



Legislative Assembly of Alberta

The 30th Legislature  
Second Session

Standing Committee  
on  
Legislative Offices

Friday, December 3, 2021  
8:15 a.m.

Transcript No. 30-2-7

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

**Standing Committee on Legislative Offices**

Rutherford, Brad, Leduc-Beaumont (UC), Chair  
Milliken, Nicholas, Calgary-Currie (UC), Deputy Chair  
Smith, Mark W., Drayton Valley-Devon (UC), Acting Deputy Chair

Allard, Tracy L., Grande Prairie (UC)  
Ceci, Joe, Calgary-Buffalo (NDP)  
Dach, Lorne, Edmonton-McClung (NDP)\*  
Long, Martin M., West Yellowhead (UC)  
Loyola, Rod, Edmonton-Ellerslie (NDP)  
Rosin, Miranda D., Banff-Kananaskis (UC)  
Shepherd, David, Edmonton-City Centre (NDP)  
Sweet, Heather, Edmonton-Manning (NDP)  
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)  
Yao, Tany, Fort McMurray-Wood Buffalo (UC)\*\*

\* substitution for Heather Sweet

\*\* substitution for Brad Rutherford

**Also in Attendance**

Dang, Thomas, Edmonton-South (NDP)  
Pancholi, Rakhi, Edmonton-Whitemud (NDP)

**Legislative Officers**

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

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

Bolu Idowu	Director, Strategic Support
Terri Pelton	Executive Director, Child and Youth Advocacy

**Elections Alberta Participants**

Steve Kaye	Director, Compliance and Enforcement
Pamela Renwick	Acting Deputy Chief Electoral Officer

**Office of the Ethics Commissioner Participant**

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

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

### **Support Staff**

Shannon Dean, QC	Clerk
Teri Cherkewich	Law Clerk
Trafton Koenig	Senior Parliamentary Counsel
Philip Massolin	Clerk Assistant and Director of House Services
Nancy Robert	Clerk of <i>Journals</i> and Committees
Sarah Amato	Research Officer
Melanie Niemi-Bohun	Research Officer
Warren Huffman	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Janet Laurie	Supervisor of Corporate Communications
Jeanette Dotimas	Communications Consultant
Michael Nguyen	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>



**8:15 a.m.****Friday, December 3, 2021**

[Mr. Milliken in the chair]

**The Deputy Chair:** Thank you, everyone. I'd like to, obviously, welcome all members, staff, and guests to this meeting of the Standing Committee on Legislative Offices.

My name is Nicholas Milliken. I'm the MLA for Calgary-Currie and Deputy Chair of Committees. I'd ask that members and those joining the committee at the table introduce themselves for the record, just at the table first, and then we'll hear from those who are joining us remotely. I'll just start on my right.

**Mr. Smith:** Good morning, everybody. It's Mark Smith. I'm the MLA for Drayton Valley-Devon.

**Ms Rosin:** Miranda Rosin, MLA for Banff-Kananaskis.

**Mr. Yao:** Tany Yao, Fort McMurray-Wood Buffalo.

**Mr. Dang:** Good morning. Thomas Dang, MLA for Edmonton-South.

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

**Ms Cherkewich:** Good morning. Teri Cherkewich, Law Clerk.

**Ms Robert:** Good morning. Nancy Robert, clerk of *Journals* and committees.

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

**The Deputy Chair:** It can be sometimes kind of difficult, but what we'll do is that we'll just try to go through at least everybody who's online. Do you want me to introduce, or do you guys just want to jump in? We'll start with Member Ceci.

**Member Ceci:** Hello. Can you see me? Joe Ceci. I'm here in Calgary-Bufferlo.

**The Deputy Chair:** Nice.  
Member Allard.

**Mrs. Allard:** Good morning. Tracy Allard, MLA for Grande Prairie.

**The Deputy Chair:** Member Dach.

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

**The Deputy Chair:** Member van Dijken.

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

**The Deputy Chair:** Nice.  
Let's go with Mr. Long.

**Mr. Long:** Good morning. MLA Martin Long, West Yellowhead.

**The Deputy Chair:** Member Loyola.

**Member Loyola:** Rod Loyola, MLA for Edmonton-Ellerslie.

**The Deputy Chair:** I think those are the members. Did I miss anyone? There's a plus three. Sometimes this is difficult because of that kind of stuff. Did I miss any members? Going once, sold.

For the record I would like to note the following substitutions: I myself am stepping in as chair for Mr. Rutherford; Mr. Smith will take on the deputy chair role; Mr. Yao will be participating as an official substitute; we also have Mr. Dach substituting for Ms Sweet.

Before we turn to the business at hand, a few quick operational items to take into account. Further to the direction given by the office of the Speaker, I would note that masks should be worn in the committee room at all times except for when members are speaking. In addition, members are also encouraged to leave an appropriate amount of physical distance around the table. Please note that the microphones are operated by *Hansard*, so members do not need to push the button to turn them on and off. 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.

Moving to the agenda, a draft agenda was distributed several weeks ago for consideration, with no concerns raised. No motions have been put on notice to alter the agenda. If it would please anyone, would a member move a motion to approve today's meeting agenda as circulated? I see Member Smith. Moved by Mr. Smith, I'm assuming, that the December 3, 2021, meeting agenda of the Standing Committee on Legislative Offices be approved as circulated. Is that a fair motion?

**Mr. Smith:** So moved.

**The Deputy Chair:** So moved. All those in favour, please say aye. And on remote? Any opposed, please say no. And online? Carried and so ordered.

Moving on to agenda item 3, adoption of meeting minutes, are there any errors or omissions to note?

Seeing and hearing none, would a member move approval of the minutes as distributed? I see Mr. Yao. Moved by Mr. Yao that the minutes of the October 7, 2021, meeting of the Standing Committee on Legislative Offices be approved as distributed. Does that suffice, Member Yao?

**Mr. Yao:** Yes.

**The Deputy Chair:** Yes. Okay. All those in favour, please say aye. And online?

**Member Ceci:** Mr. Chair, can I just interrupt for a second? Sorry. I see approval of the meeting agenda, item 4, and then it's followed by 5(a). Under the first item, (i), is the Chief Electoral Officer presentation. So 4(a), (b), and then 5(a)(i). I wonder if all of that can just run concurrently. We're starting here at 8:21, and when we get done item 4, will we be taking a break, potentially, if that ends before 9, or can we just run in this presentation?

**The Deputy Chair:** I'm perfectly happy to take the measure of the room and those online. If people need a two-minute health break, though, we might just do that. But you're right. We'll try to run those as quick as possible.

If that suffices for your answer, can I just get any potential opposition to Member Yao's motion? All those opposed to his motion, please say no. Hearing none, all right. Carried.

**Member Ceci:** Thank you. I apologize for the interruption.

**The Deputy Chair:** No worries. No worries.

All right. We have adopted the minutes.

Moving straight to item 4, then, presentation by the Chief Electoral Officer. This is the Elections Alberta social media policy update. Committee members may recall that during the elections on October 18, some statements made by Elections Alberta on social

media raised some concerns, and in response Elections Alberta has conducted a review into the matter. The Chief Electoral Officer has been invited to present the findings and any recommendations that arose from this review. Of course, this inquiry likely touched upon some confidential personnel matters, and this committee is aware that such information will not be included in the presentation. Approximately 15 minutes have been put aside for Mr. Resler's presentation, which will be followed by half an hour for members to ask questions should they take that amount of time.

Mr. Resler, I believe you are online. The floor is yours if you are ready.

### Elections Alberta

**Mr. Resler:** Good morning, and thank you. We appreciate the opportunity to share the findings and recommendations of the formal review that was completed on November 15 into the conduct of our social media platforms during the 2021 municipal elections. This morning I am joined by Steve Kaye, director of compliance and enforcement; Pamela Renwick, Acting Deputy Chief Electoral Officer; and Paula Hale, our general counsel.

First, I will discuss the structure and policies of my office, which will provide the committee with some background into the formal review. Steve will then present on the timeline and conduct of the formal review, followed by a discussion of the changes that we will be implementing to prevent this from occurring in the future.

Next slide, please. My office has several policies that pertain to the conduct of personnel on the use of social media. The first is the social media engagement policy, that is found on our website. It provides the framework for how we expect our staff, contractors, and others to interact with stakeholders on our social media platforms. We want our social media channels to be a reliable source of information and guidance in accordance with the Chief Electoral Officer's mandate under section 4 of the Election Act. The main components of that policy are to provide accurate information in a polite and . . .

**The Deputy Chair:** I hesitate to interrupt you, Mr. Resler. We just have a member here in the room who I think has indicated . . .

**Mr. Dang:** Yeah. Sorry, Mr. Chair. I was just wondering if we could get Mr. Resler's presentation. It's not on our screens here in the room, and I was wondering if we could get that shown to us.

**Ms Rempel:** Thank you, Mr. Chair. We intend to display them in the room. Fortunately, they were distributed to members already. We're just having a little bit of a technical issue with that.

**Mr. Dang:** Thank you.

**The Deputy Chair:** Are we okay, though? I don't want to in any way, shape, or form . . .

**Mr. Dang:** I just don't have access to the committee website as I'm a guest to the committee, so I was wondering if I could maybe get a printed copy or something, if that's possible.

**Ms Rempel:** I can download it.

**Mr. Dang:** Thank you.

**Ms Rempel:** Yeah. That's fine.

8:25

**The Deputy Chair:** Are we okay to continue, though? Yeah. I'm seeing thumbs.

Mr. Resler, please, the floor is again yours.

**Mr. Resler:** Would you like me to start from the beginning or on this slide?

**The Deputy Chair:** No. Just from where you're at.

**Mr. Resler:** Okay. So in dealing with our office policies, the second item on the slide, we have drafted an internal social media usage guideline that, once finalized, will provide a guiding framework for those who engage in these activities. It currently includes a framework for account access, identity and branding, content posting and moderation, third-party content and intellectual property, hours of coverage and potential for conflicts of interest, and confidentiality of information and protection of privacy.

Third, all Elections Alberta employees must abide by the code of conduct and ethics for the public service of Alberta. In addition, Elections Alberta has developed a supplemental code of conduct to govern the work of all employees and contractors working in our office. Our supplemental code of conduct exists to ensure that the employees of Elections Alberta perform their responsibilities with integrity and impartiality. The Elections Alberta code and political involvement policy prohibits all political activity at all levels of government.

Next slide please. My office is divided into five main areas: corporate, operations and communications, finance, IT and geomatics, and compliance and enforcement, as displayed in the organizational chart on the slide. Media relations, including social media management and monitoring, is overseen by the operations and communications unit, which is highlighted in yellow. These five staff are also responsible for planning and conducting election events, including recruitment, training, developing processes and procedures for election officers, printing, warehousing and shipping supplies, advertising, and outreach. It's a significant area of responsibility that becomes even more challenging during an election event.

As you can imagine, both our operational and communications activities increase substantially during an election. Operational staff focus largely on the operational functions, and a contractor is brought in to assist with advertising and social media management and monitoring. During the Senate election and referendum vote we were working with the contractor to provide all social media management with an internal employee assigned to provide assistance and messaging that was outside of the response matrix that is provided to the contractor for commonly asked questions.

With this background, I will now pass the discussion to Steve, who will share with you details about the incident that occurred on October 18 and the activities of the formal review.

**The Deputy Chair:** Hi, Steve. You are muted. If you could unmute, introduce yourself, and then the floor is yours.

**Mr. Kaye:** Can you hear me now?

**The Deputy Chair:** Yes.

**Mr. Kaye:** Fantastic.

If we could move to slide 4, please. Thank you.

Good morning, everybody. I'd like to begin by adding some additional context surrounding this event. As Glen has indicated, on Monday, October 18, 2021, residents of the province cast their votes in the Alberta municipal elections. Albertans were also asked to cast ballots in relation to two referendum questions as well as to select three Senate nominees.

This was the first time our office would play a role in overseeing certain provisions of the Local Authorities Election Act. Adding to this was our increased involvement in helping to facilitate but not administer the referendum and Senate election votes. The voting

process and administration of the election was a responsibility of the local authorities themselves. We knew that there would be a significant increase in the activities of all areas of our office. The true impact of this new legislation was, in part, somewhat unknown.

Much preparation went into this event. We anticipated that our social media channels and inquiries from stakeholders and groups would be very active during this period. We also had a strong suspicion that there would be an increase in the number of queries and complaints that our office received. In anticipation of all of this, we stood up a call centre, contracted services for social media engagement, and brought on additional contract investigation staff.

Our predictions were correct. Traffic on our social media platforms and into our call centre was very high, and at one point during election day our compliance and enforcement team was receiving a new complaint every 90 seconds.

Next slide, please. What we did not anticipate was that one of our employees would engage in unprofessional and discourteous conduct on our Twitter channel. Unfortunately, that is exactly what happened. The Twitter conversation that occurred between 10:43 a.m. and 12:53 p.m. on election day began after someone posted a picture of their marked ballot, a violation of the Local Authorities Election Act. There was also criticism of our efforts to explain the referendum question around equalization.

At 1:49 p.m. this same day senior management were notified by our social media contractor of what was occurring on our Twitter account. We took immediate action to determine what was occurring and quickly identified the source of these communications. The individual responsible was directed to cease all online posting activity, and the passwords to the Twitter account were changed at 2:19 p.m. An apology was prepared and posted at 2:22 p.m. for the negative messages that were posted on our Twitter account. We also acknowledged the unprofessional conduct of one of our staff members on our own Twitter account. We followed up with several public statements to provide additional information and assure Albertans that we would be looking into this matter.

Next slide, please. Once the gravity of what had occurred was better understood, the Chief Electoral Officer ordered that a formal review take place. A case manager and file co-ordinator were designated, and two investigators were retained to look into this matter further. In the days that followed, 12 people were interviewed, 3,198 Twitter messages dating back to 2012 were reviewed, and roughly 250 exhibits and documents were collected. During our review of this matter two fraudulent posts designed to disseminate deceptive information and further discredit our office were discovered, and those are now being investigated. We've already reached out to Twitter Canada through their law enforcement portal, and we'll be raising this issue with our national deceptive online practices subcommittee.

Next slide, please. In conducting this formal review the following conclusions were reached. First, there was no evidence of partisan activity on the part of our employees or external contractors during this incident. While the tweets were inappropriate, they were not partisan. Second, there were clear breaches of the code of conduct and social media policies on the part of an employee. Essentially, the person responsible for ensuring that all social media interactions were undertaken with impartiality and courtesy was the very person who breached this trust. Third, although our contractor had a formal approval process for all messages on the Elections Alberta social media site, the overseeing employee had administrative rights to the Twitter account and unilaterally engaged without additional approval. Elections Alberta's policies must have a formal review mechanism and approval process to ensure that individual employees are not subjectively determining which messages require additional review.

Also contributing to this situation: we identified a gap where information did not flow correctly within our organization. We learned that an individual had contacted our call centre to report a concern and that this was not forwarded to the correct team. This occurred because incoming calls were captured in a log meant for aggregating data, not for cataloguing individual concerns, resulting in this complaint being missed until this formal review commenced.

Thank you. I will now turn it back to Glen to share the actions that the office is taking following this review.

**The Deputy Chair:** The floor is yours, Mr. Resler.

**Mr. Resler:** Yes. Thank you, Steve. While I appreciate the quick action that my office took to respond to this incident, this should never have happened. This individual exercised poor judgment while on social media, and their conduct was unacceptable. I have started taking actions to address each of these findings.

8:35

If you can proceed two slides ahead to action plan. Sorry. One of these actions was addressing the employee's misconduct that has occurred.

Second, I recognize the workload of the operations and communications unit contributed to this issue. Within this unit the operational needs of conducting an election take priority, and staff are selected based on their knowledge and experience related to the conducting of elections and planning large events. The communications activities that this area conducts are secondary. As a result, we will be hiring a media and communications lead and transferring responsibility for this area to corporate services. This position will co-ordinate my office's media relations, social media, and advertising work, and we will discuss this organizational change further in my budget presentation later this morning.

Third, in creating this new role, we will be hiring a person with the appropriate qualifications and experience. I anticipate having this position in place by the beginning of 2022. The Deputy Chief Electoral Officer will be working directly with this individual to work on rebuilding our brand and engaging with Albertans respectfully. In the meantime we'll continue to work with our contractor to provide social media management and monitoring so there is no disruption while we recruit to fill this new position.

Fourth, we are in the process of reviewing and updating our social media policies and guiding framework to formalize our messaging and approval process. To ensure that our policies meet best practices standards, we have reached out to several organizations to share their policies.

Fifth, to address the issues identified with the internal communication channels in the call centre, we will be reviewing their training and methods of internal communication to ensure that they have the tools that they need to communicate public concerns in a timely manner. I understand that there will be more activities that my office needs to undertake to rebuild trust in our organization, and we are committed to continuing this work.

Next slide, please. Before I close, I would like to also take a few minutes to review my office's decision to produce informational materials for the referendum to provide further explanation of a yes vote and a no vote. This was an area of concern that was first raised on Twitter and which was not responded to appropriately. One of the mandates and legislative responsibilities of my office is to provide stakeholders with the necessary information and means to participate in the democratic process. This year Alberta held its first referendum vote since 1971, and there was no precedent for the role that my office should take in information provision.

The legislative framework did not provide a method for electors to receive information on the referendum questions outside of the third-party advertising provisions. It is common in other jurisdictions in Canada and globally that when a referendum or initiative takes place, there is a framework for providing information to the public. In British Columbia's recent referendum this was done through public funding of an opponent and a proponent group to ensure that electors received messaging regarding both a yes and a no vote. My office identified this legislative gap and brought it to the attention of Alberta Justice and Solicitor General early in the process, but the decision was made not to add a legislative framework in this area. As a result, the only entities who could lawfully engage in public information campaigns about the referendum questions were members of the Legislative Assembly, third-party advertisers, and Elections Alberta.

Considering my office's statutory mandate under the Election Act to implement public education and information programs, I made the decision to provide information materials to electors. We worked with our contractor to develop messaging, asked a leading academic to help develop content and information for the equalization question, and conducted focus groups with Albertans to understand what information they needed and if they felt our approach was appropriate for what the public wanted. What we learned was that Albertans wanted far more information than we felt we could provide, and our final messaging was focused on providing a basic understanding of the questions, what a yes and a no vote meant, and whether the questions were binding on the government.

I understand that there were concerns about the wording of what a yes vote means for equalization and concerns that Elections Alberta messaging could bias some electors. The mechanics of equalization and the constitutional principle of equalization in section 36(2) of the Constitution is not a subject most members of the public are familiar with, and this is very clear from our focus groups. While the wording on the Elections Alberta website could have been more technically precise, the information provided explicitly stated that a yes vote would not end equalization payments and explicitly explained the extent to which the outcome would be binding, and the website linked the neutral government of Canada informational web pages.

I will be recommending in my report on the referendum vote to the Legislative Assembly that a legislative framework for information provision on referendum questions be developed that ensures a balance of opponent and proponent messaging. This will ensure that electors receive the information that they need on these subjects, allowing my office independence in conducting the vote.

I'd like to thank the committee for providing the opportunity to share the findings of our formal review. We're now available for your questions.

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

Before I open the floor to questions, I would like to remind everyone that while this committee does have responsibility for approving the budget requests and a handful of other matters with respect to the various legislative offices, these are independent offices.

If members in the room have any questions regarding the presentation, please raise your hand or otherwise catch my attention. For those who are participating remotely, please use the chat function or speak up whenever appropriate. I see the hon. Member Dang.

**Mr. Dang:** Thank you, Mr. Chair, and thank you, Mr. Resler and all your team at Elections Alberta, for coming to this presentation today. I think it's very important that we do this work and have an

opportunity in the public on the record here to try and work with your office to regain the trust of Elections Alberta. As we know, democracy is one of the most important things in our province.

I guess I want to start off and look at some of the things you said around the new processes and the action plan you're coming to look at as a response to the review. One of the things that came up is that a complaint was missed because it was put into the wrong logging system, that was meant to aggregate data. I guess my question there is: what happened? Obviously, you were saying that at one point over one complaint per 90 seconds, so clearly a large volume of complaints. Was there insufficient staffing? Was there insufficient resourcing? Why was that complaint missed in that matter? And, I guess, what other processes are going to be in place to ensure that type of oversight doesn't occur again?

**Mr. Resler:** Thank you for the question. Two different methods in which complaints were forwarded. The one formal complaint process in which we mentioned was received every 90 seconds, that was through the online complaint process to the compliance and enforcement group. That's the manner in which the public for the most part provides complaints to us. Those complaints were received; those complaints were acknowledged. During an election, especially on election day when you have that high volume, we did have additional staff reviewing and monitoring that. So that process: the complainants were engaged at that time.

The specific item in which a complaint was forwarded through our call centre – so we have the provincial call centre that was established, and it was staffed by several contract staff. That is where the one item that I specifically stated went missing, in a sense, that we detected during the review process. Really, you know, it was tracked in the incorrect logging database, and that item is easily resolved as far as providing additional tools for the call centre themselves. They'll be able to address that appropriately, and any issues that are arising can be escalated appropriately to senior management.

**Mr. Dang:** A follow-up?

**The Deputy Chair:** Thank you.

A follow-up? Yeah.

**Mr. Dang:** Thank you, Mr. Chair, and thank you, Mr. Resler, for that answer. I guess one of the questions I have around the contractor again is – basically, it seems like there was a disconnect between your office and the contractor's. What was happening in regard to the contractors who flagged social media issues? How much power did the contractor have to respond to complaints? And are there going to be new processes in place to ensure that either this is done in-house or there is more cohesive communication between your office and anybody you employ through a contract office?

8:45

**The Deputy Chair:** Mr. Resler? You're on mute.

**Ms Renwick:** Hi. I can address that.

**The Deputy Chair:** Sure.

**Ms Renwick:** Sorry; I just don't want there to be feedback.

We have a couple of different contractors that were involved, that I think are getting confused. One, our call centre, is staffed by temporary employees. They are brought in to our office. They're physically located here with us so that they can actually run complaints straight to us. They had access to us throughout the election period. We had a process in which they would pass on



complaints. They had a referral chart for how complaints should have been referred. In this case the complaint that we found was mislogged by them instead of referring it appropriately. So that's where we're looking at additional training being in place, making sure that they understand the processes on how to ensure that complaints are passed to the appropriate people.

The other contractor that is involved here is the social media management. We did have contractors involved with posting and engaging on social media on our behalf. We had an employee that was responsible for overseeing their work. They had a matrix of responses that they could post automatically without further approval. Anything other than that, needed to be approved by our office. That was done through that one employee. Now, unfortunately, it was that employee that was overseeing that contract and that relationship who was the one that made those posts, the inappropriate ones that happened on election day. It wasn't actually our contractors that did that. That was an internal employee of Elections Alberta.

**Mr. Resler:** If I could just add one other item to that. During the election the social media update meetings did take place, and those were occurring three times a week between the employee, their supervisor, and the contracted social media provider. We also had ad hoc meetings that occurred internally as issues arose, and processes were in place for regular updates on communications, although they did rely to some extent on that employee to provide some further discussion items.

**The Deputy Chair:** Thank you.

I see Mr. Yao.

**Mr. Yao:** Thank you very much, Chair. This social media incident does make me concerned about the impartiality of Elections Alberta. Whether it was a direct employee or a contractor, it certainly reflects something within Elections Alberta. You stated it was nonpartisan; however, the individual chose to challenge someone who is associated with a political leaning. Dr. Leach vocalizes fiscal responsibility, something that is not associated with anything on the left end of the spectrum. I do have concerns about this to the point where I wonder to what extent is Elections Alberta under the purview of the Ethics Commissioner. Is this employee or contractor still employed by Elections Alberta? Again, this hurts the confidence in Elections Alberta.

Thank you.

**Mr. Resler:** Mr. Chair, as you commented earlier, as far as the confidential provisions of personnel matters, I'm unable to comment on the employment of the individual, so no further comment will be provided on that. When we look at the person about which the conversation has taken place, we have no knowledge of who this person is or who most people are which we are engaging with. To draw conclusions that the misconduct of one person reflects the whole organization is totally inaccurate. I believe the investigation soundly stated that as far as one of its findings. If there are specific tweets which you think are partisan in manner, please provide them specifically to me and we can have that discussion.

**The Deputy Chair:** With a follow-up? If not, that's fine.

**Mr. Yao:** I do.

**The Deputy Chair:** Okay.

**Mr. Yao:** Well, regardless of what Elections Alberta has decided on this issue, it's the public opinion of this. My constituents have

mentioned this issue to me about the impartiality of Elections Alberta, and without any further clarification it does demonstrate to my constituents, to the general public opinion of this, the potential bias of individuals at Elections Alberta. Unfortunately, that will stick to Elections Alberta. I think that's very unfortunate if you can't answer any questions related to that.

Well, that's all on this commentary.

**Mr. Resler:** I'd like to mention that as an independent and nonpartisan office of the Legislative Assembly, we have a long-established record of managing provincial elections in Alberta, and we take seriously our obligation and unbiased provincial election oversight. We have an employee conduct code that forbids political party membership or affiliation of any kind, and every employee signs this code of conduct. I also report, as you are aware, directly to the Legislative Assembly through this committee, which is comprised of all members of the Legislature and is an important oversight mechanism that allows for that arm's-length relationship, and that's a key factor that helps maintain our independence.

I can say that our commitment to delivering unbiased, independent, and secure election administration oversight remains our primary goal. Thank you.

**The Deputy Chair:** Thank you.

I see Mr. Dang.

**Mr. Dang:** Thank you, Mr. Chair. Mr. Resler, you mentioned at the end there a bit about the educational component your office chose to engage in. I guess I just have some questions around how you engaged with academics and outside contractors on this. One of the aspects that came up was concerns about the accuracy of that information or how that would work. I guess, did the leading academic that you engaged with flank any concerns on the educational content on equalization, or was there any back and forth between your office and theirs on how that should be worded?

**Ms Renwick:** I can provide some of the information about how we created those informational materials. We did work with our contractor. They were the lead in coming up with content, and we asked that they engage with an academic to get information about equalization, because clearly that is not an area of expertise for us. They did reach out and were able to find someone that was willing to help us out with that, and they went back and forth on actually a couple of different options. And we did a focus group. We thought it was really important that before we put this information out, we wanted to hear from Albertans on whether or not this information was helpful. What did they need to know. What was unclear to them about the question. So the academic actually helped us to create some options that we could take forward, so those were brought forward to a focus group, that was done by an external contractor as well, that had those discussions and then provided us with recommendations on how we should structure the information.

What actually came back is that they wanted way more information than we thought we could provide. They thought that there was so much that they needed to know about equalization to understand that question and answer it. From there we kind of structured that final content that we were going to put out on the pamphlet and on the website that we thought provided a basic understanding of the question and then provided the links to an external government of Canada website, where people could start to learn more about it.

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

**Mr. Dang:** Thank you. Thank you for that answer. I guess, in that case, were there any concerns from the academic or any other academics that reached out through your office or through the contractor that there were issues with the accuracy of the language posted. I understand that you tried to narrow down the scope quite a bit, and when you do that, you can sometimes end up in a place where the fulsomeness of the details might be missed. Is it possible to say who the contractor was as well?

**Ms Renwick:** Our contractor was ZGM Modern Marketing Partners. That's who we worked with for both the advertising campaign and our social media management.

No. Like, through the process we were not receiving complaints about the content of the material. We, of course, throughout all of that process were very concerned that we were going to provide very factual, basic information to Albertans. That was the priority right from the beginning, and during the campaign itself – we launched it in September – we did a lot of media interviews; we did news releases; we really pushed the information out.

8:55

And in our call centre we were doing the logging of concerns that people had about the referendum and the Senate election. We had 222 people report concerns to us. Of those, only five had to do with the content of our explainer. One was about equalization, one was about daylight saving time, one was on the Senate election, and one was about our website not matching the pamphlet. The pamphlet had less information than the website. The vast majority of the complaints and concerns that we received were about the questions themselves, whether or not people understood them, and a lot wanted a different option on what they could vote for, instead of the standard yes or no, or a different wording of the questions. So throughout the campaign very few complaints were coming to us about the actual content of the explainer we provided.

**Mr. Yao:** As a follow-up to my last question, and it was a question I asked before that wasn't answered: is the office of the Chief Electoral Officer under the purview of the Ethics Commissioner, or is there any other oversight provided?

Thank you.

**Mr. Resler:** The oversight of the office is through the Standing Committee on Legislative Offices. I'm somewhat familiar with the Ethics Commissioner's legislation, but I do not believe that they have oversight.

**The Deputy Chair:** Mr. Smith.

**Mr. Smith:** Thank you, Mr. Chair, and thank you for your presentation today. I guess just a couple of questions here. One is with regard to – I'll try to say this succinctly. You are designed primarily to administer the elections, but it seems that you also took on a role of education during this process. I guess I'd like to know why. Should we have a separate organization doing this? Was this the first time that you've done something like this? Do you think it leaves yourself open to creating a problem on a further referendum moving into the future? Those are just some of the questions that are going through my head, and maybe you could address some of them.

Thank you.

**Mr. Resler:** Absolutely. Thank you. Part of our mandate tells us to provide information to electors. We have a legislated role under the Election Act, and the following section of the act is very clear on that front. Section 4(2)(a) states that Elections Alberta can

provide the public with information about the election process, the democratic right to vote, the right to be a candidate and, generally, about the operation of this Act and the Election Finances and Contributions Disclosure Act.

Further, subsection (b) also states that our office can implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights.

So as far as an educational program or capacity, we do have that, and it is a legislated means in order to provide that information.

We have in the recommendations suggested that there be a framework established for a referendum process, on which opponent and proponent groups can communicate to the public, and the administration of the election itself would be through our office, in order to provide some distance in there.

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

**Mr. Smith:** Just a quick one. I think you said that it was in section 4(2)(b) or something like that, public education. You said that it's in the regulations that you can look at public education, but is it about the process or is it about the questions?

**Mr. Resler:** Well, the questions themselves we do not write. The questions are written by the government, and they are provided to us to put on the ballot and that process, the administration of the vote itself. The educational component is to help explain to the public what it is they're voting on. You know, the question itself talked about changes to the Constitution; we provided that specific section of the Constitution to provide additional information. When we looked at daylight saving time, we provided a table which explained how Albertans are impacted depending on where in the province they reside, on when a sunrise and a sunset is, so they could apply information in order to make an educated decision on whether to vote yes or no.

**The Deputy Chair:** I see Mr. Dang.

**Mr. Dang:** Sure. Thank you, Mr. Chair. I guess I have a quick follow-up on the last line of questioning I asked. Thank you for providing the information on the contractor, but could you provide the academic that they engaged with as well or a list of academics? Maybe if it has to come back in writing, we can do that as well.

**The Deputy Chair:** Mr. Resler.

**Mr. Resler:** Thank you. As mentioned, Pamela did mention that ZGM was our marketing agency that developed the campaign materials. The academic that they reached out to was Dr. Trevor Tombe from the University of Calgary, an economist, and he provided us his insight into equalization.

**Mr. Dang:** Thank you.

My follow-up here, I guess, is back on – obviously, your mandate has expanded a lot in the last few years. You're now giving significant information to electors on referendums. Now, we've done a Senate election recently, and the legislation keeps changing. You're doing Election Commissioner work as well now. The question I have is – it seems like some of these processes that are being updated and reviewed in this case were missed due to how rapidly your office has been expanding and the scope of the work you've been doing. Is there an overwork issue? Do you have the resources you need? Do you have enough staff? Do you have

enough funding? What is the guarantee here that Albertans are getting a strong democracy? Do you need additional resources?

**Mr. Resler:** Thank you for the question, and I do appreciate that recognition. Yes, our staff are being stretched a little too thin. We do have restructuring, and part of the presentation on the budget will discuss that restructuring process and the additional staff that we're proposing to complement in order to cover and ensure that we're able to provide the services to Albertans.

**The Deputy Chair:** Thank you. I think we might have even just caught up a little bit of time from the next presentation on that, too. I see Mr. Shepherd.

**Mr. Shepherd:** Thank you so much, Mr. Chair, and thank you, Mr. Resler, for being here today along with your staff to provide some insight on this. As I think many have noted, this has been an issue of some concern for Albertans. We appreciate the opportunity to have some discussion.

Just a follow-up, then. You stated that the academic consulted with was Dr. Trevor Tombe. I certainly recognize that he is a man who has spoken extensively on equalization. Now, given that the information that was posted stated that a yes vote means that you support the removal of section 36(2) from the Constitution Act, 1982, ending the practice of equalization payments – Dr. Tombe, I think, has been very clear, in at least the postings and comments that I've seen, that, you know, voting yes would not, in fact, end that, that that is not something that is capable of being done during a referendum – in consulting with Dr. Tombe, did he agree with all of the information that was published? Did he not raise any concerns with the accuracy, particularly of that statement or any others that were put forward?

**Ms Renwick:** In the process of consulting with the academic – that was actually done before the focus group – we did not take the final response back to the academic for approval. We wanted to ensure that that process was done independently and that he didn't have to, you know, be stuck approving the final messaging that went on our website.

We do feel that that one piece is a bit taken out of context because our website also indicated:

The referendum question about equalization is a constitutional question asked under the authority of Section 1 of Alberta's Referendum Act. As amending the Constitution Act, 1982 is federal jurisdiction, the result of this vote is binding only on the provincial government to pursue the action directed by the majority vote, not on the federal government to amend the Constitution Act, 1982. To remove or amend the Constitution, the federal government and the other provinces and territories would need to enter into discussions about the proposed change.

9:05

We wanted to ensure that it was clear to Albertans what the result of this would be, so that messaging was also included in the householder that went out. That information was always packaged with what a yes and a no vote meant and some basics about what the question was about. We felt like as a package the information was providing Albertans with that understanding of the fact that the provincial government could not do this alone.

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

**The Deputy Chair:** Absolutely.

**Mr. Shepherd:** I appreciate that context. I am looking at an archive of the page here now. I see: "You may vote 'Yes' or 'No.'" It says:

yes, no, what that's about. Then it says: what is section 36(2) of the act? Looking there, "Ensure that provincial governments have," that section does not address, from what I see, what you just said. All the way down at the bottom of the page – okay. At the bottom of the page, "What happens following the vote on this question?" is where I seem to see the information you just noted.

I guess there is the assumption that the members of the public are going to read each and every section on this page despite the fact that that section is well down the page from the section that tells them, essentially, that if you vote yes, this is going to happen. Was that something that was brought to the focus group to ensure that they clearly understood that that was the case? Were there any other steps taken, I mean, to consider how the information was presented in the context of communications to ensure that the public would fully understand the full context?

**Ms Renwick:** As you noticed, that information is at the bottom of the page. We were trying to lay out the information on the website in an order that would be logical for people to read about: what is the question? What are my options for voting? What does the section from the Constitution say? Tell me more about: what are equalization payments? Tell me more about the equalization formula and then what happens following the vote.

We did a very similar format on daylight savings time. They have a very similar structure of the type of information that we were providing in the order. You know, it is a challenge, I guess, if people don't read the entire information on the website, deciding what comes first and how to structure it.

On the householder that went out – we wanted to ensure that that was information that was presented to everyone, and I think a lot of people saw the householder – we got lots of good comments that it was very useful. That information on what happens following the vote was right beside: what does a yes and a no vote mean? It was packaged very closely together.

**The Deputy Chair:** I think I see Mr. Dang.

**Mr. Dang:** Thank you, Mr. Chair. I guess one of the things that I'm wondering about is this org chart here and how you talked about that in your review process you're going to be moving this communications role into a branch called corporate services. I just don't see corporate services in your organizational structure, so I'm wondering: have you done a significant change in your organizational structure since, let's say, the last election or the last couple of terms here? Are you anticipating having to make significant changes to your organizational structure as a result of, well, I guess, the budget proposal that you'll be bringing in in a few minutes here?

**Mr. Resler:** Yes. What you see in the presentation is the current organizational structure, so that's the structure that was in place at the time. The budget presentation will provide you with a new organizational structure on how the office is going to be reorganized and the new positions that are going to be implemented.

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

**Mr. Dang:** Sure. Thank you. Maybe this will be answered later or will be presented on later, but I guess my question, then, is – right now, obviously, the same person or individual who is developing content is then responsible for the impartiality of that content, right? That is my understanding, and that's how the incident occurred on Twitter during the municipal election. In the future are you going to be reviewing that process and changing that, having a different person investigating or overseeing the impartiality versus the accuracy of information?

**Mr. Resler:** Absolutely. The position itself, a different structure as far as our policies, as far as the conduct on social media, the oversight, the approval process: all of those items are being revised and documented and then will be shared with the staff who will be charged with that conduct.

**The Deputy Chair:** Thank you.

At this point I don't have any more questions. I see Mr. Dang.

**Mr. Dang:** Thank you, Mr. Chair. Maybe I'll just follow up again on that, then. I guess one of my other concerns is – now, obviously, Elections Alberta previously had an Election Commissioner and a Chief Electoral Officer, which you now take both roles. I wonder: is there a question around having to look into your own investigation into your own office? I mean, are you concerned about that process at all, and do you think there needs to be anything regarding additional resourcing for independent investigations and that type of concern?

**Mr. Resler:** Whether it was a separate legislative office of the Election Commissioner or the independent legislative office of Elections Alberta, the independence of investigations continues and is exactly the same, regardless of which office it operated. That conduct continues and is in place. Regarding staffing, the organizational restructuring the budget request does request additional resources as far as for investigators for events, and that is also submitted as part of our budget process.

**The Deputy Chair:** Thank you.

I'm under the impression that we are finished and there are no other – I see Mr. Shepherd.

**Mr. Shepherd:** Thank you, Mr. Chair, and I'll be brief. I just want to make sure I fully understand. Just to summarize, what I've heard from you today, Mr. Resler, is that this was a unique circumstance. You were asked to take on an enormous task in regard to the two referenda in a context and circumstance that you had not been put in before. You attempted to mitigate some of that by approaching the government, asking about additional resources to provide education to the public. That was denied by the Minister of Justice, so you proceeded as best you could with the resources you had at hand, but unfortunately, just due to the pressures, there were some cracks and we had some of the issues that were brought up today. Is that a fair summation?

**Mr. Resler:** I would say somewhat different. We did have discussions with Alberta Justice, and those were more regarding the framework of the legislation and the educational process. It did not include as far as additional resources or the request of resources. The event itself as far as the Senate referendum: yes, it required additional resources and time in order to implement, but I would not say that that was overwhelming for the individual involved that performed the inappropriate conversations on social media.

**The Deputy Chair:** Thank you.

I am now looking to move on likely to . . .

**Mr. Dang:** Mr. Chair, just a request, perhaps.

**The Deputy Chair:** Sure.

**Mr. Dang:** Thank you, Mr. Chair. I was just wondering if Elections Alberta, perhaps if we moved in camera for a minute or two, would be willing to answer questions regarding personnel matters that they wouldn't be able to give in confidence, if they would be willing to give that information in confidence if the committee was to move off the record for a short while.

**The Deputy Chair:** It's my understanding that we could move in camera and we could ask the questions. I would never answer on behalf of Mr. Resler, but it's my understanding that as an arms-length entity they would not be answering any question with regard to HR policies.

Mr. Resler, if you would like to comment.

**Mr. Resler:** Yeah. It's not in, like, the agency – because it is the confidentiality of a personnel matter, we just are unable to share that status information.

**The Deputy Chair:** Just moving, then, on to agenda item 4, which is – sorry. We are moving on to – item 5(a) is what I'm looking at.

I don't want to put you on the spot, Mr. Resler. Are you comfortable with just moving straight into your budgetary presentation? Are you comfortable with that, or do you need a minute to gather yourself?

**Mr. Resler:** I would need a couple of minutes because we have to switch slides, presentations, and just grab a quick glass of water and that type of thing.

**The Deputy Chair:** Okay. Then I'll see you back here in a couple of minutes.

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

[The committee adjourned from 9:14 a.m. to 9:17 a.m.]

**The Deputy Chair:** All right. Hon. members and staff and guests, we are back.

I believe – Mr. Resler, are you prepared to move on with your presentation?

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

**The Deputy Chair:** Okay. Before we begin receiving, however, the presentations today, I will note that through Government Motion 105 the Assembly has referred the 2020-2021 annual report of the office of the Child and Youth Advocate to this committee. Mr. Graff will likely comment on this annual report as part of his larger presentation today; however, a separate meeting will be scheduled to focus on this particular report.

For the remainder of the day this committee will be reviewing the annual reports, business plans, and 2022-23 budget submissions of the officers of the Legislature. Once we've completed the review process, the committee will make its decision on each of the budget submissions. Each of the officers will be making their presentations today by videoconference. Those of you participating by videoconference may notice some users joining the conference from time to time without introducing themselves. These callers are the officers and their colleagues, who will participate at the appropriate time. Staff are monitoring the conference at all times. There will be time for questions from committee members following each officer's presentation. Please ensure that you have all the information you need to vote on the budget estimates for each of the offices at the end of the meeting. We have a full day, of course, still ahead of us, so I hope everybody will of course use their time effectively and efficiently.

First off now, Elections Alberta. With that, I would like to call on again Mr. Resler, Chief Electoral Officer, to begin his presentation. If you could keep your presentation to 20 minutes, please, that will leave us some time for questions for the committee members. The floor is yours.

**Mr. Resler:** Thank you, Mr. Chair. Good morning again. It's a pleasure to meet with you today to review the activities of the office over the last year and to present Elections Alberta's budget estimates for the 2022-

23 fiscal year. Again, I'm Glen Resler, Chief Electoral Officer and Election Commissioner, and joining me this morning are Pamela Renwick, Acting Deputy Chief Electoral Officer; and Steve Kaye, director of compliance and enforcement.

Next slide, please. In your materials today we have provided you with our 2020-21 annual report, our business plan for 2020 through 2024, and our budget submission for 2022-23.

Next slide, please. Starting with the annual report, I'll highlight some of the financial compliance activities of our 500 political participants. On slide 3, as you see, we have aggregated the contributions to political parties, third-party advertisers, and constituency associations. Of the nearly \$14 million that has been contributed in 2020, 67 per cent went to political parties.

Next slide please. On slide 4 we are providing a snapshot of the totals by contributor type and location for political third-party advertisers. Political TPAs can advertise at any time outside of a provincial general election and by-elections. On the slide you'll see that trade unions accounted for 62 per cent of total advertising contributions. The majority of these came from the Edmonton area. Corporations accounted for 37 per cent, and individuals 1 per cent. Of note, less than \$1,000 came from outside of Alberta.

Next slide, please. Slide 5 highlights a couple of our financial compliance success stories. The graph on the left shows the number of overcontributors that we identified in 2020 and 2019. In both years we resolved all cases in a timely manner before tax receipts were issued. By being able to resolve these overcontributions during the quarterly review process, we have been able to eliminate referrals for investigation. The table on the right side breaks down the number of political participants that are required to file 2020 annual financial statements. All entities met the filing deadline. Parties, constituencies, and political third-party advertisers also filed quarterly reports, and all of them filed their reports on time.

Next slide, please. Taking a look at our modernization activities to date, my office has completed almost all of our online financial system, or OFS for short. It's a development for political participants to electronically report and receive contributions and to file financial statements. Electronic submissions through OFS was well timed given the challenges of the ongoing pandemic. OFS has enabled accurate and timely reporting and helps participants save money by avoiding late fees or having to mail or courier paperwork. We anticipate updating OFS in the coming year to reflect changes as a result of Bill 81.

Next slide, please. Slide 7 highlights many of the initiatives that had to be undertaken after Elections Alberta resumed its enforcement role. As I mentioned in my previous report, the compliance team required a far more robust and secure records management system. A reporting tool was acquired in late 2020, and all staff were fully trained in its use. The system went live this fiscal year and, I'm pleased to report, has been a great success. A clear set of file-naming and data entry rules have been developed to ensure the quality of our records. Also, it allows us to comply with and provide more comprehensive court-ordered disclosure materials. After the system went live and staff were trained in its use, 211 files were entered into this new database and all investigations had undergone a quality assurance audit. In addition, we converted our small boardroom into an interview room, complete with audio and video recordings to be used by the investigations team.

Next slide, please. This slide highlights the complaint activity for the year: 138 complaints and active investigations were carried forward from March 2020; in 2020-21 we received 211 new complaints. We concluded 78 complaints without investigation and 133 others through investigation. There were 138 complaints and active investigations that were carried forward into the current year.

Next slide, please. This complaints disposition graph illustrates the 133 investigations that were concluded in this fiscal year. We

issued a total of 11 administrative penalties or reprimands, and those findings and decisions are posted on our website.

Next slide, please. While the annual report highlights recent legislative changes that have taken place, this slide provides a review of the legislative activity that has impacted my office in the past three years. We have seen the reintroduction of Senate elections in Alberta in 2019, amendments in 2020, and four supporting regulations. The Constitutional Referendum Act was amended in 2020 to include nonconstitutional referendums as well as further amendment in 2021 and three supporting regulations.

9:25

This year we have seen the introduction of two new pieces of electoral legislation, the Citizen Initiative Act and the Recall Act. These new pieces of legislation, once proclaimed, will allow electors to petition for the recall of their MLA, for the introduction of a bill or policy proposal in the Legislature, or for the conduct of a constitutional referendum. In addition to the petition process that Elections Alberta will oversee, successful petitions could require my office to conduct a recall vote, an initiative vote, or a referendum vote.

Additionally, amendments to the Election Act and the Election Finances and Contributions Disclosure Act have also occurred in each of the last three years. This level of electoral reform has required significant resources from my office to support the consultation, drafting, and implementation of these bills.

Next slide, please. As I have shared with the committee previously, Elections Alberta is a fairly lean organization in comparison to election management bodies in Canada. British Columbia is a good comparator as we have the same number of electoral divisions and, with the introduction of this new electoral legislation, we have very similar legislative mandates. As you can see on the slide, Elections BC's permanent office is comprised of 70 positions compared to our current office size of 32.

While legislative changes have impacted our mandate, historically we have attempted to absorb these changes within our existing structure. This has resulted in significant challenges for my office in this past year as we struggled to keep up with the legislative changes that are being introduced in addition to overseeing the referendum and Senate election and conducting our preparation activities for 2023. We have reached a point that our staff are spread too thin and we can no longer absorb these changes within our structure. Today's budget represents the beginning of a restructuring that we'll need to undertake to ensure we have sufficient resources to support the electoral needs of Albertans.

Next slide, please. I have provided the committee with a budget handout. As the election cycle is spread out over a four-year cycle, our budget can be difficult to compare year over year. In your budget package you have comparatives to our last fiscal year, to the previous enumeration and previous election budget to assist in your review. You'll also note that on page 1 of your budget documents a full election is budgeted in both fiscal years 2022-23 and 2023-24. Current legislation prescribes a fixed election period that spans these two fiscal years. The election budget, however, is only expended once, which, if Bill 81 passes, will be primarily in 2023-24, although material and supply purchasing and pre-election preparation activities will occur in the '22-23 fiscal. In total we are requesting funding of \$45,224,000 for fiscal year 2022-23.

As a reference, in your handout documents pages 2 to 4 compare our consolidated 2021-22 budget and 2022-23 estimates. The variances are significant, and therefore there's more value from looking at each individual program area in detail. I'll start with the corporate services unit, which is on page 5 of your handout.

Next slide, please. Our corporate services estimate is \$5,674,000 and represents a net reduction of 2 per cent from last year. A combined decrease of \$361,000 has been made in supplies and services and capital, primarily related to a decrease in contracted services and the completion of major components of the election finances system. This is offset by personnel costs increasing by \$231,000 to support... [inaudible] The supplies and services budget has a net reduction of \$186,000.

Next slide, please. Slide 14 provides a summary of the changes that are being made to the structure of Elections Alberta. Starting with my position, I am retaining the role of the Election Commissioner, allowing me to reinvest the commissioner's salary into front-line staffing. Reporting to me will be two deputies, one responsible for electoral finance and compliance and enforcement and one responsible for corporate services, operations, IT, and geomatics. As each area of my office is impacted by increasing legislative mandates, additional supports have been added in each core unit.

In the compliance and enforcement unit additional hours are being budgeted for contracted investigators. In electoral finance we have converted our co-op student into a permanent financial compliance clerk. In corporate services a dedicated media and communications lead and human resources co-ordinator will be retained. In operations a position will be dedicated for developing online and classroom training materials, and an event planner will be brought in to temporarily assist with conducting returning office staff training throughout 2022.

Finally, in the IT and geomatics area an IT operations lead has been retained to oversee the IT infrastructure of our office as well as to set up the phone and IT infrastructure for the 87 returning offices and the vote-anywhere process. Additional contracted GIS analysts have also been brought in to support our map and list review process in preparation for the 2023 provincial general election. As you will see in your budget documents, these changes to permanent personnel represent an increase of \$231,000. However, we are showing an overall net decrease of 2 per cent to the overall corporate services budget.

Next slide, please. I would like to review the major assumptions and cost drivers for budgeting the 2023 general election. First, the election is fully budgeted in two years, as I stated previously, and that is based on the current legislation.

Second, the impacts of Bill 81 are not incorporated into this budget. If passed, with the fixed election date of May 29, 2023, there will be changes to when some costs are incurred and opportunities for cost savings. These savings are not reflected in the numbers presented to you today.

Third, we did not include budget items specifically related to COVID or pandemic precautions. As the election is still 18 months away, we are looking at the experiences of other jurisdictions, in which we know that additional costs are incurred for pandemic elections for staffing, rentals, supplies, and special-ballot voting.

Fourth, we are seeing increases in estimates for materials and supplies, rentals, and services. This has been related to both supply chain issues, postage increases as well as inflation.

Fifth, Alberta's increasing population impacts our estimates as it results in an increase in materials and supplies, voting areas, staffing, and where-to-vote cards.

Next slide, please. If you turn to page 7 of your handout on the estimates, our budget for the 2023 general election and two by-elections is \$35,344,000. To provide you with a more meaningful comparison, the 2019 provincial election budget is compared to the '22-23 estimates. Personnel costs are increased by \$1.1 million. This provides additional returning officer support, centralized special-ballot staff, two GIS positions, and the associated employer contributions.

The \$5.2 million increase in supplies and services includes changes such as additional support in the returning offices to support IT infrastructure, online training, and the advance polls; providing more locations for advance voting, which impacts staff, equipment, and rental costs; increases from Canada Post for delivering where-to-vote cards and election supplies to returning offices; increased costs for equipment and support for VOIP phone and data solutions for the returning offices; fees for the election management system and two by-elections versus in 2018 or '19, when no by-elections were budgeted. Capital costs are increased by \$470,000 to complete the customization of the election management system.

Next slide, please. As I provided office size comparisons to B.C., I also wanted to show the comparison between election services and costs between our two jurisdictions. This slide compares our estimated \$34.5 million for the '23 provincial election to B.C.'s \$51.6 million in actual costs for their recent 2020 provincial election. Elections B.C. did experience a very different election as it occurred during the pandemic, with record numbers of electors choosing to vote by mail. We do not anticipate seeing the same breakdown for where and how people choose to vote in 2023, but we are anticipating that we'll see an increase in alternate voting opportunities, resulting in a decrease on election day.

9:35

In 2019 60 per cent of Albertan voters voted on election day, but we are estimating that that number will be closer to 50 per cent in 2023. Advance voting will increase from 37 per cent to 43 per cent as we plan to offer more opportunities and locations for advance voting, particularly in rural electoral divisions. We see a potential for special-ballot voting to increase from 1.5 per cent to 5 per cent as the awareness of this voting option has increased over the last two years. We are also anticipating an increase in voting at mobile polls as we plan to offer this voting opportunity on advance voting days and election day as well as increase the number of locations that receive this voting opportunity.

The anticipated increase in voters at these alternate voting options requires us to plan for more locations, staffing, equipment, and resources, and our budget estimates reflect these increases. With the changes that are proposed in Bill 81, however, we do see opportunities for cost savings as we streamline our operations on election day. These savings will likely be in staffing and material costs as we find ways to improve the efficiency of our voting services. We do not anticipate any changes in our rental costs, however, as we plan to maintain the same or a higher number of voting places on election day to ensure that electors continue to have easily accessible opportunities to vote.

Next slide, please. This slide corresponds to page 10 of your handout. Our budget request for enumerations is \$3,119,000, of which \$100,000 is for capital investment. I provided a comparison between the 2018 enumeration and our current estimates. In 2018 a full door-to-door enumeration was completed in comparison to a targeted enumeration in 2023. Therefore, you'll see a decrease of \$10.2 million. Our targeted enumeration will include a register-to-vote advertising campaign, a targeted mail-out to households that are in new or transient areas or where no electors are registered. We'll implement community register-to-vote opportunities, and there will be a door-to-door enumeration in select areas.

Next slide, please. Turning to page 13 of your handout, we have our budget for the other electoral events, which consist of the Senate, referendum, citizens' initiative, and recall votes. Our budget request for this program is \$449,000. This estimate accounts for recall and citizens' initiative votes whereas our 2021 budget was for the Senate election and referendum vote held in October. As we

anticipate that the Recall Act and the Citizen Initiative Act will be proclaimed, we have budgeted for the review of a recall and an initiative petition as well as one recall vote. In the event that a recall vote was successful, a by-election would be held, which is budgeted under elections. If petitions are not submitted or a recall vote does not take place, these funds would not be expended. If, however, an initiative or referendum vote is required, a supplemental budget request will be submitted.

Next slide, please. Lastly, on page 16 of the handout we have our budget for compliance and enforcement. You will see our budget request for this program is \$638,000. This is an increase of \$25,000 from last year. This increase is related to the additional hours needed for contracted investigators following the municipal elections as well as additional hours needed for pre-election activities.

Next slide. To summarize, the total budget estimate for the 2022-23 fiscal year is \$45,224,000.

Mr. Chair, that ends my presentation. I'd be happy to take your questions.

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

I will now open the floor to committee members or any other MLAs that are on. First, I see Mr. Dang.

**Mr. Dang:** Thank you, Mr. Chair, and thank you, Mr. Resler, for your presentation. I guess I have some questions and concerns regarding this. In terms of compliance and enforcement, of course, we've noted a small increase of around 4 per cent. We know, of course, that CPI this year is 4.7 per cent, so frankly it's a decrease in your overall compliance and enforcement budget. You did give some numbers regarding the number of complaints that you've dealt with or carried over from previous years. Can I just ask: how many of those complaints remain that are greater than two or three years old, and have any complaints been dropped due to sections 153.2 or 163.1 of the Election Act? One of them is the time limit section.

**Mr. Kaye:** Thank you for your question, Mr. Dang. Going into this fiscal, I can give you a blend of the LAEA complaints and the complaints regarding other acts and requirements for investigations that we conduct. I can tell you that every investigation that we've completed this year has occurred within the statutory provisions of the legislation. Nothing has been dropped. We have received to date, in total, this fiscal 325 complaints. Seventy-six of those were carried over from 2020-21, the reporting period that we discussed in our previous report. So the total files to date we have, including carry-over and new, are 401. We have concluded 307 of those. Forty-one of those are currently active and assigned to our investigative team. Fifty-three are awaiting assignment.

I guess, just to follow up with your complaints over two years old, we have zero.

**Mr. Dang:** Okay. For my follow-up, in that case, I guess, if you have no complaints that are greater than two years old and you haven't dropped any complaints due to the statutory limitations – for example, there are instances where we've seen media reports of complaints being resolved or completed. It's unclear to me what completed actually means. When you complete an investigation, is there a posting? When you issue a writ of enforcement, is there a public posting every single time? What is the process to ensure Albertans are aware of the accountability measures being enforced?

**Mr. Kaye:** I can walk you through that at a high level, just in the interest of time. We receive complaints in a variety of fashions: online, via telephone. People can walk in and make a complaint to

us. I suppose someone could submit a video complaint if they wanted, though we haven't had one like that.

The complaints go through an intake process, where our goal is to provide a personalized response to the complainant within five days. We review and analyze the complaint to determine if it falls within our jurisdiction; i.e., it falls within the legislation we're authorized to enforce. Then we look at the elements of the complaint to determine at a high level whether it appears a violation has occurred.

If it appears as though a violation has occurred, we complete a complaint analysis document, and we submit that to the Election Commissioner. That goes to the commissioner because only the commissioner can approve an investigation. No one on the compliance team can initiate an investigation without the approval of the Election Commissioner.

Once that's done, an investigation will occur. We provide a report, in some cases hundreds of pages long, to the commissioner at the conclusion of the investigation, and the commissioner makes a determination on whether a violation has occurred and what the outcome is going to look like.

**The Deputy Chair:** Okay. Next I see Mr. Yao.

**Mr. Yao:** Thank you very much, Chair. Goal 1 in the business plan is to review the efficiency and effectiveness of election administration. You also mention to "review and update the voting process to find opportunities for modernization and cost savings, while maintaining a timely, efficient, and accessible system." What exactly is Elections Alberta doing to ensure that within their budget taxpayers' dollars are being efficiently and effectively spent? Yeah. That's my question.

**Ms Renwick:** After the 2019 provincial general election, when we put out the report that talked about the recommendations for legislative changes, that was a big portion of where we would like to modernize, where we would like to find efficiencies. I think that report really covers a lot of what we're doing, and we've seen that a number of those pieces are coming forward in Bill 81. The fixed election date will allow us to actually book polling places in advance. That will have a huge impact on us being able to acquire locations that are going to work best for Albertans. Without a fixed date we have a very short timeline in which we can book locations, and that sometimes means that people travel a little bit farther to vote. So we're very excited to be able to plan, you know, as much as a year in advance to book those locations, get the best opportunities for electors.

9:45

We also want to look at our staffing on election day. In the last election we've seen that a lot of people are voting in advance and in different voting opportunities, so 7.8 per cent of our staff in advance provided services to 37 per cent of voters, while we had 87 per cent of our staff, over 17,000 people, serve the remaining 60 per cent. We want to provide good services on both advance voting days and election day, so we're looking at those resources, that staffing model, to make sure that it is the most efficient process possible, that taxpayers are getting the best bang for their buck as far as what the services look like but that they're also not standing in long lines or seeing tables where, you know, election officers are not working because they're not able to serve them. A lot of that has to do with the structure of the legislation.

We've seen some changes with Bill 81 that, if passed, we'll be able to review and figure out how to implement that and really modernize and improve that process for electors.

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

**Mr. Yao:** Actually, I'll pull my follow-up. I believe my question has been answered. Thank you.

**The Deputy Chair:** Okay. Yeah.  
Mr. Dang.

**Mr. Dang:** Thank you, Mr. Chair. Certainly, I think that one of the concerns I have around how this office has been proceeding is that I'm a little bit worried about complaints that are old or outstanding and haven't been posted and haven't been updated. I don't think I got quite a clear answer on what the process for that looks like after the process has concluded. Can I just ask again: are there any investigations that have timed out at all since, let's say, 2019? We know that last year when we came to this committee, at the budget meeting, the Election Commissioner's office indicated that the government had denied a request for extension, for a 120-day extension to complete the work on an investigation related to the 2017 UCP leadership contest. Have there been other cases where investigations have either been denied or timed out under the legislation?

**Mr. Kaye:** The answer to that is that there have been no investigations that have timed out in the reporting period that we have referred to.

Insofar as a notification process, there are provisions in the legislation that require our office to notify the subject of an investigation (a) that they are the subject of an investigation, prior to the conclusion of an investigation; they are also required to be notified of what the outcome of the investigation is. To be clear, we send a response in every instance to every complainant regardless of whether a matter is referred for an investigation or not. Every single individual who makes a complaint to our office is notified of the outcome of their complaint.

Issues that progress through the investigative progress and where a violation has been identified that results in the issuance of an administrative penalty or a letter of reprimand are posted on the Elections Alberta website. In cases where no penalty, administrative penalty, or letter of reprimand is issued, then subjects are sent written notice, oftentimes also e-mailed, and are advised of the outcome of the investigation. This also applies to complainants.

**Mr. Resler:** I would just like to add to that one. The comments that Mr. Kaye expressed as far as the disclosure process, that is mandated in legislation. So there is no discretion on which investigations we can make public or not, and the process is determined by whether administrative penalties, reprimands, those types of things are issued. So that is regulated.

**The Deputy Chair:** Okay. With a follow-up?

**Mr. Dang:** Thank you, Mr. Chair. So I appreciate that no complaints have timed out that were issued this year, as you'd mentioned, but complaints that were older may have timed out or been denied extensions, things like that. Were any complaints denied extensions, and were complaints that came from previous periods that were carried over timed out at all?

**Mr. Kaye:** There were no complaints that fell into that category.

**The Deputy Chair:** All right.  
Member Smith.

**Mr. Smith:** Thank you, Mr. Chair. Goal 1(b) is to "collaborate with Municipal Affairs and... municipalities in preparing for the anticipated October 18, 2021, Senate Election and Referendum Vote." Your business plan outlines some of the steps taken by

Elections Alberta to fulfill this goal. Could you elaborate or provide more detail on how you collaborated with Municipal Affairs and municipalities in accomplishing this goal?

**Ms Renwick:** Yes. We worked with Alberta Municipal Affairs right from the beginning of when the legislation came out on the Alberta Senate Election Act and the Referendum Act. We were partners though the whole thing in training municipalities. We recognized that municipalities needed training and information coming at one time and not from two different bodies, so we collaborated on a returning officer manual that had information on both the municipal elections as well as Senate and referendum. We did virtual training with them. We were both involved in every session, and those ran between October 2020 and June 2021. We've recorded all of them, so no matter when a returning officer was appointed in any of the municipalities, they were ready to view any training that they had missed so that they could conduct the election.

We had processes between us so that we could share information on how we were interpreting legislation, pass concerns and questions back and forth, to make sure that no matter which municipality was asking a question of who, we still got them to the right department for answering those questions.

**The Deputy Chair:** Mr. Smith, with a follow-up.

**Mr. Smith:** Thank you. Based on how things ran the day of the referendums and the elections, were your training sessions successful?

**Ms Renwick:** I certainly hope so. We did do a survey, actually, of all the municipalities and returning officers to provide us feedback on how they felt things went and where we could improve, and that's going to be included in our report to the Legislative Assembly on the conduct of that election. It was a very complicated election for municipalities to run, with the local elections, school board elections, the Senate, and the two referendum votes, and I think they did amazingly well to pull it off.

**The Deputy Chair:** I see Member Dang.

**Mr. Dang:** Thank you, Mr. Chair. I'm concerned about some of the comments Mr. Resler made regarding the role of the Election Commissioner and the electoral officer. I mean, impartiality isn't a trade-off, right? Trading front-line staff for electoral impartiality isn't something I think is appropriate in a democratic system, in our election systems.

We've just seen in this report around the municipal election that one person cannot adequately develop and approve materials and operations and then impartially monitor those same decisions and activities and do an investigation into their own activities.

I'm wondering whether there are indeed enough resources and whether we do need additional resources to have an independent Election Commissioner that can properly investigate complaints, especially ones that are directed at Elections Alberta.

**Mr. Resler:** I would disagree with your comment that I am not independent in my roles and duties. I take an oath of office in which I swear my independence and impartiality to the Legislature and to Albertans. So I disagree with that comment.

As far as the staffing component, when we look at the Election Commissioner, I have now had two years in which I've undertaken the role, and this is a role that was performed previously with the resources that came across from the Election Commissioner's office. We have five contract investigators and three additional staff in the office, permanent staff, that provide that support. I do not



believe, based on what I've seen over the last two years, that the position is a full-time position. It is a part-time position. It does not require a full-time staff to do it, and I'm able to perform the role within my other duties.

The reason we have a deputy commissioner that's responsible for finance and compliance is to provide adequate support to myself, which will alleviate some of those duties of the commissioner and provide that support.

9:55

**Mr. Dang:** Thank you. With my follow-up, I guess to be clear, I'm concerned around if a complaint is made about me, I don't investigate myself. The independence of yourself against yourself is very difficult to justify here. I think, moving forward, one of my concerns is also regarding that we just heard that your staff are stretched super thin. I think the exact words you said were: Elections Alberta is stretched thin. Now, we're looking at a 4 per cent increase, give or take, to the enforcement and compliance area with CPI being 4.7 per cent, right? So we're below inflation on enforcement. In that case, is it not clear that we do need more resources, we need more people, we need to have an actual system in place that will allow these investigations to be concluded in a timely and effective manner?

**Mr. Resler:** I believe the investigations are proceeding in a timely manner. We did have a significant backlog of investigations that came over from the previous office. In addition to that backlog, we've had numerous court challenges on the quality of the investigations that were performed previously – not on some of the quality of investigations but the decisions that were made previously, I should say. Decisions that have been made and have been provided by the courts have shown that there was an unfairness to the decisions and the enforcement of the levying of fines, and that's provided in our annual report if you look at Rumpel.

We've had to engage a considerable amount of time and resources, to some extent to clean up what was done previously. The unfortunate part of that was that some of those decisions – and they're mainly looking at overcontributions – were valid overcontributions, and the courts have struck the penalty and struck them from public disclosure on the website. That is unfortunate because that disclosure should exist adequately, which did not exist or does not exist now, because of the unfairness of the decision.

**The Deputy Chair:** All right. Conscious of time . . .

**Mr. Resler:** And when we look at the increase, as far as the 4 per cent increase, we do recognize that we're a small office, and in order to integrate additional staff we have some constraints to bring them on stream. What we are proposing is a first step to get us through the 2023 provincial general election. When we look out further, as far as the impact of the other electoral activities, there may be further requests for additional staff, but part of those constraints is that we don't have capacity within our infrastructure; our building doesn't allow additional staff. We're already at overfull capacity and looking for additional space in order to accommodate the next election. We've already initiated informal discussions with Alberta Infrastructure to look at the potential items in that, and then we can look at how we can grow and ensure that we have adequate resources.

**The Deputy Chair:** Thank you, Mr. Resler.

I don't have anybody on the list, and we are running up with the time issue. However, I will offer one to Mr. Dang.

**Mr. Dang:** Thank you, Mr. Chair. Seeing as we are running up on time here, I have a few things I might ask for into the record, and

perhaps Mr. Resler can reply in writing if he has that opportunity. Certainly, I think that we have seen today some very serious concerns around the funding, the space available for your office, the number of people who are . . .

**The Deputy Chair:** Hon. member, we're running up on time. I appreciate everything that you're doing right here with regard to questions potentially being sent in writing at a later date. However, we will be voting on this matter today. Is that something that kind of directs where we're going with this?

**Mr. Dang:** Sure. Maybe I'll just get one specific question in, or one or two specific questions in.

**The Deputy Chair:** Okay. Be very, very mindful of time, please.

**Mr. Dang:** Thank you. I guess in terms of some very serious complaints around things like the UCP leadership contest, around things like complaints to third-party advertisers such as Shaping Alberta's Future, we've seen complaints that were filed as far back as 2018 that will very likely be coming up to the end of the statutory period, and there's been no update, either publicly communicated or to the complainants. I guess, why is there no update? And is that an acceptable reporting time of almost three years now for Elections Alberta to consider that completed?

**The Deputy Chair:** I believe the request was for it to be in writing, the response.

**Mr. Kaye:** Thanks for your question, Mr. Dang. Unfortunately, the flow of investigation is often . . .

**The Deputy Chair:** I hesitate to interrupt the hon. member, Mr. Kaye. Mr. Kaye, I hesitate to interrupt you; however, the question was with regard to having the response in writing.

Mr. Yao, with a final comment.

**Mr. Yao:** I just wish to comment on one final aspect of your presentation, and that's regarding the social media incident. That has hurt the public's confidence in Elections Alberta. Government often has to comment on HR issues even though these as well should be considered confidential, but it does reflect the need to support public confidence. I believe your office needs to re-evaluate your position on this issue and recognize that your office needs to demonstrate the ultimate accountability and responsibility in this lack of confidence in Elections Alberta.

Thank you.

**The Deputy Chair:** Thank you. That concludes.

Thank you, Mr. Resler, to you and your staff for all your time this morning. For your information, we anticipate the decisions on the officer's budgets will likely be sent out sometime early next week in writing.

We are now moving on to agenda 5(a)(ii). Up next, I would like to welcome the hon. Marguerite Trussler, Ethics Commissioner, and her staff to the meeting this morning.

I am told that you only anticipate to need something in the neighbourhood of just a few, five minutes, perhaps? Once you have completed your remarks, I will open the floor to questions from committee members. Ms Trussler, the floor is yours.

#### Office of the Ethics Commissioner

**Ms Trussler:** Thank you. Thank you for inviting the office of the Ethics Commissioner and lobbyist registrar to present its budget

submission. I will be very brief. I'd like to spend a couple of minutes giving the committee a brief update. The relevant information can be found in our annual report for the year-end March 31, 2021.

During that year we had an increase in people not disclosing their financial information in a timely fashion. There were 23 late filings and five administrative penalties. I hope that late disclosure does not become a trend and was only the result of the upheaval of COVID. We also had six investigations during the year, which was a lot considering we were working around restrictions.

For the most part during the last two years there were at least two people in the office and often four at all times, and we were rotated in and out. I was in the office for both in-person and telephone meetings as I did not want to take personal files out of the office. Since March we've been busy with one investigation and a submission on changes to the Lobbyists Act.

We were forced to do the IT hardware update, which we mentioned last year; however, we found a much less expensive approach than we anticipated, and we were able to complete the update within our budget. Most of it is done, and there are only a few things remaining.

Our budget request for next year is the same as last year, and I think the budget is pretty well self-explanatory. We expect to have a very small surplus of under \$30,000 this year; however, the total budget will be needed next year when we hope our operations will be back to normal.

We had a flood in our office recently, which damaged a number of boxes and files waiting to be shredded and required drywall and paint repairs. If the flood had happened a few feet away over in a file room, it would have cost \$30,000 just to restore the personal files with financial information in them, and they would have had to be taken off-site, where security could not be guaranteed. As a result, we've ordered cabinets for just personal financial files that have doors which should provide protection if a flood occurs. We hope to be able to purchase them this year and within this year's budget, but given supply chain issues the purchase may have to be delayed until next year.

That's pretty well all I have to say. I'd be very happy to answer any questions.

**The Deputy Chair:** Sure. I will now open it up to questions to the floor or to any members online. I see Member Loyola.

**Member Loyola:** Good morning, everyone, and thanks, Commissioner Trussler, for joining us this morning for your presentation. First, I'd like to just delve into the whole issue of advice requested from your office. I notice that regarding Conflicts of Interest Act, it dropped more than 50 per cent according to page 7 of your annual report. As a preamble to that, could you just kind of give us a summary of what kind of advice regarding the Conflicts of Interest Act you get to your office? Why do you think there was a drop of 50 per cent? What do you attribute it to?

10:05

**Ms Trussler:** I'll start with the second question. The drop was because nobody was going anywhere. Much of the advice we give is on gifts and invitations to events, and that is why there was a substantial drop in the past year. We do give advice with respect to the acceptance of gifts. We give advice on whether a person should vote. We give advice on what property or assets a person could hold. There is a wide range of things we get asked about.

**The Deputy Chair:** And a follow-up, should you want it.

**Member Loyola:** As a follow-up, Mr. Chair, yeah?

**The Deputy Chair:** Yes.

**Member Loyola:** I'm just wondering: how much time does that take in terms of providing advice, like staff time? And then: do you think that will have an impact on your budget moving forward?

**Ms Trussler:** It's hard to say how much time it takes because each question is different. Many of the questions are routine, and we can answer them fairly quickly. It would probably take a half an hour to an hour. I don't think that if the request for advice goes back to where it was before, it will cause any problem with staff time or with respect to the budget.

**The Deputy Chair:** All right. I don't have anybody on the list at this time. I see Mr. Smith.

**Mr. Smith:** Thank you, Mr. Chair, and thank you for your presentation today, Commissioner. On page 10 of the annual report it states that the office of the Ethics Commissioner received 50 requests for information this year, which is up from the year prior. Does the office have any reasoning or reason as to why we've seen this uptick in information requests?

**Ms Trussler:** Well, it varies from year to year. In 2016-17 you will notice that there were 60 requests, which is less. It really depends on how much time the public has on their hands or what the issues are of the day and whether the public is engaged in those issues. Often we get requests as to what our jurisdiction is and what we can do on things.

**The Deputy Chair:** Okay. Mr. Yao.

**Mr. Yao:** Thank you so much. On page 10 you break down the requests for investigation by those which had insufficient information, those which were outside of the office's jurisdiction, and those which had resulted in an investigation. Of the 10 investigations that were requested which were considered to have insufficient information, how many of those would you consider to be frivolous?

Thank you so much, Madam Commissioner.

**Ms Trussler:** Some of them are not so much frivolous as people just venting. They say: you should investigate this particular MLA. But, in fact, they don't say why we should investigate the MLA or give us any specific details as to what the complaint is about. They're almost sort of non requests, there is so little in what is said in the communication to us. With respect to nonjurisdictional we get a lot of requests that just are not within our jurisdiction.

**The Deputy Chair:** I believe I see Member Loyola next.

**Member Loyola:** Thank you very much, Mr. Chair. On page 11 of your report, Commissioner, it shows that salaries came in over budget. I was hoping that you could provide us an explanation of why that was.

**Ms Trussler:** Salaries came in over budget because I had a reclassification.

**Member Loyola:** Thank you.

**The Deputy Chair:** Member Loyola, any follow-up?

**Member Loyola:** Not on that particular question, but I do have a couple of more questions.

**The Deputy Chair:** Sure. I have no one else on the list.

**Member Loyola:** Fantastic.

**The Deputy Chair:** Okay. Go ahead.

**Member Loyola:** Thank you, Mr. Chair. I want to move to registered lobbyists. I'm just wondering: how do the number of active registered lobbyists compare to the previous year?

**Ms Trussler:** I'll ask Ms Draper to answer that question.

**Ms Draper:** Member Loyola, do you mean the individual lobbyists or the registered organizations?

**Member Loyola:** Registered organizations.

**Ms Draper:** Okay. I'm going to have to pull up last year's report and compare those. Last year there were 90 registered consultant lobbyist organizations and 311 registered organization lobbyist organizations, and then as that compares to this year, it would have gone up 10 for organization lobbyists to 321 and about 12, or exactly 12, to 102 registered consultant lobbyist organizations from 90 the previous year.

**Member Loyola:** Okay. Thank you very much for that.

**The Deputy Chair:** Member Loyola, did you have a follow up?

**Member Loyola:** Not on that particular one. I have – well, how about this? Were there any noticeable differences in '20-21 in the subject matter or ministry for lobbying activities?

**Ms Draper:** Yes. Probably unsurprisingly, there were a lot more subject matters pertaining to health and a lot more of Alberta Health due to the pandemic than in the previous year. That was, I think, the most popular subject matter. Let me just see here in the report. Yes. Health was the number one of the top 10 subject matters lobbied about during the relevant fiscal year.

**Member Loyola:** Ms Draper, so then the organizations that then registered: were more organizations dealing with health, or were those individual inquiries, like not from organizations themselves but...

**Ms Draper:** I'm – oh. Pardon me. Sorry.

**Member Loyola:** No.

**Ms Draper:** I'm not totally sure I understand your question, but I think health would have captured anything COVID-19 related. I mean, I'm not sure if there was a single organization that wasn't affected in some way by COVID, so a lot of them would have something. They might be lobbying, for example, about workplace safety, but it pertained to COVID as well because it was about, you know, public health restrictions or safety measures. I wouldn't say that it was necessarily that these were organizations that specifically work in the health field or do business or activities about health, but I think a lot of organizations if not all were affected in some way by COVID and so had some lobbying that pertained to health broadly.

**Member Loyola:** I understand.

**The Deputy Chair:** Thanks.  
Next I see Member Yao.

**Mr. Yao:** Thank you so much, Chair. In your business plan you discuss promotion and understanding of legislative obligations, and under that goal it states that you reviewed the disclosure statements of members, designated office holders, and political staff. As with this

past year, your business plan mentioned that political staff disclosures will happen this July. My question is whether the parameters that surround the staff who must meet with the commissioner – can you clarify if all staff have to meet with the commissioner? Yes.

Thank you very much.

**Ms Trussler:** The political staff to the Premier and the ministers have to file financial disclosure, and they have to meet with someone in our office on a yearly basis. It doesn't necessarily have to be me, but I meet with everyone from the Premier's office and all the chiefs of staff. I think that pretty well covers your question.

**The Deputy Chair:** Okay. Any follow-up?

**Mr. Yao:** Actually, yeah: whether the parameters decide which staff must meet with the commissioner.

**Ms Trussler:** I make the decision that chiefs of staff and staff in the Premier's office have to meet with me, and if we have any files where we have some issues with them, then I will also meet with those people.

**Mr. Yao:** Thank you.

**The Deputy Chair:** Okay. Thank you, Ms Trussler. I don't have anyone else on the list, so I want to thank you and your staff for your presentation and for responding to the committee's questions.

**Member Ceci:** Mr. Chair? Sorry.

**The Deputy Chair:** Sorry. I see Member Ceci.

**Member Ceci:** I apologize for getting in late. I just want to follow up on MLA Yao's question with regard to political staff. Ms Trussler, there have been – I can't remember how many – several who have left the employ of the Premier's office. How do you decide which ones come before you with regard to their disclosures, their financial disclosures, their interest disclosures, when they've changed and may be not there any more but have been there during the fiscal year?

10:15

**Ms Trussler:** The legislation does not allow us to ask for disclosure of people who have left their employment, so we can only do disclosure up until the time they leave. Now, if we send out the request for disclosure the 1st of June and they're leaving the 15th of July, we still expect them to do it, but once they've left, then we don't have any further jurisdiction to ask them to do it. Our only jurisdiction then is with respect to postemployment, and most of them come and speak to us about postemployment.

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

**The Deputy Chair:** Member Ceci, any follow up? Okay. All right. Thank you very much.

Just to finish off what I was going to say, for your information, Ms Trussler, it is anticipated that the committee's decisions on officers' budgets will be sent out likely early next week in writing as well. Thank you very much.

**Ms Trussler:** Thank you.

**The Deputy Chair:** All right. Taking a look at the time, I think perhaps this might be a good opportunity – and it's kind of in the agenda there, too – for a break. I guess if it's good with everybody, we will reconvene at 10:30.

[The committee adjourned from 10:17 a.m. to 10:30 a.m.]

**The Deputy Chair:** Thank you. I'd like to call the committee back to order.

Next on the agenda we have the office of the Information and Privacy Commissioner. I'd like to welcome Ms Jill Clayton, Information and Privacy Commissioner, and her colleagues to the meeting today. If you could keep your presentation to 20 minutes or less, and then we will have some opportunity for questions after that. The floor is yours whenever you are ready.

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

**Ms Clayton:** Wonderful. Thank you very much, Chair, and hello to the committee members. I am Jill Clayton. I'm the Information and Privacy Commissioner of Alberta, and I'm joined here today by Assistant Commissioner Kim Kreutzer Work. It is a pleasure to be here. It is, however, a little bit bittersweet for me. This is my last presentation to this committee as Information and Privacy Commissioner of Alberta. As a result, some of my comments today reflect a little bit on the past 10 years that I've been commissioner as well as where we are now.

To begin, considering we have some new committee members, I'll start with a very brief overview of my office. Next slide. As Information and Privacy Commissioner my job is to oversee and enforce Alberta's freedom of information and privacy laws. Alberta's three access and privacy laws are the Freedom of Information and Protection of Privacy Act, otherwise known as FOIP; the Health Information Act, which is known as HIA; and the Personal Information Protection Act, or PIPA. FOIP provides Albertans with the right to access information held by public bodies, and all three laws provide individuals with the right to access their own information held by public bodies, health custodians, and private-sector organizations. Each law also requires public bodies, health custodians, and organizations to take steps to protect privacy.

When Albertans disagree with access and privacy decisions that are made by public bodies, custodians, or organizations, they can ask my office to review the situation. We are also responsible for reviewing privacy breach reports and privacy impact assessments that are submitted to the office. Private-sector businesses, organizations, and health custodians must also report certain breaches to my office, and health custodians are required to submit privacy impacts on certain projects involving health information.

Next slide, please. A quick overview of staff roles here in the office. We have a mediation and investigation team that reviews responses to access requests and privacy complaints. Adjudicators undertake formal inquiry or decision-making processes with the help of support staff. Inquiries result in binding orders that decide all matters of fact and law in the specific situation and that are subject only to judicial review. Our compliance and special investigations team reviews privacy impact assessments and breach reports and also conducts offence investigations. Our intake team is responsible for the flow of files in the office and responds to general questions. We also have administrative staff focused on information technology, records management, finance, communications, and human resources.

Next slide, please. Moving on to a quick year in review, last year, of course, was very much dominated by the COVID-19 pandemic. The pandemic, however, did not change the trajectory of the number of files coming into the office. Our numbers continued to increase. In fact, every year since I started as commissioner, which was February of 2012, we've seen annual increases in open files, often by increments of between 20 and 30 per cent a year. That first year I was before this committee, 2011-2012, we opened 1,288 files, almost 1,300, and last year, 2020-2021, we opened 4,166 files.

Last year we broke the 4,000 file threshold for the very first time. That's quite a shift in 10 years. The number of files coming through the door has more than tripled.

In terms of closed files, 10 years ago, in 2011-2012, we closed 1,320 files, and last year we closed 3,517, again nearly tripling our output over 10 years. In light of this, it is important for me to take this opportunity to acknowledge my colleagues in the office, who have done this work year after year, particularly including last year, with all of its operational challenges. It was truly a remarkable effort on everyone's part.

With that significant increase in files, however, there have been challenges, particularly with timelines. A primary focus in my first speech to this committee was timeliness. We had commissioned a stakeholder survey in 2012, and that survey identified delays as the biggest issue stakeholders had with respect to our internal processes. At that time, of files that could proceed to inquiry, we resolved approximately 60 per cent within 180 days. However, as we continue to see more files coming through the door, the reality is that we've seen timelines increase, which is frustrating for the parties engaging with our office. In 2020-21, last year, of files that could proceed to inquiry, we closed only 5 per cent within 180 days, and that's largely due to a backlog that has accumulated. We're seldom able to even open the files within 60 days because our active caseloads are already so high. We can't just add more to caseloads that are already at 60 or 70 files simultaneously. It's just not possible.

That said, I would like to commend our intake team. We've had some additional staff join the office, and last year we made significant inroads in getting files entered into the system so we can assign them in a more timely way. Similarly, we do have some lengthy timelines for PIA reviews, breach reports, and investigations.

Next slide. An interesting trend I'd like to highlight concerns the makeup of our work. Looking back over 10 years, you can see that a good portion of the increase in our workload can be attributed to new legal responsibilities. As you can see on this slide, this has led to a majority of our files now falling under the Health Information Act. A major contributor to this change is the requirement for health custodians to report certain breaches to my office. That change contributed 800 net new open files annually since the requirement was introduced, in 2018.

The introduction of this requirement in the health sectors is also associated with more potential offences under the Health Information Act for knowingly accessing or attempting to access health information without authorization. We simply started hearing about these incidents more because of mandatory breach reporting, but they are very resource intensive to investigate. During my first presentation to this committee as commissioner, I noted that there had been two convictions under the Health Information Act for unauthorized access to health information. We recently saw the 20th conviction make its way through the courts, including one for knowingly using health information in contravention of the law, and additional charges in some cases. This unfortunate milestone reinforces that the public cares about unlawful access to and use of health information, and it remains worthy of our attention.

We've also seen more regulated health professionals gain access to Netcare, Alberta's electronic health record. Each new health custodian that gains access must submit a privacy impact assessment, or PIA, to my office. Over the last several years we've seen dentists, chiropractors, and optometrists, among others, granted access to Netcare. When I started as commissioner, we opened roughly 500 PIAs a year. Last year we were close to 2,000.

With respect to the freedom of information side of our work, requests to review responses to access requests have fluctuated over the past 10 years. We've seen between about 205 and a peak of 454

in 2017 and 2018. No clear trend emerges in the stats; however, you can certainly see that the types of issues, volume of records, and complexity of files have increased along with the prevalence of digital records.

We've also seen requests for time extensions increase significantly. Timelines for responding to access requests by public bodies have gotten lengthier. Resourcing by public bodies has not kept pace with the volume and complexity of today's access to information requests. I see more and more reports of chronic staffing issues, positions that aren't filled for lengthy periods of time. I know it's difficult for public bodies to even find qualified staff to do the demanding work of reviewing records and responding within timelines. Last year we received a total of 295 requests for time extensions. This year we've already received that many, with three more months in the reporting period.

The legislation is also ill equipped to deal with digital record keeping. As I noted in the annual report, despite the valiant and dedicated efforts of FOIP staff, it appears impossible to keep up with the demands given system design and resourcing.

Next slide, please. The one constant driving file increases over the years, though, is technological innovations involving massive amounts of personal information, and this reality has featured prominently every year that I've been before this committee and will continue to dominate the next commissioner's term. Over the past year, for example, the increase in use of virtual care apps or digital products to deliver health care has been phenomenal, almost overnight. Through the use of virtual care products a family physician consultation now involves health information flowing through digital ecosystems that often involve service providers and servers outside Alberta and Canada.

In the last year we released two investigation reports on facial recognition technology. This technology has been subject to moratoria and bans in some jurisdictions as society grapples with questions about the appropriate use and design of these systems, particularly in law enforcement and commercial contexts.

We also see more breaches every year that are caused by cyberattacks, particularly the recent scourge of ransomware crippling IT systems globally. Every organization, no matter the sector or size, is at risk. The complexity of information systems also often leads to unintended administration errors that can have significant consequences for those affected and expensive repercussions for the organization.

These and other technological realities are challenging the practical implementation of the laws and exposing the laws' antiquities and shortcomings. While legislative reform alone will not fix all of the challenges, I'm optimistic about our current efforts for possible reform, dare I hope for modernization, of FOIP and PIPA. So far I am encouraged by the consultation that my colleagues and I have had with the Minister of Service Alberta and ministry staff and with efforts to engage with the public and other stakeholders. I'm hopeful this momentum will continue and that there will be more opportunities for consultation.

**10:40**

Next slide, please. Before moving on to the budget portion of my presentation, I'm also going to take a little bit of a tangent to mention the publications we issued last year to assist regulated entities in responding to the pandemic while upholding privacy rights. Since March 2020 we issued or updated about 10 of our guidance documents, with several relating to pandemic response. We published guidance on managing records when transitioning from work to home, on businesses using customer lists for contact tracing, businesses offering discounts or services by showing or requiring proof of vaccination, and privacy laws in the context of a

public health emergency. We also issued advisories on process changes to respond to the pandemic, and we're currently working on a resource to assist health custodians with choosing and implementing virtual care technology solutions. Hopefully, that will be out soon.

These pandemic response publications instantly became the most viewed publications on our office's website. Within weeks our proof of vaccination guidance had seen tens of thousands of hits, a positive note about our education and outreach amid the turmoil of the pandemic.

Next slide, please. I will now move on to the statement of operations from last year. Last year, 2020-2021, we returned \$41,116, or approximately .57 per cent, of our total approved budget. Salaries, wages, and employee benefits make up about 85 per cent of our operating expenses. In 2020-21 payroll-related costs and legal fees were under budget; supplies and services and capital purchases were over budget.

This leads me to my budget request for next year. Next slide, please. For the next fiscal year I'm requesting a budget of just over \$7,150,000. This is an increase of approximately \$160,000, or 2.3 per cent, over our current budget. For context I would like to note that our current budget is already a reduction of almost 3.6 per cent from the previous year, that being 2020-21. Even with the increase I'm requesting for next year, our budget is still less than the 2020-21 budget by almost \$100,000.

The requested increase includes a 1.1 per cent increase in personnel costs due to – we filled some vacancies at slightly higher rates, and we've had to make some anomaly adjustments.

I'm also making a request for one new FTE. That new FTE is additional IT support. This is an area where we have needed additional support for quite some time, and that was clearly highlighted during the pandemic. For example, we have only one permanent staff member, our manager of IT, who was responsible for preparing all the tools we needed for working from home at the drop of a dime. Since then, we've had multiple concurrent projects to improve our systems and processes, so our manager of IT was overseeing something like 20 different projects. We need support for day-to-day administrative functions while our manager of IT and records can focus more on project management. In previous years I have not taken asking for new staff lightly, and that is still true. I've tried to ensure as much as possible that new hires would tackle file backlogs. The reality is that we do need administrative support as well.

With respect to current staff there are no planned changes to salary. This has been the case for most staff since mid-2015. Benefits for pensionable salaries reflect a reduction in employer contributions along with a minor decrease in extended health premiums. Professional fees and development costs are being maintained.

Supplies and services costs have increased by just over 10 per cent, reflecting mostly postage costs as well as an increase in telecommunications costs, and this is the result of more staff working remotely during the pandemic. Legal contract services costs have increased due to courts having returned to prepandemic scheduling.

Technology services costs have increased as a result of enhanced security programs, including things like multifactor authentication to access the new 1GX system and for secure VPN access for staff working from home. As an aside, I wanted to say that the government switch from IMAGIS to 1GX, which my office and the other independent legislative offices are participating in, has been very time and resource intensive for our office over the last year and a half and not without glitches, some of which have been resolved and some that I'm optimistic will be resolved. We do have

some upcoming meetings with government staff that I hope will address some of these matters.

Our budget also includes a small increase in costs for hosting our working sessions. This is \$1,000, essentially, for acknowledging employee long service. We do this every second year. All of the increases in the budget are offset by a decrease in costs associated with the offence investigations. We're now doing more of that work in-house as our staff's skills have increased. We've maintained current supplies and services costs for travel, advertising, insurance, rentals, repairs, maintenance, materials and supplies, and some contract services.

In summary, we're looking at a 2.3 per cent increase, approximately \$160,000, comprised predominantly of additional IT support, IT technology, postage, telecommunications, and some legal services.

Next slide, please. I would typically end my presentation now after my budget estimate, but I have a couple of more minutes. I would like to add a few more comments this year, certainly, just to say what a remarkable journey these last 10 years have been. We've seen incredible growth as an office. We've literally grown in terms of staff, but as I've mentioned, our workloads have far outpaced anything I could have imagined when I started.

Overall, I'm disappointed that we didn't make more progress in certain key areas. We haven't seen meaningful legislative reform – I highlighted this in last year's annual report – in many years. We've seen some consultations that didn't result in any significant amendments or even reports. We've seen some consultation behind closed doors without involving my office or the public; however, as I mentioned already, I am so far optimistic about the potential for reform of FOIP and PIPA.

It's also been somewhat disappointing to see the access to information system mired in delays at every level, and this is throughout 10 years. This is a challenge that all jurisdictions, globally it seems, are struggling to overcome, and the pandemic certainly hasn't helped. While I appreciate open government efforts, I don't think that open data has quite lived up to the goals and objectives of reducing FOIP requests or of making the information that people want more available. People still want to know why decisions are being made that affect their businesses or lives, and open government programs are often not set up or designed to provide those answers. The law didn't anticipate tens of thousands of records being involved in responses to FOIP requests either, and we see that all the time, 60,000 pages, 70,000 pages.

Despite the many challenges and perhaps because of them I've certainly enjoyed going to work these past 10 years. Every day there is something new, some new topic or situation. You can't anticipate everything that's going to come through the door, and it's certainly been an exciting time to be immersed within the many global changes in access and privacy regulation. It's quite a remarkable moment in time.

I'm also very proud that during my term as commissioner Albertans who were affected by a breach of their health information gained the right to be notified in law. Alberta was a leader in breach notification in the private sector under PIPA, and it's incredible to see the global progress on the right to be notified since that time. It seems that nearly every jurisdiction has breach notification requirements now, and particularly when we see the number of security incidents today, it's really important for individuals to know when their finances or their identity or their reputation may be at risk.

I've also had the opportunity to work with incredible colleagues in the office as well as my Canadian and international counterparts. Looking back, we accomplished great things by continuing to rise to the challenges presented by burgeoning workloads and the increasing complexity of matters before our office. Over the next few years I'll

certainly be looking back to see what's going on, with great fondness, and to see how different issues progress in the years to come. I wish the next commissioner all the very best with the great team at the office of the Information and Privacy Commissioner.

Thank you very much.

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

I will now open it to questions, and first on the list I have Member Allard.

**Mrs. Allard:** Thank you, Chair. I appreciate that. I just wanted to ask a little bit – obviously, with COVID privacy and health privacy in particular has become a burning topic in our world. I just wanted to know – you talked a lot about modernization and about the need to balance privacy protections and effectively using health information to deliver the best care possible. I know there are some competing interests there. Are there examples of how modernized privacy legislation could enable better decision-making about public health measures? I'd be really curious.

**Ms Clayton:** Sorry. About how modernizing health legislation could enable . . .

**Mrs. Allard:** How modernizing privacy legislation could enable better decision-making about health care and public health measures.

10:50

**Ms Clayton:** Yeah. Well, that is an interesting question. I think that, you know, we're looking at that in a lot of jurisdictions. There was a recent report, actually, an article that came out earlier this week, in fact, in the *Globe and Mail* talking about the need to share information and some of the barriers to sharing health information. I'm not actually – what I will say is that that in particular is an issue that has been around since my start as commissioner, so we're always talking about the need to share health information.

I think I would say that in particular Alberta's Health Information Act was designed to share health information and to facilitate an electronic health record, so there are lots of provisions in the Health Information Act that are in fact designed to share information with health providers and for other purposes like health system management, quality assurance, research, and those kinds of things. I think that in some ways the problem is less about the way the legislation is written in the health sector, for sure, and more about perceived barriers to sharing information.

You know, we've seen often there's – and this is true in the public sector and the private sector as well but more so in the health sector – this protective approach to information: I don't want to share it. And fear, sometimes fear: if I share it, I won't be authorized to share it; I don't have legal authority to share this information. Also, I've mentioned this to this committee a number of times, this idea. For health custodians to share information outside the health sector, particularly with nonprofit groups that are often engaged in providing complementary services – and that's because in part in Alberta nonprofit groups are not subject to privacy legislation – there's this sense that if you are the custodian of information and you're concerned about patient privacy, if you lose control and you share it outside your sphere, privacy won't be protected.

I think that ultimately there are probably some legislative changes that might help; for example, bringing nonprofit organizations under PIPA. I'm just going to throw that out there. But I do think that there's a need for education and awareness, and we've said that for years and years. There's a lack of trust, I think, that information will be shared and that it will be appropriately shared and that it will be protected.

**The Deputy Chair:** Any follow-up, Member Allard?

**Mrs. Allard:** Yeah. Thank you. Just a quick follow-up. With respect to COVID in particular I personally believe that COVID has been a bit of a highlighter for a number of systems and a number of processes, the way that government works and interfaces with the public. I just wondered if you had identified any specific issues that you think require a second look or that require systemic change as a result of some of the challenges that COVID has presented for us. I know that's a big question.

**Ms Clayton:** Yeah. To be honest, I'd love to have a conversation with you or anybody else about that going forward. I think that is a big question. I think that there are a lot of lessons to be learned. I agree with you. I think that certainly the pandemic has taken all of these things that we all talk about, even within my office but certainly within health and for every employer, every employee, all of these things we've talked about for years and years and years – all of a sudden everybody had to move quickly, immediately, start working from home. How are you going to access records remotely? In the public sector how are we going to respond to access requests when we're not in the office, we don't have electronic records, we don't have access to digital records to review, and we don't have the technology at home to review?

Again, that's sort of what you're seeing reflected even in my budget request. You know, we were doing things a particular way with a longer term plan to move to a more electronic environment and perhaps work from home and VPN access and all that sort of thing, and all of a sudden we have to do it now very, very quickly, which is not the way to do things. It introduces risk, and then you see security breaches and things like that.

Absolutely, I think that COVID has highlighted a lot of these things: challenges with access to information, challenges with proactively disclosing information, identifying what information should be proactively disclosed without an access request. People want to know what's happening with the pandemic, for example, and I think that we've done some good work in terms of putting that information out there and having briefings and trying to inform the public.

In the health sector, again, I think that I had seen an article that something like 9 per cent of physicians were using virtual health care solutions before the pandemic. Don't quote me on that. I'm just saying that I think I saw that it was 9 per cent. It was low. Within weeks of the pandemic we saw 150 notices about new virtual care solutions being introduced, and then it was up to 250, and we're probably at 300 now.

I think that absolutely COVID has forced us to take a look at some of these things and move very quickly, and, you know, that has also uncovered a few issues that we need to grapple with.

**The Deputy Chair:** Member Shepherd.

**Mr. Shepherd:** Thank you so much, Mr. Chair, and thank you for joining us today, Commissioner. I just want to begin by saying a very heartfelt thank you for your 10 years of service in your role. Your passion for this work is absolutely clear, your deep, deep knowledge and expertise even more so, and I think that regardless of government you have been thorough in holding to account and advocating for the best interests of Albertans. As you've explained today, clearly, there are many interests involved and a lot of passion from Albertans on this issue. So thank you again. We appreciate the work you've done and the legacy that you leave.

In that regard, looking at what you were speaking of today, you spoke quite a bit about the growth in the pressures, both over your term of service and in particular over the last year, a large increase in files, a large increase, unfortunately, in wait times, in backlog.

Obviously, this is an area that's of great concern for Albertans with this growth in files. You mentioned the rapid growth in the number of areas you have to look at with digital apps and services and the multiple vulnerabilities that come with that as well as the growing access for more and more health care professionals.

In the budget that we have in front of us here today, ultimately, you've asked for one additional full-time employee for IT – and that's important – but aren't asking for any increases in terms of other staff to sort of cover. So I'm just curious. Of course, we appreciate fiscal responsibility, but it sounds like there is more and more work that really does need to be done and is important work for Albertans. Is there a need for more resources, more staff to expand your work so that you can cover all of these areas?

**Ms Clayton:** Well, thank you, first of all, for your very kind comments. I do appreciate that. It's been a true honour to serve two terms as Alberta's Information and Privacy Commissioner. Thank you very much for your comments.

Yes, I would always like to have more staff. Of course, we would like to have more staff. I am very aware that, you know, certainly over the last couple of years Alberta's economic situation has not been such that I felt like we were likely to get more staff. When we did see changes to the Health Information Act and the increase in breaches reported to us under the Health Information Act, that came into effect in 2018, I had come to this committee. I requested five new positions, and that was granted. But shortly after that, due to budget restraint and economic fiscal issues, we were held to, I think it was, our third-quarter forecast, so I didn't actually fill those positions. Then I came before this committee last year and reiterated the need for monies to fill the FTEs that had been granted, and thankfully we were able to hire five new people. So I did have five new people.

I think at this stage, as an outgoing commissioner, I'd like to see how that plays out. I think that we have seen the contribution that makes to reducing the backlogs. As I mentioned, three of those people were intake staff, support staff, so we could just get these things in the system and be able to assign them, and we've seen tremendous progress there. Again, kudos to the intake team for all that work. We do also have new investigators, and they're doing a fantastic job getting their feet wet, learning how the office works and about our processes. I suspect that we will see them get their feet wet and just sort of, you know, get up and running if they're not already. I think it's a little bit early for me to say what the next requirements are. I think I also would like to leave that up to a new commissioner to decide how best to staff the office and structure the office.

**11:00**

I'd say that, absolutely, I think – I always think – there is a need to have new staff, but again I'm very, very aware that, you know, there are fiscal pressures, so I try to pick and choose and look at the numbers and figure out where new staff would make the biggest difference. I fully expect that a new commissioner will be before you, perhaps even as a supplementary ask in between, to say that we really need some more staff to deal with some of these issues, particularly if the numbers continue to increase as they have been.

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

**Mr. Shepherd:** Yes. Thank you, Mr. Chair. Then speaking of, I guess, the increase in files and the increase in requests, are there any particular patterns that you're seeing, let's say, particularly in regard to health information? Are there any particular system weaknesses or patterns that you're starting to see in this increased number of requests that you've had over the last year?

**Ms Clayton:** There are. Thank you. That's a really, really good question. I've had lots of conversations with staff in my office right now. Actually, I was on a panel with my colleagues from other jurisdictions the other day, and I was talking a little bit about the investigation reports that we released related to the Babylon by Telus Health system. You know, that's not the only system. There a lot of new systems, and as we review these new systems, we are in this unique position where we are starting to identify some of those trends. That's why I mentioned in my comments that we are proposing, well, working on right now a guidance document that will help to – we've already put out some guidance around what to look for when you're reviewing a virtual health care solution, but having completed these reviews, we'll have a much better idea of what some of those issues are.

I think what I would say is that it's quite interesting to me. You know, traditionally, when we see a health custodian looking to technology to assist in the delivery of a health service, so diagnostic treatments and care services, the technology has been designed as a tool to assist the custodian. The primary objective is to deliver the health care services. These systems are designed with our Health Information Act in mind, and what we're seeing now are solutions that were designed for other purposes by entities that are operating in sort of a private-sector environment.

The private-sector environment is all about consent and notice and what is reasonable versus the health world, which is all about limiting collection to the minimal amount, the least amount of information, the highest degree of anonymity possible, what is essential to provide the health service. It's not about what I would call sort of private-sector purposes, perfectly legitimate in the private sector, around marketing and communication and promotion, perhaps collecting vast amounts of information for artificial intelligence purposes. There are lots of good reasons why people might want to participate in those kinds of initiatives or be part of or use those kinds of technology systems if they know what's going on and they actually understand that they are consenting to the use of their information for these purposes.

But that's not how Alberta's Health Information Act is structured. Alberta's Health Information Act is structured so that custodians – the doctor, the care provider – are ultimately accountable and responsible for the health information of their patients. It's about collecting information, using it, disclosing it to provide health care. It's not about feeding AI. It's not about marketing, promotion. It's not about those kinds of things. When you see sort of this collision of the private-sector and health sector worlds, that's where we start to see some problems. We see, you know, across these systems privacy policies that talk about marketing and promotion using health information, and I'm not entirely sure that physicians know that that's what's happening. Sometimes when we're following up and asking questions, it turns out that that's not what's happening, but it's in the policies because they were written in the private sector.

These sorts of solutions, these kinds of apps often involve multiple – multiple – service providers. Again, just to use the Babylon app as an example, there are some 22 different service providers that are, you know, behind the scenes that are involved in providing these services. Again, under the Health Information Act a custodian is responsible for everything that their affiliates do. For all 22 of those service providers, whether they're in Alberta or outside the country, there is this accountability relationship and ultimately a responsibility that is on the custodian, not on the service provider.

I think, you know, that's definitely a challenge we've seen and also the fact that many of those service providers may not be in Alberta, Canada; they might be operating globally. Again, there are

requirements under both the Health Information Act and our Personal Information Protection Act, where you're using a service provider outside of the country, about being up front about that. If you're in the private sector, you have to be telling people. You have to have policies. You have to have information about those countries that you're making available. In the health sector you have to have agreements that ensure that as the physician, the custodian, you retain control even when the information might be going to another country.

Those are just a couple of examples of what we're seeing. There are some systems we've looked at. I'm pleased to report I had a note yesterday from one of my colleagues saying that after a lot of back and forth with a particular vendor, we've gotten to a stage where we think that they've got something that is compliant under the Health Information Act. We have others that we continue to work with.

**The Deputy Chair:** Thank you.

Next on the list I have Member Smith.

**Mr. Smith:** Thank you, Mr. Chair. Commissioner, thank you for your 10 years of service. It's quite a haul. Listen, I want to just delve a little bit here. The office of the Information and Privacy Commissioner is requesting a budget increase of 2.3 per cent. In the commissioner's letter to the committee it explained that the supplies and services costs have increased by 10.1 per cent. Could you explain the 70 per cent increase in freight and postage expenses and how this might relate to your office shifting to digitizing your records?

Thank you.

**Ms Clayton:** Yes. Absolutely. Thank you for that question and for your comments of appreciation. It has been quite a haul, 10 years.

Yes, definitely both postage and telephones and communications are some of the additional expenses we've had as a result of staff working from home. But I think the postage costs in particular have more to do with courier costs, that kind of thing. Telephone and communication expenses: basically, I didn't want people working from home and using their personal phones to call complainants and applicants, so office-issued devices. Basically, the costs reflect what our actual costs have been with the new circumstances with staff working from home.

**The Deputy Chair:** Any follow-up?

**Mr. Smith:** No. Thank you.

**The Deputy Chair:** I believe I have Member Shepherd.

**Mr. Shepherd:** Thank you, Mr. Chair. Commissioner, on pages 27, 28 of your annual report you outline some concerns over Bill 46. I know I had the opportunity to review those and speak about them in the Legislature. You raised concerns over some of the risks it posed to the privacy of health information, but as you noted, there have been no changes to the bill. There were no changes to the bill, I guess, as a result of your concerns. The minister did commit to consulting with you on the associated regulations. I was wondering: has that consultation process begun? Will you have the opportunity to delve into that?

**Ms Clayton:** I certainly hope we will have the opportunity to delve into that in a meaningful way and in an extended way. As you know, I was disappointed – and said so – that we were not aware of the changes that were coming in Bill 46. I have said publicly that those really are the most significant legislative amendments to the Health Information Act in a decade, other than the breach reporting



requirements. Yes, it is disappointing when we are not consulted. I believe that there are some risks associated with the amendments that have been made.

In terms of being consulted on the regulations, I haven't seen regulations that I can think of. I don't believe staff in the office have. We have had one or two of our regular meetings with Alberta Health staff, and I think there is a commitment that we will be consulted. Again, I very much hope that we will be consulted in a meaningful way. We're being told at a very high level that these kinds of things might happen. It's very, very different from being told how it will happen and what the language will be.

**11:10**

In my view, again, reflecting on 10 years, we see much better results when we have information to hand, when we're involved, when we're able to comment. I think it behooves government, public officials to get our take on things. They can still do whatever they want to do, but I've always sort of wondered why you wouldn't want to know what I'm going to say about something before it becomes public. Anyway, I'm hopeful that we will be consulted in a meaningful way on the regulations.

**The Deputy Chair:** Thank you.

A follow-up?

**Mr. Shepherd:** Thank you. Commissioner, I'm sorry to hear that. I believe we're about a year out from when they passed that bill in the winter session of 2020. We will follow up on that from our end as well.

I am wondering, sort of in following up on that, in regard to, I guess, changes in health information or the effects of that: are you investigating the privacy breach that occurred on November 26 with the updated vaccine QR code? We did see that the Minister of Health did stand in the Legislature and say that they had reported that to you. Is that, then, under investigation?

**Ms Clayton:** I don't believe so, but it has been reported to me. Just to be clear, often – well, under mandatory breach reporting in the health sector and the private sector breaches are often reported. They don't always – in fact, in the private sector they very rarely turn into an actual investigation. The breach reporting requirements are intended to be about making sure that individuals know what's happened to their information.

In the health sector, certainly, we receive breach reports, we look into them, we assign them, we triage them, and in some cases it does turn into an investigation. I don't believe that's turned into an investigation at this point, but I can't say that for sure. Things happen that I'm not aware of. If we receive information about it and we're satisfied that a breach has occurred and we have all the information we need to know and notification has happened and appropriate steps are being taken, we may not decide to investigate it. That's sort of the process.

**The Deputy Chair:** Thank you.

Next on the list I have Member Rosin, mindful of the approved agenda's time allotment coming up in just a couple of minutes, please.

**Ms Rosin:** Thank you, Chair, and I'll combine my two questions into one with no follow-up to save us on time.

Your business plan is very focused on protecting personal health information, with priority 1 being "modernizing regulatory mechanisms to support economic diversification and improve health care delivery and outcomes" and then priority 3 being "providing guidance to improve access to information and the

protection of personal and health information." I know that economic diversification has been identified as a priority by your office, and I think a lot of people may not necessarily correlate privacy laws with economic diversification, but I would tend to agree with you that it is incredibly important to tie these two together.

I guess my first question would be if you could just elaborate on the importance of tying privacy laws to economic diversification and how those two can work together to advance a diversified economy in Alberta. I also would like a bit more information on how you plan to implement outcome 2 under your priority 1. Priority 1 mentions the new technologies that are emerging in our province, and there's no denying that as our workforce and our marketplace and our whole world move digital, things are significantly changing. I'm just curious if you can also address how you expect to implement outcome 2 as it relates to that changing economy.

**Ms Clayton:** All right. Certainly. Thank you for that question. Can you just remind me? I have an electronic version of the business plan, but of course I can't find it in my open documents here. So priority 2 is . . .

**Ms Rosin:** Priority 1, outcome 2, if that helps.

**Ms Clayton:** Priority 1, outcome 2.

**Ms Rosin:** It relates to data initiatives as part of a data economy. I believe that is what it references.

**Ms Clayton:** Okay. If you'd bear with me, I'll answer your first question, and perhaps Kim could send me the document that I have open but can't find. If you could do that, that would be great, Kim.

Okay. The first question. That question, I think, is incredibly important. I don't think that necessarily the public generally and certainly public officials necessarily understand that privacy laws and regulation are not an impediment to economic success and economic growth but, in fact, are fundamental to that. As we see increasingly global information economies – and it's a bit trite for me to say this – information is flowing around the world, crossing all kinds of borders. On information collected in Alberta, we get breach reports all the time from international companies saying: you know, we've had a breach over here in the U.K., or something happened in the Netherlands and the information is at risk. So information is flowing around the world.

I already mentioned this with respect to virtual care solutions, that we're using service providers that are around the world. If Alberta wants to participate in a global information economy, information is going to be fundamental to that. People don't trust these kinds of solutions unless they know that their information is being protected. What we are seeing is modernization of legislation around the world. The GDPR, the global data protection regulation from a couple years ago, has really set a much higher threshold for protecting, safeguarding personal information in the private sector in particular.

We're seeing in the private sector that Alberta and Canada – how best to explain this, really? There is a threshold. Alberta's legislation has been determined to be substantially similar to the federal legislation, and the federal legislation has been determined to be adequate to allow for information sharing with the European Union. Some of that is coming up for review in the next little bit with the new GDPR, and again what's really important to ensure unimpeded information flows is that Canada's legislation maintains its adequacy standard and that Alberta's legislation is considered to be substantially similar to that. Otherwise, as you will see, there are issues with transferring information.

We've seen this in the U.S. with the safe harbour legislative framework, when that was shut down due to a privacy complaint. Then all of a sudden we see privacy shield, and there are, you know, continued issues with that legislative framework. So having strong, harmonized, I'll say – not consistent but harmonized – privacy legislation that protects information, that gives the public a sense that their information is being protected, that there is transparency, that their rights are being protected is exactly the kind of thing that businesses can trust and can build on.

Businesses that are operating outside of a trusted, modern privacy framework run the risk of having huge breaches and potentially problems with their business. I'm actually thinking now of a joint investigation that my office did with our colleagues in B.C. and Quebec and the federal commissioner into Clearview AI, Clearview AI being a new company that's involved in scraping I think now the number is 10 billion images from across the internet and using those images. They have a facial recognition service that they provide to ...

**The Deputy Chair:** Thank you, Ms Clayton. Just mindful of the time, I want to offer you an opportunity to just wrap up. We've crossed past the time that was allotted according to the approved agenda, so I'll give you an opportunity to just wrap up if you could.

**Ms Clayton:** All right. Sorry about that. I got all excited about this. I will leave it at that and let everybody move on to the next agenda item. Thank you so much for your time today. I appreciate it.

**The Deputy Chair:** Yes. Thank you very much for your presentation and to your staff as well. Just for your information, too, we expect that the committee's decisions with regard to officer budgets will probably come out in writing early next week. All right? Thank you very much.

**Ms Clayton:** Thank you.

**The Deputy Chair:** All right. Moving on to the next agenda item, item (iv) under 5(a). We have Mr. Del Graff, Child and Youth Advocate, and his staff.

I'd like to obviously welcome you to our meeting today. Thank you for joining us. We've set aside 20 minutes for your presentation, after which we will open the floor for questions. The floor is yours.

11:20

#### Office of the Child and Youth Advocate

**Mr. Graff:** Thank you very much, Chairperson Milliken and committee members. I want to thank you for the opportunity to present our 2020-21 annual report, our '22-25 business plan, and our '22-23 budget estimates. With me today is Terri Pelton, our executive director of child and youth advocacy, and Bolu Idowu, our new director of strategic support.

Mr. Chair, the work of our office extends throughout the province. We respectfully acknowledge that Alberta is the traditional and ancestral territory of many Indigenous peoples of treaties 6, 7, and 8, the Métis settlements, and the six regions of the Métis Nation of Alberta. We remain committed to the calls to action as outlined in the Truth and Reconciliation Commission.

Next slide, please. We should be on slide 2.

**The Deputy Chair:** We've paused your time, just for your benefit as well, just as we work on a little bit of a technical issue out here.

**Mr. Graff:** Should I wait for the slide?

**The Deputy Chair:** Just for clarity, I'll let you know when we have it up on the screen.

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

**The Deputy Chair:** Cheers.

**Mr. Graff:** It should be a slide that reads: advocacy in changing times.

**The Deputy Chair:** Perfect. The floor is yours, sir.

**Mr. Graff:** Okay. Thank you very much, Mr. Chair. Today's presentation will focus on our activities in 2020-21, including program highlights and performance, our priorities for the year ahead, and our '22-23 budget estimates and budget requests. We'll be meeting again in the new year to review our annual report in more depth, so today's presentation will briefly focus on our activities in the past fiscal year and our current challenges and opportunities.

COVID-19 restrictions have compounded the challenges already faced by Alberta's children and youth. Our staff worked very hard with these young people to continue to provide advocacy during these changing times. These challenges were also met with opportunities, which we'll talk about today.

I'll now ask Terri to speak about direct advocacy and legal representation.

Next slide, please.

**Ms Pelton:** Thank you, Del, and good morning. Our office works to advance the rights and interests of young people and to ensure their voices and perspectives are considered by decision-makers. We do this through three areas: direct advocacy services, investigations and legal representation, and strategic support. The diversity of our OCYA team and the perspectives we bring to advocacy is one of our key strengths. We work collaboratively to better understand how issues are affecting young people and to inform possible solutions that can be brought forward to ensure they are succeeding in their lives and in their communities. It is important to recognize that the young people we work with are resilient and with the right supports and opportunities grow up to be successful adults.

Next slide, please. I'll now talk about the highlights for the direct advocacy team. Direct advocacy includes intake, individual advocacy, systemic advocacy, and engagement and education. To better support young people during the pandemic, our intake team shifted how we track the numbers and types of calls that we receive. Based on the increasing volume and complexities of inquiries, we applied additional resources to our team. We'll continue to monitor these trends and ensure we support this area so that young people, their families, and the public get the information and/or the services they need.

Our individual advocates work directly with young people to help them have their voices heard and opinions considered by decision-makers. Advocates are based in our Calgary and Edmonton offices and serve young people throughout the province. As we reflect over the past year, issues related to the pandemic continue to be central to many of the young people we serve and are often magnified because of COVID-19. Our advocates had to reduce their in-person contact, which can place limitations on relationship building. To mitigate this, we may use a hybrid approach of virtual and in-person contact, ensuring all the appropriate safety measures are adhered to.

While individual advocates focus on supporting young people with their specific issues, systemic advocacy is about identifying issues that impact young people more broadly and working towards fundamental changes that will benefit them now and in the future. We've developed

a systemic advocacy tool or framework that helps us to identify systemic issues and the appropriate method of addressing those issues such as a special report, statement of concern, and/or meetings with decision-makers.

This past June we released a follow-up report to our Investigative Review: Into Focus, that was released in 2018 and prompted by the opioid-related deaths of 12 young people involved with child intervention services. We determined that a follow-up report was critical because the number of young people dying due to opioid-related use has increased rather than decreasing. We are very concerned about this issue and interested in the government's response and implementation to the one recommendation arising from the report, that a provincial strategy be established to address youth opioid use in Alberta.

Because of the pandemic and the related health restrictions our engagement and education team had to shift how they provided educational opportunities and connect with young people, communities, and stakeholders. We strengthened our online presence and created new virtual resources. By offering a hybrid of in-person and virtual events, we were able to reach a broader audience. The feedback on this method of delivery has been extremely positive.

We continue to focus on building and maintaining reciprocal relationships with Indigenous communities with the support of our Indigenous engagement team, both through virtual communication and in-person visits when safe to do so.

This past year we renewed our focus and energy on youth participation. We shifted resources to provide additional support to our youth council and to provide information across our office to integrate a youth perspective in all areas of our work.

Next slide, please. I'll briefly walk you through some significant numbers. In '20-21 intake responded to almost 4,100 inquiries that fell within our mandate in addition to 900 general inquiries. This reflects a 13 per cent increase from the previous year. In individual advocacy we provided services to over 2,700 young people, and in engagement education, despite the COVID-19 restrictions, we delivered 63 presentations and workshops to over a thousand participants.

Next slide, please. Legal representation for children and youth, or LRCY, provides legal representation for young people involved in matters related to the Child, Youth and Family Enhancement Act and Protection of Sexually Exploited Children Act. We have a roster of 67 independent lawyers across the province with specialized training in child and youth representation.

Due to the pandemic we've adjusted our policies and standards to support both virtual and face-to-face meetings between lawyers and their child and youth clients. We moved all lawyer training to a virtual online format. This allows for increased participation by reducing travel time, allowing lawyers to connect with colleagues throughout the province, and for sessions to be recorded.

Ensuring that roster lawyers are well informed about the act respecting First Nations, Inuit, and Métis children, youth, and families and the shifts in First Nations communities provisions of child welfare services is a priority for the LRCY program because access to lawyers who understand the traditions and world view of Indigenous young people is important in representing their voice in court.

This past year we made over 1,100 new appointments and served almost 1,800 new young people, 56 per cent of them being Indigenous. Over the past seven months new referrals are down about 13 per cent. We believe that the decrease in LRCY referrals

may be related to the pandemic, and it continues to take longer for matters to resolve at trial due to health restrictions.

Del is now going to talk about investigations and recommendations. Next slide, please.

**Mr. Graff:** Thank you, Terri. We complete investigative reviews when young people involved with child intervention services or youth justice are seriously injured or pass away. We make recommendations to public bodies to prevent future tragedies and improve outcomes for young people. Our reviews focus on the young person's life experiences. We meet with the young person's family and those who are close to them. We are required to complete a review when a young person passes away and had legal status with the child intervention system at the time of their death or within two years. We must complete these reviews within one year of receiving notification, and we release reports twice a year. Over the last year we released two mandatory reports, one in September of 2020, that reviewed the circumstances of 13 young people and made four new recommendations; the second report in March of 2021, that reviewed the circumstances of 10 young people and made two new recommendations.

In the last five years we've observed a troubling trend regarding the well-being of young people whose families are involved in high-conflict custody disputes. This led to the release of our first statement of concern in March of 2021 to bring this issue to the attention of decision-makers and call on them to ensure that these young people are heard and their needs are met. The number of young people reported to investigations is unfortunately increasing. This past year we were notified of 19 more young people who passed away or were seriously injured than in the previous year. This reflects a 31 per cent increase over the previous year. In addition to the increase in the number of serious injuries and deaths, we are also very concerned that the number of young people 18 years of age or older who were seriously injured or died more than doubled, from 14 in 2019 to 29 in 2020.

11:30

Next slide, please. Recommendations are one of the many ways that we influence change. This slide reflects the recommendations we have made between 2013 and 2021. During this time our legislation was amended three times. Public bodies without standing recommendations are asked to respond at six-month intervals. Recommendations may be considered unmet for the following reasons: they are still in progress, public bodies stopped providing updates, or they have been closed after an extended period of time, which in our case is four years. Currently we evaluate progress on recommendations based primarily on the information provided by public bodies. I will note that there are some small inaccuracies in this slide, and we will send the accurate slide following this presentation.

Can I have the next slide, please? This slide highlights the themes we've identified in our investigations and special reports and the number of times we've made recommendations related to each theme. As I have raised previously, the themes we see can be repeatedly identified in our reviews and reports. The fact that recommendations on a theme have been made before, and may have even been met, doesn't mean that they will not be seen again. This is unfortunate. As you can see by the number of recommendations made in each of these areas, these themes are critically important when it comes to young people.

Next slide, please. I would now like to talk about the year ahead and three areas of focus for our office, which include aligning ages for designated services across program areas; federal legislation: An Act Respecting First Nations, Inuit and Métis Children, Youth and Families; and a framework for recommendations.

Next slide, please. The Child and Youth Advocate Act identifies age limits for the services we provide. Unfortunately, these age limits may be different than the ages of child intervention and youth justice services, which can impede our ability to serve young people. If our legislation stated that we could assist all young people seeking child intervention or youth justice services, we could both assist all of these young people and we would also not need to request amendments on our legislation when changes were made related to our designated services. In the coming year we will be bringing forward proposals to address this issue.

In January 2020 the proclamation of An Act Respecting First Nations, Inuit and Métis Children, Youth and Families brought forward the possibility of change for Indigenous peoples by affirming their inherent right to self-determination and self-governance, and that includes jurisdiction in relation to child and family services. This legislation affirms the need for a change in our relationships to government. There are many uncertainties about the commitments, interpretations, processes, and resources. The implications to advocacy organizations such as ours remains to be determined. As well, there are uncertainties about the roles and relationships between Indigenous people and the systems that currently serve them.

We've spent considerable time reviewing this legislation and learning what other groups have had to say about the many opportunities and challenges identified by Indigenous people as the process moves forward. We know that one of the best ways that we can advocate for young people is to do all we can to help Indigenous people act on their inherent rights to care for their children in ways that are uniquely theirs. We are engaging with Indigenous people to learn more about how we might support them to provide the very best services they can to their children.

Chairperson Milliken, I would now like to talk about our recommendations that are intended to implement systems and lead to better services for young people. As I have indicated to this committee before, I am concerned about the responses to our recommendations which come primarily from two areas: investigator reviews or systemic reports. They're based on the experiences of young people and what their families and those who are closest to them tell us. They are also informed by experts and through research. My concern is about the response and accountability of public bodies for what they do with our recommendations. We are developing a framework to balance public body responses with accountability that leads to systemic improvements for young people.

I raise this today because I want this framework to include a shift in focus for section 21 of the Child and Youth Advocate Act. This section refers our annual report to committee for review and report back to the Legislative Assembly within 90 days. I would like that review to have greater focus on two areas. One, our process and actions for determining the recommendations we have made. Two, the process and actions taken by the public body to respond to the recommendations directed to them.

In my view, additional reasons for this measure are that there's no legislative change required for this shift in focus to be made, that there is a greater purpose to the review that follows our regular meeting with the standing committee, and that there's greater public attention to the recommendations of my office and responses to them. I would be very pleased to bring additional information to the upcoming review meeting that we anticipate.

Bolu will now talk about strategic support. Next slide, please.

**Ms Idowu:** Thank you, Del. Good morning. Strategic support ensures that our corporate resources, systems of supports are in place to maintain the operations of the OCYA. We are responsible for strategic and business planning, quality assurance, human resource services,

finance, information management and technology, and administrative services.

Highlights from the prior year include implementation of the government of Alberta's new enterprise resource planning system, 1GX, and making significant changes related to information technology and management to enable remote operations. Opportunities and priorities for the coming year include successful deployment and launch of our new Advocacy information management system, enhancing our processes on government feedback from the young people that we serve so as to continuously improve services and achieve our strategic priorities outcomes, implementing the disaster recovery and business continuity plans, and, lastly, adopting and continuously transitioning to the use of electronic records. Next slide, please.

I will briefly speak to the 2020-2021 financials in our annual report. The approved voted budget for our present expenses was \$14,672,000, and for capital expenditures, \$250,000. Actual spending in both operation and capital expenditure categories was approximately \$13,952,000, which is \$970,000, or 6 per cent, below the approved amount. This was probably due to lower than projected spending in salaries and benefits for vacant positions, citizen contracts, and lower actual travel costs because of movement restrictions due to the COVID-19 pandemic.

Del will now introduce our 2022-23 budget estimates for the committee's consideration. Next slide, please.

**Mr. Graff:** Thank you, Bolu. We are requesting a budget of \$14,922,000, which is the same as the previous year's budget. We are allocating \$50,000 from the capital expenditure category to the operating expenditure category to address operational requirements across the organization. The impacts of COVID-19 continue to require us to explore innovative ways of delivering services to young people and introducing online engagement activities in several of our programs. We've also introduced efficiencies to address prior significant pressures in the LRCY program.

I'll now ask Bolu to go through our budget estimates in more detail. Next slide, please.

**Ms Idowu:** Thank you, Del. As Del noted, we're holding our estimates for the coming year to the same as our current year's budget. We have reviewed all areas of our organization and identified areas where we can be more efficient. We have maintained the same LRCY program budget for the coming year, as we have worked hard to implement cost-saving measures to keep our prior cost pressures under this program area in check.

Some of the measures implemented effective April 1, 2021, include: reduction of lawyer reinforcements for noncourt time, a change in policy to allow for use of students at a lower reimbursement rate, and reimbursement for meals and travel status realigned with GOA standards. This chart shows how our 2022-23 estimates are allocated by expenditure type. Salaries, benefits, and allowances represent 58 per cent while LRCY costs continue to represent approximately 28 per cent. Combined, our predicted costs for manpower and LRCY are 86 per cent of our budget.

Our travel costs are 2 per cent of our budget. This is a reduction of 8 per cent from our previous year's travel budget. This adjustment has been made in light of moving some of our interactions with young people and stakeholders virtually.

Contracts on IT services represent 8 per cent of our budget, and this is a reduction of approximately 1 per cent from our previous year's budget as we experienced some savings by moving our IT services from on-premise [inaudible] this reduces our digital footprint and IT costs.

In strategic supports, contractor services for quality assurance file reviews have been reduced as we have moved to representative sampling methods. The replacement of our Advocacy case management system is ongoing, and we will complete it in the upcoming year. We're asking for a capital budget of \$200,000 for the upcoming year.

I will now turn it back to Del for his closing comments. Next slide, please.

11:40

**The Deputy Chair:** I will allow closing comments.

**Mr. Graff:** Thank you, Chairperson Milliken and committee members. In conclusion, we are requesting that you approve our 2022-23 budget estimate of \$14,922,000, which we're holding at the current year's budget. For over 10 years I've had the privilege of being Alberta's Child and Youth Advocate. My retirement is only a few short months away, and I want you to know how much I appreciate the positive relationship I've had with the Standing Committee on Legislative Offices and your support for the work of our office. I would also like to acknowledge the young people we serve. We're often involved with children and youth in very difficult life circumstances, and we see their courage and strength as they try to find their way.

Finally, I want to thank my staff for the work they do every day to stand up for young people. They strive to uphold the highest values of public service, and I am both proud and grateful to have been part of this journey with them.

I want to thank you again for inviting us to appear before this committee. I'll be happy to respond to any questions you have.

**The Deputy Chair:** Thank you very much, sir, for your presentations and to your staff as well.

I will now open it up to committee members and any other MLAs who are here for questions. The first person on the list that I have seen was Member Pancholi.

**Ms Pancholi:** Thank you, Mr. Chair. As I'm just joining this meeting, it's Rakhi Pancholi, MLA for Edmonton-Whitemud. I would like to begin by expressing my sincere thanks, Mr. Graff, to you for your 10 years of service as Alberta's Child and Youth Advocate. As all of us are aware, your dedication and commitment to not only advocating for Alberta's children and youth but allowing them to have their voices heard has been a service to all of us, and I thank you for your tireless and persistent advocacy on their behalf. We're all better for the work that you've done, Mr. Graff. Thank you.

I'd like to begin my questions around the budget that's been presented and the request in terms of holding the line on the budget. In your annual report and in your presentation today you addressed that in the 2020-21 year there were 81 notifications related to deaths and serious injuries of children and youth in care or within two years of care, and that was an increase of 31 per cent from the year before. As I know the advocate is very aware, we are actually on track this fiscal year to a heartbreaking and devastating record of far surpassing even the year before.

Between April and October 31 we are already, I believe, by the advocate's count, at 48 children and youth who are involved in the child intervention system who have died. That is far surpassing the year before and, of course, we still have five months left in this fiscal year. Given that your role includes mandatory investigations of deaths and, as you described, the intensity of that work, working with the families, gathering information, do you believe that with this budget – if the requirements around those investigations are

likely to be increasing significantly, how will you address that while holding the line, I suppose, on the current budget?

**Mr. Graff:** It's a very good question. One of the things that we do when we do our budget planning for each of our program areas is that we identify what the parameters are that we need to work within in terms of, say, the possible circumstances that we'd be facing in terms of workload. Certainly, the increase in the number of child deaths has gone to the edges of our parameters, for sure. We do believe that we can manage for the time being, but I can tell you that if these numbers continue to grow, we are going to have significant challenges. That won't mean that we won't be able to do the reviews. It will mean that we will be less timely than we normally would, or we may have to have less research than we normally would, but we would finish them on time as best we're able. We believe that we can do that currently. That's where we are although I must admit that certainly the numbers are very concerning, of tragic outcomes for these young people, and we are approaching that outer limit in terms of our capacity.

**Ms Pancholi:** As a follow-up, then – thank you, Mr. Graff. Because, as you mentioned, there is a legislated timeline to complete these investigations one year from notification and, as I heard from your response, it was that you'll meet those timelines – I guess the ability to do the kind of review not only that I know you would like to do and the staff in your office would like to do but also to truly give voice to the young people and their families might be compromised as a result of having to meet these timelines. Is there a point where you imagine you will have to come back to this committee and ask for an increase not only to meet the timelines but to do the kind of review that you would like to do and, I know, are dedicated to doing?

**Mr. Graff:** Well, certainly, that's a possibility should these numbers continue to grow. The flexibility that we have in time frame isn't related to the mandatory review reports; it's related to systemic review reports. So when I say that our timing might be slow to some extent, it would be in areas of systemic reviews, not on the mandatory review time frames.

**The Deputy Chair:** Thank you.

Next I have Mr. Long online.

**Mr. Long:** Thank you, Chair. I have a couple of questions. I hope it's okay to have a follow-up after the first one that will be completely unrelated to the first one. But just to the last point by Member Pancholi, I'm assuming that – sorry. First and foremost, thank you for your work and your dedication. You have a position that, yeah, obviously requires you to have your heart on your sleeve but maintain focus on corrections and recommendations around systemic issues as well, so thank you for your dedication and your service.

To the point on budget itself, you said already about the increase in caseload from 2019 to 2020 – and we all know that COVID itself and the implications of pandemic response have had a tremendous impact on all families but particularly marginalized families and youth. Given the time frame that we're in and your obvious, I'm assuming, recommendations around the impacts of the pandemic and its response on youth, I'm curious, again, just to follow up on Member Pancholi's question, about how there isn't an ask for more resources at this time to delve into the impacts on youth and marginalized youth through the COVID response.

**Mr. Graff:** Well, I can tell you that we make the submission of a budget based on what we see our demands for resources to be. Historically, our challenges have been more concerned with legal representation for children and youth and the swing that would take

place in that budget in terms of the expenditures and not with investigative reviews. Like I already indicated, we plan for a range of work in terms of investigative reviews, and this is approaching the upper limit of our range for sure, but we've not moved out of that range yet. Our expenditure patterns for LRCY have levelled out due to some measures that we've taken. As you'll note with our submission, our costs were down in the last year, so our ability to be flexible and adjust to those demands, we think, is adequate at the moment, but certainly if this continues, we will have to come forward with a supplementary request if the trajectory continues as it has.

11:50

**Mr. Long:** And a follow-up if that's okay, Chair?

**The Deputy Chair:** Absolutely.

**Mr. Long:** Thank you for that. Just so you know, you have an Assembly within the Legislature that has a lot of members on both sides of the aisle that are very passionate for youth and for seeing youth and families heal as well. Yeah. You have a tremendous amount of support for the work you're doing.

My other question. I heard through the presentation about the Indigenous engagement team. For context I've been serving with a group of people to provide the government with recommendations around MMIWG2S. Now, part of our discussions in that group has been Indigenous supports being provided by people who aren't Indigenous and the impact that that has, obviously, by creating further barriers. My question is specific to that Indigenous engagement team. How many members of the team are Indigenous people, and how are they approaching specifically Indigenous community as opposed to just Indigenous family?

**Mr. Graff:** I can respond a couple of ways. One is that there are three members of our team who are in that Indigenous engagement group. Their role is to help build bridges between our organization and Indigenous communities, and they do that effectively, day in and day out. We also have advocates who participate in that and, in fact, have their own relationships with Indigenous communities.

I'm not sure that you're aware, but the majority of young people who we advocate for are of Indigenous ancestry. My own background is as a Métis person, and I'm involved with Indigenous communities throughout the province, so there's a lot of activity related to that.

I don't know, Terri, if you'd have any comment about our work with Indigenous communities, but it's certainly something that we take seriously. In my comments I've said that this federal legislation is critically important to us as an organization, as it is to Indigenous children and families throughout the province.

Did you have a comment?

**Ms Pelton:** Sure. The only thing that I would add is that when we are recruiting now, we are asking for an Indigenous preference when we're hiring, whether it's advocates or engagement consultants. Even at the intake and analyst level we really want to increase our level of Indigenous members for our staff. Currently we have some vacancies in the Indigenous engagement team, but we're recruiting to those very quickly, and we will be looking for Indigenous folks to do that. Historically, only Indigenous people have served in the capacity of Indigenous engagement consultant.

**Mr. Long:** Thank you.

**The Deputy Chair:** All right.

Next I have Member Smith.

**Mr. Smith:** Thank you, Chair, and, Mr. Graff, thank you for your efforts on behalf of the children of Alberta over many years. As a former educator I truly do understand the importance of your job, and I just want to say thank you for all the efforts that you have put in.

In outcome 1 of your business plan you say that you're guided by both individual and collective rights. I know that as an educator I would often have First Nations and Métis and even the occasional Inuit child in my class, and there were times when we had to be aware of not only individual but collective rights and sensitivities. I guess the question that I have for you right now is: what actions has your office taken to promote awareness of young people's individual and collective rights?

Thank you.

**Mr. Graff:** Okay. Maybe I'll start the response, and Terri can follow up, particularly with the area of education and engagement. I'll ask Terri to speak to that part, but I can tell you that our history as a child advocacy organization has been one of being clearly focused, I think, on individual rights, sometimes at the expense of what might be in their collective or group rights for children, rights in relation to their culture, their identity, their belonging. There's just a whole host of collective rights that we have tended to historically not pay as close attention to as we have individual rights. It gets challenging to advocate for young people without that context of: what are their collective rights? It's become much more significant to our advocacy efforts, and our role in relation to the community that we're engaging with, et cetera, includes a significant level of education around the issues of individual and collective rights, not only education of communities but also education of ourselves. Certainly, we've spent a considerable amount of time learning about the relationship between those two.

Terri, do you want to comment on that as well?

**Ms Pelton:** Sure. Thank you, Del. We have currently a committee of our staff that is researching individual and collective rights and sharing that information across our organization. In all of our practice meetings with our advocates we address the importance of collective rights because of the history of focusing mostly on individual rights. We know that young people are more successful or can be successful when they're connected to their roots and they have a sense of identity. There is much more. They should have everything. They should have their individual rights addressed as well as their collective rights, or they're just missing a huge piece of what they need to know.

**The Deputy Chair:** All right. A follow-up?

**Mr. Smith:** Thank you. You talked about the fact that sometimes we have to educate ourselves, and I know as an educator that many of the schools in my constituency will often have First Nations elders involved in the schools to try to do exactly what you were just talking about, bringing in the culture and some of those collective rights to the education system, whether that's through a smudging ceremony or whether that's through a special ceremony that they go through when they are graduating, a special recognition of First Nations and Métis students specifically in my riding. What are you actually doing to try and promote that awareness within the education piece for (a) the education system or in other systems that you're dealing with?

Thank you.

**Mr. Graff:** I'm not sure how much I can comment about our role in promoting that in the education system. I can speak to our role in relation to promoting that within those organizations and

communities that provide social work related services to children. Certainly, we do a significant amount of that, and that's part of what our education and engagement group promotes. I'll give you an example. We have a workshop called advocacy 101, that we provide in communities, and it's a workshop that enables people to learn advocacy skills and to be able to apply them, whether they're a grandmother of a child or an auntie who needs to advocate for a relative or community member who has interest, et cetera. Those kinds of initiatives are ones that we are working with all of the time.

We certainly strive to also learn ourselves. We have, as Terri mentioned, this committee together that's been working on this for some time. It's not an issue that's only our issue in Alberta; it's an issue that is across the country. In fact, our role with the Canadian Council of Child and Youth Advocates is one where we've been asked to provide a facilitated discussion with other advocates across provinces to try to understand better the role of collective rights for young people in their well-being and in their health.

We've addressed it in a whole range of different ways, but I wouldn't suggest that we go directly to the school system and provide that. We have often facilitated other groups doing that, so they may call us and say: "Well, we need to have some knowledge keepers to talk with our staff on a professional development day. Do you know somebody?" Through those relationships we've been able to do that kind of activity.

12:00

**Ms Idowu:** Do you have anything to add?

**Ms Pelton:** I think the only thing that I may add to that is related to elders being part of our investigative review expert committees. When an Indigenous child passes away or is seriously injured, we always engage with elders or community members to provide advice to our recommendations and findings. When we're going out and meeting in communities, we'll frequently ask for an elder. We have some really good connections, and we're working at building more all the time.

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

The only other thing that I'd raise as well is that it is a normal course of action for us, when we're making an organizational adjustment that is going to impact our relationships with Indigenous communities or children from their communities, to go out and speak to elders. We do that just by calling them up and saying: look, we're thinking about doing this; can we have a conversation? We do that as a matter of course. It's just become a bit more normative for us to do, where historically it just wasn't that way.

**The Deputy Chair:** Thank you.

I see Member Pancholi.

**Ms Pancholi:** Thank you, Mr. Chair. I know we're running out of time. We've got a few more minutes. I'll just try to ask this as concisely as possible.

Thank you, Mr. Graff. I wanted to pick up on something you mentioned in your presentation about your areas of focus for this upcoming year and specifically the framework to bring balance, clarity, and accountability to the recommendations. This is certainly something that's been weighing on my mind as well. Even when I came to sit on this committee last time you presented, we sought to have ministries attend as well to provide some accountability on how they're implementing the recommendations that you have brought forward. We were denied that opportunity by the members of the committee, by the majority of the committee, to actually bring those ministries forward to provide that accountability. I see that that's a priority for you in this upcoming year.

As well, I note that in your presentation you mentioned the most recent report on the opioid crisis for youth and the call for the Ministry of Health to develop a strategy, a youth opioid strategy. I'm wondering if you could just share your thoughts – you said that this work is going to be coming in the next year – as to what we can anticipate. What do you think your office would like to see in terms of accountability for implementing the recommendations you provide to government? What would that look like from the government side?

**Mr. Graff:** One of the key reasons we raised this is that public bodies are provided with recommendations from our office because we have worked diligently to review tragic circumstances, to talk to family members who have been so affected by these losses. We've talked with experts, and we bring those experts to a collective committee and spend time walking through what they have to say regarding these circumstances. We have researchers who look very closely at the circumstances and provide what the research tells us about all of that. Then we send a recommendation to a public body. Our expectation is that they will take action – and take decisive action – on it because of how much effort has been put into developing these recommendations. One of the things that we know makes a difference when there is that kind of recommendation that goes forward to a public body is that we know that when there's public attention to it, it gets more attention from the public body.

I recognize that it's too high an expectation to think that our recommendations are going to be binding, but it's not too high for anybody to expect that a public body that sees a recommendation should be able to be accountable for what they do or don't do in relation to that recommendation that's directed to them. There isn't a current vehicle for that right now, that I'm aware of, that makes that requirement. When our legislation was reviewed previously, the Child and Youth Advocate Act, it was raised by the Auditor General as a possibility in terms of a Public Accounts Committee type of review process. In fact, it was significantly considered because they asked the Auditor General's office to come back a second time and to articulate a bit clearer what their perspective was. That was part of our legislative review, but it didn't go forward, that kind of provision.

What that would have done, though, is that it would have provided some accountability to say to a public body: not only do you have a recommendation that's directed to you from the advocate's office, but we will want to know what you've done or not done in relation to that recommendation. They may come back to say to us, a public body that receives the recommendation, and say: well, we agree with what you're trying to do, but our way of doing it will work better if we do it this way instead of the way that you're proposing. From my point of view, that's accountability at work. They're getting there, but they're doing it in the way that works for them. Or they may say to us, "Look, we just don't have the resources" or "We're not prepared to do that, but here's what we are prepared to do." That, again, is accountability.

When we're talking about what we're wanting to propose, it's to find a vehicle that enables not only us to be accountable for the recommendations we make but for those public bodies to be accountable for what they do or don't do in relation to them. We think that is healthy, and I think that it's a really positive development, if it were to be implemented, for young people.

**The Deputy Chair:** With a follow-up?

**Ms Pancholi:** I won't do a follow-up. I'll just say thank you very much. I very much appreciate that, and I think that's exactly what we need.

Thank you.

**The Deputy Chair:** As noted in my earlier remarks, there will be another meeting with the Child and Youth Advocate at the call of the chair, Chair Rutherford. Historically it's my understanding that that could happen sometime in the middle of January, but I will not presume when he will call that.

I want to just take this opportunity, then, to thank you, Mr. Graff, and, of course, your staff as well. Thank you for your presentation. As I've noted for the other officers, a written confirmation of the committee's decision will probably come to you sometime early next week. Again, thank you very much for your time.

**Mr. Graff:** Thank you.

**The Deputy Chair:** All right. As scheduled, we will now break for lunch. We will be back on the record along with representatives from the office of the Ombudsman and the office of the Public Interest Commissioner as our next presenters.

I will just do a quick question, and I'll just ask if people here are willing to maybe – it's been told to me that they'd be willing to come at 12:45. Is that okay? I'm seeing some nods, and I'm not hearing anything online, so how about promptly at 12:45 we will begin that presentation?

Thank you very much.

[The committee adjourned from 12:07 p.m. to 12:46 p.m.]

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

I'd like to quickly, of course, go around the table and give everybody an opportunity to introduce themselves for the record. I'll start with myself. My name is Nicholas Milliken. I'm the MLA for Calgary-Currie. To my right.

**Mr. Smith:** Mark Smith, Drayton Valley-Devon.

**Mr. Yao:** Tany Yao, Fort McMurray-Wood Buffalo.

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

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

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

**The Deputy Chair:** We will now go to online. I see Member Ceci.

**Member Ceci:** Yes. Member Ceci, Calgary-Buffalo, in Calgary.

**The Deputy Chair:** Member Loyola. You might be muted. I'll come back.

Member Allard. Also perhaps muted.

Mr. Long.

**Mr. Long:** Martin Long, MLA for West Yellowhead.

**The Deputy Chair:** I'm just going to put it out there if there are any other MLAs online. We've got a phone number, so I just want to . . .

**Ms Rosin:** On the phone is Miranda Rosin, MLA for Banff-Kananaskis.

**The Deputy Chair:** Thank you. I had a hunch that that was you.

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

**The Deputy Chair:** Perfect. Thank you, MLA van Dijken.

Any others that I missed?

Seeing none, before beginning the next presentation, I do also want to note that the corrected version of the office of the Child and

Youth Advocate's slides – there was that one that he said was perhaps not accurate. That has been corrected, and it is posted for your viewing.

Now we move on to 5(a)(v), office of the Ombudsman and office of the Public Interest Commissioner. Our first guests, of course, with us this afternoon are Ms Marianne Ryan and staff from both of the offices, as I just mentioned. In previous years this committee has had the presentations from these two offices consecutively, followed by questions from committee members and other MLAs should they choose to join us. If there are no objections, I anticipate that we will proceed in a similar fashion today. It seems that that was also part of the approved agenda, so I think we're all in agreement on that, and I'm seeing thumbs up.

Ms Ryan, it would be appreciated if you could limit your presentations to about 15 to 20 minutes each to leave ample time for questions. Of course, when you are ready, please introduce yourself and any colleagues. The floor is yours.

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

**Ms Ryan:** Good afternoon and thank you, Mr. Chair. Thank you to the committee members for giving us the opportunity to speak to you today about the offices of the Ombudsman and Public Interest Commissioner.

I'm joined here today by Peter Sherstan, who is our Deputy Ombudsman and Deputy Public Interest Commissioner, and Suzanne Richford, who is our director of corporate services for both offices. I will be presenting each office's 2020-2021 annual reports, Peter will address the 2022-2023 business plans, and Suzanne will speak to each office's budget for the upcoming fiscal year 2022-2023. In addition to copies of our annual reports, budget estimates, and business plans, which we have provided, we have also provided the committee with a copy of our presentation, which I'm hopeful will also be of benefit to you.

If you could please turn to slide 2. It is important to note that while our two offices operate independently, they share administrative services. These services include executive management, finance, human resources, administration, IT, communications, and our general counsel. This has allowed us to achieve better efficiencies for our budget allocations. This is an area that Suzanne will speak more to in her presentation.

This is our current organization chart for this year, which shows a total of 35 positions for both offices combined. We have 30 positions which are with the Ombudsman's office and five positions on the side of the Public Interest Commissioner's office. Eleven of the Ombudsman positions provide services to both offices. I'm pleased to report that because of our operational efficiencies we will continue to operate with just the 30 positions in the Ombudsman's office going forward. On the Public Interest Commissioner side we will be seeking to increase our five FTEs to six, and I will be speaking more to this later in my presentation.

Before I speak about the specifics of each office, I would like to briefly provide you with some information about how we continued to manage our operations during the COVID-19 pandemic over the last year. In compliance with public health orders we temporarily closed both our Calgary and Edmonton offices, and our staff made the transition to work remotely. We upgraded our IT services and continued our day-to-day operations in a virtual environment. Staff continued to receive, investigate, and respond to individual complaints and requests for assistance from Albertans while working remotely from home. The public was still able to contact us by regular mail or virtually using tools such as our online complaint form, e-mail, fax, or by telephone.



A challenge we encountered early in our remote work environment was our inability to take live phone calls from complainants. This was particularly impactful to complainants who were incarcerated as callbacks were difficult to co-ordinate within the correctional facilities. However, we have since implemented voice over Internet protocol, or VOIP, as our new telephone system. The new system has allowed us to set dedicated lines to be recorded, such as reception and intake, and have mobile remote access, which allows us to answer telephone calls live while we are working remotely. Investigators also now have access to the Synergy inmate phone system, which has enhanced our ability to communicate with individuals making complaints from any of the correctional facilities in Alberta. Despite this success, we have observed with this new process that we did see a decrease in complaints early on in the reporting year, and I will be speaking to our complaints statistics shortly.

Over the past year we also shifted our IT environment from on-site physical services to cloud computing with Microsoft 365. By moving to a cloud environment, we have essentially future-proofed our office as we will no longer need to budget for major hardware, software purchases, or maintenance.

Please turn to slide 4. I'd now like to speak specifically about my role as Ombudsman. While many of you are likely familiar with my office, I'd like to give you a brief overview of what we do. We conduct thorough, impartial, and independent investigations of complaints from Albertans who feel they may have been treated unfairly by administrative bodies that fall within our jurisdiction. I will be providing some examples of the types of cases we work on shortly.

Once we determine that a complaint falls within our jurisdiction to investigate, we look for fair resolutions and may make recommendations to improve administrative processes. We may also launch investigations stemming from a referral by a committee of the Legislative Assembly or a minister of the Crown. I can also initiate an investigation on my own motion when I've identified an issue which I believe is systemic in nature.

Early in 2021 we released two significant reports. The first publication was a paper entitled *Giving Voice to Mental Health Patients* and was presented at the 2021 International Ombudsman Institute World Conference in Dublin in recognition of the conference theme: *Giving Voice to the Voiceless*. This virtual international conference was a great opportunity for our office to present to over 100 countries on how ombudsman institutions can design investigations that protect the rights and interests of disadvantaged groups.

The second report was an own-motion which focused on the use of segregation in provincial young offender centres. The *Youth in Segregation* report was published in March of 2021 and describes the indisputable impact of segregation on the mental health of young people. Our findings and recommendations provided guidance to the young offenders branch on what changes need to be made to protect the rights of incarcerated young people. One of the most significant findings was the lack of legislation governing the use of segregation. I'm pleased to tell you that the branch supported my findings and accepted my recommendations.

12:55

Please turn to slide 5. I know that some of you are new to this committee, so it's important to understand what other administrative bodies fall under my office's jurisdiction. We respond to complaints of unfair treatment by provincial government authorities, the patient concerns resolution process of Alberta Health Services, health professions and other designated professional organizations, and municipalities.

Please turn to slide 6. It's equally as important to understand what types of complaints we can't pursue. We do not investigate

complaints involving the federal government, police, universities, schools, private-sector companies, or individuals. We do not investigate complaints about the decisions of the courts or issues that are or may be before the courts. Unlike the Public Interest Commissioner, the Ombudsman does not investigate complaints about MLAs and individual elected officials, including government ministers. We are neither advocates for complainants, nor do we represent government departments or professional organizations.

Please turn to slide 7. Now I would like to speak to you about our numbers. We did see a decline in the total number of cases we received by fiscal year-end. This was largely driven by initial gaps in our ability to take live calls as we shifted to remote home offices, an issue, as I noted earlier, we have since resolved. This slide shows that overall the volume of our work has decreased from the previous year by approximately 12 per cent. This appears to be a nation-wide trend and may be attributable to the pandemic. I have spoken to my colleagues from other ombudsman offices across the country, and many of them have also seen a decrease in the number of complaints received, which they, too, attribute to the impacts of the pandemic.

You'll note that we received 4,547 cases in our office, with 2,975 calls classified as assistance calls as our service delivery includes helping people find the appropriate service provider or to advise if a complaint is not ready for us. We consider every issue, gather information, and help people navigate the system and understand their options for a way forward. That leaves a total of 1,572 investigations which we opened this past year. Interestingly, while our overall volume decreased by 12 per cent, the number of actual investigations we opened was only four less than the previous year.

Please turn to slide 8. As noted in the previous slide, last year we opened a total of 1,572 investigations, and this slide gives you the breakdown of the various sectors where those investigations relate to. With respect to the various sectors I can also share with you that the majority of complaints received were for provincial government departments at 683, municipalities at 181, provincial colleges at 61, and 647 were assessed as nonjurisdictional.

Please turn to slide 9. The timeline to close written complaints has remained consistent with the previous years as we continue to focus on early resolution as a key driver to ensure efficient, timely, and thorough investigations. Essentially, early resolution is an effort to front-end load our response to complainants by analyzing whether the complaint can be resolved informally or if there is a need to conduct a full investigation. A few years ago the standard practice was to conduct full investigations, which could take a year or more to conclude. What we have continued to find is that by introducing early resolution in all cases, our success at resolving complaints in a relatively short time frame remains at a high level.

Further, you can see from the numbers provided in this slide that 93 per cent of our total investigations were closed within three months, 5 per cent of the more complicated or full investigations were concluded within 12 months, and 2 per cent took longer than one year to conclude. Of the more complicated or full investigations we made recommendations for improvement in 74 per cent of these cases.

Please turn to slide 10. I would now like to briefly highlight a few cases investigated by my office last year and the resulting resolution. In one early resolution case a man was granted a development permit by a city for a new driveway to his house under construction. However, a tree previously planted by the city was in the middle of his planned driveway. The man was about to pour concrete to complete his driveway but disagreed with the city's decision on who should pay for the removal of the tree. The city wanted to charge him \$2,000 to remove the tree, claiming it was on the plot land identified by the surveyor the man had hired. When our investigator intervened, it was learned that this

information was incorrect. The city reviewed the matter again, admitted its mistake, and removed the tree at no charge to the homeowner.

If early resolution doesn't work or the complaint warrants a more complete examination, we may advance to a full investigation or an own-motion. Another example relates to an own-motion. My office opened in 2020. Following various types of complaints, my office launched an investigation to determine whether the application of Alberta's emergency isolation support program was administratively fair. This program offered temporary aid, a one-time payment for Albertans who were unable to work due to a requirement to isolate or to care for a dependant who was isolating as a result of COVID-19.

The investigation looked into the application of the program policy, eligibility requirements, applicant assessment criteria, and how decisions were made and documented. Our investigation identified five key findings, which resulted in two observations and seven recommendations for improvement. The recommendations we made in this case will ensure future rapid response programs provide everyone in need with fair opportunity. The Deputy Minister of Labour and Immigration has committed to incorporate my findings and recommendations into future emergency programs. These recommendations to improve emergency relief processes will benefit Albertans who may find themselves in financial distress due to unforeseen disasters.

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

**Mr. Sherstan:** Thank you, Marianne, and good afternoon, everyone. Slide 11, please. The purpose of our 2022-23 business plan is to lay out a figurative road map for the path forward. We want to have continuous improvement and to provide our investigators, our managers, and our corporate service and general counsel with a co-ordinated blueprint for the upcoming year. At this point I'd like to highlight some of the key elements of the business plan for the upcoming year. Our mission statement, vision, and values remain the same. I can summarize it as: we are focused and committed to ensuring equitable treatment for all Albertans in accessing public services.

Slide 12, please. To achieve this goal, we have three key priorities. With regard to the first key priority, that of thorough and timely and efficient investigations, we have learned that conducting investigations in a remote work environment can present challenges. While our investigators have been able to pivot to meet these challenges, we continue to learn and implement new practices and the use of technology to better serve Albertans.

To that end, in '22-23 one strategy we will be using is to liaise with the other 11 Ombudsman offices across Canada in order to identify technological, leading, and best practices to employ when conducting investigations remotely. Additionally, our office will take the lead in developing a national working group, create a national training standard for mid-career Ombudsman investigators. While there are existing standards for new investigators and for executive members of the Ombudsman community, we have identified a gap in ensuring that there are opportunities for our investigators with over five years of experience to continue in their specialized professional development. Now that we have identified this gap, we will take the lead in addressing it through our business plan.

With regard to the key priority of education and awareness we have strategies focused on three different and distinct elements. First, we want to increase the everyday Albertan's awareness of our mandate and where we may be able to assist should they feel they've been treated unfairly when interacting with a public-sector entity. Second, we want to continually enhance the understanding of our office's role with those agencies, boards, commissions.

Third, we want to increase our own understanding of how we can better serve both Albertans and government departments. One of the ways we will address this is by holding round-table focus groups with complainants and authorities with which we've engaged in past year in order to identify possible areas for improvement or further development.

1:05

Slide 13, please. With regard to our final key priority, the modernization of the Ombudsman Act, I'd like to again thank the committee for the support it's provided. The Ombudsman Act has not undergone a full review since it came into effect 54 years ago. The letter of support from your committee to the Minister of Justice and Solicitor General has been instrumental in opening that dialogue.

We've been made aware of forthcoming changes to the Municipal Government Act, the Professional and Occupational Associations Registration Act, and potentially the Health Professions Act that would all directly impact the Ombudsman's jurisdiction. We are actively advocating that, should these changes be forthcoming, it would be efficient and prudent to introduce further amendments to the act in order to ensure it best serves the purpose for which it was originally created. Consequently, our business plan for '22-23 includes a focus on actively pursuing changes to the act to better reflect the context of administrative fairness in the 2020s.

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

Slide 14, please.

**Ms Richford:** Good afternoon. Today I will provide the highlights of our detailed budget documents and answer any questions you may have at the conclusion of our presentation.

As a reference for developing our 2022-23 budget, we review the current year's forecasted expenses to the budget. As such, we are forecasting a savings of \$105,000 for 2021-22 due to position vacancies for a portion of the year. Turning to the Ombudsman's 2022-23 budget estimate, we require a marginal increase of \$50,000, or 1 per cent, over the 2021-22 budget.

Slide 15, please. This slide illustrates our commitment to responsible stewardship of public funds. The Ombudsman's budget remained at the 2018-19 level for 2019-20. It was reduced for 2020-21 and '21-22, and a marginal increase for 2022-23. This represents a net budget reduction of approximately 9 per cent over these four consecutive fiscal years.

The 2022-23 increase is reflected in the personnel budget and is required to ensure availability of funds for potential promotions, acting assignments, and vacation payouts if required. Currently we have a full complement of 30 staff, and there is no FTE increase in the 2022-23 budget.

Since 2012 four legislative offices – the offices of the Ombudsman, Public Interest Commissioner, Child and Youth Advocate, and Ethics Commissioner – shared a computing environment. Over the years this arrangement proved to be cost beneficial, secure, and provided hardware and software that smaller offices could not access on their own. In 2020 the benefits of the environment began to diminish, and in 2021 the shared computing environment was decommissioned, and each office adopted cloud computing. This enabled a 10 per cent reduction to our 2022-23 technology budget. The 2022-23 travel budget has also been reduced as travel for professional development has significantly decreased given the success of virtual conferences and training.

Finally, I would once again like to bring to your attention that all non-union staff, including all the staff in the legislative offices,

have had their salaries completely frozen for six fiscal years. They have not received cost-of-living allowances or performance merit increases since April 1 of 2015. Like the previous six fiscal years, both the Ombudsman's and Public Interest Commissioner's 2022-23 budget estimates do not include a provision for merit and cost-of-living increases.

Marianne.

**Ms Ryan:** Thank you.

That concludes our Ombudsman presentation, and we will now move to the Public Interest Commissioner presentation.

I'm getting some echo.

**The Deputy Chair:** We're hearing you pretty clear over here, just so you know.

**Ms Ryan:** Okay. Thank you, Mr. Chair. We'll move to slide 16, then. The Public Interest Disclosure Act, which is more commonly referred to as the whistle-blower protection act, came into effect eight years ago in 2013. This past year we along with other key stakeholders engaged with the Standing Committee on Resource Stewardship to review and amend this act as part of a legislated mandated review. This was an important opportunity to ensure that the legislation remains current and relevant. It is also important to note that the whistle-blower protection act is completely separate legislation and my work as the Public Interest Commissioner is different from my work as the Ombudsman. Later we will be providing more details about the committee's review of the whistle-blower protection act.

For those of you who are new to the committee, the purpose of the whistle-blower protection act is to create a safe avenue for public servants in Alberta to speak out about wrongdoings or make complaints of reprisal. Protection from reprisal includes confidentiality, anonymity, and the legal ability to disclose confidential and private information without fear of repercussion. Our job is to ensure that thorough investigations are conducted when public sector employees disclose wrongdoings or make complaints of reprisal. Our larger aim is to promote a culture within the public sector that encourages employees and management to report wrongdoings in their workplace. By doing this, we can help to ensure public confidence is maintained in all aspects of the public sector in Alberta.

Please turn to slide 17. Under the act a wrongdoing can be contraventions of provincial or federal laws; acts or omissions creating a danger to life, health, or safety of individuals or to the environment; gross mismanagement of public funds or public assets; gross mismanagement of the delivery of a public service; or gross mismanagement of employees through conduct of a systemic nature that indicates a problem in an organization's culture relating to bullying, harassment, or intimidation. A reprisal refers to any measure taken by an employer that adversely affects the complainant's employment or working conditions.

Please turn to slide 18. Again, I think it's important to understand what is the Public Interest Commissioner's jurisdiction, or to whom does the whistle-blower protection act apply. Under the act it applies to provincial government departments, offices of the Legislature, public entities, MLAs and their offices, ministers and their offices, the Premier and the Premier's office.

Please turn to slide 19. This next slide shows that we received a total of 164 cases, which is down by approximately 14 per cent from the previous years. Some of the reasons for this decrease in the number of cases may include the fact that jurisdictional entities are becoming more effective in promoting their own internal mechanisms; public service employees are developing a better understanding of the act, resulting in fewer inquiries; and that we

have made improvements to our website, which provides more information and resources, reducing the need for direct contact with our office. However, I would like to point out that while the total number of cases has decreased from the previous years, we have observed that the majority of cases we received in 2020-2021 are of a more complex nature than has been observed in previous years and that this trend is continuing. I will be speaking more to this and referencing examples of these cases shortly.

Of the 164 cases, 66 were complaints or disclosures alleging wrongdoing or reprisal. The other statistics provided on this slide note that we received 98 inquiries where assistance was provided. This includes requests for assisting with policy development and advice regarding the act. We always try to ensure our complainant has the information they need to better understand the circumstances and advance their complaint forward.

Please turn to slide 20. As noted in the previous slide, last year we had a total of 164 cases generated, and this slide gives you the breakdown of the various sectors those cases relate to as well as the number of cases which were nonjurisdictional. I won't go through the list, but these are provided for your information.

Please turn to slide 21. I'd now like to provide a few examples of the types of cases we investigated last year. Our office provided assistance and advice to a teacher who believed they were being bullied and harassed by another school employee. When the teacher reported the bullying and harassment as a human resource-related complaint, the teacher experienced retaliation by being removed from an existing position. Our office guided the teacher through the whistle-blower legislation and put the teacher in contact with the designated officer for the school. The teacher made a formal disclosure through their designated officer. Once the formal disclosure was made, the principal of the school immediately returned the teacher to their previous position, thereby mitigating a potential reprisal, and the alleged wrongdoing was investigated.

**1:15**

Last year's annual report described a finding of wrongdoing against the chief executive officer and president of the Alberta Energy Regulator. Investigation into potential wrongdoing of other senior executives at AER continued into the 2020-2021 fiscal year. In the end, while these executives should have acted more strongly to protect the public interest, I concluded that their actions did not meet the threshold to be defined as wrongdoing. All of these executives investigated are no longer employed at AER. Nevertheless, my office made five observations to the AER board to further protect the public interest.

In my final example, several employees from a community college made complaints to the college's board of governors and my office relating to the conduct and actions of its then president and CEO. The board of governors in collaboration with my office conducted an extensive investigation into the allegation. The investigation found serious and significant wrongdoing on the part of the former president and CEO involving the gross mismanagement of public funds, gross mismanagement of the delivery of a public service, and gross mismanagement of employees through a pattern of bullying, harassment, and intimidation. The president and CEO's conduct had financial and reputational implications for the organization and impacted the culture of the college, particularly affecting those working closest to him.

The president and CEO's resignation was announced by the college in May 2020, at the outset of the matter, and an interim president and CEO was appointed. This investigation was a collaborative effort between the college's board of governors and my office. The board's actions demonstrated a progressive culture that supports whistle-blowers and advances public confidence in

the administration of the college by supporting its employees and taking steps to safeguard the institution. This case is an example of the effectiveness of this act and how organizations can work with my office to identify and remedy wrongdoing. I also commend the employees of the college, who saw the act as a means to bring their concerns to light. My office continues to protect the identity of these employees.

In my presentation today I have reported on our case numbers which were concluded in 2020-2021. However, what is not reflected in the statistics is the increase in the complexity and seriousness of investigations we have observed over the last couple of years. While I have provided some examples of the types of cases we concluded in the reporting year, I feel it's also important to advise you of the types and severity of investigations that our office is currently undertaking. These include investigations to determine whether the president and CEO of two provincial corporations have grossly mismanaged employees, whether the superintendent of a school division has grossly mismanaged employees, whether the acts or omissions of a public entity resulted in a serious and significant danger to the environment, and whether employees have been subject to acts of reprisal as the result of using the whistle-blower protection act.

The upswing in serious allegations may suggest a maturing process where, after eight years of effort by my office and public entities, public employees have a greater awareness of and confidence in the role of my office and the protection offered to them under the act. Although current investigative staffing is still able to manage existing case volumes, cases under the whistle-blower protection act have also become more complex from a legal perspective. Several investigations may require complex interpretations of law, and there is an increasing need for legal opinions and advice within our investigations. My office is not only interpreting provisions of the Public Interest Disclosure (Whistleblower Protection) Act as a part of our investigations, but we are also required to analyze and interpret other legislation, particularly in cases involving alleged contraventions of law.

Further, with the increase in seriousness of cases, we are seeing more involvement of legal counsel representing respondents, resulting in substantive legal challenges. The need for legal review of these challenges and providing opinions to investigators will become more commonplace. Our in-house general counsel is primarily responsible for advising senior management on various matters affecting both the Ombudsman's office and the Public Interest Commissioner's office. The addition of a legal counsel position operating under the direction of general counsel would provide an additional legal resource at an operational level. It is for these reasons that the budget estimate for 2022-2023 includes additional funding to establish a new full-time position for legal counsel to assist in the increasing complexity of cases we are seeing in our public interest disclosure office.

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

**Mr. Sherstan:** Thank you, Marianne.

Slide 22, please. Thank you. The '22-23 business plan focuses on supporting the Public Interest Commissioner's responsibilities and those of her investigative team. The committee has been provided with a copy of our plan, in which we've identified key priorities, supporting strategies, and performance measures that will guide our direction and focus for the upcoming fiscal year. In the next few minutes I would just like to highlight some selected elements of the business plan, and I'll be able to answer any questions you'll have after our presentation.

This year's plan is essentially a carry-over from our previous year. Last year was somewhat stymied due to the impacts of the pandemic. Simply put, we have some unfinished business. There remains both relevant and important work to be done, as we move forward, that was in the previous plan, and we will carry it forward into this one.

Slide 23, please. Our first targeted outcome is educational. There is an ongoing need to increase the understanding of public-sector employees, not only of the resources accessible through our office but also of the protections available to them under Alberta's whistle-blower protection legislation.

Our second key priority focuses on designated officers within the public entities and government departments and our strategies to provide training and developmental opportunities for those key individuals.

Our third targeted outcome focuses on strengthening collaboration between our office and the entities jurisdictional to the act. This includes collaboration in investigations. We've made some good progress in this during the current year – and we'll report on that next year in greater detail – and we want to continue to build on that collaborative foundation.

Our final key priority relates to the forthcoming amendments to the act that came as a result of the legislatively mandated five-year review of the Public Interest Disclosure (Whistleblower Protection) Act by the Standing Committee on Resource Stewardship. This began in 2020 and was concluded in June of this year. The commissioner's staff actively engaged in the review process by providing technical expertise to the committee when requested, and this was in addition to the 22 proposed amendments the commissioner submitted for the committee's consideration.

Moving forward, our plan is to actively engage with Alberta Justice and Solicitor General during the drafting of amendments. Once those amendments are finalized, we will ensure that training and educational resources are available for distribution to the public entities, departments, and offices impacted by any revision of the legislation.

Slide 24, please. Suzanne will now speak to our office's budget.

**Ms Richford:** Thank you, Peter. For the current fiscal year, '21-22, forecasted expenses will be approximately \$34,000 less than the 2021-22 budget. Like the Ombudsman's office, this saving is due to a position vacancy for a portion of the year. Currently the office has a full complement of five staff.

The Public Interest Commissioner's 2022-23 budget estimate is \$1,192,000, which is a \$149,000 increase over the 2021-22 budget. The personnel budget has increased to provide funds for an additional FTE for a legal resource position. This is the first FTE increase for the office since its inception in 2013. Like the Ombudsman, the 2022-23 technology services and travel budgets have been reduced, providing an offset to the increase in personnel expenses.

Slide 25, please. For the six fiscal years 2016-17 to 2022-23 the Public Interest Commissioner will realize a net budget reduction of approximately 11 per cent. This saving is inclusive of our 2022-23 budget increase. As mentioned previously, the Public Interest Commissioner's office receives administrative services from designated Ombudsman employees. The Ombudsman provides a cost allocation for these services, which is included in the Public Interest Commissioner's supplies and services budget. Most importantly, cash from the general revenue fund for these services is not required and is therefore a saving for Albertans. Over the last six fiscal years this arrangement has saved Albertans approximately \$2.5 million.

1:25

Please refer to slide 26. The allocated shared services estimate for 2022-23 is \$400,000, which represents 34 per cent of the total Public Interest Commissioner's budget estimate. In other words, only 66 per cent, or \$792,000, of the Public Interest Commissioner's 2022-23 budget estimate will require cash from the general revenue fund. This further emphasizes the importance of our shared services arrangement and the actual savings to Albertans.

Marianne.

**Ms Ryan:** Well, Mr. Chair, that concludes our presentations for both offices. I'd like to thank you and the committee again for your time and consideration of the information we've shared here today. At this time we'd be pleased to answer any questions about either of the presentations.

**The Deputy Chair:** Thank you very much for your presentations.

As noted, we will go to questions from committee members and any MLAs online as well. The first member who caught my eye was Member Dach.

**Mr. Dach:** Thank you very much, Chair Milliken. I appreciate the opportunity to speak and to hear and interact with you once again, Commissioner Ryan. I did have the pleasure and opportunity of participating in the PIDA review, the Public Interest Disclosure Act, and was very, very enthused to learn about a lot of the details of that act through the Resource Stewardship Committee, that I am a member of. It's nice to revisit some of those issues here today and, of course, combine that with your other role as the Ombudsman.

I wanted to start off by wondering out loud if indeed there is room to perhaps change the title given that we've changed "alderman" to "councillor" and that "commissioner" is gender neutral. Is there any thought to changing your title to one that would reflect more gender neutrality?

**Ms Ryan:** Well, I will certainly leave that to the committee, but I will say that when I first came into the position, I was intrigued by the name, to say the least. But what I learned from my other colleagues across the country, many of whom are women and are in the office of the Ombudsman, is that the word is actually derivative, of Swedish origin, and means a representative of the people. The word "ombudsman" is not gender related. It's more translated as a representative of the people. Around the world the office of the Ombudsman is recognized as such because of that name and because of that origin.

Having said that, I do know other offices in Canada have changed the name to ombudsperson or ombuds. I leave it totally with the committee.

**Mr. Dach:** All right. Well, sounds good. I appreciate that little bit of insight. I thank you for bringing us up to date on the initial meaning of the word.

I did want to follow along on the education and awareness angle a little bit more if I may, Mr. Chair, by asking about the level of understanding and how well aware employees in the public service are about the services that you are able to offer in your offices. I know that we delved into this a little bit when we were talking about the review of PIPA, but let's do it again here with respect to your office as Ombudsman and the Public Interest Disclosure Act, the whistle-blower act, as well and that role as the Public Interest Commissioner.

You must track the level of awareness of employees in some way to determine if they are aware of your office, and I know that education and awareness is one of your major outreach

components, so what do those results of that tracking say to you? Are employees very aware of your services? Is there an orientation process; that is, one that goes out of its way to make sure that people are aware of both of your offices when they are first employed?

**Ms Ryan:** Well, thank you, Mr. Dach, for the question. Just speaking on the Ombudsman side, actually for both offices, it continues to be a challenge. On the Ombudsman side, one of the key challenges is that our investigations remain confidential, so we can't disclose details about our investigations even when they are resolved. We can talk, as I've done today, in generalities. You know, many times there are such interesting cases that I really would like to go public to demonstrate the type of work that we can do. However, as I say, because the investigations remain confidential, it's difficult for us to go public in front of media or to really showcase the type of work we do. That's a challenge.

We do considerable outreach in all areas of our jurisdiction, whether it's with professional health colleges or whether it's with municipalities who have recently come onboard. We attend AUMA and RMA, and, you know, we make it a priority to certainly showcase our office on the Ombudsman side.

On the public interest side, which deals, as you know, with public service employees, yes, we make a very concerted effort to really get the word out about what we do. However, we only have a small office, so what we do is sort of a pyramid effect. We reach out to all of the designated officers in all of the public service sectors, and we engage with them to help us educate new employees. We do our best to monitor that. Again, at any opportunity that we get to engage with any public service employee or group of employees, we certainly take advantage of it, but, as you know, it is a challenge. You know, it is in our strategic plan to certainly do everything that we can to increase that awareness and education.

**Mr. Dach:** I asked about tracking. Do you track somehow that level of awareness? How do you know whether or not your methods of communication are successful?

**Mr. Sherstan:** Thank you. We do not specifically track per se the individual responses or awareness within each organization. Each organization has a designated officer who is responsible for ensuring that the policy is in place. We assist those officers by providing templates and by having meetings with them, if they so choose, to develop that. Just like an onboarding of any employee within a public sector organization, they would be aware of their human resources policy, their payroll policies, and also the Public Interest Disclosure Act specific to the policy within their organization. Just like any piece of specific legislation or specific policy within the organization, that is the responsibility of the designated officer. There is no requirement for them to brief to us what they've done within their organization other than to provide us with a copy of their policy.

**The Deputy Chair:** All right. Next I see Member Smith.

**Mr. Smith:** Thank you, Mr. Chair. In your budget estimate document under the 2021-22 expense forecast it states that you were and are anticipating that expenses will be approximately \$105,000 less than what was given in the 2021-22 budget. It attributes these savings, I believe I heard you say, in part to unanticipated employee vacancies. Could you comment on these unanticipated vacancies and what's being done to fill these vacancies and ensure a high retention rate in the office of the Ombudsman?

Thank you.

**Ms Richford:** Thank you for the question. The unanticipated vacancies happened during the year. People leave, and then we have to rehire. That process usually takes a couple of months. Oftentimes as the senior leadership group we will assess that position in itself and decide whether or not it's an opportune time to change that position, and therefore it can sometimes take longer. At this moment we are fully staffed and expect to be going into April 1 of the next fiscal year fully staffed.

**Mr. Sherstan:** If I may just make one comment on the unanticipated vacancies. It's somewhat with pride that one of the positions was because of one of our individuals becoming the first ombudsman at the Southern Alberta Institute of Technology. Another one is the result of one of our individuals moving to another ombudsman office, just for family reasons, and also it should be noted that a former employee of ours is also the first Ombudsman in the province of Prince Edward Island. A lot of these unanticipated vacancies are people within our office who have grown and are seeking other opportunities but remain within the profession, so to speak.

1:35

**The Deputy Chair:** Thank you. It sounds like you're doing a good enough job that your employees are actually getting poached from you.

Next I see the hon. Member Yao.

**Mr. Yao:** Thank you so much, Chair. In your annual report on page 13 you talk about improving your investigation timelines, and I wish to commend you and your office on what appears to be improved timelines for investigations, with a significant number being under three months. Can you explain what measures were taken by the office to bring investigations down? As well, did the pandemic impact any of these results? What were the lessons learned, I guess? These are things that we should be celebrating.

Thank you.

**Ms Ryan:** Thank you, Mr. Yao, for the questions. Yes. This has been a process over the last few years where, as I mentioned, we wanted to move to a quicker response. I talk about front-end loading. That's my term. What I see now is that because we are working in investigative teams, when we get complaints, the team comes together, and, you know, they give it the full-court press as a team and decide: what is the best way to handle this investigation? That front-end loading can really generate a great reduction in one investigator chasing down a whole bunch of different avenues. That front-end loading and that team concept have greatly reduced the length of time that we investigate.

Secondly, with respect to your question about the pandemic we did see, like I say, a decrease initially early on. It was mostly because of technology. We weren't able to take calls live, and people didn't leave messages or couldn't leave messages, as in people who are incarcerated. We get a great deal of our complaints from people who are incarcerated, so we were unable to respond to those complaints. Having, you know, the ability now to take those calls live or at least engage with people in a relatively quick turnaround has greatly increased our time to conclude investigations. I would say – and I'm sure many people now will say – that lessons learned with the advancement of technology have greatly improved our efficiencies and our ability to respond to complainants.

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

**Mr. Yao:** No further questions.

**The Deputy Chair:** Okay. I see Member Dach.

**Mr. Dach:** Thank you, Chair. Ms Ryan, my questions revolve around incarcerated people. You just mentioned that a great number of your complaints do originate with folks who are incarcerated in the province, and I speak in particular about youth incarceration. In March of 2021 you released a report regarding segregation practices at Alberta's youth correctional centres leading from an investigation that started in 2019. How did the government respond to this report?

**Ms Ryan:** Thank you again, Mr. Dach, for the question. I will say that the ministry responded very well. They were very engaged. This investigation originated with a complaint from a youth who said that, you know, they were being denied a lot of access simply because they were being placed in segregation, and what we found was that there were no policies in place about how long segregation should be. You would think that it would be 24 hours, but what we were finding was that a youth would be placed in segregation for 24 hours, released for an hour, and then placed back in again. The clock started again, so technically they weren't in segregation. We were finding that once they were in segregation, they were being denied opportunities to pursue their education. They were being denied opportunities to have, you know, access to legal counsel, these types of things.

Once we started working with the youth offenders branch, they were very receptive and very engaged and forthcoming with information. As I said, they have accepted all of our recommendations.

The only issue that we really are pushing for is to have legislation about: what is the definition of segregation? We are one of the few provinces that does not have a definition in any legislation that speaks to the time frame for segregation, and we see that as a significant gap that, you know, we would encourage Legislatures to address.

**Mr. Dach:** Sounds good. Very interesting.

I know that also in this report you had eight recommendations which would create a safety net for youth in custody, and you indicated that government's response is pretty positive. Have they actually indicated that they plan on accepting all eight? You said that there's one outstanding, that you just mentioned.

**Ms Ryan:** Yes. I did receive a letter back from Associate Deputy Minister Dennis Cooley, and he said that they reviewed our recommendations and they supported the recommendations made. As with any investigation we monitor the implementation, and we ask them to follow up with us, which they are doing. They have said: we are committed to providing open and transparent updates when requested. It's an ongoing thing. We have had to follow up with them, again, just to make sure that the recommendations are being implemented, but at this time I'm satisfied that there is a concerted effort to implement the recommendations.

**Mr. Dach:** Good. I'm glad to hear that there is a follow-up.

Finally, on this issue, if I may . . .

**The Deputy Chair:** Sorry. I'm just trying to be fair to everybody for doing two if that's okay.

**Mr. Dach:** Of course.

**The Deputy Chair:** Is that okay? Yeah? Perfect.

I will go to Member Long, and then I'll return to you.

**Mr. Long:** Thank you, Chair. Thanks for the presentation. Just a couple of quick questions around staffing, actually. I was just wondering if you could explain why expenditures were down on

staffing costs and supply and service costs. You know, they're below the levels anticipated and below the levels of 2019-2020. If I could get something on that, and then I just have another, a follow-up, on staffing costs.

**Ms Richford:** Certainly. Again, the biggest reason for expenditures being lower than what we budget for is not having full staff for the full, entire year. That's the biggest reason. Inevitably, that's the case. That is the case here and was for the previous fiscal year as well. Supplies and services going down: one of the reasons for it is, like we had mentioned, the technology services decreasing and as well travel. Our supplies and services budget really represents about maybe 6, 7 per cent of the whole budget, so even, you know, trying to reduce that budget as much as we can, it still doesn't have the impact that the personnel budget has. The main reason, again, for any sort of deficit or any, I guess, giving back funds or lapse is the vacancies during the year.

**Mr. Long:** Okay. Thank you for that.

There's obviously been a major shift in thought processes around staffing over the last 20, 21 months in particular. I know that early in the presentation you talked about VOIP and, you know, employees taking calls at home and what have you. With that in mind, something that's very much essential for our mental health and well-being is a work-life balance. With employees being able to take work home with them at this point, there isn't really a disconnect, and I'm sure that you all are feeling that as well. Inevitably, normally, home is where we get away from work, and we capture those moments with our families and loved ones and cherish that to achieve that mental well-being that's very important for us to be at our best when we go back to work. I'm wondering if you anticipate any cost increases as far as basic training for employees on how to maintain a work-life balance even if they are working from home and not getting that separation from work.

**Ms Ryan:** Well, thank you very much for the question. I will say that it is a big priority for me and my senior staff, the mental health of all of our employees. Early on when we went into COVID, no one really knew how long we were going to be working remotely from home. I think we were very cognizant of the mental health challenge, so we brought in facilitators who specialize in this area. We had virtual conferences, let's say. We had these presenters present virtually to our staff. We had, like, miniworkshops to help people manage that whole mental health piece. I think that helped tremendously. The cost was very minimal, and since we weren't sending people on travel for courses or travel for training to other parts of Canada or anywhere outside of their cities, we were able to use some of those funds to bring in those facilitators.

1:45

Going forward, again, one of the, I would say, biggest issues that I see in our staff being productive is constantly monitoring that mental health. We meet as a team. We rely on the managers to check in, and they're doing everything they can. I think they're doing a great job of checking in with their investigators and their staff on their teams. If at any point we receive indications that there might be an issue, we're quick to try to address it. We'll see how it is going forward, but knock on wood. You know, everyone has to manage it the best way that we can. Even with not being able to travel, we encourage people to take time off even though they're working from home, use their vacation allotment, go for a walk. We had a lot of flexibility there. At lunchtime go for a walk. Engage in something that helps you deal with your mental health. It's a constant message from me. Yes. It's an excellent issue that you raise.

**The Deputy Chair:** Thank you.

Next I see Member Dach.

**Mr. Dach:** Thank you, Chair Milliken. I had a bit of a follow-up, Ms Ryan, regarding the legislation that you found was lacking or that you'd hoped would be entertained by the government, and that was legislation to amend the Youth Justice Act to define the use of segregation in young offender centres. Have you had any indication that the government is actually working on this? Given your plea that it be done, it seems to me that there is no action contemplated by the government that you're aware of. What do you know about their intent?

**Ms Ryan:** No. We have had no indication that this is going to be pursued in the near future.

**Mr. Dach:** All right. Thank you. I just wanted to clarify that.

One further thing with youth detention centres: have you had any complaints in your office regarding the provision of appropriate food? I'm thinking in particular of kosher food because I have been working with Rabbi Drelich in my constituency for some time now, and so far the issue has not been satisfied. There have been complaints through him – but I'm not sure if they've been through your office – about the lack of appropriate kosher food being provided to inmates in custody in Alberta, particularly in young offender centres.

**Ms Ryan:** I'm just checking with my colleagues. I don't believe we've received anything like that in terms of a complaint, but it is something that we would definitely look at.

**Mr. Dach:** All right. Sounds good. What about not only kosher food but also other culturally appropriate foods, if indeed that was brought forward? That would be a complaint you would entertain, then, whether it be the Jewish community or what have you?

**Mr. Sherstan:** Thank you. We have had complaints about food portion sizes and also about the quality of food in certain cases. Some of it is preference. I have no recollection of anything specific with regard to culturally appropriate or faith-based food preferences. If we had a complaint on that, we'd certainly investigate it, and that would be starting with returning to the centre director to see what action had been taken. Had they already received those requests? Before we take action, we always want to make sure that the individual has followed up with the appropriate decision-maker within an organization, so within the centre itself per se, but absolutely we would follow up.

In the one case that I do recall, we looked at Canada's food guide and whether or not it was meeting the requirements as stipulated by a recognized body. In that case it was, but there will always be individual preferences. We also have to recognize that there are different size and caloric needs for individuals, but in that one case we were satisfied that it had been met.

**The Deputy Chair:** All right. Next I have Member Allard.

**Mrs. Allard:** Thank you, Chair, and thank you for the presentation. I'm actually going to shift to the business plan, if that's all right, for 2022-23. I have a question about the first outcome. Strategy 1.1 delineates the intent to increase the public's understanding of the role of the Public Interest Commissioner, and while I see the initiatives the office intends to achieve this, does the office have any metrics? Have you identified any metrics in place to determine the effectiveness of this initiative? Essentially, how are you going to know that you've achieved that?

**Mr. Sherstan:** Regarding the public interest, outcome 1: is that correct, Mrs. Allard?

**Mrs. Allard:** Yes. Correct. Thank you.

**Mr. Sherstan:** Great. Thank you. Again, it's always difficult to assess these types of things, and one of the reasons is that we're competing with other interests within the organization. We know that public interest disclosure legislation, effectively launched or championed within an organization by their designated officer, is competing with every other e-mail that goes out, et cetera, so we don't have a specific metric at this time. What we do is the output that we put – for example, how many seminars have we conducted? How many publications have we posted? How many times has our website been engaged? What's our Twitter activity, et cetera? Those are the types of things we can measure, but in terms of specifically reaching out to an organization, we have not done so. It is something, again, that we would have to consider, moving forward.

**Mrs. Allard:** Appreciate that. Thank you very much.  
No follow-up, Mr. Chair.

**The Deputy Chair:** All right. Next I have Member Yao.

**Mr. Yao:** Thank you so much, Chair. To the Public Interest Commissioner's office, on page 1 of your budget estimates for the office of the Public Interest Commissioner – and my apologies if you answered this question in your preamble – the salary related to the operating costs will increase from roughly \$528,000 in '21-22 to \$721,000 in '22-23. Can you explain this increase, please? It's about a 29 per cent increase, I believe.

Thank you.

**Ms Richford:** Yes, I can explain that. The \$528,000 is what we're forecasting the salary expense to be by the end of March 31, 2022. Again, vacancies: one of the positions did not get filled till September, so we had quite a few months of vacancy. Now we have five individuals that are anticipated to be there on April 1. As well, we have a new FTE position that we're hoping for, and that is a legal resource. That is included in that increase.

**Mr. Yao:** Thank you so much.

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

**Mr. Yao:** No follow-up.

**The Deputy Chair:** Okay. Next I have Member Dach.

**Mr. Dach:** Thank you, Chair. I had a question regarding the full-time equivalent lawyer that funding for was being requested. Looking at last year, your budget for this year as well, the costs associated with legal representation seem to be increasing due to complexity, and I'm wondering why you think that is. Can you tell us why the cases are becoming increasingly more complex, which ultimately requires the additional lawyer that you're requesting funding for?

**Ms Ryan:** Sure. I can give some explanation for that. You know, as people become more aware of the act and as our investigators get into it, what we're seeing is challenges in terms of other contraventions of law, other acts involved which require a legal perspective. I'll use the example of the AER investigation, where we had five respondents. Each of those respondents had legal counsel, so when we engaged the respondents to provide the

response to the allegation, it comes with letters from legal counsel. We feel that each of those requires that legal perspective, that legal advice.

Secondly, when we are looking at some of these cases, we benefit from a legal opinion, and while our general counsel has provided that in the past, just because of the volume we have contracted out for that opinion, and that is very expensive. It can be, like, thousands of dollars to get that legal opinion and get that independent advice. You know, as we get our office out there and as our investigators receive these complaints, what we are finding – I can't exactly say why they're becoming more complex. I think it's because of the length of time that our office has been around. Word is getting out. Some of these cases have been high profile, and that is also adding, I think, to the complexity, just the increase in awareness of what our office is doing.

1:55

**Mr. Dach:** Okay. A quick follow-up, if I may?

**The Deputy Chair:** Absolutely.

**Mr. Dach:** With respect to situations such as the AER investigation, where you indicated that there were five lawyers involved and you, I take it, felt a little bit under armed from a legal perspective and then necessarily had to contract out to lawyers – that kind of pre-empted one of the questions I had: what was happening in the interim before you have this full-time equivalent position added in? Which begs the question: given that organizations who are very complex themselves, such as AER, who are lawyering up big time in defending themselves in cases that you're adjudicating, would indeed it not be prudent to request more than one lawyer? Is one extra in-house lawyer going to avoid those costs? Certainly, one full-time equivalent could be eaten up in very few short outside lawyers contracted for one case.

**Ms Ryan:** Well, it's a very good point, Mr. Dach. But first of all I'd just like to correct a point. It wasn't AER who was lawyering up; it was the lawyers representing the employees. The employees had individual private lawyers. They were not . . . [inaudible]

**The Deputy Chair:** I hesitate to interrupt you. Would it be possible for you to start this answer again? We just lost you there for a sec.

**Ms Ryan:** Okay. I just wanted to correct a point that Mr. Dach made. Just for clarification, it wasn't that AER lawyered up. It was the lawyers representing the respondents, independently hired by the respondents, who we engaged with.

But, yes, it's a very good point. We've always approached our budget ask with well-justified – and we want to make sure that what we ask for, we need. Going forward, it is possible we may need additional FTEs in terms of legal support. Right now our general counsel oversees both offices, and he is fully engaged, so we feel that by hiring a counsel just on the public interest side, that will certainly help a lot. But I'm not saying that going forward – next year we may see another increase needed, but at this point we feel that one additional legal resource will greatly help us.

**Mr. Dach:** Thank you.

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

I don't have anybody else on the list. We are coming up to the time allotment as well, so looking through the room – I do want to take this opportunity to thank you, Ms Ryan, Mr. Sherstan, and Ms Richford, for your very well put together presentation as well as taking the time to answer our questions. I've told every one of the officers this, that it's anticipated that written confirmation of the committee's decisions with regard to officers' budgets will be sent



out sometime early next week. Thank you again very much for your time.

**Ms Ryan:** Thank you.

**The Deputy Chair:** All right. We will now move on to the next officer. We have the office of the Auditor General, and they are in the process of connecting as we speak.

All right. Thank you very much. Our final presenters of the day are Mr. Doug Wylie, Auditor General, and his colleagues. Welcome and thank you for joining us. Again, I will ask that presentations be kept to 20 minutes in order to ensure that we have ample time for questions from the committee and any other MLAs.

Mr. Wylie, please begin when you are ready to proceed. The floor is yours.

### Office of the Auditor General

**Mr. Wylie:** Well, Chair, I'll just check. Can you hear me okay?

**The Deputy Chair:** Perfectly.

**Mr. Wylie:** All right. Thank you so much.

I've got a bit of a feedback, but we'll try and see how it goes.

**The Deputy Chair:** You're clear over here.

**Mr. Wylie:** Okay. Good. Great.

Good afternoon. Thank you, Chair and committee members. It's great to be with you and have an opportunity to speak with you today about our 2023 budget. I'm really honoured to represent the staff of the office of the Auditor General here today.

On that note, Chair, I would just like to start with a bit of some really good news from our office's perspective. As you all are probably aware, we are a training office with CPA Alberta, so individuals who work with our office go through training and become chartered professional accountants. This morning we got the results back of the CFE, which is the common final examination. We had six individuals write, and all six of those passed. Chair and committee members, that is the future of our office. I am hoping that those individuals will stay with us for quite some time. It's unprecedented, but maybe I'll just mention their names briefly. It's a hard exam, and they've done a great job in getting here. Terry Salame, Kim Lyttle, Taylor Collins, Kyle Berger, Harvey Minhas, and Lisa Bishop: congratulations to them.

Chair, I appreciate that it's been probably a very long day for each of you, so I'm going to get right to it. Joining me today are two members of my leadership team, Loulou Eng, our senior financial officer, and Karen Zoltenko, who is our business leader of our audit practice.

You would have received in advance of today our budget and supporting plan for fiscal 2023 as well as our results report for the year ended March 31, 2021. During my presentation I'll be making some references to each of these documents. Let me begin by stating that we continue to judiciously manage the dollars entrusted to our office. We did have an operating surplus of \$1.7 million for fiscal '20-21. This variance is primarily due to staffing levels, temporary staff services and agents, and travel-related spending due to COVID-19. I'll touch on some of these areas further in my presentation.

Before I get into our budget too much, though, I'd like to highlight some of the accomplishments of our office over the past year. Our results report for the year ended March 31, 2021, provides you with an overview of our work. Charged with providing independent assurance that public money is spent properly and that

programs and services provide the value intended, our work over the last year continues to demonstrate our ability to examine and report publicly on the government of Alberta's management of the public resources entrusted to it.

While the COVID-19 pandemic significantly changed the way we completed our work – it increased the demands on our people, and it added new audit risks – we remained focused on delivering high-quality audits. In fiscal '20-21 we met all the deadlines for financial statement audits and issued a total of 120 audit opinions and other audit reports, including two performance audits, seven assessment of implementation reports, one follow-up audit, and our annual postsecondary institution report card. We issued our independent auditor's report on the consolidated financial statements of the province on July 29, 2020, and that was ahead of the August 31 deadline. The audit required extra work to assess new common business processes and controls for the areas of finance, procurement, and human resources associated with the government's implementation of the new 1GX enterprise resource planning system.

I'd also like to mention here that the nature, extent, and timing of our performance audit work often results in work being performed and expenditures being incurred in one year, but the reports are issued in a subsequent year. We released 12 additional reports shortly after year-end where the audit work was completed or near completion at March 31, 2021. You can see a listing of this work on page 21 of our results report.

### 2:05

I'll also point out that early in fiscal '20-21 we operationalized and updated methodology to report on the implementation of outstanding recommendations more quickly. This methodology focuses on whether management's actions in its implementation plan result in efficiencies noted in the recommendations, and it allows for more succinct reporting on the work performed and on our findings. While implementation is the responsibility of management, the value of our work is realized when our recommendations are acted upon. As a result of our work, we were able to report that 27 previously issued recommendations were satisfactorily implemented.

Before I move on to our budget request, I want to pause and publicly recognize every member of my office for their resilience, adaptability, and professionalism. Their dedication and commitment to the work of our office has been remarkable over this past year.

I'd now like to shift my focus from a look back to a look forward. Our 2023 business plan provides a high-level overview of our audit and organizational priorities for the coming fiscal year and the budget required for achieving those priorities. Our work not only includes providing assurance on the financial statements of the province but also reporting on the effectiveness of internal controls within key management processes.

Through our performance auditing we will look at specific aspects of government systems and processes. These include significant grant programs and contracting processes, the evaluation of performance measurement and reporting, and the effectiveness of front-line delivery of government programs. We'll also continue to focus on the reporting and effectiveness of government's COVID-19 response initiatives.

Our 2023 budget request reflects a 1.6 per cent increase over our prior year budget to enable us to deliver on commitments to Albertans outlined in our business plan. This budget is similar to last year, with minimal adjustments for items such as materials and supplies and travel to reflect an anticipated gradual return to the office.

I'll touch on our information and related technology and our agent budget requests in just a minute, but first I wanted to provide some brief commentary around our compensation and staffing levels as we move into 2023. Our 2023 budget does not reflect any

salary increases related to merit or cost-of-living adjustments for staff. I'll just repeat that. It does not reflect any increases for cost-of-living adjustments. My office has followed the same salary restraint in place since April 1, 2016, and we continue to do so, as reflected in our 2023 budget. That's coming on seven years, Chair and members.

We're planning for the same number of full-time staff as reflected in last year's budget. As a result, our budget request for salaries and employee benefits for the 2023 year is similar to last year's budget. For the past several years one of our greatest risks has been our ability to recruit and retain legislative audit professionals in an environment of salary freezes. We are not operating at our full staffing complement and don't expect to be so for the remainder of this year. This is demonstrated by our forecasted cost for salaries being considerably lower than our 2022 budget.

In our results report for '20-21 fiscal we noted that our attrition rate was low due to COVID-19. I can tell you that that trend has changed very, very quickly. Our staff are very marketable, and we have seen a marked increase in staff finding new employment. We are forecasting that 23 employees will leave the office during this current fiscal year, which ends on March 31, 2022. While we continue to recruit throughout the year to fill vacancies, we estimate that we'll be short six FTEs at the end of the year.

Our ability to recruit accounting and auditing professionals sees us competing with major accounting and professional service firms as well as other private and nongovernmental organizations. These organizations like us are all competing for the same resources, but they're not necessarily restrained by total compensation offered. So what do we have to do about that? In our business plan we're highlighting that we're going to continue to monitor our attrition and assess the impact that that's having on our ability to do our audit work; we're assessing our hiring strategies, looking for new and optimal ways to recruit, select, and retain talent; and we're exploring opportunities to second staff from other legislative audit offices around the country.

One of our overriding highlights in our results report for fiscal '20-21 was our people. Our greatest assets are the individuals who make up our office. Despite the disruptions due to COVID-19 and the increased staff departures over the past year, our staff have displayed an inspirational resilience and resolve, putting in all the extra hours necessary to deliver on our mandate. As I mentioned earlier, I'm extremely proud of their accomplishments.

I'll now move on briefly to contracted agent work. In our written budget submission to you we requested a net increase of \$450,000 for contracted agent work. Certain postsecondary institutions changed their year-end from June 30 to March 31. The majority of our financial statement audits that we conduct also have March year-ends, so that makes it the busiest financial statement audit period within our office, being from the beginning of April to the end of June. Our audit work is done within tight timelines to meet reporting deadlines. While our office reacts to the changes of the external environment the best that it can and we do the best that we can – we do our utmost to try to accommodate these changes within our existing budget – we simply do not have the resources available to meet the increased demand for this change. It's already going to be, considering our already constrained staff complement that I talked about earlier. Our staff are working at 150 per cent utilization rate during this busy period.

Before arriving at a decision to contract this work to agents, we also considered hiring temporary staff. Temporary staff, however, are expensive and typically inexperienced in public-sector audits. A significant amount of internal resources are necessary to train and supervise these individuals for the short time they are with us. Agenting provides the best alternative at this time as firms dedicate

a full engagement team to the audit, which they attempt to keep consistent over the contracted term. A consistent agent year to year also significantly reduces audit risks. Experience has also demonstrated it's easier on management of the entity being audited when their auditing is consistent from year to year.

Finally, I'd like to provide some context around our information and related technology investments for the next fiscal year. I can't stress enough that our office's IRT operational capacity and the standards in which we safeguard the information we collect and generate remain critical to our business operations. Our budget reflects an increase of \$275,000 over last year's budget to address critical requirements needed to support and secure our audit work.

This increase is primarily comprised of the following: \$100,000 to transition our IRT infrastructure to the cloud, which will result in a more scalable and reliable operating environment. Among other items, cloud-based services will allow for increased collaboration with our audit entities, some of which have already moved to the cloud; secure and scalable data collection, classification, and storage; and enhanced data analysis capability, and that's key to the credibility and accuracy of our audit work; access to and support for the most current versions of software applications that our office relies on to conduct our work. We are already aware that some of the audit-specific applications we use will only be supported in a cloud-based environment. Excuse me for just a minute. Pardon me.

**The Deputy Chair:** Not a problem.

**Mr. Wylie:** Our phase transition plan will ensure we have the supports in place to migrate to the cloud.

In addition to the IRT infrastructure cost, the \$44,000 represents licensing cost for network monitoring services and firewall support to maintain the security of our internal network, our remote access services, and to mitigate escalating security threats faced in a hybrid working environment. We're also investing \$42,000 for the Adobe software licences to improve efficiency for audit execution and reporting. This is particularly useful in working in the hybrid environment that we currently are. As part of our commitment under the GOA enterprise agreement we're also required to spend \$24,000 for our Microsoft 365 enterprise content management licence fees. The remaining budget amount of \$65,000 supports our audit project management system to address necessary hardware upgrades.

2:15

In closing, I want to highlight our audit priorities for the 2023 fiscal year, and that's outlined in our business plan. In addition to the financial statement audit work, we will continue to make our performance audit work a priority in 2023. We have identified two key areas of focus in the area of performance audits, COVID-19 and accountability in program delivery and reporting of results. We are finalizing our audit plan for 2023 and will release it publicly in the new year. In our 2022 audit plan we had identified 15 performance audits, five related to COVID. Work continues on these audits, and we plan to be able to start reporting on them in early 2022.

While we have an aggressive agenda of audit work to be done, we realize that many government departments are still executing programs to respond to this crisis. We continue to work with those we audit to deliver on our mandate, all the while respecting the operating challenges of our auditees.

With that, Chair, I'll close my opening remarks. On behalf of all of us at the office of the Auditor General thank you for your time today. We'd be pleased to take any questions that you may have.

Thank you.

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

I will now open the floor up to committee members and MLAs who are on the line. The first individual who caught my eye was hon. member Joe Ceci.

**Member Ceci:** Thank you. I heard that “hon. member.” That’s very good.

Auditor General Wylie, thank you very much for your presentation. I just want to start off by saying congratulations, as you did, to all six of your staff that passed the CPA CFE. That’s great. I’m sure they put a lot of hard work into that, and with your staff already working flat out, as you said, this extra, additional work to get this done is very commendable. Please pass on from me to them my congratulations as well.

My first question has to do with following up on the COVID situation, that you were just talking about. I see in your business plan, page 6, that you identify the work there. My question revolves around that. As you mentioned, your office generally does two types of audits, a financial statement auditing and a performance auditing, as you’ve also noted on page 12 of your business plan.

Has your office considered a little different style of audit, one that can be a lot more responsive with respect to time for specific and discrete questions like COVID, whether they come from the public or MLAs or government itself? We’ve written to your office to request a performance audit into the Premier appropriately delegating his legal authority over the summer as the fourth wave of COVID built. While this certainly is within the domain of a performance audit, it takes a certain amount of time to determine whether to proceed with a performance audit, to put it in the queue, to do the work, to publicly report.

You’ve done some of that, or the reporting out on some of that will take place. You said, I think, that in early ’22 you were going to be reporting on five COVID-related performance audits. But in the example that I’m talking about, timeliness is even more important. We’re still in this pandemic. We’re approaching the Christmas holidays. Anything you can kind of assist with would potentially save lives. Have you considered that style of audit investigation, that would be more responsive?

**Mr. Wylie:** Well, we certainly try and be as responsive as we can, Member. I guess, depending on how you’re looking at it, it can be a benefit, or it can be challenging in the sense of maybe the time it takes to complete an audit. An audit is a high level of assurance. It provides the rigour that Albertans expect, quite frankly. They expect credibility from the reporting. They expect that when we do work, it is done thoroughly, completely, and within the standards. That does take time.

We do operate within a highly regulated environment, and that is within the practice of CPAs. All of the audit work that we do is done within professional standards. Those are financial statement audits as well as our performance audits. We do follow standards in how those audits are done. They do require a rigour with respect to the planning of the audit, the development of the audit criteria – so what will be audited – and how we will be doing that work and reporting on it. Then there’s actually the audit execution. So, you know, it does take time to do it.

With respect to COVID, certainly we recognize that this is an interest. We’ve received a request from two members. We’ve also received over the ’21 reporting year 154 ideas and requests and concerns from general Albertans. We’ve received 22 other requests for specific pieces of work. We take all of these requests very seriously. In the area of COVID we actually are packaging this work under what I believe is a very good framework. We’ve already done some work.

I’ll put it this way. We’ve looked at COVID at the transactional level. As part of our audit of the consolidated financial statements and the transactions at the various ministries, we’ve looked at those transactions to ensure that they’re fairly and accurately reported in the financial reporting of the consolidated statements and how they’re reported within the accounts of the ministries. Appropriate restrictions, if there were any, were adhered to. We’ve also looked at reporting requirements of the federal government on the province with respect to the receipt of the money. So, in summary, we’ve looked at that transactional level.

We’re also looking at it currently – and we’re going to be doing more work in this area – from a program level, the programs that were designed to achieve certain objectives related to assisting Albertans related to COVID.

Then the third aspect is this corporate accountability perspective, how the organizations are actually reporting in their public reporting on overall accountability for the resources entrusted to the organizations as well as the results achieved. Essentially, it’s three parts: transactional, then program level, and then, of course, the corporate accountability perspective.

But to come back to directly answer your question, the audit practice does require time, and it requires rigour. We think that’s important to demonstrate the credibility that Albertans expect of our work, Member.

**The Deputy Chair:** Thank you.

Member Ceci, do you have a follow-up?

**Member Ceci:** I do. Just in listening to all the different aspects of COVID that you are going to be reporting on, do you have anything you can share with us with respect to the efficacy of the approaches of programs or the organizational level or indeed the adherence to the federal programs that you were mentioning, if I’ve got some of those things right? Is there anything you can share now that would be useful for Albertans?

**Mr. Wylie:** Yes. Well, in our November report, that we just recently released, in the front section, where we discuss our audit of the consolidated financial statements of the province, we actually identified COVID as a key audit risk related to that audit engagement. There we identified specific programs – and we list them – where we looked at the transactions specifically related to those programs, to give an example. We conclude on the work that we did with respect to how those transactions were recorded and how they were disclosed in the financial statements. That first part of the work has been published, Member, and it is available for Albertans in our November 2021 report.

**The Deputy Chair:** Thank you.

Next I see – and to be fair – the hon. Tany Yao.

**Mr. Yao:** Thank you so much, Chair. Sir, you mentioned staffing issues, which is a very serious concern, especially understanding that this impacts your role to investigate issues that impact the public. As an example, emergency medical services, ambulances as well as EMS dispatch, are very serious issues that have been identified by government members, by opposition as well as in the media. How do you prioritize these areas to be audited, and do you have the ability to initiate your own evaluations and report on, say, these EMS issues? Or, with the shortage of personnel that you have, will you only respond to specific requests?

Thank you.

2:25

**Mr. Wylie:** Well, no. We look at all requests, and we also consider the areas of risk that are identified through our financial statement audits and that are addressed by our engagement teams. I'll just take the opportunity here to mention as well that one of the strategies that we implemented was to move to a full team-based approach, and that was actually to help benefit not only the efficacy of the audit process but also to help with the identification of risks within specific ministries and sectors that ultimately would be considered for audit activity. We, as I said earlier, consider all requests. For anyone who writes in or sends us an e-mail, I can guarantee you that we have a process where that issue is tracked within the office and ultimately makes its way to the audit team.

The area of ambulances that you'd mentioned: I know that there has been some discussion of that within the media. I know that I've been made aware of it. I'm not too sure how that fits into our book of work right now, but what you can see is that we do make public our audit plan. We've made our '22 audit plan public, and as I say, there are 15 audits there identified. Our '23 audit plan, which we'll be releasing shortly: we've actually got that finalized. We just need to discuss that with the management before we make it public. We have identified another 10 projects.

Now, I should point out that the projects in this separate audit plan are more significant or larger projects. We always will do work within the ministries on a smaller scale as issues come up, so it doesn't necessarily mean that if it's not on this list, there is no work being done. I can assure you that there is constantly work being done, and we even look at processes as part of our financial statement audit exercise as well. We'll look at some extensions of some work that we do there.

Rest assured, Member, that all concerns raised with our office are considered. I know that that matter was raised with our Health team. I'm not sure where that's at in the queue, though. As I said, we receive probably over 200 requests for audits from concerned Albertans yearly. I'm just not too sure where that is in our process, Member. Sorry.

**The Deputy Chair:** All right.

Next I believe on the list I have Member Ceci again.

**Member Ceci:** Yeah. Thank you very much. I guess that with regard to future audits I'd like to ask about your capacity in your office to undertake a certain unique and complex kind of work. I'll just explain what I'm thinking about. With regard to AIMCo we know that, unfortunately, the VOLTS-based trading strategy led to billions in losses, and the senior management board at the time reportedly didn't understand the risk they were taking on. Your office is legally the Auditor for the government and all of its related agencies, including AIMCo.

If we look at CPPIB, they're allowed to use one of the big-four accounting firms to do their audit. It's their position that because of the complexity of trading strategies, they need the expertise of a big outside global firm. We know that AIMCo, at least under a previous management board, signalled it might be worth considering that they use an outside big-four firm as well. I'd just like to ask your perspective. I know that legally you're needing to audit AIMCo, but could there be merit in considering having one of the outside big-four firms involved with the audit of AIMCo along with your office?

**Mr. Wylie:** Well, a couple of points there I might point out. Let me start with specialized skill sets first. In our business plan we actually identified that we're going to be doing more of that. You'll see in our '23 business plan that that was one of the areas of focus that we're going to look at. We've done that all along, though, Member.

I will tell you that in all of our audits we put together the audit team that we need to deliver the quality product. As I say, at the end of the day, we want to make sure we've got a quality product that meets the standards.

You know, I think back to a report we did, Better Healthcare for Albertans, where we actually engaged two specialists in the area. They were physicians. So we are always looking at specialists, and I want that to be a focus going forward, and that relates to financial statement audits as well, Member. We audit a number of organizations where we have actuaries that we contract with out of Toronto. We hire banking experts working out of Toronto, so we get the requisite specialists that we need, but having that specialist skill set does not necessarily mean that our office does not need to be the auditor of record or does not need to be the legislative auditor.

In fact, I would caution against that, because having our office as the legislative auditor guarantees the Legislative Assembly of that accountability back and that if an audit opinion is issued, we are involved. At the end of the day, the audit opinion might be assisted through an agent, and we used agents often, where an agent will provide an audit opinion to us and they're working with us, and then based on that collaborative work we will provide an overall opinion on the financial statement, so that's where we use agents.

I actually made a change in that regard when I took over. ATB: we audit a bank, so, again, a highly regulatory business of auditing that we're in, and one has to make a decision in the areas of risk. How much internal effort do we build up to resource to have the specialist skill sets internally versus contracting? In that case I decided, you know what, it was time to contract out the audit of ATB, so we have an agent do the audit. We are still the auditor, and what that has allowed us to do, actually, is to bring in the skill sets of all of the actuarial specialists and dealing with derivatives and all of these complex financial issues and transactions, we're getting that expertise out of Toronto, but we're still the auditor of record.

We're still the one issuing the opinion, but, again, we've harnessed the expertise that we need to in order to ensure that we're continuing to deliver a quality audit, all the while recognizing that, you know, that's probably the most effective way for us to do it. It's very costly to build up and have that specialist skill set requisite within the office, and it's also very costly to contract that out on an individual basis, actuary versus, you know, derivative specialists and these types of things.

So, Member, we certainly do use specialists. We use them all the time on our audits. You know, the ICORE engagement, the investigation we did on ICORE recently: we had specialists involved in that as well. It's a tool that we continuously use.

**Member Ceci:** Sure. Well, I hear that.

I'm just following up, Mr. Chair, if that's okay.

**The Deputy Chair:** Yeah. Absolutely.

**Member Ceci:** I hear that. I certainly wasn't challenging the abilities of your office. I was just wondering if specialists, in the case that I mentioned, were brought in and provided value-added to the opinion that you delivered to government.

**Mr. Wylie:** Yeah, they do. As I said, we use them all the time.

I want to come back specifically, though, to AIMCo, because I just want to make sure that this is understood. Having our office involved actually brings in great efficiencies. Let me give you a perfect example with AIMCo. So we do have the internal resources to do AIMCo. We've done that audit for years. We also audit the pension plans. The benefit of having us as one auditor do that is as follows. We audit the investments through AIMCo, and then we're auditing the pension boards, so the opinions and all of the audit

assurance that we're getting from auditing those investments: that team and that assurance is in house, and we can apply that when we're actually issuing an opinion on the financial statements of the independent pension boards. That's a great efficiency for the system as a whole, because we're seeing the investment side as well as the pension boards and how they're reporting that.

Anyway, I'll leave it there. Thanks.

**The Deputy Chair:** All right. Next on the list I see Member Smith.

**Mr. Smith:** Thank you, Mr. Chair, and thank you for joining us this afternoon. Priority 2, outcome 2 on page 27 of the annual report speaks about increasing capacity and capabilities of the audit teams. We've been talking a lot about that today.

2:35

I want to specifically target on the use of data analytics. The office far exceeded their target of 25 per cent in regard to using data analytics, but could you explain what added value Albertans are getting for their tax dollars through this use of data analytics?

**Mr. Wylie:** Sure. I'll speak to it from two perspectives. The first is the efficiency of the audit. What data analytics allow us to do is to use data on a much broader perspective to identify trends, identify anomalies, and essentially do a more efficient audit. There's certainly that aspect to it, and I just will give you an example. You know, we exceeded our target on this particular metric that we had – we had a target of 25 per cent; we achieved 44 – but I want to also identify that there is great opportunity for us to use this more in the performance audits that we do. It's a widely used tool when doing financial statement audits, but it is extremely useful also in looking at performance audits.

You'll see some of the results if you recall the work that we did on the CT-MRI. Data analytics and data was used extensively on that audit to identify trends, differences between testing within zones within the province, differences with the ability to use the priority coding and those types of things, so it's a very, very useful and powerful tool. It allows one to see pictures and it allows one to do this analysis of the data to bring forward audit evidence.

**The Deputy Chair:** Thank you.

Just in the interest of the back and forth that we often do in this case, I am going to go back to Member Ceci.

Member Ceci, I do also just want to let you know that we are coming up to the portion that's been allotted to this.

**Member Ceci:** Yeah. I appreciate that, Mr. Chair. Auditor General Wylie, thanks very much for your answers. Obviously, your office receives requests for performance audits from all sorts of places. You mentioned some of those public, private organizations, municipalities, MLAs, for example, and, perhaps more importantly, government itself. I understand in the private sector it's common for businesses to ask their auditor to come and take a look at something, but in the public sector sometimes that's a little harder to do. Governments of any stripe don't want to necessarily, you know, air their dirty laundry in public. So there is a natural tension there, I think, in the public sector. Can you give me a sense, since you became Auditor General, for how frequently government is coming to you to look at issues and do performance audits? And perhaps if it's not happening frequently, how can you improve that?

**Mr. Wylie:** Yeah. I'm personally not aware that it's happening that frequently. I would suggest at more of the front-line area there is probably a fair bit of consultation going on, where management of the organizations might be asking for some periodic advice on how

things could be improved at an operational level. But with respect to coming in and doing audits, we have not, to my knowledge, been requested on a broad scale to do audit work there.

How could it be improved? Well, you know, that's one of the things that we're trying to work on as well, the understanding of our audits, our audit processes and, I think, really, the benefits that come out of our work. One of the areas we are trying to work on is to bring forward some more discrete audit projects, and actually bring management involved in the outcomes and seeing the benefits of those recommendations so that they are actually incentivized to implement the recommendations, rather than seeing us as Big Brother coming in with the stick, in order to see, at the end of the day, that we really are trying to improve the systems and the processes. There is the unfortunate aspect that, yes, it's a public reporting, but at the end of the day that's the benefit of having our Westminster accountability model and having the accountability processes, which are the role of the Auditors General within Canada and indeed abroad. We do need that public accountability. So, yes, it does, I guess, maybe slow down the amount of consultation, if you will, or bringing in that. But at the end of the day we do see the value coming from our work, and we are seeing, you know, depending on the nature of the organization we audit, a receptiveness to that.

You know, we do get requests – as I'm speaking, I'm thinking about this – not so much at the government level but at the organizational level from boards, from audit committee members, who are familiar with looking in from the lens of a governor, trying to assess the risks within the organizations. There are those conversations, and we have many of them, frank discussions with audit committees where they are interested in our perspective and, indeed, they have asked us to do some specific areas like, for example, when we're doing a financial statement audit: could you have a particular look at this line, and those types of things. That certainly is happening, I would say, more at the organizational level than at the broad government level.

**Member Ceci:** Yeah. Just, if I might, Mr. Chair, follow up on that?

**The Deputy Chair:** Yeah. Absolutely.

**Member Ceci:** With regard to government, I know that you've identified COVID-19 projects, and you're going to be reporting on performance auditing early in the new year; on five, I think you said. But has government not come to you and asked specifically to do COVID-19 performance auditing work?

**Mr. Wylie:** We have had no request from the government to do any audit work.

**Member Ceci:** Formally.

**Mr. Wylie:** At the high level.

**Member Ceci:** At a high level. Okay. Thank you.

**The Deputy Chair:** All right. Next on the list, I believe I see Mr. Yao.

**Mr. Yao:** Thank you so much, Chair. Sir, on page 24 of your 2021 annual report, outcome 1 is to ensure that 75 per cent of financial statement audits are completed within budget. It then notes that only 41 per cent of audits were completed on budget due to unanticipated circumstances. I assume that's due to the pandemic. Can you just explain that and expand on that, as to what drove up costs?

Thank you.

**Mr. Wylie:** I'll maybe try and attack this from two perspectives. The first is that this measure is designed to really look at project management, if you will, so 75 per cent of projects completed within cost. Yeah. What we saw, it was predominantly related to COVID. What we saw was a number of factors. First, our audit plans were identified, and the risks that we identified, the audit approach that we had identified, the timing of the audit, and everything, that was all done in an audit plan that was prepared before we had COVID, right? Recognize we're talking about March 2020 year-ends here.

First of all, the budgets that we had essentially, I'll say, went out the window as soon as COVID hit. As soon as organizations started to deal with COVID, it impacted their staffing. Year-ends were changed. We were moving year-ends. We had to quickly, as an office, you know, address what are the additional financial statement risks associated with it, what's the impact on investments that are being reported, what's the valuation of inventories, and these types of things. It did have a financial statement impact. We had to address all those new risks within that reporting period. Essentially, that's what caused that variance.

I would point to the fact that, on an overall higher level business perspective, we have two lines of business: financial statement audit line of business and our performance audit line of business. We're quite proud of the fact that during that whole period, you know, our financial statement line of business was actually only over budget by 1.4 per cent, which, in my view, is really good, considering the fact that new guidance had not yet been issued from the professions. In fact, our office, our professional practices group led by Dr. Wayne Morgan here, was kind of leading edge on what are the implications of risks, how these would be addressed in auditing and whatnot, because the private sector would mainly be dealing with this the following December, when the majority of their year-ends occur.

So it was very dynamic. It was a very fluid time, and the results you're seeing there just reflect the reality of what happened on the individual projects. Obviously, we did not achieve the target there. But overall our variances were, you know, as I say, 1.4 per cent on an overall line of business perspective over budget.

2:45

**The Deputy Chair:** All right.

We are at the allotted time with regard to the approved agenda. I will however give a quick question, the last question, to Member Ceci.

**Member Ceci:** Thank you very much. I appreciate it. I know we're very close to time. I'm just really appreciative of all your responses, Auditor General. I suspect most Albertans really respect your office, as I do, and trust your judgment and evaluation. You and your predecessors, in many ways, hold government to account. Of course, you hold our government to account. You held my government, our government, to account. You're doing the same with this one.

With the nonpartisan approach you're holding whoever is in office to account, and I think you provide excellent value for money. If you had another \$2 million or a significant amount of money over and above holding the line on your budget, what would be the next tranche of activity for your office that you would undertake?

**Mr. Wylie:** Well, we'd continue to try and deliver on the performance audit line of business. You'll see in our business plan that we're not achieving our target. We're at 29 per cent, so we have a target for each line of business with respect to the resources that are applied, and what we want to get to is 35 per cent of our

resources being applied to performance audit work. Right now we're only at 29 per cent, so coming up to that FTE account, those six additional FTEs will be going to senior audit individuals that will help on our performance audit line of business. That's the area that we would grow from an overall . . .

**Member Ceci:** With any additional monies.

**Mr. Wylie:** That is correct.

**Member Ceci:** What's the quantum between I think you said 29 per cent and 35 per cent? What amount of money would that take to get to that number of performance audits in your business?

**Mr. Wylie:** That is the additional staff that we're looking for. If we can bring our staff up to our budgeted FTE for 2023, which is what we're looking for, that will bring us very close to the 35 per cent target split.

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

**The Deputy Chair:** Thank you.

**Mr. Wylie:** If I could just take the opportunity to mention to everyone that within Canada there are differences between the mix of audit work done by the various jurisdictions within Canada, so ours is looking at this 65-35 percentage, and that varies across Canada.

**The Deputy Chair:** All right. Thank you very much Mr. Wylie and, of course, to your staff as well for your presentation and responding to the questions. As I tell all the offices, for your info, it's anticipated that the committee's decisions on the officers' budgets will be sent to you likely early next week. Thank you again very much for your time.

**Mr. Wylie:** Thank you.

**The Deputy Chair:** All right. That was the last presentation for today. If it is the will of the committee, this might be a good time to potentially take a short break before moving on to making the decisions with regard to the officers' budgets. If everybody is in agreement, then we'll just take five. We will come back at 5 to 3.

[The committee adjourned from 2:49 p.m. to 2:54 p.m.]

**The Deputy Chair:** All right. Thank you, members. Calling us back to order. Welcome back.

As we have completed agenda item 5(a), the committee now needs to make decisions on the budget submissions made by each of the officers. To this end, I've asked the committee clerk to provide some draft motions for use during our deliberations to ensure we have appropriate wording for each budget estimate under consideration. I would probably suggest that perhaps we just deal with each in the order that they were received, starting with Elections Alberta. Does that sound pretty good to everyone? I see Member Shepherd.

**Mr. Shepherd:** Yes. I would like to make a motion, Mr. Chair. I think we heard from the Chief Electoral Officer today, and it was clear from what he was saying that – indeed, he said himself that their staff is stretched thin. Certainly, we have seen what the results of that have been. There were the issues around the social media, there were the issues around . . .

**The Deputy Chair:** Sorry to interrupt the hon. member.

**Mr. Shepherd:** Should I just move the motion and then offer my . . .

**The Deputy Chair:** If this is a new motion, it's my understanding – perfect. Yeah. Okay. As submitted or as revised, there is no requirement on that front, so if the hon. member could please continue.

**Mr. Shepherd:** Excellent. Thank you, Mr. Chair. Yes; I do understand that we at times try to presubmit motions, but of course in this situation we have information that's revealed in the process of the presentation, so I appreciate the flexibility.

As I was saying, you know, the office stated that they are stretched thin, and we have seen the concerns that were raised around social media, and those were shared at both sides of this table. We indeed had some discussion about some of the pieces that were put together around the referenda and the challenges that were faced there.

We have had our own concerns from this side of the House, from the opposition about requests and investigations that we know that went forward on things like the 2017 kamikaze investigation, questions around the actions and involvements of Shaping Alberta's Future. We have seen information bulletins that were posted on the Elections Alberta website that supported third-party involvement in the UCP's 2021 AGM in November. We disagreed with that interpretation, but that event speaks to a number of things that we continue to have concerns about.

However, again, as we heard from the CEO today, giving him that benefit of the doubt, what he said is that things are getting more and more challenging, he is facing more and more work, and certainly it seems that there are more resources needed. There are certainly going to be many more demands put on his time. Indeed, Bill 81 that's before the House right now significantly increases the responsibilities of both of his roles as CEO and the Election Commissioner. There are a lot of questions about how that all can be managed between the tensions, between the dual oaths for both offices.

It's our view that there should be an independent Election Commissioner. However, that is at the decision of the CEO, so the long and the short of it is that I would like to move a motion that the Standing Committee on Legislative Offices approve the 2022-2023 budget estimates for the Office of the Chief Electoral Officer in the amount of \$45,374,000.

I'll repeat that for the clerk: \$45,374,000. That being \$200,000 above the initial ask.

**The Deputy Chair:** One fifty.

**Mr. Shepherd:** Pardon me. Yes. I apologize. A hundred and fifty thousand. Yes. My apologies, Mr. Chair. I am better with my words than I am sometimes with my math.

**The Deputy Chair:** I surprised myself by getting the \$150,000, honestly.

All right. Any discussion on the motion? I see Mr. Yao.

**Mr. Yao:** As much as I can respect the underlying sentiment of the Member for Edmonton-City Centre, I would challenge that, recognizing that the legislative officers have done their due diligence in submitting their proposed budgets. As well, we have to recognize that the budget of \$45,224,000 is in anticipation of an election in 2023, is substantially larger than the budget for the 2019 election of \$39 million. He has already anticipated an increase in his expenses, and I just do not feel this is necessary.

Thank you.

**The Deputy Chair:** Any others? Seeing none, on the motion as proposed by the hon. Member Shepherd, all those in favour please say aye.

Any opposed, please say no. Any others online?  
That motion is defeated.

3:00

**Member Ceci:** A recorded vote, Mr. Chair.

**The Deputy Chair:** A recorded vote has been requested. Just for everybody's information, if you abstain, that's not noted.

All those in favour of the motion as proposed by Mr. Shepherd in the room? Let's start in the room. Just say your name and identify yourself.

**Mr. Dach:** MLA Lorne Dach. Yes.

**The Deputy Chair:** Yes. Okay.

**Mr. Shepherd:** MLA David Shepherd. Yes.

**The Deputy Chair:** Online?

**Member Loyola:** MLA Rod Loyola. Yes.

**Member Ceci:** MLA Joe Ceci. Yes.

**The Deputy Chair:** Any others?

Seeing none, all those opposed to the motion as proposed by Member Shepherd in the room first? Say your name.

**Mr. Smith:** MLA Mark Smith, Drayton Valley-Devon. No.

**Mr. Yao:** Tany Yao. No.

**The Deputy Chair:** Online?

**Mr. van Dijken:** Van Dijken. Opposed.

**The Deputy Chair:** Any others?

**Mrs. Allard:** Tracy Allard. Opposed.

**Mr. Long:** Martin Long. Opposed.

**Ms Rosin:** Miranda Rosin. Opposed.

**The Deputy Chair:** I believe that I heard Martin Long also there.  
That motion is defeated.

Do I have any other members wishing to make a motion with regard to the office of the Chief Electoral Officer?

**Mr. Smith:** Mr. Chair, can we go back to the original motion?

**The Deputy Chair:** We are back on the original. Well, this motion hasn't been moved by anyone, so we're actually not on a motion. We're just at debate.

**Mr. Smith:** Okay. Then I would move that.

**The Deputy Chair:** I see Mr. Smith has indicated that he would like to move the motion as proposed on the screen. For clarity, I think it's with the budget numbers as proposed that were submitted. Moved by Mr. Smith – I'm going to read it into the record for you, or you can read it into the record.

**Mr. Smith:** I'll read it into the record. Thank you.

Moved by myself, Mr. Smith, that the Standing Committee on Legislative Offices approve the 2022-23 budget estimates for the office of the Chief Electoral Officer in the amount of \$45,224,000 as submitted.

**The Deputy Chair:** Discussion?

Seeing none, on the motion as proposed by the hon. member Mr. Smith, all those in favour, please say aye. That's in the room. How about online? Any opposed in the room? Seeing none. Online? None.

That is carried and so ordered.

Moving, then, on to the office of the Ethics Commissioner. I see Mr. Smith.

**Mr. Smith:** Thank you, Mr. Chair. I would move the motion as it's presented that

the Standing Committee on Legislative Offices approve the 2022-23 budget estimates for the office of the Ethics Commissioner in the amount of \$932,000 as submitted.

**The Deputy Chair:** Any debate?

Seeing none, on the motion as proposed by Mr. Smith, all those in favour, please say aye. Online? Any opposed in the room? Online?

That is carried and so ordered.

Moving on to the budget estimates for the office of the Information and Privacy Commissioner. I see Mr. Smith.

**Mr. Smith:** Yes. Thank you, Mr. Chair. I would move that the Standing Committee on Legislative Offices approve the 2022-23 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$7,159,415 as submitted.

**The Deputy Chair:** Thank you.

Discussion?

Seeing none, all those in favour of the motion as moved by the hon. member Mr. Smith? All those in favour, please say aye. Online? Okay. Any opposed in the room? Any opposed online? Hearing none, that is carried and so ordered.

Moving on to the budget estimates for the office of the Child and Youth Advocate. I see Mr. Yao caught my eye.

**Mr. Yao:** Moved by myself, Tany Yao, that the Standing Committee on Legislative Offices approve the 2022-23 budget estimates for the office of the Child and Youth Advocate in the amount of \$14,922,000 as submitted.

**The Deputy Chair:** Discussion?

Seeing none, on the motion as proposed by the hon. member Mr. Yao, all those in favour, please say aye. Online? Any opposed in the room? Any opposed online? Hearing none,

that motion is carried and so ordered.

Moving on to the office of the Ombudsman. I see Mr. Smith.

**Mr. Smith:** Thank you, Mr. Chair. I would move that the Standing Committee on Legislative Offices approve the 2022-23 budget estimates of the office of the Ombudsman in the amount of \$3,897,000 as submitted.

**The Deputy Chair:** Discussion? Comments?

Seeing none, on the motion as proposed by the hon. member Mr. Smith, all those in favour of the motion in the room, please say aye. All those in favour online? Any opposed in the room? Any opposed online?

That is carried and so ordered.

Moving on, then, to the office of the Public Interest Commissioner. I'm looking for a motion perhaps, actually. I see Mr. Yao.

**Mr. Yao:** I move that

the Standing Committee on Legislative Offices approve the 2022-23 budget estimates for the office of the Public Interest Commissioner in the amount of \$1,192,000 as submitted.

**The Deputy Chair:** Thank you.

Any discussion? Comments?

Seeing none, on the motion as proposed by the hon. Member Yao, all those in favour in the room, please say aye. Online? In the room, any opposed? Online, any opposed?

That is carried and so ordered.

Moving, then, on to the office of the Auditor General. The hon. member who caught my eye, I actually thought, was Mr. Ceci.

**Member Ceci:** It is. Joe Ceci, MLA for Calgary-Buffalo, would like to move that

the Standing Committee on Legislative Offices approve the 2022-23 budget estimates of the office of the Auditor General in the amount of . . .

I'll read these numbers and not additional ones.

. . . \$26,680,000 as submitted.

**The Deputy Chair:** Thank you very much, hon. member.

Discussion? Comments?

Hearing none, on the motion as proposed by the hon. Member Joe Ceci, all those in favour in the room, please say aye. Any in favour online? I wish we could do it all in person. Any opposed in the room? Any opposed online? Hearing none,

that is carried and so ordered.

With that, we have now completed the review of the officers' budget estimates for 2022-23. Thank you very much, everyone.

We will now move on to other business.

Seeing none, general discussion? No? Okay.

Going on to, then, the next meeting. The next meeting will be at the call of the chair.

Would I be able to have a motion to adjourn? I see the hon. Member for Edmonton-City Centre, David Shepherd. That is carried. We are adjourned.

[The committee adjourned at 3:10 p.m.]









