

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

*Select Standing Committee on Finance  
and Government Services*



JANUARY 2016





January 20, 2016

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 Fourth Session of the 40th Parliament, containing the Committee's unanimous recommendations on statutory office budgets.

Respectfully submitted on behalf of the Committee,

Wm. Scott Hamilton, MLA  
Chair



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## Composition of the Committee

### Members

Wm. Scott Hamilton, MLA	Chair	Delta North
Carole James, MLA	Deputy Chair	Victoria-Beacon Hill
Dan Ashton, MLA		Penticton
Spencer Chandra Herbert, MLA <i>(from September 8, 2015)</i>		Vancouver-West End
Eric Foster, MLA		Vernon-Monashee
Simon Gibson, MLA		Abbotsford-Mission
George Heyman, MLA		Vancouver-Fairview
Gary Holman, MLA <i>(to September 8, 2015)</i>		Saanich North and the Islands
Hon. Mike Morris, MLA <i>(to January 7, 2016)</i>		Prince George-Mackenzie
Jane Jae Kyung Shin, MLA <i>(to September 8, 2015)</i>		Burnaby-Lougheed
Jackie Tegart, MLA <i>(from January 7, 2016)</i>		Fraser-Nicola
Claire Trevena, MLA <i>(from September 8, 2015)</i>		North Island
John Yap, MLA		Richmond-Steveston

### Committee Staff

Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees

Ron Wall, Manager, Committee Research Services

Lisa Hill, Committee Research Analyst

## Terms of Reference

On February 24, 2015, the Legislative Assembly agreed that the Select Standing Committee on Finance and Government Services be empowered:

1. To examine, inquire into and make recommendations with respect to the budget consultation paper prepared by the Minister of Finance in accordance with section 2 of the *Budget Transparency and Accountability Act [SBC 2000, c.23]* and, in particular, to:
  - a. Conduct public consultations across British Columbia on proposals and recommendations regarding the provincial budget and fiscal policy for the coming fiscal year by any means the committee considers appropriate;
  - b. Prepare a report no later than November 15, 2015 on the results of those consultations; and
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. To be the Committee referred to in the sections 19, 20, 21 and 23 of the *Auditor General Act, S.B.C. 2003, c. 2* and that the performance report in section 22 of the *Auditor General Act, S.B.C. 2003, c. 2*, 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.



# Oversight of Statutory Office Budgets

## Statutory Frameworks and Mandates

The Legislative Assembly has adopted legislation over the past four decades to establish the following eight independent statutory officer positions.

- The Auditor General.
- The Ombudsperson.
- The Conflict of Interest Commissioner.
- The Information and Privacy Commissioner.
- The Chief Electoral Officer.
- The Police Complaint Commissioner.
- The Merit Commissioner.
- The Representative for Children and Youth.

The eight officer positions and their offices support the work of Members of the Legislative Assembly, and report to the Assembly on their responsibilities to: administer electoral processes; report on government financial management; investigate complaints about administrative actions; and ensure compliance with various provincial laws. Legislative frameworks ensure the independence of the officers. They are independent Officers of the Legislature,<sup>1</sup> with appointment based on the unanimous recommendation of an all-party parliamentary committee, and approval by the Assembly. The frameworks also set out mandates and authority to establish offices and hire staff.

The mandates and work of statutory officers have evolved through statutory and non-statutory changes to address new challenges, which can require additional budget resources.

- *Legislative changes to roles and responsibilities* – for example, 2010 amendments to the *Police Act* expanded the oversight responsibilities of the Office of the Police Complaint Commissioner; 2011 changes to the *Freedom of Information and Protection of Privacy Act* resulted in new oversight responsibilities for the Commissioner; \$8,067,395 was required for Elections BC's administration of the 2011 referendum on the Harmonized Sales Tax, conducted under the *Referendum Act*; and the work of Elections BC has also expanded to implement the 2014 *Local Elections Campaign Financing Act*.

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<sup>1</sup> Seven statutory officers are Officers of the Legislature, the exception being the Conflict of Interest Commissioner, who is an Officer of the Legislative Assembly, reflecting the position's role with Members of the Legislative Assembly.

- *Initiatives authorized by the Legislative Assembly* – such as the referral to the Ombudsperson by the Select Standing Committee on Finance and Government Services of the investigation of the 2012 terminations at the Ministry of Health.

## Review of Statutory Office Budgets

The financial review of statutory office budgets has been a parliamentary committee responsibility since 2001. In that year, the Legislative Assembly assigned the work of reviewing statutory office estimates to the all-party Select Standing Committee on Finance and Government Services – addressing statutory officers' concerns about the possible effect of a government process on their independence, as outlined in a report from the statutory officers tabled in the Assembly in 1998.

Since 2001, the Legislative Assembly's terms of reference for the Committee have empowered it to consider and make recommendations on the annual reports, three-year service plans, and budgets of statutory offices. (Two other committees, the Select Standing Committees on Public Accounts and Children and Youth, respectively, review the annual service plans of the Office of the Auditor General, and the Office of the Representative for Children and Youth.)

The Committee's annual review of statutory office budgets ensures scrutiny of the responsibilities, performance, and budget requirements of all eight statutory offices. The Committee's work also enables each office to present budget requirements in an all-party public forum, and to explain the fiscal impact of changes in their priorities.

Hon. Michael de Jong, Q.C., Minister of Finance, wrote to the Committee on May 13, 2015, to confirm government's expectation that the Committee will review and make recommendations to Treasury Board with respect to all statutory office expenditures that exceed approved budget allocations, regardless of whether the office has statutory spending authority. This is consistent with the requirement that ministries with statutory spending authority seek Treasury Board approval to exceed budget allocations.

The Minister wrote to the Committee on July 13, 2015 about the statutory office budget process, in the context of the consideration of budgetary recommendations for supplementary funding for the Office of the Ombudsperson. The Minister indicated that the Office of the Minister of Finance and Treasury Board has dealt with many referrals from the Committee about statutory office budgets going back many years. He noted that the process for statutory office budget submissions includes the Committee's review of a detailed and thoroughly costed budget request followed by the Committee's forwarding of its decision on the budget submission to the Minister. Past practice has been for the Minister and/or Treasury Board to accept the advice of the Committee for budgets of statutory offices.



April 22, 2015	Elections BC: Supplementary Budget Requests for 2015 Metro Vancouver Transportation and Transit Plebiscite, Maple Ridge Mission Recall Proposal, and Burnaby North Recall Proposal
May 13, 2015	Statutory Offices: Financial and Operational Updates
May 27, 2015	Statutory Offices: Financial and Operational Updates
September 15, 2015 November 4, 2015	Office of the Ombudsperson: Supplementary Budget Request <sup>2</sup> Office of the Conflict of Interest Commissioner: Budget Request Office of the Auditor General: Budget Request Deliberations (in-camera)
November 16, 2015	Elections BC: Budget Request Office of the Police Complaint Commissioner: Budget Request Office of the Merit Commissioner: Budget Request
November 18, 2015	Office of the Representative for Children and Youth: Budget Request Office of the Ombudsperson: Budget Request Deliberations (in-camera)
November 19, 2015	Office of the Information and Privacy Commissioner and Office of the Registrar of Lobbyists: Budget Request Deliberations (in-camera)
January 18, 2016	Office of the Representative for Children and Youth: Budget Request Elections BC: Supplementary Budget Request Deliberations (in-camera) Approval of Report

The Committee's documents, proceedings, and this report are available at:  
<https://www.leg.bc.ca/parliamentary-business/committees/40thparliament-4thsession-fgs>

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<sup>2</sup> The Committee's consideration of the supplementary budget request for the Office of the Ombudsperson followed its referral of the investigation of the 2012 terminations of Ministry of Health employees to the Office of the Ombudsperson. The Committee considered the referral at meetings on July 8, 2015, July 15, 2015, July 16, 2015, July 29, 2015, and September 9, 2015.

## Conclusions

The Committee heard presentations from the eight statutory officers respecting their budget situation and priorities, financial pressures, and budget submissions for the next three fiscal years.

During their deliberations, Committee Members considered ways to: ensure budget oversight and accountability for the use of taxpayers' funds; promote transparency with respect to statutory officer compensation; support statutory mandates and avoid duplication; and provide appropriate funding of statutory office staff salaries.

### Ensuring Budget Oversight and Accountability

The Committee heard repeated evidence about the importance of the work of the eight independent statutory offices. All British Columbians depend on statutory offices for: the administration of the province's democratic electoral system; upholding conflict of interest provisions for the Members of the Legislative Assembly; auditing government financial accounts and performance; monitoring and enforcing access to information and privacy laws; investigating complaints about municipal police members; and merit-based hiring for the public service. The offices also investigate complaints about government administrative actions and the care of children and youth, which serves to protect some of the most vulnerable members of our society.

In this year's review of budgets, Committee Members were advised of increased responsibilities for statutory offices and other pressures, resulting in requests for additional resources.

- The Office of the Ombudsperson was directed by the Committee to undertake a major investigation regarding the 2012 termination of Ministry of Health employees.
- The Ministry of Justice asked the Office of the Police Complaint Commissioner to assume oversight responsibilities for special municipal constables.
- An evaluation of the Conflict of Interest Commissioner's workload and responsibilities resulted in a determination that the position should be increased from 0.75 to full-time status.
- Funding for events related to planning and the administration of the 2017 provincial general election was requested by Elections BC.
- The Office of the Information and Privacy Commissioner, the Office of the Ombudsperson, and the Office of the Representative for Children and Youth sought additional resources to address increased files and backlogs.
- The Office of the Representative for Children and Youth proposed additional funding to support the Ministry of Children and Family Development in achieving better outcomes in the area of permanency planning and adoptions, through a time limited adoption advocacy initiative with the Ministry to reduce the adoption waiting list for children.

Committee Members affirmed the importance of fiscal discipline in the context of a volatile economic landscape and tight budgets across the province. The Committee welcomed proposals for “hold the line” budgets from the Office of the Auditor General, the Office of the Merit Commissioner, and Elections BC for its core operating and capital budgets.

The Committee also supported targeted budget allocations to address pressures outlined by the Offices of the Ombudsperson, the Police Complaint Commissioner, the Conflict of Interest Commissioner, Elections BC, the Information and Privacy Commissioner, and the Representative for Children and Youth with respect to increased files and backlogs, and agreed to continue consideration of funding for the Representative’s adoption advocacy project.

Building on its 2014 decisions to strengthen the oversight of statutory office budgets, the Committee agreed that offices receiving targeted budget allocations return in six months to report on progress in fulfilling the purpose of the allocations, as part of the Committee’s spring 2016 review of office plans and priorities, in order to provide accountability for new budget allocations.

## Providing Transparency for Statutory Officer Compensation

Committee Members were advised that the salaries of all but one statutory officer (the Merit Commissioner, whose compensation for her part-time position is set by Order in Council) are linked to the salary of the chief judge of the Provincial Court of British Columbia. Committee Members indicated that ongoing transparency with respect to statutory officer compensation would promote accountability for the use of taxpayers’ funds.

On October 29, 2015, the Supreme Court of Canada dismissed the Attorney General of British Columbia’s application<sup>3</sup> for leave to appeal a Court of Appeal for British Columbia judgement<sup>4</sup> on provincial judges’ compensation. Government stated after the Supreme Court of Canada’s dismissal that the judgement of the Court of Appeal with respect to judicial compensation will be implemented. This will result in the application of the salary recommendations of the “Final Report of the 2010 British Columbia Judges Compensation Commission.”<sup>5</sup>

Preliminary inquiry indicates that the salary of the chief judge of the Provincial Court of British Columbia as of April 1, 2016 is estimated to be \$282,565, or approximately \$282,600, which will

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<sup>3</sup> Supreme Court of Canada, *Applications for Leave: Attorney General of British Columbia v. Provincial Court Judges’ Association of British Columbia*, October 29, 2015 (see <http://scc-csc.lexum.com/scc-csc/scc-l-csc-a/en/item/15587/index.do?r=AAAAAQAGanVkZ2VzAQ>)

<sup>4</sup> Court of Appeal for British Columbia, *Provincial Court Judges’ Association of British Columbia v. British Columbia (Attorney General)*, 2015 BCCA 136, March 27, 2015 (see <http://www.canlii.org/en/bc/bcca/doc/2015/2015bcc136/2015bcc136.html>)

<sup>5</sup> The Final Report of the 2010 British Columbia Judicial Compensation Commission is available at: <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/judicial-compensation-commission/judges-compensation-commission/2010-jcc-finalreport.pdf>

apply to the salaries of seven of the eight statutory officers. The Merit Commissioner's salary is currently set by Order in Council at a per diem rate of \$525 per day or part thereof.

### **Supporting Legislated Mandates and Avoiding Duplication**

During the budget reviews, Committee Members noted the importance of legislated mandates in guiding the work of statutory offices, the value of coordination when jurisdiction is shared, and the need to avoid duplicating the work of other offices and organizations. These issues should continue to be considered in the Committee's oversight work on statutory office budgets.

### **Funding Statutory Office Employee Salaries**

The fall 2015 statutory office budget submissions included proposed staff salary increases to reflect adjustments in the public service. This is an ongoing element of statutory office budgets, and recent public service union wage settlements may result in future submissions by offices to adjust staff salaries. Committee Members noted that the application of public service salary changes was a reasonable approach for setting the salaries of statutory office employees.

### **Recommendations for Statutory Office Budgets**

The Committee concluded its deliberations on statutory office budget submissions by unanimously approving the following budget recommendations for the eight statutory offices.

The Committee's conclusions and recommendations with respect to each office are outlined in the following sections.

## Office of the Auditor General

The position of Auditor General dates back to British Columbia's entry into Confederation, when it functioned like the provincial Comptroller General, with responsibility for government auditing processes. In 1976, the Legislative Assembly adopted the *Auditor General Act*, establishing the province's first independent Auditor General. The Act authorizes the Auditor General to undertake financial audits of government's summary financial statements (Public Accounts), and performance audits on the efficiency, economy, and effectiveness of government programs, services, and resources. The office's audit reports are tabled in the Legislative Assembly, and referred to the Select Standing Committee on Public Accounts – information on that committee's current work is available at <https://www.leg.bc.ca/parliamentary-business/committees/40thparliament-4thsession-pac>

Vote 2 of the annual provincial Estimates provides for the office's operating expenses and capital expenditures. Last year, Committee Members voiced concern about proposals for unanticipated increases in operating and capital budgets, and scaled back the proposals put forward by the office. The Committee recommended that: the operating budget be \$16,945,000 in the 2015/16 to 2017/18 fiscal years; and the annual capital budget be \$100,000 in these three years.

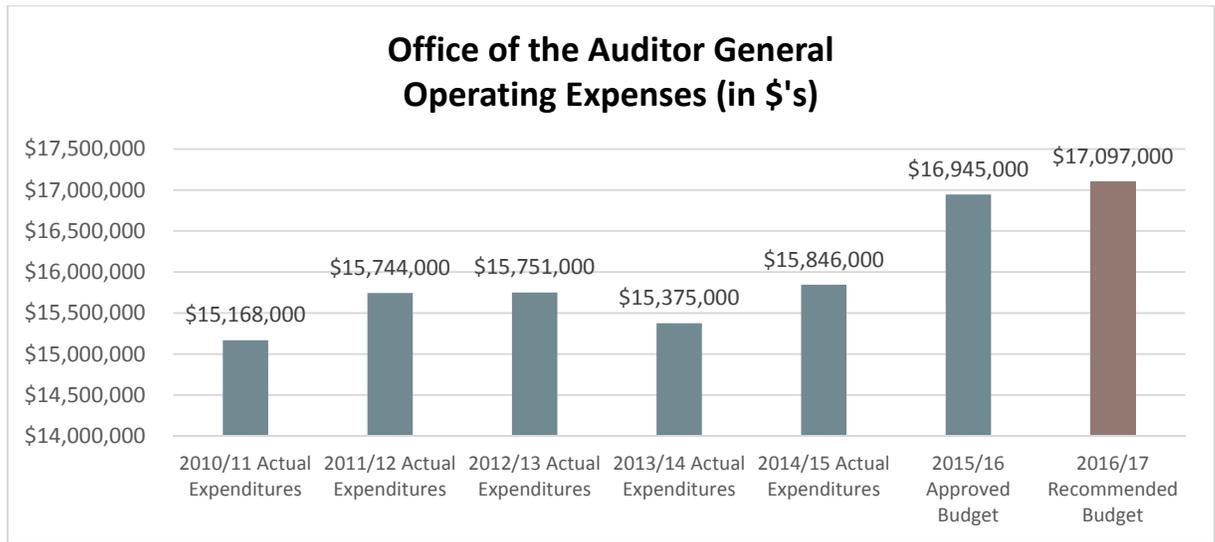
### Budget Submission for 2016/17 to 2018/19

The office's budget proposal for the next three fiscal years was reviewed by the Committee on November 4, 2015. In attendance were: Carol Bellringer, Auditor General; Cornell Dover, Assistant Auditor General; Mark Lefebvre, Executive Director, Human Resources; and Katrina Hall, Chief Financial Officer.

The Auditor General noted that this was her first full year in her position. Over the past year, the office has strengthened its management and strategic reporting, including a strategic plan, and a Performance Audit Coverage Plan on audit priorities which has been publicly circulated for the first time. Decisions have been taken to ensure that salary and compensation levels are in line with best practices. The office has occupied facilities in a new location for almost one year, enabling staff which had previously been in two offices to collaborate more effectively.

The Auditor General explained that historically the office had fulfilled its audit plans with a lower level of resources than that provided to other provincial legislative auditors. As a result of the Committee's December 2014 decision not to support increased occupancy costs and capital items for the 2015/16 fiscal year, vacant positions had not been filled and other expenses had been delayed in order to stay within the budget recommended by the Committee.

Looking ahead to the next three fiscal years, the Auditor General proposed a "hold the line" operating budget. For the 2016/17 fiscal year, a total of \$17,097,000 was requested, amounting to 1 percent above the previous year's level, to cover increased occupancy costs for the office's new location. For the 2017/18 and 2018/19 fiscal years, respectively, operating budgets of \$17,339,000 and \$17,344,000 were proposed.



The Auditor General advised the Committee that increased capital expenses are proposed for the next two years, to ensure that the office has up-to-date information technology. A capital budget of \$370,000 was sought for the 2016/17 fiscal year, up from \$100,000 for 2015/16, and \$350,000 was proposed for 2017/18. The proposed capital budget for 2018/19 was \$100,000.

To follow up on the Committee’s December 2014 request to all statutory officers to examine ways to increase efficiencies through streamlined administrative services, the office reviewed its service delivery model and physical location for opportunities to share services, and held initial meetings with other statutory offices. While no areas for further savings were identified, the office is committed to sharing its meeting facilities, and will look to support and assist other offices as appropriate.

## Committee Inquiry

Committee Members considered office space and occupancy costs, planned capital budget expenditures, and staffing and salary costs.

### Office Space and Occupancy Costs

Committee Members reiterated past concerns that the office’s new leased location space appears to be considerably larger than the combined space of previous office locations. They took note of the Auditor General’s statement to the Committee that a designer could identify ways to reconfigure new location space and find potential efficiencies.

### Capital Budget Expenditures

The Auditor General requested capital funding increases in the next two fiscal years to acquire information technology hardware and financial accounting software to keep the office’s auditing practices current and consistent with best practices and standards. Like other jurisdictions, new information technology would enable the office to maintain high business standards for audit reports. Committee Members expressed support for the Auditor General’s acquisition of up-to-date financial

software, and the use of accounting methodology by the federal Office of the Auditor General as a potential best practice for efficient, cost-effective, and reliable software.

### Staffing and Salary Costs

The Auditor General was asked questions about staffing levels, salary costs, and recruitment and retention strategies to secure and maintain a strong audit team. The Committee was told that the office seeks to maintain a lean audit team. Since audit staff have experience and abilities which are attractive for private sector and other public sector employers, there has been significant staff turnover. Therefore, an ongoing recruitment and development program is required. Most of the office's professional staff are classified as excluded management, but this does not mean they are all managers or receive additional salaries above comparable public service rates.

### Recommendations

In their deliberations, Committee Members appreciated the “hold the line” operating budget proposed by the office, and supported the acquisition of up-to-date information technology to maintain high standards of audit work.

Committee Members agreed that the office should continue to explore new efficiencies and savings related to its new location by undertaking a review of office space and potential efficiencies, and should provide the results of its review to the Committee. In the event that additional resources are required to carry out the review, the office should present a supplementary funding proposal to the Committee for its consideration.

The Committee therefore recommends to the Legislative Assembly that:

#### Recommendations

1. The appropriation for the operating expenses of the Office of the Auditor General be \$17,097,000 in the 2016/17 fiscal year, \$17,339,000 in the 2017/18 fiscal year, and \$17,344,000 in the 2018/19 fiscal year.
2. The appropriation for capital expenditures of the Office of the Auditor General be \$370,000 in the 2016/17 fiscal year, \$350,000 in the 2017/18 fiscal year, and \$100,000 in the 2018/19 fiscal year.

## Office of the Conflict of Interest Commissioner

As an Officer of the Legislative Assembly under the *Members' Conflict of Interest Act*, the Conflict of Interest Commissioner advises Members on their obligations for conduct, meets with them to review disclosures of financial interests and obligations required by the Act, and provides opinions in response to requests about compliance with the Act. The office is the smallest of the eight statutory offices in terms of budget allocations. The yearly appropriations for the office are provided under Vote 3 of the annual *Estimates*.

Last year, the Committee supported a prudent budget proposal submitted by the Commissioner. The Committee recommended that: the annual budget for operating expenses be \$567,000 in the 2015/16 to 2017/18 fiscal years; and the annual capital budget be \$25,000 for these three years.

### Budget Submission for 2016/17 to 2018/19

The office's budget proposal for the next three fiscal years was reviewed by the Committee on November 4, 2015. In attendance were: Paul Fraser, Q.C., Conflict of Interest Commissioner; and Linda Pink, Executive Coordinator.

The Commissioner began the presentation by highlighting the significant development in his budget proposal: an increase in the Commissioner's position from 0.75 to full-time status. He noted that the proposed office budget also incorporated the implementation of the Court of Appeal judgement on provincial judicial compensation with respect to the Commissioner's salary and benefits. The Commissioner proposed that other office operating and capital allocations remain virtually unchanged at 2015/16 levels for the next three fiscal years.

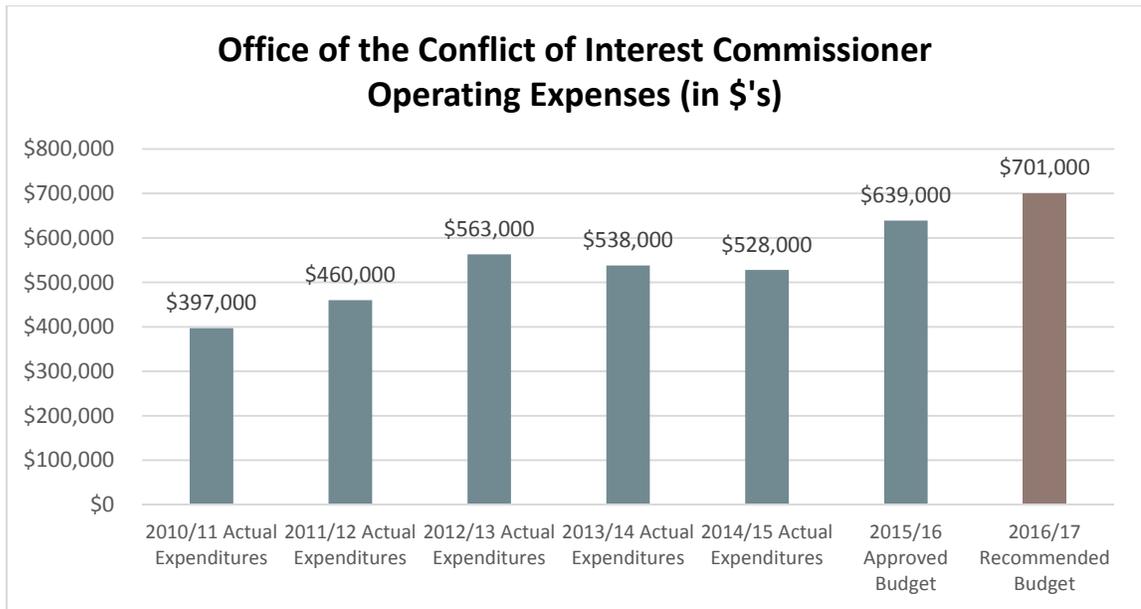
Overall, the Commissioner proposed an operating budget of \$701,000 in each of the next three fiscal years. An unchanged capital budget of \$25,000 was sought for each of the next three years. A supplementary funding request for the 2015/16 fiscal year was sought to cover the cost of increasing the Commissioner's compensation effective April 30, 2015.

### Committee Inquiry

Committee Members' questions focused on the Commissioner's compensation level, and possible changes to update the provisions of the *Members' Conflict of Interest Act*.

#### Commissioner's Compensation

Committee Members sought explanations for the augmentation of the Commissioner's status from 0.75 to full-time status. The Commissioner explained that his predecessor had been employed on a half-time basis, which was increased to 0.75 when he began as Commissioner in 2008. An examination of workloads and assigned responsibilities following his 2013 reappointment had resulted in a determination that full-time status was appropriate for the remainder of the Commissioner's term.



Note: the 2015/16 Budget figure includes supplementary funding of \$72,000.

#### Members' Conflict of Interest Act

Committee Members asked the Commissioner about the need for amendments to the *Members' Conflict of Interest Act*. He advised that the office's 2014 Annual Report recommended an updating of the Act, including recommendations made in the 2013 report of the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills.

#### Recommendations

Committee Members concluded that workloads and assigned responsibilities supported the change from 0.75 to full-time status for the Commissioner, effective April 30, 2015, and agreed to his proposal to hold the line on other operating and capital budget items.

The Committee therefore recommends to the Legislative Assembly that:

- | Recommendations   |
|---|
| 1. The Office of the Conflict of Interest Commissioner be granted access to supplementary funding up to \$72,000 for operating expenses in the 2015/16 fiscal year. |
| 2. The appropriation for the operating expenses of the Office of the Conflict of Interest Commissioner be \$701,000 in each of the next three fiscal years.         |
| 3. The appropriation for capital expenditures of the Office of the Conflict of Interest Commissioner be \$25,000 in each of the next three fiscal years.            |

## Elections BC

Elections BC is an independent, non-partisan office which conducts provincial general elections, by-elections, referendums, recall petitions, initiative petitions and initiative votes, and other elements of the provincial electoral process. The Chief Electoral Officer is an Officer of the Legislature, with responsibility for the administration of the *Election Act* and the *Recall and Initiative Act*.

The appropriations for operating and capital expenditures for Elections BC are provided under Vote 4 of the annual *Estimates*. Last year, the Committee supported a “stand-pat” budget proposal based on the previous year’s level plus \$1,175,000 in contingency funding approved by the Committee. To this end, the Committee recommended: an annual operating budget of \$9,385,000 in the 2015/16 to 2017/18 fiscal years; planned event funding in 2015/16 of \$1,695,000; and an annual capital budget of \$700,000 for the 2015/16 to 2017/18 fiscal years.

### Supplementary Funding for 2015/16

#### 2015 Metro Vancouver Transportation and Transit Plebiscite

The Committee met on March 24, 2015 with officials from Elections BC to consider a request for supplementary funding in 2014/15 and 2015/16 to administer the 2015 Metro Vancouver Transportation and Transit Plebiscite. Elections BC sought a total of \$6,213,000 (\$4,293,000 in 2014/15, and \$1,920,000 in 2015/16) to defray expenditures relating to the administration of the plebiscite. The Committee carefully considered the request and, recognizing that expenditures had already been incurred in the fiscal year, recommended that Elections BC be granted access of up to the requested amount of \$4,293,000 for 2014/15. The Committee agreed to reconvene at a later date to give further consideration to the request for \$1,920,000 in 2015/16.

#### 2015 Metro Vancouver Transportation and Transit Plebiscite, Maple Ridge Mission Recall Proposal, and Burnaby North Recall Proposal

On April 22, 2015, the Committee followed up on its March 24, 2015 meeting by examining a more detailed proposal from Elections BC for supplementary funding for 2015/16 as well as requests for 2014/15 funding for recall petitions. After due deliberation, the Committee recommended that Elections BC be granted the following funding.

- Supplementary funding up to \$2,740,500 for 2015/16 to administer the Metro Vancouver Transportation and Transit Plebiscite.
- Supplementary funding up to \$25,000 for 2015/16 to cover initial expenditures to administer the Maple Ridge-Mission Recall Petition; should this recall petition proceed to the verification stage, the Committee further recommended that Elections BC be granted additional supplementary funding up to \$142,000 for 2015/16 in order to defray expenditures related to the recall petition.

- Supplementary funding up to \$24,000 for 2015/16 to defray initial expenditures to administer the Burnaby North Recall Petition; should this recall petition proceed to the verification stage, the Committee further recommended that Elections BC be granted additional supplementary funding up to \$142,000 for 2015/16 in order to cover expenditures related to the recall petition.

### **2016 Vancouver-Mount Pleasant and Coquitlam-Burke Mountain By-elections**

During his November 16, 2015 presentation on the 2016/17 to 2018/19 budget, the Chief Electoral Officer advised the Committee that supplementary funding would be required for by-elections for Vancouver-Mount Pleasant and Coquitlam-Burke Mountain. A provisional estimate of approximately \$1.3 million was provided for the cost of administering the two by-elections. The Chief Electoral Officer explained that Elections BC was assuming that the two by-elections would be called simultaneously. A separate budget request would then be brought forward to the Committee for consideration.

The two by-elections were called simultaneously on January 5, 2016. On January 18, 2016, the Committee reviewed a supplementary funding request from Elections BC with Dr. Keith Archer, Chief Electoral Officer, Anton Boegman, Deputy Chief Electoral Officer, Electoral Operations, and Nola Western, Deputy Chief Electoral Officer, Finance and Disclosure. The Committee was advised that Elections BC expected a budget surplus of \$800,000 in other events in the 2015/16 fiscal year. Therefore, additional supplementary funding of only \$515,000 was sought for the two by-elections.

The Chief Electoral Officer explained that the costs of the two by-elections were somewhat higher than that of previous by-elections because of 2015 changes to the *Election Act*. The changes increase advance voting opportunities, and provide candidate representatives with more access to information on individuals who have voted after the end of each advance voting opportunity as well as on individuals who have voted on general voting day. To implement the new provisions, Elections BC has incurred additional costs for staffing and information technology.

### **Budget Submission for 2016/17 to 2018/19**

On November 16, 2015, the Committee met to review Elections BC's budget proposal for the next three fiscal years. Representing the office were: Dr. Archer; Mr. Boegman; and Ms. Western.

The Chief Electoral Officer presented the office's three budget requests.

- *Core operating budget* – \$9,385,000 was requested for 2016/17 to 2018/19 for ongoing core operating expenses. The Chief Electoral Officer explained that this was the same amount as was approved by the Committee last year. An internal reallocation was planned to cover additional costs for staff salaries and benefits, resulting in no overall increase in core operating expenses.
- *Capital budget* – \$700,000 was proposed for the next three years for: a provincial electronic filing system; an online provincial campaign contribution database; and an electronic voting

book for alternative absentee voting. The same level was approved by the Committee last year.

- *Event-related budget* – \$16,094,000 was sought for 2016/17 to cover three scheduled electoral events: \$1,589,000 for the 2016 electoral boundaries redistribution; \$6,748,000 for the 2017 enumeration; and \$7,757,000 for preparations for the 2017 provincial general election.

## Committee Inquiry

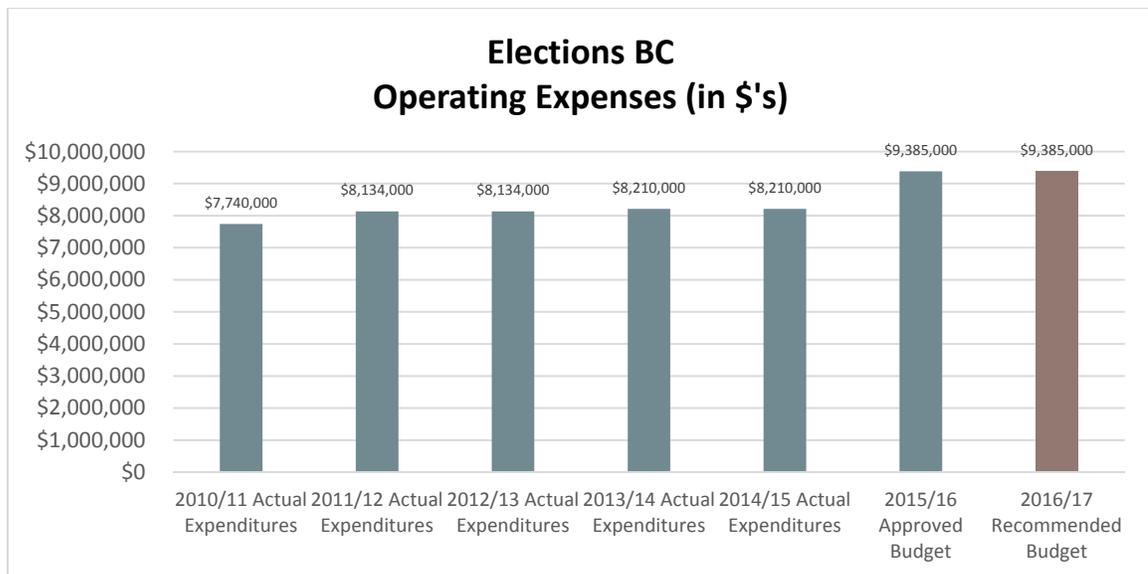
Committee Members sought additional information on lessons learned from the October 2015 federal election, election performance of District Electoral Officers, and online voting.

### Lessons Learned from the October 2015 Federal Election

Committee Members were advised that Elections BC has an active program of learning from electoral events across the country. Preliminary results from the October 2015 federal election indicated that there was a big increase in youth engagement, and increased use of advance voting. Elections BC had taken steps to: increase messaging about voting; expand training; improve accessibility for voters; and provide more flexibility to add extra voting teams in areas of higher voter turnout.

### District Electoral Officers

The Committee requested an update about election performance and knowledge for District Electoral Officers. The Chief Electoral Officer reported that Elections BC was expanding documentation, supplementing training, and adding spare staff and voting teams who would be available for deployment to areas with more demand for electoral support.



## Online Voting

Committee Members inquired about the state of new technologies to support online voting, which could encourage greater voter turnout and reduce the cost of administering elections. The Chief Electoral Officer indicated that Elections BC prepared a report in 2014 on the challenges of Internet voting. He stated that Internet voting should be considered in an integrated context, including federal, provincial, and local elections, and that further study was warranted.

## Recommendations

Committee Members appreciated Elections BC's "hold the line" operating and capital budget requests, and supported the requested level of supplementary funding in the 2015/16 fiscal year and the proposed planned event budget for 2016/17.

The Committee therefore recommends to the Legislative Assembly that:

### Recommendations

1. Elections BC be granted access to supplementary funding up to \$515,000 for the administration of the Vancouver-Mount Pleasant and Coquitlam-Burke Mountain by-elections in the 2015/16 fiscal year.
2. The appropriation for the operating expenses of Elections BC be \$9,385,000 in each of the next three fiscal years.
3. The appropriation for capital expenditures for Elections BC be \$700,000 in each of the next three fiscal years.
4. The appropriation for planned event funding for Elections BC be \$16,094,000 in the 2016/17 fiscal year.

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

The Office of the Information and Privacy Commissioner is the independent oversight agency responsible for monitoring and enforcing compliance with the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act*. An Officer of the Legislature, the Commissioner is responsible for: reviews of access to information requests; the investigation of complaints; monitoring general compliance with the Acts; promoting freedom of information and protection of privacy principles and providing advice and information to public bodies on access and privacy issues. The Commissioner is also designated as the Registrar of Lobbyists, with responsibility for enforcing the *Lobbyist Registration Act* and overseeing the BC Registry of Lobbyists.

The appropriations for the operating and capital expenditures of the office are provided under Vote 5 of the annual *Estimates*. Last year, the Committee supported a 2 percent increase in the office operating budget to cover higher salary and benefits costs, and a new adjudicator position, partly offset by internal savings on other items. To this end, the Committee recommended: an annual operating budget of \$5,636,000 in the 2015/16 to 2017/18 fiscal years; and an annual capital budget of \$45,000 for these three years.

### Budget Submission for 2016/17 to 2018/19

The Committee met on November 19, 2015 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, Deputy Registrar and Assistant Commissioner; and Dave Van Swieten, Executive Director of Corporate Services.

The Commissioner opened her presentation with a review of her work as the Registrar of Lobbyists. The office has enhanced its enforcement capacity, and expanded public education and outreach. Informal resolutions are the most cost-effective way to enforce compliance, and the office has aimed to use informal means to resolve possible non-compliance wherever possible.

The Commissioner highlighted the past year's key achievements in the information and privacy areas. Progress had been made in addressing investigation and adjudication backlogs by realigning office resources and conducting a continuous improvement process. Major policy and investigation initiatives had been completed, notably an October 22, 2015 report titled, "Access Denied: Records Retention and Disposal Practices of the Government of British Columbia," and a submission to the Special Committee to Review the *Freedom of Information and Protection of Privacy Act*. The office has increased its guidance to government organizations on effective access and privacy programs, and promoted cultural change to enhance information management.

Notwithstanding progress made in the past year, a significant backlog of files remained, partly because of a large number of new files. Moreover, the complexity and sensitivity of access and privacy

issues were expanding, putting further pressure on the office’s capacity to provide effective and timely oversight.

The Commissioner indicated that the office had sought to manage pressures within assigned budgets by reducing legal advice, not filling vacancies, and deferring activities. Looking ahead, the office requires funding to cover unavoidable increases in salary, benefits, voice and data, and occupancy costs amounting to \$98,000 annually. The Commissioner also sought funding of \$230,000 to hire an additional investigator and another adjudicator to reduce file backlogs.

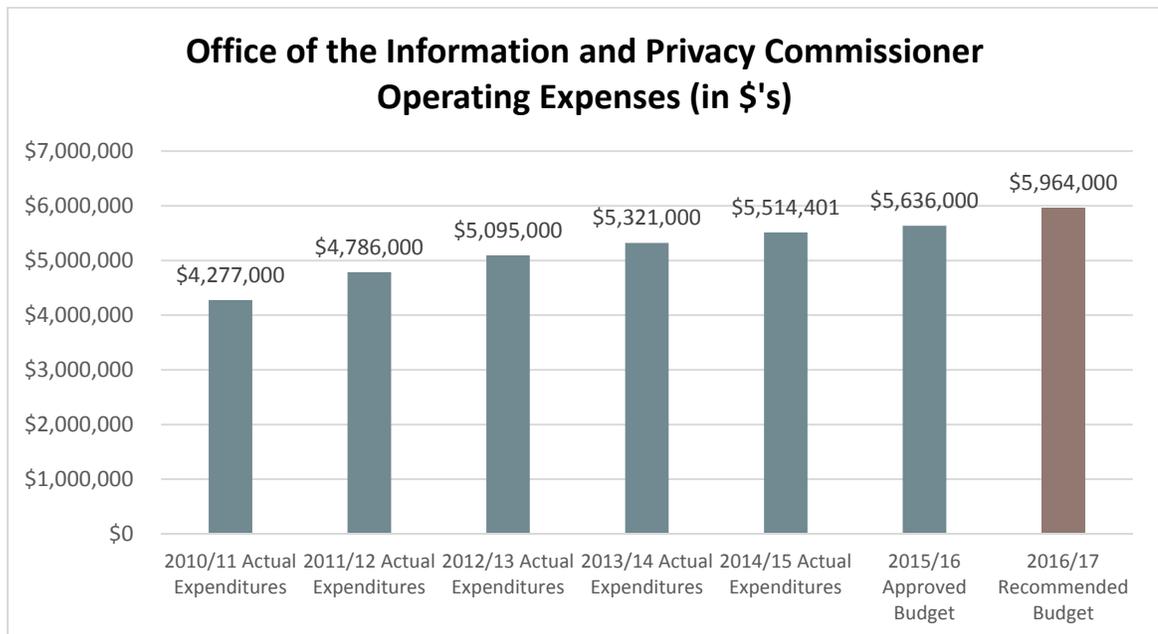
Overall, an operating budget of \$5,964,000 was proposed for 2016/17, representing a 5.8 percent increase above the level approved by the Committee last year. Operating budgets of \$6,023,000 for 2017/18, and \$6,082,000 for 2018/19 were also sought. An annual capital budget of \$45,000 was requested for the next three years, the same level as the Committee supported last year.

### Committee Inquiry

Committee Members requested additional information on file backlogs, wait times in other jurisdictions, screening procedures for frivolous requests, the need for additional resources, and the Commissioner’s recommendations for legislative changes to the Special Committee to Review the *Freedom of Information and Protection of Privacy Act*.

### Backlog Pressures

The Committee sought details on the level of file backlogs. The Commissioner reported that new files had risen from 1,165 in 2012/13 to 1,354 in each of 2014/15 and 2015/16 – amounting to a 16 percent increase above the 2012/13 level.



## Wait Times in Other Jurisdictions

Committee Members inquired about access and privacy file wait times in other jurisdictions. The Commissioner indicated that the average wait time that a file sits in the queue before it is actively assigned to an investigator in her office is about 24 weeks. Alberta has a wait time of 12 weeks. Ontario's wait time is also significantly lower than British Columbia's level.

## Procedures for Frivolous Requests

Information was requested about procedures for handling frivolous requests and repeated complaints from one person. The Commissioner explained that the office intake process had been hardened, using criteria to triage complaints based on their importance, whether sufficient evidence was presented regarding a contravention of rules, and whether an individual had made multiple complaints of a similar nature. The office receives approximately 5,000 requests from individuals per year, of which about 1,300 investigations and complaints are opened.

## Need for Additional Resources

The Commissioner was asked about the scope for reducing backlogs without having to reduce oversight functions in the absence of new resources. The Commissioner advised that the office had already acted to streamline and reorganize business processes, and that a significant reduction in BC's high wait times and backlogs would require more resources.

## Changes to the Freedom of Information and Protection of Privacy Act

Committee Members requested information about the need for changes to the *Freedom of Information and Protection of Privacy Act*. The Commissioner reported that on November 18, 2016 she had provided recommendations to the Special Committee to Review the *Freedom of Information and Protection of Privacy Act*, including a key proposal to add a "duty to document" provision to the Act. She noted that other jurisdictions had adopted legislation to create records, as well as offences and penalties for unauthorized or illegal destruction of records, which established precedents for action in British Columbia.

## Recommendations

Committee Members took note of the Commissioner's efforts to seek internal efficiencies to address workload pressures. Committee Members also recognized the growing demands for oversight faced by the office, and the importance of timely processes for citizens, businesses, and government. After deliberation, the Committee supported the requested operating and capital budgets in order to maintain efficient oversight services to British Columbians.

To provide accountability for budget increases, the Committee agreed that the Office of the Information and Privacy Commissioner provide a progress report on work to reduce backlogs and wait lists as part of its spring 2016 presentation to the Committee on office plans and priorities.

The Committee therefore recommends to the Legislative Assembly that:

#### Recommendations

1. The appropriation for the operating expenses of the Office of Information and Privacy Commissioner be \$5,964,000 in the 2016/17 fiscal year, \$6,023,000 in the 2017/18 fiscal year, and \$6,082,000 in the 2018/19 fiscal year.
2. The appropriation for the capital expenditures of the Office of the Information and Privacy Commissioner be \$45,000 in each of the next three fiscal years.

## Office of the Merit Commissioner

An Officer of the Legislature, the Merit Commissioner provides independent oversight and insight into merit-based hiring in the BC public service, as authorized by the *Public Service Act*.

The budget of the office is provided under Vote 6 of the annual *Estimates*. Last year, the Committee approved a budget proposed by the office containing modest increases to cover required increases in salaries and benefits. The Committee recommended: an annual operating budget of \$1,054,000 in the 2015/16 to 2017/18 fiscal years; and an annual capital budget of \$15,000 for these three years.

### Budget Submission for 2016/17 to 2018/19

The Committee met on November 16, 2015 to review the office's budget submission for the next three fiscal years. In attendance were: Fiona Spencer, Merit Commissioner; and Dave Van Swieten, Executive Director of Corporate Services.

The Commissioner presented an overview of her office, and its work to support merit-based hiring processes in the BC public service. The Commissioner is a part-time position, and the office is operated with a small complement of five staff, supplemented by the targeted use of contract staff. The Commissioner stated that her priority for the coming year is to remain focused on core lines of business, namely, auditing appointments, conducting staffing reviews, and providing relevant and timely feedback to hiring managers through deputy ministers, the BC Public Service Agency, and employees.

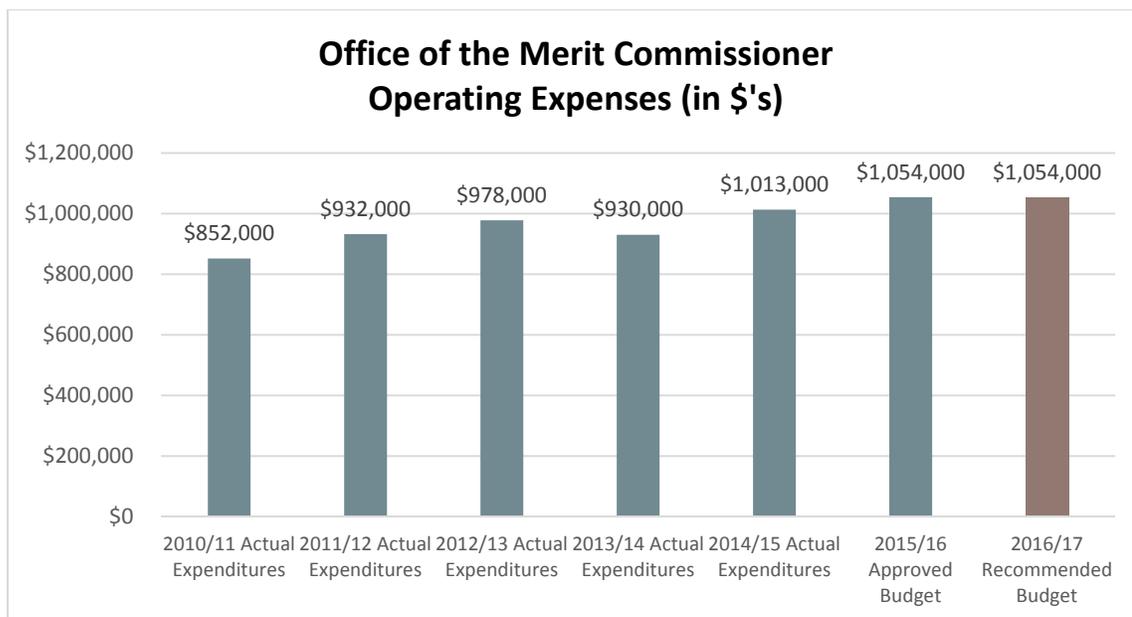
The Commissioner indicated that the office is prepared to absorb costs in 2016/17 associated with general increases to employee salaries and benefits, and to absorb additional costs for employee leave. However, given the limited budgetary flexibility in a small office, minor increases were requested for subsequent fiscal years in order to address anticipated pressures. The Commissioner proposed an operating budget request for 2016/17 of \$1,054,000, the same level as approved by the Committee last year. Modest increases to \$1,056,000 for the 2017/18 fiscal year, and \$1,058,000 for the 2018/19 were sought. An annual capital budget of \$15,000, the same as last year's level, was requested for the next three fiscal years.

### Committee Inquiry

During the inquiry, Committee Members requested additional information on merit-based hiring auditing processes, and the experience of other jurisdictions.

#### Merit-based Hiring Audit Methodology

The Commissioner was asked about the methodology used to sample hiring. She replied that the office uses B.C. Stats to set up an authoritative random audit sampling methodology. The office is currently using a quarterly sample. In the event that hiring



volumes increase significantly, the office could seek advice and support from B.C. Stats to reduce sampling levels in a way which still meets the statutory requirement for effective random sample audits.

### Other Jurisdictions

Committee Members sought details on whether organizations similar to the Office of the Merit Commissioner exist federally and in other provinces. The Commissioner explained that British Columbia is unique in having an independent Merit Commissioner. Other jurisdictions place the office's functions within larger public sector organizations. For example, at the federal level, the functions are carried out within the Public Service Commission. The BC model is considered by other jurisdictions as being an exemplary and cost-effective approach for providing independent oversight of merit-based hiring.

### Recommendations

Committee Members recognized the Merit Commissioner's prudent budget management, and agreed to approve the operating and capital budgets as proposed.

The Committee therefore recommends to the Legislative Assembly that:

Recommendations
1. The appropriation for the operating expenses of the Office of the Merit Commissioner be \$1,054,000 in the 2016/17 fiscal year, \$1,056,000 in the 2017/18 fiscal year, and \$1,058,000 in the 2018/19 fiscal year.
2. The appropriation for capital expenditures for the Office of the Merit Commissioner be \$15,000 in each of the next three fiscal years.

## Office of the Ombudsperson

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

The appropriations for the office are provided under Vote 7 of the annual *Estimates*. Last year, the office proposed a 7.8 percent operating budget increase for higher salary costs, an additional position to reduce backlogs, augmented advisory services, and more preventative activities. The Committee agreed that the increase was not appropriate in the current fiscal climate, and supported only the mandated higher salary costs, resulting in recommendations that: the annual operating budget be \$5,802,000 in the 2015/16 to 2017/18 fiscal years; and the annual capital budget be \$75,000 in these three years.

### Supplementary Funding for 2015/16

On July 3, 2015, Hon. Terry Lake, Minister of Health, wrote to the Chair of the Committee, requesting that it consider the referral of the matter of the 2012 terminations of a number of Ministry of Health employees to the Ombudsperson for investigation, as provided by section 10(3) of the *Ombudsperson Act*. After careful consideration, on July 29, 2015, the Committee referred the investigation to the Ombudsperson.

The Committee agreed on September 9, 2015 to special directions to the Ombudsperson in respect of the conduct of the investigation, including a request that the Ombudsperson return to the Committee with a detailed supplementary budget submission for 2015/16 arising from the referral, and to ensure that the Ombudsperson is able to conduct this investigation thoroughly without impairing his ability to carry out his other work under the Act in response to complaints and in the public interest.

The Committee met on September 15, 2015 with the Office of the Ombudsperson to review a supplementary budget request to support the investigation. Approval was sought for a total of \$885,000 (\$773,000 for operating funding and \$112,000 for capital funding) in the 2015/16 fiscal year to defray additional costs related to the investigation. Committee Members discussed the request in detail, and recommended that the office be granted access of up to the requested amounts of \$773,000 for operating funding and \$112,000 for capital funding in the 2015/16 fiscal year. The Committee agreed to consider additional 2016/17 budgetary funding for the office, as required, in conjunction with the Committee's regular annual budgetary submission process.

### Budget Submission for 2016/17 to 2018/19

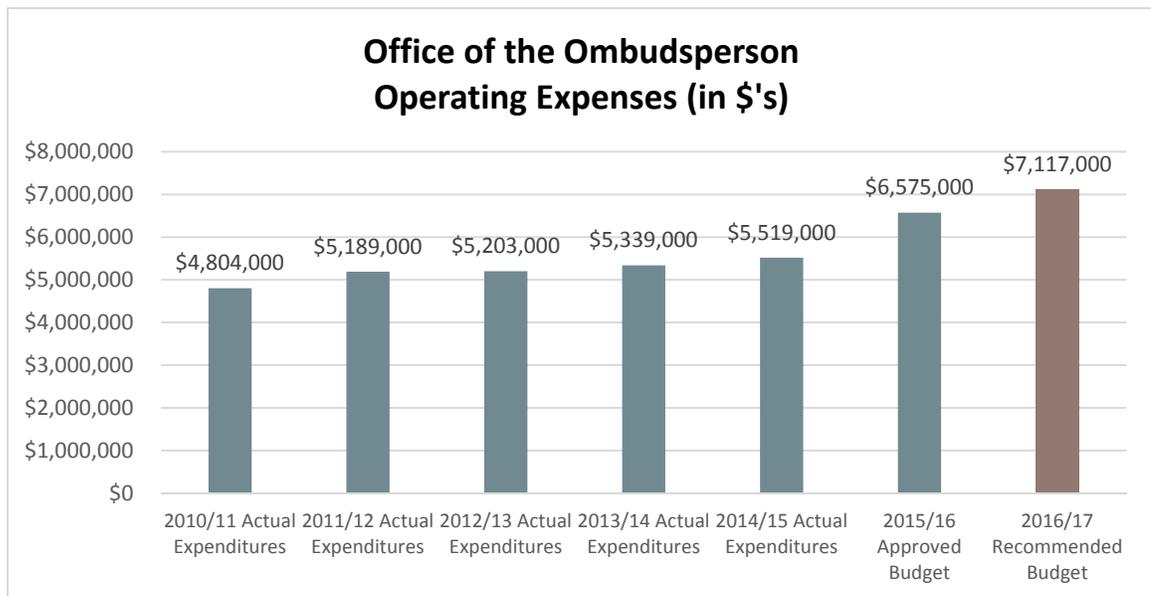
On November 18, 2015, the Committee met to review the office's budget proposal for the next three fiscal years. In attendance were: Jay Chalke, Ombudsperson (who assumed this position on July 1,

2015); David Paradiso, Deputy Ombudsperson; and Dave Van Swieten, Executive Director of Corporate Services.

The Committee was briefed by the Ombudsperson on the work of the office in investigating complaints about the unfairness of “matters of administrative action” by the more than 2,800 public agencies in British Columbia, including ministries, boards and commissions, Crown corporations, health authorities, local governments, school boards, colleges, universities, and governing bodies of regulated professions and occupations. He reported that the number of inquiries and complaints had increased for the second straight year, reflecting the value British Columbians place on the office as an independent and trusted resource. The office is on pace for higher rates of complaints than in any of the preceding five years. As a result, despite progress in managing and closing files, the overall file backlog continues to grow, resulting in longer wait times for complaints to be processed.

The Ombudsperson noted that the Committee had provided supplementary funding to undertake the investigation of Ministry of Health employee terminations assigned to the office by the Committee. Work was proceeding, and the budget proposal for 2016/17 included a request for additional resources to complete the investigation.

The Ombudsperson submitted a two-part operating budget proposal to the Committee involving: a request for \$110,000 in each of the next three years, to fund one additional investigator to gradually eliminate backlogs; and \$415,000 in 2016/17 to complete the Ministry of Health investigation. In total, operating budgets were requested in the amounts of \$7,117,000 for 2016/17, \$5,942,000 for 2017/18, and \$5,951,000 for 2018/19. An annual capital budget of \$75,000 was sought for each of the next three fiscal years, the same level approved by the Committee last year.



Note: the 2015/16 Budget figure includes supplementary funding of \$773,000.

## Committee Inquiry

The Ombudsperson was asked about coordination by statutory offices on matters of potential overlapping jurisdiction, procedures for handling frivolous requests, wait times for complaints, the need for additional resources to reduce file backlogs, and legal indemnification for witnesses in the Ministry of Health investigation.

### Coordination by Statutory Offices

Committee Members noted that statutory offices had overlapping jurisdiction on issues such as children at risk, and requested information on how offices avoid overlap and duplication. The Ombudsperson explained that offices were in regular contact, and worked diligently to avoid duplicating any work by any other office.

### Procedures for Handling Frivolous Requests

The Ombudsperson was asked about procedures for handling frivolous or repeated complaints. He advised that the office received about 8,000 inquiries annually, of which about 1,500 were investigated. Criteria for triaging were used to resolve complaints informally, and individuals who call repeatedly about a similar matter are told that since the issue has been dealt with, the office would not be investigating it again.

### Additional Resources to Address Backlogs

Committee Members inquired whether improved business processes could be used to increase efficiencies. The Ombudsperson stated that his initial assessment was that the office was an efficient organization, but it was worthwhile to seek further enhancements to office processes.

The Committee requested information on the Ombudsperson's plan to use an additional position to gradually eliminate file backlogs. It was noted that established timelines for handling files suggested that the backlog could be cleared up in approximately three years. The Ombudsperson indicated that his intention would be to report to the Committee each year on progress in eliminating backlogs, including an ultimate plan of returning the position or identifying other things that needed to be done in the office.

### Legal Indemnification for Witnesses in the Ministry of Health Investigation

Committee Members sought an update on the Ombudsperson's September 15, 2015 commitment to engage the Chair and Deputy Chair on the issue of legal indemnification for witnesses in the Ministry of Health investigation. The Ombudsperson reported that he had pursued the matter with the Ministry of Justice, and was quite hopeful that he would be able to have a positive discussion with the Chair and Deputy Chair in the coming weeks.

## Recommendations

Committee Members recognized the growing demands for services faced by the office, and the need for timely processes to address complaints by citizens, who are often among the most vulnerable members of society. After deliberation, the Committee supported the requested operating and capital budgets in order to provide more efficient services to British Columbians. Committee Members also underlined the need for follow-up with the Ombudsperson by the Chair and Deputy Chair to address the matter of legal indemnification of witnesses in the Ministry of Health investigation.

To provide accountability for budget increases, the Committee agreed that the Office of the Ombudsperson provide a progress report on work to reduce file backlogs as part of its spring 2016 presentation to the Committee on office plans and priorities.

The Committee therefore recommends to the Legislative Assembly that:

### Recommendations

1. The appropriation for the operating expenses of the Office of the Ombudsperson be \$7,117,000 in the 2016/17 fiscal year, \$5,942,000 in the 2017/18 fiscal year, and \$5,951,000 in the 2018/19 fiscal year.
2. The appropriation for capital expenditures of the Office of the Ombudsperson be \$75,000 in each of the next three fiscal years.

## Office of the Police Complaint Commissioner

The Police Complaint Commissioner is an independent Officer of the Legislature under the *Police Act*, with a mandate to ensure that complaints involving BC municipal police officers and departments are handled fairly and impartially.

The appropriations for the operating expenses and capital expenditures of the Office of the Police Complaint Commissioner are provided under Vote 8 of the annual *Estimates*. Last year, the Commissioner sought a 3.5 percent operating budget increase for higher salary costs, and additional administrative support. The Committee scaled back the request to only cover salary increases, and recommended that: the annual operating budget be \$3,165,000 in each of the 2015/16 to 2017/18 fiscal years; and the annual capital budget be \$25,000 in these three years.

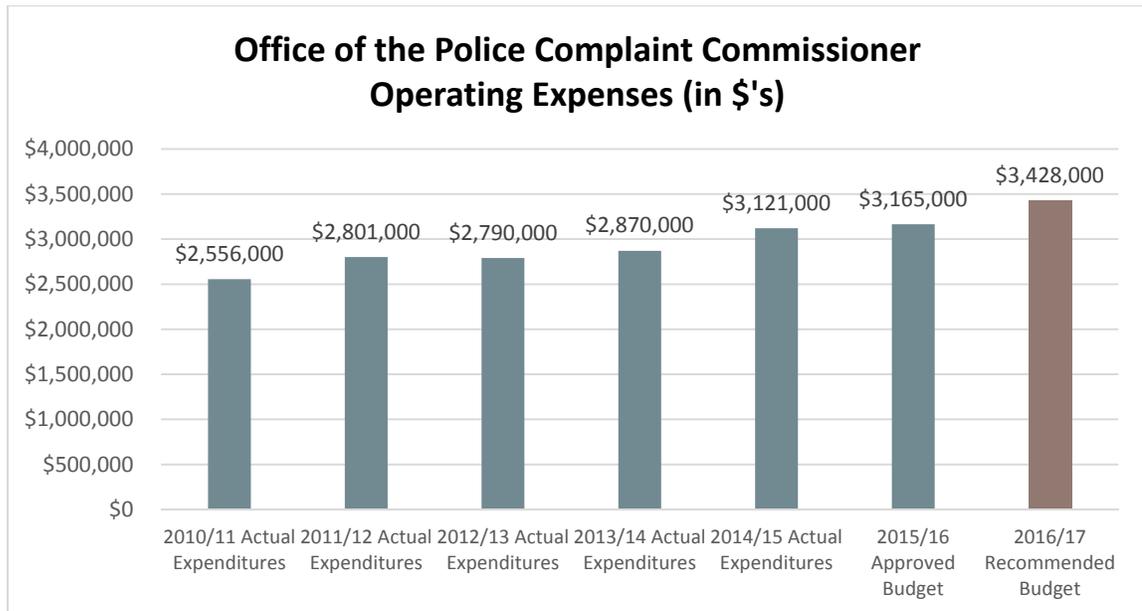
### Budget Submission for 2016/17 to 2018/19

The Committee met on November 16, 2015 to review the office's budget proposal for the next three fiscal years. In attendance were: Stan Lowe, Police Complaint Commissioner; Rollie Woods, Deputy Police Complaint Commissioner; Dave Van Swieten, Executive Director of Corporate Services; and Andrea Spindler, Director of Strategic Initiatives and Special Projects.

The Commissioner briefed the Committee on his office's oversight of municipal police complaints. He noted that the office had implemented 2010 amendments to the *Police Act*, and identified additional areas for improving the Act's provisions respecting the work of the office. A "re-visioning" process was under way to enhance efficiency and effectiveness.

The Commissioner reported that office file levels for the first half of 2015/16 were approximately 13 percent above 2011/12 levels. Moreover, earlier this year, the Ministry of Justice had indicated that regulatory changes were being developed to assign new responsibilities to the office for special municipal constables. This will increase the number of municipal constables receiving oversight by the office by approximately 400, or by over 10 percent.

To manage this new responsibility and increased file and backlog pressures and to cover higher salary and benefits costs, the Commissioner requested an 8.3 percent operating budget increase, which would fund two new positions within the office. Overall, operating budgets of \$3,428,000 for 2016/17, \$3,434,000 for 2016/17, and \$3,438,000 were proposed. An annual capital budget of \$25,000 was also requested, the same level as approved by the Committee last year. To maintain salary increases approved in 2013, supplementary funding of \$25,000 for 2015/16 was sought.



Note: the 2015/16 figure includes supplementary funding of \$25,000.

## Committee Inquiry

Questions were asked about the Ministry of Justice’s assignment of new responsibilities for special municipal constables, the handling of frivolous complaints, and the use of alternative dispute resolution to resolve complaints.

### New Responsibility for Special Municipal Constables

In response to questions, the Commissioner indicated that a government decision had been taken to assign the oversight of special municipal constables to the office. The latest estimates confirmed that there are approximately 400 individuals in that capacity. As a result, this new responsibility would constitute a significant new business line for the office.

### Procedures for Handling Frivolous Requests

The Commissioner answered questions about procedures for handling frivolous complaints. He advised that the office had robust processes for screening complaints, and that 55 percent of complaints were ruled out as inadmissible. This compares with a 40 percent screening rate in Ontario.

## Alternative Dispute Resolution

Committee Members sought information on the office's use of alternative dispute resolution. The Commissioner explained that the use of informal resolutions is a priority for the office, given considerations of cost effectiveness and timeliness in addressing complaints.

## Recommendations

After deliberation, the Committee supported the requested operating and capital budgets in order to manage new responsibilities assigned by government and ensure oversight efficient services.

To provide accountability for budget increases, the Committee agreed that the Office of the Police Complaint Commissioner provide a progress report on work to manage new file responsibilities as part of its spring 2016 presentation to the Committee on office plans and priorities.

The Committee therefore recommends to the Legislative Assembly that:

### Recommendations

1. The Office of the Police Complaint Commissioner be granted access to supplementary funding up to \$25,000 for operating expenses in the 2015/16 fiscal year.
2. The appropriation for the operating expenses of the Office of the Police Complaint Commissioner be \$3,428,000 in the 2016/17 fiscal year, \$3,434,000 in the 2017/18 fiscal year, and \$3,438,000 in the 2018/19 fiscal year.
3. The appropriation for capital expenditures of the Office of the Police Complaint Commissioner be \$25,000 in each of the next three fiscal years.

## Office of the Representative for Children and Youth

An Officer of the Legislature appointed under the *Representative for Children and Youth Act*, the Representative has a mandate to: review, investigate, and report on the critical injuries and deaths of children; provide advocacy services on designated and prescribed services; and monitor, review, and audit the effectiveness of these services.

The appropriations for the office's operating expenses and capital expenditures are provided under Vote 9 of the annual *Estimates*. Last year, the Representative recognized the difficult economic circumstances facing the province, and proposed a "stand pat" budget, while welcoming additional funds for salary cost increases, should such increases be covered for other offices. The Committee agreed to fund salary increases, and recommended that: the operating budget be \$8,138,000 in each of the 2015/16 to 2017/18 fiscal years; and the annual capital budget be \$50,000 for these three years.

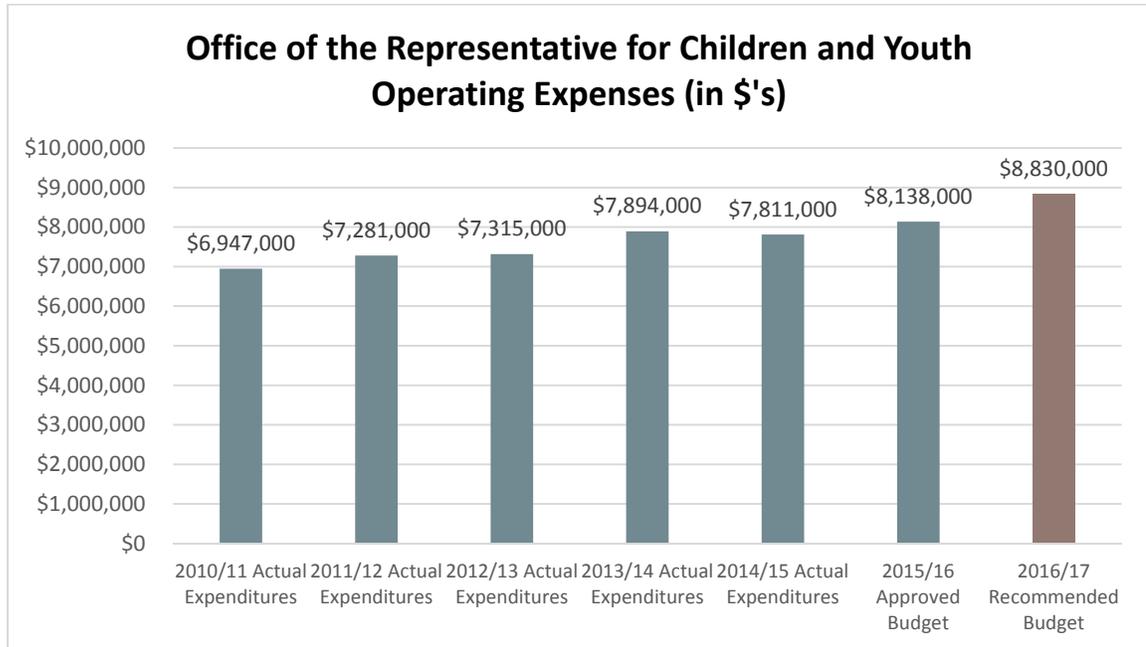
### Budget Submission for 2016/17 to 2018/19

On November 18, 2015, 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; Dawn Thomas-Wightman, Deputy Representative; Bill Naughton, Chief Investigator and Associate Representative; and Diane Buljat, Chief Financial Officer and Manager, Finance and Facilities. The Committee continued its consideration of the budget proposal on January 18, 2016, with Ms. Thomas-Wightman, Ms. Buljat, Alan Markwart, Associate Deputy Representative, Monitoring, and John Greschner, Executive Lead, External Relations and Strategic Direction.

The Representative briefed the Committee on her office's evolving work on behalf of children and youth across the province. She reported that the number of child death and critical injury reports from the Ministry of Children and Family Development had increased at a phenomenal rate, requiring additional reviews as well as more full-blown investigative reports on major cases and systemic issues. The Representative proposed an expansion of the child death and critical injuries review and investigations program by \$656,000 to fund five new positions.

The Representative noted that in her May 27, 2015 appearance before the Committee, she had advised the Committee of challenges faced by government in the area of adoption processing, and her intention to return to the Committee with a proposal to support the Ministry of Children and Family Development in this area. She presented a proposal to support the Ministry in achieving better outcomes in the area of permanency planning and adoptions, through a time limited joint initiative to reduce the adoption waiting list for children. Given the urgency of the adoptions file, the Representative requested supplementary funding in the current fiscal year of \$280,000 to create two new positions quickly, with a further increase of \$958,000 in operating expenses in each of the coming years, to fund eight new positions. Additional capital budget funding of \$30,000 for the 2016/17 fiscal year was also requested to support the new adoption program. A one-time allocation

of \$40,000 was sought for relocation costs associated with the outgoing and incoming Representatives in 2016/17.



Overall, operating budgets of \$9,828,000 in 2016/17, and \$9,788,000 in 2017/18 and 2018/19 as well as capital budgets of \$80,000 in 2016/17 and \$50,000 in 2017/18 and 2018/19 were proposed, along with supplementary 2015/16 funding of \$280,000.

## Committee Inquiry

The Representative was asked about mandates and avoiding the duplication of children and youth services, file increases and reporting priorities, the need for additional resources to manage new files and backlogs, and barriers to the conduct of investigations by her office.

### Mandates and Avoiding Duplication of Services

Committee Members sought clarification of the Representative's approach to children and youth services, and the potential for duplicating work performed by government organizations such as the Coroners Service of British Columbia, police agencies, and the Ministry of Children and Family Development. The Representative explained that the Coroners Service determined the cause of child death, but her office had responsibility for reviewing the connection between services and supports in cases of critical injury and death. The office provides information and advocacy services to ensure that children and youth receive appropriate care and services from the ministry.

## File Increases and Reporting Priorities

The Committee inquired about increases in caseloads at the office and new reporting priorities. The Representative indicated that critical injuries and deaths reported to her office had risen from 230 in 2009/10 to 374 in 2014/15. She estimated that an additional two to five major reports should be undertaken annually in order to examine systemic and specific issues. The Representative advised that her office was already operating at capacity to handle existing responsibilities, and that additional resources were required to manage increases in files and undertake necessary reporting. The Representative also noted that the investigative reports prepared by her office were produced at a cost of \$300,000 to \$400,000, compared with public inquiries which can cost \$10-15 million.

## Barriers to the Conduct of Investigations

Information was requested about barriers to the office's ability to conduct effective investigations. The Representative stated that access and privacy rules precluded the sharing of important evidence related to critical injuries and deaths. For example, section 51 of the *Evidence Act* precludes the release of internal hospital investigations when a child dies, reflecting the sensitivity of this type of information. In the Representative's view, this law should be changed to enable better information-sharing, while preserving privacy and confidentiality.

## Recommendations

Committee Members appreciated the Representative's "stand pat" budget proposal last year, and noted that the office's operating budget had increased by 17 percent over 2010/11 operating expenditures. Given the importance and urgency of the Representative's work on behalf of children and youth across the province, the Committee agreed to support the Representative's proposal for additional review and investigation resources, but not her request for relocation expenses, given that these are a normal part of planned operating budgets. The Committee also agreed to continue consideration of the Representative's proposal related to the adoption advocacy project.

To provide accountability for budget increases, the Committee agreed that the Office of the Representative for Children and Youth provide a progress report on work to manage file responsibilities as part of its spring 2016 presentation to the Committee on office plans and priorities.

The Committee therefore recommends to the Legislative Assembly that:

### Recommendations

1. The appropriation for the operating expenses of the Office of the Representative for Children and Youth be \$8,830,000 in the 2016/17 fiscal year, \$8,830,000 in the 2017/18 fiscal year, and \$8,830,000 in the 2018/19 fiscal year.
2. The appropriation for capital expenditures of the Office of the Representative for Children and Youth be \$50,000 in the 2016/17 fiscal year, \$50,000 in the 2017/18 fiscal year, and \$50,000 in the 2018/19 fiscal year.

## **Documents Submitted – Fall 2015 Budget Review Process**

### **Office of the Auditor General**

*2016/17 Estimate of Resources*

*Annual Report 2014/15*

*Financial Statement Audit Coverage Plan 2016/17 – 2018/19*

*Financial Statement Audit Coverage Plan 2015/16 – 2017/18*

*Financial Statements 2014/15*

Supplemental information for 2016/17 budget proposal

### **Office of the Conflict of Interest Commissioner**

*Budget Proposal Fiscal Years 2016/17 – 2018/19*

*Annual Report 2014*

Supplemental information for 2016/17 budget proposal

### **Elections BC**

*Budget Proposal 2016/17 – 2018/19*

*Annual Report 2014/15 and Service Plan 2015/16 – 2017/18*

Supplemental information for 2016/17 budget proposal

Supplementary funding budget proposal for Vancouver-Mount Pleasant and Coquitlam-Burke Mountain by-elections

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

*Budget Submission Fiscal Years 2016/17 - 2017/18*

*2014 – 2015 Annual Report (Office of the Information and Privacy Commissioner)*

*2014 – 2015 Annual Report (Office of the Registrar of Lobbyists)*

*Service Plan Fiscal Years 2016/17 - 2018/19*

Supplemental information for 2016/17 budget proposal

## **Office of the Merit Commissioner**

*Budget Submission Fiscal Years 2016/17-2018/19*

*Annual Report 2014/15*

*Service Plan Fiscal Years 2016/17 – 2018/19*

Supplemental information for 2016/17 budget proposal

## **Office of the Ombudsperson**

*Presentation: Budget Submission 2016/2017-2018/2019*

*Budget Submission Fiscal Years 2016/17 – 2018/19*

*Service Plan Fiscal Years 2016/2017 – 2018/2019*

*2014-2015 Annual Report*

*In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions, Office of the Ombudsperson Public Report No. 51, March 2015*

Supplemental information for 2016/17 budget proposal

Letter dated November 19, 2015 to the Chair and Deputy Chair, providing supplemental information on systemic investigation report costs

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

*Budget Submission 2016/17 to 2018/19*

*Service Plan 2016/17 to 2018/19*

*2014/15 Annual Report*

*Supreme Court of British Columbia, Provincial Court Judges' Association of British Columbia v. British Columbia (Attorney General), March 27, 2015*

*Letter dated July 27, 2015 from Clayton J.D. Pecknold, Assistant Deputy Minister and Director of Police Services, Policing and Security Branch, Ministry of Justice, to Chairs of Municipal Police Boards and Chief Constables of Independent Municipal Police Departments*

Supplemental information for 2016/17 budget proposal

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

*Budget Submission Fiscal 2016/17 – 2018/19*

*2014/15 Annual Report and 2015/16 to 2016/17 Service Plan*

Supplemental information for 2016/17 budget proposal

