

Select Standing Committee on Finance and Government Services

# ANNUAL REVIEW OF THE BUDGETS OF STATUTORY OFFICES



LEGISLATIVE ASSEMBLY  
*of* BRITISH COLUMBIA

**DECEMBER 2019**  
FOURTH SESSION  
OF THE 41<sup>ST</sup> PARLIAMENT





December 16, 2019

To the Honourable  
Legislative Assembly of the  
Province of British Columbia

Honourable Members:

I have the honour to present herewith the Third Report of the Select Standing Committee on Finance and Government Services for the Fourth Session of the 41st Parliament titled *Annual Review of the Budgets of Statutory Offices*. This Report covers the work of the Committee in regard to the review of 2020 statutory office budgets, as unanimously approved by the Committee.

Respectfully submitted on behalf of the Committee,

Bob D'Eith, MLA  
Chair



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# Composition of the Committee

## Members

Bob D'Eith, MLA	Chair	Maple Ridge-Mission
Dan Ashton, MLA	Deputy Chair	Penticton
Doug Clovechok, MLA <i>(from March 6, 2019)</i>		Columbia River-Revelstoke
Rich Coleman, MLA <i>(from March 6, 2019)</i>		Langley East
Mitzi Dean, MLA		Esquimalt-Metchosin
Ronna-Rae Leonard, MLA		Courtenay-Comox
Peter Milobar, MLA <i>(to March 6, 2019)</i>		Kamloops-North Thompson
Tracy Redies, MLA <i>(to March 6, 2019)</i>		Surrey-White Rock
Nicholas Simons, MLA		Powell River-Sunshine Coast

## Committee Staff

Kate Ryan-Lloyd, Acting Clerk of the Legislative Assembly

Karan Riarh, Senior Research Analyst

# Terms of Reference

On February 21, 2019, 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*, S.B.C. 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, 2019 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
  - ix. Human Rights Commissioner; 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

The Legislative Assembly of British Columbia assigns the responsibility of reviewing and making recommendations with respect to the budgets, service plans and annual reports of statutory officers to the Select Standing Committee on Finance and Government Services (the “Committee”). BC’s statutory officers are: the Auditor General, the Chief Electoral Officer, the Conflict of Interest Commissioner, the Human Rights Commissioner, the Information and Privacy Commissioner and Registrar of Lobbyists, the Merit Commissioner, the Ombudsperson, the Police Complaint Commissioner, and the Representative for Children and Youth. Independent officers are recommended for appointment by an all-party special committee of the Legislative Assembly, which undertakes a recruitment and selection process, and report to the Legislative Assembly through the Speaker.

The Committee meets with each officer in the fall to review budgetary proposals and again in the spring to receive financial and operational updates; supplementary funding requests are also considered on an as-needed basis throughout the year. This process supports legislative oversight and accountability, and provides for ongoing dialogue between legislators and statutory officers on the mandate and work of each office.

## Budget 2020 Review

### Fiscal Responsibility

The Committee continued to emphasize fiscal responsibility and prudence in reviewing 2020/21 budget submissions. During their deliberations, they took a thoughtful and comprehensive approach to considering budgetary proposals within the context of recent and forthcoming operational pressures, particularly as it relates to recent legislative changes to the statutory mandates of some officers and the operationalization of the new Office of the Human Rights Commissioner. The Committee also acknowledged and appreciated efforts by the offices to find internal savings and efficiencies, and supported the provision of increases to cover non-discretionary expenses while taking a cautious approach to recommending additional increases for known pressures.

### Enhanced Engagement and Accountability

The Committee’s process with respect to statutory officers has evolved in recent years with the aim of strengthening legislative oversight, improving the provision and comparability of budgetary and financial information, enabling opportunities for regular exchanges and discussion of issues and priorities, and improving the transparency and accountability of the Committee’s process. This year, the Committee built on their spring meeting schedule by requesting all statutory officers meet with Committee Members (these meetings have typically been voluntary), and by issuing an *Interim Report on Statutory Offices*, the first report dedicated exclusively to the spring discussions. The Committee looks forward to continuing to work with all statutory officers to identify and improve engagement and accountability, and enhance legislative oversight.

## Reconciliation

Several statutory officers highlighted opportunities to better address the needs of Indigenous peoples in accessing and receiving their services. Committee Members stress the importance of ensuring the principles of reconciliation, the United Nations Declaration on the Rights of Indigenous Peoples, the Calls to Action from the Truth and Reconciliation Commission, and the Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls are integrated across the work of all statutory offices. They further encourage statutory officers and their staff to incorporate appropriate lenses and approaches when working with Indigenous peoples, and to access resources and training related to diversity, gender and inclusion to ensure staff work collaboratively and respectfully.

## Officer and Staff Remuneration

The remuneration for employee groups and most statutory officer positions are aligned with other frameworks. Salary increases for staff are aligned with increases for similarly classified union and excluded management positions in the public service. Committee Members continued to recognize and support these non-discretionary salary changes in their decisions.

By statute, the salaries of six statutory officers are linked to the salary of the Chief Judge of the Provincial Court while the remuneration of three officers, the Conflict of Interest Commissioner, Human Rights Commissioner and Merit Commissioner, is set by the Lieutenant Governor in Council. The Committee noted that budget submissions and the Committee's recommendations do not incorporate increases for officers whose salaries are linked to the Chief Judge as a review of judicial compensation was underway and salaries for the upcoming fiscal years were not yet determined. The Attorney General subsequently tabled the report of the 2019 Judicial Compensation Commission, with respect to judicial compensation for the next three fiscal years, on November 20, 2019; changes to judicial compensation have not yet been adopted. Recommendations with respect to the offices of those statutory officer positions whose remuneration is set by Lieutenant Governor in Council reflect the agreed terms per recent recruitment processes.

## Meetings Schedule

The Committee's review of supplementary budget requests and budget submissions for the 2020/21 to 2022/23 fiscal years took place during the following meetings:

### Third Session, 41<sup>st</sup> Parliament

January 15, 2019      Supplementary Funding Request: Elections BC

### Fourth Session, 41<sup>st</sup> Parliament

March 6, 2019      Organizational Meeting

May 6, 2019      Supplementary Funding Request: Office of the Representative for Children and Youth

May 9, 2019      Supplementary Funding Request: Elections BC

September 30, 2019      Supplementary Funding Request: Office of the Information and Privacy Commissioner and Registrar of Lobbyists

October 21, 2019      2020/21 Budget Requests: Office of the Auditor General

October 22, 2019	2020/21 Budget Requests: Office of the Ombudsperson, and Office of the Representative for Children and Youth
October 24, 2019	2020/21 Budget Requests: Office of the Conflict of Interest Commissioner, Office of the Police Complaint Commissioner, and Office of the Merit Commissioner
October 28, 2019	2020/21 Budget Requests: Office of the Human Rights Commissioner, and Office of the Information and Privacy Commissioner and Registrar of Lobbyists
October 29, 2019	2020/21 Budget Requests: Elections BC Deliberations
November 19, 2019	Deliberations
November 26, 2019	2020/21 Budget Requests – Follow Up: Office of the Ombudsperson, Office of the Auditor General, and Office of the Human Rights Commissioner Deliberations
December 11, 2019	Adoption of Report

## Recommendations for Statutory Office Budgets

The Committee concluded its deliberations on statutory office budget submissions by making budget recommendations for the nine statutory offices, which are outlined in this report. The report also provides a summary of supplementary funding requests recommended by the Committee since the last annual review of statutory office budgets in December 2018.

Further information on the work of the Committee is available at: <https://www.leg.bc.ca/cmt/finance>.

# Office of the Auditor General

The Auditor General is an officer of the Legislature responsible for undertaking audits of the financial statements of the government reporting entity and for undertaking performance audits on the efficiency, economy and effectiveness of government programs, services and resources, pursuant to the *Auditor General Act*. Most reports of the Auditor General are referred to and considered by the Select Standing Committee on Public Accounts, with those examining the administration and management of the Legislative Assembly referred to the Legislative Assembly Management Committee. The office's operating expenses and capital expenditures are provided for in Vote 2 of the annual provincial *Estimates*.

## Budget Submission for 2020/21 to 2022/23

On October 21, 2019, the Committee considered the Office of the Auditor General's budget proposal for 2020/21 to 2022/23. In attendance were: Carol Bellringer, Auditor General; Russ Jones, Deputy Auditor General; Sheila Dodds, Deputy Auditor General; Tracy Houser, Chief People Officer; and John McNeill, Manager, Finance and Administration. The Committee also held a follow-up meeting with the office on November 26, 2019 to discuss the budget proposal in more detail.

The Auditor General began her presentation by noting that her office is on track to use the current year's full appropriation. She reflected on previous lapses in spending their appropriation due to staffing challenges, and the office's efforts to address those challenges and better predict spending patterns. She noted that recent budgetary increases covered inflationary costs and new audit work, and indicated that additional funds are required to fulfill her statutory mandate.

With respect to the two main types of audits the office conducts, financial statement audits and performance audits, the Auditor General explained that these are increasingly complex, both in terms of auditing standards and subject matter. As such, audits are taking more time to complete with the office estimating an increase of almost 5,000 audit hours in the next year.

Accordingly, the Auditor General requested an additional \$1.745 million for salaries and benefits. This request included an increase to salaries of \$330,000 and the addition of financial auditors to complete mandatory financial audit work as set out in the *Financial Statement Audit Coverage Plan*, as well as other staff. In their presentation, the office highlighted the complexity and the impact of the direct audits of BC Hydro and the University of British Columbia (UBC). The office also referenced a need for resources to examine issues shared through an increasing number of citizen inquiries, including concerns about potential financial mismanagement and conflicts of interest.

As it relates to non-salary operating expenditures, the Auditor General proposed a total increase of \$29,000 for the 2020/21 fiscal year. This includes funding for specialized contracts for the BC Hydro and UBC audits, and a computer programmer to automate methodology into audit software. It also includes an increase to building occupancy costs of \$35,000 based on the office's rental agreement which equates annual increases to the City of Victoria's Consumer Price Index (2.4 percent). It was noted that space is being provided in their Victoria office to the Office of the Human Rights Commissioner at no charge; the office has also secured

space with the Auditor General of Canada in Vancouver to provide a home base for Vancouver staff. Savings were achieved by reducing the travel budget, reducing the use of professional services in other areas, deferring some IT projects, and reducing discretionary spending.

With respect to capital expenditures, the Auditor General outlined a need to replace two servers that have reached the end of their useful life at a cost of \$100,000 and requested a further \$38,000 for the purchase of external collaboration software to enable more virtual meetings and reduce travel costs. The budget proposal also included \$70,000 for tenant improvements to re-arrange the office, given the provision of space to the Office of the Human Rights Commissioner.

Overall, the Auditor General requested \$19.990 million in operating funding for each of the next three fiscal years, an increase of 9.7 percent from 2019/20. With respect to capital funding, the Auditor General requested \$393,000 in 2020/21, \$115,000 in 2021/22, and \$291,000 in 2022/23.

## Committee Inquiry

Committee Members inquired about audit fees, office arrangements with the Human Rights Commissioner, the BC Hydro and UBC audits, and public inquiries.

### Audit Fees

The Committee noted that the office charges audit fees to the entities being audited, and asked if the increased costs associated with the BC Hydro and UBC audits will be reflected in these fees. The Auditor General stated that her office sets audit fees in alignment with what would be paid to an external firm and that any revenue generated from these fees goes into general revenue. The Manager, Finance and Administration further explained that the office only charges the audit fee while other firms would also charge consulting fees for any specialist services. He indicated that this is normally not an issue as the entities are small; however, BC Hydro and UBC are much larger and have required more specialist accounting services. In a follow-up to the Committee regarding additional detail on the income generated through audit fees, the Auditor General shared that in fiscal 2019, the office invoiced approximately \$1.630 million, and that audit fees for BC Hydro and UBC are expected to be \$390,000 and \$264,000 respectively.

At the meeting on November 26, Committee Members asked for more information regarding billing practices and audit fees, particularly with respect to BC Hydro. The Auditor General shared that the office bills according to what an organization most recently paid to a private firm regardless of whether this reflects the actual time and cost to her office. She indicated that there may be an opportunity to review the methodology for setting audit fees to better reflect costs.

### Office Arrangements with the Human Rights Commissioner

Committee Members expressed appreciation for the Auditor General's partnership with the Human Rights Commissioner in sharing office space. They commented on the importance of transparency with respect to the real costs and provisions of that arrangement, and mitigating potential risks should circumstances change. The Manager, Finance and Administration shared that the current arrangement is valued at \$30,000, and that the two offices have an agreement that allows either party to provide 90 days notice should the arrangement not be working. As the Office of the Human Rights Commissioner is in its' start-up phase, he stated that the informal nature of the arrangement provides for flexibility and would be revisited once the Office of the Human Rights Commissioner is well-established.

## BC Hydro and UBC Audits

In response to questions about how audit work is being balanced with the office taking on audits of both BC Hydro and UBC, the Auditor General pointed to the *Financial Statement Audit Coverage Plan* which divests the office of certain audits. For example, in auditing UBC, the University of Victoria was dropped and only one health authority is being directly audited instead of two; however, both UBC and BC Hydro are very complex organizations and the hours required to conduct these audits are higher.

The Committee also asked if the BC Hydro audit is rolling out as anticipated. The office stated that it was always known that some external expertise would be required and that since first coming to the Committee, there have been some changes. For one, BC Hydro is completely applying international financial reporting standards which was not the case when the office started the audit, and for which the office requires additional external assistance. The office is also doing interim financial statements every quarter, which was done by the previous firm but is not usual practice for the Auditor General.

## Inquiries from the Public

In response to requests for more detail about the nature of inquiries from the public, the Auditor General informed Committee Members that her office received 483 inquiries, including 89 audit requests, last year. She explained that all inquiries are reviewed for potential concerns, systemic issues or themes that may warrant further action or audit. The Auditor General also expressed interest in providing the Legislative Assembly with more reporting in this area.

## Staffing Resources

The Committee probed further into the request for an increase in staffing resources at the November 26 meeting. The Auditor General highlighted the office's efforts to tighten the budget to address substantial unused appropriations in previous years due to challenges with recruitment and retention; however, now the office is experiencing a different challenge in having budgetary resources to fill vacancies when they arise. While noting the difficulty of predicting recruitment and retention patterns, she shared that the proposed budget and staffing resources are based on an organizational structure undertaking financial and performance audits as currently planned; she also indicated that there is flexibility to adjust audit plans should a smaller allocation be provided.

## Recommendations

Committee Members thanked the Auditor General for her service to the province and wished her well in her future endeavors, as she resigns from her position at the end of December. The Committee focused their deliberations on the requested increase to salaries and benefits, as well as work related to the BC Hydro and UBC audits. They acknowledged the challenges and increasing complexities of these audits, and expressed their continued support for this work; however, they also noted that these audits have highlighted issues with the office's audit fee and billing practices, and supported a review of the methodology.

As it relates specifically to the budget request, the Committee recognized that the current Auditor General, Carol Bellringer, is resigning on December 31; they further noted that on November 28, 2019, the Legislative Assembly appointed Russ Jones as Acting Auditor General to provide continuity to the office while a special committee carries out its work to select and recommend a new Auditor General. Committee Members were therefore of the view that a status quo budget, incorporating inflationary and other non-salary increases,



would be most appropriate. As such, the Committee agreed to recommend an operating budget of \$18.575 million, inclusive of the \$330,000 increase to salaries and the total \$29,000 increase in non-salary expenditures, over the next three fiscal years, and the capital budget as proposed.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

1. The appropriation for the operating expenditures of the Office of the Auditor General be \$18,575,000 in each of the next three fiscal years;
2. The appropriation for the capital expenditures of the Office of the Auditor General be \$393,000 in 2020/21; \$115,000 in 2021/22; and \$291,000 in 2022/23.

### OFFICE OF THE AUDITOR GENERAL OPERATING BUDGET



# Office of the Conflict of Interest Commissioner

The Conflict of Interest Commissioner is an independent officer of the Legislative Assembly responsible for ensuring Members of the Legislative Assembly fulfill their obligations under the *Members' Conflict of Interest Act*. This includes advising Members of their obligations, meeting with each Member to review disclosure statements and general obligations under the Act, providing opinions with respect to compliance, and investigating allegations of non-compliance. Vote 3 of the annual provincial *Estimates* provide for the office's operating and capital expenditures.

## Budget Submission for 2020/21 to 2022/23

The Committee considered the Office of the Conflict of Interest Commissioner's budget proposal for 2020/21 to 2022/23 on October 24, 2019. In attendance were: Lynn Smith, Q.C., Acting Conflict of Interest Commissioner; and Carol Hoyer, Executive Coordinator.

The Acting Commissioner provided an overview of the office's staff structure of 2.6 FTEs and operating expenses, noting that it is the smallest statutory office. She also informed the Committee that the office was provided an allocation via contingencies from Treasury Board for the 2018/19 fiscal year to cover special circumstances related to a life insurance benefit payment to the estate of late Commissioner, Paul D.K. Fraser, Q.C., who passed away in March.

With respect to her budget submission for 2020/21 to 2022/23, the Acting Commissioner requested an increase to \$833,000 or 16.0 percent above 2019/20. This includes a salary increase of two percent for all staff, as well as an increase to the budget for travel based on potential travel requirements for a new Commissioner should the recommended candidate reside outside the Victoria area. The budget also proposes shifting the legal officer from 0.6 to full-time, in recognition of the position's increasing workload and the need to improve capacity to respond to inquiries and to prepare for the disclosure process. The Commissioner shared that the legal officer is often the first point of contact and first responder to requests for advice from Members, and that inquiries are increasing in number and complexity. The office has also been receiving requests to work collaboratively with other statutory offices in BC and conflicts of interest/ethics offices nationally on issues of mutual interest.

The Acting Commissioner noted two key factors that may impact the proposed budget. One, the work of the office is largely a complaints driven process, and if there were a high volume of complaints or requests for inquiries and opinions, the office may return to the Committee to request additional resources. Two, the budget contemplates a full-time Commissioner with full salary and benefits. Should the terms and conditions of an incoming Commissioner change, the office may require additional resources.

The requested capital budget remained at \$25,000 for each of the next three fiscal years.

## Recommendations

Committee Members thanked the Acting Commissioner for taking on this critical role, and expressed their appreciation to all staff at the Office of the Conflict of Interest Commissioner for their continued dedication

and work in support of Members. In reviewing the budgetary proposal, the Committee acknowledged the inflationary pressures and the incorporation of potential salary and other budgetary considerations for a new Commissioner. Subsequent to their meeting with the office, on November 26, 2019, the Legislative Assembly adopted a motion recommending Hon. Victoria Gray, Q.C., as Conflict of Interest Commissioner on the recommendation of a special committee. The new Commissioner, local to Victoria, will be remunerated on a 75 percent basis going forward, with a projected two percent increase per year to reflect a cost of living adjustment, as set by the Lieutenant Governor in Council. The Committee incorporated these considerations in reducing the salary and travel expenditures, and recommended the office receive \$734,000 in 2020/21, \$738,000 in 2021/22 and \$743,000 in 2022/23 for operating expenditures. They also agreed to recommend the proposed \$25,000 in capital expenditures for each of the next three fiscal years.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

1. The appropriation for the operating expenditures of the Office of the Conflict of Interest Commissioner be \$734,000 in 2020/21; \$738,000 in 2021/22; and \$743,000 in 2022/23;
2. The appropriation for the capital expenditures of the Office of the Conflict of Interest Commissioner be \$25,000 in each of the next three fiscal years;

### OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER OPERATING BUDGET



\*Increase attributed to a life insurance benefit payment to the estate of late Commissioner, Paul D.K. Fraser, Q.C.

# Elections BC

Elections BC is an independent, non-partisan office responsible for administering electoral events, including provincial general elections, by-elections, referenda, recall initiatives, and initiative petitions, as provided by the *Election Act*, the *Recall and Initiative Act* and the *Referendum Act*. Led by the Chief Electoral Officer, an officer of the Legislature, the office also oversees local election campaign financing and advertising requirements, pursuant to the *Local Elections Campaign Financing Act*. The office's operating and capital expenditures are provided for in Vote 4 of the annual provincial *Estimates*.

## Supplementary Funding Requests

### Nanaimo By-Election (January 15, 2019)

The Committee met with the Elections BC to consider supplementary funding with respect to the administration of a by-election in Nanaimo, following the resignation of Leonard Krog. A writ of election was issued on January 2, 2019 and general voting day was scheduled for January 30, 2019. The total costs of the by-election were estimated to be \$605,000, for which the Chief Electoral Officer requested \$595,000 in the 2018/19 fiscal year and \$10,000 in the 2019/20 fiscal year. The Committee considered this request, and agreed to recommend that Elections BC be provided access to the proposed supplementary funding.

### Election Expense Reimbursement (May 9, 2019)

Section 215.04 of the *Election Act* provides for the reimbursement of eligible election expenses to eligible candidates and political parties. At his spring update, the Chief Electoral Officer requested supplementary funding of \$108,000 in 2019/20 for the legislated reimbursement of election expenses for the Nanaimo by-election. The Committee agreed to recommend that Elections BC be granted access to the requested funding.

## SUMMARY OF PREVIOUS COMMITTEE DECISIONS

January 15, 2019: The Committee recommended that Elections BC be granted access to supplementary funding up to \$595,000 for operating expenditures in 2018/19 and \$10,000 for operating expenditures in 2019/20 for the administration of the Nanaimo by-election.

May 9, 2019: The Committee recommended that Elections BC be granted access to supplementary funding up to \$108,000 for operating expenditures in 2018/19 for the legislated reimbursement of election expenses for the Nanaimo by-election.

## Budget Submission for 2020/21 to 2022/23

The Committee met with Elections BC on October 29, 2019 to review the office's budget proposal for 2020/21 to 2022/23. In attendance were: Anton Boegman, Chief Electoral Officer; Charles Porter, Deputy Chief Electoral Officer, Electoral Finance and Operations; and Yvonne Koehn, Deputy Chief Electoral Officer, Corporate Services.

The Chief Electoral Officer opened his presentation by reflecting on the office's recent activities. Following a number of electoral events in 2018/19, Elections BC has been working on event close out and reporting, planning, and new projects, including one on digital threats to electoral integrity. The Chief Electoral Officer stated that his office has been conducting research on cyber threats, disinformation and outside interference in BC elections, and analyzing and identifying potential solutions to how Elections BC addresses these risks; he indicated that a report on this work is forthcoming. The Chief Electoral Officer also informed Committee Members that government intends to introduce legislation to enable the implementation of voting modernization recommendations, as outlined in the 2018 *Report of the Chief Electoral Officer on Recommendations for Legislative Change*. He noted that resourcing for these changes have not been incorporated within their budget submission; once the legislation has been introduced and adopted, Elections BC will complete detailed planning and return to the Committee with respect to any additional funding that may be required.<sup>1</sup>

As it relates to their budget submission, the office outlined their requests in four parts: core operating expenditures, event spending requirements, annual allowance for political parties, and capital expenditures.

### Core Operating Expenditures

The core operating budget of Elections BC covers day-to-day operational requirements, including permanent staff salaries, building occupancy, corporate information systems and amortization of capital projects. For the 2020/21 fiscal year, the Chief Electoral Officer requested \$11.320 million, an increase of 1.9 percent over 2019/20, which covers planned increases to salaries and benefits; this request is consistent with the previous year's budget submission and the Committee's subsequent recommendation. For 2021/22 and 2022/23, the Chief Electoral Officer outlined operating expenditures of \$11.627 million and \$11.773 million respectively. The Deputy Chief Electoral Officer, Corporate Services, noted building occupancy costs are anticipated to increase in 2021/22 as the lease for their office space has a scheduled increase in April 2021, and the lease for their warehouse expires in March 2021; the budget incorporates a potential renewal of the warehouse space based on an option of five years at the current market rate.

### Event Spending Requirements

Event spending requirements are based on known and scheduled events, and are provided for one fiscal year only. For the 2020/21 fiscal year, Elections BC proposed a total \$3.871 million for two events: preparations for the 2021 enumeration and preparations for the 42<sup>nd</sup> provincial general election.

Elections BC conducts enumerations pursuant to the *Election Act* prior to provincial general elections. The purpose of enumeration is to ensure the most accurate and up-to-date voters list possible. Most of the

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<sup>1</sup> Subsequent to the Committee's meeting with the Chief Electoral Officer, Bill 43, *Election Amendment Act, 2019*, implementing recommendations from the Chief Electoral Officer's 2018 report, was introduced. The bill was later adopted by the Legislative Assembly, and received Royal Assent on November 28, 2019.

expenses for enumeration will occur in the 2021/22 fiscal year; however, an initial \$428,000 is required in 2020/21 to begin preparatory work.

With respect to the next provincial general election, Elections BC noted that in the year before a scheduled provincial general election, spending requirements increase as preparations ramp up; the office must also continue to maintain a state of ongoing readiness for an on-demand election. For comparative purposes, the Deputy Chief Electoral Officer, Electoral Finance and Operations, shared that in the fiscal year before the 2017 provincial general election, the budget requirement was \$7.757 million while the current request is \$3.443 million. The difference in the two costs are attributed to investments that have already been made in general election readiness over the last two years and the change to an October election which moves some costs to the following fiscal year.

### Annual Allowance for Political Parties

Section 215.02 of the *Election Act* provides that the Chief Electoral Officer must pay an annual allowance to registered political parties who meet certain eligibility criteria. For the 2020/21 fiscal year, the Chief Electoral Officer requested \$3.610 million. This is based on an allocation of \$2 per vote for the July 1, 2020 payment and \$1.75 per vote for January 1, 2021 payment. Future payments are to be determined based on the results of the next provincial general election.

### Capital Expenditures

The Chief Electoral Officer proposed capital expenditures as follows: \$805,000 in 2020/21, \$480,000 in 2021/22, and \$700,000 in 2022/23. These expenditures are for IT projects related to improving services to voters, candidates and other electoral stakeholders. The Deputy Chief Electoral Officer, Corporate Services noted that planned expenditures decrease in 2021/22 as the office will be focusing on delivering the provincial general election.

### Committee Inquiry

Committee Members had several questions related to election events. In response to a question regarding the costs of a by-election, the Chief Electoral Officer informed the Committee that costs range between \$500,000 and \$600,000 for a single by-election held independently. He noted that if two concurrent by-elections were to be held, some savings would be achieved. The Committee also inquired if any analysis had been completed on potential savings from maintaining an ongoing state of election readiness. The Chief Electoral Officer pointed to the comparatively lower budget request for the fiscal year prior to an election as reflective of some efficiencies. He indicated that a full analysis would not be available until the office issues its report following the next election.

The Committee sought clarification with respect to how the cost of the annual allowance for political parties is determined. The Deputy Chief Electoral Officer, Electoral Finance and Operations, stated that there is a statutory formula which decreases over time and that a special committee will be reviewing and making recommendations with respect to continuing the allowances.

### Recommendations

In reviewing the Chief Electoral Officer's budget proposal, the Committee appreciated the office's thoroughness and detail with respect to each request. They agreed to recommend the requested

appropriation for core operating expenditures and capital expenditures for each of the next three fiscal years, as well as the event-related expenditures and the annual allowance for political parties for 2020/21.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

1. The appropriation for the operating expenditures of Elections BC be \$11,320,000 in 2020/21; \$11,627,000 in 2021/22; and \$11,773,000 in 2022/23;
2. The appropriation for event-related operating expenditures for Elections BC be \$3,871,000 in 2020/21;
3. Elections BC be granted \$3,610,000 in 2020/21 to fund the annual allowances for political parties;
4. The appropriation for the capital expenditures of Elections BC be \$805,000 in 2020/21; \$480,000 in 2021/22; and \$700,000 in 2022/23.

### ELECTIONS BC OPERATING EXPENSES \*



\*Core operating expenses only; event-related expenses and the annual allowance for political parties not included

# Office of the Human Rights Commissioner

The Human Rights Commissioner is a new independent officer of the Legislature, as provided by the *Human Rights Code*. The Commissioner is responsible for protecting and promoting human rights in BC through education, research, and inquiry. Last fall, the Committee recommended a start-up budget for the new office. The province's first independent Commissioner, Kasari Govender, was appointed by the Legislative Assembly in May and began her term in September. Vote 5 of the annual provincial *Estimates* provides for the office's operating expenses and capital expenditures.

## Budget Submission for 2020/21 to 2022/23

On October 28, 2019, the Committee considered the 2020/21 to 2022/23 budget proposal for the Office of the Human Rights Commissioner. Present at the meeting were: Kasari Govender, Human Rights Commissioner; Stephanie Garrett, Deputy Commissioner; and Dianne Buljat, Chief Financial Officer, Office of the Representative for Children and Youth.

In presenting the office's first full budget proposal, the Commissioner provided an overview of her office's mandate, work-to-date, and planned organizational structure and activities. She noted that the office is unique in that it is the only independent human rights office in Canada, and has a broad mandate to apply both domestic and international human rights law. The office will add a systemic component to the existing human rights infrastructure in the province, which includes the Human Rights Tribunal and the Human Rights Clinic. The office will be working with both entities to ensure a no-wrong doors approach and help individuals navigate the human rights system. This includes leasing office space in Vancouver in proximity to the Tribunal and Clinic.

Start-up and transition activities have focused on addressing early logistics, such as posting for priority jobs and exploring office space, as well as building relationships with other statutory officers for the provision of shared services. This includes sharing office space in Victoria with the Office of the Auditor General, and engaging in a shared services arrangement for finance, human resources and IT with the Office of the Representative for Children and Youth.

The Commissioner shared that the office has been structured around a strong leadership team to ensure sustainability, and reflects key responsibilities related to: education and awareness; inquiry, investigations and intervention; research and compliance with human rights obligations; and special projects. The office estimates a staff complement of 30 FTEs in 2020/21, including the Commissioner, and a full complement of 37 FTEs by April 2022. The office will also be served by two advisory committees: an Advisory Council, as required by section 47.08 of the *Human Rights Code*, and an Indigenous Elders' Council, both of whom will provide diverse perspectives and expertise to the Commissioner.

In total, the Commissioner requested operating expenditures in the amount of \$6.210 million for 2020/21, \$6.815 million in 2021/22 and \$6.589 million in 2022/23. With respect to capital expenditures, the Commissioner requested \$1.210 million in 2020/21 and \$35,000 in each of the subsequent two fiscal years. She informed the Committee that the capital budget allocation of \$1 million for 2019/20 will not be spent as renovations to the new office space will not occur until the next fiscal year.



## Committee Inquiry

Committee Members had several questions with respect to the operational structure, and the office's mandate and planned organizational activities.

## Operational Structure

In response to questions on how the organizational structure and the number and classification of FTEs was determined, the Commissioner stated that her office reviewed the mandate and powers provided by the *Human Rights Code* and mapped a structure that would enable the office to use the tools provided and achieve the mandate. Staffing decisions and structures were also informed by discussions with other human rights offices across the country with a similar mandate.

Committee Members commented on the balance of FTEs allocated for senior leadership and how this contributes to sustainability for the organization. The Commissioner responded by noting that other human rights offices suggested building more capacity at the executive level to leverage expertise and strategic thinkers. Referring to the office's mandate with respect to systemic and philosophical human rights issues, she shared her view of the importance of having strong leadership in place to hold the vision of the office beyond the five-year term of a Commissioner.

In response to a request for potential alternative approaches, the Commissioner provided a revised budget proposal of \$5.669 million in 2020/21, \$6.779 million in 2021/22 and \$6.589 million in 2022/23. At a follow-up meeting on November 26, 2019, the Commissioner shared that this revised budget continues to be based on the operational structure previously presented; however, it incorporates a phased approach to recruitment over the course of the coming fiscal year. She further clarified that within the staffing structure, six positions are part of the senior leadership team, including herself and the Deputy Commissioner, three are in administrative or operational roles, and 26 are charged with program delivery. Within the 26 in program delivery, five are classified as managers to reflect their supervisory and strategic planning roles in alignment with the public service classification framework. She reiterated her view that the staffing structure will enable her office to meet its mandate.

## Mandate and Organizational Activities

The Committee probed into the practical application of the Commissioner's mandate. The Commissioner stated that the office is in the midst of an initial strategic planning process, which will also be informed by the contributions of a senior leadership team, once in place, and a public engagement process. She highlighted some of the specific initiatives related to education and awareness, and anticipated undertaking one inquiry a year while noting that not all of the Commissioner's powers are currently in force and that the work of the office will need to be responsive to actual issues. The Commissioner also clarified that the budget incorporates resources to achieve the full mandate.

With respect to a question about education and complaints, the Commissioner shared that the office will not be resolving individual complaints; however, organizations and businesses will benefit from having a body to turn to for information on responsibilities instead of engaging in an individual complaint process when something goes wrong.

Another area of interest to Committee Members on the topic of education was the allocation for advertising and publications. The Commissioner explained that the office will be taking a multifaceted approach to reflect different learning styles, education styles, language needs, and accessibility needs. This includes workshops

and the provision of various online, print and visual materials. In a follow-up letter regarding questions about translation, the Commissioner shared that the budget incorporates funding for translating materials into the five most spoken languages in BC and two Indigenous languages.

## Recommendations

Committee Members congratulated the Commissioner on her appointment and shared their enthusiasm and support for the establishment of the new office. The Committee acknowledged the complexities and challenges of planning for and operationalizing a new statutory office, and expressed their appreciation to the Commissioner, Deputy Commissioner and their team for the work they have undertaken thus far in this regard.

In recognizing this challenge, the Committee reflected on their continued concerns about the scale and composition of the organizational structure and timeline for operationalization, as well as uncertainties with respect to potential pressures and outcomes of planned activities and initiatives. To ensure the office's success and in light of these uncertainties, they encouraged a more cautious, incremental and prudent approach to the budget and operational plan. They therefore recommended a smaller than requested operating budget of \$5.5 million for each of the next three years and the capital budget as proposed. Committee Members expressed interest in viewing a revised budget and operational plan within this allocation and within the context of the forthcoming service plan, along with reporting of progress on operationalization. The Committee emphasized their support for the Commissioner and her vision for the office, and look forward to maintaining an ongoing dialogue on the office's work.

### RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

1. The appropriation for the operating expenditures of the Office of the Human Rights Commissioner be \$5.5 million in each of the next three fiscal years;
2. The appropriation for the capital expenditures of the Office of the Human Rights Commissioner be \$1,200,000 in 2020/21; \$35,000 in 2021/22; and \$35,000 in 2022/23.

#### OFFICE OF THE HUMAN RIGHTS COMMISSIONER OPERATING BUDGET

2019/20 Approved Budget*	\$2,000,000
2020/21 Recommended Budget	\$5,500,000
2021/22 Recommended Budget	\$5,500,000
2022/23 Recommended Budget	\$5,500,000

\*Transition funding for start-up of the office.

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

An officer of the Legislature, the Information and Privacy Commissioner is responsible for monitoring and enforcing compliance with the *Freedom of Information and Protection of Privacy Act* by public bodies in BC, and for enforcing compliance with the *Personal Information Protection Act* by private sector organizations in BC. The Commissioner is also designated as the Registrar of Lobbyists with responsibility for enforcing the *Lobbyists Registration Act* and overseeing BC's Registry of Lobbyists. Vote 6 of the annual provincial *Estimates* provides for the office's operating and capital expenditures.

## Supplementary Funding Requests

### Registry of Lobbyists (September 30, 2019)

The Committee met with the Commissioner to consider a supplementary funding request of \$300,000 for capital expenditures in 2019/20 to implement a new Registry of Lobbyists. The new registry supports changes to reporting requirements for lobbyists in BC following the adoption of amendments to the *Lobbyists Registration Act* in November 2018. The new registry was initially presented as a two-year project in the office's budget 2019/20 budget submission, with the Committee's recommendation including the provision of \$200,000 in capital funding for each of the 2019/20 and 2020/21 fiscal years for this project.

The Commissioner informed the Committee that the project schedule shifted as the office is licensing the federal registry system and adapting it to meet BC's requirements; as such, the project is expected to be completed within, and requires additional funding for, the 2019/20 fiscal year. With this additional funding, the Commissioner advised that \$200,000 of the budget allocation for 2020/21 would no longer be required. The Committee considered the request, and agreed to recommend access to supplementary funding up to \$300,000 for capital expenditures.

### SUMMARY OF PREVIOUS COMMITTEE DECISION

September 30, 2019: The Committee recommended that the Office of the Information and Privacy Commissioner and the Registrar of Lobbyists be granted access to supplementary funding up to \$300,000 for capital expenditures in the 2019/20 year to implement a new lobbyists registry.

## Budget Submission for 2020/21 to 2022/23

The Committee reviewed the 2020/21 to 2022/23 budget submission for the Office of the Information and Privacy Commissioner and the Office of the Registrar of Lobbyists on October 28, 2019. In attendance were: Michael McEvoy, Information and Privacy Commissioner, and Registrar of Lobbyists; oline Twiss, Deputy Commissioner; and Dave Van Swieten, Executive Director of Corporate Shared Services.

The Commissioner began his presentation by providing an overview of the recent activities and accomplishments of both offices under his mandate. With respect to lobbying, the office has been focused on the implementation of new requirements following the adoption of amendments to the *Lobbyists*

*Registration Act* last fall, including the design, development and testing of the new Registry of Lobbyists. Once the amendments are in force, the office will shift to monitoring, education and ensuring a high rate of compliance with the Act, and preparing for compliance reviews and investigations.

As it relates to access to information and privacy, the Commissioner informed the Committee of progress made on recommendations from his investigation on the use of personal information by BC's main political parties and his work with the Chief Electoral Officer to establish a code of practice in this regard. He further highlighted the launch of a comprehensive suite of education products, *PrivacyRight*, which explain obligations to protect personal information for BC's private sector, and the development of privacy awareness lesson plans and activity sheets for school-age children in partnership with other Canadian offices. The Commissioner also issued an audit report on medical clinics and their attention to patient privacy.

With respect to organizational priorities, the Commissioner shared that his main focus is timely response to public complaints, reviews, and adjudications. He emphasized the work his office has undertaken within existing resources on addressing backlogs by practicing continuous improvement, realigning internal resources, and streamlining case file management and administrative processes. Another key priority for his office is encouraging BC businesses and other organizations to adopt robust privacy management practices. He noted that businesses increasingly operate beyond provincial borders, and as privacy laws continue to change, businesses must be able to address statutory obligations in BC and abroad.

The Commissioner proposed an operating budget of \$6.942 million in 2020/21, an increase of \$204,000 or 3.6 percent above 2019/20. This increase covers inflationary increases and annual amortization charges for the new Registry of Lobbyists, and is inclusive of internal savings. For 2021/22 and 2022/23, operating budgets of \$6.979 million and \$6.935 million respectively were sought. As the Commissioner indicated at his presentation in September for supplementary funding, the request for capital expenditures for 2020/21 was reduced to \$29,000, followed by requests of \$47,000 in 2021/22 and \$36,000 in 2022/23.

The Commissioner also briefly touched on the work of the Asia Pacific Privacy Authorities and thanked the Committee for their support of his office's participation as secretariat. Topics addressed this past year include: children's privacy, artificial intelligence and ethics, implementation of Europe's *General Data Protection Regulation*, and the prevention of online dissemination of terrorist and violent extremist content.

## Committee Inquiry

The Committee inquired further about continuous improvement, staff salaries, and the capital budget.

### Continuous Improvement

Committee Members sought additional details about the office's continuous improvement practices. The Commissioner explained that this involves examining every component of a file process for necessity and efficiencies from the moment a call comes in from the public to closing a file. Processes are regularly reviewed with senior leadership and with each staff member to find improvements. He placed emphasis on the "continuous", noting that processes and technology evolve and need to be regularly revisited.

### Staff Salaries

In response to questions regarding salary increases, the Commissioner stated that all staff are excluded employees; however, they mirror union and management positions within government, and receive the same increases. For Schedule A staff, who mirror union classifications, there are two percent increases

scheduled in each of the next two fiscal years. For excluded management, who mirror government's excluded management positions, increments are determined each June; this year it amounts to a three percent increase. In a follow-up to the Committee with respect to the proportion of staff belonging to each employee group, the Executive Director of Corporate Shared Services shared that 95 percent of staff belong to excluded management and five percent are Schedule A.

### Capital Budget

On the capital budget, the Commissioner confirmed that the budget has been adjusted with the shift to completing the Registry of Lobbyists in the current fiscal year. Once the project is complete, accounting policies require the cost to be amortized as an operational cost over the next five years.

### Recommendations

The Committee acknowledged the work of the Commissioner to find opportunities for improvement and efficiencies, and noted that his requested increases were related to inflationary expenses, of which salaries comprised the largest proportion, and to the amortization of the Registry of Lobbyists. They agreed to recommend the proposed budgets for both operating and capital expenditures for each of the next three fiscal years.

#### RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

1. The appropriation for the operating expenditures of the Office of the Information and Privacy Commissioner and the Registrar of Lobbyists be \$6,942,000 in 2020/21; \$6,979,000 in 2021/22; and \$6,935,000 in 2022/23;
2. The appropriation for the capital expenditures of the Office of the Information and Privacy Commissioner and the Registrar of Lobbyists be \$29,000 in 2020/21; \$47,000 in 2021/22; and \$36,000 in 2022/23.

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER & REGISTRAR OF LOBBYISTS  
OPERATING BUDGET



# Office of the Merit Commissioner

The Merit Commissioner is an officer of the Legislature responsible for providing independent oversight of merit-based hiring in the BC public service. The Commissioner is also responsible for monitoring and conducting reviews on the application of government practices, policies and standards to eligible dismissals. Vote 7 of the annual provincial *Estimates* provide for the office's operating and capital expenditures.

## Budget Submission for 2020/21 to 2022/23

On September 10, 2019, Acting Commissioner Fiona Spencer submitted the Office of the Merit Commissioner's budget submission for 2020/21 to 2022/23 and formally notified the Committee of her resignation effective September 15, 2019. Ms. Spencer had served three term appointments as Merit Commissioner since 2010. Dave Van Swieten, Executive Director of Corporate Shared Services, provided a brief overview of the submission on October 29, 2019.

The submission outlined an operating budget of \$1.365 million in each of the next three fiscal years, representing no overall change from 2019/20. Anticipated increases are being absorbed through projected decreases in other costs. These include: \$38,000 in additional annualized funding for a new position to undertake work related to reviewing just cause dismissal processes; \$13,000 in inflationary and performance pay increases; \$12,000 for the re-classification of two positions; and \$56,000 for professional services for expert advice and support for ongoing operations. Savings are anticipated with respect to changes to the Commissioner's salary, set by the Lieutenant Governor in Council, which will be based on a new per diem model reflecting the part-time nature of the position. One-time tenant improvements are also now completed resulting in additional savings.

A capital budget of \$12,000 in 2020/21 and 2021/22, and \$21,000 in 2022/23 was also requested.

## Recommendations

Committee Members extend their sincere appreciation to former Commissioner, Fiona Spencer, for her service to the province over the last nine years. They acknowledged her work in preparing the office's budget proposal, noting it is a status quo request, and agreed to recommend the proposed \$1.365 million in operating expenditures and the capital expenditures as proposed for each of the next three fiscal years.

### RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

1. The appropriation for the operating expenditures of the Office of the Merit Commissioner be \$1,365,000 in each of the next three fiscal years;
2. The appropriation for the capital expenditures of the Office of the Merit Commissioner be \$12,000 in 2020/21; \$12,000 in 2021/22; and \$21,000 in 2022/23.

OFFICE OF THE MERIT COMMISSIONER  
OPERATING BUDGET





# Office of the Ombudsperson

The Ombudsperson is an independent officer of the Legislature responsible for responding to individual concerns and complaints with respect to BC's provincial and local public authorities, pursuant to the *Ombudsperson Act*. The Ombudsperson is also responsible for providing advice, and receiving and investigating disclosures and allegations of reprisals, pursuant to the *Public Interest Disclosure Act (PIDA)*. The office's operating expenses and capital expenditures are provided for in Vote 8 of the annual provincial *Estimates*.

## Budget Submission for 2020/21 to 2022/23

On October 22, 2019, the Committee reviewed the Ombudsperson's budget proposal for 2020/21 to 2022/23. Present at the meeting were: Jay Chalke, Ombudsperson; John Greschner, Deputy Ombudsperson; Rachel Warren, Manager, Prevention Initiatives; and Dave Van Swieten, Executive Director of Corporate Shared Services.

The Ombudsperson highlighted his office's ongoing work related to monitoring implementation of previous recommendations, releasing updates, and engaging in prevention activities to assist public bodies with being proactively fair, as well as implementation work related to PIDA. He also noted that the office is monitoring the use of separate confinement in youth custody and examining the Ministry of Education's response to the grade 12 exam result error, and is anticipating that the new rate structure at ICBC will place pressure on their caseload.

Their budget submission outlines an increase in operational funding by \$873,000 or 9.8 percent above 2019/20, of which \$283,000 is for inflationary costs. The increase also covers additional resources for the coming into force of PIDA. Since conducting an analysis of potential workload last fall, increases in the number of complaints and inquiries in other jurisdictions and an increasing level of public awareness of whistleblowing have led his office to re-visit their estimated volume. Accordingly, the Ombudsperson proposed the addition of four more investigators for PIDA beginning July 1 at a cost of \$467,000 in 2020/21. While the office could monitor workload and return to the Committee with a supplementary request, this would create a risk with respect to the timeliness of investigations as the process of recruiting and training a new investigator can take up to nine months.

The Ombudsperson also requested \$123,000 to establish a new Indigenous Liaison Officer position. He acknowledged that his office needs to better understand the context within which the office's services are understood by Indigenous communities, and the need to review investigations through a different lens and perspective. The Indigenous Liaison Officer would be responsible for engaging with Indigenous communities and leading the development of an Indigenous community service plan.

The budget proposal also includes the retention of funding for the prevention initiatives program, which was funded as a three-year pilot and is scheduled to end this fiscal year. The Manager, Prevention Initiatives, described the main features of the program, which include guides, webinars, workshops, online training, and consultations with public bodies. She also shared the results of a third-party evaluation in which a majority of

respondents reported the program helped them deliver their services more fairly to the public; the office will examine potential enhancements to the program as recommended in the evaluation report.

Overall, the Ombudsperson requested \$9.746 million in 2020/21, \$9.924 million in 2021/22 and \$10.231 million in 2022/23 for operating expenditures; and \$142,000 in 2020/21, \$75,000 in 2021/22 and \$94,000 in 2022/23 for capital expenditures.

## Committee Inquiry

Committee Members had several questions related to PIDA, the prevention initiatives program, building occupancy, and the capital budget.

### *Public Interest Disclosure Act (PIDA)*

The Committee sought clarification with respect to the request for additional investigators. The Ombudsperson confirmed that the investigators are funded for nine months in 2020/21 and full-time in the subsequent two fiscal years. In response to questions about recruiting qualified investigators, the Ombudsperson informed Members that the job description for investigators under the *Ombudsperson Act* has been broadened to include public interest disclosure and that the office intends to rotate investigators to provide career development. Historically, the office has had success in attracting qualified investigators with staff coming from a range of backgrounds, including law, social work, law enforcement, coroner, and public administration.

### Prevention Initiatives

Committee Members requested more detail about the benefits and value of the prevention initiatives program, noting mixed results in the evaluation report with respect to attributing a reduction of complaints to the program. The Ombudsperson observed that it can be difficult from an evaluator's perspective to establish causal links, particularly in a short time frame. Ideally, if the program does well in encouraging public bodies to prevent unfairness in the first place, caseload volumes will go down.

### Building Occupancy

In response to questions about the current lease agreement and the stability of the shared space, the Executive Director of Corporate Shared Services stated that the current lease is in effect for another six years and that the existing footprint remains sufficient. He noted that through their strategic human resources side, alternate arrangements, such as working from home and shared office space, are being examined as new staff and resources come in.

### Capital Budget

The Committee inquired about the decrease in the capital budget in 2021/22. The Executive Director of Corporate Shared Services stated that the office bought new storage area network equipment to coordinate all the servers in the current fiscal year.

### Indigenous Liaison Officer

At a follow-up meeting on November 26, 2019, Committee Members sought additional details about the proposed Indigenous Liaison Officer position. The Ombudsperson shared that the position will have three

primary tasks: improving awareness of the office's services and developing relationships with Indigenous peoples and communities, developing capacity to address requests from Indigenous governments regarding dispute resolution and administrative fairness, and developing an Indigenous community service plan. The Committee expressed concerns about the approach and need for integration of planning and practices across the operations of the office, and the responsibility for planning being assigned to a single liaison officer as opposed to management. The Ombudsperson agreed on the need to ensure appropriate integration and discussed the importance of incorporating an Indigenous lens across the day-to-day work of the office; however, the office has limited capacity to undertake the intensive work required to ensure the office meets its overall objectives in this regard. He further clarified that planning exercises are team-based and ultimately his responsibility; the Indigenous Liaison Officer will be informing those discussions and undertaking the preliminary work, particularly with respect to consultations with Indigenous communities. In response to a question about the selection process, the Ombudsperson indicated that his office will be seeking a human rights exemption from the Human Rights Tribunal to fill the position with an Indigenous candidate and otherwise follow the usual process for a public service competition.

The Committee also inquired about jurisdiction with respect to individual complaints about Indigenous governments. The Ombudsperson stated that his office does not have jurisdiction over First Nations governments exercising their authority under the *Indian Act* or treaty self-governments exercising authority under their respective treaties; however, some Indigenous governments have approached his office for information and assistance on developing policies and procedures related to administrative fairness.

## Recommendations

Committee Members expressed their appreciation to the Ombudsperson for the work of his office, particularly as the office takes on responsibilities related to PIDA. They acknowledged that the new mandate places additional pressure and agreed to support funding for two additional investigators for PIDA, as well as funding for inflationary increases. The Committee noted that the funding for the prevention initiatives program was intended to be time-limited and that the results of the evaluation report were mixed. They expressed an interest in seeing better reporting and improved outcomes with respect to this program, and reduced funding for the program by \$200,000.

With respect to the proposed Indigenous Liaison Officer position, the Committee emphasized that the responsibility for indigenizing office outreach and planning should be embedded within the entire organization. Therefore, they supported a temporary two-year position to carry out initial planning and relationship-building work with a view to integration, and further encouraged the Ombudsperson to access additional diversity and inclusion resources to aid in this work. Committee Members also requested updates on progress and outcomes.

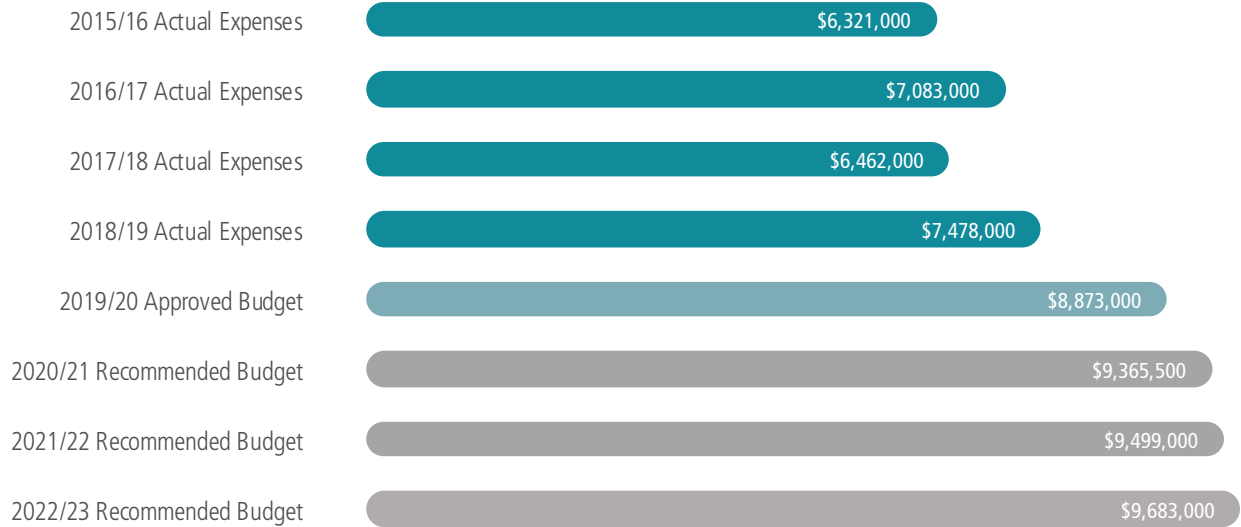
As such, the Committee recommended operating expenditures in the amount of \$9,365,500 in 2020/21, a 5.6 percent increase over the current fiscal year, \$9,499,000 in 2021/22, and \$9,683,000 in 2022/23, and capital expenditures in the amount of \$72,000 in 2020/21, \$75,000 in 2021/22, and \$94,000 in 2022/23.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

1. The appropriation for the operating expenditures of the Office of the Ombudsperson be \$9,365,500 in 2020/21; \$9,499,000 in 2021/22; and \$9,683,000 in 2022/23;
2. The appropriation for the capital expenditures of the Office of the Ombudsperson be \$72,000 in 2020/21; \$75,000 in 2021/22; and \$94,000 in 2022/23.

### OFFICE OF THE OMBUDSPERSON OPERATING BUDGET



# Office of the Police Complaint Commissioner

The Police Complaint Commissioner provides civilian oversight and is responsible for the administration of discipline and proceedings with respect to municipal police in BC, pursuant to the *Police Act*, including overseeing and monitoring complaints and investigations. Vote 9 of the annual provincial *Estimates* provides for the office's operating and capital expenditures.

## Budget Submission for 2020/21 to 2022/23

The Committee reviewed the Police Complaint Commissioner's budget submission for 2020/21 to 2022/23 on October 24, 2019. In attendance were: Clayton Pecknold, Police Complaint Commissioner; Andrea Spindler, Deputy Commissioner; and Dave Van Swieten, Executive Director of Corporate Shared Services.

Since the Commissioner's appointment in February, the office has been focused on organizational matters, including working on communications strategies, examining staffing positions with respect to outreach, and improving the annual report to make it more accessible. The Commissioner noted that the office has not yet updated their service plan as they are awaiting recommendations from the Special Committee to Review the Police Complaint Process. The work of the Special Committee includes a statutory compliance audit of select complaints with the *Police Act* and a performance audit against the service plan. The office has delayed strategic planning processes pending the Special Committee's report and direction, which will be incorporated into the new service plan.

In his budget submission, the Commissioner outlined three requests. One is \$128,000 to cover inflationary increases for salaries and benefits, corporate shared services and building occupancy costs. Another is funding for two new staffing resources: \$127,000 for a new research position and \$92,000 for a clerical position. With respect to the research position, the Commissioner explained that his office has an imbalance between the procedural, litigious side of the office and the prevention and remediation side; this position would be working on the latter with the aim of improving outcomes for complainants and improving the ability of organizations to learn from instances of misconduct. The clerical position will improve efficiency by re-aligning minor administrative tasks from more expensive human resources. Thirdly, the Commissioner requested \$50,000 for planning capacity to support oversight of a potential Surrey municipal police department. The department, which is likely to be similar in size to the Vancouver Police Department, will have a significant impact on the work and resource needs of the office.

In total, the Commissioner sought \$4.219 million in 2020/21, \$4.198 million in 2021/22 and \$4.210 million in 2022/23 for operating expenditures, and \$33,000 in 2020/21, \$47,000 in 2021/22 and \$33,000 in 2022/23 for capital expenditures.

## Committee Inquiry

Committee Members inquired further about a potential Surrey municipal police department, data collection, and corporate shared services. They also asked questions related to the National Inquiry into Missing and Murdered Indigenous Women and Girls.

## Surrey Municipal Police Department

The Committee probed into a number of areas related to the potential Surrey municipal police department, including the availability of information and analysis, implementation timeline, and the sufficiency of requested planning resources. The Commissioner informed the Committee that current analysis is based on the original submission from the City of Surrey and that additional information is likely to be available in the next year or so as the joint transition committee carries out its work. He emphasized the importance of appropriate planning and preparations so that his office is ready to take on oversight responsibilities as soon as the provincial government grants Surrey a police board. With respect to planning resources, the Commissioner indicated that the request is incremental and his office will return with an initial report once a more structured analysis has taken place.

## Data Collection

Committee Members observed that the budget submission makes reference to collecting demographic information and sought more information on what that includes. The Deputy Commissioner confirmed that race, ethnicity, Indigenous identity and gender-diversity will be collected. She noted that the office has recently implemented a process for collecting that information and that it will be based on individuals self-disclosing demographic information.

## Corporate Shared Services

In response to questions about cost increases for corporate shared services, the Executive Director of Corporate Shared Services explained that corporate shared services are subject to the same cost pressures as program areas with two components incorporated, a prorated share for inflationary costs and a growth cost based on additional FTEs. The Commissioner noted that the shared services model is working well. While his office has reached its capacity in terms of size and part of the planning for the Surrey police force will be physical location, he does not anticipate exiting from the arrangement. Rather increased capacity could come from another location, such as the Lower Mainland, which may be of interest to other officers as well.

## National Inquiry into Missing and Murdered Indigenous Women and Girls

The Committee asked how the Calls for Justice arising from the National Inquiry into Missing and Murdered Indigenous Women and Girls will be incorporated in the office's work. The Commissioner stated that no specific mention or initiative is in the current budget submission as the office is awaiting the work of the Special Committee; however, his office is considering how to implement and incorporate the Calls for Justice, particularly with respect to outreach and accessibility. He noted that the Union of British Columbia Indian Chiefs (UBCIC) has expressed concerns about a lack of trust among Indigenous women of police generally, and shared that his office has been included in conversations specific to the Vancouver Police Department. The Deputy Commissioner informed the Committee that she has met with the Missing Women's Coalition through the UBCIC, and acknowledged that the office needs do more work in understanding concerns and barriers to the complaint process, and in building relationships with Indigenous communities.

## Recommendations

Following consideration of the Police Complaint Commissioner's budget proposal, the Committee noted that a review of their strategic plan and service plan is underway. They particularly highlighted risks associated with oversight responsibilities for a potential Surrey police department and with incorporating the Calls for

Justice arising from the National Inquiry into Missing and Murdered Indigenous Women and Girls. Committee Members also acknowledged recommendations in the report of the Special Committee to Review the Police Complaint Process, presented to the Legislative Assembly on November 25, 2019, with respect to the office's work, including opportunities to enhance training, outreach and communications, and expand the use of Alternative Dispute Resolution. The Committee expressed a preference for considering additional resource needs pending the outcome of a comprehensive strategic plan and service plan review that incorporates the Calls for Justice and the Special Committee's recommendations.

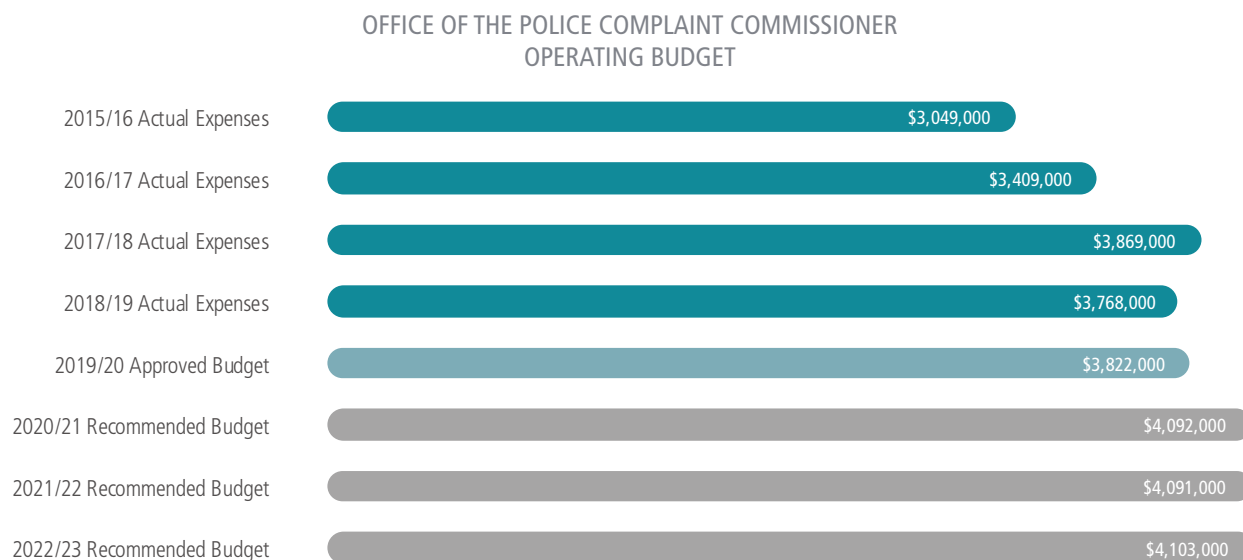
Accordingly, Committee Members agreed to support the addition of a clerical position, funding for planning resources for a potential Surrey police department, and inflationary increases; however, they declined to support the addition of a research position at this time. The Committee therefore recommended that the Office of the Police Complaint Commissioner be provided with \$4,092,000 in 2020/21, \$4,091,000 in 2021/22, and \$4,103,000 in 2022/23 in operating expenditures; and \$28,000 in 2020/21, \$47,000 in 2021/22, and \$33,000 in 2022/23 in capital expenditures.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

The appropriation for the operating expenditures of the Office of the Police Complaint Commissioner be \$4,092,000 in 2020/21; \$4,091,000 in 2021/22; and \$4,103,000 in 2022/23;

The appropriation for the capital expenditures of the Office of the Police Complaint Commissioner be \$28,000 in 2020/21; \$47,000 in 2021/22; and \$33,000 in 2022/23.



# Office of the Representative for Children and Youth

The Representative for Children and Youth is responsible for providing advocacy services on behalf of children, youth and young adults, and for reviewing, investigating and reporting on the critical injuries and deaths of children. An officer of the Legislature, the Representative is also responsible for monitoring, reviewing and auditing the effectiveness of designated services. The office's operating expenses and capital expenditures are provided for in Vote 10 of the annual provincial *Estimates*.

## Supplementary Funding Request

### Amendment to the Regulation to the Representative for Children and Youth Act (May 6, 2019)

At her spring update, the Representative for Children and Youth indicated that amendments to the Regulation to the *Representative for Children and Youth Act* were forthcoming, and that these amendments would expand the advocacy mandate of her office to include an estimated 4,400 young adults aged 19 to 23 who were formerly in care and eligible for Agreements with Young Adults and/or Tuition Waiver. She requested supplementary funding for three additional FTEs for the implementation of these advocacy services. As the amendments had not yet been issued, and the operational impact was difficult to estimate, the Committee declined to recommend supplementary funding and invited the Representative to return with an updated request, if required, following the issuance of an amended Regulation.

### Budget Submission for 2020/21 to 2022/23

On October 22, 2019, the Committee reviewed the 2020/21 to 2022/23 budget proposal for the Office of the Representative for Children and Youth. In attendance were: Dr. Jennifer Charlesworth, Representative for Children and Youth; Alan Markwart, Deputy Representative, Operations; Dianne Buljat, Chief Financial Officer; and Blair Mitchell, Executive Director, Advocacy.

The Representative presented a budget request of \$10.471 million in operating expenses for 2020/21, an increase of 7.4 percent above 2019/20, followed by \$10.483 million in 2021/22 and 2022/23. The capital budget remained at \$50,000 in each of the next three fiscal years.

As part of the proposal, the Representative sought funding for three additional FTEs at a cost of \$455,000 to address caseload pressures: two Advocate positions and one Investigation Analyst. With respect to the Advocate positions, the Representative explained that the complexity of advocacy cases has been increasing over the last several years. She informed the Committee that the average length of time spent on a case has increased from 4.1 months in 2011/12 to 7.2 months in 2018/19. This has been heightened by the issuance of an amended Regulation on July 3, following which the office has opened 14 advocacy files, without any outreach or notification, translating into 56 new cases or a 3.5 percent increase per year in overall advocacy caseload.

As it relates to the Investigation Analyst for the Critical Injury and Death team, the Representative reported a substantial increase in the number of critical injuries. In 2018/19, the office received 2,735 reportable



circumstances from the Ministry of Children and Family Development, of which 1,146 were in mandate; this is 43 percent higher than in 2014/15 and is a record high for the office. The office is projecting the number of reportable circumstances to increase in 2019/20 and rise again in 2020/21 with reporting by health authorities. She emphasized that reviews of these circumstances are critical to identifying systemic issues, preventing injuries and deaths from occurring, and improving the effectiveness and responsiveness of services to children and youth.

Other funding pressures relate to inflationary costs. This includes \$169,000 for increases to compensation for excluded management staff, with 80 percent of staff falling into this employee group, and \$40,000 for IT costs. The budget proposal also includes \$20,000 in one-time costs for transitioning to the Public Service Agency's Time and Leave system.

## Committee Inquiry

The Committee's questions focused on the increase in critical injuries, cultural groups, bureaucratic complexity, and grants.

### Critical Injuries

Committee Members expressed concerns about the increase in the number of critical injuries and inquired as to why that was happening. The Representative stated that this is primarily attributed to improved reporting and better recognition of what constitutes a critical injury. For example, emotional harm is one of the critical injuries considered to be a reportable circumstance, and the Representative highlighted the impact on young people whose parents are dying as a result of the opioid epidemic and overdose crisis.

### Cultural Groups

The Committee appreciated the attention to being culturally responsive with respect to Indigenous and Métis culture, and asked about efforts with respect to other cultural groups in the province. The Representative shared that her office is primarily focused on Indigenous children and youth because of their overrepresentation in the child welfare system. The office is examining a number of factors, including race and gender-diversity, to identify and understand patterns and to ensure the office is responsive and culturally safe. They are also looking at translating their products and services into additional languages.

### Bureaucratic Complexity

In response to comments about addressing bureaucratic complexity, the Representative noted that her office examines service delivery from a broader lens to identify opportunities for improvement. As an example, she referred to the work resulting from the report, *Alone and Afraid: Lessons learned from the ordeal of a child with special needs and his family*, which highlighted the complexity of delivering services to children and youth with special needs. She shared that the Ministry of Children and Family Development accepted the recommendations in the report and are reviewing services with the aim of reducing complexity.

### Grants

The Committee asked about the increase in the grants line item in 2018/19. The Deputy Representative, Operations, explained that variation in grants expenditures depends on the funding envelope. In this particular case, the office engaged the McCreary Centre Society for the provision of research services rather

than professional services contracts (where the office underspent their budget). The office also hired co-op students from the University of Victoria who provide services on a semester basis.

## Recommendations

In reviewing the Representative’s budget proposal, the Committee acknowledged the caseload pressures resulting from an increase in reportable circumstances, an expansion of her mandate, and the increased complexity of advocacy cases. They agreed that these pressures warrant additional resources and recommended the proposed operating and capital budgets.

### RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

1. The appropriation for the operating expenditures of the Office of the Representative for Children and Youth be \$10,471,000 in 2020/21; \$10,483,000 in 2021/22; and \$10,483,000 in 2022/23;
2. The appropriation for the capital expenditures of the Office of the Representative for Children and Youth be \$50,000 in each of the next three fiscal years.

#### OFFICE OF THE REPRESENTATIVE FOR CHILDREN AND YOUTH OPERATING BUDGET



# Documents Submitted – Review of Statutory Office Budgets 2020

## Office of the Auditor General

*2020/21 Estimate of Resources*

*Financial Statement Audit Coverage Plan For financial statement fiscal years ending in 2021, 2022 and 2023*

*Performance Audit Coverage Plan 2022/21-2022/23*

*Annual Report 2018/19*

*Service Plan 2019/20-2021/22*

*Budget Submission Supplementary Tables*

## Office of the Conflict of Interest Commissioner

*Budget Proposal, Fiscal Years 2020/21-2022/23*

*2018 Annual Report*

*Budget Submission Supplementary Tables*

## Elections BC

*Budget Proposal 2020/21-2022/23*

*Cover Memo to Summarize Annual Incremental or Supplementary Funding Requests*

*Annual Report 2018/2019 and Service Plan 2019/20-2021/22*

*Budget Submission Supplementary Tables*

## Office of the Human Rights Commissioner

*2020/21-2022/23 Budget Submission*

*Cover Memo to Summarize Annual Incremental or Supplementary Funding Requests*

*Budget Submission Supplementary Tables*

*Revised Budget Submission Supplementary Table*

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

*Budget Submission, Fiscal Years 2020/21-2022/23*

*Cover Memo to Summarize Annual Incremental or Supplementary Funding Requests*

*Office of the Information and Privacy Commissioner, Annual Report 2018-2019*

*Office of the Registrar of Lobbyists, Annual Report 2018-2019*

*Office of the Information and Privacy Commissioner and Office of the Registrar of Lobbyists, Service Plan, Fiscal Years 2020/21-2022/23*

*Budget Submission Supplementary Tables*

## **Office of the Merit Commissioner**

*Correspondence, 2020/21-2023 Budget Submission and Service Plan*

*Budget Submission, Fiscal Years 2020/21-2022/23*

*Cover Memo to Summarize Annual Incremental or Supplementary Funding Requests*

*2018-19 Annual Report*

*Service Plan, Fiscal Years 2020/21-2022/23*

*Budget Submission Supplementary Tables*

## **Office of the Ombudsperson**

*2020-21–2022-23 Budget Submission*

*Cover Memo to Summarize Annual Incremental or Supplementary Funding Requests*

*40th Annual Report 2018/19*

*2020/21-2022/23 Service Plan*

*Budget Submission Supplementary Tables*

*Summary of Request for Indigenous Liaison Officer Position*

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

*Budget Submission 2020/2021 to 2022/2023*

*Cover Memo to Summarize Annual Incremental or Supplementary Funding Requests*

*Annual Report 2018/2019*

*Service Plan 2019/20 to 2021/22*

*Budget Submission Supplementary Tables*

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

*Budget Submission, Fiscal Years 2020/21 to 2022/23*

*Cover Memo to Summarize Annual Incremental or Supplementary Funding Requests*

*Annual Report 2018/19 and Service Plan 2019/20 to 2021/22*

*Financial Statements 2018/19*

*Budget Submission Supplementary Tables*



