



Legislative Assembly of Alberta

The 31st Legislature  
First Session

Standing Committee  
on  
Legislative Offices

Friday, December 1, 2023  
8:30 a.m.

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**Legislative Assembly of Alberta  
The 31st Legislature  
First Session**

**Standing Committee on Legislative Offices**

Getson, Shane C., Lac Ste. Anne-Parkland (UC), Chair  
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC), Deputy Chair

Brar, Gurinder, Calgary-North East (NDP)\*  
Chapman, Amanda, Calgary-Beddington (NDP)  
Dyck, Nolan B., Grande Prairie (UC)  
Eremenko, Janet, Calgary-Currie (NDP)  
Hunter, Grant R., Taber-Warner (UC)  
Long, Martin M., West Yellowhead (UC)  
Renaud, Marie F., St. Albert (NDP)  
Shepherd, David, Edmonton-City Centre (NDP)  
Sinclair, Scott, Lesser Slave Lake (UC)

\* substitution for Marie Renaud

**Legislative Officers**

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

**Office of the Auditor General Participants**

Loulou Eng	Senior Financial Officer
Karen Zoltenko	Business Leader, Financial Statement Audit Practice

**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 Participants**

Bolu Idowu	Director, Strategic Support
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**Office of the Information and Privacy Commissioner Participants**

David Mattiello	Manager, Innovation Technology and Records Management
Sebastian Paauwe	Manager, Information and Technology Engagement
Cara-Lynn Stelmack	Assistant Commissioner, Case Management

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

Gladys Gonyoe	Director of Corporate Services
Peter Sherstan	Deputy Ombudsman and Deputy Public Interest Commissioner

### Support Staff

Shannon Dean, KC	Clerk
Teri Cherkewich	Law Clerk
Trafton Koenig	Senior Parliamentary Counsel
Philip Massolin	Clerk Assistant and Director of House Services
Nancy Robert	Clerk of <i>Journals</i> and Committees
Abdul Bhurgri	Research Officer
Christina Williamson	Research Officer
Warren Huffman	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Christina Steenbergen	Supervisor of Communications Services
Shannon Parke	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>



8:30 a.m.

Friday, December 1, 2023

[Mr. Getson in the chair]

**The Chair:** All right. Ladies and gentlemen, if you haven't taken a seat, you might want to do that. It is showtime. We are on air. So we'll call the meeting to order. I'd like to welcome the members and staff and the guests to this meeting of the Standing Committee on Legislative Offices.

My name is Shane Getson, the MLA for Lac Ste. Anne-Parkland. I like to refer to it as God's country. If you haven't been there, you should see it, and you'll have the same opinion after 20 minutes, I'm sure. I'd like to ask all those members that are joining the committee at the table to introduce themselves for the record. We'll go around to the right, and then we'll go to the folks that are joining remote. To my right.

**Mr. van Dijken:** It's Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock.

**Mr. Sinclair:** Scott Sinclair, MLA for Lesser Slave Lake.

**Mr. Dyck:** Nolan Dyck, MLA for Grande Prairie.

**Mr. Hunter:** Good morning, everyone. Grant Hunter, MLA for Taber-Warner.

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

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

**Member Eremenko:** Good morning. Janet Eremenko, MLA for Calgary-Currie.

**Ms Cherkewich:** Good morning. Teri Cherkewich, Law Clerk to the Assembly.

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

**The Chair:** And we'll go remotely.

**Ms Chapman:** Good morning. Amanda Chapman, MLA for Calgary-Beddington.

**The Chair:** Perfect. I would like to name that substitution. Member Brar will be substituting for Ms Renaud this morning.

A few housekeeping items to address before we turn to the business at hand. Please note that the microphones are operated by *Hansard*, so we don't have to be messing with that. Committee proceedings are being live streamed for the 15 people that are up this early in the morning perhaps watching us. Give a big wave. Members participating remotely should ensure they're prepared to speak or vote when called upon, and the videoconference participants are encouraged to have their cameras on while speaking. Please ensure your cellphones, table trays, and everything else are locked in the appropriate positions. We don't want to be interrupting the meeting once we're going here.

I'd like to draw to everyone's attention to the draft meeting agenda. Would anyone like to propose any amendments?

Could I get a motion to approve the agenda if there are no amendments to the agenda?

**Mr. Hunter:** Moved.

**The Chair:** MLA Hunter. All in favour? Perfect.

**Ms Rempel:** You have to say that it's carried.

**The Chair:** And it's carried. Thank goodness Jody is here to my left to keep me going; I'm not fully caffeinated yet.

Approval of the minutes of the previous meeting. We also have a set of minutes from our last meeting. Would anyone like to propose any amendments to those meeting minutes?

Seeing none, would a member like to – I see the Member for West Yellowhead. All in favour? Motion carried.

I guess I should go to the phone. I'm assuming that you're okay, MLA Chapman. I didn't see you raise your hand. Awesome. Thank you.

So the first one up – let's see here. We have the Public Interest Commissioner on a records retention schedule. At this point I'd like to call Mr. Brezinski, who is both the Ombudsman and the Public Interest Commissioner, to join us at the table. Your colleagues are welcome as well.

A few notes for the record while the Public Interest Commissioner is getting settled, which they are; they're really quick. The committee has received a request from the Public Interest Commissioner requesting our approval: should we propose a records retention schedule for that office? Should the committee agree to the request, we will need to pass a motion approaching an order of the committee. A draft potential order was included in the briefing material.

Mr. Brezinski, I believe you have a few introductory remarks for that request, if you'd like to proceed, sir.

**Mr. Brezinski:** Good morning, Chair and members of the committee. Thank you for the opportunity to present to you today. To my right is Peter Sherstan. He's my deputy commissioner as well as Deputy Ombudsman. As you mentioned, we are seeking this committee's consideration to make an order that would allow my office to implement a records retention and disposition schedule. Currently my office does not have a retention policy in place, and section 44.1 of the public interest disclosure act provides a mechanism for the committee to make an order that would permit my office to manage records in our custody. Although this act has been in effect for 10 years, this section has not previously been enacted. I believe it's prudent to have a policy in place to effectively manage our records and ensure that no personal information is retained unnecessarily.

We've provided you with our proposed retention schedule for information. Although our office is unique, we have conducted research in other GOA departments to ensure that we are consistent in our approach to records retention and disposition.

Lastly, for your awareness, and not relevant to the public interest disclosure act, the Ombudsman Act does not allow for the disposition of records, which we hope someday will be considered with amendments to this act. Currently we have records dating back to 1967 on the Ombudsman side. So just for information.

Thank you.

**The Chair:** Thank you.

Do any committee members have any questions about the introductory remarks from Mr. Brezinski and the request for the records retention schedule? Go ahead. It would be the Member, if I'm saying this correctly, for Calgary-Currie.

**Member Eremenko:** That's right. Thank you.

Thank you so much for being here right at the top of the morning. I'm just curious about why it's taken 10 years for this request to come to our committee.

**Mr. Brezinski:** Good question. I think there wasn't really a direct need. The office has only been in place since 2013. All of our

records currently are managed on our records management system, so we don't have any paper copies in place currently. I think it's just a matter of it's been 10 years now, a fresh look at things, and we determined, I think, that this needs to be done now.

Thank you, though.

**The Chair:** Any follow-up questions? No?

Any other questions from the table?

Okay. I guess I would open it up for discussion. Is there anyone who would like to either move a motion forward for the approval of the request or contradictory?

**Mr. Dyck:** I'd like to move a motion.

**The Chair:** Okay.

**Mr. Dyck:** I'd like to move that the Standing Committee on Legislative Offices approve the proposed order as distributed, that provides for the implementation of a records retention schedule for records under the custody or control of the office of the Public Interest Commissioner.

**The Chair:** Perfect. All in favour of the motion? And to the person online?

**Ms Chapman:** Chair Getson, how do you want me to indicate my vote? Verbally or a thumbs-up?

**The Chair:** Well, for the record I can see the thumbs-up, but the folks on the audio will need you to say an aye. Once we go to the mic, you'll have to say it verbally.

**Ms Chapman:** Got you.

**The Chair:** Perfect. Thank you.

Any opposed? It looks like everyone is in favour.

Motion carried.

Thanks, everybody. The appropriate order will be processed through Parliamentary Counsel, and we'll table copies in the Assembly next week.

Thank you for that first order of business. That went seamlessly, folks. This is good for first thing in the morning.

The next one is the officers of the Legislature, the 2024-25 budget estimates, the report on the audit results from the office of the Auditor General. One brief note for information – the clerks are going to keep us all on our toes today – before we start doing the heavy lifting. The Auditor General is responsible for conducting the audits of the other officers of the Legislature, and the copies of these audit results are included in the annual report from the officers. However, it is this committee that is responsible for arranging the annual audit of the offices of the Auditor General. We currently have a contract in place with the firm of St. Arnaud Pinsent Steman to conduct the work, which includes a requirement of the annual audit exit meeting, that is part of the standard audit process.

On November 27 the deputy chair and I met with the Auditor General and senior staff and the team from his office as well as the audit team from St. Arnaud Pinsent Steman, and I'm pleased to confirm that the 2022-2023 audit was completed without any issues that were identified. Of course, the Auditor General has included a copy of the final audit documents for the office in his annual report. Should the members have any questions, they can be raised with the Auditor General later today, when his office appears before the committee. The vernacular for that report was very vanilla – you know, using the accounting terms – so nothing awry. It was very

straightforward. The deputy chair and I had grilled them for about an hour back and forth, and it was absolutely benign, so great, great results from that.

For the remainder of the day this committee will be reviewing the annual reports, business plans, the 2024-25 budget submissions from the officers of the Legislative Assembly. As we review the budget submissions, I'd like to remind everyone again that these budgets are for the independent officers of the Legislature. This committee fulfills a budgetary oversight role, but we must be careful not to infringe on the independence of the officers. So, again, they're separate from us. Our oversight is what is required here. These independent officers are responsible for the administrative decisions made in respect of resources and staff. In practical terms this means that while we approve the total dollar amounts for each office, where an amount that may or may not be of difference has been requested, we don't adjust the line items. In other words, we don't go through and change their budgetary items. We're asking about their budgetary items and getting a sense and a level of comfort of if the requests are reasonable to the committee.

**8:40**

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 need to make a decision on budget submissions from each office and officer. Please ensure you have all the information you need to vote on the budget estimates for each office.

We have a full day ahead, and I'll encourage everybody to stay caffeinated, make sure you use the time effectively, and we can all get out of this one alive in a timely manner and get home to the people we really want to be with today.

The first up is the office of the Ombudsman and Public Interest Commissioner, and you have 10 minutes. I'm just kidding. It's from 9 until 10:15; that's what we have slotted. Once again, Kevin Brezinski and his colleagues representing both the offices of the Ombudsman and Public Interest Commissioner. Mr. Brezinski and colleagues are here to present the budgets for two offices, the Ombudsman – okay. We're just going to save a lot of time. You're up. Let's do that.

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

**Mr. Brezinski:** All right. Thank you, Mr. Chair, and thank you again to all the committee members for giving us the opportunity to speak to you today about the offices of the Ombudsman and Public Interest Commissioner. This is the first year of my appointment and my first opportunity to present to this committee. I already introduced Peter, and to my left is Gladys Gonyoe. She's our director of corporate services. I will be presenting each office's annual report, Peter will provide an overview of the '24-25 business plans, and Gladys will speak to each office's budget for the upcoming fiscal year.

**Mr. Sherstan:** Sorry. The slides aren't appearing yet. Is there a way we can just get the slides on?

**The Chair:** We were going to test you and see how well you know your numbers.

**Mr. Brezinski:** Good catch.

**The Chair:** They probably weren't expecting my remarks to be so brief and expeditious to get this thing going.

There we go.

**Mr. Brezinski:** Thank you so much. We've provided you with copies of our annual reports, budget estimates, and business plans and a copy of our presentation, which I'm hopeful will also be of benefit to you.

This is our current year's organizational chart, which shows a total of 40 positions for both offices combined. We have 33 positions which are the Ombudsman office and seven positions which are the Public Interest Commissioner's office; 13 of the Ombudsman positions provide services to both offices. It's important to note that while our two offices operate independently, they share administrative services. These services include executive management, finance, human resources, administration, IT, communications, and our legal services. This has allowed us to achieve better efficiencies for budget allocations. This is an area that Gladys will speak more about in her presentation.

I'd like to point out that last year this committee approved four new positions to address the workload in both offices to support our vision of conducting outreach to all Albertans and authorities. We added two investigators and one outreach position for the Ombudsman office and one analyst position for the public interest office. We will continue to assess the effectiveness of our teams moving forward. This year I'm pleased to report that we will not be asking for any additional positions.

For those committee members that are new, I'd like to provide a brief overview of my role as Ombudsman. We conduct thorough, impartial, and independent investigations of complaints from Albertans who feel they've been treated unfairly by administrative bodies that fall within our jurisdiction, which is over 700 entities. The following administrative bodies fall under my office's jurisdiction: provincial government authorities, municipalities, the patient concerns resolution process of Alberta Health Services, health professions and other designated professional organizations such as the college of physicians.

Once we determine that a complaint falls within our jurisdiction to investigate, we aim to resolve it through our early resolution process. For matters that are more complex, we look for fair resolutions and may make recommendations to improve administrative processes. We may also launch investigations stemming from a referral by a committee of the Legislative Assembly or a minister of the Crown. I can also initiate an investigation on my own motion when I have identified an issue which I believe is systemic in nature.

One important aspect that I would like to highlight to the committee is that if a constituent comes to your office complaining of unfair treatment in the public sector, you can always refer that person to call our office, where they can speak to one of our intake investigators.

In addition to conducting investigation, part of our mandate and focus is to provide education to Albertans and authorities related to administrative fairness. We also strive to achieve to be recognized as leaders in our field. As noted in the annual report, we've conducted outreach to vulnerable communities and have plans in place to expand our role in this space.

It's equally as important to understand what types of complaints we can't pursue. We do not investigate complaints involving the federal government, police, universities, schools, private-sector companies, or individuals. We do not investigate complaints about the decisions of the courts or issues that are before the courts. Unlike the Public Interest Commissioner, the Ombudsman does not investigate complaints about MLAs. We are neither advocates for complainants, nor do we represent government departments or professional organizations. If a complaint is nonjurisdictional, we always provide the citizen with as much information as possible to ensure that they get the help that they need.

Now I'd like to speak about our numbers. We saw a slight 1 per cent increase in the total number of cases we received by fiscal year-end. This slide also breaks down the cases by inquiries and complaints. As noted in the previous slide, last year we opened a total of 1,462 written cases. This slide provides a breakdown of the various sectors involved in those cases that were jurisdictional to our office. The authorities that we receive the highest number of written complaints about are Alberta Works, corrections, WCB, children's services programs, maintenance enforcement, and AISH. There are a variety of reasons why people feel that they were treated unfairly. Some examples are: benefits were denied or terminated, a lack of communication from the authority, delays in decision-making, and, relative to children's services, complaints about the apprehension of children.

The timeline to close written complaints has remained consistent with previous years as we continue to focus on early resolution as a key driver to ensure efficient, timely, and thorough investigations. Years ago the standard practice was to conduct full investigations, which can take a year or more to conclude. What we have continued to find is that by introducing early resolution in all cases, our success at resolving complaints in a relatively short time frame remains at a high level. Further, you can see from the numbers provided in this slide that 91 per cent were closed within three months, 6 per cent of the more complicated cases were concluded within 12 months, and 3 per cent took longer than one year to conclude.

I'm now going to discuss the investigations we closed this year as well as the recommendations made. Of the more complicated or full investigations we made great strides in closing cases. We noted a 120 per cent increase in the closed cases, in which we made recommendations in 67 per cent of these cases, a 21 per cent increase. It's important to note that all of our recommendations were accepted by the authorities. What does this mean? Well, it shows that we are making a positive impact on improving the overall fairness of processes and decisions in the public sector. For early resolution cases there was action taken by the authority in 30 per cent of the cases, and in the remaining cases we found that the authority acted appropriately.

I would now like to briefly highlight a few cases investigated by my office last year and the resulting outcomes. In one case, as highlighted in the annual report, residents in west Edmonton had complained of an unmistakable, overpowering stench that drove them indoors. Residents complained of headaches, migraines, and feeling sick to their stomach because of the smell. The origin of the smell came from a composting facility. One resident became involved after the issues remained unresolved for over a decade. She complained to a variety of government and city officials. She also collected over 2,000 signatures for a petition to stop the offensive odours. When she had nowhere else to go, she turned to the Ombudsman's office for help.

Our investigation determined that the ministry formerly known as environment and parks, now known as Environment and Protected Areas, was involved in this file since 2011. They had issued an enforcement order but did not follow up to ensure compliance. The department failed to act in accordance with their policy and provided inadequate explanations to the concerned residents. The department failed to act for seven years even though it had stated that the composting facility was under investigation. When my office got involved and identified the shortcomings with the department, all of our recommendations were accepted by environment and parks. Ultimately, the composting facility was shut down.

8:50

In another case an Albertan raised concerns when a summer village approved a development permit for their neighbour's property. The citizen appealed this decision and was charged a \$2,000 fee to submit the appeal. My investigators determined that this fee was significantly higher than that being charged by other municipalities. The high fee created an unreasonable barrier to the appeal process, and I made recommendations to the village to make this process more fair. The village accepted my findings, changed its bylaw, and reduced the fee, a classic example of a municipality accepting my recommendations to solve an issue of unfairness.

My last example relates to a complaint about a rural municipality. In this case a citizen was issued a trespass order from the municipality. The citizen had lost his temper and yelled during a council meeting. He was subsequently banned from attending council meetings for 60 days and felt that this was unfair. Based on our review, we determined the council followed an administratively fair process in issuing the trespass order. As such, this was communicated back to the complainant. This complaint showcases an important function that we serve: we're able to look at administrative decisions in an impartial and unbiased way and communicate our findings to all parties. In many circumstances the authority acts in a fair manner, and we support this through an objective and fair investigation.

In my first 11 months as Alberta's 10th Ombudsman I've been impressed with the level of expertise and passion in my office. I've seen first-hand how this office effectively influences positive change in the public service by conducting impartial investigations, making meaningful recommendations, and connecting with Albertans.

With that, I'm going to turn it over to Peter to present the business plan.

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

As we move forward, the Ombudsman's business plan for '24-25 builds on our previous year's plans but also reflects changes in the environment, the appointment of our new Ombudsman, and the revision of our office's mission, vision, and values. Our '24-25 business plan focuses on four elements: advancing our position as a national leader within the greater ombuds community; increasing the average everyday Albertans' awareness of our office; increasing jurisdictional authorities' understanding of what we do, how we do it, and why it's an important function; and, lastly, the modernization of legislation.

With respect to the first element of the plan in the past year our staff have been active in sharing their expertise within the national and international ombuds community. This has included presentations to our counterparts visiting from Nigeria, lecturing at Osgoode Law in Toronto on investigative practices, virtual presentations to the Ombudsman of Thailand and his staff, and delivering two presentations to an international audience at the United States Ombudsman Association Annual Conference. Our goal is to continue advancing these initiatives through our '24-25 business plan.

With regard to our second key priority, simply put, our office can't help people if they don't know about us. In order to establish a benchmark of Albertans' awareness and perceptions of our office, we engage Canada's largest research and analytics organization to survey citizens from around the province. The results are both enlightening and also disappointing, but it should be noted they are similar to the same research that was conducted by our counterparts in British Columbia and Ontario. Our '24-25 business plan is focused on moving the needle to increase the public's awareness of how we can help.

Last year the committee provided our office with increased funding that resulted in the hiring of an experienced outreach and

engagement lead. We have developed a one-year integrated marketing and communications plan and a three-year strategic communications plan, which we will implement this year, to increase Albertans' awareness of our office.

Through demographic research we have identified vulnerable Albertans and newcomers for targeted engagement initiatives. We'll track the progress through metrics such as web traffic, social media impressions, and information gathered during our intake process.

As Gladys will explain, some of the additional budget allocation we are seeking for '24-25 will be earmarked for specific outreach initiatives. While historically we've done a good job ensuring that jurisdictional authorities are aware of our office, we are now focused on increasing their understanding of our office. This means interacting with those agencies, boards, commissions, departments, and municipalities proactively outside of the investigative process.

Finally, given that the Ombudsman Act has not undergone a fulsome review since it came into force in 1967, we continue to pursue changes to our governing legislation that will modernize elements of the act that will better serve Albertans. One small yet significant change would be to ensure that there is a periodic review of the Ombudsman Act by one of the standing committees such as is found in the public interest disclosure act. We are actively engaged with the legal team from Justice and are hopeful that legislative amendments may be forthcoming in the spring session.

I'll now turn it over to Gladys for an overview of our proposed budget.

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

Good morning. Thank you for the opportunity to provide an overview of the Alberta Ombudsman's forecast and what Budget 2024-25 means to providing equitable treatment for all. For the current fiscal year, ending March 31, 2024, as shown in the slide, we are forecasting to spend approximately \$4.3 million in expenses, which is 96 per cent of the '23-24 budget, meaning that we plan to lapse 4 per cent, or \$180,527, saving Albertans some money. The savings are primarily due to vacancy and timing of hiring of an investigator and the outreach staff later in the year while budgeting for a full year of '23-24.

This slide shows our requested estimate compared to Budget '23-24. As done in years past, the development of the '24-25 estimate considers factors including current economic conditions, our business plan, and future goals, keeping in mind the need for fiscal prudence. Our estimate for '24-25 remains relatively flat, with a minor increase mostly in salaries, wages, and benefits to account for merit increases of 4 per cent for nonmanagement and 3 per cent for management.

Budget '24-25 presents an opportunity to continue the momentum of the findings from the Leger survey presented in the last budget. For that reason, we are requesting an increase in our marketing budget and outreach budget. Therefore, we are requesting a modest increase of \$17,300 compared to Budget 2023. We are also requesting a \$53,000 increase in office equipment and supplies to true up and adequately fund that expense line.

Also, as mentioned by Kevin earlier, I'd like to emphasize the continued importance of the Ombudsman staff providing executive, legal, and corporate services to the Public Interest Commissioner's office. The shared services arrangement results in significant savings to Albertans and is forecasted to be \$451,000 for '23-24 and \$425,000 for '24-25.

With regard to full-time equivalencies our current utilization is 32 out of the 33. We are continuing to evaluate needs based on our



future direction and where best to utilize the last resource. We will likely fill this position within the '24-25 fiscal year.

In conclusion, we are focusing on growing by reaching our most vulnerable communities with the requested increases. Overall, we are requesting a modest increase totalling \$177,800, or 4.7 per cent, from Budget '23-24. Thank you.

Back to you, Kevin.

**Mr. Brezinski:** Thank you, Gladys.

Mr. Chair, this concludes our presentation for the Ombudsman's office, and we can answer any questions that you may have regarding this office.

**The Chair:** Perfect. Well, thank you very much for the presentation. It's very informative, from the chair's position. Very interesting to see what you're doing. Also, I like that the budget proposal is actually looking not bad from my side.

I'd open up to any members for questions on the presentation. Seeing none – oh, there we go.

**Member Eremenko:** To the chair, firstly, I have a couple. Would you like me to do one at a time so that we can make sure that we provide space for everyone else, or can I get them all out at the same time?

**The Chair:** Your preference if you have a ton. But if they are going to be lengthy, maybe one at a time.

**Member Eremenko:** Sure. Just a couple. Just a couple.

Thank you very much, and thank you for the presentation. I'm just curious about some of the statistics around the resolutions. Congratulations for bringing that timeline down so significantly from over a year to the vast majority within three months. But I just hoped for some clarification around the terminology of "resolution." Are these the inquiries that have been made that have been deemed worthy of investigation, that have met the criteria for investigation and therefore a resolution applies exclusively to those that were investigated, or are resolutions 100 per cent of the inquiries?

9:00

**Mr. Brezinski:** Inquiries are typically people calling our office, talking about a complaint that they may have, whether they feel that they were treated unfairly. In many of those cases, a lot of times those cases are nonjurisdictional to our office, but they still have an issue, and we are able to navigate or help them navigate that space and turn them to the right person. In some cases also we may call an authority that is nonjurisdictional to our office just to see if this is the right place that they can actually seek help from, and we would then deal with the complainant or the person that called us as well. We also have, like, within the three-month period some of our early case resolutions. Those are jurisdictional to our office. Those are actual complaints where we can work with the authority to actually identify what the issues may be and resolve them in a quick fashion.

**Member Eremenko:** And is it typically jurisdictional versus nonjurisdictional that determines an early resolution?

**Mr. Brezinski:** Early resolution cases – we call them early resolution. They're like an investigation. Those are jurisdictional to our office always. The inquiries, however: many of those may not be jurisdictional. Sometimes a complainant may call our office when they have a complaint, and they seek advice from our intake investigators. Those cases may be jurisdictional. We ask the complainant then to write into our office. They subsequently do,

and then we would investigate that matter. So that would be considered an inquiry.

**Member Eremenko:** Thank you.

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

**The Chair:** What we'll do: if you have a bunch of them, I think we'll just go back and forth if that works.

The Member for West Yellowhead also caught my eye, and then we'll go back to whichever member might have another list of questions.

**Mr. Long:** Thank you, Chair, and thank you, folks, for your time today and for the work you do every day. I really appreciate that. I actually appreciated your conversation about the waste facility there and the process. So thank you again for getting things done for Albertans. I really appreciate that.

I do see, you know, that on page 17 it indicates that you had 3,251 requests for assistance in the past year, which is an 8 per cent increase compared to the previous year. I was just wondering if you could sort of share with us why you think you're getting more complaints. Like, what contributed to that increase? Is it better advertising and stuff like that, or are people just more willing to reach out? So whatever your thought is on that. And which jurisdictions contributed the most to that increase?

**Mr. Brezinski:** Sure. I can start with your first question. It really depends. You know, sometimes when an issue is made public such as the Cleanit Greenit file, people become more aware of the work that we do, and therefore when they do have an issue, they would call our office. So that could be a reason for the inquiries increasing. But I think that over time, if you look at the last five years, it kind of goes up and down, up and down. It doesn't really have an incline process.

Sorry. Your second question, in relation to . . .

**Mr. Long:** Which jurisdiction contributed the most to the increase?

**Mr. Brezinski:** Just let me look that up. Do you have that, Peter?

**Mr. Sherstan:** I'll just go back to the slides here. Again, any type of income supports program seems to be something that really is where people sometimes are challenged in understanding the program or why they were denied a benefit. So part of what we do is ensuring that they understand the process and that if they have any appeals available to them, they are made aware of how to access those appeals.

Correctional centres as well. We have a very good relationship with corrections, and moving to the early resolution process has seen a dramatic change in how long investigations have been able to be compressed into a short time, and that's to the benefit of everyone, the correctional centre and also the inmates who are there.

Workers' compensation: again, we can only look at a certain part of that, and those are decisions of the Appeals Commission. That's, again, one of our more frequent types of complaints that we receive.

**The Chair:** The Member for Calgary-Currie.

**Member Eremenko:** Thank you. I have a question on the downstream side of things. You'd mentioned that there was an increase of 21 per cent in recommendations made in the last fiscal and that 100 per cent of the recommendations were accepted. I'm curious about whether it is your office's responsibility to monitor the implementation of said recommendations. And as, I suppose, a

bit of a part B, what is the relationship between your office and, let's say, the office of the Auditor General to monitor those recommendations, to monitor the implementation, and even perhaps then pursue further performance audits where required?

**Mr. Brezinski:** Thank you. Yes, we do monitor. When we make recommendations, in many cases we'll keep our case file open until the recommendations are implemented. So we do have a diary date where we go back to the authority, and we have constant communication to determine whether or not our recommendations have been implemented.

In terms of our relationship with the Auditor General it's a little different. You know, our files are kind of separate from the Auditor General. If there is a file that comes forward on both offices, the Public Interest Commissioner or the Ombudsman side, where we think it's necessary to make a referral to the Auditor General or to give the Auditor General a heads-up, that is possible. Most of our investigations are done privately and confidentially, so we have to be careful with that as well.

**Member Eremenko:** Okay. Thank you.

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

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

**Member Eremenko:** No. That's all. Thank you.

**The Chair:** Okay.

**Mr. Long:** Your report mentions that the Ombudsman closed 247 early resolution cases in the past year. I was wondering if you can discuss the process of early resolution with us and why it's so important.

**Mr. Brezinski:** Sure. It's just a less formalized investigation. We'll get a complaint that's jurisdictional to our office. If it was a full investigation, a formal investigation, we would create internal correspondence. It would go through a level of from our investigator to our manager to our director, with me at times sending out a notice to the ministry. The ministry would formally have to respond to the questions that we may have in a formal fashion. That's in a full investigation, which can take several months, over a year at times.

Early resolution cuts kind of the red tape in our office, and it's allowed our investigators to look at an issue, to communicate informally with the authority and the complainant to determine whether there could be a resolution. If we do find unfairness like, for example, that the authority didn't provide adequate reasons why they made a decision to the complainant, we can just simply talk to the authority and recommend perhaps that they can write a letter to the complainant outlining why they made their decision, and it's concluded in a short amount of time. So it's just an efficient way to actually complete investigations.

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

**Mr. Long:** Sure. Please. Yeah. That's awesome. I appreciate that.

I'm just sort of combining this next portion into two parts if that's all right.

**Mr. Brezinski:** Sure.

**Mr. Long:** In a sector-by-sector breakdown 60 per cent of the early resolution cases are provincial government. Out of the total provincial government cases, how many are solved through that

early resolution? Then the back half of that is: what would make a case unsuitable for that early resolution process?

**Mr. Brezinski:** Closed early resolution cases by sectors: for the provincial government, we had 149 cases that we completed via early resolution. When a case is extremely complex in nature, where, you know, the authority, for example, may not necessarily agree with our recommendation, if it may impact a great number of people – it's systemic in nature and needs to be formalized – that's when we would conduct a full investigation.

**Mr. Long:** Thank you.

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

**The Chair:** Any other questions?

**Mr. Dyck:** Thank you so very much for coming. I really appreciate it. Just referencing your annual report here and following up on another question, the report notes that you closed 33 full investigations across all sectors, which was a significant increase from prior years. Is there a reason why there was such a big increase in this? Closed cases are always positive, but is there a reason why there's a big increase here?

**Mr. Brezinski:** I think it's just a real dedicated effort by my staff to complete investigations in this last fiscal year and a lot of credit to Peter. Marianne Ryan had left her position. Peter was the interim Ombudsman before I was selected for the position. I think there were a number of investigations that were maybe a little stale that needed to be completed and, I think, just a dedicated effort by our staff to complete a lot of these investigations, so kudos to them.

**9:10**

**The Chair:** Is there a follow-up?

**Mr. Dyck:** I have a different question if I may.

**The Chair:** Back to this side, are there any?

**Member Eremenko:** I have a follow-up on that particular note. Thank you. Sorry. I appreciate it. Do you survey the individuals who reach out to your office for the level of satisfaction following an inquiry resolution? I'm just curious. You know, I worry sometimes, when we see significant jumps in the way that a case has been filed expeditiously and has been dealt with in a very timely manner, that sometimes that compromises the outcome, that sometimes that compromises the level of satisfaction for the interested parties. I'm curious if you survey those folks on a regular basis or if you have any sense about whether or not there have been changes to the actual outcome or satisfaction of the people who engage.

**Mr. Brezinski:** I can answer, and then Peter can weigh in. We don't have a formal process where we survey our folks who deal with our office. We did do a survey to talk about awareness of our office, and that was through Leger, but we do get that informal feedback when we do speak to the complainants. At the conclusion of an investigation, whether it be early resolution or a full investigation, we get the direct feedback from people, and not always are they satisfied with the outcome, because sometimes the authority did act appropriately. Unfortunately, we just have to be unbiased and impartial and ensure that we just communicate what the findings are.

Is there anything else?

**Mr. Sherstan:** The only thing I'd add is that within the Ombudsman community there has been research on this, and there's a very tight correlation between whether they got the decision they wanted and their satisfaction. So even though there was a very fair process that was involved, some people are just simply unsatisfied. One of the sayings we have is that a disagreement with the decision does not render it unfair. We have to distinguish between life is unfair and the decision was unfair. Sometimes people have been dealt a really tough situation, but there's nothing in legislation or in policy or in regulations that would permit them to get the decision that they want. So that's one of the challenges we face.

But, again, we do have people who have said to us: "Okay; I get it now why I didn't get this benefit. Thanks for looking into it, and I understand better now." A lot of times one of the main things we have is adequate reasons and making sure that the person understands why they were denied a benefit or denied a licence or whatever it might be that they're seeking through an administrative process.

**The Chair:** MLA Dyck.

**Mr. Dyck:** Excellent. On your business plan – a big fan of goals; I have a couple myself. I noticed that you discuss just advancing – and I always screw up the word – Ombudsman's practices not only here in Canada but, it looks like, across the world. Where are you guys at with your goal of doing that? I'm assuming it's a fairly recent goal, but where are you guys at in that goal?

**Mr. Sherstan:** The big question, you know, is "What's in it for me?" in the sense of: why did we talk to our Nigerian or our Thai counterparts or other ones? What we find is that when we do these types of national or international things, there's something that gives you the ability to see: are we where we need to be, are we behind the curve, or are we leading the way? Interacting with these different conferences where we speak, we not only benefit from getting our name out there, but we also benefit from having the opportunity to meet with others. For example, recently I was at a conference where two of us were able to present. During one of the sidebar conversations I met with my colleagues from Michigan and Minnesota to speak about a case management system, which is a large investment for our office. So getting out there and getting to have first-hand accounts of people who are doing the same work that we do, assessing the same systems that we were looking at was very important.

In terms of leading the way, like I say, we've done conferences; we've spoken to our colleagues. It's something that we continue to drive. We've had two of our investigators speak at Osgoode Hall Law on investigative practices within the Ombudsman community. So we're getting out there, and that's one of the things we're very proud of.

**Mr. Brezinski:** If I could just add one comment as well, I also am part of the Canadian Council of Parliamentary Ombudsman, so I meet with all my colleagues across the country. We meet yearly, and we meet online as well. I can tell you that the processes and the work that's done in my office is certainly one of the leaders in the country, I would have to say.

**Mr. Dyck:** Excellent. That's excellent. I have one follow-up.

**The Chair:** Well, we'll throw it back over to the other side. You had two in a row. Let's not get greedy.

Do we have any other questions? I guess that as the early bird you've got this one.

**Mr. Dyck:** The early bird gets the worm. Just following up on this, too, you talked about the potential of AI coming into your office and looking into that. Can you explain a little bit more of the challenges and the benefits of that? I see it potentially making big strides, but I don't want to make assumptions for your guys' office.

**Mr. Sherstan:** Two things: we are aware of automating some government decisions, but there's a difference between automated and artificial intelligence. With the artificial intelligence size it will change over time as the machine learning adapts to other things along the way.

There are two things we're looking at. We want to look at internally: are there systems that we could use internally that will benefit us in assisting in investigations? We also want to look externally: what government departments or municipalities may be moving to AI decision platforms, and what is the fairness of that? How do we assess the fairness of a decision that was never made by a person? That will be something that, as we move forward, we will be conducting assessments on.

**Mr. Dyck:** Thank you.

**The Chair:** Perfect. And MLA from just north of me – I should know it offhand; I just want to say it right – Athabasca-Barrhead-Westlock.

**Mr. van Dijken:** Yeah. Good morning. Glenn van Dijken. I'm going to dive into the budget estimate a little bit and try and get an understanding on the request and possibly some history on the spending that has gone on. One of the questions I do have is with regard to office equipment and supplies, essentially total supplies and services overall. I've been digging into *Hansard* from last year's committee meeting just to try and see if there was any explanation as to why the 2022-23 actuals were quite a bit more than the estimate for budget for '23-24. We were at a \$112,000, just about \$113,000 in spending on office equipment and supplies in '22-23, and then a budget of \$45,000 came forward. Now there's an expenditure for \$87,000. It seems like quite a bit of bouncing around there. You talked about adequately funding that expense item, that line item. Now we've got a projection for an estimate of \$98,000.

One of the things that concerns me a little bit – and I don't know how you move money around within the office, between salaries and supplies and that kind of thing – is the tendency to possibly overspend in an item because the money is available. Why are we seeing now such a difference in a budget item from '23-24 of \$45,000 to an estimate of \$98,000?

**Ms Gonyoe:** In comparing years past up to three years ago from 2020 to 2021, we see that expense line item actually much higher than what was budgeted for. In '20-21 it was \$106,000, in 2021-22 it was \$82,000, and '22-23 is what you see here. I believe that that line was not adequately funded in years past. This is just to true it up, to catch it up to where it's supposed to be without explaining variances of the actual spend versus what was budgeted for.

In regard to moving monies around, if you notice, our salaries, wages, and benefits are the biggest chunk of the entire budget, and it's about 90 per cent. There isn't too much room to move things around because you do have staff that currently work in the offices and you certainly cannot fire anyone, so definitely those stay a bit stagnant.

However, when it comes to the supplies and services, you do have opportunity to move things around. If you notice, we do not have a capital line here, but there are instances where we incur capital expenses, and in that instance we move monies from

wherever we find an opportunity to that line. For instance, as you see on this line, you would have seen that we spent \$98,000 there. However, way below somewhere, at least in the submissions that we gave you, there was a \$20,000 spend for capital, which bumps it up to what was spent last year as well. So it is comparable.

**Mr. van Dijken:** You're correct; there is a cap. That was my next question, essentially. The capital investment for \$20,000 – is that going to be a change in the accounting process going forward? I see there's nothing budgeted for this year, but that was my question. The capital investment: was that supplies? Was that office equipment? How does that cover off?

9:20

**Ms Gonyoe:** Typically our budget requests do not come with different votes. We do not typically come forward for a capital vote. We do come for an operating expense vote. However, this year, with the approval of the staffing that was done in Budget 2023, there were supposed to be four staff added. We realized we didn't have the adequate space. We have offices both in Calgary and in Edmonton. However, in Edmonton we didn't have adequate space for the person that we hired, so we created a cubicle, and that's what created that capital line.

**The Chair:** Are there any other questions?

All right. Well, thank you very much for your presentation. For you folks, unfortunately, you don't get to go away. It's a two for one. We're just going to skip and change gears now over to the office of public interest, so you're up again, sir.

**Mr. Brezinski:** Thank you, Mr. Chair and all the committee members. I'll now present the Public Interest Commissioner's annual report.

**The Chair:** Oh, if I might pause for one moment, Member Brar has caught my eye.

Member Brar, can I get you to read your name into the record so you can participate in the next portion here?

**Member Brar:** Sorry. Say that again?

**The Chair:** Yeah. If I can just get you to turn your monitor on and then introduce yourself, and then we can read you into the record so you can participate in the rest of the meeting.

**Member Brar:** Sure. My name is Gurinder Brar, MLA for Calgary-North East, and I am substituting MLA Marie Renaud.

**The Chair:** Okay. Perfect. Member Brar, when we're speaking, if you wouldn't mind, just turn your video monitor on so we know it's not your cat.

**Member Brar:** Oh, sure. Just give me a second, please.

**The Chair:** No problem. We'll just save that – no worries at all – when you come back.

Kevin, if you want to proceed, please.

**Mr. Brezinski:** Yeah. Thank you. The public interest disclosure act, which is more commonly referred to as the whistle-blower protection act, came into effect in 2013. As noted earlier, the whistle-blower protection act is completely separate legislation, and my work as the Public Interest Commissioner is different from my work as the Ombudsman. For those of you who are new to the committee, the purpose of the whistle-blower protection act is to create a safe avenue for public servants to speak out about

wrongdoings or reprisals. Protection from reprisal is a cornerstone of the whistle-blower legislation.

Our job is to ensure that thorough investigations are conducted when public-sector employees disclose wrongdoing or make complaints of reprisal. Our larger aim is to promote a culture within the public sector that encourages employees and management to report wrongdoings in the workplace. By doing this, we can help to ensure public confidence is maintained in all aspects of the public sector in Alberta.

Under the act a wrongdoing can be contraventions of provincial or federal laws; acts or omissions creating a danger to life, health, or safety of individuals or to the environment; gross mismanagement of public funds or public assets; gross mismanagement of the delivery of a public service; or gross mismanagement of employees through conduct of a systemic nature that includes a problem in an organization's culture relating to bullying, harassment, or intimidation.

A reprisal refers to any measure taken by an employer that adversely affects the complainant's employment or working conditions. It's important to clarify the Public Interest Commissioner's jurisdiction and to whom the whistle-blower protection act applies. Under the act it applies to provincial government departments; offices of the Legislature; public entities, including the health and education sectors; MLAs and their offices; ministers and their offices; the Premier and the Premier's office.

This slide shows that we received a total of 145 cases, which is similar to the previous year's cases of 147. Of the 145 cases, 63 were complaints or disclosures alleging wrongdoing, and 11 were complaints of reprisal. The other statistic provided on this slide notes that we received 71 inquiries where assistance was provided. This includes requests for assistance with policy development and advice regarding the act. We always try to ensure our complainant has the information they need to better understand any protections afforded them under the act and advance their complaint forward.

As noted in the previous slide, last year we had a total of 145 cases generated, and this slide gives you the breakdown of the various sectors those cases relate to as well as the number of cases which were nonjurisdictional. Of note, roughly one-third of all complaints originated from school divisions and postsecondary institutions. One trend that we are seeing is disclosures related to the gross mismanagement of employees; 59 per cent of the disclosures we received related to this wrongdoing. These investigations are quite time consuming, and they usually result in multiple interviews being conducted to determine if allegations are systemic in nature.

I'd now like to provide a few examples of the type of cases that we investigated last year. A whistle-blower came to my office concerned for the health and safety of persons incarcerated at the Edmonton Remand Centre. They reported that medical staff were failing to provide emergency medical care to patients who were in distress or in emergent situations and that patients with abnormal vital signs were not being properly monitored. It was reported that two inmates had died as a result of the inadequate care they received. Of note, Alberta Health Services provides medical services to the Edmonton Remand Centre. After preliminary inquiries my office commenced an investigation to determine whether medical staff at the correctional centre created "a substantial and specific danger to the life, health or safety of individuals," a wrongdoing as described by the act.

The investigation examined the medical records and treatment history of seven individuals. An expert nursing consultant was also retained to review medical records of the patients and provide an opinion on whether the standard of care was met. We looked at this complaint from a systemic lens rather than focusing on each individual case. What we learned is that medical staff did not

provide treatment that met the requisite standard of care. My office made a number of recommendations to AHS, all of which were accepted, again. This case is an example of the effectiveness of the act, where a courageous whistle-blower comes forward with serious concerns, we investigate the concerns and determine that wrongdoing occurred, and the authority, AHS in this case, takes our recommendations seriously and makes positive improvements in their service.

In another case our office made five findings of reprisal against a senior administrative official. Findings of reprisal are uncommon, and this was the first of its kind in Canada under the public interest disclosure legislation. In 2021 the previous commissioner received a disclosure of wrongdoing alleging that a senior administrative official in the education sector was grossly mismanaging employees. Following the investigation, the former commissioner concluded that the evidence did not support a finding of wrongdoing.

The involvement of this office in the matter could have ended there, but unfortunately it did not. The senior official who was the subject of the original complaint filed complaints of unprofessional conduct against five individuals involved in the investigation. The senior official sought advice from their union before making the complaints. All five individuals subsequently filed complaints of reprisal to our office. Our office found that the senior official adversely affected the working conditions of the five individuals by subjecting them to scrutiny and investigation of their regulator. One complainant felt, in her words, absolutely hysterical over being investigated for unprofessional conduct simply because they participated in an interview for the 2021 investigation.

Once a finding of reprisal is made by my office, a report of my findings is sent to the Labour Relations Board to determine if a remedy is appropriate and, if so, to apply the appropriate remedy. The finding of reprisal supports one of the foundations of any whistle-blower legislation; that is, to protect employees who participate in an investigation, either as a whistle-blower or as a witness, from retaliation.

While I have provided a few examples of the types of cases we concluded in the reporting year, it's also important to highlight some of the investigations our office is currently undertaking. In four separate cases we're determining whether a reprisal was taken against an employee for either making a disclosure of wrongdoing or participating in an investigation of my office. We're also looking to determine whether employees of a public entity within the education sector have been grossly mismanaged; if the acts or omissions of employees created a danger to the life, health, or safety of individuals; and whether the acts or omissions of a public entity resulted in substantial and significant danger to the environment or the gross mismanagement of the delivery of a public service.

With that, I'm going to turn it over to Peter to talk about our business plan.

**9:30**

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

Twenty twenty-three is a milestone year for Alberta's Public Interest Commissioner as it marks the 10-year anniversary of our office's existence. During that time there have been changes to the public interest disclosure act as well as how our office investigates allegations of wrongdoing or reprisal. As we continue to evolve, our office has identified four key priorities for our '24-25 business plan. They are an increase in the public sector's understanding of the commissioner's office; the continuing development of designated officer competencies; ensuring timely, thorough, and procedurally fair investigations; and, finally, supporting the development of best practices and standards within the context of public interest disclosure in Canada.

In 2021 the Standing Committee on Resource Stewardship completed a review of the public interest disclosure act, and they made several recommendations to amend the act. One specific recommendation was that the Public Interest Commissioner conduct a survey of public-sector employees to assess various elements of employee awareness and perceptions related to the act. In this current year we're conducting such a survey. With regard to our first key priority our staff will use the findings of the aforementioned survey to identify knowledge gaps and address those gaps through targeted awareness initiatives focused on public-sector employees. We want people to know about the office and what we can do for them.

Our office recognizes the key role that designated officers play within each authority under the public interest disclosure act. In relation to our second key priority we will once again host the designated officer conference, at which we will provide relevant information to the designated officers on their responsibilities along with best practices emerging in investigations and how to address wrongdoing.

While our governing legislation provides the commissioner with opportunities to resolve issues informally, investigations are still a core element in addressing wrongdoing. Key priority 3 will focus on continually assessing our investigative processes and making changes when necessary in order to ensure all affected individuals or public entities receive a procedurally fair process.

Lastly, as one of the more established public interest offices in Canada we will work with our provincial counterparts to further best and emerging practices. We take pride in sharing our experience and knowledge with similar offices around the country. To that end and to further our fourth key priority, our office will be working to identify potential opportunities to harmonize and reform public interest disclosure legislation while integrating best practices for effective public interest disclosure policies and whistle-blower protection.

Our '24-25 business plan will continue to move the Public Interest Commissioner's office forward as we enter our second decade of service.

Gladys will now provide the committee with an overview of our budget submission.

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

I'm pleased to present the '23-24 forecast and '24-25 budget estimate for the Public Interest Commissioner. Just like the previous presentation, it will be brief. For the '23-24 fiscal year we are forecasting to spend \$1.39 million, which is 98.4 per cent of budget, effectively lapsing \$22,851, or 1.6 per cent. The lapse is due to the timing of the hiring of the analyst that was presented in the last budget.

Just like the financials for the Alberta Ombudsman and as shown in the slide, the Public Interest Commissioner in '24-25 plans to continue to build on the outreach work started in '23-24 and is requesting a budget estimate of \$1.48 million for the '24-25 fiscal year, which is an increase of \$68,000, or 5 per cent, from Budget 2023. The requested increase accounts for merit increases and an awareness initiative mentioned earlier. Another reason for the increase is as a result of a change in the civil Crown counsel pay policy brought into force by the Public Service Commission effective October 1, 2023.

As noted in my previous presentation, the office of the Ombudsman provides shared services to the Public Interest Commissioner, saving Albertans money. The shared services for '24-25 are estimated to be \$425,000.

Thank you.

Back to you, Kevin.

**Mr. Brezinski:** Thank you, Gladys.

I'd like to take this opportunity to thank the chair and the members of the standing committee for your time and consideration of the information we've shared here today. I'd also like to recognize the incredible work done by both of my offices in Edmonton and in Calgary. At this time we're pleased to answer any questions you have about the Public Interest Commissioner's office.

**The Chair:** Well, I appreciate the presentation, sir. Again very informative and two back to back in a row: that's a pretty good batting average.

I will be keeping a speakers list, so any of the members: just throw your hand up, and I'll do that off to the side here. MLA Sinclair caught my eye first.

**Mr. Sinclair:** Thank you very much, Mr. Chair. Thank you very much for the presentation. It just says here on page 10 of the annual report a breakdown of the total cases received by your office. Of the 145 cases received, 39 were deemed to be nonjurisdictional, which constituted the largest category in the sector-by-sector breakdown. Would you be able to provide us a brief overview of your jurisdiction and why you believe there's so much confusion around that part?

**Mr. Brezinski:** As mentioned in the presentation, you know, some of the areas that are within our jurisdiction are education, the health sector, government ministries, agencies, boards, commissions, and postsecondary institutions. Very much like the Ombudsman's office, I think more work needs to be done, and it's part of our business plan, to increase the awareness of our office and what we do.

I think people generally think that they may be jurisdictional. I'm not sure if they've done research on our website or not, but that's one of our goals, to start driving people to our website so they can learn more about what we do. But we don't mind taking these calls either. I mean, we can still provide them with a referral if need be and kind of educate them on what we do.

**The Chair:** A follow-up, MLA for Lesser Slave Lake?

**Mr. Sinclair:** Just one if that's okay.

**The Chair:** Absolutely.

**Mr. Sinclair:** Do you have any mechanisms currently in place, or are you planning on implementing any strategies outside of the website possibly to lessen this confusion?

**Mr. Brezinski:** Yes. I'm going to turn this over to Peter. It's his portfolio.

**Ms Gonyoe:** Do you want me to take it?

**Mr. Sherstan:** Go ahead.

**Ms Gonyoe:** Well, we do have an overall marketing strategy moving forward, and those include – I'll speak in more generalities, and Peter can give more detail if he wants to supplement.

We want to have an enhanced meaningful contact with authorities, which includes places like the ATA, AUMA. The overall strategy of both offices is what we are trying to do. We do have staff-led outreach training. That happens on a regular basis. Last year there were, I believe, about 23 of them, and for the Public Interest Commissioner there were five of them as well. At this point

for the Public Interest Commissioner's office we have already had seven for year to date. There are also trade shows.

We also want to have meaningful contact with the public, which includes our social media presence, establishing partners with organizations that will be meaningful to the public as well. We are also executing some advertising plans – and it's in motion as we speak – to implement outdoor, online, and digital advertising. It's a multipronged approach that we are taking to advertising at this point.

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

**The Chair:** Perfect. Back to – there we go – the MLA for Calgary-Currie.

**Member Eremenko:** Thank you. I'm curious about the recourse that many public servants have, of course, within their union. Can you speak to where complaints fall outside of their traditional kind of labour recourses?

**Mr. Sherstan:** Part of the act permits the commissioner to make decisions to see if there are other mechanisms that are more appropriate to the resolution. What we find sometimes is that individuals will make complaints to every place that they think is possible, so through their union, through the Public Interest Commissioner, perhaps to the Auditor General, suggesting that there's a performance issue within a program. The commissioner is always going to be assessing whether or not the use of the act is the appropriate one. When we do that – but there are certain things that wouldn't fall under a collective bargaining agreement. For example, someone as a whistle-blower may come forward and say – I'll just use a rough example – that publicly funded government services equipment is being used for personal benefit. I won't get into too deep of an example. We just want to make sure that the appropriate mechanism for our office is being used appropriately – and that's part of our jurisdictional analysis – and then after that, it's whether or not to see if a wrongdoing as defined in the act is actually what has been reported.

**9:40**

**Mr. Brezinski:** Just to build on that, as mentioned, the gross mismanagement of employees is a huge driver of our work right now. In many cases sometimes it's just an individual grievance that takes place, and we refer that person back to their human resources people rather than investigating under my act.

**Member Eremenko:** Thank you.

**The Chair:** Do you have a follow-up as well?

**Member Eremenko:** Not a follow-up; it's an unrelated question. If folks on the other side have . . .

**The Chair:** Okay. Anyone else from the other side? MLA Hunter.

**Mr. Hunter:** Thank you, Mr. Chair. I just have one quick question. I had to step out before when they were talking about the Ombudsman side, but it does refer to their PIC budget as well. Can I ask you – if you rule it out of order, that's fine. The question is: is the accrued vacation pay paid out every year, or is there year-over-year accrual, or is it just each year that it's accrued?

**The Chair:** Since you have two departments, I would defer back to you if you wish to answer any from the previous one we've kind of closed. If it hedges there, I would leave it to you, your discretion,

and if you don't, we're totally fine with that, too. The chair would weigh in on that.

**Ms Gonyoe:** The accrual is an untimed payment that is supposed to be paid at some point in time, so that portion is not actually paid out. However, vacation payout: we do try to stick to having only two years of vacation for each employee. When someone has accumulated a lot more, if we do have the resources, we do try to pay those out. That is with the approval of the commissioner, if we have the room to pay those out, and that's when cash actually goes out. For the accrual component it's noncash, so it sits below the line on the budget.

**The Chair:** MLA Taber-Warner, a follow-up?

**Mr. Hunter:** Not on that. I do have a couple of other questions on the budget.

**The Chair:** Okay. Is there anyone online? If you want to catch the chair's attention, I can see the monitor from my position. Just raise your hand, either virtually or turn your monitor on and throw a hand up.

MLA Calgary-Currie, you had a separate question?

**Member Eremenko:** Yeah. Thank you. I can appreciate that, you know, of course, we have thousands of contract providers who provide service and support, whether it be capital or operational, to government and to our various departments and jurisdictions. I would imagine that they are not included within this piece of legislation, but I wonder about P3s in particular, where perhaps the relationship between contract providers and government is a little more closely intertwined. Can you speak to the kind of floor by which people are no longer able to access your office and where that line for public service begins and stops?

**Mr. Brezinski:** I can answer this, and you can help me, Peter.

I think that contractors are not employees technically under our act, but we still do accept complaints from citizens who may have observed wrongdoing. They don't necessarily get the protections under PIDA or our act.

Is there anything else?

**Mr. Sherstan:** Again, the Standing Committee on Resource Stewardship did a full assessment, as required every five years under the act, in 2021. The report has gone forward, but it hasn't been acted on yet. We're waiting for that to come forward, hopefully, in a recent time. There are the provisions within the regulation to have prescribed service providers listed. To date no prescribed service providers have been listed, but the recommendation of the standing committee was that there be some inclusions that would expand. What that will look like, again, will depend on what motions are brought forward by yourselves and what's passed. So there are provisions within the act that could include contractors, but to date that has not been enacted.

**Member Eremenko:** Thank you for the orientation to the act. I've got some homework to do.

**Mr. Brezinski:** Very knowledgeable.

**Member Eremenko:** Thank you.

**The Chair:** Did you have a follow-up?

**Member Eremenko:** No. That's all for me. Thank you.

**The Chair:** Okay. MLA Taber-Warner.

**Mr. Hunter:** Thank you, sir. Looking at your budget, I noticed that one of the line items had a substantial increase. It was the employee expenses. The budgeted amount allocated to this category increased by 56 per cent compared to last year and is over 100 per cent higher than the forecast from last year. Given the fact that you're forecasted to spend well under budget in this category for 2023-24, why does it require such a large increase?

**Ms Gonyoe:** For the Public Interest Commissioner there are only seven employees on there, so there isn't really much room. However, last year there was a vacancy at the beginning of the year. In '22-23 there was some slight vacancy, so there was a drop. We are fully staffed, so we are forecasted to spend the entire amount there. With respect to the budget it is only for merit increases. There is no additional staff employed there. However, the Public Service Commission did put in something for legal counsel, which increased the band quite a bit, so that accounts for that for the budget as well, for the estimate going forward.

**Mr. Hunter:** What percentage is for the legal counsel of that 56 per cent?

**Ms Gonyoe:** One second, please. Maybe someone could take a question while I look it up.

**The Chair:** Worst case scenario we can all go grab a coffee if that works, too.

**Mr. Hunter:** You know what? It's okay. If you want to actually submit that to the committee at a later date, that's fine.

I do have one more question, though, Mr. Chair.

**The Chair:** Sure. If no other members have one, then, yes, absolutely, MLA for Taber-Warner.

**Mr. Hunter:** This is also in regard to the budget. It's on the travel item, a 61 per cent increase compared to Budget 2023. Can you give us a little more understanding about why that significant increase?

**Ms Gonyoe:** With respect to budget we do have an additional employee. We are also planning to do outreach more to educate the public, so there is room for that increase in the estimate. However, as we forecasted this year, we are not planning to do as much travelling as we would have loved to, but next year, for sure, we will be including that, and we'll be travelling a lot more, as we mentioned with the marketing budget.

**Mr. Hunter:** Is this an outlier from years past? I mean, I know that COVID actually kind of messed everything up in the way people travelled and so forth. Was this kind of a budget item because you didn't know what COVID was going to provide, or how does this – a 61 per cent increase in that line item seems high.

**Ms Gonyoe:** With respect to estimate versus forecast I know the percentage looks very high, but if you look at the dollar amount, it is \$3,650, and if one was supposed to go to Calgary or go to all these different places, with the number of employees that we have, there is the chance of utilizing that amount fairly easily. The only reason it sticks out is because of the proportionate increase, and it's looking like it's a huge amount, but based on what we plan to do, we plan to spend that extra \$3,650 as well.

**Mr. Hunter:** That's all I have.

**The Chair:** Okay.

**Mr. van Dijken:** Just one further question on the budget, technology services, another item that bounces around a little bit year to year. Comparing actuals of '22-23, going from \$25,000 that year to \$41,000 estimated spend this year and then a budget estimate of \$54,000, which, I guess, increases over the budget estimate of '23-24 by about 20 per cent, but probably about that much again in the estimate to '24-25, what do we foresee with technology services? Is this increased fees from providers? What's causing this to jump around like it does?

9:50

**Ms Gonyoe:** For Budget '23-24 we wanted to do a case software management upgrade. That was included in the budget, so you would see a jump. Additionally, there were renegotiations of contracts at that time, so we do see that increase happening. We intend to spend for the case management software – we intend to complete that by the end of this year. The hope is to finish by the end of this fiscal. Then, going forward, our contracts are all negotiated at this point.

With respect to the estimate, that increase, we do want to have some innovative processes, having AI on top of it and Power BI just so we can report more effectively. So there is an allotment to have AI, and we are exploring that at this point.

**The Chair:** Any other questions? Going once; twice; sold.

Thank you, Mr. Brezinski, to you and your staff for all your time this morning answering their questions. The back and forth is greatly appreciated, again, as we go through this quickly, through your budget, knowing the services that you do. The committee will meet, and once we have a chance to discuss the budgets, then we'll obviously advise you officially in writing, so expect a letter at a later time. Once again thank you for your time and the work that you do.

**Mr. Brezinski:** Thank you. Appreciate it.

**The Chair:** Thank you.

The office of the Information Commissioner is up next, but we do have a chance to take bio breaks and all those things and refresh our beverages. The next part will start at 10:15, but if we take a 10-minute break, that would be just perfect. So be back here at 10:02.

[The committee adjourned from 9:52 a.m. to 10:04 a.m.]

**The Chair:** All right, members. We'll get back to the next part. I apologize. I had another really important discussion in the backroom about building codes, and that dragged us out an extra two minutes. I appreciate the indulgence of the committee and everybody else here.

We're on to the next part, and this is the Information and Privacy Commissioner. We'd like to thank the Information and Privacy Commissioner. I'd like to welcome Diane McLeod and your team here as well along with your staff in the meeting this morning. I would like you to keep your presentation to about 20 minutes or less if you could. I chewed up some of your time; I apologize. We'll leave time at the end for the committee members to ask questions. Without further ado, I cede the floor to you.

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

**Ms McLeod:** Great. Thank you. Good morning, committee members. Good morning, Chair. I am Diane McLeod, the Information and Privacy Commissioner of Alberta. With me I have Cara-Lynn Stelmack. She's my assistant commissioner of case management. I have Sebastian Paauwe. He is the manager of

innovation and technology engagement. And David Mattiello is my manager of information technology and records.

I'll get started with my presentation; slide 1, please. It is a pleasure to be here today to present the budget for the office of the Information and Privacy Commissioner for '24-25. Before speaking about the office's work and my vision, business plan, and budget estimate, I thought it would be helpful to provide a quick overview of what my role is for the benefit of the new committee members.

Next slide. My job as Information and Privacy Commissioner is to ensure that 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. They also provide individuals with certain rights, including the ability to access their own information.

As you will 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 the disagreement. We resolve approximately 80 per cent of our reviews through our informal case resolution 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 potential noncompliance with the laws.

My office also reviews privacy breach reports and privacy impact assessments. Businesses under PIPA and health custodians under the HIA must report certain privacy breaches to my office and notify affected individuals in certain circumstances. Health custodians also must submit privacy impact assessments to my office when new or changed administrative practices and information systems may affect the privacy of a patient. 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. They typically involve an employee in the health sector looking at the health information of people with whom they have a personal relationship.

Last but not least, we have an education mandate which allows us and, in fact, gives us the responsibility to inform and teach Albertans about the laws. My vision for the office, which I will discuss in more detail in a moment, is 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 51 full-time staff, with two additional team members on wages. At this time we have 49 positions filled in our Edmonton and Calgary offices. Among our staff we have the following teams. In May 2023 we formed a case management stream, that is led by my assistant commissioner case management. This stream has four teams. The intake and adjudication support teams are the front line of the office, responsible for the flow of files from open to close. The informal case resolution team reviews access request decisions and privacy complaints and tries to settle matters with the parties. The compliance support team reviews privacy impact assessments and breach reports submitted by bodies subject to the acts.



In a separate stream we have the adjudication team. This team conducts formal inquiries when matters are not settled by the informal case resolution team. As you will hear later, both our informal case resolution and inquiry processes are experiencing significant backlogs, which we are working to address. We have a legal team, which assists me with certain types of decisions and represents the office during judicial reviews or other court matters.

In 2023 we formed a new investigation team. This team conducts formal investigations initiated by the commissioner, including offence investigations. We also created an engagement team in 2023. This team is responsible for the development and implementation of the office's engagement strategy. It also comments on legislative schemes and programs.

#### 10:10

I will now move on to last year's work. In 2022-23 we opened 4,389 cases, about the same number as the year before. We were successful in closing 4,013 cases, which is similar to prior years. Starting with the '22-23 annual report, my first as commissioner, I am reporting on cases carried over from year to year. This is to provide a fuller picture of the office's caseload, which provides a better representation of our backlog. At the end of '22-23 we carried over 3,534 case files into '23-24, meaning that the office had a total of 7,923 cases to work on in '23-24. If our closure rate remains similar to '22-23, we will continue to have a significant backlog. You will see in my business plan for '24-27 that I have established a plan to address this backlog which involves a combination of resources, process redesign, and technology.

I will now move on to the statement of operations from '22-23. The office returned \$30,898 of the '22-23 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 '22-23 staff received two pay increases amounting to either 4.25 per cent or 5.25 per cent, which is in line with government of Alberta public service increases. Also in '22-23 the cost of staff benefits rose 1 per cent from 21 to 22 per cent.

Next slide. When I was appointed commissioner, I committed to a number of initiatives that I plan to advance over my five-year term. In my '23-26 business plan I set out three goals to achieve my vision. In my '24-27 business plan I reported on our progress in meeting these goals and updated the plan to reflect the work we will undertake in the coming years to achieve the goals. Overall, my vision for the office is to adopt an approach that proactively supports stakeholder compliance by, among other things, creating 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 reality of persisting file backlogs and the goal of improving our timelines.

Next slide. My first goal is to enhance internal processes to support our legislative mandate and improve timelines. As I mentioned, there is a significant backlog in completing our informal case resolution and adjudication case files which has persisted for many years. It is currently taking approximately 12 to 15 months from receipt of a request for review or a complaint to settle a matter or transition it to inquiry. Once that inquiry happens, it takes another two to three years to issue an order. This means that an Albertan may be waiting more than four years to have a matter addressed. This is unacceptable, and we must do better. Our inability to conduct our work in a timely manner affects Albertans' access to information and privacy rights.

Since becoming commissioner in August of 2022, I have been laser focused on this goal. Steps that I have taken to address our workload and decrease our backlog include restructuring the office to facilitate better file management from open to close by having all business

units report to the assistant commissioner case management, establishing two projects to redesign our informal case resolution procedure and our breach management procedure. This is to reduce the amount of work required to manage each case type. We intend to roll out these procedures in early 2024. We hired two FTEs to help address the volume of cases we are opening each year and three contractors to help us with our existing caseload. We are looking to use technology to reduce the workload of our intake team through our online forms portal project. This will free up more resources to assist our informal case resolution and compliance support teams with their file work.

We are also looking to use technology to automate certain functions within our office such as requests for time extension decisions, of which we have seen a dramatic increase over the past 10 years. They were under a hundred from 2009 to 2016. They have moved up to between 200 to 400 per year from 2017 to 2023. We are also in the process of establishing better gatekeeping at intake and at transition to inquiry, which should reduce our workload for both the informal case resolution and adjudication teams. While I'm confident that the steps we are taking will reduce the backlog, until we achieve that goal, these teams require additional support from contractors to help us to continue to tackle our backlog.

My second goal is key to achieving my vision. This goal is to provide information and support to stakeholders to improve the protection of personal and health information. We have developed an engagement strategy to meet this goal. As part of this strategy we will engage the technology sector to help them build privacy into the design and use of innovative technology, including artificial intelligence. This aspect of our engagement strategy is to help Alberta businesses be successful in developing and deploying innovative technology using a privacy-by-design approach, which will ensure that design and use of this technology preserves privacy.

It is also geared toward the development of a responsible innovation framework to guide the development and use of innovative technology such as artificial intelligence. Establishing such a framework is essential to fostering public trust in the use of innovative technology by businesses, particularly where decision-making is automated and has the potential to cause harm from privacy violations or biased or unfair decisions, which could lead to discrimination and violations of human rights. Public trust is essential to growing the digital economy in Alberta.

We will also engage the education sector to help them better assess technology used by children in our schools to reduce the risk of harm that may occur as a result of increased exposure to online technology platforms. As part of this work we will engage students to help them understand and prevent the risk of harm while online. This part of our engagement strategy will focus on working with the education sector and students to mitigate these risks as much as possible.

My third goal is to work with government and stakeholders to modernize Alberta's privacy laws as industry in our province begins to advance the development and adoption of innovative technology, including artificial intelligence, which is part of growing the province's digital economy. Alberta's privacy laws have not kept pace with technology. Reform is needed to protect the public, including children, from the harms that could occur from the use of innovative technologies and to guide responsible innovation. In my 2024-27 business plan I highlighted that these laws must work together in order to facilitate innovation across the sectors and adequately protect the privacy and access rights of Albertans.

To that end, the final aspect of our engagement strategy is to work with government and relevant stakeholders to design privacy and access-to-information legislation that will facilitate innovation while adequately protecting the privacy and access rights of

Albertans. Given that the PIPA review is under way, we have started this work as part of formulating our recommendations to amend PIPA. While doing so, we are keeping in mind the broader changes that need to occur across Alberta's privacy law landscape to facilitate responsible innovation in all sectors.

Our engagement strategy is forward looking in recognition that there is a gap in legislation to guide the design and use of innovative technology. These technologies, including artificial intelligence, are already in development in the province. The health sector appears to be a primary focus for the use of this technology to deal with the pressures in the sector. As indicated, without responsible innovation there is potential to cause harm to the public, and the necessary changes to legislation may be years away. Overall, our engagement strategy is designed to immediately support developers and businesses in adopting privacy best practices in the design and use of innovative technology in order to mitigate these risks of harm. This work will position developers and businesses to responsibly design and use innovative technology as the legislative landscape catches up. This will better protect Albertans in the short and longer terms.

As you will see in my '24-27 business plan, there are four deliverables associated with my engagement plan and a multiphased approach to meeting each one. Meeting these deliverables will require focused resources. In my '23-24 budget I received one FTE. This FTE has already started work on engaging the technology sector. I will require another FTE in order to deliver on the engagement strategy.

Now to the budget estimate. I have structured my budget to reflect the minimum amount that I believe we will need for this year to carry out operations and achieve the goals in my '24-27 business plan. My budget estimate for '24-25 is \$8,992,295, which represents a 5.4 per cent increase compared with the current fiscal year.

**10:20**

The increase consists of increases to various line items such as increased contracted IT service costs, staff salary increases initiated by the Public Service Commission, the increased cost to staff benefits, an increase for one new FTE to help us deliver on our engagement strategy and contractors to help us continue to address our backlog.

I have not requested any additional FTEs to tackle our backlogs because I am confident that our plan will reduce and, hopefully, eliminate our backlog within the next few years. As I indicated, part of this plan is to use technology to reduce our case management workload, including adding additional website workflow forms and using other forms of technology, including AI, to automate certain tasks.

I also intend to use technology to deliver on part of our engagement strategy. Specifically, I am seeking budget to develop an app to improve privacy management by small and medium enterprises. This will position them to participate responsibly in the digital economy by having privacy management programs that will increase privacy protection for Albertans as the digital economy grows. We also have planned some additional IT projects to better support our operations. This includes transitioning to Microsoft Teams, implementing our secure file management system, and expanding our reserve platform for exchange.

Our budget request for all our '24-25 IT projects is \$170,000. I acknowledge that this is a considerable increase over last year's budget. However, it is important to know that approximately \$100,000 will be a one-time cost to acquire and implement the new technology. In addition, we anticipate seeing cost reductions in our operations as we phase out old technology. This will balance out some of the operational costs going forward. For example, we will see cost savings of \$25,000 in '24-25 when we move to Microsoft

Teams, which will eliminate our need for desk phones and flip phones used by our staff. In terms of other cost savings, we were able to reduce our finance and HR budget.

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

**The Chair:** Perfect. Did you want an introduction from us? I'm a little bit remiss. We did it at the start of the meeting. You can probably catch the names as we go, but I would turn that back to you if you would like to have us introduce our team as well.

**Ms McLeod:** Sure. That would be nice. Thank you.

**The Chair:** Perfect. We'll just go to my right, and we'll go around the room.

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

**Mr. Sinclair:** Scott Sinclair, MLA for Lesser Slave Lake.

**Mr. Dyck:** Nolan Dyck, MLA for Grande Prairie, the most beautiful and best constituency in Alberta.

**Mr. Hunter:** All right. Well, I guess I won't use that one. Grant Hunter, MLA for Taber-Warner.

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

**Mr. Shepherd:** David Shepherd, Edmonton-City Centre. I'll just note that however much other members praise their constituencies, they all come to visit mine.

**Member Eremenko:** Janet Eremenko. I'm the MLA for Calgary-Currie.

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

**The Chair:** After MLA Shepherd, that's a tough act to follow. MLA Shane Getson, Lac Ste. Anne-Parkland. And on the cameras here.

**Ms Chapman:** Amanda Chapman, MLA, Calgary-Beddington.

**The Chair:** MLA Chapman, it's killing me because I get to see your monitor here. I need to know the name of your cat. Who's your assistant?

**Ms Chapman:** This is Rey. We've got a brother and sister, and my kids named them after the *Star Wars* characters. One is named Rey, and one is named Kylo.

**The Chair:** Thank you.

We have MLA Brar as well. There we go.

**Member Brar:** Yeah.

**The Chair:** Well, with that, I'll turn it over to questions. You're up first, sir.

**Mr. Shepherd:** All right. Well, thank you so much, Mr. Chair, and thank you, Commissioner and your staff, for joining us today. I always appreciate hearing from you. I'll just jump in. I noted that on slide 7 of your presentation it shows that in the 2022-23 year you opened a total of four investigations, so a total of four in one year, but in the period this year from April 1 to October 31, so about seven months, you've opened 32 investigations. You're estimating a further 13, so a total of about 45 for this fiscal year. That's about

11 times more investigations this year over the previous. I'm just curious if you can provide any insight as to what might be driving that increase. Are there any particular trends? Is this a response from your office to an increase in requests, or are these things that have been initiated by your office in response to issues you're discovering?

**Ms McLeod:** The investigations that you're referring to are initiated investigations by the commissioner, and the reason why there is a substantial increase this year is because one of our investigations involves investigating every department in government. It's one investigation with all departments. That accounts for the numbers.

**Mr. Shepherd:** Excellent. May I follow up on that, Chair?

**The Chair:** Absolutely.

**Mr. Shepherd:** Thank you. I suspected that might be the case. I am aware that your office regularly does investigations into specific complaints, but I know that you also on occasion, then, will do a broader, more systemic investigation, so that's what we're speaking about here.

I'm guessing, then, this is the case that was reported in the *Globe and Mail* back in mid-August. You'd reached out to multiple departments for the systemic investigation into potential noncompliance with two particular sections of the Alberta Freedom of Information and Protection of Privacy Act that I understand touch on the extent to which public officials are required to help people locate and obtain public documents.

Now, of course, I understand you would not be giving particular information about the specific investigation at this time, and it wouldn't be appropriate to ask that, but in the media reports I've read, it suggests there's only been a handful of similar reviews of, I guess, that systemic nature over the years. Could you give us a sense of just how often it would be that your office would undertake this scope of an investigation? What kind of resources would be involved? So a sense of the cost, just given that you are not asking for any increase in your budget despite this significant increase in investigation. I'm just curious, I guess, about how often this happens and what kind of resources are going to be needed.

**Ms McLeod:** I can't speak to the history as much because I've only been here since August 2022, but I do know that there have been a couple of systemic investigations conducted by former Commissioner Clayton. I believe there was some records management and a similar issue that may have been investigated a few years prior, but I don't have the exact information on those.

In terms of the resource aspect although it touches on every department, the issues are the same. There is the centralized unit now in government that processes access to information requests, so I anticipate that we will be working primarily with Service Alberta on the matter because that's where the central agency lies. But, of course, it implicates every public body in government because of the decision-making that's centralized. It's not really going to impact our resources in any significant way because it's one investigation. It just happens to involve I believe it's 26 public bodies.

**Mr. Shepherd:** So there are a number of different bodies involved. Because of the different bodies, you have to have a separate investigation for each, but it's really just one large investigation.

**Ms McLeod:** Yes. Correct. We have to notify every head of a public body when we're investigating them, so that involves opening a file.

**Mr. Shepherd:** Excellent.

**The Chair:** The member that caught my attention is Sinclair. MLA Shepherd, if you want to come back to it . . .

**Mr. Shepherd:** Please.

**The Chair:** Yeah. Absolutely.

**Mr. Sinclair:** Thank you, Mr. Chair, and thank you very much for the presentation. On page 41 of the report it contains an interesting table showing a trend in requests for time extensions by public bodies. These requests revolve around the fact that the bodies must make every reasonable effort to respond to an access request under FOIP within 30 days but may extend this limit another 30 days in certain circumstances. The rate of these requests was relatively low up until about 2016-2017, and it jumped significantly to a much higher level, which they now maintain. What's the reason for the sudden and sustained increase in time extension requests?

**Ms McLeod:** Sure. Cara-Lynn does a lot of our time extensions.

**Ms Stelmack:** I'm Cara-Lynn Stelmack, the assistant commissioner for case management. Yes, I've been tasked with doing these time extensions, which are, like, 300 a year. I've seen that the increase mostly, one of the reasons that public bodies can take a time extension, is volume or how much they have to search. If I had to say, it is that they're coming to me saying that there's significant volume that they have to search or have to process. It can be anything over 500 up to 50,000. So I'd say that it's volume and complexity that are driving that number up.

**10:30**

**Ms McLeod:** Yeah. I would like to add to that, actually. I think that some of the reasons why we're seeing those significant numbers over the last several years is because of the number of records that are being amassed by public bodies now as a result of digital information systems.

**Ms Stelmack:** Yes. E-mail also contributes greatly to that as well for the volume.

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

**The Chair:** MLA Shepherd, back to you.

**Mr. Shepherd:** Thank you, Mr. Chair. You talk about modernizing privacy legislation, and I believe we have seen some changes over the last few years. There were some changes to the Health Information Act, about which there were a number of concerns raised.

But this is moving on. I believe we currently have a motion on the Order Paper in the Assembly to send the Personal Information Protection Act to a legislative committee for review. In regard to your priority on that do you feel this is sufficient, or do you feel there might be a need to review other legislation such as the Health Information Act or the Freedom of Information and Protection of Privacy Act as well?

**Ms McLeod:** Thank you for that question. My answer to that is that all of our legislation needs to be reviewed in Alberta. As I indicated in my presentation, the state of technology has far advanced our legislative provisions to the point that it is becoming unable, to a

certain degree, for businesses to actually innovate in the province because the laws prevent the kind of information sharing that might need to occur as it relates to the ability to innovate.

I have spoken publicly quite a bit on this topic. All of our laws need to work together harmoniously. In order to facilitate that innovation, there need to be adequate controls built into our legislation and all of our legislation to ensure that Albertans' privacy and access to information rights are protected as we move through the use of, you know, technologies such as artificial intelligence, which has the potential to cause harm. There is quite a bit of investment in the province in research and development for artificial intelligence, including in the health sector, so there is a need for us to be looking at these laws across the spectrum.

PIPA happens to be up for review, so it's a good place for us to start, especially in light of what's happening with Bill C-27. As we're looking at PIPA now, we're thinking about the broader implications of what needs to change in the Health Information Act and the Freedom of Information and Protection of Privacy Act. I am starting to talk to stakeholders about what they think needs to happen in order for them to advance various objectives. I would also bring the privacy lens to that by ensuring that there were adequate privacy controls and oversight.

**Mr. Shepherd:** Perfect. A follow-up, Mr. Chair?

**The Chair:** Absolutely.

**Mr. Shepherd:** Thank you. I appreciate that. So what I hear you saying is that there is significant research and indeed stemming from that, then, perhaps economic opportunity that is on the table for us here in Alberta. I know we conduct a lot of research and innovation. The University of Alberta is a hotbed of a lot of that work and, as you say, the potential for AI. There is a lot of opportunity on the table, but if we want to take advantage of that, we need to update our legislation to allow for that and ensure we are protecting Albertans on that.

**Ms McLeod:** Right.

**Mr. Shepherd:** I guess also with that, then, there were concerns, as I said, that were raised with previous amendments to the Health Information Act. Of course, we have a government that is interested in potentially moving into personal spending accounts in health care and that sort of thing. Would that be a good reason, I guess, for review of, say, the Health Information Act and some of this as well to ensure we're providing those protections?

**Ms McLeod:** Absolutely. In the world of artificial intelligence there are new risks that are not accounted for in our legislation, and we need to ensure that we have that proper foundation in our legislation to adequately protect people as people start to use the technology. When I say "start to use," that's kind of a little bit too late because it's actually already happening. You know, my concern is that the risks are present, and there are not adequate guardrails to protect Albertans from the use of these kinds of technologies.

**Mr. Shepherd:** Thank you.

**The Chair:** MLA Dyck, you're up next.

**Mr. Dyck:** Thank you very much. I really appreciate the conversation on AI. Can you expand on AI just a little bit more, on how you're going to utilize both – it's a two-part question. One is: how are you planning on utilizing it internally in your office? As well, the added protections that you're seeing have some history with some technology sector. There are fairly stringent rules

already in place across the – or just kind of industry standards. Can you expand on that, a little bit more on the direction that you're seeing where there is inadequate legislation for privacy in AI?

**Ms McLeod:** Yeah. I'll take some of that. I'm going to have Sebastian talk a little bit about the artificial intelligence piece of it in terms of how we're going to use it and some of our engagement plans.

You know, I have been looking across the globe at the activity that's going on around artificial intelligence, and every jurisdiction is trying to figure out how to deal with artificial intelligence because it's new; it's novel; it's opaque. There are always the challenges of trying to figure out how decisions are made, how information is fed, if the system is biased as a result of the information that's fed into the system, and then any decisions that are made are unexplainable to a certain degree. I heard the Ombudsman mention that as well, because of the fairness aspect of it. So it's difficult to explain how decisions are made that may impact individuals, and artificial intelligence is used for decisions that could have a significant effect on a person's life such as decisions about health care, decisions about insurance, decisions about education prospects. There are all these kinds of things that are happening.

As I said, you know, around the world they're trying to develop legislation both from a privacy perspective to ensure that there are adequate protections built into that legislation but also from the processing perspective. We're starting to see bills being introduced. In Canada is one of them; our C-27 has AEDA in it. Then the U.K. just actually tabled one the other day. It's new, it's novel, and everybody is trying to catch up from a legislative standpoint.

I'll just let Sebastian talk a little bit about how we're going to use artificial intelligence and then any additional risks that perhaps I didn't touch on.

**Mr. Paauwe:** Thank you, Diane.

Thank you for the question, Mr. Dyck. In our office we're looking at leveraging AI for productivity gains, basically. We're looking at two parts, two kinds of strategies. One is for business process automation, where there are simple tasks that might be automated either with AI or via more traditional means. We're exploring that.

Then we have a whole lot of knowledge in our organization, being decisions, guidance, and other information that has been accumulated in our organization for decades. That information is currently very inaccessible, and this is something where AI and language models excel, so we're hoping to build our own small language model to help our adjudicators and our investigators and our other staff access the knowledge we already have. That's one of the ways how we hope to leverage AI.

**Mr. Dyck:** Excellent.

**Mr. Paauwe:** Should I elaborate a little bit on the stuff happening in industry as well?

**Ms McLeod:** Do you want us to speak to that a little bit more?

**The Chair:** I think you popped the AI bubble here. We were going back and forth. If MLA Shepherd is okay with the follow-up from the department on the other industry insight, that might be beneficial, too.

**Mr. Paauwe:** I could elaborate a little bit more about what's happening in industry. Kind of your question was: is the regulation we're already having not enough since there are already, like, industry standards and we have, of course, certain safeguards in our privacy legislation as well?

What we are seeing is that, especially with AI, the reach of technology expands, so I would argue that there is a need for additional attention to regulation, especially where it pertains to our children here in Alberta. They're being exposed to AI-informed algorithms, for example the content they get pushed on TikTok or other media platforms. This is in fact causing harm, so there is a need to act there. Our office has actually issued a joint statement with the other information and privacy commissioners regarding these developments and things that need to happen, so there's that aspect for children.

There are also other places where AI can go quite wrong. In fact, in the Netherlands the cabinet fell because of an AI algorithm that wasn't implemented well. It was used to detect fraud in welfare, and it was too biased. It mainly flagged poor areas and areas with a lot of immigrants, and this became a scandal. So yeah; there's definitely a risk of harm from these algorithms if they're not implemented properly.

**The Chair:** Back to MLA Shepherd. I have van Dijken next and anybody else that throws their hand up. I'm again running the list.

10:40

**Mr. Shepherd:** Thank you, Mr. Chair. Of course, we had a recent government announcement, their intention to refocus the Alberta health care system. This is going to involve the creation of a number of new agencies, at least 13 different new boards, agencies, secretariats, so a significant increase in the oversight and bureaucracy that's going to be involved in the administration of health care in Alberta. Of course, that falls under your work under the Health Information Act and your interactions in working to protect Albertans. I'm just wondering. As you're looking forward in this next fiscal year, are you planning for resources, I guess, for potentially a much more significant engagement with a greatly expanded bureaucracy and public service for the administration of health care?

**Ms McLeod:** Yes, I am aware. I watch what happens in health care very closely. As you may know, I have a quite extensive background in health care. Yes, we are aware of what the plan is, and it's hard to say at this point what kind of impact it'll actually have. We may have, you know, several new custodians as a result of that, but it seems to me, based on what I had heard at the announcement, that Alberta Health Services will end up being, largely, the service provider to a number of these organizations, so it may not change that much. We work with Alberta Health Services. We meet with them on a monthly basis and talk a lot about certain issues that are happening, and we will continue to do that as this new health structure evolves. So at this point we don't know, but we don't anticipate that it will be significant, and if it is, then we'll have to reconsider that.

**Mr. Shepherd:** Thank you.

If I may ask a follow-up, Mr. Chair?

**The Chair:** Sure. Absolutely.

**Mr. Shepherd:** Thank you. Your predecessor, when there were the amendments to the Health Information Act under the previous iteration of the current government, did raise some concerns about some of the changes that were made there, in particular an amendment to section 56.1 that removed some pieces and sort of opened things up in terms of access to health information from providers outside of Alberta. When we have this significant restructuring where potentially new players are going to be coming in and potentially we are looking at expansion of services such as,

say, virtual care, that sort of thing, do you continue to share these concerns of your predecessor? Is this something, again, in looking at a potential review of the Health Information Act, that we should be looking to address?

**Ms McLeod:** I'm sorry. I didn't bring the legislation with me, and I don't know what 56.1 is, but if it has anything to do with the electronic health record amendments, which I assume it does, then there is the potential under those amendments – and then, you know, the regulations have yet to be developed – that may allow Netcare to be accessible outside of Alberta. I do have concerns about that because there would have to be a really good reason for that to happen to the point that all of Albertans' information is now accessible to an outside agency. I have had some conversations with Alberta Health about this. I've expressed my concern about it. I've given them written comments about it. So, yes, I do share that concern.

**Mr. Shepherd:** Thank you.

**The Chair:** Okay. Over to van Dijken. Long, you're on the list as well.

**Mr. van Dijken:** Okay. Thank you, Chair, and thank you for the presentation. I'm going to ask a couple of questions with regard to the budget plan here and try to get an understanding on the estimates, where we're going with that. In technology services projects – it's not capital – you alluded to a \$100,000 one-time cost in this line item. I guess I'm just trying to get at my understanding as to the \$100,000 one-time cost, the actual project that that is identified under.

**Ms McLeod:** David, would you be able to respond to that?

**Mr. Mattiello:** Yeah. Thank you very much. The hundred thousand is for three separate projects. We grouped three things in that hundred thousand. One is the external stakeholder element. My colleague Sebastian and other colleagues in the office are looking at an external engagement platform to communicate to Albertans. That could potentially look like training materials, some FAQs, some online material, some videos. The second part of that project money would be looking, as Commissioner McLeod said earlier, at a privacy app. We've set some money to start working with potentially a developer, an in-house, external developer, and working on designing that app. And then the third part of that \$100,000 is, as my colleague next to me, Sebastian, talked about, looking at AI technology. That \$100,000 is set aside to engage in that.

To just maybe also provide some more information, our technology services have gone up from our last year as well. Once we engage on the three projects, we increased technology services to have the infrastructure in place, so we have money set aside. Once we start looking at AI, I have to pull money set aside from – like, do we need more virtual machines in the environment? Do we need virtual machines in the cloud? That money is absorbed in our technology services, so you'll see an increase on both sides of the fence, but I think the money that we've asked is realistic, and the \$100,000 is warranted for those three projects.

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

**Mr. van Dijken:** Yeah, if I may. I'm just going into last year's meeting, and there was estimated about approximately \$80,000 that will be a one-time cost to implement new technology. I think it's the same line item. I could be wrong with that. Yet we have a new

one-time cost of \$100,000, and we still have a line item of \$170,000. It seems like our technology services costs are continually rapidly increasing, and if you could allude to the other \$70,000 within that line item as to what that's projected for.

**Mr. Mattiello:** I will continue speaking on that. Last year the project line item was around \$79,400, so we'll rough it up to \$80,000. A large part of that was our first two steps into the world of Microsoft Azure. The office, in the last eight months, has, you know, created our own tenant. We've started our own Intune project. We've implemented Teams, and we're now working on implementing our Teams unified communication strategy, where we're eliminating the use of landlines and using the digital world.

The \$170,000 additional: of course, \$100,000 is what I spoke to before. But the other two ones – in the \$80,000 of last year we've also tried to continue working on web forms, in which we have started. We're looking at an online portal that we're working on now, and we have multiple forms in the office, so our goal was to get the first two forms out of the way and then continue on, because I believe that we have eight forms, maybe nine forms that we want to have an online portal where Albertans can submit a request and go through the process. We're designing it in a way where it's intuitive, safe. Of course, security, privacy: all that is also considered. That project is ongoing now.

We want to continue digitizing. What Commissioner McLeod said earlier: we're looking at ways to reduce some of our caseloads, and we're really trying to pivot technology to get that. The online stuff brings potentially more requests into the office, but we're also looking at digitizing it where there is a tie-in to our case-management system where it can create the case, and then we're trying to reduce manual entry, where, if the case gets submitted properly, we verify it and we check it. Now we've eliminated the need in the office to have a user enter, which is time consuming, and all that is built into that \$170,000 plus the extra \$83,000 that we've included in technology services. There is a bump in there for our case-management system to have the tie-in to do this automation.

**The Chair:** Okay. And we had – did you want to? Okay. So I had MLA Long, and then back to MLA Shepherd.

**Mr. Long:** If you want to – sorry, Chair.

**The Chair:** It's either way.

**Mr. Long:** I'm good with going back and forth across the way.

**The Chair:** Parliamentarians' etiquette. You caught my eye first, but if we're doing that, that's perfect. That's well done, gentlemen.

**Mr. Shepherd:** Thank you, Mr. Chair, and thank you, Mr. Long, for that courtesy. Further talking, I guess, about you discussing, as you did, sort of the modernization of legislation so that we can take better advantage of the economic opportunities that are there for us with investigating advancing health technology. Of course, looking at that health technology, then, largely, we have that opportunity to adopt that for use within our health care system.

10:50

Again, the former commissioner, Ms Clayton, had raised some concerns with another amendment that was made to the Health Information Act around eliminating the privacy impact assessment requirement for Alberta Health, Alberta Health Services, and the Health Quality Council of Alberta. Now, she found that shocking and disappointing, that that was proposed to be removed and indeed removed when it passed. She said that it was confounding. Of course, the PIAs are still required for industry and folks as they

develop these products would be my understanding, or would it be, then, when those products, if they are adopted and used then in our health care system, that that's the point at which a PIA should take place? If so, does that continue to be a concern, that there's no requirement then for a privacy impact assessment for this new technology or new systems to be used in our public health care system?

**Ms McLeod:** In terms of the development of technology, depending on where it occurs, it primarily occurs in the private sector, and what we're seeing is that when they try to market to our health care custodians, that's where the requirement for the privacy impact assessment arises. The custodians then have to submit a privacy impact assessment based on a system they really know nothing about and had no control over developing or creating.

What we're finding is that many of these systems are simply not compliant with the Health Information Act. What we'd like to see and what we're intending on recommending as part of the PIPA review is a privacy impact assessment requirement for the foundational models before they get marketed to our health care system so that they actually could comply with the Health Information Act at the point of use.

So, you know, privacy impact assessments – and it's even broader. If we're talking about artificial intelligence, there's a larger framework that needs to be applied. Privacy impact assessments is one of them. We also have to have a certain amount of ethical review about the use of these kinds of technologies and algorithmic impact assessments, which are starting to be developed. I believe it's being used at the Treasury Board of Canada. There are more requirements to ensure that the laws will be complied with and people are protected when these technologies are used. In my view, that should be centred at the point of development.

**The Chair:** Okay. What I'll do, cognizant of time, because we do have the folks for one hour – Mickey Mouse is telling me that we've got about three, four minutes left. If you're okay with it, MLA Shepherd, we will let MLA Long get his question, and if we have time, we'll flip it back.

**Mr. Shepherd:** Certainly. Thank you, Mr. Chair.

**Mr. Long:** Thank you. Thank you, MLA Shepherd and Chair. Thanks for being here. I just wanted to sort of go back to some of the concerns that you've stated about medical information sharing cross-border. You know, I've had numerous conversations around this, patients themselves begging for this to take place, community leaders begging for it to be taking place. I have shared with them that it sort of opens up conversations about who owns medical records, first and foremost, but inevitably I guess I'm putting it to you: how do we get to a place where your office would be comfortable with medical sharing cross-border? Currently the situation in a few communities that we serve has patients that have to pay for a paper copy of patient files, have lengthy delays, have duplications of services, costing extra money and worse patient outcomes.

When they're asking us to do what we can to encourage cross-border sharing of their own medical information, I'm just curious how we get to a place where it protects privacy and addresses your concerns but also allows patients to basically have their medical information shared so they can have better results and not worse outcomes.

**Ms McLeod:** I'm familiar with the community that we're speaking about here. It is a difficult situation. My question back would be: have all Albertans been consulted about this? You know, I think we

need to be thinking about all Albertans here, so that makes it difficult.

The other part of that equation is loss of jurisdiction. If we have information that's accessible in Saskatchewan, let's say, it is likely that I would have no jurisdiction over anything that happened there, keeping in mind that now we have health care providers in Saskatchewan that are accessing all of Albertans' health information. That is a tricky situation.

**Mr. Long:** Can I just do a quick follow-up? If we're over time, that's fine.

**The Chair:** We're one minute over. I would put it back to Diane. I'm sorry; I apologize if I said that incorrectly. I would put it back to you. It's your discretion if you want to go an extra two minutes or so over to deal with this issue.

**Ms McLeod:** I don't have any problem answering the question.

**The Chair:** Okay.

**Ms McLeod:** If you want me to put it in writing, I would be happy to do that as well.

**Mr. Long:** If it's okay, do you take in-person appointments so that I could have a discussion with you offline?

**Ms McLeod:** Yes.

**Mr. Long:** Okay. Then I'm happy with that if that's okay.

**Ms McLeod:** Okay. I know it's a difficult situation.

**Mr. Long:** I'd just like more professional feedback.

**Ms McLeod:** It's an important conversation to have.

**Mr. Long:** Thank you.

**The Chair:** Thank you for that, for navigating it.

Again, we were to wrap up at 11 o'clock. We're five minutes over because we started a little bit early. I'm not sure if MLA Shepherd had one that he wanted to squeeze out within . . .

**Mr. Shepherd:** I'm good, Mr. Chair.

**The Chair:** We're good? Okay.

Well, with that, thank you very much, Diane. Again, really appreciate all the efforts that you folks, your team, does. What we'll be doing, obviously, is deliberating on the budget side of it, and we'll get back to you in writing.

**Ms McLeod:** Great. Thank you very much, everyone.

**The Chair:** Appreciate it. Thank you.

For committee members, we'll just take a quick 10-minute break, and we can carry on the discussion on building codes.

[The committee adjourned from 10:57 a.m. to 11:07 a.m.]

**The Chair:** All right. Well, I think we're ready to go here if everyone is good and all settled in. I appreciate everybody coming back here.

I'd like to call the meeting back to order and welcome our final presenter of the morning, Glen Resler, the Chief Electoral Officer, to introduce his colleagues and begin his presentation; 20 minutes or so for the presentation. We'll leave time at the end for questions from committee members. Maybe what we'll do, just for your

edification as well, are some introductions on our side so you know who you're speaking to and who will be asking the questions a little bit later. To my right.

**Mr. van Dijken:** It's Glenn van Dijken, the Athabasca-Barrhead-Westlock MLA. Thank you.

**Mr. Sinclair:** Scott Sinclair, the MLA for Lesser Slave Lake.

**Mr. Dyck:** Nolan Dyck, MLA for amazing Grande Prairie.

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

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

**Member Eremenko:** Hello. Janet Eremenko. I'm the MLA for Calgary-Currie.

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

**The Chair:** Shane Getson for Lac Ste. Anne-Parkland, known as God's country. Earlier MLA Shepherd had noted that everyone, no matter where they came from in the province, came to Edmonton-City Centre. I was going to follow up with that, but I'm saving it for now, Shep. In my area people from all across western Canada have been performing a pilgrimage to come to our area for over a hundred years; hence the reason why there.

I'll turn it back over to you, Glen, to introduce your team.

Oh, and I apologize; we have members on the phone or on the screen, as it were. I'm dating myself. So go ahead, Member Chapman.

**Ms Chapman:** That's all right. It's Amanda Chapman, MLA, Calgary-Beddington.

**Member Brar:** MLA Gurinder Brar for Calgary-North East.

**The Chair:** Thanks, MLA Brar.

Glen, without further ado, back to you and your team.

## Elections Alberta

**Mr. Resler:** Thank you very much. Good morning, everyone. It's a pleasure to meet with you today to review the activities of my office during the 2022-23 fiscal year and to present Elections Alberta's budget estimates for the 2024-25 fiscal year. My name is Glen Resler, Chief Electoral Officer, and joining me today are Pamela Renwick, our Deputy Chief Electoral Officer, and Steve Kaye, our deputy commissioner for financial compliance and enforcement.

In your materials today we have provided you with our 2022-23 annual report, our strategic plan for the years 2024 through 2028, and our budget submission for 2024-25. I'd like to begin by providing you with a few highlights from the annual report, and this report covers the year leading up to the election, so it does not, however, include any election activities. Those will be provided in a general election report, which will be published in spring 2024.

The annual report does outline some of the significant trends that have occurred as we approached the general election. There was over \$21.7 million in contributions that were received across all political entities, and this is coming from over 200,000 contributions. Regarding contributions the chart on the left shows the number of overcontributors that we identified and resolved during our financial audit process, and those are compared to those that occurred in 2021.

As you are aware, constituency associations are no longer legislatively required to file quarterly reports, and as a result of

this change we are now seeing an increase in the number of overcontributors or overcontributions needing to be resolved at year-end. We've seen an increase in the number of these, from 24 in 2021-22 to 130 during this period. The elimination of this quarterly contribution reporting means that Elections Alberta is no longer to resolve these errors proactively, and this has resulted in an increase in referrals to the Election Commissioner to investigate receipted overcontributions. There have been 57 such referrals that have been made this year alone.

The table on the right breaks down the 560 political participants that were required to file financial statements in 2022. Those who were late paid an automatic \$500 late filing fee. Electronic filing through our online financial system has enhanced compliance and reduced the number of late filers. From the table there it shows only six entities that did not file on time. In fact, there was no one that was reported to the Speaker for noncompliance. All financial statements were received within the timeline, within the 30-day limit.

The next slide breaks down the various third-party advertising contribution sources. As the pie chart illustrates, trade unions accounted for the majority of the contributions that were made to third-party advertisers in 2022. There is 73 per cent for election third-party advertisers and 58 per cent for political third-party advertisers. The trade union contributions to election third-party advertisers were made prior to the legislative changes, which took effect on March 31, 2022. These changes banned trade unions, corporations, and groups from making future election advertising contributions.

We also continued to be very active accepting complaints and conducting investigations throughout the fiscal year. We received 282 new complaints and concluded 130 investigations. A hundred and forty-one complaints were resolved without formal investigations, and 44 resulted in findings of a breach of the legislation.

We closed out the fiscal year amid the provincial mail-based enumeration and preparing to send out shipments from our warehouse and opening returning offices to conduct the election. As mentioned previously, a stand-alone election report further outlining all our activities will be issued in early 2024.

This concludes my brief remarks on the annual report. I'll now move on to the strategic plan, which outlines our budget planning and considerations for the coming years.

Following the provincial general election my office began preparing for the next election cycle. We started by reviewing all of the planning and work that went into the delivery of the 2023 election as well as our organizational capacity to meet all the potential demands for the next four years. Our strategic plan is the result of this review, and it lays out a renewed vision, mission, mandate, and the future goals for Elections Alberta. It will guide the organization through the next four years and the successful administration of the next election and any other mid-cycle electoral events. We will report on the success of our strategic plan and its goals in future annual reports.

Our strategic plan has taken into consideration three significant events that will or could impact our timelines to prepare for the next provincial election. First is the impact of the Electoral Boundaries Commission. We anticipate that the commission will be formed next fall and that our office will provide support to the commission, particularly with geographic information system services. Based on the timelines outlined in the legislation, we are estimating the boundaries will be approved during the fall 2025 legislative session, or roughly 17 months prior to the election. These approved boundaries are essential for us to proceed with activities such as the appointment of returning officers, outreach and engagement work,

selecting voting places, locating returning offices, and completing the packing and preparation of materials for each electoral division.

*11:15*

The second consideration is the potential impact of any legislative changes, including to the fixed election date. Delivering the 2023 election during the wildfire activity was extremely challenging for my office and returning officers, and there has been discussion on whether the fixed election date needs to change. With electoral boundaries also needing to be redrawn, moving the election earlier in the calendar will further reduce the preparation time available to the office. Our request is that early notification of any changes to the date, whether earlier or later, be provided to provide our office time to prepare. Ideally, all legislative amendments should be passed in the fall 2024 to spring 2025, while the Electoral Boundaries Commission is conducting their work. Doing so would allow us to focus on election preparations and implementation once the new boundaries are approved.

The final consideration is the potential of a provincial referendum that could take place. A provincial referendum can be conducted in one of three ways: in conjunction with the local municipal elections in fall 2025, as a mail-based vote, or as a stand-alone event with the same services offered as those in a general election. The latter would require the opening of 87 returning offices: the special ballot voting, mobile voting, five days of advance voting with vote-anywhere service, and election day voting. Our strategic plan offers a timeline for each of those options, with early preparation activities taking place now to position us to conduct any of the options within one year's notice.

As you'll see in our budget, one area that we need to pursue quickly is appointing returning officers across the current electoral boundaries as they are essential for all preparation activities. Currently the legislation stipulates that all returning officers cease to exist four months following election day. Other than headquarters staff, Elections Alberta does not have any resources to conduct a provincial vote.

In addition to considering the events that will occur over the next four years, our plan also considers the following factors that influence our goals, service delivery, and budget. The first is population growth. Alberta's population is growing by 1 and a half per cent this year and actually saw higher numbers of the recent growth. At this rate we'll have at least 7.1 million people by 2051, with 4.7 million estimated to be eligible electors. Elections are all about people, and elector counts impact the number of voting stations that are provided, the number of staff that are hired to work those stations, and the volume of supplies and ballots needed for each of these stations.

Our second factor is the expanded mandate. Elections Alberta must be prepared to deliver election events of any size at any time while meeting the expectations of the electorate and complying with multifaceted legislative requirements. Since the development of Elections Alberta's previous 2020-24 business plan Alberta's electoral legislation landscape has expanded; it now includes Senate elections, nonconstitutional referendums, citizen initiatives, and recall. This requires a shift in Elections Alberta's operational default away from the four-year election cycle to a continual readiness model.

The third factor is limited office and warehouse infrastructure. Elections Alberta's headquarters and warehouse has operated out of the same location since inception of the office 43 years ago. The space has been repeatedly modified to continually increase capacity but is currently well beyond its limits. Additional warehouse space was required for the recent 2023 provincial election. We have initiated discussions with Alberta Infrastructure, and those discussions are ongoing to resolve the office and warehouse space issues, but any solution will not be quick to implement. In the



meantime Elections Alberta continues to look at creative use of our space and nontraditional solutions to operate and deliver quality services.

The last factor is public trust. The decline in trust in public institutions and democratic processes has a significant impact on elector voting behaviour, political participation, and information consumption habits. Attempts to spread misinformation and disinformation regarding the electoral process are concerning trends that need to be addressed as we plan for future electoral events.

Our strategic plan focuses on four core areas based on the election environment that we are working within and our timeline considerations for the election cycle. These include maintaining our electoral event readiness, which means being positioned to deliver a provincial election or a referendum within one year in addition to any by-elections or recall votes at any time; second is working to enhance our services for electors, election officers, political participants using a model of constant readiness; third, we'll work to build and maintain trust in the electoral process; and, finally, creating an environment for our employees' continued success.

If you could refer to your budget handouts, we'll now go through our budget request. In total we are requesting funding of \$11,588,000 for the fiscal year 2024-25. This represents a 73 per cent decrease over last year. The previous year's budget was approximately \$30,000,000 more, which was required for the conduct of the 2023 provincial general election.

Included in your handouts are program comparatives for corporate services, elections, enumerations, other electoral events, and compliance and enforcement services. Page 2 compares our consolidated 2023-24 budget to our '24-25 estimates. The variances are significant and are perhaps best explained by looking at each individual program area in detail. I'll start with corporate services, which can be found on pages 4 and 5 of your budget handout.

Our corporate services estimate of \$6,434,000 is a net increase of 8 per cent over last year. Personnel costs increased by \$456,000, which includes \$279,000 in salaries, of which includes funding for two new positions, Election Commissioner and a co-op finance student. There's \$124,000 for in-range merit increases for staff and \$53,000 for increases in employer contributions.

Under supplies and services there's an increase in risk management insurance rates and wide area network charges. One item that is not included in our corporate services budget are costs associated with the new office warehouse space. Alberta Infrastructure had suggested allocating up to \$500,000 to perform a needs assessment to price out the project, and in my discussions with the Speaker we agreed to inform the committee today of the need for the new space and that more information will be coming forward once a budget is known.

Turning to page 6 of the estimates, our total elections budget is \$3,431,000; \$826,000 of the budget is allocated for the conduct for up to two by-elections or recall votes. These funds are not expended if a by-election or recall vote does not occur. The remaining \$2.6 million is allocated towards our continual readiness activities, which include maintaining additional core election staff at headquarters, retaining returning officers and returning officer liaisons, and providing them with the required training, equipment, software, and systems to perform readiness and engagement activities. It also includes \$460,000 for capital development of our election management system.

Turning to page 9 of the estimates, our total enumeration budget request is \$557,000. This will fund ongoing register-to-vote activities, includes social media advertising and a mail-out to targeted households that are new or have moved. We'll conduct this by using data available from Canada Post. The budget includes \$30,000 for advertising; \$277,000 for postage; \$250,000 for

printing, bundling, and mailing services for approximately 500,000 households annually.

**11:25**

Turning to page 11 of the handout, we have our budget for other electoral events. This program area includes \$471,000 covering recall petitions, citizen initiative petitions, and referenda. The bulk of this budget, or \$438,000, is allocated for election readiness should a provincial referendum take place. We have allocated costs targeting recruitment and onboarding of returning officers, and this consists of recruitment advertising, shipping supplies, monthly mobility charges, and honorariums. Also, \$161,000 of this amount is to start stocking the warehouse with supplies that have long lead times such as ballot boxes, voting screens, and ballot paper. Care is being taken to only purchase items that can be used in the 2027 provincial election should a referendum not take place. Given that a referendum is not a certainty and that there are three different methods for its conduct, this budget request only focuses on minimal readiness activities. Should a referendum be announced, we will return to this committee with a supplemental budget request based on the timing and method of conduct. Also within this program area there is \$33,000 for the review of any recall petitions or citizen initiatives. If no petitions are applied for or submitted, these funds will not be expended.

Finally, on page 13 of the handout we have our budget for compliance and enforcement. You'll see that our budget request for this program is maintained at \$695,000. Most of this cost is related to fees for contracted investigators that handle the complaints and investigation files.

To summarize, our total budget estimate for 2024-25 fiscal year for Elections Alberta is \$11,588,000.

I want to thank you for this opportunity. That concludes my presentation. We're happy to answer any questions that you may have.

**The Chair:** Perfect. Really appreciate the presentation and, again, the work that you folks do. It's almost like the firehose-type thing, where you have to hurry up offence quite a bit. That's for sure.

We'll open up to the floor, but MLA Sinclair threw his hand up first, and then anybody else that wants to get added to the speakers list. Thank you. Over to you, MLA Sinclair.

**Mr. Sinclair:** Thank you, Mr. Chair. Thank you very much for the presentation. I notice that in goal 1 in the business plan, the plan revolves around electoral event readiness and one of the objectives being to support the development of new boundaries for the 2027 election. I'm just curious if you can go into detail what the process is for developing these boundaries in one of the most remote areas with the highest population percentage-wise of Indigenous people. We also had, as many people know, the devastating fire in my region in 2011 that burned basically half of our town of Slave Lake. Just curious if you could go into some details on it – I'm just concerned about this for obvious reasons – if you don't mind.

Thank you.

**Mr. Resler:** Thank you. The Electoral Boundaries Commission is created by the Legislative Assembly, so it isn't legislation that we administer directly. We provide support to the commission itself. When under the legislation members are appointed and the Speaker – so from both sides of the House members will be appointed. Once they're appointed, we provide the administrative support to them. They usually have their meetings in our office and we provide the mapping services to them, but it is up to the commission to determine the manner in which they will engage Albertans. Normally they will go across the province and hold town hall

meetings, in a sense, to engage Albertans on that. Parameters will be provided to the committee in the legislation as far as the number of electoral divisions, what they're looking at as far as population figures.

Anything?

**Ms Renwick:** Yeah. There are two requirements in the legislation. There's an interim report. So normally there's an engagement process with Albertans to determine some preliminary boundaries, an interim report comes out, and then after that there's a second consultation that occurs so people can see kind of what they were thinking for boundaries and provide feedback on those, and then the final report is tabled in the Legislature. There's some discussion, and ultimately it's up to the Legislature to pass. The current Electoral Boundaries Commission does talk about kind of how you create the electoral divisions. It does outline the numbers, so right now it indicates 87. There is a population figure that electoral divisions need to hit, and you're allowed up to four electoral divisions that do not go up to that number. I believe that right now we have two, one of which is yours, to consider, these huge geographic areas that don't have the high populations but where that's clearly a significant impact on representing that area.

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

**Mr. Sinclair:** Thank you very much for the answer. Yeah, I do, just specifically on the wildfires if that's okay. Obviously, the election was affected by wildfires, everybody in Alberta but specifically some of the members even in this room and our ridings. Could you speak maybe on some amendments or details that could be recommended on making it so that the access during wildfire season is assured, especially specifically for some of the remote areas or in the case of a wildfire in remote areas?

Thank you.

**Mr. Resler:** By access, what are you referring to specifically?

**Mr. Sinclair:** Well, specifically in Slave Lake, we had some concerns about getting to some of these areas and then having to go through a very quick process and trying to go through the emergency management committee at the time. I wasn't even elected previous, so I wasn't an incumbent but was trying to find avenues to get answers for people on their concerns when they're, you know, out of their homes, lots of times with very little notice. I'm trying to get the information and the communication for people affected by wildfires. To me, it could definitely use, I would say – I don't know – increased resources but be definitely examined. I don't know if any of my colleagues have anything to add on that. Thank you.

Thank you, Mr. Chair.

**Mr. Resler:** As far as the communication to Albertans, for us it's obviously impacted as far as the election process itself, and managing the general election at the same time as the wildfires was a unique challenge for the office, absolutely. It impacted probably six electoral divisions in the north-northwest part of the province, and there were thousands Albertans that were impacted, whether it's evacuations, being displaced from their homes for unknown periods of time. That included Elections Alberta staff and our offices.

We actively engaged with the Alberta Emergency Management Agency to receive updates. We received daily updates, sometimes more than once a day, on the current evacuations and understanding where the evacuees were relocated to and any possible timelines for re-entry. We had that constant confirmation at our end.

Many communities experienced a loss of voting place. The evacuation and closing: we had to close our own returning offices in a couple of electoral divisions, and we were uncertain as far as timelines, as everyone was in this unprecedented situation.

But we worked closely with the local communities. We identified alternative voting opportunities. We expanded the reasons for which a special ballot could be utilized, and we used them for firefighters and other emergency personnel on the front lines. We worked closely with evacuation centres to make voting available to evacuees, and we even offered alternate locations to train election workers despite those evacuation orders.

We closely monitored the situation. The status of the fires, obviously, was unpredictable and constantly changing. During the last week of the election period we were considering making applications to the Court of King's Bench to even discontinue the election in four electoral divisions. We had scheduled three dates with the Chief Justice to bring applications forward should they be required to discontinue those elections.

But we are very proud of what we were able to achieve in holding those elections and offering voting options for those in those affected areas. I have, you know, one success story I think of in the Slave Lake area that we are very proud of as an example I'd like to share, one of the stories dealing with the Canadian military that were stationed out of CFB Edmonton. They were responding to wildfires in your electoral division, in Lesser Slave Lake.

*11:35*

We had over 300 actively serving members able to attend a voting station during advance voting in the area. So while they were on a break from fighting the fires, they were able to cast their ballots. This wouldn't have been possible without the use of vote anywhere across the province, those processes and the collaboration between the local returning officer and the commanding officer of the military personnel. That is one example of how we were able to communicate with Albertans on the wildfires and locally in which they were able to vote.

When we look at the emergency powers that are in the legislation to discontinue an election, I think they worked quite well. There are, I think, some enhancements that we can make to the legislation that we encountered, whether we're dealing with the evacuees and how we can provide that ballot to them. We will be providing in our election report in the spring some recommendations in which we can enhance the legislation to make it work better for Albertans in those situations.

**The Chair:** Perfect. And on the speakers list, in no particular order, because I had the MLAs from Edmonton–City Centre and Calgary–Currie raise their hands both at the same time like good old gunfighters of the west, I'm going to go with the lady first on that. Then we have MLA Dyck and then MLA Chapman online there as well. Are there any other members? Long? Yes, sir.

Just as an item of note, we also have another member that just joined us.

**Ms Renaud:** Marie Renaud, St. Albert.

**The Chair:** Perfect. And just for edification, we've had a substitution, and the individual to be substituted for has come back. MLA Brar appears to be offline, and if he were to stay, he would be listening as an active, nonparticipating member, and the vote goes back to MLA Renaud.

With that, the MLA for Calgary–Currie.

**Member Eremenko:** Thank you, Mr. Chair. Thank you so much for being here. I have a question about the referendum component

of the plan. We've got the three scenarios laid out. Between the local elections, vote by mail, and the full election event, do you have a sense of what the costs of each of those scenarios would play out to be?

**Ms Renwick:** We did have a referendum in 2021 with a local election, so we do have some actuals we can look at for that. There is a regulation that outlines what municipalities are paid in grants, and it's \$5 million for a referendum. Our budget was around \$1.1 million although we were also overseeing the Senate election. I would imagine our budget would be slightly less, and a little bit less in supplies would be involved if it was just the referendum.

For vote by mail, vote by mail has never been offered fully in Alberta. There is a provision for there to be a regulation to offer vote by mail fully, which would mean every Albertan or elector would receive a package to vote, mail it in. If you're familiar with B.C.'s referendum, that's how that one was conducted. With that one, a little bit more guessing on the costs, but we're thinking about \$12 million to deliver it that way. It is all centralized out of Elections Alberta. We don't have the need to open up returning offices across the province. We're not hiring the 13,000 to 14,000 election workers, so this is a little bit less.

A full election event. If it was a stand-alone event, it is exactly like a general election, everything you see. The only difference is that you're going to have that referendum question on the ballot instead of candidates. For that, we would look at around that \$30 million amount to deliver it that way.

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

**Member Eremenko:** I do. Similarly, I suppose you're going to have to look to other jurisdictions for some kind of a guide here on this particular question, but I'm curious about what you can predict as far as voter turnout and voter participation in each of those scenarios. Do you have a sense of where we are going to see the highest and the lowest turnout based on the different scenarios, please?

**Mr. Resler:** Good question. It isn't something that we've directly looked at, and that's something that we can look at crossjurisdictionally. You have the extremes: Prince Edward Island has performed a referendum, but their voting participation rates are quite high. They're in the 80 per cents. I'm not sure on B.C. It would be the comparable for us: similar population, similar legislation. But that's something that we could look into and provide to the committee.

**Member Eremenko:** Please. That would be great. Thank you.

**The Chair:** Thank you.  
Next up is MLA Dyck.

**Mr. Dyck:** Excellent. Thank you very much. Turning to the complaints and investigation section, page 56, I just noticed that it states that disclosures take place when an investigation culminates in a reprimand or administrative penalty. There are only eight out of the 271 complaint dispositions. Why do we only disclose this information for investigations culminating in these types of results? There are only eight. Why did we choose these eight, or four and four if you want to get into the granular? Why do we only disclose those ones?

**Mr. Resler:** What is being disclosed is what is required by legislation. We are restricted by legislation on that disclosure process.

**Mr. Kaye:** The disclosure package that typically goes out – and, again, it is legislated. Before any adverse finding can be arrived at by the Election Commissioner, the subject or entity being investigated is required to receive full and frank disclosure on the information that was collected in the course of the investigation. It's a little bit different than a criminal process, but that component still exists. The person who, for lack of a better term, has been accused, we'll say, of some wrongdoing gets to understand exactly what the case against them looks like, and then they're given a reasonable amount of time to prepare a response, arguably in their defence. That's the way it's structured, and that's legislatively required.

**Mr. Resler:** I'd just add to that. As far as what we're able to share as far as information under the legislation, we can only provide information in which we imposed an administrative penalty, whether we issued a letter of reprimand, whether there is a compliance agreement that was initiated. Sometimes the subject of the complaint, if it was a finding in which they wanted it to be made public, has the opportunity to also make that public in an instance where it's in their favour, so where they wanted to clear the record. Otherwise, the other complaints we're unable to comment on.

**Mr. Dyck:** Just a follow-up if I may, Chair. We do have a compliance agreement here. It doesn't sound like they're guilty at this point. I'm curious: is it typical practice to publish this type of compliance agreement, or is this not common?

**Mr. Resler:** Yes, it is common.

**Mr. Dyck:** I guess my other question is: why do we publish this if it's a compliance agreement that's been made? Like, I understand from your answer the penalty and the reprimand, but why are we publishing compliance agreements?

**Mr. Resler:** Transparency is probably the foremost reason but also because there is an agreement. There is a breach that occurs, and this is corrective action in order to rectify the breach, so it is public information to state what the remedy was. Rather than assessing a fine or a reprimand against the political entity, we're able to come to an agreement and to rectify the breach in a timely manner.

As far as the compliance agreement, that's new in the legislation, so this is the first time that we have published one. If you were to look at Elections BC, there are a substantial number of compliance agreements that are made in their jurisdiction, but this is the first time for us.

**The Chair:** Perfect.

Back over to MLA Shepherd.

**Mr. Shepherd:** Thank you, Mr. Chair, and thank you, Mr. Resler and your team, for being here. It's good to see you again. I was just curious. On slide 4 you were talking about the increase in overcontributors. We've seen it increase fivefold, I guess, between 2021 and 2022. You directly attributed that to the elimination of quarterly reporting by constituency associations. You talked about the process with that, that there was an increase, then, to referrals to the Election Commissioner – 57 this year – so that's increasing as well.

You know, I understand that the government brought in that change because they wanted to, I guess, ease some of the pressure on constituency associations. They looked at it as potentially red tape or sort of an inconvenience to have to report quarterly, recognizing that these are volunteers. But I'm curious what your thoughts are about, I guess, the increased work this is creating, then, for your department and potentially increased cost. Do you have a

sense of the staff time, the dollars that this takes, then, if we have to do more follow-up?

11:45

**Mr. Resler:** I don't have a cost associated with the additional work. The work still existed to some degree. Even when the quarterly reporting took place, our financial staff would be the ones involved in ensuring that there is compliance with the legislation. We were just able to do it proactively. We were able to correct the errors, refunds, all of that, before any of those contributions were receipted and reported on the financial return. It does shift as far as the workload on that end, and then it goes into the investigation. But then it becomes a breach, so then now we have a breach of the legislation, in which we're investigating.

**Mr. Kaye:** Yeah. It really just eliminates the early intervention option and to help people who – and let's face it. It's, you know, keeping track of contributions for some people who, whether they make them monthly or however they make them, can lose sight of what that looks like. It's in many cases the inadvertent overcontribution that we can get in front of them, we can correct, and we can help keep people out of the ditch, but when you eliminate the ability for us to interact with them early – the term, I guess, I would use is that the damage is done, and now we have to look at it from that perspective.

But, to Glen's comment, when there's early intervention, the financial team is able to jump in the mix and work with these people to try and correct whatever inconsistency there might be. When there is no intervention by the finance team, we just inject a different body – and that's the compliance and enforcement team – to look at these errors that have, you know, come to our attention. It's probably roughly the same number of people. It's just that they're performing different tasks at different stages in the process.

**Mr. Resler:** And the political parties do have a role. You know, they should be monitoring this, but there is difficulty, right? Because it's an aggregate, a party will not know if I contribute – I can't contribute; I wouldn't contribute. But, as an example, if I provide to one party and then also provide the other party, that party wouldn't know what was contributed. Then that's where our process comes into play, and we're able to provide that information to the entities and to the contributors as an educational component.

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

**The Chair:** Yeah. Absolutely.

**Mr. Shepherd:** Thank you. I appreciate that. So to be clear, it kind of comes out in the wash in terms of the work that's got to be done in the system one way or the other. The difference, then, is the impact on the individual, as opposed to sort of just a light tap on the shoulder, "Hey, you might want to be careful there; maybe adjust that," versus moving into actual breach and enforcement.

**Mr. Resler:** Yeah. You may have advice to future conduct, but it may result in a reprimand or a penalty. It all depends. You know, are they repeat offenders and such like that?

**Mr. Shepherd:** What does that mean for an individual? So they get a . . .

**The Chair:** Oh, easy. You got three.

**Mr. Shepherd:** Sorry.

**The Chair:** Maybe we'll just go back, unless it's really, really pressing, Member, and we'll just try to get through.

MLA Long, you're up next, and then we'll come back to MLA Chapman, who's been patiently waiting online with her executive assistant.

**Mr. Long:** Thank you, Chair. I share MLA Shepherd's passion once you get on a roll.

I just wanted to look at the budget a little bit. I could probably spend all day on it with you if we had all day. Unfortunately, I know we have time constraints. I'd like to start, actually, under the corporate expenses. The salaries and wages increased by \$403,000, which is being attributed to the two new positions of Election Commissioner and co-op student as well as merit increases. It's a fairly significant increase, and I'm just curious if you're at liberty to disclose any more information on the salary ranges for these positions.

**Mr. Resler:** Yeah. As far as, like, a co-op student a rough dollar amount I can give you. I don't have the ranges. It would be in the \$50,000 range for the student, and that's for a full year. There would be multiple co-op students in which we'd be engaging.

When we look at the Election Commissioner, we are budgeting in as a part-time position. We're looking at approximately \$154,000, but we still have classification and that to do on that position. That's what we're looking at for that.

And there are other positions in which there have been some changes, so there may have been reclassifications and such. There are little increments within the core staff on that, too. You know, merit is \$124,000, you have over \$200,000 in the two positions, and then there are other ones in which there are some adjustments or reclassifications.

**Mr. Long:** Sorry. You just sort of caught me on the Election Commissioner. A part-time position at \$154,000? Like, what's part-time, then? Is that half-time? Is that 30 hours per week? Just what's your idea around that, please?

**Mr. Resler:** Well, yeah. What we're looking at: it'll depend on whether it's an in-house position, whether it's outsourced to a law firm, that type of thing, which is done in other jurisdictions. Elections Manitoba is an example of that. Obviously, if it's brought in-house, it's going to be a lower cost, and that's what we'd be looking at as far as posting that. So it depends on the situation, depends on what we're able to attract once it's advertised and that.

Part of the reason we pulled the position right now – is for us to engage as far as: how many hours? What is a realistic – you know, is it two days a week? Is it three days a week? That type of thing. There will be periods depending on the electoral cycle. If we're in an event, they're going to be working full-time, just like our investigators, so the amount as far as salary for that role will change on an annual basis, whether there are municipal elections, general elections, that type of thing.

**The Chair:** Perfect. MLA Chapman. You're up, ma'am.

**Ms Chapman:** Thank you. I was, you know, reading in your report about: the public trust is the issue. So I just wanted to ask you – I know that during the most recent election I was definitely hearing some complaints about social media posts with voter information, right? Things such as saying that voters are required to bring ID to be able to vote: I mean, of course, you know that there are four criteria required that people can meet to be able to vote. I'm just wondering if you can speak a little bit to what you're doing around your own capacity to prevent the spread of misinformation about

those requirements to vote – like, I noticed it in this last one; I don't know if this has been an ongoing issue – and, yeah, what you're doing going forward to make sure that your office is really just putting out the best quality information on those processes.

**Mr. Resler:** There were concerns that you mentioned that were raised on Twitter. There were a couple of messages, one requiring the registration to vote portion and the mandatory identification. The information that was provided was not incorrect. There were concerns as far as what was presented. It was a Register to Vote campaign. There are means in which, you know, we were allocating as far as what that campaign was. There are other alternates as far as attestations, vouching that can be used, but those are pieces of identification that are on our list of identification.

Our mandatory campaign really was highlighting those changes that were introduced in Bill 81, which required all electors, not just those that are registering to vote, to prove their identity and their address. This requirement is in place for municipal and federal elections, but this was the first time for the election provincially. So there was a push-back to our advertisements, them saying that identification was not required. It is still required. Attestation is a form of identification. If someone is being vouched for, the person who's providing the vouching is providing identification and stating that they are who they are and this is where they live. There's probably less than 2 per cent of the of the electors that use vouching or attestation as a form of identification, and the goal of the advertisement was to increase the awareness of the identification change. We did soften our language. We increased comments as far as attestation and vouching, but ultimately identification is still required by everyone, and we wanted to highlight that importance in our strategic plan.

11:55

Obviously, we have to ensure that our communications are appropriate and there's understanding by the electorate, but you also have to look at the campaigns more in a holistic approach. Some advertisements, like those brochures – we had different brochures targeting rural Alberta versus the rest, the urban areas, and for many of our electors that experience barriers to voting and providing identification we provide direct communications with those groups, with the facilities, with the operators that support them because there are differences in which we engage with them and educate them. That is that attestation process, and we want to help the facility operators to understand that process and the different forms of advertisement, communications, engagement that we do. So there is a broader advertising campaign than just targeting that one brochure, in a sense.

**The Chair:** Perfect. MLA Chapman, do you have a follow-up?

**Ms Chapman:** I don't. Thank you so much. That was a fulsome answer.

**The Chair:** Okay. On the speakers list we have MLA Long, and then back to MLA Shepherd.

**Mr. Long:** Thank you, Mr. Chair. I'd actually like to sort of dig into the enforcement side of things a little bit if that's okay. You've made a couple of comments around public trust and the erosion of public trust around a variety of topics that you've been discussing today. I can't say that I disagree about how important public trust is, and I'm curious if your budget allocation being what it is each year around enforcement is the right approach as opposed to having more funds actually attributed to election years specifically and if not having more funds attributed to election years specifically,

we are actually eroding public trust when they see clear violations of election rules, a lack of financing.

**Mr. Resler:** Are you asking whether our financing should be higher?

**Mr. Long:** In election years specifically as opposed to a standard across all years.

**Mr. Resler:** We do. What you see as far as budgets: we budget the year. This is the first time for a fixed election date, so unique in that situation, but we budget a full budget. So we budget an election in both years because it could be called early, and it continues.

The volume: when we look at it, there's an increase in volume as far as complaints prior to the election, which we manage, but there also is the volume after the fact as far as the investigation. The volume is, I would say, comparable, sometimes higher after, to some degree. But we did allocate additional funds for that purpose to be on top of those complaints.

I absolutely agree with you as far as the timeliness of addressing the complaints, and that was a key component in, I guess, the kind of current and the prior budget year in order to address those investigations in a timely manner not only for the complainants to have that resolution but for the public to see.

That's where we look at the compliance agreements. The problem is that we will investigate, and then we can never tell anything about it unless there was a reprimand or penalty. What we want to do is bring everyone into compliance, provide the education. A lot of the electoral campaigns: they're run by volunteers. They're not familiar with the legislation, and there's that need for education. So if we can provide them and bring them into compliance within one to two days during the election period, because the election period is so tight, I think everyone benefits. There's an education component and we're on top of it, which then reduces the number of investigations we have to do postelection.

**Mr. Kaye:** Just to expand on that if I can. Our intake and triage process is consistent year in, year out. We don't modify it. We have a model where we will attempt to review every single complaint that comes through the door within five business days, and when I say review: if something jumps off the radar at us within, you know, day one or day two and there needs to be early intervention and immediate action, we're absolutely capable of doing that.

I understand what you're suggesting is to really spool up the investigative complaint intake side when the cycle appears to be high, but it's a little bit misleading. Yes, in the lead-up to an event there is that spike in volume coming in as far as complaints, but what people I think lose sight of is that, you know, when you get into the reporting phase three, four, five, six months later when people are making their filings, et cetera, that also increases the spike. What we don't see, which I think is what you maybe have in your mind, is this massive spike during an event, and then it drops off to nothing. Well, there is an increase, but it's more of a wave as opposed to a peak, and we go through that, you know, especially now that we've taken on part 5.1 and part 8 of the LAEA.

It used to be more significant just given the timings of the PGE, but with the inception of the LAEA enforcement piece coming to our office, it is now much more – and I'll use the term "a wave" as opposed to peaks and valleys, but as far as responding to people in a timely manner, our intake process absolutely allows for that.

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

**Mr. Long:** I do.

I appreciate the clarification. I guess that one of the things that we've all witnessed is key: clear violations of rules – on an election day, for instance, around signage or in an election period for signage – and there being no same-day way to put people into compliance and then there not being a real follow-up, at least not a public follow-up, on those violations. I will extend this to even union advertising. Like, we have a very clear process for PACs and different groups who advertise on behalf of political entities, yet it seems like we continue to turn a blind eye to union advertising on behalf of political entities. I'm just wondering how we can – like, if it's a budget issue for enforcement or if it's more clarity around rules or whatever it is, I'm just curious how we can make things come together so rules can be enforced and we don't erode public trust.

**Mr. Resler:** I would disagree that we're turning a blind eye to anything. Any complaint which we receive, we will follow up on. I have very few complaints that I would say that I received in which we didn't resolve in a timely manner during the election period, whether it was – and I actually think, like, political entities, candidates, and the campaigns and that: most of them, I would say, want to be in compliance. Their goal is to be in compliance, and they are very receptive when we make a phone call to say, "You're not in compliance," and, you know, we're asking for information to ensure that it is correct as far as the information that we have, but they want to bring themselves into compliance. We will have, in most instances, within 24 to 48 hours brought into compliance. I think that's been our experience.

If there are specific complaints which you're aware of, then we can follow up, and I'd be more than happy to, but I'd say on the most part they are, and very few of them extended into investigations postelection.

**Mr. Kaye:** Yeah, the gap being probably in the reporting. You're not hearing about it, but we will pick up the phone and call someone. Typically I would argue it may be even within 12 hours. We'll have that conversation, and compliance is achieved very, very quickly, because if it isn't, there are other repercussions. But if there's no breach, no administrative penalty or letter of reprimand, then it's hard to articulate the result, but they do occur.

**Mr. Resler:** But we do bring – like, our investigators are contract investigators, and we do bring them on pretty much full-time during the election period, and we expanded as far as the number of them. We also have them attend candidate meetings where we think there are issues. We have them attending voting places in which there have been complaints, so they are within the local areas and moving about, and when we have complaints on signage, they're out there looking at it, too. So we're looking at campaigns, contacting campaigns, that type of thing. They are very active during the election period.

**12:05**

**Ms Renwick:** And our returning officers were as well. Like, on every voting day we were responding to concerns about signage on voting places immediately. That wasn't waiting, right? They were actively involved in that. During the election period we're definitely ramped up, and there's a lot more than just compliance involved in trying to ensure compliance across all political participants.

**Mr. Resler:** Yeah. Your supervisors at the voting places have the authority to remove signage from the voting place in compliance with the legislation.

**Mr. Long:** So it just might not have happened in certain areas?

**Mr. Resler:** Or the complaint may not have been received by us.

**Mr. Long:** Maybe I'll talk to you offline.

**The Chair:** Yeah, MLA.

Back to MLA Shepherd.

**Mr. Shepherd:** Thank you. Just to follow up, then, from my last question. I just want to better understand what the impact is for an individual, then. If they are found in breach, what does that mean for them personally? Is it just then that there's an administrative penalty? It's reported online? Like, how does that impact for them differ, I guess, from being able to simply just resolve the issue before it got there?

**Mr. Kaye:** Well, as far as someone being found in breach, the legislation requires the commissioner to consider seven different factors before issuing any administrative penalty or letter of reprimand. I guess what it amounts to is that we are – and the term I'll use again is that the damage has been done, and now we're conducting an investigation into an overcontribution. The option to return funds, you know, cancel receipts, et cetera: it just becomes a different animal at that point. As opposed to before a final calculation is made for the year's contribution limit, you can get in there and you can correct it. You can make sure someone is going to come in under the limit at the end of the year as opposed to getting year-end stats where, hypothetically, someone has doubled the contribution limit. It can be inadvertent, just a lack of attention to detail, but it occurs. I guess that's the best way to try and describe how the process has changed.

**Mr. Resler:** In all instances we'll be correcting the breach, so the money will be refunded to the contributor as a starting point. When it's after the fact, then it's notification as far as, you know, there's no benefit to the person on their income tax form because it is tax deductible. So we provide information to Alberta revenue on that information for their follow-up also.

**Mr. Shepherd:** Thank you. It's helpful.

Yeah. Trying to sort of weigh the difference, I guess, between what we had before, what we have now. The difference is that impact on the individual. I guess you're not in a position where I can ask you to make a value judgment about whether one is better than the other. Just trying to understand.

**Mr. Resler:** As far as the contributor, it is more of an inconvenience, definitely, to them. They may not be as happy.

**Mr. Shepherd:** It's a question of administrative inconvenience, of extra work for a constituency association versus the impact and inconvenience for individuals.

**Mr. Resler:** Yeah. More of an inconvenience to an individual, and they may result in penalties, which wouldn't have happened previously.

**Mr. Shepherd:** Understood. Thank you.

**The Chair:** Members, with a minute and a half remaining of our time, if everyone else is – unless you can ask a question in 30 seconds or less, but I know we're all pretty long-winded. Once. Twice. Sold.

I really appreciate you and your team coming out and presenting to us today. We'll be reviewing budgets, obviously, and we'll get

back to you in writing. Again, thank you for coming out and giving us the information. Your budget is under consideration by the committee.

**Mr. Resler:** Thank you very much. I appreciate it.

**The Chair:** Thank you.

For everyone else in the committee, we will reconvene at 1 o'clock sharp in this room. So we'll see you back then.

[The committee adjourned from 12:09 p.m. to 12:59 p.m.]

**The Chair:** Welcome back, folks. I hope everyone had a good break. We're going to be carrying on here right now.

What I would like is for all committee members to introduce themselves going around the table, starting to my right.

**Mr. van Dijken:** It's Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock.

**Mr. Sinclair:** Scott Sinclair, MLA, Lesser Slave Lake.

**Mr. Dyck:** Nolan Dyck from Grande Prairie, Alberta.

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

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

**Ms Renaud:** Marie Renaud, St. Albert.

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

**Member Eremenko:** Janet Eremenko, MLA for Calgary-Currie.

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

**The Chair:** And online.

**Ms Chapman:** Amanda Chapman, MLA, Calgary-Beddington.

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

We have the office of the Ethics Commissioner. I'd like to welcome Ms Trussler and her colleague to the meeting today. I was going to say "colleagues" for a sec, but it's colleague. I understand that you're well known for your concise opening – that is what they put in the notes – and we've got bets on how long this will take or how short. Your reputation precedes you, ma'am. If you could introduce yourself and your colleague, we'll let you have the floor.

#### Office of the Ethics Commissioner

**Ms Trussler:** I'm Marguerite Trussler, and I have Kent Ziegler with me today.

I might surprise you. I might go a lot longer this time.

The period between April 1, 2022, and March 31, 2023, was a busy one, with a number of new and unique situations. In fact, at times it seemed a bit like a Wild West show. Late filings of financial disclosure continued to be an issue. Ten MLAs were late, and one received a penalty; 11 political staff members were late, and six received penalties.

Requests for advice were up to 613, mainly relating to gifts and some postemployment. The number relating to gifts could be lessened if MLAs would read our short guide to gifts on the office's website.

There were 68 requests for investigations, which is down considerably. Two investigations were commenced, and while we've tried to limit the out-of-jurisdiction requests by having a

detailed explanation on the office's jurisdiction on our website, it's not been very successful. We already have 99 requests for an investigation this year although half of those relate to one person.

On the lobbyist side of the office there were four penalties issued for breach of the act and one investigation. The investigation highlighted how ridiculously high the 50-hour threshold that is required for registration is. There were 67 new lobbying accounts and 931 active registrations for consultant and organizational lobbyists.

The top subject matter for lobbying was health. The three departments most often lobbied were the Premier's office; jobs, economy, and northern development; and Treasury Board and Finance. The most often lobbied agencies were Alberta Health Services, the Alberta Energy Regulator, Alberta Innovates, and the AGLC.

The single most important issue is the review of the two pieces of legislation. The Lobbyists Act has been completed, but it seems to have been deep-sixed somewhere in the Justice department, and the Conflicts of Interest Act review was interrupted by the election and needs to be recommenced. Both pieces of legislation need substantial upgrading to give Albertans transparency and to set standards of conduct expected by the public.

That's a brief summary of the activities of the last year. Moving on to our budget, I'm afraid we've cracked the million-dollar mark for the first time during my tenure. The increase is mainly salaries, with a number of increases granted across the board in government during the last 18 months.

But the largest was the Department of Justice realigning civil lawyers' salaries with those of prosecutors. Our legal counsel's salary has always been tied to the payments made to government lawyers, so there is a substantial increase, and as a result the employer contributions are up as well.

There are minor increases in travel, insurance, supplies and services, and employee benefits, but they mainly reflect inflation. There's a substantial increase in telephones as the government of Alberta is no longer paying for this service, and it needs to come out of our budget. The other large increase is IT, which includes network security testing, which is something that's a little bit overdue, and inflationary costs. Overall, the increase is around \$80,000, which is not large in the whole scheme of things, but it is a large increase for our office.

Thank you for your attention. I'd be happy to answer any questions.

**The Chair:** Well, I don't know if anyone made any money off the bet, but we got some close ones. I'm absolutely impressed. Thank you again for your attention to this and for your presentation.

With that, I'll open it up to members. The first one that caught my eye was MLA Dyck from Grande Prairie.

**Mr. Dyck:** Well, thank you so very much for coming. Yeah. That was the shortest presentation we've seen, so thank you. I appreciate it greatly.

You mentioned this in kind of your first remarks, that there have been a whole bunch of warning letters and administrative penalties to various people. So a two-part question: how does this compare to previous years, and what other avenues are being explored to remedy this situation?

1:05

**Ms Trussler:** It was a bit higher than previous years, and again it'll be high for this year, that ends in March. It's marginally higher. What do we do to remedy that? We do speak with the whips of each of the parties, and we give them a heads-up as soon as we know someone is late. Now, the one thing we do – and maybe people are

taking advantage of this – is that if it's due in on noon on Tuesday, if you're late, you do get a warning letter that the penalty won't kick in till Thursday. Most cases are rectified, but occasionally they aren't. We had to file a couple of judgments this year.

**Mr. Dyck:** Thank you.

**The Chair:** MLA Renaud, I'm not sure if you waved your hand. I feel like the auctioneer. I'm not sure if you were trying to get my attention.

**Ms Renaud:** No, I didn't wave my hand, but I'd be happy to ask unless . . .

**The Chair:** Okay. Sure.

**Ms Renaud:** I think my colleagues might have – no? Okay.

I just wanted you to expand on your comments about the piece of legislation or the review that got deep-sixed in the Justice ministry. I was wondering if you could expand on that. I'm assuming it was a review of legislation, the Lobbyists Act.

**Ms Trussler:** The statute was reviewed a couple of years ago, and nothing has happened since the report was sent to Justice; it's just sitting there. There are lots of things that need changing in that act for proper transparency.

**Ms Renaud:** Okay. Are you able to maybe expand and give a bit of a high level of points that should be looked at in that legislation?

**Ms Trussler:** There are all sorts of things.

**Ms Renaud:** Sure.

**Ms Trussler:** Our brief was 30, 40 pages long, but one of the outstanding ones is having a lobbyist registry in the sense that it's a meeting registry, where if they lobby anyone, they have to go in. It's something that's being done in other jurisdictions such as British Columbia, and it's working extremely well, and the lobbyists actually like it.

**Ms Renaud:** That's interesting.

**The Chair:** If you want to come back – we've just been, for the member's edification, kind of doing the first question, then a secondary supplemental, and then trying to go back and forth.

MLA Sinclair.

**Mr. Sinclair:** Thank you, Mr. Chair. Thank you for the presentation. Page 10 of the annual report details requests for investigation considered by your office. I noticed that out of the 68 requests submitted, 65 were deemed to not be within the jurisdiction of the Ethics Commissioner. You stated on page 2 that the number of requests actually decreased because you provide a better description of your jurisdiction on your office's website. But I'm just curious: why do you think the confusion continues over the jurisdiction to that point, with over 95 per cent of the requests still outside of your jurisdiction?

**Ms Trussler:** I think it's partly a lack of understanding by the public of what the actual jurisdiction of the office is. It's anticorruption legislation. It's not behavioural, for the most part, legislation. People don't seem to understand that, and I think that causes some of the difficulty. They see the word "ethics," and then they use their own lens to decide what's ethical or not.

You know, some of these requests that we get for investigation are sort of "Save our pension plan" or "Stop the carbon tax" but

asking us to investigate it because they think it's unethical. There are many of them that are just so far out of jurisdiction. There are some that are sort of iffy, but they really do not fit within the jurisdiction either.

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

**Mr. Sinclair:** I do if it's okay now.

**The Chair:** Absolutely.

**Mr. Sinclair:** When an investigation request comes in and it is deemed to be outside of your jurisdiction, could you explain – I'm fairly new to the role – what the process is? Is it referred to another office? I'm just curious.

**Ms Trussler:** No. It comes in, and I look at it, and I decide whether or not it – and often I'll have legal counsel there. We just decide whether or not it fits within the parameters of the legislation. I'm not one to go outside the legislation.

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

**The Chair:** MLA Renaud, did you have another one? Not to put you on the spot.

**Ms Renaud:** I do have, but if anyone else has a question . . .

**The Chair:** Okay.

**Ms Renaud:** Okay. I'm happy to ask another question.

Thank you very much for being here, by the way, which I didn't say earlier. You know, one of the things we chatted about in an earlier meeting was just the importance of having someone sort of guide or add – I mean, just as we're looking at changes that need to be made in the Conflicts of Interest Act legislation, part of our position at an earlier meeting was that it would be wonderful to have someone with experience being in the role and seeing sort of where the legislation lacks teeth or lacks information. I certainly appreciated the recommendations that came from your office about understanding sort of the roles of different areas of our jobs.

You know, one example is that maybe new people don't realize that often there are people with disabilities that go to AISH appeal hearings, and our offices are called for assistance: "Can you help me through this process?" That's not something that we should be doing, which I was able to clarify with your office. I'm just wondering if you could expand on some of the pieces that are really important, going forward, for us as legislators to look at with this particular piece of legislation. That was kind of a long-winded question. I apologize for that.

**Ms Trussler:** Well, the fundamental problem with the act is that it's a hodgepodge of sections, and the numbering would defeat anyone who wanted to start with it. That's one of the biggest issues. But there are other areas where the wording is not clear and where it just needs to be beefed up. There are some areas where things that are an absolute conflict of interest aren't covered that need to be added. The postemployment provisions are almost incomprehensible, and that's why we get a lot of questions on postemployment, because they are not clear, and it's hard for the people who are going on to other areas when we've got this legislation that's not clear.

One of the other things we've suggested – well, actually, I've suggested it eight or 10 times since 2015 – is that the code of conduct for the political staffers be amended. That's part of our recommendations, because it goes with it, so that political staffers



can attend with ministers at functions. Often the amount is over what's in their code, and there's no discretion at all in their code. That's another thing that needs changing although, as I say, I think I've recommended it eight times since 2015.

**The Chair:** Did you have a follow-up?

**Ms Renaud:** Yeah. You mentioned things that are not covered in the Conflicts of Interest Act. I wonder if you could just give us a couple of examples.

**Ms Trussler:** Well, some of the family relationships aren't covered that probably should be. That's one. That's probably the major one that needs to be covered.

**Ms Renaud:** Thank you.

**Ms Trussler:** We actually have a 35-page report prepared that we'll be presenting to the committee during the review.

**The Chair:** Perfect.  
Back to MLA Dyck.

**Mr. Dyck:** Okay. Cool. Thank you very much. I just want to follow up. You made a comment just about the lobbyist registrar. I believe that in your report there were four administrative penalties this last year. A couple of years ago, 2021-22, there were zero. Is this in line with the typical number of penalties that you would have issued in previous years, and why do you believe the increase is currently there?

**Ms Trussler:** Administrative penalties can be issued for a number of things. One of the major ones is offering gifts that are over and above the amount in the legislation. The second one is that sometimes they're supposed to do particular steps during registration, and if they abandon it all, they have to go back and they have to say: you know, we don't want to register. There are some administrative penalties for people not complying, but those are the major ones. It's up a little bit, but that's mainly because of the gifts.

**Mr. Dyck:** Thank you.

**Ms Trussler:** And the investigation was the first one we've ever done.

**Mr. Dyck:** Okay.

**The Chair:** Excellent. MLA van Dijken.

**Mr. van Dijken:** In your business plan goal 1 involves the promotion and understanding of legislative obligations – I think you've spoken to that a little bit – and one of the strategies for achieving this is to “increase the public's awareness of the Office of the Ethics Commissioner and its mandate.” Given that you still receive so many investigation requests outside your jurisdiction, is an additional goal of this increased public awareness to decrease the number of requests? Also, do you have a target in mind for the number of nonjurisdictional requests you receive each year?

*1:15*

**Ms Trussler:** It depends how political the issues are that come in front of the Legislature, as to how many requests we get, to be quite honest. What we did do is that we put I think quite a clear explanation on our website to try and educate people before they sent in a request. Sometimes we will respond to people who've sent in a request and try and explain to them – in fact, we frequently

explain to them why it isn't in jurisdiction. Some people are quite thankful when they get a full explanation, an individual one; some just get abusive. So we have to be really careful who we respond to and who we don't respond to. We have tried to sort of educate the public before they send in a request.

**Mr. van Dijken:** That's all.

**The Chair:** Was there a follow-up? No?

**Mr. van Dijken:** No.

**The Chair:** Any other questions?

This is the fastest one. You're absolutely maintaining – oh, sorry. There we go. That's how you get the chair's attention.

**Mr. Dyck:** Out of all the offices that we're meeting with today, of which there are a few, the ethics department is asking for the largest overall budget increase at just over 8 per cent. Can you provide some just general comments on why such a large increase in your budget? Like, 8 per cent is a decently large chunk of money on it. Yeah. My question is: why is there such a large increase? Is it necessary for your office to best serve Albertans here?

**Ms Trussler:** Yeah. Most of our budget is salaries. After several years of being frozen, there have been a number of increases over the past few years, which we've been able to actually absorb. But going forward, we can't absorb any more, and we know there's more salary increases coming.

The big thing was the realignment of the Justice salaries for civil legal counsel, and because we're such a small office, that's one person out of five getting a fairly substantial jump. That person actually has two roles. They don't just do the legal work for us. He's also the lobbyist registrar and does all the lobbyist work, does the investigations of the Lobbyists Act. In other jurisdictions often it's a separate person that's a separate legislative officer.

The salary increase wasn't untoward, but it did make a big difference in our budget. That's probably the amount of the increase over what we normally would ask.

**Mr. Dyck:** Awesome. Thank you for the answer.

**The Chair:** MLA Shepherd.

**Mr. Shepherd:** Thank you, Mr. Chair. Good to see you again, Ms Trussler and Kent. Thank you for coming. Just tacking on to the questions, then, about the budget, I will note for the record, Ms Trussler, that in the eight years that I've been here at committee, your office has consistently been one that has been very good at managing budget increases. You have consistently kept a level budget or indeed at times even reduced your budget, as I recall, from year over year, so I do appreciate and recognize that.

As you know, we've got some of the increases here for salaries, and, of course, that's across departments, with the lifting of some of the salary caps and freezes. I did want to just ask about a couple of other areas where we do see some increases. First of all, on travel I do see that there has been an increase there. Could you give us a sense of what is anticipated there? I guess, of course, inflation is affecting the cost of travel. Is that where it's coming from, or was there an intent to be out on the road a bit more?

**Ms Trussler:** Well, there are two things. There is inflation; airfares are going up. But the other thing is that I've been travelling to Calgary more often if I have political staff members there who don't usually come to Edmonton, or I have the heads of agencies, boards, and commissions in Calgary. It's a lot less expensive for me to go

to Calgary and meet with four or five or six of them over a couple of days than it is to have all of them take time off their work and come to Edmonton. At least when I'm going down there, I've got some economy to scale because of the number of them. I've been going a little bit more, so that's an expense. But other than that, we've tried to keep our travel expenses down.

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

Then one other line I was looking at was sort of contract services, and I had sort of looked at what was forecast, I guess, and sort of what we have in the estimate. There is a difference there of \$8,000 to \$40,000. Actually, now that I look at it again, it seems to be a trend where you budget \$40,000 but then actually spend considerably less. Is there a reason why you sort of set such a high level of forecast but then consistently come under?

**Ms Trussler:** Well, when I started, it was \$120,000, and it was to pay outside counsel. I have tended to use my internal legal counsel for legal advice, because that's what you hire them for, and also to do investigations. In the past often legal counsel would be hired to come in to do the investigation. We tend to do it all in-office, so we don't often use it. That's why we've got it down to \$40,000. But occasionally there might be a judicial review or someone might appeal a penalty, so we have to have that money in the budget to cover that contingency, but we do everything possible not to spend the money. I think only one year we had to spend it, maybe two. Two years we've had to spend it.

**Mr. Shepherd:** Thank you.

**The Chair:** Any other questions? Once. Twice. Sold.

I really appreciate your time, Commissioner, as well. Obviously, you've been through this routine a lot more than many of us have. We'll be looking, through the committee, at your budget, and we'll get back to you in writing on that. Thank you so much for your time.

**Ms Trussler:** Good. Thank you.

**The Chair:** Thank you.

For everybody else, we'll take a quick five-minute pause. The other group is ready to go, so we're ahead of schedule. Thank you, Ethics Commissioner.

[The committee adjourned from 1:22 p.m. to 1:26 p.m.]

**The Chair:** All right, members. Let's call the meeting back to order after that very brief five-minute break.

Our next group up is the Child and Youth Advocate. Thank you for joining us, Ms Terri Pelton and your colleagues from the Child and Youth Advocate. Thanks for coming here today. What we'll do is just some quick introductions so you know who will be asking you questions, and then we'll turn it back to you to do the same, and then I'll cede the floor to you.

To my right.

**Mr. van Dijken:** It's Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock.

**Mr. Sinclair:** Scott Sinclair, MLA, Lesser Slave Lake.

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

**Ms Renaud:** Marie Renaud, St. Albert.

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

**Member Eremenko:** Good afternoon. Janet Eremenko. I'm the MLA for Calgary-Currie.

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

**The Chair:** MLA Shane Getson.

We just had one other gentleman here. Then we'll switch back to normal.

**Mr. Dyck:** MLA Nolan Dyck for the amazing constituency of Grande Prairie.

**The Chair:** Here we go. And online?

**Ms Chapman:** Amanda Chapman, MLA, Calgary-Beddington.

**The Chair:** We'll turn it back to you, Ms Pelton.

### Office of the Child and Youth Advocate

**Ms Pelton:** All right. Thank you very much. Good afternoon, Chairperson Getson and committee members. Thank you for taking the time to meet with us this afternoon. Presenting with me today is Bolu Idowu, our director of strategic support. Today we'll be presenting our 2022 to 2023 annual report, 2024 to 2025 budget estimates, and the 2024 to 2027 business plan.

As we begin, I'd 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. We're committed to reconciliation in our work and relationships with Indigenous young people, families, and communities. Over the past year we continued taking measures to honour the Truth and Reconciliation Commission's calls to action, which included offering training and land-based learning opportunities to help our staff better understand Indigenous ways of knowing and the impacts of colonization and intergenerational trauma, making two recommendations to government focused on improving case planning and connections for Indigenous young people, and beginning work on our ceremonial room. As elders have reminded us, reconciliation is a generational process, and we are currently sowing the seeds for future generations.

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 children and youth 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 to support our work. We have two offices, one in Edmonton and one in Calgary. However, our work extends throughout the province, and we meet young people where they're most comfortable. We work collaboratively across our teams, and together we all stand up for young people.

This year we worked hard to amplify the voices of children and youth and ensure their rights and well-being remain the core focus of everything we do. I'd like to tell you about our 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 might be assigned a roster 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 or government resources.

Over the past year we completed over 3,600 intakes, over 1,400 young people worked with an advocate, and over 3,000 worked with a lawyer. In total, we served over 4,400 children and youth, of whom approximately 60 per cent were Indigenous, by providing them with an advocate or a lawyer.

Our individual advocates work with young people who are involved with the child intervention or 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 impact them. Over the past year the top advocacy issues young people experienced were related to placement, connections, and case planning.

The 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. Given that 59 per cent of the young people LRCY lawyers represent are Indigenous, it is a priority for my office to increase the number of Indigenous lawyers on our roster so we can have legal counsel available who understand the traditions and teachings of Indigenous communities. We also continue to prioritize recruiting lawyers in rural and remote communities.

Community engagement is a key component of our work. We're dedicated to developing relationships with the 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 held a province-wide art contest celebrating National Child Day to help children and youth learn about their rights; shared information about children's rights and the work of our office through 155 presentations, workshops, booths, and events; and strengthened our connections with Indigenous communities through connecting with elders, sharing information about our work, and participating in community events.

Young people benefit when their voices are heard and their perspectives are considered. This is particularly crucial for those in the child intervention and youth justice systems, where decisions that are made about them can have a profound impact on their lives. Facilitating youth participation has been one of our strategic priorities for several years, and I'm pleased with the progress we've made. Since developing a dedicated youth engagement position, we've seen a rise in the number of young people participating in our work. We provide opportunities for young people to be involved 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, through consultations and focus groups, and through practicum and internship opportunities. Going forward, we'll continue to build on this progress towards having a sustainable youth engagement program that benefits young people, communities, and our office.

Oh, what an odd – it says “calling for change” on my sheet.

Part of our role involves raising concerns about policies, practices, and legislation that don't serve the rights or interests of young people and recommending changes within child- and youth-serving systems. We do this through our systemic advocacy work, which this year included completing investigative reviews which examined the circumstances of young people who have been seriously injured or who have passed away; beginning a special report about young people with disabilities, which I anticipate will be released in the coming weeks; enhancing our work in the youth justice system; partnering with the University of Calgary to explore

ways of improving the health and well-being of young people; and the ongoing evaluation of recommendations.

Reviewing the circumstances of young people who are seriously injured or who have passed away and were involved with child intervention or the youth justice system is a legislated requirement that I take very seriously. These reviews are designed to improve the lives of young people by identifying ways to enhance services and supports, leading to system improvements and better outcomes. Over the past year, two mandatory review reports were released, one in September 2022, which reviewed the circumstances of 15 young people and made one recommendation, and one in March 2023, which examined the circumstances of 18 young people and made two recommendations.

The Child and Youth Advocate Act requires a mandatory review be completed and publicly released within one year for young people who've had an open child intervention file at the time of their death or within two years. The advocate also has the authority to complete investigative reviews for young people who do not meet the criteria for a mandatory review, including those who have been seriously injured, are over 20 years old and transitioning to adult supports, had an intake or investigation but a child intervention file was not opened, or who are involved with the youth justice system. Before the legislative amendments in 2018 these were publicly released when systemic issues were identified.

1:35

Last October, on October 1, we moved to a new process where mandatory reviews will be completed and individually released and posted on our website within one year of notification of a young person's passing. Our goal is to follow this same process for all of our investigative reviews to ensure each young person's circumstances are investigated and publicly reported in a consistent manner regardless of whether their circumstances meet the criteria for a mandatory review or not. However, due to the legislative barriers within the Child and Youth Advocate Act resulting from those amendments in 2018, right now I'm only able to publicly release mandatory reviews. I'm currently working through these issues with government.

Despite these challenges we'll release an annual investigative review report regarding all of our completed reviews, which will include recommendations. The first of these will be published in the fall of 2024. It is my hope that this change will result in greater public transparency and accountability.

My slide looks a little bit different than yours.

**The Chair:** I think it's an interesting font.

**Ms Pelton:** It is. I'm going to talk about it anyway.

For the past several years, when appearing before this committee, we've been vocal about how the number of notifications of death and serious injury reviewed by my office are increasing. During the 2022-2023 fiscal year 88 notifications were received, which is the highest number reported to the office since receiving our mandate to do investigations in 2012; 44 of these young people had open files with child intervention at the time of their passing or within two years and required a public report within one year of their death. This is a 29 per cent increase over the previous year.

These alarming numbers are continuing in '23-2024. As of November 30 we've received 64 notifications of death or serious injury of young people since April 1. Our 2024-2025 budget estimates include funding for additional positions so that we're appropriately resourced to complete this work.

Our role in reporting and in making recommendations is to improve the services and supports for young people. Of the 31 recommendations

that were evaluated this past year: four were met, two were closed, and 25 are ongoing. As in previous years I anticipate that we'll have an opportunity to appear before this committee soon to review the annual report, at which time I'll provide more detail on our recommendations and the status of their progress.

As I reflect on my first year as Alberta's Child and Youth Advocate, I'm pleased with the work we've done to advance our strategic priorities, enhance our evaluation and reporting processes, and call attention to critical issues affecting children and youth.

That said, there's always much more to be done. We're currently finalizing a special report on the experiences of young people with disabilities in the child intervention and youth justice systems, which I anticipate will be released in the coming weeks. This report will include a number of recommendations to government that I believe will help improve services and supports for these children and youth.

Planning is under way for our 2024 Best Practices in Child Legal Representation Conference. This is a biannual national event that provides lawyers and other professionals the opportunity to develop their skills and knowledge so they can improve services to their young clients. We're also leading a national community of practice group related to the investigations of serious injury and death.

Finally, we'll continue advancing our reconciliation work by connecting with Indigenous communities, providing learning opportunities for staff and LRCY lawyers, and advocating for Indigenous children and youth. In 2022-2023 two of the three recommendations that were made were centred on case planning and connections for Indigenous young people. We will closely monitor the government's response to these recommendations.

Going forward, we'll continue to amplify the voices of young people and ensure their rights and well-being remain the key focus of everything we do.

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

**Ms Idowu:** Thank you, Terri.

Good afternoon. Strategic support ensures appropriate resources, systems, and supports are in place to maintain the operations of our office. Even though these functions are often behind the scenes, they are vital in helping fulfill our mission of standing up for young people. Some highlights this year include the launch of our new advocacy information management system, replacing the previous system that was over 17 years old – we are already seeing benefits from the implementation of this modernized system as our employees can securely enter and access information any time, anywhere – the development of a recommendation evaluation framework to streamline the process for assessing the implementation of recommendations and enhance our public reporting, and the launch of our new recommendations database, which simplifies the evaluation and tracking of progress made on recommendations.

Moving forward, we will enhance our processes for gathering feedback from the young people we work with to continuously improve services. We will develop a new investigations database system, because the current system is outdated, and create a new strategic plan and accompanying business plan to help us continue to advance our mission.

I will briefly speak to the 2022-2023 financials in our annual report. Hmm. It looks interesting. It's the same information in the annual report that you have in the budget estimates. The approved voted budget for our operating expenses was \$15,059,000 and \$200,000 for capital expenditures. Actual spending in both operating and capital expenditure categories was approximately \$14,539,000, which is \$720,000, or 5 per cent, below the approved amount. This was

primarily due to savings in travel costs and significant savings under the LRCY program from delayed court time. The overexpenditures in youth and community engagement and strategic support were due to the movement of staff from organizational restructuring.

Terri will now introduce our 2024-2025 budget estimates for the committee's consideration.

**Ms Pelton:** Well, that looks all right. Well, pretty good.

Thank you, Bolu.

We're requesting a budget of \$16,913,000, which is an increase of 4.4 per cent over our previous year's budget. These estimates include three additional full-time positions to help us meet our resourcing needs in investigations given that we continue to see an alarming rise in the number of young people we're mandated to complete investigative reviews for and to strengthen our capacity to do youth and community engagement work. Work is ongoing on our ceremonial room, and we've allocated \$50,000 for its completion in the next fiscal year.

Bolu will discuss our budget estimates in more detail.

**Ms Idowu:** Thank you, Terri.

Salaries in estimates are estimated at \$10,216,000, representing 60 per cent of our budget. This is an increase of \$492,000 from the previous year, a result of merit increases and additional positions. Prior to the 2020-2021 fiscal year we had 83 full-time positions, which over the past several years has been reduced to 78. These estimates reflect salaries and benefits for 81 full-time positions, an increase of three, as spoken to earlier by Terri.

Fees and disbursements for our LRCY program continue to represent a significant amount, accounting for approximately 25 per cent of our estimates. The overall budget for this program remains the same as the previous year. Last year, to align with the removal of salary freezes within the Alberta public service and the increase to the hourly rate of legal aid lawyers, we reinstated the lawyer fee reduction implemented in the '20-21 fiscal year. This year, as of January 4, 2024, the travel reimbursement rates will be adjusted for LRCY lawyers to align with the increase announced for the Alberta public service. We haven't adjusted the travel reimbursement rates within the program since 2008. We believe that we can make these adjustments and maintain the same budget estimate for this program, as we have in the last two fiscal years.

Contracts and IT services represent about 9 per cent of our budget. This is a 2 per cent increase from the previous year, and it's due to inflation, recent contract renewals coming in at a higher rate, and the development of an investigations database. We continue to embrace virtual opportunities to connect, reduce production and printing costs for reports, and streamline file review processes. We are asking for a capital budget of \$100,000 for the upcoming year. In the current year we started work on our ceremonial space and hope it will be completed by the end of this fiscal year or early next fiscal. As earlier mentioned by Terri, we have allocated \$50,000 for this project in the coming year. The remaining \$50,000 is for various capital projects related to information management and technology.

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

*1:45*

**Ms Pelton:** Thank you, Bolu.

Chairperson Getson and committee members, in conclusion, we're requesting you to approve our 2024-2025 budget estimate of \$16,913,000. In 2024 we'll be celebrating 35 years of advocating for the rights, interests, and well-being of children and youth. When our office opened, the primary focus was on providing individual advocacy services. Over time it's grown to also include systemic advocacy, community engagement, investigations, and legal representation. I'm pleased to lead a team of passionate staff who

are unwavering in their dedication to creating meaningful change for young people, their families, and communities across Alberta.

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

**The Chair:** Thank you very much for your presentation, and from the bottom of my heart as a father of four I thank you for what you do. I've said this in the House before. These types of files – you know, I might be six foot two, 230, but I'm not strong enough to deal with some of the things that you and your team deal with on a day-to-day basis. So God bless you for what you're doing in helping our youth when they need it most.

With that, I'll turn it over to the floor, but I did have a few folks throw their hands up for the speaking list. In no particular order, so far I have MLAs Dyck, Sinclair, Hunter, and I'm hoping someone from the left is also raising their hand, but I may be mistaken.

**Member Eremenko:** Amanda should be . . .

**The Chair:** Oh, there we go. Right in front of me. Perfect. Thanks, Amanda. I'm sorry. You're right in front of me, and I missed you.

With that, in keeping with the trend of going ladies first, we'll maybe take MLA Chapman.

**Ms Chapman:** Well, thank you so much. I have a couple of questions, but I'll start with one. I know you'll come back to me after finding some balance there.

I was hearing that number, 88 notifications of death and serious injury. I was looking at your report, too, and it looked to me like 25 per cent – I think I was reading it right – is happening in the zero to five age group. I'm assuming that those are all kids who are in care and not in your independent living category, but in care, whether it be parental, kinship, foster, or group care. I believe this is the highest number of deaths recorded since the office received their investigation mandate, which would have been about a decade ago. I just kind of want to start by asking: what did the office do in response to these unprecedented numbers?

**Ms Pelton:** Sure. I'd be happy to answer that. Those zero to five years old weren't necessarily in the care of government. They might have been receiving services from child intervention either through an enhancement agreement supporting the children to remain with their family. What we noticed, primarily with the younger children, is that they're often related to medical causes of death, so we have seen a high number of young people who've had cancer or other medical conditions that have required the support of government to help care for them at home. I'd have to look to find exactly what those numbers are.

And just to clarify, of the 88, the numbers get a little bit confusing for folks. I had some media requests this week, and it was a little bit awkward. Eighty-one of them passed away, seven were serious injuries, and half of them, so 44, had open child intervention files either at the time they died or within two years. The remaining 44 were receiving services either through an intake or an investigation. They might have been over 20 years old or seriously injured.

How do we manage this work? The investigations team at my office is an experienced group of folks who really rely on each other to support each other. We're working really hard to get the ceremonial space completed because we're trying to have more Indigenous people support our work. I don't know if you noticed, but 76 per cent of the investigations that we've been looking at recently are for Indigenous young people, which is really high compared to the 60 per cent that we support through advocacy and LRCY.

The process is the same for all of the young people. We review their files; we talk to the people that know them the best; we talk to caseworkers and other stakeholders about what happened for them. We try to present their experiences in a balanced way so you know who those young people were, not just the tragedy, what their outcome was. I think that that's really important in the work that we do, that balanced approach.

Does that answer your question?

**The Chair:** And do you have a follow-up?

**Ms Chapman:** Yeah. If I can just have a quick follow-up. You've maybe touched on this, but just package it up for me. You know, what measures are being put in place to ensure that this number is going to be – that we're going to see a decrease when you're coming in front of us next year?

**Ms Pelton:** Well, MLA Chapman, I wish I could guarantee that there would be a reduction, but one thing that we don't have control over as individuals is what may happen in the course of daily life. A number of these deaths are related to accidents or medical conditions.

What we can start doing, though, is looking at the very, very high, disturbing number of young people who are dying from substance use related problems or from suicide. What we will do and continue to do is speak about the importance of a youth-specific opioid strategy. I'll continue to talk about the mental health needs of young people. I know government is putting in a lot of energy and money into mental health and addictions right now, and we'll continue to talk about that collaboratively. I really believe that to improve services for young people, it's not about which side of the House you sit on; it's really about working together for improvements.

**Mr. Dyck:** Well, thank you for coming and presenting and for the work you do. It is challenging work. Thank you for giving your time and effort towards this.

Yeah. My question is pretty basic. Well, one, just good job on some of these things. I just noticed that 96 per cent of young people who were involved in the OCYA were able to exercise their rights, which is very good, much higher than your target, so good job. Well done. My question is: can you just expand on how you were able to achieve these results?

**Ms Pelton:** Sure. I'd be happy to. We spend a lot of time out in community talking about children's rights. Our website has a lot of information about the rights young people have, either through the United Nations convention on the rights of the child, the United Nations declaration on the rights of Indigenous peoples, and the UN declaration on the rights of people with disabilities.

My staff go out to schools. We present at School at the Legislature. When young people call us and advocates go out and meet with them, they talk to them about their rights. Lawyers talk with them about their rights and entitlements because sometimes young people don't really know what they're entitled to, often through those collective rights that they might have as being part of a collective group, an Indigenous community perhaps. So it's important that we're always educating young people and offering them opportunities to ensure their connections to family and community are there.

Even though education doesn't fall underneath my mandate, young people have the right to education. We might hear from young people through child intervention or youth justice who are having trouble accessing the education they need, so our advocates will work with them to raise that. It happens every day.

**The Chair:** Perfect. I have MLA Eremenko next.

**Mr. Dyck:** Can I have a follow-up?

**The Chair:** Oh, yeah. Okay.

**Mr. Dyck:** Thank you, Chair. Yeah. Thank you for the response there. You've got great results here. Can you just explain why it's so important that this happens? There are not very many percentages left to 100 per cent, but what is the strategy or what's the opportunity to get that to 100 per cent? Because that is important.

**Ms Pelton:** I think the opportunities are within our individual advocacy and legal representation, and our youth engagement has really seen advancements in this past year. Our Youth Council is very active. They meet regularly every couple of months, and I make it a point to be part of those conversations, and when they bring things up that might not have been heard by government yet, I'm committed to taking that forward.

1:55

One of the things that I'll be talking to the Children and Family Services ministry about is that the Youth Council recently raised that Black and racialized young people don't have – at the intake part of being involved with children's services, they need to do some work on being more culturally appropriate and considering that not all young people that they work with are Indigenous or non-Indigenous but that there are also other newcomer communities and groups that need to have access to services. So I think the importance there is really about talking to our young people and listening to what they think is important. I hate to admit it, but it's been a long time since I was a young person.

**Mr. Dyck:** Thank you for your answer. I really appreciate it.

**The Chair:** MLA Eremenko.

**Member Eremenko:** Thank you. Thank you for the presentation. Excuse my ignorance, but can you just talk about the age ranges when we're talking about young people? Are we looking at youth up to the age of 18? And then when you say that when there are investigations made, it's two years after – so we could be possibly looking at people who have passed away up to the age of 20?

**Ms Pelton:** It's actually bigger than that, so I'd be happy to talk about that. We need to look at some amendments to our legislation at some point. We actually work with young people from infancy to 24. Because children's services, the transition to adulthood program, goes to 22, if the young person dies between the age of 20 and 22 and also if they die at 23 and they had received services within two years, we would receive notification of that and look into it. But there's a little bit of a glitch because the ME's legislation doesn't allow them to provide information because of privacy. So we really have to all get on the same page about what are the age limits. Also, for youth justice it's only to 18. We can't serve kids past 18 even if they are in a young offender centre at 21, which happens occasionally, and they need an advocate to work with them. So primarily zero to 18, but then also that transition phase to 22, and then for child deaths up to 24.

**Member Eremenko:** Thank you. As the critic for Mental Health and Addiction I'm very mindful of the impact that adverse childhood experiences can have on a child's life and in terms of their health outcomes that ensue. That work is incredibly important. I recognize how very taxing it must be and how challenging it is for

your whole team, and it is clearly a calling, but I'm sure there is a degree of turnover. I wonder just about what the turnover currently is within your team, and I wonder if you – I don't see it playing prominently in your plan or in your annual report – could just speak to how your retention has been within the organization.

**Ms Pelton:** Sure. I'd be happy to. Actually, our retention is pretty good. For sure, people move on when there are other opportunities, but for many it is a calling, whether it's in advocacy and being able to work with young people and help them have their voices heard or if it's in investigations. It truly is a privilege to have young people's experiences shared with us in a very raw way. For us to be able to turn that into a report that the general public can understand without being shocked and horrified, even though sometimes it is shocking and it is horrifying – it really is about helping to understand what could help make things better for these young people. We have had some additional staff come to the team recently, but the folks who have left have left because of retirements or other opportunities. So our office actually doesn't have a very high turnover rate in those areas.

**The Chair:** For the speakers list I have Sinclair, Chapman, Hunter. Be cognizant that we have about 10 minutes left.

Sinclair.

**Mr. Sinclair:** Thank you, Mr. Chair. Just to basically echo everybody else's comments so far, I just wanted to thank you guys not just for the presentation but the amazing and often heartbreaking work that I'm sure you guys do.

I just had a question. I appreciate the land acknowledgement and the Indigenous community engagement that's already built within what you guys do, but specifically I just met with a tribal council of five First Nation groups yesterday, and this actually came up. Is there a strategic focus or at least examining of the idea of working with the First Nation groups on self-governance on children's services and what that transition looks like? If you don't mind speaking on that, if you can.

Thank you.

**Ms Pelton:** Sure. I would be happy to speak on that. I don't know if it's a strategic plan, but I'm certainly aware and my staff are all aware of the federal legislation and support of Indigenous groups taking back their inherent rights to take care of their kids. What I've done is that we have written to all of the chiefs and councils across the province and offered to meet and talk about what we've learned of after doing 35 years of advocacy. Once they declare their self-governing independence, they won't fall under the support of my office, but I hope that we will always have ongoing conversations about what's good for young people, and if they wanted to have a conversation about how to make a role for my office within their new legislation that they're developing, we're open to that. I don't want to tell nations what to do. I think we have done that for way too long in this country. So my door is open. I'm more of a listener than a teller but would really appreciate any opportunity to support them as they move forward.

**The Chair:** Do you have a follow up?

**Mr. Sinclair:** No.

Thank you for the answer, and thank you for all the work you do. I appreciate it.

**The Chair:** Thank you.

MLA Chapman, you're next.

**Ms Chapman:** Thank you. I think I was reading this correctly; 29 per cent is the number of youth whose case met the requirement for a mandatory review. Could you just give me a quick brief on what are the specific requirements that are to meet for the mandatory review?

**Ms Pelton:** I certainly can. There has to have been an open child welfare file, and I'm using child welfare instead of child intervention because it's simpler language. There has to be an open file, so whether that is a court order, a supervision order or a temporary guardianship order or a permanent guardianship order or an agreement that the parents or the child have signed, so there's an active caseworker working with the child, or within two years of that involvement. Does that make sense?

**Ms Chapman:** Yeah, that makes sense.

I mean, so my follow up there is, like, you know: are there signs that you feel like your office could flag sort of for review earlier in that process to prevent the death of children?

**Ms Pelton:** Well, we don't hear about them until – well, that's not true. What we do across the office is systemic advocacy. At our intake level, when young people or their families or those close to them call us and identify concerns like placement – right now we're hearing a fair number of concerns about young people not having an appropriate placement. They're staying in shelters, or they're couch surfing, or the placements don't meet their complex needs. That gets flagged at our intake level, and then our advocates who are working with those young people talk to them about it and raise it with me, and it goes to a systemic advocacy committee. Now we're talking about: what will our next special report be? That's how the disabilities report came about.

I think at all levels we start to talk about prevention. I meet with the ministry regularly, the children's services ministry, and have conversations about those things that we're seeing that are really critically important in the moment.

**Ms Chapman:** Okay. Thank you. You know, this isn't easy to talk about, and I really appreciate the work you do and the service that you're providing.

**Ms Pelton:** Thank you.

**The Chair:** MLA Hunter.

**Mr. Hunter:** Thank you, Mr. Chair. I'm excited that you're trying to bring in more Indigenous help with the 60 per cent figure being First Nations and then the 76 per cent of the investigations being First Nations. I think it's absolutely critical, but one of the things that I've seen as very effective is bringing in Indigenous elders to come in and be able to just provide – not just help with the kids, because they have such respect for their elders, but also being able to help craft understanding about, you know, cultural differences within the staff. Can you maybe help us understand? I know you understand this as well from your earlier comments, but can you help us understand, you know, maybe what you're doing in that space to be able to bring in the Indigenous elders?

2:05

**Ms Pelton:** I'd be very happy to talk about that. That's one of the things that I think we are really making positive strides in. In this last year we've hired a knowledge keeper. He is originally from Manitoba but has been adopted by the Alexis First Nation. In the last year since he's joined our office, we've started the room on the ceremonial space so that we can smudge in the office. We've held circles for all of our staff to talk about the new federal legislation,

worries, and things they're excited about to see: young people being reconnected to community. We have done land-based teaching, so our knowledge keeper has taken us out on the land to pick medicine and to talk about why it's important, when it gets used, how it gets used. We've done this both in northern Alberta and southern Alberta.

We have had staff sweats, a number of us. A year ago I couldn't have told you that I had attended my first sweat; I've been to three this year. So when we talk to young people, we can say, "Hey, I know it might be a little scary, but it's not," and, "This is what I experienced; would you like me to go with you?" We have advocates who are carrying smudge kits with them who can do the same thing and say: this is something that I've learned this year; would you like to do it with me, or would you like to teach me about it?

What I truly believe – and I think that will make a big difference for young people in Alberta – is that if they're connected to their community and their identity, we will see better outcomes, because if they don't know who they are, their trajectory is really quite sad.

**The Chair:** Do you have a follow-up with that?

**Mr. Hunter:** No, I don't. I just want to say that I just so appreciate what you just said there. Our traditions will help us to be able to just weather whatever is coming at us. Some of the things, some of the statistics that we see amongst our First Nations brothers and sisters are very sad, and I'm glad that you've addressed that issue, and I hope that that will continue to be a focus of your organization.

**Ms Pelton:** Thank you. Maybe when our ceremonial space is finished, you might like to come and visit us and meet our knowledge keeper and our staff. We've also increased our number of Indigenous staff this year.

**The Chair:** Well, if that invitation is open for the committee . . .

**Ms Pelton:** For the whole committee. I would be more than happy. We're just across the street.

**The Chair:** Yeah. Now, we do have to decide your budget, so we can't tell you now.

**Ms Pelton:** Okay. We'll talk about that later.

**The Chair:** The Ethics Commissioner was just before you.

**Ms Pelton:** All right.

**The Chair:** But really appreciate it. We do have two minutes left. I'm not sure if you had one more question. Okay. Well, we're good.

Well, on behalf of the committee – and I think you can get that sense – we really all appreciate the work that you do. Thank you for your presentation. We will be considering your budget, and we'll get back to you in writing on that. Again, thank you very much.

**Ms Pelton:** Thank you. Have a good afternoon.

**The Chair:** For the rest of us, up next is the office of the Auditor General. So if you're good with it, five minutes, no more. Fill your coffees and we'll be back in the room.

[The committee adjourned from 2:08 p.m. to 2:13 p.m.]

**The Chair:** Well, we'll let everyone get settled here again.

The next group that we have up is the office of the Auditor General. That's our final presentation for the day, the meeting we've been looking very much forward to since this morning. Mr.

Wylie and his colleagues are here to review the annual report and the business plan of the 2023-24 budget estimates for the office. Again, I'll ask for presentations. Twenty minutes is on the shot clock. If you meet or exceed, that would be wonderful. Then we'll leave enough time open for questions and answers at the end there.

What we'll do is that we'll just quickly announce who we are, go around the table. We'll do the same thing on the folks that are on the monitor, and then turn it back to you to introduce yourself and your team. To my right.

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

**Mr. Sinclair:** Scott Sinclair, MLA for Lesser Slave Lake.

**Mr. Dyck:** Nolan Dyck, MLA for Grande Prairie.

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

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

**Ms Renaud:** Marie Renaud, St. Albert.

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

**Member Eremenko:** Janet Eremenko, Calgary-Currie.

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

**The Chair:** Shane Getson, Lac Ste. Anne-Parkland.

Online? Oh, we might be having a computer glitch. Well, for the record it's MLA Chapman, and if she needs to formally sign in later, she can.

I'll turn it back to you, Mr. Wylie, to introduce yourself and your team and cede the floor to you.

**Mr. Wylie:** Thank you, Chair. My name is Doug Wylie, and I'm the Auditor General of Alberta. To my left is Loulou Eng, our senior financial officer, and also Karen Zoltenko, who leads our business audit practice. That's who we have with us at the table today, Chair.

**The Chair:** Okay. I'll turn it over to you for your presentation for us, sir.

### Office of the Auditor General

**Mr. Wylie:** Well, thank you, Chair. I noticed that you were looking forward to this all day, and I'm assuming that's because it's the last meeting of the day and then you can get back to the interesting things in your life.

Anyway, Chair, I want to thank you and the committee members for your time this afternoon and the opportunity to speak with you about our past work and the work that we're going to be doing in presenting our budget to you. In advance of today you should have received a copy of our results report for fiscal '22-23 and our business plan for '24-25 along with the accompanying budget. I might be referring to those periodically throughout the presentation.

What I would like to do is start with a brief overview of the office, if I could, and the work that we do, just to give you a little bit better insight, maybe, for some of the new members here. Then I'd like to touch on some of the accomplishments from '22-23 and then move on to our budget request of you. Again, as always, we look forward to the questions, the Q and A, at the end of the presentation.

The introduction to the office. At a very, very high level, you know, in our Westminster parliamentary system the public is represented by their elected officials, and that is you, each of you in this room. The government is responsible for drafting the budgets

and the spending estimates for the year. However, they cannot spend taxpayers' money without the express approval of the Legislative Assembly. Then after a government spends the money that's entrusted to it, it's obligated to report back to the Legislative Assembly. The Assembly needs independent assurance that that information being reported by the government is appropriate, relevant, credible, and complete and that it accurately reflects the results of the activities of government. The office of the Auditor General provides that assurance. We fulfill this role – sorry. Is the member wanting to introduce, Chair? I just saw someone.

**The Chair:** No. Just carry on. We have a few technical things. If you can ignore the cone of silence and the big screens for a bit, just carry on, sir.

**Mr. Wylie:** Okay. Good. All right.

Well, we fulfill our role through two main lines of work, financial statement audits and performance audits. We investigate how well the government accounts for its spending and how well specific government programs and services are being managed and delivered. Nonpartisan and independent, we follow the best practices of legislative auditing and national professional auditing standards. We strive for absolute objectivity in all of our work. We're committed to these standards because we know that you, along with all Albertans, must be able to trust and rely on our work. Credibility is of utmost importance in every piece of work that comes out of our office.

Now, our origins date back to 1905, when we became a province. Then in 1977 the government of the day decided that they needed a mechanism to ensure the preservation of the independence of the office of the Auditor General from government, and this standing committee was established. I share that bit of history to highlight the significance in our relationship with this committee and the role that you play in ensuring our independence as we carry out our mandated work. Your support for our office means Albertans can be confident that our work will continue to provide independent assurance and that public money is properly accounted for.

I'm going to pause, before proceeding, to convey how extremely proud I am of my entire OAG team and the work that we accomplished in '22-23. Despite some of the pressures we faced in accomplishing our work, our staff successfully adapted and pivoted in response to both internal and external challenges.

We came in under budget, all the while completing a total of 125 financial statement and performance audits. We completed 11 performance audits, six of which focused on COVID-19. This included our work on continuing care facilities, and there our recommendations were intended to help government prepare for future pandemics, incorporating learnings from the past three years. We also reported on liability management in the energy sector and identified opportunities in the areas of timely cleanup of wells by industry. You can find a full listing of our performance audit work for fiscal '22-23 on page 9 of our results report. The results of all of our work are made public. We publicly report the results of all of our work throughout the year.

**2:20**

Our work resulted in a total of 34 new recommendations that were accepted by those that we audit, and we make recommendations that are directed at improving outcomes, services, and programs for all Albertans. Acceptance and eventual implementation of our recommendations is a critical part of enhancing accountability and performance in government.

I'm going to briefly touch on three organizational priorities for the past year. I'll start with engaging and supporting our people. In '22-23 – you know, I am going to trip up over that, '22-23. I might



just end up reverting to last year. Anyway, in '22-23 we provided value-based leadership training and updated our performance review processes to support our people in their career advancement within the OAG. We also initiated ongoing recruitment efforts for staff auditors and hired part-time staff to assist during our busy periods.

I would be remiss if I did not draw your attention to the role that the office plays as a training office in the Chartered Professional Accountants professional education program. We're investing in training future leaders who are choosing to work as legislative auditors in the public sector.

Early this morning we received confirmation that eight of our student auditors passed their common final examination. Now, for those nonaccountants in the room, this is an intensive and extremely challenging three-day exam. This is a national exam, and it's one of the most challenging professional exams in Canada. We're proud to celebrate their accomplishments, and I'd like to publicly recognize each of them if I could, Chair: Upneet Khokher, Taylor Donovan, Bradley Payne, Zack Petruniak, Emmanuel Ssembatya, Ody Yin, Daniel Navaratnam, Zoya Zahir. Congratulations to each of you.

Chair and committee members, I'd also like to pause and acknowledge every employee that I have the privilege to work with at the OAG. They're responsible for the collective success of our office. Whether an auditor or a corporate services professional, their dedication and resilience during times of change and often under very difficult deadlines and external constraints is to be commended, and I sincerely thank them.

Now, taking us back to my review of our organizational priorities in '22-23, our second priority was to maximize the value of our audit reports. That speaks to our outcome of having enhanced business processes that allow us to deliver high-quality audits. Throughout the year we continue to strengthen our auditing processes to support both financial statement and performance work.

This included increasing the use of specialist expertise, specifically in the areas of data analytics. We were able to hire two data analytics specialists. We also began a multiyear process to replace our current audit software in 2025. Our information and related technology team also continued its work to ensure that the confidentiality and integrity of our information and systems are protected. Cybersecurity has become a critical priority due to the rising threat of cyberattacks.

I'll just pause and add in that our office has access to and we use very confidential and sensitive information, and we have a legislated responsibility to maintain the security of that information just as it would be by the host. We take the security and confidentiality of the information that we have very seriously.

Our third priority is to engage Albertans in our work, and that supports our efforts to increase awareness of our role with Albertans. Over the past year we heard from Albertans on a variety of topics, specifically in the area of seniors, community and social services, and health. This information is shared with our audit teams as we plan our audit work.

We also launched a redesigned website this past March to improve access to and understanding of our work. The site features a more intuitive search function and allows visitors to quickly find reports dating back to 1999. If you're ever wondering if we did a piece of work on a particular topic, you'll be able to quickly identify that: [www.oag.ab.ca](http://www.oag.ab.ca).

I'm going to now move on to our business plan and budget for '24-25. Both the business plan and the budget reflect the internal and external risks that our organization continues to face. Recruitment and retention in an environment where resources are scarce and demand is high impacts our people, our work, and our ability to rely

on external sources. Significant changes in government structure, programs, changing year-ends, and new accounting standards continue to be a challenge for us as well. While our audit planning diligently considers these factors, unforeseen circumstances often arise after our planning process is finalized.

In '24-25 engaging and supporting our people will remain a number one priority for the office. Our people are the most important part of our business. When asked what our staff like best about working at our office, they share that it is the work that we do and the value it brings to the people of Alberta. They are engaged in really making a difference and improving services and programs for Albertans. We're committed to implementing strategies to develop our talent from within and plan for our succession. Our continuous recruiting strategies will help us promptly fill vacancies with high-quality candidates. We are also increasing outreach efforts within Alberta's postsecondary institutions to make connections with accounting students looking for potential career opportunities.

In '24-25 we're also going to continue maximizing the value of our audit reports. We'll respond to organizational changes of those that we audit. We've done this in the past, and we will definitely continue to do this in the future. This also includes working closely with our audit entities to meet agreed-upon timelines necessary for the continuation and finalization of our work. Our increased use of data analytics and our audit software replacement will continue to support our audit teams into the future. We're going to achieve our legislative mandate by providing audit opinions on government financial statements as well as the statements of the provincial agencies, boards, and commissions that we audit. We'll continue to deliver our performance audit mandate, with an emphasis on grant programs, contracting processes, and performance reporting of those that we audit. So we really do have three priority areas in our performance auditing line of business.

Chair and committee members, I'd like to conclude our presentation with our proposed budget. Our request is for an overall increase of 4.9 per cent from our prior-year budget. This increase represents a direct response to the challenges and realities facing our organization. I will also indicate that my office has and will continue to manage inflationary costs that are being felt both in the public and private sectors. For example, we've managed to off-set some of these cost increases by entering into multiyear service subscriptions instead of annual subscriptions or annual contract renewals. However, we do continue to face inflationary pressures in the employment, agent, and temporary staff markets.

I'm going to briefly highlight three areas of our budget request. They're included on page 3 of the budget submission that you have in the materials with you. First, our salaries and employee benefits are expected to increase by 3.4 per cent. This primarily relates to the planned in-range merit increases to be provided to public service employees. Second, our cost for agent and other audit services is expected to increase by 8.7 per cent. This is due to three factors: price increases reflecting market rates, changing year-ends of those that we audit, and our need for additional agent and other audit services to supplement our own workforce. We're also planning that our requirement for advisory services will increase by 30 per cent, or \$150,000. This is due to some services that are going to be required for our new audit working paper software solution, which we are hoping to be fully implemented by 2025.

Chair and committee members, your support for our office means that Albertans can be confident that we can continue to provide credible and trusted information on government spending.

With that, I will conclude my opening remarks. Thank you.

**The Chair:** Excellent. Thank you, Mr. Wylie.

With that, I have a speaking list going. Sinclair is on it first. We know the drill at this point in time in the day. MLA Sinclair, you're up first.

**Mr. Sinclair:** Thank you, Mr. Chair. Thank you for the report. On page 13 of the annual report it states that your target for financial statement audits completed within budget was 75 per cent. However, you guys only completed 61 per cent. Staff turnover and financial reporting differences were stated as some of the major reasons. Just a two-part question. Since you met your goal of ensuring that the staff turnover ratio was under 20 per cent, on the previous page, I'm just curious why you think it played such a large part in the audits not being completed within budget.

I'll circle back to the second question if we have time, but now just the one.

2:30

**Mr. Wylie:** Sure. Although overall we came in within our target of 20 per cent, there are certain levels of our staff where, quite frankly, we were hemorrhaging. Our senior staff level had an attrition rate of 40 per cent, and that staff level represents 25 per cent of our audit staff. Our HR group was, quite frankly, continually working to fill the positions there. It's a bit of a chain reaction because what happens is as we're trying to fill those positions, the work has to get done. Audits have reporting deadlines, and we need to achieve those.

What happens then is the management team ends up picking up the work of what would have been the responsibility of the senior auditors. Then the layer above that moves a step down, so this has a chain effect of essentially building in audit inefficiency. That is compounded also by the changes that occur within organizations that we audit. We plan our audits early in the fall, but changes occur after that.

You know, we note in the '22-23 fiscal significant spending that about \$4 billion went out in COVID funding, and we audit that spending. That was additional required work that was necessary for us to audit. Yeah, we met our target, but there are specific elements within our staff complement where we did not achieve our target and, quite frankly, exceeded our target by quite a bit.

**The Chair:** Did you have a follow-up, MLA Sinclair?

**Mr. Sinclair:** No. Thank you. That was a great answer.

**The Chair:** Okay. MLA Eremenko, you're next.

**Member Eremenko:** Thank you. There are a number of instances in the report where you do allude to an October 2022 reorg, which I assume would have come largely in the wake of changes with our leadership, as far as the Premier goes, and that that had some pretty significant organizational changes within government. I'm just curious about – and that was another one of the pressures listed with the same metrics that my colleague referenced, with the 75 to 61 per cent constraints. I just wonder if you can give a bit more insight about how you and your team adjust to those end-of-year changes that have some pretty big implications.

**Mr. Wylie:** Those types of changes require a shifting of programs between ministries. Then that does require to analyze the movement of that data, if you will, and a requirement to audit all of those, you know, transfers back and forth between various ministries. It takes additional time, and I would state that it's not just us; that's an additional time for those who are actually making those changes as well. It really is responding to those types of changes that are not planned for. Part of the answer to the question that was asked earlier

was the efficiency of the audits. We recognize that things are not going to be locked down at the beginning when we're planning our audits, but these are the things that we respond to and will continue to respond to.

**Member Eremenko:** Thank you. May I . . .

**The Chair:** Did you have a follow-up?

**Member Eremenko:** Yes, please.

**The Chair:** Absolutely.

**Member Eremenko:** We're, you know, 13 months after that October 22 reorg. I'm just curious about how long a program is operational before it can be audited for performance or financial integrity fidelity.

**Mr. Wylie:** Well, it depends on what the audit scope is. If we were looking at the effectiveness of a program, we would generally want to see it being in effect long enough to look at the outputs or outcomes of the program. So it depends on the nature of the program, if we're looking at effectiveness, but certainly, you know, program design can be evaluated after the design phase of a program is put in place.

One of the challenges we face, though, is that it's not the most efficient audit when programs are being developed to be at the same time auditing the program. That's the challenge. We consider that, but we have looked at certain programs earlier, from an audit perspective, than others. Again, it depends on the objective of the audit.

**The Chair:** I have MLA Dyck.

**Mr. Dyck:** Excellent. Well, thank you for being here and the clear presentation. I really appreciate it. I'll put that down to you guys doing a lot of hard work and also being accountants, which always seem to be clear presenters. My question really just comes down to a budget estimate. I noticed in your travel there's some back and forth just in amounts. You know, there weren't a lot of restrictions on 2022-23. Pretty low actual, going up, then the forecast is to be low again, and then up significant dollars, close to \$300,000.

I've got two questions, so hopefully the chair lets me have a follow-up here, but I'm assuming with travel you're going to be doing a lot of on-site audits. Can you explain just why those on-site audits are so much more important to travel to them in order to do an audit versus just here at the office?

**Mr. Wylie:** Yeah. I mean, we were successful in auditing remotely, but quite frankly there are certain things that are best audited in person. You know, one of the things is that you actually are able to see the source documentation, actually talk to people, actually observe the work that is going on. That all helps with the quality of the audit evidence. I would say that it increases the quality of the audit evidence overall.

I'm glad that we're back out in the field, so to speak, and you're right on the travel. It ebbed and flowed. We planned to be able to be out in the field more. That didn't happen in the last fiscal, but we're getting there. We respond to our auditees, so if our auditees are not back at the office, you know, we're trying to work with how they're organizing their structure as much as possible. We are seeing more coming back to the office, which allows us to do more in-person testing.

**Mr. Dyck:** If I may have . . .

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

**Mr. Dyck:** Yeah. Okay. I am just noticing, like, a significant increase. What is that? An \$80,000 increase over the next year or two as well in 2024-25. Are you anticipating that much extra travel, like, going from there? It's a significant increase in budget allotment to go from an actual number of \$71,000 to close to \$300,000.

**Mr. Wylie:** We're planning for that. Our audit plans and the way we're designing the audits right now include that. That would include discussion with those that we audit to see what their circumstances are, so I think it's a plausible number. The other thing that has happened is that we do collaborate with our counterparts across Canada, and travel has started up there again as well. We were completely meeting via Teams or the technology, but now in-person meetings are occurring as well. For example, there's a Public Accounts Committee which Public Accounts Committee members and the Auditors General will travel to. Over the last few years there's been no in-person meetings; that's starting to change. That will also be built into that budget number.

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

**The Chair:** As far as the speakers list I have Hunter, van Dijken, and if there's anyone over there, I would throw you on. There we go. Okay.

**Ms Renaud:** Not so much a question; just a comment. It's my great pleasure to be on the Public Accounts Committee for a number of years. I just wanted to say that the quality of your work is just extraordinary. For any new people to read the reports, they're actually really informative. The work is just – I learned a great deal, so thank you very much.

**Mr. Wylie:** Thank you. I'll share that with the staff. You mentioned the reporting. That is one of the things we really have been working on and we continue to work on, so I'm glad you noticed a change. We're really trying to make it user friendly, to move away from the auditing vernacular, and to try and explain things in ways that we hope the general public will be able to understand. So thank you for that. We'll take that back.

**The Chair:** I'll go to MLA Hunter.

**Mr. Hunter:** Thank you, Mr. Chair. Just, actually, a point of clarity. You had said earlier – I thought you had said 25 per cent. Do you have a manager-to-staff ratio of 1 to 4?

**Mr. Wylie:** No. Our manager-to-staff ratio is about 55 to 45 overall in the office. So the levels we have – that one group that I was referring to is a non-management level that represented 25 per cent.

**Mr. Hunter:** Sorry. What was the manager ratio, then?

**Mr. Wylie:** It's 55 to 45 approximately, I believe.  
Loulou?

**Ms Eng:** Yeah. Maybe just to also add that we use a lot of externally contracted services as well, so our management staff are not only managing the work conducted by our internal staff but also 20 per cent of audit hours' volume of work conducted by our contractors.

2:40

**The Chair:** Eremenko. Member Eremenko, I should say. I keep messing it up.

**Member Eremenko:** Thank you.

**The Chair:** My wife is going to kick my backside when I get home.

**Member Eremenko:** That's all right. That's all right.

I noticed that you have a statistic in your report that the number of responses to public inquiries was 142. I'm curious about how many of those culminated in investigations or led to an investigation.

**Mr. Wylie:** Yeah. That's a hard one to answer with a concrete number because I think that information is used more than might bear out in the numbers, and I don't even know if we track it if there's a 1 to 1. The information is shared with the audit teams, and often it might not result directly related to an audit in the next fiscal period, but it certainly helps inform issues within a sector. These are the things that we're really trying to get a handle on. Are the programs meeting the needs of the intended users, and what is the success? That gives us that feedback.

So we don't really do a tracking of a 1 to 1, but I will tell you that often it's very useful information for individuals to identify some of the challenges. It might be access issues, right? It might be eligibility issues with the program, and that then helps look at – if we're going to look at a program, what aspect of our audit would we be looking at? Maybe eligibility, access, reporting. So it's very useful, and I think it's very important for us to understand. It helps inform the risks associated with programs.

**Member Eremenko:** Okay. Thank you. I ask because, you know, in trying to estimate what predicting growth could be, but if that's not really the metric to indicate how busy you're going to be next year – may I have a follow-up?

**The Chair:** Absolutely.

**Member Eremenko:** In your opinion, are there any aspects of the work of your office that should be exempt from the purview of the Auditor General, or is it all kind of fair game as far as what is within your mandate?

**Mr. Wylie:** Well, our mandate is quite clear. I haven't looked at – I just want to be clear on the question. You're asking if I'm aware of where our mandate should be looked at and reconsidered? Or how am I . . .

**Member Eremenko:** Yeah. Well, I guess, you know, a component of several of the presentations that have come before you today have talked about jurisdiction, so I suppose it is largely a jurisdictional question of which programs and entities fall within the purview of the Auditor General and which are perhaps explicitly exempt.

**Mr. Wylie:** The majority of government spend is covered by our office, audited by our office. The one area I would suggest where there is a significant spend by a provincial government is that spend to the municipalities, and we don't have a value-for-money mandate, broadly speaking, to go in and examine value for money in municipalities. Otherwise, the spend of money through agencies, boards, and commissions: we have the mandate to conduct value-for-money work as we see warranted.

**Member Eremenko:** Thank you.  
Thanks, Mr. Chair.

**The Chair:** No problem.  
MLA van Dijken.

**Mr. van Dijken:** Thank you, Chair, and thank you, Doug, for being here and your team. Appreciate all the work that you do.

Advisory services. I'm going to ask a question about note 3, advisory services, a budget item with an increase of \$150,000: specialist services required for our new audit working paper software solution, anticipated to be fully deployed by the end of 2025. Just wondering a little bit if you could provide some more details into how this increased funding is expected to be spent. Is it a specialist that's required to help in the development? Is it something on the training side? And then also maybe allude a little bit more into the details on the potential benefits of this new software solution for your office.

**Mr. Wylie:** Sure. I'll start, and then I'll ask Karen to supplement. The monies really are for helping with the transition and the set-up of the software, so it really is about the implementation of the software within our office. That's what that money is really directed for.

The benefits of the software. Well, quite frankly, we're at a stage where we're not going to have much choice. The interesting phenomenon in the software industry is that you used to be able to buy an application, install it on your computer, and retain that for two or three or five years or whatever the case is. The industry has moved to a subscription-based model, so we're going through that process of transitioning in a number of cases from on-site software into, one, the cloud, and then, two, into the subscription phase. So that's part of the challenge we're having, quite frankly. Some of the software that we have is not going to be supported anymore other than through a subscription base on the cloud, but we think the benefit of the audit software itself is more the integration from the audit procedures to the actual audit work that we're doing. Essentially, it helps to automate within our audit software. It's automating the audit procedures we do back to the actual data that we have within the system.

I'll maybe ask Karen to supplement a little more.

**Ms Zoltenko:** Thank you very much. That's a great question. The additional benefits, like Doug said, are related to the integration primarily from the planning of our work through to the execution of the audit procedures that we perform to address the risks that we've identified at that planning phase. It allows for real-time updates of any changes in estimates or materiality, that sort of thing, and it would also increase the ability to collaborate within the team.

Currently, for example, that is quite a manual process, where working papers are checked out to an individual. They work on them. They check them back in. Now the software technology has progressed where that can be done in real time, working together collaboratively on one document.

Doug is correct. The consultation dollars related to that: we have a great team in place that is helping with this conversion. We do see the need to supplement the work of that team right around the configuration phase, so to get that software, once it's selected, up and running and available for our needs is where we think we will need additional support.

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

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

**Mr. van Dijken:** No. That's all.

**The Chair:** Okay. I'll open it up to anyone else for questions. Oh, we can't let the Auditor General get off this easy.

If there are no other questions, I really appreciate your team's efforts. Obviously, for what you do, all joking aside, it's a bearcat

of work that you folks do in that time, especially understanding some of the considerations when the year-ends seem to all coalesce at the same time. Anyone who's ever put in a crop understands the seasons, and you have your taxation season which happens as well.

We'll be considering your budget options, obviously, and we'll get back to you in writing. I appreciate your time.

**Mr. Wylie:** Well, thank you very much for your time. We do appreciate it.

**The Chair:** Maybe for the committee members, we still have committee work to do, but we'll just clear the room and give it about 10 minutes this time so members can get things taken care of and we can get back and reset here.

[The committee adjourned from 2:48 p.m. to 2:59 p.m.]

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

That was a lot of really good information; appreciate everyone's participation on that. Obviously, the candour of the questions and the quality of them were fantastic. Thanks for letting me go back and forth so we could have the exchanges required. Hopefully, everybody got your questions out. That seemed to work out not bad from what I can see from this end as the chair.

The next part of the business here is that we've completed all those agenda items. The committee now needs to make decisions on the budget submissions from all of those. I've asked the committee clerk to provide some draft motions, if required, for deliberations, those types of things.

With that, I think we can just start at the top or open it up for any discussion at that point. Are there any members who want to weigh in or have a conversation?

**Mr. van Dijken:** I'll start. I guess what I'm seeing is a significant increase in all departments. One of the things I'm seeing also are IT costs just continue to keep going and going and going. The majority of the offices: it's not a big part of their operational costs, but it is something that I am concerned with. Where does it all end, and how far do we go down this road?

We received a lot of information today. I guess I'm still trying to digest it all. We're in the middle of a fairly busy session, and so my submission to the committee would be to allow us to, maybe a little bit more as individuals, go into the submissions that we received today and try and – let's put it this way: I'm not necessarily comfortable with making a decision on these today, and I would like to see that we maybe get through our session period and have some time to digest this maybe in a couple of weeks or so.

**The Chair:** Okay.

**Mr. van Dijken:** I don't know if that would be – I know we have some new members, too, on the committee. This would be something that would be a lot of new information for them. That's where, I think, I would suggest we go.

**The Chair:** Okay.

What we'll do is that we'll take some comments from the committee. I have MLA Chapman. Welcome back. We had you on screensaver there for a bit. I was glad the technical difficulties got worked out. We also have MLA Shepherd wanting to weigh in as well.

**Ms Chapman:** I've got a question. I noticed a similarity across many of these budgets. Is this increase in the cost on telephones – and one of the officers, I'm sorry, I can't remember who, noted that the phone was a cost that used to be covered by the government of Alberta, and then that had stopped, so now they had to cover the

cost out of their own budget, right? That's not new money. That's just moving things around, I think, like if I'm understanding that properly. I don't know if there's someone in the room who has more information about some – it seems like maybe a kind of change happened there to cause that cost increase.

**The Chair:** I can just weigh in on that item. I'm not aware of it either as a committee member. You know, speaking as the chair here right now, I'm not aware of where that trigger was. That was the Ethics Commissioner who had mentioned that as well. I'm not sure if that's across all of the departments or potentially some of those, but that may lead some credence to what MLA van Dijken is saying, too: that we might want to take time to pause or consider.

MLA Shepherd, you're up next.

**Mr. Shepherd:** Thank you, Mr. Chair. Yeah. Just in response to Mr. van Dijken's suggestion, I've just been considering it. I've been on this committee since I was first elected in 2015, so eight years; four years under an NDP government, four years under UCP. I have never seen a committee that decided that they needed to delay this vote to review all the budgets. At one occasion I recall that there was one particular officer and one particular change where we delayed that vote. But delaying all the votes would be somewhat unprecedented.

I think the assumption generally is that members are going to come to the committee having done their homework. Certainly, we are all supported by research staff who also do that work, help us to review and go through this information. I recognize this year came a little bit closer to the line. We got all the reports and all the budgets. But we've had a chance to go through these numbers. We had the chance to sit down and question all of the officers as they were here at the table today. Certainly, with some of the officers there were not a whole lot of questions, so there was certainly an opportunity for members to dig in deeper if that was the concern.

I'm not sure that I'd be in support of delaying on this vote. I think we have the information we need. There were some budget increases, indeed. I think we heard some reasonable justifications in most of those cases. You know, there's a number of things that are completely outside the power of the officers, those being in terms of the salaries and those sorts of things.

3:05

If we want to talk about fiscal responsibility, I mean we've seen some significant increases in spending by the government in power at present, of which these members are part. I mean, if we want to parse numbers, I don't know that it's on the backs of these legislative officers, who I think we all agree are doing excellent work and have all provided pretty good justifications for the numbers they've put on the table today, so I'm not sure that I would support such a motion.

**The Chair:** Okay. We'll open up for a discussion at this point. Again, to MLA Shepherd's point, this might be something that's a little bit different with the cycles, et cetera.

MLA Shepherd, not to suppose that you would speak for all the members of your party, but if everyone has the same level of comfort or – well, I'm trying to look at the left side of the table versus the right side of the table. Well, members of the committee that are sitting to my left and on the screen: I'm not sure if you're speaking for all of them in that sense or just for yourself. If anyone else wants to weigh in.

**Member Eremenko:** Sure. Thank you. I certainly do support my colleague's position. I don't think this needs to be delayed any

further. That is precisely why we took a long day today: to have exactly that kind of deliberation. Frankly, I feel optimistic from the presenters today about the capacity building that is happening within their offices, that that does require some investment, but that it is absolutely with long-term financial prudence in mind. I think we have received the information that we need to make an informed decision, and that's what I would expect our constituents to expect of us.

**The Chair:** Okay. Perfect.

I have MLA Hunter, Chapman, and Shepherd, again, for a second time.

**Mr. Hunter:** Maybe just giving me some clarity, Mr. Chair: when does this have to be in? Like, when do we have to have a decision in? Are they up against the clock in terms of being able to get their budget agreed to?

**The Chair:** Yeah. From the sense I get, it's not – we don't have a gun to our head, if that's where you're putting towards, but it has to be still within their budget cycle so they can be approved. I mean, that's what it comes down to.

**Mr. Hunter:** If I remember correctly – and I was on Treasury Board for four years – the fiscal year-end is March 31, right? They would probably fall in the same budget cycle, so we have until March 31 to be able to actually make a decision. I'm not saying wait till then, but do we have – is there a time that we're up against the clock on?

**The Chair:** Just to get clarity – and I appreciate the longevity of the clerk. The clerks are always indispensable to us chairs and members for giving us a little bit of the history.

If we walk through the typical cycle, which is a little bit different because we had from the electoral period to when we could actually have the committees we needed to have, standing in the House to get everybody assigned to the committees, typically that work would have taken place over that summer period. So we wouldn't have been as compressed. But to MLA Hunter's point, the timing of this – essentially the duty of the committee is to approve or recommend these budgets to Treasury. Treasury would get this information and then put that into the budget cycle. Everything that's going to be considered is no different than any other department they're putting in at this time to be approved and part of that budget cycle.

Again, it's not March. March is when the budgets would come out, but we're in the hopper with the rest of the administrations, the rest of the departments. I wouldn't propose to say anything to the committee, other than offer for potential clarity that we have time before the break, the big break, to be able to take a pause, if required or not, to make decisions based on the information we have today. But it wouldn't be delayed until March.

**Mr. Hunter:** No. Look, I was just looking for dates and stuff. It's not like we have to get it to Treasury Board by a date, is it?

**The Chair:** Well, no. The other thing I would suggest is that we don't have to make this decision today if folks aren't comfortable with it. If you are comfortable with it, and if we need to have more detail, then we could. Even though unprecedented, we could call everybody back in the room, and you could grill them for the next six or seven hours if you wanted. But, again, you're not compelled right now. There isn't a shot clock other than precedents of typically what committees have done.

**Mr. Hunter:** Okay. Personally, I would agree with my colleague Mr. van Dijken that it's always prudent to be able to sleep on it, to think about it, to ruminate a bit more. I don't know if there's any reason why we have to make a decision today, so I would be very much in favour of that motion.

**The Chair:** To be clear, there hasn't been a motion put forward yet. This is discussion.

Back to MLA Chapman.

**Ms Chapman:** Thank you. Well, you probably won't be surprised, but I'm going to side with my colleague, with MLA Shepherd. I spent some time in the lead up to this meeting to look over the budgets. What I saw in the increases were, you know, the kinds of costs that are increasing in all areas, right? Like, the cost of insurance doesn't go anywhere but up. Those telecommunication costs: I don't know. I've never had one of my cell phone bills go down. They only go up, up, up.

Importantly, too, I think what I heard from many of these officers was that their workload isn't getting smaller, but they are putting quite a bit of effort into trying to streamline that work – right? – into trying to make sure that, you know, people are coming to them with the appropriate type of requests. I feel like these officers are doing good work. They are looking for efficiencies, and I do think that we should be supporting these offices having the resources they need. Thank you.

**The Chair:** Perfect.

MLA Shepherd, and then MLA Hunter again.

**Mr. Shepherd:** Thank you, Mr. Chair. I just wanted to note an additional piece that I forgot to mention. Just for those who are new to the committee, we have two options here. One, we approve the budgets as submitted; or two, we propose an amendment to the budget as a whole. We as committee members do not have the ability to go in and prescribe any specific cuts or any specific spending for any of these officers.

Basically one of two things happens when we make a motion. We either make a motion and say that we support the amount that the officer has asked for, or we support a motion amending the amount that they're asking for, so cutting the amount of the budget, again, as a whole. If what we are considering is that you want to go away and you want to consider whether or not you want to approve the amount or whether you want to cut the amount, I would suggest you want to give that some very careful thought. These are the independent officers of the Legislature, who do incredibly important work providing the checks and balances in many cases on the work that we do, providing accountability to the public, and doing some key work, like the Child and Youth Advocate on behalf of the people of Alberta.

I would suggest that as members of this committee, we want to be very careful about back-seat budgeting particularly given that these decisions are going to be made now that these officers have left the room. If there were amounts that you wanted to consider cutting from these budgets, I would suggest that it would have been good to have that dialogue with the officers here and with the expertise from their offices to have the opportunity to understand precisely what the spending is and what the implications of such a cut could be. If we are going to delay and then come back to have that discussion, then I guess we are potentially considering, or at least I would hope you would be so prudent as then to call those officers back to have that discussion with them and not to presume knowledge that we don't have.

Thank you, Mr. Chair.

**The Chair:** You're most welcome. A point of clarity on that, assisting, again, with the longevity of the clerk and the understanding, you do have a third option, which is to delay decision, whether it is to accept or amend. That is an option of the committee.

MLA Hunter.

**Mr. Hunter:** You know, it's interesting. I was just bragging to my colleagues about what a great committee meeting this was. Probably the best I've seen in, like, eight and a half years, and then I have to say – and then now hearing some interesting supposition from the, you know, members opposite, which is disappointing. The election is over. We're in here to do the work of the people, and we've got throwing accusations that we haven't done our work before, which is ridiculous, that we want to cut the budget, which has never been said. I just don't understand it. I don't get it. Like, why can't we just get to the business of the people? To be able to say that we're going to go two weeks or a week or three days or whatever it is or a month to be able to just think about it, like, I don't see – where's the bogeyman? I just don't see it. I guess it's frustrating when I see this, and I've seen it for eight and a half years. If we could just get to the business of the people without making all of these, you know, outlandish comments. It's just frustrating.

3:15

But, Mr. Chair, I go back to the point. Who are we going to hurt? We're not up against the clock on this thing. Who are we going to hurt if we wait two weeks to decide on this? I don't know if we are going to hurt anybody if we wait.

**The Chair:** Yeah. I'm trying to be neutral as the chair, and I know we are speaking through the chair to potentially other members. What the chair will consider is the decorum of the meeting which we've had to date, which has been phenomenal. Everyone has worked really well together. We might have different feelings and different positions on what the dialogue or the discussion is now, and maybe we should put it just to the committee as a decision point, with the potential of eroding the great decorum and trust and faith and everything that has been built up to this point by potentially getting too polarized. Is the committee prepared to proceed forward, or does the committee want to defer a decision to an alternate date? The meeting would be called at the discretion of the chair.

**Mr. Hunter:** I'll make a motion to defer.

**The Chair:** We don't need a motion for it.

**Mr. Hunter:** Oh, you don't have to have a motion, Mr. Chair?

**The Chair:** You don't even have to have a motion for it.

Oh, sorry; you wanted to speak one time. Yeah. Go ahead.

**Ms Renaud:** Yeah. I just wanted to add my comments. You know, I was under the impression that we were doing the work of the people, but maybe not. I think that we got a lot of information in preparation for this meeting. I had some other commitments, so I missed a little bit this morning. But, I mean, I got the sense that we all had time to ask the questions that we had outstanding, and if not, if there's a reason, like my colleague said, if we need to bring people back, then I'd like to hear that. I don't exactly know what we're going to go back and ponder, but maybe you could explain that.

Also, I think there's the workload, right? We just spent a whole day here, and there's a cost to these meetings. There is a cost to these meetings, so I would just say that I'm prepared to vote on this right now. I don't feel like we are missing any information. Maybe my colleagues feel otherwise.

Those are my comments.

**The Chair:** Okay. The good thing with precedent is that it's not set until it happens, so just because we've done something before in the past doesn't mean you can't do something a little bit differently the next time around.

The MLA for Calgary-Currie.

**Member Eremenko:** Thank you. I just have a question. Being new to the committee, is the only recourse for asking more questions and getting more information to bring the officers here to sit before us as a committee? I would be concerned that if people have one-off questions, they would then go and engage the officer directly. Is that not – okay. I just want to make sure that I'm . . .

**The Chair:** Yeah. We'll do that now. I'll lean on the clerk to ensure, but the typical procedure is that when you have these types of proceedings, the individual is there, for sure, and then the correspondence, if there was anything, would be through the clerk, so through the chair, and then all members would have access to that. So part of what I would afford for discussion is that if people are looking for more clarity on a couple of items or needed to do a little bit more research or whatever the reasons are to feel comfortable with making the decision on behalf of not only our constituents but everyone's for those recommendations, then I would suggest taking that and putting it through our office. We would put it back to those specific officers, and then they could get it back to everybody potentially at that other meeting as well, and if there were requirements to have those individuals in person or if an e-mail or a letter or whatever, you know, filled those

requirements, then that would be there for everybody. Again, it's deferring a decision, not avoiding a decision.

Yeah. I'll have the clerk weigh in.

**Ms Rempel:** Thank you, Mr. Chair. I think just to perhaps further add to this, if a decision is not going to be made today for whatever reason and committee members do have additional information that they're looking for, they could consider following a process somewhat like Public Accounts in that you could read your questions into the record now so it's all public, it's on, you know, *Hansard*, et cetera, and we will let the officers know, of course, that these questions have been raised, and they can provide a written response, which, as the chair indicated, would be then provided to all members of the committee.

**The Chair:** Okay. So we do have options afforded to us.

I'd be ready to put the question to the committee if there isn't anything else or any other dialogue.

The question I'll be putting is: does the committee, the will of the committee, want to defer making final recommendations to the budgets to a later date, or would you like to carry forward and go through each one of the budget items today? Those in favour of deferral? Against? And online? Okay. I guess that would be a deferral.

At the convenience of the chair we'll reconvene this committee to discuss and finish off the business at a later date, but tentatively check your calendars for the 13th or 14th and expect a straw poll coming up for that date.

Thank you, everybody, for your participation today, and we'll see you next time. Oh, I need a motion to adjourn.

**Mr. Hunter:** I'll move it.

**The Chair:** Noted. All in favour? Thanks. Oh, that motion carried.

[The committee adjourned at 3:21 p.m.]











