



Legislative Assembly of Alberta

The 29th Legislature
Fourth Session

Standing Committee
on
Legislative Offices

Friday, November 30, 2018
8:15 a.m.

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The 29th Legislature
Fourth Session**

Standing Committee on Legislative Offices

Shepherd, David, Edmonton-Centre (NDP), Chair
Payne, Brandy, Calgary-Acadia (NDP), Deputy Chair

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Cooper, Nathan, Olds-Didsbury-Three Hills (UCP)
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Lorne R. Gibson	Election Commissioner
Del Graff	Child and Youth Advocate
Glen Resler	Chief Electoral Officer
Marianne Ryan	Ombudsman, Public Interest Commissioner
Marguerite Trussler, QC	Ethics Commissioner
W. Doug Wylie	Auditor General

Office of the Auditor General Participant

Ruth McHugh	Chief Operating Officer
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Office of the Chief Electoral Officer Participant

Drew Westwater	Deputy Chief Electoral Officer
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Office of the Child and Youth Advocate Participants

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

Office of the Ethics Commissioner Participants

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

Office of the Information and Privacy Commissioner Participant

Rachel Hayward	Director, Compliance and Special Investigations
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Office of the Ombudsman and Public Interest Commissioner Participants

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Peter Sherstan	Deputy Ombudsman, Office of the Ombudsman

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8:15 a.m.**Friday, November 30, 2018**

[Mr. Shepherd in the chair]

The Chair: All right. I'd like to welcome members, staff, and guests to this meeting of the Standing Committee on Legislative Offices.

I'm David Shepherd, the MLA for Edmonton-Centre, chair of this committee. I'd like to begin by asking that members and those joining the committee at the table introduce themselves for the record, and then we'll hear from those on the phone. We'll start to my right.

Ms Payne: Good morning. Brandy Payne, MLA for Calgary-Acadia.

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

Mrs. Pitt: Angela Pitt, MLA, Airdrie.

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

Ms Littlewood: Jessica Littlewood, the MLA representing the beautiful rural constituency of Fort Saskatchewan-Vegreville.

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

Ms McKittrick: I'm Annie McKittrick, Sherwood Park.

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

The Chair: Thank you, everyone.

On the phones I believe we have Mr. Kleinsteuber.

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

The Chair: And I believe that's our only member on the phone at the moment.

We have no substitutions today.

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

Our first item is the agenda. A draft agenda was distributed for consideration. Does anyone have any issues to raise or changes to propose? If not, do we have a member that would move a motion to approve today's meeting agenda as circulated? Ms Woollard. Thank you. All those in favour? Any opposed? That motion is carried.

The next item, the adoption of the meeting minutes. We have the minutes from the last meeting that we had, November 6, 2018. Were there any errors or omissions to note? If not, do we have a member that would move to accept the previous minutes as distributed? Ms Littlewood. Thank you. All those in favour? Any opposed? That motion is carried.

That brings us to our business for today, the review of the annual reports, business plans, and the 2019-20 budget submissions for the officers of the Legislature. Once we've finished this review process today, the committee will be making its decisions on each of the budget submissions. Please keep this second step in mind during the question-and-answer session with each officer, and if the committee should identify any issues that require more in-depth discussion, we can schedule another meeting for that purpose.

So we have a very full agenda of us. I hope we can keep things running efficiently and effectively. As indicated on the agenda, we'll only be taking one break in the morning and one in the afternoon, and when we do take a short recess, I'll ask that everyone please be attentive to the time and ensure you're back at the table ready to recommence the meeting at the appropriate time. We've tried to go with a bit of a tighter timeline to avoid previous years where we've had large gaps. So if we can all be respectful of the break times, that should allow everything to move efficiently.

At this point I believe we'll begin with our first guests. I'll ask them to join us at the table. I'd like to call on our first officer, Mr. Graff, the Child and Youth Advocate, to come and make his presentation. Mr. Graff, if you keep your presentation to about 20 minutes, please, that will leave time for questions from committee members. If you could begin by just introducing your team when you're ready.

Office of the Child and Youth Advocate

Mr. Graff: Good morning, Chairperson Shepherd and committee members. I'll introduce, to my left, Jackie Stewart, who's our executive director of child and youth advocacy, and to my right is Bonnie Russell, who's our director of strategic support services. These two individuals have been in front of this committee many times. For those of you who are not familiar with them, they've been here often.

I want to thank you for the opportunity to meet with you this morning to present our 2017-2018 annual report, our 2019-2022 business plan, and our 2019-2020 budget estimates. Mr. Chair, today's presentation will focus on our activities in 2017-2018, our priorities for the year ahead, and our 2019-20 budget estimates.

The office of the Child and Youth Advocate serves as a crucial resource for young people in this province. We directly assist and support children and youth to exercise their rights and advance their interests. We support young people to advocate for themselves and also to advocate for others. We also encourage changes in government-funded systems to better support the health and well-being of young people involved with those systems.

The functions of our office are grouped into five areas: individual and systemic advocacy; legal representation; investigations; intake, engagement, and education; and internal organizational support. We currently have 82 positions. In April we realigned our organization by reducing our strategic leadership team from five to four and redistributing the functions to better serve young people.

I'll now talk about our 2017-18 annual report and the major activities of our office between April 1, 2017, and March 31, 2018. Some of the key highlights of our office this past year included directly serving over 5,000 young people through advocacy services and legal representation; preparing for new responsibilities after the Child Protection and Accountability Act was proclaimed, which includes mandatory investigations into child deaths; releasing six investigative review reports concerning the deaths or serious injuries of 10 young people; releasing a special report called *Speaking Out* to address issues facing sexual and gender minority youth; releasing a summary report on the first five years of investigations, identifying trends and issues; cohosting with the Yukon Child and Youth Advocate the Canadian Council of Child and Youth Advocates 2017 national conference; and presenting on the rights of indigenous people at the Inter-American Commission on Human Rights along with the Saskatchewan child and youth advocate.

I'll now ask Jackie to talk about individual and systemic advocacy.

Ms Stewart: Good morning, Mr. Chair and committee members. Individual advocacy is responsible for representing the rights, interests, and viewpoints of young people. Our advocates help ensure that the voices and perspectives of young people are heard and considered by decision-makers and that their rights are respected. A primary role of an advocate is to help elevate the young person's voice and to provide information and resources on children's rights.

In 2017-2018 we served 3,103 young people. This is a slight increase of about 4 per cent over the previous year. About 39 per cent of those young people were between 12 and 17 years of age. The number of young people served who were 18 years of age or older increased by 5 per cent. As well, we implemented new service standards to ensure that we provide quality services to young people who need advocacy.

As we look ahead, we are focusing on young people aged 16 to 17 who do not have the support of their parents or guardians and are unable to access child intervention services; on young people who are 18 to 24 years of age who are eligible to receive services but struggle to receive the supports they need; and on the ongoing concerns for indigenous young people in maintaining important connections with family and communities.

I'll now talk about our systemic advocacy. Systemic advocacy is aimed at influencing child welfare, youth justice, and other public systems to function in ways that promote the health and well-being of young people that they serve. The OCYA's systemic advocacy work with young people includes conducting investigative reviews, public reporting on findings, making recommendations to government systems, engaging with communities, educating the public, and raising awareness of challenges affecting young people. When our recommendations are acted upon, we see positive changes for young people.

Some further highlights of our systemic advocacy work include that in November 2017 we released our special report *Speaking Out* on sexual and gender minority youth in child welfare and youth justice systems. The report examined current barriers faced by these young people, and five recommendations were made to government. Our office continued to engage with immigrant and refugee youth and community organizations such as the Multicultural Health Brokers, the Edmonton branch of the Canadian Council for Refugees, and the Centre for Newcomers in Calgary. In looking ahead, we're going to focus on hosting community conversations across the province that bring government staff, community stakeholders, and young people together to discuss our special report recommendations.

I'll now talk about our work in legal representation. The legal representation for children and youth program, or LRCY, is responsible for appointing lawyers to represent young people for matters under the Child, Youth and Family Enhancement Act and the Protection of Sexually Exploited Children Act. We have a roster of 63 lawyers from across the province. To ensure that young people benefit from high-quality and specialized legal services, each lawyer is required to have a minimum of six hours of related professional development annually. In 2017-2018 we made 1,241 appointments to LRCY lawyers involving 1,921 young people.

8:25

In September 2017 the OCYA partnered with the Canadian Research Institute for Law and the Family to host a national symposium. Over 175 people from across Canada attended this conference in Calgary. The symposium was aimed at generating

best practices and improving how the voices and interests of young people are heard and protected in legal proceedings. In looking ahead, we'll make additional refinements to the guidelines on the role of counsel and continue to enrich legal services for young people by recruiting lawyers in rural and remote communities.

Del will now speak about investigations.

Mr. Graff: Thank you, Jackie. We investigate systemic issues that arise from the serious injury or death of a child and recommend ways to prevent future tragedies and improve outcomes for young people. The review of systemic issues focuses on the life experience of these young people. Our recommendations have resulted in numerous policy, procedure, and training changes that benefit young people in government service systems. All of our recommendations and progress updates are publicly available and can be found on our website.

In 2017-2018 we completed six investigative reviews on the lives of 10 young people. In the six reports released, we made 15 recommendations aimed at promoting the health, safety, and well-being of Alberta's vulnerable young people. In January 2018 we released a five-year summary report that identifies themes and lessons learned from our investigative reviews.

We prepared for significant expansion of our investigations mandate brought about by the Child Protection and Accountability Act. The act was proclaimed on March 30, 2018. Our new legislation requires mandatory public reporting related to any young person identified as a child in need of intervention at the time of their death or within two years of their death. Looking ahead, we'll focus on implementing the legislative changes and amending our policies and procedures to ensure that we meet the requirements for reporting.

This chart provides a summary of the reports of serious injuries and deaths that our office has received since 2012. The 377 reports reflect 341 notifications of serious injuries and deaths of young people from April 1, 2012, to March 31, 2018, and an additional 36 reports that have been received in the first six months of this year.

I now want to talk about public education and indigenous engagement. An important service we provide for young people is education about their rights, the importance of rights, and how they can exercise them. We also invite youth to provide input, advice, and feedback to the OCYA through our Youth Advisory Panel, through Friends of the Advocate, focus groups, and other activities. We reach out to indigenous communities to build awareness of advocacy and services that we provide. This past year we've developed a training program on self-advocacy and have presented this program to a number of indigenous communities. Giving people the tools to advocate for themselves and for others can help them throughout their lives.

In 2017-18 we completed 268 education activities involving 5,304 people. That's an 18 per cent increase over the previous year.

Youth engagement is a highlight of the work that we do. One of the important ways we do this is through our Youth Advisory Panel, a group of 10 young people and their mentors from across the province who advise us on many areas of our work. Some of the Youth Advisory Panel highlights from this year include meeting with the Minister of Children's Services to discuss the young people's perspective on the child intervention system; consulting with government on the development of a new youth suicide prevention strategy for the province; and participating in two national conferences, the Canadian Council of Child and Youth Advocates conference and the symposium on youth justice services for young people.

We also had the opportunity to collaborate with the Métis Settlements General Council on a pilot workshop called supporting

natural advocacy. This workshop was designed to strengthen the knowledge of professionals, community, and family members about key issues facing young people and how communities can strengthen their advocacy presence. As we look ahead, our focus will be on connecting with young people and letting them know about the resources our office can provide to them.

Bonnie will now talk about strategic support.

Ms Russell: Good morning, Mr. Chair and committee members. I'll highlight the work of strategic support. We help to keep things running smoothly, whether it is our website as an information portal to our office, through our IT systems that track critical information, or our human resources that ensure we have the right people to provide supports to young people.

Much of our attention focused on enabling the OCYA to enhance investigative capacity. We worked with Children's Services to update the existing memorandum of understanding, specifically how information is shared with the advocate in order to meet the new legislative reporting requirements. Our office also continued discussions to establish an MOU with Alberta Justice and Solicitor General. We developed a performance measurement framework. Through this process we engaged young people, staff, and stakeholders.

In 2018-19 we have a number of areas that we're focusing on: leading the review of the organization's vision, mission, and core values that will take us into the future and guide the delivery of our services to young people; implementing the new performance measurement framework; and replacing our individual advocacy IT system.

I'll touch briefly on our financial results for 2017-2018 as highlighted in our annual report and the audited financial statements. This slide addresses the voted budgets. It excludes amortization and valuation adjustments. Our total 2017 original voted budget was \$13,192,000. Early in the fiscal year we identified a pressure in LRCY, which required cost containment strategies to be put in place across the OCYA. In October 2017 a supplementary estimate of \$720,000 was approved by this committee for operationalizing the new investigations mandate. Of this \$720,000 we lapsed \$313,000. This was due to delays in start dates for new staff, overestimation of costs for furniture and equipment, and delays in occupying the new space. Overall in 2017-18 we lapsed 3 per cent of the total adjusted budget.

Del will now introduce our 2019-20 budget estimates.

Mr. Graff: Thank you, Bonnie. The 2019-20 voted budget estimates we're requesting for the office of the Child and Youth Advocate is \$15,525,000. This is a \$100,000 increase in capital over our prior year's budget. Last year when we appeared before this committee, we advised that we needed to replace our current IT system. The additional \$100,000 requested is to continue to move forward with that replacement.

I'll turn it back to Bonnie now to go through the capital budget estimate in detail.

Ms Russell: This past April we underwent a reorganization. You'll note that the 2017-18 actuals and the 2018-19 budget have been comparably adjusted to reflect the new program structure. The budget for the voted operational expenses remains the same as the prior year at \$15,275,000. The most significant reallocation of funding within this operational budget is between investigations and strategic support. This reallocation of budget addresses our need to provide reliable, stable HR services to the organization.

As Del indicated, our capital estimate has increased by \$100,000 to continue the replacement of our advocacy IT system, which is 14

years old and built on a platform that is becoming increasingly more difficult to upgrade and support.

I'll turn it back to Del for closing remarks.

Mr. Graff: Thank you. As requested by the committee chair, we submitted a copy of our employee issues resolution directive and our complaints policy. All employees have a duty to conduct themselves according to the highest standards of behaviour at all times. In August we issued a formal employee issues resolution directive that outlines expectations of staff, the processes to be followed, and the potential actions that may be taken.

In addition, all staff are expected to abide by the public service respectful workplace policy and directive. We follow the public service code of conduct and ethics, and I review it periodically with my staff to ensure compliance. Our directive is posted on our internal website, where it can be easily accessed.

8:35

In addition, we've posted on our public website a complaints policy, which has been in place since January of 2014. This policy addresses how complaints about our services and/or the behaviour of our staff will be handled. The directive and policy do not specifically address complaints about the Child and Youth Advocate. However, if there was such a complaint and it could not be addressed internally with the assistance of human resources, it would need to go outside of our organization for resolution. It's my recommendation that these complaints would be handled best by the Public Service Commissioner's office as they would bring objectivity, expertise, and sensitivity to the matter and could advise all parties of the appropriate course of resolution.

Chairperson Shepherd and committee members, in conclusion, we are asking that you approve the OCYA's budget request of \$15,525,000 to provide quality advocacy services. We will continue to look for efficiencies in our spending. The OCYA is committed to remaining an effective, meaningful, accessible, and helpful resource for Alberta's children and youth.

Chairperson Shepherd, I want to thank you and this committee for the opportunity to speak with you today, and we'll be happy to respond to any questions committee members may have for us this morning.

The Chair: Excellent. Thank you for your presentation.

At this point I will open the floor to members who would like to ask any questions. I see Ms Woollard.

Ms Woollard: Mr. Graff and Jackie and Bonnie, thank you so much for coming here today and for your good work. I've got a few questions having to do with your reports here. Some of them may be significant and others less so but a few things that I just would like a little bit more clarification on. One of the things is that on page 6 of your budget it shows an increase in FTEs from 82 to 83 employees. Is that a reclassification or a new hire? It's just for clarification.

Ms Russell: Certainly. When we were here last year, we identified to you that we'd previously purchased our HR services from Alberta Education. Over this past year we have actually brought in an individual in a temporary position, so that is the actual additional FTE.

Ms Woollard: Thank you.

The Chair: If you have a follow-up, please go ahead, Ms Woollard.

Ms Woollard: I certainly do. Thank you.

I'd like to ask about note 2 under the explanation of changes on the very last page of your budget submission. There you're looking to add an additional \$15,000 for travel. I'm wondering: does that represent the same staff members who usually travel travelling more frequently, or are there plans to have more staff than usual travelling?

Ms Russell: Actually this is a pressure within our north advocacy office already, and it has been a pressure for the last few years. Because they have such a large geographical area to cover, we've experienced issues with their travel budgets all along.

Ms Woollard: Okay. I totally understand that travelling through the less-populated areas of Alberta is a challenge. Is there any buffer built into the travelling expenses? I mean, you know, when you're going to remote areas of the province, especially on short notice, sometimes you can get unexpected expenses. Do you allow for that?

Ms Russell: Our travel budget is across the entire organization. Some years the travel in some of the other areas may be lower, and that funding then is used to cover the extra costs that are incurred elsewhere.

Ms Woollard: All right. Thank you very much.

Mr. Graff: If I might just add to that, one of the key priorities for our organization is that when a young person calls to seek advocacy, we believe that we should be going at some point early in the process to see that young person, to be there in person, to have them meet with our advocates, to hear what they have to say, and to establish the relationship that advocacy requires. We also through our investigations have a significant travel requirement that takes those investigations to the communities where a family has lost a loved one, for example. Between those two groups and our engagement in education, there's a significant amount of travel in our organization.

Ms Woollard: I understand. Thank you.

The Chair: Excellent. Mr. van Dijken.

Mr. van Dijken: Yes. Thank you, and thank you, all, for being here and presenting to us and for the good work that you do for these youth and for all Albertans. I've got a couple of questions. One of them is with regard to the IT upgrade. The program is to be improved, and now we see \$100,000 being allocated to it for this coming year. I also see that going forward we have targets. Now, this is under strategic support. It's identified as \$250,000, I believe, for this year, then \$150,000 the year after, and then \$50,000. I might be reading this wrong, but do we see that we're going to come to a point where we have our upgrades in place and that by 2021 we're comfortable moving forward, that we won't need any more future upgrades at that point?

Ms Russell: We're planning this upgrade or replacement over a three-year period. We know that to get all of the funding at one time may not be feasible, and it's not feasible for our resources internally to be able to do that all at one time as well. Through this year we are identifying our requirements. We're doing the requirements phase, identifying what is available for a replacement system. Next year we will be doing more of the technical piece of it and developing that, and into the third year we will be implementing. That's why it's sort of over a three-year period as opposed to now.

Mr. van Dijken: If I may, Mr. Chair.

The Chair: Please go ahead.

Mr. van Dijken: Thank you for that answer. That's good clarification. We also see that this year again it looks like we're over budget going into the close of the year on the legal representation for children and youth. I believe from the presentation that the number of appointments were relatively similar to last year. I think it's reported here 1,241, and last year we were around 1,261 or so. We're over budget again, yet we're proposing a budget that is about \$500,000 over what we're currently spending. My concern is: are we able to get to a point where we are able to bring those costs down so that we can meet budget there moving forward and get more of that legal representation in-house, which could bring down that cost?

Mr. Graff: Certainly, that would be our hope, that there is a better alignment between our costs and our budget regarding that program area. One of the things about legal representation for children and youth is that it's very dependent upon what takes place in the child intervention ministry. As the numbers of children in care go up, our costs go up. As the complexity of those circumstances in terms of the court system expands, our service requirements expand. Unlike some of the other programs, in legal representation for children and youth every activity that a lawyer engages in is a direct dollar cost, so there is no buffering in terms of the soft costs that might be involved that aren't on a fee-for-service basis. Our LRCY lawyers are all roster lawyers, so they bill us by the hour, as roster lawyers do. So it's a direct cost every time we engage a lawyer.

Bonnie may have some additional clarification, I think, about the specifics of that budget.

Ms Russell: Yes. We have continued to see increases. In 2016-17, based on some changes that had occurred within Children's Services, we did see a reduction, and at that point we reduced our budget for legal representation. We had an increase last year from this committee of about \$183,000. Again, we are trying to determine, you know, where that level is. The other thing is that our lawyers have not received an increase since 2008 for their fees, so this is not based on the actual fee rates. It is based on the complexity of the cases that we are seeing for the most part.

8:45

Mr. van Dijken: If I may, just one supplementary to that.

The Chair: Sure.

Mr. van Dijken: Going forward, do we see a reduction in the number of appointments necessary – it looks like it's been stabilized over the last two years – or are we expecting to have reduced costs based on efficiencies in those appointments?

Mr. Graff: It is a program area that's very hard to predict because it's so dependent on what happens in child intervention. Almost immediately when the child intervention work increases in terms of the court work, our LRCY services have a corresponding increase, so our predictability in terms of how those increases or decreases take place is a challenge, and it's one that we have to respond to in terms of making adjustments within a set of parameters. Our hope is that we can have them better align in the future, and we're working to do that now, but it is a challenge. I guess my point is that we expect that it will be an ongoing challenge. It has been in the past as well.

The Chair: One further question.

Mr. van Dijken: Yeah. Just a comment. I appreciate that that section is difficult to manage, but I also appreciate the work that you're doing to keep the overall budget under control. I see that we should be able to come in within budget, and we appreciate that.

The Chair: Thank you, Mr. van Dijken.
Ms Woollard. Then I have Mrs. Aheer.

Ms Woollard: Thank you very much. Those were some of the things that I was wondering about such as the increase in the IT budget or the change in the IT infrastructure, which have been, I think, talked about. I'm not sure if it was clear: what will be the supports that will be provided by the new IT system? Is there a change or an extra level of support that will be granted, be given through the new IT?

Ms Russell: There have been a number of changes. Advocacy and how we do advocacy has changed over the course, as we built this in 2004. In 2004 our office was not responsible at that time for providing advocacy to young people in the youth justice system and that as well. So we continue to try and work within that system, but it's not that flexible. It's built on a very old platform that is very difficult to upgrade. We have a lot of workarounds in that system and that to keep it going.

The other key thing that we are looking to do within our system is to build a quality assurance component so that we can get the appropriate reporting from the system itself as opposed to having people searching to find: have we met those performance measures and met those service standards? Because we can't pull that information directly out of the system. So we will be building all of that in there as well.

Ms Woollard: Thank you. Actually that leads into . . .

The Chair: Sure. One follow-up.

Ms Woollard: Okay. That is something I was wondering about, and I've got a question here. When we look at the business plan, especially performance measures 1 and 2 at the top of page 6, these two measures seem to be a reflection not only of the great work that you are doing in your office, which you are, but also that you're really serving the needs of the clients, the children and youth themselves. I'm wondering how this response was collected. For example, was it through a survey? How was the information gathered? Also, could we look at how the performance on this measure compares to the measures from previous years?

Mr. Graff: I can get some of the specific detail, but one of the key activities that we do with respect to quality assurance is that we contract with external providers to do youth surveys. So they contact young people to hear directly about their experience to find out where we can make improvements, et cetera. We also do file reviews. Those are two of the measures that we use. Our commitment to hearing the voices of young people isn't just for our work with government systems; it's also for our own benefit and our own quality improvement. It's one of the key ways that we do that.

Do you want to add to that, Bonnie?

Ms Russell: In our annual report, as well, we identify those specific service standards that were in place previously and how they are measured as well as what those results are.

Ms Woollard: Okay. Thank you.

The Chair: Mrs. Aheer.

Mrs. Aheer: Thank you, Chair, and good morning. Thank you so much for being here. I just wondered. The last time that we had chatted, we were speaking about how the supports from Education in March had been pulled in terms of helping out with human resources. I was just curious if you were able to find other support, or if you've found a more permanent solution to be able to help out with that situation.

Mr. Graff: We, at that time, were looking for two different levels of solution. One was a short-term solution, and the other was a longer term. Our short-term solution has, I think, been effective in that we identified an individual who had retired from the Public Service Commission who could then work with us for a period of time. Those are the circumstances that we are in now. We know that that's not going to last over the long term, so we're still working on having the discussions to take place. We think that there's more of a collective possibility around our involvement in other legislative offices to say: how do we do this effectively across our organizations?

Many of us can deal with the kind of ongoing, regular human resource activities like recruitment and those kinds of things, but when it requires those specialized services, it becomes difficult for an organization our size to do that. That's where we had some benefit when we were involved with the Education ministry because we could have access to their full suite of human resource services. Our long-term interest is in trying to find a solution that addresses that full range of service access. We haven't found a solution to that yet, but we've been working at it and discussing it with others, so it's still a work-in-progress, if you will.

Mrs. Aheer: Okay. May I follow up?

The Chair: Yes. Please.

Mrs. Aheer: Thank you, Chair. Are you looking at sort of a crossministry idea? Would that be the ideal solution, or is it an issue of budget within Education?

Mr. Graff: We're no longer involved in discussions with Education about that arrangement that had been in place. Our interest is in having broad-based access to human resources support. But how that looks in terms of: do we have any definitive pathway? We haven't resolved that yet.

Mrs. Aheer: Okay. The other thing I wanted to ask is with the Ministerial Panel on Child Intervention. Of course, your office has had its mandate expanded extensively. Do you have any idea of the cost of implementing the recommendations from the Ministerial Panel on Child Intervention?

Mr. Graff: Are you asking how much the cost was in additional funds for us or for the whole . . .

Mrs. Aheer: Well, that breakdown for you would be nice, but also the overall if you're able to share any of that information.

Mr. Graff: I can speak to what the requirement was for us to take responsibility for those parts of the bill that were moved to us. Our ongoing costs are about \$1.8 million. That includes additional positions in investigations, additional analyst positions, and additional communications positions. So it involves quite a broad array of work. We came to this committee previously with that information. I think at that time we estimated about 15 positions, and that's what it's turned out to be.

Mrs. Aheer: Oh, it did. Okay. Thank you very much.

Mr. Graff: Thank you.

Ms Woollard: Just kind of a thought. I'm not expecting you to be fortune tellers, but what do you see from your work, which is very clear and well-documented, as the area coming up likely to be the greatest concern as you go forward? What area is kind of increasing the most in your work with child and youth advocacy?

Mr. Graff: One of the areas that we – and there are a number of areas. Jackie alluded to some of the emerging issues in advocacy. I think there were three of them that she spoke to in terms of what we are seeing in our individual advocacy work. But some of the other ones also include the preventative work that we could be doing in our advocacy. When we are able to help to kind of move upstream from crisis with young people to helping them understand that they are rights holders, that they have the right to participate in the matters that affect them, and to ensure that the systems that are there in place to serve them understand that, too. When we can do that, it serves young people and the systems much, much better. Trying to become more preventative in nature is an important consideration.

8:55

One of the other things, though, that I'm very, very concerned about is the issue of suicide for young people who have, you know, experienced multiple traumas in their lives and are at their wits' end. You know, many reports that come to us are related to suicide. As I indicated earlier, we're involved through our youth panel in terms of providing some advice to government on a suicide prevention strategy, but we have yet to see that strategy be put in place. It is, to me, absolutely critical that this province act decisively in that regard. It's one of those key areas that I see.

Ms Woollard: Thank you very much.

Mr. Graff: If I could just add another . . .

The Chair: Yeah.

Mr. Graff: We released a report not long ago about opioid use in young people. The opioid crisis, if you will, in this country is significant. Right now there's lots of data that indicates that the loss of life, you know, is growing and the most frequent age group is that age group between 30- and 44-year-old males. We know, though, that there are young people today who need to be educated and who need to understand the impacts of opioids and all of those things that we can do to help them. We need to engage in harm reduction. We need to engage in a whole continuum of supports for them because those 17- and 18-year-olds today are going to be the 30- and 40-year-olds tomorrow, and we've got to be able to find a way to intervene effectively in this opioid crisis and move upstream, if you will, for young people.

Ms Woollard: Excellent. Thank you.

Mr. Graff: Thank you.

The Chair: Excellent. Do any other members have any further questions for Mr. Graff or his staff? Anyone on the phones?

If not, then I'll say thank you, Mr. Graff and your staff, for your presentation this morning, responding to our questions, and indeed thank you for your ongoing work.

For your information, the committee's decisions on the officers' budgets will be sent out early next week. Thank you.

Mr. Graff: Thank you.

The Chair: Excellent. As I mentioned, we will be taking only one break a little later this morning. At this time to keep things moving on schedule, I'm just going to move on to introducing our next officer while Mr. Graff and his staff exit and while we give her the opportunity to get set up.

Up next today we have the office of the Information and Privacy Commissioner. I'd like to welcome Ms Clayton, our Information and Privacy Commissioner, and her staff to the meeting and thank them for joining us here today. We'll give them a quick moment to get set up.

Excellent. As with our previous presenter, we've set aside about 20 minutes for your presentation, and then at that point we'll open the floor to committee members.

Ms Clayton, when you're ready, I'd ask you to begin by introducing your staff.

Office of the Information and Privacy Commissioner

Ms Clayton: Good morning. Thank you very much. That was a quick transition. All right. I hope we can work this.

Yes. I'm Jill Clayton. I am the Information and Privacy Commissioner of Alberta. I'm joined by my colleagues LeRoy Brower, who is the Assistant Commissioner with the office; and Rachel Hayward, who is director of compliance and special investigations with the office.

First of all, thank you very much for the opportunity to be here today. Certainly, I appreciate the commitment that you've all made to be here today. I'll start with a very brief overview of what the office does; I think most of you are familiar with us, though. We were established by the Legislative Assembly to provide oversight for Alberta's three access and privacy laws. In those laws the Legislative Assembly has provided Albertans with access and privacy rights and provided mechanisms for citizens to exercise those rights and seek remedies.

When Albertans disagree with decisions made by public bodies or health custodians or private-sector organizations, they may seek recourse through my office by requesting a review of a decision to provide access to information or by asking us to investigate a privacy complaint. We also have other responsibilities under the law to review, for example, privacy impact assessments and breach reports submitted to the office, primarily by health custodians and private-sector organizations and, on occasion, from public bodies.

What we do can be summarized through the mission of my office. We advocate for the access and privacy rights of Albertans as enshrined in those laws and ensure that public bodies, health custodians, and private-sector organizations comply with the laws of Alberta. This work is done in part through our education mandate, where we inform public bodies, health custodians, or private-sector organizations about their responsibilities under the legislation, or, for example, I may on occasion – I have a mandate – provide recommendations through legislative reviews or making recommendations to ensure that laws are up to date and reflective of current trends and issues. The third part of our mission is where the primary focus of my presentation today will be. Part of our mission is to provide Albertans with fair, independent, and impartial reviews in a timely and efficient manner. For many reasons this part of the mission has become far more challenging in recent years.

A quick overview of what we do. We receive requests for review. We receive complaints, privacy impact assessments, breach reports. They come into our office through intake and case review. We mediate and investigate requests for review. We investigate complaints. We review privacy impact assessments and privacy breach reports. On occasion I will initiate investigations on my own

motion when I see a systemic issue or something particularly egregious. Sometimes we initiate offence investigations, and that tends to be in the health sector when we see snooping cases. We adjudicate matters. We have an adjudication unit. Through inquiries we decide matters of fact and law, which result in binding orders that are enforceable through the courts. We have a knowledge management unit responsible for IT, records management, communications, and corporate services for HR and finance. We also have, as I've already mentioned, an education and outreach mandate. We try to educate and inform the regulated entities as well as the public. At the moment we have the equivalent of 42 full-time staff.

I'll now move on to what we have been experiencing. Last year when I was here, I said that 2016-17 had been our busiest year ever. I'm here today to say that now 2017-18 has been our busiest year ever. As evidenced in our annual report, we experienced a record number of cases affecting all units in the office: ICR, mediation, investigation, breach reports, privacy impact assessment reviews. Not lost in the shuffle was education and outreach. We typically make around 75 presentations a year. Last year, for example, our focus was very much on presenting to educational institutions. I was trying to encourage, particularly because Alberta is undertaking a curriculum review, that that curriculum includes digital literacy and awareness of privacy issues.

As I mentioned earlier, our ability to provide reviews in a timely and efficient manner is becoming more challenging. When we compared 2013-14 to 2017-18, which is a span of five years, we saw an increase of 72 per cent in terms of the volume of cases coming in. We closed an astounding 98 per cent more cases over that same time, but we saw only a 0.4 per cent increase in our salaries and wages budget. While I'm incredibly proud of my colleagues in the office for taking on higher caseloads – they approach this with patience and diligence and good humour – I have to admit that these added expectations year over year have negatively impacted morale, and stress levels in the office can be very high. It's not uncommon for investigators in the office to have upwards of 75 or 100 cases on their caseload.

When I spoke to you last year, I said that we're not able to keep up. With more case volume increases this past year I think we've officially reached our breaking point, and despite continuous process improvement and review and streamlining certain case types where possible, we just can't keep up with the volume. Every team is experiencing a backlog. I've been on record in a number of public forums saying that basically at this stage we're shifting the deck chairs on the *Titanic*. I think that we will continue to try to improve our processes and increase our efficiency, but at some point the value from that is just not there. At this point we can't really limit Albertans from exercising rights that are given to them through legislation.

9:05

Some of the factors contributing to that increase in volume. As you know, the FOIP system in government and in other public bodies has been very strained over the last five years with increased volume. Delays in the system and heavily redacted responses tend to increase the work in my office. One specific challenge, as I've spoken to you before about, is claims of solicitor-client privilege. In April 2017 I submitted a special report to the Legislative Assembly asking for legislative amendments. This issue is the subject of 16 of our 22 active judicial reviews before the courts right now, and of those 16, half of them involve provincial government departments and their claims of solicitor-client privilege.

As I mentioned last year, in addition to volume and delays, requests are more complex. Some requests require searching tens

of thousands of records, where years ago a large request might have been 500 records. Again, this increased volume and complexity, electronic records, translates to more reviews by my office, and it takes longer for us to complete our reviews.

Globally we're seeing an unprecedented attention and focus on privacy issues. I'm not sure how many of you might be aware that the European Union passed something called the GDPR, the General Data Protection Regulation. It came into force in May of this year, and certainly the Cambridge Analytica and Facebook scandals have put further emphasis on the need to modernize laws and have laws, strong laws with a lot of rigour.

It has also, of course, focused a spotlight on political parties. As I'm sure you're all aware, I and my commissioner colleagues from across Canada issued a joint resolution earlier this year calling for political parties to be subject to privacy laws so that they are also adhering to globally recognized privacy principles. We've seen more privacy impact assessments being submitted to our office. They are required under the Health Information Act. I think we saw a 32 per cent increase in PIA submissions last year. Looking at the numbers from October and November this year, we're going to see another 32 per cent increase. Some of this increase is in part more authorized access to the provincial electronic health record, which is Alberta Netcare.

Finally, another contributing factor is breaches, lots and lots of breaches. We received a record number of breach reports last year, over 400, and we're anticipating a significant increase in the current reporting year. Why we're expecting to see more breaches is because on August 31 of this year mandatory breach notification and reporting under the Health Information Act came into force. When a health custodian determines there's a risk of harm to an individual as a result of a privacy breach, the custodian is required to notify me, the individuals affected by the breach, and the Minister of Health. The amendments to the act also brought in new offence and penalty provisions. The act now provides for a fine of not less than \$200,000 for a person who fails to take reasonable steps to protect against reasonably anticipated threats to the security of health information. As the oversight body we review every breach report that comes in and determine if a particular incident needs to be reviewed for compliance with the reporting requirements – were we told what we were supposed to be told? – but also to assess the breach response, make sure that individuals have been notified, make sure that steps have been taken to mitigate any risks.

With our current staffing resources and competing caseload pressures this is becoming a significant challenge. Over the first three months of mandatory breach reporting we're so far receiving about 12 breach reports a week, so we've extrapolated that to a full year, and it looks like we're going to see about 624 breach reports. I'll tell you that that is a conservative estimate. We've had days just recently where we received 17 breach reports in a single day. I asked one of our intake officers how last week went, and she said that on Thursday and Friday we received 29 breach reports, so 624 is a very conservative estimate. To be honest, to get those numbers, we didn't even have them in our case management system. We can't get them in fast enough, so to get those numbers Rachel and another colleague in the office were manually counting them to figure out how many of these were coming in and what kinds of breaches we're seeing.

This is a significant challenge. I expect that we will see a very, very significant increase, and if you look at mandatory breach reporting in the private sector, the health sector, and the public sector, which is voluntary breach reporting, I'm expecting that we'll see over 1,500 breaches in the office this year, which is significantly higher than the 400 we saw last year.

Our business plan looks at broader issues. Considering the new requirements and the volume, much of our focus, of course, this year has been on preparing for breach response and reporting. We've published new guidance documents to help custodians and private-sector organizations to understand what they need to report to us. We've reached out to health colleges and associations to make their memberships aware of these new responsibilities, and we've focused on process review and improvement in attempts to keep pace with the volume across the office's mandate.

Moving on to our budget. We returned last year about \$185,000 of our approved budget. This is largely due to payroll costs, which were under budget. We had a number of staff on leave and a couple of vacancies. However, we were over budget in contract services. When we don't have staff, we try to bring in contractors to at least try and keep up with the workload, so that is primarily why salaries are lower and contract services are up. Over the past several years, though, you know, I'm very aware of budget restraints. Every day I'm looking at the price of oil, and I do truly understand that there are challenges, but we really have reached a breaking point. It's my duty, my responsibility to come to you and tell you what our requirements are.

Over the last six or seven years we have kept the same number of staff. We've budgeted for essentially the same number of staff. We've left certain positions vacant. Due to a budget increase some years ago we had left two positions vacant, and slowly we've filled them. But this year, given where we find ourselves, I'm requesting a budget increase of \$661,000 to fund five new positions. These new positions will be used to tackle the backlog in the office and maintain our current timelines in reviewing matters that Albertans bring before the office. Our new normal is to anticipate well over 2,000 cases a year, and with our current staffing levels this just is not sustainable.

In particular, the new positions will fund a new intake position. The intake unit is our first gateway. Reports come in, in particular breach reports. They get reviewed. We follow up if we're missing information. Information gets entered into our case management system so that Rachel, as director of compliance and special investigations, can review the reports. She reviews them with me. We make decisions about how to stream those reports, how much follow-up they require, whether or not they suggest that there might need to be an offence investigation.

As I mentioned, investigators currently have dozens of files on their caseloads, up to a hundred cases in some situations. Given that, we are recognizing that as we are now with our current volume, our average is to take about nine months to resolve complaints or requests for review. In my view, that in itself is too long, but with the new volume I expect that that number is going to get even longer. That was a reality before the new HIA breach requirements. Certainly, with the new breaches that are coming in, we're seeing a lot of potential, unfortunately, for offence investigations. We're seeing a lot of snooping cases reported to the office. Snooping cases sometimes affect, you know, hundreds of individuals or in some cases not very many individuals, but many, many hundreds of lookups of those individuals. We've seen some recent reports of elected officials being looked up, so just drawing that to your attention.

There are provisions in the legislation that will allow you as an Albertan to get a copy of the access log to find out who may have accessed your information.

When we do an offence investigation, that can take up to 200 hours of our staff time, and it takes place over a number of months. They're very rigorous in terms of evidence gathering and preparing an investigation report that we put to Crown so Crown can decide how they're going to proceed.

Three of those positions are for investigators to follow up with health custodians to make sure that they are responding to breaches appropriately, to assist them, hold their hand in responding to make sure that risks are being mitigated, and then also to conduct investigations where we see systemic issues or to conduct investigations where we see potential offences.

9:15

Finally, the last position is for an adjudicator. As all of these files move through our office, many of them, close to 80 per cent of them, are resolved through informal processes. Some of them go on to inquiry, and they are heard by an adjudicator in the office. At the moment we have about 300 cases in adjudication. Some of those have yet to be confirmed that we're going forward with inquiries, but we only have three adjudicators at the moment and we issue about 75 orders a year, so at this stage we're hoping to increase the number of orders that we can issue and the number of cases we can resolve with that adjudicator position.

Those are my comments, so I will stop there, and we welcome your questions. Thank you.

The Chair: Excellent. Thank you for the presentation, Ms Clayton. We'll go to the questions of Ms Littlewood and then Mrs. Pitt.

Ms Littlewood: Thank you very much, Chair. In your budget submission, in your introductory letter, you're talking about that there's an indication of \$661,180 that you're saying fully \$476,500 of is for new staff to respond to workload changes from the Health Information Act. We saw, of course, some of your numbers there on the slide, but your submission is just talking about how the experience that you have within the office allows you to sort of do that prediction of seeing something that could be a fivefold increase in the number of breaches reported. I'm just wondering if you have some corollary stories, then, I guess. Like, what are the experiences that you're drawing from to make that sort of fivefold indication? I mean, we saw your numbers, what you think is really a conservative estimate, but were there previous changes, policy changes or things like that, where you saw massive upticks like that that you could bring to our attention?

Ms Clayton: I'm not sure I'm following when you say: policy changes that saw massive upticks. Do you mean . . .

Ms Littlewood: Well, you're saying that your office's experience indicates that a change like that would result in a fivefold increase, so what are the experiences that you are drawing from to indicate to you that it's going to be a fivefold increase?

Ms Clayton: Okay. Well, we've had three months, basically, of mandatory breach reporting, so those numbers are based on over the first 12 weeks. We were receiving 12 breach reports a week, which gets us to 624 a year. We've broken those down based on what we're seeing, both in those reports but also in what we're seeing in breach reports in the health sector previously. We break those down into three streams. Stream 1: everything looks fine, everybody has been notified, clearly the custodian has done a great job, all is well with the world. That doesn't take a whole lot of work other than to get it into the system and write and say: we're good with this. That is close to 56 per cent of the files that come in. What we're seeing with the breach reports that are coming in now is very similar to what we saw with the voluntary breach reports, so approximately that many are low maintenance, if you will.

Stream 2 is where we need to follow up and say: "You're missing a bunch of information here. You haven't told us how you responded. You haven't told us that you've notified individuals.

You haven't notified individuals the way you're supposed to notify them under the legislation. We have concerns about whether or not you've properly mitigated risk." That works out to about 35 per cent of the files that come in, so that's about 218 a year. So we've made some calculations based on how long it takes to do that kind of follow-up, which is about three hours with each custodian, and then there's another 20 minutes just to close the file down in the case management system and send out the letter or a letter of finding. Sometimes we'll make recommendations, so that gets assigned to an investigator who will look into it, do that follow-up, and then we'll shut it down.

Stream 3. These are the egregious breaches. That is about 9 per cent of the total number of files, so we're at the 624 estimation. We think that will be about 56 a year. For about half of those we might look into them and find that no, it doesn't actually look like an offence, so we're not going to open an offence investigation. But that takes a lot of digging, a lot of follow-up, a lot of evidence gathering. It's a full-blown investigation.

Then we think that about half of that 9 per cent – and this is consistent, again, with what has been coming into the office over the last few years with voluntary breach reporting. We think about half of those will end up being full-blown offence investigations, which may or may not – if we're able to proceed with an offence investigation, as we said, that can take upwards of 200 hours to get an investigation report to Crown that the Crown can proceed with. Some of those might also result in an investigation report if we're seeing a systemic issue.

In fact, I'm going to ask Rachel just to talk about something that we've already seen as a systemic issue with respect to pharmacies if you wouldn't mind.

Ms Hayward: Early on, after August 31, when the mandatory breach reporting came into force, we started to see some trends with pharmacies reporting a lot more breaches, even more than we had expected or seen in the past. These were related to individuals going to pick up their prescription, going home and realizing that they had someone else's prescription. We saw a lot of that. It was about 20 per cent early on that we saw, so we contacted the College of Pharmacists and let them know of this trend that we were seeing. I'm really pleased to say that the College of Pharmacists responded very quickly, reaching out to their membership to let them know about what we were seeing as well. So we were able to find a quick resolution, I think, or a quick way of reaching out and working for Albertans to make sure that their privacy was being protected.

Ms Clayton: But if we continue to see something like that, that's the kind of situation where I would open an investigation, and we would go out and do something more in depth and more serious and make sure that we are following up and making sure that pharmacies are not experiencing this kind of breach. I think, for example, that was a surprise to all of us. I mean, who knew that that many cases of mixed-up prescriptions were happening? It's not just a privacy problem; there are clearly some implications for health of patients with all of that.

The other thing that we looked at in terms of trying to get a handle on what this might look like. We have had mandatory breach reporting in the private sector since 2010. We were the only jurisdiction in Canada that had private-sector breach reporting until November of this year. Now the federal commissioner's office also has that. What we saw last year was a huge increase in the number of private-sector breaches reported to us, in large part, I think, because everybody is getting ready for the federal breach reporting. There are all kinds of articles. Everybody is talking about it and raising awareness. So we've seen I think it was a 43 per cent

increase in breach reports from the private sector last year. We're on target to do 32 per cent more than that this year in the private sector.

I think just all of this general awareness is increasing. In our first years of breach reporting under PIPA we saw the number of voluntary breach reports that we had received triple in the first year, and since then that number has quadrupled to the 231 reports that we saw last year. As I said, that's expected to go up 32 per cent this year. If you look at other jurisdictions, we're actually one of the last to have mandatory breach reporting in the health sector. Nova Scotia, not nearly the size of us, saw 712 breaches reported in 2016-17, in 2017-18 saw 934. As I say, our estimate of 624 is pretty conservative based on what we've seen in the first three months.

Ms Littlewood: Thank you very much.

The Chair: Mrs. Pitt.

Mrs. Pitt: Thank you, Mr. Chair, and thank you for joining us here today. A lot of this information – I've got to be honest – is kind of alarming.

Ms Clayton: It is.

Mrs. Pitt: It's scary a little bit.

I have a number of questions. I guess first, maybe: why are there so many health breaches? I realize that the legislation has just been enacted, but what's going on? Do you have maybe a solution to help fix this?

Ms Clayton: Well, I'll start with the solution to help fix it, and then I think I'll go back to Rachel for what she generally sees in the health sector. She can describe to you access to Netcare and that sort of thing. Part of the solution to fix it: I don't know if you're aware of the investigation report my office issued just recently. It involved Alberta Health Services. It involved an individual who – there were 12,000 affected individuals. The breach went on for 11 years, and we issued an investigation report recently. In my commissioner's message I specifically – you know, we took a good look at: why wasn't this caught? And we looked at how Alberta Health and Alberta Health Services come together to monitor access to Netcare.

9:25

There are some 60,000 people who have authorized access to Netcare and a lot of people who seemingly abuse that authority to access the information. What we said in that report – we made some recommendations, certainly, around properly securing information and ensuring that people are trained and educated and all of that, but in the commissioner's message I specifically said: this is a problem, especially as we look at expanding access to Netcare and other associated systems. You know, if we're going to allow all of these parties to have authorized access to information, at the same time we have to have strong controls in place. And those strong controls – it seems to me that we have some holes in the foundation. What we're doing right now is clearly not working.

I will pass it over to you.

Ms Hayward: I can speak specifically about the last three months and what we've seen in the health sector in terms of the breaches that have been reported. We've had seven that we classify as external system compromise. That could be ransomware, that could be hacking, something that's coming and attacking the system itself. We've had about 140 that were human error. That could be faxing requisitions to the wrong place, to a personal address, things like that, or e-mailing or mailing things to the last known address

and it's the wrong address. Then we've had about 35 snooping cases reported to us in three months. That's fairly significant. We've also had one that was inappropriate destruction of information. Health information was not shredded or not carefully managed when it was intended to be destroyed and ended up out in the public realm. Then we also had 12 cases of theft. In that case, that's health workers leaving their information in a car, for example, overnight and the car being broken into and the laptop or the health records being stolen as well.

I would say that that's fairly similar from what we've seen in previous years through voluntary reports as well.

Ms Clayton: What is of particular concern, though, of course, are the deliberate breaches, the snooping cases where individuals know they're not supposed to be snooping and they're snooping anyway.

Sorry. I didn't actually answer your question about what can be done with it. I got caught up in the investigation report and pointing out the holes in the foundation, but I did say that, you know, the intent is that we're going to be following up with Alberta Health and Alberta Health Services to look very, very closely at how access is being granted and how access is being monitored to make sure that concrete steps are taken to address this problem.

Mrs. Pitt: Okay. Let's follow-up, if I may. Actually, in regard to that, what is your current relationship with Alberta Health and Alberta Health Services in the sharing of information and the ease of access to that for what you might need for your investigations?

Ms Clayton: Again, I'm going to go to Rachel for that. I know I participate in quarterly meetings with Alberta Health. I think that we have a good relationship there. I think Rachel's team has more interaction with Alberta Health and Alberta Health Services on a more daily and weekly basis.

Ms Hayward: We do, and we also meet with Alberta Health Services. We try and meet with them quarterly as well. We have quarterly formal meetings. We work very hard to ensure that we have collaborative relationships as much as is possible so that we can gather information that we need in an efficient way. I think that generally those processes that have been developed slowly over time work really quite well. It really helps us get the information that we need for investigations, whether it be investigations that don't deal directly with them but because they're so integral to the health system itself and the information systems, sometimes they will assist us in getting information on other investigations as well. I would say that it's really quite collaborative. We do work with them at least on a weekly basis.

Ms Clayton: A lot of the offence investigations – part of the reason they take as many hours as they do is because we're getting audit logs, hundreds of pages sometimes, and going through to look for those unauthorized accesses. Generating those, we might end up going to Alberta Health to get that audit log, so we might be working with Alberta Health Services. If there happens to be an Alberta Health Services breach, we're following up with them, getting information about their own internal investigation. But we might also be going to Alberta Health to get, basically, the forensic data that we need in order to complete the investigation.

Mrs. Pitt: I just have one last question. You mentioned that Alberta is probably the last jurisdiction to investigate health breaches. I think that's what you said.

Ms Clayton: Well, to have legislated requirements for reporting health breaches.

Mrs. Pitt: Okay. We've seen, in other departments, transfers from ministry budgets to legislative offices, more particularly, a transfer from the Ministry of Health budget to your office. Would that be a helpful tool for you? Would that make more sense? What do you think? What's your opinion?

Ms Clayton: It doesn't matter to me if it comes as part of my budget or if it's transferred to us. What I'm saying is that we are drowning, and I think that Albertans expect us to be looking at these things, looking at these things quickly. It does nobody any good if breach reports come in and we don't have anybody to look at them: three months go by or four months go by, we can't get them in the system, we can't assign somebody to do any follow-up. That is not helpful.

That's not the intent of these amendments, which, by the way, were passed back in 2014, I think, and it's taken four years for them to come into force. You know, they are important amendments. We're a hundred per cent behind these amendments. I think it brings Alberta up to parity with our jurisdictional counterparts.

I think that, again, when you look at the amount of attention on something like Cambridge Analytica, Facebook, these giant companies and the amount of information that they're collecting, I mean, that's a whole other problem and results in all sorts of issues in front of our office.

But probably the only thing comparable in Alberta is the health system, where you have so much – so much – information collected about individuals and available to so many parties, the complex systems that maintain this information, the way they connect, and the way that information is made available. You know, there's not a lot of transparency to what goes on in the health system. I think, actually, Alberta is really well positioned, again vis-à-vis other jurisdictions, because of the way it's set up. Because we have mandatory privacy impact assessments in the legislation, matters come to the office, we see the PIAs, we know what's going on. Frankly this was one of the last pieces, having mandatory breach notifications. Again, the veil has been lifted a little bit on what's actually going on.

Mrs. Pitt: Were they never investigated previously, health breaches?

Ms Clayton: They were when they came to my office, absolutely. We followed them up.

Mrs. Pitt: Oh. Okay.

Ms Clayton: I don't know. I'm sort of assuming that they weren't reported in this same volume internally. I can't speak for Alberta Health's experience or Alberta Health Services' experience, but I suggest that they're probably caught off guard.

Mrs. Pitt: Interesting. Okay. Thank you.

The Chair: Mrs. Aheer.

Mrs. Aheer: Thank you. Thank you so much for being here this morning. This is a lot of information. I had no idea that 60,000 people or more had access. Oh, my word. Okay.

With regard to the case around – I believe you were talking about an investigation of someone who had accessed or breached 12,000 people. Can you give us sort of an idea of, like, what that looked like as an investigation? You're saying, you know, 200 hours and all of that. I would imagine that however long it took for you to get the information, first of all – and then, like you're saying, you have to have this relationship with AHS. They have to go and dig through theirs and their internal investigations that they're doing. Can you

kind of give us an idea of what that looked like? Then I have one more question.

Ms Clayton: Sure. That investigation report is on the website, so all of that is detailed in the investigation report. That initially came to us as a voluntary, self-reported breach by Alberta Health Services. It came to us. I think it was the largest breach that they had ever dealt with at that time and probably still, and it took . . .

Mrs. Aheer: And they reported to you.

Ms Clayton: Yes. They voluntarily came to us and told us about it, but it took a long time for them to figure out the scale of that, the scope of that. It took almost a year before they notified – well, they notified some of the known affected individuals quite quickly, and then it took a long time to get to the rest of those individuals. This was quite widely reported in the media. When they did notify affected individuals – so we had that in the office as a self-reported breach, and we were following up with them in terms of notification. We were certainly behind their decision to notify affected individuals.

9:35

When it came to us, we also started to get complaints from affected individuals who received those notices. We had 30 complaints in the office. I commenced an offence investigation related to it. We had a self-reported breach. We did an offence investigation. We couldn't get to a place where we had something that would result in a successful prosecution based in large part on the statute of limitations. These breaches had taken place over such a long period of time. The statute says: two years from the date of the offence, of the lookup.

So much work was put into it, and because it was a matter of public interest, there had been a lot of media. I think there were some lessons to be learned from all of this. We decided to take everything we learned to that point and turn it into a compliance investigation, where we looked at AHS in particular and the safeguards they had in place and the monitoring. This took place over the course of a long period of time and went through various phases. The scale of it was massive.

Mrs. Aheer: Thank you so much. Thank you for explaining that. What I was curious about was, especially because there is limited time on the reporting period and also over, you know, 12,000 people and the monitoring piece that was or was not being effective within that system itself – so thank you for just clarifying.

The other thing I had a question about was the redactions. Like, I understand there's a lot of redacted material. What does that look like in your office in terms of information that you have to redact before you are able to process that and put that out?

Ms Clayton: I'm sorry. I'm not sure. When you're talking about redacted material with respect to . . .

Mrs. Aheer: Right. I guess my question was: you were mentioning – I think it was in your opening statements – that a large chunk of what you're doing is pulling information. Now, do you have to redact information? Are you trying to, like, pile through redacted information?

Ms Clayton: I'm not sure if I'm understanding your question, but I think when I made mention of redacted material, I was speaking of when our office reviews public body responses to FOIP requests, not the breach side of things but just generally when Albertans make a request to a public body for access to information. When they get a response back that is sometimes heavily redacted, then

that's more likely to come to my office for a review because they want that independent review by an independent party to look at what the original document says and then look at the redaction and confirm that the redactions have been properly applied.

Mrs. Aheer: That's what I wanted to know. Thank you so much for clarifying that.

The Chair: Excellent.

Mrs. Aheer: Thank you, Chair.

The Chair: You're welcome.

I know we've got about five minutes left. I do have three more speakers. Of course, we can go a bit into our break time if we need to, but just be aware. If we can keep focused questions, then we can make the best use of everyone's time.

I have Ms Woollard, Mr. Horne, and then Mr. van Dijken.

Ms Woollard: All right. Thank you, Mr. Chair. I'd like to talk a little bit about goal 2.2 on page 6 of the business plan. In particular, I'm interested in the top bullet of the second column there, that mentions that the commissioner has been involved with the curriculum review process to advocate for the inclusion of access and privacy education in the curriculum. That's a really important concept for people to grasp, especially as our data becomes more and more subject to outside influence at a younger and younger age. I'm wondering how you go about actually or how you would recommend going about teaching children about privacy and, in particular, the more technical, legal aspects of privacy law. The general terms of privacy may be taught early, but privacy as it would be in this context is something that – I wonder how you would recommend going about teaching it to children.

Ms Clayton: That is a fantastic question. We have been spending a whole lot of time focused on increasing awareness among children and young people. We did a general population survey this last year, and that's one of the top five issues the public has said that we should be focusing on. That's definitely been a focus for us, and that accounts for one of the reasons why I've done – I don't know – somewhere between 12 and 20 presentations to various either school boards or schools, gone out to a school to talk to kids, with the ATA, participating with them. This is really a focus for us.

Probably the one document that I have been distributing widely and drawing everyone's attention to is a joint document that was passed at the international data protection commissioners conference in Morocco in 2016. It's a competency framework, and it sets out the nine areas of, like, topics, including the legal framework, including how to protect yourself, how to use the legislation, nine different topics, and within each of those topics there are identified competencies and also outcomes. It was designed by educators for educators. The commissioners from around the world came together and passed this resolution, or this document. It's on our website. I'm handing it out left, right, and centre to anybody who will take it.

Then I will say, just because it's a chance to toot our horn and particularly for staff in the office that worked on this, that just this last month, at the international data protection commissioners conference in Brussels our office participated with our colleagues across Canada in another joint resolution on ed tech in schools, with recommendations for schools and parents and governments and regulators, ourselves included, for managing issues around the use of technology in schools. That was passed at the conference recently.

Ms Woollard: Okay. That is excellent, excellent information. Thank you.

The Chair: Thank you.
Mr. Horne.

Mr. Horne: Yes. Thank you. Now, I'm just looking at page 3 of the business plan, where you point to the fact that there's been some "heightened awareness of access to information and privacy issues in the media and online." Of course, you were talking about the very high-profile health breach a few years ago, but you've also mentioned a bit about Cambridge Analytica, which I know, when I'm out in the community, a lot of people are nervous about. I'm wondering if you're seeing more complaints to your office in a more proactive manner as a result of that, or is it still more likely that a person is thinking that their privacy has been breached when they make a complaint to the office?

Ms Clayton: I will say that we have had some related complaints. Of course, these matters involve breaches, so we have heard about some of those matters through breach reports to the office. We have a number of ongoing files in the office where we're following up with some of those players.

I think that part of the challenge with all of that, with those kinds of issues, is just the complexity and the lack of transparency. Individuals don't know that they've been affected. They don't know what's happened to their information. But I think that's really part of the challenge. Regulators across the country and globally are looking at new ways of regulating: being less reactive and less waiting for a complaint to come in and more going out and taking a look at sort of the ecosystem, if you will, all the different players coming together.

Certainly that's what's happened as a result of Cambridge Analytica and Facebook. You've got data brokers, you've got the social media companies, you've got political parties, you've got all of these different groups coming together, and information is flowing. The whole point of these investigations is to raise the curtain on that because I don't think that your average citizen really knew what was happening when they signed up for some app on Facebook, that somehow this information was going to, you know, end up in the hands of a Cambridge Analytica and then some university research and then the Brexit campaigners and so on and so on or that it goes to data brokers.

We see very similar sorts of things in the health sector, and we have a joint investigation, actually, with the federal office at the moment that's, again, sort of taking that ecosystem approach, looking at what's going on with some information sharing amongst players in the health sector.

I think that increasingly as an office we see this and our colleagues see this. You'll see that the federal commissioner has recently restructured his office to focus more on systemic investigations because these are the kinds of things where as regulators we can actually lift the curtain a little bit and see what's going on. Relying on individuals to bring forward a complaint I think is putting too much on the individual because, frankly, they're up against the Facebooks and the Googles, and it's very, very hard to really understand what's happening to your information behind the scenes.

9:45

Mr. Horne: Yeah. I think it's definitely very important work that is ongoing, and that's reassuring to hear.

Ms Clayton: It's fascinating and a bit scary, I must say.

The Chair: Mr. van Dijken.

Mr. van Dijken: Okay. I will try and be quick. Thank you for your presentation. Busiest year ever – busiest year ever – and continuing on getting busier. Do we see a point in time where that's going to actually plateau once we get to a point where the evolution of data management and best practices continues to evolve and improve? I suspect you don't see it now, but we should see a point in time where we're going to plateau and there's less stress on your office.

Ms Clayton: Yeah. That is hard to say. To be honest, I suspect that is not going to be the case. It may plateau for a time and then increase. I think that increasingly – and this is globally – we're starting to see it in Canada, and perhaps we will see more of it in Alberta, the recognition of the value of information.

It's interesting. The CEO of Apple was at the international conference speaking about the weaponization of information. It is beyond imaginable the amount of information that some of these private-sector companies have and how it can be used for all sorts of really good things, including fantastic improvements in the health sector, for example, or improved services or the things that people want, self-driving cars and improved iPhones and all of that good stuff. Certainly, as a regulator I'm not interested in getting in the way of that kind of innovation. But we see this increasing emphasis on an information economy, and we see something like the GDPR. The GDPR: we have no idea of the implications of that, but we're starting to see the fines, we're starting to see the investigations, and we're starting to see international co-operation on investigations. The information is incredibly valuable and incredibly powerful, and I don't see that changing anytime soon.

Everybody wants information; that increases breach risks. The minute you come up with a solution to some sort of risk, the bad guys are out there coming up with something else. It's interesting. Rachel mentioned that under the health sector it's a very small percentage of the breaches that come to us that are external system compromise. In the private sector, well, just this morning there was the announcement about Marriott hotels: 500 million people have been affected by a compromise of their central reservation system. Last year we issued 13 breach notification decisions involving hotel-type organizations and a compromise of their central reservation system. That's in our annual report. So unless information stops flowing, I don't think that we're going to see a decrease in breaches. I don't think we're going to see a decrease in the number of citizens who are concerned about how their information is being collected, used, disclosed, and safeguarded.

Mr. van Dijken: I'm almost sorry I asked that question.

I'll go to something a little bit softer here, telephones. In our estimates last year we talked about the increasing cost of telephone systems based on your concerns with the government of Alberta moving to a system with voice over Internet. I'm just wondering. The forecasted cost for this current year did not reach the \$30,000, but we do have a budget estimate of \$30,000 coming up. So has that transition not happened, or what's expected?

Ms Clayton: That's right. The estimate last year was based on our understanding of when the contract was going to end and we would need to move on to the new phone system, and that didn't happen. That's external information. So we haven't spent that money this year. We just had a meeting in the office to talk about the costs for the phone system. We're not going to join the GOA VOIP protocol. We're going to stick with our regular phones. We haven't assessed the risks, and I don't think we need to go there, so we'll be entering into our own contract.

Mr. van Dijken: Thank you.

Ms Clayton: You're welcome.

The Chair: Thank you very much, Ms Clayton, to you and your staff for your presentation this morning and for answering questions. We will be getting back to everyone with our decisions on the officers' budgets hopefully early next week.

Ms Clayton: Okay. Thank you very much.

The Chair: At this point we'll move to our scheduled break, and I just ask that everyone come back at 10 o'clock sharp for the Ombudsman and Public Interest Commissioner.

[The committee adjourned from 9:51 a.m. to 10:01 a.m.]

The Chair: All right. Welcome back, everyone.

I'd like to welcome Ms Ryan and her staff from the offices of the Ombudsman and the Public Interest Commissioner. Welcome. We're glad to have you join us this morning. We've generally been allotting about 15 to 20 minutes for each of the officers. Of course, we recognize that you have two presentations, so it may take a little bit of additional time. We've given a bit of breathing room. Once we've had the opportunity to hear both presentations, I think we should have ample time left for questions from committee members.

At this point, Ms Ryan, I'll hand things over to you if you'd like to introduce your staff.

Office of the Ombudsman and Public Interest Commissioner

Ms Ryan: Thank you, Mr. Chair. It's a pleasure to be here today and present on the activities of the offices of the Alberta Ombudsman and the Public Interest Commissioner. I'm joined here today by Peter Sherstan, who is our new Deputy Ombudsman and Deputy Public Interest Commissioner, and Suzanne Richford, our director of corporate services. Both will have the opportunity to present today and answer any questions that you may have. I will be presenting each office's 2017-2018 annual report, Peter will address the 2019-2020 business plans, and Suzanne will review each office's budget for the upcoming 2019-2020 fiscal year. In total, with both offices, we are aiming for a 20- to 30-minute presentation, beginning with the Ombudsman's office, followed by the presentation of the office of the Public Interest Commissioner.

By way of introduction let me just tell you a little bit about our offices. Since September 1, 1967, the office of the Alberta Ombudsman has provided oversight to ensure fair treatment through independent investigations, recommendations, and education for all Albertans. The Ombudsman can investigate any administrative decision, recommendation, act, or omission of the Alberta provincial government, Alberta municipalities, the patient concerns resolution process of Alberta Health Services, self-regulated health professions proclaimed under the Health Professions Act, and other designated professional authorities such as accounting, forestry, and veterinarian professions. Although much has changed in our 51-year history, our role as an independent, impartial third party in pursuit of administrative fairness in the public sector has remained the same.

The office of the Public Interest Commissioner opened June 1, 2013, and just celebrated five years in operation this past June. Under the Public Interest Disclosure (Whistleblower Protection) Act this office provides public-sector employees a safe and confidential avenue for the disclosure of wrongdoing and protection from reprisal.

The Ombudsman has offices in both Edmonton and Calgary while the Public Interest Commissioner operates solely from Edmonton. As separate and independent legislative offices the only crossover that exists relates to shared services such as executive management, finance, human resources, legal counsel, communications, and IT. Although the two offices operate independently, we have maximized opportunities to share costs and services, something that Suzanne will touch on later in her presentation. Currently there are 33 Ombudsman positions, with 25 in Edmonton and eight in Calgary, and there are five Public Interest Commissioner positions here in Edmonton.

A common theme we will highlight across both offices for this reporting year relates to preparations we made for the expansion of both offices' jurisdictions. Updates to the Ombudsman Act and the Public Interest Disclosure (Whistleblower Protection) Act came into effect April 1, 2018, and March 1, 2018, respectively. The Ombudsman's jurisdiction was expanded to include Alberta's approximately 350 municipalities, while amendments to the Public Interest Disclosure (Whistleblower Protection) Act brought into effect numerous changes, including an expansion to our jurisdictional entities, new definitions for what constitutes wrongdoing under the act, and provisions for public-sector employees to report directly to the commissioner when wrongdoing occurs.

The changes to our operations this past year have led to increased efficiencies and positive outcomes for both authorities and complainants. The scope of our jurisdiction has broadened, allowing us further reaching opportunities to promote our office's mandates and the principle of fairness and natural justice in the public sector. It has highlighted for us the benefits of the legislative review process, and we have hope that the Ombudsman Act may undergo a more substantial review in the upcoming years.

Our business plan for the 2019-2020 fiscal year, which Peter will cover in a few moments, discusses strategies for an in-depth internal review of the Ombudsman Act, with the goal of ensuring that relevant legislation is meeting the needs of Albertans. The last significant review of the Ombudsman Act took place over 15 years ago. In the upcoming year we will engage stakeholders to explore the possibility of modernizing the act.

On that note, I'd like to move on to the individual reports, beginning with the Ombudsman's annual report. The 2017-2018 annual report for the office of the Alberta Ombudsman describes a productive year and one of significant growth. In preparation for the inclusion of municipalities under our jurisdiction, we executed on strategic operational changes to handle the certainty of an increase in inquiries and written complaints. We began with an environmental scan, sharing in the experience and knowledge of other ombudsman offices across the country. At that time six provinces and one territory already had municipalities under the jurisdiction of the provincial ombudsman.

We reached out to over 350 Alberta municipalities to provide them with an understanding of our mandate. In turn, we received an understanding of their existing internal complaints resolution processes and types of common complaints. This assisted us in identifying specific needs in relation to our expanded mandate, resource requirements, and policy. We participated in a training session, designed and facilitated by Municipal Affairs, to expand our awareness of municipal governance while highlighting some of the differences between rural and urban municipalities.

To better meet the needs of our expanded jurisdiction and with a view of becoming more effective, we restructured our investigational teams. This has led to a quicker resolution for both complainants and authorities. Perhaps of most significance to our

operation, we piloted an early resolution process in which all written jurisdictional complaints are now analyzed to determine if the complaint can be resolved informally or if there is a need to open a more formal investigation. In the past the fallback position was formal investigation, and most investigations went that route. The success of the early resolution process project led to its full implementation across the office in October of 2017.

Lastly, we worked to expand awareness and education of the role of our office with events aimed to connect with municipal administrative staff and municipal associations across the province. The work is just beginning with municipalities, and there is still much to learn. As with all of our jurisdictional authorities we aim for a collaborative approach, encouraging fair practices and, ultimately, improved administrative public services for all Albertans.

10:10

Our annual report includes a statistical overview of our workload over the 2017-2018 fiscal year. During this past fiscal year we received 4,671 complaints. During this year 480 cases were investigated. We were able to assist the remaining inquiries by answering nonjurisdictional questions or referring them to other agencies. The most common complaints received were with respect to the following organizations: correctional services, the maintenance enforcement program, Community and Social Services, Alberta Works, assured income for the severely handicapped, Children's Services, and the Workers' Compensation Board. Our report also includes examples of early resolution and formal investigation case summaries. These provide a snapshot of the types of complaints our office receives as well as our findings and responses.

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

Mr. Sherstan: Thank you, Marianne, and good morning, everyone. The function and duty of the Ombudsman cannot be carried out by any one individual. Rather, it relies heavily on the collaborative efforts of a team. Our staff is comprised of investigators, managers, corporate services, general counsel, and administrative staff, all of whom play an important role in ensuring that we operate effectively and accomplish the duties and functions for which we are responsible.

For this reason, it was important to draw on the experience of our staff in developing the 2019-2020 business plan. The expansion of our jurisdiction to include municipalities and the operational changes Marianne described brought about significant change within the office. We adapted our team structures and business processes, and in response to the expanded jurisdiction we added five new investigative positions. With changes as significant as these it's important to include a period of review and analysis to determine where the potential exists for greater efficiency and enhanced capability.

This is the theme of our upcoming 2019-2020 fiscal year business plan. At this point I'd like to direct your attention to the specifics of the business plan, where we've identified three high-level outcomes and the specific actions or strategies necessary to achieve 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, that the Ombudsman's office will ensure that relevant legislation is meeting the needs of Albertans and that her office has the ability to fulfill its roles and responsibilities.

The first outcome focuses on our core, day-to-day operations, where we strive to provide the exemplary service Albertans have come to expect from our office. Some of the strategies here include a review and analysis of the current intake and referral system, the early resolution process, the own-motion process, and our current system of cataloguing and monitoring of previously made Ombudsman recommendations.

The second outcome describes our education and awareness initiatives. Supporting strategies include a review and analysis of current educational seminars, materials, and presentations and a continuation of our work to enhance the understanding of our office through a variety of multimedia tools and resources.

The third outcome outlines the work needed to ensure that the legislation relevant to the Ombudsman is meeting the needs of Albertans and that her office has the ability to fulfill its roles and responsibilities. Here our strategy will be to conduct an in-depth review of the Ombudsman Act to identify any existing or projected gaps in relevant legislation. We've also established performance measures that, if achieved, will demonstrate progressive advancement towards each of the outcomes.

We know that 2018-19 has brought about growth for the office, and a number of strategies were implemented to prepare for this increase in workload. We are confident that a thoughtful, measured approach for 2019-2020 and a careful analysis of our operations will better inform decision-making and enhance the quality of our work.

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

Ms Richford: Thank you, Peter. The two-page budget submission for each office contains a lot of detail covering three fiscal years. These fiscal years include the previous year, 2017-2018; the current year, 2018-2019; and our budget request for 2019-2020. To help guide you through this detail, I will provide you with the salient points of this document.

Each year personnel expenses, basically salaries and benefits, represent approximately 90 per cent of the office's budget. The remaining 10 per cent of the budget covers all expenses required to operate our office. For the previous year the actual expenses compared to the budget resulted in a surplus, or budget lapse, of \$174,000.

Similarly, for the current year we are forecasting a surplus of \$216,000. For both of these years the surpluses are due to employee attrition, resulting in position vacancies during the year. For example, in 2017-2018 22 per cent of the office's employees resigned due to retirement or positive career moves. Prior to hiring their replacements, each position was assessed to ensure a continued business need, which resulted in an average two- to three-month vacancy for each position.

Earlier this year we addressed the need for a new position in corporate services, and just recently we hired a manager of finance, risk, and administration. This position is necessary as corporate services has not grown proportionately with our responsibility to provide all corporate services for the office of the Public Interest Commissioner, which has been effective since June 1, 2013; a 25 per cent growth in Ombudsman staff over the last few years; and the complexity of information technology, IT, human resources, and financial systems. We are able to absorb this new position expense in the current year's budget due to position vacancies, as mentioned previously.

To prepare our 2019-2020 budget estimate, we ensured that all expense estimates were justified based on a review of the office's key responsibilities and resulting deliverables. We analyzed the current fiscal year's expenditure forecast and considered Alberta's

economic and fiscal climate. For 2019-2020 our budget estimate remains at the 2018-2019 amount of \$4,291,000. In other words, we will not require an increase for next year's budget.

Page 2 of the budget document provides a variance analysis of the current budget to the 2019-2020 budget estimate. Due to the new position mentioned earlier, our salaries budget for 2019-2020 has increased. However, this increase will be offset by a decrease to employer contributions and capital investment.

One last point before I conclude this section. As all employees of legislative offices are non-unionized, we have been subject to a salary freeze since 2015. This includes both cost-of-living and performance-related increases. Although the Public Service Commissioner's salary directive currently indicates that this freeze will end on September 30, 2019, our budget estimate does not include any salary increases.

Marianne.

Ms Ryan: Mr. Chair, this concludes our presentation with respect to the Ombudsman's office, so I'm wondering if you would like us to take questions now with respect to the Ombudsman's office or if you would like me to proceed with our presentation on the Public Interest Commissioner's office and then take questions at the end.

The Chair: I think previous practice has been to do both presentations back to back – I seem to see members agreeing with me on that – so why don't you go ahead.

Ms Ryan: Sure. Thank you. So 2017-2018 marks the fifth annual report for the office of the Public Interest Commissioner. Our objective as an independent office of the Legislature is to provide a safe avenue for public-sector employees to speak out about wrongdoings and to protect them from reprisal when doing so. We conduct fair, impartial investigations and make strong, reasonable recommendations for corrective measures if wrongdoing is identified. Alongside this objective, we promote workplace cultures that embrace whistle-blowing and where managers and employees share a common goal of detecting and remedying wrongdoing.

On March 1, 2018, amendments to the Public Interest Disclosure (Whistleblower Protection) Act were proclaimed. The amendments included numerous changes that expand the jurisdiction of the Public Interest Commissioner and strengthen protection for whistle-blowers in the public sector. Our jurisdiction includes Alberta government departments; agencies, boards, and commissions; school boards; postsecondary school authorities and government-funded accredited private schools; public health sector agencies, including Alberta Health Services; and offices of the Legislature. As of March 1, 2018, our jurisdiction also includes MLAs, ministers, the Premier and their offices, and prescribed service providers.

10:20

Expanding the jurisdiction extends the protection of the act to more public-sector employees and mandates our office to investigate a broader range of issues. Increased protection provisions expand the definition of wrongdoing to include gross mismanagement of employees by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of an organization relating to bullying, harassment, or intimidation. Increased protection provisions allow employees to disclose to the commissioner in the first instance. In the case of a reprisal it also creates a mechanism for determining a potential remedy for the affected employee.

Our annual report provides information about the role of the office of the Public Interest Commissioner and features articles about the recent amendments and the benefits of a collaborative

approach during public interest disclosure investigations. The report also shares statistical results, provides a strategic plan update and several case examples from the 2017-2018 fiscal year. During this reporting period our office opened 214 cases comprised of inquiries, disclosures of wrongdoing, and complaints of reprisal. Case examples in the report range from allegations of reprisal stemming from a change in position within a school division to allegations that an employee-supervisor dispute constituted gross mismanagement of employees.

All complaints underwent a jurisdictional assessment to determine whether we had the authority to initiate a formal investigation. Some of these cases were deemed nonjurisdictional. However, we were able to direct complainants to other departments, processes, or entities for assistance. Additionally, in some nonjurisdictional complaints, when appropriate, observations regarding breaches of policy, mismanagement, or code of conduct issues are highlighted for entities. Of the investigations concluded in 2017-2018, there were no findings of wrongdoing or reprisal as identified under the act.

Our office also plays an important educational role, acting as a resource for public service entities, which Peter will elaborate on in a few moments.

At this time last year the proposed amendments to the act had not yet been proclaimed. I expressed concern that two particular amendments had the potential to dramatically affect our office's workload. They were the expansion to the definition of gross mismanagement, a wrongdoing under the act, to include systemic bullying, harassment, and intimidation of employees and the added category to our jurisdiction of prescribed service providers, a group still to be defined in an upcoming regulation. Since the amendments were proclaimed, we have observed marked increases in the areas of general inquiries, disclosures of wrongdoing, and complaints of reprisals, equating to an approximate 30 per cent increase in overall cases. The impact of expanding our jurisdiction to include a new category of entities called prescribed service providers will not be known until they are fully defined in a forthcoming regulation.

With that, I will turn it over to Peter to present the business plan for 2019-2020.

Mr. Sherstan: Thank you. As described in the business plan update for the Ombudsman, the plan for the office of the Public Interest Commissioner also identifies high-level outcomes, strategies, and performance measures that outline our focus and direction for the upcoming fiscal year.

The key priorities and desired outcomes for this office include, firstly, that all individuals, offices, and entities to which the act pertains recognize the office of the Public Interest Commissioner as an avenue for reporting wrongdoing in the public services 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; and thirdly, that departments, offices, and public entities work collaboratively with our office, the office of the Public Interest Commissioner, to investigate and remedy wrongdoing within their organizations in order to advance public confidence in the administration of the department, office, or public entity.

The actions or strategies related to the first outcome include conducting awareness and educational initiatives to heighten stakeholder awareness of the act, increasing stakeholder understanding of the mandate of our office through multimedia tools and resources, and reviewing the impact of legislative amendments to the act made since March 1, 2018, along with the impact of any forthcoming regulatory changes. Here we will

identify any existing or projected gaps along with specific recommendations for resolution.

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

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

The amendments to the act have brought about important advancements to whistle-blower protection, and our office continues to explore ways to enhance our operational effectiveness while remaining fiscally responsible.

Suzanne will now speak to the office's budget.

Ms Richford: Thank you. As Marianne noted, since the amendments to the act were proclaimed on March 1, 2018, our workload is increasing. Nevertheless, we are not seeking an increase for the 2019-2020 budget. Next year's budget estimate remains at the 2018-2019 amount of \$1,149,000. As mentioned earlier, the Ombudsman's office provides shared services to the Public Interest Commissioner. Based on a formal agreement between the offices, the allocation of these shared services costs is included in the Public Interest Commissioner's budget. For 2019-2020 this cost allocation is estimated to be \$467,000, which represents 41 per cent of the Public Interest Commissioner's budget. This cost allocation is for record-keeping purposes, and cash is not required from the general revenue fund.

The remaining budget of \$682,000 is for the salaries and benefits of the five investigator positions, travel, and operation of the office. Similar to the Ombudsman, the Public Interest Commissioner's 2017-2018 surplus of \$236,000 and the 2018-2019 forecasted surplus of \$105,000 are due to unplanned position vacancies within each year.

Thank you, and I'll now turn it over to Marianne.

Ms Ryan: Thank you, Suzanne. I'd like to take this opportunity and thank the chair and the committee for your time and consideration of the information we have shared here today. Also, at this time I'd be pleased to answer any questions about today's presentations or questions you have regarding our respectful workplace policies.

The Chair: Thanks very much for those presentations and that information.

We'll open up the floor now, then, to questions. To begin, I have Ms Payne and then Mrs. Aheer.

Ms Payne: Hello. I have a couple of questions with respect to the Public Interest Commissioner presentation. The first one has to do with explanatory note 4 in the budget submission. It notes that there are instances in which there might be a need to contract out some services to an expert given a particular subject area. There's an example provided for the committee's benefit, so thank you for that. I noticed that there's an 82 per cent increase on that line item. I'm wondering if you can provide some more examples from the past of where that kind of contract expertise has been needed and, additionally, why you are expecting that size of an increase going into the next year.

Ms Richford: Well, we are just experiencing now the need for IT specialists. A lot, of course, of the records now are stored

electronically. The investigators have to go in and very quickly try to assess the IT infrastructure and find out where these documents are and get them out and analyze the information. So we have found it has been much more expedient to have a professional that knows what they're doing from an IT perspective get the data to us, and then the analysis can begin. At times we are projecting that an HR professional might be needed in cases of harassment and bullying. That to date, really, has been our thoughts on what could be happening.

10:30

Ms Ryan: Just to add to that, too, in the area of wrongdoing and gross mismanagement of either the public services or an entity's organization there is also the need for forensic accounting, where we actually have to go in and look at the transfer invoicing of funds. That could also be part of the disclosure of wrongdoing, and that is a service that we would look at when and as it's needed.

Ms Payne: I feel like it's a bit of a theme for the day that as the technology that we interact with daily changes over time, so too does the complexity of the work that our offices are undertaking. So thank you for that.

I wanted to discuss a little more around some of the changes to the whistle-blower protection act. I think that, by and large, we can all agree that these are good changes that help to increase Albertans' faith in the system and to know that if someone comes forward with concerns around wrongdoing, there are protections and supports in place. Also, I think that having that clarity of who to talk to and when and who in the office is the person to talk to and if you can't approach that person for whatever reason, because there often are reasons or there may be, to have that kind of spelled out. I think that's been overall a good thing, though it has certainly made some impacts.

With respect to the business plan page 4 for the Public Interest Commissioner focuses on building some strength amongst designated office-holders for whistle-blower protection. You touched on that a little bit in your remarks, but I'm also curious if you could expand a little bit more on how staff are working with government departments and with personnel individually as well as with the designated office-holders to make sure that that information is out there for employees so that they would know who to turn to if they had information to come forward with.

Mr. Sherstan: Thank you. Specifically, the awareness and educational initiatives are undertaken or aimed at two areas: one, the primary user, the individual who may have suffered a wrongdoing, and also the designated and chief officers and the executive of that department, agency, or public entity so that they are aware of the advantages of having a strong and robust system. This year the upcoming plan, as indicated, will focus a lot on having specific training for designated officers, so a package that we can role out and deliver. Again, the format is still to be determined, but that could be in the form of personal presentations and/or online accessibility. We have a very robust website.

The other thing that we're looking at is a public interest disclosure conference where we could bring these executives in and have a format with special speakers and our staff as well to explain some of the successes and some of the challenges that they may encounter or have encountered in other jurisdictions, so best practices to employ and pitfalls to avoid, in a setting such as a room like this where those individuals who are responsible for it would have direct access to expertise.

Ms Payne: Thank you. I think that's really excellent to hear, and I think it's so important to make sure that people have the tools and

know where to turn. Because these can be very complicated cases, we want to make sure that there's a culture where people feel that they can come forward when they need to.

I have some other questions, but they're more for the Ombudsman, so perhaps I can get myself back on the speakers list.

The Chair: Thank you, Ms Payne. I'll add you to the list again. We will move on to Mrs. Aheer.

Mrs. Aheer: Thank you, Chair. I have two questions, and one of them is because I missed the information. Thank you so much for being here. You were saying that there was a group that still needed to be defined in the upcoming regulations. The question I have about that is the impact on your workload and also when you expect the regulations to be complete. I'm sorry; I missed the group. I apologize.

Ms Ryan: Thank you for the question. It is the prescribed service providers.

Mrs. Aheer: Oh, thank you.

Ms Ryan: To answer the second question first, we don't know when it will actually be tabled or when it will come into force. We don't have a date, but we have worked very closely with the Department of Justice. Prescribed service providers are entities that could be contracted by a government ministry or a government organization and receive government funding. They are essentially a private company that receives government funding. Somehow there is a government relationship with that company or entity, and the legislation calls for those entities to still fall under the Public Interest Disclosure (Whistleblower Protection) Act because of that government relationship.

Mrs. Aheer: Okay. Is this increasing your workload significantly?

Ms Ryan: Because it hasn't come into force yet, just on the prescribed service providers, you know, it's difficult to say. We were obviously very involved with the Department of Justice in drafting the proposed legislation, but it's going to be difficult to say. I would say that yes, it will increase, but to speak to the point Suzanne made, we don't anticipate seeing a significant increase to our workload this year. I just think it's going to be a while before that legislation comes into effect. So rather than ask for it now when it may not come into effect till next year, we felt that if it did come into effect later this year, we could manage within.

Mrs. Aheer: Okay. Thank you so much. Appreciate it. Thank you, Chair.

The Chair: Ms McKittrick.

Ms McKittrick: Thank you. I'm really interested in your report and in your business plan dealing with the Ombudsman. It's kind of interesting: same people, different reports. So it's good. Okay. The reason I was interested is that on page 2 of your business plan you mention other designated professional authorities such as accounting, forestry, veterinarian, and agrologist professions that you deal with. I had a question because these are private bodies that are licensed that regulate these professions. So my question is: are you the Ombudsman for all of these self-regulating professions? These might sound as strange questions, but I was wondering: are you acting as the Ombudsman for fee for service? What is the relationship between your office and those institutions?

Ms Ryan: Well, that's a good question. I am the Ombudsman for all of the entities that you've listed. A lot of them are referred to under the Health Professions Act, that you are speaking to, municipalities, government entities. There is no money involved. There's no exchange. We are totally independent. We're independent from all entities.

What happens is that if through a complaints process – let's say, it is one of the colleges, one of the professional colleges. Most of them have a very robust complaints process to deal with complaints of their membership. However, if a complaint goes through that process and, at the end of the day, the complainant still feels they've been treated unfairly, they would come to our office. One of the first things we would do is look at: is it within our jurisdiction? Does that professional college come under our jurisdiction? Then, secondly, has the complainant gone through the process that has been described by that health profession to deal with a complaint? Then we would take a look at it to determine whether they've been treated fairly.

Ms McKittrick: You're really the second stage? These colleges, be it the – well, I guess there are no massage therapists. But all the colleges have their own ombudsman process appeals.

Ms Ryan: Well, they have their own complaints process.

Ms McKittrick: Complaints process, right. Then you're the second stage, and you're doing it as part of your duties under the act, not as a fee for service.

Ms Ryan: Correct. We like to refer to ourselves as the place of last resort.

Ms McKittrick: Okay.

Ms Ryan: If you've exhausted all other means, you've gone through the college complaint process, for example, and you still feel that you haven't been treated fairly by a decision that's been made, you could come to us.

Ms McKittrick: I was wondering: how much of that takes up your time or your duties as the ombudsperson?

Ms Ryan: A significant amount of time. It is our bread and butter.

Ms McKittrick: I'm sorry.

Ms Ryan: That's kind of what we do. You know, I indicated some of the busier areas for us that we deal with: corrections, the maintenance enforcement program. The colleges: yes, they're in there but no specific college in particular.

Ms McKittrick: Okay. My last question. I'm really interested. I used to sit on the board of a licensing college in the past. I was wondering: do you think your services are needed because those colleges don't have appropriate processes? Is it something that your office is working on with them in terms of what's appropriate, or is it just the nature of the decisions made by these colleges? They sometimes can be very controversial because it's the removal of licences, it's credentialing, or whatever.

10:40

Ms Ryan: It's a very good question. Sometimes it's due to vacancies, you know, in a registrar's office, and a decision might have been made very quickly. A lot of the issues that we see relate to decisions made where not enough detail, not enough explanation was provided to the complainant for how the decision-maker came to their decision. You know, rather than just saying, "We've turned

down your request for whatever you're asking for," we say: provide the policy reference, provide the rationale, be fair to that complainant, and make sure that your decision articulates what we call the administrative guidelines. There are eight of them. "Did you give them a fair opportunity to present their case?" You, know, things like that. It's a combination of things.

Obviously, the bigger colleges – the College of Physicians & Surgeons, the college of nurses – have, in my opinion, very good processes in place. However, we still receive complaints about them and the decisions that they make. It doesn't mean they made a bad decision. It's just that someone still feels they've been treated unfairly.

I will say that it's our estimate that in about 75 per cent of the cases that we look at where someone feels they've been treated unfairly after they've gone through all the processes, we find that the decision was fair and was appropriate. It's that 25 per cent that we have to go back and either work with the entity to improve their processes, change their policy, provide more information, give a fair opportunity for someone to present their case.

Ms McKittrick: Thank you. I find that part of your role very interesting, and you've given me a different way of looking at your role. I know that those colleges play a very crucial role in ensuring that Albertans have access to good services and to people who are properly licensed and so on.

Thank you very much.

The Chair: Thank you, Ms McKittrick.

I have Ms Payne.

Ms Payne: Sorry; I thought I was later. Thank you.

Continuing with some questions for the Ombudsman office, this pilot project around the early resolution system sounds like it's been quite successful so far. I just want to commend your office on taking that on. I think, especially as we're talking about increasing complexity, that the more we can find ways to streamline and get that early resolution, get that information back to individuals as quickly as possible, that's excellent, especially because oftentimes, at least from the folks I've seen come through my constituency office, by the time someone has reached out to the Ombudsman office, they have likely been dealing with this issue for a very long time. So the sooner we can get that resolution for them, the better. It doesn't always go the way they want it to, mind you, but I think, you know, that even just getting that answer as quickly as we can is really important.

You know, we've talked a bit about it on page 2 of the business plan, and you highlighted it in the presentation, but I was wondering if you could maybe just expand a little bit for the committee on how the office assesses whether or not a formal investigation needs to be opened.

Ms Ryan: Sure. Well, thank you. Yes. With the advent of the municipalities coming onboard – we knew that was a likelihood last fall – it was a great opportunity for us to take a look at our processes without just asking for more resources. Are there things that we can fine-tune to be more efficient? What we did was that we restructured our teams. In the past we had an analysis team that would look at the complaints when they came in and assess whether we had jurisdiction. Then we had investigators look at it, and we also had an own-motion team.

What we did was that we sort of scrapped all that, and we restructured our teams to be essentially all investigators. Now when a complaint comes in, we look at it from a team approach. I call it the full-court press. You know, is there an opportunity for us to deal with this in a very timely manner? It's good for the complainant.

As you say, they're near the end of their frustration. It's good for the authorities. Our folks were and continue to be very dedicated, really hard-working individuals. In the past they would look at a complaint, and they would really do sort of a deep dive into the authority, and they would not only deal with the issue of the complainant, but it might also be an opportunity to take a look at other policies that a particular authority may have related to the complaint. Those became what are called formal investigations, and although a lot of great work came out of those formal investigations, they were very lengthy. It would take a year, a year and a half sometimes because of the complexity, just to get all that information through.

The early resolution process just focuses. What is the complaint? What is the issue? Is it something that we can quickly deal with the authority on and provide a timely response? Most of our early resolution complaints are being dealt with in about 20 days' turnaround. We've seen a big increase in efficiencies, and that has allowed us to be more focused on and get ready – it's still early days with the municipalities – to be able to deal with the complaints and the increasing number of complaints that we anticipate from municipalities.

Ms Payne: You'd mentioned that it was a pilot project. Is it something that you're using across your office, kind of on a trial basis?

Ms Ryan: Yeah. We piloted it in October, and now we have fully implemented it because of the success.

Ms Payne: Well, sort of just dovetailing that a little bit, like, I mean, the business plan refers frequently to making sure that services are delivered in a timely and efficient manner, and I can see how this really complements the office's ability to do that. Specifically on that issue, do you keep metrics on how quickly most complaints are resolved? When we talk about timely – I mean, the challenge of some of these words is that they do mean different things to different people – I was wondering how your office defines "timely."

Mr. Sherstan: We do have some metrics which relate to this year, and these are the written complaints that were opened and closed via early resolution: 49 were closed within 10 days, 26 within 20 days, seven in 30 days, six in 45 days, and then six took over 45. If we look at 30 days and below, I'm estimating that it's probably 80 per cent are closed within a month period.

The pilot project went October to April 1, full implementation October 1. This will be the first year that we have a full, complete data set, which will enable us to conduct further analysis.

Ms Ryan: In terms of answering your question, "What is the definition of timely?" I think anything that can improve on our previous processes, which tended to be on the lengthier side, for all the right reasons, you know, not probably as timely as the complainant would like and even the authority – the authorities, we heard from them that we were coming back to them and coming back to them with ask after ask. We'd find certain documents. We'd want more documents. It's difficult to define timely, but it has certainly increased our turnaround time, using this early resolution process.

Ms Payne: Thank you. Well, you know, it sounds like there have been some really great improvements, and I know certainly that the folks that come into my office are grateful to be heard in a quicker manner.

Thank you.

Ms Ryan: Thank you.

The Chair: Excellent. I have Mr. van Dijken and then Mrs. Aheer and then Ms Woollard.

Mr. van Dijken: Good. Thank you. Good answer. That was a good answer. I appreciate your office continually trying to improve.

I'm going to question with regard to Ombudsman outcome 1, best practices to ensure efficient, timely, and thorough investigations. Now, last year when we met, there was new legislation brought forward that was potentially going to increase your workload by a minimum of 30 per cent. My question is essentially the evaluation of the actual increase and if we have a better handle on that this year and where we're going.

Ms Ryan: That's a good question. Last year we came asking for additional revenue, which, I guess through a transfer of funds, came from Municipal Affairs. That funding was to increase our investigative complement. We derived the 30 per cent estimate based on what we heard from Municipal Affairs, the complaints that they had received in the past relating to municipalities as well as an environmental scan that we had done with other Ombudsman offices that had municipalities across Canada. We use that as a gauge, and that was the number that we used to ask for our new additional investigative positions.

10:50

The legislation came into effect this spring and wasn't really part of last year's report. You know, we're about seven, eight months in, and what we're seeing is about an 11 per cent increase to our volume in cases. We're watching that, but a lot of that can be attributed to the fact that it's still early days with the municipalities. We still have a lot of education and awareness that we continue to do to get the word out on the changes in legislation. I expect that with next year's report, I'll be able to provide a more accurate update about how much of our volume has been attributed to that increase with the municipalities. Like I say, it's still early days, and it's something that we will monitor, you know, going forward.

Mr. van Dijken: Thank you.

The Chair: Mrs. Aheer.

Mrs. Aheer: Thank you. I just wanted to ask a question regarding the more substantial review that you were talking about. I would love to have some clarifying points about that. I believe – I'm so sorry if I'm getting this confused with another piece – that you were talking about bullying and intimidation and all that. Would you mind speaking to that just a little bit?

Ms Ryan: Sure. That's a good question. I believe the legislative review that you might be referring to was when I referenced that we would like to take a look at whether the Ombudsman Act needed to be reviewed and updated. The Ombudsman legislation hasn't had a full review, like an in-depth review, since 2003, so 15 years ago. There was a recent amendment which brought in the municipalities. But we would like to look at things like modernizing the act. For example, our act still refers to receiving written complaints, that complaints must be written. Obviously, as we talked earlier, with the prevalence of IT systems – e-mail, that sort of thing – we need to get up to speed to be able to accept that complaint and not be restricted by a written complaint.

Other things that we want to look at are: do we have the right jurisdiction? Are there health professions that we need to include now? Have there been augmentations to the Health Professions Act that impact us? Also, are there entities that we really don't need to

have under our jurisdiction, like the advocacy groups? Because of, you know, the increase or the prevalence of some advocacy groups, are they doing the same thing that we're doing? As part of our business plan we're going to really take a good look at if this is something that we should bring back to the committee and propose working with Justice, that here are the areas where we feel we should modernize the act.

Your second question, with respect to bullying, harassment, and intimidation: that is a new amendment to the Public Interest Disclosure (Whistleblower Protection) Act, and it falls under the overall definition of wrongdoing. The key piece relates to systemic or environment of a culture where bullying, harassment, or intimidation is prevalent in an organization. It doesn't refer to, let's say, a supervisor and employee having an issue where the employee makes a complaint of harassment against their supervisor. Those are matters which should be handled by internal HR processes. We're looking at the organization as a whole, where there might be multiple issues with respect to how the organization is run. Is it run under an atmosphere of intimidation, where people are afraid to come forward and identify, you know, potential wrongdoings?

Mrs. Aheer: May I have one follow-up? Thank you.

Does this include municipalities as well?

Ms Ryan: Not yet.

Mrs. Aheer: Okay.

Ms Ryan: We don't have that. That's under the Ombudsman Act?

Mrs. Aheer: Yes.

Ms Ryan: Municipalities is not under the Public Interest . . .

Mrs. Aheer: Are we looking forward to potentially making sure – I mean, these are institutions that have, you know, authoritarian figures and in smaller areas.

Ms Ryan: It's something that we could discuss with Municipal Affairs. I would guess that many of the municipalities, especially the mid-sized to larger cities, will tell you, I do believe, that they have very robust processes in place. They have, in my opinion, very robust processes to deal with bullying, harassment, and intimidation in their municipality; some of the smaller ones, perhaps not. But it is something that we could discuss with Municipal Affairs.

Mrs. Aheer: Thank you so much.

The Chair: Excellent. I have Ms Woollard.

Ms Woollard: Thank you, Mr. Chair. Again to the Ombudsman: thank you very much for your participation today. It's very much appreciated. The second outcome on page 4 of the business plan for the Ombudsman talks a lot about improving education and awareness of fairness to Albertans. Just to expand on that a bit, do you have any current metrics or statistics to share about how often you hold awareness sessions? What kind of response do you get from the populations with which you share these concerns?

Ms Ryan: Well, we track the number of presentations and invitations that we get to present to various groups. For example, we presented to the Legislature pages here. We definitely accept as many invitations as we can. Again, in trying to maximize our efficiencies and be effective, one of the things that we're looking at this upcoming year is to be strategic in who we're speaking to. For example, if we can speak to a group that deals with newcomers to

Canada and, you know, go and talk to them about what we do, that might be more strategic than perhaps going to a seniors' home. Not that we don't do that; we'll continue to do that. We're trying to find opportunities where we can be more strategic in our education and awareness delivery yet continue to get the word out.

It's sort of a catch-22. Because so much of our work is done collaboratively with an organization, we don't get the opportunity to go to the public about our investigations. On the other hand, you know, we want to respect the privacy of complainants who come forward and identify particular issues of unfairness and really address their needs. So it's to try to find that balance of educating and awareness and then still respecting the privacy of the complainants that come forward.

Ms Woollard: Okay. Thank you very much for your answer. I was just wondering: when you do a presentation on education and awareness or fairness, would you do it covering the Ombudsman part of it and the Public Interest Commissioner aspect of your role?

Ms Ryan: It depends. Sometimes it's both. It could be both. Most often at the moment it is on the Ombudsman side. You know, even though the legislation on the Public Interest Commissioner has been around for five years, it is something that we really want to get out to more. That deals more with public-sector employees, so we concentrate on delivering presentations on that legislation to public servants and public sector related organizations.

Ms Woollard: Thank you very much.

The Chair: Excellent. Ms McKittrick.

Ms McKittrick: Thank you. It's been interesting hearing your presentation about the work and how there's increased interest in what you do in both offices and so on. I know that as an MLA my constituency office has referred people or have made, you know, civil servants and all members of the community aware of the role of the two offices that you hold. I really appreciate having a place to send a person, have someone explain to them their recourse if it's not available through your two offices.

I'm really interested that with the increased work and the increased education work, you're able to keep both offices to no increases in the next fiscal year. I was wondering if you could tell us how you've done that and probably some of the discussions you've had in your office and so on on how you've achieved having a zero increase for the coming budget year.

11:00

Ms Ryan: Well, I think it goes without saying that we're all very mindful that there is only one public purse and there's only one taxpayer, so we're very mindful of, you know, making sure that we don't come back and ask for an ask unless we've absolutely dissected everything that we do to make sure we can maximize our efficiencies. As I mentioned, on the Ombudsman side, this early resolution process has, I think, really tremendously augmented the speed and flow. I will tell you that even our own investigators are very excited about it. They feel they're doing good work. It's very good turnaround, and they get really positive feedback both from the complainant and the authorities that they deal with.

On the public interest disclosure side, that is an area that I do see is starting to increase. With the changes in legislation and as people become more aware of what we do and trust the legislation about the confidentiality and, you know, that fear of reprisal, that is one that could potentially see an increase for us. However, it's still early days. The legislation just was amended this past spring, so we will closely monitor that.

We do apply metrics to what we do in our work, but it's mainly doing everything that we can to provide that timely turnaround so that – you know, as mentioned earlier by Ms Payne, complainants are at the end of the road, and they don't want another year and a half. They want their issue addressed as quickly as possible, and that's also beneficial for the authorities.

Ms McKittrick: Thank you. I really appreciate your leadership and your understanding of, you know, what's happening in Alberta but especially your leadership and that of your staff. I know you don't have all your staff here, but I'd like to thank them.

Ms Ryan: Thank you.

The Chair: Mr. van Dijken.

Mr. van Dijken: Yes. Thank you. I'll take just the supplementary to my earlier question with regard to a potential 30 per cent increase in workload and not necessarily seeing that in the first year, needing to evaluate that over the next year, and understanding what that workload will really be interpreted to be. I'm glad to hear that your applying metrics to all that you do, and I also commend you on coming under budget. But if the reality of the workload is not the minimum 30 per cent and that we're seeing less than that, I also encourage you to be able to recognize that and adjust accordingly, come back with numbers that help us to understand that the increases that we saw last year are needed or, if they're not needed, that we're able to reduce that budget accordingly.

Thank you.

Ms Ryan: I totally agree. As I said, we need this year to sort of really get a full or a better appreciation of our workload with the additional municipalities coming onboard. You know, as I said, part of that assessment and, basically, the inability to provide a fulsome response has to do with the fact that we're not sure – we're pretty confident that municipalities aren't aware of what we do and that municipalities have been added to our jurisdiction. I am very open to making adjustments if the work isn't there.

I think that most people in management – the worst thing that you can have is people not fully engaged in their work and not busy. Our folks are busy. I feel they are energized, and even this change in restructuring where everyone sort of, you know, is a generalist has really, I feel, inspired and energized our folks. The early resolution, as I mentioned, has been very, very positive. We've seen increased efficiencies, and we'll see where that goes, but I don't believe in just keeping staff for the sake of having staff. They have to be providing good service, and I think that's what Albertans expect.

Mr. van Dijken: Well, if I may, it's good to hear that the staff are engaged and feel like they're doing good work, but, yeah, the recognition of proper staffing levels is crucial. We've just heard a report from another leg. office where they're stressed to the point of needing increased staffing. Some of that potential is there for rejigging throughout the offices to help us to manage the overall budget, and I encourage you to continue to evaluate that diligently.

Thank you.

The Chair: Ms Littlewood.

Ms Littlewood: Thank you very much, Chair. I just want to thank you for your presentations and for your work. Myself and, I think, at least one other member of us here were involved with the review of the whistle-blower legislation. There were some very important amendments that came to that legislation to put more power really

with people in being able to come to your office. You know, that does definitely affect your workload, but it makes sense for a person when they don't know who they can talk to or are worried about things like reprisal, that they can come directly to the office of the Public Interest Commissioner.

Of course, you wear both hats as the PIC and as the Ombudsman, and of course one of my colleagues referred to the office as the office of the ombudsperson, but we know that that's not quite the change. I think it's interesting because some folks around the table still snicker a little bit because they're uncomfortable with the word "person" coming up when we are talking about these things, but I think it's really great that we have our first woman in this role in Alberta. While there is some very good history behind the word and why it's "ombudsman," I think it's good that we're being questioned as to why it is "ombudsman" and not that yet. We do see some other jurisdictions around the world, including just in B.C. Also, apparently, here at Grant MacEwan they've referred to them as the ombudsperson. There are some other countries that have gone that route.

Doing a little bit of reading myself, I see that some have renamed it as the defender of the people. I certainly think that that's a term that many people could get behind – and I definitely identify your role in the province as being just that – because I know that we have many constituents that we talk to on a day-to-day basis that really want that independent person that they can go to, when they don't know where else to turn, to defend them. So I really like that term, "defender of the people." That's not something that we undertook as part of the review, but I just wanted to put a few of those thoughts on the record and really appreciate that you are the first woman in this role. We're very lucky to have you.

Thank you.

Ms Ryan: Thank you.

The Chair: Do we have any other questions or comments from members?

If not, I'll say thank you again, Ms Ryan, to you and your staff for coming and making your presentation this morning. Some excellent discussion. For your information, the committee's decisions, then, on the officers' budgets will be sent out early next week. Thank you.

I believe we have our next officer coming in about five minutes, so we will give that time and wait for them to arrive. Thank you.

[The committee adjourned from 11:09 a.m. to 11:15 a.m.]

Office of the Chief Electoral Officer

Mr. Westwater: Thank you, Mr. Chair. I'd like to introduce Kevin Lee, our director of finance, who's joining me here this morning.

Mr. Chair and members of the standing committee, it's my pleasure to be here today to present our 2017-2018 annual report, our 2016-2020 business plan, our 2019-2020 budget estimates, and our respectful workplace policy. Our Chief Electoral Officer, Mr. Glen Resler, is unable to attend today and sends his apologies. He's part of the official election observer program for the 2018 referendum on electoral reform currently going forward in Victoria, British Columbia. He's there together with representatives of electoral agencies from across Canada.

As you can see from our documents before you today, our office does not run on a standard annual cycle. Rather, we operate on a four-year election cycle. We function in this manner to match the legislative requirement in the Election Act to hold a provincial general election every four years, and also to be prepared for any

by-elections that may be necessary throughout the four-year term of office and a possible early dissolution of the Legislature. Differing electoral events take place during each of the four years of the election cycle, which can make budget comparisons difficult.

I would like to break my presentation for you today into five segments. First, the annual report, followed by the business plan, then the budget, followed by the enumeration and, finally, the respectful workplace policy.

I will start today with the annual report that's in your documents before you. Elections Alberta was greatly impacted by another round of legislative amendments to both the Election Act and the Election Finances and Contributions Disclosure Act, passed in December 2017. Our work plans were adjusted to accommodate the legislated changes. We revised all our print resources and training materials for all our stakeholders and removed all nonconforming materials from the warehouse. We increased our outreach initiatives to improve and provide communication, education, and support to all our political stakeholders. We prepared for a province-wide, door-to-door provincial enumeration in a six-month period. We developed new policies and procedures for the administration and delivery of elections to include the expansion of voting opportunities and the provision of vote-anywhere capacity during the advance poll period.

We also transitioned to the creation of the office of the Election Commissioner, which took effect on July 1 of this year. We also finalized the recruiting, hiring, and training of 87 returning officers in readiness for the enumeration and for the next provincial general election. We implemented the recommendations of the Electoral Boundaries Commission. Although no additional electoral boundaries were added, all but four of the 87 electoral divisions included boundary changes as a result of continued population growth in Alberta. Returning officers reviewed all polling subdivision boundaries within the new electoral boundaries, resulting in approximately 6,700 new polling subdivision boundaries being established. This, of course, created a new need for map products to be redrafted to reflect the new electoral boundaries and the new polling subdivision boundaries.

The Electoral Divisions Act provided for the establishment of transitional constituency associations under the new boundaries. While the current boundaries continued, this doubled the number of registered constituency associations on file and also doubled the number of financial filings to be reviewed by our staff.

We needed to automate and implement efficiencies in the financial reporting and review of political participants through the planning and design of an online financial reporting system, required as a result of legislative changes that added the nomination contests, leadership contests, and implemented aggregated contribution limits that crossed all political parties.

The system as it's being developed is being released in stages. Parties are now able to self-register nomination contests and endorse the winning contestant, and public disclosure occurs in real time. We have replaced the legacy quarterly contribution reporting system and incorporated it into the new online reporting system. This will allow political participants to generate and issue electronic official tax receipts when they receive them. In addition, we also conducted the Calgary-Lougheed by-election in December 2017, in which we had the opportunity to test the electronic poll book process.

I will now move on to discussion and comments on our business plan. We are now in the final year of our four-year business plan. It should come as no surprise to everyone in the room that the final year of our business plan normally culminates with a provincial general election. The primary goal of our business plan was to

increase services and accessibility for all our stakeholders and to increase voting opportunities for all electors.

The amended Election Act legislation will allow us to provide the following increased voting opportunities for electors at the next provincial general election. We have expanded the use of mobile polls to include emergency shelters and community support centres. We will be introducing special mobile polls in postsecondary institutions, work camps, on First Nation and Métis communities, and in public buildings such as shopping centres, recreation centres, and airports. These special mobile polls and advance polls throughout Alberta will provide Albertans the convenience to vote from anywhere in the province.

For example, if you're working downtown away from your residential address, or you're visiting Edmonton and shopping at West Edmonton Mall, or you're taking your child to a hockey game and travelling away from home, electors can vote at the special mobile poll locations where they are on that day and receive the ballot for the electoral division in which they live. These special mobile poll opportunities are only available at various times during the five days of advance voting. Election staff will utilize technology at these locations to accommodate the vote-anywhere requirements of the legislation, including an electronic poll book with real-time, automatic voter strike-off capability, maintain the integrity of the voting process, and provide printers to print out the electoral division ballots on demand.

On election day the voting rules revert to the traditional voting method. Electors will not have the choice for voting at any location. Electors will be required to vote at their locally designated voting location in their neighbourhood in the electoral division in which they live. Election staff will utilize the traditional paper ballot, paper-based voters' list in the poll book, and issue preprinted ballots as in past elections.

Election finance legislative changes relating to contribution limits and campaign spending limits have resulted in increased communication and dialogue with our many stakeholder groups through publication and distribution of guidelines and interpretation bulletins and personal contact and presentations to stakeholders when requested.

Increased access is being provided to our online financial system for political stakeholders to assist them in managing and meeting their financial filing and reporting obligations.

I will now move on to our budget that's before you today. We are in the fourth year of our election budget cycle. Each budget year of our election cycle our costs generally increase in preparation for the delivery of a provincial general election. We've provided you today with the estimates for the 2019-2020 fiscal year. To assist you in your review of our budget estimates today, please understand that our 2018-19 budget, which you approved last year, included pre-election spending costs and the cost of delivering the provincial general election and also the door-to-door enumeration while the new 2019-20 budget before you today only includes the revised cost of delivering the provincial general election due to legislative changes and the cost of postelection activities, so there is a difference.

You will note that we budget for the total cost of the provincial general election in both budget years. This is required because we do not know when the election will be called. It might happen in the current fiscal year, during March 2019, but may also take place in the next fiscal year, in April or May 2019. Be assured that the provincial general election budget will only be spent once, and that is in the fiscal year in which it occurs.

In terms of total dollar comparisons of our budget from last year to this year I would refer you to the bottom of page 2 of our

handouts in your budget package. It shows that our overall budget request this year compared to last year is reduced by 30 per cent from \$48,450,000 to \$33,949,000. The reduction of \$14.5 million is primarily attributed to the elimination of the enumeration budget as it was completed during the current fiscal year.

Our budget before you today is divided into three components which contribute to the overall total we have just discussed on pages 1 and 2 of your budget package. Our first component is corporate services, which is the budget for our ongoing day-to-day operations at Elections Alberta and our core head office staff, for which you'll see the funding remains stable from year to year. Our second component is the election component, delivery of the event itself, which will vary each budget year between by-election budgets and provincial general elections. The third component is enumerations, which if necessary are only conducted in the year prior to a provincial general election.

First, I'd like to discuss and talk about our corporate services budget. If you turn the bottom of page 3 in our handouts, you will find the budget totals for the ongoing operations of Elections Alberta and our 26 full-time staff and additional wage staff hired to assist us during electoral events. Overall, our corporate services budget is reduced from \$6,543,000 to \$6,227,000. That represents a 4.8 per cent reduction in our corporate services budget, totalling \$316,000.

To explain the variances there from one budget to the other, our staffing costs will reduce by \$76,000 as a result of the GIS wage staff that will be brought onboard to help us with the boundary commission and doing the new maps. They will complete their work in July of 2019, so we will let them go at that time. Our insurance costs for Alberta risk management have increased by \$5,000. Repairs and maintenance of the air conditioning unit in our server room increased by \$2,000. Under contract services we decreased our external contract budget by \$100,000 and a reduction of \$150,000 for training materials that were developed in the current year.

11:25

Under technology services we have a decrease of \$53,000 for the one-time charge for our server room upgrades that accommodated our expanded provincial call centre during the enumeration and which will be used during the provincial general election. An increase of \$105,000 related to our data storage charges and to cybersecurity provisions which we've implemented for the next provincial general election. Materials and supplies represent an increase of \$26,000 for the evergreening of our office computer hardware and services. Capital purchases represent a \$150,000 decrease for reduced development for our online financial reporting system, the majority of which was completed in this fiscal year. That concludes my comments on our corporate services budget.

I'll move on to our election budget. If you could turn to the bottom of page 5 of our handouts, you will find the budget totals for the administration and delivery of the provincial general election. Overall, our election budget is reduced from \$28,492,000 to \$27,722,000. This represents a 3 per cent reduction totalling \$770,000. The change in amount is attributed to the timing of activities related to the pre-election and postelection as follows. I'll give you the variances and just a quick overview of those for discussion.

There's an overall reduction of \$770,000, as I spoke to. The variances are: a \$10,000 decrease in staffing costs, a \$247,000 increase in employer contributions for staffing of special mobile polls and one extra day of advance polls – because they're going to work over 30 hours, we have to make them employees and take payroll deductions from them – a \$4,000 increase in travel by

liaison officers to support the returning officers throughout the election event, a \$125,000 increase for recruitment advertising for election workers because we hire over 18,000 election workers for election day. We found it very, very useful, using magnet signs on the roadside for enumeration recruiting and hiring. We're going to do the same for the election.

A \$150,000 increase for radio and television advertising costs and \$300,000 for newspaper advertising costs to promote and advertise the new advance poll rules and the special mobile poll rules to all electors across the province. We're reducing one of our election mailers and eliminating that for a reduction of \$305,000. Election materials and supplies we're reducing by \$250,000 because the materials have already been shipped out in this fiscal year. They go out February 1 of next year. They will be returned after the election so that money is still required. A \$30,000 increase for delivery of the election report. We have to produce an election report following an election. This is a postelection activity which we didn't budget for last year.

A \$300,000 increase for returning officer office space rental. If we have to rent for March, April, and May, we'll have to increase those costs for the offices until the election is called. Obviously, if it's called earlier, those costs will not be incurred. A \$15,000 increase for extra training space rentals around the province to train our election officials on the new processes that are taking place. There will be a \$200,000 increase for an extra advance poll day and special mobile polls. A \$170,000 decrease for our office telephones. We've obtained some efficiencies in that area, going to the voice over IP service that we're going to use rather than traditional land lines that we've used in the past. There's a \$150,000 general decrease in the by-election budget because in an election year we only budget for one by-election rather than two.

A \$100,000 increase in call centre staffing. From the lessons learned from the enumerations – and I'll talk about that shortly – the number of calls we received daily through the enumeration period, we anticipate we'll receive similar volumes or more during the election itself, so we've increased our staffing for the call centre for the election itself. A \$200,000 increase for technical support in the returning office. This is to support the technology we're introducing for the special mobile and advance polls, so that if there are any problems with the technology at the advance polls or special mobiles, we'll have support available in their local areas. Our current service provider could not do province-wide support of that. They could do limited support in both Edmonton and Calgary, but not the rest of the province, so we felt it was necessary to create a new position to support that new initiative.

The \$250,000 because we're redesigning our where-to-vote cards to include the new provisions for special mobile advance poll voting and for advance poll voting. A \$75,000 increase for a postelection survey following the election. Just for our business plan, for performance review and how we did, we need to do a survey. A \$67,000 decrease for contracted tech support at head office because we're not using that; we're going to go to the field to provide the tech support. A \$15,000 decrease in technology because we're only using one by-election. A \$67,000 decrease in hosting costs for RO training sessions because they've already taken place for the next fiscal year. A \$2.45 million decrease in election materials because we've purchased them this year, and we won't be required to purchase them again next year. That's my election presentation.

Moving on to the enumeration, if you look at the bottom of page 7 of our handouts, you'll find the budget totals for the administration and delivery of the province-wide door-to-door enumeration. Overall our enumeration budget is reduced a hundred per cent for the total of \$13,415,000. We also have attached, as

requested by the committee, our respectful workplace policy, which we would be happy to talk about.

Mr. Chairman and members of the committee, this concludes my presentation on the agenda items before you. I thank you for your attention, and we are here to respond to any questions you may have on any of our agenda items.

The Chair: Excellent. Thank you, Mr. Westwater. Appreciate the presentation.

I've had two members reach out so far to indicate they have some questions. Mr. Kleinsteuber, then Mrs. Aheer to begin. Any others? Mrs. Pitt. Thank you.

Mr. Kleinsteuber: Yeah. Mr. Kleinsteuber for the list.

The Chair: Okay. Yes. I'd gotten your earlier message, Mr. Kleinsteuber, so why don't you go ahead and begin.

Mr. Kleinsteuber: Thank you, and thank you for joining us, Mr. Westwater. I hope you can hear me okay. In relation to the budget request here you've got a fairly significant ramping down or spending decrease, which is to be expected. I guess the question is: in terms of the decrease, are we seeing the same type of ramping down here as we would have seen between 2015 and '16 or between 2012 and '13?

Mr. Westwater: Through you, Mr. Chairman, to the member, we didn't have an enumeration in the last election, so that portion of the budget was not eliminated or was not reduced in the last budget comparison from the election budget year to the year-to-year comparisons, so that is a significant change from this year's presentation to the previous one. Otherwise, it would be very similar.

Mr. Kleinsteuber: Okay. If I could just ask a few others there, Mr. Chair? Okay.

On the 2019-2020 consolidated estimates by objective of expenditure there, I'd just like to ask for a bit of a clarification. On page 4 of your budget submission, can you clarify your explanation under note 2 there? What were the actual costs, and why did that item increase by \$5,000?

Mr. Westwater: Insurance risk management gives us insurance quotes for all our polling locations and our returning offices during the election, and these are increases in actual costs quoted to us by insurance management for coverage for those purposes.

Mr. Kleinsteuber: Okay. Thank you for that. Again, under the explanatory notes on page 4 there, note 6 mentions an increase of \$105,000 related to data storage charges and cybersecurity provisions. The idea of making sure that elections data is secure and safe is top of mind at the moment for a lot of Albertans as we're going into 2019. I'm wondering if you could expand, maybe, on what kind of cybersecurity provisions are in place for the next election.

Mr. Westwater: Thank you. Through you, Mr. Chair, to the member, we did a presentation to the all-party committee recently and had visitations from CSIS and the sheriff's office here in Alberta, our provincial office on security, on cybersecurity issues related to political parties and campaigning for the upcoming election. They also gave us a briefing on cybersecurity provisions for the data that we store in our server room and for data that we're using during the election, specifically for the advance polls and the special ballot, mobile poll activities. We've implemented some recommendations they've made to make sure that our systems are

secure and are as robust as they can be against any cybersecurity attacks external to our organization.

11:35

Mr. Kleinsteuber: Good to hear. Well, thanks for that. I'll just pass the question to somebody else.

The Chair: Thank you, Mr. Kleinsteuber.
Mrs. Aheer.

Mrs. Aheer: Thank you so much, and thank you for being here. I had a question just about the mobile polls. You're saying that the five days of the early polls will be where the mobile polls and all of that – it's a vote anywhere, right? I guess the concern would be: how is that real-time information being transferred? Are you okay with the transfer of information to the regular polling on a regular day of the election to make sure that all of that information has been shared with the constituencies that are, you know, holding their information at that time?

Mr. Westwater: Thank you. Through you, Mr. Chair, to the member, yes, for real-time voting, as we did in the by-elections. If you observed the by-elections, we provided a portal for political parties, registered parties, in real time to note and keep track of who has voted at any point in time during the advance polls. We're going to provide the same provisions during the general election. There will be a portal for all the political parties during the special advance poll voting of knowing who's voted at any point in time at each location. That is to protect the integrity of the voting process so people can't go wandering around to different places and vote two, three, four, or five times. We have to ensure that that's taking place. Because we're doing it online using the cellular network, we've taken cybersecurity provisions to ensure that that's secure, it cannot be hacked, and it will not be interfered with during that process.

For election day itself, because we're going to the manual paper poll books, because the advance polls and the special mobile polls conclude on the Saturday before election day, on the Sunday prior to the election day, a week, whether it is called on Monday or Friday: that's when we print the voters list for polling day, and we'll make them available to the polls based on the cross-offs that have already been generated in the system from the advance polls. When the poll books go to the polls on the polling day, whether it's the Monday or Friday following, they would already be crossed off and registered as voted at the advanced polls or special mobiles in addition to anybody who voted by special ballot or something like that.

Mrs. Aheer: Thank you for the clarification. I truly appreciate it.

Mr. Westwater: You're welcome.

Mrs. Aheer: Thank you, Chair.

The Chair: Thank you.
Mrs. Pitt.

Mrs. Pitt: I just have a real quick question. There was a dollar amount that was budgeted February 1, I believe, for four months in regard to election costs. What is that number?

Mr. Westwater: Certainly, yes, because the election can be called starting February 1 of next year for March. For March delivery polling day we open the returning offices on February 1, 2019. They remain open until the election is concluded, whether it's called in March or May. We don't know when it's going to be called. We have to be ready at all times. February 1 we'll be opening the

offices, shipping out all the election supplies to the returning offices, having them available because statutorily, effective February 1, candidates can come and get nomination papers, and they can ask questions about the process and learn about orientation for what their scrutineers can do and not do, things like that.

From February 1 until the election is called or the writ is issued, our returning offices are available on an appointment basis. So call and let them know: I'd like to come tomorrow at 10 o'clock to talk to you. They'll be there. The office will be open. It's not open to the public, but it is open to the political stakeholders throughout that process.

Mrs. Pitt: Perfect. And what's the monthly cost?

Mr. Westwater: Monthly costs, province-wide – just give me a minute here – rentals: for two and a half months beyond the February 1 day it would be \$300,000, of an increase from last year's budget.

Mrs. Pitt: Three hundred thousand dollars every month until the election happens?

Mr. Westwater: No. For two and a half months it will be \$300,000, I believe. It's an increase from what we budgeted for returning officers last year.

Mrs. Pitt: Oh, okay. Thank you.

The Chair: Excellent.
I have Ms McKitrick.

Ms McKitrick: Thank you. I always find the discussion of elections so much linked to emphasis on democracy and voter participation. In many ways it's kind of at the cornerstone of who we are, at least in Alberta and throughout Canada, so I really appreciate the work that you've been doing in the office around increasing that accessibility, and I do realize that we've recently made some changes that have increased accessibility through the mobile polls and those things. In the budget I'm having a hard time finding out, for example, where it lies, the effort that you're making around increasing accessibility. I'm thinking especially of voters who might require information in different languages or in Braille or an adaptive method of voting and if you've got any line items around other voter accessibility and information that you have on that.

Mr. Westwater: Certainly. Through you, Mr. Chair, to the member, we're doing substantial outreach initiatives to all our stakeholder groups, whether they be political stakeholders or the general public, on all aspects of the election process and the changes to them. For the general public on information and sharing with them, starting with the youth in the schools, we have partnerships with student vote, or Civix, where they're delivering a student vote program in the classrooms this year. Once the election is called, as they have in previous years, to an expanded school base across our province, the students in the classroom on election day will have a ballot box and ballots with the names of the candidates on them and will vote for who they like to vote for.

Ms McKitrick: Can I just ask you a question on that? Is it available bilingually for our conseils francophones and immersion classes, or is it just available in English?

Mr. Westwater: Yeah. This student vote program is in both English and French.

Ms McKitrick: Okay. Thank you.

Mr. Westwater: Yes. They go to the French language schools and to the English language schools across Alberta, the ones that invite them in, that allow them to participate.

In addition, we partner with Apathy is Boring to reach out to the youth on a regular basis. It's at youth events around the province not just in an election year but in all the years leading up to an election, where they are getting them to register to vote, telling them the importance of participating and getting involved, how they can work in the elections now because we can hire 17-year-olds and youth to work in the polls. We work with the principals of the schools when we're recruiting to try, if they agree, to let their students go for the day to work in the polls if they wish. For those schools where we're holding locations, we invite the teachers to bring the classes in to observe the process to get them aware of what's going on there.

In addition to that, through outreach initiatives to all our stakeholder groups, whether it's disabled communities or First Nations communities and what have you, we do presentations on invitation to them on the voting process. For First Nations and Métis communities wherever possible we try to get polls on their lands, where we can hire people from that location to work the polls if they wish, so it's an employment opportunity for them, and it's easy for those who live on-reserve or whatever to vote and participate in the process.

Extensive education and awareness through our guidelines that are posted on our websites for the political parties, registered parties, candidates: we do presentations on a regular basis. I know Kevin and Glen go out regularly to annual meetings, when we're invited to explain the financial requirements and reporting of an election process and the election process itself and how it impacts candidates, their scrutineers, and how the financial processes are taken care of.

We do extensive outreach through our education and communications process. Through our advertising program that's scheduled for the election, there's both an engage and an inform portion to it. There are two pieces to it, which we established at the last election. The inform program tells them where to vote, when to vote, how to vote, who can vote, that kind of thing, and that's mandatory in the legislation and we conform to that. The engage portion, which is the educate and inform part of our mandate, is to try to get voter participation up as high as we can. The engage portion is to try to motivate people to participate, get engaged, and participate and vote in the election process.

So we have two different elements to our communication strategy leading into the election, where we're trying to engage people to get involved, to participate, and on the second part to inform: how to vote, where to vote, and what the opportunities are.

Ms McKittrick: I'm also, you know, concerned once somebody goes to vote. I'm interested to know how much of your budget is dedicated to ensuring that there's material, for example, in Punjabi or whatever to encourage or to facilitate voting access to the voting station. I'm kind of looking to where all these issues around accessibility and engagement lie in your budget.

11:45

Mr. Westwater: Well, we make regular presentations to the disabled community through our outreach initiatives on an ongoing basis to tell them what's available in our polls for the disabled community, to help them if they're visually impaired or they're hearing impaired or whatever physical disability they may have. We advise them that even if they get to the poll and they're unable to come in, we can take the ballot box out to them, and the ballot box can be brought to them in their vehicle if they can't get into the

physical location we're at. We have tools and equipment available at the polls to assist in voting if they're visually impaired or blind, to vote independently if they wish. They have options to bring a friend along to do it, and our election officials are trained that they can assist them if requested to do so. We try to accommodate all their needs and identify their needs and requirements when we meet with them on a regular basis. So far we've been very fortunate in addressing the needs that have been brought to our attention.

Ms McKittrick: Okay. I was just trying to figure out in your budget how much of it is around this, just so that I would have an idea. I think that access for voter participation and so on is really an important part of your work and one that preoccupies me as an MLA. I've seen so many people disenfranchised because they don't have access to the polls and to voting information. I'm just interested so that if somebody was going to ask me, I could say that it's 1 per cent, .2 per cent, .3 per cent. If you don't have the answer, that's okay.

Mr. Westwater: That's something where I can get back to you, through you, Mr. Chair, to the member, with a percentage. We don't have that breakdown here.

Ms McKittrick: Yeah. As you know, the election law has changed, and election practices have changed. I'm just interested in what it means for you in your budget. You know, I realize that cybersecurity – and I really appreciate the comments you made around cybersecurity and so on. We're all very aware that those issues are very important, and I wanted to thank you for being so forward-thinking on this.

Mr. Westwater: Thank you.

The Chair: Thank you, Ms McKittrick.

Please go ahead, Mr. Kleinsteuber.

Mr. Kleinsteuber: Okay. Sure. Going back to the 2019-2020 consolidated estimates form there, on page 6 under note 6 you've mentioned the increase in returning officer space and how that budget was broken down between the two years. I was wondering if you could maybe clarify that for the committee. I'm just a bit confused there as to what portion is accounted for in the budget and where.

Mr. Westwater: Through you, Mr. Chairman, to the member, I thought I'd spoken to this earlier. The increase in the returning officer office space and furniture rental: we only budgeted for two months of it last year. We've budgeted for two and a half months for it in this budget, which is an increase of \$300,000 in addition to what we budgeted last year for the returning office location that's in each of the 87 electoral divisions.

Mr. Kleinsteuber: Okay. My apologies. I must have missed that one earlier.

Also, under note 10, on the same page, the hosting costs that you have listed there are about 65 per cent lower, which is a pretty significant drop. The explanatory note there mentions that this is because all the returning officer training sessions are being held in the current fiscal year. Is that what that note is saying, then? If so, is that a deviation from previous budgeting practices, or has it always been to kind of spread those costs over multi fiscal years? Is that something new?

Mr. Westwater: Through you, Mr. Chairman, to the member, when we do the actual training sessions, which for this election are scheduled in January for our returning officers for the election so

that it's current, so that if it's called in February, they're ready to go and it's fresh information, those hosting costs are just for coffee, tea, and lunches. We're going to do three days of training. In Edmonton we're doing them in this building and in Calgary in a hotel. We have to provide coffee, tea, and lunches and things for them when we're doing training for three days in hotel space. That's what those hosting costs are that we do for the RO training sessions. They will not occur in 2019-2020 because they'll be completed and concluded before the election.

Mr. Kleinsteuber: Okay. All right. Thanks for clearing that up for me.

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

Mr. van Dijken: Yes. Thank you, Chair. Thank you for the opportunity. I'd just like to dive into door-to-door enumeration, 13 and a half million dollars. You know, we had comments last year from the Chief Electoral Officer with regard to the value of door-to-door enumeration and concerns over trouble hiring enumerators; safety concerns with slips, falls, dogs, all the things that go along with door-to-door enumeration; trouble hiring in that 15 per cent was, I think, the number that was with regard to those who quit.

He also highlighted the fact that most information that is attained has already been updated nowadays on public data, highlighting that we're the only jurisdiction that is doing door-to-door enumeration at this time. I need to try and get an understanding of whether or not your office has been able to quantify some of these measurements about difficulty hiring and the type of information we receive. I think that at that time 24 per cent of the doors that were knocked on actually were answered. Of those, 70 per cent were already updated information, with no problems there. So 13 and a half million dollars spent: do we have an understanding of if we received any real value from that expense?

Mr. Westwater: Through you, Mr. Chairman, to the member, we will be filing a formal report on the enumeration, which isn't before you today, when we've done all of our analysis of the information and data we collected during the enumeration process to provide recommendations to the committee and to the Legislature on moving forward from here on the experience during the election. I think that Mr. Resler, our Chief Electoral Officer, did advise you, when we came for supplemental funding, on the status of our enumeration and our enumeration efforts. We received 7,000 applications, which we were pleased to receive, from people to work for the enumeration. Unfortunately, they weren't throughout the province, so there were areas of the province where we did not get enough enumerators and we did not get to a hundred per cent of the doors. But we were very pleased with those who did work for us to get to the doors where they did achieve some sort of response.

Yes, there were slips and falls and dog bites and accidents and workmen's compensation claims as a result of that. We'll give the details on that when we do our report on the enumeration formally. We're analyzing the data that we collected during the enumeration and what we would have received from our other data sources in conjunction with the enumeration prior to the election to evaluate the value of the data that we collected and the costs to achieve that in our enumeration report, which will follow at a later date.

You are correct: we are the only jurisdiction in Canada that still does a full door-to-door enumeration. We will evaluate the success of this one and report back to the committee at a later time.

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

Mr. van Dijken: I think one of the comments reflected on mail-out enumeration, maybe with some targeted door-to-door in areas where there's a lot of transition in people living there. Would that report also maybe try to focus on whether or not we had any success in those areas that had door-to-door enumeration, if the difficulty hiring was also possibly in the areas where we needed people to identify, in areas which would be identified in what would be considered a mail-out enumeration, in targeted areas for door-to-door?

Mr. Westwater: Through you, Mr. Chairman, that was our original plan for the election, and it was in last year's budget. That's the way we had planned to do it. We had recommended not doing a door-to-door enumeration province-wide in the future. The legislation got amended, so we conducted one, and we will report the results on that. But our plan was to do a mail-out enumeration targeted in those high-mobility, high-density areas of the province that needed a door-to-door contact. So that will be part of our report, yes.

Mr. van Dijken: Okay. Thank you for that answer. Also, I've got one question. We approved a budget last year, \$39,594,000 for '18-19. Then we had to do a supplemental budget, so we actually approved for \$48,450,000, significantly increasing the costs of running elections. Now we look into our next year, the 2019-2020 budget. Last year we were targeting 32 and a half million – that was kind of the hope looking forward – and this year we're at \$33,949,000. So we have an increase on that expectation for the 2019-2020 budget. But also I'm wondering. Because we have another office that's been opened and a lot of the work that that office is doing or that your office would have previously been charged with, it surprises me a little bit that this target actually went up instead of down. Do you have any reflection on that as to why we're seeing that actually increase over the last year when some of your workload has possibly decreased based off that office?

11:55

Mr. Westwater: Through you, Mr. Chairman, to the member. We had one full-time investigator in our office to do the work of the Election Commissioner now and some part-time work in the field to help us with some of the investigations previously. That was eliminated with the creation of that office. The rest of it was absorbed within an existing staffing model that we currently have. That workload has been removed from us, so there was no need to increase or substantially decrease our budget as a result of that office being taken into effect other than the one investigator position.

The increases to our budget this year from last year I thought I'd explained when I did our presentations on each individual aspect of our budget this year. Because last year was a pre-election budget and election budget, this year's budget is election and postelection budget, and I thought that in the explanations we had for the variances in both our corporate services and the election explained how those changes resulted in, let's see, well, a decrease from last year to this year, including the enumeration.

Mr. van Dijken: Okay. If I may, yeah, I agree: postelection versus pre-election budget. But we're also seeing increases, significant increases, on postelection budgets: 2012-13, an election year, \$17.6 million; the next election year, \$21.8 million; now we've got a projection of \$33.95 million for what would be considered an election year, I guess. So we've got an increase that has gone up, just rough math, about 50 per cent, which seems fairly significant to me. I'm hoping that that won't be something that we're seeing going forward to that degree. Just if you could reflect on those types of increases, if we can plateau going forward.

Mr. Westwater: Mr. Chairman, thank you for the question. Clearly, in the four years since the last provincial general election a lot of things have occurred, a lot of substantial legislative changes; for one thing, increased advance poll days, increased activity at special mobile polls, increased financial reporting responsibilities and activities. The population has grown significantly in Alberta over the four years, and we have more services to provide from one election to the next. We're introducing technology in this election which we did not have at the previous election, substantial changes in the way that we deliver elections and the services we provide and voting opportunities for electors. There's a cost associated with that, with staffing and support for those initiatives. That's in general terms how you can explain the changes from an election year to election year.

Would election costs plateau? I cannot see that happening in future years.

Mr. van Dijken: Okay. Thank you.

The Chair: Thank you.

I have Ms Woollard.

Ms Woollard: Okay. Thank you, Mr. Chair. This is just quick. I know we're running out of time. I know that you've mentioned that for hiring people to work in elections, they need to be 17 or older, but I've had the questions from some younger people, mainly junior high age, wondering if there's any role for them. I mean, they can volunteer, I'm presuming, for campaigns, but is there any role in actual elections?

Mr. Westwater: Through you, Mr. Chairman. Yes. We have 16- and 17-year-olds that can work in the polls on election day now. They can be greeters at the schools and do the security there to make sure electors just come in, go vote, leave, and don't interact with the students and things. We work with the parent-teacher associations and the principals of the schools to hire people from the community leagues or whatever that they want to use in those facilities, and quite often we get students to do that, 16 and 17, because it gives them exposure to the election itself...

Ms Woollard: Good.

Mr. Westwater: ... and they participate in the event. We can actually use them as poll clerks in the polls if the principals of the schools are willing to let them go for the day to work in the polls and get paid for it.

Ms Woollard: Excellent. Good. Thank you very much.

The Chair: Excellent.

Mr. Westwater: Of course, Mr. Chair, one thing, a supplemental to your earlier question. The minimum wage has changed substantially in the last four years. The increase in staff to 18,000 people is a big impact on our budget as well.

The Chair: Certainly. All right. Well, thank you, Mr. Westwater. If there are no further questions from members – and I'm not seeing any – thank you, then, for your presentation. Thank you, Mr. Lee, for joining us as well and for responding to members' questions. For your information, the committee's decisions on the officers' budgets will be sent out early next week.

As scheduled, we'll now break for lunch. We'll be back on the record along with representatives from the office of the Ethics Commissioner promptly at 1 o'clock.

Thank you.

[The committee adjourned from 12:01 p.m. to 1 p.m.]

The Chair: Good afternoon, everybody. We'll call the meeting to order.

I'd like to welcome the hon. Ms Trussler, our Ethics Commissioner, and the staff that are accompanying her to our meeting this afternoon. Thank you so much for joining us today. We've set aside 20 minutes for your presentation, after which I will open the floor for questions from committee members.

Ms Trussler, I will turn things over to you. If you'd like to introduce your staff.

Office of the Ethics Commissioner

Ms Trussler: Thank you. I have with me Kent Taylor – sorry; I used to work with someone with that name – Kent Ziegler and Lara Draper, who's my counsel. I'm not starting well, but I won't take the 20 minutes.

Thank you for inviting me to present on our 2019-20 budget. I believe that you've already received our office's 2017-18 annual report. To briefly summarize the year, the most significant event was the change to the Conflicts of Interest Act, which will eventually bring the number of people who report to our office to approximately 300. It also required 105 agencies, boards, and commissions and postsecondary institutions to develop a code of conduct, which needs approval by our office. Aside from our regular meetings and requests for advice we only did one investigation during that fiscal year.

Since the end of March 2018 we've had two investigations, implemented changes to the Lobbyists Act, and we've been vetting the 105 – now there's another one that's been added – 106 codes of conduct. I have to say that the first time through all the codes, only nine were approved, and some codes have been sent back three or four or five times. However, we now only have nine codes left to approve plus two from agencies that were recently added or are undergoing significant change. We want to wait till that change occurs before we look at their code.

For the 2019-20 fiscal year our budget request is in the amount of \$944,500. It's the lowest request since I started. Last year our request was for \$970,000, but that was an increase to hire some assistance with the codes of conduct. This year we're able to drop back to slightly below the 2017-2018 budget of \$949,000 as we continue to look for savings each year. We're down slightly on employee costs and supplies and services.

The bottom line is that over the past five years our workload has doubled, and because of efficiencies we have not increased our budget. It's remained the same. During the year we also try to be fiscally responsible. In the 2017-18 year we actually came in under budget in the amount of \$50,000. We will have a small surplus this year. It won't be quite as high as 2017-18, and we don't anticipate the same sort of surplus in '19-20.

In closing, I'd be happy to answer any questions you might have about our request for \$944,500.

The Chair: Thank you. Indeed, a brief report. We appreciate both your attention to detail and your brevity. Thank you, Ms Trussler.

At this point, then, we will open the floor to questions. I have Mrs. Pitt and then Ms Littlewood.

Mrs. Pitt: Awesome. Thank you. Thank you for joining us here today. Actually, just a really, really quick question. You have a slight decrease in your budget, which is amazing. Others should learn from you. Although there was a bit of an increase in your mandate – the Conflicts of Interest Act, as you mentioned, and, my understanding is, the Lobbyists Act as well – how did you get to

your numbers at the end of the day, given an increase in mandate yet a decrease in budget?

Ms Trussler: We looked for efficiencies.

Mrs. Pitt: Good work.

Ms Trussler: We're all working harder.

Mrs. Pitt: Good answer.

The Chair: Ms Littlewood.

Ms Littlewood: Thank you, Chair. Thank you for coming today. I just was wanting to get the detail. On page 2 of your budget you have a note that is saying that this decrease from \$55,000 to \$50,000 on contract services is a cost-cutting measure. I'm just wondering how exactly you achieved that cost-cutting measure. It just says: "simply a cost cutting measure." I'm just wondering how that is.

Ms Trussler: When I first took over the position, I think that budget item was \$110,000 or \$120,000. I watched it very carefully to see how much we used, and I've brought it down every year in line with what we've used. I have to leave it at \$50,000 because if we have to hire outside counsel to represent us in court or for other reasons, if we have too heavy a workload and need extra assistance, I need that margin of \$50,000. I try not to use it, but I've just been watching over the years what our patterns of expense were.

Mr. Ziegler: It's also a decrease in use of consultants, outside consultants. We now do a lot more in-house just with our staff rather than – in the past there may have been more outsourcing; now it's all just in-sourcing.

Ms Littlewood: Great. Thank you very much.

The Chair: Do we have questions from any other members?

Ms Littlewood: In your business plan you're talking about promotion and understanding of legislative obligations. Of course, that now includes the Conflicts of Interest Act and the Lobbyists Act, the Lobbyists Act being amended through Bill 11. I'm wondering if it's part of your education efforts that you've made any significant updates to the materials that are available to registered lobbyists so that they can clearly understand those changes. We did see that you have some brochure work going on. If you'd give us some details on that.

Ms Trussler: Do you want to take that?

Ms Draper: Yeah. Sure. I completely redid the guidance documents. We've also updated our "are you a lobbyist?" test on the website. A whole new set of probably about 30-plus FAQs has been added although that was all done not in the past fiscal year. That's been since June. Probably still we'll do more stuff in that regard going forward as we figure out what the areas that require clarity are.

Ms Littlewood: Have you noticed a significant uptick in the fact that people need to register once they incur 50 hours of that prep and other work that goes into lobbying?

Ms Draper: Yes. We've seen a significant increase in inquiries received. We've received on average maybe five e-mails a day.

Ms Littlewood: I'm glad to hear that there's an awareness around that. Thank you.

The Chair: Excellent. Do we have any other members that have any questions for Ms Trussler and her team?

Ms Littlewood: I notice that your travel line expense was going down from I think it was – wait. Sorry. There's a travel reduction, \$12,000 to \$10,000. I was just wondering: like, are you utilizing a different way of interacting with people that you're working with, or are you using other ways to communicate with them? Do you see it as having any impact on being able to have conversations with people?

Ms Trussler: No, I don't think it's had any impact. We go to a couple of meetings a year, a couple of conferences a year, and we've just been able to do it within the budget and then been able to reduce it over the years. At one point the office went to COGEL in the United States each year. We went to the first one. We decided that it wasn't really relevant to what we did and that the cost didn't justify the expense, so we over time have taken out the cost of attending that conference. We go to conferences, the CCOIN conference, which is all of the ethics commissioners across Canada, and there's one for all the lobbyist registrars across Canada. They also have one telephone conference a year. Occasionally there's a conference put on in Ontario that I go to, but other than that, we keep that sort of travel down.

Now, we may find that that goes up again because as more people are added that have to report under the Conflicts of Interest Act from the agencies, boards, and commissions, a significant number of those are in Calgary. I have already booked to go to Calgary in January because it seems a lot cheaper for me to go down there, especially since I can stay in my daughter's basement and I can borrow space from the Auditor General. It's significantly less expensive for me to do that than to require six or seven of them to come up to Edmonton. We may see a little adjustment in our travel budget because of that, but I hope not. We'll try and do it as efficiently as possible.

1:10

Mr. Kleinsteuber: Mr. Chair, could you add Jamie to the list?

The Chair: Absolutely, I'll add you, Mr. Kleinsteuber.

I have a question from Mrs. Aheer, then Ms Littlewood, then Mr. Kleinsteuber.

Mrs. Aheer: Thank you, Chair. It's just a comment. I just wanted to thank you for your efficiencies and for leading by example for all of us, especially when it comes to these things and travel. We all have that opportunity to do that, and I just wanted to thank you very much for doing that.

Thank you.

Ms Littlewood: In a more general sense, of course, your office is unique in the sense that it does both proactive and complaint-driven work. I'm just wondering if you have available some advice, something that – my members have certainly made use of that advice when people are asking for clarification, when people are making invitations or offering certain things. I'm just wondering if you're able to talk about that sort of dual purpose of the proactive and the complaint-driven things to make sure that there is, you know, good work being done there.

Ms Trussler: Well, my philosophy is that I would rather prevent things than have to clean up the mess afterwards. It's a lot easier to give advice up front than it is to do an investigation afterwards. That's where we start from, that we want to prevent problems from arising. Occasionally, every once in a while one does, or someone

makes a complaint that has to be investigated, and then we take on the investigation.

Mr. Ziegler: We're also constantly updating our brochures online, that are on our website, as well as FAQs, so we are getting out proactive information that way, too.

The Chair: Excellent. Do you have a follow-up, Ms Littlewood?

Mr. Kleinsteuber: Good afternoon, everyone. I sit as well on the Standing Committee on Resource Stewardship, and I think you might recall that we wrapped up over the summer a review of the Conflicts of Interest Act. I really thought that the presentation there was very informative.

Item 5 on page 7 of your business plan refers to identifying legislative issues. I was just wondering if it's something that your office continually monitors or if there might be perhaps some legislative barriers to getting things done. I was just wondering, too, if you keep track of some of those to bring up in that case, if there is a review by the Assembly or a standing committee, perhaps.

Ms Trussler: Well, certainly, when there's a review of the legislation, we like to participate. We followed very carefully the progress of the report and then did make some inquiries as to whether anything was going forward or not. So, yes, we do keep in touch with what's happening with our legislation. Occasionally we find things that are what we think are fairly serious problems, and then we communicate with Justice about those problems.

Mr. Kleinsteuber: Okay. Thanks for that.

The Chair: Ms Littlewood and then Mr. van Dijken.

Ms Littlewood: Thank you, Chair. The discussion about the brochure: you know, in your business plan you have that you've prepared a new one and that you have a certain number so that you can give them to prospective candidates that might be needing more information about those issues. The updates that the government has made with regard to conflict-of-interest laws and electoral finance laws: would you be able to share some of the changes that are within the actual brochure itself, give us a bit more detail of what...

Mr. Ziegler: We don't have a copy of the brochure with us, but certainly we can provide one to the committee afterwards. We prepared 500 brochures for prospective candidates, which are going out, we understand, from the office of the Chief Electoral Officer. Off the top of my head, I don't have a copy.

Ms Trussler: Actually, we're preparing another 500 that he's asked for, so 1,000 brochures. I know we looked at it beforehand. The changes in the act don't affect the MLAs quite as much as they do the agencies, boards, and commissions.

With respect to election finances, that's Mr. Resler's bailiwick, and we don't go anywhere near it.

Ms Littlewood: Thank you.

The Chair: Mr. van Dijken.

Mr. van Dijken: Thank you, Chair. I could be wrong here, but technology services the last couple of years, updating the lobbyists registrar and updating the website, was a significant part of your work, getting that done. Yet I see where the costs with regard to technology services are flatlined pretty much, with an increase of \$20,000 next year. You can tell me if I'm wrong – like, I could be

wrong with that; I'm trying to recall it just from memory – but technology services costs flatlining like that: is that a lot of ongoing subscription costs to programs that we're utilizing, or how does that work?

Mr. Ziegler: Yeah. A lot of it is – we pay about \$55,000 a year for our lobbyists registry website. That's our ongoing maintenance cost. That's under a contract. The reason why we have flatlined over the last few years is that in 2014 we did sign a five-year contract with Long View, our service provider, to provide us with IT services for the next five years. That's why you see an increase for next year, that contract is now coming up, and next year we do expect to see some evergreening charges for our servers and all that kind of thing. We're not sure on the numbers yet. We had hoped to have them for this meeting, but they haven't got us the numbers yet. We're ballparking about \$20,000 for our portion. As you know, we share with the Ombudsman and the Child and Youth Advocate. So we're working towards that. We do expect a slight increase while we refresh all of our hardware, and then that's why we see the decrease the following year again, because we should come back down again.

Mr. van Dijken: Good. Thank you for that, and thank you for your diligence to operational efficiencies, I'm going to say.

Mr. Ziegler: Thank you.

The Chair: Ms Littlewood.

Ms Littlewood: Thank you very much. If I could just ask a couple of questions for the benefit of being able to take some of the information away and also just having it as a matter of record. When you're talking about some of the work that you've undertaken on page 4, the third part is talking about operating and managing the database for lobbyists. I've heard, you know, some concern about people that are just coming into this system that were not covered by it before because of the 50 hours of preparation and then whatever else work they do that would be encompassed with their lobbying efforts.

Would you be able to share with us a little bit about what the documents are like that they now have to fill out and if it's a simple process. Part of the concern is that – it's a lot of small sort of grassroots organizers and individuals that, I think, are just not really knowing what the entire scope of what they're stepping into quite is. They're worried that it's a long process that they have to fill out, that there might be costs associated with that in terms of resources. So that's some of the concerns that I've been hearing. Would you be able to address that for us?

Ms Draper: Sure. Basically, you're trying to get an idea of how onerous the actual process of registering is? First of all, it's free to register for anyone. It's online. It's very simple, I would say, to do. It maybe should take you about half an hour to fill out your registration and maybe 15 minutes to do your actual application for your organization. Of course, we do have people who contact us all the time needing assistance to complete some of those steps. We are always happy to help people out over the phone or by e-mail, and there's lots of step-by-step guides with screenshots on our website in various places. We also send a lot of automatic reminder e-mails or e-mails to lay everything out for people as simple as possible. So I think it's pretty simple to do. Of course, we do have people, as I say, who have challenges. But we always help people, and we usually reply either the same day or within one day to help people.

Ms Littlewood: And they can just call when they have those concerns?

Ms Draper: Yeah. Both my colleague Effi's and my phone numbers are on the website. We also have the registrar inbox where they can send an e-mail to. We've always been able to help people. That being said, sometimes people are frustrated with any technological process, but I would say it's very simple.

1:20

Ms Trussler: I'm a bit of a dinosaur when it comes to technology, and before we went live, I went through and tried it. I'm of the belief that I don't think I should make people do things unless I've tried to do it, and I had no trouble working through the system and making up a registration.

Ms Littlewood: Thank you. I do believe that it helps allay, too, some of the fears around how onerous it would be for someone who is trying to, you know, just move a piece of an advocacy effort forward.

Thanks.

The Chair: Do we have any other questions from members, then, for Ms Trussler and her team?

Ms McKittrick: I wanted to thank you for the work that you do and the graciousness in which you do your work. I know that you're responsible sometimes for some very difficult conversations, I would imagine, with members and government appointees and stuff, so I really appreciate the work that you and your team do on that because it requires a lot of tact and understanding.

You asked for this slight reduction in the budget, which we all appreciate. We understand, and I think it's a sign of really great leadership. With all the changes in the Lobbyists Act and all the changes that have been made and how society and government appointments and so on have all changed, I'm wondering if you've identified any potential issues that you see in the future that your office must get ready for, you know, the kinds of things that you might be talking about that might affect your office.

Ms Trussler: I think the one that is causing a little bit of difficulty is the 50 hours for lobbyists, including preparation time, because we have no way to track the preparation time. I know the Yukon has just put in legislation. They've just got 20 hours of lobbying, and they don't worry about the prep time. That one is causing us a little bit of unease. How do we know how long it takes somebody to prepare? So that's one little issue.

There are a few little issues coming up with some of the agencies, boards, and commissions as to how they do their business, whether or not it's realistic for them to be caught by the Lobbyists Act. Then there were the things that came up during the review of the Conflicts of Interest Act. But other than that, I don't think there's a great deal.

We've had some issues with the codes of conduct, with some push-back by certain groups, but I think we're going to get that resolved in the next few weeks.

Ms McKittrick: Okay. Thank you. I appreciate how you've adapted to some of the new legislation that has been passed and some of the new things. So thank you very much.

The Chair: Excellent. Are there any other questions, then, for Ms Trussler?

If not, we'll say thank you very much for taking the time to join us today and providing this office with some very clear information. For your information, our committee's decision on officers' budgets should be sent out early next week. Have a great weekend.

Mr. Ziegler: Thanks. You, too.

Ms Trussler: Thank you for having us here.

The Chair: Excellent. Members, we do have a bit of time, then, before the office of the Auditor General will join us at 1:45. I'll leave it to members' discretion to make use of that time till then.

Thank you.

[The committee adjourned from 1:24 p.m. to 1:45 p.m.]

The Chair: All right. Well, we'll call the meeting back to order.

Our next presenters, then, are with the office of the Auditor General. They've had a moment already to settle in, so I'll take this opportunity to welcome Mr. Wylie, the Auditor General, and all of his colleagues to our meeting this afternoon. As we've asked of all our presenters, we'd ask that you keep your presentation to about 20 minutes to ensure that we can leave good time for members of the committee to follow up with some questions.

Mr. Wylie, I'll hand the floor over to you if you'd like to introduce your staff.

Office of the Auditor General

Mr. Wylie: Thank you, Chair, and thank you, committee members. To my right is Ruth McHugh, our chief operating officer – she's at the table with me – and to my left is Loulou Eng, our chief financial officer. I'd like to introduce as well Phil Peters, who's in the gallery, our legislative audit legal counsel for the office; and Val Mellesmoen, who is the executive director of our communications department.

Chair, today marks my 216th day as Auditor General.

Mrs. Aheer: Congratulations.

Some Hon. Members: Congratulations.

Mr. Wylie: Thank you. There are only 2,682 left.

Mrs. Pitt: So it's going well.

Mr. Wylie: It's going very well. I'm very honoured to be here with you today, and I say that very, very sincerely. You know, today we want to talk about the past seven months from my perspective and how pleased I am with the progress that we're making and the staff that we have and the opportunities that lie ahead of us.

Chair, I wanted to say that all of those who work with the office of the Auditor General want to be known for providing exceptional value, being responsive to the needs of our stakeholders, and to be recognized as leaders in legislative auditing, and that all begins with ensuring that our work is relevant; that is, that it's useful and of value to those we serve. A foundational attribute of our value proposition can be summed up in one word: credibility. You as MLAs along with the public service and all Albertans rely on the credibility of our work when considering the effectiveness of government processes. You need to trust that it is accurate and objective.

The foundation for our credibility is built on four cornerstones, the first of which is embedded in the history of our office and our role as auditors of the public purse. While the origins of our office date back to 1905 with the appointment of the first Provincial Auditor, the principle of our role has a much longer history. In 350 BC Aristotle is quoted as saying that when "offices handle the public money, there must of necessity be another office which examines and audits them."

To ensure that examination is objective, the second cornerstone of our credibility is our independence. This ensures our work is unbiased and based on facts.

Building from that, the third cornerstone is the ethical conduct of each individual who works as part of our team. Our office must in fact be a beacon of professionalism and ethics. Our business practices are designed to ensure that our staff and our agents remain free of any association that could potentially impair their objectivity. A moment ago I introduced Phil Peters. While Phil provides legal expertise to us, he is also our recently appointed ethics officer. In that role Phil is responsible for advising me on conflict-of-interest matters relating to office employees and our agents and workforce behaviour standards.

This brings me to the fourth and final cornerstone of our credibility, our professional standards as judged within the highly regulated business of professional accounting. As chartered professional accountants our work is reviewed regularly by our professional body to ensure our practices measure up to the internationally established quality and assurance standards of our profession. In other words, our audit work is definitely audited.

Our history, our independence, ethical conduct, and professional standards: together they form the foundation of our credibility as an office serving you, the Members of the Legislative Assembly of Alberta, and indeed all Albertans. The context I have just provided is about what we do and why our role is important. It forms the foundation of our business plan and underpins our budget request.

That brings me to the focus of the discussion today, what we've accomplished over the past year and our plans for moving forward. Ruth will be providing you with some specific details from our results report and our business plan, but I would like to take just a couple of minutes to share some highlights from my perspective.

Whenever I'm asked about the office of the Auditor General, I start my reply with six words: great people, great organization, and great opportunities. Let me start with the people. The strength of our office is our people: their expertise, their professionalism, and their passion. Our people resources represent the majority of the investment you're making in our office. I spoke earlier about the professional standards of our regulated profession as a core component to our credibility as an office. It continues to be a challenge for our office to obtain and retain professional accountants in the highly competitive environment for people with the expertise that we require. This is why I say that we have great people. The people working in our office could work elsewhere but choose to serve Albertans as legislative auditors. Our people bring their dedication and passion for our province to work every day. I'm honoured to work with each and every one of them towards fulfilling our vision of making a difference in the lives of Albertans.

Collectively the work of the great people make the great organization with an important mandate, which I'm honoured to lead and for which I see great opportunities. Our business plan outlines where we see and where we are acting upon these opportunities. Let me give you a few examples.

First, we will continue to enhance and ensure the credibility of our work by investing in our people and reinforcing a solutions-oriented culture that supports continuous improvement. We're investing in our team of professionals to ensure they continue to have the skills to identify audits that maximize the opportunities and minimize the risk to the public sector. For every problem we identify we will have a proposed solution. It's easy to identify the problems; the real value comes from the identification of the solutions. One of the key ways we are doing this is through an organizationwide initiative involving every member of the office to better understand the work of the entities we audit and the environments in which they operate. The purpose of doing this is to help them improve the quality of our recommendations, which will move us closer to our strategic goal of having our work acted on.

When government acts on our recommendations, it is good news for Albertans.

For the meeting today we have provided a document with a summary of all of our current and outstanding recommendations as of November 2018, and Ruth is showcasing that. This is an important reference and tracking tool that supports the work of the Standing Committee on Public Accounts. It demonstrates how we are engaging with our stakeholders in new ways. Our stakeholder engagement efforts in 2019-20 will focus on improving how we report our audit work to ensure that our information is accessible, relevant, and of use to MLAs and stakeholders and indeed all Albertans. Building from our interactive web platform, launched in the fall of 2018, we will continue to improve how we present our work.

To ensure our work is relevant and focused on matters of significance to the Legislative Assembly and Albertans, we have a number of initiatives to engage more effectively with Members of the Legislative Assembly. Over the years our audits have focused on government's reporting on its effectiveness; that is, whether government is meeting established objectives and achieving intended results. While this will continue to be a priority, over the next three years we will place an emphasis on examining processes through the lens of ensuring economy and efficiency in program design and service delivery by those we audit.

Economy is about getting the right resources for inputs such as goods, services, and human resources at the lowest cost. Efficiency is about getting the most from those resources in terms of quality, quantity, and timing of the outputs or outcomes. Within our current fiscal environment I believe that more than ever Albertans want assurance that the money is being spent wisely and that they are receiving good value for the services and programs delivered to them by government.

This brings me to the investment in our office to do this work and provide value to the Legislative Assembly and Albertans. Our three-year business plan is an ambitious one and necessary for our work to remain relevant to Albertans today and into the future. We ask for your support by approving our budget request for the 2019-20 fiscal year. This budget holds the line and is the same request we submitted to you last year. We are committed to working with our existing resources while at the same time enhancing how we continue to serve the Members of the Legislative Assembly.

I'll ask Ruth to share a few more specifics on our annual report, our business plan, and our budget request to you. Over to you, Ruth.

1:55

Ms McHugh: Great. Thanks very much, Doug, and really, thanks, everyone, for spending this time with us today. Like Doug said, my presentation will focus on our 2018 results report, our 2019-22 business plan, with a touchpoint on our five-year strategic plan.

We'll begin with the results report. You've received it in advance, so I'm not going to go through it in any amount of detail, but there are a few things I'd like to highlight for you from the report. First, we achieved our goal of 30-70 in three years. Three years ago we set out to fine-tune our resource allocation from a historical average of about 20 per cent of our resources dedicated to performance auditing and 80 per cent to financial statement auditing to establish a sustainable mix of 30-70 by March 31, 2018.

This is actually a much bigger deal than it may seem. Because of our legislative mandate we couldn't simply stop financial statement auditing and replace it with performance auditing, and it wouldn't have been prudent to bridge the gap solely by spending more money to acquire more performance auditing resources. Instead, we set out to achieve our goal through process improvements. We knew that

the 30-70 mix wouldn't happen automatically. It was a great strategy, but along with that needs to come execution.

In any organization transformative change like this requires focus and discipline. We adopted a methodology designed to help organizations make specific change amidst day-to-day operations, and we used that methodology to shift the allocation of our resources. That's what Doug was referring to earlier when he was talking about our new goal of equipping and enabling our people to better understand audit entities. We're using that same methodology, and every single person in our organization knows the one or two things they are going to do this week to move us ahead on our strategy in the midst of the whirlwind of their day to day. It's a terrific process.

Those changed and new activities have now been integrated into ongoing operations. We successfully executed our strategy, actually surpassing our 30-70 goal and achieving 31-69. We'll continue to measure and monitor that resource allocation to ensure that it's sustainable into the future.

With that increased capacity for performance auditing we published three substantive public reports, and in May 2017 we also published a thought-provoking special report on Better Healthcare for Albertans. It's a view on why we have yet to achieve fully integrated health care focused on the needs of the individual patient and the benefit to Albertans that would result.

The next thing I want to highlight from our results report is our multiyear performance audit program of work. In developing this program of work we introduced an advisory and engagement process with deputy ministers and an external panel of experts to help guide us to the optimal selection of performance audits with the greatest impact to the public service and to Albertans. With the publication of our multiyear program of work and the invitation to Albertans to provide input and suggestions, we began a journey to better engage with those we serve to ensure that our work remains relevant, reliable, and of the highest value.

During the year we also undertook two major areas of transformation that truly set a new course for our work and how we're going to serve the public in the coming years. The first was the introduction of our five-year strategic plan that Doug had mentioned, *Charting Our Course in a Changing World*. The second was the focused approach that we implemented to successfully transition to our new Auditor General in April 2018. As you can see, that went really well, so that's great. Implementing our strategic plan under the leadership of our new Auditor General will work to enhance our knowledge of audit entities' business, like Doug talked about earlier, and understand their evolving risks. This will help us to determine where to focus our scarce audit resources in order to recommend improvements with the highest value to government managers and the most impactful results for Albertans.

We're really pleased to have accomplished all of that good work building for our future while also completing 139 financial statement audits, 27 new and follow-up performance audits, releasing nine reports on specific financial information, and delivering 26 new recommendations to improve the performance of the Alberta public service, all of that while cost-effectively staying within the budget that you allocated for us. So thank you.

We're going to turn now – I'll do a quick touchdown – to the strategic plan, and then we'll turn to the business plan. Last year we introduced this five-year strategic plan, and you have all got a copy of that. This plan maps our way forward, and it describes how, in working together with legislators, public servants, and Albertans, we'll continue to ensure that our work remains relevant and reliable and delivers high value in an environment that continues to grow in complexity. Our strategic plan serves as the guide for our work. It

informs our business planning, operational planning, audit portfolio planning, and the personal plans of every team member. Our strategic plan sets a clear goal to have our work acted on, and it sets out five strategies over five years.

Think of our business plan like the playbook to achieve that goal. It sets out how we're going to achieve each of those strategies. Again, you've had the business plan to read in advance, so I'm not going to go through all of those activities we're going to undertake, but I'll just point out a few key highlights.

First, for every initiative described in the plan, we indicate the strategic outcome it's going to achieve, so we tie our business plan right back to our strategic plan. In that way, we can be certain we're all moving in the same direction to achieve our goal. To know whether we're moving in the right direction, we use a suite of performance measures and indicators. In order for our work to be acted on, our audits must be reliable, relevant, and result in high-quality recommendations that government managers see value in implementing. We also need to be cost-effective in how we achieve that work.

Our performance measures, designed to assess relevance, reliability, and reasonable cost, are summarized in the budget section of our business plan. When you read the results report, you will note that we also report those measures in our financial statements, which means that those are audited. When our external auditor comes in and audits our financial statement, they actually audit those measures. That's integrated financial and nonfinancial performance reporting, in our view.

In addition to measuring our performance, we also look for indicators that our work is actually being acted upon. One important indicator is how quickly government managers implement our recommendations. That Summary Report of Recommendations, that we talked about earlier, is a key reporting document that we hope will be useful to you and to government managers. The report will also help members of the Standing Committee on Public Accounts track at a glance the status of outstanding recommendations by ministry. That important all-party committee of the Legislature oversees and ensures accountability by the ministries to act on our recommendations for improvement.

Members Payne and Littlewood, thank you for serving on this committee as well as on the Public Accounts committee. They are both vital to our work, so thank you.

Tracking progress on those recommendations is a quantitative measure of the impact of our work. It's equally important to assess our impact in a qualitative way by showing how our recommendations, when acted upon, truly do make a difference. Later this year we're going to introduce our first annual impact report. It will tell the story of how acting on our work makes a difference in the lives of Albertans. As we make progress implementing our strategic plan, we look forward to finding ways to work together with departments and ministries to share the stories of how our recommendations and their hard work to successfully implement them result in the improved delivery of programs and service to Albertans. We're one year into our five-year journey as outlined in our strategic plan. As how we work changes and we learn from our efforts, we'll continue to enhance our suite of performance measures and indicators to best track progress toward that goal.

The third and final point to highlight is that, like Doug said earlier, we're holding the line on our budget request. As we reported in the summary of recommendations, our work identifies ways that the public service can improve its efficiency and cost-effectiveness – Doug talked about that earlier – and it identifies waste, dollars spent that do not contribute to achieving desired results, and our work helps government managers deliver value for money. Our

work in the coming year will be achieved with the same bottom-line budget as last year.

Thank you for this opportunity to tell you about our plans and our results.

I'll turn it back to Doug now, if you'd like.

Mr. Wylie: We'll have questions, Chair.

The Chair: Excellent. Well, thank you to both of you for your presentation.

At this point, then, we will open the floor to questions from members. Do we have any questions? Mr. Horne.

Mr. Horne: Yeah. Thank you, Chair, and thank you so much for taking the time to be here today. As an aside, as I studied philosophy, I always appreciate a good Aristotle quote.

Turning to the budget, on page 33, on the very last line, there's an increase of two FTEs.

2:05

Ms McHugh: Yes.

Mr. Horne: But I don't see an explanatory note on that as to what those staff are needed for. Could you clarify that for me, please?

Ms McHugh: I can absolutely clarify that. You will also note that while those FTEs increase, there is no increase in the salary budget. You also might be wondering how this is possible, right? We found that when roles are filled by internal promotions – and that's what's been happening. It is really hard to find qualified legislative auditors – it truly is – so we actually try to grow our own. Some of the senior-level roles that we've filled this year have been filled by internal promotions, which is a good thing. But when those internal promotions are being filled by, of course, our top-performing auditors, backfilling them can sometimes be more than 1 to 1.

For example, work previously performed by two senior audit managers who were recently promoted now will be done by four new junior managers, because there's a steep learning curve as those new audit managers are trained on the job. The people that got moved into those higher roles are actually still spending time on the job training those new people. It's okay because we need to build our audit succession plan so that we've always got a good succession plan, especially on our high-risk audits. If something were to happen to someone, someone needs to be able to step in and take that on. This is a good way to do that while staying within a fixed salary budget. Does that answer your question?

Mr. Horne: Yeah. Absolutely.

Ms McHugh: Okay. Perfect.

The Chair: Thank you.

Any other members have questions for Mr. Wylie and his team? Mr. van Dijken and then Mrs. Pitt.

Mr. van Dijken: Good. Thank you. Thank you for attending today, and thank you for the work that you do. I learn every time I listen, and it was very informative. Your presentation and your report were very well laid out.

I'm going to ask with regard to – you know, we talk about identifying opportunities, having to demonstrate the value. In your performance auditing work you're trying to identify opportunities for the public sector, for the public service to improve effectiveness, efficiencies, economy and to demonstrate the value, but the most difficult step is always implementation.

You know, now I've heard about the first annual impact report. That's a good step to try and bring the public service onside with implementation. Your relationship with the public service, building on a good relationship and allowing you to actually show the public service the value that you bring to the table: that relationship is strong and in good shape? You feel that you're being received well within the work that you have to do in the public service?

Mr. Wylie: Yes. Absolutely. I think we have an excellent relationship with the public service. There are always opportunities to improve, and that's certainly what we want to do. We want to make sure that there is an alignment of areas of our audit focus and risk that we identify, and that's, when we talked about our presentation, about ensuring that everyone in the organization is connected, if you will, with the organizations we audit. That really is about that, ensuring that there's open communication and alignment on how we're assessing risk, how we're identifying risk, and does that align with management's and the board's view? Where there's a disconnect, we want to make sure that we understand that disconnect so that we can bridge that gap. We think that that will be very, very useful when it comes time to deal with the implementation of recommendations. So if, for example, there's an alignment on the risks and there's alignment on the priority, we think that the implementation rate, from the perspective of timeliness, should improve, and that's really, in essence, what's behind that initiative that we referred to.

You know, our mandate stops at issuing recommendations. That's why our important work with the Public Accounts Committee is vital to our success in having our work acted on, and that's indeed why we issued that separate publication, to actually identify the status of all of the recommendations, the years that those recommendations had been outstanding. Again, the idea there is to have dialogue with the Public Accounts Committee, with management, and with the boards to determine: what are the impediments to moving forward with implementation of those recommendations?

So to directly answer your question, I think we have an excellent relationship with the auditees. I think it can be improved. Our focus is going to be on ensuring that there is an alignment of our perception of risk with management and the board.

Mr. van Dijken: Okay. Thank you.

The Chair: Mrs. Pitt.

Mrs. Pitt: Thank you. I have two questions. One was actually just sort of a follow-up to my colleague in regard to the staffing. Is it difficult to find staff because a legislative auditor is sort of a unique specialty and just not common, not popular in school? I don't know. Can you speak to that?

Mr. Wylie: Well, can I just start?

Ms McHugh: Yes, please do.

Mr. Wylie: I'll start with the latter part first and maybe have a little fun with this if I could. Last night I had an opportunity to provide a bit of an overview of our office to the pages, and I started off by asking the question: how many, first of all, know anything about our office? Very few. They knew very little. I really tried to see how valuable my contribution was by at the end of the session asking how many of them now would be interested in becoming an auditor. Although no one really raised their hands, there were a few that were starting to.

Mrs. Pitt: They do that to MLAs, too.

Mr. Wylie: You know, it's a challenge, I think, and I'll have Ruth supplement. There is one area that I'll focus on that we as legislative auditors have a challenge with, and that's with our performance auditors. We have two primary lines of business, financial statement auditing and performance auditing, often referred to as the value for money. That is an area where it's very, very difficult to go to the market. We can go to the marketplace and find financial statement auditors, if you will. It's very difficult to find performance auditors in the marketplace. So we really have the strategy of developing those competencies internally and working with an organization, the Canadian Audit and Accountability Foundation, who does a fair bit of work on training in this area. They used to be the comprehensive audit foundation of Canada. That's an area where it's difficult for us to go to the market. I will say, though, that there are real pressure points right now within our industry to recruit externally.

I'll just ask Ruth to speak to that. She has far more insights on that than I do.

Ms McHugh: Thanks, Doug. You're right: they are a very difficult commodity to find, these excellent legislative auditors. When I answered the question earlier about the FTEs, the fact is that we grow our own legislative auditors. They're amazing people in our organization. When they are promoted, we need to backfill. What we're currently having a challenge with is bringing in intermediate and senior audit managers, that level before the leader.

Here's another big challenge we have. We're the fourth-largest auditing firm in Edmonton. Our competition is private firms, private industry. Right now in Alberta – in Edmonton, Calgary, and Red Deer – all of the big five accounting firms are out there recruiting for the same people that we're recruiting for. Unfortunately, they're paying more than we're paying, and there are perks and all kinds of things that we can't offer. So our offer is: this work is amazing; the work that you do here is making a difference in the lives of Albertans. But for young auditors, you know, it's hard when you've got that other thing going on.

The other sort of double-edged sword is that there is a salary freeze, and it's been an ongoing salary freeze. People out there know that, and we're hearing that they know that if they sign on for a government role, they're signing on for a stagnant salary. The firms are offering more to begin with, and they've got a clear financial gain path that we're not able to offer. Actually, again, the double-edged sword is that it's not only hard for us to recruit, but we are losing some of our key people as a result of this ongoing salary freeze and their worry that there's no end in sight.

I'll just share with you an example. I had an exit interview a couple of weeks ago with an incredible, young, up-and-coming auditor. This person was leaving us not because they don't love where they are; they were offered 1.5 times their salary and a significant upward financial path. When you've got a young family, that's a hard offer. You know, that exacerbates the problem that Doug was talking about.

2:15

Mrs. Pitt: Okay. That's helpful to know. If I may ask my other question? My understanding is that you don't audit other independent offices of the Legislature. Can you or will you maybe ask from the Assembly or this committee if that's something that you think there's value in exploring?

Mr. Wylie: We actually do audit the other officers . . .

Mrs. Pitt: Oh, you do.

Mr. Wylie: . . . of the Assembly. Yes. We audit all of them.

Mrs. Pitt: Okay. That's helpful. Thank you. Sorry, actually, maybe in follow-up to that: is that publicly reported?

Mr. Wylie: Absolutely. Yes. In fact, the mechanism that we have – I think it's good to have this discussion with this committee because this is our interface through to the accountability to the Assembly as leg. officers. What we do is we audit all of the officers of the Assembly, and we copy the chair of this committee on all of our management letters. So for all the results of the audit work that we conduct, a copy of that management letter is provided to the chair of this committee, and that forms the accountability.

With our auditors – we have an independent auditor that this committee appoints. When our auditor meets and discusses the audit findings from their work, the chair and deputy chair will sit in on that exit debrief. This committee is made aware of the findings of our auditor, and fortunately I think they have been zero.

Mrs. Pitt: Okay. Are those letters circulated?

Mr. Wylie: That I'm not aware of. I'd refer to the clerk.

Mrs. Pitt: That's probably a question for the chair?

The Chair: Clerk, what's the known practice for that?

Ms Rempel: I mean, that has not been an established practice with this committee, particularly, as Mr. Wylie has noted, as there tends to be no issues identified. But, you know, that's certainly something that could be revisited.

Mrs. Pitt: Okay. So members of this committee outside of the chair and the deputy chair would never see those? Sorry, you said that they are online.

Mr. Wylie: No, they're not online. They're copied to this committee.

Mrs. Pitt: Okay.

Ms Rempel: Yes. We receive a letter, but of course when the officers put out their reports, they include the audit information with their reports as well. When this committee hired their most recent auditor, that was part of the arrangement, that it would be the chair and deputy chair that met with that auditor as far as reporting back. And then every year, of course, the Auditor General comes forward with his report.

The Chair: Yeah. And, of course, every year we have the auditor that was selected by a special committee of this committee that audits the Auditor General. We just recently renewed that contract. That always takes place at the end of June, and then we report back at the next meeting of the SCLO as to what the results of that meeting were.

Mrs. Pitt: Okay. Okay.

The Chair: Excellent. I have Mr. Horne, then Mr. van Dijken.

Mr. Horne: Yeah. Thank you. Now, I'm looking at the performance measures on page 35 that show that there's approximately a 10 to 20 per cent turnover rate for staff, and the third explanatory note there suggests that that is an acceptable level of turnover for a CPA training office. My sister is currently doing her CPA over at the Canada Revenue Agency, but I still don't

understand the process. Not being super familiar with all of the training processes, could you explain why that level is acceptable?

Ms McHugh: Absolutely. As a CPA training office, you bring in candidates and they move through their articles. You have to have 36 months of articling to become a CPA – or professional experience, if you will. In the world of auditing, there's certain work that needs to be done on each audit. It makes sense to have certain levels of staff do certain pieces of that work. It's actually a cost-effective business model to pay candidates at their rate to do some of the work rather than paying designated CPAs to do that work. It's a model that all of the big auditing firms use.

If you bring in enough candidates to get that work done each year, there's a normal amount of attrition that will happen as they gain their articles, get their designation, and move on. There's a normal amount that's acceptable, but I do want to just give you a little bit of a flavour of what that's meaning to us right now. That normal churn that one would expect in an auditing office combined with this problem that we've got with this ongoing salary freeze and losing our people and not being able to recruit: let me just paint a little bit of a picture for you. In the last 18 months we have hired, onboarded, and trained 45 people. That's roughly a third of our staff complement. We've also promoted 29 people from within over that same time period. That means over half our team are new to the organization or new in their role.

Mr. Horne: Okay. Yeah. That's definitely an interesting situation to be in.

I'm just looking over the estimate a little bit further, and the only significant increase seems to be an additional \$15,000 for video conferencing technology. I was just wondering if we could get a little bit of context as to what impact that would have on your overall operations.

Ms McHugh: I'm very happy to do that. You will also note that there's a reduction in travel and that is a direct result of this great new video conferencing we've got. One of the other sort of problems that we deal with right now is that we're in three different locations. Even in Edmonton we're on two floors of a building. I did try to work with Infrastructure to get us all in one space, but we're tied into a lease, so that's a difficult situation. This new video conferencing not only allows us to have more video meetings rather than in-person meetings which reduces travel costs and travel time – you know, people can't be working when they're travelling. It's been absolutely fantastic for that. As well, we've got screens all around on our floor, so people are getting the same information at the time. For example, this is being live streamed in our organization as we speak, so all of our people everywhere can hear what we're doing.

Mr. Wylie: Say hi, Ruth. Say hi.

Ms McHugh: Hi, people.

Yeah. It's been a great investment. Yeah.

Mr. Horne: Cool. You know, while we like to think that we're often being watched by other organizations, it's good to know that somebody is actually watching us live.

Ms McHugh: Absolutely. Yup.

The Chair: Indeed.

Mr. van Dijken.

Mr. van Dijken: Good. Thank you, Chair. I'm just going to reflect on our conversation with regard to other legislative offices and the

auditing that you do there. Those are principally financial statement audits, I would take it, as opposed to performance audits?

Mr. Wylie: That's correct.

Mr. van Dijken: Thank you.

The Chair: Okay. Do any other members have any further questions for Mr. Wylie and his team? If not, then we'll thank you for your time for joining us on a Friday and wish you all the best with the weekend. For your information the committee's decisions on the officers' budgets will be sent out early next week.

Mr. Wylie: Thank you very much.

The Chair: Excellent. At this point, members, we had arranged to have a break until 2:45, so please enjoy.

[The committee adjourned from 2:24 p.m. to 2:44 p.m.]

The Chair: Welcome back, everyone. I know it's been a longish day, but I think we've been making some good progress. We are at our final presenter. We have Mr. Lorne Gibson, our Election Commissioner. Now, as members may recall, the office of the Election Commissioner was created less than a year ago. As such, he has not yet had the opportunity to produce an annual report, but we will hear from Mr. Gibson today and have the opportunity to discuss an updated budget and other items.

Mr. Gibson, whenever you're ready. I'd just ask that you keep the presentation to about 20 minutes to ensure that we have time afterwards for questions from the committee. So, please, I'll hand the floor to you.

Office of the Election Commissioner

Mr. Gibson: Thank you, Mr. Shepherd and committee members, for allowing me to make some preliminary remarks before you consider my proposed estimates for 2019-2020. We've been conducting enforcement activity for five short months, since opening our doors on July 1 this year. We've been extremely busy in that period responding to I was going to say 130 complaints, but it went up today, so it's around 134 complaints and allegations.

The number of complaints and allegations we receive has been increasing rapidly. For example, comparing the first two months to the second two months of operation, complaints filed with my office increased by roughly 64 per cent. That's not surprising as it becomes better known that our office is the focal point for making complaints and allegations about all things to do with elections, candidates, parties, and third-party advertising. This also makes sense considering that there's been a lot of nomination contest activity in recent months, and we're also seeing the beginning of third-party political advertising.

With the election advertising period for third parties beginning tomorrow, the campaign period for candidates beginning on February 1, and the election period beginning with the drop of the writ sometime between March 1 and May 31, there will be a lot more activity in the coming months. We've had to supplement our single investigative resource with a seconded investigator for two and a half months to keep pace with the complaints. That arrangement, having run its course, has resulted in the need to recruit contract investigators for Calgary and Edmonton. We have two contracts in place for investigation, and I'll be adding two more in the coming weeks. We need to have investigative resources trained, in the field and on the ground, when door-to-door campaigning and outdoor advertising begin in earnest.

We're on track to spend most of the budget we were given for this year. We're projecting that there will be about a quarter of our budget unexpended at the end of the year, which is entirely appropriate considering that we will only have been in operation for three quarters of a year by the end of the fiscal year. This projection may change, however, depending on when the general election is called. As you can appreciate, there will be a lot more activity in the field throughout the pre-election and election periods and depending on the number of complaints and allegations we receive that turn into investigations. An earlier election call in March or April will likely mean more spending in this fiscal year. A later call in May will mean more activity and spending in the next fiscal year.

It's important to appreciate that the activity of my office is complaint driven. This is not something we control. Some days we arrive and find that there are no complaints, and on other days we can get up to eight or nine complaints. We don't control the volume, the nature, the gravity, or the relevance of the complaints. Some complaints are outside of our jurisdiction, meaning that they can be dealt with very quickly. For some complaints we make preliminary inquiries, gather documents, and find that there's been no breach of the law, and these, too, can be dispensed with relatively quickly. However, for others where we find evidence of wrongdoing and launch into a full-blown investigation, these take a considerable amount of time. It takes time to receive the information that we request. It takes time for legal review and time for the steps that we need to take in order to ensure procedural fairness.

For the next fiscal year we're again expecting a lot of activity, and it's not just the election itself that will generate this activity for us. As you know, it's also the election and annual financial reporting on the part of political parties, candidates, nomination contestants, and third parties that will generate a lot of the work. Financial statements and returns are posted publicly on Elections Alberta's website shortly after they're received, and as members of the public, the media, and political participants comb through these submissions, we'll be getting a lot of complaints and allegations to investigate. The types of complaints that lead to investigations sometimes require specialized accounting, auditing, and even forensic auditing resources.

In light of the fact that we can expect this next general election to be close to the end of this fiscal year or early in the next fiscal year and with all the increased activity that the election and financial filings will generate, we're asking for a \$200,000 increase for the next fiscal year. We're also asking for an additional \$500,000 to deal with the newly anticipated responsibilities for municipal elections.

As you know, Bill 23 passed second reading on November 21 of this year. These amendments to the Local Authorities Election Act vest responsibility for enforcement of spending limits, contribution restrictions, and third-party rules with the Election Commissioner. At last count we had 341 municipalities, 60 school boards, eight Métis settlements, and 13 irrigation districts that we'll be dealing with. The changes in the bill come into effect on January 1, but fortunately the enforcement authority they've given to my office doesn't begin until after the next provincial election.

There's a lot of work that my office has to do before we'll be in a position to provide effective enforcement of local authority elections. You know that local authority elections are run much differently than provincial elections. The administration of provincial elections is centralized through Elections Alberta, and even though there are 87 returning offices and 87 separate races held throughout the province, the activities are controlled centrally. Everything goes through Elections Alberta. All the election officials are recruited, trained, and supervised and report to

Elections Alberta. All the information to parties, candidates, nomination contestants, and third parties is prepared and distributed by Elections Alberta. And all the registration information and all the financial statements and returns are centrally filed with Elections Alberta and made publicly available on their website for others to use.

This is not the case with local elections. Returning officers are appointed by each local authority. There's no central repository of who these people are, but these are the people who we'll be dealing with primarily to get reports of potential violations and information and documentation. When candidates and third parties are registered, which they'll be required to do in local elections, there's no central registry for us to look at. When financial statements and returns are filed, they are not, for the most part, except perhaps in larger cities, posted online for us to access. My point here is that there will be a need for a lot of legwork up front with Municipal Affairs, with municipalities, and school boards to sort these kinds of things out, develop protocols for the reporting of wrongdoing, and the receipt of documentation.

I know as well that in the lead-up to the local authority elections we will be asked to prepare materials, attend meetings of municipal officials, and explain some of these changes to local authorities. Municipal Affairs recognizes that this is a big job, and we've discussed what kinds of additional resources we'll need. We and they have conservatively estimated that there will be a need for at least two additional FTEs and \$500,000 a year to effectively manage this enforcement activity. Municipal Affairs has agreed to this level of resourcing, and they have offered to transfer \$500,000 to our budget on an annual basis. So despite the fact that our budget will go up, if this request is approved, there will be no net increase overall to government estimates as a result of taking on the responsibility for enforcement of local elections.

Those are my opening remarks. Now I'd be happy to answer any questions you might have.

The Chair: Thank you, Mr. Gibson.

At this point I'll open the floor, then, to questions. I saw Ms McKittrick. Any other members wishing to get on the list at this time?

Ms McKittrick.

Ms McKittrick: Okay. Well, thank you, and welcome to your first budget presentation to this committee.

Mr. Gibson: As the Election Commissioner.

Ms McKittrick: As the Election Commissioner. Yes, I know. I know that you're well versed in how the process works and so on from some of your previous positions within the government. But I would thank you for being here. I think it's amazing how much you've been able to do in the months that you've been appointed, and it's also really good to see how valuable your office is. If you've already had that many complaints, it means that it was really important to have this office set up.

You've spoken a little bit about the number of investigations that you have done. I think you mentioned the number of 134.

Mr. Gibson: Yes. That's correct.

Ms McKittrick: Do you have any information about before your position was set up? Do you know? Not, of course, counting the munis because there was no municipal, and there's still no municipal responsibility for your office because Bill 23 has not been passed yet. But I was just wondering if there was any record

of how many complaints might have been brought to I guess it was Elections Alberta before of the kind that you're dealing with.

2:55

Mr. Gibson: I had some early discussions with Mr. Resler and his staff when I first came onboard. I was getting ready for this position, setting up my office. There may be a difference in terms of the way complaints were being counted, documented, in the sense that we have a website where people for the most part complain. They fill out a complaint form and so on. Now, we take complaints as well through the door, on the phone, e-mails, that sort of thing, and we document each of those.

But from the preliminary numbers that I had received from Mr. Resler when I first began, I think we had outstripped that number that they had in our first two months. I think it's considerably more. As I said in my presentation, I think it's because the public seems to know that we are the focal point for complaints about elections, and there's no hesitation on people's part to get in touch with us and complain about things that they consider to be improper, illegal, unethical, that sort of thing.

As I say, I can't speak to how the complaints may have been tracked and documented in the past, but these are the numbers that we've been experiencing. Now, not all of those complaints, obviously, are things that result in investigations. Sometimes they're outside of our jurisdiction, outside of our mandate, and of course those, as I said, can be dealt with relatively quickly. Of course, there are many others that turn into full-blown investigations that we have to deal with.

Ms McKittrick: Well, I really appreciate the work that your office is doing. I recently came back from a country without that kind of oversight and ability for people to complain, for residents to complain or to have an opportunity to figure out if some of the election practices merited a complaint process or were not supporting good democratic principles. So I really appreciate your office.

Since this is your first time reporting on your Election Commissioner position, this office, and you've had to kind of assess the budget, you know, and the business plan and you've had to set up a new office, can you provide maybe some comments around some of the budgetary or logistical issues that you may have experienced as things are getting up and running and especially on your ability to forecast in the future?

Mr. Gibson: Well, thank you. Surprisingly, the budget that was allocated to my office for its first year of operation was a good budget, not necessarily in terms of how it was distributed over various categories but in terms of the overall amount. As I say, we will be able to stay within our budget this year, for sure. We'll probably only expend approximately 75 per cent of it, which, as I said, makes sense because we will have only been in operation for three-quarters of the year by the end of the fiscal year. I do think that for this year I won't have any difficulty staying within that budget, but I am anticipating increased activity as we approach election time. Remember, too, that following the election, there's going to be all of the reporting that comes from the various political entities. I know, from my experience as the Chief Electoral Officer in the past, that that will generate a lot more activity and inquiries on the part of our office.

It's difficult for me to say with any precision because, as I mentioned earlier, the nature of our work is complaint based, and I don't control the number of complaints that come in. I don't control whether or not those complaints turn into investigations that, obviously, consume a lot more time.

Ms McKittrick: Thank you.

The Chair: All right. I have Ms Littlewood and then Mr. van Dijken.

Ms Littlewood: Thank you. Thank you very much for joining us, and I will make note that it's good to see you here for your first budget for this office.

Mr. Gibson: Thank you.

Ms Littlewood: I'm just wondering about the \$500,000 that's listed in your budget as a transfer from Municipal Affairs. We know that there have been some changes in how some work will be done, work being done, of course, for Municipal Affairs. I'm just wondering: is that a transfer of funding, or does it include some staff moving? If you could give us some clarification on that, please.

Mr. Gibson: No. The \$500,000 is an amount that – you know, I have to be honest – is really a guesstimate in terms of the activity that we anticipate as a result of enforcing the rules for local authority elections. The \$500,000 is anticipated to include funding for two FTEs, two full-time staff members, an investigator and another administrative staff person, and there will be some additional dollars for contract work and for some advertising and equipment and some furniture, things of that nature. In speaking with the Deputy Minister of Municipal Affairs, we both thought that that would be an appropriate amount of money to have transferred to my budget. There are no actual staff members in Municipal Affairs that do the enforcement of local authority elections. These elections: enforcement has taken place at the local level in the past, so there are no actual people being transferred, just the dollars.

Ms Littlewood: Okay. Thank you.

If I could just ask a follow-up?

The Chair: Certainly.

Ms Littlewood: Talking about risk assessment, you mentioned in your risk assessment that the budget request may prove to be inadequate to address complaints that are received for the 30th provincial general election. The increase that you're asking for: is it mainly for personnel to support investigations? Did your office base this amount on an expectation of a certain number of complaints being received in the budget cycle?

Mr. Gibson: Well, again, going back to the nature of our work being complaint driven, my guess is as good as yours in terms of the increased complaint activity that'll occur as a result of the provincial election. But, yes, the \$200,000 that I've requested for next fiscal year would be primarily for contract staff, whether they're investigators or whether they're people with accounting and compliance expertise, but it would only be for that fiscal year, for the next fiscal year. I would anticipate the budget then again dropping by \$200,000 in the following fiscal year, when we're between election cycles. Of course, there's always activity with by-elections and so on, and these matters that we deal with sometimes take a long time. They can take up to a year or a year and a half to resolve. But I would anticipate that following the 2019-2020 budget cycle we'll be able to again reduce the budget by that \$200,000 that we're requesting for next year.

Ms Littlewood: Thank you.

The Chair: Excellent.

Mr. van Dijken.

Mr. van Dijken: Thank you, Chair. Just a few questions. Contract services: half a million dollars. Can you give a little bit of a description of the work that needs to be done within contract services?

Mr. Gibson: Yes. The contract services amount is primarily for contract investigators. We're looking at two investigators to be located in Edmonton to cover the north half, north of Red Deer, and two in Calgary covering the south half of the province. There are also contracts in terms of legal and, we would expect, accounting in the near future.

The Chair: A follow-up, Mr. van Dijken?

Mr. van Dijken: Thank you. I guess I look at the need for – are we thinking, then, that contract services, half a million dollars in this coming year, investigations, pretty much gets eliminated after investigations are done, after the election cycle, in a sense?

Mr. Gibson: No, I wouldn't say that it would be eliminated. There'll be a considerable amount of activity following the election in terms of complaints, primarily, I would expect, from Elections Alberta itself, who scrutinize the financial returns of candidates, parties, constituency associations, third parties, nomination contestants, leadership contestants, et cetera. That'll go on for quite some time, I would expect, yes.

Mr. van Dijken: Are you expecting, then, that it'll go on for a year?
3:05

Mr. Gibson: You know, it's difficult for me to say. We haven't had a full cycle, a full four-year cycle, so you're probably in as good a position as I am to estimate what would happen here. But, clearly, if I wasn't in a position to require any additional contract services, that would be money that would be left unexpended.

Mr. van Dijken: Thank you. I guess I would consider myself in less of a position of understanding that. That's why we've hired you to do the role.

I also want to reflect on the transfer from Municipal Affairs, \$500,000 ongoing. By the looks of the letter that's \$500,000 anticipated year after year after year. Bill 23 increased your workload. Could you please describe the work that you anticipate will be required with regard to Bill 23?

Mr. Gibson: Well, as I outlined in my preliminary remarks, there are 341 municipalities at last count, 60 school board, eight Métis settlement, and 13 irrigation district elections that my office will be responsible for enforcing elections with regard to those entities. The set-up of the local authority elections is very different than provincial elections, where everything is centrally co-ordinated through Elections Alberta. In local authorities the local authority itself hires the returning officer. They have no reporting relationship to us. There isn't even a registry of who these people are. When candidates register, there's no central register of who the candidates are or who their chief financial officers are. When third parties are required to register, this isn't information that, you know, immediately comes to our attention unless there's a problem.

So there's a lot of work that we're going to need to do with local authorities in order to try to figure out exactly how we're going to get this information, how we're going to be able to be in touch with all of the actors that are involved in local authority elections. So we anticipate that there's going to be a lot of upfront work that we're going to need to do with municipalities, the school boards in order

to be able to obtain this information, figure out an efficient way of being able to get this information to our attention.

I also spoke with the Deputy Minister of Municipal Affairs, and I undertook to attend several of the meetings that they have with municipal officials to try to explain some of the provisions of the legislation that my office would be responsible for enforcing so that they have a better understanding of what our role would be.

Mr. van Dijken: If I may?

The Chair: I do have two other speakers, Mr. van Dijken. Can we come back around to you in the rotation?

Mr. van Dijken: Okay.

The Chair: Thank you.
Mrs. Pitt.

Mrs. Pitt: Thank you. Welcome, Mr. Gibson. Two questions for you. What kind of advertising do you undertake?

Mr. Gibson: The only advertising that we have undertaken at this point in time has been to establish a website, where we have a certain amount of information, which we try to keep up to date.

We're going through a process right now because we have been in touch with political parties, some of the executive directors of political parties, and a lot of the feedback that we've received from the public, from voters, from complainants is that the election legislation is very complex and it's very difficult to understand. We realize that the responsibility for explaining the rules of elections is primarily with Elections Alberta. They produce all kinds of information manuals for parties and candidates and third parties, interpretation bulletins, et cetera, and they do a lot of advertising at the election time itself. We're in the process right now of preparing some summary information that tries to simplify the election rules for third parties, nomination contestants, candidates, political parties, and even as far as restrictions on government advertising are concerned, which we also enforce. We're putting together that kind of information that people will be able to look at and get a snapshot of what the rules are.

This, I think, will help educate the public as well, to some extent, because we get a number of inquiries and complaints and so on from people who, for example, don't like the fact that a political party has called them in the evening and asked them for their support or asked them for a donation. They think that this somehow should be illegal. Well, it's perfectly legal for parties to do that. Or they receive a robocall, and they somehow think that that's offensive and it shouldn't be occurring or shouldn't be occurring at this time because an election hasn't been called. So there are a number of things that we think we can do. We'll benefit from this in terms of educating the public and being able to refine the kinds of complaints and allegations that we receive that we have to respond to.

Whether or not their complaints are within our jurisdiction, we're still required to acknowledge and deal with these things. We're required to let the subject of the complaint know that a complaint has been made about them.

Then we're anticipating that with the changes in the legislation, the Local Authorities Election Act, there'll be considerably more, if you like, advertising in that category of expenditures that will need to take place throughout the province to explain our role and to be able to target information to municipalities and school boards to let them know what it is that we do.

Mrs. Pitt: Like pamphlets and information packages, not like television advertising or social media?

Mr. Gibson: No, no, no. Absolutely not. No television or radio. Probably some – well, if you consider our website social media – website advertising and perhaps some paper products that people can hold in their hand in terms of brochures, placemats, something like that.

Mrs. Pitt: Sure. In your letter in regard to the transfer of funds for municipal elections, it states that there was some sort of conversation that took place. Were you consulted on the Bill 23 legislation?

Mr. Gibson: Yes, I was.

Mrs. Pitt: Okay. Prior to it coming to the Assembly?

Mr. Gibson: Yes, I was. Municipal Affairs initially had a conversation with me. They explained how election rules were enforced currently at the local level, and they asked me if I thought that that was appropriate, with the changes to the legislation and the, to some extent, harmonizing of the rules with provincial election legislation, whether I felt it was appropriate for our office to provide enforcement, and I said: yes. Following that, I had said to them that for me to be certain that it was appropriate for our office to take on that responsibility, I would like to see what some of the changes were going to be. There were some early drafts of the legislation that I received and commented on.

Mrs. Pitt: Okay. When did you meet with the minister in regard to the transfer of funds?

Mr. Gibson: I don't recall the specific dates of that, but it would have been in October. I believe it would have been in the month of October.

Mrs. Pitt: Okay. Just one question I need clarity on. The \$500,000 transfer in your budget states that it's for two FTEs. You did just say that no people were being transferred, just the money. I just would like some clarity on that comment.

Mr. Gibson: What I was, I think, trying to portray in the budget was that a considerable amount of that money would be expended in order to recruit two full-time equivalent staff members for our office. That's what a lot of the money would be used for. They explained to me that there were no people within Municipal Affairs that were currently performing the same role that I would be performing, so there were no bodies, if you like. There were no FTEs to move into my operation from theirs, but they would gladly move the money over.

Mrs. Pitt: In your opinion, would it be fair to say . . .

The Chair: I'm sorry, Mrs. Pitt. We do have a number of other speakers. Can we come back around to you in the rotation?

Mrs. Pitt: Sure. Yup.

3:15

The Chair: Thank you. I have Ms Woollard, I have Ms McKittrick, I have Mr. van Dijken, Ms. Littlewood, and then we'll come back to Mrs. Pitt.

Ms Woollard.

Ms Woollard: Thank you, Chair. Mr. Gibson, for your 2019-2020 budget you're looking at an increase of about \$143,000 for contract services, I believe. I'm just wondering: are those for legal services or some other type of service?

Mr. Gibson: Legal services would be part of that, but it would also be for investigative services.

Ms Woollard: Okay. Thank you. Have you considered maybe working these into your internal operations? Is there any other way?

Mr. Gibson: Well, I would be happy to have these people on a full-time basis, but I think it's probably more prudent with me not knowing what the volume of activity is going to be in the long run, in the four-year election cycle, not to have those fixed costs. I think it's better to have them in terms of contracts that can come and go.

Ms Woollard: Okay.

Can I have one more short one?

The Chair: Yes.

Ms Woollard: Thank you. Just one more brief question. Your budget request for the next fiscal year is asking for an additional \$114,000 for salaries and wages. Can you give the committee an idea of how many more staff that represents?

Mr. Gibson: What line are you looking at?

Ms Woollard: That's a good question.

Mr. Gibson: Oh, I see. From the current budgeted amount up to \$500,000? One of the things that we found we've had to do right now is that we've just recently hired a full-time wage staff into our operation with a contract till the end of the fiscal year. Again, not knowing when the election is going to be or whether there's going to be a need to continue with that service in our office, we have the person on wage. It is a contract that is scheduled to end on March 31.

Ms Woollard: March 31. Thank you.

The Chair: Ms McKittrick.

Ms McKittrick: Thank you, Chair. I think I'm going to ask two questions. You know, in your business plan on page 6 – by the way, I thought it was a very nice way to lay out your business plan and your performance measure – you suggest, and I'm going to read from it:

Establish collaborative working relationships with the Office of the Chief Electoral Officer, Crown Prosecutor's Office, the Court of Queen's Bench and law enforcement agencies.

I was wondering how that goal is working. How much of a relationship have you been able to establish with the Chief Electoral Officer and the prosecutors' office and the RCMP and municipal forces?

Mr. Gibson: Thank you for the question. I should mention that these are goals that we've established for the 2019-2020 fiscal year, but nevertheless we've been working on trying to achieve those now. Of course, it's sort of an ongoing process.

We have a very good relationship with Elections Alberta. We deal with them on a daily basis pretty much either with information being received by our office from them or questions that we have of them to obtain further information and documentation. I've proposed an information-sharing agreement modelled after the sharing agreement that the Commissioner of Canada Elections has with Elections Canada for the movement of information back and forth, making sure that there's confidentiality maintained and that we know what each of our roles are. That's a document that now Elections Alberta has commented on and provided back to us.

We're just going through a review of that with our lawyer in order to make sure that we're both comfortable signing that.

In terms of relationships with law enforcement agencies I've proposed a memorandum of understanding with the commissioner of the RCMP. That's in their hands right now. I haven't had a response back. But that would be for additional law enforcement services from the K Division of the RCMP here in Edmonton whereby we could use interview room facilities, something that we don't have ourselves. We could use some of their forensics services if necessary. We could even use some of their officers for conducting interviews in remote places, remote detachments, for example, where we don't have staff. We've made a fair amount of headway on that.

In terms of the Crown prosecutors and the Court of Queen's Bench I haven't had any contact with the Crown prosecutors' office yet. As far as Court of Queen's Bench we're doing some preliminary work right now looking at some of the court processes that we may have to follow in the future in terms of injunctions and orders for payment and things of that nature just so that we know what the process will be when the time comes if we need that.

Ms McKittrick: Thank you. That's really, really good to hear.

I want to turn to page 8. I think you've done some really good reflection on the risks, the potential risks. For someone who is obviously involved in democracy and the importance of transparent elections and fair elections, I think some of the risks that you have outlined are really quite concerning, and I know that because there are people here who might not have had access to your report. The risks are: being "overwhelmed by the number of complaints," the requirement to hire a sufficiently trained person because it's a very specific kind of investigation, the potential of someone leaving because you're only a very small office. But I think that one of the things that really concerns me is "the issues around potential foreign financial intervention in the provincial election." As we know, this is something that is preoccupying a lot of countries around the world at the moment, and this is indeed something we need to be concerned about.

You make allusion to the risk of being affected by all the – I'm not sure the word "trash" is parliamentary but some of the terrible things happening around the Internet that might demean your office. Of course, the last one is, you know, the risk around the budget if there is a lot of complex investigation. I'm wondering which of these risks, or maybe all of them, really cause you to – I want you to sleep at night. Maybe you have strategies like a good mystery novel to fall asleep with. As you're talking with staff and you're talking with your colleagues across the country and possibly around the world, which of those risks do you think are going to be the most challenging for Alberta in the next election or the elections to come?

Mr. Gibson: I haven't prioritized these risks in my strategic business plan. For me, I think the most realistic of the risks here and the one that causes me personally the greatest concern would be being overwhelmed by the number of complaints and not having the staff in place, the expertise in place to be able to deal with them on a timely basis. We've prioritized the complaints and allegations that come into our office such that if the activity is something that's causing some immediate harm or if it's giving someone an unfair advantage, possibly in the case of advertising or something of that nature, we try to prioritize those and deal with them first. If it's something such as, you know, say, an illegal contribution that's already occurred, it's there. We know about it and we're following through on it. That's something that we know can take a slightly lower priority because it's not causing any further harm if you know

what I mean. It's the kind of analysis that we do when we do a complaint analysis within the office. For me, that's one of the major concerns.

As far as potential foreign financial intervention in provincial elections, I don't know the extent. You know, I don't think anyone here can predict what that might be, what that might look like in the next Alberta provincial election. I'll tell you, though, one of the things that I have been doing is that I've been certainly keeping in touch with Elections Canada and some of the activities that they've got going on, some of their initiatives. I've made some preliminary inquiries with their Chief Electoral Officer about possible use of their social media listing tools that they're in the process of acquiring. But this is all new ground, so it's very difficult to see whether that will be of any use or whether that will even materialize.

Those are a couple of things that, I would say, well, are not necessarily keeping me up at night but are some of the things that I do dwell on.

3:25

Ms McKittrick: Okay. Well, thank you. Thanks for working so hard to keep our elections fair and transparent. I really appreciate it.

Mr. Gibson: Thank you.

The Chair: Thank you, Ms McKittrick.

Mr. van Dijken, back around to you.

Mr. van Dijken: Good. Thank you, Chair. I'll continue on where I left off. We were talking about Bill 23, the implementation of Bill 23, and the work that it has created for your office in a largely new scope of work that wasn't being done previously. I need to get my head around: if it's work that wasn't being done previously, that needed to have a transfer from Municipal Affairs, I don't understand what led to the discussion that there was a need to transfer money from Municipal Affairs. When we hear that there are no bodies currently doing this work, why was it that you just didn't build that into the budget and come to this committee for approval of that budget?

Mr. Gibson: If I may, I can't say that I'm an expert on what has happened in the past in terms of enforcement at the local authority level for elections, but I believe that to the extent that enforcement was being conducted, it was being conducted at the local level. It was being conducted by the returning officers who were sometimes in an untenable situation of having to enforce the election rules while they were working in the same office with the people that were the subjects of the enforcement.

I also understand that there were a number of changes in the election laws at the local level whereby there are now spending limits, there are contribution limits, and there are third-party restrictions that weren't in place in the past, and I think the expectation is that these things will be enforced. They hadn't been enforced in the past. There was no one there to do such a thing because there were no rules of that sort. Now the expectation is that those will be enforced, just as provincial rules will be enforced.

Mr. van Dijken: Yeah. I guess maybe I didn't phrase it quite properly. I look at it, and it doesn't look like there was a cost to Municipal Affairs on enforcement. We've heard that there are no bodies currently in Municipal Affairs enforcing, yet we have a transfer from Municipal Affairs. When I look at that, I say: "Well, okay. The responsibility transferred from Municipal Affairs to the Election Commissioner, yet there was no enforcement force." This is new legislation causing new expense, so I would suspect that then

your office would come with an understanding that there's a new expense and that you would have that within your budget and that Municipal Affairs was not doing it previously. That whole thing with getting a letter from Brad Pickering, Deputy Minister of Municipal Affairs, on November 6, the day after the legislation was introduced into the House – and it's not passed yet even today – I don't understand the need for that discussion to have ever happened, and why the letter and the commitment from Municipal Affairs were there. You possibly don't have necessarily the information that would be able to explain that to us, but that might be a question for Municipal Affairs.

Now I going to ask with regard to possible efficiencies that we could find within the office. You know, you talked about not knowing going forward because it's a new office and new procedures and you're trying to get an understanding of what you need to do your enforcement going forward. Do you have an idea of what measurements your office will be able to put in place to get a good understanding of what the needs are going forward? As we go forward, what metrics are in place to identify the needs?

Mr. Gibson: Yes. Thank you. Not only are we counting the number of complaints and allegations that come to our office; we're also tracking those that turn into investigations and the amount of time that that investigation takes to complete. We are trying to keep those metrics, and those metrics will be reported in our annual report.

That's one of the things that we're trying to do. We've set goals for dealing with 85 per cent of the investigations that we need to handle within a 120-day period. That's one of the measures that we've put into our strategic business plan. But, you know, it is difficult without having gone through the cycle. We don't know what the ups and downs will be in between elections. Of course, there will always be small blips, when there's a by-election and that sort of thing. I don't know the amount of activity that's going to be generated as a result of the financial filings of all the different political entities. We're trying to be prepared and we're trying to be flexible in terms of our staffing and the resources we have so that we can expand and contract when the need arises.

Mr. van Dijken: Yeah. We just had a meeting with the Auditor General, and one thing that I learned there is that the Auditor General does financial statement auditing of the leg. offices but not necessarily performance auditing, so we really need your assistance in being able to have the right metrics in place so that we can have an understanding that the needs that you have going forward are being measured.

I have a question with regard to the provincial election cycle, the municipal election cycle, and how the demands on your office will be, in the election cycle for the province, starting to ramp up in the nomination phase. Then we've got the election, and then we've got the investigation phase. With the fact that the municipal elections are two years following after a provincial election, pretty much every other year there's a new election, one at the municipal level and one at the provincial level. You are charged with the enforcement of the rules for both.

I just wonder. When we look at the \$500,000 that's being transferred from Municipal Affairs to cover off the work that you're doing under Bill 23, the increased workload there, I might be missing something, but does it not make sense that the workload that's coming under the municipal elections will essentially come at a slow point in your office and that you'd be able to work with your staffing, your three people, going into the municipal elections and take care of the municipal, so pre writ, writ, and the investigation stage? Then it turns into where we go into a nomination phase for a provincial election.

I guess I'm trying to understand. We have a new office, a new \$2 million budget expense, and I'm trying to find out: how are we going to measure to ensure that we're getting good value for the \$2 million that we're now spending here? Are there efficiencies that we can identify right now that would not require us to have that \$500,000 line item for Municipal Affairs? I see that it's \$500,000 in each of the next four years, and I just can't see that that's a necessary expenditure each and every year.

Mr. Gibson: Well, I have to say that I don't have a crystal ball and can't determine whether that is going to be necessary or not. It is what we've anticipated will be necessary in terms of increased activity in the months and years leading up to the local authority elections and the preparation work that we'll need to do in order to get prepared for that. But, at the same time, there's a carry-over from the provincial election. I think that, in a perfect world, having them staggered every two years would probably work well. I think October 2022 is the next round of local authority elections. It's somewhere midway in the cycle.

But at this point in time I can't say. I don't know what kind of activity this will generate. It could generate a lot more activity than provincial elections. I don't know. I haven't been through that cycle. But, clearly, if the money is not necessary for us to expend, we'll be returning that back to the treasury. I have no need or plan to spend any of that money needlessly.

3:35

Mr. van Dijken: Essentially, I'm just suggesting that for this committee to do its evaluation, metrics would be very important for us to get a good understanding next year at this time.

Mr. Gibson: Thank you, and I agree. I think that as time goes by and we have more experience under our belt with this kind of activity, we'll have more information to base those metrics on. At this point in time, unfortunately, you know, after five months we're seeing the numbers, we're seeing the activity, but we can't see how that's going to translate over a longer term yet.

The Chair: Thank you.

I have Ms Littlewood, Mrs. Pitt, and then Mr. Horne.

Ms Littlewood: Thank you very much, Chair. I just wanted to ask a question around third-party advertising. Inside your business plan, your list of assumptions here, as number one – it probably would have been put as number one even though they may not be listed in terms of importance to you. I see number one as being in agreement: "strong public consensus support for democracy, the provincial election process and the legitimacy of elected governance." I think that's absolutely the reason and the drive behind a lot of the changes that have been made and that are under consideration as well, to make sure that we have disclosures for who's donating to third-party advertisers, to have disclosures for who is contributing to nomination and leadership contests, to see who they are, what their interests are. Of course, as we come up to an election, we will see and have seen large spending on third-party advertising.

That being said, I'm glad that this will help take dark money out of politics, but it will, at the very least, also bring some sunlight in to do some disinfecting of perhaps some things that have gone unseen previously. I'm just wondering what kind of complaints – or if you've had complaints. I'm assuming you have because we've had a lot of advertising. What complaints around third-party advertising have you seen so far, and do you have staff or will you have staff that are working on that specifically? Of course, that work helps Albertans have confidence in the democratic process, in the electoral process.

Mr. Gibson: Thank you, Jessica. As you know, I'm not allowed to speak about any specific investigation. There are some very strict nondisclosure/confidentiality requirements in the legislation, but I can say in a general sense that, yes, we've received complaints about third-party advertising. The nature of the complaints about third-party advertising, as you would expect, have to do with whether these groups are, first of all, registered. If a group has received contributions and has spent or plans to spend over \$1,000, they're required to be registered. If the group is not registered, it can't receive contributions. We have complaints regarding the sponsorship of the advertising, the authorizations that appear on the advertising. We're moving into a new phase now, where the amount of money that's being spent on election advertising – we're in the political advertising phase. Tomorrow it turns to the election advertising phase, and there are spending limits that are imposed during that period.

I do have to say that in terms of contributors or illegal contributors or things of that nature or spending amounts, that's not something that we'll know about until their contribution returns and financial filings have been made. That's just not on the radar at this point in time. That's something that comes to Elections Alberta. They don't come to my office. They're scrutinized by Elections Alberta, and if there are problems with that, then they turn that over to us.

Ms Littlewood: Thank you. Could I just ask a follow-up? I'm just wondering what could happen if you didn't have that \$500,000 transfer. How would that potentially impact the office of the Election Commissioner's operations, you know, in dealing with the complaints about advertising, whether it's misleading, whether it's leading to having special-interest groups putting money into elections to unduly influence them? How would it impact the ability to make sure that the power of the elections are not with special-interest groups and those with deep pockets but are with regular, everyday working families, every Albertan that has an interest in their own democracy?

Mr. Gibson: Well, not having the \$500,000 that I've proposed for the next fiscal year won't have any impact on this fiscal year and our ability to enforce the third-party advertising rules. It's difficult for me to say what kind of impact not having the \$500,000 in our next year's budget would have on third-party advertising.

I don't expect that that money, which is earmarked for enforcement of local authorities elections – I can't say initially what impact that would have. It would certainly have a big impact on our ability to be able to plan and prepare for, to get ready to be able to enforce local authority elections that are coming down the road. It won't have any impact this year, and it's not in our budget for this year. It would only be in our budget for next year.

Ms Littlewood: Thank you.

The Chair: Mrs. Pitt.

Mrs. Pitt: Thank you. I actually have a follow-up question and then another question. In regard to investigations with the local authorities, you have pretty extensive experience with elections across Canada and, actually, in other jurisdictions as well if I remember correctly. Is there anybody else that is doing this kind of work so that we can draw from that experience in terms of expectations?

Mr. Gibson: Yes. I had been involved several years ago with an initiative on the part of the B.C. government and Elections B.C. to harmonize the election rules in British Columbia, the provincial

election rules with the local authority election rules. They have a very similar setup to what Alberta has now or will have when this legislation is implemented. There are also several other jurisdictions where either the Election Commissioner or the election office has a role in the local authority elections. For example, there's New Brunswick, where the election office actually runs the local authority elections. In the Yukon I believe they run the local authority elections, and there's involvement on the part of Élections Québec in terms of enforcement and providing information and materials at the local level for their elections.

Mrs. Pitt: Did you use any of those numbers in arriving at this dollar spend?

Mr. Gibson: No. I don't believe the numbers would be translatable. Each of those jurisdictions is engaged in different activities at the local level. It's very difficult to say, but Elections B.C. does have a separate enforcement wing as well that's responsible for enforcement of provincial and local authority elections.

3:45

Mrs. Pitt: Okay. But you don't think it's relatable? Like, is it that different that we can't draw upon those numbers?

Mr. Gibson: You know, there are many different provisions in the B.C. Election Act, many provisions that are different in terms of the requirements and what needs to be enforced. It's a completely different process. I think it would be very difficult to be able to make a direct comparison.

Mrs. Pitt: But even in terms of complaints. You're a complaint-based model, right?

Mr. Gibson: That's correct.

Mrs. Pitt: I understand our systems could be different and there are different rules, but I would assume sort of based on proportional population numbers that complaints in other parts of the country at the municipal level could be comparable to what we might anticipate to see here.

Mr. Gibson: Yeah. I think, well, in most jurisdictions the municipal elections are managed at the municipal level, and I don't think there's any central repository of election complaints and investigations. They're handled by each of the municipalities themselves right now. That's the current model across the country.

As I say, there are a few jurisdictions where the election office has some role in the management and enforcement of local authority elections, but it's not the same. It's not identical to what it is that we're proposing here. Quite frankly, I have to say that without having gone through a cycle of local authority elections to see, you know, what it is that we're enforcing and what complaints come from there, I don't know, for example, if there's a lot of third-party advertising at the local level that will need to be enforced.

I was in B.C. recently, passing through during their local elections, which were just recently held, and I have to say that I was surprised. I drove through a number of communities in the Okanagan, and I was surprised by the level of activity, the level of advertising on the part of candidates and the level of advertising by third parties. It's not something that I have been familiar with across the country, so I don't know if there are sort of local differences as well, whether these races are more, you know, hotly contested in some jurisdictions than others.

Mrs. Pitt: Yeah. Okay.

The Chair: I apologize. I hesitate to interrupt, but I would just note that the clerk has brought to my attention that we have gone sort of well beyond the time we'd allotted at this time. So if you have a final question, perhaps, to wrap up, Mrs. Pitt. Mr. Horne has withdrawn his further question.

Mrs. Pitt: I do. I'm curious. The word "fairness" is used quite a bit throughout your strategic business plan. How do you define fairness? How do you determine fairness? What sort of outcome do you expect?

Mr. Gibson: Well, you know, I think it's a multidimensional thing, fairness. It starts off for us in applying the rules that are in the Election Act, in the Election Finances and Contributions Disclosure Act in a consistent way and making sure that all parties, all individuals are treated the same. There's no preference given to anyone in terms of what we do and the work that we do. So there's an element of fairness there.

In terms of applying penalties to individuals or deciding whether or not a penalty is warranted or whether a reprimand or even a letter of caution, which is something we've introduced for people who have nudged up against the law but haven't broken the law, we've introduced that to inform people that we're aware of what they've done, but they haven't taken that next step. They may have planned to do something illegal but didn't quite do it. They may have been stopped in some way. So we feel that's an element of fairness that we've added to the process as well.

In terms of the amounts for the administrative monetary penalties that we apply, we're trying to work through a model whereby we can, you know, be fair in terms of the amount that is assessed against one individual for the offence that they've committed compared with another individual. Those are the sorts of things that we're doing.

In terms of procedure, introducing procedural fairness, once we've conducted an investigation and we've given them a notice of adverse finding, giving them an opportunity to present information to us that, you know, might consist of mitigating factors that could sort of temper the finding or the decision that's being made. Those are the sorts of things that we're trying to do to maintain fairness in the process.

Mrs. Pitt: Okay. I'm happy with that.

The Chair: Thank you.

Well, with that, Mr. Gibson, we will thank you for your time, and we've had, I think, some excellent discussion. We appreciate the work you're doing in establishing this new office, so thank you again for the presentation. For your information, the committee's decisions, then, on the officers' budgets should be sent out early next week.

Mr. Gibson: Mr. Chair, if I may, there is one other matter that I wanted to bring before the committee if you feel it's appropriate. Someone mentioned that I wasn't bringing an annual report forward this cycle and, of course, I haven't been in the role for a year – that won't occur until next year – but in that annual report I have the statutory ability to propose legislative amendments, and there are a couple of legislative amendments that I feel may be important to have in place or at least be considered prior to the next election. I was wondering what, maybe, the appropriate mechanism might be for proposing those.

The Chair: What I would say, Mr. Gibson, is that in the past when officers of the Legislature have had amendments or other concerns that they want to bring forward to the committee, then reaching out

to the committee through myself as chair with a letter, just sort of making the request for a meeting with the committee to discuss, then that can be provided to members. We can discuss and find the opportunity then for us to sit down and have that discussion.

Mr. Gibson: Okay. Thank you.

The Chair: Excellent. Well, thank you again, Mr. Gibson, and we wish you a great weekend.

Mr. Gibson: Okay. Thanks.

The Chair: Members, let's give ourselves a quick five minutes, then, to take care of things that may need to be taken care of, and then we'll return to discuss the budgets.

[The committee adjourned from 3:52 p.m. to 3:58 p.m.]

The Chair: Excellent. I believe we have everyone back in the room, so let's press on, then, with completing the business of what's been a long but productive day.

Having heard from all the officers, that brings us then to item (b), which is our decisions on the officers' 2019-20 budget submissions. To that end, I've asked the committee clerk to provide some draft motions for the committee's use during its deliberations to ensure that we have the correct wording for each budget estimate under consideration. After all, these are fairly important motions that we're moving. The draft motions will be displayed on the screen, and they'll be available through the meeting motions section of the internal committee site. A quick reminder for members who are following along on the internal site, just remember that you may have to refresh your view regularly to see the most current version of the motion.

I suggest that we deal with the estimates in the order received. That would mean we'd be starting with the office of the Child and Youth Advocate. This is the motion that the clerk has provided. This is a generic motion which would be for approval of the budget as submitted by the OCYA. Do we have any discussion on this? Basically, our options at this point are that we can have a member move the motion as presented by the clerk, or if a member wishes to alter the amount, we could revise the motion accordingly.

Ms Woollard?

Ms Woollard: I'll move the motion.

The Chair: Okay. The motion as written by the clerk. Ms Woollard has moved that

the Standing Committee on Legislative Offices approve the 2019-20 budget estimates for the office of the Child and Youth Advocate in the amount of \$15,525,000 as submitted.

Do we have any discussion on that motion? Seeing and hearing none, I will call the question. All those in favour of the motion? Any opposed? Oh, on the phones?

That motion is carried.

That brings us, then, to the motion for the office of the Information and Privacy Commissioner.

Ms Littlewood: I will move.

The Chair: Okay. We'll just wait for the clerk to get the motion up for everybody here.

We have a motion, then, for the budget as submitted. It's \$7,577,671. Ms Littlewood, you wish to move that motion?

Ms Littlewood: Yes.

The Chair: Thank you. We have the motion moved by Ms Littlewood that

the Standing Committee on Legislative Offices approve the 2019-20 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$7,577,671 as submitted.

Mrs. Pitt: I'd like to move an amendment.

The Chair: Yes, Mrs. Pitt.

Mrs. Pitt: I would like to move that the committee request that the chair write to the Minister of Health to recommend on behalf of the committee that a transfer from the Department of Health in the amount of \$480,312 to the office of the Information and Privacy Commissioner be proposed in the department's 2019-2020 budget estimates.

Sorry about that, Mr. *Hansard*.

Given that these previous health breaches were under the Department of Health prior to the new legislation being enacted on August 31 giving mandatory reporting to the Privacy Commissioner, there will be a lesser workload in the Department of Health and, obviously, an increased workload in the office of the Privacy Commissioner. So one would infer that because those breaches are no longer being investigated under the Ministry of Health, the money could therefore be transferred into the office of the Privacy Commissioner.

The Chair: All right. Thank you, Mrs. Pitt. So we have an amendment to the motion.

Mrs. Pitt: Sorry, Mr. Chair. There's one more. The number that I've arrived upon is – the Privacy Commissioner requested five new positions, noting that four of these positions are requested in order to respond to workload increases associated with the amendment to the Health Information Act, so this number is the total requested plus the associated costs divided into four FTEs instead of five.

The Chair: Okay. We have the wording that the clerk has drafted based on your suggestion, Mrs. Pitt. Does that adequately capture your intent?

Mrs. Pitt: Yup.

The Chair: Okay. I will read the motion and the amendment in full. Moved by Ms Littlewood that

the Standing Committee on Legislative Offices approve the 2019-20 budget estimates for the Office of the Information and Privacy Commissioner in the amount of \$7,577,671 as submitted and that the committee request that the chair write to the Minister of Health to recommend on behalf of the committee that a transfer from the Department of Health in the amount of \$480,312 to the office of the Information and Privacy Commissioner be proposed in the department's 2019-2020 budget estimates.

Do we have any discussion on the amendment?

Ms Payne: I'm not really sure that this is an appropriate motion at this time. Additionally, I would point out that the thing that the Privacy Commissioner had noted was that if there's a breach, it gets reported to a combination of agencies, individuals, including the Privacy Commissioner's office as well as the Minister of Health, so I don't think that the assumption that the Ministry of Health is no longer doing investigations is accurate. My understanding of what the Privacy Commissioner had said with respect to the regulation and my own understanding of those regulations is that it is something that there are multiple investigations going on for. The Privacy Commissioner has one role, and the Ministry of Health's audit department has quite another, so they have a responsibility for the Health Information Act as well.

4:05

The Chair: Thank you, Ms Payne.

Any other members wish to comment or discuss the motion or the amendment? Mrs. Pitt.

Mrs. Pitt: Let me go to my mic. Sorry. I don't know how it migrated that way. Perhaps, Ms Rempel, you could help with sort of the clarification in that legislation in regard to the amendments of the Health Information Act, that being that it no longer exists under the Ministry of Health or that the responsibility transfers to the office of the Privacy Commissioner altogether or if it's a shared responsibility, because that would be important information as to who is responsible for the bill at the end of the day.

The Chair: Did you have any comment, Ms Rempel?

Ms Rempel: Thank you very much for the question, but I'm afraid that that is well outside my area of expertise, so it wouldn't be appropriate for me to comment on that legislation.

The Chair: Is there any further discussion on the amendment?

Mr. van Dijken: I guess I'm trying to get my head around if this work was happening before or if it was not happening before. I don't believe that we all of a sudden had a fivefold increase in complaints or registered people coming forward with concerns, so I've got to think that there was a mechanism within the delivery of the health services that would help to take care of the 80 per cent of those complaints previously. You know, we have a letter from the Municipal Affairs office transferring funds to the Election Commissioner's office based off the fact that there is a transfer of work.

We need to get an understanding, especially in times where we have these kind of fiscal constraints, that we don't have duplication in what's being done, that the Health Information Act or that what's required under the act has now become under the Public Interest Commissioner. I would think that that role transfers the work that they would be doing in Health Services, would now transfer to this office and that expense would no longer be required in their office. It's a simple letter to request that they consider that. Consider a transfer. That's the way I'm reading the amendment.

The Chair: Okay. Thank you, Mr. van Dijken. I would note that the current wording of the . . .

Mr. Cooper: Put me on the list.

The Chair: Yes. Thank you, Mr. Cooper.

I would note that the current wording on the list is to recommend as opposed to consider, so that strikes me that it would have a bit more force than perhaps sort of stating that that is indeed what the committee would be suggesting that they do rather than that they consider looking into it, but I would leave that up to, I guess, the interpretation of each member.

I have Mr. Cooper and then Ms Littlewood. Please go ahead, Mr. Cooper.

Mr. Cooper: Thank you very much. I'm just getting to a quiet locale. I guess one of my reservations not with the motion but with the requirement for additional positions is that I think in many respects this is a failure of the Minister of Health to not create a culture where they are respecting people's private information and there are significant breaches, and we wouldn't be in this spot if the government and in particular the ministry had done a significantly better job of ensuring that Albertans' private information and

Albertans broadly were respected by those who have chosen not to respect them by breaching their privacy and in other ways. A significant amount of work has been increased because of a lack of leadership, and now we're transferring that from one department to the next. As such, the ministry should be and continue to be responsible for those costs, at least in this period of time, similar to when the change in legislation affected Municipal Affairs. So I'd like to echo Mr. van Dijken's comments.

But in this case I also think it's important that we highlight why we're here and how we got here and the fact that this lack of respect is a significant problem inside the ministry and in AHS broadly. It needs to be addressed not just by the commissioner but also by the department and the minister. I think that this would send a very clear message that we value the privacy and the information of Albertans, whether it's in the form of their health records or otherwise. I think that it is more than reasonable for us to send a letter recommending the transfer.

The Chair: Thank you, Mr. Cooper.

I have Ms Littlewood.

Ms Littlewood: Thank you, Chair. I just wanted to say that, you know, I don't support the amendment because the budget was laid out very clearly by the officer who is in the charge of meting it out to do the work that the office does, so I would trust the officer and the expertise with which she works and support the budget that she has put forward and recommend it as such.

The Chair: Thank you, Ms Littlewood.

Do we have any other members that wish to discuss the amendment? Mrs. Pitt.

Mrs. Pitt: Yeah, Mr. Chair. Thank you. I think it's fair to assume – and I hope I'm not wrong – that the Minister of Health and the department are currently conducting investigations of information being breached in regard to health records. I think that's a safe assumption. I hope that's true. Given that assumption, it is fair to say that the workload is being transferred to the office of the Privacy Commissioner, and therefore the monies should follow the work. If there is a duplication of services, something is wrong with the system.

The legislation states that the Privacy Commissioner has the mandate and the duty to conduct these investigations. I think she's right in asking for the funds. I'm not suggesting that she not get the money that she asked for. The workload that is being transferred to her department from another department inside the Ministry of Health: I'm suggesting that the monies come from there. I think that's fair and that's reasonable. I surely, surely, surely hope that we do not find out that investigations were not conducted or not put in the Ministry of Health budget in any way, shape, or form, and if there's a duplication of services, something needs to change because that's not right either.

The Chair: Thank you, Mrs. Pitt.

I have Ms Payne and then Ms McKittrick.

Ms Payne: Yeah. Just to clarify for the edification of members of the committee who maybe aren't as up to speed with the nuances of health regulations as I had the fun of being until very recently, the increase in the workload that was highlighted by the Privacy Commissioner is around a change to legislation and a significant increase to the workload as a result of a change in the definition of when health information holders are required to report. It's an expansion of the reach of the Privacy Commissioner and was always as such, which is why we're seeing an increase in the budget

coming here. This does not change in any way the workload being done by the Ministry of Health because, simply, this is a new thing, much in the same way that when we saw the creation of the Ethics Commissioner's office, there was a budget that was created for that office because there were new responsibilities that were previously not being undertaken by any agency.

4:15

Currently, with the new regulations that came into place in August, there's now a requirement to report any potential breaches, not to wait for harm to be reported but to actually be proactive and to report what is being done to protect that information. Frankly, I think that that is something we should all be really pleased to see. We should be pleased to see additional safeguards for Albertans' health information.

But to say that those funds should come out of other health care provisions, I can't support that motion, so I'll be voting against the amendment.

The Chair: Thank you, Ms Payne.

I have Ms McKittrick and then back to Mrs. Pitt.

Ms McKittrick: Yeah. Actually, I'm quite surprised at the suggestion of doing that, transferring from a ministry to an independent legislative officer. I think that with Municipal Affairs, if I can talk specifically about Municipal Affairs, it is a very different thing. The previous bill around Municipal Affairs had no provision for a complaint system, so the Election Commissioner is working closely with municipalities to make this happen.

One of the things that really bothers me, actually, around that is that I listened very carefully to the office of the Information and Privacy Commissioner when they spoke. I felt that when they were speaking, they were really telling the committee the importance of the work and the independence of their work and their ability to work with Health staff and everyone else to provide the best security for data ever. I will be voting against the amendment as being not an appropriate way of funding the office of the Information and Privacy Commissioner.

The Chair: Thank you, Ms McKittrick.

Mrs. Pitt: Well, Mr. Chair, I appreciate the comments from the government members, and in fact I believe they made the case for me. The workload of the Privacy Commissioner has increased because of legislation. The workload of the Election Commissioner has increased because of legislation, and the money from the department is being transferred to it as such. The workload of the Ombudsman was increased because of legislation, and money from the ministry was transferred as such. The health care budget is \$22.1 billion, and you're telling me that there are efficiencies and that there's a transfer of duties that under \$500,000 cannot be transferred. It's egregious that that's transferred from such a bloated health care budget. That's insane. You just made the argument that legislation has caused an increased workload to an independent officer's budget. Therefore, the money should follow, as it did and as the case was made as such for the Election Commissioner and for the Ombudsman.

In fact, I think that we're going to talk about that, like, in a few short minutes. That'll be an interesting case to make, unless, of course, this work was never being conducted in the Department of Health. If that's the case, we have a much bigger problem that we will be talking about in the days and weeks and months to come, and I'm very certain that the public is not going to be pleased with that type of information. No one has been able to correct me if I'm wrong, that this legislation would be inappropriate. In fact, it's very

appropriate. I think that members of the government should think hard about voting against this and also about making an argument down the road for monies to be transferred from Municipal Affairs to the Election Commissioner.

The Chair: I saw Ms Woollard.

Ms Woollard: I'll let it go.

The Chair: Okay. Mr. van Dijken.

Mr. van Dijken: Thank you. You know, we've got to believe that this type of work was being done, and if it was not being done, then there is concern. We heard from the Privacy Commissioner and we saw on the graphs where it was just a little fivefold increase of complaints coming to her office, yet the percentages remain relatively equal. She talked about 35 per cent of these cases going to stream 2, 9 per cent to stream 3, very egregious types of complaints that need to go further, and it didn't change between the voluntary and mandatory demands.

I've got to believe that these were being dealt with in-house previously and that the workload is transferring to the Privacy Commissioner. We see it with the Ombudsman. When legislation caused an increase in cost to the Ombudsman, there was a transfer of funds to cover those costs given to the Ombudsman's office. When there was an increase in cost to the Election Commissioner from legislation, we have a letter now, today, that we're dealing with that the funds were transferred from the Municipal Affairs budget to the Election Commissioner.

Now, we have an increase of workload to the Privacy Commissioner and, to follow suit, to encourage and to give us the confidence that neutrality in the budgeting process will take place, that it just doesn't get swallowed up in the Health minister's budget and that we actually have that responsibility transferred to the Privacy Commissioner, increased funding, that there is some ability to trace neutrality there. I think we've got two cases previous that are proving the case necessary to move forward with this letter also. I believe that it's in the best interests of Albertans that we have that transparency of transferring of responsibility.

The Chair: Thank you, Mr. van Dijken.

Just a note for members that we are about seven minutes from the time when we had initially scheduled the conclusion of our meeting. Is it the will of the committee that in order to finish up the work – and this would, I think, be my personal recommendation – that we proceed past the time that we had allotted to complete the consideration of the budgets as opposed to having to schedule another meeting to continue that work? Are there any members that would be opposed to completing our work today?

Ms Littlewood: I would like to know how much time, because I need to be in Vegreville.

The Chair: I guess that decision would be at the will of the committee.

Ms Payne: I'm just wondering if perhaps a motion to extend the meeting to 4:45 would be in order, and then if the meeting goes longer, we can revisit then. I'm not comfortable on a Friday afternoon giving unlimited time for a discussion where people can just go on and on and on. It's been a long week. We all have other commitments, as members of the Legislature, to our communities. I would perhaps move that if that's in order.

The Chair: The advice of the clerk is that we do not require a motion. It would just simply be the general decision by the

committee that we would revisit at a particular time. Ms Payne is suggesting that we continue with our work, then, and that as we approach 4:45, we have the opportunity to consider it again. If nobody on the committee has any concerns with that, we'll return to the amendment on the motion that we have before us.

4:25

If there's no further discussion, I will call the question on this amendment. All those in favour of the amendment? On the phones? All those opposed to the motion? On the phones? Okay.

Mrs. Pitt: Mr. Chair, can I have a recorded vote?

The Chair: We have a request for a recorded vote. We'll start to my right.

Ms Payne: No.

Mr. van Dijken: In favour.

Mrs. Pitt: In favour.

Mr. Horne: Opposed.

Ms Littlewood: No.

Ms Woollard: Opposed.

Ms McKittrick: Nope.

The Chair: And on the phones?

Mr. Cooper: In favour.

The Chair: Mr. Kleinsteuber, are you with us?

Mr. Kleinsteuber: Yes. Against.

The Chair: Thank you.

That amendment is defeated.

We are back to the main motion. Any further discussion? Seeing and hearing none, I will call the question. All those in favour of the original motion to approve the budget estimates of the Information and Privacy Commissioner as submitted today? Any opposed? On the phones? Excellent.

That motion is carried.

We move on, then, to the budget of the office of the Ombudsman. The clerk will put the motion up on the screen. She has provided a copy here, which I will just read off quickly while she is working on that.

Ms McKittrick: I'll move the motion.

The Chair: Moved by Ms McKittrick that the Standing Committee on Legislative Offices approve the 2019-20 budget estimate for the office of the Ombudsman in the amount of \$4,291,000 as submitted.

Is there any discussion on the motion?

Mrs. Pitt: I would like to say that I think more budgets should come in like this one, with a zero per cent increase. That's it.

The Chair: Thank you, Mrs. Pitt.

Any other further discussion on the motion? Mr. van Dijken.

Mr. van Dijken: Yeah. For members going forward that will be involved with the Leg. Offices Committee next year, the Ombudsman did mention that they continue to do analysis of the metrics necessary to understand whether or not increases or

decreases in staffing will be required. They're trying to understand their new roles with municipalities and encourage committees, going forward, to be willing to ask the questions about those metrics and to ensure that these budgets are kept in control.

The Chair: Thank you, Mr. van Dijken.

Any further discussion on the motion? Seeing and hearing none, I will call the question. All those in favour of the motion as put forward by Ms McKittrick, say aye. Any opposed? On the phones?

The motion is carried.

That brings us, then, to the request for the office of the Public Interest Commissioner. As we're preparing to get that motion on the screen, I'll just read through it quickly.

Do we have a motion from any member regarding either moving that motion or offering a revision?

Ms Littlewood: I'll move that.

The Chair: Ms Littlewood, you wish to move the motion as written?

Ms Littlewood: Yeah.

The Chair: Thank you. Moved by Ms Littlewood that the Standing Committee on Legislative Offices approve the 2019-20 budget estimate for the office of the Public Interest Commissioner in the amount of \$1,149,000 as submitted.

We have the motion from Ms Littlewood to approve the budget in the amount as submitted by the Public Interest Commissioner. Is there any debate or discussion on the motion? Seeing and hearing none, I will call the question. All those in favour? On the phones? Any opposed?

That motion is carried.

Next we then have the consideration of the budget amount for the office of the Chief Electoral Officer. The motion will be coming up on the screen. Do we have any member that wishes to move a motion in respect to this request? Ms Woollard.

Ms Woollard: Yes.

The Chair: We have a motion on the floor to approve the budget amount as submitted by the Chief Electoral Officer. Moved by Ms Woollard that

the Standing Committee on Legislative Offices approve the 2019-20 budget estimates for the office of the Chief Electoral Officer in the amount of \$33,229,000 as submitted.

Any discussion or debate on that motion? Mr. van Dijken.

Mr. van Dijken: Yeah. Just for clarification, I guess we're dealing with only total voted amount as opposed to total budget amount, like total voted and nonvoted?

The Chair: Clerk, can you provide clarification on that point?

Ms Rempel: Thank you, Mr. Chair. Yes, that is correct. The amortization is not included in any of the amounts that the committee would vote on. They did frequently reference the \$33,949,000 amount during their presentation, but that's not the actual amount for this committee to vote on.

Mr. van Dijken: Okay.

The Chair: Any further discussion on the motion?

Mr. van Dijken: You know, I take a look at budget forecasts and what we've been presented with in comparison to other what would

be considered postelection years, and I do have a significant concern that the budgets are coming significantly higher in this cycle than they were in previous postelection cycles: in 2012, \$17,616,000; 2015-16, \$21,826,000. Now we're moving into postelection year here, 2019 an election year. I understand that these are difficult numbers to come up with, but to see that we're moving from \$21,826,000 to \$33,949,000. We see increased costs through the legislation that's been brought forward, that's been put on these offices, and I would submit that some of those costs are costs that were not necessary in that the Chief Electoral Officer had made recommendations with regard to that. So I do have difficulty approving these based on that, that through legislation we've increased that spend quite a bit.

The Chair: Thank you, Mr. van Dijken.

Any further discussion on the motion? Mrs. Pitt.

Mrs. Pitt: Yeah. There are a number of pieces of legislation that were passed that have been very clearly reflected in this budget, more specifically the current budget cycle that we're in, given the highly advised against enumeration attempts. Don't get me wrong; there are a number of good things in there. There's a whole, I would say, small mandate that was removed from this office and given into the newly recreated Election Commissioner's office, which looks like it's going to be an additional \$2 million spend, Mr. Chair. I highlight that because it's just important to be reminded of the consequences of changing legislation, also when warned against and not just by members of the opposition. The Chief Electoral Officer presented to this committee and provided a letter as well with his concerns in regard to some of the changes. And they've cost Albertans a significant amount of money and will continue to do so because there are capital costs involved that will carry on and so forth down the line.

4:35

I think that the commissioner is a good guy that runs a tight ship and does a great job. I am fairly confident he'll come in under budget, but it's just important to recognize and to highlight why we're in a situation like we are in and why this province's deficit and debt continues to climb.

The Chair: Thank you, Mrs. Pitt.

Do we have any other further discussion on the motion?

Seeing and hearing none, I will call the question. All those in favour of the motion? On the phones? Thank you. Any opposed? On the phones? Thank you. That motion is carried.

Mr. Horne: Chair, can I get a recorded vote?

The Chair: We have a request for a recorded vote. We'll start to my right.

Ms Payne: In favour.

Mr. van Dijken: Opposed.

Mrs. Pitt: Opposed.

Mr. Horne: In favour.

Ms Littlewood: In favour.

Ms Woollard: In favour.

Ms McKittrick: In favour.

The Chair: On the phones.

Mr. Cooper: Opposed.

The Chair: Thank you, Mr. Cooper.

Mr. Kleinsteuber: In favour.

The Chair: Thank you.

That motion is carried.

We will move on, then, to a motion regarding the office of the Ethics Commissioner. The clerk will bring that up on the screen. The motion for the Ethics Commissioner would be similar to those previous but for the presented budget amount of \$944,500. Do we have any member that wishes to move a motion in respect to her request? Ms Littlewood. You wish to move the motion as presented by the clerk?

Ms Littlewood: Yes.

The Chair: We have the motion, then. Moved by Ms Littlewood that

the Standing Committee on Legislative Offices approve the 2019-20 budget estimates for the office of the Ethics Commissioner in the amount of \$944,500 as submitted.

Do we have any discussion or debate? Mrs. Pitt.

Mrs. Pitt: Yes. Thank you, Mr. Chair. I'm pleased to see that there's been an overall budget reduction with this legislative officer despite the increase in mandate, which is interesting to note. When asked about that, she was the only officer to state that there were efficiencies to be found, and I think that's really important to note for everyone in this committee. I would also like to mention that the mandate has been increased, there have been no additional funds requested, and there's been no transfer from other ministries because it's not necessary. There is a way to be efficient and to carry out your duties, and I think that the Ethics Commissioner has done a great job of presenting that here for us today.

The Chair: Thank you, Mrs. Pitt.

Ms Woollard: Just a quick comment. The Ethics Commissioner budget was a lot higher a year or two ago because they had to redo the whole IT system, they had to redo the lobby registry, and that was an additional cost that made a big difference. This year they have neither. That's why the cost is reduced.

Thank you.

The Chair: Thank you, Ms Woollard.

Mr. van Dijken: I would suggest that that information is not accurate and that going forward we take a look at the comparables, the actual from 2017-2018. We have a budget of \$949,000 but coming in at \$873,000. Our comparable of this current fiscal year is a budget of \$970,000, where it looks like it'll be \$919,000. I think the office was updating their IT, and their needs were significant in that regard, but I don't think it was significantly higher and that it's reduced based on their IT requirements.

The Chair: Thank you, Mr. van Dijken.

Any other members have any further discussion regarding this motion?

Seeing and hearing none, I will call the question. All those in favour of the motion, say aye. On the phones? Any opposed?

That motion is carried.

Moving on, that brings us, then, to the office of the Auditor General. The clerk will bring up that motion on the screen, but it's in regard to the amount of \$27,834,000 requested in the budget as

submitted. Ms McKittrick indicates that she would like to move the motion as presented by the clerk. Is that correct, Ms McKittrick?

Ms McKittrick: Yes, please.

The Chair: Moved by Ms McKittrick that

the Standing Committee on Legislative Offices approve the 2019-20 budget estimates for the office of the Auditor General in the amount of \$27,834,000 as submitted.

Do we have any discussion on this motion?

Mrs. Pitt: As in keeping with my previous points to be made to members of this committee, I firstly would like to commend the Auditor General for providing us a budget with zero increases and still providing a great service to Albertans in terms of looking at systems and efficiencies. I think that the Auditor General's office does a great job at providing for Albertans and members of the opposition as well in holding this government, holding any government, accountable. I think that's extremely important, and I would say that there are probably cost savings in the office of the Auditor General for Albertans. So I commend the officer for his zero percentage increases even given certain stresses that he and his team mentioned during their presentation. I would hope that other officers of the Legislature take note and perhaps ask some of these officers how and where to find efficiencies and share best practices.

The Chair: Thank you, Mrs. Pitt.

Do we have any further discussion on this motion?

I would just note that we are now at 4:43 p.m. Is it generally the will of this committee that we continue to complete this vote and the final consideration of the budget of the Election Commissioner?

Ms Littlewood: Let's get 'er done.

The Chair: Okay. I will call the question on the motion. All those in favour? On the phones? Any opposed?

That motion is carried.

That brings us, then, to the final motion to consider, or the final submission, from the office of the Election Commissioner, who has requested a budget amount of \$2,021,000. We have that before us.

We can move a motion to accept that as submitted or to revise. Do we have a member that wishes to move a motion in either regard? Ms Woollard.

Ms Woollard: I move to accept it as presented.

The Chair: Thank you. We have the motion, then, from Ms Woollard. Moved by Ms Woollard that

the Standing Committee on Legislative Offices approve the 2019-20 budget estimates for the office of the Election Commissioner in the amount of \$2,021,000 as submitted.

Do we have any discussion on this motion? Mr. van Dijken.

Mr. van Dijken: Yes. With regard to the Election Commissioner and the increased mandate based on Bill 23, I guess I have concerns that we have \$500,000 being transferred to this office from Municipal Affairs. I don't believe the Election Commissioner gave us a good indication of what that \$500,000 would help his office with during this budget year 2019-2020. My concern is that it's – I'm good with Municipal Affairs not needing the \$500,000 and that Municipal Affairs should then reduce their budget by \$500,000, but I also would like to make an amendment at this time.

4:45

The Chair: Your amendment, Mr. van Dijken?

Mr. van Dijken: It's essentially to reduce the budget by \$500,000 based on the work described as increased work under Bill 23.

The Chair: I'm sorry, Mr. van Dijken. I had to ask the clerk a question. Would you mind just starting again to make sure that she gets your intent correct?

Mr. van Dijken: Okay. Sorry. I don't have one written down. I believe that we have not been presented with a case from the Election Commissioner on the requirement and the need for \$500,000, so if we can somehow word the amendment to reduce the budget presented by the Election Commissioner by \$500,000 until further understanding of Bill 23's implications.

The Chair: Clerk, did you have a comment on the intent and how that might be achieved?

Ms Rempel: Thank you, Mr. Chair. I'm just doing a little math here – and that was one of the reasons that I became a committee clerk, so I would not have to do math – but I believe I do have something that I can post here right away for the member's consideration to see if it captures what he's looking at. Essentially it does just stop with replacing the dollar amount as revised, and that is the end of the motion. It doesn't get into the . . .

Mr. van Dijken: Yeah. So essentially \$1,521,000?

Ms Rempel: Yeah.

Mr. van Dijken: That's fair.

The Chair: You've explained clearly on the record your reasons, but that simply doesn't fit within the motion itself to include that as well.

Mr. van Dijken: Right. I hear you.

The Chair: So, basically, we have the opportunity to make this decision as a committee now, and then of course if the committee at some point wants to have further discussion and then, you know, talk about supplementary amounts, that's open to the committee, but for the time being we decide on, just today, an amount.

We have the amendment brought forward by Mr. van Dijken, essentially that

we delete the \$2,021,000 as submitted and replace it with
\$1,521,000 as revised.

Do we have any discussion on the motion? Ms Payne.

Ms Payne: Sorry. I guess I have more of a question for the clerk as I'm newer to this committee and it's my first time going through this process with the offices. Of course, we're reviewing these for next year's budget. We're making the recommendation to the Legislative Assembly that this be incorporated into the budget that's then tabled in the spring. Is there another opportunity for us to amend it? I mean, of course Bill 23 is currently before the Legislature, and I guess I'm just wondering what the process would look like. Is there another opportunity for this committee to review budgets again prior to the submission?

Part of my concern is, you know, should Bill 23 pass, I would assume that most members of this committee wouldn't want to have set up a situation where we're hamstringing the Election Commissioner's ability to do what they would be then legislated to do. At the same time I do, you know, take into consideration part of the concern that I think Mr. van Dijken was touching on around if this bill doesn't pass, that is a substantive funding increase for work

that isn't part of it. So I'm just kind of curious about the process for it as I'm new to the committee.

The Chair: If you would like to answer, Clerk.

Ms Rempel: Thank you, Mr. Chair. You know, all of this would of course have to happen at the will of the committee, but certainly there have been times when changes, particularly changes to legislation, have required officers to come forward to the committee again to request a change in the amount. Now, you know, this is somewhat time sensitive because, of course, this all gets rolled up into the overall budget that is dealt with in the spring. Certainly, a change could be made in the reasonably near future. But I would note that normally the process for that would be that a request would be initiated by the officer to come before the committee again and justify a change.

Ms Payne: Thank you.

The Chair: Thank you, Clerk.

Do we have any further debate on the motion? Mrs. Pitt.

Mrs. Pitt: Yes, Mr. Chair.

The Chair: Sorry; we're on the amendment, Mrs. Pitt.

Mrs. Pitt: On the amendment, yeah. I think the \$500,000 transfer from Municipal Affairs to the office of the Election Commissioner is new money. The Election Commissioner stated multiple times that this new mandate never existed before. It didn't happen before under the Ministry of Municipal Affairs. So it's great that they want to reduce their budget by \$500,000, and I expect they could find more efficiencies, but the job itself never ever existed there, so it's not a transfer of money. It's new money. Not only that, but the Election Commissioner is, in my opinion, presupposing the outcome of Bill 23. We cannot pass this because he's basing his decision on the passing of this legislation.

In addition to that, I still don't even think it's necessary, Mr. Chair, because there are multiple other officers in here faced with similar unknowns of new legislation, in particular the Ombudsman, who now has a mandate in the municipalities, who's not seeking an additional half a million dollars for the unknown ahead of them. This is not responsible, in the first place, to be throwing this money around. I would question privilege in regard to passing this given that the legislation hasn't passed, and I would seek further counsel and clarification on that. I certainly will not be involved in that case, in that decision, and I would urge members to put a pause button on this in order to receive some clarity around the question and the issue of privilege.

Maybe I'll stop there, and if the clerk could have additional comment on this.

The Chair: Clerk, do you have any thoughts on whether this would stray into the area of a question of privilege?

Ms Rempel: Thank you, Mr. Chair. I mean, ultimately that would be a decision of the chair to make, so I think we need to clarify whether, you know, the member is actually formally raising this question or if she's just asking, for example, if there have been situations in the past where officers have, I guess, somewhat preemptively made a budget request on the assumption that a piece of legislation is going to pass, in which case I don't have any before me, but I believe that that certainly has happened in the past and possibly may have been encouraged by previous committees at different times.

The Chair: Thank you, Clerk.

Do you have any further comment, Mrs. Pitt?

Mrs. Pitt: Yes. Thank you. Given that, I think it's important to plan. I'm very uncomfortable proceeding for that reason and others, but I would stress that this is new money. This isn't a similar situation like we received earlier with the transfer of funds to the Ombudsman department. The government members of this committee already refused to transfer money from the Ministry of Health to make up for changes in legislation that impact the Privacy Commissioner. To say that the office of the Election Commissioner is entitled to a transfer that's not a transfer but new money just doesn't make any sense to me, and I don't think it does to Albertans. I think that the proper thing to do would be to proceed with the amendment to the motion.

4:55

The Chair: Thank you, Mrs. Pitt.

I have Ms Littlewood and then Ms Payne.

Mr. Cooper: I'll be on the list after Ms Payne, please.

The Chair: Certainly, Mr. Cooper.

Ms Littlewood: Thank you, Chair. I am certainly glad to see a budget come forward from this newly created office. I certainly believe that money allocated to this office would be money well spent as the point of it is to ensure that Albertans have faith in their democratic processes and the right that they should have to have control over their own elections and have faith in those elected. Having an independent officer to do that is incredibly important to have faith in that.

You know, I know that there are members that have been very clear about the fact that they did not want to see extra oversight into the democratic process. They didn't want to see some light shone in onto dark money that was coming in in the way of third-party advertisers and otherwise. I'm glad that we've taken steps to take corporate and union donations out of part of the process and that process is ongoing with other levels of government. We need to have someone that does that work.

Now, seeing as that has not passed yet, what we could do is have the motion read that we would suggest \$1.5 million but allow for the extra \$500,000 if the bill is passed. I would look to the clerk to see if that would achieve the objective of making sure that it's not presupposing what is happening in the Legislature. You know, if that achieves that objective, then I would certainly support that.

The Chair: Ms Littlewood, to be clear, are you proposing a subamendment?

Ms Littlewood: I don't know. That's what I'm looking for clarity on. I don't know if we would vote this part down and then . . .

The Chair: So you'd wish to get insight from the clerk on whether that's possible?

Ms Littlewood: I mean, I guess if the amendment would replace that number, then I suppose it might be a subamendment to add the other language, that it would be \$1.5 million. I don't know. I would look to the clerk to give advice on that. But that's what I would suggest because the money, both at the provincial level and the municipal level, is important to make sure that we are achieving objectives of transparency in elections.

The Chair: Thank you, Ms Littlewood.

Clerk, did you have any comment as to whether that motion, either by a subamendment or if this amendment should be defeated, could be retooled to indicate the possibility of an adjustment should the legislation pass?

Ms Rempel: Thank you, Mr. Chair. I would like to take a moment to think on this. There is certainly no precedent for this committee to approve a budget in that manner. I think that kind of as was raised previously to an extent by Ms Payne, the practice is for an officer to put forward their request, an amount is approved, and if the officer would like to make an argument for further change, then they come forward to do so. But I certainly don't mind, you know, putting my mind to this as far as some possible wording, but I can't think of a single precedent for that.

The Chair: Thank you, Ms Rempel.

Did you have anything further, Ms Littlewood?

All right. Then I have Ms Payne and then Mr. Cooper.

Ms Payne: I was just going to comment that I really like the idea put forward by Ms Littlewood. I guess I'm wondering what the procedural steps are to do that. I mean, obviously, there's no precedent, but a committee of the Legislature isn't really a precedent-requiring body. I don't know. I'm not sure. Can I amend the amendment, or are we better off to defeat the amendment and propose a new amendment?

The Chair: Clerk, did you have any thoughts on that?

Ms Rempel: Although it would likely be cleaner if you did defeat the subamendment, perhaps if members are amenable to a very short recess, we could look at what the appropriate wording for a final motion would be regardless of whether we're doing it through a subamendment or just a whole new motion, just to make sure that we get a very clear intent as this would be outside of the ordinary.

Ms Payne: Like a five-minute break?

Ms Rempel: Five minutes.

Ms Payne: I can move that.

The Chair: We have the suggestion before us that we take five minutes to allow for the clerk to explore this possibility for members that are interested in it. Is it the general will of the committee that we can allow that? All right. Let us take five minutes. Let's be back, then, at 5:07.

[The committee adjourned from 5:02 p.m. to 5:08 p.m.]

The Chair: Let's return, then, to the record. It is now 5:08. We'll come back to the record.

We have Trafton Koenig with us here, who, I believe, has a bit of perspective to offer regarding the question on the floor. If you would, Trafton.

Mr. Koenig: Thank you, Mr. Chair. I haven't had the opportunity to do any research on this question with respect to a budget motion that is contingent on something happening. I have had a chance to speak with the committee clerk. This would be unusual. I'm not aware of this type of motion going forward.

I might suggest that the committee may wish to consider two ways forward. I understand that the issue with this motion may be related to whether a bill before the Assembly is passed or not, so the committee could decide to adjourn with this on the floor and make a decision once that bill has been decided upon in the

Assembly, which, I would imagine, is probably likely to happen in the near future. The other option would be to make a decision on this motion now, and if the committee decided down the road that that budget number was not how they wished to proceed, they could reconvene and rescind that motion. That is also another potential option. Those may be two ways forward that the committee, you know, may wish to consider.

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

Mr. van Dijken: Yeah. Thank you, Chair. Having heard that, I think it's prudent of us – either way, we're coming back. I think we can approve the budget or the amendment and move forward. Just like with the Chief Electoral Officer, when his mandate was expanded based on legislation that got passed, then a supplementary could come forward. I think that that's in good order, and we have precedent for that, where the officer has come forward and asked for supplementary funding after the fact. I think that that would be proper and that that's the route that we should go forward on. I think the amendment before us helps us to do that, and we can move in that direction.

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

Mr. Horne: Yeah. Thank you, Chair. Over our short recess I was reflecting on what we've done in the past, and it seems to me that previously, when we've been in a similar situation, where there was a bill in front of the Legislature that might impact an officer's budget, instead of passing a budget that assumed that the bill didn't proceed, we simply deferred the decision until a decision of the Legislature was made. I think that that is a good precedent to follow, and I think it's prudent and much cleaner than trying to create precedent for conditional motions.

The Chair: Thank you, Mr. Horne.

Mr. van Dijken: I just need clarification on what Mr. Horne has just proposed here. I don't believe that we've done it in that direction, where we've delayed the decision. I believe that we had it, just in this last year, where the Chief Electoral Officer's mandate changed based on legislation. He came with a supplementary request, and we dealt with it when the legislation was passed. But he was dealing with a budget previously. I think: approve the amendment. We have the Election Commissioner budget put in place, ready to go. If the legislation passes, we'll have the Election Commissioner look towards supplementing that budget.

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

Mr. Horne: Thank you, Chair. For clarification, I was thinking about the Ombudsman, where we were also looking at expanding the mandate to include municipalities. Perhaps that helps clear things up.

Regardless, I'd be happy to move a motion to adjourn debate or whatever, to defer the motion.

The Chair: Okay. So, Mr. Horne, you're proposing a motion to adjourn debate on the amendment that's before us.

Mr. Horne: Yeah.

The Chair: All right. My understanding is that a motion to adjourn is not debatable. Is that correct, Clerk?

Ms Rempel: Yes, sir.

The Chair: With that motion having been moved, then, I'm required to call the question. All those in favour of adjourning debate on the subamendment? All those opposed? On the phones? Thank you. That motion carries.

Ms Payne: Just to clarify, was that adjourning the subamendment and the main motion, I'm assuming?

The Chair: Yes.

Ms Payne: Okay. Thank you.

The Chair: That adjourns any further debate on the question of the budget request from the Election Commissioner until it resumes at a future meeting.

Mr. van Dijken: Can we get a recorded vote on that?

The Chair: Mr. van Dijken is requesting a recorded vote on the motion to adjourn debate on the subamendment. I'll start to my right.

Ms Payne: In favour.

Mr. van Dijken: Opposed.

Mrs. Pitt: Opposed.

Mr. Horne: In favour.

Ms Woollard: In favour.

Ms McKittrick: In favour.

The Chair: On the phones?

Mr. Cooper: Opposed.

Mr. Kleinsteuber: In favour.

The Chair: Thank you.
That motion is carried.

With that, then, we adjourn debate on the subamendment.

That brings us to the conclusion of the business that we had before the committee today.

That brings us to other business. One thing I would just quickly note under other business is that we have received all of the requested copies of the harassment policies from the officers of the Legislature. Those have been posted online and are available for members to view. Given the time today I don't anticipate that there's an appetite for debate on that, but that may be something we want to consider as a committee coming back to have some discussion on, at which time, then, we would also be able to pick up our debate on the subamendment.

Is there anything that anyone else would wish to bring up under other business?

Seeing and hearing none, as I noted, then, the next meeting date will be at the call of the chair. I will reach out to members to find out when that would be appropriate based on, I guess, the items that may be discussed.

That brings us to adjournment. Do we have a member that would move a motion to adjourn? Ms McKittrick. All those in favour? Any opposed? This meeting stands adjourned. Thank you, everyone. Have a great weekend.

[The committee adjourned at 5:15 p.m.]

