



Legislative Assembly of Alberta

The 31st Legislature
First Session

Standing Committee
on
Legislative Offices

Friday, December 6, 2024
8:30 a.m.

Transcript No. 31-1-8

**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

Chapman, Amanda, Calgary-Beddington (NDP)
Dach, Lorne, Edmonton-McClung (NDP)*
Dyck, Nolan B., Grande Prairie (UC)
Eremenko, Janet, Calgary-Currie (NDP)
Lovely, Jacqueline, Camrose (UC)
Lunty, Brandon G., Leduc-Beaumont (UC)
McDougall, Myles, Calgary-Fish Creek (UC)**
Pitt, Angela, Airdrie-East (UC)***
Renaud, Marie F., St. Albert (NDP)
Shepherd, David, Edmonton-City Centre (NDP)
Sinclair, Scott, Lesser Slave Lake (UC)
Yao, Tany, Fort McMurray-Wood Buffalo (UC)****

* substitution for Marie Renaud

** substitution for Brandon Lunty

***substitution for Scott Sinclair

****substitution for Jacqueline Lovely

Legislative Officers

Kevin Brezinski	Ombudsman, Public Interest Commissioner
Diane McLeod	Information and Privacy Commissioner
Shawn McLeod	Ethics Commissioner
Terri Pelton	Child and Youth Advocate
Gordon McClure	Chief Electoral Officer
W. Doug Wylie	Auditor General

Office of the Auditor General Participants

Loulou Eng	Senior Financial Officer
Patty Hayes	Assistant Auditor General

Office of the Chief Electoral Officer Participants

Paula Hale	Election Commissioner
LaRae Petrowsky	Acting Deputy Chief Electoral Officer and Director, Election Operations

Office of the Child and Youth Advocate Participant

Bolu Idowu	Executive Director, Strategic Support
------------	---------------------------------------

Office of the Ethics Commissioner Participants

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

Office of the Information and Privacy Commissioner Participants

Cara-Lynn Stelmack

Assistant Commissioner, Case Management

Chris Stinner

Assistant Commissioner, Strategic Initiatives and
Information Management

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

Gladys Gonyoe

Director of Corporate Services

Greg Stead

Director of Investigations

Support Staff

Shannon Dean, KC

Clerk

Trafton Koenig

Law Clerk

Philip Massolin

Clerk Assistant and Executive Director of
Parliamentary Services

Nancy Robert

Clerk of *Journals* and Committees

Abdul Bhurgri

Research Officer

Rachel McGraw

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

Amanda LeBlanc

Managing Editor of *Alberta Hansard*

8:30 a.m.

Friday, December 6, 2024

[Mr. Getson in the chair]

The Chair: Good morning, folks. I'd like to call the meeting to order. I'd like to welcome all members and staff and guests to the Standing Committee on Legislative Offices.

I'm Shane Getson, the MLA for Lac Ste. Anne-Parkland, better known around these parts as God's country. I'd like to ask the members joining us at the table – we'll go around the room, we'll introduce yourselves, and then we'll go to the folks online. With that, we'll go to the right.

Mr. Lundy: All right. Good morning, everyone. Brandon Lundy, MLA for Leduc-Beaumont.

Mr. Dyck: Good morning. MLA for Grande Prairie, Nolan Dyck.

Ms Lovely: Good morning, everyone. Jackie Lovely. I'm the MLA for the Camrose constituency.

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

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

Mr. Koenig: Good morning. I'm Trafton Koenig, Law Clerk.

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

The Chair: And online I see MLA Chapman. If you want to introduce yourself for the record, please.

Member Eremenko: Chair, excuse me. I'm getting a note from MLA Chapman that she's having a hard time hearing the clerk and others online.

The Chair: Okay. We'll do a quick sound check here.
MLA Shepherd, can you hear us?

Mr. Shepherd: Morning, everyone. David Shepherd, MLA, Edmonton-City Centre.

The Chair: Perfect. Thank you, sir.
MLA Sinclair, I see you online.

Mr. Sinclair: Good morning, everyone. I'm MLA Sinclair for Lesser Slave Lake. I can hear everything great.
Thank you.

The Chair: Perfect. Thank you.
I see MLA van Dijken.

Mr. van Dijken: Yeah. Good morning. MLA Glenn van Dijken for the constituency of Athabasca-Barrhead-Westlock. It's just really interesting to watch Mr. Sinclair bump up and down with the background that is not a car.

The Chair: Well, I'm sure he's just jumping with excitement, as we all are, to be back again after wrapping up session. I'm sure he's pulled over on the side of the road, parked in a safe place for everyone to notice.

For the record we'd also like to note the following substitutions. I have Mr. Dach in for Ms Renaud. I have Mr. Yao substituting for Ms Lovely, but that's inaccurate because I do see Ms Lovely at the table. Mr. McDougall was to be subbing for Mr. Lundy, but that, too, has changed. Mr. Lundy is at the table. And Sinclair is here, and it is not Pitt. That's wonderful.

A few housekeeping items to address before we turn to the business at hand. Please note the microphones are operated by *Hansard*, so we don't need to turn them on and off, as we found out earlier this morning that the chair was doing that. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Members participating remotely should ensure they're prepared to speak. When a vote is called, please turn on any cameras. Videoconference participants are encouraged to have their cameras on, if possible, when speaking. And please set your cellphones to the absolute least disturbing setting that you have on that.

A draft meeting agenda was circulated several weeks ago. Would a member like to approve the agenda? MLA Lovely. All in favour? Any opposed? And we'll go to online. All in favour of approving the agenda for the meeting, please say aye. Any opposed? Motion carried.

Approval of minutes from previous meeting. We also have a set of minutes from our last meeting. Would a member like to move to approve those as well? MLA Dyck. All those in favour in the room? Any opposed? Online, all those in favour, please say aye. Any opposed? Motion carried.

Officers of the Legislature annual reports, business plans for 2025 budget estimates. We'll have presentations from the Leg. offices. The main purpose of our meeting is to review the annual reports, business plans of the officers of the Legislature and to make decisions regarding the 2025-26 budgets. This process parallels the government main estimates, that we all love to do, in the February timeline in several ways. Just as ministers are responsible for justifying their estimates, it's the officers that are here to answer their questions, substantiate their reports, their findings, and their budget requests. Committee members have an opportunity to ask questions of the officers before voting on the budget request. However, we do need a complete consideration on the officers' budgets before the main estimates are released so that the decisions can be communicated to Treasury Board and included in the budget documents released each spring. It's one of those chicken and egg things.

In addition to respect for the independence of the officers, the committee may consider amending their total budget requests but should not do so by a line-by-line basis. It's the aggregate total that we're talking about at the end. Also, the committee may consider increases in the officer's budget request without infringing on the prerogative of the Crown.

Each office will have up to 20 minutes of presentation time, followed by the questions from the committee members, and once we've completed that review process, the committee will need to make a decision from each of the submissions of the officers. Please note that you all have the information you need to vote on the budget estimates for each office. If we find ourselves unable to make a decision today, then we can reschedule another meeting and call them back later on this month.

We have a full day ahead, so fasten up the chin straps. It will be a good day. We'll use our time effectively. Just as a cautionary note from the chair, the Legislative Assembly has ended. This gets to be our committee, so we get to do lots of really good work here, and it'll be an effective day. All members are encouraged as always to keep the Christmas spirit alive.

The first one that we have is the office of the Child and Youth Advocate. They're at 8:30 a.m. Terri Pelton, are you here? Perfect. Well, I'd like to welcome to the table, if I may, the Child and Youth Advocate along with her staff for this morning's meeting. I'd like to thank you again for your submission on the budget prior to the meeting for today. It gave us all a chance to go through those as committee members. I'd like to ask you to keep your presentation

within 20 minutes or less so the committee members have lots of time to engage with you. With that, I would welcome you to introduce yourself and your staff, and then the floor is yours.

Office of the Child and Youth Advocate

Ms Pelton: Good morning. I'm Terri Pelton. I'm the Alberta Child and Youth Advocate. Good morning, Chairperson Getson and committee members. Thank you for taking the time to meet with us. Presenting with me today is Bolu Idowu, our executive director of strategic support. Today we will be presenting our 2023-2024 annual report, 2025-2026 budget estimates, and our 2025-2028 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 and the Métis people of Alberta. We are 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 for our staff to help them better understand Indigenous ways of knowing and the impacts of colonization and intergenerational trauma, updating our role of counsel guidelines for our lawyers and our advocacy policies to ensure they reflect the calls to action and the principles of An Act Respecting First Nations, Inuit and Métis Children, Youth and Families, and continuing work on our ceremonial room. As elders have reminded us, reconciliation is a generational process, and we're currently sowing the seeds for future generations.

Our role is to represent the rights, interests, and viewpoints of young people involved in child intervention and youth justice. 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; and 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 with young people wherever they are most comfortable.

This year we worked hard to amplify the voices of young people. We help to ensure their interests and rights are considered when decisions are made about them. I'd like to tell you about our three front-line services, which play a direct role in supporting young people.

Our intake team is usually the first point of contact when a young person or someone in their life reaches out to our office. From there, they may be assigned an advocate or a lawyer. When we receive general questions or referrals that fall outside of our mandate, we connect the person to the community or government resource that is best able to help them. This past year we completed over 3,700 intakes. Over 1,500 young people worked with an advocate, and over 3,000 worked with a lawyer. In total, we served over 4,600 children and youth, of whom 61 per cent were Indigenous, by providing them with an advocate or a lawyer.

We have 18 advocates who work directly with young people across the province who are involved with child intervention or youth justice. We advocate for and with young people to be heard and for their rights, interests, and viewpoints to be considered in planning and decisions that impact them. Our advocates do not

replace natural advocates. Parents and family are usually the first and best advocates for their children. When young people and their families come into contact with child intervention or youth justice, though, it can be challenging for parents to advocate for them. When this happens, we help the young person to have their rights, interests, and viewpoints be considered.

8:40

Over the past year the top advocacy issues young people experienced continued to be related to placements, connections, and case planning. Some examples are placement issues. Some young people have stayed in Children and Family Services offices for extended periods, sometimes overnight, due to lack of appropriate placements. Others have remained in hospital longer than medically necessary due to the inability to find a suitable placement for them.

Connections. Siblings are sometimes placed separately, and this impacts their relationships. Family and community connections are also disrupted when young people are placed in temporary settings.

Case planning. Some young people have had multiple caseworkers within a year or found themselves without a worker. Children and youth and their families have also faced abrupt case plan changes due to staffing issues within the ministry.

Our legal representation for children and youth program, or LRCY, provides legal representation for young people in matters related to the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act. Given that 62 per cent of the young people that LRCY lawyers represent are Indigenous, it's a priority for my office to increase the number of Indigenous lawyers on our roster. This past year we brought on two Indigenous lawyers and expect to welcome two more in the coming months. We also increased the training requirements for all lawyers to include at least two hours of Indigenous worldview training every year and updated the role of counsel guidelines to ensure that the TRC's calls to action and the principles of An Act Respecting First Nations, Inuit and Métis Children, Youth and Families are reflected.

Community engagement is also a key component of our work. We are dedicated to developing relationships with diverse stakeholders, organizations, and communities so that we can advance the rights, interests, and well-being of young people. Over the past year we shared information about children's rights and the work of our office through 165 presentations, workshops, and booths; strengthened our relationships with staff in Alberta's young offender centres so that they're aware of our role in supporting young people involved in their system; and deepened our connections with Indigenous communities through receiving guidance from elders, sharing information about our office, and participating in community events.

Young people benefit when their voices are heard and their perspectives are considered. This is particularly crucial for those involved in the child intervention and youth justice systems, where decisions that are made about them have a profound impact on their lives. Facilitating youth participation has been one of our strategic priorities for a number of years, and I'm pleased with the progress we've made. This past year, in August 2023, a major highlight was partnering with Chimo Youth Retreat Centre to host an International Youth Day event at NorQuest College in Edmonton. The event provided a platform for young people to engage and learn about their rights, exchange ideas, and gain inspiration for their personal and professional growth.

I also continue to be impressed by the work of our OCYA Youth Council, which is made up of diverse young people from across Alberta who have lived experience with child intervention and/or youth justice. This year their work included spearheading a project

about the experiences of racialized young people in government care, meeting with MLAs to discuss issues affecting young people involved with child intervention, consulting with the development of our new advocacy policies, and assisting with hiring panels when we have recruited front-line staff and roster lawyers.

Part of our role involves raising concern about policies, practices, and legislation that do not 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 48 individual investigative reviews, which examine the circumstances of young people who have passed away or been seriously injured; releasing *Beyond Barriers*, a special report on young people with disabilities in child intervention and youth justice, in January 2024; and we're working on the *Calling for Change Investigative Reviews Consolidated Report 2023-2024*, which you may be aware was just released on November 20.

Reviewing the circumstances of young people who are seriously injured or have passed away and were involved with child intervention or youth justice 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.

In October 2023 we started publicly releasing investigative reviews for each young person whose serious injury or death we are notified of. While we've always completed individual reviews for each young person, only those meeting certain criteria were previously made public. This shift in reporting provides additional transparency and public accountability regarding our reviews and ensures that each young person's experience is reflected in a consistent manner.

In 2023-2024 we released 48 individual reviews; 47 were for young people who had tragically passed away, and one was for a young person who was seriously injured and has since recovered. We now complete an annual public report that explores the themes that have been identified over that year and makes recommendations to the government and other public bodies. Our first report under this new process, *Calling for Change*, was released in November and is available on our website.

For the past several years when appearing before this committee, I've been vocal about the high number of notifications of death and serious injury received by my office. This was again seen in the 2023-2024 fiscal year, with 83 notifications received. These alarming numbers are continuing in this fiscal year. As of November 30 we've received 58 notifications of death or serious injury of children and youth. Many of these young people have complex histories of trauma and involvement across multiple government systems. We are also seeing an increase in the number of young people over the age of 18 for whom we must complete reviews. This increased complexity and persistent high number of deaths and serious injuries requires significant resources. To meet this need, our 2025-2026 budget estimate includes funding for additional positions to ensure we are adequately equipped to carry out this essential work and uphold our commitment to vulnerable young people, their families, and their communities.

Our role in reporting and in making recommendations is to improve the services and supports for young people. Of 27 recommendations that were evaluated this year, six were met, six were closed, and 15 are in progress. An additional eight new recommendations were made this past fiscal year in our *Beyond Barriers* special report. These will receive their initial evaluation in the spring of 2025. As in previous years, I anticipate that we will have another opportunity to appear before this committee to review our annual report, at which time I'll provide more details on our recommendations and the status of their progress.

As I reflect on the past year, I'm pleased with the work we've done to advance our strategic priorities and our commitment to reconciliation while continuing to call attention to critical issues affecting children, youth, and their families. That said, there's always much more work to be done. We've begun work on a special report on the experiences of young people who are unhoused or at risk of being unhoused. I anticipate this report will be released in early 2026. Our *Calling for Change* report for 2023-2024 was recently released and contains five new recommendations. Planning is under way for our biannual International Youth Day event in August of 2025.

Finally, we'll continue advancing our reconciliation work by connecting with Indigenous communities, providing learning opportunities for staff and roster lawyers, and advocating for Indigenous children and youth. I am pleased that the work on our ceremonial room is now complete and look forward to having it as a gathering space as we continue on our journey of reconciliation.

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

Ms Idowu: Thank you, Terri.

I am pleased to highlight the work of strategic support. We ensure that appropriate resources, systems, and supports are in place to maintain the operations of our office through strategic and business planning, quality assurance and research, human resources, finance, information management and technology, and administration. It is our responsibility to ensure that the OCYA has quality and timely information to set strategic directions, make spending decisions while maintaining strong internal controls, recruit the right people who are passionate about advocacy, provide technical support for seamless operations, provide appropriate research to support the work we do, assess the quality of services provided to young people, and take care of administrative functions. Even though the strategic support team may not be front facing, we are proud to support the office in achieving the OCYA's mission of standing up for young people.

8:50

I will briefly speak to the 2023-2024 financials and our annual reports. The approved voted budget for our operating expenses was \$15,905,000 and \$300,000 for capital expenditure. Actual spending in both operating and capital expenditure categories was approximately \$15,886,000, which is \$319,000, or 2 per cent, below the approved amounts. This was primarily due to savings in travel costs and salaries and benefits due to hiring lags.

The overexpenditure in the Child and Youth Advocate's office and advocacy services is due to organizational restructuring, off-set with significant savings in youth and community engagement. In the 2023-2024 fiscal year the executive director position previously budgeted under the advocate's office and the intake program previously budgeted under the youth and community engagement started reporting within advocacy services.

Terri will now introduce our 2025-2026 budget estimates for the committee's consideration.

Ms Pelton: Thank you, Bolu.

I'm requesting a budget of \$17,063,000, which is an increase of 3.1 per cent over our previous year's budget. These estimates include three full-time positions to help us address critical resourcing needs. These positions are essential as we continue to see an alarming number of young people being seriously injured or passing away, for whom we must complete reviews. Additionally, this funding will allow us to rebuild and strengthen our capacity in

youth and community engagement, restoring the level of service we had prior to the pandemic and ensuring we can continue to meaningfully include young people in our work.

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

Ms Idowu: Thank you, Terri.

Salaries and benefits are \$10,497,000, representing about 61.5 per cent of our budget. This is an increase of \$649,000 from the previous year due to Alberta public service salary increases and the need for additional resources to meet our legislative mandate. Prior to the 2020-2021 fiscal year we had 83 full-time positions, which over the past several years have been reduced to 78. These estimates reflect salaries and benefits for 81 full-time positions.

Fees and disbursements for LRCY represent a significant amount, accounting for approximately 24.5 per cent of our estimates. The overall budget for this program remains the same as the previous year.

Contracts and IT services represent about 9 per cent of our budget, similar to the previous year. We continue to embrace virtual opportunities to connect, reducing production and printing costs for reports, and streamlining file review processes.

We are asking for a capital budget of \$25,000 for the upcoming year, a decrease of \$75,000 from our previous year's budget as the OCYA ceremonial room capital project has now been completed. The \$25,000 request for the next fiscal year relates to various capital projects related to information management and technology.

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

Ms Pelton: Thank you, Bolu.

As I reflect on the past year, I am deeply proud of the work we've done to stand up for the rights and well-being of young people in Alberta. As an independent office of the Legislature we're uniquely positioned to ensure their voices are heard and their rights are prioritized in decisions that shape their lives.

The children and youth we work with are particularly vulnerable, and our work would not be possible without our dedicated front-line and support staff. However, the challenges in our work are becoming more complex. Having worked in child intervention for a number of years, I can personally attest to the increasing difficulties faced by young people and their families. We must ensure services are accessible, inclusive, and responsive to the diverse realities of those we serve.

Chairperson Getson and committee members, in conclusion, I'm requesting you approve our 2025-2026 budget estimate of \$17,063,000. Should the requested amount not be approved, I am deeply concerned about the impact this will have on vulnerable young people in Alberta as we'll have to make some very hard decisions about which service areas will need to be reduced.

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

The Chair: Perfect. Well, thank you for the presentation and, again, yeah, the great work that you folks do. It's a tough file. I think I said it last year, you know; I'm six-foot two, 240, but I don't think I'm a big enough person to carry the load that you and your team do on this file. It's pretty big, so thank you for that.

With that, we will open up the floor for questions. I did have MLA Dach first on the speaking list, so go ahead, sir.

Mr. Dach: Thank you very much, Chair, and thank you very much, madams Pelton and Idowu, for your work and presentation and the clarity of your messaging. I know that coming to final decisions about the budget is always difficult, and it is a bit of a calculation based on the current environment, let's say.

As you mentioned recently, you were hoping to have three more full-time equivalents as per your budget request, and I'm wondering if indeed that number represents a figure you arrived at by way of some formula, an estimate as to how you would be able to meet the anticipated need. Or was it more an arbitrary figure that represents a number that you felt you might be able to have this committee approve given the government majority? Will it allow you to do the work you think you need to do to meet the anticipated workload and need to make a dent in the number of children dying in care or suffering in care?

Ms Pelton: I appreciate the question. It's a number that we've taken a lot of time to discuss. Certainly, I want to be financially responsible, and I believe that the three positions will – that we can make the dent that we need to make. Currently I have three temporary positions that I was able to – with the hiring lags I have some folks in some temporary roles that if I could make them permanent, I believe that we can continue to do the good work and do it in a fulsome way.

Mr. Dach: A quick follow-up?

The Chair: Yep. Go ahead, please.

Mr. Dach: Just kind of in a related vein, in the Calling for Change 2023-24 report, which you referenced in your presentation, it noted that too many children and youth are dying and are seriously hurt in care, and year over year the trend does not reflect any positive systemic change resulting in fewer lost lives. The recommendations made by the OCYA are well informed and direction setting with the goal of better outcomes for children and youth.

The OCYA recommended the ministries of Education; Health; Justice; Children and Family Services; Mental Health and Addiction; Public Safety and Emergency Services; Seniors, Community and Social Services should each strengthen the navigation between funded services that are provided at a community level, both within their respective ministry and between ministries working together, and to do the following: identify supports they fund at a community level, strengthen co-ordination between funded services at community level, and strengthen navigation between funded services at a community level.

My question is: would the advocate please update the committee on the progress made to date by the listed ministries and how that progress will contribute positively towards the goal of systemic change, which, as identified in the report, is a continuously embedded goal?

Ms Pelton: Sure. I'd be happy to. The report was just released on November 20, and we haven't received a response from the ministries yet. We did meet with all of them prior to making the recommendations to talk about "Would they be actionable?" and if they were framed in such a way, and there was certainly a willingness and – I don't want to use the word "excitement" – some interest in co-ordinating and navigating to make things better for Alberta families.

The intent of that recommendation is really around that early intervention piece, where we know that if young people are involved in sports or art activities or any kind of team thing, they do better. However, those services aren't always easily accessible, whether it's that they cost money or the subsidies people aren't aware of, so really believing that if the child-serving ministries could get together and talk about what they – do an assessment, see what they've each got, and then work together so that all Albertan families would have the same access to those kind of activities for their young people.

9:00

The Chair: Excellent. I have MLA Dyck and then Sinclair. If anyone else wants to throw their hand up, the chair is definitely taking speaking lists.

MLA Dyck, it's over to you.

Mr. Dyck: Perfect. Well, thank you so very much, Chair.

Thanks for coming to present here today. It's always good to hear what you guys are doing. My question is on the estimates for 2025-2026, once again just on the staff equivalency increases. Now, you mentioned that you found some budget for three temporary staff, so you're already paying for that in your current budget. I'm getting some head nods, okay. So why the increase then of budget for an extra three? Like, is that an expanding office of six? Are you expanding the scope of the office? What are these expanded three positions, maybe six positions, going to be for?

Ms Pelton: It's three positions. It would be making those three temporary into permanent positions with the cost of inflation. Temporary staff don't have the same benefits that permanent staff have, so we would have to absorb that. Then, of course, they would have their merit increases that they would also be entitled to.

Bolu, do you have any more to add to that?

Ms Idowu: I can add that actually two out of the three are not working five days a week. They are on wages. They work two days a week, maximum three days a week. They've also not been here for the entire year. Some just got hired a couple of weeks ago as we prepare to handle our reports, just to help in some areas, to make sure that we have resources.

The Chair: MLA Dyck, do you have a follow-up?

Mr. Dyck: I have a follow-up, Chair.

The Chair: Okay. Go ahead.

Mr. Dyck: These additional staff, like, what have they been doing that your current team wasn't able to do prior? What specific roles? Is it administrative? What are they doing for your team?

Ms Pelton: The hope is that we'll have another position for a full-time investigator, additional support in our communications team, because when we're releasing the number of reports that we're releasing, it takes a fair bit of work to get them written and edited and proofed and all of those. The other area is in youth engagement. We have been managing with one person facilitating youth engagement. As it's grown, it takes more work.

I have to say that I'm so proud of our youth council. I was with them on Saturday, and I'm sure that many of them are listening today. They're young politicians in the making, and they really are hoping to make change for other young people. Where I can find some resources to support that youth participation, I'm very keen to do so.

The Chair: I have Sinclair, Dach, and then Lovely.

Mr. Sinclair: Thank you, Mr. Chair.

Thank you very much for the presentation. Just to echo the sentiments, I'm not going to give everybody my weight, but I'm also a big guy, and I certainly appreciate all the work you guys do. It hits me very close to home for obvious reasons.

I just have a question and then a follow-up if that's okay. You did mention the percentage of Indigenous children or youth, I think around 61 per cent. I appreciate the work you guys are doing with engagement and the strategy of reaching out to try hiring

Indigenous lawyers. I think it's probably been said too much, but I just can't emphasize how important it is to have more people that are Indigenous working in this file. Having said all that, I was wondering if you knew roughly, you know, in management or front-line positions as a whole what's a rough percentage of your Indigenous employment that you have, if that's something that you might be able to provide for us. Thank you.

Ms Pelton: I am able to provide that because I think you asked me that last year. It's an average of about 23 per cent, so we have increased. In direct advocacy services we have 21 per cent of our staff in those roles, and in indirect advocacy services we have 26 per cent. We've been very intentional in bringing on Indigenous staff. I think it's critically important for young people, when they're working with somebody, to see themselves reflected in that role and to give them a sense that they can do that, too. It is critically important.

I also note that there's only about 5.7 per cent according to Stats Canada of those age 15 and up that are in the labour force in Alberta that are Indigenous. So I think that we're making huge strides if there's only 5 per cent in the labour force and I have 20 per cent on my staff. We'll continue to do that work.

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

Mr. Sinclair: If I may.

The Chair: Yep. Go ahead.

Mr. Sinclair: Thank you very much. I appreciate the information. I know I asked that last year. I just think it's important to emphasize that while I certainly appreciate the cultural rooms and stuff, I think making sure we have people that are from these communities, are Indigenous is important, which leads me to my second question.

You asked for a request of \$130,000 for youth and community engagement year over year for an increase. I was just wondering if you might be able to tell me – you mentioned the NorQuest youth council day, which I think is fantastic and certainly very important. In terms of community, just to be specific, are you saying Indigenous people as a whole, or are there specific First Nation communities that you're working with? The reason I ask that is that I just think there's sometimes a different environment in terms of that our big cities end up, you know, getting a bottleneck of kids maybe that came from off-reserve. I was just wondering how much direct First Nations community involvement you have or if you have any specific examples of working with some of the chiefs or leaders on this front.

I appreciate it. Thank you.

Ms Pelton: Sure. Well, we are heading out to Enoch in January. We've been down to Blood. We go across the province. I have personally been to Fox Lake, Slave Lake, Saddle Lake. We've done a fair bit out in Alexis. I've been to Cold Lake for bringing their children home for a celebration. It's important that we not focus solely on Edmonton and Calgary, so I have written to chiefs and council offering to come out as they prepare to take on their own child welfare legislation. I believe strongly in the right for First Nations to take care of their own children. If there's any way I can support that, whether it's about sharing our learnings over 35 years of doing advocacy – but I'm certainly not telling anybody what to do. If they ask, I will ask how I can help, not what I think they should do.

We have two Indigenous consultants – we have one in the south, one in the north – who go out to all those communities and do presentations and try to facilitate me getting out there. Our

advocates go out to community, our investigators. If there's a death in a community, they go out and meet with folks there. We certainly don't ask them to come to us.

The Chair: MLA Dach.

Mr. Dach: Thank you very much, Mr. Chair. Thank you again to Madam Pelton and Ms Idowu for your responses so far. Three point one per cent doesn't seem on the face of it, given the inflationary times we're in, given the increases in costs and the increase in need that your office faces, as though it's a number that's reaching for the stars. It seems as though it's been very carefully considered and you've already taken a pretty sharp pencil to your budget in looking at what you could absolutely get by with to try to satisfy the increasing need your office is anticipating.

Given some of the comments made by members opposite in the government caucus so far, it seems as though there may be a direction on their side to perhaps rein in increases here. As you mentioned earlier, if indeed your budget request wasn't approved, you would have some very hard decisions to make about what would be cut. You know, as the song says, the first cut is always the deepest. What would be first in mind if you ended up having this committee decide that 3.1 per cent wasn't acceptable by the majority government decision? Would it be Indigenous lawyers that would be the first to be cut? Would it be community engagement activities? What have you in mind as far as the priorities of things that would have to be cut in order to meet a reduction beyond the 3.1 per cent that you ask?

9:10

Ms Pelton: Thank you. Well, we've started those conversations. I certainly didn't walk in today anticipating that it would be a simple brushstroke of the pen that you would approve my estimates. I think that what we would do first is look at those services that aren't front facing, direct service delivery, or mandated. Well, they're all mandated, so probably community engagement would be the first area that we would have to look at shifting our focus, maybe to doing fewer presentations, going to fewer communities.

Investigations I'd have to consider. We have two types of reports: mandatories and systemics. Mandatories have to be released publicly within a year. In the last year and a half we've been releasing all of them within a year. It may take longer to do some of the systemics because it's not a requirement to do them within a year. It will really be some very difficult decision-making. When I'm seeing the youth engagement really flourishing and the young people are in our office, we've got workspace for them, they contribute to hiring panels, their energy, and they know their lives better. It's been a long time since I was a young person.

That would be those. I'm not going to cut the advocates working directly with young people to have their voices heard. I can't do that, so I'd have to figure out from there. To be brutally frank, when we were preparing our estimates a month ago, I was going to ask for 3.8 per cent. I think we needed to have further conversations about what is the barest minimum that we can manage to continue to grow and provide the best service possible for these young people. That's how we ended up at the 3.1 per cent.

The Chair: Perfect. Do you have a follow-up?

Mr. Dach: Just a quick follow-up. A little bit of a personal question related to my role as the shadow minister for Transportation and Economic Corridors, having to do with the transportation funding. I was looking at your budget request to see where funds might have been allocated to actually get young people to where they need to be. They don't have cars in many cases or transportation, and of

course we don't have a bus service intercity since Greyhound disappeared six years ago in this province. There's really a hodgepodge or a patchwork of bus transportation intercity in rural areas. Many of your Indigenous clients live in rural areas as well as in the city. The city of Edmonton just renewed its commitment to a transportation subsidy.

I'm wondering, given the fact that there may be a need for a transportation subsidy or cost provision for young people to get to these lawyer appointments and other services you provide, is there a budget allocation? Where does that fit into your budget? Is there a specific sort of line item or area that you can point to?

Ms Pelton: We tend to go to where the young people are, and so it fits into our staff transportation and travel costs. The actual costs for young people to get to appointments should be borne by Children and Family Services and organized by their caseworkers. We aren't that decision-maker or that front-line service delivery. In a pinch we can help get young people to where they're going, but generally we go to them and our lawyers are expected to go to them.

The Chair: Excellent.

With one minute, MLA Lovely.

Ms Lovely: Well, I think I'll just stretch this out a little bit if possible and say thank you so much for the tremendous work that you do. I can't say my question in one minute, but I'm grateful for the work that you do and the positive impact that you have on young people. It's very difficult work that you do, and I just want to express my gratitude for that.

Ms Pelton: Thank you.

Ms Lovely: With that, I don't know how many seconds I have left, but I'm grateful for the whole team. It's the season of giving, and I would like to just say I love working with all of you, and I'm very grateful to represent the people for the Camrose constituency.

The Chair: Excellent. Well, that pretty much takes it right to the wire.

Terri, with 30 seconds left approximately, any last, closing comments? The floor is yours.

Ms Pelton: Well, thank you very much for having me, today. I appreciate the time and the questions. I know it's not easy to make the decisions that you have to make, and so I do appreciate your time. Thank you.

The Chair: I appreciate it. Thank you very much for that.

We'll move on to our next presenter here because we're that efficient. We have the office of the Information and Privacy Commissioner, and we'll just allow folks to change chairs. I don't think that we need to do reintroductions unless we need to at the table for Diane. I'll leave that to you once you get settled in. Well, actually, we'll just do that. We'll do quick introductions.

I'm Shane Getson, the chair, MLA, Lac Ste. Anne-Parkland. Go around the room to my right.

Mr. Sinclair: Good morning. I'm Scott Sinclair, the MLA for Lesser Slave Lake.

Mr. Lundy: Good morning. Brandon Lundy, MLA for Leduc-Beaumont.

Mr. Dyck: Nolan Dyck, MLA for the incredibly entrepreneurial Grande Prairie.

Ms Lovely: Jackie Lovely, MLA for the Camrose constituency.

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

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

Mr. Koenig: Good morning. I'm Trafton Koenig, Law Clerk.

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

The Chair: And we'll go online. I see MLA Chapman. Please introduce yourself.

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

The Chair: I see MLA Shepherd. It feels like musical squares here a little from my perspective. Go ahead, MLA Shepherd.

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

The Chair: I see MLA van Dijken. Go ahead and introduce yourself, sir.

Mr. van Dijken: Yeah. Good morning. It's Glenn van Dijken, Athabasca-Barrhead-Westlock constituency.

The Chair: For everyone's benefit here, now that we're reset in the chamber and recalibrated, I'd like to welcome Diane McLeod, the Information and Privacy Commissioner, along with her staff for this morning's meeting. I'd like to thank you for providing your budget in advance so we could go over it as committee members and have that chance to soak on it. You'll have better questions, I anticipate, today because of that. We really appreciate that. I know that the introduction of bills 33 and 34 change things a little bit for you here as well.

Your presentation: 20 minutes, if you can. That'll allow us some time for questions and answers back and forth. With that, I would turn it over to you for introductions to your team, yourself, and then the floor is yours after that.

Office of the Information and Privacy Commissioner

Ms McLeod: Good morning. That was a lightning round of introductions. I think I know all of you, anyways. It's nice to see everybody again.

Yes. I'm Diane McLeod. I'm the Information and Privacy Commissioner of Alberta. With me I have Cara-Lynn Stelmack, my assistant commissioner, case management, and Chris Stinner, my assistant commissioner, strategic initiatives and information management. With that, I'll proceed with my presentation today.

It's a pleasure to be here today to present the estimated budget for the office of the Information and Privacy Commissioner for 2025-26. I want to start by stating that I'm asking for an increased budget. My comments today will explain our work, responsibilities, and current workload; demonstrate how we're already streamlining processes for efficiency and good service; show that the new Access to Information Act, or AIA, and the Protection of Privacy Act, or PPA, will require increased resources and budget. Your decision in this regard will be key to our ability to meet our challenges ahead.

Next slide, please. Do we have the slides up?

The Chair: We're having a couple of technical difficulties here. Members, when . . .

Ms McLeod: We don't really need the slides.

The Chair: Yeah. I believe everyone did their homework, and they have their packages. I hear paper rustling, so I'm assuming that that's what they're doing and flipping through. If you can continue, that would work out great.

Ms McLeod: Yeah. That's just fine.

The Chair: Members, if you're okay with . . .

Ms McLeod: Do you have the slide decks on paper, so I could point you to them on the way, or shall I just read?

The Chair: Just read, and we'll let the members keep up as best as they can. Thank you.

Ms McLeod: All right. I will.

Okay. What we do: the Information and Privacy Commissioner is responsible to monitor compliance with Alberta's existing access and privacy laws by public bodies under the Freedom of Information and Protection of Privacy Act, or the FOIP Act; health custodians under the Health Information Act, or the HIA; private-sector organizations under the Personal Information Protection Act, or PIPA. These laws establish Albertans' rights regarding the collection, use, disclosure, and protection of their personal and health information, and they provide a right of access to this information. They also impose duties on public bodies, custodians, and organizations to protect this information.

Privacy rights have been recognized by courts at all levels as quasi-constitutional because personal and health information are essential to our identity as human beings. The FOIP Act provides a right of access to public records. Access to information is an essential component of the ability of citizens to exercise their democratic rights by holding government to account for decisions made. The OIPC reviews public body refusals to provide access to a record or information when requested; investigates complaints about potential violation of privacy laws; conducts inquiries or reviews of complaints; reviews and comments on privacy impact assessments, or PIAs, and reported breaches submitted by custodians, public bodies, and organizations; and we make decisions about time extension requests and about whether a public body can disregard an access request. The commissioner also comments on the administration of the acts and on access or privacy implications of proposed legislative schemes or programs. We educate the public about the acts and their rights, and we conduct research.

9:20

I'll talk a little bit about the teams that we have and the work that they do. I have 52 staff to carry out the work of my office; 47 positions are filled and working out of our Edmonton and Calgary offices as part of six teams. Our first team that I'll talk about is the case resolution team. This team works to settle requests for reviews of access requests and privacy complaints. The majority of these cases are settled by this team. They also try to resolve informal commissioner-led investigations. In '23-24 this team settled 86 per cent of these kinds of files, the highest percentage ever. The team began '24-25 with 917 active files and has since added another 622 for a total of 1,539 files. This team has nine senior information and privacy managers, or SIPMs, as I'll refer to, who together can manage a caseload of about 528 files per year. As of November this team had a backlog of about 816 files. In '22-23 it took about 18 months to settle a file or move it to inquiry.

A new process was launched last April to improve timelines. It includes gatekeeping to clarify issues with applicants or complainants and the relevant body, followed by verbal discussions to try to settle issues. The new process has led to a reduction in the number of cases and in cases transitioning to inquiry. As our staff improve their settlement skills and as public bodies grow their confidence and co-operation in the new process, we will continue to improve our timelines and eliminate our backlog.

Next I'll talk about the adjudication team. This team conducts inquiries into matters not settled by the case resolution team. This team of five adjudicators is currently able to issue approximately 75 orders per year. The average number of files transitioning from case resolution to adjudication has been approximately 140 per year over the past decade. However, the case resolution team was successful in settling most matters in '23-24, and only 30 files went to inquiry. We hope to see this downward trend continue. As of November the adjudication team backlog is about 186 files. It currently takes about two to three years for an order to be issued from the time a file is received by this team.

The compliance support team reviews breach reports submitted under the acts. It also reviews and comments on PIAs submitted by public bodies, custodians, and organizations, and it takes on some of the more technical informal commissioner-led investigations. This team carried over 3,541 cases from '23-24; 2,539 files of those are reviews of mandatory privacy impact assessments submitted under the Health Information Act, 916 are breach notification files. The eight SIPMs in this team average about 1,500 PIA and 770 breach file closures per year. As of November their backlog is about 5,104 files. In early 2024 the PIA and breach procedures were reviewed. Changes were made to streamline this work and reduce the backlog. We've already seen improvements, and we expect more. Even so, we anticipate that this team will continue to have a backlog.

The investigations team carries out formal commissioner-led investigations, including for potential offences; 2.75 team members do this work. As of November this team had 12 investigations under way. In early 2024 11 potential offence files were referred to this team for investigation. These breach files involved 11 affiliates of custodians and affected more than 4,000 individuals whose health information may have been accessed for inappropriate purposes. We did not have the resources to investigate these potential offences. I reference some of these cases on page 10 of my annual report if you'd like to learn more about them. The investigations team is not in a backlog but has limited capacity to take on additional investigation files, including for potential offences.

The legal team is comprised of general counsel, litigation counsel, and a case specialist. General counsel does the contract work of the office, advises staff on interpretations of the acts, instructs external counsel, and supports the legal needs of the commissioner and the office. Litigation counsel represents the office on less complex judicial reviews and assists the commissioner in decisions about requests to disregard. The case specialist makes time extension decisions and helps litigation counsel prepare for judicial reviews. External counsel is retained for more complex judicial reviews and other litigation.

The budget for this has been \$190,000 per year over the past six years. Due to the number of judicial reviews we have each year, this budget is generally exhausted. As of November there are 19 judicial reviews under way. During '23-24 there were 213 requests for time extensions. In '23-24 there were seven requests to disregard, which is about average year over year. While there is no backlog for the work of this team, they are at capacity for their workload.

Two SIPMs perform the work of the engagement team together with the assistant commissioner's strategic initiatives and

information management and myself. The team assists the commissioner in meeting her education, comment, and research mandates. In '23-24 the team developed and began implementing our engagement strategy.

That year was very busy. In January we launched a stakeholder engagement plan for the innovative technology development sector. The team met with stakeholders, researchers, and start-ups and began engaging with small businesses and organizations working on the development of innovative technology, including AI. The team engaged with schools on their use of technology and participated in a global privacy sweep where we assessed educational apps used in Alberta schools for deceptive privacy-related practices. The team worked with the commissioner to prepare comments and recommendations for potential amendments to the acts, including conducting stakeholder and public surveys about potential amendments to the Health Information Act. Due to the nature of this team's work they are not in a backlog. Their work is prioritized.

Meeting our goals. Our business plan '25 to '28 updates our progress in meeting our goals. For goal 1, priority 1 we are working toward tackling backlogs, and we will continue this work over the next three years.

For goal 1, priority 2 we established the foundation to transform our office to a digital environment by setting up Microsoft 365 and Azure tenant and implementing MS Teams for staff. We will continue to work on our forms online moving forward. Work on two forms is nearly complete. Use of online forms will provide us with the information necessary for our work and enable autopopulation of our case management system. This will free up six intake staff to do more substantive work rather than just data entry. We are in the process of implementing our secure file transfer application. This app will allow us to send files more efficiently and securely over the Internet and should eliminate more cost to paper, mail, and courier. For '25 to '28 we will create online forms for all of our processes: requests for reviews, breach reporting, complaints, and PIA submissions. We will also create an engagement platform to better support compliance with the laws.

For goal 2, I shared our progress in meeting the two priorities for this goal when describing the work of our engagement team. We are on track to meet our deliverables identified in this goal.

For goal 3 both priorities were worked on in '23-24, and we are on track to meeting the deliverables for this goal as well.

Because we anticipate all three laws to be amended or replaced over the next three years, we added a fourth goal to our business plan for this year: guiding the implementation of new access and privacy laws. For this goal we identified four activities: identify the impact on the OIPC from these amendments or new laws; help public bodies, organizations, and custodians understand and implement the changes or new laws; enforce compliance according to the commissioner's powers under these new or amended laws; and educate the public about the changes and their rights.

I want to move on now to discuss our expected workload. We anticipate it will be significantly increased when PPA and AIA are proclaimed in force, which we understand may be next spring. Under the AIA there will be an increased number of requests for a review due to increased carve-outs and exceptions in the act; new authority for public bodies to disregard requests, extend timelines, and abandon requests; the interpretation and operationalization of definitions and provisions related to access requests. This will increase the caseload for case resolution and adjudication. We expect increased work for the legal team as well because the disregard and time extension reviews will be expedited to the commissioner for decision-making, and this team supports this work. Under the PPA we expect an increased number of privacy

complaints due to new collection, use, and disclosure authorities in regard to data matching; expanded collection, use, and disclosure authorities under the common or integrated program or activity provisions; and breach notices. This work will add even more to the caseloads of case resolution and the adjudication teams.

9:30

There will be more PIAs and mandatory breach notifications and potential requests to review privacy management programs. There are an average of just over 1,800 PIAs received per year under the Health Information Act, which is mandatory. Only seven are received under the FOIP Act. We don't anticipate the number of PIAs submitted under the PPA to parallel the volume that we receive under the HIA, but we do expect to receive hundreds of PIAs per year under that act.

Self-reported breaches. We receive about an average per year under the HIA and about 342 under PIPA, which both have mandatory breach notification, and only 59 from public bodies, which is voluntary. We expect to receive about 200 or more breach reports per year when the PPA mandatory breach notification provisions go into effect. There will be more investigations stemming from breach notifications and more potential offence investigations due to breach notification, lower thresholds, and more offence provisions. This will impact the work of the case resolution and compliance support teams on informal investigations and the work of the investigations team for formal investigations, including for potential offences.

Under both laws there is a 180-business-day timeline for us to complete a review, with one equal-time extension possible. As I said, it currently takes about 18 months to try to settle a request for review and another two to three years to complete an inquiry. All provisions will need to be freshly interpreted. This will take time. The impact of the timelines and the need for fresh interpretations will be a significant challenge for case resolution and adjudication teams. It is likely that there will be an increase in the number of judicial reviews generally and because of the inability of the commissioner to compel certain kinds of records and the requirement to complete an inquiry within 180 business days after receiving the request for review.

In prior years when we were subject to completing an inquiry within 90 days, we were challenged on lost jurisdiction when we did not meet our timelines. Ten of 18 orders were issued about timelines, and they all went to judicial review; the 10, just to be clear. One went to the Supreme Court of Canada, which cost us over \$200,000.

Due to our backlogs and lack of adequate resources to conduct our work, including our new work under the AIA and PPA, we expect that we may find ourselves in a similar situation if we are unable to meet the new timelines. A conservative estimate is that we may be judicially reviewed on timelines about 10 times in the next few years. Internal counsel will be able to address about half, with the other sent to external counsel, which costs about \$60,000 per judicial review, which equals \$300,000. For privilege-related reviews a conservative estimate is three judicial reviews per year, which is about \$180,000.

I will now move on to the statement of operations from '23-24. The office returned \$473,549 of the approved budget to the Legislative Assembly. This amount is comprised of several vacant positions that we did not fill during that fiscal year. We have filled most of them now.

Salaries, wages, and employee benefits make up about 83 per cent of our operating budget. In '23-24 staff received two pay increases amounting to either 4 and a half or 5 and a half per cent depending on whether the employee was in management or not. Our

legal counsel positions received between 6.9 per cent and 7.7 per cent. In '24-25 staff received another two pay increases amounting to either 6 or 7 per cent. All increases are in line with the government of Alberta public service increases.

I've structured my budget to reflect the minimum amount that I believe we will need to carry out operations and achieve the goals in my business plan. My budget estimate for '25-26 is \$11,382,044, which represents a 30.6 per cent increase compared with the current fiscal year. I appreciate that this is a significant increase over last year's budget. The bulk of the increase is associated with our new responsibilities under the AIA and PPA. To meet our responsibilities under the acts, we will require eight new FTEs.

The case resolution and compliance support teams need one more SIPM each to assist with increased reviews, PIAs, and self-reported breaches. The investigations team needs two SIPMs to focus on offence investigations. One adjudicator and one registrar are needed in the adjudication team to assist with increased inquiry work. One legal counsel is needed for the legal team to assist with the expedited review work, and this position is also necessary for succession planning for my general counsel. We will require four one-year term FTEs to help us clear out our backlogs in case resolution, compliance support, and adjudication. We also require one project manager to help us prepare for the implementation of the new acts and for our ongoing project work.

Even with these new FTEs we will struggle to meet our obligations under all four acts. Due to the anticipated increase in judicial reviews, as I explained, we will also require an increase of \$300,000 to our legal contract budget.

The other increase to our personnel dollars consists of salary increases initiated by the Public Service Commission in both '24-25 and '25-26.

Our technology services budget has increased by \$89,000 due to increased service costs, but we were able to off-set most of this increase by reducing our projects and security budget.

In '25-26 we anticipate seeing cost reductions in our operations as we phase out old technology, such as desk phones, flip phones, and Xerox rental equipment, which will balance out some of our operational costs going forward, and we will continue to look for cost savings wherever we can.

With that, I thank you for the opportunity to present to you today, and I'm happy to answer any questions.

The Chair: Excellent. Well, thank you very much for your presentation.

Speaking list: I have Dyck, Lovely, and Eremenko. Go ahead, MLA Dyck.

Mr. Dyck: Thank you so very much. It's always great to see you. We've seen each other a little bit recently with different committees, so it's good to see you.

I just want to look at the budget documents. You've explained that you needed increase. But just for contract services, what sort of tasks are outsourced versus what can be handled internally, and can these things be handled internally instead of outsourcing? There is a significant extra cost for outsourcing, I would assume, based on being able to handle it internally.

Ms McLeod: That's a good question. Yes. We have currently outsourced: my communications manager is a contract position; I have a person supporting our engagement work that's on contract position; we have our technology services budget, that we spend quite a bit of money; and, of course, I referenced the legal counsel that we use for judicial reviews that are more complex. We do have a legal counsel internal that we added – about five years ago, I think,

is approximately when that position was added – to handle more of our judicial reviews.

To answer your question about what can be brought in-house, we have talked about looking at our technology services as an area that perhaps we could bring more in-house, which would reduce the cost of the services that we receive, and that's a pretty considerable amount of my budget as well. Legal counsel: I think we would potentially bring on another legal counsel to do some of that work, but some of it is very complex. When it goes up to the Supreme Court of Canada, for example, we may need that support in any event.

The Chair: A follow-up?

Mr. Dyck: I do have a follow-up. We split one single piece of legislation. I'm still struggling with the amount of extra work that you guys are anticipating. Can you just maybe dive in a little bit further on what that would look like? Splitting an act into two for clarity's sake: to me, I'm struggling to see how that's going to add extra work when we've clarified a lot of these things. So can you can you just, once again, dive in a little bit deeper for me on this?

Ms McLeod: I did cover it off in my presentation, but I'm happy to have more conversation about it. Yes, the FOIP Act was split, but there were several provisions added, and the PPA in particular changed quite dramatically from what were the privacy provisions in the FOIP Act.

If I first talk about Bill 34, which is the AIA, I referenced the fact that there are new carve-outs for cabinet confidences in section 4, and then we have more exceptions set out in section 27 to the right of access to certain cabinet confidences, and that's been expanded. What that means is that there will be more refusals of information, which will generate more reviews. The other thing that we think will have a significant impact is the shift from the decision-making by my office for time extensions and refusals to heads of public bodies. Now the heads of public bodies are making decisions about time extensions and refusals.

9:40

In addition to that, under the FOIP Act section 55 sets out two circumstances where the commissioner can determine whether or not to refuse a request, and it's a pretty high threshold. There are now five in the new piece of legislation, which means there will be more reviews as a result of the exercise of that authority, and I expect that it will be used. The other thing is that the access to information process to get in the door has changed under the AIA, and the changes mean that more requests may be abandoned or disregarded, so that again will lead to more reviews.

The other thing, too, that I mentioned, that I don't want to forget – and I'm just going to get both of you to clarify that I haven't missed anything – is the timeline. Now we're subject to 180 business days to complete our reviews; we are nowhere near that right now. As I said, we're getting better at it. We're reducing the timelines, we've been working really hard at that process, but it does take time to implement that change.

We are in a backlog. We will not meet those timelines when it is imposed on us, so that's why I'm trying to get more resources now, the temporary resources, to do our best to clear out that backlog, an additional resource which I don't even think will be enough when we start dealing with those things because we will not be able to meet the timelines, which will lead to judicial reviews. We will certainly try our best – don't get me wrong – but without more resources we will not be able to do it.

Mr. Dyck: Thank you.

Ms Lovely: Looking at the annual report, I note the concerning issue of a spike in reporting of abandoned health record cases. As noted in the commissioner's preamble in the report and highlighted on page 31 of the report, this issue affects not only the security of the health records in question but also the individuals unable to access their health information for their ongoing treatment and care.

Page 33 shows well over half of the cases opened by legislation in '24 were under the Health Information Act. What do these abandoned health record cases look like, and how is your office working to address these sorts of cases? Also, I noted that the report indicates these cases require more time to resolve than some other types of cases. What does the timeline look like for abandoned health record cases as compared to other types of cases?

Ms McLeod: Thank you for the question. I'm very happy to speak to the abandoned health record issue. Let me start by saying that our office is not resourced for these kinds of investigations. The issue with abandoned health records is that there is a gap in the Health Information Act that makes custodians accountable for records once they cease being a custodian or practising.

What we're seeing is doctors, in the cases that we're talking about here, leaving their practice and leaving records behind. In some cases it's inadvertent, but we have to track down the custodian. If they're retired, we've got to find them. We've got to figure out who the successor custodian is, if there is one. We have to work with the landlord and try and ensure that they maintain the security of the records so that they're not, you know, further breached.

In the one case that we dealt with – it was a medical clinic here in Edmonton – 15 physicians abandoned their office, and thousands of records were left behind. It took five of my staff members to go over there, go through all of the records that they had, go through all the medical equipment that was left behind. We were working with many doctors, many lawyers. Landlords at certain points were threatening to remove the records and auction them off.

You know, it took all that we had to get them to stop doing it. Eventually, I think we found all the successor custodians, and the legal counsel took over the records and worked with the custodians to deal with all the records. That took a significant amount of time, and I would say that was over a year, that particular case, and that took one of my resources for the entire year. So it is significant.

We have cases now: same kind of thing, records abandoned all over the office, and the landlord is – it's been a year now, and we've been trying to sort this out with the custodian, who has disappeared, and they're psychiatric records. So it's a really serious issue. We've talked to government about it; we've met them; they know what the issue is. I've recommended changes to the Health Information Act to fill the gap and ensure that accountability continues notwithstanding the fact that someone may not be a custodian by virtue of their not being a regulated member. There are other laws in Canada that actually have filled this gap.

In the meantime our office is stuck handling these cases without any resources to deal with them because it's not part of our mandated obligations. It's a significant issue, and we're seeing it more and more, and it's happening more and more in relation to electronic medical records as well.

Ms Lovely: No follow-up.

The Chair: MLA Eremenko.

Member Eremenko: Thank you. Thank you so much for being here, and I really appreciate a very fulsome annual report and business plan and presentation. Your system is one in tremendous flux, and I can only imagine what bills 33 and 34 are contributing to some of that, especially when, you know, there's still a lot to

come out in the regulations as well, so I appreciate that drafting some of this stuff does require a bit of a crystal ball. The number, though, is certainly significant when we're looking at the increase.

I want to start off on those eight new FTEs that you've identified. I think you've really adequately spoken to the four term FTEs that you're looking to hire to address what is quite a stark backlog; 816 is an awful lot. But on to the eight FTEs: is this hiring more of what you currently have to accommodate simply a substantial increase in the volume of existing types of items that come to your office, or is there actually a new capacity that you need to hire to address the new legislative environment?

Ms McLeod: A little bit of both, actually. What we're trying to do is make sure that we're staffed adequately to deal with the volume that we anticipate under the new pieces of legislation, including the PPA, because we have mandatory breach notification and some of the other things that I mentioned. Quite frankly, even though that number is large, I really had to pick carefully as to what I thought we could possibly do with the minimum amount of FTEs. We need, you know, one in each of the areas, two in the offence area because, like I said, we're not even investigating offences at the moment.

Minister Glubish has said this is the strongest privacy protection in all of Canada. What he meant is that the offences are strong, but those offences are meaningless if we can't investigate them. That's why I've asked for two investigators to focus on offences, because we're already not doing it under the Health Information Act anymore either because we don't have the capacity to do that. So that's a significant problem.

Then, in addition, I talked about the four FTEs. We're just trying to get people in. We've tried the contract route. We just have not had success with our contractors, so we thought maybe with term positions we might get more interest, and then we have the ability to work with somebody full-time over a period of a year to really try to get that backlog cleared out.

The other thing that I didn't mention, which I will mention now, is that the Personal Information Protection Act is under review. We expect changes there that will create more volume for us as well. The Health Information Act is also under review. All of these things are happening. We have no idea whether or not the Health Information Act is actually going to be amended and go into force next spring, but we've been told it might. We haven't even factored in that work. We are solely looking at what we know is coming at us with the AIA and PPA.

Member Eremenko: Thank you. That does address a question I think that we'll have throughout the day around the kinds of demands on the resources of offices as a result of legislative reviews, whether they're scheduled or otherwise, so I really appreciate that.

If I may I have a follow-up. Just a good segue from that note around contract services. In that same supplies and services category, in materials and supplies between forecast and budget, there was quite a high variance last year between budgeted and forecast as well as '23-24. The offers that you've got in the estimates today are quite in line with those budgeted amounts but were exceeded quite significantly by the end of the year. I'm curious: do you have a sense of whether those increases may apply once more when we actually get into the fiscal for '25-26?

Ms McLeod: No. I'm confident that the budgeted amounts are accurate. The reasons why they fluctuate is because, depending on where we're at with things, we may have to spend money in different places. Sometimes we have an excess budget so we'll spend additional money on technology, for example, things that we

can use to improve our workflow. So that's why the budget fluctuates here and there, but the budgeted amount is what I intend to spend unless things change, and with this particular budget I don't expect that we'll have any room to wiggle.

Member Eremenko: Okay.

The Chair: Just for members here that are in the room and online, if you're asking or wondering why we might not have a back-and-forth approach, the chair has tried to take down anyone who's getting the chair's attention and I'm throwing you on the list. If it becomes too imbalanced, then I'll take the chair's prerogative to try to balance it out.

MLA Eremenko, you had two in a row, but I've also got three more in the hopper. Did you want to switch back and forth, or did you want to do your two in a row?

Member Eremenko: I'll take another one, if I may. Yeah. That would be great. I'll try to make it really quick, and I'll be succinct here.

9:50

I want to raise some points around the Health Information Act that you reference in the business plan and also in your annual report. You reference that you are unable to investigate all of the Health Information Act potential offences as a result of resource constraints. Do you have a sense of how many are coming in that you are not equipped to respond to? If you were adequately resourced on that particular front, how many more investigations could be done to say yes to those potential offences that actually had merit?

Ms McLeod: The way we get notified about offences under the Health Information Act is through the breach notification generally. A custodian is required to report breaches. So we learn about breaches that are coming in the door, things that are egregious, certain types of breaches that, you know, affect large numbers of people. We had one case where there was actually money extortion happening. We had false COVID vaccination data entry. These are serious breaches. We had I think it was 11 of them, that I reported in my report, that came over to our investigations team. There were 11. At that time we had two people; we could not investigate 11 offences. We are within a time frame, too, on offences. We have two years in order to complete that offence investigation and hand it over to Crown, and we simply couldn't do it. My answer to that was to conduct a systemic investigation, considering that most of those breaches involved a particular custodian. I chose to look at it from that standpoint, so at least we could look at what was happening. But all of those people would never be held accountable as a potential violator of the legislation, which is really unfortunate.

Member Eremenko: Thank you.

Well, then my follow-up question is really going to be brief. If you don't get the increase that you have set before us today, what impact will the cuts have and where will the cuts be made?

Ms McLeod: Well, if I didn't get the increase today, number one, I would need to ensure I had enough increase to cover my staff salary increases that are imposed, essentially, by the Alberta public service. We actually were not notified about one last year, and we had to find money in our budget somewhere else to cover off the increase. That was an unexpected expense, but we were able to deal with it. So that would be something that would be necessary.

We would be at status quo, so we would be in backlog. We would not be able to perform our functions appropriately under the AIA

and PPA, and the enforcement and monitoring purposes of the legislation would be defeated because our office would not be able to deliver on our mandates.

Member Eremenko: Thank you.

The Chair: Excellent.

I have MLAs Lovely, Dyck, and then Lundy, with approximately nine minutes left.

Ms Lovely: Looking at page 51 of the report, I see that a total of 679 files were resolved through settlement in '23-24, a reported increase of 69 per cent compared to '22-23. I also note that the report indicates an increase in requests by applicants or complainants to have their matter expedited or to bypass the settlement process and go straight to inquiry. The report notes that 86 per cent of the files that could proceed to inquiry were resolved through settlement. Can you highlight this process to the committee and the overall impact of resolving cases in this manner, what it means for the process?

Ms McLeod: I'll actually let my assistant commissioner, case management, speak to that process change. But one thing that you did mention in there is the request for expedited reviews. Yes, we've received many of them this year. We do not have an expedited request review process simply because we think everybody's access request is important. That doesn't mean that we're not considering putting in some criteria.

But to answer the rest of your question, I'll let my assistant commissioner, case management, speak to that.

Ms Stelmack: Thank you.

Yeah, we've made some significant changes to our processes. We implemented them in April of 2024, so we're just kind of brand new to this. But we have noticed that with our new gatekeeping, when things come into the office, we're having someone look at them, reach out to the applicant, speak to them about what we can do and what we can't do, and this has been really successful. It's closed down 25 per cent of the cases before they proceed along in our process. So that's been a real big win that we've seen in just six months. And, yes, I'm very proud of that number of 86 per cent going through settlement because the last thing people need – it's long enough. They're taking 18 months. They do not want to get into the formal inquiry process of two to three years.

You know, we're working hard with these new processes, trying to do things more informally, speaking on the phone, but it is a holistic type of change. It not only requires a process change in our office, but public bodies, custodians, and organizations also have to get used to this new system of where we need to have people on the phone talking with us and making decisions in order to improve those settlement processes. So six months is early days, but I'm pretty pleased with those numbers.

The Chair: A follow-up?

Ms Lovely: I also note that your office has clearly outlined the timeline for conducting a review and, despite a rise in requests by applicants or complainants, you generally deal with files on a first-come, first-served basis. Is this process similar to other offices and jurisdictions across Canada?

Ms Stelmack: I would say yes.

Ms Lovely: Okay. That's it. Thanks.

The Chair: Perfect.

I had MLA Dyck and Lundy, and Dyck has waived, so it's over to Lundy.

Member Eremenko: Mr. Chair, I'm sorry. I thought we just agreed that we would be going two for two and alternating, so I'm curious about why the members opposite get three.

The Chair: Yeah. I apologize. We had folks raise their hands. We got you two in a row, so then it went over to here. With four minutes remaining, I think we'll probably have one last question. We'll go back to you if you wish.

Member Eremenko: Yes, please. Thank you.

The Chair: Yeah. MLA Lundy, go ahead, please, and we'll come back to Eremenko.

Mr. Lundy: Thank you, Mr. Chair.

The Chair: And for everyone's attention here, you've got to raise your hand so I can get you on the list. The chair will do his utmost to balance it, but also understanding that there are more members on this side of the table than there. So the chair will do his best to keep it as fair as possible representing.

Go ahead, MLA Lundy.

Mr. Lundy: Yeah. Thank you, Mr. Chair. I appreciate that.

Thank you for your presentation. I just wanted to maybe unpack a comment you made about contracted services not being effective, I think was what you said. I mean, that's obviously a fairly broad statement. I'm wondering if you might provide a little detail. Are you struggling with the procurement or maybe the oversight of that? I think this is a pretty relevant question when you look at, you know, costs moving forward. I certainly wouldn't make assumptions on your part, but it sounds like you may have a preference for full-time employment over contracted services. Just wondering if you could maybe add a little light to the ineffectiveness of some of the contracting.

Thank you very much.

Ms McLeod: Yeah. Thank you for letting me clarify my comment because you're right: the way you just rephrased it to me does sound like it's very broad. What I was meaning is in relation to our case files. We hire contractors to assist with reviews or privacy impact assessments, and we're just not getting the value out of those contracted services, which is why we decided to go with the four term positions for those purposes, because we're really trying to get at those backlogs. All of our other contracted services are fine.

Mr. Lundy: Thank you for that clarification.

The Chair: Any follow-up? If not, it's going to Eremenko.

MLA Eremenko, it's all yours.

Member Eremenko: Thank you very much. I share some of your surprise and a bit of consternation that bills 33 and 34 didn't make accommodations for automated decision-making. I hear in your office that you have really tried to bring more information online and more processes online to make for efficiencies in that process, but I wonder about the ability of your office to try and get ahead of massive technical innovations that are happening out in private organizations and within public bodies and just what an iterative and shifting landscape that is. How well resourced and staffed do you feel your office is to accommodate what is an incredibly fast-moving, fast-paced environment and sector that has the potential to

have unprecedented compromises in terms of our privacy and information?

Mr. Stinner: Thank you, Member, for the question. Certainly, there is a tremendous challenge for us as a regulator to keep up with technology as, you know, society is large. It is an aspect of this that we're trying to do through our engagement work, where we try to engage with the innovative technology sector to be able to, well, stay in tune with new technological developments, maybe improve our understanding of what these start-up companies often are looking at, what areas they're working in. The objective of the engagement, the hope is that we can talk to them, engage with them earlier on in the development process so that we can attract their attention to privacy requirements, legal requirements in general, but specifically what we have oversight over.

Yeah. Does that answer your question?

The Chair: Go ahead and follow up.

Member Eremenko: Sure. Yes. I think it certainly does. Glad to hear that that engagement is under way.

You mentioned algorithmic transparency; that is, as we, you know, try to find efficiencies within government, increasingly we rely on those types of considerations. Do you expect for that space to become more complicated, both for your office and for Albertans writ large, in the years to come?

10:00

Ms McLeod: Yes. We're doing a number of things to try and connect with the technology sector, as Chris mentioned. You know, we recently conducted a study, a survey of over 2,000 Albertans, and we asked some questions about the Health Information Act. We actually did ask questions specifically about artificial intelligence, and they were all concerned on all fronts: the development of it, the use of it, the transparency of it, their ability to opt out. They want to have rights associated with the use of that kind of technology.

We also surveyed our regulated college members, and they, too, were quite concerned, and that's just one sector that we happen to have been out talking to. Even at a conference that I went to last year – it was a very technical, fantastic conference with robots; it was pretty amazing – all of the techie people there agreed that this needs to be regulated, and it needs to be regulated now.

The Chair: I appreciate that. We are out of time.

On that note, with *The Terminator*, et cetera, I too was at a number of conferences, and seeing how fast that this is growing, I think it's not just our jurisdictions; it's a number of them that are trying to determine what is relevant for our areas both on a defence side – that has to be contemplated as well – and also with the regulatory side, allowing that space to grow but to make sure that we're not laggards or that we do have some guardrails. So I'm very interested for everyone's input on this and to keep an eye on it for us.

With that, I really appreciate your presentation. Thank you very much for your time. We'll be doing deliberations later on in the day on the budgetary amounts, obviously, with that, and you'll have written notice of that, of what the committee's decisions are. With that, thank you very much for your time.

Ms McLeod: Thank you very much to the committee. If there are any further questions or clarifications, please feel free to reach out. I'm happy to provide more information as you proceed to make your decision today.

The Chair: I appreciate that.

Committee members, we'll take a quick bio break, and we'll be back here at a quarter after the hour.

[The committee adjourned from 10:02 a.m. to 10:13 a.m.]

The Chair: All right. With quick introductions, we'll do that so that everyone is locked and loaded and settled in.

Mr. Lundy: Unanimous consent granted.

The Chair: Yeah. Unanimous consent has been granted.

MLA Shane Getson, the chair of the committee. We'll start with introductions to my right.

Mr. Sinclair: MLA Scott Sinclair from Lesser Slave Lake.

Mr. Lundy: Good morning. MLA Brandon Lundy from Leduc-Beaumont.

Mr. Dyck: Nolan Dyck, MLA for the incredible constituency of Grande Prairie.

Ms Lovely: Good morning. Jackie Lovely, MLA for the Camrose constituency.

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

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

Ms Rempel: Jody Rempel, committee clerk.

The Chair: We'll just go online now, so back with the musical squares theme. I see MLA Chapman. You can introduce yourself, please.

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

The Chair: I see MLA Shepherd.

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

The Chair: And I see MLA van Dijken.

Mr. van Dijken: Yeah. Good morning. Glenn van Dijken, Athabasca-Barrhead-Westlock. Thank you.

The Chair: Committee, with that, I'm pleased to introduce to you and bring to the table our office of the Auditor General. Mr. Doug Wylie and your team, along with the staff here this morning with us I'd also like to thank you for providing your budget in advance so that committee members could have a chance to review that and, hopefully, have a little bit better questions here for you today.

I'd also like to have you keep your presentation to about 20 minutes, and then we'll allow the remainder of the time for questions. We have you slotted from 10:15 until 11:15. With that, sir, the floor is yours.

Office of the Auditor General

Mr. Wylie: Well, thank you very much. It's great to be here. To my left I'll introduce Loulou Eng, who is our senior financial officer, and to my right Patty Hayes, who is an Assistant Auditor General with the office.

Yes, Chair, we will keep it brief. In advance of today you should have received three documents from us: our results report for the year ended March 31, 2024, our business plan, and then, of course,

a very brief document which is the budget estimate document for '25-26. I'll be referring to those in a couple of minutes.

From reading those documents, you will know what our office is about. I'm not going to spend any time going over what our mandate is, what we do, and why we do it. Further, I see that on the agenda later in the day you have an area to actually approve or at least consider the approval of a budget. I'm going to keep my presentation very brief and try and maximize the time, as you had suggested, Chair, so that we can have a conversation about our budget. However, we would be pleased to answer any questions you may have relating to our results report or our business plan.

To start, I'm going to ask you to turn to page 1 of the estimate document, which is the very brief document. On that, I just want to highlight for you where we're at right now. You will see that we are forecasting a potential shortfall for the current fiscal year of about \$460,000. As members may be aware, we received a \$1.4 million reduction to our budget last fiscal year. We've done our best to manage and defer certain expenses to meet that budget. We've done it through several factors. We've changed our staff mix, we've delayed the completion of certain audit work, and we've actually cancelled an RFP for new audit software. But, quite frankly, we're challenged to achieve the approved budget without further impacts to audits. Hence, that's where we're at with this shortfall for '24-25.

What that amount represents is a net increase from a general increase related to COLA, which is a staff adjustment. That was consistent with all public-sector employees. That amount, though, was off-set by a reduced cost resulting from some staff mix changes that we made over the fiscal year. Also included in the shortfall amounts are additional fees to pay agents or contracted service providers for additional audit work resulting from reorganizations of those that we audit. Specifically, it relates to additional work required on the financial statement audit of Alberta Health Services. At this time, Chair, committee members, we anticipate that we'll be returning to this committee in February with a supplementary budget request to address that shortfall.

I'm now going to turn our attention to our '25-26 budget request. We have an overall increase of 2.9 per cent compared to our '24-25 approved budget. That's what we're looking for, a 2.9 per cent overall increase. The details that make up that 2.9 per cent are included, again, in that budget estimate document that we have for you. Specifically, on page 2 of that document you will see where we identify the variances from the approved budget of the committee.

Essentially, it's comprised of salaries and employee benefits, which is a net increase of 1.6 per cent. That request aligns with the annual merit increases that are consistent with the Alberta public service. It also reflects a lower overall base salary due to structural changes we've made over the past year in response to our budget. Agent and contracted services represent a net increase of 7.3 per cent. This reflects the impact of agent price increases and changes to government organizations that we audit. Then, of course, there are changes related to our professional membership fees and development. That's a 14 per cent increase. That really is a result of us hiring more junior staff. Our training and development costs for CPA students have gone up proportionally. Then we have a 7 per cent reduction to our facilities and equipment expenses. Again, all of those details come to the overall percentage increase that we're asking for of 2.9 per cent.

10:20

Those are the costs, but it's important to note what those resources are used for. Reading the documents, you will know that we do audits. We do financial statement audits, about 100 financial

statement audits annually, as well as performance audit work. Over the year, just to give you an example of some of the work that we've done, we've done 13 AOIs, which is assessment of implementation work. That's where we follow up on previous recommendations. We did 97 financial statement audits. We've done significant performance audit work in the area of surface water management, the alberta.ca accounts, and then in November, just this past November, we released another report where we reported on work related to highway maintenance contracts, processes to assess the affordable housing situation, analysis of annual performance reporting by school jurisdictions.

I just point out to the committee that that's the first time our office has done that type of work, where we've actually done work on the school authorities. We looked at 101 school authorities' performance reporting that's made public. That was the first time we have done that as an office.

We, again, looked at the travel, meal, and hospitality, reporting on performance reporting, victims of crime, et cetera. For the '25-26 year we want to carry on with work in the area of student accessibility at PSIs, child care subsidies, the benefit analysis related to the energy business arrangements. Of course, our DynaLife audit: we need to get that done. That's been delayed, and we need to finalize that as well as work that we have been trying to get done on the opioid file as well.

Those are some of the audits that have been identified and made public that we have talked to the auditees about. We actually have a list of 30 identified projects of work that we would like to do.

I just highlight that in our work, really, we are prioritizing on three areas: one, performance, reporting, accountability; two, grants; and three, contracts. That's really the focus area. Why? Because they are important to the government and the organizations we audit. There's a significant spend on contracts and grants. Again, contracts are multiyear vehicles that impact performance, as I say, over a number of years. Those are the areas that we'll be focused on with respect to our work.

Now, I do need to point out a couple of important caveats with our budget request. It does not reflect any work on the four new provincial health organizations. It also does not include any budget amount for new audit software that we need to put in place.

Let me give you a little context. Let me start with the government restructuring in the health sector. You know, you may have assumed that my office would automatically be the auditor of the new health organizations. This is not the case. Under the provincial health agencies regulation it's an option for us to be the auditor and be subject to appointment by either the board or the minister. Without an official appointment and subsequent approval from this committee for additional budget allocation, we are unable to conduct the financial statement audit work in these health care organizations. As you are aware, health care is a significant spend of the public sector, about \$25 billion in Alberta, so it's a significant part of the accountability mechanism within our office.

In any event, we really don't know the scope of this work and these organizations yet, and we just simply cannot plan, and the estimates do not include any amounts for us auditing those organizations. So the costs of those are just simply not built into our budget at this point. When and if we are appointed an auditor of these new health care organizations, we plan to be back to this committee again, looking for funding to do that work. But I'd have to stress that it's not included in our estimate right now, the 2.9 per cent.

Let me move to the audit software renewal. Our office relies on software, as you can imagine, to complete our work accurately, effectively, and efficiently. Our software has reached obsolescence after good use – 25 years we've used the software – and as of

December 2026 it will no longer be receiving any vendor support. To avoid any critical disruptions to our operations, we will start the procurement process in February of 2025 to select a vendor for this new software replacement. We're in a similar situation to other jurisdictions, and some of the solutions that we're looking at are very similar to those in the private sector as well. You know, again, we will be coming back to this committee when we have more information on the cost of that software, but we just don't know at this time when that would be. But that is not, again, included in our budget presentation or the amounts.

Now, before I conclude, I do want to sincerely thank the staff of the office, and this is a message directed at them. I really do have to thank them for the work that they've done. This past year has been challenging. They've really gone beyond to get the work done. We do a lot of audit work under very, very tight timelines, and they've just done an incredible job stepping up, so I do thank them.

I also want to do something for new staff members who just received notification of their passing of the national exam, of the CPA. That's a significant, challenging exam, one of the most challenging exams in Canada, quite frankly. I want to mention their names. These are individuals who passed the common financial examination. It's a national exam. I'm going to do my best here, but I would like this in the record so that when they're grandparents, they can come back and look at the record and say, "See, there I am," right? Anyway, Yared Beyin, Eugene Santiago, Long Jin, Evan Oslund, Nilakshi Sarker, and Rachel De Luna, congratulations to you on a job well done.

With that, Chair, I'm going to turn the time back to you and answer any questions that the committee might have. Thank you.

The Chair: I appreciate that. Also, since we're all feeling gushy in the Christmas spirit and making sure those young folks are recognized for – I'm assuming they're younger folks starting out in their career paths doing that. They're in a good group. You know, Auditor General, we've had a few different conversations over the years here as well of how you're building a good organization, a good culture within it, and with that come some pitfalls of people poaching because they know it's a good talent pool. So from me to you and the members and those new folks, stick with that team that you're in right now. It's going to pay dividends down the road. Don't leave us. We need you.

With that, I'll open up to the floor here for questions. I see MLA Chapman, and then MLA van Dijken. For those in the room I am taking a list again, so throw your hand up if you want the chair's attention.

With that, MLA Chapman, the floor is yours.

Ms Chapman: Thank you, Chair, and thank you, Auditor General and your office, for being here today for your presentation and your thorough documentation submitted in advance. If I can just quickly go back to what you mentioned, how this budget request that you have in front of us does not reflect the work that may be required for the new health organizations. This is, like, a two-part question. Is this speaking just specifically to the financial audits rather than performance audits that you would need to require for these departments? And do you have an idea of what the additional cost would be to perform the audits of those four new organizations should the decision come that the Auditor General will be responsible for them?

Mr. Wylie: Thank you for the clarification. It does relate to the financial statement audits, and, no, I cannot arrive at an estimate. I would also point out that we use an agent on our work as well in this health sector.

We worked with them, and quite frankly, no, we just can't come up with a reasonable estimate. If we could, we would have included it in the budget.

10:30

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

Ms Chapman: Sorry. It took me a second to find the mute there.

Just a follow-up. I think I understand this from your annual report, the breakdown between financial audits and performance audits: it's 72 per cent of your resources that are directed to financial audits. I believe I'm correct in that. I know that I'm asking you to speculate again, but would this change, in adding these four new health organizations, make a significant impact on what percentage of work or what work you might then have available to do performance audits, or are you suggesting that you need to expand the scope completely, right? It's a whole new piece of work that you would be doing.

Mr. Wylie: Well, let me deal with the percentage split to start with. Our target has been to do more performance audit work. We had a target of 65-35. Given our budget we've actually had to change that, so you'll notice in the documents we actually changed our target to 70-30. You'll see that going forward in the estimate for '25-26 and beyond. We are having to change our mix. Indirectly what that means is that, yes, we will be spending more resources doing financial statement audits.

The Chair: With that, MLA van Dijken, the floor is yours for the question.

Mr. van Dijken: Thank you, Chair. I guess my question is with regard to the forecast for this current fiscal year. I see there – and you alluded to it during your presentation – the forecast overage: we're at \$30,085,000. Budgeted amount: \$29,620,000. If your office is being forecasted to go over the cost, what is the obligation of the office to meet the budgeted number? Our job here is to ensure that taxpayer dollars are respected in that we have good understanding of these overages and also whether or not there is any ability for the AG's office to go over the budget and how that gets approved. I'm not sure how that gets approved. Maybe the AG understands how that gets approved. If he could speak to that process.

Mr. Wylie: Well, Chair and committee members, I'll do the best that I can. I've had some discussions with our counsel as well. I've asked Loulou to go back. This is a unique situation. We've never been put in a situation where we're actually going to be essentially coming up with a deficit. I would suggest, though, that the normal protocol would be that we have an approved budget; we're required to stay within that approved budget unless there is a supplemental estimate that would be provided by this committee, which would be essentially looking to increase, basically fund this deficit shortfall.

If we do not receive that, I understand what would happen is that then we would be required to maintain the approved budget that this committee set last year, and we would have to manage those reductions in costs. Now, some of those costs we've already paid; for example, COLA adjustments, just like all other public-sector employees have received. We've already made those payments. In order to manage that deficit, what we would end up doing would be actually stopping audit work. We would actually have to stop payments to agents because there's no other way to do it.

We have gone through, in this budget preparation, a line-by-line assessment of all of our expenditures. If you look at those closely, you'll see that we are not spending a lot of money on our individual

line items. The majority of our money is spent on staff and agents. So the direct answer, I believe, as best I understand right now, is that we would have to stop paying agents within this fiscal year to ensure that we met the budget of the committee last year, and that would directly impact the audit opinions on financial statements. Our agents would not be able to issue an audit opinion to me, which would mean that I would not be able to issue an audit opinion to the board that we are reporting on, which presumably means that the board cannot release their audited financial statements publicly. In legislation that's what's usually required, that the organizations release audited financial statements.

I guess in summary, as I understand right now, we would be required to meet the budget amount, which would mean that we'd have to manage costs, which means we would stop paying agents within this fiscal year, which ultimately would mean an impact on further audits. That's the best I understand right now, Chair and committee member, through you.

The Chair: Yeah. Maybe what I'll do at this point is that I'll just jump in and I'll have Trafton at the table here explain the process of supplemental estimates, of how that works, between Legislative Offices and then the actual ministries themselves and when we do the actual estimates for everything in the February timeline.

Trafton, if you want to walk us through that process. In the event, of which we have an example here, that an office was unable to stay within the approved budget approved by the committee, they've had a deficit shortfall in those areas – how they essentially top that up without chewing into operational allowances to be able to do that; in other words, to pay people to keep doing their job and to keep the lights on and then go to a supplementary for office supplemental to make that deficit position. If you can walk us through that, please.

Mr. Koenig: Sure. I'll be brief just so I don't take up too much time, and I might also defer to our committee clerk, who can talk about the practice in the past. My understanding is that typically, if officers will require more money than has been approved by the committee, they make a request by letter to the committee for supplementary supply, and that can be considered, and the committee would make a recommendation with respect to that. I believe that has happened in the past. Jody might want to speak about that.

One other quick thing, though, is that I have an understanding that Treasury Board and Finance does have some internal policies when we're talking about very small amounts, de minimis, to bridge those between fiscal years. That is a question, you know, for Finance. There are some ways of also dealing with smaller amounts of money to bridge between fiscal years that I can't really speak about, but I have an understanding that there are ways to sort of make that work.

Mr. Chair, with your permission, if the committee clerk wants to just confirm what we've done previously.

The Chair: Yes, please.

Ms Rempel: Thank you, Mr. Chair. You know, Trafton has certainly covered it well. I guess I would just add that it is in no way uncommon for officers to have to come before this committee with requests for supplementary estimates. The process is reasonably straightforward. The officer advises the committee, through the letter as a mechanism, that they need to make this request – there may be a brief outline included in the letter – and then when a meeting is scheduled to consider the request, of course, more detailed information is brought forward. Most often these requests

do come in the fall, but again, there's definitely precedent for them coming at different periods within the last few years. I know we had the Information and Privacy Commissioner make a supplementary request for similar reasons. Some increases had been announced by the Public Service Commissioner. Her office was not in the position to absorb them, so she brought a request to the committee.

The Chair: Perfect. With that clarification, this is normal practice. It might be the first time for the Auditor General. It's happened in the past. Those are essentially contingency values that are set in there. From the chair's prior experience of running projects and those things, that's typically where you would have a contingency value in your overall budget. When you're running that lean, this isn't uncommon. It's actually a good thing to have when you're that tight. It shows some fiscal prudence there as well.

With that, MLA van Dijken, I'm setting the stage for you for your follow-up question.

Mr. van Dijken: Yeah. I'm going to go to another line item, Chair, if I may, with regard to professional membership fees and development. I see another increase in that, and I need a little bit better understanding as to what is actually getting paid there. Is this an increase in the fee value, or is it an increase in the number of members that is being covered in that value?

10:40

Mr. Wylie: I'll ask Loulou to supplement, but I would suggest that the largest proportion of increase relates to our hiring of more junior staff, which are CPA students, and there are additional costs associated with hiring CPA students. We support them in their studies towards certification as a professional accountant, so when we have more students, there are increased costs associated with training and development of those students. That is my understanding of the largest proportion of the increase, but I'm going to ask Loulou, who is the knower of all details, to provide some information.

Ms Eng: Yeah. You're right, Doug. Just to add, the costs include student membership dues, registration with CPA Alberta, and then their student CPA program cost, like module fees and exam fees. Basically, these are the kind of variable costs that attach with the hiring when you hire a new student and they're in the program. It takes one to two years to finish the study, and that's the cost, really, to that.

The Chair: Perfect. I see MLA Chapman again. I'm still keeping record here of the speaking list. If you throw your hand up, I'll put you on.

MLA Chapman, you have floor.

Ms Chapman: Thank you, Chair. Just to clarify, Mr. Wylie, you had mentioned the \$1.4 million reduction in the budget that came last year from the government-majority committee. I don't have your historical financials in front of me, so I'm just wondering if you can give me some context on your \$460,000 shortfall this year. Is this an issue that this office has faced regularly over the last 10 years, or would this be very uncommon for you to have this big of a shortfall in a year?

Mr. Wylie: Uncommon, as I was mentioning before. We've usually had surpluses where we would give money back at the end of the year.

Loulou – I don't know – you've been with us 25 years. How often have we had a deficit?

Ms Eng: Almost none. It's, like, usually on budget or we return money due to staff vacancies that are unable to recruit and retain people. That's a challenge we have.

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

Ms Chapman: Thank you. I do. I just wanted to touch on something else that Mr. Wylie mentioned in his presentation, which was a delay on the DynaLife audit. I'm just wondering if you could give us a few more details on what that delay is, why it's happening.

Thank you so much.

Mr. Wylie: Well, I'm not going to get into a lot of detail. We will have a very comprehensive report when we're finalized. Essentially, at the highest level, the delay is caused by access to information issues that we've been facing. But we've been working through those, and we're pressing on.

The Chair: MLA Dyck, you are next on the list.

Mr. Dyck: Thank you so very much, Chair. We've talked a lot about, obviously, different budget considerations here, but just internally have you guys done an internal performance audit just to see where you guys are lining up compared to other legislative offices or other ministries? I would love to hear that, just where you guys are at, because I know that we haven't cut your budget in the past. We've done an increase, I believe, every single year, so there have been increases. Then, also, for that performance side, how are you guys handling that internally?

Mr. Wylie: Sure. Okay. Well, as this committee knows, doing some crossjurisdictional analysis is a little challenging – I know that the committee tried it last year – but we are constantly aware of what is happening in other jurisdictions, and we have a little bit of insight into the nature of their operations and how they differ and how they are similar to ours. We're constantly benchmarking, so let me give you some examples.

In the area of audits our office, as I've mentioned, does about 100 audits a year, financial statement audits. We're third compared to other jurisdictions. Canada has the most, Quebec has the second most, and we have the third-largest volume of financial statement audits to do compared to other jurisdictions. If you look at the salaries of other jurisdictions, we are comparable to other jurisdictions. We're lower. In the majority of cases our staff are paid lower than our counterparts across Canada. I do know that from recent information – and this isn't personal, but again, it's just done through our analysis and relations with our peers across Canada – our office here, the Auditor General in Alberta, is paid about 25 per cent less than Ontario and B.C., just as an example.

We benchmark in a number of areas, and we also benchmark against the private sector as well. One of the things that we do when we go through – and you were making reference to looking at increases over the years to our budget – is that we also have a built-in governor. When we are doing our budget, that governor is a charge-out rate. Because we use agents, we're very familiar with what the private-sector model and private-sector firms are charging, because we pay those fees. We get a highly, highly discounted fee from the agents, so we're not even paying the market rate. The governor is always: what's the impact of budget requests or increases to our budget that we're making on our charge-out rate?

What we do is we prepare a fully loaded, costed charge-out rate, which is essentially the full cost of the operations of our office. We put that into an hourly rate, and we compare the charge-out rate of our office compared to the private sector. We are under, on average, I would say, by about 10 per cent. That varies, but that's the

discounted rate. The market rate would be much lower than what the private-sector firms would be charging.

So that's the governor that we use when we're preparing our budget: what is the impact of the cost increase to our charge-out rate? That's very similar to what private-sector firms do, as they look to the marketplace to say: what can their customers bear in the way of increasing fees? We're constantly benchmarking, Member, to private sector because we work with them, we're in the same line of business, and we also benchmark to our friends across Canada as well.

We are very, very competitive, and the outputs that our office produces – again, this is not public information so I'm not going to be sharing details. But the cost per output is extremely efficient in our office compared to other jurisdictions.

I'll just stop there.

The Chair: Perfect.

Do you have a follow-up, MLA?

Mr. Dyck: I do. Yeah. I just want a little bit of a higher, broad view on the efficiency because I think that's important, too, for us to understand. What are the points that you guys are looking at on the efficiency side to make sure you guys are hitting, you know, similar to market? Market has the opportunity, if you're not hitting your benchmarks – and I'm not saying this for you. I'm saying that for market, all of a sudden, when a business shifts, they either reduce their price. You don't necessarily have that. There's no competitor for you, so there's not really necessarily a fair market comparison.

But on the efficiency side, how have you guys gauged and benchmarked your efficiency internally, in your guys' office? Broadly. I realize, like, some of this might not be public information, but broadly how do you measure your efficiency internally?

Mr. Wylie: Utilization rates. Essentially, our costs: as I said, the majority of them are people, so what's the utilization of our staff? Are we fully maximizing the utilization? That has a big impact on how we manage our affairs as well.

If you take an organization with X number of people, we come up with a utilization rate, the percentage of time spent on direct audit work, if you will. That gives you the maximum capacity of the office to do audit work. I can tell you that our staff are fully utilized, and in fact during our busy period we are operating at 120 per cent utilization factor. So we're getting good value out of our staff. That's why I made the particular point that over this last year they've really stepped up in that area. We're very efficient, very effective at the work we do.

But I would come back to, as you'd mentioned, the marketplace. You know, the private sector is something that we look at. Again, we are very favourable with respect to efficiency costs per hour. Our cost per hour compares positively to the private sector. We are doing our work on an hourly basis less costly than the private sector right now.

10:50

The Chair: MLA Chapman, I see you there again. The floor is yours.

Ms Chapman: Thank you. I just want to ask a question from your annual report. On page 5 it lists the number of new recommendations accepted by government as eight. In the previous year it was 34. There are no percentages here, so I'm just wondering if you can let me know: eight of how many, 34 of how many? Have those percentages changed in those recommendations that government is accepting?

Mr. Wylie: Our target is for government to accept 100 per cent of our recommendations, and I believe we are on target, so those would be a 100 per cent acceptance rate.

Ms Chapman: Perfect. Thank you.
And then – sorry. Chair, follow-up okay?

The Chair: Absolutely. You read my mind.

Ms Chapman: Okay. In your presentation you had mentioned 30 identified projects, I believe, that you would like to move forward on. Are those performance audits that you were referring to with that number?

Mr. Wylie: Yes. They were.

Ms Chapman: Oh, they were. Okay. How long will it take with your existing budgeting to complete those 30 performance audits? Sorry. I'm just trying to find the number. I believe it's four. Am I correct that it was four performance audits that you completed in the last fiscal year?

Mr. Wylie: Yeah. It's very difficult to use one year as a discrete metric to try and forecast, I would suggest.

Ms Chapman: Okay.

Mr. Wylie: Our performance audit work is impacted by a number of factors, one, predominantly, primarily, to the extent that we have to use the staff on financial statement audits, which we've had to do recently. As I said earlier, we've had to change our target of the split, and the reason is because the financial statement audits are drawing more of our resources. Our staff do hybrid work, so they work on financial statement audits and performance audits.

Essentially, when we have less staff to do financial statement audits or there are changes to organizations or structures, as we said – some of the PSI world have been changing their year-ends into the March period, which means more work to do in a very short period of time to meet the deadlines. What we end up doing is shifting resources from one line of business to the other line of business to meet the demand there. That has an impact on our ability to, again, achieve our performance audits.

So to try and forecast that out, I couldn't give you a number or a time period right now to say that it would take us two years, three years, whatever it is. All I wanted to demonstrate to you was that there was a significant volume of work that we have identified behind our forecast and the budget that we're asking for to do the work. There's work behind those numbers. That's really what I was trying to highlight. It'd be difficult for me to say because it varies. I think one year was four, the next year was seven, and in other years it's more.

The AOI work is extremely important as well. The AOI is our assessment of implementation. Part of our mandate is to ensure that, you know, the work is acted on. We always come back to follow up, to see if the recommendations have been implemented. The government side in those that we audit is very keen to have us in, to get us to do that work because they'd like to get the recommendations off the docket. That's another thing we're managing in the performance audit, the proportion of new work compared to follow-up work. There is a high demand on the government from those that we audit for us to be doing that work because they'd like to get the recommendations off the books.

So what I'm saying is that there are a number of factors that impact the work we do, the timing of the work, and how we're

prioritizing what we're doing. I'm sorry I can't be more specific than that.

Ms Chapman: That's okay.

The Chair: Now MLA Lundy.

Ms Chapman: Chair, can I just ask a really – I think he'll have a really short answer to this question.

The Chair: Short answer is no. You can go back on the list after Lundy goes.
MLA Lundy.

Mr. Lundy: All right. Well, thank you, Chair. My question is continuing this line of questioning on the different types of audits. I guess, could you maybe dig in a little on how your office prioritizes between the financial or performance audit? Also, just a general comment on the cost. Is it a similar cost to do one type of audit, or is there some sort of discrepancy there?

Thank you.

Mr. Wylie: Well, prioritization. On the financial statement side those are obviously a high priority. There's a deadline. In the majority of cases it's legislated reporting timelines. With the consolidated statements of the province, for example, they must be, by law, completed by June 30. So, obviously, the financial statement work is priority.

The performance audit work: how do we prioritize that? Well, again, there are no hard deadlines that are imposed, but what we do is we prioritize it based on, quite frankly, I guess, our assessment of risk with respect to the processes that we're looking at and the impact of potential improvements in a particular area. There's a great volume of work that could be done.

As I said, right now we've prioritized it down to three areas predominantly: performance reporting, grants, and contracts. There's a reason for that, in our view, and that is that there's significant government spend in the area through grants and there's a significant government spend through the area of contracts. There's significant risk with respect to contracts as well. Those risks deal with such things as: are you getting what you're supposed to get out of the contract? The same thing with grants. Grants often have, you know, specific conditions attached to them. Is the grant recipient complying with the grant conditions? So those would be areas that we'd be looking at as well as the nature of the services provided by the grant program. Safety is always a priority, those types of issues. That, I think, might help with that part of the question.

Then the other part of your question was cost structure. Yes, there is a difference. Performance audits generally would be more expensive, and the reason is because we're looking at significant programs within organizations, which would require more senior staff from our office.

That's one of the impacts of the changes that we've made, which will take us probably about three years to manage. We're really advancing this grow-from-within model, which is hiring more junior, less expensive staff, but then what that means is that we have less senior staff to do the difficult, challenging performance audit work. So it's a bit of a balance between managing costs and then what you're going to be able to get in the way of output or throughput of the product. But, hopefully, that answers.

The Chair: Do you have a follow-up?

Mr. Lundy: No. That's good. Thank you, Chair.

The Chair: Perfect. MLA Chapman, I see you again, and I would suspect that you have a couple of quick ones here for us.

Ms Chapman: Really quick, just staying on the same theme of the performance audit recommendations. When we're talking about the recommendations coming out of performance audits, the 28 per cent of your budget, does that include the costs of monitoring the implementation of recommendations that come from your office? I don't know if you have any way of, like, breaking it out. Like, how much do you spend doing the audit? How much do you then have to spend doing the monitoring and follow-up on your recommendations?

Mr. Wylie: Yeah. I don't think we have those details on the cost side here, but the answer to your first question is yes. The follow-up or monitoring is included in that split of 28 per cent.

Ms Chapman: Okay. Perfect.
And then, Chair, follow-up? Yes?

The Chair: Absolutely, MLA. Go ahead.

Ms Chapman: Thank you. I just want to go back to when we were talking about the changes with the reorganization of the new health care organizations. You had mentioned that it's not a requirement for the Auditor General to be appointed as the auditor for those organizations. Can you tell us where the government would look if not to the Auditor General's office to provide those audits?

11:00

Mr. Wylie: Well, the government's contracting with a good number of firms right now. Could be any one of the Big 4, any audit firm they could potentially contract with. E&Y has been used. Deloitte's been used.

Ms Chapman: Thank you.

The Chair: I've got MLA Dach and then Luntz.

Mr. Dach: Thank you very much, Chair.

I have a question in the same vein, Mr. Wylie. As far as the choices and options that our government would have to appoint auditors to do audits on the four different silos of health care, you've been doing this historically for a long, long time. This is a departure from having the Auditors General do the audits for health care, and so what the government would potentially be doing if it's not you appointed would be appointing private-sector auditors, perhaps, to do four different audits in four different siloed portions of health care, or one. It would be a private-sector appointment for a massive undertaking that the private sector has not yet entertained and hasn't done, so I would imagine that you would have some potential concerns about that. You know, putting yourself in the position of somebody being appointed privately to do it, this is a massive undertaking in a short order. Are there not concerns that you have with this?

Mr. Wylie: Well, today, through the chair, Member, you know, my concern is getting our budget dollars to do our work on behalf of the people of Alberta. Yes, I have concerns if a significant portion, particularly health care, as an example, if we were not involved in that particular work.

Again, I'm coming at this from the perspective of a leader of an organization that has a long history in accountability, and that stems right back from the notion of serving all of you as MLAs. The Legislative Assembly appropriates money. The government is entitled to spend that money on the behalf of the people, and it's

our office, historically, who has been the accountability mechanism under a Westminster model, where we would come back and then report to the Legislative Assembly on that spend. So financial statement audits have been a significant part of our historical operations.

I would like to discuss that further with whoever was making that decision, if it came to that. I don't know that that's what's going to happen. I'm hopeful that we will be appointed.

The Chair: You have a follow-up, MLA?

Mr. Dach: Certainly. I mean, it leaves, in my mind, a huge level of uncertainty, and it is, as I said, a significant departure from accounting practices that historically we've had in our parliamentary democracy to have the Auditor General review the budgets of government departments. Yet we see that the new window is opening up, and it's something that I definitely will be looking at very carefully as a member of the opposition and I have significant concerns about it. Hopefully cooler heads will prevail and we maintain the structures that we have where the Auditor General is actually appointed to look after the oversight of the new four silos of health care that this government has adopted. We are going to be really, really carefully looking at what actual decisions are made.

Thank you.

The Chair: Well, that's good to know.

MLA Dyck, you're up next, and anyone else who wants to get on the list can get the chair's attention.

Mr. Dyck: Well, thank you, Chair. I'm glad I got your attention.

Just on the conversation about new health organizations. We've kind of chatted about the workload, but I'm really curious: has the government asked you to be the auditor for these agencies?

Mr. Wylie: Let me give you a little context. When Bill 22 was being discussed, contemplated our office reviewed that, and we identified what we believe was an opportunity to just have us as the statutory auditor. I wrote a letter to the Minister of Health asking for a meeting. That never happened, and here we are.

Part of the benefit of a statutory auditor was that it actually cuts down on a number of iterative processes that we are having to deal with, which is one right now, an appointment process. Then before an individual appoints, they need to make sure what the scope is and understanding all of that work and then go through the approval mechanism. In any event, there was that background work that happened.

We received one request which was to audit Recovery Alberta. The minister planned to appoint us. We received that. I replied back saying that once we are through this process I would be pleased to accept the appointment, but what I need to ensure is that we will have the resources to do the audit. As I said, we don't know how to plan the audit because we just haven't been provided with details of the structure or the controls or anything like that to really plan an audit.

Then, of course, once we would get that, then we would be coming back to this committee because under our legislation, if we were to accept such an engagement, we would have to seek the approval of this committee. So yes; one organization has, and that is Recovery Alberta.

Mr. Dyck: Chair, can I have a follow-up?

The Chair: Yep. Follow up, please.

Mr. Dyck: Excellent. Just following up on your comments here right now. What is legislated versus interpretation of some of these requests? It sounds like there are some options here, but then I know that there's a whole bunch of legislation saying: you're in charge of these ones. But then there are options. So what's legislated and what's interpretation of the options that you have in this? I'm just really curious on that. I don't know the details.

Mr. Wylie: I'm not too sure of your specific question, but I will say this. In the majority of cases our office is the statutory auditor. Under the act we are the auditor, so this appointment process is not required.

I've been around for a little while so I'll tell you my understanding of the history. When regional health authorities were being appointed and established, there was decentralization from government and what was happening, and responsibility and authority was being conferred to those at the local level. Along with that, the local level, the individuals at that level wanted the ability to appoint auditors in their community, as an example. There was a provision built in for that to happen. That goes back to the '90s, and that's why that mechanism was there.

Notwithstanding all of that process, we were appointed auditors of 85 per cent of the spend, okay? The dynamics have changed now substantially, where we are reducing the size of organizations, not increasing the number of organizations. I thought this would be a great opportunity to just legislate that and reduce a lot of the process of appointment, acceptance, back to the committee, et cetera. But in the majority of cases with the statutory auditor, with respect to these health organizations, we are not. That's the difference as by law. The minister has the authority to appoint, and so does the board.

The Chair: Perfect. Thanks for that clarification.

The question is just a couple of quick housekeeping items.

MLA Shepherd, I have you on the list, but I have to do a quick introduction because we've had a substitution take place here. MLA McDougall is in for MLA Lundy.

MLA McDougall, if you could introduce yourself for the record, please.

Mr. McDougall: Yes. Hello. It's Myles McDougall, MLA, Calgary-Fish Creek.

The Chair: Perfect.

With that, MLA Shepherd, the floor is yours.

Mr. Shepherd: Thank you, Mr. Chair through you to the Auditor General. Great to see you. I always appreciate you coming through. I just want to recognize the diligence with which your office has always conducted the budget and the scrutiny you put your work under. You have repeatedly shown up at this committee with either a balanced budget or, indeed, a budget that has come in under what was requested. So I do note the anomaly of this year and look forward to the opportunity to talk about that in more depth in February.

In regard to the conversation that we're having here about the appointed auditor and you being the statutory auditor, I'm just curious what these implications might be. Again, it strikes me that, if this is under legislation, then that was the decision of government in forming this legislation not to directly appoint you as statutory. That aside, how would this impact things like the Public Accounts Committee process and that sort of thing where you are intimately involved? In fact, that committee does most of its work based on your work and your audits and your presence and your involvement there.

Secondly, what kind of uncertainty, I guess, does this create for your office just in terms of, like you say, the implications of the planning, the timelines, the staffing that would be needed? Like, this seems to be a significant piece and you're being asked to submit a budget without being able to accurately predict. I mean, these are entities spending billions in taxpayer dollars. We do not know at this point who is going to be their auditor, and if that does fall to you, it seems you're being given very little opportunity to prepare for it. I was just wondering if you could give us your thoughts on what the implications are for these processes and how your office would handle that pressure and uncertainty.

11:10

The Chair: Just to set the context here. The Auditor General said this a couple of times, so I'm going to try to reinforce it for him so he's not in the same bubble again. He's here to talk about the budgets and specifics. This is an item that he has excluded as a caveat from his budget, that he doesn't have a line of sight for. We've heard the Auditor General respond on the process between the regional side of it, how it worked before, when it was centralized, and potentially how this could be similar to that, of how it was allocated, and the back and forth between the ministry of potentially assigning him or the board assigning him, not him personally but his office, or an external party.

With that context, Auditor General, so you don't have to go through all those other items, I'll leave it to your discretion on how to answer the member's question relating to the budget and that clarification, if you would, sir. The floor is yours.

Mr. Wylie: Well, I'll be brief. Again, the biggest challenge is I think what we've presented before you and that is that we don't have the information. The impact right now to our office is that we can't plan or budget the work right now. There is some uncertainty with respect to whether or not we will be the auditor or who will be the auditor. We've been asked by, as I say, the minister related to Recovery Alberta, but other than that, we don't know.

Yeah. There's one other thing I would mention and that is that it has a direct impact to our work. As the auditor of the consolidated financial statements of the province, when we audit the organizations that comprise that consolidated financial statement, it's much less costly and far more efficient to have that same auditor. There are standards that are required under the group audit standards. When we are auditing the parent corporation, all of the subs, if you will, or the other organizations that come up, if we are not the direct auditor, then we have to rely on the work of other auditors and that requires us to do additional work. Then, of course, you have confidentiality provisions between the other external auditor, who has access to information because they are the appointed auditor, and then we would not have access to that information. So there's a fair bit of, I'll call it, professional administrative work that's required when you are in those situations that would, again, have a direct impact on our office and a direct impact on the budget of our office to do this additional work.

If it's us, it's our staff. I just walk down the hall and talk to whoever is in charge of the specific audit and have all the information at my access. If it's not our office doing the audit, it's another organization. That is far more challenging to get access to the information that I might need on the group audit side. Hopefully, that helps.

The Chair: MLA Shepherd, do you have a follow-up?

Mr. Shepherd: No, Mr. Chair. I'm good. Thank you.

The Chair: Okay. Thank you.

Anyone else on the list? Last call. Once. Twice.

We've got two extra minutes back in our lives. I will put that back to you, Auditor General, if there are any other closing remarks you would like to make here.

Mr. Wylie: No. Thank you for your time.

The Chair: Appreciate it, everyone.

Again, thank you for all the work that you do. We do have the office of the Ethics Commissioner coming in right behind you.

We have about a one-and-a-half-minute chance to change the room over if anybody needs to grab a beverage or something else while we reset.

Thank you.

All right. Well, we're burning daylight, so let's get back to the meeting here at present. We do have the office of the Ethics Commissioner joining us here today.

Just for quick introductions around the table, I'm the chair, MLA Shane Getson, and the constituency I represent is Lac Ste. Anne-Parkland, but it's better referred to as God's country, the way I do it around here. We'll start doing the introductions to my right.

Mr. Sinclair: Hello, everyone. I'm Scott Sinclair, the MLA for the amazing people of Lesser Slave Lake.

Mr. Dyck: I am – sorry, am I . . .

The Chair: You are who you are.

Mr. Dyck: Sorry. The microphone wasn't working.

My name is Nolan Dyck. I'm the MLA for Grande Prairie, which is an incredible location, more incredible than anywhere else in Alberta.

Ms Lovely: Hello, everyone. MLA Jackie Lovely from the Camrose constituency.

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

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

Ms Rempel: Jody Rempel, committee clerk.

The Chair: And we'll go online.

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

Mr. McDougall: Myles McDougall, MLA for Calgary-Fish Creek.

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

Mr. van Dijken: Yeah. Glenn van Dijken from Athabasca-Barrhead-Westlock constituency.

The Chair: With that, formally I'd like to welcome the office of the Ethics Commissioner and our new Ethics Commissioner, Shawn McLeod, along with his staff. If you'd introduce yourself and your team to the table, that would be great. I know this is your first budget meeting. We're going to be thorough, but knowing that we'll ask you the questions, 20 minutes is your time. We'll go back to questions and answers. We have you slotted until noon, and then any budget decisions that the committee makes, you'll get it in writing here, hopefully later today, if that works for you.

With that, the floor is yours, sir.

Office of the Ethics Commissioner of Alberta

Mr. McLeod: Thank you, Chair Getson. Good morning, and thank you for the opportunity to be here today. For those of you who have not met me, my name is Shawn McLeod, and I am the relatively recently appointed Ethics Commissioner for the province of Alberta, carrying out the functions and duties under the Conflicts of Interest Act and the Lobbyists Act.

11:20

With me today to my right is Mr. Kent Ziegler and to my left Mr. Josh de Groot. Mr. Ziegler is our administrative officer. I didn't list all of his functions, but Kent wears many hats and does many things for us, been with the office for a long time. He's a real asset. Mr. de Groot is lobbyist registrar and general counsel within our office. We together as a team of five – and I'll mention two others at the end – do our work. We do it as a team. Although ultimately the decisions are mine and the responsibility is mine, we work closely as a team.

It is my pleasure to be here today making my first appearance before this committee. My remarks will include a brief overview of our legislative mandate and activities during the past year as well as an explanation of our budget submissions. At the end of my presentation I'd be happy to answer any questions you have. As requested, we have provided the committee with our annual report for the fiscal year 2023-24, our business plan for the fiscal year '24-25 as well as our budget submission.

Addressing first our legislative mandate, the Conflicts of Interest Act is the foundational legislation for the work we do. At its core the act requires that elected officials but also others conduct themselves in ways that ensure their private interests do not conflict with the public duties that relate to their office or position. The act contains a variety of requirements that, combined, create the legislative framework that is intended to achieve the goal of identifying and addressing conflicts of interest. The core of our mandate is to interpret and apply these rules.

Our mandate also includes assisting members and others to understand these rules but also to both assist and ensure they are compliant with the legislative requirements found in the act. We work to achieve these goals in a variety of different ways, including a review of and discussion with members and others related to material they provide as part of the mandatory financial disclosure requirements under the act; providing written guidance documents, further explaining relevant rules and obligations that will apply to members and others; encouraging members and others to seek advice in situations where conflicts may arise and, in turn, providing that advice; and, where appropriate, the use of investigation powers found under the act.

In terms of activity in 2023-24 291 MLAs, designated office holders, designated senior officials, and political staffers submitted financial disclosure. This is a slight increase over the previous year due primarily to an increase in the number of political staff reporting in. That is not to suggest there are more political staff; rather, there was some turnover with respect to the folks within that group. Also in 2023-24, there were 95 requests for investigation, up from 68 the previous year. Requests for information were also up from 28 in 2022-23 to 52 in 2023-24. Requests for advice were down to 443 this past year as compared to 613 in the previous year. My predecessor issued 14 warning letters last year to MLAs who were late in filing, five of the 14 having been assessed an administrative penalty. There were five warning letters issued to the remainder of the individuals who are required to provide annual disclosure, and one administrative penalty was issued.

I'll turn to the Lobbyists Act. The Ethics Commissioner is also responsible for the administration of the Lobbyists Act. This legislation enhances the integrity and accountability of government by fostering transparency with respect to who is influencing the decisions of public office holders. The Lobbyists Act contains a variety of rules that are intended to achieve this result, including setting out the registration requirements for lobbyists; establishing two categories of lobbyists, being consultant lobbyists and organizational lobbyists; and prescribing and prohibiting specific activities, including, for example, lobbying the government and at the same time providing paid advice to the government.

Generally, with respect to the Lobbyists Act, there were no material changes in either type of activity or level of activity during the past year. More specifically, there was a slight increase in the number of registrations in the lobbyist registrar. For consultant lobbyists there were 630 active registrations in the year compared to 573 in the previous year. For organizational lobbyists there were 368 active registrations compared to 358 in the prior year.

Consistent with previous years, the top lobbying subject matters were health, energy, and the environment. Also consistent with past years, the Premier's office was the government department most often listed as a target of lobbying activity, and Alberta Health Services was the most common agency listed.

On the enforcement side there were two administrative penalties issued for failure to comply with the registration deadlines in the Lobbyists Act. No investigations were commenced or undertaken in the year.

I now turn to the budget portion of our submissions. I would like to begin by thanking my predecessor, the hon. Marguerite Trussler, for her stewardship of this office and, in particular, the fiscal prudence demonstrated during her tenure as commissioner. In 2014-2015 Commissioner Trussler started with a budget of just under \$1 million; \$981,000, to be exact. For fiscal year 2023-24, a decade later, the budget amounted to just over \$1 million; \$1,021,000, to be exact, an increase over 10 years of \$40,000. On a percentage basis total growth over this 10-year period was 4 per cent, not annually but in total. The budget currently would need to be approximately \$1.3 million to have kept pace with inflation.

Over the same time period that our budget in real terms has been constricting, our workload has been materially... [An electronic device sounded]

The Chair: Please carry on. I apologize. One of our members is just joining online here. Apparently, we couldn't mute that. Hopefully, we'll reset the shot clock, give you an extra 30 seconds back to get your notes. I apologize for that, sir.

Mr. McLeod: No problem.

Over the same time period that the budget in real terms has been constricting, our workload has been materially increasing. While measuring the exact volume and complexity of the work we do is not an exact science, I am confident in saying that over the last decade the volume of our work being done has approximately doubled. The reality of this budgetary history over the last decade is that the office of the Ethics Commissioner is currently functioning in a way that presents a number of challenges to the effective and efficient operation of our office.

From the slightly more mundane, an example of these challenges is that, for the first time in my working career, I have decided to move from the active list with the Law Society in order to save the \$3,000 in fees that required me to maintain active status. I'm not asking that that decision be changed. I'm just raising it as an example of the type of thing that we're looking at in terms of saving funds during the year. When I posed the question, "Do we have

money for that?" the answer was, "Probably not." So I provide that one example.

Another example is the fact that we are choosing to limit our participation in a number of conferences that are specifically put on for the purposes of gathering those responsible for the conflicts of interest acts and the lobbyists acts across the country. These activities are, in my view, necessary for the proper functioning of the office, and are conferences that are attended by my counterparts in other jurisdictions across Canada. I'd just like to add to that that we're sort of a cloister group. We're a team of five. There's a very strong confidentiality provision in the legislation, and so effectively we do that work with those five people. The only other sort of comparator we have is other jurisdictions and the people who operate under the same structures that we do, and so our ability to reach out and communicate with those people, which we do from time to time during the year, is important, and these conferences are really that tool. You know, there's a variety of conferences, and I guess I would just say that these conferences, in my mind, are important for the functioning of our office.

Our website is another example of an area that requires resources both in terms of human capital in relation to content but also contracted work for the technical components of the website. This is an important tool for our communication with all stakeholders, including the public.

Similarly, our IT systems have not had the ongoing attention that is required to ensure they are operating both effectively and in a stable and secure way. While this comment applies to our entire IT infrastructure, it specifically applies to considering whether we should be moving the work of the conflict of interest side on our activities away from what amounts to a paper-based system that's in place to a fully-integrated, online system that would automate and streamline all aspects of our work.

In response to these pressures I'm seeking an increase to our budget in the amount of \$70,000. This amount is comprised of the following: \$20,000 for staff salaries consistent with increases across the GOA, including an increase to the salary of legislative officers like myself; a \$5,000 increase in the travel budget to address the needs as previously discussed; in addition to the existing \$10,000 contract services budget, \$30,000 to give us a total of \$40,000 in that line item. That has traditionally been in place in the event that an investigation requires resources beyond those that exist within our office, including external legal resources. It also allows some flexibility for the use of external contractors in relation to both our external-facing documents, including websites, forms, and reports, but, more importantly, for unforeseen IT requirements should they arise, which they do from time to time. Finally, I'm asking for \$10,000 for an IT service contract increase that we expect to occur in the coming year.

11:30

For this year, while tight, I'm currently forecasting that we'll finish the year on budget. I guess I can say that the real message I would like to deliver on that front is that the previous commissioner did an excellent job of living within the budget. In some ways the cupboard is bare, and on some of the more sort of less day-to-day projects we need some assistance in terms of making sure that we have the infrastructure in place to allow us to effectively do our work.

I would also like to briefly foreshadow that our budget submission for next year – I'm just giving you a heads-up – may include a request for increased funding for the IT infrastructure in particular. We'll see what happens this year. My plan is, funding allowed, to go out this year and contact IT providers and say: "Okay. In terms of our basic IT structure how are we doing? What

does it look like in terms of stability? What does it look like in terms of security? Give us some feedback on that.” Then whatever recommendations they might have. Similarly, on the sort of automation of the conflict of interest side of the equation we might not have the money for that. If we do, we’ll do the same thing with respect to that. I haven’t made any decisions along that regard, whether it’s the best policy choice to make or not, but I want to explore it as an option.

Continuing to look ahead to next year, our contract with our lobbyist registry IT service provider expires next year, and we are estimating an increase of approximately \$15,000 to \$20,000. Once we work through that negotiation, we will have a firmer estimate of those costs, and I will include them next year as well.

As indicated at the outset of my comments, I am including the business plan. Overall, I see little change in terms of the timelines and processes we currently use for our major activities like annual financial disclosure although we are conducting a general review of various aspects of our activities to ensure we are operating as effectively and efficiently as possible. Also, as mentioned at the outset, you have a copy of my first annual report covering the time period for the year prior to me assuming my role as Ethics Commissioner.

Finally, I would like to thank the people I work with, including Mr. Ziegler and Mr. de Groot, who I’ve already introduced, but also Heidi Horne and Effi Kaoukis. Collectively they have made my transition into this role very easy or at least as easy as it could be, and I thank them very much for that.

Thank you for the opportunity to appear before you today. I’m happy to answer your questions.

The Chair: Excellent. Thank you for the report, the nice way of asking for budget, and explaining all those details. The members, I’m sure, will have a lot of questions for you.

A housekeeping item. MLA Pitt is the member that joined us on the phone there, and she’ll be substituting for MLA Sinclair. MLA Pitt, if you can hear us, can you just please introduce yourself for the record?

Ms Pitt: Yes. Good morning, everyone. It’s Angela Pitt here, the MLA for Airdrie-East.

The Chair: Excellent. With that, we’ll turn over to the question period, so to speak, in this area. In this one it’s actually the answer period, too, which is kind of novel. Members, I don’t have anyone on my list, so if you throw your hand up – there we go. MLA Dyck, and I have MLA Chapman following right after.

Mr. Dyck: Excellent. Well, thank you so very much, Chair. Thank you for the presentation as well, and welcome here to your first Legislative Offices’ budget meeting. Exciting times for your office.

I just want to talk about the budget request. I think you said that it was \$69,500. The percentage is large, but it’s not a huge increase because you actually have, I think, the smallest budget out of all our legislative offices. That’s good, I think. My question in this is also just on some of the details. You’ve requested a little bit for conferences, not just one conference but three. I appreciate the clarity. I would love a little bit more clarity. What are the conferences, what is the scope, and what does your office hope to achieve through attending these conferences? I think those are fair questions to ask.

Mr. McLeod: There are three conferences, one on the conflict of interest side, where we get together an additional time outside of that in-person meeting. It’s a one-day or day-and-a-half conference.

Traditionally all three of the people seated at this table would have gone to that conference. For a number of years it has either been one or two people going to that conference. The second one is on the lobbyist side. Traditionally same thing: there would have been a greater attendance, but for the last number of years Josh has been the only person attending that conference. Then, finally, there is a conference in the United States that brings together the same group of people. Many of the people from Canada attend that conference. Those are the three conferences.

When we looked at the budget, we would not be returning to having all of us attend those conferences. But, as I said, we work as a team. Josh has sort of the legal background although in theory I do as well. I have the decision-making role, and Kent, I guess, is what I would describe as our institutional knowledge. He has a lot of knowledge that he brings to the table on all of the issues that we face.

I think what we’re thinking of is some version of two of us probably attending each of those conferences, maybe just one of us for the one in the United States, and then rotating that so we each get exposed to it. As I say, it’s sort of our only form of contact with the outside world/our only form of sort of real continuing education. It’s just this cloistered world, I guess, is the best way I’d describe it.

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

Mr. Dyck: No. I asked my follow-up in some questions.

The Chair: Okay. Perfect. I have MLA Chapman and MLA van Dijken. MLA Chapman, you’re up.

Ms Chapman: Thank you so much. Thank you so much for being here with us today. I want to ask a question about your budget document. There’s a note at the bottom about Law Society dues. Now, you had mentioned something in your presentation about a \$3,000 fee for – I’m sorry – some sort of, like, professional status. Is that what that note 7 is speaking to? Like, have you decided to not include that, or is this Law Society dues a separate expense that you are still making a budgetary request to cover?

Mr. McLeod: Making a budgetary request to cover that. I suppose that if there’s room and we’re at the end of the year and we can make it work, I’ll do that. My preference would be to maintain my active status. I’ve been doing that for 30-plus years, but if that’s the only issue that’s on the table, I’m happy to not spend that money.

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

Ms Chapman: Thank you. Can you just explain to me the importance of wanting to maintain your active status? It’s just not something I have a lot of knowledge about, what the difference will be, you know, in your capacity in the role as Ethics Commissioner. Is there a difference there for whether your status is active or on hold or whatever it would be?

Mr. McLeod: I think in terms of the sort of activity within the four walls of the office it’s not, strictly speaking, relevant. I can do this job without being an active member of the Law Society. In terms of my activity outside of the office, although I have a very strict rule with my friends, with my wife, with pretty much everybody that I just don’t discuss anything to do with our office – it’s just the way I’ve chosen to approach this – from time to time I have felt the need since I’ve started this to identify to people that although my background is a lawyer, I’m not active. I just felt, you know, in the context of the conversation that that was necessary.

Then, finally, just personally, as I have indicated, you know, it's the first time since I've been working. I've worked in a whole variety of different roles, some which, strictly speaking, required it and some which didn't. So those are really sort of the reasons.

The Chair: I have MLA van Dijken and MLA Dyck again. MLA van Dijken, the floor is yours.

Mr. van Dijken: Okay. Thank you, Chair, and through you to the Ethics Commissioner, I want to thank you for taking on this role and I look forward to working with you over the next coming years.

The one question I do have with regard to the budget is under line item technology services. I see an increase of \$10,000, a relatively small increase, but the note reads it's to cover off additional "network security testing and system hardening." I guess my question is: can you kind of outline the sort of improvements that would be made through this and if these upgrades are sufficient to ensure the ongoing work of your office?

Mr. McLeod: I can't, but I, hopefully, have at the table someone who can shed a little light on that, so I'll turn it over to Kent.

11:40

Mr. Ziegler: Yes. Thanks. As anybody that runs a website knows, you regularly should do testing on your website just to make sure that it's protected and that the data on it is not spoofable. Some of this work will be to test the website. Some will be work to do regular network penetration testing just to make sure that our systems and databases aren't being accessed from the outside. It's routine stuff that we want to do with that.

The other portion of that increase on the IT side is that we've moved to a different model to save costs over the last few years with respect to our IT services, and we're now working on an on-demand model, where, when we need help from IT, they then will come and they'll help us, but they bill us every time. Previously we had a much higher contract, but everything was covered. Now we're operating on an on-demand basis. So I expect that over the next year or so we might see a little increase in our on-demand services as well. It's a new billing model that is designed to save us money, but we're not sure how it's going to play out.

Mr. McLeod: If I could just supplement that answer with, as I have indicated, there's a strong confidentiality provision under the legislation, and I think it's essential that that be there for our office to effectively function. The information we get, whether it's financial information or other information, is highly confidential. So when Kent said to me that he thinks we should do some testing to make sure that that is the case and continues to be the case, I strongly agreed with that. That's part of the motivation behind it.

The Chair: Thank you.

And do you have a follow-up, MLA van Dijken?

Mr. van Dijken: No. That's fine. That answered my question. Thank you.

The Chair: Okay. I have MLA Dyck and then MLA Chapman. You're up next.

Mr. Dyck: Excellent. Well, thank you very much, Chair. Just in the budget documents we see that you have a fairly substantial increase for contract services. I think it's about \$30,000 more in this next budget estimate. Now, the note in the budget also indicates that this increase is a contingency for external counsel to provide some legal work and other contractors to update services and interfaces. What

kind of legal work expansion would you be expecting to be needing in the office in this estimate?

Mr. McLeod: Yeah. We're not expecting an expansion of necessary legal work. We have Josh and, I guess, me to a certain extent, who does that on a day-to-day basis. The majority of that money is a contingency piece. It used to be materially higher. I think, Kent, you indicated to me that at one point in time it was about \$130,000. It went down to about \$40,000, where I think it sat for a few years, and then it went down to \$10,000.

From time to time, depending on the issue, we may have sort of a very specific issue that we need to look at, so we have retained the services of external counsel periodically. That number has been very low over the years. But the bigger one is if, in fact – and I'm not saying we will, and to my memory I think of our conversations, Kent – we have not used that contingency, but there's a possibility that we could have an investigation. If you look across the country, there are some big investigations that take place from time to time where we would need, in all likelihood, to hire external resources.

I said, sort of for lack of a better word, the cupboard is bare. The five people that are in our office: if you speak loudly, everybody can hear each other. It's a very small office. So I'm pretty confident that we are all working full-time. If and when investigations come along, that activity level can increase dramatically. Traditionally we deal with that internally within the office, but there is the possibility that could not effectively be sustainable.

There's always, I guess, the possibility of us coming back, but it creates sort of an unusual situation where we would come back and have to explain what the budget request is. As I've indicated, there is a strong confidentiality provision. There are specific rules about how investigations are conducted and who's notified and when it becomes public and, you know, all those types of things. I think it's a better practice to have it as a small contingency. That's the background behind the request.

The Chair: A follow-up?

Mr. Dyck: I do have one. Now, maybe it's just wording, but it also mentions interfaces. What does that mean, when you're mentioning – I understand contract services from what you just said, but I believe it also says, "for external counsel to provide legal work and other contractors to update services and interfaces." Is that digitalization of some part, or is there something else that I'm missing here?

Mr. McLeod: I believe so, but I'm going to – maybe Kent is just going to say: yes, that's sufficient.

Mr. Ziegler: That's pretty close. Yeah. Basically, it's to take a look at some of the ways that stakeholders such as yourself interact with our office in terms of being able to submit information online and send things back and forth to make sure that our website and our forms are compatible and making sure that they're working for everybody. Sometimes we also have to pull in outside contractors to go: we'll help you build that little document so that everybody can work with it and test it. It's a little bit of a fund for that as well, if we decide to go that route.

Mr. Dyck: Thank you.

The Chair: MLA Chapman.

Ms Chapman: Thank you. In the budget document your travel amount has an increase by 50 per cent. Is that solely related to the conferences that you mentioned earlier?

Mr. McLeod: It basically is. Part of the existing travel infrastructure is that the previous commissioner and I intend to do it, travel to Calgary, I think at least once a year to meet with members or others. But yes; basically, it's the conferences in terms of the increase.

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

Ms Chapman: No. I was just going to flag what you just mentioned there, which is that your predecessor went to great lengths to minimize those costs – right? – by travelling herself. So I'm glad to hear that you're going to keep on with that.

Mr. McLeod: We have one day in Calgary booked so far, and we booked them all one day, so we'll have one night less in a hotel.

Ms Chapman: Perfect.

The Chair: MLA van Dijken.

Mr. van Dijken: Good. Thank you, Chair. I'm going to jump over to the annual report. I just need some clarification on page 16. I see in the annual report, page 16: "the Lobbyist Registrar issued the following four administrative penalties this year totaling \$600.00." Then it goes on to explain two penalties. I'm not sure if it's meant to be two penalties or how the terminology for four administrative penalties – then I'd also ask the question: if you could explain the difference in fines given for these penalties last year as compared to the current year.

Mr. McLeod: I'll ask Josh to take that one.

Mr. de Groot: Yeah. On the first part of your question I'll fess up that the problem there is that I may have followed last year's annual report a little too closely, and it should say two. It should not say four there. Thank you for that, which I guess partially answers your next question.

Last year there were four administrative penalties, or the year before this. Then in this year there were two. I believe the year before that there were zero. It's pretty consistent year to year. We have, you know, somewhere between zero and five administrative penalties that we issue each year. We've had in the past a couple for gifts that were given by lobbyists that breached the gift provisions of the act, but over the last couple of years it's been more just when we have particularly problematic individuals who are quite late on registering within the deadlines in the act. That's what these penalties have been over the last couple of years, just for quite late registrations.

The Chair: Do you have a follow-up there, van Dijken?

Mr. van Dijken: Yeah. Thank you, Chair. I'm going to jump back to page 12 in the annual report under code of conduct reviews. We can see that the office approved 20 existing codes of conduct for three new agencies and provided advice regarding codes of conduct on at least 25 occasions during the '23-24 reporting period. I guess my question is if we could get some explanation with regard to guidelines to what an effective and enforceable code of conduct looks like, then also maybe some comment on the scope for their code of conduct assessments and what agencies they're allowed to review under this item.

Mr. McLeod: I'd ask Josh to continue if that's all right.

11:50

Mr. de Groot: Yeah. The code of conduct reviews often fall under – well, it's one of the hats that I wear. Back in 2017, I believe it was, there were provisions added to the Conflicts of Interest Act. I'll highlight the really difficult numbering in the act. Section 23.922 of the act was added, which required all public agencies to have a code of conduct that met certain minimum requirements that are set out in that section of the act. Our role there, really, is – well, back in 2017-2018 there was a big project, thankfully before my time. They reviewed all 120 agencies, I think it was that they reviewed at that time, to make sure that they had codes that are compliant with the act. Now it's more if there are new agencies; for example, there are the new health agencies that are being set up now, so we're working with them to get new codes of conduct. There are new agencies, and then there are just agencies over time that will need small tweaks to their codes of conduct, which is the majority of what the work is in our office now. You know, they've looked at something and they've thought: "Oh, we want to word this differently. Let's make sure the Ethics Commissioner's office is okay with that."

The scope of our work there is really focused fairly narrowly, I would say, on – what is it; (a) through (h) in that section that I mentioned? – making sure that those points in the Conflicts of Interest Act are contained within the codes of conduct. Like I said, it's essentially minimum standards that they've set out there, and it's focused mostly on, you know, financial conflicts of interest and that sort of thing. We're focused, really, just on that small part in the way of their code of conduct. A lot of them will have harassment policies or other types of policies that really aren't within our bailiwick that they have in there. We're not getting deep into that side of things; we're just making sure that they're meeting the minimum requirements of the act.

The Chair: On the speaking list I have Shepherd and Chapman. Go ahead, MLA Shepherd. The floor is yours.

Mr. Shepherd: Thank you, Mr. Chair, and welcome, Commissioner. I appreciate you coming and being here with us for your first presentation to the committee. I was just wondering. You know, based on last year, what we did see was that government members of the committee chose to hold all officers of the Legislature to a budget based on CPI, so I believe last year was around 2 per cent. This year that might be maybe closer to 3 per cent. Certainly, the ask that you have in front of us is higher than that. I was just wondering: if we were to see a similar eventuality this year and members were to choose to reduce your request of 6.8 per cent increase to 3 per cent or lower, is that something, then, that you would be looking at, I guess, the contract services, that sort of buffer that you're building in there, or what other impacts might that have for your office? Is that something you'd be able to accommodate?

Mr. McLeod: Yeah. I think it would impact each of those areas that I've talked about. Some of those things are, you know, the work we have to do as a statutory work, whether it's investigations or providing advice or those types of things. We have to do the pay increases. They've been granted already, and they're an ongoing item. But the rest of those things: we haven't gone through that process to see exactly what we'll do based on what our budget is. But, yeah, some of those things we simply won't do.

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

Mr. Shepherd: Yes. Thank you, Mr. Chair. I appreciate that. It sounds like you'd be able to cover your basic contingencies, the mandated staff increases, the benefits and stuff from that, so then it'd just be a question of, as you said, you might have to come back to the committee at a future point to request supplementary budget should there be a large investigation or other portion that would require more of that contract work.

Mr. McLeod: Yes is the short answer to that question.

The Chair: MLA Chapman, and then I have MLA Dyck. We have six minutes remaining.

Ms Chapman: Mine is easy. It's going to go quick because I just had one more budget line I wanted to ask about. Just for your context the former Ethics Commissioner, you know, really drove it into us about the work that she had done to keep the budget low. I did notice that there was a new line in here for hosting. I realize the amount of money is very small but something that, I think, your predecessor had managed to run the office without. I was just hoping you could speak to us on the necessity of that line item.

Mr. McLeod: For all other hosting we don't cover it through, for lack of a better word, taxpayer funds. When I say "hosting," I mean sort of internal activity within the office. None of that is part of our budget. The one area that we potentially will expense money through that line item is that the various commissioners from time to time get together, and when we host it in our office, we order in some sandwiches. That's that line item.

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

Ms Chapman: No. I'm good. Thank you, Chair.

The Chair: MLA Dyck.

Mr. Dyck: Excellent. Well, I assume this might be my last question. We'll see. I just want to go back to that you requested \$10,000 for technology services. I also understand that you guys are doing a lot of paperwork. What are you guys hoping to digitalize here in the future? I know as someone who submits yearly to you guys that we end up doing similar paperwork every year. Is there a digitalization process that you guys are looking at in order to streamline some of these processes to actually make it easier on your internal processes?

Mr. McLeod: The \$10,000 line item is specifically for a contract we have in place, as I understand it, Josh, for the lobbyist website and the automated version of the lobbyist side of the office. We expect that to increase. I think that contract is five years old, and it's coming up in the coming year. That's what that line item is.

In terms of the automation we don't really know what that looks like. We're going to see whether there's some money somewhere here that we can use to sort of have someone assess that and give us some ideas. There are offices that have varying levels of automation from completely automated, so the financial disclosure and all other things that we do would be automated, right down to – you know, I'm not suggesting we have no automation. We have backup of the paper files and those types of things, but we're effectively a paper office.

The Chair: Any follow-ups?

Mr. Dyck: Yeah. Just on the paper side: is that a goal in the coming years in order to get rid of some of the paper side? Where are you guys at with the future of that?

Mr. McLeod: Yeah. We haven't made any decisions. We'd like to analyze it, if we can, next year, sort of assess the possibilities, the costs, the benefits, those types of things. If we decided it made sense and had the money, we'd do it probably the year after, depending on what it looks like. If it's a full-blown model, it's a big activity, so we'd also have to sort of assess – anyways, it's a cost item.

Mr. Dyck: Thank you.

The Chair: Okay. With two minutes, I'll throw it back to the floor. Any other further questions? Once, twice, sold.

Back to you, Commissioner. Any last closing comments for us?

Mr. McLeod: No comments. Thank you very much for allowing us to come today. I appreciate your time.

The Chair: I appreciate it. Thank you very much.

Members, we are going to break until 12:45, when we will have Elections Alberta in here, so don't be late. Members, we'll see you back at 12:45.

[The committee adjourned from 11:58 a.m. to 12:45 p.m.]

The Chair: Thank you, everybody, for coming on back.

I'm Shane Getson, the MLA for Lac Ste. Anne-Parkland. We do have Elections Alberta here with us today, the next one on the items. We'll do a quick introduction starting around the table, going to my right. Then we'll do the folks online, and then we'll come back to you, sir, at the end of the table for you and your staff. With that, we'll go to my right for introductions.

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

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

Ms Lovely: Jackie Lovely, MLA for the Camrose constituency.

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

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

Ms Chapman: Coming to you from the shadow of Nose Hill park, Amanda Chapman, MLA for Calgary-Beddington.

Mr. van Dijken: Glenn van Dijken, the constituency of Athabasca-Barrhead-Westlock.

Mr. Shepherd: David Shepherd, coming to you from the snowy wilds of Edmonton-City Centre.

The Chair: Excellent.

I see a phone number, which I believe is MLA Pitt. MLA Pitt, can you confirm?

Ms Pitt: Angela Pitt, MLA, Airdrie-East.

The Chair: Excellent. Thank you.

We'll turn it over to the end of the table. I'd like to welcome Mr. Gordon McClure, Chief Electoral Officer, along with his staff at the meeting this afternoon. I know that this is new for you, but it's not for us. The format that we go through is that we have about 20 minutes for you to present, followed by a question-and-answer period, which is unique for most of us sitting around the table that work in the Leg.

Once we finish that, later on this afternoon we'll go through the deliberations from our side on the budget allocations, et cetera, and

then it would be formalized, and whatever decision the committee makes for values, et cetera, would be sent off to you.

With that, sir, I'll turn it over to you and your team. The floor is yours to start with your presentation when you feel ready, willing, and able.

Elections Alberta

Mr. McClure: Thank you. Well, good afternoon. It's a pleasure to meet with you today to review the activities of my office during the 2023-2024 fiscal year and to present Elections Alberta's budget, with requests for the 2025-2026 fiscal year. I'm Gordon McClure, and I became the Chief Electoral Officer just a few short weeks ago, on November 18, as you've mentioned. Joining me today are Paula Hale, Election Commissioner; Mr. Steve Kaye, our deputy commissioner, financial compliance and enforcement; and LaRae Petrowsky, Acting Deputy Chief Electoral Officer.

Next slide, please. In the materials I've provided you with is our 2023-24 annual report, our strategic plan for '24 through 2028, and our budget submissions for 2025 and 2026.

Next slide, please. I'd like to begin by providing you a few highlights from our annual report. The report focuses on the annual activities of political entities in 2023, which includes the 2023 provincial general election. A stand-alone election report was previously prepared and has been submitted. Over \$60 million in annual contributions were received across all parties, constituency associations, and third-party advertisers during the year. An additional \$8 million was received by the party's candidates, nomination contestants, and third-party advertisers as elections contributions. This brought a total contribution amount during the period of \$24.37 million. These funds were contributed by roughly 73,000 contributors making a combined total of over 200,000 contributions.

Next slide, please. Thank you. Regarding the contributions the chart on the left shows the number of individuals or entities that were identified as overcontributing in 2023 compared to those in 2022. The issues identified during the period were all resolved and corrected during our financial audit processes.

The table on the right breaks down 541 political participants who were required to file annual statements in 2023 as well as 856 who were required to file financial statements related to the general election. Only eight participants out of the nearly 1,400 filed late. The legislative-required \$500 late filing fee was applied to each of these instances.

Next slide, please. Election events tend to create increased complaint volumes and investigation activity, and this was the case during the reporting period with the conduct of the 2023 general election. We received 803 new complaints, initiated 101 new investigations, and concluded 114 investigations during the year; 702 of these complaints were resolved without formal investigation. Of those that were investigated, 83 concluded with the finding that there had been a breach of legislation, and these breaches were addressed through issuance of nine administrative penalties, three letters of reprimand, and 71 letters of advice for future conduct. Details of these contraventions which resulted in administrative penalties or letters of reprimand have been posted on our website as required by the legislation.

Moving along, I will discuss our strategic plan. The plan, which we shared with the committee last year, is renewed continuation of our vision, mission, and mandate and future goals for Elections Alberta. It will guide and prepare my office for the successful delivery of the next provincial general election and a number of mid-cycle electoral events. There are several events that will impact

our plan, and these were considered during the assessment and development process.

The first consideration is the impact of the Electoral Boundaries Commission. We anticipate that the commission will be established in the coming weeks and that our office will be required to support the commission, particularly with GIS services. Based on the timelines outlined within the legislation, we are estimating that the boundaries may be approved by as early as the fall 2025 legislative session. This is roughly 17 months before the next provincial general election. Approved boundaries are essential for us to proceed with activities such as appointment of returning officers, selecting voting places, locating returning offices, as well as outreach and engagement efforts. We must also prepare and pack and ship all necessary materials to each individual electoral division.

Secondly, we considered the potential impact of any legislative changes. Early notification of any changes to the legislation is critical to allow my office time to adequately prepare and deliver them. For example, my office has already begun to adjust and prepare for the legislated change to the fixed election date, which was passed during the spring 2024 legislative sitting. Ideally, all legislative amendments would be passed during the spring 2025 legislative session while the Electoral Boundaries Commission is conducting their work. Doing so would permit us to focus on election preparations and implementation as soon as the new boundaries are approved.

The final consideration was the potential that a provincial referendum could occur. A provincial referendum can be conducted in one of three ways: in conjunction with the local municipal elections in the fall of 2025, as a mail-in-based vote, or a stand-alone event with the same services offered as those in the provincial general election. The latter would require opening 87 returning offices, special ballot voting, mobile voting, five days of advanced 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 one of the options within one year's notice.

As you will see when we get to our budget presentations, an area we are proposing to pursue quickly is appointing returning officers across the current electoral boundaries as they are essential to the preparation of all activities. Currently the legislation stipulates that all returning officers cease to be appointed four months after election day, and with no returning officers and only our core headquarters staff my office does not have the necessary resources to conduct a provincial vote.

In addition to considering the events I've described, our plan also assessed several factors that impact our goals, service delivery, and budget. First was population growth. Alberta's population is growing by 1.5 per cent every year. At the current rate Alberta will have 7.1 million residents by 2051, with roughly 4.7 million of those being eligible electors. Elections are about people, and elector counts impact the number of voting stations that are required and the number of staff needed to work those locations and the volume of supplies and ballots needed for each and every one.

Secondly, we considered 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 all legislative requirements. Alberta's electoral legislation landscape has expanded to include Senate elections, nonconstitutional referendums, citizens' initiatives, and recall. This requires a shift in Elections Alberta's operating tempo. We must move away from a typical four-year election cycle and adopt a continual readiness posture and model.

12:55

Next were the issues relating to the limitations of our office and warehouse infrastructure. Elections Alberta's headquarters and warehouse have operated out of the same location for 43 years. The space has repeatedly been modified to accommodate our growth in staffing and supply requirements, but there's been no change in the square footage, and it's at its limits, so additional off-site warehouse space was required during the 2023 provincial general election. Discussions with Alberta Infrastructure are ongoing to address space issues, but the solution does not appear to be on the near horizon. In the meantime we look to creative use of space, nontraditional solutions and operate and continue to deliver the services that are expected of this office.

Finally, we have also considered public trust. Seemingly, we are witnessing global decline in trust in public institutions, faith in the democratic process, and it has a significant impact on electoral voting behaviour, political participation, and information consumption. Attempts to spread misinformation and disinformation regarding the democratic and electoral process, political figures and participants, as well as government agencies, boards, and offices are concerning trends that need to be further evaluated and addressed as we plan our future electoral events.

Next slide, please. Our strategic plan focuses on four core areas based on the election environment and our timeline considerations for this electoral cycle. They are: maintaining our electoral event readiness status, which means being positioned to deliver a provincial general election or referendum within one year in addition to by-elections and recall votes at any time; second, working to enhance our services to electors, elections officers, and political participants using a model of constant readiness; third, working to build and maintain trust in the electoral process; and, finally, creating an environment for our employees' continued success. Our progress to date in achieving these goals is outlined on pages 13 through 15 of our annual report, and we will continue to monitor and evaluate the progress and will report on the success of our plan in future annual reports.

Next, if I could refer you to our budget handouts, I will now discuss our budget request. In total we're requesting \$13,104,000 for our fiscal year 2025 to 2026. This represents an 18 per cent increase from last year. These increases are primarily driven by the need for my office to be event ready. It represents an increase of approximately \$1.9 million over our request from last year. It is important to understand that several factors are driving this request. In the following slides I will take you through those.

Included in our budget handout are the program comparatives for corporate services, elections, enumeration, other electoral events, and compliance and enforcement services. Page 2 compares our consolidated 2024-2025 budget to our 2025-2026 estimates. The variances are significant, and they are best explained by looking at each individual program area in detail.

I will start with corporate services, which can be found on pages 4 and 5 of your budget handout. Our corporate services estimate of \$6,898,000 is a net increase of 7 per cent over last year. Personnel costs increase by \$308,000, which includes \$252,000 for in-range merit increases for staff and \$56,000 for increases in employer contributions.

Under supplies and services, contract services and technology services, there is an increase of approximately \$116,000. Capital assets have been increased by \$40,000 for the 2025-2026 year for the purchase of plotters, and these plotters are required to allow us to support the work of the Electoral Boundaries Commission.

Now, turning to page 6 of the estimates, our total elections budget is \$4,033,000, and \$802,000 of the budget is allocated for the

conduct of up to two by-elections. These funds are not expended if there is no by-election that takes place.

The remaining \$3.2 million are allocated towards our continual readiness activities. These include maintaining 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. This also includes \$460,000 in capital development to enhance our election management systems.

Turning to page 9 of the handout, you'll see our total enumeration budget request is maintained at \$557,000. This will fund ongoing register-to-vote activities, including social media advertising and mail-out targeted to households that are new or have moved. We will conduct this by using the data available from Canada Post. The budget includes \$30,000 for advertising, \$277,000 for postage, and \$250,000 for printing, bundling, mailing materials to approximately 500,000 households.

Turning to page 11, you'll see the budget for other electoral events. This program area includes \$921,000 for recall petitions, referendums, and citizens' initiative petitions. Of the amount, \$388,000 has been identified for recall. If no valid petition is received, these funds will not be expended. The application period opens next week on December 9, being 18 months after the provincial general election.

Five hundred and one thousand dollars of my budget request is allocated for referendum activities should a provincial referendum take place. We have accounted for the cost of targeting recruitment, shipping supplies, monthly mobility charges, and honorariums; \$221,000 of this amount is to allow us to begin stocking the warehouse with supplies that have long lead times such as ballot boxes, voting screens, and ballot paper. Care is taken only to purchase items that can be used in the 2027 provincial general election should a referendum not occur. Given that a referendum is not a certainty and that there are three different methods for its conduct, the budget request is only focused on minimal readiness activities. Should a referendum take place, a supplemental budget request will be made based on the timing and method of conduct.

Also within the program area there is \$32,000 for the review of any citizen initiative. If no petitions are applied or submitted, these funds will not be expended.

Compliance and enforcement. Finally, on page 13 of the handout we have our budget for compliance and enforcement. You will see that the budget request for this program is unchanged from last year, at \$695,000. Most of the cost is related to fees for contract investigators and the handling of complaints and investigation files.

To summarize, the total budget estimate for the 2025-26 fiscal year for Elections Alberta is \$13,104,000.

I would like to thank you for your time and the opportunity to present the material. This concludes my presentation. My team and I would be happy to address any questions that the committee may have at this time.

The Chair: I appreciate that, Commissioner. Again, for a person who just joined the new role, in two weeks you're getting the fire hose treatment here. You did marvellously for the first time out. Thanks for that.

Also, we did have MLA Lundy join us.

MLA Lundy, if you can read into the record that you're here and who you are and where you're from.

Mr. Lundy: Sure. MLA Brandon Lundy from Leduc-Beaumont.

The Chair: Perfect. With that, the speaking list I have currently is Shepherd, van Dijken, and now Dach.

Ms Rempel: He didn't introduce himself.

The Chair: Oh, I apologize.
Sorry, Lorne. Please go ahead.

Mr. Dach: I'm Lorne Dach, MLA, Edmonton-McClung.

The Chair: Excellent. With that, not on the speaking list, just to confirm? Perfect.

It's MLA Shepherd and then followed by MLA van Dijken.

Mr. Shepherd: Thank you, Mr. Chair, and welcome, Mr. McClure. It's a pleasure to have you join us for the first time. I'm glad that you have the support of such excellent staff as you're sort of getting the baptism by fire.

I also want to note just thank you for this very comprehensive budget. I really appreciate how you've broken everything down in terms of the costs and the reasons behind each increase. I think that really does make our job a lot easier.

It looks like an overall budget increase of around 18 per cent. You noted that about 7 per cent of that is for your core administrative functions, no change in enumerations, none in compliance, some increases in elections and other electoral events.

1:05

I just want to ask you about that. Last year what we saw was that government members of the committee did vote in favour of reducing all budget increase for all officers to CPI, about 2 per cent. This year I don't know if that's the intent, but I do want to understand what kind of implications that might have for you given that, as you've noted, you can't predict when by-elections might happen, if there may or may not be a citizens' initiative or a referendum. Of course, you have a number of changes on your plate, from electoral changes in Bill 20 and some other pieces. I was wondering, to start, Mr. McClure, if you could break down what the impacts might be if you were asked to hold this budget to, say, an increase of 2 or 3 per cent.

Mr. McClure: I'll start off, and then I'm going to ask Ms Petrowsky to jump in. If we were to reduce our budget, we have areas we can focus on such as the budget allocated for referendum, citizens' initiatives. We can reduce our budget through looking at that. However, should it then arise, we would be then having to come back before this committee to seek a supplementary estimate. We've written it in to try and give you the most honest portrayal of what we think our budget will be.

Ms Petrowsky: Thank you, Mr. McClure. Just to add to that, essentially what we would look at doing is that we would hold steadfast in what our current operations are. What it would mean is that we would look at likely not bringing back those returning officers right away. We wouldn't be able to immediately start supplying and stocking our warehouse for those other electoral events. We would likely look at some of those things.

As Mr. McClure has stated, if we do see those other electoral events come up, we would be looking at coming back to the committee for that supplemental request. What this referendum and recall request really does is that it allows us to be prepared for when that may or may not occur and just allows for that mandate that has been set out for our office to fully be achieved so that we can continue to be in that state of election readiness and able to be as nimble and flexible as possible whenever those situations may arise.

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

Mr. Shepherd: Yes. Thank you, and thank you to everyone for that answer. It's helpful to understand. Certainly, I recognize the need for some of these increases that you're putting forward here.

Following on that question and, in particular, on cost implications from Bill 20, we know this government has introduced some significant changes that are going to impact the next municipal election, one of those being removing the right to vote from anyone who's unable to present photo ID. Of course, in your strategic plan you talk about engaging with Albertans to "identify barriers to voting and implement solutions to encourage participation." I just want to understand what your plan and strategy is, then, as part of this budget given that these are additional implications, if that's part of the increase, that preparation about how you're going to educate and engage Albertans about a fairly substantial change to make sure that it doesn't present a barrier to their participation in the upcoming municipal elections. Is that a part of the consideration of the budget?

Ms Petrowsky: Thank you, and thank you for the question. Elections Alberta, we certainly respect the autonomy of municipalities to conduct their elections within the framework of the Local Authorities Election Act.

You have brought up Bill 20. Specifically, Elections Alberta's role in assisting municipalities is providing that list of elector information to municipalities across the province in preparation. At this point in time Elections Alberta has been able to absorb the cost of being able to support that work with municipalities. We have a dedicated data co-ordination and GIS team. Our director along with a data co-ordinator that we have is working closely with municipalities currently to get data-sharing agreements to ensure the safe and secure transfer of that list of elector information in accordance with the Local Authorities Election Act, and we will continue to engage with municipalities across the province in preparation for that event in October 2025. At this point in time our budget is able to account for that, and we will continue to provide that support to municipalities in whatever way that we can.

In terms of kind of our ongoing outreach efforts, Elections Alberta, as outlined in our annual report, we have started work on a draft outreach strategy as well, which we are very dedicated to working with our partners across the province in some of our vulnerable communities and our communities that most significantly experience those barriers. That work will continue through '25-26.

The Chair: Perfect. MLA van Dijken, over to you.

Mr. van Dijken: Thank you, Chair, and I want to welcome the new Chief Electoral Officer to the committee. I recognize you're only a month into it, but I look forward to working with you in the years to come.

One thing I will mention is that I've been an MLA for 10 years. Well, not quite 10 years, but I've been in a number of these deliberations over the years through Legislative Offices. I do need to state that I do have a concern with the budget increases in order to have this in place.

You know, when I started, I think we were in around \$5 million, \$6 million a year in the second year of an electoral cycle. Then we went from about \$6 million to over \$9 million four years later, a 50 per cent increase. I'm thinking that that's got to raise some red flags. Now we're going from a \$9.5 million budget four years ago to a little over a \$13 million budget. I would encourage the Chief Electoral Officer to really take that fine-tuned pencil to the budget to ensure that taxpayers are getting good value for the money that's being expended.

Now, with regard to this proposed budget the Chief Electoral Officer spoke with regard to a readiness model. I know that all these years we've had these budgets presented to us with essentially allocations in case of typically two by-elections in an annual cycle. Now we're talking about other electoral events that are potentially there: referendum, recall, that type of thing. I guess I would like to try and get a better understanding of what was called a readiness model and how the Chief Electoral Officer proposes to move forward in that as opposed to what's been done in the past. I know that the Chief Electoral Officer did mention that with the other electoral events, what's budgeted for that, if there wasn't an event, the money would not be expended. But then I'm still trying to figure out what the readiness model actually adds to the operations cost and day-to-day operations of the office.

Ms Petrowsky: Thank you, and thank you for the question. I'm going to do my best. In terms of this readiness model we're really trying to reflect the increase in our mandate to be at the ready to deliver any sort of provincial electoral event that may come our way in the years that we're between a provincial general election.

You've certainly mentioned by-election events. We budget for two of those throughout each fiscal. What that entails is that it allows us to have that budget ready when those electoral events are really quite unknown. We don't set the date for those election events, so we have to have that budget available to move quite quickly. Once we have an order in council, the writ is issued, we take steps then to ensure that we have field staff in place, we can secure our voting locations, we can secure supplies and materials management, the shipping of our supplies, et cetera.

In terms of referendum and recall what we are talking about when we talk about readiness is a bit of, I guess, a foundational and base level readiness to ensure that we have supplies in our warehouse. We don't completely restock our warehouse after the provincial general election, and obviously we do use millions of pieces of paper and different materials and supplies during a provincial election event. We don't replenish that immediately following the general election. This constant state of readiness allows us to progressively get to that point.

1:15

In addition to having those budget dollars for referendum, not everything is going to be exactly the same for a provincial referendum as it would be like for a provincial general election. So some of our materials have to be designed a little bit differently. Our training materials have to be designed a little bit differently to reflect the differences in events.

In terms of recall what we're really getting at here is a reflection of receiving an application. That application then gets reviewed and is either approved or rejected. If it's approved, the petition can go forward. If that petition is then submitted within that legislative time frame, we have obligations then to validate the petition, which does have an operational impact on our office to ensure that it's done within the time frame that's required. Then at that point, if the petition is valid, we are required under the legislation to hold a recall vote, and what that vote is is to conduct the event. It's essentially the equivalent of conducting a by-election in an electoral division to determine whether or not that member would then be recalled. From there, if that recall vote is successful, we would be looking at then having a by-election, and at that point then we're using those funds specific to the by-election event.

The readiness model is really reflective of the different elements of the different type of events that could be brought on at any time between two provincial general elections. Does that help?

Mr. van Dijken: Yeah. Absolutely, it does. I guess it's very similar to how it was conducted before, maybe a little bit more robust with regard to supplies, warehousing, and people, by the sounds of it.

The Chair: Was that your follow-up question, or was that a comment there, MLA van Dijken?

Mr. van Dijken: Just a comment. Yeah, that answers the question. Thank you.

The Chair: Okay.

I've got MLA Dyck and then Shepherd.

Mr. Dyck: Excellent. Well, thank you as well. Thanks for coming. Two weeks on the job, and you get to answer to all of us. It's an intense spot to be.

My question just revolves around overcontributors in the 2023-2024 period. I think the majority of them were done. It's a pretty impressive number, that you guys were able to clean this up so fast. My question is: how does this compare to prior? The number: I think it was 94 overcontributors. How is this number comparing from previous reporting periods?

Mr. McClure: The number of overcontributors in the previous year, in 2022, would have been 130 individuals, and the refunds for those individuals were 128 refunds in 2022, where, comparatively, in 2023 the number of individuals was 94, and the refunds came down to 83 for political participants.

Mr. Dyck: Thank you for that answer.

Then can you also just elaborate on the process on how your office resolves these overcontribution issues, just on the process there? Can you just give some detail on that?

Ms Hale: Thank you. I can speak to that process. Generically, the process is basically the same process that we apply to every breach or potential breach because it's a statutory requirement. More generally speaking about overcontributions, it's typically identified by the audit and compliance function and is resolved before it gets to my area. So by the time it gets to me, there have been communications with the parties and typically there is already a refund that has occurred and contribution receipts have been amended. It is referred to my office, and we look into the facts of every contribution and proceed accordingly. Does that answer your question?

Mr. Dyck: Yes, thank you.

The Chair: Okay. MLA Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I just wanted to ask a question related to the strategic plan, the analysis of the election environment, and the problem in public trust you talk about. Indeed, Mr. McClure, through the chair to you, you talked about it in the presentation, about a significant decline in public trust in public institutions and democratic processes. You noted that election management bodies across the world are combatting some organized attempts to spread misinformation, disinformation regarding the electoral process, including facts regarding the use of technology now.

I did see this. After the most recent provincial election in B.C. we saw a number of online personalities, others claiming their election results were delayed due to the use of electronic tabulators. In fact, I believe that was repeated by a government MLA in our Legislature just this past week. The same MLA claimed that in the

last provincial election in Bonnyville-Cold Lake-St. Paul “the tabulators completely failed.”

I recognize that this is part of your strategic plan, of course, as you’re preparing and you mentioned that you are working on education campaigns and other steps to address this. I’m just wondering, then: specifically are you looking at this concern around electronic technology that’s being used in elections, misinformation, disinformation, and are the amounts in this budget, then, for that education also including some of that work?

Mr. McClure: Well, we have had a number of staff go to other jurisdictions during the conduct of their provincial elections and observe, and B.C. was one of those locations, and we’re getting reports back on that. B.C. has brought in a comprehensive misinformation legislation that the degree of success is yet to be determined. It’d be premature to say how successful that legislation was and whether or not it would have a place here in Alberta.

I’ll ask if anyone wants to jump in.

Ms Petrowsky: Sure.

Thank you very much. Just to add to that, in our current budget we have worked in what we’re labelling as brand building. That is to help us with being a little bit more constant between general election events. Our outreach strategy also will help with that: getting out; explaining the process; what can people expect to see; what does the voting process look like; and if someone is entering the process for the first time, what are some reminders that they need to see.

Any sort of voting process, which may or may not include technology, those plans have not been solidified for 2027, but we would look at what we can do to make sure that the public can see how they’re working, what they can expect, and ultimately how those results would be reported from that. So again, no plans have been made, but as Mr. McClure has stated, we continue to be active across the country. We are looking at the different types of technologies that are being used throughout elections, not just here in Canada but around the world, including the U.S.

We continue to be an active player in determining what is going to be our plan for 2027. Those conversations are ongoing, and we are awaiting legislation as well in order to continue those plans for preparations for 2027. That’s just to kind of supplement a little bit. Hopefully that helps.

The Chair: MLA Shepherd, a follow-up?

Mr. Shepherd: Yes. Thank you very much, and yes, that is helpful.

Along the same lines, again, talking about voter education, engagement, and combatting misinformation, I did notice in your strategic plan your timeline for the municipal elections coming up, June to August of this year. You projected you’d be working with Municipal Affairs to develop some of the trade materials for returning officers and doing some sessions with them. I was just wondering if in the process of those conversations, whether with Municipal Affairs or perhaps service Alberta, in regard to a communication plan regarding the significant change of the removal of vouching, the requirement of voter ID. I just ask because, of course, in the spring Minister McIver stated he intends to make it easier than ever to get ID; in fact, “instantly,” to quote Mr. McIver.

Given it is your mandate to remove barriers, share necessary information, and you’re doing some of this work, I’m just curious: are those conversations ongoing, and are you working to develop those training materials to ensure officers understand how to correctly explain this to voters?

1:25

Mr. McClure: There is education ongoing about the various forms of ID that can be applied. My recollection – pardon me; I’m trying to jam as much into my mind in the last little while – is that there are over 50 different ways to identify an individual currently. We’ll be working with Municipal Affairs in part of their training to identify those 50 different ways to provide identification.

If you have any words?

Ms Petrowsky: Sure. I can jump in there as well.

I think an important distinction to make is that Elections Alberta’s role within municipal elections is very defined. We have a very limited role within the municipal election process. At this point from an operational side it’s very much providing that list of elector information to the municipalities to achieve the requirements under the Local Authorities Election Act. Our compliance team can certainly speak to the limited role that our office plays with compliance and enforcement under certain parts of the act as well.

When it comes to outreach and engagement specifically for the municipal elections, we do respect the autonomy of municipalities. They each conduct their own electoral events within their own municipalities. They may have their own advertising plans. They may have their own communications strategies. Elections Alberta certainly respects those plans.

We are working closely with Municipal Affairs in preparation for the 2025 municipal elections. Those conversations are ongoing. At this point there are no plans currently kind of set in stone or finalized, but we continue to have the conversations to support municipalities in any way that Elections Alberta can in collaboration with Alberta Municipal Affairs.

The Chair: Perfect. I have on the speaking list Dyck and Shepherd as repeat offenders. Go ahead, MLA Dyck.

Mr. Dyck: Well, thank you very much, Chair. Just following up with this, I see that one of your goals, I believe it’s on page 15, is to build trust in the democratic process. I know you provide programs and services about keeping Albertans informed on this. What exactly are you guys doing in order to build the trust of Albertans in the democratic process?

Mr. McClure: We have a number of initiatives under way. One is working with the school system through programs like civics. I believe it’s grades 6, 9, and 12, showing them how the electoral process works, running proxy votes before the general election, and then releasing the results after the close of polls in a provincial general election, for example, to show the students how voting works, how it’s counted, and how the process unfolds. It’s also the provision of information for candidates and making that available as to the rules of conduct that take place.

I’m going to look to my deputy and ask her for more.

Ms Petrowsky: Absolutely. I can certainly supplement for you if you’d like.

Again, I spoke a little bit about the brand campaign that we’re hoping to do and our social media presence. Obviously, we’re exploring ways in our office that we can engage with candidates, potential political participants as well throughout the three years leading into the 2027 election. Once we bring on our returning officers, they conduct a plethora of outreach across their electoral divisions. They go and they visit long-term care, supportive living facilities. They reach out to vulnerable communities: our community support centres, emergency shelters, those sorts of

things. We also do a lot of outreach work with our First Nations and Métis settlement communities across the province. That all is an attempt in Elections Alberta to build those relationships ahead of the next electoral event.

In these years that we are between that, we're really trying to again have that presence. We have an advisory group that we're hoping to get up off the ground as well with our returning officers, a bit of an ear on the ground in terms of: what are you hearing? What are some of the things that we should be aware of which will further, then, inform our communications plans between these event years as well?

The Chair: Do you have a follow-up as well, MLA Dyck?

Mr. Dyck: I do if I may.

The Chair: Okay. Go ahead.

Mr. Dyck: You just mentioned the civics in schools. I think it's super important that we continue making sure that youth and kids know about their civic duties. It's very important. Part of my question is just utilization of schools of that program. Do you guys have some numbers on the program amount that schools are utilizing your guys' services in this particular program? You can broaden that widely, too, as well. In your programs that you're offering: what is the participation rate of those potential people?

Ms Petrowsky: Excellent. Thank you very much for the question. Following the 2023 provincial general election, we continued our outreach; specifically, I'll just speak to youth. We have our civics program, which Mr. McClure had spoken to. We partnered with civics in preparation for 2023 and through the 2023 election. Outside of that, we also have a program that's called building future voters, and that is a program that is highlighted for the social studies curriculum in grades 6, 9, and 12. And then we also offer classroom presentations, both virtual and in person, across the province. Just some statistics for you. Between January and November of 2024 we've conducted 47 classroom presentations, that reached over 1,800 students across the province, and those are ongoing.

Our outreach team is busy on the ground visiting those schools, engaging with teachers, building relationships with our school boards across the province as well. We were also active in seven teachers conventions this last year as well, with plans for the same in 2025. And then expanding that through our draft outreach strategy, which I spoke to a little bit earlier, which will get us in front of community groups across the province, including our disability communities, our military community, speaking with folks on our provincial and federal partners for incarcerated electors, try to build those relationships and provide presentations, provide opportunities for a conversation about what barriers they might be experiencing and start to explore ways in which we can reduce those.

The Chair: Excellent.

Just some housekeeping here. MLA Yao is now substituting for MLA Lovely.

With that, I have on the speaking list MLA Shepherd and MLA Dyck. It's like the show between you two guys. This is good. MLA Shepherd, over to you.

Mr. Shepherd: Thank you, Mr. Chair, and thank you to Mr. McClure and all of your staff. Really appreciate your engagement and your answers today. I just had a question regarding the third goal in your strategic plan, again, building trust in the democratic process, objective 1 in that same section, keeping Albertans

informed and engaged in the electoral process. You've talked about sort of developing that social media strategy. You're budgeting for some of those processes – I appreciate that – focused on providing timely information, promoting Elections Alberta as a source of truth during electoral events. I know that every member of your staff is focused on that work and doing it with good due diligence.

But we know there have been two instances in the last four years where there have been some concerns with information that came out from Elections Alberta. A number of individuals raised concerns about information that was provided during the October 2021 referendum on removing equalization from the Constitution. That was felt to be false and misleading, potentially biased towards one side of the question. That information was not retracted or corrected at that time there. And then in May, during the provincial election, we did see information provided regarding identification and registration saying that they were required to vote. A lack of clarity there at best. In that instance, I recognize Elections Alberta did listen to the concerns raised and updated the website social media posts.

Just want to understand. In terms of this budget, as you're making these new plans now, what additional steps are you working to take to ensure that Elections Alberta will be providing good, clear information – indeed, as you say, “a source of truth” in the upcoming elections – given the other concerns you've noted about broader misinformation and disinformation?

Mr. McClure: I'm going to ask you to take that one on.

Ms Petrowsky: Thank you very much.

I apologize. You're hearing a lot from me today. It's a good question. What we're looking at specifically – you've brought up 2021 and 2023. The office did take steps to improve our processes in relation to communications, both social media and otherwise, following both of those events. After each event we debrief, our office has conversations, we engage with our returning officers as well to do a bit of an analysis on what we did, what we didn't do, and where we can improve, and those all have resulted in improvements being made within our office, whether policywise or otherwise. Some things that we're looking at – they might seem quite simple, so I apologize – we're looking at improving all of our processes related to proofreading what information is going out, how many eyes are on it, confirming with our legislation to make sure it's ticking those boxes.

I:35

It's a fine balance between making sure that we're providing the legislation and what the legislation says in what I think all of us can agree is sometimes a very legalese type of way and converting that into plain language, but making sure that the intention is clear, the message is clear, and when things are brought to us, that dedication and that commitment to review that, to make sure that we're being as clear and up front with Albertans as we possibly can, to remove any ambiguity, to remove any concern, or that sort of thing. We are putting processes in place with respect to communications and advertising to make sure that we're being as responsive to some of those concerns as we possibly can be.

The Chair: A follow-up, MLA Shepherd?

Mr. Shepherd: Yes. Thank you, Mr. Chair. Through you, Mr. Chair, to Mr. McClure, no problem. I understand you're new to the role. I've been in the position of needing to rely on my staff to help me out with new information when I'm learning a new portfolio, so I completely understand. We're asking some big questions. I really do appreciate all of you being here.

Just to follow up, then, on that question and on some of the previous. I just might want to make sure I understand what's being said, then, in regard to the upcoming municipal election and Elections Alberta, how you view your responsibilities in terms of voter engagement, education, and these things. What I'm hearing is that you feel that Elections Alberta – your responsibility is to provide the list of electors to municipalities, and then beyond that it's up to the individual municipalities to provide their electors with information about changes under Bill 20 or other things that might impact their ability to vote. Is that a correct reading of your statements?

The Chair: Just for the record here, too, MLA Sinclair has joined us. Do you want to read yourself into the record, sir?

Mr. Sinclair: Thank you, everybody. I'm Scott Sinclair. I'm the MLA for Lesser Slave Lake. Thanks for having me back.

The Chair: Thank you.
MLA Dyck, you are next.

Mr. Dyck: Thank you very much.

Mr. Shepherd: Mr. Chair, I did not get an answer to my question, or at least if it was, the microphone was not on and I did not hear it.

The Chair: Oh, my apologies. I thought you said it was okay.
Did you want to repeat, ADM, your answer?
Just say the question again, MLA Shepherd.

Mr. Shepherd: Again, I was just asking, just to clarify, that the role of Elections Alberta in the upcoming municipal election is simply to provide the voter list of electors and not to provide the education engagement around changes to Bill 20. That is considered to be the responsibility of local municipalities. I just want to be clear if I've understood that correctly.

Mr. McClure: That is correct. We respect the autonomy of municipalities.

The Chair: Did you catch it that time?

Mr. Shepherd: Thank you very much.

The Chair: Okay. There we go.
MLA Dyck, over to you.

Mr. Dyck: Thank you, Chair. I really appreciate it. I've just been thinking about your comments just on election readiness, and I just want some clarity around them. You guys have an expected price point expectation, an estimate. That's what we're talking about, if it happens. Why add the extra budget as something that might happen instead of just coming back? I guess I'm a little confused. It makes it very difficult to get the real cost of Elections Alberta if we're adding these budget items in instead of coming back for supplemental supply.

I guess I'm just looking for some clarity on: why put this forward in your budget if you can just come back? As we're going forward, we often use percentages. This isn't a real cost. This is a potential cost. May come about; may not come about. There are some challenges here in understanding the costs that you guys are presenting, at least for myself, in this. My question is: why not just having that standard estimate at the ready and come back and say, "Hey, this is what's happening" – we can be pretty fast in this committee getting these things approved, if needed – instead of always having it in your budget?

Mr. McClure: In some of this we've only taken a very base level to build into the budget so that we can have some responsiveness. However, if I look at the by-election: when a by-election is called, we have to hit the ground running that day, and to try and get back before you for a supplemental can make it a little more difficult to be responsive from the Elections Alberta side. We're not writing in the full cost of all things like referendums. I think the total we've taken into this, in the cost of election readiness, comes to about \$1.7 million, which could be expended if required, but it also would go to preparing us for the upcoming provincial general election in 2027. We've tried to take the idea of being responsive and making sure it works and to go forward, where it's not a needless use of money.

Mr. Dyck: I do have a follow-up, if that's okay.

The Chair: Sure, if the answer is complete.

Mr. Dyck: I guess I'm just looking at timelines. In this instance we just called a by-election. We knew ahead of time that the MLA had stepped down, with an official leave date, I believe, of July 1, and then seeing that it took five months roughly, four or five months, to call the election, is that not enough time to come back to the committee in order to request extra funds instead of having that in your budget?

Mr. McClure: In the scenario you lay out, it could be. However, in a by-election where the person steps down, it could also span a fiscal year, and it can make it a little more difficult to get back in before you, depending on the timing of when a by-election is called. It's not precluding that would be an avenue. It comes down to how much preparation we can do in advance of any by-election or any referendum being called. Not going to preclude that we can't come back and ask for a supplemental, but I also don't want to show up here and say: here's my budget, and I'll be back again to ask for more. Kind of full disclosure is what we're aiming for here.

If anyone wants to add.

Mr. Dyck: Is there anything to add? Thank you for the answer.

Ms Petrowsky: Just to build on that. By-elections: in this particular case, yes, we had four or five months from when the vacancy occurred to when the order in council was effectively provided and we could issue the writ. That isn't always the case. We've had a by-election as recently as November 2022 where the writ was issued actually quite quickly from when the vacancy occurred. Actually, we had a weekend; Thanksgiving long weekend, I believe it was. Not always does the time frame allow us to come back and seek that budget given that we have to hit the ground running as soon as we get that order in council and can issue the writ.

In the example I can just kind of build upon a little bit for you. As soon as we have a vacancy, we get our field staff in place. We don't delay. We get our returning officer. We can appoint them. We can appoint all of our returning office staff, which then allows them to do a lot of preliminary work in preparation for whenever that writ may come. That includes seeking out potential voting places. That includes looking at potential office locations and all of that. Once we appoint a returning officer, there are honorariums to be paid. There are technology costs related to those positions as well, and if we can do our comprehensive training with our returning office staff, we like to do that in preparation for the event. In this particular case we were able to achieve that. Again, that comes with printing and supply costs. There are travel costs associated with that as well.

Having this budget allows us to, again, hit the ground running as soon as we know that the vacancy is there and doesn't delay us in

getting a team in place given the unknown nature of when we might see that order in council.

The Chair: Perfect.

I have MLA Shepherd with one minute left, but that's a lifetime for a legislator.

Mr. Shepherd: I will just say thank you again to the staff at the table. Just in regard to the last line of questioning, just quickly: would this also include factors of inflation, that sort of thing? For example, you are able to buy these supplies today, they're not wasted, they can be used in the future, but certainly the cost of them could certainly rise at a future date as well. Any thoughts on that piece?

Mr. McClure: Definitely. The cost of supplies can rise. They can also be very difficult to acquire. That was the case previously during COVID. It was very, very difficult to get paper product and get the right paper product for ballots. Having some on hand and being able to negotiate the delivery becomes very critical.

The Chair: That makes sense.

We are officially out of time, so you managed to run the gauntlet. Any last closing remarks from either you or your team, sir?

Mr. McClure: I would like to thank you very much for the opportunity to appear before you today and present our budget. I wish you all the best of the season.

1:45

The Chair: I appreciate it, and that to your team as well. I really appreciate that, sir.

With that, we have the office of the Ombudsman – I actually said that right this time; I'm so happy – with the Public Interest Commissioner. They're right up next. We'll take a quick two minutes just to change the room over.

[The committee adjourned from 1:45 p.m. to 1:49 p.m.]

The Chair: Welcome back, everybody. We have the office of the Ombudsman and Public Interest Commissioner. Apparently, this gentleman and his team wear two hats, so we get two for the price of one today. This is excellent. Mr. Kevin Brezinski, Ombudsman, Public Interest Commissioner along with his staff are at the meeting here.

I'd like to thank you again for providing your budget in advance so the committee members could go through that. It helps us with the questions and to come up with deliberations a little bit quicker and easier in the day.

We're here to present the budgets on the two offices. For online viewers today I would also note that these offices are separate entities which are governed by different legislation and which have their own budgets. With that in mind, we'll be reviewing the information for about 20 minutes per, and then we'll go to Q and A. There are actually answers here; it's not just question period. That was kind of the inside joke with a bunch of us here.

What we'll do is that we'll do introductions around the table so you know who you're presenting to, turn the floor over to you, and then we'll go from there. I'm Shane Getson, the MLA for Lac Ste. Anne-Parkland – I call it God's country to get the conversation started – and also chair today. To my right for introductions.

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

Mr. Lundy: Good afternoon. Brandon Lundy, Leduc-Beaumont.

Mr. Dyck: Nolan Dyck for the most entrepreneurial constituency of Grande Prairie.

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

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

Mr. Koenig: Trafton Koenig, Law Clerk.

Ms Rempel: Jody Rempel, committee clerk.

The Chair: Online we have folks joining us here today as well.

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

Mr. Sinclair: I'm Scott Sinclair, MLA for Lesser Slave Lake.

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

The Chair: And last but not least, I see MLA Shepherd.

Mr. Shepherd: David Shepherd. With respect to Mr. Dyck, I've noticed an awful lot of entrepreneurs around Edmonton-City Centre.

The Chair: This is why I start the conversation the way I do, because now we get to talk about all the benefits and the attributes for our constituencies. We get to brag them up a little bit.

With that, sir, I'll turn it over to you for your presentation.

Office of the Ombudsman

Office of the Public Interest Commissioner

Mr. Brezinski: Thank you, Mr. Chair. We'll just get our PowerPoint up.

Again, thank you, and thank you to the committee members for giving us the opportunity to speak to you today about the offices of the Ombudsman and Public Interest Commissioner. Since most of the members of this committee heard our presentation last year, I'll condense my presentation and exclude comments regarding our mandate, jurisdiction, and other details that you are already familiar with.

I'm joined today here by my director of investigations, Greg Stead, and Gladys Gonyoe, who's our director of corporate services. I'd like to publicly thank Peter Sherstan, my previous deputy, for the tremendous positive impact he had on our office and our ability to serve Albertans. I'll be presenting each office's annual reports, Greg will provide an overview of the '25-26 business plans, and Gladys will speak to each office's budget for the upcoming fiscal year.

As you had mentioned, Chair, we've provided you with copies of our annual reports, budget estimates, and business plans and a copy of our presentation, which I hope will be of benefit to you.

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, which has allowed us to be more efficient with our budget allocations. This is an area that Gladys will speak more about in her presentation.

This is our current year's organizational chart, which shows a total of 40 positions for both offices. The Ombudsman office has 33 positions while the Public Interest Commissioner has seven. Of these, 13 Ombudsman positions provided services to both offices. One important aspect to highlight this year is that we utilized some investigative resources from the Ombudsman office to augment the

Public Interest Commissioner team when their caseload increased. Cross-training is an effective way to maximize resources. I'd like to point out that last year we did not ask for any growth positions, and once again we will maintain the status quo even though our workload has increased. We've built in some efficiencies within our office, and we will monitor to see if zero growth is sustainable in the future.

Now I'll speak about my role as the Ombudsman. As you are aware, the Ombudsman office conducts thorough, impartial, and independent investigations of complaints from Albertans who feel that they may have been treated unfairly by administrative bodies that fall within our jurisdiction. The budget request for the upcoming year includes a 1.7 per cent increase, primarily to accommodate the 3 per cent cost-of-living adjustments for employees as directed by the Public Service Commission.

A trend that we've seen recently is an increase of applications for judicial review related to our investigations. In many cases my office finds that complaints are either outside my authority to investigate or that the person was treated fairly by the authority. Sometimes complainants are dissatisfied with my findings, and the only way to review my decision is to apply to the court for judicial review. For reasons which I won't go into detail here, these types of applications are unlikely to succeed. However, my office is still required to respond and in some cases proceed with the judicial review regardless of the applicant's chance of success. Responding to these types of applications results in increased legal costs to my office.

We had a productive year in '23-24 and exceeded some of our business goals. I'd like to highlight some of our stats to give you an idea of what we do. We saw an increase in the total number of cases we received by the fiscal year-end. This slide shows that overall we've seen a 9 per cent increase in total cases received: 5,150 total received versus 4,713 in '22-23. We also noted inquiries increased by 5 per cent, and written complaints increased by 20 per cent.

I'd like to suggest that, as part of our business plan, our dedicated outreach and engagement strategy as well as some of my public reports have resulted in better awareness of the work that we do. Of the total cases received by our office, 3,399 were classified as calls requesting assistance. We consider every issue, gather information, and help people navigate the system and understand their options for a way forward. That leaves a total of 1,751 files which we opened this past year.

1:55

This slide gives you the breakdown of jurisdictional cases across the various sectors. We received the highest number of written complaints about Alberta Works, corrections, ATB Financial, Children and Family Services, AISH, and maintenance enforcement. Some of these complaints relate to the denial or termination of benefits without adequate explanation or delays in decision-making. In regard to ATB most of the cases related to dissatisfied customers who have been the victims of fraudulent transactions.

The timelines to close written complaints have improved over the last year as we strive to complete complex, full investigations and 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 could take a year or more to conclude. What we've 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.

Early resolution is best used for less complex cases where it may be quickly resolved either by the authority acting on a request from

our office or by our office determining that the authority acted fairly. This process is less formal and less burdensome for the authority and our office and, at the same time, efficient for Albertans. Further, you can see from the numbers provided in this slide that 95 per cent of our total investigations were closed within three months, 4 per cent of the more complicated or full investigations were concluded within 12 months, and only 1 per cent took longer than one year to conclude. I just want to note that sometimes we're at the mercy of the authority in receiving responses; therefore, we do not have total control over our timelines.

Of the more complicated or full investigations, we made recommendations in 73 per cent of these cases. It's important to note that 97 per cent of our recommendations were accepted by the authorities. For early resolution cases there was action taken by the authority to improve fairness in 33 per cent of the cases. In the remaining cases we found the authority acted appropriately. What does this mean? Well, it shows that we're making a positive impact on improving the overall fairness of processes and decisions in the public sector.

I would now like to briefly highlight two cases investigated by my office last year. These cases involve vulnerable Albertans, and summaries are included in my annual report.

The persons with developmental disabilities program, or PDD, is an important program that offers vulnerable Albertans a variety of services, including employment supports, respite services for caregivers, supports for mental health or behavioural issues. Evan Zenari, a young man born with developmental disabilities, applied for PDD benefits and was denied. The program indicated that his full-scale intelligence quotient, commonly referred to as IQ score, was too high and denied him benefits. Evan's mother appealed the denial of benefits to the Citizen's Appeal Panel and argued that Evan's IQ was not a proper measure of his ability to function in the real world.

Psychologists provided expert evidence to the panel, and the panel ultimately decided that Evan's IQ score was not an accurate measure of his functional ability. The panel cited a 2013 decision of Alberta's Court of Queen's Bench and felt that it could not vary or rescind the PDD program's decision since current legislation states that entitlement to benefits is to be based solely on IQ score. The court stated that the legislation was flawed and that a raw test score such as an IQ score should not be relied upon as the sole measure of functional ability. It's been over 10 years since the court made its decision, and the legislation has still not changed.

The Zenari family complained to my office. As a result, I made recommendations to the department to take steps toward amending the regulation to align with the court's decision and current psychological standards for assessing functional ability. I also recommended that the PDD program reconsider Evan's application for benefits. The department said that it would not reconsider Evan's application but would take my recommendation into consideration when the regulation was reviewed in 2024. I can advise that Evan's case was not reconsidered, and the regulation was not changed. This case received national attention, and many families facing the same issues reported their concerns to my office.

In another case an Albertan receiving AISH had applied for a personal benefit to fund a specialized treatment to relieve symptoms of a severe medical condition. AISH denied the request with no option to appeal. My office identified several areas of concern and found that AISH did not follow its policy. My investigation also found that AISH did not provide adequate reasons for its decision, and more importantly the decision-maker in this case did not have the authority to make the decision. As a consequence of my investigation, I recommended that the department make changes to

its policy to make the process more fair, communicate with clients who are denied benefits in a clear and transparent manner, and to rehear the original complainant's application for benefits. AISH accepted all of my recommendations and reheard the matter. The complainant was pleased with the outcome as AISH decided to fund the required treatment and provided a benefit of more than \$6,000. This is a great example of an authority being receptive to my recommendations, resulting in a positive outcome for a vulnerable Albertan.

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'll turn it over to Greg to present the Ombudsman business plan.

Mr. Stead: Thank you very much, Kevin.

As we approach the next fiscal year, the Ombudsman's business plan for '25-26 will build on the results and progress achieved in this and past years. Some of those results of the previous plan include, as Kevin has discussed, improvements in the efficiency of the investigative process, lecturing at York University's Osgoode Hall professional development and forum of Canadian Ombudsman course on investigative best practices, and delivering two presentations to an international audience at the United States Ombudsman Association's annual conference.

For the upcoming '25-26 business plan we acknowledge the public sector is seeing increased demands for services at an unprecedented rate. Alberta's growth in both population and diversity brings challenges for the effective delivery of government services, especially in the areas of education, housing, health care, and other essential public services. To address this, we will implement initiatives focused towards improving our service delivery, targeted outreach and engagement, and modernizing legislation.

To achieve this, our '25-26 business plan features strategies that will deliver three main outcomes. The first is providing excellent service, which will positively impact both Albertans and Alberta's public service. One strategy is to continue to take an active role within the national and international ombuds communities. This affords us opportunities to both share and gain experience, expertise, and best practices, which may be adopted and/or adapted to offer better service for Albertans. Many of the innovations we have or are about to implement have been inspired through opportunities like these.

Second, we will expand Albertans' awareness of our mandate to improve fairness in the public sector, and '25-26 will mark the third and final year of our strategic communications plan. This is the successful culmination of sequential outreach strategies, which now include a virtual component. Last year's efforts towards increasing general awareness correlated with a 20 per cent increase in new user traffic to our website. Moreover, we also realized a 9 per cent increase in the overall number of cases received by our office.

Our '25-26 communication plan will not only continue these efforts but will also introduce strategies to engage with specific segments of the population. First, we wish to further build relationships and partnerships with the Indigenous peoples and communities within the province. Second, we acknowledge the need for vulnerable Albertans and newcomers to the province to have access to our services. With this in mind, we will engage with agencies which work with these peoples. It remains vitally important that not only are vulnerable Albertans and newcomers aware of our mandate and how we can assist them, but they have

access to our office and are able to connect directly with our investigators. We will also re-examine our public-facing marketing materials and online presence to ensure it is authentic and resonates with the various population segments we are trying to reach.

2:05

We will continue our training and support efforts to the various jurisdictional authorities throughout Alberta. Having proactive engagements with these agencies, boards, commissions, and departments is imperative to ensuring they have a heightened awareness of our mandate, with a clear understanding of our processes and how we can assist them when complaints are investigated.

Last but not least, we will continue to pursue the modernization of our legislation to better meet the needs and expectations of Albertans as our third outcome. As you are aware, the Ombudsman Act has not undergone a fulsome review since it came into force in 1967. We will continue to seek changes to our governing legislation that will modernize elements of the act to best serve Albertans. One simple but significant change would be to include a clause allowing for the periodic review of the Ombudsman Act similar to the clause found in the public interest disclosure act. This year we have engaged with the legal team and senior officials at the Department of Justice and are optimistic that legislative amendments will be forthcoming.

I will now hand over the presentation to Gladys for an overview of our proposed budget.

Ms Gonyoe: Thank you, Greg.

Good afternoon. I am pleased to present the financial highlight for the Alberta Ombudsman. Reflecting on the 2023-24 fiscal year, our approved budget was \$4,480,000, of which we spent \$4,266,611. This allowed us to return \$213,389 to the general revenue fund. The unspent amount is mainly due to vacancies, employees on leave, reduced IT service expenses from postponing the upgrade of our case management software system, and lower than expected costs for renewing our IT maintenance contract.

Before we delve into our forecast and proposed estimate, I'd like to bring your attention to the composition of our expenses. As shown on our submission and on the right side of this slide, salaries, wages, and benefits make up approximately 90 per cent of our expenses, leaving about 10 per cent for supplies and services. With that in mind, for the current fiscal year ending March 31, 2025, we are forecasting total expenditures of \$4,386,539, which is 96 per cent of our approved budget of \$4,574,080. This projection includes a capital investment of around \$62,000 for the evergreening of our meeting spaces. Consequently, we anticipate saving Albertans \$187,541, or 4 per cent of the budget. The savings are primarily attributable to one vacancy and staff being on leave for a significant portion of the year. Additionally, we realized savings in our IT services due to our case management system upgrade costing less than anticipated along with reduced travel expenses.

For the fiscal year 2025-26 we are requesting \$4,650,600, which is only a 1.7 per cent, or \$76,520, increase compared to our approved budget for '24-25. It is important to note that by March 31, 2025, we will be fully staffed at 33 FTEs. In addition to merit increases, we have also implemented the 3 per cent general increase for cost-of-living adjustment for non-union public employees as directed by the Public Service Commission. This is the main reason we are requesting a 2.5 per cent increase in salaries, wages, and benefits.

Our 2025-26 estimate has been developed with careful consideration of the current economic climate and strong commitment to fiscal prudence. Reflecting upon this commitment,

our overall request for supplies and services has been reduced by 5.4 per cent. The increase in the contract services line is to accommodate provision for legal services, as mentioned by Kevin earlier.

The Ombudsman staff provide shared executive, admin, legal, communication, and corporate services to the Public Interest Commissioner's office. This shared services arrangement results in significant savings for Albertans and is forecasted to be \$425,000 for '24-25 and expected to remain unchanged in '25-26. With this modest increase and fiscal belt tightened, we intend to achieve the goals and priorities identified in the business plan.

Thank you.

Back to you, Kevin.

Mr. Brezinski: Thanks, Gladys.

Mr. Chair, that concludes our presentation on the Ombudsman's office. We can answer any questions.

The Chair: Excellent. Thank you. I had about 19 minutes on the button on my side, so that's perfect.

With that, we'll turn over to questions, and the first one on the speaking list was MLA Eremenko. Over to you.

Member Eremenko: Thank you so much for such a fulsome report. Congratulations on your first year, Mr. Brezinski. I just really want to commend your entire office for your good work. Of course, we all have constituency offices that are often a first resource or sometimes the last resource, unfortunately, for our constituents. I can only imagine the kind of opportunities and challenges that come across the desks of your staff, so thank you again for coming in today.

I want to speak right off the top around some of those figures that you provided in terms of the increase of complaints resulting in analyses and/or investigations; 20 per cent is a big jump, indeed. Can you just tell us a little bit more? I think, Mr. Stead, you'd mentioned that some of this could be attributed to the communications plan, which is wonderful. I think that's probably a good thing, but I'm just curious if you expect that rate of increase to continue since you're still kind of in the middle of your communication strategy. How can you square that big increase of 20 per cent with a 1.7 per cent increase to the budget overall?

Mr. Brezinski: Yes. That's something that certainly we're going to be monitoring moving forward. We know year to date, again, there has been a significant increase in the number of complaints coming to our office. It'll be very similar to probably this last fiscal year. We're always looking for ways to improve the efficiency in our office, but it comes to a time and point where that's not sustainable. As we stand right now, and we'll be monitoring it closely, some of the technology that we have in place we're monitoring. We utilize Power BI. It's like a dashboard to check where cases are bottlenecked. If a file is with a particular investigator or a manager or a director or me and it's been taking too long, then they need support. That will give us some good metrics behind if we ever do need to ask for additional resources in the future.

Member Eremenko: Thank you.

As a follow-up, I noticed in your annual report and also in the business plan that your office aspires to be a global and national leader in Ombudsman investigative practices. I'm just curious about what that looks like to you, Commissioner. Is it more or fewer early resolutions? More analyses commenced? How do we actually measure that? Sometimes being best in class can get expensive.

Mr. Brezinski: Yeah. I think measurement is always difficult in our line of work. When we want to be a leader nationally and internationally, I think it's defining best practices. We attend conferences and report on some of the work that we do. We also learn from other offices on how effective they are in helping their folks, local Albertans, I guess, in our case.

You know, certainly, moving forward, I think metrics are a key thing to determine how effective we are. Doing surveys with citizens I think is something that we can look at in the future.

Greg, is there anything else that you can think of?

Mr. Stead: The participation in the conferences, it brings together – like, when other people have initiatives, we learn about them. Then we say, you know, that we can incorporate this and see if this improves our processes. One of the things that we're looking at right now, which Kevin mentioned, was a complaint checker which B.C. utilizes, and we thought that this was quite interesting. When citizens come to our website, they will be able to go through a process whereby they can answer questions online and see whether or not their complaint is actually ready for us to take a look at or refer them to the appropriate authority. That improves efficiency. It's basic things like that.

The Chair: Okay. MLA Dyck.

Mr. Dyck: Perfect. Thank you very much, Chair. I appreciate you guys being here. I appreciate what you guys have been able to do with your budget. On page 14 of your annual report as well as on the screen most of your cases, 95 per cent, were closed within three months, which is pretty amazing, but you also had an increase in numbers, I understand. Could you explain to the committee how you guys were able to still close a significant amount of these reports while also getting a faster turnaround as well? You had a higher volume and a faster turnaround. How have you been able to accomplish that?

2:15

Mr. Brezinski: There are a couple of things. I think the first thing is that we have really diligent staff who work extremely hard in our office to complete these files in a timely fashion. Secondly, of those 95 per cent of the cases, many of those are nonjurisdictional. So it's not like you have to do a lot of analysis into those complaints, but we can quickly refer those nonjurisdictional cases to other entities within government. That's probably the primary reason.

Mr. Dyck: Excellent. If I may have a follow-up, slightly different vein but still comes in – I mean, you guys were able to come in under budget this year for this. What are some of the processes that you were able to utilize on the financial side to have those increases in totals and also be able to come in under budget? It's fairly impressive to be able to do that – so well done – but I'm just curious on the underbudget portion of it.

Mr. Brezinski: I'll speak briefly, and then I'll turn it over to Gladys. Gladys has done a tremendous job in our office to make sure that we're fiscally responsible, but we did have some vacancies, as she had mentioned in her speech. I think that's one of the reasons that we had a bit of an underspend, but I'll turn it over to Gladys.

Ms Gonyoe: Yes. We did have one vacancy. In addition to that, we had a couple of people that were on leave, so that resulted in a variance in the underspend.

Mr. Dyck: Excellent. Thank you.

The Chair: MLA Eremenko.

Member Eremenko: Thank you. Mr. Chair, sorry; do you mind just confirming how much time we have to speak to the Ombudsman before we jump to the PIC?

The Chair: Yeah. I'm going to roughly break it in half, so we would say about another 10-ish, 15-ish minutes, right around there. Yep.

Member Eremenko: Thank you. I want to jump ahead to a point that you referenced in your presentation around the Denied by Design report that your office had created in regard to addressing some of the systemic concerns for people with developmental disabilities. You had mentioned that a number of the recommendations were not accepted by government and that there was also reference to a review and renewal of the regulations related to the PDD in September 2024. My understanding is that, and if I'm just paraphrasing properly here: the recommendations were not accepted, nor has that review and renewal – has it even started?

I guess I won't make that my question. Perhaps there can be some expansion on that. What I'm curious about is: what kind of a burden does that represent to your office as far as resourcing goes when it comes to these kinds of recommendations that remain on the books? Do you revisit those from time to time? Is there a kind of regular monitoring to return to those things that have not yet fully been implemented or fulfilled?

Mr. Brezinski: Absolutely. When we make a recommendation, in many cases, again, 97 per cent of our recommendations were accepted by the authority. The 3 per cent relates to this particular case of the Zenaris. Yes. We'll certainly be monitoring. It was up for review in September of this year, and no changes had been made at that time. Again, we did receive additional complaints regarding the same issues. So as we get those complaints, we'll certainly be monitoring. If the number increases over time, of course, we may issue another public report as well.

Member Eremenko: Thank you.

As a follow-up, there was another report that you'd also mentioned that had a systemic investigation kind of scope and scale. That was in regard to the Alberta Criminal Code Review Board. This was what you called an "own motion investigation." I can imagine that those are done with pretty significant resources by your office. How are you able to shore up the resources required to embark on an own-motion investigation? Are they in-house resources that just get redirected when the need is identified, or are those contract services that you might source externally?

Mr. Brezinski: Yeah. Thank you. They are resourced internally. They are systemic investigations, so it does take a lot of our resources. On this particular case we had a team of individuals. They still deal with their caseload. This is something separate. In addition to their caseload, they work on an own-motion, and it does take significant time and resourcing. It was a really good example of an own-motion investigation where it had the potential for systemic issues.

When we did the research and we attended a number of hearings, over 20 different hearings, we found that the review board was actually conducting itself properly. There were a couple of little minor recommendations that we made at the end, one for public-facing information and just to shore up their policies and procedures. Yes. They're important investigations. It's not something that we can manage, many systemic investigations within a fiscal year, because it just is a resource drain.

Member Eremenko: Thank you.

The Chair: Perfect. Any other questions from the floor or online? MLA Eremenko, back to you.

Member Eremenko: I'll take it if I can. Sure. Thank you. I do have a question in regard to the communications strategy that, Mr. Stead, you've alluded to. I think you mentioned that you're going into the final year of a three-year plan for next year. I guess another one that might be challenging to measure – but I hope you can give us an idea of how we're actually measuring the outcomes and the effectiveness of that strategy. What is it that we're actually looking to change in terms of improvement, and what has been the cost of actually implementing and executing on that communication strategy?

Mr. Stead: Yeah. The cost I'll defer to Gladys just because she's more authoritative with the numbers than I am.

The measurements we're looking at, specifically when we started the communications strategy, were to drive further traffic to our website and also the number of impressions that we were seeing on Facebook and other online social media platforms. To use complaints as a measurement would not be wholly accurate because we can't control what a person may be wanting to complain about. However, we can increase awareness and curiosity about what we do. We thought that that would be a good measure for success.

Member Eremenko: May I have a follow-up?

The Chair: Yes. Absolutely.

Member Eremenko: It is related to this idea of communications and encouraging people to learn about what the Ombudsman does and the resources that you provide. My question is about whether or not you have information on the number of complaints that come across your desk that are completed with the support of a caseworker, maybe a ministerial staffperson or a departmental staffperson, a social worker, a health care provider. I would imagine that that could be an important third party when it comes to eliminating the barriers to accessing the services that you provide and probably a good target for communications as well, when it comes to increasing awareness of what you do. Do you have a sense of what the ratio of complaints might be to your office that include that kind of support from an external?

Mr. Stead: An actual ratio with accuracy: I don't think I could provide that right now. We do have complaints where we have third-party advocates acting on behalf of the complainant themselves for a variety of reasons, and we try and build relationships with those advocacy organizations. It's important for us to do that because the complaint may not be ready for us to take a look at. We want the advocates to know what we can and can't do and why we can't do that so that they can provide a better level of service.

With regard to representatives from the government department we have a very active liaison strategy with the government departments and municipalities. It's part of our routine business. With the Ombudsman not being able to investigate until all avenues of appeal have been exhausted, it's important for departments to know that we may be referring matters back to them to look at if the complaint that comes to us is premature. Also, we encourage departments to advertise us as a final level of review for a variety of reasons.

The Chair: Thank you.

With that, since you're wearing two hats and I've got the stopwatch going here to buy time, maybe we can just shift gears and let you present now on the office of public interest. If you wish to proceed with that, sir.

Mr. Brezinski: Thank you, Chair. I'll speak to my role as the Public Interest Commissioner, which operates under the public interest disclosure act. The public interest disclosure act, which is commonly referred to as the whistle-blower protection act, came into effect in 2013, and we celebrated 10 years of service last fiscal year. 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.

2:25

Gladys will outline our budget proposal later; however, I wanted to highlight that Alberta will be hosting the annual national public interest disclosure conference next year. Every year a different province hosts this conference to share ideas and best practices as well as to discuss challenges and opportunities. The last time Alberta hosted this conference was in 2013. A one-time funding request to host this national event has been added to our overall budget request.

To illustrate the work that's done by this office, I'd like to share some stats. This slide shows that we received a total of 207 cases, which is a 43 per cent increase from the previous year. Of the 207 cases, 74 were disclosures alleging wrongdoing and 13 were complaints of reprisal. The other statistic provided on this slide highlights that we received 120 inquiries where assistance was provided. This includes requests for assistance with policy development and advice regarding the act.

As noted in the previous slide, last year we had a total of 207 cases, and this slide gives you a breakdown of the various sectors those cases relate to as well as the number of cases which were nonjurisdictional. Of note, both the health sector and education sector accounted for roughly 50 per cent of the total cases received.

One trend that we continue to see is disclosures related to gross mismanagement of employees. Forty-nine per cent of the disclosures we had received included allegations of this type of wrongdoing.

Much like the Ombudsman office, we also have seen an increase in the number of applications for judicial review on the Public Interest Commissioner side. One such case is highlighted in my annual report. This trend is concerning but understandable. A finding of wrongdoing or reprisal could result in reputational damage to the wrongdoer, and there may be serious consequences for committing a reprisal. The only way to review a negative finding by my office is through judicial review, so it's not surprising that when an instance of wrongdoing or reprisal is found, my office finds itself in court. Judicial review applications result in increased legal costs to my office.

I'd now like to provide examples of types of cases we investigated last year. A disclosure to our office alleged gross mismanagement of employees that was systemic in nature. The whistle-blower stated that homophobic remarks were made toward an employee, and the organization failed to address the incident as well as other conduct-related issues. The investigation involved a substantial records review, interviews with several staff members and nonemployees. Ultimately, the investigation determined that while the conduct was offensive, it was not systemic in nature and did not meet the definition of gross mismanagement of employees under the act. However, our investigation determined that the administration did not adequately address HR incidents when they

arose. My office provided the organization with my findings to assist them in improving HR procedures in the workplace.

In another case, my office received a complaint of reprisal from an employee who was terminated without cause. No reasons were provided for the termination, and the situation was further aggravated by the fact that the decision was made shortly after my office reported the outcome of a separate investigation at this organization. The complainant alleged that their participation as a witness triggered the termination. Employees who participate in public interest investigations must feel confident that they are protected when doing so. These allegations are taken seriously, and investigations that are conducted are rigorous and extensive. The investigation determined that although the timing of the termination was suspicious, the complainant's termination was based on advice from legal counsel and was related to separate employment concerns. It was also determined that the individuals responsible for the termination were not aware of my office's investigation. An individual found to have committed reprisal can be subject to serious consequences, including prosecution under the act, civil liability, and employment detriment. Therefore, it's critical that we conduct thorough, fair, and impartial investigations.

In addition to the examples of cases highlighted in our annual report, it's equally important to mention several ongoing investigations currently handled by our office. These investigations aim to determine whether employees' actions created a danger to the life, health, or safety of individuals; a chief officer within the education sector grossly mismanaged employees' public funds or the delivery of a public service; reprisal action was taken against employees for making a disclosure of wrongdoing; and the acts or omissions of a public entity resulted in a substantial and significant danger to the environment or the gross mismanagement of the delivery of a public service. As you can see, these investigations are complex and require time to conclude. However, it is essential that we conduct thorough and procedurally fair investigations to ensure these matters are resolved appropriately.

With that, I'll turn it over to Greg regarding the business plan.

Mr. Stead: Thank you, Kevin.

Following our 10th anniversary, we continue with our efforts to modernize our practices and provide whistle-blowers with the protection they have come to expect of our legislative authority. As per section 37 of the act a special committee of the Legislature is expected to begin a comprehensive review of our legislation. This will be the third time since the act was proclaimed.

Our office will achieve four outcomes with the '25-26 business plan. They are building awareness of the Public Interest Disclosure (Whistleblower Protection) Act throughout the public sector as a mechanism to deal with wrongdoings in the workplace; ensuring that designated officers understand the roles within the act and how they can work with our office to address wrongdoings; ensuring our investigations are procedurally fair, timely, and efficient; and supporting the committee to ensure amendments to the Public Interest Disclosure (Whistleblower Protection) Act will enhance the protection of whistle-blowers while increasing their confidence in the act.

In '23-24 our office created an anonymous survey aimed at reaching thousands of public-sector employees. The purpose was twofold: first, to assess employee awareness and perception of our office and, second, to assist chief officers in meeting the legislative requirement to widely communicate information about the act to employees. We will use the survey results from '24-25 to guide our outreach efforts throughout '25-26 and achieve our first outcome of building awareness. Our outreach, education, and marketing efforts will be tailored to public-sector employees in areas where the

largest gaps were noted, primarily public education, health, and postsecondary education.

Appreciating the key role played by designated officers in public entities subject to the Public Interest Disclosure (Whistleblower Protection) Act, our second outcome will be achieved by continuing to provide designated officers with training and expertise so that they understand their role and are equipped to assess and investigate complaints under the act. Further, training materials will be developed that can be readily used for the onboarding of new employees and to ensure their awareness of the act.

Outcome 3 is the further development of our overall ability to conduct investigations that are thorough, timely and procedurally fair. In addition to revising our procedures to both align with the updated case management system and with the legislation, we will promote the use of informal resolution in our ongoing and new complaints to increase efficiency.

Finally, given the legislative review that is expected in '25-26, we will work with the committee to identify deficiencies in the act and provide recommendations for improvement.

I will now turn it over to Gladys, who will provide the committee with an overview of our budget.

Ms Gonyoe: Thank you, Greg.

I am pleased to present the '23-24 financial highlights along with the forecast and 2025-26 budget estimates for the Public Interest Commissioner. For the fiscal year '23-24 our office had a budget of \$1,410,000 and utilized 97 per cent of it. This resulted in a savings of \$46,374, or 3.3 per cent. The underspend was primarily due to delays in hiring to fill vacancy and reduced IT service expense from postponing the upgrade of our case management software system. For the 2024-25 fiscal year we anticipate utilizing approximately 99 per cent of our approved \$1,439,610 for budget, returning a nominal \$18,920 to the general revenue fund. This variance is primarily due to an employee being on parental leave. It is important to note that due to the relatively small budget even minor fluctuations in dollar amount can lead to significant percentage variances.

The Public Interest Commissioner is requesting a budget estimate of \$1,506,300 for the 2025-26 fiscal year. This represents a 4.6 per cent increase, or \$66,690, from last year's budget.

2:35

The requested increase accounts for a 3 per cent general cost-of-living adjustment for non-union public employees, as directed by the Public Service Commission, merit increases, and the evergreening of our remaining IT equipment. Also, our request includes a one-time funding of \$13,000 to host a national public interest disclosure conference, as mentioned by Kevin earlier.

As previously mentioned, the office of the Ombudsman provides shared services to the Public Interest Commissioner, resulting in cost savings for Albertans. The shared services amount, as mentioned earlier, is forecasted to be \$425,000 and expected to remain unchanged for '25 and '26.

Thank you.

Back to you.

Mr. Brezinski: Thanks, Gladys.

I'd like to take this opportunity to thank the chair and members of the standing committee for your time and consideration of the information that 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. I'd like to stress that if you have any questions about our budget, this is a great opportunity for us to explain our position so that you can make an informed decision.

At this time we're pleased to answer any questions regarding the Public Interest Commissioner's office. Thank you.

The Chair: And with approximately nine minutes to spare, well done. It's perfect. Efficiency shown and demonstrated here today. Thank you for that.

With that, MLA Eremenko, you're first on the speaking list.

Member Eremenko: Thank you very much. Boy, another pretty significant increase to the cases that are coming across your desk with the Public Interest Commissioner. I'm really concerned that such a significant number of disclosures were in regard to gross mismanagement of employees by senior leaders. It makes me wonder if this is becoming normalized or if there's something shifting in the culture of some of our departments where this is becoming more frequent. It makes me think, then, automatically about the whistle-blowers and their protection but also the protection of what I believe you call the designated officers. I don't know exactly what this would look like, but what does that protection look like, and is there an associated cost to that when it comes to what feels like a real workplace shift?

Mr. Brezinski: Sure. Thank you. The protections are for employees that make complaints, allegations, or disclosures of wrongdoing. They're protected from reprisal. If we do get evidence that a reprisal has taken place, then we would investigate that reprisal. That's the protection piece.

Now, the protection of confidentiality is an issue as well. As mentioned in the judicial review in my annual report, we found wrongdoing. It was prior to me being the Public Interest Commissioner. However, there was a finding of wrongdoing related to the gross mismanagement of people. We didn't disclose the whistle-blower, nor did we disclose the witnesses that came forward to assist in that investigation, but ultimately, when that went to judicial review, the justice decided to, I guess, identify or reveal who the whistle-blower and witnesses were.

That creates a bit of a problem for our office and for whistle-blowers in general who want to come forward to report a wrongdoing.

Member Eremenko: There's nothing that can proactively happen prior to the judicial review to protect a potential whistle-blower to assure the kind of security that a whistle-blower may require to feel safe in coming forward?

Mr. Brezinski: We still, as part of our policies and procedures, will do everything in our capability to protect and then conceal their identity. It's just only in those few cases. Really, there aren't that many, but those that do go to judicial review: there is a potential – it's not a guarantee – to identify who they are. That's why we hope to strengthen some of the protections in our act as well. When it's up for renewal, which it is in 2025, that's something that we'll look at. There's legislation in Manitoba that has some really strong language in there to prevent identities being revealed.

The Chair: Any other questions?

Member Eremenko: Last one. Speaking of which, certainly, a number of the officers who have come before us today have either just gone through some legislative changes or they're expecting some to be coming down the pipe very shortly. What kind of resourcing does that actually require on your end? Is it basically part of your job, Commissioner, so it doesn't require anything a whole lot more in addition to the day to day, or does it depend on how collaborative government is on the drafting or in that review?

Can you tell us a little bit more about your role and the resourcing that it requires to contribute to that process?

Mr. Brezenski: Sure. I wasn't here during the last review, but I'm aware that it does take considerable resources from our office. We did make a number of recommendations to the committee last time, and I know that 10 recommendations were actually approved and made forward. However, those changes haven't been made yet. In 2025 the last set of recommendations that were brought forward haven't been implemented, so a lot of that legwork has been done. But now with this judicial review, like I just mentioned, there are other things in the act that we would want to change, so of course that's going to take some of our time. But we'll be very open and able to collaborate with Justice if need be.

Member Eremenko: Thank you.

The Chair: A follow-up?

Member Eremenko: No. I'm good.

Mr. Dach: Just a quick question, a follow-up to Colleague Eremenko's question. What protections could or do or should exist, in your view, for those few people identified by judicial review from any sort of reprisal? Are there any measures that you can go one step further and protect those people who do eventually become identified by a judicial review?

Mr. Brezinski: That's still within our purview. If a whistle-blower is identified via a judicial review and reprisal action is taken subsequent to that, we can still investigate that, and there are penalties.

The Chair: Do you have a follow-up?

Mr. Dach: No. I'm fine.

The Chair: No. That's good.

Any other speakers? Holy crow. Once, twice, sold.

Thank you very much for presenting here today. Any last closing remarks from you or your team, sir?

Mr. Brezinski: I would just again thank you very much for this opportunity, and thanks to my team. A lot of hard work goes into preparing for this day, so thank you.

The Chair: Appreciate that. We'll be going into deliberations here slowly – shortly. We make up the time, and then we slow it down. Shortly. You'll have the responses back in writing. If there's anything else along there, if we need you for more questions, you'll be notified.

For the team here, since we do have a little bit of extra time, I would like to propose a 10-minute break if that's at all possible. Well, let's say a 15-minute break since we're really killing time. Come back at the top of the hour, and if you come back sooner, we'll start sooner.

Okay. Thank you.

[The committee adjourned from 2:43 p.m. to 2:59 p.m.]

The Chair: All right. I think we have just about everybody back. Welcome back, everybody.

The next part of our discussion will go into decisions, obviously, in the budget submissions. Thank you, MLA Dyck.

Mr. Dyck: Yeah. Thank you, Chair. Just before we go into budget chats, I'm curious if we can go in camera for some conversation.

The Chair: Yep. That sounds good.

We have a motion from the floor to go in camera. Any discussion? All in favour, please say aye. Any opposed? Online, all in favour, please say aye.

Perfect. We'll just let the room get reset, and we'll go in camera here.

[The committee met in camera from 2:59 p.m. to 3:11 p.m.]

The Chair: All right. Well, welcome back, everybody.

Again, we're moving back into the budget portion of this, the approvals of the budgets. We had good conversation, good deliberation, et cetera, good questions and answers, back and forth. What I would propose is that we go through this, for simplicity's sake, in the same order that the officers had presented.

With that, we're ready to go. MLA Sinclair.

Mr. Sinclair: Thank you, Mr. Chair. I'd like to put a motion on the floor.

The Chair: Okay. Please proceed.

Mr. Sinclair: I move that

the Standing Committee on Legislative Offices permit the following motion to be moved without prior notice having been given pursuant to Standing Order 52.041.

The Chair: Okay. I'll open that up for any – oh, sorry. You'll have to read the motion into the record here and make sure it's the same as on screen.

Mr. Sinclair: Sorry about that, Mr. Chair. Then the second part of the motion is: I move that the Standing Committee on Legislative Offices amend the proposed 2025-2026 budget estimates for the office of the Child and Youth Advocate in the amount of \$17,063,000 to a revised amount of \$16,872,900 and approve the estimates as amended.

The Chair: Okay. We'll just give it a second to get on the screen, make sure it's accurate.

Okay. Is that correct?

Mr. Sinclair: Yes, Mr. Chair.

The Chair: Okay. Perfect.

We'll put it to the question. All in favour? Any opposed? Any opposed online? With that, we'll have to do a count here.

I want to make sure that everyone understands what we're doing at this point. It's to carry the motion from the floor – so we're presenting motions that were not presented in advance – and then the second part of that is to have the vote on the budget.

Okay. The first part is basically . . .

Mr. Koenig: Can I . . .

The Chair: Yeah. Please clarify for us, Trafton.

Mr. Koenig: Yeah. I just want to make sure the committee is really clear on what's being voted on. This is a motion that is asking for the permission of the committee to set aside the notice requirement. It's not on the budget motion. However, the budget motion is being provided so that committee members understand what is being asked, so that they understand that notice is being removed for a particular motion with some numbers. It's just to give the context of what would be moved forward if the notice requirement is removed. Okay?

The Chair: If the chair may. It's similar to first reading when we bring a bill in the House, and then it can be debated, and then the question can be called.

Mr. Dach: Yeah. I understand that, Mr. Chair. I just wanted to say that what is before us now in writing seems to blend the two parts together. I didn't think it was incorrect, but that was the reason for my hesitation earlier. I thank the clerk for clarifying because the two seemed to be blended together into one motion on the screen.

The Chair: Okay. Perfect.

With the chair and the clerk's clarification, let's treat this, for clarity's sake, as if it's first reading of a bill in the House, and then we will get into the numbers. The first part is just to allow this to come from the floor. You're not technically voting on the budget value at this point yet.

Mr. Shepherd: To be clear, Mr. Chair, this is not something that requires unanimous consent?

Ms Rempel: Correct. It's a majority.

The Chair: Perfect. I just wanted to make sure that everyone was clear on the procedure of what we're doing here. Having heard that clarity, I will call the question again if the committee will accept this to come to the floor. All those in the room, please say aye. Any opposed? Those online, all those in favour, please say aye. Any opposed? Okay.

Motion carried.

Now I need the member to move the actual motion with the budget value without reintroducing the first part of the motion.

Mr. Sinclair: Thank you, Mr. Chair. I hereby move that the Standing Committee on Legislative Offices amend the proposed 2025-2026 budget estimates for the office of the Child and Youth Advocate in the amount of \$17,063,000 to a revised amount of \$16,872,900 and approve the estimates as amended.

The Chair: Okay. Now hearing the second part of this, MLA Shepherd, I see you have your hand up. I'll just entertain that here. Go ahead, MLA Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I was going to speak in opposition to the motion, unless MLA Sinclair had any argument he wished to put forward for the reasons for the amendment. Otherwise, I will proceed.

The Chair: Okay. We'll go back to MLA Sinclair, if you'd like to present any arguments for the reason for the motion.

Mr. Sinclair: Yes, Mr. Chair.

The Chair: *Hansard* will run it at this point.

Mr. Sinclair: Gotcha.

Well, thank you, Mr. Chair. I appreciate that, Member Shepherd. This amount represents a 2 per cent increase from the 2024-2025 approved budget. It's an increase that's in line with an inflationary adjustment, and we trust that a 2 per cent increase is a reasonable increase, which will support the office in fulfilling their mandate and providing the children and youth that interact with this office the services they rely on.

The government remains committed to fiscal responsibility at a time when affordability is top of mind for Albertans, families, and businesses. I certainly take into account the sensitivities of the amazing work that these leaders do when it comes to helping children. I also believe that with a 2 per cent increase we'll provide

value for taxpayer dollars while ensuring the OCYA can continue to deliver the services that the Albertan children and youth depend on.

Thank you, Mr. Chair.

The Chair: Perfect.

With that, if there's any other discussion? MLA Shepherd.

Mr. Shepherd: Thank you, Mr. Chair. I will be voting against this motion. Frankly, this concept of taking something as complex as the work of the Child and Youth Advocate and saying that a group of MLAs sitting here at the committee should override or dismiss the request that's been put forward – let's be clear. The request that was put forward by the Child and Youth Advocate was 3.6 per cent, so only 1.6 per cent higher.

As MLA Sinclair said, this is incredibly sensitive territory. The Child and Youth Advocate, her and her staff, are dealing with the deaths of children in custody in this province, are dealing with defending children in all kinds of cases against abuse and neglect in this province. The work they do is incredibly important, and the Child and Youth Advocate was quite clear about the reasons for asking for this increase. They have an increased caseload. They have increased work that they need to do. They have government-mandated increases in salary for their staff. As we recall, last year those increases on their own ate up the vast majority of the 2 per cent increase these government members were willing to give that advocate.

You know, Mr. Chair, it is not leadership to just impose an arbitrary cut or say: CPI is 2 per cent; therefore, we're just cutting everything. That's not leadership when you're dealing with situations like this, with complex entities that, frankly, members don't understand all of the pieces of, to just say: they can find a way to find that 1.6 per cent in savings; it's not our responsibility to understand or consider what the impacts of our decisions will be. Again, I don't see that being leadership.

3:20

Let's be clear. This government, to my mind, Mr. Chair – and I have a feeling we're going to see this repeatedly today – is the kind of boss that just keeps dumping more work on your desk. They create more rules about how you do it, and then they refuse to give you the resources you need to do it. Then they'll turn around and blame everyone else when the work doesn't get done and the systems start to break down and collapse.

I know we're going to be speaking to a lot of different officers today and some larger amounts, some officers who've had some incredibly large increases in their duties and mandates imposed by these members. Not to presuppose what these members are going to put forward in terms of motions or what they're going to vote on today, but we know the pattern we saw last year.

For those reasons, Mr. Chair, I will not be voting in favour of refusing to give the Child and Youth Advocate the budget increase she is looking for. This is an effective cut. I know members on the other side do not like that term. They will be resistant. They will argue against it. But the fact is that the Child and Youth Advocate is telling us that this is what is needed for her to do the work to protect the children of Alberta. I have heard nothing from any member of government about where they think the Child and Youth Advocate can simply find these savings and not compromise the work that she does on behalf of the children of Alberta.

I'll be voting against.

The Chair: Okay. Thank you.

Any other members wishing to comment? MLA Dach.

Mr. Dach: Yeah. I just want to concur with my colleague Mr. Shepherd. He eloquently outlined the arguments that revolve in my mind as well regarding this proposal. I'm just thinking about the individuals who are working in the field and in the Child and Youth Advocate's office and others who are providing services who may be listening to this debate and ultimately hear the government's decision or hope that the budget be cut by a couple hundred thousand dollars when we're talking about the lives of children and the welfare of the next generation. It's really disappointing.

The Chair: Okay.

Any other members? Seeing none, I'll put it to the question. Oh, sorry. MLA Eremenko.

Member Eremenko: That's okay. I just want to add that when I look at the summary of what has changed and the number of decreases that this office has done, they have found every savings possible: decrease in hosting by \$3,000, decrease in rentals by \$7,000, decrease in repairs and maintenance by \$4,000. I'm not sure where this motion suggests that we get blood from a stone here. I mean, there is not a whole lot left to cut.

To suggest that this is not going to have an impact on the front line is incredibly misguided. You know, there were no questions when the officer was here to initiate any kind of doubt that they're not doing a good job, that they are not achieving impact, that they are not in fact delivering on the outcomes that I think Albertans would all expect. Furthermore, we know, based on the reports that we've seen, that children are dying. Children are suffering immensely.

I struggle immensely with the idea that we're nickel and diming this office. I will not be supporting this motion.

The Chair: Any other questions, comments?

Seeing none, I am prepared to put it to the question. All those in favour of the motion, please say aye. All those opposed? Online, all those in favour, please say aye. Any opposed? Okay.

Motion carried.

Mr. Shepherd: I request a recorded vote, Mr. Chair.

The Chair: A request for a recorded vote has been asked. Those in the room will have to raise your hands for this. For those in favour, please raise your hand so the clerk can record it.

Ms Rempel: Thank you, Mr. Chair. I see Mr. Yao, Mr. Sinclair, Mr. Lundy, and Mr. Dyck.

The Chair: Okay. Those opposed in the room?

Ms Rempel: Thank you, Mr. Chair. I see Member Eremenko and Member Dach.

The Chair: Same procedure except online. Those in favour of the motion, please indicate so online.

Mr. van Dijken: In favour.

The Chair: Those opposed online?

Ms Chapman: Opposed.

Mr. Shepherd: Opposed.

Ms Rempel: Thank you, Mr. Chair. I have five votes in favour of the motion and four against.

The Chair: Okay.

Motion carries.

Mr. Dyck: Mr. Chair?

The Chair: MLA Dyck.

Mr. Dyck: Awesome. I would also like to move a motion.

The Chair: Okay.

Mr. Dyck: I would like to move that

the Standing Committee on Legislative Offices permit the following motion to be moved without prior notice having been given pursuant to Standing Order 52.041: that the Standing Committee on Legislative Offices amend the proposed 2025-2026 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$11,382,044 to a revised amount of \$9,236,840 and approve the estimates as amended.

The Chair: Having heard the motion – similar to what we just did with the last one, similar to a first reading of a bill, we're asking for this motion that was not put on notice a week prior to be accepted from the floor.

I'll put that to the question. All those in favour, please say aye. Any opposed? Online, those in favour? Those online, opposed? Okay.

Motion carries.

With the second part, would you read that into the record?

Mr. Dyck: Yes, I would love to read this into the record. I move that

the Standing Committee on Legislative Offices amend the proposed 2025-2026 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$11,382,044 dollars to a revised amount of \$9,236,840 and approve the estimates as amended.

The Chair: Okay. Similarly, do you have arguments for your motion?

Mr. Dyck: I do, Mr. Chair. Thank you for the opportunity. The commissioner is asking for an increase of 30 per cent, which is substantive, from last year's approved budget, predominantly to address a backlog and do the additional work that this session's new legislation will add on to their mandate. Part of this is also that at a time when affordability is top of mind for Albertans, we do need to be mindful of Alberta's families, Alberta businesses and that this government remains committed to fiscal responsibility of taxpayer dollars. I believe that this amount is that.

Now, stating as well that bills 33 and 34 are basically splitting the FOIP Act, there is some expanded mandate for the commissioner. From splitting these two bills, there is a reconfiguration of processes. There is predominantly similar work as what she was doing prior, but there is a little bit extra. So it is reasonable, I believe, that the office does get a slight increase over 2 per cent.

My number here is a 6 per cent increase for this office. This should allow the office to fulfill their mandate, take on the extra mandate, and support the implementations of bills 33 and 34 while also providing that fiscal responsibility and responsibility in providing value for taxpayer dollars while also allowing the office of the Information and Privacy Commissioner to be able to do their work, Mr. Chair. Based upon the documents today, I think that this allows the commissioner to hire some other full-time equivalents, some FTEs, and also increase some contract services as well, both things that she requested that this number does allow for.

Those are my comments. Thank you for the opportunity, Mr. Chair.

The Chair: Thank you. We'll open up to the floor for discussion or any other comments. MLA Eremenko.

Member Eremenko: Oh, gracious. Where to start?

This is a fifth; 6 per cent is a fifth of what the officer was asking for. For the member to suggest that 6 per cent is going to be enough for the office to complete their tasks means that rather than hiring the eight permanent FTEs and the four term FTEs, they're going to hire two and a half. I really struggle to deal with the delta between the member's perception of what is going to be enough and what the office has in fact requested.

3:30

Don't get me wrong. I mean, I had significant sticker shock with 30 per cent. I don't think I could support 30 per cent either. But to suggest that a fifth, 20 per cent, of the requested amount to deal with what is far greater than 20 per cent increase in work is an affront to the office, in my view. I feel like that starts right off the hop with a comment that the member said about how this increase is really predominantly to deal with backlog. That is not what I heard in any way from the officer today.

The letters that were provided to the minister in regard to bills 33 and 34 plus what has been very robust debate in the Legislature on these pieces of legislation, I think, have highlighted that bills 33 and 34 are not just two bills that have been created out of convenience or, you know, ease of navigation. The exemptions alone, the rules around what allows for a public body to decline a request, have increased fivefold. Before there was an incredibly high threshold that a request had to be frivolous or vexatious for it to be declined. We have gone from one reason to decline to five. Imagine if the complaints that now come into the office also go up by five times because there are that many more reasons for a public body to decline.

There are more reasons to decline. There are now more exemptions and exceptions to what is excluded from an information request. Again, you know, if I heard the officer correctly, there isn't necessarily a new skill set that they have to hire for; there is just a significantly higher number of people that they need to hire to in fact deal with those complaints that are coming in. If we think 816 cases in the backlog is high now, I would love to see what that number is going to be a year from now, when the majority members across the way decide that 6 per cent is going to cut it.

I think it absolutely disrespects the office and the accountability and transparency that Albertans are due. I firmly cannot support this. I want to add once more that I don't think 30 per cent would have necessarily been the number I would have voted for either, but 6 per cent, no way.

The Chair: I see MLA Shepherd. You have your hand up online. You're on mute, MLA Shepherd.

Mr. Shepherd: Sorry about that. I keep lowering the hand and then thinking that's unmuted me.

I just want to agree with my colleague, you know, Member Eremenko on her comments here. This is far from what I think this office needs and deserves. As Janet said, perhaps it might not have been 30 per cent, but, certainly, to cut that down to one-fifth of the ask is to create significant challenges for the Information and Privacy Commissioner to deliver value to Albertans. Let me be absolutely clear. That is what the Information and Privacy Commissioner does. Every officer of this Legislature serves Albertans as well as us as members of the Legislature, but their work is in service of Albertans. Her work on information and privacy and indeed overseeing the FOIP system: that is one of the

key ways by which Albertans have the opportunity to hold their government to account. Through media, through opposition, through others: this is how Albertans stay informed.

Albertans themselves file a lot of FOIP requests looking for their own information and information about government decisions. This is a key part of democracy and transparency. What we have seen with this government again with bills 33 and 34 – now, Mr. Dyck has tried to play this down. It's a small amendment, you know, expanded mandate, a little reconfiguration. No. Let's be clear, Mr. Chair. What the commissioner has said is that these are significant changes that are going to make it far harder for Albertans to be able to get information, that are going to lengthen the processes by which we go through this, adding additional red tape. To be clear, that's additional cost for the taxpayer on the side of the public service and the bureaucracy and in the offices of the IPC, and it will therefore generate more complaints and more concerns, increasing the burden.

Once again, you know, the government talks about value for taxpayer dollars. Did they not consider what the impacts of their decisions with this legislation were going to be on the actual functioning of the system? They should be thinking about value to Albertans and value for taxpayer dollars long before they got to the budget deliberations today. But, sadly, what we clearly see is that they did not have that conversation with the Information and Privacy Commissioner about what the implications and the effects of their legislation are going to be, or if they did have those conversations, they chose to ignore them.

Again, maybe 30 per cent wasn't the right number. But one-fifth of that, based on what we heard from the commissioner today, the added burden, the backlog, the changes that are coming forward? You know, Mr. Chair, if one was more uncharitable, they might think this is the government attempting to undermine the work of that commissioner. That's certainly an appearance that could be seen here. I guess we will see when we get to others who are extremely important, like the Auditor General and others, who are essential in providing value to Alberta taxpayers, in holding the government to account.

The Chair: Hon. member, I'll bring it back just to this item. We want fulsome debate. Let's stay on one at a time if we may. And the speculation for motivations is always nudging up against the edge.

Mr. Shepherd: Of course. Understood, Mr. Chair. I will not speculate about any other officer. I will speak to the Information and Privacy Commissioner and what we have in front of us.

The Chair: Thank you, sir.

Mr. Shepherd: Again, the member stated that this motion was about providing value to Alberta taxpayers. But let's be clear, Mr. Chair. This is coming from a member under a government with one of the largest cabinets our province has seen in years. A lot of Albertans are considering what we're seeing from that extremely large cabinet to be value for their taxpayer dollars. Paying nearly \$16,000 per bottle for low-grade Turkish Tylenol, a deal brokered by ...

The Chair: Member, I'm going to caution you. [interjection] Member, I'm speaking. The chair is speaking. I'm going to caution you in your debates to please keep it within the bounds here. This is not the Legislative Assembly; this is the committee. I would caution you and request that you keep it germane to what's taking place here. I want you to have fulsome debate, but please, Member. Otherwise, we're going to get into a bunch of points of order, and that will, quite frankly ...

Mr. Shepherd: To clarify, Mr. Chair, if I may ask a point of clarification.

The Chair: Yeah. Please go ahead.

Mr. Shepherd: Am I allowed to make comparisons between decisions in spending of government when they are talking about taxpayer dollars when the argument from the members in moving this motion is that we must restrict the spending of the Information and Privacy Commissioner for the purpose of saving taxpayer dollars?

The Chair: For clarity, speaking to matters other than at hand, that have already been debated in the House and brought to question, is going to get up against the corners of where I allow this conversation to go. If you're succinct and bringing it specifically with the budget items and making light contrast in comparisons, the member should, with your experience, know the difference between the two. With that, please proceed, and please . . .

Mr. Shepherd: Thank you, Mr. Speaker – Mr. Chair.

The Chair: Yeah. Don't give me a promotion. I don't want that job.

Mr. Shepherd: Well, thank you, Mr. Chair. I appreciate that clarification. What I will say is that we have numerous, numerous, numerous examples of this government not showing due care and diligence with Alberta tax dollars, whether it's the Turkish Tylenol, whether it's all these other things, whether it's the fact that government members, you know, who do not live in Edmonton awarded themselves a 14 per cent increase . . .

Mr. Lundy: Point of order, Mr. Chair.

The Chair: A point of order has been called. [interjection] Member, please. A point of order has been called now at this point.

Mr. Lundy: Thank you, Mr. Chair, for recognizing my point of order. I believe this is a point of order, 23(b). I believe that the chair gave the member opposite a fair warning, which was duly ignored to immediately go against the clarification he sought, where he raised a couple of issues that no reasonable person could draw a straight line between the motion that we're debating. I clearly believe this is a point of order, 23(b).

Thank you, Mr. Chair.

Mr. Shepherd: I will speak to the point of order, Mr. Chair.

The Chair: Please. Feel free.

Mr. Shepherd: Again, the instruction from the chair was to be succinct, so I finished summarizing the last comment. I added one further and was about to move on to the rest of the argument. If the member is fine with me moving on to the rest of the argument, I'm happy to do so.

The Chair: At this point I'm not going to call a point of order, but for both members' edification we're getting into areas where it's going to start having points of order and the chair will start deciding.

MLA Shepherd, I appreciate your fulsome debate, as always. You're a fantastic orator. If we can keep this tight to what the points are at hand, specific with budget. We're starting to fray into those areas where we're having points of debate that have taken place in the House, and that's getting pretty difficult for the chair to try to draw those straight lines. Please proceed, sir, and tighten it up.

3:40

Mr. Shepherd: Thank you, Mr. Chair, and I will keep that in mind for future committees and debates as well.

The long and the short, again, Mr. Chair, to summarize: once again, as I said previously, this government keeps dumping more work on other people, keeps giving more work to the officers, then refuses to give them the tools and the resources they need to do it with. To be absolutely clear, Mr. Chair, the failure of these systems, the failure to serve Albertans and be able to provide that value for the tax dollars will not be the fault of these officers; it will be the fault of this government.

Thank you, Mr. Chair.

The Chair: Perfect. Thank you.

Any other items we want to add to this? Any other members wish to speak?

Seeing none, I will call the question. All those in favour of the motion, please say aye. Any opposed? Online, all those in favour, please say aye. All of those opposed, please say no.

Motion carried.

Mr. Shepherd: Recorded vote, please, Mr. Chair.

The Chair: A recorded vote has been requested. We are more than happy to do so. With a show of hands in the room here, please raise your hand if you're in favour of the motion.

Ms Rempel: Thank you, Mr. Chair. I see Mr. Yao, Mr. Sinclair, Mr. Lundy, and Mr. Dyck.

The Chair: Those opposed in the room, please raise your hand.

Ms Rempel: Thank you, Mr. Chair. I see Member Eremenko and Mr. Dach.

The Chair: Those in favour online, please indicate so.

Ms Rempel: I've recorded Mr. van Dijken.

The Chair: And those opposed, please indicate so.

Ms Rempel: Thank you. I've recorded Mr. Shepherd and Ms Chapman.

I have five votes in favour of the motion and four against.

The Chair: Perfect.

Motion carried.

MLA Dyck, I recognize you again.

Mr. Dyck: Thank you very much, Chair. I would like to move a motion that

the Standing Committee on Legislative Offices permit the following motion to be moved without prior notice having been given pursuant to Standing Order 52.041: that the Standing Committee on Legislative Offices amend the proposed 2025-2026 budget estimates for the office of the Auditor General in the amount of \$30,485,000 to a revised amount of \$30,212,400 and approve the estimates as amended.

The Chair: Perfect. With that, similar to the last two, we're asking for that motion to be brought forward, similar to a bill in the House at first reading. All those in favour, please say aye. Any opposed? Online, those in favour, please say aye. And opposed? Perfect.

Motion carried.

Please proceed, MLA Dyck, with your arguments on the motion as presented.

Mr. Dyck: Thank you so very much. I need to read it back in, correct?

The Chair: Yeah. Correct. You corrected the chair. Well done. You get the gold star for the afternoon. Please read the numbers into the record as well.

Mr. Dyck: Thank you. Okay. Here's my motion that the Standing Committee on Legislative Offices amend the proposed 2025-26 budget estimates for the office of the Auditor General in the amount of \$30,485,000 to a revised amount of \$30,212,400 and approve the estimates as amended.

The Chair: Perfect. With that, I'll open up the floor for debate or conversations. I see MLA Chapman.

Ms Chapman: Thank you. Can I just have Mr. Dyck provide his rationale for the motion?

The Chair: Certainly.
MLA Dyck, back to you.

Mr. Dyck: Well, thank you so very much, Chair. I really appreciate the opportunity to speak to this. This does represent a 2 per cent increase from the prior approved budget. This is in line with our expected inflationary adjustment. In fact, I believe it's just above. I believe right now it's 1.9, so we see some expected adjustment there.

Now, I believe that this 2 per cent increase is a reasonable increase that respects taxpayer dollars as well as taxpayers' ideas of what fiscal responsibility is. As part of this, I think that this is a really reasonable increase. It provides the resources to the offices with this 2 per cent increase. As this government does continually talk about fiscal responsibility and good stewardship of taxpayers' dollars, this is a very important thing. We need to allow the Auditor General to do his work. I believe he has been doing a great job. This 2 per cent does line up with the work that he has been doing and also allows this to be able to be inflationary. I will be voting in favour of this motion, and I hope everyone here does as well.

Thank you, Mr. Chair.

The Chair: I recognize MLA Chapman again. Thank you for allowing the other member to present his arguments.

Ms Chapman: Thank you, Mr. Chair. I will be voting against this motion. I believe that the Auditor General provided a really good case for us for his request, which was a 2.9 per cent increase. Not really sure why we're needing to fuss around with that .9 per cent. The Auditor General provided a really good case for changes that he had made in the staffing in his office as a way to reduce costs. If you refer to the business plan, you can see where he speaks about bringing in more students, so people who are paid at a lower salary rate. The additional workload that his office is taking on to increase the capacity: that's not a small thing that he's doing.

I know that we were also all here to hear that the Auditor General is forecasting that shortfall for this year, which suggests to me that the budget increase that the UCP allowed last year – I'd call it a cut, because it certainly wasn't matching with inflation; you can call it whatever you want. The result of it was that the office does not have the funds required to perform the financial and performance audits that Albertans, not just us, should expect to see from the Auditor General's office.

I believe that we also heard from the Auditor General that we are not meeting the preferred ratio of financial to performance audits because of the level of financial audits that need to be done for this government. That means that we are missing out, and this is not an issue – this is a nonpartisan issue. I know I have spoken to members

of this government about the value of the role that the Auditor General plays with financial but also with performance audits. These are audits of the workings of the government, and that is of interest to both opposition and government members. I don't agree with this idea of picking an arbitrary number. I believe that the Auditor General provided a well-reasoned budget adjustment, and I will be voting in opposition to this motion.

Thank you.

The Chair: Perfect. MLA Dach.

Mr. Dach: Thank you, Mr. Chair. The Auditor General, Mr. Wylie, has had a historic reputation as far as presenting meticulous budgets requesting dollars that are very, very well documented as far as need is concerned. We know that in budget last year he suffered a \$1.4 million reduction. This year, as noted by our colleague Ms Chapman, he's forecasting a \$460,000 shortfall for the first time ever in the history of his office, and that shortfall is due to a COLA net increase, which he said will be off-set by reductions in costs and staff mix changes.

The Auditor General is making historic reductions and having to adjust his budget. I could tell in his demeanour how difficult it was for him to come before this committee and suggest that he was going to be falling short. Of all the legislative offices, the Auditor General is the one whose pencil has always been the sharpest because, of course, he's biting the purse of all the other government departments and is responsible for watching the finances of the province. To top that off, he also indicated that he would be coming back in February to ask for a supplementary budget request to address the shortfall. So to have this committee, the government-led members, the majority of the committee, suggest that now we should ask the Auditor General to accept an arbitrary reduction is not based in any way, shape, or form on the needs and requirements of the budget. It doesn't take into consideration the context with which Mr. Wylie said he was operating, where he is historically having a \$460,000 shortfall.

3:50

It's a slap in the face to Mr. Wylie, to his office, and to all the other legislative offices to disregard their individual circumstances and say, "We're just going to arbitrarily cut 2 per cent or so to match the inflation rate," and somehow this is the flag that the government wishes to wave. If indeed that's what they think of the public services in this province, then I guess it's their right to go ahead and wave that flag and suggest that they took their scalpel and they arbitrarily cut 2 per cent off of everybody's budget. But I'll tell you what, it's really not helping the services that Albertans receive from these legislative offices. Frankly, I think it's an indefensible position, and I'm certainly not supporting it.

The Chair: Appreciate it.

I recognize MLA Shepherd, but before I do, the last two conversations that we had for arguments are exactly what the chair is looking for, germane, on point to the items.

MLA Shepherd, the floor is yours.

Mr. Shepherd: Thank you, Mr. Chair, and I will be brief in my remarks here. I think my two colleagues have quite ably represented our position here. What I will simply say is that in my time in this committee the Auditor General has consistently been one of the most meticulous, most circumspect officers in terms of considering and presenting his budget. He has consistently worked to keep costs to a minimum and to ensure that he is delivering the best value for every single dollar that his office spends.

I will say that, Mr. Chair, again, in all my time in this committee I have never had an Auditor General have to come back to our committee to ask for supplemental spending to cover a shortfall. I want to be absolutely clear that if the Auditor General was not able to meet the budget imposed on him by government members of this committee last year, that is not due to a fault or a failing of the Auditor General. That is due to a failing to understand the nature and complexity and importance of his work by those members.

Thank you, Mr. Chair.

The Chair: Thank you with that.

MLA Eremenko, I saw you as well.

Member Eremenko: Thank you. I'll keep it brief. I just find it deeply ironic that on behalf of taxpayers and the sound stewardship of taxpayer dollars we are eroding the ability of the Auditor General to confirm that value is in fact being provided to taxpayers, whether that be through 100-plus financial audits or the performance audits, of which there are 30 in the pipeline. We are in fact diminishing the office's ability to report on the value to taxpayers. I think that is a significant blind spot in this motion and does not bode well for truthful, fact-based reporting as objective as accountants need to be, which is exactly what taxpayers deserve. We have just diminished the capacity in our system to do exactly that.

The Chair: Thank you, members.

With that, I am prepared to call the question. All those in favour of the motion, please say aye. Any opposed? Online, all those in favour, please say aye. Those opposed?

For the record it's not without seriousness the chair takes this. For those at home that are seeing this, I have to call the question even though there were definitive arguments one way or the other.

Mr. Shepherd: Recorded vote, please, Mr. Chair.

The Chair: With that, a recorded vote has been requested. Those in favour, please raise your hand so the clerk can count.

Ms Rempel: Thank you, Mr. Chair. I have Mr. Yao, Mr. Sinclair, Mr. Lundy, and Mr. Dyck.

The Chair: Those opposed in the room.

Ms Rempel: Thank you. I have Member Eremenko and Mr. Dach.

The Chair: Those online in favour, please indicate so.

Ms Rempel: I've recorded Mr. van Dijken.

The Chair: Those opposed, please indicate so.

Ms Rempel: I have recorded Mr. Shepherd and Ms Chapman. I have five votes in favour of the motion and four against.

The Chair: Excellent.

Motion carried.

I recognize MLA Dyck again.

Mr. Dyck: Thank you very much. I would like to move that the Standing Committee on Legislative Offices approve the proposed 2025-2026 budget estimates for the office of the Ethics Commissioner in the amount of \$1,090,500 as distributed.

The Chair: I just want to make sure that we have that online. Please look at that again and ensure your numbers are accurate, correct as you've so read.

Mr. Dyck: Yes.

The Chair: Okay. With that, to have it submitted, all in favour, please say aye.

Sorry. We need to debate. I apologize. Please feel free.

Mr. Dyck: Excellent. Thank you very much. Mr. Chair, I believe the requested amount is a reasonable amount, specifically because it's going to be for additional network security and IT services. In this role he needs to have strong network security. As the Ethics Commissioner it is vital that he has these networks be in a secure spot and also have that security and opportunity to pay for them.

Then we also understand that the largest portion of this – I believe the amount is \$69,000 in total, so \$30,000 of that, which is the largest portion of the requested increase, is a contingency amount that will be returned if the office is not required to use it. I appreciate the forethought on that.

Also, for his conferences: this would be the other line. It's important. He's a new commissioner, Mr. Chair, and it's important that the new commissioner and his office attend conferences that allow him to learn and get better at his job and also increase awareness of what other jurisdictions and best practices are in the conflict of interest and also the lobbyist sector to fulfill their mandate.

Mr. Chair, they've also been held at similar rates for, I believe, about 10 years, which is significant. We need to make sure that in this case, especially in regard to network security and IT services, we give it to them. Technology needs to work. We need to make sure that the technology works for this office and that they continue keeping that security up.

Thanks for the opportunity to speak to this motion, Mr. Chair, and I just want to encourage everyone to vote yes on this motion.

The Chair: Perfect. For those following at home, and the chair missed that as well, this one didn't require the motion to request to come from the floor because it is, in fact, the same amount as what was deliberated here today and presented as per the office. I just wanted a point of clarity for that for everybody else who's following along. The chair missed that, so I apologize if I incorrectly introduced what was taking place here in this room and for those online.

With that, I see MLA Chapman. You have your hand up.

Ms Chapman: Thank you so much, Mr. Chair. I actually agreed with something that Mr. Dyck just said about the significant number of years. He's correct. The Ethics Commissioner's predecessor was able to keep this budget held quite low. She spoke to us at length about the steps that she went to, the sacrifices that she made when she was in the role, reducing her own salary to make sure that she could fit within the constraints that this government majority controlled committee put on the budget.

I am struggling with the inconsistency that we're seeing happen across this morning. Just to clarify for folks, the Ethics Commissioner here was asking for a 6.8 per cent increase to their budget. We're able to find that money, but we weren't able to find the 2.9 per cent that the Auditor General needed – right? – even though these offices require similar levels of technology, IT support, whatever that kind of stuff looks like. I've been in this committee for two years now, so I know that last year there were offices that were looking for increases to cover off those kinds of IT products, whatever that technology stuff looks like, and the government wasn't hearing them last year. They denied those requests. So it's not in any way clear to me how we have actually arrived at this decision-making.

I am surprised to hear that this government is supportive of those increases in travel budgets and hosting budgets. Again, we've been

talking a lot about taxpayer dollars, and it's just not at all clear to me why we're okay with those additional taxpayer dollars for this office and not okay with some additional taxpayer dollars to deal with children in government care, vulnerable children who don't have people to advocate for them. We can't find additional dollars there, but we're able to find them over here.

Mr. Chair, I will be opposed to this motion, and I'm really opposed to the lack of consistency that I'm seeing from the government in this committee. It's really disappointing.

4:00

The Chair: Any other comments for debate?

If not, I'll put out the question. All those in favour, please say aye. Any opposed? Online, all those in favour, please say aye. Any opposed?

Motion carried.

Mr. Dyck: Mr. Chair?

The Chair: You seem to be the popular guy today. Sure. Go ahead, MLA Dyck.

Mr. Dyck: I'm jumping in where there's opportunity, Mr. Chair. I'm going to move another motion here. I move that

the Standing Committee on Legislative Offices permit the following motion to be moved without prior notice having been given pursuant to Standing Order 52.041: that the Standing Committee on Legislative Offices amend the proposed 2025-2026 budget estimates for the office of the Chief Electoral Officer in the amount of \$13,104,000 to a revised amount of \$12,607,806 and approve the estimates as amended.

For clarity, Chair, I am moving just the first part, just the motion to put it on the floor.

The Chair: Correct. If we can throw that on the screen to make sure that we have that.

Okay. With that, we'll just call the question, and then we'll turn it back to you for comments on the second part.

With that, all in favour, please say aye. Any opposed? Online? I got an aye already. Any opposed online?

Motion carried.

Please feel free to tell us why your motion should be considered.

Mr. Dyck: Excellent. Well, thank you very much, Mr. Chair. I move that

the Standing Committee on Legislative Offices amend the proposed 2025-2026 budget estimates for the office of the Chief Electoral Officer in the amount of \$13,104,000 to a revised amount of \$12,607,806 and approve the estimates as amended.

This budget amount of \$12,607,806 is based on the base budget for Elections Alberta from the 2021-2022 budget estimates. Just follow along with us for a quick sec. This would be for the second year in the election cycle after the 2019 general election. Now, the approved budget for that year was \$11,213,000. The amount that I'm proposing would receive an inflation adjustment amount of 12.44 per cent, which is the Bank of Canada's calculation on the inflation since 2021 up until now. A little bit of math there, but we've been balancing this budget as they've been requesting up to 30 per cent last year. It was very challenging to sometimes get that base amount, what is required in a nonelection year.

This amount is, for clarity's sake, \$496,194 below the request amount, but it's also an increase of \$1,457,806 over last year's approved budget. So it is significant dollars. It is inflationary. It gives us also the baseline as well of what they've spent. I think this is really important to note, that, one, it is not an election year this

year; two, we have a baseline amount; and then it adds the inflationary numbers since we've been able to get a baseline amount. I believe this is a reasonable increase that, one, respects taxpayer dollars. It allows for us to see and give them the resources that this office needs to fulfill their mandate while also building that baseline number.

Thank you, Mr. Chair.

The Chair: Thank you.

I see MLA Shepherd with your hand up online.

Mr. Shepherd: Thank you, Mr. Chair. I'll be voting against this motion. What we see here from the government is now a whole other calculation, a whole different approach from anything that they brought forward on any other office today. Really, it strikes me as numerical trickery. This government is just playing games at this point. There is an utter lack of clarity to what direction they are trying to go other than they want to arbitrarily cut the budget of every single officer from what it was proposed, and they will use any excuse, any justification to do so. It's incredibly disappointing.

What we heard from the Chief Electoral Officer and his staff today is that they are working to ensure we are ready for the next set of elections, and they are doing so with a considerably different landscape than existed in 2021-2022 because of a number of legislative changes that were made by this government, voted on by some of the very members who are here at this committee today. They have changed the mandate. They have increased their requirements. They have made the job of the Chief Electoral Officer and his staff, Elections Alberta, harder to do. What they are saying now is that they are going to cut the amount that officer and his staff have projected they need to prepare.

Now, to be clear, the officer did say that this is about election preparation. Is it all immediate spending that will immediately be used? We don't know because, again, that's at the whim of this government. Again, part of the challenge that we have for the Chief Electoral Officer and his staff in deciding their budget is that they are at the whim of the government.

When it comes to things like by-elections, you know, we had a member that was talking about while the by-election happened within five months, he had lots of time to come back to the committee. Again, the Premier could choose to call a by-election within a month of when somebody chooses to step down. Indeed, we know that the members have been very vocal about wanting to see a by-election happen next year.

The Chief Electoral Officer also talked about buying supplies and, again, members said, "Well, you can buy that later; you can do it," but again, it was clear that buying those supplies now – we're talking about, for example, Mr. Chair, ballot paper. We've seen the government move towards requiring ballots to be printed, done by hand on paper in municipal elections. If that moves in a provincial direction, having that ballot paper on hand is going to be a cost savings for Alberta because inflation continues. We don't know what's going to be available. Again, unless the government intends to give the CEO and his staff a lot more heads-up about their plans and intentions, I think it's reasonable that the CEO is trying to plan for all contingencies.

Again, I don't see a clear reason or rhyme in the argument being put forward by Mr. Dyck or his decision in this particular amount, particularly given what we just saw with some of the previous officers. So I will not be supporting this motion.

The Chair: Anyone else wanting to speak?

If not, I'll call the question. All those in favour, please say aye. Any opposed please, say no. Online, those in favour, please say aye. And opposed, please say no. In the famous words of Mr. Speaker, I believe the ayes have it.

Mr. Shepherd: Recorded vote please, Mr. Chair.

The Chair: Recorded vote has been called. Absolutely.

With that, members in the room, throw your hands up so the clerk can count those in favour of the motion.

Ms Rempel: Thank you, Mr. Chair. I see Mr. Yao, Mr. Sinclair, Mr. Lundy, and Mr. Dyck.

The Chair: And those opposed.

Ms Rempel: Thank you. I see Member Eremenko and Mr. Dach.

The Chair: Online, same drill. Those in favour, please indicate so.

Ms Rempel: I recorded Mr. van Dijken.

The Chair: Those opposed, similar. Please throw your hand up and let the clerk count.

Ms Rempel: I've recorded Ms Chapman, and I've recorded Mr. Shepherd.

I have five votes in favour and four against.

The Chair:

Motion carried.

I see MLA Lundy. That's a nice change.

Mr. Lundy: Agreed. Thank you, Mr. Chair. I'd like to move a motion that

the Standing Committee on Legislative Offices approve the proposed '25-26 budget estimates for the office of the Ombudsman in the amount of \$4,650,600 as distributed.

The Chair: All right. Would you like to carry forward with your rationale or arguments, reasons why?

Mr. Lundy: Sure. Yeah. Happy to do so. I would certainly encourage members to support this motion. It was refreshing to hear from a legislative office able to do great work and request an increase of less than inflation. So I think it's quite clear that can be accomplished; 1.67 per cent. This amount, as I mentioned, is below the inflationary rate, and we believe this is a reasonable increase that respects taxpayer dollars.

Mr. Chair, I would add that when we voted on the Ethics Commissioner budget, the opposition kind of gave the game away. I think they abstained, which I thought was interesting.

The Chair: Member, I'll caution you, as I've done with other members of the committee, to be discussing other matters. We've already had that argument, so if you could carry on on this one, that would be great.

Mr. Lundy: Sure. I would look forward for the members to support this motion for the budget as presented, which they've made numerous arguments about all day.

Thank you.

The Chair: Thank you.
MLA Eremenko.

Member Eremenko: Yeah. You know, I support the motion as presented because it does, I think, in fact respect the conversation that we had with the Ombudsman today. I think it's a mischaracterization to suggest that they are somehow doing better work because the increase is below the rate of inflation. I think those two things really are not terribly related. Every single person who stepped into this room today has done very good work under pretty challenging circumstances, and I think that they really are all owed a debt of gratitude on that front.

4:10

One point seven per cent: you know, I worry a little bit about the ability, frankly, of the Ombudsman to stay there with some of the reported increases that they did report in the annual report and that there is the potential that those would continue to go up. I am certainly optimistic that the Ombudsman will be able to stay within that budget and look forward to hearing about how it goes next year.

The Chair: Perfect. Any other comments, questions, discussion?

All right. We'll call the question. All those in favour of the motion as presented, please say aye. Any opposed? Online, all those in favour, please say aye. And any opposed? I don't think we have any. This is great. Moving right along. Excellent. Thank you.

Motion carried.

MLA Lundy, I recognize you again.

Mr. Lundy: Thank you, Mr. Chair. I'd like to move that the Standing Committee on Legislative Offices permit the following motion to be moved without prior notice having been given pursuant to Standing Order 52.041: that the Standing Committee on Legislative Offices amend the proposed '25-26 budget estimates for the office of the Public Interest Commissioner in the amount of \$1,506,300 to a revised amount of \$1,468,402 and approve the estimates as amended.

The Chair: We'll just get that on the screen. MLA Lundy, please confirm that this is what you were reading into the record.

Mr. Lundy: Yes.

The Chair: Okay. With that, we'll ask the question to allow it to come to the floor, and then after that we'll go back to your rationale why.

All those in favour, please say aye. Any opposed? Online, those in favour, please say aye. And opposed, any of those, please say no.

Motion carried.

Please read it all into the record again – the clerk is asking me – so it's all formally in the record, and then carry on with your rationale.

Mr. Lundy: Thank you, Mr. Chair. I move that the Standing Committee on Legislative Offices amend the proposed '25-26 budget estimates for the office of the Public Interest Commissioner in the amount of \$1,506,300 to a revised amount of \$1,468,402 and approve the estimates as amended.

Mr. Chair, this is in line with the 2 per cent increase that we've seen over the 2024 approved budget. This increase is in line with inflationary adjustment and represents a reasonable increase for respect for the taxpayer dollar and would promote good fiscal responsibility and stewardship of taxpayer dollars.

Thank you, Mr. Chair.

The Chair: Thank you.

Member Eremenko: The same officer that got compliments on the budget that was under 2 per cent is now over. I'm curious to hear if perhaps the member opposite has opinions on that to share.

Whistle-blowers' protection of the people who are looking to make sure that government is doing the job that Albertans deserve it to do – does that make sense? It's been a long day.

I think, again, that this is a totally arbitrary application of 2 per cent. We saw with previous votes that the members opposite did not want to hold exclusively to a 2 per cent inflation rate, and that kind of inconsistency, I think, is incredibly unfortunate and does not in fact reflect the complexity of these offices, nor the complexity of the changing circumstances in the work that they do.

I will not be supporting this motion.

The Chair: Okay. Any other members wanting to speak?

Seeing none, I am prepared to call the question. All those in favour, please say aye. Any opposed? Online, those in favour, please say aye. And any opposed, please say no.

Motion carried.

Mr. Shepherd: Recorded vote, please, Mr. Chair.

The Chair: A recorded vote has been requested. At this point I think we're all familiar with that. By show of hands, those in favour, please indicate so. Show your hands, and the clerk will count for us.

Ms Rempel: Thank you, Mr. Chair. I see Mr. Yao, Mr. Sinclair, Mr. Lundy, and Mr. Dyck.

The Chair: Those opposed in the room, please indicate so by raising your hand.

Ms Rempel: I have Member Eremenko and Mr. Dach.

The Chair: Those online, please indicate so. Those in favour?

Ms Rempel: I've recorded Mr. van Dijken.

The Chair: Those opposed? Also, make sure your mute is off if you want to do a voice vote. So throw a hand up if you're opposed. There we go.

Ms Rempel: Thank you. I've recorded Mr. Shepherd and Ms Chapman.

I have five votes in favour of the motion and four against.

The Chair: So
that motion is carried.

We're back on the regularly scheduled program as per the meeting agenda. We've now completed the officers' budget review. The committee has passed the approved amounts for those officers.

On to item 5. Is there any other business to be discussed by the committee today?

Seeing none, the next meeting date. We'll poll the committee members. It'll be probably mid-January for our annual review of the office of the Child and Youth Advocate in accordance with Government Motion 55, and we'll invite the advocate to join us for that meeting. We'll try to schedule it here for in the next week. Please let the chair know through the clerk or through the offices if there are any dates that are a hard no for you in January. We'll try to complicate, or we'll try to accommodate – I'd rather not complicate anything else – by having a Doodle poll or something along those lines. Please indicate that to us so we can get that in advance.

At this point we're on to everyone's favourite part of the meeting. I'm looking for someone to adjourn.

Mr. Yao: Yeah.

The Chair: We have several. Thank you. I'll take MLA Yao. He was the loudest. In favour, please say aye. Opposed? Online, all those in favour to adjourn, please say aye. There we go. Motion carried.

Thanks, folks.

[The committee adjourned at 4:17 p.m.]

