

# *Annual Review of the Budgets of the Statutory Offices*

*Select Standing Committee on Finance  
and Government Services*



DECEMBER 2013





December 19, 2013

To the Honourable  
Legislative Assembly of the  
Province of British Columbia

Honourable Members:

I have the honour to present herewith the Second Report of the Select Standing Committee on Finance and Government Services for the first session of the 40th Parliament.

This Report covers the work of the Committee related to its annual review of the budgetary estimates of the statutory offices.

Respectfully submitted on behalf of the Committee,

Dan Ashton, MLA  
Chair



## Table of Contents

Composition of the Committee .....	i
Terms of Reference .....	ii
Statutory Officers.....	iii
Meetings Schedule .....	iv
Office of the Auditor General.....	1
Office of the Conflict of Interest Commissioner.....	3
Elections BC .....	5
Office of the Information and Privacy Commissioner; Office of the Registrar of Lobbyists .....	8
Office of the Merit Commissioner .....	11
Office of the Ombudsperson.....	13
Office of the Police Complaint Commissioner .....	15
Office of the Representative for Children and Youth.....	17
Documents Submitted .....	19



## Composition of the Committee

### Members

Dan Ashton, MLA	Chair	Penticton
Mike Farnworth, MLA	Deputy Chair	Port Coquitlam
Mable Elmore, MLA		Vancouver-Kensington
Eric Foster, MLA		Vernon-Monashee
Scott Hamilton, MLA		Delta North
Gary Holman, MLA		Saanich North and the Islands
Marvin Hunt, MLA		Surrey-Panorama
Lana Popham, MLA		Saanich South
Jackie Tegart, MLA		Fraser-Nicola
John Yap, MLA		Richmond-Steveston

### Clerk to the Committee

Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees

### Research Staff

Byron Plant, Committee Research Analyst

Aaron Ellingsen, Committee Researcher

## Terms of Reference

The Select Standing Committee on Finance and Government Services (the Committee) received its Terms of Reference from the Legislative Assembly on July 8, 2013. As part of the Committee's Terms of Reference, it was agreed that the Committee be empowered:

2. a) To consider and make recommendations on the annual reports, rolling three-year service plans and budgets of the following statutory officers:
    - i. Auditor General
    - ii. Chief Electoral Officer
    - iii. Conflict of Interest Commissioner
    - iv. Information and Privacy Commissioner
    - v. Merit Commissioner
    - vi. Ombudsperson
    - vii. Police Complaint Commissioner
    - viii. Representative for Children and Youth; and,
  - b) To examine, inquire into and make recommendations with respect to other matters brought to the Committee's attention by any of the Officers listed in 2(a) above.
3. The Select Standing Committee on Finance and Government Services shall be the committee referred to in sections 19, 20, 21 and 23 of the *Auditor General Act* and that the performance report in section 22 of the *Auditor General Act* be referred to the committee.

In addition to the powers previously conferred upon the Select Standing Committee on Finance and Government Services, the committee shall be empowered:

- a. to appoint of their number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;
- b. to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- c. to adjourn from place to place as may be convenient; and
- d. to retain personnel as required to assist the Committee,

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.



## Statutory Officers

British Columbia has eight non-partisan statutory offices that support the work of Members of the Legislative Assembly (MLAs) by carrying out important functions, from the monitoring of government programs and performance to ensuring compliance with provincial laws. They are headed by statutory officers who report to the Legislative Assembly. Reports of some offices are also regularly reviewed by all-party parliamentary committees. An all-party committee process is also used to recommend statutory officers for appointment and an external, independent process is used for setting remuneration.

The eight statutory offices are:

- Office of the Auditor General
- Office of the Conflict of Interest Commissioner
- Elections BC
- Office of the Information and Privacy Commissioner
- Office of the Merit Commissioner
- Office of the Ombudsperson
- Office of the Police Complaint Commissioner
- Office of the Representative for Children and Youth

## Meetings Schedule

To conduct its annual review, the Select Standing Committee on Finance and Government Services scheduled public meetings in Victoria on December 5 and 6, 2013 to receive and consider the budgetary proposals or estimates of the eight independent statutory offices.

December 5, 2013	Merit Commissioner Elections BC Conflict of Interest Commissioner Auditor General Deliberations
December 6, 2013	Representative for Children and Youth Ombudsperson Information and Privacy Commissioner Police Complaint Commissioner Deliberations
December 18, 2013	Deliberations Approval of Report

Minutes and transcripts of the Committee's public meetings, as well as an electronic copy of this report, are available through the parliamentary committees' website at: [www.leg.bc.ca/cmt/](http://www.leg.bc.ca/cmt/)

## Office of the Auditor General

*“When you’re moving from two buildings to a new one, it’s going to cost some money to do that. Over and above the base operating budget, we need some money to support that move.”*  
(Russ Jones, Acting Auditor General of British Columbia)

### Background

The Auditor General, an officer of the Legislature under the authority of the *Auditor General Act*, is the independent auditor of the provincial government. The Auditor General provides audit assessments about the fairness and reliability of the financial statements and public accounts, and assesses the operations and performance of government programs and services. Reports of the Auditor General are tabled with the Legislative Assembly and are discussed in a public forum with the all-party Select Standing Committee on Public Accounts.

Vote 2 of the annual Estimates provides for the office’s operating expenses and capital expenditures. Last year, the Committee recommended that the annual operating budget be \$16.070 million in each of the next three fiscal years. The annual budget for capital spending was set at \$150,000.

### *2014/15 Estimate of Resources*

The office’s budget proposal for the next three fiscal years was reviewed by the Committee on December 5, 2013. In attendance were: Russ Jones, Acting Auditor General; Malcolm Gaston, Deputy Auditor General; Marc Lefebvre, Executive Director, Human Resources and Administration; and Katrina Hall, Manager, Finance.

The presentation began with an overview of the office’s core values and long-term strategic direction. Committee members heard how the office is undertaking a core review and strategic renewal, which will include input from stakeholders and staff, and lead to the development of a new service plan.

On the proposed budget for 2014/15, the A/Auditor General stated that the current base operating amount is sufficient to undertake the necessary and planned audits for the coming year. Additional funding, however, is needed to facilitate the move of the office’s two current locations to a new building at 615 Fort Street. The planned relocation, he noted, is scheduled to take place in November 2014 and was approved by the Committee last year.

To facilitate the move, an operating budget of \$16,621,000 and capital budget of \$538,000 were requested for 2014/15 to cover associated costs for movers, furniture and equipment, lease-hold improvements, furniture, information technology equipment, Leadership in Energy and Environmental Design (LEED) certification, and other expenses.

## Committee Inquiry

Committee members' questions primarily focused on the planned relocation of the office, particularly with respect to LEED certification. The A/Auditor General was also asked about accounting standards.

### LEED certification

Several questions were asked about LEED and whether the higher gold standard is a current requirement for government-owned and leased buildings. The A/Auditor General explained that the office is attempting to comply with current government policy but, in the absence of a legislative requirement, has proposed a budget for basic-level certification. In follow-up correspondence, the A/Auditor General estimated that the inclusive capital cost requirement for 2014/15 for the LEED Gold option is \$760,000, or \$222,000 more than the cost of basic certification.

### Accounting standards

The A/Auditor General was asked about accounting standards that currently apply to public bodies and why public bodies have restricted access to previous year's budget surpluses. He stated that it is the provincial comptroller's view that a change in current accounting rules would create too much fluctuation and make it difficult to balance the budget. A new audit report on the topic of working capital management, he added, is in progress.

## Conclusions and Recommendations

After due deliberation, the Committee agreed to approve the proposed operating and capital budgets of the Office of the Auditor General, which include one-time funding to facilitate the relocation of the office in November 2014. The Committee also agreed to approve up to an additional \$222,000 in capital funding if compliance with LEED Gold is currently required by government policy.

The Committee recommends that:

1. the annual appropriation for the operating expenses of the Office of the Auditor General be \$16,621,000 in 2014/15, \$16,527,000 in 2015/16, and \$16,797,000 in 2016/17;
2. the Office of the Auditor General receive capital expenditures of \$538,000 and, if required, up to an additional \$222,000 for LEED Gold in 2014/15; and capital expenditures of \$100,000 in 2015/16, and \$100,000 in 2016/17.

## Office of the Conflict of Interest Commissioner

*“The proposal allows us to carry on our stable environment and enhance our services to make sure when we say to the Members – as we do – that we’re available 24-7 and on a timely basis.”* (Paul Fraser, Q.C., Conflict of Interest Commissioner for British Columbia)

### Background

As an officer of the Legislative Assembly pursuant to the *Members’ Conflict of Interest Act*, the Conflict of Interest Commissioner performs three roles: advising MLAs on their obligations for conduct; meeting with MLAs at least annually to review the disclosures of financial interests and the general obligations imposed by the Act; and providing opinions in response to requests from MLAs or members of the public respecting compliance or alleged contraventions of the Act.

The yearly appropriation for the office is provided under Vote 3 of the annual *Estimates*. Last year, the Committee recommended that the annual operating budget be \$510,000 in each of the next three fiscal years.

### ***Budget Proposal Fiscal Years 2014/15 – 2016/17***

The office’s budget proposal for the next three fiscal years was reviewed by the Committee on December 5, 2013. In attendance were: Paul Fraser, Conflict of Interest Commissioner; and Linda Pink, Executive Coordinator.

The Commissioner began his presentation with a brief overview of office operations, noting how the office provides a direct service to MLAs as well as information to the public. He reviewed the current staff complement, which comprises a full-time executive coordinator, a part-time administrative assistant, as well as a legal officer and a project officer employed on contract bases. Committee members also learned that \$82,562 was spent above the voted amount for 2012/13 to cover the cost of an inquiry initiated by a former MLA with respect to the conduct of the Premier. The inquiry, conducted between September 2012 and March 2013, included \$100,000 in spending in 2012/13 and \$25,000 in the current fiscal year. The budget shortfall created by these expenses was recovered through contingency funding from Treasury Board in March 2013.

Activities in the current fiscal year were discussed next, including the increased workload as a result of new MLAs elected in May 2013. The Commissioner reported the closure of his Surrey satellite office in September 2013, and that he has moved his Lower Mainland residence to Victoria.

On the budget proposal for 2014/15, the Commissioner stated that the office is seeking an 11 percent increase, or \$57,000, to employ the legal officer on a permanent basis, increase the contract value for the other contracted employee, cover inflation and professional costs, and allow for

participation in a hybrid automobile lease program. The total amount requested for office operations for 2014/15 was \$567,000. No capital budget was proposed for the office.

In addition, the Committee heard a request during the *in-camera* portion of the meeting for reimbursement of one-time relocation expenses resulting from the Commissioner's decision to close his Surrey office and move from the Lower Mainland to Victoria. A sum of \$17,323 was requested to cover related fees and expenses.

## Committee Inquiry

### Request for Commissioner's opinion

The Commissioner was asked about the cost of the request for an opinion brought by a former MLA with respect to the Premier. He replied that the services of a Saskatchewan-based lawyer were used for the inquiry, and that the costs for his services and travel totaled just over \$50,000.

## Conclusions and Recommendations

After due deliberation, the Committee agreed to approve the proposed operating budget request of the Office of the Conflict of Interest Commissioner. In addition, the Committee agreed to approve the request for contingency funding for relocation expenses.

The Committee recommends that:

3. the annual appropriation for the operating expenses of the Office of the Conflict of Interest Commissioner be \$567,000 in each of the next three fiscal years;
4. the Office of the Conflict of Interest Commissioner be granted contingency funding in the current fiscal year (2013/14) of \$17,323 to defray moving expenses.

## Elections BC

*“Within our existing mandate we’re not seeking any funding increase. However, as our mandate changes, so too, must our resources to meet the new challenges.”* (Dr. Keith Archer, Chief Electoral Officer of British Columbia)

### Background

Elections BC is an independent, non-partisan office responsible for administering provincial general elections, by-elections, referenda, recall petitions, initiative petitions and initiative votes, and other aspects of the provincial electoral process. The Chief Electoral Officer is an officer of the Legislature responsible for the administration of the *Election Act* and the *Recall and Initiative Act*.

The appropriation for operating expenses and capital expenditures for Elections BC is provided for under Vote 4 of the annual *Estimates*. Last year, the Committee recommended that the annual appropriation for the operating expenses of Elections BC be \$8.210 million in each of the next three fiscal years, and that the appropriation for planned event funding in 2013/14 be \$33.125 million. The budget for capital expenditures was set at \$700,000 for each of the next three fiscal years.

### ***Budget Proposal 2014/15 - 2016/17***

On December 5, 2013, the Committee met to review Elections BC’s budget proposal for the next three fiscal years. Representing the office were: Dr. Keith Archer, Chief Electoral Officer; Nola Western, Deputy Chief Electoral Officer, Finance and Disclosure; and Anton Boegman, Deputy Chief Electoral Officer, Electoral Operations.

The presentation provided an overview of Elections BC’s planning framework and strategic priorities, including the office’s primary focus on providing a voter-centric model of election administration. Key activities around the 2013 provincial general election were discussed. Committee members learned about some of the initiatives used to increase public information and access to voting. The turnout of registered voters increased from 55 percent to 57 percent as a result. The Deputy Chief Electoral Officer, Electoral Operations detailed other activities during the year, such as the result of targeted enumeration efforts prior to the 2013 election. Committee members heard that 89 percent of the registered voters on the list were found to have a current address.

Upcoming projects and events were also discussed, such as the panel on Internet voting and the upcoming review of electoral boundaries. Reforms to local government election financing were also mentioned. The Chief Electoral Officer explained that changes proposed by the 2010 Local Government Elections Task Force are expected to be introduced in the spring session of the Legislative Assembly. These would expand the mandate of Elections BC to include ensuring compliance with new local government election financing rules in advance of the November 2014 elections.

The budget proposal for 2014/15 was described as a “hold-the-line” budget. No increases were requested to the current operating budget of \$8,210,000 or to the capital budget of \$700,000, nor was special event funding said to be currently needed.

Access to contingency funding in the current fiscal year, however, was requested to defray costs associated with anticipated changes to local government election financing. The Committee was asked to approve \$79,000 in operating funding and \$70,000 in capital funding in the current fiscal year (2013/14).

## **Committee Inquiry**

Topics raised during the committee inquiry included enumeration, youth and immigrant voters, and First Nations. Questions were also asked about mandatory voting, efforts to increase voter turnout, and shared services.

### **Enumeration**

Committee members asked about how enumeration is done in the case of secondary suites and multi-story buildings. The Chief Electoral Officer stated that the enumeration was based on sampling and efforts were made to engage district electoral officers with knowledge of their particular electoral districts. It was explained how a toolbox of approaches was used to improve the quality of the voters list in a way that is sensitive to the particular requirements of each district.

### **Youth and immigrant voters**

The Chief Electoral Officer was asked about underrepresented groups on the voters list and whether efforts were made to target youth and immigrant voters. He stated that getting youth onto the voters list is a real challenge and that the office is considering making recommendations to improve youth representation in the forthcoming report on the enumeration. Committee member also learned how close to 150 events were held to provide information and voter education services to ethnic groups and First Nations, along with 959 registration drives.

### **First Nations**

Questions were also asked about voting trends in First Nations communities, and whether efforts are underway to increase First Nations participation. The Deputy Chief Electoral Officer, Electoral Operations replied that the office does not have legislative authority to track ethnicity of voters, but that increasing First Nations participation in the electoral process is something that is going to be looked at in the future.

## **Conclusions and Recommendations**

The Committee appreciated the “hold-the-line” budget request and, after due deliberation, agreed to approve the proposed operating and capital budgets of Elections BC. In addition, the Committee



approved the request for contingency funding to defray the costs anticipated with changes to local government election financing.

The Committee recommends that:

5. the annual appropriation for the operating expenses of Elections BC be \$8,210,000 in each of the next three fiscal years;
6. the capital expenditures for Elections BC be \$700,000 in each of the next three fiscal years;
7. Elections BC be granted contingency funding in the current fiscal year (2013/14) of \$79,000 in operating funding and \$70,000 in capital funding to defray the costs anticipated with changes to local government election financing.

## Office of the Information and Privacy Commissioner; Office of the Registrar of Lobbyists

*"I'm requesting the same base funding as my office received for 2013/14, with increases only to cover mandated increases in certain costs."* (Elizabeth Denham, Information and Privacy Commissioner for British Columbia)

### Background

The Office of the Information and Privacy Commissioner (OIPC) is the independent oversight agency responsible for monitoring and enforcing compliance with the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Personal Information Protection Act*. An officer of the Legislature, the Commissioner has a mandate that includes conducting reviews of access to information requests, investigating complaints, monitoring general compliance with the Acts, and promoting freedom of information and protection of privacy principles. In addition, the Commissioner is also designated the Registrar of Lobbyists, and is charged with enforcing the *Lobbyist Registration Act* and overseeing the BC Registry of Lobbyists.

The appropriation for both offices' operating and capital expenditures is provided for in Vote 5 of the annual *Estimates*. Last year, the Committee recommended that the annual operating budget be \$5.526 million for each of the next three fiscal years. The annual capital budget was set at \$45,000.

### ***Budget Submission Fiscal Years 2014/15 - 2016/17***

The Committee met on December 6, 2013 to review the budget submission for the next three fiscal years. In attendance were: Elizabeth Denham, Information and Privacy Commissioner and Registrar of Lobbyists; Jay Fedorak, Assistant Commissioner; and Shelley Forrester, Executive Director of Corporate Services.

The presentation began with an update on the work of the Office of the Registrar of Lobbyists in the previous year. The Commissioner stated that 107 compliance reviews of lobbyist activities were conducted. She noted that the office will increasingly focus on enhancing compliance enforcement capacity, and will be requesting changes to the *Lobbyists Registration Act* in the coming year. Committee members also learned that the duties of the former Deputy Registrar of Lobbyists have been transferred to the Assistant Commissioner.

Turning to the work of the OIPC, the Commissioner reported that while the number of office case files increased by 20 percent this year, the backlog has been further reduced to 50 cases. The Committee was also told that the office has experienced a 92 percent increase in the number of time extension requests by public bodies responding to access-to-information requests, something the Commissioner described as "a worrying trend." A 31 percent increase in the number of privacy impact assessment requests by public bodies was also reported.

Reviews completed during the year were discussed next. They included reviews of phase 1 of the BC Services Card, GPS and electronic monitoring, and policy work relating to data-linking. Five systemic investigations were also completed on topics such as the growing trend of “no responsive records” in response to access to information requests, unauthorized disclosures of personal health information, open information and open data initiatives, the BC Liberal Party draft multicultural outreach plan, and section 25 of *FIPPA*. Public education and outreach activities were highlighted, along with priorities for the upcoming year.

On the budget proposal for 2014/15, the Commissioner said that further funding is not needed for new positions or goods or services. An increase of 1.3 percent, or \$72,000, in the current budget, however, was requested to cover government-mandated salary increments, adjustments, and corresponding benefit costs, along with increases in building occupancy and hydro rates. The total amount requested for the 2014/15 operating budget was \$5,598,000. No additional increase was requested for the capital budget.

## Committee Inquiry

Topics raised during the committee inquiry included compliance with *FIPPA*, the costs of judicial reviews, and the impact of technology on personal privacy. Other questions concerned shared services, building occupancy costs, and the use of private video surveillance for monitoring crime.

### *FIPPA* compliance

The Commissioner was asked what can be done to improve awareness of *FIPPA* to assist police and others to ensure proper compliance with the legislation at the local level. The Commissioner explained some of the changes made to the Act in 2011, noting that there are a lot of myths about what the law does and does not permit. Committee members were told that the office will be focusing attention on education in the coming year.

### Judicial reviews

The Commissioner was asked about actual office expenditures in the 2012/13 fiscal year. The Commissioner explained that the office has a budget of up to \$300,000 for judicial reviews, which is used to hire external counsel when someone challenges an office order or decision. She reported that only \$152,000 was spent last year and remaining funds were returned to the treasury.

### Technology and privacy

A question was asked about the impact of rapid expansion of technology on privacy concerns, including what areas are in need of improvement in BC. The Commissioner talked about the challenges associated with big data and data linking among government entities, along with the potential risks associated with using health research information. She stated that data flows are completely borderless now, and that cross-jurisdictional collaboration is now needed for enforcement.

## Conclusions and Recommendations

After due deliberation, the Committee decided, on division, to maintain the existing operating budget of that the Office of Information and Privacy Commissioner. The proposed capital budget was approved.

The Committee recommends that:

8. the annual appropriation for the operating expenses of the Office of Information and Privacy Commissioner be \$5,526,000 in 2014/15, \$5,591,000 in 2015/16, and \$5,656,000 in 2016/17;
9. the Office of the Information and Privacy Commissioner be granted capital expenditures of \$45,000 in each of the next three fiscal years.

## Office of the Merit Commissioner

*“I consider this to be a reasonable and fiscally responsible budget request, necessary to fulfil the mandate of the office and continue to uphold fair hiring in the BC Public Service.”*

(Fiona Spencer, Merit Commissioner for the Province of British Columbia)

### Background

An officer of the Legislature, the Merit Commissioner provides independent oversight and insight into merit-based hiring in the BC Public Service pursuant to the *Public Service Act*.

The budget of the office is provided under Vote 6 of the annual *Estimates*. Last year, the Committee recommended that the annual operating budget be \$1.039 million in each of the next three fiscal years. The Committee recommended an annual capital budget of \$15,000.

### ***Budget Submission Fiscal Years 2014/15 – 2016/17***

The Committee met on December 5, 2013 to review the office’s budget submission for the next three fiscal years. In attendance were: Fiona Spencer, Merit Commissioner; and Shelley Forrester, Executive Director of Corporate Services.

The Commissioner’s presentation summarized office activities in the previous year, including the results of the random audit of appointments in 2012. Committee members heard how merit was found not to have been applied in approximately 6 percent of the 228 appointments examined. In another 36 percent of appointments, issues were found with either how the process was conducted or how policies or collective agreement provisions were applied. The Commissioner stated that while year-to-year comparisons show improvements in some areas, she is concerned with a continuing downward trend in merit-based hiring. The findings have been raised and discussed with the BC Public Service Agency, and the Commissioner said that she is encouraged by the response.

Next, the Commissioner discussed the use of temporary appointments, which are allowable under the Act for up to a seven-month term without a competitive process. She reported that a follow-up audit on this topic released in November 2013 found little or no progress has been made in addressing misuse of these appointments. The Commissioner also reported on four staffing reviews completed in 2012/13, changes to appointment audits, and projects underway with respect to behavioural event interviewing and standard testing.

On the budget proposal for 2014/15, the Commissioner requested \$10,000, or a 1 percent increase, to cover negotiated salary and benefits increases and higher building occupancy costs. An operating budget of \$1,049,000 was requested. No changes were proposed to the current capital budget.

## Committee Inquiry

The committee inquiry focused on the results of the audit of appointments, temporary appointments, and behavioural event interviewing. Other questions concerned the jurisdiction of the Commissioner, the core review, and the office budget.

### Audit of appointments

The Commissioner was asked about the reported decrease in merit-based appointments and what steps can be taken to reverse the trend. She explained that deputy ministers and the head of the Public Service Agency are notified of the results of individual audits, and have the opportunity to take action and improve existing policies.

In response to other questions about merit-based hiring, the Commissioner described how an audit considers the appointment process from start to finish, and includes examination of advertised job requirements, screening methods, and the selection process. She noted that evidence for hiring decisions is sometimes not adequately documented.

### Temporary appointments

Asked about the use of temporary appointments, the Commissioner stated that it is an issue of ongoing concern as some of the appointments were found to have been extended up to seven years and without a merit-based selection process. She also observed that it is unclear whether policies and procedures are in place to track those kinds of appointments and subsequent extensions.

### Behavioural event interviewing

Committee members asked for further information on behavioural event interviewing. The Commissioner explained that this refers to an interviewing technique whereby a candidate is asked about previous situations where they have exhibited certain competencies. She said some people have complained that the technique has more to do with how good a person is at telling a story as opposed to one's actual job performance, experience, and knowledge.

## Conclusions and Recommendations

After due deliberation, the Committee decided, on division, to maintain the existing operating budget of the Office of the Merit Commissioner. The proposed capital budget was approved.

The Committee recommends that:

10. the annual appropriation for the operating expenses of the Office of the Merit Commissioner be \$1,039,000 in 2014/15, \$1,054,000 in 2015/16, and \$1,051,000 in 2016/17;
11. the Office of the Merit Commissioner receive capital expenditures of \$15,000 in each of the next three fiscal years.

## Office of the Ombudsperson

*“Our budget request this year is based on an overall approach to building increased deliverables and efficiencies within our existing resources, which we feel we can do if we are successful in obtaining funding for non-discretionary cost increases.”* (Kim Carter, Ombudsperson for the Province of British Columbia)

### Background

The Ombudsperson, an independent officer of the Legislature under the authority of the *Ombudsperson Act*, has two primary roles: responding to individual concerns and complaints and providing general oversight of the administrative actions of public agencies in BC.

The appropriation for the office is provided under Vote 7 of the annual *Estimates*. Last year, the Committee recommended that the annual operating budget be \$5.615 million in each of the next three fiscal years. The annual budget for capital expenditures was set at \$75,000.

### ***Budget Submission Fiscal Years 2014/2015 - 2016/2017***

On December 6, 2013, the Committee met to review the office’s budget proposal for the next three fiscal years. In attendance were: Kim Carter, Ombudsperson; and Shelley Forrester, Executive Director of Corporate Services.

The Ombudsperson’s presentation began with a review of activities covered in the 2012/13 annual report. She reported that the office received approximately 7,500 inquiries and complaints last year involving a wide range of public agencies. In addition, about 1,900 investigations and early resolutions were conducted. Systemic and team reports undertaken in the past year were also discussed, including public reports on open local government meetings and adult guardian processes.

On the service plan, the Ombudsperson described work being undertaken to increase public awareness of the office through outreach tours to BC communities and facilities tied to new immigrant services. An upcoming report on riparian areas regulation was also mentioned, along with efforts to focus on preventative ombudsmanship and to increase early resolution of disputes.

Turning to next year’s proposed budget, the Ombudsperson stated that she is seeking an operating budget of \$5,693,000, or a 1.4 percent increase, for non-discretionary expenses. These include mandated increases to salary and benefits, and higher building occupancy and utility costs. The Ombudsperson told the Committee that the office provides shared services to three other statutory offices, and that some non-discretionary increases will be recovered through contributions from those offices.

## Committee Inquiry

Questions during the committee inquiry focused on community outreach, shared services, and the role of constituency offices. Other queries concerned specific case files cited in the annual report.

### Community outreach

The Ombudsperson was asked about the outreach sessions held in different communities. She explained that the uptake has been very good and that the office is planning to continue the program. An increase in the use of the office's translation services was also reported.

### Shared services

Questions were asked about the shared services provided to four independent offices, and whether the model could be applied to all of the statutory offices to achieve administrative cost savings. The Ombudsperson explained that her office is a provider of the shared services, and that such a change would require creation of a larger support organization.

### Constituency offices

The role of MLA constituency offices was also raised, including whether these offices could be used to reduce the workload of the Ombudsperson. In response, it was explained how the Ombudsperson has an office intake process that refers some cases to existing services offered by organizations. Committee members also learned that the Ombudsperson visits local constituency offices to increase awareness of her services and to provide advice on when to refer people to her office.

## Conclusions and Recommendations

After due deliberation, the Committee decided, on division, to maintain the existing operating budget of the Office of the Ombudsperson. The proposed capital budget was approved.

The Committee recommends that:

12. the annual appropriation for the operating expenses of the Office of the Ombudsperson be \$5,615,000 in 2014/15, \$5,699,000 in 2015/16, and \$5,709,000 in 2016/17;
13. the Office of the Ombudsperson receive capital expenditures of \$75,000 in each of the next three fiscal years.



## Office of the Police Complaint Commissioner

*“We have one sole proprietary purpose, and that's to provide oversight of municipal police in British Columbia. ... We don't have a wide variety of programs that we can cut or manipulate in terms of discretionary costs.”* (Stan Lowe, Police Complaint Commissioner for British Columbia)

### Background

The Office of the Police Complaint Commissioner has a mandate to ensure that complaints involving municipal police officers and departments in BC are handled fairly and impartially. The Police Complaint Commissioner is an independent officer of the Legislature appointed under the authority of the *Police Act*.

The appropriation for the office's operating expenses and capital expenditures is provided for in Vote 8 of the annual *Estimates*. Last year, the Committee recommended that the operating budget be \$3.024 million in each of the next three fiscal years. The capital budget was set at \$25,000.

### ***Budget Submission and Service Plan Fiscal Years 2014/2015 to 2016/2017***

The Committee met on December 6, 2013 to review the office's budget proposal for the next three fiscal years. In attendance were: Stan Lowe, Police Complaint Commissioner; and Rollie Woods, Deputy Police Complaint Commissioner.

The Commissioner began the presentation by describing how his office provides impartial civilian oversight of police complaints involving municipal police in BC. He explained that its mandate is different from that of the Independent Investigations Office, which conducts criminal investigations of police-related incidents involving RCMP or municipal police that result in death or serious harm.

Next, the Commissioner explained how the office budget includes \$300,000 in dedicated funding for professional services (STOB 60) to cover the costs of adjudicative reviews, referrals of matters to retired judges for review, and public hearings. Committee members heard how actual expenditures in the past three years in this area have exceeded voted amounts by \$50,000 to \$100,000. Furthermore, he added, the forecast expenditure for reviews in 2013/14 is expected to be \$408,000.

On the proposed budget for 2014/15, the Commissioner requested a total operating budget of \$3,158,000, or a 4.4 percent increase over the existing appropriation. The proposal included a \$100,000 increase in dedicated funding for adjudicative and legal reviews to better reflect actual expenditures. In addition, \$34,000 was requested for scheduled salary increases and other adjustments to building occupancy and utility costs. No request was made to increase the capital budget.

## Committee Inquiry

The committee inquiry included questions about investigations by external police chiefs, reporting on the conclusion of allegations, and adjudicative and legal reviews. Other queries concerned the Commissioner's car allowance, expenditures in the current fiscal year, and the 2012 audit of the outcome or resolution of randomly selected complaints and investigations.

### External police investigations

Questions were asked about investigations of police misconduct that are conducted by external police chiefs. The Commissioner stated that in certain circumstances, a police chief may be asked by another police chief to become an external investigator. In such cases, he explained, the Commissioner's office provides contemporaneous oversight of the investigation, and has the power to reject a report or to order a new investigation.

### Conclusion of allegations

The Commissioner was asked about reporting on the conclusion of allegations, including the 49 percent of cases between March 31, 2010 and September 30, 2013 that were found to be "not substantiated." Committee members heard how the remaining allegations were found to be informally resolved (17 percent), discontinued (13 percent), substantiated (11 percent), withdrawn (8 percent), mediated (1 percent), or reviewed and closed (1 percent).

### Adjudicative and legal reviews

Several questions were asked about the budget for adjudicative and legal reviews. The Commissioner explained that the estimated increase of \$100,000 is based on trends in the past three years. He reported that the cost of public hearings is unpredictable and any unspent funds are returned to treasury.

## Conclusions and Recommendations

After due deliberation, the Committee decided, on division, to maintain the existing operating budget of the Office of the Police Complaint Commissioner, but to approve the requested increase for dedicated funding for adjudicative and legal reviews. The proposed capital budget was approved.

The Committee recommends that:

14. the annual appropriation for the operating expenses of the Office of the Police Complaint Commissioner be \$3,124,000 in 2014/15, \$3,149,000 in 2015/16, and \$3,122,000 in 2016/17;
15. the Office of the Police Complaint Commissioner receive capital expenditures of \$25,000 in each of the next three fiscal years.

## Office of the Representative for Children and Youth

*“We are confident we can manage within our budget despite two things: a significant increase in our advocacy cases in an expanded mandate, and a continued demand for important work by our monitoring and investigative divisions.”* (Mary Ellen Turpel-Lafond, Representative for Children and Youth, Province of British Columbia)

### Background

An officer of the Legislature appointed under the authority of the *Representative for Children and Youth Act*, the Representative has a three-part mandate that includes: reviewing, investigating, and reporting on the critical injuries and deaths of children; providing advocacy services with respect to designated and prescribed services; and monitoring, reviewing, and auditing the provision of designated services.

The appropriation for the office’s operating expenses and capital expenditures is provided for in Vote 9 of the annual *Estimates*. Last year, the Committee recommended that the operating budget be \$7.317 million in each of the next three fiscal years. The capital budget was set at \$150,000 for 2013/14, \$30,000 for 2014/15 and \$30,000 for 2015/16.

### Contingency Funding 2013/14

On September 10, 2013, the Committee met to consider a request for additional funding in the 2013/14 fiscal year to defray costs associated with the expansion of the Representative’s advocacy mandate to include young adults transitioning into Community Living BC. The Committee heard how supplementary operational funding of \$600,000 and capital funding of \$60,000 was needed to enable implementation of recent amendments to the *Representative for Children and Youth Act*.

Noting that half of the requested amount had been already approved by Treasury Board on April 9, 2013, the Committee approved access to the remaining \$300,000 for operating expenses and \$30,000 for capital expenses.

### Budget Submission Fiscal 2014/15 – 2015/16

On December 5, 2013, the Committee met to review the office’s budget proposal for the next three fiscal years. Appearing on behalf of the office were: Mary Ellen Turpel-Lafond, Representative for Children and Youth; John Greschner, Deputy Representative; and Tanis McNally-Dawes, Manager of Finance and Facilities.

The Representative’s presentation summarized activities in the previous year. In the area of advocacy, she reported that the office has had about 11,000 advocacy cases since it opened in 2007, and that her advocacy mandate now includes 19- to 24-year-olds with special needs transitioning into

Community Living BC. Progress in the area of monitoring, research, and audits of the child-serving system were discussed, including reports completed and currently underway. Committee members also were briefed on critical injury and death reviews completed by the office.

The Representative described the proposed operating budget for 2014/15 as a “stand-pat” budget. A total of \$7,917,000 was requested, the amount of the restated operating budget for 2013/14 with the contingency request. A capital budget of \$190,000 was requested for tenant improvements and costs relating to the expanded mandate, some of which are expected to be returned once costs are finalized.

## Committee Inquiry

Questions were asked about the capital request, the use of grants, and relations with First Nations. Other queries concerned oversight of the child-serving system, the budget for vehicles, and adoptions.

### Capital budget

The Representative was asked about the proposed capital budget of \$190,000. Committee members were told that this would be used for furniture upgrades following renovation of the office’s Burnaby location. The budget is also intended for information systems upgrades and tenant improvements.

### Grants

In response to a question about the budget for grants (STOB 77), the Deputy Representative explained these are used to fund short-term professional services for research on specialized topics. The grants were previously classified in the budget as “Transfers-General.”

### First Nations

Committee members asked about the office’s relationship with First Nations. The Representative stated that she has a very strong and collaborative relationship with the province’s 200-plus First Nations. Aboriginal issues, including the high prevalence of child poverty were discussed, along with a recent office report on delegated Aboriginal agencies.

## Conclusions and Recommendations

The Committee appreciated the “stand-pat” budget request and, after due deliberation, agreed to approve the proposed operating and capital budgets of the Office of the Representative for Children and Youth.

The Committee recommends that:

16. the annual appropriation for the operating expenses of the Office of the Representative for Children and Youth be \$7,917,000 in each of the next three fiscal years;
17. the Office of the Representative for Children and Youth receive capital expenditures of \$190,000 in 2014/15, \$50,000 in 2015/16, and \$50,000 in 2016/17.

## Documents Submitted

### Office of the Auditor General

*Annual Report 2012/13 and 2013/14-2015/16 Service Plan*

*2014/15 Estimate of Resources*

*Financial Statement Audit Coverage Plan for Fiscal Years 2014/2015 through 2016/2017*

Correspondence from Kate Ryan-Lloyd to Russ Jones re: Request for Additional information - LEED certification costs, December 5, 2013

Correspondence from Russ Jones to Kate Ryan-Lloyd re: Request for Additional information - LEED certification costs, December 6, 2013

Correspondence from Kate Ryan-Lloyd to Kyle Marsh re: Request from Select Standing Committee on Finance and Government Services, December 6 and 13, 2013

Correspondence from Kyle Marsh to Kate Ryan-Lloyd re: Request from Select Standing Committee on Finance and Government Services, December 13, 2013

### Office of the Conflict of Interest Commissioner

*Annual Report 2012*

*Budget Proposal Fiscal Years 2014/15-2016/17*

### Elections BC

*Annual Report 2012/13 and Service Plan 2013/14-2015/16*

*Budget Proposal 2014/15-2016/17*

*Supplementary Funding Request 2013/14*

Correspondence from Keith Archer to Dan Ashton, MLA, Convener of the Select Standing Committee on Finance and Government Services, July 15, 2013

Correspondence from Michael de Jong, Q.C. to Dr. Keith Archer Re: Supplementary Funding Request – Elections BC, November 28, 2013

## **Office of the Information and Privacy Commissioner; Office of the Registrar of Lobbyists**

*2012-13 Annual Report (Office of the Information and Privacy Commissioner)*

*2012-2013 Annual Report (Office of the Registrar of Lobbyists)*

*Service Plan Fiscal Years 2014/15-2016/17*

*Budget Submission Fiscal Years 2014/15-2016/17*

## **Office of the Merit Commissioner**

*Annual Report 2012/13*

*Service Plan Fiscal Years 2014/15-2016/17*

*Budget Submission Fiscal Years 2014/15-2016/17*

## **Office of the Ombudsperson**

*Annual Report 2012/13*

*Service Plan Fiscal Years 2014/2015-2016/2017*

*Budget Submission Fiscal Years 2014/2015-2016/2017*

*Ombudsperson Newsletter, September 2013*

## **Office of the Police Complaint Commissioner**

*2012/13 Annual Report*

*Budget Submission and Service Plan Fiscal Years 2014/2015 to 2016/2017*

Quarterly Reports on Legal Expenditures re: *Police Act* Submitted by Stan T. Lowe, Police Complaint Commissioner to Select Standing Committee on Finance and Government Services, January 21, April 17, and July 23, 2013

## **Office of the Representative for Children and Youth**

*2012/13 Annual Report and 2013/14-2014/15 Service Plan*

*Budget Submission Fiscal 2014/15-2015/16*

Correspondence from Michael de Jong, Q.C. to Mary Ellen Turpel-Lafond re: Budget Increase for Expanded Advocacy Mandate, April 9, 2013

Submission to the Select Standing Committee on Finance and Government Services: Budget Submission: New Advocacy Mandate, September, 2013







