



Yukon
Ombudsman



Yukon
Information
and Privacy
Commissioner



Yukon
Public Interest
Disclosure
Commissioner

DELIVERED BY SFT

January 9, 2025

The Honourable Sandy Silver
Minister of Finance
Government of Yukon
Sandy.silver@yukon.ca

Dear Minister Silver:

Re: Budgetary Process of Legislative Assembly Officers

I am greatly concerned with how the Yukon government (YG) has inserted itself into the budgetary process of all three of my mandates, contrary to legislative process and established practice. This goes against international standards and threatens my office's independence, as well as compromising public rights.

My office is comprised of three Officers of the Yukon Legislative Assembly: the Ombudsman, the Information and Privacy Commissioner, and the Public Interest Disclosure Commissioner, all three for which I have been appointed. These mandates act independently of one another and, importantly, independently of YG, as well as the other public organizations that I oversee.

Central to this fundamental independence is the Legislative Officer budgetary process. The method for approval or denial of my annual Estimates is set out in the *Ombudsman Act* (Act). The Legislative Assembly specifically tailored this to avoid government interference in the funding and operations of a Legislative Officer.

Budgetary autonomy and independence are key components of the 'Venice Principles on the Protection and Promotion of the Ombudsman Institutions' and the 'UN resolution on the Ombudsman Institution', both of which Canada has signed.

For these reasons, my office's ability to ensure the public's right to fair service, to safeguard access to information and the protection of privacy, as well as to investigate allegations of wrongdoing in a manner independent from government is not, and should not be, subject to the whims of the government of the day.

The budgetary process is clearly stated in section 9 of the Act and does not provide for input or action by YG. Its sole purpose is to direct you, as Minister of Finance, to recommend the unaltered

Estimate, as reviewed by the Members' Services Board (MSB), to the Legislative Assembly for due consideration. Such oversight of a Legislative Officer properly belongs to the Legislative Branch; namely, the Legislative Assembly and, more specifically, the MSB.


On October 9, 2024, the Honorable Jeremy Harper, Speaker of the Legislative Assembly and Chair of the MSB, transmitted my Estimate to you as the Minister of Finance, in accordance with the Act.

I understand that, following this transmission, YG's Management Board reviewed my Estimate. I am unclear how my Estimate found itself in this position and under what legislative authority this transpired.

Government intrusion creates both a real and perceived conflict of interest that could be used against us as a punitive measure if our findings or actions are unfavourable or seen to be so. It is the proverbial Yukon fox guarding the hen house.

I therefore request a written commitment that you will recommend my 25/26 Estimates, as reviewed by MSB and unaltered, to the Legislative Assembly for debate and vote. Should I not receive such a commitment by January 17, 2025, I will then have no recourse but to commence litigation for purposes of ensuring your compliance with the Act, preserving the independence of my office, and continuing to protect the rights of the public, all as intended by the Legislative Assembly.

Yours sincerely,



Jason Pedlar, BA, MA
Ombudsman
Information and Privacy Commissioner
Public Interest Disclosure Commissioner

Cc: The Honourable Ranj Pillai, Premier of Yukon
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The Honorable Jeremy Harper, Chair of the MSB
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