we also contacted the entity and said, “Look, you are in violation,” and they quickly responded, the whole public entity.

You know, we have received complaints on both sides, both offices, but again it’s sort of new territory for us, and we’d have to sort of carefully assess: is it a policy now? Is it a policy that the municipality has enacted? Is it a bylaw? Is it something that is within our jurisdiction?

**Member Ceci:** Just a quick follow-up if I might, Mr. Chair.

**The Chair:** Please go ahead.

**Member Ceci:** Do you give any feedback to the chief medical officer with regard to how policies might reduce or lessen the potential conflict that people have with various, I guess, decisions that get made with regard to municipalities and how they enact direction from the medical officer?

**Ms Ryan:** Thank you again for the question. To date, no, we have not. We’ve been monitoring it like everyone else. You know, I’m sure, as everyone can appreciate, we don’t want to burden the chief medical officer too much at this time, especially at this particular moment in time. However, I would look for opportunities when the cases start to decline and the situation improves, which I’m sure it will, to engage in that feedback and that dialogue with the chief medical officer of health going forward on any level. We have engaged with her office only in terms of providing her some disclosures that we’ve received. Again, respecting what she’s got on her plate, I think we would likely prefer to wait and provide a fulsome follow-up with her when the opportunity best presents itself.

11:35

**Member Ceci:** Thank you very much.

**The Chair:** Thank you.

We’ll now go to Mr. R.J. Sigurdson.

**Mr. Sigurdson:** Thank you, Mr. Chair. I’d like to thank Ms Ryan, Mr. Sherstan, and Ms . . .

**The Chair:** Oh. Mr. Sigurdson, it looks like we have you frozen here. Can you hear us? Mr. Sigurdson, can you hear us?

Okay. Well, if we don’t have Mr. Sigurdson, we’ll take just a very brief recess until we get Mr. Sigurdson back on the phone.

Oh, Mr. van Dijken, did you want to ask a question?

**Mr. van Dijken:** Sure. I’ve got a couple of brief questions.

**The Chair:** Sure. Go ahead.

**Mr. van Dijken:** With regard to the office of the Public Interest Commissioner my question is if they feel that they were able to adequately address all inquiries and investigations of cases received during this current fiscal year of operations.

**Ms Ryan:** Yes. Thank you for the question. Because we have now filled the five positions, we are able to manage. I think that’s another important point I’d like to make. Because our offices work so closely together even though they work on separate legislation, when the opportunity or when the challenge arises that we need additional resources in either office, we can quickly move resources over, as we did with the investigation of the AER file, which was very resource intensive, as I said. We were able to move resources from our Ombudsman side, investigators, over to assist on the public interest side. We try to find that balance. We try to watch both offices to be able to have that fluidity of resources moving back and forth. At the present time, with our five positions being filled, yes, I feel we are able to investigate complaints that we are receiving even with the COVID pandemic.

**Mr. van Dijken:** Thank you for that.

One other quick question is just with regard to travel in the office of the Public Interest Commissioner. There’s no forecasted expense in this current fiscal year. The only reference point I have is what was budgeted for last year. I don’t know what previous years had. I see there’s \$2,000 budgeted for this year. Are you confident that that \$2,000 is going to be adequate for the upcoming year’s activity in travel?

**Ms Ryan:** Yes. Thank you again for the question, Mr. van Dijken. In the past we actually had an office in Calgary, so we had a couple of resources in Calgary. But through attrition we made the decision to move the resources into our Edmonton office. That is because the key stakeholders that we deal with – the public sector, the government entities, all those public entities – the majority are in Edmonton. The need for us to travel to conduct interviews or conduct our investigations is very minimal. Occasionally we do. We do need to go to Calgary to follow up with public entities, but for the majority of the time our investigations are able to be conducted in the local area of Edmonton. That is why we have minimized the travel budget.

**Mr. van Dijken:** Good. Thank you for those answers.

That’s all I have, Chair.

**The Chair:** Thank you, Mr. van Dijken.

Now, any questions from the opposition caucus?

Hearing none, any from the government caucus?

Hearing none. Okay. Well, thank you, Ms Ryan, to you and to your staff and to all those who presented this morning for the information. It is anticipated that the decisions of the officers’ budgets will be sent to you in writing early next week.

We are now scheduled to break for lunch. This is expected to be a 45-minute break, so we will resume the committee at 12:30.

We are now in recess.

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

**The Chair:** All right. Welcome back, everyone.

Allow me to reintroduce myself. My name is Joseph Schow. I am the MLA for Cardston-Siksika and chair of the Standing Committee on Legislative Offices. If we could very briefly go back around the table and reintroduce those who are here in attendance in person, and then we'll go back to the phones.

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

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

**Dr. Massolin:** Good afternoon. Philip Massolin, clerk of committees and research services.

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

**The Chair:** Excellent. On the phone?

**Mr. van Dijken:** Glenn van Dijken, MLA, Athabasca-Barrhead-Westlock.

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

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

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

**Mr. Dach:** Lorne Dach, MLA for Edmonton-McClung.

**The Chair:** Excellent. Thank you, everyone.  
I'm sorry. I missed Mr. Walker.

**Mr. Walker:** Jordan Walker, MLA, Sherwood Park. Thank you.

**The Chair:** Certainly last but not least, sir.

**Mr. Walker:** Thanks.

**The Chair:** I do apologize.

The first guest joining us this afternoon will be the hon. Marguerite Trussler and staff in the office of the Ethics Commissioner. I'd like to welcome and thank you for joining us today. As with previous presenters, you have 20 minutes for your presentation, and then I will open the floor to questions from committee members. When you are ready, please begin by introducing yourself and your colleagues, and then on to your presentation.

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

**Ms Trussler:** Good afternoon. I'm Marguerite Trussler, the Ethics Commissioner, and I have with me my associate Mr. Kent Ziegler. Thank you for inviting me to present my proposed budget for the fiscal year 2021-2022. As part of my presentation I've included the annual report for my office from the last year, and of note is the substantial increase in requests for advice from 403 to 722. As well, requests for investigations increased from 107 to 437, but most of the requests pertain to one matter. We completed four investigations and worked on two additional ones, that were completed after the year-end. We also did one review of a decision of a deputy minister under the Public Service Act, and fortunately we only have 12 new codes of conduct this year to review and 17 amendments.

Our office has been extremely busy in the last few months because of the government migration to the IGX management system, and because we're such a small office, a huge time and responsibility burden has been placed on my staff.

Turning now – and I probably won't take the full 20 minutes – to the proposed budget for next year, it can be found on page 1 of my presentation. You will see an increase in salaries and wages of \$30,500. This amount is mainly the result of my reclassification, for which I thank you. There is also an amount of \$10,000 which requires an explanation. In the past the office of the Child and Youth Advocate did all of our accounting as we are not large enough to justify having an accountant. The OCYA is no longer able to do our accounting, so we've had to find an alternative. The expense of hiring a full-time accountant is not reasonable as we don't have enough work. We could hire an accountant from an outside firm on an hourly basis, but that person would not be familiar with and may not be able to access the government systems that we use. The hourly rate would also be considerable. We tried to find a retired government of Alberta accountant, but we could not find one.

We finally decided to train one of our staff to do the work required. We had to do some adjustments in responsibilities, and the extra accounting responsibility resulted in a reclassification, with a salary increase of \$10,000. As well, Treasury Board and Finance has offered to do our year-end statements at no cost, and these are the ones that are required for audit by the Auditor General. We believe that we have found the most cost-effective solution possible. We were also able to decrease our allowances and benefits by \$5,000.

With respect to other expenses, supplies, and services we undertook the same processes we do every year. We look at our actual expenses over a period of years in each category and consider where expenses could be reduced. By using this process, we were able to reduce our supplies and services expenses by 13 per cent this year.

There are two areas where we may have reduced the budget too much, but we're hopeful we'll be able to manage. The one is contract services. Any outside legal costs are paid under this category. This item was \$120,000 when I started, but we're now doing most of our own legal work so have been able to reduce the budget amount over the years. However, a minimum amount is still needed in the event that my office is subject to judicial review or an appeal of an administrative penalty. Hopefully, we will not need to use it.

The other area is technology services. We share IT infrastructure with the office of the Child and Youth Advocate, the Public Interest Commissioner, and the Ombudsman. It would be prohibitively expensive for us to go on our own. However, the system needs renewal, and the other offices are looking at doing things differently. We are more or less along for the ride and, quite frankly, do not know if the \$110,000 that we have budgeted is sufficient. I will have adjusted two other areas down, office supplies and rentals, to reflect historic costs.

Notwithstanding the salary increases, we've been able to reduce our overall budget from last year. As we do every year, we've monitored expenses closely and hope not to have to use all of our budget allocation. We have a reasonably good track record of coming in under budget.

So that's the extent of my presentation. We're a small office, and we have a small budget. It's pretty straightforward, and I'd be happy to answer any questions.

**The Chair:** Thank you very much, Commissioner Trussler, for your time today and that presentation.

We'll now go to the floor for questions from members. We will begin this section with the opposition. Ms Sweet.

**Ms Sweet:** Thank you. Thank you for your presentation, and again congratulations on the .8 per cent decrease. I know this has become

a trend with the Ethics Commissioner, decreasing the annual expenditures or budgets, because this isn't the first year that we've seen this happen with your office.

I do have just one question. It's specific to the projections for travel in the upcoming year. Right now it's forecasting higher expenses for travel in the current year than the previous year, and I'm just wondering, with everything that's going on with COVID and different things like that, why the projection is higher for travel expenditures.

**Ms Trussler:** Our budget last year was \$10,000. We used some of it but not all of it, and this year, of course, we will not be using any of the budget, but come next year, most of our budget expenses for travel occur in August and September and some later in December, and we're, I guess, optimistic that everyone will be vaccinated by then.

**Ms Sweet:** Okay. Just a follow-up if I could, Mr. Chair.

**The Chair:** Of course.

**Ms Sweet:** Thank you. According to your annual report as well, you've had significant requests for advice on gifts, increasing year to year significantly. Do you know why requests for advice on gifts have significantly increased?

**Ms Trussler:** Well, you have to remember that this annual report is from the pre-COVID time. COVID started just at the end of that fiscal year. I'm assuming that it was in relation to invitations to events.

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

**The Chair:** Okay. We'll now go to questions from the government caucus. Mr. Rutherford.

**Mr. Rutherford:** Thank you, Chair. Thank you for the presentation. I'm just wondering. On page 2 of your budget estimates, within contract services, you mention that the budget item is one-third of what it was five years ago and that it reflects a greater use of staff counsel. Do you foresee that number continuing to decrease?

*12:40*

**Ms Trussler:** It's a strange category because some years we don't use it at all, but we don't know from year to year whether or not we're going to have to hire outside counsel, whether there's going to be an appeal of an administrative penalty or a judicial review. Sometimes if we get a really, really complex investigation, we need some help from outside counsel. I don't think it will decrease any more. It's decreased to its limit, but there are some years we will not use that funding, and that means that it just stays in government general revenue.

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

**Mr. Rutherford:** No, I don't have a follow-up.

**The Chair:** Okay. We'll go now to the opposition caucus. Mr. Dach, please go ahead.

**Mr. Dach:** Thank you. Hi, Madam Trussler. I just wanted to ask about the accounting concerns that you had with respect to you being a smaller legislative office, a smaller budget office, that Treasury Board and Finance had offered to do a portion of your accounting, but you've opted for the methods that you're using right now. I'm just wondering if there's been any discussion between yourselves and others of these smaller legislative budget offices

about a longer term accounting arrangement that would be a bit smoother rather than this more or less ad hoc process that you seem to be scrambling to put together. Is there some method of putting together something, perhaps internally through Treasury Board and Finance, to take care of these accounting requirements that would be cost-effective and a little bit more smooth?

**Ms Trussler:** Well, we think that the system we've put together, actually, will work quite well. We did have a system with one of the other offices, the office of the Child and Youth Advocate. We also made inquiries of some of the other small offices to see if they could do our accounting for us, and that was not possible. We canvassed almost every other possibility. But we think this one, actually, will work quite well. The only area where it may not work, because we all just do our own accounting in-house, is actual preparation of the financial statements, and until we use the resources at Treasury Board and Finance, we won't know. But we don't see any reason why it won't work.

**Mr. Dach:** All right. So you don't see any need for a central source of accounting ability that an office such as yours could turn to rather than having to sort of piggyback on other legislative offices?

**Ms Trussler:** No. I think that keeping our own records internally with the new IGX system will work. The only area of concern is translating that into an annual statement for audit, and we're confident that the people at Treasury Board and Finance could do that for us.

**Mr. Dach:** All right. Thank you very much.

**The Chair:** Thank you.

We will now go to MLA Walker.

**Mr. Walker:** Thank you, Mr. Chair, and thank you, Commissioner Trussler, for being here today and to Kent and your whole staff. May I say that I quite enjoyed reading your report. It was a very lucid writing style. Again, I really found it quite interesting.

Commissioner Trussler, I'd like to turn to page 30 of your report, where it mentions that in September 2020 the lobbyist registrar gave a virtual presentation about the Lobbyists Act and the lobbyists registry. Now, do you happen to know the participation numbers for that?

**Ms Trussler:** I'm just trying to figure out what page you're on. Are you looking at the blue numbers at the top right?

**Mr. Walker:** Yeah. On page 30.

**Ms Trussler:** Okay. Yes, I've found that. I can't answer that question, and the lobbyists registrar is not here. I have my staff working from home at the moment. I have no idea how many people were there. I know she did another one just last week, so she's been speaking to groups using a virtual format.

**Mr. Walker:** Okay. Thank you for that. I guess that where I'm really going here is: how effective would you say that these presentations are to inform lobbyists and the public? I'm just looking for a sense around the efficacy of these.

**Ms Trussler:** Well, part of our mandate is public education, so it, first of all, fulfills our mandate, and, secondly, I think it's actually quite useful. Some of the feedback we've had from these sessions has been very positive.

**Mr. Walker:** Thank you.

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

Now going to the opposition caucus.

Okay. Hearing none, anyone from the government caucus?

Hearing none. Okay. Thank you very much, Commissioner Trussler, for your time today and responding to our questions. For your information it is anticipated that the committee's decision on the officers' budgets will be sent out to you in writing early next week.

**Ms Trussler:** Okay. Good. Thank you for your time.

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

We are ahead of schedule, so we're going to take a quick break just while we queue up our next presenter, which will be the office of the Child and Youth Advocate.

[The committee adjourned from 12:46 p.m. to 12:49 p.m.]

**The Chair:** Okay. I think we are ready to go.

We can see and we can hear all those who are joining us from the office of the Child and Youth Advocate this afternoon. I'd like to welcome Mr. Del Graff and staff from that office to our meeting this afternoon. Thank you for joining us today. We have set aside 20 minutes for your presentation, after which we'll open the floor to questions from the committee members.

You are free to start now. Please introduce those on the call, and then we'll start the time.

#### **Office of the Child and Youth Advocate**

**Mr. Graff:** Good afternoon, Chairperson Schow and committee members. Thank you for the opportunity to meet with you to present our 2019-2020 annual report, our 2021-24 business plan, and our 2021-22 budget estimates. With me today are Terri Pelton, our executive director of child and youth advocacy, and Bonnie Russell, our director of strategic support.

We have a slide presentation that we will invite you to follow. Mr. Chair, today's presentation will focus on our activities in 2019-2020, our priorities for the year ahead, and our 2021-22 budget request.

September 2019 marked the 30th anniversary of our office. When the advocate's office was introduced in 1989, the province recognized the importance of a young person's views and interests on matters affecting their lives, and 1989 was the same year of the United Nations' adopted convention on the rights of the child, which Alberta endorsed in 1999.

In our 30-year history of standing up for young people, we've provided advocacy services to nearly 70,000 young Albertans. In addition, since 2006, when the LRCY program began, our lawyers have represented nearly 27,000 young people. Our advocacy efforts are focused on helping young people in Alberta succeed in their lives and communities. We do this through three areas of our office: direct advocacy services, investigations and legal representation, and strategic support.

Over the past year some of the highlights of our work include: our continued efforts to build and nurture relationships with indigenous communities; in September 2019 releasing *Care in Custody: A Special Report* on the use of OC spray, commonly known as pepper spray, and segregation in youth justice facilities; we made four recommendations to improve the treatment of young people in custody and the systems that serve them; in November 2019 releasing *A Critical Time: A Special Report*, that focused on the experiences of young people ages 18 to 24 and the supports they need as they transition out of government care; we made three recommendations to help young people to be more prepared for

adulthood; and we released two mandatory reviews into child deaths, one in September 2019 and one in March 2020.

In March, when COVID-19 emerged, we began working remotely and in the summer began a transition back to the office. We continued to serve young people throughout the pandemic, and we continued to work across all parts of our organization. We have safety measures in place as recommended by Alberta Health Services, and, most importantly, we have no positive cases of COVID-19.

The last time we met with this committee, I talked about our five-year strategic plan, and built into that plan are three strategic priorities: first, that we are guided by the individual and collective rights of young people; second, that we are a model of youth participation; and, third, that we are meaningfully involved with communities. These priorities help set the direction for the work of the OCYA. Moving forward, we will be acting on plans for the strategic priorities through working groups that are in place and preparing for implementation.

Since 2018, when the Child and Youth Advocate Act was last amended, we have worked hard to deliver on all of our mandated services. Over that time we've identified a number of areas for change that we believe would improve our work on behalf of young people. We'll be raising these areas for future consideration. We've been concerned for many years about indigenous children and youth in government care. In Alberta the overrepresentation of these groups, particularly First Nations young people, remains among the highest in Canada. A new federal act, An Act Respecting First Nations, Inuit and Métis Children, Youth and Families, affirms and recognizes their jurisdiction over child and family services. We anticipate significant changes for indigenous child and family services over time, and in the coming year we'll engage in discussions about advocacy for First Nations, Métis, and Inuit children and youth.

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

**Ms Pelton:** Thank you, Del. Good afternoon, Chairperson Schow and committee members. Direct advocacy services is responsible for representing the rights, interests, and viewpoints of young people and ensuring their voices and perspectives are heard and considered by decision-makers. Direct advocacy includes intake, individual advocacy, engagement, education, systemic advocacy, and research. This past year over 5,000 children and youth were referred to our office. It is important to recognize that the young people we work with can be quite resilient and with the right supports and opportunities grow up to become successful young adults. Individual advocates work with young people to help them problem solve and find solutions through a collaboration, which results in transferable skills that they can use into adulthood.

**12:55**

Intake is one of the first points of contact for anyone looking for information or assistance when they call our office. In 2019-2020 we responded to over 5,100 inquiries that fell within the scope of our mandate as well as an additional 800 general inquiries that were referred to an organization that could help them. This reflects a 10 per cent increase in intake inquiries from the previous year.

Individual advocacy has been a core function of our office since we were established in 1989. We have 18 individual advocates who work directly with young people to help them have their voices heard and opinions considered by decision-makers. Individual advocates work out of our Calgary and Edmonton offices but serve young people across the province. This past year we provided individual advocacy services to over 3,100 young people.

As we look back over 30 years of advocating for children and youth, we note that the top three advocacy issues have remained consistent and continue to be issues faced by young people today: placement, not having a suitable placement or one at all; support and care, not having their basic needs addressed; connections, not being adequately supported to stay connected to family, friends, and community.

With the onset of the pandemic we are connecting mostly with young people virtually; however, if a young person needs to meet face to face, our advocates will take the necessary steps to make sure that it can work. Taking the time to know each young person for who they are, where they come from, and who is important to them is critical to our relationships and the basis for effective advocacy.

While individual advocates focus on supporting young people with their specific issues, systemic advocacy is about identifying issues that impact a number of young people and working toward broad changes that will benefit them now and in the future. We identify systemic issues in a number of ways, primarily through knowledge sharing across our office and tracking themes through intake, advocacy, and investigations. An example of a systemic issue is our Speaking Out special report, that was released in 2017, highlighting the needs of LGBTQ2S-plus young people involved with child welfare or youth justice.

We provide public education to a variety of stakeholders about advocacy and children's rights. This past year we delivered over 200 presentations and workshops to over 3,500 participants. About 30 per cent of those in attendance were young people. It is important to involve young people in our work because their participation influences decisions about their lives, which leads to meaningful change. We do this in a number of ways, including supporting our youth council, that meets about four times a year, hiring part-time youth interns, and youth participation on all of our hiring panels.

We work with indigenous communities to build strong relationships to effectively service First Nations, Métis, and Inuit young people. Last year our staff visited over 50 indigenous communities.

In addition, last year we completed two videos, one on systemic advocacy and one on individual advocacy. They're available on our website. We also updated the video about our office so that it is available in the Blackfoot language and the Cree language.

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

**Mr. Graff:** Thank you, Terri. LRCY provides legal representation to young people involved in matters related to the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act. Some of the most difficult and life-changing decisions are made for children and youth in these court matters. LRCY makes sure that young peoples' rights are upheld, their interests are considered, and their viewpoints are heard by the court. Judges tell us that the information provided by LRCY lawyers is important and is considered in their decisions. Established in 2006, the LRCY program was the first of its kind in Canada and is considered a milestone in our 30-year history. We have a roster of 64 independent lawyers across the province who have specialized training in child legal representation.

Referrals can be made by anyone for a lawyer to be appointed for a young person with a court application under the enhancement act. Most referrals come from caseworkers, parents, or young people. We have a process to determine whether or not to appoint counsel. In this past year over 1,400 new appointments were made for more than 2,300 young people. The LRCY program is directly impacted by Children's Services' caseloads. As the number of young people in care increases or their legal status changes, there is a direct

financial impact to the LRCY program. This past year new LRCY appointments increased for the second year in a row by more than 10 per cent. Another significant financial implication to the LRCY program is that the court can order legal representation for a young person under section 112 of the enhancement act. As a result, the court can override our processes by granting a section 112 order that requires LRCY to appoint counsel and to pay for it. In the last year the courts have made 176 court orders requiring us to appoint counsel, accounting for about 12 per cent of our total appointments.

Next slide, please. I'll now talk about investigations. The investigations team reviews when young people involved with child intervention services or youth justice are seriously injured or pass away. We make recommendations to public bodies to prevent future tragedies and improve outcomes for young people. The review focuses on the life experience of these young people. We meet with the young person's family and others who are close to them.

This past year we received 62 notifications of serious injuries or deaths, a reduction of seven from the previous year. Of the 62 notifications, two were for serious injuries, 32 were for deaths that occurred while receiving designated services, and 28 were for deaths within two years of receiving child intervention services. Of the 20 notifications that met the criteria for mandatory reviews, we completed 17. Three reviews were assigned stays by the justice system, which means we do not proceed with our reviews until the stay has been removed. Our recommendations have resulted in numerous policy, procedure, and training changes that benefit young people in government-serving systems. All of our recommendations and progress updates are publicly available on our website.

I'll now ask Bonnie to speak about strategic support. Bonnie.

**Ms Russell:** Thank you, Del. We're on slide 13.

Good afternoon, Chairperson Schow and committee members. I'm pleased to highlight the work of strategic support. We ensure appropriate resources, systems, and supports are in place to maintain the operations of the OCYA through strategic planning, business planning, quality assurance, human resources, finance, information management, technology, and administration.

It is our responsibility to ensure that the organization has quality and timely information in order to develop and implement the office's strategic priorities, to make spending decisions through effective financial management and planning, to recruit the right people who believe in our mission of standing up for young people and supporting our employees to be successful, to provide seamless operations of our information systems and security of data, to assess the quality of advocacy and legal services provided to young people, and to take care of administrative functions.

The next slide. I'll now touch on some highlights of our work. We finalized MOUs and information sharing agreements with Children's Services and Justice and Solicitor General's young offender branch. We talked to 583 young people about their experiences working with an advocate or a lawyer. Overwhelmingly, 94 per cent of these young people surveyed indicated that the services they received from our office were respectful, timely, and responsive. We implemented a new process to evaluate the responses received from government on the recommendations made by the advocate. The purpose of this is to add more rigour in assessing the actions taken by government or other organizations in implementing the recommendations.

Slide 15. I'll now provide some highlights of the 2019-20 financials. The approved voted operating budget for 2019-20 was \$15,525,000, a combination of \$15,275,000 for the operations and \$250,000 for capital. Our total spending is \$15,035,000, 3 per cent lower than the budget. At the request of government, we held our

spending at the previous year's third-quarter forecast by decreasing program spending and not filling vacant positions. In addition, we lapsed 90 per cent of our capital budget due to delay in replacing our advocacy information system.

1:05

In 2019-20 we continue to see rising expenses in LRCY. In September 2019 the program area implemented a number of policy and practice changes to reduce costs, which we saw some impact in the latter part of last year; however, the appointments of the higher cost court matters had increased by over 10 per cent.

I'll now turn it back to Del to introduce our 2021-22 budget estimates.

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

Slide 16, please. The impacts of COVID-19 have required us to look at new ways of delivering our services to young people, resulting in a decrease in our travel costs by advocates, investigators, and LRCY roster lawyers. We have moved to online engagement activities in several of our programs. However, we've also seen delays in the court system, with LRCY matters postponed and trials booked into 2021. We've also experienced a delay in our capital projects as our IT focus turned to supporting staff working from home.

We are requesting a budget of \$14,922,000, which is a hold at the current year's budget. We continue to experience significant pressures on our budget in the LRCY program. Our current year's budget was reduced by \$603,000. Even with this reduction, we were able to cover an increase to the LRCY budget of \$500,000. Reductions to the current year's budget came from all other program areas, particularly from salaries and benefits, where we reduced our staff by six positions.

I'll now turn it over to Bonnie to go through the 2021-22 budget estimates. Bonnie.

**Ms Russell:** Thanks, Del.

Now on slide 17. As Del indicated, we are holding our 2021-22 estimates at the same level as the 2021 budget. We have looked at all areas of our budget, evaluated our staffing levels, and examined our spending patterns over the past three years. We have also considered how we can engage and deliver services virtually as a result of the pandemic.

We have reduced our budget across all program areas of the organization again this year in an effort to increase the budget for the LRCY program. Although we have implemented a number of cost-saving measures in LRCY, we continue to see an increase in the need for this service. We have looked at the length of time and average cost for each type of court appointment matter and considered the impacts of postponements and trials into the 2021-22 fiscal year.

We are moving \$375,000 to LRCY from other program areas. This is a 9.9 per cent increase over the prior year's fiscal year budget for LRCY. In addition to moving money from our other areas, we are reducing the noncourt rate for lawyers by 10 per cent. The noncourt fees represent about 73 per cent of the overall fees paid.

On slide 17 you can see the breakdown of our 2021-22 voted budget estimates allocated by expense type. I will highlight the changes of these expense categories. LRCY fees and disbursements will now represent approximately 28 per cent of the budget. Salaries, benefits, and allowances are 57 per cent of our budget. We have reduced salaries and benefits by \$236,000, which will come from vacancies and attrition. Contracted services is being reduced by \$75,000, related to the reduction in expert panel fees, production of reports, file reviews, and VOIP services.

By moving some of our interactions virtually with young people and stakeholders, we are reducing the travel budget across the organization by \$42,000. Our capital budget remains at \$250,000 for 2021-22 as we implement a new advocacy case management system and move our e-mail and file shares to Microsoft Office 365.

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

**The Chair:** Mr. Graff, you're welcome to finish your closing comments, but just very quickly, as the time has expired.

**Mr. Graff:** Certainly. As we move forward, Mr. Chair and committee, we will be following up on our Into Focus report, which is a report that we did related to opioid poisoning in 2018. We'll continue to work on the LRCY program to ensure that quality legal services are being implemented while also dealing with cost-containment measures. We'll implement the GOA 1GX initiative, and we'll engage in discussions with indigenous groups, given the new federal legislation, as I mentioned before.

Chairperson Schow and committee members, in conclusion, we are requesting you approve our 2021-22 estimate of \$14,922,000. The staff at the OCYA work hard to stand up for young people. We are proud of our 30-year history of advocacy and our ongoing efforts to safeguard the rights, interests, and viewpoints of vulnerable young people in our province. It's a privilege to have such a role in the lives of Alberta's young people.

I want to thank you again for inviting us to appear before the committee, and we'll be happy to respond to any questions that you have. Thank you.

**The Chair:** Excellent. Thank you, all, for your presentations and for your time.

We'll now open the floor to questions from committee members, beginning with Mr. R.J. Sigurdson from the government caucus, followed by Ms Heather Sweet from the opposition caucus.

Please, Mr. Sigurdson. You have the floor.

**Mr. Sigurdson:** Thank you, Chair. Thank you, Mr. Graff, to you and all your staff, for the important work that you do representing and advocating for our youth across the province. My question relates to your budget estimates. Legal representation for both children and youth was budgeted at \$4.052 million and seeing a forecasted increase up to \$4.36 million. I just would like a little bit more depth of explanation, if you could, on: why are we seeing the raised expenses here? Maybe if you could elaborate even further into that, on how the increased budget will be used and, with that as well, if you can maybe forecast a bit for us if you will expect to see this continue to grow in the incoming years coming up.

**Mr. Graff:** Thank you for the question. We have seen a change in terms of the number of appointments that have been made under this program year over year for some time. In 2017, for example, we received 1,241 appointments versus 2019, where the number of appointments rose to 1,482. The differences in those numbers and the impacts in terms of costs of those appointments are substantial. That continues to be a challenge for us, and it has been a challenge for some time.

There are a number of external drivers that I think I alluded to in my remarks. One is the number of young people who are not just in care but are in care and have status changes. When there is a temporary guardianship order that's being pursued through the court, the young people involved are provided with legal representation by our office, so every time that that happens, that adds to some of our costs.

That being said, having a lawyer represent these young people is probably the most important or one of the most important ways that

we advocate on their behalf. Our lawyers are able to spend the time with young people to help them understand the court process, to help them have their voices be heard, and to help the court to have the young person's viewpoint a consideration in the decisions that the court makes.

So those are kind of key demands for us as an organization, and that's part of why we continue to make adjustments to continue to fund this program as robustly as possible. I also alluded to the section 112 orders, which is a process where the court can appoint lawyers and we don't have a choice as to whether we accept those appointments. It's required of us to do that, and it's a requirement for us to pay for those appointments, so our usual process, where we may have some limitations in terms of how we make a decision about appointing lawyers, would not apply to the same extent with a section 112 order because it's through the courts.

I'm not sure if perhaps Bonnie would like to expand a bit about the costs and where those pressures are or if what I said is sufficient.

Bonnie, do you have a comment to make?

**Ms Russell:** Thanks, Del. With respect to the fees and disbursements and that for the lawyers, that increase is \$375,000 this year. In the prior year's budget we increased it by \$500,000, so over the past two years we have added additional funding from within our own budget to be able to address the increases in the numbers of young people that are coming to our office for legal representation.

**The Chair:** Excellent.

Is there a follow-up for you, Mr. Sigurdson?

**Mr. Sigurdson:** Yes, Mr. Chair. Thank you.

Thank you, Mr. Graff, for that detailed explanation, and I appreciate all the hard work you're doing to find the efficiencies within your department to be able to deal with some of these increasing costs. With that in your budget, you mentioned as well that there are a reduced number of FTE positions by three. Can you just comment maybe on which positions these were, just for a little bit of in-depth?

1:15

**Mr. Graff:** The positions that we've identified through this process are positions that are vacant or one where we had identified a records position, for example, that we've absorbed into our existing structure. They're positions that are of that nature currently. I say that because we may have to relook at those questions about where those positions are going to come from, but those are the three as we've described them now.

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

We'll now go to Ms Sweet.

**Ms Sweet:** Thank you, Mr. Chair. Thank you, Mr. Graff and to Mss Russell and Pelton for being here. First off, I just wanted to say thank you for all the work that you do. The LRCY service, legal representation for youth, has always been a service that I believe is one of the best services that the advocate is able to offer kids to have their voices heard while they go through the court process.

My questions that I have, though, are more related to the changes that are coming from the federal government in relation to the structure of how Children's Services is going to be providing services within the province. As the advocate, are you aware whether or not this is going to change your abilities to do your role as the shift happens through the new legislation?

**Mr. Graff:** Certainly, we have some uncertainty about what it does mean for us. That's part of the reason why I spoke to the need for us to engage in dialogue with indigenous communities but also with the province about how to exercise our role given the change in the legislation. One of the things, if you recall some time ago, is that my office released a report called Voices for Change, that was focused on indigenous child welfare in Alberta. One of the key areas of recommendations that we made was to change and increase the governance capacity of indigenous peoples so that they could manage their own child welfare services. In fact, the federal legislation goes a long way toward that becoming the way that services are provided for indigenous people. We would want to engage in a dialogue with those groups to be able to adjust our advocacy services for this new reality. It certainly is something that we support, and we have identified that support both through that report, the Voices for Change report, but also through our subsequent actions in terms of participating and being present with indigenous communities.

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

**Ms Sweet:** Yeah. I support that as well. I think it's important that all children that have contact with Children's Services have the advocacy available that your office provides.

I wanted to do a quick little follow-up, but I'm not sure if you would have the data on this yet. Have you seen an increase with referrals to the advocate's office in response to the COVID-19 concerns, whether that comes down to meeting basic needs for youths, trying to find placements, whether or not we're seeing an increase in domestic violence? Like, have you seen any data as of yet around the response to COVID-19?

**Mr. Graff:** Perhaps I could make a brief comment, and then I'll ask Terri to follow up with some more specific comments. Certainly, in terms of – what we have seen is that we've seen an increase in the calls to our office. Where in a normal month we may see, you know, 200 or 250 calls that come into our office, in the months since COVID, particularly from May forward, those calls have increased to 350, close to 400 calls a month. Many of them are calls where young people or adults that support them are just finding difficulty finding someone to talk to about their difficulty. In fact – I think it was just last week – we had just in one week something like 143 calls to our office. That demand for contact with us has increased.

I'll let Terri perhaps expand upon that in terms of the amount of advocacy that we've been doing.

**Ms Pelton:** I'll turn on my camera and my microphone. Yes. The advocates anecdotally are talking to me about things like: there aren't as many placements available. Contact with family is more difficult because of potential restrictions. How do you facilitate a safe visit with a family member while keeping the foster home safe, that may have a number of other young people there? We are seeing more young people seeking services from Children's Services, so that's been an increase. See, it's a tough time for young people.

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

We'll now go to Mr. Nixon.

**Mr. Jeremy Nixon:** Thank you, Mr. Chair, and thank you, Mr. Graff, for being here and to your team and for your hard work. Kind of going along the same lines, obviously, you were talking about seeing an increase in numbers due to COVID, so I guess my question is around outcome 1. Performance measure 1.2 mentions consulting with young people and their communities about what their rights mean to them. I'm wondering: with COVID-19, what

methods are being used to consult with young people and make sure that they know that they're in a safe environment?

**Mr. Graff:** I would suggest that the most frequent way that we consult with them is directly through contact from them to us, but we also use vehicles like social media. We have recently shifted some of our education programs towards virtual learning and, in fact, are planning to do some presentations through that vehicle. We have a newsletter that we release a couple of times a year. We have a Youth Council, that speaks to the issues of children's rights as well. There are a number of ways that we do that. The impact of COVID has been such that we don't gather into groups like we otherwise would, but certainly our goals are the same. The challenge is to try to do that both virtually and through other means than gathering in person.

**Mr. Jeremy Nixon:** Okay. Can you maybe expand about how that's reflected in the budget and kind of how you see the cost pressures going forward?

**Mr. Graff:** Well, we have a group of education and engagement people in our office who do the preparation. For example, we do a program called Advocacy 101, where it helps community service providers to develop their skills in terms of advocating for young people. Our engagement and education folks do the same kind of preparation as they would if they were providing an in-person initiative and have the same kinds of materials, et cetera, and the only difference is that it's virtual, which has some cost savings attached to it in terms of travel. Otherwise, certainly, the time and the effort and, in fact, we believe, the impact is virtually not any different.

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

We'll now go to the opposition. Is anyone else on the phone?

**Member Ceci:** I am.

**The Chair:** Yes. Mr. Ceci, please go ahead.

**Member Ceci:** Yeah. Thank you, Mr. Graff, for your presentation and your folks there with you. I just want to ask about the disproportionate number of indigenous youth that your agency is working with. I get that you're trying to engage indigenous communities across Alberta. What are you doing, what do you see needs to be done to better address the root causes of why these indigenous young people are in the system in the first place?

**Mr. Graff:** That's a large question, and I think it requires a large response in terms of a significant change in how we see First Nations, Métis, and Inuit people in our society, how the choices they make about how they live as a community are supported by those systems that are around them. For example, if an indigenous family is in poverty and has no options, that shouldn't become a child protection type of issue that brings an indigenous child into care; that's a structural challenge that is not the responsibility of that individual family. It's much broader than that. There are some changes that I think are fundamental to creating a different context for indigenous families and communities for caring for their children.

The federal legislation will have some challenges to it, but it is a step along that path to saying to indigenous leadership: you have some right and some responsibility in relation to caring for your children and families, and we're going to support that. The onus will be on both the province and the federal government to demonstrate that support to them and to eventually result in changes

so that there are not so many structural barriers in front of indigenous people both in this province and in this country.

1:25

**Member Ceci:** Forgive me. I don't know if you've provided that input in the past. If you haven't, is that an area that you could work on?

**Mr. Graff:** Yes, it certainly is. It is an area where I have provided that input in the past at every opportunity. I've participated in front of a Senate committee that looked at this issue at the federal level. I've talked about it provincially for quite some time and have in fact engaged with groups to try to advance those ideas forward and to make them into reality and will continue to do that. That's not a short-term goal, but it's a very, very important one.

**Member Ceci:** Thank you, sir.

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

Anyone from the government caucus?

**Mr. Sigurdson:** Mr. Chair, MLA Sigurdson.

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

**Mr. Sigurdson:** Thank you, Mr. Chair, and thank you again, Mr. Graff. I just want to comment. In your business plan it mentions researching the intersection of young people's individual and collective rights. Just maybe if you could comment on how that research is being done, and what does that research require?

**Mr. Graff:** Yeah. I could describe some of that, and then I might rely on Terri to talk a bit more about what our office is doing in terms of our committee structure. The research into individual and collective rights of young people is an area where our history as an organization and – in fact, my sense is that our history as a society has been focused more on individual rights and what each of us as an individual has both rights and responsibilities to do. The notion of collective rights is something that's very valid, so if I as an indigenous person have an individual right that is the same as everyone else's, I may have unique collective rights as an indigenous person that also need to be taken into consideration.

The research that we're doing is really looking at: what are the best practice kinds of opportunities for those intersections? They're not all coming from the same place. The individual rights capacities may be quite different than the collective rights capacities, and sometimes they can even in fact be at odds, and then that becomes a challenging kind of area to navigate. That's about what I could say.

Perhaps Terri has some information that she can provide about the committees that we're working with. Terri.

**Ms Pelton:** Sorry about that. We have established three working groups in our office, our staff, who are really interested in all three of our strategic priorities that we've identified, but the collective and individual rights are particularly interesting, and our research folks – we have two research analysts who are engaged in supporting the working group.

It's a shift for our advocates to balance the collective rights of indigenous people with the individual rights of the young person that they're representing. We think it's really critical as we move forward with the new legislation, and it's just really important for kids that they have connections to their cultural identity. We're moving, and it's taking a fair bit of research to understand the difference between collective and individual rights.

**Mr. Graff:** The only other thing that I could add to that, if I may, is that when we look at the issue of individual and collective, we then start to have a better understanding of: what is the context of young people's lives? What are their connections? What is important to them? Where do they have collective rights and responsibilities, and how does that tie into their needs as individuals?

**Mr. Sigurdson:** Thank you, Mr. Chair. A follow-up?

**The Chair:** Yes, please.

**Mr. Sigurdson:** Thank you, Mr. Graff. I mean, I think we recognize the importance of the continued work on this. Could you maybe comment on how you think you will establish an organized approach to how these individual and collective rights are applied to your work moving forward?

**Mr. Graff:** I think that's one of the key tasks of the working group that's working on it right now. A number of these folks have been to some training experiences, have read articles, et cetera about the intersection between individual and collective rights, but to get to a path forward, I mean, we have to have more than the information. We have to have a vehicle, so that's what I think is being worked on, a plan for making sure that that strategic priority by our organization can be acted upon both at the individual and at the collective level. I mean, we are a service organization that deals both with individual advocacy needs but also systemic advocacy, and we need to be able to have an understanding of how those two areas of rights converge. It's not a simple process, and in fact that's what makes it a challenge, that it's not simple. We are continuing to work at it, and our working group is developing their capacity to help us plan forward on a go-forward basis.

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

We have about three minutes left, so we'll go to Ms Sweet for a quick question and, if there's time, a quick follow-up.

**Ms Sweet:** Thank you, Mr. Chair. My question is pretty quick. I'm just wondering if you can provide us with a little bit of an update on the youth advisory panel. I know that that is something that is part of your advocacy and also consultation with youths in care. I was wondering if they're meeting and how things are going with the youth advisory panel.

**Mr. Graff:** Yes. Thank you for the question. We refer to them now as our Youth Council. That was a request that they made for a change in their name, so we have worked to help them feel empowered to make changes like that. They do meet on a regular basis, and with COVID they have been meeting virtually. In fact, I think there's a meeting this coming Sunday again. They are a group that has really been focused on trying to support our office to think more in ways that would reflect the interests of youth and the values that they hold. They've helped with our annual report. They've helped with a number of different things, and they will continue to.

One of the things that we're looking forward to is that they want to make an invitation to the Minister of Children's Services to come and visit, and certainly she has indicated in the past that she'd be interested in that.

They want to be part of helping advance the rights, interests, and viewpoints of young people, and at this point in time they're quite enthused about that. They're doing very well.

One of the keys to that group is that they each have a mentor, and a mentor makes a tremendous difference to their capacity to be consistent and to be supported both here with our council but also in their own home community, so it's a very, very helpful process.

**The Chair:** A quick follow-up, Ms Sweet? We have about a minute left.

**Ms Sweet:** Yeah. Just a quick follow-up. I just wanted to say thank you for doing that. As you know, I'm strong believer that youth should be the ones to lead the way when it comes to services that they need access to, so I'm a big supporter of the Youth Council, as it is called now, so congratulations on that. I look forward to hearing from them again around things that we can do to help support them.

**Mr. Graff:** Thank you.

**The Chair:** Okay. That is about all the time we have today with the Child and Youth Advocate office. I'd like to thank Mr. Graff, Ms Pelton, and Ms Russell for joining us and for your detailed presentations.

For your information it is anticipated that the committee's decision on officer budgets will be sent out to you in writing early next week.

**Mr. Graff:** Thank you.

**The Chair:** Okay. We will now go on to our final presenters of the day from Elections Alberta. Mr. Glen Resler and his colleagues are here to review the annual report and business plan and the 2020-2021 budget estimates for that office.

With that, I welcome Mr. Resler, the Chief Electoral Officer, and his colleagues to our meeting this afternoon. Mr. Resler, are you there?

**Mr. Resler:** Yes, I am.

**The Chair:** Excellent. Okay. Like other presenters today, I will give you 20 minutes for your presentation in order to ensure that we leave enough time for the questions from the committee, which will be 25 minutes max after that. Please go ahead and introduce yourself and those who are with you, and then go ahead with your presentation.

1:35

### Elections Alberta

**Mr. Resler:** Good afternoon. A pleasure to meet with you today to review the activities of our office over the last year and present Elections Alberta's budget estimates for the '21-22 fiscal year. I'm Glen Resler, the Chief Electoral Officer and Election Commissioner. My team members joining me this afternoon are Drew Westwater, Deputy Chief Electoral Officer; Pamela Renwick, director of election operations and communications; Steve Kaye, director of compliance and enforcement; and Doug McKenzie, director of election finances.

In your materials today we provided you with our 2019-20 annual report, our business plan for 2020 through to 2024, and our budget submission for the year '21-22.

Earlier this year we released our three-volume 2019 provincial general election reports. Volumes 1 and 2 were released in March, and volume 3 was released last July. Copies of these reports were previously provided to members. At last year's budget presentation we highlighted the conduct of the provincial enumeration and general election, including recommendations for legislative amendments. As 2019 included an election campaign period, the reporting of the financial activities of the political participants was split between the annual report and the election report volume 3. I'll highlight some of the financial activities of over 1,800 political participants in 2019.

On slide 4 of your handouts we have aggregated the contributions to all political participants. Nearly \$23 million was contributed in 2019 with over half of this amount being contributed to political parties.

Slide 5 combines all 2019 annual and campaign expenses for a combined total of nearly \$31 million. Again, just over half of those expenditures were made by political parties.

Looking at slide 6, we are providing a historical view of contributions to third-party advertisers. Third-party advertisers have been legislated since 2011, and approximately \$14 million has been raised in the last nine years in advertising contributions. Ninety-nine per cent of the total contributions were recorded in the last three years, and that's been triggered by legislative changes in 2016 and 2017. The graph breaks down contributions by type and location and shows that trade unions account for 55 per cent of total advertising contributions, the majority of those coming from Edmonton; corporations account for 35 per cent; and individuals, 10 per cent. Less than 2 per cent of all contributions are from outside of Alberta.

Turning to slide 7, filing deadline compliance was 100 per cent for the 2019 annual financial returns and 94 per cent for the 2019 campaign returns. Out of nearly 1,300 campaign returns only 78 missed their filing deadline and were assessed the automatic \$500 late filing fees. We brought 47 of these participants into compliance within the 10-day grace period, and we reported 31 nonfilers to the Speaker.

Slide 8. Expanding legislation, the increase in frequency of financial filings, and the volume of political entities has required us to modernize our financial review processes in order to minimize the impact on our staffing. My office has continued its work to convert our paper-based registration and financial returns into the online financial system and electronic storage. We were very fortunate to release the online financial recording module for constituency associations to report their 2019 activities in February of 2020. This allowed my staff to support the legislative activities of the office remotely during the COVID-19 pandemic with minimal impact to stakeholders. Fulfilling our duties during a pandemic has highlighted the importance of modernizing legislation and processes to allow election administrators the flexibility in delivering an electoral event while maintaining the integrity of the electoral process.

Further IT developments this fiscal year will see the online financial filing available for all political entities for the 2020 annual filings, and we've already seen improvements in the quality of the filings. Cost savings are being realized by both political participants and our office, and the efficiencies of automation are allowing us to improve the depth of our review processes. As well, with the online financial system political parties can directly monitor and assist their constituency associations and candidates with reporting and compliance and manage the party's nomination contests.

Slide 9 illustrates how this modernization provides us with an opportunity to develop dashboards like you see on the screen to track the progress of financial submission through our compliance review process. This is very important when you have overlapping filing deadlines of over 1,800 participants. We track the receipts of financial submissions so we can reach out to help all participants meeting their filing deadlines. We're also able to apply automated audit procedures.

Slide 10 highlights the reintegration of the enforcement responsibilities back into Elections Alberta. This was a significant undertaking, made that much more challenging as this occurred during the onset of the pandemic. I would like to thank all the staff who have contributed to this effort. As you are aware, all investigative activities commenced by the former commissioner

continued under my statutory mandate. We vacated the premises used by the former Election Commissioner's office, with the physical move of all investigative staff, including files and equipment, occurring in March 2020. These staff were integrated within our existing office space. Part of the reintegration of the enforcement functions included a review of past practices and a needs assessment of the investigative resources. This resulted in significant changes to improve operations and efficiencies.

The deficiencies in the former commissioner's records management system were identified, including deficiencies in data security. This was rectified by implementing a new investigation records management system commonly used by the law enforcement community. The system went live on April 1, 2020. During my review it was apparent that additional investigative resources were required. Two additional contract investigators were hired to assist in addressing the backlog of complaints and additional responsibilities mandated under the Local Authorities Election Act.

We implemented changes as a result of the recent decision in Rumpel versus Alberta. The court overturned the decision of the former commissioner, citing a lack of procedural fairness, improper disclosure, inadequate notice, and the imposition of an excess fine. To address the decisions made by the courts and to ensure compliance with current legislation, I have implemented a fair and transparent penalty framework. This will be used as a guide to ensure the consistent application of administrative penalties when such remedies must be applied. The framework has been distributed to all political parties and is available to the public on our website.

Slide 11 highlights complaint activity for the year. We had 111 complaints and active investigations that were carried forward from March 2019. In fiscal 2019-20 we added 269 new complaints. We concluded 101 complaints without investigation and 141 through investigations. There were 138 complaints or active investigations carried forward into the current year. An interesting statistic we found was that 47 per cent of the total complaint activity was a result of the referrals from Elections Alberta. This demonstrates the close, pre-existing working relationship between Elections Alberta financial analysts and the investigators. Realigning and centralizing these two offices has created additional efficiencies in addition to generating additional cost-saving opportunities.

Slide 12 shows the categories of the 242 complaints and investigations concluded in the 2019-20 year. The top three complaint types are as follows: 19 per cent of all complaints are attributed to third parties, 18 per cent is attributed to party and candidate activities, and 17 per cent of all complaints were related to election administration. Some examples of election administration includes complaints such as not receiving a where-to-vote card or election officials not asking for identification at the polling station.

Slide 13 provides a breakdown of complaint dispositions ranging from information, no jurisdiction, referrals. Of the 141 investigations that were closed, 37 per cent resulted in administrative penalty, and 7 per cent were issued a letter of reprimand. Summaries of these decisions are posted on our website.

Slide 14 looks ahead to the next fiscal year for election event planning. Much of 2021 will involve Elections Alberta's preparations for a Senate election and referendum that we anticipate will be held in conjunction with municipal elections in October '21. We will also start our election activities leading up to the 2023 provincial general election.

Our responsibilities related to the Senate election and referendum include delivering municipal training sessions. We have already partnered with Alberta Municipal Affairs to provide training sessions to municipalities. Seven educational sessions have taken place to over 1,100 participants. Another eight modules are planned

for 2021. We're also responsible for registering candidates and third-party advertisers, running the nomination process for Senate election candidates, printing and co-ordinating Senate and referendum ballot delivery across the province, and aggregating and announcing official results.

*1:45*

As well, our compliance and enforcement unit is responsible for receiving and processing complaints of noncompliance by Senate and referendum political participants, municipal candidates, and municipal third-party advertisers. There are about 421 governments and over 2,300 elected positions in municipalities, school boards, Métis settlements, and irrigation district elections. As this is a new responsibility for my office, the volume of complaints that this will generate and the impact to our operations is unknown at this time.

The '21-22 year also marks the midpoint between general elections, so it is time for our recruitment and hiring of returning officers to facilitate map and list reviews and pre-election planning in each of their electoral divisions.

Slide 15 details our business plan activities over the four-year election cycle, including Senate election and referendum vote, a targeted enumeration in 2022, and a provincial general election in 2023. Legislative changes are critical to our timelines. The Democratic Accountability Committee is to report its recommendations on the Election Act and Election Finances and Contributions Disclosure Act in January 2021. Spring '21 is the best-case scenario for legislative changes to be incorporated into our preparations for the general election. If the amendments are delayed, it may result in duplication of effort, additional training, and higher costs.

Slide 16 shows how our costs fluctuate based on when our election events occur. We operate on a four-year election cycle, and this makes year-to-year budget comparisons difficult for you, as you can see from the peaks of election and enumeration costs over the past three provincial general election cycles. The gold line shows that corporate services' costs have been holding steady for the past seven years, with increases largely resulting from legislative changes and inclusion of the Election Commissioner's office.

Slide 17 takes a look at our comparable general election costs. My office has consistently maintained cost per registered elector as one of the lowest in Canada at \$8.65. This is a full 25 per cent below the next lowest comparable, and this is further evidence of my fiscally responsible management of Alberta's electoral activities.

If you can turn to slide 18 and also page 1 of your budget handout, we are requesting total funding of \$11,213,000 for fiscal year 2021-22. Our funding request is spread out over five program areas in the office: corporate services, elections, enumeration, other electoral events, specifically Senate and referendum, and compliance and enforcement. Pages 2 to 5 of the budget estimates provide a comparison of the consolidated '20-21 budget and the '21-22 consolidated estimates and variances.

I'll look at each individual program area in detail, starting with corporate services on page 6. Our corporate services budget is \$5,804,000, and this is a reduction of 4 per cent from last year. Under manpower for '20-21 the budget transfer represents the salary cost of the Election Commissioner and his permanent investigative staff into corporate services. Corporate services contains all the permanent staffing for the office and includes major IT infrastructure for the registered electors and our online financial systems. There is no change in the manpower for the '21-22 fiscal year. Looking at supply and services, the 4 per cent decrease in the corporate services budget is a result of a decrease of over \$100,000 in professional development, travel, and contracted services, and we're also decreasing our capital costs by \$155,000 as major

enhancements to our online financial system will be more than 50 per cent complete in the current fiscal year.

Going more in depth into the manpower portion of our budget, slide 20 provides a comparison of several election offices across Canada. The closest comparative for Alberta is British Columbia. We both have 87 electoral divisions. The number of registered electors is close. We have about 2.8 million. They have 3.3 million. You will note that B.C. has 72 full-time staff compared to our 32. One significant legislative difference is B.C.'s responsibility for municipal candidate financial returns, and that accounts for approximately 20 additional staff that they're responsible for. With just 32 full-time staff Elections Alberta is a lean organization and compares very favourably to its next-door neighbour.

In regard to manpower costs – and this has been commented on as far as other legislative offices – I'd like to draw your attention to page 48 of the Blue Ribbon Panel on Alberta's Finances, or the MacKinnon report, where it highlights the disproportionate salaries of unionized versus non-unionized employees. All Elections Alberta staff are non-unionized and opted-out staff, and salaries, including merit and ranged increments, have been frozen since April 2015. Should members be looking at further restraint on salaries, I hope that you would consider the recommendations contained in this report.

Turning to page 8 of the estimates, our elections budget is \$3,278,000. As we begin pre-election preparations, this is a budget increase of \$1.8 million from the current year. We are looking at \$176,000 for travel for returning officer recruitment, \$186,000 for telecommunication, which includes the cost of phones and monthly plans for 174 staff. We're looking at a \$699,000 increase in contracted services for recruitment, map and list review, and pre-election planning fees. There's a \$372,000 increase for IT services, \$448,000 increase for materials and supplies. There is also a \$229,000 decrease due to reducing our by-election budgeting from three to two by-elections annually.

We have budgeted an additional \$125,000 in capital funding to continue the upgrade of our election management system, which is over 20 years old already, and we're including enhancements to the advanced poll, vote-anywhere application, special-ballot modules, candidate and party portals that we use to communicate with you. We are also working with other provincial jurisdictions to cost share module development of this new system in order to bring costs down.

Turning to pages 11 and 12, our budget requests for enumeration: \$100,000 for capital investment. No operating costs are required until the year '22-23. These funds will be used to update our enumeration application and to update online training modules for enumerators.

Turning to pages 13 and 14, we have our budget for the anticipated Senate and referendum votes in October. This program area will be expanded to include recall and citizen-initiative legislation if it is passed, and at this point there are no funds allocated for these two items. Our budget request for the Senate referendum program is \$1,418,000. Budget highlights include \$162,000 for a provincial call centre; \$463,000 for advertising, and that will include a provincial householder and social media campaign to increase public awareness; \$698,000 for ballot supplies and distribution costs; \$25,000 to collaborate with Alberta Municipal Affairs to add functionality to their web portal in order to share and receive information between our office and municipalities; and, finally, \$70,000 for travel, hosting, and other contract staff.

Lastly, on pages 15 and 16 we have our budget for compliance and enforcement. Under salaries you'll see the corresponding transfer of permanent staff into corporate services, and our budget request for this program is \$613,000. This is a decrease of \$280,000

from last year. Our budget highlights: \$100,000 decrease in legal and consulting fees, \$145,000 decrease in IT costs by moving compliance into our corporate systems and savings in implementing the new records management system. There is also a \$36,000 decrease across various supplies and service categories, largely due to efficiencies from the merger. To summarize, our total budget request for our 2021-22 fiscal year is \$11,213,000.

My final slide reflects on the pandemic and its impact on our office. A positive outcome was our ability to quickly redeploy election computer equipment to allow staff members to work effectively from home and to implement new technologies. Video conferencing and online learning have been effective in reducing our costs for professional development, meetings, and travel. To accommodate financial filing deadlines in March, we allowed extensions to collect banking documents and as a result of isolation orders.

1:55

There are three significant negative impacts to investigations. Court delays: we had 14 appeals of the former commissioner's decisions that were scheduled to be heard. All have been adjourned and are being rescheduled.

Conducting interviews and obtaining investigation-related documents has been very challenging, and as a result there have been a few cases where we have struggled to complete an investigation within the legislated three-year time period from the date of the alleged contravention. I did request an additional 120-day extension to the legislation, and this request was denied.

Potential impact on by-elections. We were very fortunate not to have an electoral event compared to other jurisdictions. The budget presented today does not take into account additional costs that would be incurred in holding a by-election during a pandemic. We would also need to come to the committee for approval of alternate procedures under the Election Act to modify sections of the act that would be necessary to run with our planned pandemic procedures. The major modifications fit with legislative changes that we have requested . . .

**The Chair:** Mr. Resler.

**Mr. Resler:** Yes?

**The Chair:** Go ahead and finish your thought, but your time has run out.

**Mr. Resler:** Okay. Thank you.

So we're looking at that. We're also monitoring the '20-21 activities presented to you today, and they may be impacted as far as recruitment, map training, list of electors, and delays in recruitment. That could impact our ability as far as completing enumerations in 2022.

That ends my presentation. Any questions you may have, Chair.

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

We will now go to the floor to questions from members for the next 25 minutes, with a question and a follow-up, beginning with the opposition caucus.

**Ms Sweet:** Thank you, Mr. Chair, and thank you for the presentation. I just want to focus a little bit on the investigation process. First off, would you be able to just clarify your last comments in regard to asking for an extension on the legislation that was denied? What impact does that now have on the work that you are required to do under the legislation, and what would the extension have provided you with?

**Mr. Resler:** Thank you. The extension would have provided, obviously, additional time in completion of the investigations. What we are looking at with emergency orders: there was an extension that was provided to everyone, and we knew right at the head that we were going to be impacted because of the pandemic and the constraints that it put on us with regard to the investigations themselves.

I'll let Steve Kaye provide you some additional information on more of the details. Specifically, there were one or two files that were directly impacted.

**Ms Sweet:** Thank you.

**Mr. Kaye:** Thank you, Glen. To be clear, we were aware that COVID was going to impact our operations right from the outset. We try to conduct our interviews in person whenever that's possible. We also collect a significant amount of investigative material, that being documents, records, et cetera. We knew it was going to be a struggle for people to provide those records to us just because of COVID and the closure of a number of facilities such as accountants' offices and whatnot, and then we also knew that it was going to be a problem for us receiving and handling these documents. That was the driving force behind the request for the extension, because it was very apparent from the outset that COVID was going to potentially slow things down.

To put into context how it impacted us, really, there was only one investigation out of the roughly – I don't know – a thousand or so that have come in since the inception of this office. There was really only one investigation where we didn't get it completed within the three-year time period specified within section 51.02 of the EFCDA. To suggest that COVID was the only reason that that occurred would be a misrepresentation. Yet this was a particular complaint that came to us a full 15 months after the alleged contravention. That put us behind the eight ball to begin with. We then encountered challenging subjects and complainants that we had to personally serve notices to attend and notices to appear before the commissioner. We had to apply to the courts at one point to seek a court order compelling someone to appear before the commissioner. So all of those things, when they involve personal service and closure of the courts in addition to the 15-month delay in this matter being reported to us, resulted in that one investigation bumping up against the timeline specified in the legislation.

We have had a number of other investigations that have crowded that timeline. We've had to reallocate resources and reprioritize these matters to ensure that they have been or will be completed within the timelines specified and in addition to the extension granted by Ministerial Order 027/2020.

But, again, to be clear, there really was only one investigation with a number of aggravating factors where we bumped right up against the administrative penalty timelines.

I hope that answers your question.

**Ms Sweet:** Yes. That was great. Thank you.

I'll just have a quick little follow-up. Do you happen to know how many outstanding investigations there are that may be coming up close to the administrative cut-offs? And do you have the resources? Now that you've hired additional staff to do the investigations, do you have enough, or are you still, like, in need of additional resources?

**Mr. Kaye:** That's a great question. We have two that I would say we've reallocated resources to to complete them in time, and, yes, we have the resources now to successfully complete that.

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

We'll now go to Mr. Glenn van Dijken.

**Mr. van Dijken:** Yeah. Good afternoon, and thank you for your presentation. A lot of information contained in the reports and in the budget here. I just have a couple of questions around COVID-19 and the impact it's had on the office. Also, are there any public health measures that you've identified and had to consider with regard to election day staff, and how has that impacted the budget going forward here?

**Mr. Resler:** Impact to budget as far as the pandemic: we have not accommodated any additional costs in our budget in relation to the pandemic, for that purpose. We are hopeful that we don't have any by-elections over the next year. We do budget for two by-elections annually now, so depending on the number of by-elections that occur, we would have adequate funding. If it exceeds two by-elections, then we'd be coming to the committee for additional funding.

But we are impacted, and we've been working closely with other jurisdictions. New Brunswick, Saskatchewan, and B.C. have all gone through pandemic elections, so we're in conversations with them. We're also on the national committee as far as the impact of the pandemic and different models that can be used in order to mediate the situation.

We would have to come back to the committee for approval of alternate procedures under the Election Act. We'd have to modify sections of the legislation in order to run a pandemic by-election, and the major modifications: you know, we're talking similar things with legislative changes as far as flexible staffing models, the use of tabulators, appointing scrutineers to polling places rather than individual polling stations, and modifying the special-ballot process.

**Mr. van Dijken:** Good. Thank you.

Now, according to the budget estimates you've indicated that most of the increases in spending are a result of increased costs to administer Senate elections, referendums. Now, the Senate elections and referendums can be held in conjunction with municipal elections. I'm just wondering if you could explain the relationship between Elections Alberta and the municipalities in conducting the referendums and the Senate elections. One possible – you know, throughout the pandemic year we've all gotten accustomed to virtual conferencing, and I wondered if you'd considered the pros and cons around this method of doing business in training staff, election day staff training, travel, and the like, those costs?

**Mr. Resler:** Okay. A couple of questions there. Yeah. Looking at the Senate election/referendum as far as working with Alberta Municipal Affairs and the municipalities across the province, definitely it is a cost savings. You know, we provided our budget numbers as far as what the cost is to us. It's a co-operative environment for us: we work with the municipalities; we're working with Alberta Municipal Affairs. There are differences in the legislation as far as what is provided. If municipalities are using tabulators, they print the ballots. They're responsible for the ballot printing. If they're not, we're responsible for the ballot printing. So there is a bit of co-ordination involved there.

2:05

I mentioned that we have started – as far as training staff, when you talk about online training, that type of thing, it has been very successful so far with the Municipal Affairs training programs that we participate in. One of the comments, which was good to hear because we've had a few sessions already – there is, as you say, a cost to attending conferences, getting the staff to attend and travel

across the province. What we've seen is that the number of participants is higher as a result of the online training, where they're able to participate, where before there was a barrier as far as the budget account lines. We're seeing more people participating in the sessions as a result. We do have online training capacity. We have trained – as far as provincial elections we implemented an online training program last election. We are looking at – like, for us it's 18,000 staff that we hire across the province, so there's a significant amount of training.

The budget that we propose for next year accommodates more in-person training, and it is hoped that we can have some in-person training because it is difficult to train on mapping and certain things. We have an advisory council right now that we work with. Those meetings were to be in-person. All of them have been moved to online training. We're going to provide online training where possible, but in certain instances we're going to have to have in-person training. That might result in more training sessions that have to be delivered because we have to have smaller classes, larger facilities, that type of thing, to allow for safe distancing. We know we are working with that as much as possible, and some of it – we may delay the training until it's safe to do so.

**The Chair:** Thank you.

Now go to opposition. Mr. Shepherd.

**Mr. Shepherd:** Thank you, Mr. Chair, and thank you, Mr. Resler, for being here today. Allow me to compliment you on a most excellent beard in time for Christmas. Under, I guess, section 3 of the business plan, where you're talking about investigation and some of that work by your office, I'm just wondering. I imagine you're familiar with an organization called Shaping Alberta's Future. They ran countless TV and online ads in the run-up to the 2019 election. I was just wondering if you'd be able to tell us how many active investigations you have alleging that Shaping Alberta's Future broke election laws?

**Mr. Resler:** Unfortunately, I can't comment on any active investigations and whether we are or aren't investigating a specific entity. Legislation prevents me from commenting on that.

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

Along those lines, though, if you're unable to, I guess, say or provide that information, how can we be sure that those claims are in fact being fully investigated? What accountability measures, I guess, are in place to be able to track those, particularly given the concerns we have around that three-year limit?

**Mr. Resler:** All investigations are fully investigated. All complaints are fully investigated. Those persons that submit the complaints to us: we would provide them with correspondence providing them information as far as when those investigations come to a close. Also, if any reprimands or administrative penalties are assessed, they are posted online on the website for full disclosure. That's the extent as far as what the legislation provides us to do.

**The Chair:** Thank you.

Go to government caucus. Mr. Walker.

**Mr. Walker:** Thank you, Mr. Chair, and thank you, Mr. Resler and your staff, for being here today for this important meeting reviewing estimates and business plans, et cetera. You do very important work. I want to focus on the business plan, your business plan, Mr. Resler. Specifically, as Senate elections and referendums may be held during municipal elections, it is important to develop relationships between municipalities and Elections Alberta. Now,

Elections Alberta acknowledges this and has provided a road map in their business plan, which I saw on page 9, Mr. Resler. In that vein, can you please, Mr. Resler, explain what progress has been made with regard to Elections Alberta's planned collaboration with municipalities in the administration of elections?

Thank you.

**Mr. Resler:** Thank you. We have had numerous meetings with Alberta Municipal Affairs regarding the legislation. We've also met with Alberta Justice as far as the legislation and some amendments that have been put through.

We have initiated development of a web portal as far as enhancements to the Alberta Municipal Affairs web portal, so that allowed us to, at a lower price, more efficiently communicate with municipalities. We're building the functionality in order to request information from them. We need to know population figures as far as the impact as far as ballots and pollsters, the number of polling places. They'll provide that information request to us, and they'll provide information to us as far as the results at the end of the election that they're administering.

We've already initiated training programs with municipalities in conjunction with Municipal Affairs. That is ongoing, and we'll have another eight modules throughout the year next year. We have been very active, and it's not only on the election operation side of things, but we're also providing information as far as compliance. There's a lot of legislation that has changed for municipalities, so they're very eager for information. We're able to provide that for them.

**Mr. Walker:** Thank you, Mr. Resler.

Just a follow-up, Chair. I'm really excited about the planned collaboration between municipalities and Elections Alberta. In the vein today of looking at budget estimates, have you identified, Mr. Resler, any areas of potential future cost savings or potential for harmonization – that's how I'd put it, harmonization – between municipal election authorities and your own agency here, Elections Alberta?

Thank you.

**Mr. Resler:** Thank you. There are always costs savings or harmonization when these events similar to Senate and referendum are held with another legislated election. Whether it's municipal or provincial, it's a significant savings. You know, it might cost an extra \$5 million to harmonize it with another election versus another \$26 million if it was a stand-alone election. So there are significant cost savings.

We're also in conversations with, for example, the cities Edmonton and Calgary. We meet on a regular basis. One area in which costs savings, I think, can be achieved is a change in legislation under the Local Authorities Election Act. Right now our responsibility under the Election Act is to maintain a permanent register of electors, and we maintain that at a significant cost as far as resources, time, and money. We have access to different databases in which we can obtain information to update the register, and we're able to share that information with municipalities. The problem is that under the local authorities legislation, if we share that information with municipalities for their use as a list of electors on election day, they have to create their own permanent register, and they have to perform an enumeration. So it's a disincentive for them to use our register of electors.

The reason I say as far as where cost savings can come into play is that if we were able to streamline the local authorities legislation and we could be the main repository for a register of electors for the province and for the use of municipalities, when they perform their

electoral activities, they are able to provide us with updated electoral information when they receive it at the polls so we can have that integration of information back and forth. Right now, for example, the city of Calgary is going to be using the list so they can do real-time voting in advance. They are able to share some of the information as far as those updates, but with the legislation, if we were asking for polling day updates as far as corrections or moves or different elector information, new electors, we would have to duplicate processes, double the amount of paperwork in order to obtain that information because the legislation doesn't allow sharing of those documents. So there is a lot of future as far as ways we can streamline and see cost savings and harmonization.

2:15

**Mr. Walker:** Thank you, Mr. Resler, for your thorough answers.

Thank you, Chair.

**The Chair:** Okay. Anyone from the opposition caucus? Mr. Shepherd.

**Mr. Shepherd:** Thank you, Mr. Chair. Thank you again, Mr. Resler. I just wanted to ask, to follow up on your comments around the three-year statutory limitation and the challenge that you had at least one investigation that was bumping up against that and that then you were denied asking for a 120-day extension: if that case indeed bumps up against the three-year, does that mean, then, you would not be able to take any action on that case, that you would be unable to levy sort of a penalty in that particular case, or that any others that hit that limitation would be lost?

**Mr. Resler:** Potentially, you would be lost, but what we were looking at: we raised it in advance of the actual time limit. So we were planning in advance, and we had to reprioritize some of the activities that were ongoing in the investigation itself and put additional resources on there in order to accommodate the timelines. The timeline itself is in order to make a determination by the end of that three-year period, and that's something where we pushed, as staff, toward that deadline.

**Mr. Shepherd:** Thank you. I appreciate that you have taken proactive efforts, I guess, to try to ensure it comes in with that timeline, and I appreciate that your staff will be working towards that.

Along similar lines, I know of at least one investigation from around that time that reached out and got a response, in regard to their inquiry, that a file was still active and that the research and review was ongoing. I was just wondering: does research and review in that context mean that a formal investigation is under way?

**Mr. Resler:** It's kind of a two-step process. The complaint is issued to the office. There will be a review of the complaint and a determination to make sure, you know: does it fall within our legislation, and is it a potential breach of the legislation? Any resolutions we'd look at right away.

Once it's determined that it could be potential through the complaint analysis process, then an investigation is opened.

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

I will now go to Mr. van Dijken again.

**Mr. van Dijken:** Thank you, Chair. I've just got a question with regard to – prior to 2015 we had Senate elections being conducted. I'm just wondering about the cost to administer Senate elections and referendums in this budget. How do the costs compare to Senate

elections that were held prior to 2015? Do we have an understanding of that?

**Mr. Resler:** I was here for one of those elections. Previous elections were held in conjunction with either the provincial general election or the municipal elections, so there never has been a stand-alone senatorial election.

As far as being comparative, it's pretty hard to compare in the sense that, you know, the last one was in 2012, and the population increase in Alberta would have been quite significant. Population figures will correspond, correlate to the cost of the election itself. But it would have been the same idea, where there would have been that harmonization. We would have paid additional costs or fees to the election workers, which is the bulk of it, in order to accommodate the additional workload that they would have performed.

**The Chair:** And a follow-up, Mr. van Dijken?

**Mr. van Dijken:** Sure. Third-party advertising continues to play a growing role in Alberta, as indicated in your annual report, based on legislative changes. You mentioned that some of the enforcement activity that took place with respect to donations was over the legislative limits. Your report also mentions that a number of complaints made in the past year were with respect to third-party advertising activity. Were there any issues with enforcing the rules with respect to rules for third-party advertisers?

**Mr. Resler:** I think that with all complaints, when you look at the electoral events, most participants that are participating have the intention of following the rules. A lot of the third-party advertisers themselves, because of new changes to the legislation, were in direct contact with our office. They were asking for advice as far as understanding the legislation. Some third-party advertisers would pass on specific advertising, as do parties and candidates, just to make sure that they're in compliance with the legislation. We do work together with them. We do have some investigations that relate to third-party advertisers, obviously, and some of them are challenging us in court. It's, I think, for the most part co-operative, and we're able to ensure compliance.

**The Chair:** Okay. With 60 seconds remaining, does the opposition have any more questions?

Hearing none, from the government side?

Okay. Thank you very much, Mr. Resler, for joining us today. We appreciate your time and your comments. For your information, it's anticipated that the committee's decisions on officer budgets will be sent out to you in writing early next week. I hope you have a good holiday, and I second the comment about your beard. It looks great. Thank you very much for your time.

**Mr. Resler:** Excellent. Thank you, everyone. Take care. Have a good Christmas.

**The Chair:** Thank you.

Okay. That was our last presentation for the day. I think it would be a good time now to take a quick 10-minute break before we go into making decisions on officers' budgets. Unless I have anyone who strongly objects to that decision, we'll come back here at 2:35. Okay.

[The committee adjourned from 2:22 p.m. to 2:35 p.m.]

**The Chair:** Okay. Welcome back, everyone.

As we have now completed agenda item 4(a), presentations from legislative officers, the committee now needs to make decisions on budget submissions made by each of the officers. To that 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 motion will be displayed on the screen and available through the meeting motions section of the internal committee site.

What we'll do is that we'll start in reverse order. We will begin with deliberating the budget estimates for the Chief Electoral Officer. I have a draft motion here. It reads that the Standing Committee on Legislative Offices approve the 2021-2022 budget estimates of the office of the Chief Electoral Officer in the amount of \$11,213,000 as submitted. Or as revised. Are there any comments or questions regarding this draft motion?

Okay. Hearing none, I am prepared to call the question.

**Ms Rempel:** Someone has to move it.

**The Chair:** What's that? Sorry?

**Ms Rempel:** Someone has to move the motion.

**The Chair:** Oh. Can I get someone to move that motion? Oh, Ms Lovely. I apologize.

Ms Lovely has moved that motion. Is there any discussion?

**Member Ceci:** I have something that I'd like to discuss, Mr. Chair.

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

**Member Ceci:** Thank you. I apologize. I heard the motion: as presented or revised. Does one of those things have to be scratched out?

**The Chair:** Sorry. It's "as submitted" or "as revised" if it's subject to revision by our discussion. The motion reads: Moved by Ms Lovely that

the Standing Committee on Legislative Offices approve the 2021-2022 budget estimate for the office of the Chief Electoral Officer in the amount of \$11,213,000 as submitted.

**Member Ceci:** Thank you. That clarifies it for me.

**The Chair:** I apologize. That is my mistake.

Hearing no further discussions, I am prepared to call the question. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Moving on to the next motion, that

the Standing Committee on Legislative Offices approve the 2021-2022 budget estimates for the office of the Child and Youth Advocate in the amount of \$14,922,000 as submitted.

Can I get someone to possibly move that motion? I see again Ms Lovely has moved that motion.

Is there any discussion or questions on this motion?

Hearing none, I am prepared to call the question, as moved by Ms Lovely. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

We now go to a motion with regard to the Ethics Commissioner, that

the Standing Committee on Legislative Offices approve the 2021-2022 budget estimates for the office of the Ethics Commissioner in the amount of \$932,000 as submitted.

Would anyone like to move that motion? I see Mr. Shepherd.

**Mr. Sigurdson:** So moved, Chair.

**The Chair:** A little bit late. We'll get you in the next one.

Mr. Shepherd has moved that motion. Are there any comments or questions?

Hearing none, all those in favour of adopting that motion moved by Mr. Shepherd, please say aye. Any opposed, please say no.

That motion is carried.

Moving on to the office of the Public Interest Commissioner, the draft motion reads that

the Standing Committee on Legislative Offices approve the 2021-2022 budget estimates for the office of the Public Interest Commissioner in the amount of \$1,030,000 as submitted.

Can I get someone to possibly move that motion?

**Ms Lovely:** Moved.

**The Chair:** I see Ms Lovely.

**Mr. Dach:** Dach.

**The Chair:** All right. We'll go to Ms Lovely this time.

Any comments?

Hearing none, I am prepared to call the question. All those in favour of this motion moved by Ms Lovely, please say aye. Any opposed, please say no.

That motion is carried.

The office of the Ombudsman. The draft motion reads that the Standing Committee on Legislative Offices approve the 2021-2022 budget estimates for the office of the Ombudsman in the amount of \$3,847,000 as submitted.

Is there anyone on the phone who wants to move that one?

**Mr. Dach:** Dach.

**The Chair:** Mr. Dach has moved that motion.

Okay. Are there any comments?

Hearing none, I'm prepared to call the question on the motion moved by Mr. Dach with regard to the office of the Ombudsman. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

We now move on to the Information and Privacy Commissioner. I have a draft motion that reads as follows, that

the Standing Committee on Legislative Offices approve the 2021-2022 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$6,998,400 as submitted.

Can I get someone to possibly move that motion?

**Ms Lovely:** So moved.

**The Chair:** I see Ms Lovely has moved that motion.

Are there any questions or comments regarding this motion?

Hearing none, I am prepared to call the question. All those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Finally, we're on to the office of the Auditor General. I have a draft motion that

the Standing Committee on Legislative Offices approve the 2021-2022 budget estimates for the office of the Auditor General in the amount of \$26,250,000 as submitted.

Anyone like to move that motion?

**Member Ceci:** Mr. Chair, I'd like to move that.

**The Chair:** Mr. Ceci has moved that motion.

Are there any comments on this motion? I see Mr. Rutherford.

**Mr. Rutherford:** Mr. Chair, thank you. I would like to move that we adjourn debate on this motion as I would like to have additional time to consider the information provided by Mr. Wylie and the

reports provided just so that we can have – or I can have – a more informed decision, depending on how everybody else feels, at a later date and potentially bring him back for additional questions if necessary.

**The Chair:** Okay. I have a motion to adjourn debate on the draft motion for the Auditor General. That is not a debatable motion, so I will immediately call the question. All those in favour of moving to adjourn debate on this motion, please say aye. Any opposed, please say no. That motion to adjourn is carried.

**Mr. Shepherd:** Can we have a recorded vote, Mr. Chair?

**The Chair:** Yes. Mr. Shepherd has requested a recorded vote.

All those here in the room in favour of the motion to adjourn, moved by Mr. Rutherford, please raise your hand. I see Mr. Rutherford and Ms Lovely. Anyone on the phone? Actually, you know what I'll do. I'll go through on the phone person by person just to ask them how they vote.

How do you do that?

**Ms Rempel:** You just give them a chance to speak.

**The Chair:** Oh, okay.

All right. So just speak about your will. If you are in favour of this motion to adjourn moved by Mr. Rutherford and you're on the phone, please state your name.

**Mr. van Dijken:** Glenn van Dijken. In favour.

**Mr. Sigurdson:** MLA Sigurdson. In favour.

**Mr. Jeremy Nixon:** Jeremy Nixon. In favour.

**The Chair:** Did I hear Mr. Walker when Mr. Sigurdson was speaking as well?

**Mr. Sigurdson:** Yes. MLA Sigurdson. In favour.

**The Chair:** Okay. There were two people who were speaking when Mr. Sigurdson was speaking.

**Mr. Walker:** Chair, Jordan Walker. In favour.

**The Chair:** Okay. Anyone else on the phone in favour of the motion?

**Mr. Jeremy Nixon:** Did you get me, Jeremy Nixon? I'm in favour.

**The Chair:** Mr. Nixon voted. Okay.

All right. Anyone opposed here in person, please raise your hand. I see Mr. Shepherd. And on the phone, please state your intentions.

**Member Ceci:** Joe Ceci. Opposed.

**Mr. Dach:** Dach. Opposed.

**Ms Sweet:** Sweet. Opposed.

**The Chair:** Okay.

The motion is carried six to four.

That concludes debating of motions with regard to budget estimates from legislative offices. I'd like to thank everyone for their time today.

We'll move on to other business, item 5. Are there any other items for discussion under other business?

2:45

**Member Ceci:** Mr. Chair, can you recognize me?

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

**Member Ceci:** Yes. I wasn't clear. I certainly understand the adjournment. I wasn't clear when this will be back before us.

**The Chair:** The next meeting would be at the call of the chair, so that would be, I guess, at my discretion and something where I will consult with both sides of the committee to ensure that it is a time that's suitable for committee members.

**Member Ceci:** Sure. Mr. Chair, could you also find out if there are any implications with regard to the delay an adjournment causes the Auditor General budget, well, preparation for their budget? Can you look into if there are any issues that the delay of an adjournment will cause the Auditor General's department?

**The Chair:** At this time we are still good for timelines. My understanding from Ms Rempel is that there is still time and that there will be no long-term implications on the budgets of the legislative officers by adjourning debate on that motion and then adjourning this meeting.

**Member Ceci:** Great. So the next step you're going to take is to talk to both sides to see when the next meeting can occur.

**The Chair:** Yes. I will send out an e-mail that will indicate a couple of time options, and we'll have a vote among the committee, which is convention, at least in my experience, and we will call our meeting at the next appropriate time.

**Member Ceci:** Great. Thank you.

**Mr. Dach:** Question, Mr. Chair. Dach here.

**The Chair:** Yes, Mr. Dach.

**Mr. Dach:** I'm just wondering: along the lines of Mr. Ceci's line of inquiry, was it simply your opinion you were expressing, or had you talked to the Auditor General to determine if indeed a delay of consideration of his budget would have any impact not only on his budget but on the ongoing work that his office is doing? Have you talked with the Auditor General to get his opinion on that, or is it just you speculating?

**The Chair:** Oh, I think I learned long ago not to speculate, Mr. Dach. This is done in consultation with the Clerk's office.

**Mr. Dach:** The Clerk's office has consulted with the Auditor General's office about his actual potential implications and his work beyond just preparation of the budget? It would have an impact on his scope of work or on his work, this delay.

**The Chair:** I can recognize Ms Rempel.

**Ms Rempel:** Thank you, Mr. Chair. I just wanted to note that we do go through this process every year, and at this point the Auditor General has done the work that he would do as far as submitting his budget request to the committee. It is also definitely not unprecedented that the committee would delay making a decision on an officer's budget by a week or two.

**Mr. Dach:** All right. Well, so far the timeline is unknown. That was my concern.

**The Chair:** Yes, the timeline – well, again, the next meeting will be at the call of the chair, as I'd indicated. It's not the chair's intention to prolong this as I know that Mr. Wylie and his office need to have an answer as soon as possible for their budgetary planning. But, again, for me to give you an answer of when the next meeting would be, it would be to suggest that I am unilaterally deciding that, which would be, I believe, against the will or rather against the convention of these committees. If you have any other further questions, I'm happy to entertain them, but those are the circumstances at the moment.

**Mr. van Dijken:** MLA van Dijken to speak.

**The Chair:** Mr. van Dijken, go ahead.

**Mr. van Dijken:** Yeah. You know, I think there is some time available here. These are being presented to our committee, but then they will be approved by the Legislature through that process, I believe. The timeline is essentially for their April 2021 fiscal year to March 31, 2022, so I do believe we have some time and some cushion here that should not impact their ability to complete their work.

**The Chair:** Just as a last point, from my perspective, it was my intention, because there is precedent at the will of the committee to adjourn these – I worked with Ms Rempel to book this meeting to make sure that there is time given that there are always things that could come up. I hope that does put the minds of the members of this committee at ease that we will have a meeting called in short order, but we have had a motion to adjourn debate on Mr. Wylie's budget with the office of the Auditor General. We are now in item 5, if there's anything else with regard to other business.

Hearing none, as stated, the next meeting will be at the call of the chair. Can I please get someone to move to adjourn this meeting? Ms Lovely has moved to adjourn this meeting. All those in favour, please say aye. Any opposed, please say no. This meeting is adjourned. Thank you, everyone, for your work today.

[The committee adjourned at 2:50 p.m.]



