



Legislative Assembly of Alberta

The 29th Legislature
Third Session

Standing Committee
on
Legislative Offices

Tuesday, July 18, 2017
9 a.m.

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Third Session**

Standing Committee on Legislative Offices

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Malkinson, Brian, Calgary-Currie (ND), Deputy Chair

Cyr, Scott J., Bonnyville-Cold Lake (W)*
Drever, Deborah, Calgary-Bow (ND)
Gill, Prab, Calgary-Greenway (PC)
Horne, Trevor A.R., Spruce Grove-St. Albert (ND)
Kleinstauber, Jamie, Calgary-Northern Hills (ND)
Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND)
Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (W)
Pitt, Angela D., Airdrie (W)
van Dijken, Glenn, Barrhead-Morinville-Westlock (W)
Woollard, Denise, Edmonton-Mill Creek (ND)

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Jill Clayton	Information and Privacy Commissioner
Del Graff	Child and Youth Advocate
Peter Hourihan	Ombudsman, Public Interest Commissioner
Glen Resler	Chief Electoral Officer
Merwan Saher	Auditor General
Marguerite Trussler, QC	Ethics Commissioner

Office of the Ethics Commissioner Participant

Kent Ziegler	Chief Administrative Officer
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[Mr. Shepherd in the chair]

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

My name is David Shepherd, MLA for Edmonton-Centre and chair of this committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, starting to my right.

Mr. Malkinson: Brian Malkinson, MLA for Calgary-Currie, deputy chair.

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

Mr. Horne: Good morning. Trevor Horne, Spruce Grove-St. Albert.

Ms Woollard: Good morning. Denise Woollard, Edmonton-Mill Creek.

Mr. Cyr: Scott Cyr, MLA for Bonnyville-Cold Lake.

Mr. Koenig: Good morning. I'm Trafton Koenig with the Parliamentary Counsel office.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

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

The Chair: Excellent.

And on the phones today?

Mrs. Littlewood: Jessica Littlewood, MLA for Fort Saskatchewan-Vegreville. Good morning.

Mr. Nixon: Jason Nixon, MLA for Rimbey-Rocky Mountain House-Sundre.

Mrs. Pitt: Angela Pitt, MLA for Airdrie.

The Chair: Thank you.

Is Mr. Gill with us?

Mr. Gill: Yes. Prab Gill, MLA, Calgary-Greenway. Good morning to everybody.

The Chair: Thank you.

All right. Just to note for the record that Mr. Cyr is an official substitute for Mr. van Dijken.

Before we turn to the business at hand, the usual few operational items. The microphone consoles are operated by the *Hansard* staff. Please ensure that all of your electronics are in silent mode. Audio and video of the committee proceedings are streamed live on the Internet and recorded by *Alberta Hansard*. Live streaming links and meeting transcripts may be obtained via the Legislative Assembly website.

We did have a draft agenda that was distributed for this meeting. Are there any questions or concerns with that agenda? Hearing none, is there a member that would like to move a motion to approve today's meeting agenda? Mr. Malkinson. Mr. Malkinson moves that the agenda be adopted as circulated. All in favour? Any opposed? Hearing none, that motion is carried.

Then we have a set of draft minutes from our last meeting on June 16, 2017. Those were also distributed for consideration. Did anyone note any errors or omissions in the minutes? If not, is there a member that would move a motion to approve those minutes? Ms Woollard. Thank you. All those in favour of adopting the minutes as distributed? Any opposed? That motion is carried.

We'll move on, then, to some of our decision items for today. As was mentioned in the agenda distributed, we have a request from the Ombudsman regarding delegation of powers. A copy of the July 4, 2017, correspondence from the new Ombudsman, Ms Marianne Ryan, was distributed with the briefing materials for this meeting. Her request under section 27 of the Ombudsman Act is a routine matter for a new Ombudsman. It's a request that has previously been granted to individuals fulfilling the role. The ability to delegate powers is held where applicable by other officers of the Legislature, including Ms Ryan in her role as Public Interest Commissioner. It's a requirement for the Ombudsman to request the approval of this committee to exercise that power. That's something that's unique to the Ombudsman Act, having been the first piece of legislation creating an officer of the Legislature in Alberta.

Do members have any questions or concerns regarding the approval of this request?

Ms Woollard: I'd just like to thank the Ombudsman for accepting to take this task on for the good of all Albertans and wish her all the best. I understand that it is a requirement of the act for every new Ombudsman to go through this process, and I'm more than happy to support a motion to allow the Ombudsman to delegate her powers to others in order to ensure that the office carries its work out efficiently and effectively. I would encourage my colleagues to do the same.

The Chair: All right. Thank you, Ms Woollard. Are you, then, making the motion to approve the request?

Ms Woollard: Yes. Moved by the Standing Committee on Legislative Offices that

the committee approve in accordance with section 27 of the Ombudsman Act the delegation by the Ombudsman, Ms Marianne Ryan, "to any person holding any office under the Ombudsman any of [her] powers under this Act, except this power of delegation and the power to make any report under this Act."

The Chair: Thank you, Ms Woollard.

Any questions or discussion regarding the motion? Anyone on the phones?

If not, then I will call the question. All those in favour of the motion to approve the request from the Ombudsman? On the phones? Okay. Any opposed? On the phones? That motion is carried. Thank you.

On to our next item, then. A copy of the June 28, 2017, correspondence from the hon. Ms Trussler, our Ethics Commissioner, was also included with the briefing materials for today's meeting. Included with that letter was a proposal for the records retention and disposition schedule of the office of the Ethics Commissioner. Pursuant to section 47(1) of the Conflicts of Interest Act this recommendation by the commissioner regarding records management in her office must be brought before our committee for approval.

Having had the opportunity to review the request by Ms Trussler, do members have any questions or concerns regarding the approval of this request? I do note that we have Mr. Kent Ziegler from her office here with us today, and I'm sure if there are any questions,

he would be able to assist us with that as well. Anyone on the phones? Mr. Cyr.

Mr. Cyr: Thank you. Are there ever times where your office has used materials or records from one investigation for the purposes of another investigation?

The Chair: Mr. Ziegler, if you would like to join us at the table, that might be the most efficient way.

Mr. Ziegler: The records from previous investigations are retained simply because the act currently requires that we retain them. I'm not aware of any use of those previous investigation records for other investigations. I guess that's the best answer I can give you on that one.

Mr. Cyr: Okay.

Mr. Ziegler: We're not prohibited from using them if we needed to.

Mr. Cyr: But now you're going to be destroying them. Is that not correct?

Mr. Ziegler: Yeah.

Mr. Cyr: So you won't have the records to fall back on should you need them?

Mr. Ziegler: Well, the retention under the act – after a certain period you can't bring an investigation against anybody anyway, so at a certain point any of those records would no longer be useful or usable in an investigation. They really are just sitting there because the act says that they need to be retained.

Mr. Cyr: Okay. Thank you.

The Chair: Thank you, Mr. Cyr.

Any other members that have any questions regarding the request? Mr. Horne.

Mr. Horne: Yeah. Thank you for bringing this forward. Kind of a bit more of curiosity but also as a – the commissioner's letter mentions space as a concern, so I was wondering if most of these records are still physical copies or if they are mostly digital.

Mr. Ziegler: They're all paper copies for the old investigation records because they're from so long ago. You guys have all seen our offices. We have a very small operating area, and space is at a premium. They are paper, and we would have them securely destroyed and witness that destruction as well so that we can affirm that.

Mr. Horne: Okay. I don't think I have too many other questions on that.

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Mr. Chair. What's your current retention timeline for policy agencies in Alberta for nonviolent crimes or white-collar crimes? Does that change to 10 years for record retention for investigations parallel, any other agencies' timelines?

Mr. Ziegler: We only investigate and retain records for investigations under the Conflicts of Interest Act, so other criminal statutes wouldn't be affected by what we do. Our records are only usable for a Conflicts of Interest Act investigation. They can't be used for any other purposes. So in other investigations for other

matters nobody could get access to them anyway because the act prohibits it specifically from being disclosed for any other purposes.

Mr. Cyr: Okay. Thank you.

9:10

The Chair: Any other members have any questions regarding the request? Once again, any members on the phone?

If we have no further questions or discussion, do we have a member that would wish to make a motion in regard to the request? To proceed and determine whether we approve or not, we would need a member to make a motion.

Mr. Kleinsteuber: I'd like to make a motion, then, something along the lines of that

the Standing Committee on Legislative Offices approve in accordance with section 47 of the Conflicts of Interest Act the record retention and disposition schedule for the office of the Ethics Commissioner dated June 2017.

The Chair: Thank you, Mr. Kleinsteuber.

Mr. Kleinsteuber has moved that our committee approve the request from the Ethics Commissioner. Are there any further questions or discussion on that motion? Mr. Kleinsteuber.

Mr. Kleinsteuber: Yeah. Well, I'd just like to make a few comments. I just want to thank the Ethics Commissioner for all her tremendous work and the work that she does every day for Albertans, including all those members of her office. Once again, her proactive approach is why we are here discussing making changes to the Ethics Commissioner office records policy in order to update them. I'm very supportive of her recommendations for various amendments here, and I'd encourage all colleagues around the table to do the same.

The Chair: Thank you, Mr. Kleinsteuber.

Any further comments or questions regarding the motion?

Hearing none, I'll call the question. All those in favour of the motion to approve the request from the Ethics Commissioner? And on the phones? Thank you. Any opposed? That motion is carried.

Thank you, Mr. Ziegler, for making yourself available.

Mr. Ziegler: Thank you to the committee members. Thank you, all. Have a good summer, everyone.

The Chair: Fantastic.

Well, that brings us, then, to other business. Just quickly, a report on the 2016-2017 audit results for the office of the Auditor General. On June 29 of this year, just a couple of weeks ago, the deputy chair and I attended a meeting with the Auditor General and senior staff from his office as well as the audit team from St. Arnaud Pinsent Steman, the firm under contract to conduct the annual audit of the office of the Auditor General. I am pleased to advise that the 2016-2017 audit was completed without any issues being identified. I don't think that surprises anyone. We certainly have a very good track record with this Auditor General. A copy of the audit documents will be released by the office of the Auditor General this fall in addition to their annual report.

Did anyone have any questions regarding that process?

If not, is there any other business committee members wish to raise at this time?

Hearing none, the date of the next meeting will, then, be at the call of the chair.

Do we have a member that would like to move a motion to adjourn? Thank you. Ms Woollard has moved that the committee adjourn.

Before I call the question, I'll just note, then, that we're at a quarter past 9, so we'll take a break until 9:30, at which time members of this committee who are participating in the special search committee for the Auditor General can return to join us here.

Those on the phone can choose for themselves whether they wish to remain on the line or rejoin us later.

We have the motion from Ms Woollard to adjourn. All those in favour? Thank you. Any opposed? The committee stands adjourned.

Thank you.

[The committee adjourned at 9:14 a.m.]

