
Executive Council Public Accounts - Written Responses

Question 1

MS RENAUD: Can you please tell this committee when the Deputy Minister of Executive Council, Mr. Gilmour, or the deputy minister of government operations, Ms Volk, first briefed the Premier on the emerging threat of the pandemic?

Written Response:

Premier Kenney received verbal briefings on COVID-19 in January 2020. Premier Kenney received a written briefing on COVID-19 on January 27, 2020.

Question 2

MS RENAUD: When did the pandemic start making it into the daily briefs provided by or co-ordinated by the officials in Executive Council?

Written Response:

Premier Kenney received verbal briefings on COVID-19 in January 2020. Premier Kenney received a written briefing on COVID-19 on January 27, 2020.

Question 3

MS RENAUD: Can you please table with this committee all briefing notes, briefing materials, including presentations and memoranda, provided to the Premier or used to brief the Premier on the COVID-19 pandemic up until the period ending March 31, 2020?

Written Response:

This information is protected under Section 22(1) of the Freedom of Information and Protection of Privacy Act (FOIP) as Cabinet and Treasury Board confidences, as well as under Section 24(1) of FOIP, as advice from officials. Cabinet deliberations must be kept confidential to permit full and frank discussions around the cabinet table. This confidentiality is essential for sound decision making and good governance.

Executive Council Public Accounts - Written Responses

Question 4

MS RENAUD: Obviously, the report focuses on the pandemic – I think we’re all focused on that – and all of the things that have happened as a result of that, and for us to be able to understand the decisions that were made, I do think it’s important that we have access to at least some of the “high-quality decision documents” that were used by executive committee. Will you be able to bring any of that information back to this committee so that we can examine those documents?

Written Response:

This request does not identify specific documents for Executive Council to produce. However, documents prepared for Cabinet are protected under Section 22(1) of the Freedom of Information and Protection of Privacy Act (FOIP) as Cabinet and Treasury Board confidences. Cabinet deliberations must be kept confidential to permit full and frank discussions around the cabinet table. This confidentiality is essential for sound decision making and good governance.

Question 5

MS RENAUD: Can you also table with this committee all briefing notes, briefing materials, including presentations and memoranda, that were provided to the deputy minister of Executive Council and the deputy minister of government operations related to COVID-19 up until the period ending March 31, 2020?

Written Response:

This information is protected under Section 24(1) of the Freedom of Information and Protection of Privacy Act (FOIP) as advice from officials. It is important to protect advice from officials. Disclosure of this information would make advice less candid and therefore interfere with government’s ability to carry out similar internal decision-making processes in future.

Question 6

MS RENAUD: When was the full cabinet first briefed on the pandemic, and on what further days were they briefed up until March 31?

Written Response:

February 11, 2020 – Cabinet first briefed

March 3, 2020

March 16, 2020

March 24, 2020

March 31, 2020

Executive Council Public Accounts - Written Responses

Question 7

MR. SCHMIDT: Sorry. Just in response to the question on the meetings of the Emergency Management Cabinet Committee, could we get a list of the dates on which that cabinet committee met?

Written Response:

Premier Kenney formed the Emergency Management Cabinet Committee on February 28, 2020.

The following is a list of dates for when the Emergency Management Cabinet Committee meetings occurred in 2019-20:

March 9, 2020

March 12, 2020

March 13, 2020

March 15, 2020

March 17, 2020

March 18, 2020

March 20, 2020

March 23, 2020

March 25, 2020

March 27, 2020

March 30, 2020

Question 8

MS RENAUD: So I guess, you know, if you cannot share the documents that were used for the decision-making, is it possible to get a summary of the advice that was used to give such a short period of time for the public, for Albertans to understand what was coming?

Written Response:

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Executive Council Public Accounts - Written Responses

Question 9

MS RENAULD: Would you be able to provide the committee with a list of those dates [that Premiers and First Ministers calls happened on COVID pandemic]?

Written Response:

The following is a list of dates in 2019-20 for when the Premiers and First Ministers call occurred:

March 5, 2020

March 13, 2020

March 18, 2020

March 19, 2020

March 23, 2020

March 26, 2020

It is worth nothing that Premier Kenney is not Chair of COF and is not responsible for calling the meetings.

Question 10

MS RENAUD: Between January 1, 2020 and March 31, 2020 who did the Deputy Minister of Executive Council consult with in Ottawa, and can you please provide the dates of those discussions and what information generally was shared?

Written Response:

The Deputy Minister of Executive Council had phone calls with Ian Shugart, Clerk of the Privy Council of Canada on February 6, February 27, March 15 and March 21, 2020. The Deputy Minister of Executive Council attended a Deputy Minister Clerks and Cabinet Secretaries conference call on March 5, 2020. The discussions included COVID-19 related issues of a Federal/Provincial nature.

Question 11

MR SCHMIDT: Would you also consider waiving cabinet confidentiality, waiving the privilege so that the people of Alberta can see all of the information that cabinet used in its decision-making processes around the response to the COVID-19 pandemic?

Written Response:

Executive Council officials cannot waive Cabinet privilege.

Executive Council Public Accounts - Written Responses

Question 12

MR DACH: On what date did the government start working with TC Energy on a deal, and on what date was the first time Executive Council got involved?

All right. Well, I imagine that the TC Energy deal had the highest level of approvals, so any information that does satisfy my request, please respond to us in writing, provided it's available through your ministerial documentation, within 30 days.

Written Response:

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Question 13

MR DACH: ... in your capacity as the ministry supporting the Premier, can you please table with this committee a list of all the meetings the Premier had on the KXL deal, with whom he met, and the specific issues addressed at the meetings. Could you also please table this within 30 days. We want to get a clear record of the pattern of events leading up to the signed deal. Would you please commit to obtaining those documents and filing them with us, with the committee, within 30 days?

Written Response:

This information is protected under Section 16(1) of the Freedom of Information and Protection of Privacy Act, which prohibits the Government of Alberta from releasing information that would harm the business interests of a third party. This information is further protected under Section 22(1) of the FOIPP Act as Cabinet and Treasury Board confidences, as well as under Section 24(1), as advice from officials.

Question 14

MR DACH: I'm wondering if this would also include a list of all the meetings held by the Deputy Minister of Executive Council on the KXL deal, with whom he met, and the specific issues addressed at those meetings. Would those documents be included as well in your endeavour to research and provide?

Written Response:

This information is protected under Section 24(1) of the Freedom of Information and Protection of Privacy Act (FOIP) as advice from officials. Disclosure of this information would make advice less candid and therefore interfere with government's ability to carry out similar internal decision-making processes in future.

Executive Council Public Accounts - Written Responses

Question 15

MR DACH: What was David Knight Legg's role in the TC Energy deal and working out of Executive Council?

Written Response:

David Knight Legg was the Principal Advisor to the Premier from May 1, 2019 to October 8, 2020.

Mr. Knight Legg was a key advisor and strategist on all economic policy and economic development issues. The position is responsible for liaising with Ministers' Offices to provide advice and consult on correspondence strategies, discuss incoming issues, develop responses, and share standards. By building and maintaining these relationships across government, this position shares best practices and provides advice. Mr. Knight Legg was also the key contact point for stakeholders in business and financial services.

Question 16

MR DACH: Presumably, the government of Alberta did retain some outside organizations to gain analysis that would allow them to make decisions on this transaction. Who did the government hire? Who did Executive Council hire to consult with on the analysis of this transaction?

Please provide that information, if you would, within 30 days so we know who the Alberta government consulted with to come to their decisions and who they sought analysis from.

Also, I'd like to know how much you paid for that analysis on a \$7.5 billion transaction. Please table all that information for the committee and the benefit of all Albertans to understand exactly how government arrived at the decision to move ahead.

Written Response:

Executive Council did not retain any outside organizations. Alberta Energy retained TD Securities Inc. and McKinsey & Company Canada for analytical support.

Question 17

MR SCHMIDT: With respect to the KXL deal, who prepared briefings that were analyzed by the PCO? Which government departments and agencies?

Written Response:

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Executive Council Public Accounts - Written Responses

Question 18

MR SCHMIDT: Can you tell us what specific analysis the PCO provided, then, on different elements of the KXL deal?

Would you commit to tabling the analysis that the PCO did on the different pieces of work that the government departments did on the KXL deal?

Written Response:

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Question 19

MR SCHMIDT: So if we made a request to cabinet to consider waiving privilege around the documents related to the KXL deal, would you carry that request back to cabinet on behalf of this committee?

Written Response:

The Standing Committee on Public Accounts has not made a formal request of the Cabinet on this matter.

Executive Council Public Accounts - Written Responses

Question 20

MR DACH: Can you please table with the committee all the records, documents, briefing materials, and presentations that passed through Executive Council related to the creation of the Canadian Energy Centre and its operations up to March 31, 2020?

Written Response:

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Question 21

MR DACH: The Deputy Minister of Executive Council was also the Deputy Minister of Finance, and during his tenure in Finance we never saw \$1.6 billion in accounting errors. In fact, I think the deputy had a multiyear track record of zero errors. Now, what direct action is the Deputy Minister of Executive Council taking in his capacity as the head of the civil service to ensure that proper procedures are being adhered to?

Written Response:

The adjustments, as noted by the Auditor General in his November 2020 report, were made by government and the Auditor General gave a clean, unqualified audit opinion on the province's 2019-20 consolidated financial statements. On occasion, adjustments can be made to the financial statements as a result of differing opinions as to the appropriate accounting treatment. These sorts of debates or disagreements are not uncommon between audited entities and their auditors, whether they be governments or private sector entities. When these disagreements cannot be resolved, they result in qualified opinions. This, too, is not uncommon, and has occurred in British Columbia, Manitoba, and Quebec in just the last two years. This is not the case here in Alberta.

It is also worth noting that during his appearance at the November 24, 2020 meeting of the Public Accounts committee, Auditor General Wylie made it very clear that "there is no missing money" and "at the end of the day the consolidated financial statements are fairly reporting the activity that occurred within the fiscal period ending March 2020."

Question 22

MR SCHMIDT: I would be interested, Chris, if you could table any documents related to Executive Council's involvement in analyzing what went wrong specifically with the accounting in that deal.

Written Response:

This information is protected under Section 24(1) of the Freedom of Information and Protection of Privacy Act as advice from officials. It is important to protect advice from officials. Disclosure of this

Executive Council Public Accounts - Written Responses

information would make advice less candid and therefore interfere with government's ability to carry out similar internal decision-making processes in future.

Question 23

MR SCHMIDT: Can you commit to tabling any documents that may exist in discussing the potential guardrails or any corrective action that Executive Council may have provided to Treasury Board and Finance on how they booked the crude-by-rail deals?

Written Response:

The crude-by-rail program is administered by the Ministry of Energy through the Alberta Petroleum Marketing Commission.

Question 24

MS ROSIN: Before we got cut off by the bell, you mentioned that we had seen success with Manitoba tangibly in potentially dropping some of those trade exemptions. I'm just wondering if you could elaborate on what exemptions Manitoba has dropped or has agreed to drop.

Could we get those in writing as a follow-up?

Written Response:

Following Alberta's announcement on removing 21 party-specific exceptions to the Canadian Free Trade Agreement (CFTA), Manitoba announced the removal of six of their party-specific CFTA exceptions in October 2019.

A list of Manitoba's removed exceptions can be found here:

<https://news.gov.mb.ca/news/index.html?item=45837>

Question 25

MS RENAUD: Would you be able to give the committee a timeline of when those documents or when that advice would have been given, the dates and sort of what committee they were coming from and who they were presented to? Also, could you tell me when the Premier was first briefed about the AISH payment date strategy? If you could respond in writing within 30 days to the committee, that would be most appreciated.

Okay. I'd also like to ask if you could table all correspondence, briefing notes, memorandums, presentations on the AISH payment date change that passed through Executive Council to either the Deputy Minister of Executive Council, the deputy minister of government operations, the deputy minister of the policy co-ordination office, the Premier, or any of the Premier's political staff.

Written Response:

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Question 26

MS RENAUD: Page 7 of the annual report, and this is a message actually from the Premier, and he says that "Executive Council is responsible for strategically coordinating the government's implementation of our common sense plan," and there are three points: "get Alberta back to work, make life better for Albertans, and stand up for our province." I think we've explored a couple of those points, but the one that I'm interested in in this line of questioning is to "make life better for Albertans." I would really like to know if there are any documents or advice or what date was that passed on, and what was outlined for that decision-making to occur? How would that make life better for Albertans, keeping in mind that this was outlined by the Premier? If you could report back to the committee with that information, that would be appreciated.

Written Response:

Information regarding AISH payments is protected under Section 24(1) of the Freedom of Information and Protection of Privacy Act as advice from officials. As indicated by Premier Kenney, the Government of Alberta has a comprehensive plan to get Alberta back to work, make life better for Albertans and stand up for our province. The Ministry of Executive Council supports the Premier and Cabinet to ensure outcomes are achieved by supporting strategic planning, coordinated policy development and informed decision-making for ministries as they implement the government's agenda.

Executive Council Public Accounts - Written Responses

Question 27

MS RENAUD: I'd like to know when specifically was Executive Council fully briefed on the risks related to the AISH payment date change strategy?

Written Response:

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Question 28

MS RENAUD: Also, a yes-or-no question: was Executive Council briefed on the risk mitigation strategies related to the AISH payment date change?

Written Response:

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Executive Council Public Accounts - Written Responses

Question 29

MR DACH: Hi, Mr. McPherson. I'd like to know when you were told that you were going to attend this meeting rather than the deputy minister and who told you and on what date that had happened. Same question to the other attendees. When were they told that they would be attending this meeting instead of the more senior officials that normally attend this type of meeting, and who informed them that they would be attending? Was there any explanation given to you as to why the senior officials wouldn't be attending, as is the normal case, before Public Accounts?

Written Response:

Public Accounts committee was notified on November 4, 2020 that Deputy Secretary to Cabinet Christopher McPherson and Executive Director and Senior Financial Officer Dana Hogemann would be leading Executive Council's response.

Mr. McPherson was asked by the Deputy Minister of Executive Council, Ray Gilmour, to attend as other Executive Council officials were attending Cabinet, which was occurring at the same time as Public Accounts.

The Deputy Secretary to Cabinet also led Executive Council's response at the March 7, 2017 meeting of the Public Accounts Committee, when then-Deputy Secretary to Cabinet Andre Tremblay appeared on behalf of the department.

Question 30

MR GOTFRIED: Thank you. Page 14 of the annual report notes that *visits to the policy development and coordination website are lower than the target because PCO reduced the reliance on the online resource by moving to a more client-oriented delivery model.*

Could you please elaborate on the measures taken to make the delivery model more client oriented?

Written Response:

The Deputy Minister of Policy Coordination Office and the Deputy Secretary to Cabinet held in-person meetings with the Executive Teams of each department to introduce the new Cabinet/Committee structure to enhance information sharing.

Policy Managers and Assistant Deputy Ministers also hold biweekly or monthly with departments to discuss their priority initiatives and assist them with navigating the policy and legislative approval process.

There is also a biweekly Chief of Staff call, which is used to relay urgent information to departments such as deadlines, refined processes, and preparation of planning materials.

These processes have been found to be more beneficial than using a static website to relay information.

Question 31

MR GOTFRIED: Follow-up question: given this information should performance measure 1(b) remain part of the annual business planning process, and should a new performance metric be developed to better reflect EC delivery model objectives?

Written Response:

Policy Coordination Office (PCO) has proposed to remove performance measure 1(b) from the business plan as it does not adequately reflect the supports provided. The satisfaction survey questions better reflect the interactive relationships with departments.

- *Satisfaction of ministries with the services they receive from Executive Council.*
- *Satisfaction of ministries that advice and support from Executive Council assists them in advancing the policy and operational mandates of government.*

Question 32

MR GOTFRIED: Finally, performance measures 1(a) and 1(c) are slightly below target. How is EC planning to improve performance to meet these targets?

Written Response:

To improve performance measures 1(a) and 1(c), Policy Coordination Office (PCO) will increase the frequency of in-person meetings with either the Policy Manager or Assistant Deputy Minister. PCO is also developing supplementary products such as tip sheets to provide additional clarity. PCO has been soliciting input from departments to inform this process.

Question 33

MR SCHMIDT: This is with respect to public land sales and removing restrictions on public land sales with respect to Canadian free trade agreements. Can you tell us what consultation was done with the public before the decision to remove those exemptions was made?

Written Response:

Alberta undertook an expedited review of the province's party-specific exceptions under the Canadian Free Trade Agreement, with the goal of removing all unnecessary barriers to trade. No public consultations were required for this process.

Question 34

MR SCHMIDT: Would you be willing to table documents related to all of the briefings that were provided, the information that was provided to the Deputy Minister of Executive Council with respect to exempting public land sales or removing the exemption, I guess, from the Canadian free trade, including the consultation processes that were undertaken?

Written Response:

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Question 35

MR REID: What has the Executive Council done so far in encouraging other provinces and territories to join the New West Partnership trade agreement? What sorts of partnerships have we garnered with B.C., Saskatchewan, Manitoba in committing to the New West Partnership trade agreement? What are the barriers or concerns that provinces and territories have expressed in this partnership, and how does the overall partnership benefit Albertans?

Written Response:

Alberta has been encouraging other provinces to join the New West Partnership Trade Agreement (NWPTA) at every opportunity, highlighting that it is the most liberal free trade agreement within Canada.

In recent years, almost all provinces and territories have focused on negotiating and implementing the Canadian Free Trade Agreement.

The NWPTA benefits Albertans by creating an open market within the western provinces that not only encompasses all goods and services but also ensures that more government procurement opportunities are openly tendered.

Question 36

MR REID: We've talked a lot about intergovernmental relations within Canada, but obviously we have pushed to strengthen relationships with governments outside of Canada, with Alberta establishing trade offices all over the world. In addition to establishing these offices, can the department elaborate on what steps have been taken to strengthen our intergovernmental ties with our neighbours to the south and other countries across the world?

Written Response:

Intergovernmental Relations (IGR) in Executive Council is responsible for intergovernmental relations in Canada, while the Minister of Jobs, Economy and Innovation is responsible for our international trade offices and international relations in general.

Question 37

MR STEPHAN: Prior to the fair deal release Alberta workers and businesses over a long period of time have contributed each year billions more in CPP premiums than they get for Alberta retirees in return. The fair deal report asked Albertans about the merits of an Alberta pension plan. Could you share how this may advance the interests of Alberta businesses and families in Canada and advise on the status of this initiative?

Written Response:

During the engagement process of the Fair Deal Panel, many Albertans expressed their frustration that Alberta was not receiving a fair deal within the Canada Pension Plan (CPP). Alberta has a younger population, higher incomes, and historically higher rates of employment, meaning that Albertans contribute disproportionately to the CPP. As detailed in the Fair Deal Panel Report, if Alberta withdrew from the CPP and created an Alberta Pension Plan (APP), Alberta's hypothetical contribution rate could be reduced while maintaining base benefits for Alberta retirees at a level comparable to CPP.

Two recommendations resulted from the panel's research regarding the Canada Pension Plan:

- Recommendation 13 A: Develop a comprehensive plan to create an Alberta Pension Plan and withdraw from the Canada Pension Plan; and*
- Recommendation 13 B: Subsequently provide Albertans the opportunity, via a referendum, to vote for or against withdrawing from the Canada Pension Plan and creating the Alberta Pension Plan.*

The ministries of Treasury Board and Finance and Justice and Solicitor General are currently reviewing the recommendations and work is ongoing.

Executive Council Public Accounts - Written Responses

Question 38

MR SCHMIDT: Okay. I guess we would like to ask you if you can commit to tabling to us some of the performance evaluation criteria that deputy ministers are evaluated against in their annual review because we are interested in knowing whether or not following generally accepted accounting is part of that evaluation criteria. Can you commit to tabling that information, that evaluation criteria, to us?

Written Response:

Members of the Alberta Public Service, including Deputy Ministers, participate in an annual Performance Excellence process. These are confidential to protect the privacy of individuals.