



Legislative Assembly of Alberta

The 30th Legislature  
Fourth Session

Standing Committee  
on  
Legislative Offices

Friday, December 2, 2022  
8:45 a.m.

Transcript No. 30-4-1

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

**Standing Committee on Legislative Offices**

Smith, Mark W., Drayton Valley-Devon (UC), Chair  
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC), Deputy Chair

Allard, Tracy L., Grande Prairie (UC)\*  
Ceci, Joe, Calgary-Buffalo (NDP)  
Dach, Lorne, Edmonton-McClung (NDP)  
Hunter, Grant R., Taber-Warner (UC)  
Loyola, Rod, Edmonton-Ellerslie (NDP)  
Orr, Ronald, Lacombe-Ponoka (UC)  
Panda, Prasad, Calgary-Edgemont (UC)  
Rehn, Pat, Lesser Slave Lake (UC)  
Rosin, Miranda D., Banff-Kananaskis (UC)\*\*  
Shepherd, David, Edmonton-City Centre (NDP)  
Toor, Devinder, Calgary-Falconridge (UC)

\* substitution for Pat Rehn

\*\* substitution for Prasad Panda

**Legislative Officers**

Diane McLeod	Information and Privacy Commissioner
Terri Pelton	Child and Youth Advocate
Glen Resler	Chief Electoral Officer, Election Commissioner
Peter Sherstan	Acting Ombudsman, Acting Public Interest Commissioner
Marguerite Trussler, KC	Ethics Commissioner
W. Doug Wylie	Auditor General

**Office of the Auditor General Participant**

Loulou Eng	Senior Financial Officer
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**Office of the Chief Electoral Officer Participants**

Steve Kaye	Deputy Commissioner, Financial Compliance and Enforcement
Pamela Renwick	Deputy Chief Electoral Officer

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

Bolu Idowu	Director, Strategic Support
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**Office of the Ethics Commissioner Participants**

Josh de Groot	Lobbyist Registrar and General Counsel
Kent Ziegler	Chief Administrative Officer

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

Kim Kreutzer Work	Assistant Commissioner, Strategic Initiatives and Knowledge Management
David Mattiello	Manager, Information Technology and Records Management
Audrey Palmer	Financial Co-ordinator and Office Manager, Human Resources and Finance

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

Suzanne Richford	Director, Corporate Services, Alberta Ombudsman
Greg Stead	Acting Deputy Ombudsman

### **Support Staff**

Shannon Dean, KC	Clerk
Teri Cherkewich	Law Clerk
Trafton Koenig	Senior Parliamentary Counsel
Philip Massolin	Clerk Assistant and Director of House Services
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Sarah Amato	Research Officer
Christina Williamson	Research Officer
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Jody Rempel	Committee Clerk
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Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>



**8:45 a.m.****Friday, December 2, 2022**

[Mr. Smith in the chair]

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

My name is Mark Smith, MLA for Drayton Valley-Devon and chair of this committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then we'll hear from those joining us remotely. Let's start to my right.

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

**Mr. Orr:** Ron Orr, Lacombe-Ponoka.

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

**Mr. Toor:** Good morning. Devinder Toor, MLA, Calgary-Falconridge.

**Ms Idowu:** Bolu Idowu, office of the Child and Youth Advocate.

**Ms Pelton:** Good morning. I'm Terri Pelton. I'm the Child and Youth Advocate.

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

**Member Loyola:** Good morning, everyone. Rod Loyola, Edmonton-Ellerslie.

**Ms Rempel:** Good morning. Jody Rempel, committee clerk with the Legislative Assembly Office.

**The Chair:** And those online. Mr. Ceci.

**Member Ceci:** Hi. Joe Ceci. I'm in Calgary-Buffalo.

**The Chair:** Mr. Shepherd.

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

**The Chair:** Ms Rosin. I can't hear you.

**Ms Rosin:** Let's try one more time. Miranda Rosin for Banff-Kananaskis.

**The Chair:** There we go. Thank you very much.

For the record I would note the following substitutions: the Hon. Mrs. Allard will be substituting for Mr. Rehn. Ms Rosin is substituting for the Hon. Mr. Panda.

Now we have a few housekeeping rules for the day, items to address before we turn to the business that is at hand. Please note that the microphones are operated by *Hansard*, so members do not need to turn them on and off. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Members participating remotely should ensure they are prepared to speak or vote when called upon, and video conference participants are encouraged to have their cameras on if possible when speaking. Please set your cellphones and other devices to silent for the duration of the meeting. I guess the chair better make sure he's done that.

Now on to point 2 in the agenda. A draft agenda was distributed several weeks ago for consideration, and no concerns were raised. Would a member move a motion to approve today's meeting agenda?

Mrs. Allard. Moved by Mrs. Allard that the Standing Committee on Legislative Offices approve the draft agenda for today's meeting as distributed or as amended.

Before I ask for a vote, let's try to do something a little different today. If for nothing else than to make it easier for the chair, we're going to just have everybody, both in the room and online, just say aye, yea, or nay when the opportunity comes. I'm not going to be going specifically to the online, to the people not in the room. So if we say aye, everybody has their opportunity to say aye; if it's no, then everybody has the opportunity to say no.

**Mr. Dach:** Does that follow for all votes subsequent to the meeting?

**The Chair:** Yes.

**Mr. Dach:** All right. We'll try it.

**The Chair:** We'll try it. If for some reason it's not working, you can draw it to my attention, and we can change.

Moved by Mrs. Allard that the Standing Committee on Legislative Offices approve the draft agenda for today's meeting as distributed. All in favour? All opposed? That motion is carried.

Adoption of meeting minutes. Are there any errors or omissions to note? If not, would a member move approval of the minutes as distributed? Mr. Toor. Moved by Mr. Toor that the minutes of the September 29, 2022, meeting of the Standing Committee on Legislative Offices be approved as distributed. All in favour? All opposed? That motion is carried.

We're on to point 4 of the agenda, officers of the Legislature 2023-24 budget estimates. For the remainder of the day this committee will be reviewing the annual reports, business plans, and 2023 budget submissions of the officers of the Legislature. As previously noted, each officer will have up to 20 minutes of presentation time, followed by questions from committee members. Once we've completed the review process, the committee will make a decision on each of the budget submissions. Please ensure that you have all the information you need to vote on the budget estimates for each of the offices at the end of this meeting. We have a very full day still ahead of us, and I will encourage everyone to make sure that we use our time effectively.

With that, I would like to call on our first officer, Terri Pelton, Child and Youth Advocate, to begin her presentation. If you could keep your presentation to 20 minutes, please, that will leave time for questions from committee members. The floor is yours when you are ready.

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

**Ms Pelton:** Thank you. Good morning, Chairperson Smith and committee members. Thank you for taking the time to meet with us this morning. It's nice to be in the same room.

Presenting with me today is Bolu Idowu, our director of strategic support. Today we will be presenting our 2021-2022 annual report, 2023-2024 budget, and our 2023-2026 business plan.

As we begin, I would like to respectfully acknowledge that we are on Treaty 6 territory and that the work of our office extends throughout the province on the traditional territory of the many Indigenous peoples of treaties 6, 7, and 8, the Métis settlements, and the Métis Nation of Alberta. As an office we are deeply committed to reconciliation and firmly believe it is a journey and not a destination. The impact of colonialism continues to adversely affect Indigenous young people, their families, and their communities, and the child intervention system remains overrepresented in their lives.

Over the past year we continued taking measures to honour the Truth and Reconciliation Commission's calls to action. We advocated for the individual and collective rights of Indigenous young people, including their right to identity and connection to culture. We reached out to Indigenous communities about An Act respecting First Nations, Inuit and Métis children, youth and families and began a dialogue about how we might be able to support them as they exercise their inherent rights. We provided learning opportunities for our staff and roster lawyers to help them better understand the federal legislation and what it means for our work. Going forward, we will continue to listen, learn, and act with open hearts and minds as we walk beside Indigenous peoples on this path.

Our role is to represent the rights, interests, and viewpoints of young people. We do this through providing advocacy and legal representation to children and youth; engaging with young people, community stakeholders, and decision-makers; investigating the serious injuries and deaths of young people who meet the criteria for an investigative review; providing advice and recommendations to government on issues that affect young people. In carrying out our mandate, some of our staff work directly with young people while others play an indirect role by providing the resources and infrastructure that support our work. We have two offices, one in Edmonton and one in Calgary; however, our work extends throughout the province. We go to where the young people are at whenever possible while still taking advantage of the virtual tools that we used to connect with when public health measures were in place. We work collaboratively across our teams, and together we all stand up for young people.

I'm proud of how strongly we advocated for young people over the past year. As we navigated another year of the pandemic, we remained agile and flexible in our approach, ensuring we continued to provide the best possible service for children and youth. We worked hard to stay connected and build relationships with young people and the individuals, service providers, and communities that are important to them.

I'd like to tell you about the three front-line services which play a direct role in supporting young people in need of advocacy and legal representation. Our intake team is often the first point of contact when a young person or someone in their lives reaches out to our office. From there, they may be referred to our individual advocates or they may be assigned a lawyer through our legal representation for children and youth program, also known as LRCY. In the case of general inquiries, which are referrals that fall outside the scope of our mandate, they may be connected to community resources that can assist them. Over the past year we completed almost 3,800 intakes. Over 2,400 young people worked with an advocate, and over 3,000 worked with a lawyer. In total, we served almost 5,500 young people through our front-line services, of whom 58 per cent were Indigenous.

8:55

Our individual advocates work with children and youth who are involved with the child intervention and youth justice system. We have 18 advocates who work directly with young people, helping ensure their voices are heard and their rights are considered when decisions are made that affect them. Over the past year many young people who connected with our office were having challenges related to transitioning out of Children's Services care. We also saw an increase in young people struggling with mental health concerns, addictions, and access to housing. We've always been deeply concerned about these issues, which have become more prevalent over the past two years and may be related to the pandemic and the resulting public health measures.

Our LRCY program provides legal representation for young people involved in matters related to the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act. This year we continued to see a reduction in the number of intakes for legal representation. However, the complexity of court applications increased, and they often took longer to resolve. Some of these delays were related to public health measures while others were the result of shifting perspectives regarding the best interests of Indigenous young people when consideration was given to An Act respecting First Nations, Inuit and Métis children, youth and families.

Community engagement is a key component of our work. We are dedicated to developing relationships with diverse stakeholders, organizations, and communities so that we can work collaboratively to advance the rights, interests, and well-being of young people. Over the past year we assisted in planning and facilitating a health and wellness conference for newcomer youth, participated in pride activities, and engaged with the disability community as we began initial planning for an upcoming special report on young people with disabilities and the challenges they face.

Our education initiatives are another key component of our efforts to engage communities. We offer learning sessions and resources about children's rights, advocacy, and the work of our office. We created a new resource on custody and access, which is an issue we've received an increasing number of calls about in recent years; delivered our advocacy 101 training to over 200 people; and met with Indigenous organizations to build relationships and share information about our work.

We believe it's critical that young people have a say when decisions are made that affect them, and this extends to the work of our office. We provide opportunities for young people to participate in our work in a number of ways, including through our youth council, which is made up of young people from across the province who have lived experience in the child intervention and youth justice systems. These young people bring unique perspectives and ideas that help shape our practices and policies and make us stronger advocates for all children and youth. We're privileged to have these council members as part of our organization.

Part of our role involves raising concerns about policies, practices, and legislation that do not serve the rights or interests of young people and recommending changes within child-serving systems. We do this primarily through systemic advocacy and investigative reviews. We have the authority to provide advice and information to the government with respect to any matter relating to the well-being of children. When we identify an issue that, if left unaddressed, will continue to impact young people in similar circumstances, it's a systemic advocacy issue.

In June 2021 we released *Renewed Focus: A Follow-up Report on Youth Opioid Use in Alberta*, which brings attention to the ongoing opioid crisis that is endangering young people. The recommendation made in this report calls for a youth-specific opioid and substance use strategy, a step we believe is critically important to improve outcomes for young people and save lives. In August 2021 this recommendation was accepted in principle, and I was recently advised that the Ministry of Mental Health and Addiction will be providing updates on it.

I'm deeply concerned about this issue. Between January 1, 2019, and September 30, 2022, AHS reported on their website that 384 young people under the age of 24 passed away in Alberta due to opioid poisoning. The opioid crisis is having widespread impacts on young people across the province, and more must be done. The number of young lives that continue to be lost highlights the urgent need for a youth-focused response. I'm pleased that last week the government announced new funding to expand opioid addiction

supports for youth and young adults. This is a positive step forward, and I'm hopeful it will make a difference in the lives of young people who are struggling.

Another part of our mandate is to conduct investigative reviews into the circumstances of young people who are seriously injured or passed away and were involved with child intervention or youth justice. We have two types of reviews, systemic and mandatory. Both are designed to improve the lives of young people by identifying ways to enhance services and supports, leading to system improvements and better outcomes for young people and their families.

Mandatory reviews are for young people who had an open child welfare file at the time of or within two years of their passing and must be publicly released within one year of their death. Over the past year we've released three investigative review reports, in September 2021 *Strengthening Foundations: A Systemic Report*, that reviewed the circumstances of nine young people and made two recommendations to child-serving ministries; also in September 2021 a mandatory review report which examined the circumstances of another nine young people and made three recommendations; then in March 2022 a mandatory report which examined the circumstances of 15 young people and made two recommendations.

When we appeared before this committee last year, we commented that the number of notifications of death and serious injury we were receiving was increasing. At that time we'd seen a 31 per cent increase in overall notifications, which we indicated was the maximum capacity that we could manage. We continue to receive an alarming number of notifications of death of young people.

In the 2021-2022 fiscal year we saw a 62 per cent increase in the number of young people whose death met the criteria for a mandatory review. This sharp increase is placing a significant strain on our resources. I'm sad to let you know that these trends are continuing. In 2022-23, as of November, we've received over 60 notifications of death of young people, resulting in the need for additional resources for investigations. Our 2023-2024 budget estimates include funding for an additional investigator to support this work.

Our role in reporting and in making recommendations is to improve the experiences for young people in child-serving systems. Out of 24 recommendations that were evaluated this past year, 11 were unmet, three were met, and 10 are ongoing. We're always pleased when our recommendations are acted upon and positive change is created for young people. However, there's still much to be done.

When we last appeared before this committee, we discussed the need for increased government accountability when responding to and implementing our recommendations. We suggested this could involve publicly reporting on the status of progress made through a legislative committee. Increased accountability is critically important to ensuring these recommendations lead to positive outcomes.

When we look at the themes of our recommendations, we see many persistent issues for young people. One of the most commonly occurring themes relates to strengthening collaboration amongst ministries and service providers. Another prevalent theme is opioid and substance use. This again underscores the importance of implementing a full continuum of services for young people so that no further lives are lost to the opioid crisis.

I was appointed as Alberta's Child and Youth Advocate on April 1 of this year. It's an honour and a privilege to serve in this role. As I lead our office forward, I'm committed to building on the good work the OCYA has done for more than 30 years. Over the coming year this work will include, but isn't limited to, continuing to act on our commitment to reconciliation, examining issues affecting young people with disabilities, and strengthening our public reporting and recommendations tracking.

We recently welcomed a knowledge keeper, who's guiding us in a good way as we support Indigenous communities to exercise their inherent rights. We're creating a ceremonial room where our staff and young people can gather and learn from Indigenous elders, knowledge keepers, and community members. The room will be a welcoming space where ceremonies such as smudging can occur.

With respect to young people with disabilities we've heard they often experience challenges getting the services and supports they need. Work has recently begun on a special report to take a closer look at this issue. I expect it will be released next December.

Finally, we're making significant changes to our public reporting and recommendations tracking. To report on the high number of notifications of deaths of young people more effectively, we are developing a consolidated report format that highlights persistent issues common to these young people and brings attention to the need for increased accountability. We're also developing a new recommendations tracking system. It will feature a user-friendly and interactive interface so all stakeholders and the public can easily learn what recommendations have been made and how responses have been evaluated. This will help create more transparency and accountability on how our recommendations are actioned. As our office moves forward, we will ensure young people remain the central focus of everything we do.

I'll now turn it over to Bolu to talk about strategic support and present our financial highlights.

**9:05**

**Ms Idowu:** Thank you, Terri. Strategic support ensures that appropriate resources, systems, and supports are in place to maintain the operations of our office. One major priority following those of the previous year was supporting the development of our new advocacy information management system, which launched in May of 2022. Our previous system was more than 17 years old. This new, modernized case management system tracks the entire life cycle of an advocacy case and allows our staff to securely enter and access information any time, anywhere. We also adopted the use of electronic records where appropriate, we finalized our business continuity plan, and successfully transitioned employees to Microsoft 365.

I will speak briefly to the 2021-2022 financials in our annual report. The approved voted budget for our operating expenses was \$14,672,000 and for capital expenditures, \$250,000. Actual spending in both operating and capital expenditure categories was approximately \$13,959,000, which is \$1,323,000 below the approved amounts. This was primarily because of savings from vacant positions, savings in contracts, and lower actual travel costs and activities because of public health measures as well as cost-saving strategies that we implemented last year in LRCY.

Terri will now introduce our 2023-2024 budget estimates for the committee's consideration.

**Ms Pelton:** Thank you, Bolu. We are requesting a budget of \$16,205,000, which is an increase of 6.2 per cent over our previous year's budget. As I highlighted earlier, we've added an Indigenous knowledge keeper to provide leadership and guidance about Indigenous ways of knowing and to help us integrate this knowledge into our programs, policies, and practices. We've also added a new full-time resource for an investigator as part of our estimates to meet operational requirements. The additional \$100,000 requested in capital spending is for the creation of a ceremonial room, which we believe is critically important as we strengthen our commitment to reconciliation.

I'll turn it back to Bolu to discuss our budget estimates.

**Ms Idowu:** Thank you, Terri. Salaries and benefits are \$9,724,000, representing 60 per cent of our budget. This is an increase of \$689,000 from the previous year as a result of the Alberta public service lifting the salary freeze and two additional full-time staff positions.

I would like to note that prior to the 2020-2021 fiscal year the OCYA had 83 full-time positions, which over the past several years have been reduced to 76. This estimate reflects salaries and benefits for 78 full-time positions, an increase of two, as spoken to earlier by Terri.

Fees and disbursements for LRCY account for approximately 26 per cent. The overall budget for this program remains the same as the previous year.

To align with the removal of salary freezes for lawyers within the Alberta public service and the recent increase to the hourly rate of legal aid lawyers, we will be reinstating the lawyer fee reduction implemented last year. We believe that we can still cover this increase while maintaining the same budget estimates for this program as last year.

Contracts on IT services represent 7.4 per cent. This is an increase of approximately \$66,000 from the previous year's budget. While we have embraced the virtual opportunities to connect, reduced production and printing costs for reports, and streamlined file review processes, some of our old IT contracts expired in the current year. Our renewals came at a higher rate.

We're asking for a capital budget of \$300,000 for the upcoming year, an increase of \$100,000 from the 2022-2023 fiscal year. Our capital budget for the coming year includes the creation of a ceremonial room, the development of a recommendations tracking system, and ongoing IT development.

I will now turn it back to Terri for our closing comments.

**Ms Pelton:** Thank you, Bolu. Chairperson Smith and committee members, in conclusion, we are requesting you approve our 2023-2024 budget estimate of \$16,205,000. Since 1989 the OCYA has worked hard to stand up for young people. For the staff at my office this is a passion and a calling, and I'm proud of the work we're doing to create positive and meaningful change for young people, their families, and communities across Alberta.

Thank you again for inviting us to appear before this committee today. We're happy to respond to any questions.

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

I will now open the floor to questions from committee members. Mr. Dach.

**Mr. Dach:** Thank you, Chair, and thank you to Mme Pelton and Mme Idowu for your presentations. I think today, in listening to your presentations, I can say honestly that Albertans don't look to your offices with a sharp pencil; they look to ensure that you have enough resources to accomplish your important work. All of the things that you've outlined today highlight to this committee as well as all Albertans the necessity of your office, and unfortunately the work is growing. That has necessitated, in my view, your request for budgetary increase.

The deaths of children or youth in care that are receiving your services continue to rise, as you indicated on page 26 of your annual report, and it indicates that 2021-22 saw a 62 per cent increase in notifications of serious injuries or deaths, 49 deaths. What is your office doing to take action to ensure this trend reverses?

**Ms Pelton:** We're working with ministries and public bodies to talk about the trends that we're seeing and highlighting the concerns. I spoke briefly about how we're changing the format of some of the

reports that we're doing so it's more of a consolidated report and really looking at the themes we're seeing across young people. I'm specifically concerned about the opioid and substance use issue. I've raised it with the ministry, and I'll continue to do that.

Our numbers look different than what the ministry reports because we get the reports of deaths of young people who died within two years of receiving services. Their numbers – I think I saw in the paper last week – they had reported 26 deaths between April 1 and the beginning of November. We're closer to 60 in that same time frame because of those closed files, if you would. We will continue to raise the issues and take every notification we receive with – pay it very close attention and raise the issues those young people faced.

**Mr. Dach:** Thank you.

If I may, a supplemental?

Mme Pelton, you had indicated that one of your themes and hopes and goals was to improve collaboration between ministries within the scope of your work. What barriers have you found there have been which limited that previous collaboration, and what successes have you found in trying to make some strides forward?

**Ms Pelton:** I think the public health measures, where everybody was working virtually, had some positive impacts, because people could connect virtually, but that really being in the room and building relationships with people where you could pick up a phone and, on the fly, talk to somebody: I think that that has impacted collaboration across service providers. I meet regularly with the Deputy Minister of Children's Services, and I have connected with the Justice deputy minister and will be continuing to do that. I think that that's the best way forward.

**Mr. Dach:** May I continue, or do you wish . . .

**The Chair:** Let's see if there are – well, before we go on, what I would like to do is give Mr. Hunter the chance to introduce himself to the committee.

**Mr. Hunter:** Grant Hunter, MLA, Taber-Warner.

**The Chair:** Thank you.

Is there anybody else? Mr. Toor.

**Mr. Toor:** Thank you. Thank you for all the work, and thank you for making the report. I'm quite pleased see that, especially the work you are doing and you have done during COVID.

The question I have. On page 11, I think, I notice a 26 per cent increase in the general inquiries your office received. This also explains that it has been the trend through the pandemic, like from the last few years, so there's an increase in general inquiries. Can you share with the committee in more detail the breakdown of the type of the cases that contributed to this increase in inquiries you're getting?

**Ms Pelton:** Sure. I'd be happy to do that. We have seen the increase – there's a number related to high-conflict custody and access disputes, which don't fit within our mandate, but our intake workers spend time talking to those young people and their families, if that's who's calling, about what resources might be helpful for them. We issued a statement of concern in the prior year about custody and access, and it continues to be a high number of calls.

9:15

Mental health. Young people struggling with mental health and not getting access to services and supports when they need it is also something we hear about fairly frequently. Young people

transitioning out of Children's Services' care requesting supports – Children's Services has a new program called the transition to adulthood program, or TAP, and they've moved away from the support and financial assistance agreements. I'm hopeful that that is going to be a positive move for these young people. Certainly, the intent is there, but right now young people are struggling with the transition and understanding what it means, so we're getting a number of calls from those young people.

The other thing that really concerns me, that I was unaware of until this past March, is that there are a very high number of young people in Alberta who are homeless – "houseless," I guess, is the proper term right now – and they're couch surfing or staying at youth emergency shelters instead of staying in places that are more appropriate to meet their needs. I think some of that is related to the pandemic. Hopefully, we'll see things start to shift.

**Mr. Toor:** Thank you.

Just to add to that, do you expect the caseload to increase further in the coming days?

**Ms Pelton:** Based on the number of intakes, it's certainly possible and likely. I think we'll get back to the prepandemic caseloads fairly quickly as we're seeing the numbers rise at intake.

**Mr. Toor:** Thank you.

**The Chair:** Mr. Dach.

**Mr. Dach:** Thank you, Mr. Chair. One of the questions I had occurred to me as you were making your presentations, Mme Pelton, and that is that roughly 25 per cent of your budget is dedicated towards legal representation for children, a significant amount. I'm wondering if, as in other government ministries and departments, you find difficulty in attracting top-notch legal representation for that large caseload given the budget that you have, or do you have a smaller number of lawyers handling a larger number of cases than you would actually prefer?

**Ms Pelton:** Thank you. That's a very good question. We have about 66 lawyers on our roster from across the province. They're all in private practice. About half of them or slightly more have been on the roster since 2006, so they're starting to think about retirement, like many of us do.

We need to attract lawyers with experience in family law but specifically in child welfare law, and we are doing some work towards doing that. The reinstatement of the hourly rate that we were paying them was a rate that they had been paid since 2008, and then it was reduced in 2020 to resolve some pressures, so it's just taking them back to the rate that they were paid since 2008.

The group that we have is really, really passionate about young people. They go to extra training, and they meet kids wherever they're at. It's a really important program, and I think we need to maintain at least the 60 to 70 lawyers because it is so broad reaching across the province.

**Mr. Dach:** So if I hear you correctly, you are expressing some concern about recruitment difficulties right now and perhaps even more so in the future.

**Ms Pelton:** Yes. I think that with the inflation that everybody is dealing with – you know, lawyers have to pay their bills, too. So, for sure.

**Mr. Dach:** One final question if I may. Normally this committee does a full review of the annual report. I'm wondering if the opinion

of your office is that we should as a committee have a dedicated review meeting to review the annual report. Would you support such a dedicated meeting to review the annual report?

**Ms Pelton:** I think it's a positive move to meet with this committee twice a year to do this meeting and then the annual report. I'm not sure if it needs to be focused on the annual report or if it's something that could maybe be more focused around child deaths and our recommendations.

**Mr. Dach:** Right. You wouldn't be opposed to it, though.

**Ms Pelton:** No. Absolutely not.

**Mr. Dach:** Okay. Well, thank you so much.

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

We're going to go online right now. I believe Mr. Ceci has a question.

**Member Ceci:** Thank you very much. Ms Pelton, thank you for your presentation as well as to your SFO, similarly. You know, I twigged when you said something about last March and houselessness for young people. Could you just repeat what you said, please?

**Ms Pelton:** Sure. I'd be happy to. We had our youth forum, that was all youth led, last March. I thought that they would want to talk about things like going back home or culture, a number of different things, but a very big theme for these young people is that they don't have places to stay that are consistent. They're being moved or they're being told at 16 or 17 that, you know, if they don't like the rules at home, they should go. Sometimes that's a real thing, but sometimes they've left home because it's not a safe place for them. But because of their age, they're not getting the services they need. Yeah, couch surfing is a thing in 2022 in Alberta, much to my surprise.

**Member Ceci:** What did that lead your office to consider or put in place or to advocate on behalf of young people in that situation?

**Ms Pelton:** I've started raising it with media and our investigative reviews. The last report that came out, at the end of September, was about 15 young people who had passed away. Houselessness was an issue for a number of them. Because of their complex issues they couldn't either find a place, or when they found a place, their behaviours were such that they couldn't stay there. We started to highlight that in that last mandatory report. We're looking at doing a social media campaign.

**Member Ceci:** To what end?

**Ms Pelton:** To raise it as an issue for government. I think that young people, once they hit 16 and 17, sometimes aren't considered children. For them, they don't consider themselves children either, but their brains are still developing up until the mid-20s, the mid-to late 20s. Resources really do need to be focused on them, because they're our future.

**The Chair:** Mrs. Allard.

**Mrs. Allard:** Thank you, Mr. Chair, and thank you to both of you for your presentation. I'm going to refer to the annual report, page 13. It states there that 60 per cent of the youth out of, I guess, the 2,454, which is a big number, served by your office were Indigenous. I just wanted to know: is that a similar percentage to previous years? How is that trending? Up or down?

**Ms Pelton:** It's a similar percentage to previous years. Children's Services numbers: children in care is more like 70 per cent, and we've been pretty consistently about 10 per cent less than that. In our child death reviews this year, though, we did see an increase in Indigenous young people who passed away.

**Mrs. Allard:** Okay. Thank you.

**The Chair:** Do you have a supplemental?

**Mrs. Allard:** I do. I have one other question. I'm referring to page 23 now. Your office held various workshops, presentations, and other forms of direct stakeholder and public engagement over the last year. I just had a couple of questions about that. How successful would you say these engagements were, and what are the metrics that you used to measure that? You know, what are you looking for to come out of those engagements?

**Ms Pelton:** I think they've been very successful. We get invited back to do presentations and to talk to young people and to adults. Some of the metrics we use, of course, are evaluations at the end of the session, whether people felt like they learned more about advocacy or could advocate for themselves afterwards. Then those are considered on an individual basis.

This report goes, of course, up to March 31 of the previous year. In that year all of these presentations were still virtual. Since April 1 we've been back out in the community and seeing a much more robust and welcoming kind of environment. People are really happy to have us back at booths, and things are moving along. I've been asked to speak at three or four presentations in October conferences. I think people are hungry to know about advocacy and about children's rights. Through the pandemic we had shifted one of our engagement and education consultants over to our intake team because of the spike in intakes, and of course when we were able to be doing this virtually, it didn't take up as much time. We were able to do some shifting to get that work done.

**Mrs. Allard:** My final question, Mr. Chair, if I may.

**The Chair:** I'll let you.

**Mrs. Allard:** Thank you for that. I totally would agree that there's a differential between virtual engagement and the in-person engagement. I can imagine that in the work that you do, that would be a really critical differential. Are you expecting to do more engagements this year as a result of that to kind of catch up from the pandemic?

9:25

**Ms Pelton:** Yes, we sure are. We're out to – the teachers' convention is coming up pretty quick. We were at the child and youth care conference last month, the foster parent and kinship conference. Yeah, we're really getting out wherever we can.

**Mrs. Allard:** Thank you so much.

**Ms Pelton:** Thank you.

**The Chair:** We have approximately four or five minutes left before our time will be up. I saw Mr. Hunter.

**Mr. Hunter:** Yeah. I just have a couple of questions. Thank you for being here. All the work that you do is so important. I just wanted to know: what is the difference between houseless and homeless? You used that term. I hadn't heard that before. And then I have a supplemental question.

**Ms Pelton:** Fair enough. It's a new term for me. I think the difference – and I have not talked to anybody specifically about this – is the difference between having a house and a home. When we talk about people being homeless, they may find home with a community, but they don't actually have a house or, like, stable shelter to live in. I think that's the difference.

**Mr. Hunter:** Okay. Thank you.

The next question I want to ask. We spend a certain amount for the office of the Child and Youth Advocate. Other provinces have an advocate as well. How do you compare in terms of your costs in Alberta versus costs in other jurisdictions?

**Ms Pelton:** That's a difficult question to answer, but I'll do my best. Yes, across the country there are advocacy offices, and our office is one of the biggest offices. In fact, it may be the biggest now that Ontario is part of the Ombudsman. Every office has a different scope. Some of the offices can advocate for children across all government systems whereas ours is more limited to child intervention and youth justice. The other thing that we have that no other province in Canada has is our LRCY program, which, you saw, I think, makes up 25 per cent of our budget. Those would be the primary differences.

**Mr. Hunter:** Thank you, Mr. Chair.

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

I'll go to Mr. Dach, and then we've got somebody online.

**Mr. Dach:** Thank you, Mr. Chair. I just wanted to ask a more general question to Mme Pelton, and that is, of course, that we see Albertans continue to be dying on the streets. The opioid crisis is a big part of that, but as long as there continue to be Alberta children dying in care, would you agree with the statement that the government is therefore not doing enough, that there's still more to do?

**Ms Pelton:** I think government cares about kids. I think all public servants care about kids. I just saw the news release last week for the new funding for the opioid stuff. I think people are trying.

**Mr. Dach:** Thank you.

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

It was just brought to my attention that we started about five minutes late because of all of the beginning of the meeting, so we're going to extend this for five more minutes.

Ms Rosin, you're up.

**Ms Rosin:** Okay. Thank you, Chair. Member Allard mentioned or had some questions about metrics, which prompted one more question from me regarding metrics. I see that on page 31 it talks about your youth involvement, and of course youth involvement and youth participation are an incredibly important part of your mandate. It says there that you received a 100 per cent positive report, essentially, that 100 per cent of the youth in the office reported that their participation with your office was valuable and meaningful. I am just wondering how that 100 per cent is calculated or how we're tracking that metric.

**Ms Pelton:** That's a good question, too. I believe it's from youth feedback surveys.

Bolu, did you have anything to add to that?

**Ms Idowu:** Yeah. What I'll just add is that after each of our engagements we do surveys and get feedback, and that particular metric came from everybody surveyed and the feedback they provided.

**Ms Rosin:** Okay. Thank you.

Then, I guess, just going off that, do you foresee that you'll be able to maintain that 100 per cent metric in years going forward, or do you see any changes potentially coming that the committee or the government should be aware of?

**Ms Pelton:** I expect that we'll be able to continue, because it's really those people who attend those engagement sessions or have involvement with our office having more understanding of children's rights. I don't know if it's a target that we'll continue to report on if we are doing so well at it. I think we've got to look at things that are more of a challenge. I think that if we ask them different questions, we might have a different answer, but it's the way the question is framed around a better understanding of rights.

**Ms Rosin:** Okay. Thank you. I mean, kudos to you. That's a pretty impressive metric to achieve, so you should be very proud of that, then.

I guess one other question. I think I have a couple of minutes here. I'm just looking at your financial highlights section, and it says that your actual spending came in 9 per cent below the approved amounts for last fiscal year. Of course, your report says that some of this resulted from reduced activities due to the COVID-19 pandemic, which I know you've also discussed today, but I'm just also wondering if any of those 9 per cent savings or unspent amounts were a result of any non COVID-related spending reductions or policy or initiative changes that perhaps would be ongoing in years forward.

**Ms Pelton:** Okay. I can start, and then I'll get Bolu to add anything that I've missed. Some of the savings are around staff retention and turnover, and I think that potentially is related to the pandemic, but it could just be that the makeup of our office is generally older and ready for retirement – we've had a number of retirements – and then the hiring lag. Hiring lag has had a huge impact on our budget. I'm hopeful that this year we don't have that. Lower travel costs were definitely related to COVID. Some of the lawyer fees were lower because of COVID and delayed court times. I think that we are – if I look at what our spending is like in this current year, we're not in a position to be giving back that level of money this year.

Bolu, could you add anything?

**Ms Idowu:** Yeah. I can do a little breakdown of the 9 per cent. About 1.5 per cent was savings, salaries, and benefits, because the COVID years saw a lot of turnover across organizations, not just our organization. We had about 6 per cent savings in contracts and purchased services, and there was about 2 per cent reduced costs in travel because we embraced more virtual opportunities to connect, and there were public measures in place that restricted going out. That's the breakdown of that.

A lot of it – I'll say that 90 per cent of that 9 per cent is related to COVID measures that were in place, but some of it are also indirect effects of COVID such as the staff turnover, so that will be related to that.

Your other question was about . . .

**Ms Rosin:** I think that was it. I guess just to follow up on that answer, then, so just to confirm, you would project that that 9 per cent of unspent spending will likely be spent this year because

primarily it was due to reduced initiatives and activities from COVID-19 that will be back to normal operations this year?

**Ms Idowu:** Yeah. That's correct.

**Ms Rosin:** Okay. Thank you. That is all.

**The Chair:** Okay. Well, thank you very much. It looks like our time is pretty much up. I want to thank Ms Pelton, you and your staff, for all your time this morning. For your information we anticipate that the decision on the offices' budgets will be sent out to you in writing early next week, okay?

**Ms Pelton:** Thank you so much.

**The Chair:** Thank you once again for joining our committee.

Okay. I believe the office of the Information and Privacy Commissioner is just waiting outside, so we'll give everybody a couple of minutes here just to exchange seats, and we'll get started.

9:35

Okay. Good morning, everybody. I think we'll just start first by letting everybody introduce themselves, all the MLAs introduce themselves, and then we'll get you to introduce yourselves after that, okay? But we'll start just so everybody can introduce themselves.

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

**Mr. Orr:** Hi. Ron Orr, Lacombe-Ponoka.

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

**Mr. Toor:** Good morning. MLA Devinder Toor, Calgary-Falconridge.

**Mr. Hunter:** Good morning. Grant Hunter from Taber-Warner.

**Mr. Mattiello:** Good morning. David Mattiello, manager of IT and records management for the OIPC.

**Ms McLeod:** Good morning. Diane McLeod, Information and Privacy Commissioner.

**Ms Kreutzer Work:** Good morning. Kim Kreutzer Work, assistant commissioner, strategic initiatives and knowledge management.

**Ms Palmer:** Good morning. My name is Audrey Palmer, and I'm the office manager and the financial administrator for the OIPC.

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

**The Chair:** Online. Go ahead, Mr. Ceci.

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

**The Chair:** Ms Rosin.

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

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

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

**The Chair:** Okay. I maybe just threw everybody a curveball there. I'm sorry.

We have the Information and Privacy Commissioner here today. I'd like to welcome Diane McLeod and her staff to today's meeting. I believe you are appearing here for the first time.

**Ms McLeod:** Yes.

**The Chair:** Well, welcome. Excellent.

**Ms McLeod:** Thank you.

**The Chair:** I would ask – you’ve introduced your staff already, but I just would remind you that your presentation is going to be about 20 minutes or so, and then after that the committee members will have time to ask some questions. Ms McLeod, when you’re ready to begin, you can start.

### Office of the Information and Privacy Commissioner

**Ms McLeod:** Great. Well, thank you very much. Thank you and hello, committee members. It’s a pleasure to be here today. This is my first presentation to the legislative committee since being appointed as Information and Privacy Commissioner, and I am looking forward to working together through the Legislative Assembly over the next five years.

Before speaking about the office’s work and my vision, budget plan, and budget estimate, I thought it would be helpful to provide a quick overview of what my role is. My job as Information and Privacy Commissioner is to ensure public bodies, health custodians, and private-sector organizations comply with Alberta’s access-to-information and privacy laws. These laws are the Freedom of Information and Protection of Privacy Act, or FOIP, which applies to public bodies; the Health Information Act, or the HIA, which applies to health custodians; and the Personal Information Protection Act, or PIPA, which applies to private-sector organizations. These laws govern the collection, use, and disclosure of personal or health information, and they provide individuals with certain rights, including the ability to access their own information.

As you all know, FOIP also provides a right of access to any information held by a public body, subject to certain limited exceptions. When Albertans disagree with an access-to-information or privacy decision made by a public body, health custodian, or private-sector organization, they have a right under the acts to ask my office to review the matter. Through our review we try to settle disagreement. We resolve approximately 80 per cent of our reviews through our mediation and investigation process, and approximately 10 to 15 per cent result in orders through our inquiry process. The remainder are either withdrawn or do not proceed to inquiry. Additionally, I have the power to open investigations on my own motion to investigate any organization’s compliance with the law.

My office also reviews privacy breach reports and privacy impact assessments. Businesses under PIPA and health custodians under the Health Information Act must report certain privacy breaches to my office and notify affected individuals in certain circumstances. Health custodians also must submit to my office privacy impact assessments when new or changed administrative practices and information systems may affect the privacy of patients.

When reviewing privacy breaches involving health information, some are investigated as potential offences. Many of these investigations look into the actions of people who are authorized to access health information but do so without a valid work purpose. These are often called snooping breaches and typically involve an employee in the health sector looking at health information of people with whom they have a personal relationship.

Last but not least, we have an education mandate, which allows us to inform and teach Albertans about the laws.

In the years to come, I want to build greater capacity within the office to engage with and create more guidance for stakeholders, including the public. In order to carry out our responsibilities, I

currently have 48 full-time staff and two additional team members on wages. At this time we have 47 positions filled, and we have offices in Edmonton and Calgary. Among our staff we have the following teams. Our intake and adjudication support teams are the front line of the office, responsible for the flow of files from opening to closing. The mediation and investigation team reviews access request responses and privacy complaints that are submitted to the office. The adjudication team undertakes formal inquiry of decision-making processes when matters are not settled at mediation. As you’ll hear later, both our mediation and inquiry processes are experiencing significant backlogs, which we need to address in a meaningful way.

Our legal team assists me with certain types of decisions and represents the office during judicial reviews or other court matters. The head of our legal team also oversees human resources in the office and retains external counsel when required. Our compliance and special investigation teams review privacy impact assessments such as breach reports, and they conduct offence investigations. Our strategic initiatives and knowledge management team comments on legislative schemes and programs, conducts special investigations, and undertakes special projects such as our PIPA breach report that we issued in July of 2022.

The team also includes IT, records management, and communications. I also have two assistant commissioners who assist me in carrying out the operations of the office. One area that I hope to build capacity in the coming years is in technology and innovation, stakeholder engagement to enhance our education and awareness work.

I will now move on to last year’s work. The office was laser focused on closing files in 2021-22, with 3,989 total files closed, another record-breaking year for closed files. This increase occurred during the pandemic and with a relatively stable complement of staff. I applaud the OIPC team for achieving this type of production. Frustratingly for all of us, though, is that these efforts are not making a sizable difference in our timelines, and we have backlogs in reviewing many file types.

I will now move on to the statement of operations for 2021-22. The office returned \$5,587 of the 2021-22 approved budget to the Legislative Assembly.

Salaries, wages, and employee benefits make up between 80 and 85 per cent of the OIPC’s operating expenses budget. In December 2021 the government of Alberta lifted salary restraint measures for non-union employees under the Public Service Act. This resulted in OIPC staff receiving a one-time in-range salary increase retroactive to December 1, 2021, which required a supplementary estimate from Commissioner Clayton for approval by the Standing Committee on Legislative Offices. The supplementary estimate was approved in January 2022. We are now looking ahead to the years to come.

**9:45**

When I was appointed commissioner, I committed to a number of initiatives that I would like to advance over my five-year term which are now reflected in the updated business plan for the office. Overall, my vision for the office is to adopt an approach that proactively supports stakeholder compliance. I want to create relationships with various groups to support innovation and technology goals in the public, health, and private sectors. My vision, however, must be balanced with the office’s reality of persisting file backlogs and the goal of improving our timelines. In order to effectively tackle backlogs and position us to close cases in a much timelier manner, I have a two- to three-year plan to enhance capacity in our mediation and investigation and adjudication teams.

The mediation and investigation team is currently working on files that were submitted to the office between 12 and 20 months

ago. This is unacceptable, but we simply cannot address the backlogs we are experiencing without additional staff. Currently the mediation and investigation team consists of a director and seven investigators. These are specialized positions in that each team member possesses expert knowledge in access and privacy law and dispute resolution processes and has the ability to make findings and recommendations in complex and contentious situations. The MI team currently has a caseload of over 800 cases and the ability to manage approximately 240 cases at any one time.

On average time from receipt of a request for review or a complaint to resolution should be about three to four months, not 18 to 20. Our inability to conduct this work in a timely manner affects Albertans' access-to-information and privacy rights. We must take a number of steps to improve our timelines, including evaluating how we manage these cases. However, process improvements will not be enough to eliminate our backlog and get us back on track. This is why I'm requesting, for 2023-24, the budget to hire one more investigator and one contractor for the MI team to address current volume.

The adjudication team consists of a director and four adjudicators. There are 240 files awaiting review by adjudicators, which is the highest number ever in the history of the office. Adjudicators are specialized in administrative law and access and privacy law. They decide all matters of fact and law during an inquiry and issue a written order. Given the level of detail required in their work, there is a limit on the number of orders that can be issued per year by an adjudicator, which is approximately 16.

The current timeline to complete an inquiry is 18 months, which follows 12 to 18 months at MI and another three to four months at intake, meaning that it is currently taking more than three years to complete inquiry files from when they first come in the door. Taking this long to issue an order means that potential noncompliance with access and privacy laws is not being addressed in a timely manner, and applicants are left waiting years to access their information. Ultimately, the amount of time it is taking to complete an inquiry under the act is not serving their purposes. This is why I'm requesting one full-time adjudicator and one contractor to help us meet our demand.

Another opportunity to help with backlogs and improve operations across the office is to enhance our use of technology. This is a dual-pronged priority as we want to improve the use of technology internally and offer more digital services to citizens and organizations; for instance, researching and implementing automated approaches to assist with certain decisions, improving how the public and organizations make electronic submissions to us, and ensuring our security is up to date across the office.

To help achieve my vision for the office through stakeholder engagement and support, I am pleased to reintroduce the office's previous commitment to child and youth privacy education. I also want to ensure the public is better informed about their access and privacy rights. I also strongly believe we play a pivotal role in supporting innovation by building relationships with industry and providing assistance to ensure privacy and security are built into the design of new data-driven technologies. To this end, I want to establish three new functions in my office.

First, stakeholder engagement and support. The purpose of this function is to engage stakeholders in order to help them build privacy more effectively into the delivery of their services.

Second, public engagement. The purpose of this function is to engage the public, including young Albertans, for the purpose of educating them on their privacy and access-to-information rights and how to exercise these rights. The engagement functions will

include the development of educational tools and resources along with other innovative strategies to facilitate engagement.

Third, technology and innovation. The purpose of this function is to engage the technology sector and work with them to build privacy into the design of innovative technology, engage stakeholders who intend to use this technology and work with them to build privacy into the use and management of the technology and to design frameworks to ensure ongoing compliance, and work with stakeholders to develop an ethical framework for review of the design and use of technology.

My goal is that through this work we can collaboratively establish a trusted network that will provide a stronger foundation for cross-sector information sharing and will enable the use of technology in the delivery of programs and services in all three sectors. It will also help position Alberta as a leader in pursuing innovative ideas and products with respect for privacy rights. The work associated with engagement and support will be absorbed by me and one of my assistant commissioners. However, I am requesting in this year's budget one staff member with technology experience, particularly in the area of machine learning and artificial intelligence, to perform the technology and innovation function.

In order to achieve the goals set out in the business plan, especially with respect to tackling backlogs and digitally advancing the office, I realized that we needed to be bold in identifying what we need to meet these objectives. When reviewing past budget requests, I recognized the keen attention to budgetary pressures the government of Alberta was experiencing. I expect this was top of mind for Commissioner Clayton when submitting budgets during her tenure. The office's belt-tightening budgets appear to reflect what Albertans were experiencing, and it seems as though the office did its little part in bringing Alberta's per capita expenditures in line with the averages of B.C., Ontario, and Quebec.

When comparing the current fiscal year with past budgets, the office's voted budget increased by 8 per cent while the consumer price index in Alberta increased to around 22 per cent. For six years salary freezes were in effect for OIPC staff. Last year the Public Service Commission lifted the salary restraint, which contributed to this fiscal year's budget increase. On several occasions before this committee former Commissioner Clayton was asked if more staff were needed to address timelines, and the answer was always yes, if she saw the opportunity and government budget realities to do so.

Overall, efforts to constrain the budget were understandable, but funding realities together with increasing caseloads left the office struggling to manage its burgeoning caseloads, that increased year over year. As such, our focus has been on managing our caseload with little time for process review and outreach. At the same time, we are faced with a surge in new technologies, including machine learning and artificial intelligence, in all sectors. There are significant risks to the public associated with the use of this kind of technology that must be addressed to facilitate responsible innovation and build public trust. There are also significant risks to businesses that develop and implement technology without properly protecting privacy.

Now, to the budget estimate. To implement the improvements that I have described, I have structured my budget to reflect the minimum amount that I believe we will need for this year while defraying certain aspects of the office's technology projects to 2024-25. My budget estimate for 2023-24 is around \$8,535,000, which represents a 14.7 per cent increase compared with the current fiscal year. The increase consists of increases to various line items such as a return to prepandemic travel budgets, increased contracted IT service costs, and salary staff increases initiated by the Public Service Commission.

9:55

The travel budget is for myself and assistant commissioners to attend our annual meeting of Canada's information and privacy commissioners and for travel between Calgary and Edmonton for in-person court appearances for our litigation counsel and in-person office meetings, primarily for myself and the other senior leadership, when required.

Increases for the new staff and contractors to begin to address our backlog and improve our timelines and to begin proactive outreach work to support stakeholder compliance – as indicated, I plan to hire additional support for mediation and investigation, adjudication, and for my new technology and innovation function.

Finally, there is a new increase for IT projects, including transitioning the office to Microsoft 365 and providing better options for making electronic submissions to our office. The \$50,000 capital investment is to replace a product that is at the end of its life, and we are at an important stage in pivoting the office digitally for improving security and creating efficiencies. Over time as we implement the new technology, we will see cost reductions as we phase out old technology, which will balance out these costs going forward. Approximately \$80,000 will be a one-time cost to implement the new technology.

In addition, I am pleased that we now have internal capacity to conduct our offence investigations. As such, we no longer need to rely on external contractors for this work, which also reduces our cost. We are also achieving savings in contracted services for finance and HR.

With that, I thank you for the opportunity to present to you today, and I look forward to your questions.

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

I'll now open the floor to questions from committee members. I believe the first person I have up is Mr. Loyola.

**Member Loyola:** Thank you very much, Mr. Chair. I have a series of questions, but of course I will yield to the other members as we go along. The first line of questioning, of course, through you, Mr. Chair, to our hon. guest. First of all, thank you, Commissioner, to you and to your staff for all the hard work that you do in your investigations in the office and making sure that we are creating a better, I would say, future for Alberta when it comes to these particular issues. My first line of questioning. You mentioned three new goals. Are these new goals, or do they complement the already existing mandate of the office?

**Ms McLeod:** They do. They are within the mandate of the Information and Privacy Commissioner under the three pieces of legislation. The issue that I have seen – I've now been in the office since the beginning of August, and I've spent the last four months looking very closely at our processes and ways that we can achieve some efficiencies. From what I am able to gather, the office is suffering with considerable backlogs. As a result of the budget constraints over the past 10 years, there's been little room left for doing some of the work that we should be doing, which is our outreach work and supporting compliance with our stakeholders, helping them achieve the things that they need to achieve to ensure that privacy is built into the services that they're delivering. With that said, it's new because it's part of the vision that I'm bringing to the office, and I'm trying to create some capacity so we can deliver on that objective, which is something that they just haven't actually been able to do because of the significant backlog in cases.

**Member Loyola:** A follow-up question if you don't mind, Mr. Chair.

Then these new goals that you have or the way that you would like to implement them at least: how does that compare to the already existing work of the investigations? Like, if you could put a percentage on it just to kind of give me an idea.

**Ms McLeod:** Not sure I understand the question. Are you saying, you know . . .

**Member Loyola:** If I may?

**Ms McLeod:** Please.

**Member Loyola:** You're saying that the stakeholder engagement and the public engagement, the technology and innovation – I understand it's connected. But in terms of, like, the investigations themselves – because I see these as another aspect of the work of the office, right?

**Ms McLeod:** Yes. The commissioner has multiple mandates under the various pieces of legislation. We have primarily been focusing on the investigations on the one side of the office, but on the other side of the office we were doing proactive compliance work with our privacy impact assessments and our comments in relation to some breaches. So some of that work already is occurring.

What isn't occurring is more strategic outreach in order to build some relationships to facilitate better compliance. When I say that, I mean in my experience in doing this work – as many of you know, I've been doing this kind of work for many years – there's much more success in moving ahead with certain projects when we work together with certain organizations in helping them advance their objectives than if they go it alone. That's primarily because we have a significant amount of expertise, and we can actually help them navigate the course. So we do have the enforcement mandate, but we also have the other side of the equation, which is advocating and supporting privacy and access-to-information rights.

**Member Loyola:** Just wanted clarification on that. Mr. Chair, I'll yield for now, but I would like to be back on the list.

**The Chair:** I believe our next questioner is Mr. van Dijken.

**Mr. van Dijken:** Okay. Thank you, and thank you for your work. Congratulations on the role. You talked extensively with regard to being able to – the backlog of the files within the office. I guess my questions really are around the annual report and where – so it's on page 29, and we have 91 per cent were resolved in more than 180 days. Files were resolved, cases were resolved in more than 180 days; 6 per cent were resolved in 180 days; and 3 per cent were resolved within 90 days. The 180 days, 91 per cent: is that essentially because of the volume of work that's there, and you just can't get to these cases, or is that just the depth of the work that it takes to resolve each case?

**Ms McLeod:** We're talking about mediation and investigation, correct?

**Mr. van Dijken:** I think the majority, based on your report, is just verbally – most of that would be mediation and investigative. Yes.

**Ms McLeod:** So from what I can tell, there is a significant volume of cases that are coming in the door through our investigation and review stream. I've spent some time crunching the numbers. The team was formed – I'm going to start with the MI team – in 2013, and from what I can tell, it was never really resourced appropriately to meet the amount of cases coming in the door, and of course that is compounded significantly over the years.

There were a couple of years – 2017-18, '18-19 – where there were over 900 files that came in the door and 800 the following year. This team can only process about 420 per year, so it's just been exacerbated over the years. Then, of course, they actually have a very high success rate in resolving matters, so only about 20 per cent go to inquiry. But, of course, that 20 per cent is equivalent to whatever the amount is that comes in, which is why we're seeing the increase in adjudication as well. Does that answer your question?

**Mr. van Dijken:** Yeah, it does, but now you've tweaked another question with regard to 20 per cent. On the graph that I'm seeing on page 29 of the annual report, it says that 2 per cent are discontinued during the inquiry process. These are the percentage of cases closed by resolution methods, so I don't know. Maybe that doesn't coincide, but 2 per cent was drawn during the inquiry process. Then 3 per cent: commissioner's decision to refuse to conduct an inquiry. I realize this is a report from previous Commissioner Clayton.

10:05

I might be reading this wrong, but I guess I'm trying to understand what the variables are that would allow a case to be resolved within 90 days, would allow a case to be resolved within 180 days, and then why so many end up being over 180 days. Like, if the staffing level was to a point where you're going to be able to catch up on everything, and you were just starting fresh, what's the target amount of time to actually resolve these, and does your office actually have a target amount of time?

**Ms McLeod:** Yes. There are timelines built into the legislation for resolving matters although they can be extended. Some other legislation in Canada – where I used to work, for example, we didn't have those abilities. We had to resolve them in a short period of time. It was typically 90 days, and then it was at some point reduced to 60. What that meant is that we had to really look at our processes and figure out: how do we resolve things more quickly?

To answer your question, it's a bit of a twofold answer. One is that we need to look very closely at what we're doing and how we're doing it and try and eliminate unnecessary work in that process to speed up the timelines to resolve matters. It's not always within our ability to do that if we're dealing with bodies that aren't giving us the information we need, but you know there are ways to try and reduce the amount of work that's happening. That is one aspect of what we're doing now.

Even with that, we will not have enough staff to get back to where we need to and deal with the demand coming in, so we're going to have to spend a few years undertaking those things to reduce our workload, and then with that additional staff member and that in place I'm confident that we can reduce those timelines significantly.

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

**The Chair:** Mr. Loyola.

**Member Loyola:** Thank you, Mr. Chair and through you to the commissioner. Along the lines of investigation still, of course, your budget is asking for three FTEs, but – correct me if I'm wrong – in your opening statements you did mention hiring one more contractor. Was it for investigations, or was it for something else?

**Ms McLeod:** I'm looking for additional contract dollars for some temporary support for our mediation and investigation team to help tackle the backlog. They're currently managing about 800, 900 cases, so they're pretty buried. I'm also looking for one to help our adjudication team get back on track because they, too, are buried in work, with 240 cases sitting in the queue.

**Member Loyola:** I understand that you're wanting to build capacity within the office itself, and you want to get away from contracting out. I just wanted to have a better idea of how you plan on doing this. Are you planning on changing any processes within the office in order to meet this goal of yours?

**Ms McLeod:** Yes. The teams will continue to exist as they are. The structure is a good structure, so we will be looking at our processes in all the things that we're doing. Our privacy impact assessment and breaches are also being looked at as part of my evaluation of the work of the office, so we will be looking at that. Again, with me and one of my assistant commissioners we will be really focusing on sort of these new functions.

You know, the investigative work is really important in our office. However, in my experience there is – you get way more value for working with people to help them achieve compliance than you do in enforcing noncompliance. I often call it a Band-Aid solution because it actually deals with one particular organization although, technically, the findings and recommendations should go beyond that. When I've worked to help people, I've felt that actually helping them understand the privacy laws, how to implement them in a way that makes sense goes much further. That's why I'm very committed to doing this work.

**Member Loyola:** Thank you very much, Mr. Chair. I do have another line of questioning, so I'll ask to be put on the list again.

**The Chair:** Yeah. Thank you.

Mrs. Allard.

**Mrs. Allard:** Thank you, Mr. Chair. I just wanted to start off by welcoming you back to Alberta. I was on the search committee, and it's lovely to meet you in person. As one Yukoner to another: welcome to Alberta.

I just wanted to go back and talk about the backlog a little bit. Goal 1 addresses how your office plans to enhance internal processes to support your legislative mandate and improve timelines, and it seems like that's a really big task given your report and the backlog that continues. Can you expand on the progress you've made on this file in terms of tackling the backlog?

**Ms McLeod:** Yeah. Okay. Yes, and it is nice to see you in person.

It's early days. Like I said, you know, I started at the beginning of August, and I have been working with my teams and looking at our processes, and we've already started some work, particularly in the MI unit and trying to help them change the way that they do work so that there's a less amount of work to do.

The one benefit I have is that I have actually done all of the things in my office, so I actually have a pretty good sense of how they can be done, and my team are excellent at what they do, so we work together in looking at ways to improve those processes. I'm four months in on it. We're making some progress, but we have work to do.

**Mrs. Allard:** Really fair. I remember when we were looking at the resumés, that was one of the strengths that you brought to the table, your experience and the depth of experience in this world.

What's your prediction, do you think, about how the backlog will reduce, hopefully, within the next year? Do you have a prediction for that?

**Ms McLeod:** I can't give you any solid numbers, but it is a two- to three-year plan. It will take time. There are quite a few cases there, and when you start to modify processes with a team, that's a learning process for them as well, so it takes time for them to adjust

practices that they may be used to. As we move ahead, you know, it's a change of management project, so you want to make sure that you do it carefully and considerately. I am confident that we can do it, and the MI team that I've been working with are very eager to be working towards that objective, and we will be looking at privacy impact assessments and breaches as well.

My CSI team, as they're called, is also working really hard at looking at their processes, and that was actually something they were doing quite a bit before I got there, so they have some really good processes already in place.

**Mrs. Allard:** That's excellent. Again, welcome to Alberta. Thank you for the work you're doing.

Thank you, Mr. Chair.

**The Chair:** Okay. Just for the information of the committee we'll be going to approximately 10:20.

Mr. Loyola.

**Member Loyola:** Thank you very much, Mr. Chair, again through you to the commissioner. From my understanding, you've chosen to move communications from contract services. I just wanted to get your understanding on why that decision was made.

**Ms McLeod:** I think what we did is that we just made it its own line item, so actually some of the work that was already occurring for our annual report or our website, for example, was just in our contract dollars; instead, we just created a line item for it to reflect more accurately the kind of spending we're doing in communications.

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

Along new line items, then, under technology services, for the Microsoft project and security: were these items previously housed under the technology services line?

**Ms McLeod:** The technology projects are new. We had an existing technology budget because most of our technology support is outsourced, so that's sort of the big line item there, but there are a couple of technology projects that we would like to undertake. Some of it is to phase out some of our old technology and bring in modern technology.

Some of the ways that I want to address some of our backlog is to actually use technology to improve how we're receiving information and streamline that a little bit more. By creating some online portals, we can actually sort of enable the submissions to be more in line with the work that we do instead of getting submissions that are insufficient, for example. It takes time to process – those are nonjurisdictional – so we are looking at some technology to support us as we create that, and of course I think it'll serve the public well.

We're also looking at establishing a secure means of transporting documentation electronically. The office is moving electronically and we have been for some time now, but we don't have a secure means of communication that we need in order to send and receive submissions. That is something that I think is extremely important because, you know, we need to ensure that there's adequate security.

10:15

**Member Loyola:** Well, I just want to applaud the work that you're doing, your goals on stakeholder and public engagement, especially for youth. I think it's desperately needed, and I wish you continued success in your new role. Thank you very much.

**Ms McLeod:** Thank you.

**The Chair:** Was there another? Mr. Toor.

**Mr. Toor:** Thank you, Chair. Thank you for joining us today, and thank you for all the work you do. I think it's really important, and I'm glad that you're here today and providing us the important information Albertans want to hear.

My question is about the protection of personal and health care information. If we look at goal 2, which discusses the improvements you have made to information access when it comes to the protection of personal and health care information, can you provide more detail on what steps you have taken to implement this goal?

**Ms McLeod:** Sorry. Which goal was that?

**Mr. Toor:** The goal to protect health care and personal information.

**Ms McLeod:** In terms of stakeholder engagement?

**Mr. Toor:** In goal 2 you discuss how you can improve the protection of this kind of information.

**Ms McLeod:** If I'm looking at the specific goals that I have before me and looking at the innovation and technology that's occurring, there are some risks to personal and health information. What we want to do is to reach out to certain organizations or application developers or even the University of Alberta, who is engaged in the development of artificial intelligence and other kinds of machine learning, and work with them to help them understand sort of the aspects of the privacy legislation that can be built into the design of those systems. By doing that, we can actually better protect personal and health information.

I'm sure many of the committee members may know that during the pandemic virtual care became a pretty significant tool to continue the delivery of health care services, and since then not only have we seen the development of a significant number of virtual health care applications but also many other tools to support the health care services when it comes to the use of technology. By working with these various organizations to the degree that we can, we can actually help them understand how they're designing systems to ensure that privacy is protected, whether it be personal or health information, and to also help them realize that when they're marketing to our health sector, they have to meet the requirements of the Health Information Act and sort of guide them down that path, again, to the degree that we can.

Does that answer your question?

**Mr. Toor:** Yes, it does.

I just have another question.

**The Chair:** Mr. Toor, our time is almost up, so maybe we'll just say thank you, okay? If you want to take it offline and have a conversation there.

**Mr. Toor:** Thank you.

**The Chair:** Okay. Thank you, Ms McLeod, to you and your staff for your presentation and for responding to the committee's questions. For your information it is anticipated that the committee's decision on the officer's budget will be sent out to you in writing early next week, okay?

For the committee, we're going to take a short break. For those of you online, we'll be coming back online at 10:30 a.m. to hear from the Ethics Commissioner. We'll take a short 10-minute break. Let's be back by 10:30.

Thank you.

[The committee adjourned from 10:19 a.m. to 10:30 a.m.]

**The Chair:** Well, thank you, everybody, for returning back relatively on time.

I'd like to welcome Ms Trussler and her colleagues to the meeting today. I understand that, as in previous years, you will have a very concise opening statement for us. The floor is yours when you are ready.

#### Office of the Ethics Commissioner

**Ms Trussler:** Thank you, and good morning. Thank you for inviting me to present my budget for my office. You've received a copy of the annual report, that contains the various statistics up until the end of March 2022, and I just want to update you in a few areas.

In April we welcomed Mr. Josh de Groot as our legal counsel and lobbyist registrar, and his predecessor Ms Draper left to become a legislative draftsperson. Mr. de Groot came to us from Justice.

We've had 366 requests for advice so far this year, which puts us on track for a similar number as last year and brings us up to the pre-COVID numbers. We've had 27 requests for investigation and are in the process of conducting two. In addition, we've had one investigation for the first time under the Lobbyists Act.

During the past year we've met with all the MLAs, the deputies, the political staff to the Premier and ministers, and the heads of the major ABCs. The total number at present is 290 people.

Now, in addition, we're preparing for the upcoming review of the Conflicts of Interest Act.

That's my update.

I'd like to turn to the budget, which I believe you have. It is 2.5 per cent higher than last year, and there are four increases. The major increase is in salaries, which for the most part have already been granted, and we have absorbed quite a few. There's a small increase in travel as we are travelling slightly more. As you know, I travelled to Calgary to interview the political staff as well as the designated senior officials located there because it saves about 20 people coming to Edmonton. Mr. de Groot has been to Calgary twice, once for an investigation and once to speak to an ABC about lobbying, which is part of our education mandate. There's also a very small increase for telephones as Service Alberta has asked us to make our own arrangements; in other words, we're going to be booted off their system. We expect there'll be a one-time expense to transfer over to a new system. The final increase is in IT, and that's basically due to inflation and increases that have been passed on to us by our contractors.

Now, as we have had in all previous years since my appointment, we had a surplus last year. At least half of it was payout for vacation liability and the transfer of substantial vacation liability when Ms Draper left. We make every effort each year to come under budget. We have one contingency item that we try not to use, but we have to include it in the event that we have a major investigation or must make a court appearance.

In conclusion – I've been quite brief – I believe our budget is fairly reasonable and the increase of 2.5 per cent is moderate. I have to tell you that we worked very hard to come in under a million dollars.

We'd be pleased to answer any questions you have.

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

I will now open the floor to questions from committee members. Mrs. Allard.

**Mrs. Allard:** Thank you, Mr. Chair. I think you already answered my first question, but I just wanted to confirm that you've had a rise in advice requests from last year to 366. Is that right?

**Ms Trussler:** So far this year, from the end of March until now, we've had 366 requests. We had slightly more last year, so we're pretty well on track to have the same number as last year.

**Mrs. Allard:** Okay. Perfect.

My other question I think you'll answer fairly quickly as well. On page 11 the report shows a drop in spending from \$861,314 in 2020-21 fiscal year to \$826,553 in '21-22. I just wanted to know how you achieved that drop in expenses. I suspect I do know, but I just wanted to check with you.

**Mr. Ziegler:** That drop is mostly the payout of accrued vacation pay that was due to myself and our former general counsel who, when she left as well, took a big chunk of her vacation accrual that we owed to Justice as well. So most of that was vacation payout and vacation transfer.

**Mrs. Allard:** Excellent. Thank you so much, and thank you for being here this morning. It's nice to see you all.

**Member Ceci:** Thank you very much for your presentation, Commissioner. I was just wondering if you could put some more explanation or colour around the requests for advice regarding concurrent employment. God love whoever – like, I couldn't do another job in addition to the current job I'm doing. I'm just wondering how you receive those requests and what kind of advice you are able to walk through if they're members of the Legislature, I'm thinking, or if they're other designated office holders and other people.

**Ms Trussler:** Who we have jurisdiction over with respect to concurrent employment are the designated senior officials, and those are the heads of the agencies, boards, and commissions. As well, we have that jurisdiction still with respect to the presidents of the universities. We have a fairly substantial form that they fill out, and we won't even consider it unless the chair of their board has also looked at it and signed off. If it's a nonremunerative position, like they're on some council that has to do, say, with the university, it's really no trouble. It's just pretty automatic. Where we really look at them is if they're taking other jobs for which they're remunerated.

**Member Ceci:** Okay. Then it has to fit within a template of ethics understanding in terms of conflicts and things like that?

**Ms Trussler:** There cannot be any conflict of interest, and we go a little broader than the definition in our act in terms of making sure that this is a good fit with what they're doing. The other thing we look at – and this is probably the major factor – is: what's the time commitment? Is this going to take away from the job they're being paid to do?

**Member Ceci:** Mr. Chair, I have another question. I don't know if you've got other people in the queue.

**The Chair:** I do have another person in the queue. We'll come back to you right after that, then.

**Member Ceci:** Okay. You can come back to me. Thank you.

**The Chair:** Mr. Orr.

**Mr. Orr:** Yeah. Thank you, and good morning. Good to see you here. Mostly with regard to the Lobbyists Act and the issue of investigation and enforcement I notice that you can issue warnings, administrative penalties, or other enforcement actions. Can you tell

us how many warnings went out and how you decide whether violations should be a warning or some other penalty?

**Mr. de Groot:** Thank you for the question. It's good to be here. This is my first time here. I don't believe we have a specific number for the number of warnings that have gone out. Typically most of the warnings that we would have would be for late registration in the system, that sort of thing. Generally how we would decide whether we would provide a warning or an administrative penalty would generally be if it's a late warning, the length of time that it is late. We look at gifts as well under the Lobbyists Act, so then, you know, the extent of the breach over the gift limit that is set would have us consider whether we'd give a warning or whether it's something that we think is more serious that might warrant an administrative penalty or an investigation.

**Mr. Orr:** Somewhat subjective, differing maybe on how serious it seems.

**Mr. de Groot:** That would be a good way to summarize it, yes.

**Mr. Orr:** A follow-up, Mr. Chair?

**The Chair:** Go ahead.

**Mr. Orr:** Also, with regard to, then, the administrative penalties I think I see that there were actually no administrative penalties issued. Is that sort of – I don't know – concurrent with other years? Is there sort of a typical amount that would happen year by year in terms of actual administrative penalties?

**Mr. de Groot:** There is. In this calendar year we have issued, I believe, three administrative penalties which will show up in next year's report, and in years before that, since the gift provisions came into the Lobbyists Act, there generally have been, I would say, two or three administrative penalties a year. So last year, I guess, would've been an anomaly in that there are none, but there are typically only maybe two or three in a year.

**Mr. Orr:** Okay. Thank you.

**The Chair:** Thank you.

I believe Mr. Ceci is on my list next.

**Member Ceci:** Following up on those questions about the Lobbyists Act, there's a really good breakdown in the information that was provided about the numbers and the focus and all of that, and I was just trying to reflect a little bit on previous years. Mr. de Groot, congratulations on your new role. Are we seeing anything different with regard to the focus of lobbyists or the number of independent lobbyists or organizational lobbyists, the total volume of lobbyists? Just maybe reflect on what you're seeing in your role.

10:40

**Mr. de Groot:** Okay. Yeah. Thank you for the question. I think, as far as the numbers go, they are fairly steady at this point. The Lobbyists Act has been in place for a number of years, and the number of lobbyists registered is fairly steady from year to year. What I would say, which is probably not surprising, is that through the COVID years it appears that certain – health, of course, would have been more of a focus of lobbying efforts. Since I came in in April, I think I'm seeing just a lot of diversity now. It's less focused on the health. There's a lot focused on jobs, economy, and that sort of thing and various energy sectors. Yeah. There was definitely, I think, a focus on health for a while, and now it's more of just a broad range.

**Member Ceci:** Okay. Back to business as usual, then? Great.

Thank you, Mr. de Groot. Thank you, Mr. Chair.

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

Is there anybody else that is interested in asking questions of the Ethics Commissioner? Mr. Dach.

**Mr. Dach:** A quick one. I know that a question was asked about MLA inquiries regarding concurrent employment, and I know that I gave up my real estate licence to avoid any conflict of interest once I became an MLA. I'm wondering about inquiries that MLAs may be making towards yourself regarding concurrent employment or business activities. Is that something that you've seen regularly? Are there inquiries from MLAs that are recent or ongoing?

**Ms Trussler:** We don't normally get inquiries from MLAs. I can tell from the early disclosure if any have outside business interests; of course, members of Executive Council cannot. There may be a couple of MLAs that do things on the side, maybe half a dozen, but there are not that many.

**Mr. Dach:** Nothing that you've seen raises concerns, then?

**Ms Trussler:** Well, from time to time there are MLAs where I have to caution them about voting on certain things.

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

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

Mr. Orr, and then we'll go to Mr. Ceci online after Mr. Orr.

**Mr. Orr:** Yeah. With regard to the budget just a small question, I suppose. I notice on contract services that your current budget of \$40,000: you're projecting to actually only use a quarter of that, but you're rebudgeting for \$40,000. I just wonder if you can explain your anticipated actual needs for contract services and where that's going if you're only going to spend \$10,000 this year of it.

**Ms Trussler:** When I took office, that budget line was \$120,000, and it was basically to hire outside legal services. We try and do everything in-house because we find it less expensive, but we need that \$40,000 because if we end up on a judicial review or if we end up with someone appealing one of our administrative penalties and have to go to court, then we will need outside legal counsel. If Mr. de Groot has made the decision on administrative penalty, he cannot, then, appear in court. That is the area where we need to have it in our budget, but we do everything possible not to spend it. If we're in the middle of an investigation – again, sometimes we have to bring in outside counsel for an investigation – we can't come back to this committee because it impacts our independence if we have to come back and get money for legal services. So we put it in there, but trust me; we try not to spend it.

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

**Mr. Orr:** No.

Thank you. That's a good answer.

**The Chair:** Thank you.

**Member Ceci:** I apologize, Commissioner Trussler. The colloquial term for it, I know, is "cooling off." I don't know if it's in your purview to make decisions or recommendations or pronouncements about that, or maybe there's a different way to talk about it. Maybe it's conflict of interest or something. Do you look at those things in your office?

**Ms Trussler:** Postemployment restrictions in the Conflicts of Interest Act: they apply to political staff, and they apply to former Premiers and ministers of the Crown.

**Member Ceci:** So you do look at all that.

**Ms Trussler:** Sometimes we get inquiries from people that don't have those provisions. I believe the deputy ministers also have those provisions. Sometimes we get inquiries outside of the jurisdiction of those three, and we can give advice, but for those three there are definite legislative provisions. Last year we had 87 requests for advice.

**Member Ceci:** Okay. Great.

With regard to the ones that are in the cabinet or the Premier – I think you said the cabinet or the Premier, that those are the ones you look at – you give advice. Is there a subsequent follow-up? With regard to once they land in whatever position they're in, do you, in fact, verify that they followed through with the advice?

**Ms Trussler:** They will ask us to take a position. They usually ask for approval. We don't give an approval. We say: we do not believe that if you take this position, you will be in breach of the postemployment provisions in the act, but remember that you've still got the prohibitions for a year.

Occasionally, if they're going to a job where we're a little bit concerned, we will ask for a letter of comfort from their employer that they will not have them do these things. We sort of watch. You know, we're kind of nosy, so we watch to see where people go and to make sure that the act isn't being breached. Certainly, we rely on people to tell us if it is being.

**Member Ceci:** The people you rely on: are they the person, or are they people outside of the person?

**Ms Trussler:** We get a lot of letters about situations, and sometimes that gives us the information. Sometimes we just find out, because there's a press release, that they've gone to a certain job. So we watch those. We have been known – if we're not asked for advice and we see that somebody has gone somewhere, we write to them to find out what the scope of the new job is to make sure they're not in breach.

**Member Ceci:** I see.

And that's a full year after stepping down? A full year?

**Ms Trussler:** Yes. The federal act has five years, but the provincial act only has one.

**Member Ceci:** Wow. Okay. Great. Not that I'm doing any of that stuff – right? – or going to be. I just thought I'd inquire.

**Ms Trussler:** There's no postemployment for MLAs, for members. It's only for members of Executive Council.

**Member Ceci:** Thank you.

**The Chair:** Okay. You've completed?

Is there anybody else, online or in the room, that has a question?

Well, I guess we're at the end, then. I want to thank you for your presentation and to your staff as well. For your information it's anticipated that the committee's decision on the officers' budgets will be sent out to you in writing early next week.

**Ms Trussler:** Thank you.

10:50

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

Our next group is going to be the office of the Ombudsman and the office of the Public Interest Commissioner.

Okay. Is everybody ready? Well, thank you for joining us today. Joining us for our final session this morning we have Mr. Peter Sherstan and staff from both the office of the Ombudsman and the office of the Public Interest Commissioner. Welcome, and thank you for joining us today.

Although Mr. Sherstan and his colleagues are here to present the budgets for both offices, I would like to remind anyone watching these proceedings that the office of the Ombudsman and the office of the Public Interest Commissioner are two separate entities, governed by different legislation and with their own budgets. Consequently, we will provide, for the interest of the committee here, probably about 45 minutes or so for the first one and probably about 30 minutes for the second presentation.

With that in mind, we will begin by reviewing the information for the office of the Ombudsman. When you are ready, please begin by introducing your colleagues.

**Mr. Sherstan:** Good morning. I'm Peter Sherstan. I am the Acting Ombudsman and Public Interest Commissioner. I'm joined by Suzanne Richford, who is our director of corporate services, and Greg Stead, who is the Acting Deputy Ombudsman at this time.

**The Chair:** You may begin.

## Office of the Ombudsman

**Mr. Sherstan:** Thank you.

Good morning and thank you, Mr. Chair, committee members, for giving our office the opportunity to appear before you today. I'm Peter Sherstan, as I said, the Acting Ombudsman, with Suzanne and Greg.

Next slide, please, Greg. This morning I'll briefly present elements of each office's 2021-22 annual reports, Greg will address the '23-24 business plans, and Suzanne will speak to our offices' budget for the upcoming fiscal year.

I'll start first with the Ombudsman. Every day in Alberta public servants in government departments, agencies, boards, and commissions make hundreds of administrative decisions that impact individual Albertans. In some cases individuals believe these decisions could be arbitrary, unjust, or unfair. For those times when an individual believes they are treated unfairly, we provide an independent and impartial resource to which they can come. But in order to access the Ombudsman, it's crucial that Albertans are aware of how to connect with our offices and how we may be able to assist.

The Ombudsman provides oversight to ensure fair treatment through independent investigations, recommendations, and education. Simply put, our purpose is to ensure that Albertans get a fair shake when dealing with the public service. It's a free service. It's accessible to anyone, which is important to many Albertans who do not have financial resources or knowledge to navigate what they see sometimes as a bureaucratic juggernaut. But it's important to emphasize also that we are not advocates. We are not advocates for the complainant, nor are we defenders of any public government authority. We are advocates for fairness.

In my acting role my intent is not to encumber the incoming Ombudsman but, rather, to place the office in a solid position to achieve success. Therefore, I'll be asking the committee to consider increases to resources that will address current pressures and, I believe, in the best interests of Albertans.

I'd like to start by providing two brief examples and one case update. The first example relates to a program that provides support for low-income seniors who can't afford expensive dental care. Our office received a complaint from a senior who was denied assistance to fund dental procedures. One of the concerns identified by our investigation was the complainant's inability to appeal the request when he was denied financial assistance. When we compared this with other programs, this lack of an appeal process was concerning to our office.

Our investigation found that for Albertans under the age of 65 who were denied assistance for dental costs when they were involved with programs such as income support or AISH, they had the right to appeal to something called the Health Benefits Exception Committee, but the person over 65 could not. So the fact that a 64-year-old who is denied could do an appeal but that a 65-year-old Albertan could not was found to be unfair by my office.

As a consequence of our investigation, we made recommendations to two ministries: seniors and housing and Health. Both ministries have undertaken a review of relevant legislation and corresponding appeal procedures to ensure that seniors are provided with the same level of administrative fairness as other Albertans. This investigation has resulted in changes that will benefit low-income seniors in Alberta moving forward.

Our second example relates to a complainant who was seeking reimbursement for out-of-country medical expenses. When the complainant was denied reimbursement, he appealed to the appropriate panel and committee, who both ruled in his favour. The Minister of Health, however, refused to comply with the decisions of the committee and the panel, and the complainant sought assistance from our office. The department's initial reluctance to comply with the decision of an arm's-length appeal panel caused the Ombudsman serious concern. To the Ombudsman the issue was very straightforward: the appeal panel had rendered a decision, and the department was responsible under the law to comply. Thanks to a collaborative effort between our office and the assistant deputy minister the ministry changed its position and a substantial medical expense was paid.

**11:00**

Another case I'd like to update the committee on relates to the summary found in our 2021 annual report. In that case, we reported that there was an inability for foster parents to appeal decisions under the Child, Youth and Family Enhancement Act. Prior to our investigation and recommendations the legislation was unclear as to whether foster parents had the ability to appeal decisions regarding their licensing. I'm pleased to see that in June of this year the ministry acted on our office's recommendation and the act was amended. Consequently, at this time foster parents are now able to appeal licensing decisions if they believe they are unfair.

I'd like to now turn your attention to resourcing challenges that our office is facing. Before I go into the reasons for seeking an increase in funding, it's important to note that our office has demonstrated strong stewardship in public funds in the past and will continue to do so in the future.

The slide we have up here is demonstrative of what I'd like to talk to. When the jurisdiction for investigating complaints about municipalities was transferred from Municipal Affairs to the Ombudsman in 2018, funding for five positions was transferred from Municipal Affairs to our budget. This had a net-zero impact on the general revenue fund as any increase to our budget on the Ombudsman side was off-set by a reduction in Municipal Affairs. The following year the committee approved funding that resulted in one additional FTE to our office. However, it became apparent

at a certain point that the workload we had anticipated from municipalities had not materialized, and consequently in 2021, given that the need for additional resources was not there, the Ombudsman reduced her budget by 8 per cent and eliminated three FTEs, as you can see on the chart. We've been there since that time.

Our annual report indicates the total cases this year were 4,662. When compared with previous years, you'll note that this is not an increase. Our projected caseload for this current year is estimated at 4,700 if we track in line with where we are today. So the question arises: why would I be asking for an increase in funding if we don't have an increase in cases?

The simple one-word answer is complexity. Case numbers can be deceiving. Not all cases are equal. Some of our cases are resolved with four hours of investigative time and are over within a week. We have other cases that can take multiple investigators as a team, and they could take 18 months and consume hundreds of hours. Yet they both count for one case, so caseloads aren't necessarily indicative of workload. To address the increased complexity and reduce timelines associated with resolving citizens' complaints, we are seeking two additional entry-level investigator positions in our office. If funded and if approved, these positions would help address the increased complexity, reduce timelines to resolve complaints, and balance the workload distribution.

The primary drivers of complexity are found in our complaints relating to municipalities and professional health colleges. We oversee 28 different health colleges, five professional colleges as well. The increase in workload relates to the complexity in these cases rather than the volume of cases. The workload we previously anticipated has now materialized.

When dealing with a provincial authority with which our office has had a relationship for several decades and where the legislation is very familiar to all parties involved, investigations can be advanced in a timely manner. However, we're finding that with municipalities who are relatively new to our jurisdiction, this is not necessarily the case. Municipalities are not like government departments or ministries, which usually have one, two, three pieces of legislation. Rather, municipalities are a separate entity unto themselves with the ability to create their own legislation through bylaws. So with over 344 municipalities operating in the province, we see striking differences in how they interpret and apply bylaws as well as wide variations in policy and procedures when municipalities deal with the exact same issue.

One example we had previously dealt with a landowner's desire to subdivide his property. Initially our office believed the investigation would be simple. We'd be looking at the administrative fairness of a decision from a subdivision and development appeal board. However, it became apparent – as our investigation looked at the evidence, it was like pulling on a thread that leads to a big clumped ball of string. She had to disentangle the decisions from municipal bylaws, interpret the Municipal Government Act, look at the jurisdiction of quasi-judicial boards, two of them in this case. It just demonstrated the complex nature of complaints that we're seeing related to municipalities. This is just one example of how complexity impacts our office. But the corresponding impact is that it takes time to resolve these complaints, and as a result in the last year our time to resolve municipal complaints has tripled.

Another complexity we've encountered is codes of conduct related to municipalities. The Municipal Government Act requires that all municipalities have a code of conduct for elected officials, but there's no universal standard, and each town, city, or county has developed their own version of a code along with their own investigative and disciplinary processes. Many of these code-of-conduct investigations are complex due to the interpersonal dynamics and social relationships involved, especially in smaller

communities, and these investigations can require significant resourcing to bring to a conclusion if they are brought to our office.

Additionally, we have seen complaints related to professional health colleges double over the last fiscal year, and the time taken to resolve them has also significantly increased. In 2021 25 per cent of the cases were open after 90 days, so we got 75 per cent of them done within three months. But in the last year it rose to 77 per cent of the cases that remained open. So we went from having a quarter unresolved to having 75 per cent unresolved, a significant difference. This can be attributed to the increased complexity we are seeing. The impact of not resolving a complaint in a timely manner is twofold. The first thing is that the unfairness, if it exists, continues, and secondly – so that’s impacting the person who made the complaint and other Albertans in the same situation, and also it can result in additional complaints to our office.

The impact of this complexity is impacting our ability to close cases in a timely manner. This chart shows the percentage of cases resolved in less than and greater than 90 days. In a perfect world all the bars would be dark blue, as seen on the left. That would mean that we’ve resolved all cases within 90 days. What we have been seeing is that our inability to conclude early resolution cases in less than 90 days has eroded significantly. Whereas previously we had 13 per cent of the cases extend beyond 90 days, last year it grew to 38 per cent, and this year we’re approaching 50 per cent. Again, it’s not a volume issue; it’s a complexity issue.

Another factor impacting our office will be the expansion of our jurisdiction. The education amendment act created the new office of the Alberta Teaching Profession Commissioner, which will fall under the Ombudsman’s jurisdiction. Once the commissioner makes a final decision, complainants may come to the Ombudsman to request an investigation into that decision. Although it’s unknown at this time what the specific impacts will be, with over 40,000 teachers in Alberta it’s reasonable to forecast an increase in complaints to our office.

One element of our previous and current business plan was to focus on promotion of fairness concepts and practices to both authorities under our jurisdiction and to Albertans who may require our services. While I’m confident we are doing well in educating public servants in agencies, boards, and government departments, I see a need to grow our capacity specifically to reach the members of the public. The people we believe would benefit most from our office, potential complainants, often come from vulnerable populations. They may be individuals with physical or intellectual disabilities, those affected by poverty, newcomers to Alberta, seniors, or one of the many groups who struggle to be heard.

For people who know about the Ombudsman, our office is easy to access. However, at a recent national conference the issue of a general lack of the public’s awareness of the Ombudsman function was a topic of significant discussion. We see here in Alberta, as do our counterparts throughout Canada, the same thing. Surveys conducted by the Ombudsperson in British Columbia and Quebec have shown that less than 20 per cent of those surveyed were aware of the offices, their functions, and the services they provided.

At last year’s committee meeting there was a question related to establishing metrics to assess the effectiveness of awareness initiatives. I can confirm to the committee that our office has engaged with the largest Canadian-owned polling, market research, and analytics firm to determine Albertans’ level of awareness, understanding, and perceptions of our office. These findings will be used to assess our current position and develop a formal strategic outreach plan.

But in order to advance that plan, it would be necessary to have an individual dedicated to co-ordinating and delivering awareness

initiatives. Consequently, I’m seeking funding for a position dedicated to increasing the public awareness of the Ombudsman’s role and services. We see the addition of a new position as an investment in four key areas: first, conducting outreach initiatives dedicated to increasing the public’s awareness and understanding of the Ombudsman’s services; second, building and maintaining relationships with advocacy offices, public agencies, and community leaders; third, expanding and enhancing our office’s accessibility to vulnerable groups; and, last, developing leading-edge promotional materials. The addition of an awareness co-ordinator position will advance our office’s ability to make sure Albertans know about our office and how we ensure that they are treated fairly when interacting with public institutions.

The Alberta Ombudsman was created in 1967. This was based on something called the Clement report, in which the author called for the appointment of an ombuds to “assist the ordinary citizen who is bewildered by the complexities of departmental Government and feels that he has been done an injustice.” I would suggest that this statement is just as valid today as it was over 50 years, when our office was created. Therefore, I’m seeking additional resources so that our office may provide a sufficient level of service to Albertans.

I’ll now ask Greg to provide an overview of our ’23-24 business plan.

**11:10**

**Mr. Stead:** Morning, Mr. Chair and committee members. As introduced by Peter, my name is Greg Stead, and I will quickly review the results of last year’s business plans and also provide the office’s strategic intent for the upcoming fiscal year.

On the Ombudsman side last year’s business plan focused on three outcomes: ensuring timely and thorough and efficient investigations, promoting fairness to Albertans and authorities, and ensuring relevant legislation to meet the needs of Albertans and the Ombudsman. These strategic objectives derive achievable, SMART goals for our staff to accomplish and thereby satisfy the Ombudsman’s strategic intent. Through the effort of the staff we have largely accomplished the goals we charted last year. Among the achievements, a comprehensive policy and procedure review was conducted to improve the efficiency of our processes, and numerous outreach efforts were undertaken.

For the upcoming fiscal year our focus has shifted. Society’s emergence from the pandemic has us examining how we do business. Our practices, work environment, training, and pretty much everything else required innovation and change. Through interaction with our peers in other provinces we realized we have a lot to offer. Thus, our goal for the forthcoming year will be to be recognized as both a national and international leader in ombuds practices. Based on the feedback provided by the committee last year, this will include the development of performance measures and analytics for our office.

Outreach remains essential. Albertans and authorities must be aware that the Ombudsman exists to promote fair treatment for citizens. Our second outcome includes strategies to enhance awareness of the office and its function.

Finally, we will continue to advocate for changes to the Ombudsman’s governing legislation. We appreciated the committee’s support last year in order to spur changes to the Ombudsman Act. However, the act as it exists is both a strategic and operational encumbrance, and we will continue to ring on this bell for the forthcoming year.

Now over to Suzanne for the budget.

**Ms Richford:** Good morning. Today my comments will be brief as I believe Peter and Greg’s presentations of the office’s operational

growth requirements, related budget pressures, and business plan goals combined with the Ombudsman's '23-24 budget estimates submission provide a fulsome explanation to support our budget request.

Each year we consider numerous factors when developing our budget estimates such as Alberta's economic health, responsible stewardship of public funds, our business plan goals, current year forecasted results, and future operational needs. These considerations are addressed in the Ombudsman's 2023-24 budget request of \$4,480,000, which is an increase of \$461,000, or 11 per cent, from our 2022-23 budget. The increase supports three new positions; salary raises as authorized by the Public Service Commissioner; the Ombudsman awareness, understanding, and perceptions research project that was just mentioned by Peter; and a return to prepandemic travel concessions. Also, I'd like to emphasize the continued importance of Ombudsman staff providing executive, legal, and corporate services to the Public Interest Commissioner's office. Annually this shared service arrangement results in significant savings to Albertans, forecasted to be \$370,000 for the current year, 2022-23, and \$439,000 for '23-24.

To conclude, for the current fiscal year ending March 31, 2023, we are forecasting a 6.5 per cent, or \$262,000, budget lapse, saving Albertans money.

Peter.

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

Mr. Chair, that concludes the presentation for the Ombudsman's office. We're pleased now to respond to any questions committee members may have. If I don't have the information available, I'll be able to provide a written response back to the committee.

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

We'll now open the floor to questions from the committee members with regard to the office of the Ombudsman. Mr. Dach, you're up first.

**Mr. Dach:** Thank you, Mr. Chair, and through you I'd like to thank the presenters for their information. I felt that we've had two beams resonate through the presentations from all of you, and I'll deal with them separately. The first one, of course, was glaringly clear, I think, from outcome 3 on page 4 of the business plan, where you state that the update of the act is an ongoing and urgent need although it seems to be something that's happening incrementally in slow motion. Now, I wanted to ask: what stage of the engagement process are you in with Justice with respect to the update of the act, and what are your priorities in terms of pointing out specific parts of the act that are most urgently required to be updated?

**Mr. Sherstan:** We've written, with the support of the committee last year, to Justice. We spoke with both ministers who've had the portfolio. We've yet to be engaged with anyone drafting anything at this time. We are prepared and just waiting to be approached to move forward.

There are several impediments within the act. Administratively, we have documents dating back to the origin of the act which are still retained as per the act, which says they must be retained on microfiche. We still have a microfiche reader. It's so – I just think of the privacy issues. Why are we retaining documents, with people's names, of things that have been resolved decades ago? It is certainly a priority.

There are other administrative things such as my position currently as the acting. Hopefully, the new – and thank you to those committee members who are on the search committee – Ombudsman will be in here shortly. Just the transitionary – there are things

within the act that make it difficult to have an Acting Ombudsman and to make that transition, which has caused the Clerk a significant amount of work over the recent times.

Just little things that weren't thought of in 1967. Most importantly, I would say, there are things like our early resolution process. Informal resolution of complaints wasn't something that was thought of in 1967. We have made some interpretations of the act that we think are important to codify within the act moving forward so that the act reflects evolving practices in the field.

Lastly, municipalities. There are still some things that need to be clarified. We were given jurisdiction in municipalities, but there was limited information of how far it extends into some of the quasi-judicial boards that arise from a municipality and whether they're independent of a municipality or whether they belong to a municipality and what our oversight is of that.

Those are the things that we really need clarified within the act.

**Mr. Dach:** It seems to me that the act needs a complete overhaul, and you're waiting for government to take the bull by the horns and get involved with you to make that start to happen.

**Mr. Sherstan:** Absolutely. That is a priority. It was in our last business plan; it continues to be in this plan. We are ready to act. We have several items that we would like to see within that act. Unlike the Public Interest Commissioner, where there's a five-year review period required of the legislation – and most new pieces of legislation have that clause – we'd like to see that in the act so that every five years a committee is formed, it's reviewed, the stakeholders have an ability to have input, and we're able to make sure that important acts such as ours evolve with the time.

**Mr. Dach:** Okay. Thanks for that.

That leads into my second theme, which I'll embark on now. That has to do with the word "complexity," that came up repeatedly through your presentations. There seems to be – of course, you've been talking about the volume not being the reason for the backlog; it's the complexity of the cases that you are now faced with. I wanted to ask if indeed you could point to a reason why the complexity of these cases has increased. There seemed to be a point in time beyond which these cases became more complex, where you received more complex cases, and it appears to be related to perhaps some of your success in letting the public know about what your office does. Is that somewhat related? Are people more aware of your office's capacity and the scope of your office and therefore others that wouldn't have thought to bring forward a complaint to your office or an inquiry to your office are now doing so? Is that part of it? Perhaps you can explain more factors which are involved in the increased complexity of cases that you're now seeing that you didn't see before.

**Mr. Sherstan:** It's hard to quantify exactly where some of these cases come from, but I would like to think that a lot of it has to do with people seeing the results of some of the things that we've achieved, and as a result of that, they're aware of a gateway to something that they might not have thought of before. This might be a bad analogy, but it's kind of like having a plumber. You don't know who your plumber is until you need a plumber, and then you're very happy that you have a good one. The same thing with us. A lot of people go through their interactions with government without having any unfairness exposed, so they don't need the Ombudsman, but when they do and they start to look at our website, they look at some of the cases posted and they go, "Hey, that's similar to my case; look at the result that happened there; I feel I was treated similarly to that case," and then they come to us.

11:20

One of the things that we see in complexity – and I don't know if it's COVID related, but I think society has just become a little bit more frustrated perhaps over the last two years, and maybe that brings some things to the forefront. One of the examples I can give is with some of the complaints we have related to the professional health colleges and also with the patient concern process.

Alberta Health Services oversees – I think, it's 12,000 concerns that they get on an annual basis. If someone is unsatisfied with the decision made by the patient concerns officer, they can come to our office for a review. Imagine, if you will, someone who has a suboptimal incident that happens within an ER, and they're just not happy. They can complain to the patient concerns officer, who'd do an investigation; they can complain to the College of Physicians & Surgeons; they can complain to CARNA as well, the nursing association or college of nursing. For all those complaints, the same incident results in three different colleges interacting, and if they're unsatisfied with the results of those colleges, they come to us.

We've had cases where we're looking at the same incident but having to investigate multiple complaints through the different colleges, so that's another level of complexity, because you're looking at one incident but you're looking at how the nursing college made their decision, looking at how the college of physicians made their decision, you're looking at how the patient relations office made their decision.

**Mr. Dach:** I'd anticipate that you expect this level of complexity to continue and the number of cases and more complex cases also to increase over time, thus putting another burden on your office?

**Mr. Sherstan:** It's hard to project. I don't know if we saw this coming. It has just kind of naturally arisen. Now that it's here, will it taper off or will it continue to grow? I can't really provide an opinion at this time.

**Mr. Dach:** Well, we'll be watching. Thank you.

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

Mr. Orr.

**Mr. Orr:** Yeah. Thank you very much, and thank you for being here. Congratulations on the budget savings, by the way, but that's not the area of my question at the moment.

I'm actually interested to learn a little bit more about the jurisdictions, I guess, that may be the lion's share or maybe not but are increasing in terms of numbers. You've already talked about complexity. Then, conversely, are there jurisdictions where there are very few cases coming up? And from the citizen side of that, it's the issues. Like, what are the top issues that these top jurisdictions are facing? I just wonder if you could comment on that, please.

**Mr. Sherstan:** Greg runs our operational side, so I'm going to let Greg speak to that.

**Mr. Stead:** I'd just like to clarify, sir. You would like to know the pre-eminent issues that we see?

**Mr. Orr:** Yeah, and I'm assuming that those pre-eminent issues sort of concentrate themselves in certain jurisdictions. I'm interested to know which departments, which government jurisdictions are the source of most of the issues that are coming to you.

**Mr. Stead:** Certainly. I'll have to get accurate information for you, sir, but just based on my recollection on the provincial government

side, corrections is a very high flyer for us. We get a lot of inmate concerns. Thankfully, we have a very good relationship with the correctional services branch. We meet with them twice annually, and then we're very successful with our early resolution processes so that we can deal with those quite efficiently. Maintenance enforcement is a high flyer for us as well. Again, that's a perfect storm, I guess, of marriage, money, and children, so those become quite involved. We're developing a rapport that way as well. For a third – sorry; I'm drawing a blank here, sir. I'll stick with those two as the high flyers for us. Yeah.

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

**The Chair:** Go ahead.

**Mr. Orr:** A different kind of question but sort of related. Do you have a lot of issues that you would have to characterize as frivolous or even vexatious complaints, and how much does that cost your department in terms of staffing and budget and all that sort of stuff?

**Mr. Stead:** There are provisions within the act for frivolous and vexatious complaints and how we can deal with them. We are loath to go down that path frequently because what we may perceive as frivolous or vexatious to the complainant may be very personal and very relevant, so we try and review the complaints on the merits as the complainant brings it forward. We triage them against our administrative fairness principles, and then we try and work with the authority to see if we can get resolution or if we need to pull the trigger – pardon the statement – on a full investigation. Then we'll go down that route as well.

Frivolous and vexatious: we do have the provisions, but we rarely invoke them, just because it's impossible to incorporate everybody's perspective.

I'm not sure if that answered your question, sir.

**Mr. Orr:** Okay. Thanks for now.

**Mr. Sherstan:** Just a follow-up on that, sir. What we do see and what we have seen is an increase in what we call individuals who demonstrate complex behaviours. That takes a considerable amount of time, to manage individuals who feel they've been treated unfairly, but disagreement with a decision does not mean that decision was unfair. Some people have had difficulty accepting that, and they'll perhaps try and make another complaint on the exact same issue that's already been determined by an appeal body and then assessed by ourselves to find that the decision was administratively fair. They just have trouble accepting that, so that can cause significant workloads. The frivolous and vexatious, not so much. The complex behaviours of certain individuals can be very burdensome.

**Mr. Orr:** That makes sense.

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

Is there anybody else on the committee that has a question? Mr. Toor.

**Mr. Toor:** Thank you, Mr. Chair, and thank you very much for the report and for all the work you do. I think it does help Albertans get the fairness they are looking for and, you know, that there is help.

My question is about your report on page 9. It mentions the number of recommendations that your office has provided to various government agencies or different municipalities such as city of Edmonton, Calgary, Lethbridge, Chestermere, Stettler, and some professional organization boards, commissions. It was

noticeably higher in 2021-2022 than in the previous two years. So was that an abnormally high year, or are the last two years closer to the expected average total?

**Mr. Sherstan:** Thank you. There is a real large ebb and flow on the recommendations that we make. It depends on the case. We've had some very significant cases where we've made one recommendation that has had significant impacts on a large number of Albertans. We've had other cases that might be less significant but we make four or five recommendations. For example, the biggest thing that we see is inadequate reasons: people not providing adequate reasons within a decision. They've made the right decision; they just haven't let the individual know that's how they arrived at that decision.

So one of our common recommendations is that adequate reasons are provided, but sometimes it's built into their system that they don't have a mechanism. They don't have the correspondence or the template letters; they don't have things in the policy or process that would require them to go through the process to provide adequate reasons. So that might result in two recommendations: a change in policy and contacting the individual Albertan to provide them better reasons as to why they made that decision.

It's really hard. There are years where we'll make lots of recommendations, and they might be minor compared to some years where we'll make fewer recommendations, but they're significant, and they have program-wide implications.

**Mr. Toor:** Thank you.

If you look at outcome 2 of your business plan, which relates to making sure Albertans are aware of the requirement for fairness, could you expand on the metrics you're using to measure this outcome, and how much progress has been made on this goal?

**Mr. Stead:** Sir, these are the performance measures for outcome 2. Right now we are looking at developing qualitative and quantitative performance measures for our casework, and we think that it is important to capture both so that we can accurately measure the effectiveness of the service that we're delivering.

Sorry; part two of your question, sir, was . . .

**Mr. Toor:** About the progress. How much progress has been made to achieve this goal?

**Mr. Stead:** Right now we have one of our staff that's working with other ombuds offices in the country to find out how they're going about this business, and we're doing research right now to get incorporated into the next fiscal year's business plan, sir.

**Mr. Toor:** Thank you.

Thank you, Chair.

**Mr. Sherstan:** Just a follow-up if I may. This past year we've done 34 different presentations to groups, be they stakeholders, be they government authorities, or to individual advocacy groups – the John Howard Society would be an example. We have a plan, but it's not as strategic as we want it to be, and that's why we've engaged this polling and market analysis company, who did a very extensive, similar project in British Columbia, to get their services. We want to know different sectors of Alberta, be they rural, urban, just to know what their awareness is, what their perception of our office is, and that will enable us to better target those individuals.

It's hard to reach the everyday Albertan. Advertising doesn't work. We used to do things like, you know, bus banners; that's probably not the most effective. Again, you don't need a plumber until you need a plumber, and if you see that ad for a plumber and

you don't have a problem, you're not going to take that in. Same thing with the Ombudsman.

11:30

One of the best initiatives, we believe, moving forward is that we should be dealing with advocacy groups, because when people have a problem, they go to their advocacy group, and that advocacy group is the one that's going to help them. We need to reach out to those advocacy groups so that we're in their – we used to call them Rolodexes – phone book, where they know, "Hang on; this person is complaining about a government decision they think is unfair; that's an Ombudsman issue," and then they can connect us. So that's where we want to drive our strategies: find out what Albertans know about us, what they think about us, and then drive our strategy forward so that we can have people direct their clients to us moving forward.

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

**The Chair:** Okay. Is there anybody else? I have Mr. Orr on deck next.

**Mr. Orr:** Yeah. Sure. If nobody else wants to go ahead.

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

**Mr. Orr:** I'm just interested in sort of – I don't know – the travel budget piece. I know we've been through COVID. I know the world has changed. Technology has evolved a million miles in terms of what it used to be. Online meetings are extremely efficient, effective, and timely, but people don't like them. We're all sick of them. So I just wonder what your thoughts are on that. I mean, there's an efficiency there to be had, certainly for some kinds of meetings more than others. Do you really see yourself returning to full, in-person meetings, or do you still intend to use the efficiencies of some online meetings for appropriate kinds of uses?

**Mr. Sherstan:** I'll start, and I'll have Suzanne speak to the budget after. We were very well prepared. Fortunately, the previous Ombudsman had us well set up. When COVID hit, we all had laptops. We all had VPN access. We were able to transition very quickly, and we've continued on, and our people got up to speed very quickly. Yes, there are certainly some advantages that come with not having to travel highway 2 during a day like last night. We have people who are able to do all that we need to do remotely, but there are things that certainly benefit from when you're in person.

We currently have an own motion going on where we're looking into a government program. I had the opportunity just to pop in on the ladies the other day who were the investigators, the team. I looked in, and they had a room slightly smaller than this, but they had 46 pieces of correspondence that a person could receive from that program on the table. They had sticky notes everywhere. They had flip charts going. They had the computer screen going. They were working through the process that an everyday Albertan would have to do if they were denied this program: they'd get this letter, and the next step would be this letter, and then they would be expected to do this. That wouldn't be something we'd be able to do remotely. Like, we had members from our Calgary team as well as our Edmonton team together in the boardroom. So it was very impressive to see what they could bring together in that room that would be very difficult remotely.

Another example where we have travel is that I've had the opportunity – we send our people to courses in Osgoode Professional Development out of Toronto. They do a very robust ombuds program and also some fairness issues, a very good school. I've had

the opportunity to take training with them pre-pandemic and then also during the pandemic. It's hard to sit three or four days in front of a screen listening to presenters who are also in front of a screen and to stay engaged. For that one-hour, two-hour meeting – last year we did this committee meeting online, and it was successful, but to do three or four days in a row, it's very demanding. So there will be some travelling.

Suzanne, can you speak to the costs we project?

**Ms Richford:** For sure. Actually, we're right back at the pre-pandemic level now. Our travel budget prior to the pandemic was around \$60,000 usually, and there were a few years, maybe four or five years ago, when we spent \$71,000, \$72,000. This year, as Peter says, when we have new staff, they've gone off to the ombuds course. We're predicting that again we'll be at \$64,000, so we're back to pre-pandemic budget now.

**The Chair:** Do you have a supplemental?

**Mr. Orr:** No. I think that's adequate. I mean, it's something everybody is wrestling with. I do think there are sometimes advantages to online meetings, but I totally get it that it's not the only solution.

**The Chair:** Are there any other questions from the committee? Online?

Okay. Thank you, everyone.

Having considered the office of the Ombudsman, we can now shift our focus to the office of the Public Interest Commissioner. Go ahead, Mr. Sherstan.

### Office of the Public Interest Commissioner

**Mr. Sherstan:** Thank you. The office of the Public Interest Commissioner is entering its ninth year of operation, and it continues to focus on fostering a public-sector culture where wrongdoings are confidently reported without fear of reprisal; fair, independent, and partial investigations are completed; and appropriate management responses are undertaken when wrongdoing is found.

The public interest disclosure oversight and statutory whistleblower protection is relatively new when compared with other legislative offices. Consequently, investigational practices continue to evolve. But I'm confident that the office of Alberta's Public Interest Commissioner is at the forefront, and this was demonstrated recently at a conference in Vancouver. We were asked to present at two sessions, and it was very positively received by the conference organizers.

I'd like to spend the time available to provide the committee with an overview of some of the work completed in the last year, current challenges we are facing, and a proposed path forward. I'll do this by walking you through our case management process. Typically the process begins with an individual who has seen or heard something that causes them concern. While most issues in the workplace are raised through normal reporting lines, there are situations where an employee believes that they may not be in a position, that it's not possible or appropriate, to raise a concern.

It's not uncommon for individuals considering making a disclosure to contact our office to seek advice. While our website contains a significant amount of information on the legislation and related processes, many individuals still prefer one-on-one conversation with one of our investigators to get clarification on whether our office is the right place to advance their complaint, what they can expect, and if they are protected if they make a disclosure. When public-sector employees believe they have witnessed a wrongdoing or have been the subject of reprisal, they have the right to make a disclosure to the Public Interest Commissioner. This can be done

through our secure online reporting portal, by e-mail, or through regular mail. The only stipulation is that it must be in writing.

In '21-22 our office received 147 cases. Cases are broken down into three distinct areas: inquiries where assistance is provided, allegations of wrongdoing, and complaints of reprisal. The year-to-year variation shows a downward trend in the overall number of cases while the number of allegations of wrongdoing and reprisal have remained relatively constant. The spike in 2018-19, which is highlighted in green on the slide, can be attributed to when the act came into force that year, which impacted existing entities and slightly expanded our jurisdiction. That resulted in more inquiries, people looking for information, changes in policy, asking questions about the act, asking for presentations. The result was that after an increase in those inquiries it normalized in following years. But what I'd like to point out is that it should be noted that we've seen an increase in investigations over the last two years, and that continues.

Similar to the Ombudsman, investigators in the office of the Public Interest Commissioner have encountered an increased level of complexity in their investigations. On this slide what we see is that factors include volume of documents that are being reviewed, the technical nature of alleged wrongdoing, and the number of interviews required. For example, one investigation that was completed last year required over 40 individuals to be interviewed. While these interviews themselves can be lengthy, the time it takes to analyze the content, assess the relevance, determine if the evidence provided in the statement corroborates other statements from other witnesses or documentary evidence takes much more time.

Another example of increased complexity is noted in a case where the respondent, in replying to our investigational summary, submitted a written response of 194 pages along with 1,500 pages of supporting documentation plus video and photographic evidence. Analysis and assessment of this type of response requires significant time and robust analytical skills.

Once we have a disclosure, we review that disclosure, and it's necessary to assess if our legislation is the most appropriate mechanism to address that complaint. This will also include a determination on whether there is a public interest component to that complaint. Sometimes we receive complaints that could be more properly addressed through one of the other legislative offices, and we will make referrals, sometimes to Privacy, sometimes to the Ethics Commissioner in the past.

When a complaint is received, it is reviewed to determine if it falls within the jurisdiction of the act. At times this jurisdictional assessment can be complicated and multifaceted. Recently we had an example where it took several months to determine if the complaint met the legislative requirements of the act. It was a very complex file. The investigator had to research legislation, regulations, handbooks, contracts, and other documentation provided by both the complainant and the witnesses, and it was also necessary to seek a legal opinion to assist in determining whether or not the interpretation of case law was factually correct. Finally, the investigator gathered the information and was able to, from all the entities involved, consolidate her findings into an analytical product and confirm that our investigators had the legal authority to undertake the investigation. Just this analytical piece alone was very significant and took months.

**11:40**

If we determine a matter requires action by our office, we will consider options for an informal resolution. The act provides the commissioner with a significant amount of latitude to facilitate a resolution of a disclosure. This year's annual report details one such

case, where our office was able to collaboratively work with an entity involved so that, going forward, policies and procedures were put in place to ensure resources, tools, and space within a publicly owned facility were no longer used for personal projects or personal benefit. However, if informal resolution is not appropriate, the commissioner will open an investigation.

This next slide shows the steps in a typical case, starting with the complaint analysis and terminating with the commissioner's decision. It breaks out the potential time blocks for each phase. The impact of increased complexity is important because Alberta's whistle-blower legislation is the only public interest disclosure act in Canada with prescribed timelines. The timelines imposed by the public interest disclosure regulation are also inclusive of investigation reporting. The language in the regulation stipulates that procedures for disclosures or reprisals "shall provide . . . timely and expeditious management"; for example, acknowledgement of a complaint in five days, a decision on whether to investigate in 20 days, and conclusion of investigation in 120 days.

Although the act permits the commissioner to provide an extension to those timelines, in crafting the legislation, the members of the Assembly specifically included timelines to ensure that the serious allegations addressed by the act would be investigated and resolved in a timely manner. Currently it's difficult to meet those timelines in many cases.

This slide shows a recent review. A recent review of cases completed in the past two years revealed that of the 12 investigations concluded in the 2020-2022 time period, only two were completed within the 120-day time limit. Further, at the same time, when we looked at 11 active investigations, eight had exceeded the time limit and required extensions. If we were, in fact, to meet the 120-day time limit, this chart would have nothing but a dark blue bar left of centre. The light blue illustrates the proportion of cases that extend beyond the prescribed 120 days, and I can tell you that this is not for lack of effort or efficiency on the part of our investigators. It's the complexity of the investigations in combination with the resources available that contributes to the timelines that extend beyond the legislated time frames.

The addition of a legal counsel position last year, which was actioned this current year, has been very beneficial to the office, and it has helped reduce the time required to see a case to conclusion. However, we still have some way to go to address the challenge of meeting the intent of the legislation, which is to achieve timelier resolution to whistle-blower complaints.

In addition to internal procedural changes which we have made to address the demands, two approaches to address the complexity and time pressures are proposed. Again, before I go forward with our proposed plan, I would like to ask the committee members to note that, like the Ombudsman, the previous commissioner over the years has adjusted her budget and the corresponding number of positions with her office according to the needs of the office. Now I'm seeking to follow a similar approach, where we ask for resources when we need them and reduce resources when the situation warrants.

The first thing I'll be asking: I'm proposing that investigative teams be supported with the addition of an analyst position. Currently our investigators are responsible for the management of intake, which includes new complaints and inquiries. This function includes the analysis of new disclosures and preparing briefings on proposed courses of action. Often these complaints require extensive time due to the complex nature of the allegation, the need to obtain additional details or information through preliminary inquiries, or the need to manage complex behaviours of some complainants. The intake and analysis work detracts from the investigator's work on their active investigations and lessens the

amount of time remaining to conclude the investigation within the legislatively stipulated time constraints. It also breaks the flow when an investigator is required to disengage from an investigation to focus on a new intake and then after some time the investigators then are required to re-engage and refocus on where they left off on an investigation several days ago.

The proposed analyst position would be solely responsible for intake, thereby freeing up investigators to do solely investigative work. The new analyst duties would include responding to general inquiries, assessing new complaints, conducting preliminary inquiries where necessary, preparing analyst reports, and preparing briefings and recommending courses of action to the commissioner through their manager.

The second element of our proposal relates to contract services. There are three factors contributing to an increase in this year's budget line for contract services. First, public interest cases often require specialized expertise in order to advance an investigation. Recently in some of our investigations this included an independent medical expert and forensic data recovery specialists. Based on our current cases that are active, we foresee the need for specialized technical experts to be contracted in the upcoming year.

Secondly, the use of qualified contract investigators to work under the supervision of our full-time investigators will assist in adjusting to ebb and flow of case volumes and create a pressure valve when case volumes exceed capacity or there's a case that demands more urgent attention. This will assist in reducing case timelines as well.

Third, our office is currently undergoing a judicial review of the commissioner's decision. Because findings of wrongdoing and reprisal can have serious consequences, our investigations and decisions are facing legal scrutiny by way of judicial review on a more frequent basis. Consequently, we are anticipating an increase in legal costs for the upcoming fiscal year.

Returning to our complaint management process, after an investigation report is finalized and the decision has been reached, the last element in the process is how the commissioner will exercise their discretion on publicly reporting on a case. The commissioner may release a public report when it is in their interest to do so. In making that decision, the commissioner will consider the following: whether the wrongdoer holds a position of significant trust and financial authority, whether the matter involves issues of significant impact to the administration of government, whether the wrongdoing was found to be dangerous to the public or injurious to the public interest, and also at times to commend the public entity whose actions promote public confidence in the administration.

I'd like to provide two examples of the types of cases we investigated last year. One case involves an employee who came to our office about a potential risk related to N95 respirators. They were destined for our health care workers. This employee was concerned. The employee who made the disclosure was suspicious about the product's labelling and the overall integrity of the product. We immediately opened an investigation, and initially our concerns were elevated when we learned that the manufacturer's approval had been revoked by Health Canada. Later we learned that the N95s had been procured prior to Health Canada revoking the licence of the manufacturer and that the masks had been tested and approved per regulated standards. Because of the quick actions of our investigators and the designated officer of the organization, the employee's legitimate concern was addressed and the investigation was concluded quickly.

In another case the CEO and president of a publicly funded academic institution was found to have committed wrongdoing through gross mismanagement of employees. Our investigation found long-standing cultural issues existed within the organization,

but they were aggravated by interpersonal conflicts at senior management level. The problems were perpetuated when the president and CEO asserted authority through aggressive behaviours such as yelling and threatening employment. This had serious consequences on the workplace culture for the employees. Following our investigation, the commissioner made five recommendations aimed at reforming the culture of the organization. My investigators continue to be available to the board of this institution to provide advice as the board works towards fully implementing these recommendations.

Before concluding, I'd like to reinforce the importance of ensuring our governing legislation is meeting the needs of Albertans. A comprehensive of the act must be done every five years, as stipulated in the legislation, and the Standing Committee on Resource Stewardship completed that review in 2021 and made 10 recommendations. We're looking forward to the potential changes in legislation that will ensure that the act evolves and best protects those who come forward and also to ensure Albertans' confidence in the administration of public entities and government departments is maintained.

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

**Mr. Stead:** Thank you again, Peter. Last year we promoted awareness of the commissioner and the acts to public-sector employees. Outreach activities and acting as resource for chief officers steered us towards this goal. However, there is more to do, and we will continue to work towards this outcome in the forthcoming fiscal year.

Our second outcome was to ensure designated officers know how to assess and investigate disclosures of wrongdoing. The commissioner's team hosted a highly successful virtual conference for over 55 designated officers, which provided education on these functions as well as other topics. In the next fiscal year we will build on the success of last year's conference while also developing onboarding training and resource materials for designated officers.

Outcome 3 sought to enhance the collaborative approach we take with the public entities when investigating wrongdoings and implementing recommendations. Seventy-five per cent of our investigations conducted during the last fiscal year were assessed as collaborative with the public entity. Outcome 4 encompassed the commissioner's participation in the review of our governing legislation, which Peter already discussed. Outcomes 1 and 2 will continue into the next fiscal year, and we will add outcome 3, thorough and efficient management of cases.

**11:50**

Alberta is the sole jurisdiction in Canada with legislated timelines for investigations. As such, efficiency is key for us. We will examine the efficiency of our intake and analysis processes while also reviewing our overall processes for further efficiencies into investigations of allegations of wrongdoing.

Thank you for your time.

Over to Suzanne for the budget.

**Ms Richford:** Thank you, Greg. Once again, my presentation will be very brief as the Public Interest Commissioner's 2023-24 budget estimates submission reflects the support for our budget request as articulated in Peter and Greg's presentations. For the current fiscal year, ending March 31, 2023, we are forecasting an 8 per cent, or \$101,000, budget lapse. The Public Interest Commissioner's 2023-24 budget estimate is \$1,410,000, representing an increase of 15 per cent, or \$187,000, over the 2022-23 budget. This increase supports a new analyst position, salary raises as authorized by the Public

Service Commissioner, contract investigators and legal services related to judicial reviews, and a return to prepandemic travel concessions.

As mentioned previously, designated Ombudsman employees provide shared services to this office, saving Albertans money. The shared services' estimated value, or cost allocation, is included in the Public Interest Commissioner's voted operating budget as required by Treasury Board and Finance.

To conclude my presentation, I would offer this slide, which gives you a breakdown of the budget components. As you can see, 58 per cent of the budget relates to personnel expenses, that being employee salaries and benefits. This shared services cost allocation represents 31 per cent, and 11 per cent is provisioned for supplies and services expenses, including contract and IT services, office supplies, and travel costs.

Back to you, Peter.

**Mr. Sherstan:** Thanks, Suzanne.

Again, I'd like to thank the chair and committee members for your time and consideration of the information we've provided. At this time we're pleased to take any questions you may have.

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

I'll now open the floor to questions from committee members. I have up first Mr. Dach, and Mr. van Dijken will be after him.

**Mr. Dach:** Thank you, Mr. Chair, and thank you once again, Mr. Sherstan, for swivelling your chair and now acting as the Public Interest Commissioner. I have a similar question, I guess, to what I had when you were speaking as the Ombudsman, and that is: do you expect the number of cases that are increasing in complexity received by your office to continue? Is that trend something you expect to continue, and are you anticipating that in your budget ask? I imagine so, but is that something that you see increasing? You said in the last presentation, as the Ombudsman, that you couldn't really project. Is that still the case?

**Mr. Sherstan:** I'm a little more comfortable on the public interest side to say that I foresee that that would project moving forward. The complexity of cases, I think, comes from some of the results that we've had. We did publicly report in the annual report on the incident that happened at one of the learning institutions. We publicly reported on that.

As a result of that, I think we've had five other postsecondary institution related complaints over the last 18 months. The fact that when something gets out there, these are rather small communities in terms of senior leadership, so the word exchanges within the community, and then people see the value of what we do and how we can delve into certain situations. That's where they make the decision to become a whistle-blower. Yeah. I would project that on the public interest side it's easier to say that once we've established a reputation and people are seeing the good results that have happened, that results in additional complaints of a complex nature.

Although our numbers go down in certain ways – one of the reasons I think some of our numbers go down is because when one institution sees what's happened at another institution, they self-examine. They say: "Wow. Look what happened at that college. What's our process? How's our system? Do we have our house in order? We don't want to suffer the same fate that was exposed publicly by the Public Interest Commissioner's investigation." That has an effect of calibrating other institutions in similar fields so that they self-assess. Numbers go down, but when there are still issues to be had, people are comfortable coming to us knowing that we can do a thorough, impartial investigation.

**Mr. Dach:** Okay. Your answer now just may partly answer my upcoming question, which relates to a number of cases. In 2021-22 the number of cases received decreased by 10 per cent. Do you expect this decrease in number or volume of cases to continue? If so, that begs the question: why do you need the increase in budget? Is it related to, once again, complexity?

**Mr. Sherstan:** It is. Again, we're trying to meet those timelines. So it's not only the complexity; it's the timeline issue that when people bring something to us, it's because it's a serious concern. You know, as a whistle-blower they're putting themselves out there, and a lot of people – it can be nerve racking. They're fearful that they might be exposed. We've done an excellent job and will continue in protecting the identity and confidentiality of all the individuals who report to us, but at the same time there's still that weight that people are under when they've made a complaint to see if the situation will change. So we want to have those done in a timely manner. Right now we're unable to do so. That's why we're looking for the resources, to bring those timelines down.

As I said in my presentation, when the legislation was created, the only place in Canada is Alberta that has timelines, and they were put there for a purpose. I would like to think that that purpose is still valid, and we need to be able to meet that purpose so that we can reduce timelines so people aren't held in limbo waiting to see where things are going to go.

**Mr. Dach:** A final question from me. What jurisdictions in Canada other than Alberta have the combined office of the Public Interest Commissioner and the Ombudsman?

**Mr. Sherstan:** Prince Edward Island just started. They're the last province to get an ombudsman and the equivalent of a public interest commissioner. Nova Scotia, Newfoundland – Ontario has an Integrity Commissioner, which is not within the Ombudsman's office but a similar function. It's a separate office. It's the only one that I know to have a separate office, but the rest of them are all – it's combined within the two offices.

**Mr. Dach:** Was Alberta the lead on that?

**Mr. Sherstan:** We only got our legislation in 2013, and there were other offices, Manitoba, for example, established before that. British Columbia just came onboard three years ago to have a public interest mandate, and they are combined within the office of the British Columbia Ombudsperson.

**The Chair:** Thank you.

I said it was going to be Mr. van Dijken, but I think it's been passed on to Mr. Orr.

**Mr. Orr:** All right. Thank you. Different arena, but maybe the same questions. Different context maybe elicits different answers. I just wonder if you can comment on which jurisdictions or departments raised the highest number of complaints to you. Secondly, the other question is about good whistle-blowers versus the bad-faith ones. How prevalent is that, and how do you handle it?

Thank you.

**Mr. Sherstan:** In terms of the sectors that we have, the health sector was the number 1 area that we had complaints in in the last year. The health sector: again, primarily all the service is provided through Alberta Health Services. Agencies, boards, and commissions as well as government ministries were the 2 and 3 as well, so that's where we see most of our work.

Sorry. Your second question?

**Mr. Orr:** Good-faith versus bad-faith whistle-blowing. I mean, you know, there are obviously some trivial, maybe vindictive whistle-blowers.

**Mr. Sherstan:** Again, the act currently says that they have to be made in good faith. That was one of the things that we're looking at when we had stakeholder meetings regarding what changes could possibly be made to the act. For us, it's that the merit of the complaint is more important than the motivation. You could have bad faith, but as long as the merits are there – what do I mean by that? Your reason for making a complaint might be that you didn't get a promotion and you're very upset with the person who made that decision, so you blow the whistle on something that they've been doing. The fact that your faith is bad doesn't change the fact that if that person's behaviour was a wrongdoing, a gross mismanagement, if it was a breach of an offence or anything that falls under what defines gross mismanagement, that would be it. So good faith, bad faith: we'll take it all. But we're looking at the actual merits of the allegation.

**The Chair:** Are you finished?

**Mr. Orr:** Yes.

**Mr. Hunter:** I just wanted to ask: do you have any preference if the office of the Ombudsman and the office of the Public Interest Commissioner should be combined like other provinces?

12:00

**Mr. Sherstan:** Well, we are combined in the sense that – our shared service is where it's combined. The Ombudsman since the position was created has been the Ombudsman and the Public Interest Commissioner under two separate appointments. There are the savings that Suzanne spoke about, of having the shared services. For example, our IT is co-ordinated, our human resources are co-ordinated through one office. If the offices were separated, you would have to have another IT department and another HR department, so there would be significant administrative – but we do keep a clear delineation between the two.

The acts are separate. The investigators are separate. Our records management system, our case management system is separate. An Ombudsman investigator will not be looking at PIC files, does not have the ability. Public Interest Commissioner files are not accessible and vice versa.

**Mr. Hunter:** Should they be accessible?

**Mr. Sherstan:** No. Again, under our legislation, although everybody in the office swears an oath of confidentiality to both offices because there are things that you might overhear – we work in cubicles. You could hear a conversation, or you might become privy to some information. Their confidentiality is established for both offices.

There are cost savings in having the offices together. Having the offices separate, if we were to see an enlargement in jurisdiction – and I know the recommendations made by the Standing Committee on Resource Stewardship when they reviewed the act. There were several recommendations that would enlarge the jurisdiction. If the office was to grow, it might come to a point where the commissioner would have to have totally separate responsibilities because he or she would be responsible for many more investigations. For example, all regulated members under the College of Physicians & Surgeons – it was one of the recommendations that they fall under the public interest disclosure act – certain health care homes, lodges, et cetera, that were funded in certain ways by the government, child

care facilities as well would all fall under if those recommendations do become legislation at a certain point. If that jurisdiction was to expand, at that point I think the Legislature would have to consider whether or not it's appropriate to split completely at that time.

**The Chair:** Finished your questions?

Were there any other questions from the committee? Any online?

Okay. Well, thank you, Mr. Sherstan, for your time today and for your services as Acting Ombudsman and Acting Public Interest Commissioner. I suspect that you've been filling those shoes for longer than you expected or necessarily wanted. For your information it is anticipated that the committee's decision on the officers' budgets will be sent to you in writing early next week. We give you thanks for your time and for your service.

As scheduled, we will now break for lunch. We will be back on the record along with representatives from Elections Alberta promptly at 1 p.m. There is lunch.

[The committee adjourned from 12:02 p.m. to 1 p.m.]

**The Chair:** Well, welcome back, everybody. I'd like to quickly go around the table and give everyone an opportunity to introduce themselves for the record. I'm the chair of the committee. My name is Mark Smith, and I'm the MLA for Drayton Valley-Devon.

Mr. van Dijken, introduce yourself, and we'll go around the table.

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

**Mr. Orr:** Ron Orr, Lacombe-Ponoka.

**Mr. Kaye:** Steve Kaye, deputy commissioner, financial compliance and enforcement, Elections Alberta.

**Mr. Resler:** Glen Resler, Chief Electoral Officer.

**Ms Renwick:** Pamela Renwick, Deputy Chief Electoral Officer, Elections Alberta.

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

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

**Ms Rempel:** Good afternoon. Jody Rempel, committee clerk with the Legislative Assembly Office.

**The Chair:** Okay. Welcome.

Oh, we should go online here. Mr. Shepherd.

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

**The Chair:** Mr. Ceci.

**Member Ceci:** Joe Ceci, Calgary-Buffalo, which is the centre of Calgary.

**The Chair:** Ms Rosin.

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

**The Chair:** Mrs. Allard.

**Mrs. Allard:** Tracy Allard for Grande Prairie.

**The Chair:** Mr. Hunter.

**Mr. Hunter:** Grant Hunter for Taber-Warner.

**The Chair:** Have I missed anyone? No? Okay. Good.

Okay. Our first guests joining us this afternoon are Mr. Glen Resler and his colleagues from Elections Alberta. Welcome back, and thank you for joining us today. As in previous years, you have up to 20 minutes for your opening remarks. Please proceed when you are ready.

### Elections Alberta

**Mr. Resler:** Thank you. Good afternoon, everyone. It's our pleasure to meet with you today to review the activities of my office over the last year and to present Elections Alberta's budget estimates for the 2023-24 fiscal year. My name is Glen Resler. I'm the Chief Electoral Officer and Election Commissioner. Joining me this afternoon are Pamela Renwick, Deputy Chief Electoral Officer, and Steve Kaye, the deputy commissioner. In your materials today we've provided you with our 2021-22 annual report, our business plan for the years 2020-2024, and our budget submission for the year 2023-24.

Turning to the annual report, I'll highlight some of the financial compliance activities of the over 500 political participants for the year 2021. We have aggregated the contributions of political parties, third-party advertisers, and constituency associations. Of the nearly \$16 million that are contributed in 2021, 63 per cent went to the political parties, 29 per cent to third-party advertisers, and 7.5 per cent to constituency associations.

While parties and constituency associations can only accept contributions from individual Albertans, political third-party advertisers can accept contributions from eligible trade unions, corporations, employee organizations, and individuals within Canada. This slide provides a breakdown of where contributions originated by contributor type and locations. Political TPAs collected \$2.1 million in contributions from trade unions, \$2.3 million from corporations, and under \$50,000 from individuals.

Turning to slide 5, we're highlighting a few of our financial compliance success stories. The graph on the left shows the number of overcontributions we identified in the last three years. In all years we resolved cases in a timely manner before tax receipts were issued, eliminating all referrals for investigation. The table on the right breaks down the number of political participants that were required to file 2021 annual financial statements. Parties, constituencies, and political third-party advertisers also filed quarterly reports for the year. Of the 531 political entities all but one constituency met the filing deadline. A late filing fee of \$500 was assessed and paid by the constituency.

The development of our online financial system has transformed how political participants report their financial activities. In addition to streamlining our compliance and review processes, in this last year we expanded the system's functionality by adding additional financial statement modules. The listed participants on the slide are now able to enter and submit their financial statements electronically. The next phase of modernization will enable the online registration of political entities. Project scope will be identified following the general election.

Next I'd like to highlight our complaint and investigation activity for the year. We started the year with 138 complaints and active investigations that were brought forward from the previous year. We also received 337 new complaints, largely related to the local authority elections. My office was able to manage the incoming volumes and concluded 433 complaints, carrying forward 42 into the next year.

This slide provides additional details on the age, in days, of the 433 complaints concluded. All files were closed within the three-year statutory requirement, with 76 per cent completed within the

first year, 19 per cent within two years, and 5 per cent within the third year. The 433 concluded investigations can be broken down into complaint types. Some investigations involve multiple allegations and fall into more than one category.

As previously stated, the bulk of the new complaints received related to the Local Authorities Election Act. Of the 284 that were received under that act, 253 have been concluded. The majority of these complaints were outside of our jurisdiction and were referred to the appropriate agency.

We also concluded 80 investigations related to unauthorized voting, and that related to the last provincial election. The majority of these investigations were internally initiated following postelection data processing and analysis of our voting records.

This graph illustrates the disposition of the 186 investigations concluded. There were four files that resulted in 17 administrative penalties, we had three files that resulted in the issuance of reprimands, and there were two compliance agreements also issued. All of the findings and decisions are posted on our website. There were no injunctions or prosecutions.

Also highlighted in the annual report are the many activities that my office is undertaking to prepare for the general election scheduled for May 29, 2023. As a result of Bill 81 we now have a fixed election date, which has allowed the returning officers to make early arrangements for voting places and engaging with their communities.

This graphic highlights some of the activities that returning officers are currently engaged in to prepare for the election. They are identifying and securing voting places for advanced and election day voting. This includes identifying potential locations that would be conveniently located for electors assigned to that location and completing site visits to ensure that the location provides barrier-free access to voters. So far our returning officers have identified and are working on making final arrangements with over 1,400 locations.

My office had also reached out to all school boards after the passing of Bill 81 in the Legislature, seeking a noninstructional day on May 29 as schools provide convenient, accessible facilities in electors' local communities close to their home. Six school boards chose to provide the noninstructional day, including both the Calgary board of education and the Calgary Catholic school board. As an example, in Calgary this will provide improved access to over 200 schools locally. Schools will still be used in areas where the board did not provide a noninstructional day, with site monitors hired to ensure that electors only have access to the room designated to voting.

Returning officers are also in the process of securing office space, and for the first time we'll be opening six satellite offices during the election to serve electoral divisions that are geographically large. This will provide more access to service for electors, candidates, and election workers.

Engagement has also started early with Indigenous communities, postsecondary institutions, and facilities for mobile voting, including supportive living, long-term care, hospitals, treatment centres, shelters, and community support centres. This engagement is centred around ensuring that these communities have access to appropriate voting options and are aware of legislative changes that may impact their access to the vote such as mandatory ID.

Further, returning officers have also reviewed approximately 5,000 voting area boundaries, making adjustments based on legislative changes and to account for population changes since 2019. They are also contributing to our plans for a Register to Vote event in April 2023.

## 1:10

In preparation for the 31st provincial general election my office will be undertaking a large Register to Vote campaign in April 2023. This is primarily a mail-based enumeration, with every address receiving an enumeration package. In past enumerations we have struggled to increase participation as electors believe they're already registered, and for 85 to 90 per cent of Albertans that is the case.

Our mail-out will include the information for each household with the names of the people registered at that address. This way electors do not have to assume if their information is correct; they can verify their information with the mail-out. Any updates can then be made online or through our provincial call centre. We plan to supplement this mail-out with online advertising and unaddressed mail drops to areas of the province where we don't have complete addressing such as new development areas or in rural Alberta, where we can't send mail to a physical address without having the post office box information.

Conducting this Register to Vote campaign immediately preceding the election will allow us to provide additional information to Albertans about the upcoming election. We will include information about mandatory ID, voting options, and key dates in this mailing.

As I've made mention a few times, mandatory identification for all electors is a major change that was introduced into the Election Act on March 31, 2022. While mandatory ID is already legislated for municipal and federal elections, we are working to reduce the impact of this barrier to voting for provincial elections. The Register to Vote campaign is a major piece of this work as it allows us to get the information out to electors about this change earlier than the election period.

We also have specific messaging and targeting planned for electors that have a post office box on their driver's licence. Legislatively a post office box does not provide proof of the elector's physical residential address and would not be sufficient on its own as identification. This would create a significant barrier for these electors, so we'll be allowing the use of that ID if the voting record for that elector includes both the mailing address and the physical address associated with the elector.

We have also developed a declaration process for electors residing on a First Nation or Métis settlement to provide their physical address as many of these communities do not have a formal addressing system.

As already mentioned, our returning officers are also engaging with shelters and community support centres, encouraging the establishment of mobile voting in these facilities as mobile voting allows the electors to be deemed resident of the facility and not be required to show identification.

We understand the importance of sharing information about this major change to the legislation, and you'll be seeing messaging and materials coming from my office in the coming months.

If you could refer to your budget handouts, on page 1 of your budget documents you'll see a full election budgeted in both the fiscal years 2022-23 and 2023-24. Due to Bill 81 coming into force, the election budget is primarily in the fiscal year '23-24 although material and supply purchasing, pre-election preparation activities have occurred in the current fiscal year. In total we are requesting funding of \$42,397,000 for fiscal year 2023-24. This represents a 6 per cent decrease from last year. Also included in your handouts are program comparatives for corporate services, elections, enumeration, other electoral events, and compliance and enforcement activities.

Pages 2 to 4 compare our consolidated 2022-23 budget with the '23-24 estimates. The variances are significant. Therefore, there is more value from looking at each individual program area in detail.

I'll start with corporate services, which can be found on page 5 of your handout. As per page 5 of your handout our corporate services estimate is \$5,959,000 and is a net increase of 1 per cent from last year. Personnel costs increased by \$196,000 due to the in-range and cost-of-living adjustment for non-union staff as specified by the Public Service Commissioner. An increase of \$254,000 has been made in supplies and services, impacted mainly by software licensing renewals and upgrades. Other increases were due to our IT infrastructure maintenance costs, including desktop support and hosting of our servers. We have reduced our capital development budget by \$375,000, reflective of the work completed building the online financial system for the political entities. The corporate service budget has a net increase of \$75,000.

Turning to page 7 of the estimates, our total elections budget is \$33,222,000. This includes \$32 million for the general election, \$820,000 for two by-elections, and \$430,000 for capital development related to continued enhancements of our election management system. The cost of the general election is broken down across major cost categories; 40 per cent of the total cost are the fees and employer contributions for election officers, from the staff in the returning offices to the approximately 20,000 people that work at advance, mobile, and election day voting places.

Other significant cost drivers are rentals at 15 per cent, which includes 93 returning offices, training spaces, and voting place rentals. Freight and postage accounts for 11 per cent, which includes delivery of election supplies to the returning offices, mail-out of our where-to-vote cards, and special ballot mailings. Advertising comes at 8 per cent of the total, which includes over 200 newspaper ads to advertise voting places and the media placement costs for the election campaign. Across all categories we have experienced rising costs due to inflation and supply chain issues.

Additionally, our election budget reflects several new initiatives and modernizations to improve our services to electors. These include the expansion of advance voting in both locations and staffing. With the popularity of the vote-anywhere service in 2019 we are anticipating higher volumes and interest in this voting option. We intend to maintain the number of voting locations that are used on election day to continue to provide convenient election day options for electors, combined with a new staffing model intended to improve the voter experience, particularly for electors that need to register prior to voting.

There is an expansion of the number of shelters and community support centres that receive a mobile voting option. Mobile voting in these locations was first offered in 2019, and our returning officers have been completing engagement activities to increase participation and awareness of this important voting option. We'll be looking to improve the accessibility of the special ballot voting options by co-ordinating mail-outs using a centralized process, providing expedited mailing for all packages as well as providing postage-paid return. We're also opening six satellite offices in geographically large electoral divisions to improve access to voting services for electors in those electoral divisions.

Turning to page 10 of the handout, our budget request for enumerations is \$2,320,000. As mentioned previously, we'll be completing a mail-based enumeration in April '23. Major costs include printing services as well as freight and postage for the enumeration mailers, advertising for the online and radio campaigns, and personnel for the data entry and call centre staff.

On page 13 of the handout we have our budget for the other electoral events, so Senate, referendum, citizen initiative, and recall

fall into that category. Our budget request for this program is \$201,000. The proposed '23-24 estimates do not include recall legislation activities. These activities will be included in the second half of the 2024-25 fiscal year as per the legislation. As you're aware, recall of a member cannot occur within the first 18 months after an election. The '23-24 estimates include expenses relating to citizen initiatives.

Lastly, on page 16 of the handout we have our budget for compliance and enforcement, and you'll see our budget request for this program is \$695,000. This is an increase of \$57,000 from last year. This increase is to provide additional capacity related to the additional hours needed for contracted investigators handling complaints and investigation files during the '23 provincial general election.

To summarize, our total budget estimate for the 2023-24 fiscal year for Elections Alberta is \$42,397,000.

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

1:20

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

I will now open the floor to questions from committee members. Mr. Loyola.

**Member Loyola:** Thank you. Thank you, Mr. Resler. Thank you to all the staff that are joining you here today. I appreciate you being here.

On page 2 of your budget submission you note the increase of seven FTEs for the delivery of the provincial election. I'm just wondering: how does this compare to the FTE increases for the last provincial election?

**Mr. Resler:** They're probably similar. The increases themselves: when we look at warehouse staffing, there are three additional FTEs for warehousing alone, and that's consistent with the previous election, just the volume of materials that we put through. I think we have over 700 pallets that we assemble and deliver to election offices throughout the province, so there's a significant amount. It's still a paper process, so there's significant paper and equipment.

We also have two staff in GIS. The mapping products mainly are what we're dealing with there, so there are significant mapping products, whether it's for parties, candidates but also in the voting places themselves.

When you look at the three warehouse staffing, that will be for the year under review today, after which those will be let go. So they are temporary staffing. The GIS staff may continue longer because after the election, the year after the election, we'll be moving into the Electoral Boundaries Commission. We provide support services for the boundary commission, so those two staff will likely continue. That's five.

The other two: one of them is dealing with special ballots, the call centre, so they're going to be co-ordinating those functions and, again, data entry after the event as far as all the changes. That will also cease after that work is completed.

**Member Loyola:** If I may continue. As you've described, you're coming in significantly under budget for 2022-2023. From what I can tell, it's \$27 million, which is 59 per cent. At last year's meeting you were expecting a combined cost for 2022-23 with 2023-24 of over \$83 million to account for the upcoming provincial election. Yet now that is coming in at approximately \$60 million. From what I can tell, this is a decrease of \$20 million, more than 25 per cent. Despite the increased cost for salaries for public service workers and living in a time of increased costs, I'm wondering if you can just shed a little bit more light – I'll say that – on the discrepancy.

**Mr. Resler:** Well, the bulk, really, the only area – corporate services is really the one that is comparable year to year, and you’ll see those increases a little tighter as far as year-to-year activities.

The other activities . . .

**Member Loyola:** Which item line was that?

**Mr. Resler:** Corporate services.

**Member Loyola:** Okay. Yeah.

**Mr. Resler:** Those are the main permanent FTEs within the office. Maintenance of a register of electors, IT infrastructure: that all falls under corporate services.

Everything else fluctuates depending on the electoral events that occur, and we do have multiple years in which we budget the election. We don’t know when the election is going to be called. Although we have the fixed date, there was a lot of discussion earlier that there could have been an earlier call on the election this year, so we have to be prepared. An election can always be called earlier, so we have those activities and preparation ongoing. It is likely, I’d say, you know, that 90 per cent of that budget will be unexpended when we look at the \$33 million for the general election in the current year. We don’t know.

Certain activities are pre-election. We have issues as far as the supply chain and when we’re receiving supplies. That has been continuing. We also have election campaigns that are going to bridge starting in March and April, so they cross over multiple fiscal years. But our budget is combined, looking at the \$33 million on, say, the election component only. Yes, we have higher numbers, but it is not a combined budget that we’re looking at over the multiple years.

**Member Loyola:** Thank you, Mr. Chair.

**The Chair:** Thank you.

Mr. Orr.

**Mr. Orr:** Yeah. Thank you very much. Thanks for the work you do. I’m going to begin here with kind of – I don’t know – a broad-reaching thought, I guess. I just wonder if you could comment on what I’m going to call the behaviour of Albertans. What I mean by that – I mean, I was pleased to see that you’ve identified all the overcontributions from before. Is that a common sort of average for a year? Is there a trend happening there?

In terms of unauthorized voting: is anything changing there? I guess also maybe you could just comment on the same subject. Is there any possibility we’re seeing or may see sort of a U.S.-style mentality approaching, where everybody on every side wants to challenge every vote and fight ad nauseam after the fact, after the vote has been counted? Like, I have sensed that here, but I just wonder what you’re seeing.

**Mr. Resler:** So several questions there. Thank you. Let’s start with the overcontributions. Is that a consistent number? I think it is a consistent number throughout the year. Our staff have worked very hard and been very successful as far as mediating those overcontributions. Again, you have to understand that Albertans making the contributions are ultimately responsible to manage their contributions to ensure they’re within the legislative mandates, and the political parties and the chief financial officers have a role to play in managing that.

Having said that, because we have aggregate contribution limits, they’re not able to see all contributions, so although they may be receiving a contribution, they didn’t know someone may have

already maxed out the contribution to a different party. They don’t see that, and that’s where using our quarterly reporting process – it was very successful for us internally to manage that with the political parties in mind. We contact the contributors. We contact the political parties. We work with them to confirm whether it is the same person or not. There are quite a few people in the province with the same names. We’re able to correct those errors before they’re reported on an annual financial statement. We’re quite successful, and everyone works with us, and we’re able to minimize and mitigate those overcontributions.

It is going to change this time, because constituency associations no longer are required to report quarterly, so we won’t have that information in advance. So we’re going to be watching to see the outcome of the change in the legislation. It may result in more investigations because now we can’t correct the errors before they’re reported, before they’re claimed on Alberta income tax, et cetera. That’s something that we’re going to monitor in the future.

Unauthorized voting includes non-Canadians voting, underaged, or voting more than once. Previously we would have minimal knowledge of any of that occurring. Because the information is paper based, there was no tracking or artificial intelligence on that data itself. Now we have a little more robust automated systems. Our vote-anywhere process is using an automated pollbook, an electronic pollbook. Our paper pollbook now has bar codes, so everyone who votes is scanned, and now we’re able to do data matching after the event. So with our data-matching processes, that’s where we identified – was it about 80?

**Mr. Kaye:** The total number that occurred in relation to the PGE was 116. We cleared 80 investigations in this reporting period.

Just for additional context for you, out of the total 116 related to the PGE, we identified seven actual infractions. So when you consider roughly 2 million registered voters and we identified, primarily internally, only seven infractions, that’s – it’s a long number, but I’ll give it to you anyway – .0000025 of 1 per cent. So I think we’re doing pretty well. We don’t have it perfect, but we’re working towards it.

**Mr. Resler:** There always has been – I think there always has been – some double voting and by error. Long-term care centres: we have mobile voting locations set up in the long-term care centres, where the residents come up and vote, and sometimes occasionally a family member will take one of their parents and say: let’s go vote at the regular polling place. Sometimes that occurs. There’s confusion by the resident of whether they did or didn’t vote, and not knowingly or on purpose did they do that. We have, you know, a couple of situations where non-Canadians, permanent residents, aren’t allowed to vote, or U.S. citizens, in this case, and we had findings and administrative penalties on that.

1:30

When looking at U.S.-style politics, the challenging, a little more litigious in that sense: we haven’t really seen that. There is more heightened involvement by the public, I would say. Whether the numbers are significant, I’m not sure, but we’re aware of it. We’re monitoring that. There are discussions across the country with other electoral agencies to monitor such activities, and we have discussions on that. But I don’t think it’s something that’s very significant in Alberta.

**Mr. Orr:** Well, I appreciate that. I think, if I’m hearing you correctly, you’re saying you have considerable confidence in an election when it happens in Alberta. There is not sort of some mass issue of fraud, and I think that’s important for good civic government and somehow for Albertans to understand it, and to be

able to be at peace and have confidence in what happens here in a vote I think is extremely important. I appreciate your comments on that.

Thank you.

**The Chair:** Are you finished, Mr. Orr?

**Mr. Orr:** Yeah.

**The Chair:** Okay. I'm just going to interject here and allow Mr. Toor to introduce himself since he wasn't able to do so at the beginning of the meeting.

**Mr. Toor:** MLA Devinder Toor, Calgary-Falconridge.

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

Mr. Shepherd, you're next on our question list.

**Mr. Shepherd:** Well, thank you, and good afternoon, Mr. Resler. Good to see you. I was just wondering. I wanted to follow up, I guess, on some of the questions that my colleague Mr. Loyola had asked. Again, talking about your budget there, it's coming in significantly under budget this year. You mentioned some of that. You talked about corporate services. Then you said that in general just different pieces can shift and change quite a bit from year to year. But I didn't really hear a clear, I guess, breakdown of how each area shifted over this year. Could you perhaps just clarify for us each area that you have there, around corporate remuneration, compliance and enforcement, which of those areas, I guess, ended up having less spending this year? Give us a quick synopsis on why.

**Mr. Resler:** When we look at corporate services, obviously as a result of the pandemic our travel budget was significantly lower. Our professional development as far as training: some of that training has gone virtual. We've capitalized on that, and that's lower cost in comparison to travelling across Canada for certain training sessions. We have established nationally a Canadian training – what do I call it? – secretariat in which electoral courses are offered. Usually they alternate between western and eastern Canada, which staff are sent to. A lot of those have been done virtually. We're looking, now that travel has relaxed – we're going to continue some of those virtually, and some will be in person. There is going to be a blended version on that.

Otherwise, contract services within corporate services: there would have been some reductions in costs as far as legal fees because there were delays with the courts. We have reduced costs on that. Otherwise, we're looking at higher costs when we look at renewals, renewals as far as software, technology. Anything with technology has also increased. Overall that budget is fairly close to what we're targeting.

Elections. We budget for the two by-elections. We had two by-elections this – well, actually only one this year, in the current year. One was in March. It would have been the prior year, but we do budget for two by-elections annually. So if zero, one, or two, whatever the number is – if it's no by-election, it's unexpended. For the election itself most of those funds would be unexpended in the current year.

We have costs. Our hiring process: we've hired all our returning officers and election clerks. We had a slight delay in that, so there are some cost savings in that, but all of those have been hired. We've performed a map and list review process. A lot of our training which would have been in person did not occur in person, and as a result there are cost savings there. The pre-election activities are in full swing right now, so most of those activities and

a lot of the interaction we're having with the returning officers right now is virtual.

**The Chair:** Do you have a supplemental, Mr. Shepherd?

**Mr. Resler:** Enumerations, we have nothing. Other electoral bids, nothing. Compliance and enforcement is close to budget: some savings as far as investigator costs and legal fees.

**Mr. Shepherd:** Thank you, Mr. Resler. I appreciate that breakdown.

You're saying that compliance and enforcement largely held to where you expected, some changes there, then, due to virtual and other things. Looking at the corporate, then, you are asking for an increase this year, a small increase. Is that just due to some of these things shifting, returning back to in-person training and more travel again?

**Mr. Resler:** A little bit. Most of it is the cost-of-living merit increases as authorized by the Public Service Commission. That's the biggest one. The other is licensing costs. When we look at renewals and some of our licences where we would have had multiyear licences, like three years for an Adobe licence, now we're at the three-year point or fourth year in which they need to be renewed.

**Mr. Shepherd:** Thank you.

**The Chair:** Okay. Mr. Orr.

**Mr. Orr:** Yeah. Thank you. Budget now: looking at the elections page, we have the '23-24 estimates, which include a general election, but what I'm interested in hearing from you is – the last general election was 2019; we don't have any figures on that. How would you, generally at least, characterize where your costs are coming in from the last general election to the upcoming general election, and are there any significant changes, from your point of view as a department, in order to manage those two different events?

**Mr. Resler:** There are always going to be increases between events when you're looking at four years following another event.

**Mr. Orr:** Of course, there's inflation.

**Mr. Resler:** Yeah. For the 2019 general election our election budget was \$28,541,000, so that's an increase of approximately, let's say, \$4 million. We know that there are inflation increases. We have a population increase of over 4 per cent, and a lot of what we do is population driven. Every approximately 650 electors you're going to have another voting area; you're going to have to have more stations, more staff, et cetera.

Significant increases when we look at paper products. We're very paper driven. There are supply issues when we're looking at envelopes, paper products. When we do a mail-out, we're mailing to 2 million addresses, so the cost of postage increases. I think that's approximately 9 per cent also. Even when we look at our contracts, we usually contract for multiple elections so we have that continuity. For example, with Canada Post we had a very favourable contract; that came up for renewal this year and probably increased about 40 per cent. A significant hit, but competition doesn't necessarily exist for what we require.

There are certain things in which we have to pay the price, but it's something that we're always – you know, we tender everything, and with a fixed election date that provides us added capacity in which we can tender certain things. Sometimes if it's an early election call, we're kind of at the mercy of the vendors a little bit, so this provides us added opportunity to tender and ensure we're getting good value for our dollar.

1:40

**Mr. Orr:** Just a brief follow-up.

**The Chair:** Yep.

**Mr. Orr:** So you wouldn't necessarily identify any procedural or operational, even legislative or regulated changes between the two that would significantly impact your budget?

**Mr. Resler:** There would be cost savings. When we look at cost savings and balancing off, there are cost savings when we look at the change in legislation in which the voting areas increased. We're actually having to staff less on election day, but then we also have the increase at advanced voting, in which we have to add additional resources. It kind of balances itself out; there's probably a slight saving overall, but there's additional cost elsewhere as a result of that.

**Ms Renwick:** Yeah. Most of it has to do with the staffing models that we use. With 40 per cent of the budget going to the staffing at the voting places, that's significant.

We have seen a savings on how we've been able to do our election day model, which we think is actually going to be more efficient for voters, but on advance we are increasing the number of locations, the size of the locations. Over 700,000 people voted in advance. We're anticipating more. We want to make sure that we're ready and that we cannot have people waiting in long lines. That has increased some cost on the staffing side but also the technology because our advance operates using the laptops and the printers, and that's increased some of our equipment needs.

**Mr. Resler:** Just to highlight, we do work nationally as far as on the automation side of things. A lot of our equipment, laptops and such, we obtain through Elections Ontario because they have quite a bit larger capacity, so we're able to share in those costs at a substantial discount.

**Mr. Orr:** Thank you. Helpful. Appreciate the work you do.

**The Chair:** Thank you.

Mr. Ceci, I believe you have some questions.

**Member Ceci:** Yes. Mr. Resler and others, just around the enumeration, I'm interested in that whole area and cost and effectiveness. When was the last time there was an in-person enumeration of voters in this province?

**Mr. Resler:** Two thousand and eighteen.

**Member Ceci:** Eighteen? Okay.

The mail-based: has it been used already, or is this the first time?

**Mr. Resler:** We did have some mail-based engagement as part of the door-to-door enumeration. We had a provincial call centre, we had the door-to-door enumeration, and some mail-based communication. All three components were used in 2018.

**Member Ceci:** So going forward, in April 2023 it'll just be mail based, if I got that right?

**Mr. Resler:** Mail based but also including some targeting of certain areas in which we know our addressing information or certain information may be deficient. Yeah.

**Member Ceci:** Do you anticipate a big difference in cost or expenditures one way or the other?

**Mr. Resler:** Yeah. It's a significant saving. I think the last enumeration was probably just over \$13 million, and this time we're looking at \$2 million.

**Member Ceci:** Ah, so printing and mailing, right?

**Mr. Resler:** Exactly.

**Member Ceci:** Okay. Quite a cost savings.

The timing is April 2023. Do you know when in April you will be doing that?

**Mr. Resler:** We say April; it's probably going to start about March 27, to be exact. That'll campaign, and it'll be staggered a little bit because with Canada Post we don't have all the mailings drop on the same day, so then our call centre can manage it. It'll commence March 27 and, really, continue until the revision period closes during the election period. The campaign will concentrate the first three weeks.

**Member Ceci:** I was just wondering if you can hypothesize what the difference in results might be or the richness of the information coming back relative to the previous way it was done.

**Mr. Resler:** We're hoping the public will engage, especially on the online version, as far as the self-registration version, and then the information that that would entail is that they're data-entering their own information or confirming their information is correct, so there's a cost saving there. Hopefully, the accuracy of the information increases, because they're typing their own name, they're entering their own birthdate, that type of information.

**Ms Renwick:** I just wanted to add on. In 2018 when we did the door-to-door enumeration, we sent out an unaddressed mailer. People didn't know what information we actually had for them, so a lot of comments we heard were: well, I'm already registered, so I didn't participate in that. What we're hoping to accomplish with this one, with actually including their information in the mail-out, is that they'll actually be able to see, "Oh, there's someone on my address that doesn't live here, or I'm actually not registered at the right address" and that that will prompt them to engage. I think just a different type of enumeration that we're hoping will get more participation this time. But I don't think one type of enumeration is better than another; it's just something different with the timing we have right now. Right before the election people are going to be interested, so we're really hoping that this type of enumeration is not only a cost saving but will provide some value.

**Mr. Resler:** And have more current information in that sense. Where previously enumerations were held the year prior to the election and then there's activity as far as moves and whatnot that occurs between the two events where it's already outdated by the time the election comes around – so it's right prior. You also have to take into effect our access to information between events. We have access to several databases, whether it's motor vehicles' MOVES adds changes; Alberta health care changes. The big item this time around is Alberta Education, in which we have access to 16- and 17-year-olds' data, which we bring into the register, and when they turn 18, they're on the list of electors. So we're looking at bringing on 35,000 new voters on an annual basis alone. We remove probably 12,000, 15,000 deceased electors on an annual basis also.

**Member Ceci:** Okay. The last, last question. I just wondered if – it just seems like it's late in the game, if there's an end of May election, to be enumerating, you know, six weeks or so, eight weeks

before the election. Just maybe talk to me about whether that's late or not late or most people do it that way or whatever.

**Mr. Resler:** And that's probably new to us. To us it does seem later because we're used to doing that the year before type of thing or several months before, but it's pretty standard across the country. If there are targeted enumerations, that occurs right prior to the electoral event itself, so this isn't anything unusual. We're able to incorporate that information into the list of electors, and then those changes and information are provided, as you are aware, to the parties and candidates also.

**Member Ceci:** Okay. Thank you, all.

**The Chair:** Mr. Dach.

**Mr. Dach:** Thank you, Chair. Thank you, Mr. Resler and company. I have a question that I think will be germane to the operation of all parties here in the House and also of all candidates past and present regarding the mechanics of entering for canvassing purposes multi-unit complexes. I'm talking about rental complexes and condominiums, some of them with secure access. I note that the city of Edmonton has some more detailed rules and regs around this. The Guide for Candidates on your website, sir, suggests that a candidate, upon receipt of the endorsement, can canvass in multi-unit dwelling sites in their electoral division, and one campaign worker can be accredited to accompany them when canvassing. So it says that it can happen, but it doesn't really get into detail about how.

I know that members from all parties will attest to the fact that there have been some very awkward moments for candidates when canvassing inside and outside the campaign period in multi-unit complexes where somebody contests their ability or legal right to be there, and you don't want to get into an argument at any time with the public. I think the public and condo property managers as well as renters and so forth really do not have a great understanding of what this element of the act actually is.

1:50

First of all, I wanted to ask if you had anything in your budget that will allow you, perhaps in the mail-out information that you're going to send, to promote or at least make more aware the public's rights and obligations under that as well as candidates so that we don't have these awkward moments on the doors in the middle of a campaign and also so that people are not disenfranchised of their right to actually speak to candidates, no matter what party they are, during the election period, because to disallow a candidate the opportunity to go into a multi-unit complex which has hundreds and hundreds of units is really a disservice to the democracy that we're all here to serve. I'd like you to comment on that, whether you have a possibility of promoting that, the ideas.

I know there may be some deficiencies in the legislation where you think you'd like to perhaps see greater access for candidates to multi-unit complexes with less complexities. Are you happy with the legislation now, or would you suggest recommendations to change that to make it more democratic?

**Ms Renwick:** I can speak to what we've been doing and what we are intending to do. Right now as part of the pre-election activities our returning officers are actually trying to identify contacts for the multi-unit dwellings. One of the biggest challenges in communicating with them is knowing who owns and operates that building and having contact information. We are working on building our contact list. Prior to the election everyone we have contact information for will receive a letter to let them know what the requirements are, the effect of how that kind of access works. We

show them a picture of the badge so they're familiar with what that process looks like. We also provide letters to all the police services so that they're also aware of the legislated requirements, because they'll be the ones most likely to receive the calls before we do. We also, during the election itself, support candidates where they are having access issues. We did have this in the by-election that just occurred. If you go to the returning office, they'll let us know, and we'll reach out if we can get the contact information, let them know of the obligations and kind of support that access. Those are kind of the pieces we're doing to support access in the upcoming election.

But Glen can speak to the other pieces.

**Mr. Resler:** We know it's an issue and always has been an issue. Most times I think it is educational, and also we have to provide that communication. If it becomes an issue as far as we need to escalate it, we do escalate it as far as within the compliance area, and we have a conversation with the owner or the manager of the building to ensure that access is provided to the candidates. We'll provide them an educational opportunity, if we want to call it that. Yeah. It is a right as far as the public to actively engage with political parties and their candidates, and that opportunity should be provided to them.

When we look at the deficiencies in the legislation, I think it's difficult – you know, you have the educational component. A lot of the time the owners of the buildings aren't even local. They may not even have a site manager on-site, which limits capacity as far as engaging with them. Some of them are out of province or out of country as far as the ownership itself. It can be difficult at times to find who exactly it is, the person that we can even talk to. In a lot of instances and even with candidates who come forward with issues, if they have someone within the building that they know, whether it's a supporter or not, but have contact information which they can provide to us and which we can engage with – and that's the key thing – once we have that contact, I don't think there's been an issue where we haven't had access.

**Mr. Kaye:** We've had it within a day. As part of our intake process for a complaint, every complaint that comes in goes through a triage process. It goes through that immediately, as quickly as we can when we receive it. These are very high priority issues for us, and they're what we call an immediate action item. As soon as we're hearing that that's occurring, we're going to engage, we're going to locate a contact or a building manager, building owner, whoever. We inform them about the legislation. We make sure they understand that they are required to permit that access, and if we have trouble contacting someone, we have boots on the ground in both Calgary and Edmonton. We'll shoot someone out to a location. If we can't contact them by phone or e-mail, then we'll actually shoot a body out to the location, find somebody that we can educate, and ensure that that access occurs, because it absolutely is a right for anybody who's campaigning. We want to make sure they're not disenfranchised.

**Mr. Dach:** On the issue of ascertaining who actually is the contact person at the multiple-unit building, might I take the liberty of suggesting that you might engage the 11,000 members of the Alberta Real Estate Association through their organization to see what information they can legally provide to you to assist in that matter? Plus, I mean, there are thousands of real estate lawyers as well, that I've engaged with in my past life, who might be good sources of that if indeed they are able to pass on that information.

**Mr. Resler:** And we'll also engage with stakeholders like BOMA, Building Owners and Managers Association, and such as far as

advertising, educating them, and getting that information, if possible, in newsletters that go out to their members.

**Mr. Dach:** Secondly, the issue of political signage is a similar type of issue as well. We have owners, particularly in condominium situations and rentals, who fear that they may be subject to the wrath of their property manager or their landlord if they do display a sign even inside their window, and that's something that I think the public really needs to be clarified so that the right of that individual to express their voting desire is respected and not abrogated by a landlord's decision-making.

**Mr. Resler:** Exactly.

**The Chair:** Mr. Shepherd.

**Mr. Shepherd:** Well, thank you very much. As, I guess, an MLA for an area that probably has one of the highest densities of apartments and condos, I appreciate the questions from Mr. Dach. I did not pay him to ask those, but I appreciate them. I did want to follow up on that a little bit. If I understand you correctly, Mr. Resler, you said that Elections Alberta is actively compiling a list of building managers and others to be able to reach out and communicate with and educate them on the rights of candidates and how that works. If that resource exists and you have those lists, is it possible to make that information available to candidates? I can say, as somebody who campaigns in an area with a very high density of apartments and condos, that that can be one of the most time-consuming elements, simply trying to track down the information of building managers, all the other people that we need to contact to enter a building. If Elections Alberta has that resource, is it possible to make that available to all candidates?

**Mr. Resler:** Unfortunately not. That would become a privacy issue as far as the information, the purpose for which it was provided to us. We'd have to get permissions from those persons in order to share that information. Right now it's just stakeholder engagement locally within our returning offices, in which they're gathering information and trying to use it as an educational component in our campaign.

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

Just one other question that's sort of similarly related. You talked about sort of changes and requirements for ID or that there's going to be this requirement now that Albertans show identification with name and current address. Again, I know that in an area like mine we can have some very high turnover and a lot of people moving in and out of the area, so that can present a little bit of a barrier. Can you just give me a sense, I guess, of what steps you're going to be taking to ensure that individuals that have recently moved and may be challenged by that are still able to vote?

**Mr. Resler:** The campaign itself, as far as the householder that's going to be mailed during the enumeration process, which is beneficial to whether it's current residents or new residents within that, will be promoting a call to action, in a sense, as far as being registered and being registered in the correct place for the election itself. It will be part of that campaign and advertising campaign itself. We are engaging with stakeholders. Downtown you can think of postsecondary institutions as one of them, and we're partnering with the postsecondary institutions and the student associations as far as distributing information on the electoral process and timelines. Being an election in later May, that student body may or may not exist, but at least we're going to continue to try to get the information out to the students. There is usually turnover as far as

the high-density apartments. Again, our returning officers are working with the areas, and if there is new construction which occurs in the downtown cores, we're also going to be targeting those areas in order to get new data from them.

2:00

**Mr. Shepherd:** Thank you.

**The Chair:** We have reached our time of 2 o'clock, so I would thank Mr. Resler for your time today and for responding to our questions. For your information it is anticipated that the committee's decision on the officers' budgets will be sent out to you in writing early next week. We thank you for your time and for all of your efforts on our behalf as a province, and we'll get back in touch with you next week.

**Mr. Resler:** Thank you very much. Happy holidays, everyone.

**The Chair:** Just for the committee's sake we've got the office of the Auditor General coming up next.

Good afternoon, everybody. Our final presenters of the day are from the office of the Auditor General. Mr. Wylie and his colleagues are here to review the office's annual report and business plan and the 2023-2024 budget estimates for that office. Again I will ask that presentations be kept to 20 minutes in order to leave time for questions from the committee. Mr. Wylie, please begin when you are ready to proceed, and maybe introduce your staff with you.

#### Office of the Auditor General

**Mr. Wylie:** Thank you, Chair and committee members. I'll just change my glasses. I've reached that magical age of 30. Right. Well, thank you so much. It's great to be with all of you this afternoon. It's my honour and privilege, actually, to be here representing the office of the Auditor General, and I mean that sincerely.

Joining me at the table for the presentation today are two members of my leadership team, and that's Loulou Eng, who's our senior financial officer, and Karen Zoltenko, who's our business leader of our audit practice. I'd also like to recognize my Assistant Auditors General: Eric Leonty, Patty Hayes, Brad Ireland, and Rob Driesen. Three of them are with us, and they're in the gallery today.

Chair and committee members, in advance of today you should have received our Results Report for the Year Ended March 31, 2022, and our business plan and budget for the '23-24 fiscal. I know you've had a full day, and I know that we are last on the agenda, so I will try to be brief, but I would like to get to all of the documents that we have distributed to you.

**Mr. Dach:** We saved the best for last.

**Mr. Wylie:** Oh, I see. Thank you very much, Member.

I'll be referring to each of these documents throughout the presentation, but before I begin, I would like to take a quick look back in time, and that's to 350 BC. Yeah, that isn't a typo. It's actually when Aristotle made a quote, and I want to repeat that today. He said that when "offices handle the public money, there must of necessity be another office [that] examines and audits them," and it's in that capacity that really is the genesis for our office. While our office certainly doesn't date back to 350 BC, legislative auditors have played a significant role in the Westminster parliamentary system, and today our office continues to play an important role in the democratic system in which we operate. The work of our office provides a critical link in the chain of public accountability for results and is also a vital link in the democratic

process of responsible government. Our office was established when Alberta became a province back in 1905.

I'm not too sure if you're aware of this, but I'll take just a couple of minutes. The origins of this committee, your committee, date back to November of 1977, when the Auditor General Act was adopted. At that time it was determined that there was a need for a mechanism to ensure the preservation of the independence of the Auditor General, and that was independence from government itself. As a result, the Select Standing Committee on the Office of the Auditor General was created. Eventually over the years it's evolved to the current form, where it represents all of the officers of the Assembly.

I share that bit of history to highlight the significance of our relationship with your committee and the role that you play in ensuring our independence as we carry out our mandated work. Your support for our office means that Albertans can be confident that our work will continue to provide independent assurance that public money is properly accounted for.

I'd now like to take a couple of minutes to highlight the work of our office during the past year. Like many other organizations across Alberta, COVID-19 continued to affect our operations in the '21 fiscal year. Our staff primarily worked remotely but were on-site at audit entities whenever it was possible for them to be there. I would really like to recognize the outstanding efforts of all of my staff in meeting our legislative audit responsibilities during these unprecedented challenges. I'd also like to sincerely thank management of those that we audit for their continued co-operation as we conduct our work.

Members, page 7 of our results report highlights our achievements in both our financial statement and performance audit lines of business. Of note is the completion of 143 audit reports and the implementation by government of 51 of our past recommendations. Our financial statement audit work provides Albertans with independent assurance on the accuracy and completeness of government financial reporting. We issued 115 financial statement audits, including our unqualified, or clean, audit opinion on the consolidated financial statements of the province. Our remaining financial statement audit work demonstrates the volume and diversity of the provincial agencies, boards, commissions and regulated funds that we also audit to ensure accountability on the expenditure of public resources. You can find a listing of all of those that we audit starting on page 51 of our results report.

I do want to spend a couple of minutes moving to our performance audit work, and that's often referred to as value-for-money audits. This is where we provide Albertans with assurance that government programs, processes, and services are working as well as they could. While government is responsible for policy development and management focuses on policy execution, our office provides decision-makers and MLAs with findings and recommendations to improve performance and promote accountability within government.

## 2:10

Our performance audit work covers a wide range of topics and will vary in breadth, size, and scope depending on the nature of the audit. This year we issued eight reports ranging in topics from systems to manage the use of pesticides to managing the adult criminal prosecution hearing process. Of note was also the work we conducted on the use of the publicly funded CT and MRI services as well as our COVID-19 work. Both of those areas were top of mind for Albertans. Our use of publicly funded CT and MRI services audit examined the efficiency and effectiveness of significant processes, including managing wait times. We also completed work that looked at the government's COVID-19 response from a

financial perspective. From a program effectiveness perspective we conducted separate performance audits at the departments who delivered the largest COVID-19 response programs during the two fiscal years '21 and '22, and we'll be publicly reporting on three of those performance audits very shortly.

One of the most impactful results of our work is when the recommendations that we make are actually acted upon and implemented. That's when the change has occurred. You know, we often say that the value of our work and the benefit to Albertans are not fully realized until our recommendations are implemented, and that's why I highlighted the 51 earlier. That is a very important metric for our office. I would like to just highlight one example of this work that has helped ensure Albertans have better access to a government program, and that was some of the work that we did at the AISH program.

Chair and committee members, I'd now like to draw your attention to the work that lies ahead for our office. I'm going to start with a brief overview of the priorities outlined in our business plan before I speak to the budget. While our budget request does reflect an increase, it is in the prudent budget that reflects the current environment in which we conduct our work, an environment where resources are scarce, demand is high, and, indeed, technology is ever changing.

As previously mentioned, our work falls into two main areas, financial statement audit work and performance audits, and we're planning to issue approximately 100 financial statement opinions on reporting of both the financial results of the province of Alberta as well as all of the provincial agencies, boards, and its regulated funds. There have been significant changes in accounting and auditing standards in the last little bit, and in addition to that we've had a government reorganization of ministries. These will impact the nature and extent of our financial statement audit work. Notwithstanding these changes, we are committed to continuing to work with those that we audit towards meeting the agreed upon timelines. Since 2020 a significant focus of our performance audit work has been on the provincial government's COVID response from a financial perspective, also from a corporate accountability perspective as well as a program effectiveness perspective.

While we're still in the process of completing audit work in this area, we are moving forward with work that has a much broader focus. A significant source of expenditures within government is through grant funding and contracting processes, and in '23-24 these will be a focus of our performance auditing and will be conducted on a recurring basis, ensuring rotational audits that are conducted each year. Additional performance audit work plan will focus on corporate accountability for reporting on results, more specifically the sufficiency of reporting on outcomes achieved from program and service delivery. We look to release our program of work early in the new year. We're currently finalizing that program of work now.

I'm going to also spend just a couple of moments on our organizational priorities that were identified in our business plan as I think that will really help set the context for our budget. It shouldn't be surprising that our people are our most important part of our business, and we strive to have staff who are engaged and empowered and indeed engaged in the work that we're doing as we serve Albertans. As an office of designated audit professionals that are entrusted to perform complex work on behalf of Albertans, we must continue to equip and enable each person to achieve their highest potential.

While we're currently finding it difficult to recruit and retain audit professionals, we have identified six focus areas that will engage and support our people. Those are listed on page 8 of our business plan. We will focus our efforts on maintaining a highly

skilled, engaged workforce capable of meeting our current and future business needs while at the same time building a culture that is engaging and supportive to them.

We also remain focused on maximizing the value of our audit reports. Having the right resources at the right time to complete audits continues to be a risk, and we continue to consider these impacts on our work and advance our business model in response. Our focus areas, that are listed on page 9 of our business plan, include improving how we use information and technology to support our work, developing targeted communication materials to support the understanding of our work with MLAs such as yourself and the public service, and continually improving our audit and operational processes.

This takes me to the budget request, Chair and members. While our request does reflect an increase of 7.9 per cent – and I guess you could expect precision from our office; 7.9 – roughly 8 per cent, let me assure you that this increase simply represents a direct response to the challenges, realities, and organizational priorities that we've highlighted in our plan.

If you'd turn to page 3 of your budget package, I would like to take an opportunity to walk you through some of those items. Page 3 of the budget package that I'm referring to is on the back end of the business plan, and page 3 is the one that has the little red highlights with the footnotes attached. I'll be walking through those with the red highlights, and those are the areas where we have variances from budget to budget, or from 2023 to '24.

Let me start with salaries and employee benefits, that line item. Our office has followed the same salary guidance as the public service. That net increase of 4 per cent is in line with merit and general increases that are provided to all public-sector employees.

I'd like to also draw your attention to the agent and temporary services line items. Contracting with agents has increased 24 per cent over our prior-year budget, and temporary staff services has increased 11 per cent compared to our prior budget. There are two primary reasons for these increases. The first relates to increased rates. We enter into multiyear contracts with our agents, which fixes our price for a specified period of time. A number of these contracts are coming up for renewal, and we are seeing substantial increases in the hourly rate charged to our office to complete this work.

The second is in response to the changes to year-ends for the organizations that we audit. Over the past few years we've seen postsecondary institutions changing their year-ends from June to March 31. This move from a slower time for us to our most busy time, which is our March year-ends, is having an impact on us, and we just don't have the resources internally, so that requires us to agent out more work at an increased rate. In '22-23 there were an additional two postsecondary institutions that changed their year-ends from June to March, and there's an increase related to that.

Finally, I'd like to provide some context around our information and related technology requirements. The first speaks to our fleet of laptops. Our auditors rely on laptops to, basically, do our work. These devices are used both out in the field and within the office, so we make extensive use of them. We are experiencing an increased number of technical and reliability issues related to the age of our fleet. The urgency to replace our laptops is also compounded by the fact that our vendor support is expiring in March '23, and I think, you know, we've even exceeded the normal timeline. We target for, I think, four years, and we're currently at five, so we are due for a fleet replacement. What you have in the budget line item is that we're exploring an option this time to lease the equipment at \$135,000 per year for the next four years, and that will fully replace our fleet.

Secondly, we require an updated Microsoft Teams system that's compatible with the audiovisual solution to support our connectivity with the hybrid work environment in which we operate. Our system just doesn't work effectively with those that we audit. The nature of a number of our meetings has changed substantially, and we need to upgrade our system to effectively do that. That actually helps to reduce our travel costs, by the way.

2:20

For a number of these items that I'm talking about, we've certainly looked internally on where we can use internal dollars, and we've made the best use of existing resources that we can. That upgrade will cost a hundred thousand dollars, and we're splitting that over two years, so \$50,000 will be covered in our current year budget. As I said, we're using our resources wherever we can to cover these additional costs, and we're able to absorb that in this current year's budget, but next year we will need \$50,000 for that.

Chair, I know that time is short and you've had a long day, so I'm fgoing to conclude my comments there. I do just want to say that your support for our office really does mean that Albertans can be confident that we can continue to provide credible and trusted information on government spending of those that we audit. Credibility is key to the core of our office, and we certainly take our budget requests seriously. I can assure you that we have gone through our operations line by line. Loulou can tell you where every dollar in our office goes, I assure you of that, and we've tried to use our resources very, very prudently and judiciously on behalf of Albertans. We are asking for an increase this year, and hopefully my explanations have supported that. We look forward to answering any questions that you may have.

With that, Chair and members, I'll conclude. Thank you.

**The Chair:** Thank you, Mr. Wylie. Thank you for your presentation.

I will now open the floor to questions from the committee members. I have first on my list Mr. Shepherd.

**Mr. Shepherd:** Thank you, Chair, and good afternoon, Mr. Wylie. It is good to see you again. It's been a little while. My thanks to you and all of your staff, everyone at the office of the AG, for the great work that you do.

I just wanted to start by talking about something that you did mention. Of course, we're all aware that under the new Premier we've had a pretty dramatic reorganization of the government, a not insignificant expansion of the number of ministries, and certainly a shuffling of responsibilities between them. Just questioning, I guess, in terms of – you noted yourself that this is going to be an increase in work for you. You've committed that you're still going to follow through on the timelines and everything that comes through. I recognize that the bulk of your work is financial statement auditing. Now you've got a lot more ministries to audit, more departmental CFOs to deal with. That's all going to add to the workload. I just wanted to ask: when you put together this budget submission, is this reflecting what the reality was before that change, or is this something you've had the chance to adjust after? Have you estimated, I guess, the additional cost to your office to deal with the restructuring and expansion in terms of the ministries?

**Mr. Wylie:** Yes, we have. Member, this is what I was referring to earlier. There are always changes within our audit. That's resulted in approximately 10 per cent more time on those organizations. There are often changes to ministries and program transfers back and forth between various ministries. So it's not a new change. It does require additional time, and we have planned for that. It's

something that we'll have to incur, just as many of the other changes, Member, that happen quite often – I referred to one – where organizational changes do impact our office.

We do the best we can with our existing resources. We always do the best we can with our existing resources, looking at the timing of the work, when we can do that throughout the year, looking at potentially using some individuals within the office in different capacities throughout the year to get the work done. We try to be as responsive as we can to these external changes, but it does have an operation, and it does have an impact on our audit work, for sure.

**The Chair:** Do you have a supplemental, Mr. Shepherd?

**Mr. Shepherd:** Yes. Thank you, Chair, and thank you, Mr. Wylie. I appreciate the clarification on that.

I recognize, yeah, that it is going to require a lot of extra work, I imagine, when it comes to this year's annual report, sort of having to look at what belongs where, how you track the ministry outcomes when the ministries are changing, the priorities are changing, as per, I guess, the mandate letters, partway through the fiscal year.

What I hear you saying is that you feel the financial resources you've requested here are adequate to cover. Are there any other sort of, I guess, costs that might be involved with having to make this shift, then? Will this impact, I guess, the amount of performance audits you may be able to do as opposed to fiscal audits, or are there other costs that are involved in terms of restructuring costs that have to align in part with government changes in some of these other aspects?

**Mr. Wylie:** No. I think this budget is – we've done our best to have this budget reflect, as I said earlier, the reality, the circumstances that we're facing right now. We think that this provides us with the resources to do the work that we need to do relating to the priorities that I've highlighted and the work that we need to do.

I will say this, though, and I'm not trying to pivot away from the line of your questioning. We are at a point where our ability to attract and retain resources is becoming an issue. We're doing the best that we can to reallocate work, the timing of work, who's doing the work, and sometimes, yes, it does require us to pause certain pieces of work within the organization to respond to priorities that do come up. But from a financial budget request right now we think this provides us with the resources that we need to deliver on our mandate, and that includes the financial statement audits that we do, including all of the issues that have arisen relating to changes in accounting standards and, as well, these organizational changes. So we think it's a fair representation of the reality we're facing right now, Member.

**Mr. Shepherd:** Thank you, Mr. Wylie.

**The Chair:** Mr. van Dijken.

**Mr. van Dijken:** Thank you, Chair. Thank you for coming to present to us today, and thank you for your service to the province of Alberta.

Over the years I've been able to have discussions with your office on, essentially, the targets on financial auditing, performance auditing. The mix that is there now is 35 per cent. I think that's increased a little bit over the last number of years. I'm not exactly sure the mandate that your office is tasked with, if financial auditing has to be the priority and performance auditing then goes on resources available or if that's all part of the office's responsibility to determine. Could you just speak to that, on how you arrive at a 35 per cent target on the performance audits?

**Mr. Wylie:** We continue to stretch target on our performance audit work. It's an area where we find both MLAs and the public would like us to do more of.

With respect to our mandate we have a mandate that includes financial statement audits, and it's a broad mandate in the financial statement audit area. It is a priority area from the perspective of our auditees in that there are timelines and commitments when that information is to be publicly released. Take, for example, the consolidated financial statements of the province. There's a target of June 30 to have that work done, and we work very diligently to get that done. Depending on the nature of the issues or complications arising with an audit, it can, in certain cases, cause us to pause certain other work that we might have ongoing in the performance audit area to draw in some of those resources to help meet that timeline.

The financial statement audit really is driven around the timelines of the reporting. One of our performance metrics is to ensure that we meet those timelines of those that we audit, so it is important to us. The time that we spend on the performance auditing, as I say, is – we're trying to have our financial statement audits conducted as efficiently and effectively as possible, never compromising the credibility or the quality of the work but ensuring that we are being efficient, so we can apply those resources to those performance audits, where there is always more of a demand than we're able to supply.

You're correct. We have increased that target. I believe we came in at about 32, 33 per cent, and our target was around 35, so we're not there. We continue to look at various ways of the way we're conducting our work to be able to do more work in the area of performance auditing.

2:30

**Mr. van Dijken:** Yeah. I think back to 2015-2016, when I first became an MLA. It seems to me it was around 25 per cent. You know, we heard each year that the goal was to actually increase that over time. But I also recognize that the actual work of financial audits is a very important part of transparency and accountability within government and the offices, an independent office of the government to have an external auditor, essentially. Performance auditing could maybe be viewed as the internal auditor within an organization to actually increase value for money.

I guess I'm just wondering if we're at the right spot at 35. Do we want to continue to grow that? As long as we can see that there's value for money, then there's opportunity to grow that, but I think that there needs to be the understanding that, one, we have an obligation as government to report back to Albertans on that the departments – the reporting is sound and accurate. Also, we can help Albertans to understand that they are getting value for money through our performance audits.

**Mr. Wylie:** Well, maybe just a couple of things to give context. That might help a little bit. If you look at the landscape across Canada with respect to the legislative auditors, our office – I would suggest that Quebec and our office here in Alberta are fairly financial statement heavy. Let's put it that way. For example, we're achieving about 30 per cent of our work on performance auditing. Ontario spends about 70 per cent of their budget on performance auditing, and that varies across Canada. There are reasons for that, and there are reasons in cost structures between the offices across Canada as well.

I guess I would suggest that, you know, one of the fundamental differences of the performance audits and the reason that came about – it actually came about in about 1978, when historically the role of the Auditors General was to just look at the financial. The

Legislative Assembly appropriates money on behalf of all Albertans; the Crown spends that money, then is accountable back to the Legislative Assembly.

The challenge, though, with just looking at the financials is that the metrics in the public sector are completely different than the metrics in the private sector. When you look at a financial statement in a private sector, the primary purpose of – and the measures are driven around maximizing shareholder wealth, and there are all kinds of metrics. Earnings per share, return on investment: all of these things can be generated from the financial.

In the public sector, to the notion of providing value or quality for taxpayers' dollars, given the nature of the operations of government it doesn't lend itself to being able to glean that from financial statements. In fact, it shows you what was budgeted and what was spent but not necessarily what was achieved with those investments. That's where the whole notion of performance auditing came to be, the efficiency, effectiveness, and economy of the use of the tax dollars. That's where the mandate for the Auditors General came in, which is looking at the value proposition of what was achieved, so not only the question of, you know: was what was budgeted spent over/under? Yes, but also: what was achieved for those dollars? In large part that's what our performance audit really looks at.

You know, you take a program audit, for example. The effectiveness element of an audit of a program is: did you achieve your desired results? What are the processes to allow management to be able to report, through its public reporting, through ministry annual reports, on whether the results were achieved? Member, I would suggest that there is a continued need for our office to focus on performance auditing and that we not usurp the monies that we are trying to delegate for that work.

Prima facie, if you look at the nature of the questions asked by the Public Accounts Committee to management, often it is about: "Could we talk about what you achieved? What were the results of that program?" That's really at the heart of having processes and systems, not only to demonstrate where the money was spent but what was achieved with the money. That's a big part of our work, the accountability back to Albertans to demonstrate that, yeah, you spent the money, but you also achieved A, B, and C with it.

I don't know if that answers your question.

**Mr. van Dijken:** It does. Very good. Thank you for the answer. It was very well stated, I believe.

**Mr. Wylie:** Thank you.

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

Mr. Shepherd.

**Mr. Shepherd:** Thank you, Mr. Chair. I just wanted to return, then, Mr. Wylie, to – you were talking about some of the challenges with recruitment, and I recognize this isn't necessarily a new issue for the AG. I recall your predecessor Mr. Saher also had those challenges and actually spent quite a bit of his time in the office working to, I guess, make the office a more attractive workplace, to be able to compete with private industry and others for the kind of talent that you need. I can appreciate that, you know, things are shifting again in terms of the economy, the market, and certainly the impacts of the pandemic and some other matters. I was wondering if you could give us a bit of a sense of: what do you see being the bigger challenges that you're facing right now in terms of that recruitment? What are the elements that are attracting these workers elsewhere,

and what are some of the mitigations or steps or incentives that you're looking at to address that?

**Mr. Wylie:** Well, let me say what I'm very, very happy about and what I'm very proud about: who is choosing to join our office. Those are young professionals who are dedicated to bettering the province. I'm also very pleased that we are a training office of CPAs. We're training the future leaders, the individuals that actually will be dealing with the issues that we just talked about if they're in the management role, and I'm very positive of those who are choosing to work in the public sector.

Yet I can tell you that it is a challenge that my office faces that, you know, when you visit the universities, there isn't much being taught about public-sector accounting, public-sector auditing, and interest in public-sector financial matters, quite frankly. That's something that, personally, I want to spend some time on over the next few years of my mandate, moving that. What I want to say is that those who are joining our office are committed to the work of the office, and that goes a long way to the value and the quality of the work that we're doing.

With respect to the specific challenges it shouldn't come as a surprise that one of them is salary. Now, we benchmark constantly, as you can imagine, amongst our peers across Canada as well as the private sector. What I can tell you at a high level, without getting into the details, is that generally, to our peers across Canada, we're close. I mean, the salaries are similar; they vary depending on the level of the role that the individual has within the organization. However, our comparison to the private sector and to industry and to the municipal sector within Alberta: we are significantly – our staff are just not comparable.

In fact, let me say this. A recent study of the professional accountants is that Alberta is I believe it's about 18 per cent higher than other jurisdictions such as B.C. Alberta: for whatever reason, the financial accounting world, the individuals, the market rates are higher, and we're just not able to compete with that, Member. That's the reality. It is a challenge that young individuals look at, and they have to make a conscious decision of their career choices. We're very appreciative of those who choose to come and work with us and support and make Alberta better, but that's the reality we're dealing with.

So what are we doing? Well, we're trying to do a number of things. We're trying to keep the people that we are able to attract, but we're also looking at different ways of attracting individuals. We're looking at potentially areas such as seasonal work, trying to capitalize on individuals who have retired early, looking at retirees. There are just a whole number of continual hiring processes. We're looking at having our employees themselves engage and be recruiters to their friends, their networks, et cetera. We really are trying to activate that recruiting process to a year-round basis, looking at alternatives, part-time work employment, seasonal work, those types of things.

2:40

Retaining our staff. We are looking at engaging our staff more. We're also looking at something that is something that kept me around the office for a long time. Listen, the Alberta government is a \$60 billion operation. It's huge, and it's got interesting lines of business. Quite frankly, you're working in the energy sector in the morning, and in the afternoon you can be working in health care. Very challenging as an auditor because the expectation is that you're going to learn those systems and processes quickly, identify the risks and everything else. It's very challenging, but it's very rewarding. There's a breadth of experience.

One of the things we're trying to do is line up the interests of those that work in our office. If someone has an interest in health care, they have an interest in environment, they have an interest in municipal government, we're trying to line up and match up so that the audits that they're working on line up with their personal interests as well as their learning objectives. We're trying to help and become more of a learning organization that also works with the individuals, their learning interests that dovetail with our work.

Member, we're trying numerous – numerous – ways on both fronts to attract as well as retain. I'll stop there.

**Mr. Shepherd:** I appreciate that breakdown, Mr. Wylie. Certainly, in my role as Health critic I've heard a lot about recruitment, retention, and training over the last few years and can appreciate some of the aspects that seem to be similar in your work.

Could you just give us a sense, then, just as a final follow-up, of what are the actual – quantify, actually, I guess, what some of the shortages would be for you? Like, how many additional staff would you need to sort of be, I guess, at the capacity that you would like to?

**Mr. Wylie:** We're targeting 150 FTEs, and we're currently at 145. We need to get up to the 150 FTEs. If you'll recall, Member, last year our target FTE was over 150 as well, and we're just not able to get there. I think last year we were at 146. This year we're at 145. That's what we're looking at, 150.

**Mr. Shepherd:** Excellent. Thank you, Mr. Wylie.

**The Chair:** Are there any additional questions from the committee? Mr. Orr.

**Mr. Orr:** Yeah. Thank you very much. Let me just assure you: I truly appreciate the work that you do. It is absolutely essential to, well, industry and government, quite frankly. Whatever role you're working in, you're in government. I believe that without accountability there's no integrity, and without the integrity there's no confidence. We need those. Even in terms of performance audits, you know, without some sort of evaluation improvement doesn't happen, either. So it's all good in my mind, and I'm totally supportive of what you're doing.

Just two areas of inquiry I'd like to pick out quickly. Back to the questions that MLA van Dijken was asking, it's just a little thing that has often sort of niggled at me a bit. The performance pieces: I often find them nebulous. Maybe I can put it this way. Too often it seems to me like they're not results-oriented kinds of performance standards; they're more just sort of activity or churn. I don't know how you improve that. It's just a comment. Maybe it's just a weird way that I feel about it when I read those things. Sometimes I say: well, that tells me nothing. I struggle with that a little bit. I'd appreciate your insights into how you get at real performance standards and how they can be made – I don't know – I guess more substantial. I'll let you respond to that one first if there's anything you can ...

**Mr. Wylie:** Member, I just need to be clear on one thing, and it's a critical point from my perspective. Are you referring to our performance audit reports? Or are you referring to the reports of the those that we audit?

**Mr. Orr:** The second one. Exactly.

**Mr. Wylie:** Those that we audit.

**Mr. Orr:** Yes.

**Mr. Wylie:** Yeah. Great observation. It's something that is going to be a priority for our office, as I've mentioned, in the next fiscal year. How do I address this in the best way? You know, let me say this. I've been with the office for a number of years, and I can remember back in the days when I think it was Minister Dinning at the time introduced business plans, performance reports, the whole concept of ministerial accountability in action. Key to that was ministerial accountability. A business plan: you set out what you want to achieve, what you're going to achieve, and you put it in a plan, how many resources you're going to need, and the performance metrics.

There was a very, very close working relationship back then with the government, particularly the minister's office and our office, on this whole reporting side. We moved into the area of actually – they wanted us to provide assurance on their performance reporting. We worked with them and worked to achieve that. So you would've noticed, many years ago, we conducted specified audit procedures on performance measures that were included in the ministry annual reports. The ultimate objective was for us to be able to issue an audit opinion on the nonfinancial performance reporting of government.

Unfortunately, over the years, I would suggest, the best way to describe it was that that became less of a priority. In fact, we were then being associated with our involvement with those metrics. We were being associated with condoning the measures that were being reported when, in fact, we didn't have anything to do with that. We were spending significant resources, and quite frankly I think a decision of the AG at the time was that – you know what? – for our audit effort we're just not able to provide the level of assurance that was originally requested, and we no longer do that work.

Now, what does that tell you? I think it tells you that there can be improvements to be made in the area of public reporting of nonfinancial performance measures. You can report on the – and in most ministries I think you'll still see that. You won't see our assurances on any of that information, but I think that there's still an assertion by management that, you know, the information is reliable, that the data underlying the metrics are reliable, that the information is comparable to budget. So whatever was included in the business plan is being reported on in the results report.

The biggest thing that's missing from that assertion is: is the measure relevant? The relevancy assertion. We can say the data's correct, it's in the right period, aligns to the budget, and everything else, but is it the best measure? Is it the most relevant measure? Does it measure what you want it to achieve? I would suggest that's the area that if I was to sit down and have a discussion with influencers who could make this happen, it would be on that area.

Programs are designed to achieve specific objectives, right? What are the measures that you're establishing? How are you going to know that you're achieving what you want to achieve, both with respect to the quality of the services, the efficiency of the services – right? – those types of things. That, to me, is the biggest challenge in this whole area of nonfinancial performance reporting, the relevancy of the performance measures.

I would suggest to you, Member, that that's what you're hearing from your counterparts at the Public Accounts Committee when they're asking questions of ministries about their performance reporting. It isn't really – if you look to the heart of the questions, I'd suggest it's about the relevancy of the measures. I think that's where the biggest bang for the buck would be achieved if we were to invest time and effort into public performance reporting, which I

am a strong advocate for. Again, it's something that I'd really like to be able to do something with before I hang up my hat in this role and move on to other things.

That, to me, I think would reap huge benefits to Albertans, because that's what Albertans want. The programs are designed to either deliver services to vulnerable Albertans or to achieve a specific number of jobs, for example, with respect to a program. We want job creation, we're going to create 5,000 jobs; well, how many jobs did you create? The learnings from that are beneficial. What did we do that worked well; what did we do that didn't work so well?

2:50

Using both of those, that information, to help better programs to better serve Albertans in the future: that's what I would suggest that I'd be having a discussion on with anyone who's really interested about moving the needle on that. It would be the relevancy of the performance measures and the rigour applied upfront to them.

**Mr. Orr:** I definitely appreciate your insights. I've just had an angst over the years as I keep reading these things, and I think you're right on. I couldn't agree with you more. Thank you for your thoughts on it.

**Mr. Wylie:** Thank you for the question.

**The Chair:** Was there anyone else on the committee that had any other additional questions? Online? Mr. Loyola, go ahead.

**Member Loyola:** Well, Mr. Wylie, I just wanted to express that I've never seen from a public servant such passion when it comes to their job. And I really want to thank you for that because it reminds us, at the end of the day, what we're doing here. So thank you for your insights today and for inspiring us.

**Mr. Wylie:** Thank you for the opportunity, Member.

**The Chair:** Any other questions? Online?

Well, then, I guess that just leaves it to the chair to say thank you, Mr. Wylie, to both yourself and your staff for your presentation and for responding to the committee's questions. For your information it's anticipated that the committee's decision on the officers' budgets will be sent out to you in writing early next week.

**Mr. Wylie:** Well, thank you very much, Chair and members, for your time. I really do appreciate it. Thank you so much.

**The Chair:** Thank you.

Okay. That was our last presentation for the day. If it's the will of the committee, this might be a good time to take a short break before moving on to making decisions about officers' budgets. If we could get back here at 5 to 3. There we go.

[The committee adjourned from 2:52 p.m. to 2:57 p.m.]

**The Chair:** Welcome back, everyone. As we've completed agenda item 4(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 that we have appropriate wording for each budget estimate under consideration.

I'd suggest that we deal with the estimates in the order received, starting with the office of the Child and Youth Advocate. Do we have that motion up on the – we do. Moved that the Standing Committee on Legislative Offices approve the 2023-24 budget estimates for the office of the Child and Youth Advocate in the amount of \$16,205,000 as submitted.

Can I have someone move that motion? Mr. van Dijken moves. Moved by Mr. van Dijken that

the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Child and Youth Advocate in the amount of \$16,205,000 as submitted.

Discussion?

**Mr. Orr:** Question.

**The Chair:** All those in favour of the motion as read, please say aye. Anybody against?

That motion is passed.

We'll now move on to the legislative offices. Moved by whoever that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$8,534,415 as submitted.

Do I have a person to – Mr. Dach. Moved by Mr. Dach that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$8,534,415 as submitted.

Any discussion? All in favour? Anybody against?

I declare that motion passed.

Moved that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Ethics Commissioner in the amount of \$999,500 as submitted.

Is there anybody? Mr. Loyola. Moved by Mr. Loyola that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Ethics Commissioner in the amount of \$999,500 as submitted.

Any discussion? All in favour? Any opposed?

That motion is carried.

Moved that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Ombudsman in the amount of \$4,480,000 as submitted. Do I have somebody that is willing to move that motion? Mr. van Dijken. Moved by Mr. van Dijken that

the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Ombudsman in the amount of \$4,480,000 as submitted.

All in favour? Opposed?

I declare that motion passed.

Our next motion: moved that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Public Interest Commissioner in the amount of \$1,410,000 as submitted. Do I have somebody that's prepared to move that? Mr. Orr. Moved by Mr. Orr that

the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Public Interest Commissioner in the amount of \$1,410,000 as submitted.

Is there any discussion?

All those in favour? Any opposed?

I declare that motion passed.

Okay. Moved that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Chief Electoral Officer in the amount of \$42,397,000 as submitted. Do I have someone that's prepared to – Mr. Dach. Moved by Mr. Dach that

the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Chief Electoral Officer in the amount of \$42,397,000 as submitted.

Discussion?

**Member Loyola:** Mr. Chair?

**The Chair:** Yes.

**Member Loyola:** I would like to move an amendment, please. I would like to move that the budget be amended to increase it by \$150,000.

**The Chair:** By \$150,000 or \$115,000?

**Member Loyola:** By \$150,000.

**The Chair:** By \$150,000. So that would make it \$42 million . . .

**Member Loyola:** Yeah, \$42,547,000.

**The Chair:** So \$42,547,000. Okay.

We have a motion to amend.

**Member Loyola:** May I speak to the motion?

**The Chair:** Yes, you may, sir.

**Member Loyola:** I'd like to appeal to my esteemed colleagues on the other side that on this side we firmly believe that there is no independent Election Commissioner and that there should, at minimum, be an Election Commissioner within the office of the Chief Electoral Officer.

The members of this committee have an opportunity. You know, we have a new leader – right? – and they sent a message to Albertans that the most vital institution that supports democracy is elections. That means the Chief Electoral Officer was fully responsible for how elections are run, and in that office there should be an Election Commissioner responsible for compliance, for ensuring that contributions are legal, for ensuring that election laws are upheld. The CEO himself has made a recommendation that there should be prohibitions on publication of misleading information on the Internet and through social media. This will drastically expand the scope of the office.

So in considering this motion, I encourage my colleagues across the aisle to ask themselves if they think that an Election Commissioner, separate from the Chief Electoral Officer, is a frivolous position. I would ask all members around the table to approve this motion, all the members of this committee, and in that way together we can send Albertans a signal that the UCP and all of us support democracy and that we will do whatever it takes to protect it.

3:05

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

We have an amendment on the floor to our motion. Is there any discussion on that amendment?

**Mr. van Dijken:** I'll speak to it.

**Mr. Hunter:** Mr. Chair?

**The Chair:** Yes, Mr. Hunter?

**Mr. Hunter:** Oh, I just wanted to speak to it as well.

**The Chair:** Okay. We have Mr. van Dijken first, and then I will put you on there.

**Mr. van Dijken:** Okay. Thank you. I do not believe I'll be supporting this motion. The Chief Electoral Officer has in his mandate the responsibility towards ensuring that elections and the process within the elections in our province are run in a way that is upheld to the standards that have been set. The Chief Electoral Officer is able to, within his budget – I believe he has presented a budget that fulfills his mandate. I think we would be offside at

this time to say to him that he's not fulfilling his mandate by asking or telling him that he needs to essentially spend another \$150,000 because he wasn't doing his job. I think that's an insult to the officer himself, and I believe that, in my opinion, we should be honouring the original ask. If there is a will of the Legislative Assembly to change the mandate and to change the current conditions that the Chief Electoral Officer is mandated to follow, then that's up to the Legislative Assembly. But I believe that this, what Member Loyola is speaking to, is covered off in the mandate that has been given to the Chief Electoral Officer, and I believe that the budget that he has presented is very much in line with serving Albertans to his full ability within that mandate.

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

**Mr. Hunter:** Yeah. I just wanted to ask, Mr. Chair, for clarity. This is the first time that I've been on this committee. Is it the purview or the mandate of the committee right now to make policy decisions, or are we just looking at budgets? This seems like a policy shift to me. What is our mandate right now?

**The Chair:** I do not believe that we can make policy on this committee, but as the chair I'm looking at this and going: we cannot. Just maybe for clarification for Mr. Loyola: if we were to increase the budget of the office of the Chief Electoral Officer, we cannot put attachments to how he would spend that money or to where that money would go. As far as we are concerned here as a committee, this would be an increase of \$150,000. Where that money would go is completely up to the Chief Electoral Officer. My understanding is that this committee simply has to make the decision whether we want to increase the budget by \$150,000 or not.

**Mr. Hunter:** Okay. Well, thank you very much for the clarity on that. Based upon that, I'm not sure whether Mr. Loyola wants to withdraw his motion, you know, because his motion was specifically to try to get another office within the office of the chief electoral office. This can't happen, so I'm just wondering if he wants to withdraw his motion.

**The Chair:** Well, technically he's only amending the motion by adding a dollar amount. In his discussion Mr. Loyola was suggesting that he'd like to see that go towards an Election Commissioner, but I'll let Mr. Loyola speak.

**Member Loyola:** Exactly. I'm only making an amendment to the dollar amount. I mean, the mandate of the office of the Chief Electoral Officer could change in the future. It's not something that has to be decided upon right now. But if the Chief Electoral Officer had those extra dollars, he could potentially make some kind of change in the future should he be directed to do so. At this time I'm just making a dollar amendment. I mean, I did provide rationale as to why, but it is the choice of the committee what they would like to do.

Of course, again I stress that having an Election Commissioner is not a frivolous position when it comes to defending our democracy, standing up for democracy. That's what Albertans want us to do, make sure that everything is done, that contributions are legal, and that laws are upheld.

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

Is there anyone else on the committee that would like to speak to the amendment? Mr. Dach.

**Mr. Dach:** Thank you, Chair. I do support this amendment. I think, following Mr. Loyola's remarks, I'll say that should the office of the Election Commissioner or Chief Electoral Officer so decide that in the future, should this amendment pass, to split the operations between an electoral officer and an Election Commissioner so that they're not embodied in one person, then this would allow that to take place because the funding would already be there. We're looking at enabling that for the future. Of course, the elections officer is very much attuned to the will of the public and the public attention, which is turned now on really looking at the fairness of elections and the protection of our democratic institutions. We would be remiss, I think, if we didn't give the office the flexibility it needed to have budgetwise if they so chose to make sure that those two positions were occupied by two different people.

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

Is there anyone else on the committee that would like to speak to the amendment?

**Mr. Hunter:** Yeah. I'd like to just say that – if it's okay, Mr. Chair.

**The Chair:** You can proceed, Mr. Hunter.

**Mr. Hunter:** Okay. Thank you. Look, I understand their point, but the reality is that, you know, I think they asked if they needed more two or three times during their line of questioning, and the response was: no, we don't; we can do what we need to with the budget as presented. I think that it's incumbent upon us to support them in their ask and not to presuppose that they would want to do this when I think they were asked two or three times if they needed more money, and they said no. I think that we need to just stick with the original amount, Mr. Chair.

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

Is there anyone else on the committee that would like to speak to this amendment? Okay.

We'll read the motion as amended. I just want to make sure that Mr. Loyola has the amendment and the motion as it wants to be read, and then we'll vote. So moved by Mr. Loyola that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Chief Electoral Officer in the amount of \$42,547,000 as amended.

Is that the motion?

**Member Loyola:** Yes, it is.

**The Chair:** Okay. We've had the question called. All those in favour of the motion as amended, please say aye. Those opposed? The chair says that this has been defeated.

**Member Loyola:** Mr. Chair, can I request a recorded vote, please?

**The Chair:** There's been a request for a recorded vote. We will read this over one more time and have a recorded vote. We will go through each of the individual members. Moved by Mr. Loyola that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Chief Electoral Officer in the amount of \$42,547,000 as amended. All those in favour? We'll start within the chamber. We'll start with those in favour.

**Mr. Dach:** In favour.

**Member Loyola:** In favour.

**The Chair:** Online, those in favour?

**Member Ceci:** Aye.

**Mr. Shepherd:** In favour.

**The Chair:** Any others in favour?

Those opposed, starting inside the chamber here.

**Mr. van Dijken:** Opposed.

**Mr. Orr:** Opposed.

**The Chair:** Online.

**Mrs. Allard:** Opposed.

**Mr. Hunter:** Opposed.

**Ms Rosin:** Opposed.

**Mr. Toor:** Opposed.

3:15

**The Chair:** Have we missed anybody?

And the results are?

**Ms Rempel:** Thank you, Mr. Chair. There are four votes in favour and six votes against the motion.

**The Chair:**

I declare that motion defeated.

We are back on our original motion. The original motion was by Mr. Dach. Moved by Mr. Dach that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Chief Electoral Officer in the amount of \$42,397,000 as submitted.

Discussion on the original motion. Yes, Mr. Dach.

**Mr. Dach:** I'll just say that I wish the amendment had been carried. However, the motion, I think, should be supported now, without further obfuscation of the role at hand, to make sure the budget goes ahead.

**The Chair:** Any other comments by members of the committee?

Hearing none . . .

**Mr. Hunter:** Just for clarity, Mr. Chair, was that originally moved by Mr. Dach?

**The Chair:** I'm sorry. Could you say that again, please?

**Mr. Hunter:** Was the motion originally moved by Mr. Dach?

**The Chair:** The motion was originally moved by Mr. Dach.

**Mr. Hunter:** And yet he voted in favour of an amendment to it?

**The Chair:** That's allowed. That's fine. Somebody proposed an amendment and he liked the amendment, so he supported that amendment.

Okay. We're back on our original motion. The original motion reads: moved by Mr. Dach that

the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Chief Electoral Officer in the amount of \$42,397,000 as submitted.

All those in favour, please say aye. Are there any opposed?

I declare that motion carried.

Our next motion. Moved that the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Auditor General in the amount of \$29,620,000 as

submitted. Do we have somebody that is prepared to move this motion?

**Mr. van Dijken:** Moved.

**The Chair:** Mr. van Dijken has moved the motion. So it should read: moved by Mr. van Dijken that

the Standing Committee on Legislative Offices approve the 2023-2024 budget estimates for the office of the Auditor General in the amount \$29,620,000 as submitted.

Discussion?

Okay. Let us vote. All those in favour? Are there any opposed?

I declare that motion carried.

With that, we have now completed the review of the officers' budget estimates for 2023-2024. I want to thank everyone very much for all of your hard work today.

We are now on point 5 of our agenda, other business. Are there any items for discussion under other business?

If not, the next meeting for the Legislative Offices Committee will be at the call of the chair.

Would a member be willing . . .

**Mr. Orr:** Move to adjourn.

**The Chair:** Mr. Orr moves to adjourn this meeting. Thank you very much. We are – do we have to vote? Oh, that's right. We do have to vote. It's been a long day. All those in favour of the motion to adjourn? Anybody against? That motion is carried.

Thank you very much. We have worked hard. We will see you folks later in the Chamber next week. Thank you very much.

[The committee adjourned at 3:19 p.m.]





