



STANDING COMMITTEE ON HOUSE SERVICES

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STANDING COMMITTEE ON HOUSE SERVICES

Hon. Mark Docherty, Chair
Regina Coronation Park

Ms. Nicole Sarauer, Deputy Chair
Regina Douglas Park

Hon. Greg Brkich
Arm River

Mr. David Forbes
Saskatoon Centre

Hon. Jeremy Harrison
Meadow Lake

Ms. Lisa Lambert
Saskatoon Churchill-Wildwood

Mr. Greg Lawrence
Moose Jaw Wakamow

Ms. Cathy Sproule
Saskatoon Nutana

[The committee met at 15:15.]

The Deputy Chair: — Welcome to committee this afternoon, everybody. My name is Nicole Sarauer. I'm the Deputy Chair of the Standing Committee on House Services. We have joined with us today Hon. Greg Brkich; we have Lisa Lambert; Nicole Rancourt subbing in for David Forbes; Hon. Jeremy Harrison; Eric Olauson substituting in for Greg Lawrence; and Buckley Belanger substituting in for Cathy Sproule.

I'd like to inform the committee that pursuant to rule 139(5), the following 2019-20 estimates for the legislative branch of government were deemed referred to the Standing Committee on House Services on March 28th, 2019: vote 76, Advocate for Children and Youth; vote 34, Chief Electoral Officer; vote 57, Conflict of Interest Commissioner; vote 55, Information and Privacy Commissioner; vote 21, Legislative Assembly; vote 56, Ombudsman and Public Interest Disclosure Commissioner; vote 28, Provincial Auditor.

Also pursuant to rule 139(6), "The Speaker shall not preside during the examination of bills or estimates" in this committee. However, the Speaker is here for the consideration of estimates for the Legislative Assembly and officers of the Legislative Assembly. Welcome, Mr. Speaker.

**General Revenue Fund
Advocate for Children and Youth
Vote 76**

Subvote (CA01)

The Deputy Chair: — We'll begin with consideration of vote 76, Advocate for Children and Youth, central management and services, subvote (CA01). Mr. Speaker, would you like to introduce your officials?

The Speaker: — Thank you, Madam Chair. With us today we've got Corey O'Soup, the Advocate for Children and Youth. And I will allow Mr. O'Soup to introduce the officers that are with him. And following that, maybe a brief statement might be appropriate and some questions. Mr. O'Soup.

Mr. O'Soup: — Thank you. Thank you, Ms. Sarauer and Mr. Docherty. I don't know what to call you.

The Speaker — That's okay.

Mr. O'Soup: — It's good to be here today, and I welcome the opportunity to answer questions. I truly believe that serving children and youth is the highest calling that anyone can have, so I'm very appreciative today to be sitting here today before you. I look forward to answering your questions.

And I just want to highlight a couple of things that we really focused on this year. I'm sure you will get there, but one of the . . . I believe that the main issue facing our young people today is the issue of mental health, and you will see that reflected in our annual report that we gave you. You'll see that reflected in the budget before you. You will see that in the work that we've been doing the last two years, and you will also see that in the work that we are planning for and that we are implementing this year.

I believe that mental health affects all areas of our children. I believe mental health is not an issue that really cares what colour you are. It doesn't matter what side of the tracks you live on. It doesn't matter how much money you make. It's an issue that affects all of our children and youth, whether you live on a farm, whether you live on a reserve, in a small town or a big city. And we are treating the issue as such, as we are investing a lot of our time and resources into that part of what we're focusing on, which leads us to the big part of continuing to focus on being a preventative, solutions-based office.

We still do get all the notifications of the deaths and the critical injuries and we still do full investigations into those, but part of our strategic plan was to work towards becoming an office that is not just waiting for tragedy to happen, but also wants to become a part of the solution and working towards working with our partners and our stakeholders to find positive solutions, and how we can work with them to stop the next child or the next tragedy from happening.

So with that, I'd like to introduce Bernie Rodier, my director of administration. She's here today joining me. She's been with the office almost since day one, so I probably couldn't answer some of your questions without her. So thank you for the opportunity to be here today.

The Deputy Chair: — Thank you, Mr. O'Soup and Mr. Speaker. Are there any questions? Ms. Rancourt.

Ms. Rancourt: — Thank you. First of all, I want to thank the officials for being here today, and Mr. O'Soup, and I know your office has been working really diligently and going out to many communities. I've had an opportunity to meet a lot of your staff, and I looked at the names of the Advo-Kids and the investigators. I've gotten to meet quite a few of them from times that they've come to Prince Albert, but when I've gone to other conferences and I've seen their booths set up and they've been really working hard to really promote the advocacy office, which I think is very important. And also I've been following them through a lot of their journeys to different communities and seeing them really engaged in the communities, and I've been hearing from community members how they feel that they have been interacting with the advocacy office. And I think that's very important, and I really appreciate all the work that they do and continue to do.

I also am very happy to hear that mental health is something that's being discussed quite regularly. Mental health is my background, and so it was challenging as a mental health worker seeing the issues within the community but not seeing that being discussed a lot. But I think through efforts from your office that that discussion is being made now, and I think that's really important. And thank you for all the work that you've done with regards to advocacy with regards to that. But as we see from the numbers from this report that it's still very much an issue in our communities and with our young people. And so I'm happy to hear that you guys are focusing on a preventative, solution-based approach so that we can come to a point where we're not seeing these numbers anymore in our province.

So I do have some questions here that I wanted to start off with. I notice that the highest rates of death and critical injury is for the

age groups of zero to 5, and 16 to 18. So can you give me a little bit of information with regards to that? What are the main causes of death or critical injuries for these different age groups?

Mr. O'Soup: — The critical injuries, I believe, we are still dealing with the undetermined causes when children die co-sleeping with their parents. I think that's probably the number one thing that we're dealing with when it comes to that. It's a long-standing issue that was around before I've been around, and it continues to be a long-standing issue, one that we have, I guess, advocated for in the past. I think we've done a good job of that. I think more public education needs to be done because we are . . . Our doctors, our nurses, our counsellors, they're working with young mothers to try and educate them, but I believe that message still is not getting across to them, and the importance of that.

When it comes to the older youth, 16 to 18, we do have a number of suicide attempts and attempted suicides, also a number of violent-related offences there with guns and knives and different things like that. So I think that those would be the two to answer that question.

Ms. Rancourt: — So with regards to the zero to five and co-sleeping, I was reading a little bit more about that, too, and how it's been a long-standing issue and doing some advocating on that part, and information for parents with regards to the consequences. Where would I see that identified as under your list of child deaths data? What category would that be listed under?

Mr. O'Soup: — I believe it would be listed under "other." I don't know if we actually had any deaths with regards to that issue this year. I think they would all be under "critical injuries." So just taking a look at the numbers here, yes, I believe there would not be any deaths under there. It could also be under the "cause is not yet available." We do many times have to wait for the coroner to give us their report as well. So we can get back to you on that one, yes.

Ms. Rancourt: — Thank you. And also when I was reading with regards to the Ministry of Social Services child and family program statistics, under the notation 31, it indicates that the Ministry of Social Services is no longer reporting on the total number of children in care and non-wards. However in keeping with past practice, the advocate provided these numbers in this report. Do you have an idea when the ministry stopped reporting those numbers? And did they give you a reason why they made that decision?

Mr. O'Soup: — Up until this year they actually . . . It was a really simple calculation for us. They would give us the number for children in care and non-wards. And up until this year they actually provided the total for us. We just had to add them together and create our own total. So until this year they just didn't total the two numbers, but they did give us the two numbers. It was just up to us to total the two numbers.

So there's nothing that they haven't reported; they just never added the two together for us. So we just wanted to make that clear. Because I think they're really focusing on the number of kids that are in the actual care of government as opposed to the number that are in PSIs [person of sufficient interest] and outside

of that. So the numbers were actually given to us. We just had to add them together, yes. I don't know why they didn't provide us with the same table that they have in past years. There was no answer given to that.

Ms. Rancourt: — Thank you. And also I was looking at the numbers of foster homes that have more than four children in those homes, and children living in foster homes with more than four children. Do you know which home would have the largest number of children in the home?

Mr. O'Soup: — No. I could do some research and find that number for you, but we haven't looked into that.

Ms. Rancourt: — And do you know if there's a plan to reduce those numbers or if that's something that's a concern for your office?

Mr. O'Soup: — There's an ongoing challenge with recruiting foster parents. I know last year there was a targeted recruitment plan done by the foster families, and I believe Social Services were a part of that. I don't think they did that again this year. So I would encourage them to do that again because we continually have that challenge with recruiting foster parents. So that is something that is on our radar and that we do continually advocate for.

Ms. Rancourt: — And in your report you talked about initiated discussions with the Ministry of Social Services, that you've had some discussion with them about how their child protection policies and practices can be strengthened. Can you give me some more information about in which ways you think that these policies and procedures can be strengthened?

Mr. O'Soup: — I would say particularly around the area of PSIs. I believe the reporting standards are . . . Contact standards are around one year right now, and I think that we can do much better than one year, as we see a number of the children that are going into PSIs is slightly increasing, and we would like to have more effort put into following those kids and tracking those kids, as an example.

Ms. Rancourt: — And what would your office be suggesting would be a potential improvement to that procedure?

Mr. O'Soup: — Well I think anything more than once a year — twice a year, three times a year. Looking in on some of those children more often would definitely improve those contact standards.

Ms. Rancourt: — Because there was a high number of children that were in PSI homes that were under the child deaths. And so is that one of the reasons why your recommendation?

Mr. O'Soup: — Absolutely. You know some of the higher profile cases too that we've dealt with in the past have been PSI cases as well, so it's something that's definitely on our radar that we feel that that definitely has to improve.

Ms. Rancourt: — And under the child deaths, you also have a category with regards to child and family services: no active services. In this report eight children died in that area. Can you give me an understanding of what no active services means?

Mr. O'Soup: — Well when it comes to children and youth, sometimes files have been closed on them and they haven't . . . They don't have active services but we continue to follow them for a year after their file is closed. So that's where those number of deaths would occur. So they're not actively getting services at that moment in time.

[15:30]

Ms. Rancourt: — So if they had received services from child and family services within the year, and we're seeing such a high number of those cases following under this, the category of child deaths, what would be a recommendation from the Children's Advocate office in how to reduce the number of deaths for that child category?

Mr. O'Soup: — We haven't discussed that in the office yet, but I think just anecdotally continuing to keep contact with those children and youth a little bit longer might help that. I mean that's just anecdotally here. It is a high number; it's 8 out of 20. So it's a significant number, and I think it's something that we definitely have to look at.

Ms. Rancourt: — Do you know what is current practice for the Ministry of Social Services to follow up with kids within that year after they are out of their service range?

Mr. O'Soup: — Yes, we'd have to ask the ministry that, their specific practice.

Ms. Rancourt: — So you also had some comments, I was looking at some news articles, and so they weren't straight comments from yours but they were reflected in the news article about Indigenous graduation rates remain static. Can you talk a little bit more about that?

Mr. O'Soup: — For me, education, I'm an educator by background. That's where I come from. And I believe that education is the key for our children and youth and our families in breaking the cycles that they're caught in. We know those cycles — drugs, alcohol, abuse. They end up in one of our reports. So I believe that education is actually the key component in breaking that.

And if you look at the number of children in our systems that we serve, it's over-represented in all of them by Indigenous children and youth. So if we truly want to be preventative in nature, I believe that education is the key that's going to break that. And if we continue to have graduation rates, I think it's 44.2 per cent this year for Indigenous youth, we're going to continue to see the same cycles. And those cycles won't be broken unless we invest in our Indigenous children and youth education.

Ms. Rancourt: — This was an issue that was also brought to our attention from Vice-chief David Pratt about his concerns with regards to Indigenous youth who are with the Ministry of Social Services with regards to their graduation rates. Does your office keep track of any of the success rates of those youth?

Mr. O'Soup: — We don't have any of those numbers for children in care and their graduation rates.

Ms. Rancourt: — And is there any initiatives that are going to

be happening that you know of that the government is going forward with that the goal is to increase these graduation rates?

Mr. O'Soup: — The one that I can point towards, and we mentioned it in our annual report last year, was Following Their Voices. That program is specifically intended to increase First Nation, Métis graduation rates and engagement levels. So I know they're continuing to do that. They've increased; they went from 5 schools to 16 schools. I believe they're in 40-plus schools this year in partnership with the federal government. The federal government has partnered with them now and has taken over funding of on-reserve schools. So that's the one initiative that I can point to.

Ms. Rancourt: — Okay. Thank you. Do you have any ideas of the number of youth that are involved with Social Services that are currently incarcerated?

Mr. O'Soup: — No, we don't have that number. So we haven't really made that correlation between graduation rates and kids in care, or graduation rates and kids in the criminal justice system, not specifically. I'm guessing we can get those numbers from the Ministry of Social Services though.

Ms. Rancourt: — To get a little bit of clarification with regards to the data that's provided in this report, the children and youth that you report with regards to the death status and the critical injury status, they aren't all youth that are involved with the Ministry of Social Services. Is that statement correct?

Mr. O'Soup: — Yes, I would say we get notifications from MSS [Ministry of Social Services], as well as from Justice and Corrections. So they would be from those two ministries.

Ms. Rancourt: — So I was also reading with regards to your report here, *When Every Second Matters*, a special child death investigation, and you provided 11 recommendations that were provided to the Ministry of Education. Do you know how many of those recommendations have been followed through on, or if there's still some areas that they need to improve?

Mr. O'Soup: — We get regular updates on the recommendations. They have committed to following through with all of them, and they are in the process of following through with all of them.

Ms. Rancourt: — Are you aware if they've completed some of the recommendations?

Mr. O'Soup: — Just some of them have been completed. I would probably say about, just thinking off the top of my head, about 6 of the 11. That's just a rough guess. And the other ones, they are responding to as well.

Ms. Rancourt: — Thank you. I was looking through some information, and we were just talking about the conference that you're going to be having this week. And I know that you came to government and you asked for some funding to help out with that conference. What was the response from government?

Mr. O'Soup: — We were given an additional \$100,000 from government to, I guess, choose what we would like to spend it on. And we chose to spend some of those dollars on that

conference, as well as some of those dollars are going towards hiring a new staff member.

Ms. Rancourt: — So is that not reflected in the budget in staffing in this document?

Mr. O'Soup: — Sorry?

Ms. Rancourt: — You were saying that part of that 100,000 will be for an additional staff member. Will that be reflective in the budget and staffing in this annual report?

Mr. O'Soup: — That will be reflected in next year's annual report.

Ms. Rancourt: — And will the amount that was provided pay for all the expenses with regards to this conference?

Mr. O'Soup: — Yes, it will this year. Yes.

Ms. Rancourt: — Because I do realize that there was no fee to attend the conference. And I think that was a good initiative so that it could help reduce the cost for individuals coming from further away, the northern part, or children and youth don't have a whole lot of money to spend on going to conferences. So can you tell me a little bit about what you're expecting for attendance, or what your plans with the conference coming up?

Mr. O'Soup: — One of our main priorities is ensuring that children and youth have a voice, and I believe that we need to give them platforms to use that voice. I mean I can speak up for them when given that opportunity, but I believe it's much more powerful when we give them that opportunity to speak up for themselves.

And the whole idea behind the conference was . . . You know, we've all been to different conferences and we've heard amazing speakers. And you know, we do a conference evaluation at the end and we ask, well what was your best part of the conference? And if there was a youth presenter present, 95 per cent of the time we say when that young person got up and spoke. You know, they may not have been the best speaker or had the most polished speech, but they really spoke from the heart and they touched you.

So we really wanted to have that type of a conference where you have all youth speakers. All of our speakers are going to be between the ages of 13 and 21. The topic is on mental health and addictions, and we are planning right now to have approximately 300 people in attendance. That will include elected officials such as yourself, and I know there's other members of the legislature that will be attending. We have chiefs attending. We also have front-line workers attending — so teachers, social workers, and everybody in between. In fact about a month and a half ago we had to close down registrations because we were completely full. And there's about a 150-person waiting list even after we shut down the conference.

I believe it is an investment in our youth and an investment in giving them an opportunity to speak for themselves because it is completely different being a young person today than it was when we were growing up. And I truly believe that we need to give them those opportunities, because if we don't give them

those opportunities, their voice is often quieted and shut out and not listened to. So that's the importance of why we've done that.

Ms. Rancourt: — Exactly. I think, you know, promoting mental health with youth and giving them the skills so that they can have those conversations with their friends is going to be very powerful. And hearing from the youth themselves . . . And I'm glad you extended that invitation to some of us in more of the leadership roles where we could make some different decisions and hopefully change the system so that it better reflects the needs of these youth.

Also just before I close, with regards to the suicide rate, I know you've been very active with advocating with the fact that our youth suicide rate is unacceptable. And with what's reflected in your report, these are youth that have had involvement with our ministries. But we know there's a lot of youth in our province who haven't had involvement with our ministries, but have lost their lives to suicide. Does your office have any of those numbers of the rates of youth suicide just in general within the province?

Mr. O'Soup: — We do not. We would have to get those numbers from the Chief Coroner, but the numbers that we're seeing with children in care is alarming, you know. To go from two to eight, I think it reflects the discussion that we've been having out there, that we've been hearing out there from our young people. And to actually see the data, it's really saddening.

And I believe that deaths by suicide are some of the most preventable that we can have. If we can reach our children and youth early and often, if we can provide them with the supports, if we can provide them with the resources, if we can provide them with the accessibility to those people that can help them the most, I think that these are some of the most preventable deaths, you know, when a young person takes their life, you know.

And these are the ones that should shock us the most, you know, as individuals, as professionals, as government. I believe that the deaths by suicide are the ones that we should be focusing on.

Ms. Rancourt: — So will there be any special reports coming forward within the next year from your office that you're currently working on?

Mr. O'Soup: — Yes, I believe we mentioned in our report that we are actually in the middle of doing a report on the mental health system in Saskatchewan. The report is intended to humanize, I guess, the issue of accessibility for our young people in the mental health system. So we're seeking the voice of, of course, young people that are trying to access the mental health system. We are seeking the voice of parents and caregivers asking them the same questions, as well as we are seeking the voice of professionals within the system that sometimes may have their hands tied by the system.

But most importantly we know that there are gaps. We see those gaps, and those gaps are easily identifiable, but we're actually searching for the solutions from the people that are challenged, to have the system meet their needs on a daily basis. And we are asking questions like, well what could we have done for you not to have to have ended up here, you know. So before you arrived and you were in crisis, what could we have done? But now that you're here, what could we have done better and how can we do

that? And the whole goal here is to impact budgets.

You know, I know our government has made a commitment to increase spending on mental health from 5 per cent to 7 per cent, which is the national average. We have some provinces spending upwards of 9 to 10 per cent of their budget on mental health.

And I want to take what the young people and the parents and the professionals have had to say and bring that to the Assembly and challenge the government to take what they have to say and to make decisions based on that. It's really hard to make decisions based on what we read or what we see, and in cities like Regina and Saskatoon I believe the solutions need to come from our young people and they need to come from our communities. And that's what we're trying to do.

Ms. Rancourt: — I look forward to reading that report. And again thank you for everything your office does for us and to help guide us with the decisions we make in this legislature. So again thank you for coming out today and answering my questions, and look forward to seeing you later on this week.

Mr. O'Soup: — Thank you and if you have any . . . If you'd like to follow up, we can try and find some of that data for you as well.

Ms. Rancourt: — I appreciate that. Thank you.

Mr. O'Soup: — Yes. So just let us know exactly what you want and we will search for that data.

Ms. Rancourt: — Perfect.

The Chair: — Any other questions? Seeing none, we'll vote on the estimates for Advocate for Children and Youth, vote 76, Advocate for Children and Youth. Advocate for Children and Youth, subvote (CA01) in the amount of \$2,568,000, is that agreed?

Some Hon. Members: — Agreed.

[15:45]

The Chair: — Carried. Advocate for Children and Youth, vote 76: \$2,568,000. I'll now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2020, the following sums: for Advocate for Children and Youth, in the amount of \$2,568,000.

Hon. Mr. Brkich: — I so move.

The Deputy Chair: — Mr. Brkich. Is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Mr. O'Soup, do you have any final comments?

Mr. O'Soup: — No. Thank you very much for having us today.

The Deputy Chair: — Thank you. Ms. Rancourt, do you have any final comments?

Ms. Rancourt: — No. I cease my remarks. Thank you.

The Deputy Chair: — Okay. Thank you for coming this afternoon. At this time we'll take a very brief two-minute recess to change officials.

[The committee recessed for a period of time.]

General Revenue Fund Information and Privacy Commissioner Vote 55

Subvote (IP01)

The Deputy Chair: — All right. We'll continue on with consideration of vote 55, Information and Privacy Commissioner, central management and services, subvote (IP01). Ron Kruzeniski, commissioner, is here with officials to answer questions from the committee. Welcome, Mr. Kruzeniski. Do you have any brief opening remarks?

Mr. Kruzeniski: — Thank you, Madam Chair. Thank you for inviting us today to speak to the committee. With me today is Pam Scott, who is the director of operations, and also with me is Diane Aldridge, who is the director of compliance. And these are the two key people in my office that I heavily lean on to get the job of the Privacy Commissioner done, sometimes making difficult and unreasonable requests, but I thank them for their tolerance.

I briefly wanted to say that our budget process starts in November. We present to the Board of Internal Economy, chaired by the Speaker. And at that time we made a presentation requesting our budget, and in that we requested one term position be changed to full time, and we requested an additional term position. The reason for that was our increasing requests for reviews and requests for investigations of breaches. And we filed a chart at that time that, in effect, showed that from 2013 we had 151 files opened, to 2018 we had 301. So in that time period, the demands on our office have practically doubled.

Now I have updated that chart for the purposes of today because we've got four months' experience in this new calendar year, and we have provided it to the Clerk, but with sufficient copies to give each committee member one. But based on four months' experience, and I do emphasize that this is a forecast, that we're expecting by the end of December that we'll have some 380 files opened this year. So the demand for what we do has doubled and, in fact, looks like it's more than doubling. So our requests in January, I feel were supportable now, based on what seems to be happening. And we are starting to struggle with the demand that is occurring out there.

Just to support that, we have a target that we think we should be finished a file in 105 days, which is about three and a half months. And currently, in our reviews, we're at 230 days, which is closer to six months. I believe that citizens should get good service from our office, and we certainly work every day to achieve that, but I do believe that six months is too long. That results in a high load of files on each of our analysts, and we're tracking about almost

double the files that I think allow us to get things done in a reasonable, efficient way and give citizens, and public bodies that work with us, answers to the issue as soon as possible.

So I think I will leave it there in terms of opening comments. Again I thank the committee for hearing us, and I'd certainly be pleased to answer any questions that committee members have.

The Deputy Chair: — Thank you. Are there any questions? Mr. Belanger.

Mr. Belanger: — Thank you very much, and if I may refer to you as commissioner it would make it a lot easier for me to be able to ask the questions as necessary. So I hope I'm not addressing you incorrectly.

Mr. Commissioner, you've had several busy months and I certainly appreciate your work. And a lot of people back home watch the legislative channel and they kind of at times become confused of what an independent officer is, what LAFOIP [*The Local Authority Freedom of Information and Protection of Privacy Act*] is, and your role within government. Can you give us a synopsis? Because my questions are going to be more along the process of what your office does.

And be as descriptive and as straightforward as you can because people . . . When we ask questions we understand the, you know, the acronyms that we use and the . . . And we understand some of the language that we use in the Assembly, but the average person doesn't. So when I say LAFOIP, people say, you know, what is that? So if you could explain your role in layman's terms as best you can, and what your office does, and what LAFOIP and what role it plays within governance.

Mr. Kruzeniski: — So in 1992 the Legislative Assembly passed *The Freedom of Information and Protection of Privacy Act*, which we short-formed to FOIP. And in 1993 the Assembly passed the local authorities freedom of information and protection Act — thus the LAFOIP.

Both Acts basically say that citizens of the province are entitled to documents, records created by government institutions, which include ministries, Crown corporations, boards, agencies, and commissions; or local authorities, which includes cities, towns, villages, RMs [rural municipality], universities, colleges, the health regions, now one health region.

And so the basic premise is that people are entitled to records. There then becomes some exemptions, some things that citizens shouldn't have or maybe they get later. One example of that is certain dealings with third parties, trade secrets, that sort of thing. Another exemption is cabinet confidences, advice given to ministers which in turn goes into a cabinet decision.

The other requirement is that government and local authorities are obliged to protect your and my personal information — my name, my SIN [social insurance number] number, my address, a lot of personal details about me. If government or a municipality collects it, then there's an obligation that they protect it, and that if it's your information, they don't give it to me unless I have your consent.

So those are the basic rules. Now when a government institution

or a city or town has a request for information, they will make decisions to disclose some and not disclose others. If the citizen receiving that objects to what was disclosed, then they complain to our office. We do a review and then we issue a report, and it has recommendations and the recommendation will be that the city should disclose more of the record, or the city should withhold parts of the record that they've already withheld.

The city then has 30 days to decide whether they agree with our recommendation. If they agree, they will proceed to give out the documents. If they don't agree, they can go to the Court of Queen's Bench to basically get a reconsideration of our recommendation. Basically our recommendation is just that. A government institution or a local authority can choose to follow it or not. If they don't follow our recommendation, the applicant can go to court to have it reconsidered. So that is the basic process.

There are some timelines along the way. Usually most things are, if there's an access request, the city or town or ministry has 30 days to respond. When the report comes out they have 30 days to respond. There's a few other timelines in there but those are the main ones. I'll maybe leave the basic process there, but if you have supplementary questions that you'd want me to elaborate on, that I certainly can.

Mr. Belanger: — Thank you very much, Mr. Commissioner. I would also want you to elaborate, and again it's in layman's terms, your independence. Obviously as a result of, unless sitting in the House Services Committee, you would be considered an independent officer of the legislature. Is that correct in the sense that you don't report to any ministry? You actually work under the, you know, under the auspices of the Speaker. So could you explain a bit of your independence and then the role that you would play that would be independent of government?

Mr. Kruzeniski: — There are basically four or five independent officers. One is the Provincial Auditor; you heard from Mr. O'Soup, who is an independent officer; the Ombudsman, and the Conflict of Interest Commissioner, and myself. Basically we are appointed by order of the Legislative Assembly and most of us — I think there may be one exception — are appointed for a period of five years and one renewal of another term of five years. We can't be removed by a minister or by cabinet, and I guess the only way we are removed from office is if the Legislative Assembly passed a motion.

And then within that, we have the ability to manage our budget once it is approved by the Legislative Assembly. We report quarterly to the Speaker and the Board of Internal Economy as to whether we're on budget. If an emergency expenditure occurs, we request the Speaker to be placed on the agenda for the Board of Internal Economy. We are free to issue press releases or reports as we see fit. Basically, in many respects, the Legislative Assembly is our boss.

Mr. Belanger: — I would point out though that, much the similar role as the Provincial Auditor, you're not bound to any particular department, that in essence you are an independent officer of the Legislative Assembly in which you would not be impeded in any way in completing or exercising your duty.

Mr. Kruzeniski: — Yes. We're not bound by any particular

ministry and we operate very independently in doing our analysis and our reviews and issuing the reports. Now having said that, I learned a long time ago the way to get things done is to work with people and to persuade, cajole, suggest, talk, that sort of thing, but we're not bound by that. But from time to time, I attempt to persuade them to do things, and a collaborative approach assists in getting that done.

[16:00]

Mr. Belanger: — Well I certainly respect that process because obviously it'll resolve matters quicker if you have that co-operation. And there's no question that your role and, you know, the pivotal role you play within the governance structure of the province of Saskatchewan is very, very important.

Obviously some sectors of governance ought to be independent: as we've indicated, the child advocate, the auditor, and certainly some of the work that you've done or you're responsible for and the duties that you are charged with. How expansive are your powers? Like do you have the right to request things like emails or notes or any other form of communication on any particular case that you might be working on?

Mr. Kruzeniski: — I view that when we commence a review or do an investigation, that we basically have the powers to request documents and to enter into a premises and do an inspection. And in the requesting of documents we can basically issue an order requiring the documents to be produced or requiring the person to come and give evidence in front of the commissioner and to bring along the documents.

Now there is one exception that has developed of late, and that is the whole area of documents over which a ministry or a municipality claims solicitor-client privilege. And the courts have decided, our Court of Appeal and including the Supreme Court of Canada, that where solicitor-client privilege is claimed, the client does not necessarily have to provide the documents. So we give people a choice: either produce the documents or redact portions of the documents that have legal advice, or provide us with an affidavit listing all the documents over which they claim solicitor-client privilege.

So we really have the power to request emails, letters, memos, documents. And really the only exception is those over which a solicitor may be giving legal advice.

Mr. Belanger: — And in the discharge of your duties, which again I point out are very pivotal to the success of governance, where people often speak of the need to be transparent and very accountable to the taxpayers or the people that elect governing bodies, whether it's provincial or municipal or federal, there is always a balance that one would strike.

So the first part of my question I would say to you is that there is no priority in your responsibility. But I'll give you an example. If the province says, no we're not going to follow through with the legislative authority granted to you, then how do you expect the communities or the other partners in governing, the cities or the villages or towns to follow? There really is no role for our provincial government to play, except to respect the FOIP process.

So I guess the roundabout way of asking you that, if the provincial government doesn't respect the process of being accountable and transparent, then we can't expect the cities or the towns and the villages to respect that process too. But either way, all parties are treated equally. Is that a fair assessment?

Mr. Kruzeniski: — Yes, it is. It was this Legislative Assembly that started this legislation in 1992 and 1993, and it clearly applies to government ministries, Crown corporations, boards, and commissions. And then in 1993, similar legislation basically applies to cities, towns, villages, universities, health regions. And as best we can, we try to apply it equally. And that mainly means that, you know, the first request in, we try and process it and get it out the door. That is our main principle in trying to create things equally.

In terms of the province being a leader, I think this Legislative Assembly has been. This legislation was passed in 1992 and, except for minor amendments, the principles of the legislation have not been eroded in that 27 years. And in fact one of the things I will begin to ask the Legislative Assembly to start thinking about is, it time to modernize our legislation? Because it is, in effect, 27 years old, and we've switched from paper files to databases and server banks and storing information in the cloud. We live in a digital world now and that does affect some of the concepts that we're talking about.

So certainly we'll be providing the Legislative Assembly with a report that says, please consider that it's time to modernize the legislation. And in that sense, I think the Legislative Assembly is taking a leadership role, and I would want ministries and Crown corporations to follow and take that leadership role. And then the other entities created by this Legislative Assembly, I believe should follow similarly. So whether it's a city created by *The Cities Act*, a rural municipality created by *The Municipalities Act*, or a planning and development board created by that Act, or a local housing authority, in due course all of those should follow the lead that is set by this Legislative Assembly.

Mr. Belanger: — And the secondary question then. Obviously on your first point, everybody should be treated equally in terms of the process that your office undertakes. And that basically one would assume that the strong leadership should come from the province because after all they did design and endorse and support, and have not changed over the last 27 years, in respect to the process that your office has undertaken. And once that respect is afforded to your office, then obviously the other levels of government that one would view as being under the control of the provincial government, they would have to follow suit. And so I'm pleased to hear you say that. And we would never hope to see that the senior partner in all this, the provincial government, circumvent the intent behind your role and your office and the legislation.

Now on the flip side of that, I was mayor in my home community for close to nine years. Not that I was brilliant or hard working, I just had a bigger family than the other guy, you know. So the other guy was a great guy, but there are circumstances where the other guy may complain or may have sour grapes and make frivolous claims and very unnecessary allegations. So obviously as the commissioner, you may be subjected to those circumstances as well.

Now as I said, the gentleman that I managed to barely beat, he was a great guy. He didn't complain about me at all and was, you know, he was very gracious. But there have been instances where some people lose an election and they get angry and they start throwing out all these allegations. Do you find that there are times that some of the processes and the allegations and the requests for your services, that there may be a certain amount that are frivolous and unnecessary?

Mr. Kruzeniski: — A couple of thoughts. One is if you take large entities like a ministry or a city of Regina, they will have units of people that can process requests for information when they come in. And you know, they have the expertise and the number of people to deal with what they're asked to do.

As you get to smaller entities like small villages and RMs, that clearly does become challenging because you can have administrators that only work part time or they're the sole employee. And we have some 780 small towns, villages, municipalities, northern municipalities, and many of them are very small. And we have to take a more helping hand-type approach because if you're an administrator of a small place you may only get one request a year or two requests a year. So you don't necessarily know the process that you asked me to outline a little earlier, and you don't know it in detail. So our staff are prepared to spend the time to be the helping hand to help people with the process.

We still have to make a decision at the end of the day whether the village should disclose more or not disclose more. Now as the organizations get smaller, the people in that town or village know one another better, and you have, as you indicated, electoral history, family histories, and other things that cause there to be other dynamics around the request for information.

Now our job is really not to question the motive of the person asking for the information. If they're entitled to it, they're entitled to it. So to some extent some of those other things that you refer to, in the strongest words, they're none of our business, but we become very aware that they exist. And our job in a sense is to take that neutral, even-handed approach and say, but all of that is history related to this community, but is this person under LAFOIP entitled to the information. And if the answer is yes, we'll recommend it be released. If it's covered by an exemption, we'll say no, ratepayer or citizen, you can't have it.

Your final point, there is a section in our Act that allows us to deal with frivolous or vexatious situations. And this particular section was put in effective January 1, 2018 and we have not had to use that section yet. I know there are elected officials that feel Joe or Sam, you know, has made quite a few requests, but quite a few requests is different than frivolous and vexatious. A person is entitled to make quite a few requests. Frivolous sort of gets to the point where it's absolutely ridiculous or they're asking for the same thing five, six, or a dozen times, or their language is completely abusive and they're trying to do something by using our office to get at something else, you know, to get at the mayor or to get at the councillors.

As I say, I think in a democratic system that's a fairly high bar that we have to allow people to ask a few extra questions and that sort of thing. But there is a point when it goes beyond whatever that standard is, and there is an ability to be able to stop it.

Mr. Belanger: — So do you investigate conflicts of interest? Are you like the only officer that does that type of work?

Mr. Kruzeniski: — I'm glad to say we don't investigate conflict of interest. That is left to the Conflict of Interest Commissioner, Mr. Barclay. And although you folks are all fine people, I leave it to him to deal with MLAs [Member of the Legislative Assembly] and other issues of conflict of interest.

Mr. Belanger: — Obviously, like, if you were to get a request for freedom of information and you find that there is a conflict, you would then refer that, as a result of you uncovering the information, you would then refer the matter to Mr. Barclay, saying that there is potential conflict here and we've uncovered it as a result of documentation that we received through our office. Does that collaboration happen?

[16:15]

Mr. Kruzeniski: — That could happen. I need to check, but I do not believe that our office has referred any matter to the Conflict of Interest Commissioner. Now the Conflict of Interest Commissioner mainly deals with conflicts of MLAs and that sort of thing. There are other situations where we may be aware of a conflict, and in a sense it really isn't our business. We might, say in a municipal situation, point it out to the Ministry of Government Relations and suggest that more resources are needed to deal with that sort of situation. So I guess we could refer something to Mr. Barclay, but it hasn't happened in almost my five years of being in the office.

Mr. Belanger: — No, and I would certainly point out that if you were to look at the role that you play in uncovering and requesting information, which people have a right to access, you know . . . and I like your analogy and your explanation around frivolous requests, you know, at all times. There's always that balance that must be achieved between being practical and obviously trying to fulfill another agenda that may be more nefarious than simply asking for information. And as we discussed, there's been instances of that over time.

But say for example if I were to . . . I go back to my role as mayor, and say we have a security contract for the community that we allocate, and I then turn around and hire my sister. I'm not sure if she'd work for me anyway, but suppose I did that as a mayor. And so I hire her, and then people are going to ask for information. How did the process work? It would be everything from whether I declared conflict during the voting process — you would be able to uncover that — but you'd also be able to ascertain whether the proper voting procedure took place. Is that where you would say your role would be? I just want to clarify that.

Mr. Kruzeniski: — If people made requests of that municipality and then a request came to our office, we could recommend that documents would be provided, such as minutes of the meetings where your sister was appointed, the contract where your sister was hired, the invoices or cheques where there was payments to your sister. Along the way our staff might become aware that there were other conflicts, again in a sense that wouldn't be within our jurisdiction. By issuing our report and recommending that documents should be released, other people may become aware of it, such as Government Relations.

Now I know, you know, the municipalities can set up a code of conduct. There's legislation around that so that by our report saying, provide the documents, other people might be able to read into it and say, we need to exercise our powers. But it wouldn't be our power to then say, you know, you have a conflict of interest or you shouldn't have voted, those types of things. That would be sort of beyond what we do, but we become aware of it.

Mr. Belanger: — And by virtue of becoming aware of it, and this is my final question, you would note that and it would be in your report for all to see that there's a potential issue here. And while you may not have the authority to further investigate, by fact that this was acknowledged and documented in your report, that other departments who had the authority and had the responsibility to oversee some of these things would note that in your report and they would action it on their own — not at your request but because that would be within their responsibility to do so.

Mr. Kruzeniski: — We would, yes, and by reading the report, you may be able to read some things into it, but we would be very discreet to try and stick to our knitting and to do our job in terms of recommending that documents be disclosed or not disclosed. So very careful there, but it is possible that others would read it and say, it's time that they look into things.

The Deputy Chair: — Thank you. Seeing that we're now out of time, we will vote on the estimate for Information and Privacy Commissioner, vote 55, Information and Privacy Commissioner. Information and Privacy Commissioner, subvote (IP01) in the amount of \$1,699,000, is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Non-appropriated expense adjustment in the amount of \$18,000. Non-appropriated expense adjustments are non-cash adjustments presented for informational purposes only, so no amount is to be voted.

Information and Privacy Commissioner, vote 55: \$1,699,000. I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2020, the following sums: for Information and Privacy Commissioner, in the amount of \$1,699,000.

Is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Mr. Kruzeniski, do you have any final comments?

Mr. Kruzeniski: — Thank you very much.

The Deputy Chair: — Mr. Belanger, any final comments?

Mr. Belanger: — You know, I would just thank the commissioner for his time and the staff as well. It's important to point out that his job and his role is very, very important. So thanks again.

The Deputy Chair: — Thank you. At this time we still have a few more estimates that we need to vote off, but if the officials would like to leave at this time, they are welcome to.

Okay, we've got several more estimates to vote on still in committee.

**General Revenue Fund
Chief Electoral Officer
Vote 34**

The Deputy Chair: — First we'll vote on vote 34, Chief Electoral Officer. Chief Electoral Officer, subvote (CE01) in the amount of \$5,354,000. There's no vote as this is statutory.

Non-appropriated expense adjustment in the amount of \$219,000. Non-appropriated expense adjustments are non-cash adjustments presented for informational purposes only. No amount is to be voted.

**General Revenue Fund
Conflict of Interest Commissioner
Vote 57**

The Deputy Chair: — Next we have vote 57, Conflict of Interest Commissioner. Conflict of Interest Commissioner, subvote (CC01) in the amount of \$557,000, is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Conflict of Interest Commissioner, vote 57: \$557,000. I'll now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2020, the following sums: for Conflict of Interest Commissioner, in the amount of \$557,000.

Is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried.

**General Revenue Fund
Legislative Assembly
Vote 21**

The Deputy Chair: — Next we have vote 21, Legislative Assembly, central management and services, subvote (LG01) in the amount of \$3,531,000. Is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Office of the Speaker and Board of Internal Economy, subvote (LG07) in the amount of \$432,000, is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Legislative Assembly Services, subvote (LG03) in the amount of \$5,906,000, is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Payments and allowances to individual members, subvote (LG05) in the amount of \$15,824,000. There is no vote as this is statutory.

Committees of the Legislative Assembly, subvote (LG04) in the amount of \$35,000. There's no vote as this is statutory.

Caucus operations, subvote (LG06) in the amount of \$2,190,000. There is no vote as this is statutory.

Non-appropriated expense adjustment in the amount of \$181,000. Non-appropriated expense adjustments are non-cash adjustments presented for informational purposes only. No amount is to be voted.

Legislative Assembly, vote 21: \$9,869,000. I'll now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2020, the following sums: for Legislative Assembly, in the amount of \$9,869,000.

Mr. Olauson. Is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried.

**General Revenue Fund
Ombudsman and Public Interest Disclosure Commissioner
Vote 56**

The Deputy Chair: — Next we'll vote on vote 56, Ombudsman and Public Interest Disclosure Commissioner. Ombudsman and Public Interest Disclosure Commissioner, subvote (OM01) in the amount of \$3,921,000, is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Ombudsman and Public Interest Disclosure Commissioner, vote 56: \$3,921,000. I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2020, the following sums: for Ombudsman and Public Interest Disclosure Commissioner, in the amount of \$3,921,000.

Mr. Brkich. Is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried.

**General Revenue Fund
Provincial Auditor
Vote 28**

The Deputy Chair: — Next we will vote on vote 28, Provincial Auditor. Provincial Auditor, subvote (PA01) in the amount of \$7,922,000, is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Unforeseen expenses, subvote (PA02) in the amount of \$534,000, is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Provincial Auditor, vote 28: \$8,456,000. I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2020, the following sums: for Provincial Auditor, in the amount of \$8,456,000.

Mr. Brkich. Is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. Committee members, you have before you a draft of the 11th report of the Standing Committee on House Services. We require a member to move the following motion:

That the 11th report of the Standing Committee on House Services be adopted and presented to the Assembly.

Hon. Mr. Brkich: — So moved.

The Deputy Chair: — Mr. Brkich. Mr. Brkich has moved the following motion:

That the 11th report of the Standing Committee on House Services be adopted and presented to the Assembly.

Is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. All right. We're done voting. I'd just like to thank the committee for their work this afternoon and I'd like to ask for a motion to adjourn. Ms. Lambert. Is that agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Carried. At this point we're adjourned. Thank you, everybody.

[The committee adjourned at 16:29.]