



Legislative Assembly of Alberta

The 27th Legislature
Third Session

Standing Committee
on
Legislative Offices

Friday, November 26, 2010
8:33 a.m.

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The 27th Legislature
Third Session**

Standing Committee on Legislative Offices

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Standing Committee on Legislative Offices

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Glen Resler, Chief Administrative Officer	
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8:33 a.m.

Friday, November 26, 2010

Office of the Ethics Commissioner

[Mr. Mitzel in the chair]

The Chair: Good morning, everyone. I'd like to welcome all the members, staff, and the guests here. While we get started, I will ask that everyone introduce themselves. I'm Len Mitzel. I chair this committee. I'll start on my right.

Mr. Lund: Ty Lund, MLA, Rocky Mountain House.

Mr. Marz: Richard Marz, MLA, Olds-Didsbury-Three Hills.

Mr. Rogers: George Rogers, Leduc-Beaumont-Devon.

Mr. Lindsay: Good morning. Fred Lindsay, Stony Plain.

Mr. Campbell: Robin Campbell, West Yellowhead.

Ms Notley: Rachel Notley, Edmonton-Strathcona.

Mr. Resler: Glen Resler, chief administrative officer, office of the Ethics Commissioner.

Mr. Wilkinson: Neil Wilkinson, Ethics Commissioner.

Mr. Odsen: Brad Odsen, general counsel to the office of the Ethics Commissioner and lobbyist registrar.

Mr. Hinman: Paul Hinman, MLA, Calgary-Glenmore.

Mr. Quest: Dave Quest, MLA, Strathcona.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Thank you very much. We have a few housekeeping items, and then we'll get into the regular agenda of the meeting.

All the officers' budget materials were posted on the internal committee website last Thursday. A few reminders: the microphone consoles are operated by *Hansard*, and please keep your BlackBerrys off the table as they interfere with the audio feed. The committee is hosting lunch today for the officers and their staff who are attending today's meeting.

We'll get on to the business at hand. First off, the agenda. Could someone move that the agenda for the November 26, 2010, meeting of the Standing Committee on Leg. Offices be approved as distributed or amended? Moved by Mr. Lund. Are there any additions to the agenda? Anything on this? If not, all in favour of this motion? Opposed? That's carried.

I'd like a motion for the adoption of the minutes of the July 26 meeting. Moved by Mr. Rogers. Any errors or omissions on those minutes? Seeing none, all in favour? Opposed? That is carried.

We'll be receiving the 2011-2012 budget estimates and business plans from the officers today, starting with the office of the Ethics Commissioner. Before I begin, I'd like to mention that in previous years the committee has waited to pass motions on the budget until all of the officers have made their presentations. This has worked well during the past few years, and it's been incorporated into our agenda.

With that, I'd like to welcome Mr. Wilkinson, the Ethics Commissioner, and your staff. If you could keep your presentation to about 25, 30 minutes, this will provide sufficient time for the committee at the end of the presentation to ask some questions. I'd ask you to please proceed.

Mr. Wilkinson: Thank you very much, Chair Mitzel. Members of the committee, staff, good morning, and thank you very much for the opportunity to present our budget. You know who's with me this morning. On my left is Glen Resler, who is also a CMA and our budget guru and our chief administrative officer, and of course on my right is Brad Odsen, QC, who is in charge of our registry, our lobbyist registrar, and also is our corporate counsel.

We want to discuss briefly and within the time period that you'd suggested, Mr. Chair, eight items that we thought you'd be interested in regarding the activities of this last year, and then we'll get into our budget discussions. Of course, I'm happy to answer any questions and get any feedback that you'd like to offer us.

To start with the first one, our service agreement with the office of the Information and Privacy Commissioner ceased, and effective January 1 this year our human resources and financial services support have been facilitated both internally and with external contracts.

Number 2. The Alberta Public Agencies Governance Act, as you know, will soon be proclaimed, and our primary roles under this legislation will be as an appeal mechanism for code of conduct matters for both staff and boards and as a code administrator for some chairs at their request. Several agencies, boards, and commissions have also sought our advice on aspects of their agencies' codes of conduct, and members were pleased to provide those services at no charge.

We have developed a new strategic business plan. The copies are in your binder, and we'd certainly welcome your feedback at any time. It does include some enhanced performance measures. This plan will commence 2010-2011 through 2012-13. By all accounts, members of the committee, I must say that I think this has been a very beneficial exercise for all of our staff in clarifying our values, principles, goals, and strategies as well so we can maintain or exceed the service provided to our MLAs, senior officials, and citizens of Alberta under the Conflicts of Interest and Lobbyists acts.

Number 4. During our consultation with you, the members, and also with senior officials we received several requests for you to be able to access and complete your private disclosures online. On your behalf and for our information we've also examined the Ontario system from the Ontario Integrity Commissioner's office. They have an online disclosure system, and it's been available to the members since 2005. About 65 per cent currently of their members take advantage of it, and the rest still file using paper. The benefits, as we see it, to an online private disclosure filing system would be access to current information. Members and senior officials are able to enter data throughout the year when changes occur, so it's not a rush right at the end of the year to get caught up on everything. In our case it would increase efficiencies because we are able to reduce data entry requirements to produce consolidated and public disclosure statements as well. I'd like to point out that because we're in a time of fiscal restraint, we have not requested funds in next year's budget to develop that system.

Number 5. As members will know, the lobbyists registry has been in place for some 14 months now. It really flies. We addressed the initial flurry of activity after the Lobbyists Act was proclaimed in our budget submission last year, and of course while that initial level of activity has not been repeated, the registry has remained active on ongoing requests for advice, system troubleshooting, and new filings. As of November 15, 2010, 86 consultant lobbyists were registered, representing 192 clients, and 224 organizational lobbyists registered and 159 active organizational lobbyist registrations, the difference being that some

organizations of multiple staff engaged in lobbying activities. So to put it in a different way, members, we have 159 organizations, but the people in those organizations lobbying, the individuals amount to 224 people.

8:40

In the period from January 1, 2010, to date the registry has been averaging two to three new organizations registering lobbying activities every month. In the same period, the registry has been averaging seven to eight new registrations per month by consultant lobbyists. Also, in the same period the registry website has been averaging close to 100,000 hits per month. A hit with us is recorded every time a visitor navigates from one website to another.

Under the Lobbyists Act we completed our first investigation, in which there was no breach of the legislation identified, and this report has been provided, as you know, to all members and is available to all members of the public on our website.

Members will recall that all of the officers of the Legislature of Alberta are involved in a court case concerning the proper interpretation of the words used in section 4(1)(d) of the Freedom of Information and Protection of Privacy Act. All of the officers of the Legislature are deeply concerned that the effect of that decision will mean that their ability to carry out their statutory mandate has been compromised, and of course that means the ability of the officers who are believed to serve all Albertans has been compromised.

The correctness of the Queen's Bench decision has been argued at the Alberta Court of Appeal, but a decision is not expected until sometime in 2011. In the event the Court of Appeal upholds the Queen's Bench decision, an appeal to the Supreme Court of Canada may be warranted. Some final appeals, as you know, are very expensive, and certainly it would impact the budget of all officers. Luckily and thankfully, these concerns were raised to the Standing Committee on Health reviewing the FOIP Act respecting how the court decisions could affect the ways in which we carry out our mandates. The committee agreed in its report that an amendment to the legislation would be necessary to address these concerns, so we look forward to that.

Many of you know, I think, Val Henkel, who has been with our office for a long time and with government even longer. She's one of our administrative assistants. On Monday she transferred to capital projects in Infrastructure, and Louise Read has agreed to come on with our office full-time. She has been working a job-share with Val since February of 2009, and she has certainly been an invaluable addition to our office. So that complement now: we have four people in our office. I'm very pleased and confident in the abilities of our staff and that the members will continue to receive quality service. We really have a good team.

Well, that ends my comments on the major activities over the last year. Further information on the activities of the office, of course, will be provided to the committee when we meet next year to discuss our annual reports.

Now, looking at the budget for 2011-12, some thoughts here from us. We have held our budget estimate at the 2010-11 level, which means that salaries do not include any merit increases, cost of living increases, and variable pay. The wellness account continues to be suspended.

We have a \$4,000 increase in professional fees and development, and this is attributed to additional training requirements for new staff members. There is a reduction in the budget for repairs and maintenance. Under contract services we have reduced our legal services by \$31,000 as a result of having Brad Odsen as our general counsel. We continue to budget \$54,000 for specialized legal expertise, and as in the past if no counsel is contracted during the year, these funds will be returned.

We have an increase of \$8,000 in our hosting budget. This is to assist our office in hosting the 2011 national lobbyist registrar conference to be held in Edmonton. To help reduce our costs – we're looking at many ways of doing that – we have requested of the Clerk of the Legislative Assembly that we be allowed to use this boardroom to host meetings in September.

The second-last item. Under amortization the current year's budget was insufficient to account for the amortization of the lobbyist registry system. As a result, when comparing the 2011-12 estimate, there's an increase in amortization for this one year of \$38,000.

Last, the Lobbyists Act is up for its mandated legislative review in 2011 and the Conflicts of Interest Act, as you know, in 2012. For both reviews we have not identified additional funding requirements in our budget, but should significant legislative changes occur, we will be asking this committee for supplementary funding if additional staff or significant computer system upgrades are required. Brad will soon be undertaking a survey of our stakeholders to gather comments and suggestions on the Lobbyists Act for your review.

That ends my presentation, and we'd be pleased to answer any questions, Mr. Chair, that you might have.

The Chair: Thank you, Mr. Wilkinson.

Mr. Marz.

Mr. Marz: Thanks, Mr. Chair. Mr. Wilkinson, could you just elaborate a little bit on when those reviews are going to be taking place and when you could be identifying that those supplementary estimates would be needed, about how soon? I guess what I'm getting at, so you understand where I'm coming from, is that if it's down the road far enough in the year, you might identify some other surpluses in other areas that could be applied to that without applying for more.

Mr. Wilkinson: Well, Mr. Marz, I believe we can handle the review within our current budget. It would only be if, once the review has taken place, you decide to make some legislative changes or some administrative changes. Then at that time we'd have to look at whether we could do it within our existing staff or have to add staff and equipment. I don't know if that answers your question.

Mr. Marz: Yes, it does. Thanks very much.

Mr. Wilkinson: Thanks, Mr. Marz.

The Chair: Mr. Lund.

Mr. Lund: Thank you, and thanks for the overview. In your comments earlier you mentioned something about having some services contracted out, and I'm curious how, having even more services contracted, you've managed to reduce your contract services by \$49,000.

Mr. Wilkinson: Actually, that part of the contract services went up. We went from about \$25,000, I believe, to about \$39,000 because we had to contract out the initial year, but because Glen is a CMA and he is able to do a lot of the work internally, we're going to bring that down to \$26,000 for the next year, just \$1,000 above what we were doing it at before.

Mr. Lund: Very good.

Mr. Wilkinson: Thank you.

Mr. Bhullar: Good morning, gentlemen. Just a question with respect to technology again. The cost is still over a hundred thousand dollars. I'm just curious on where exactly that's being spent.

Mr. Wilkinson: Well, you know, it cost \$160,000 to start up the lobbyist registry and those costs. Now we know what those costs are totally. That's why the amortization figure is up. We will not be adding any new equipment that I am aware of in the new year, so those costs are behind us. But the ongoing cost of administering the system and whatnot is over a hundred thousand dollars to contract two people. Is that what you're thinking about?

Mr. Bhullar: Yeah. So the ongoing cost to maintain the lobbyist registry from a technology perspective, not from somebody actually processing the data or what have you, just the technology piece alone, is over a hundred thousand dollars a year?

Mr. Wilkinson: Well, that's contracts to manage the system through two different consultants.

Mr. Resler: If I could add.

Mr. Wilkinson: Yes.

Mr. Resler: When we look at, specifically, the IT, we had tendered in the previous year for our desktop and server support, so for the software, hardware as far as managing the office itself, and in that case we resulted in a decrease of about \$160,000 to about \$90,000 for that same support, so it's come down quite a bit. But the ongoing maintenance on the annual perspective is three main contracts. One deals with the desktop support, software, hardware, equipment within the office. A separate contract is for the support to the lobbyist registry system, and that also includes some enhancements for any fixes during the year. Also, our web hosting is included in that. So there are multiple contracts involved.

Mr. Bhullar: Okay.

The Chair: Mr. Rogers.

Mr. Rogers: Well, thank you, Mr. Chairman. Just a comment. I don't particularly have any area that I need to poke at, Mr. Wilkinson and your staff. I really want to commend you. I think you've brought in a very lean, responsive budget, and certainly with the demands of your office and the way that you've carried it out, I think it's pretty safe to say that the sense I get from our public is that they're certainly well served by this office. I just want to commend you on a very lean operation and the quality of the budget you proposed for us here today.

Thank you.

8:50

Mr. Wilkinson: Thank you, Mr. Rogers, members of the panel.

The Chair: Any other questions?

I do have one, Mr. Wilkinson. I know it's not for this year's coming budget, but I noticed at the very bottom of your comments on the one handout you provided us that your office lease expires in March of 2012, so you're going to have to be looking at contingencies. I know what real estate costs are here. I'd certainly hope that you're able to negotiate something that will work for you and continue to, perhaps, stay where you are.

Mr. Marz: If I could add to those comments, Mr. Chair, that brings up an interesting point because the building just looking out the window here is being renovated. Perhaps there could be some space available in that building at that time. I would hope that you would investigate that possibility. It is a government-owned building. Perhaps those rates would be competitive.

Mr. Wilkinson: Well, thank you. We have talked about that and have looked at that and could continue to have another look at it. At this point the road we're going down, Mr. Marz and Mr. Mitzel, is that our plan is to stay in that place. I think the government would like to have us stay in that place with some renovations. Glen has been in touch with them. They're negotiating our lease now, I think, aren't they?

Mr. Resler: Yes. Negotiating the lease, we work with Alberta Infrastructure. They work on our behalf as far as what is available, and options are presented to us.

Mr. Marz: Good.

The Chair: Are there any other questions?

Well, thank you very much for coming in this morning and your presentation. Our decisions on the budgets, then, will be sent out to you early next week. Thank you very much for coming in.

Mr. Wilkinson: Thank you. Pleasure to be here.

The Chair: We'll take a five-minute break.

[The committee adjourned from 8:52 a.m. to 9:04 a.m.]

The Chair: Good morning, everyone. We'll get started again. First, I'd like to welcome Mr. Saher, Mr. Olson, and Ms Eng to the committee.

Before we start, we'll introduce ourselves around the table. My name is Len Mitzel. I chair the committee.

Mr. Lund: Ty Lund, MLA, Rocky Mountain House.

Mr. Marz: Good morning. Richard Marz, Olds-Didsbury-Three Hills.

Mr. Rogers: Good morning. George Rogers, Leduc-Beaumont-Devon.

Mr. Lindsay: Good morning. Fred Lindsay, Stony Plain.

Mr. Campbell: Robin Campbell, West Yellowhead.

Ms Notley: Rachel Notley, Edmonton-Strathcona.

Mr. Hinman: Paul Hinman, MLA, Calgary-Glenmore.

Mr. Olson: Jeff Olson, Assistant Auditor General.

Mr. Saher: Merwan Saher, Auditor General.

Ms Eng: Loulou Eng, manager of finance.

Mr. Bhullar: Manmeet Bhullar, MLA, Calgary-Montrose.

Mr. Quest: Dave Quest, Strathcona.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Thank you.

Before you proceed, I'd like to just thank you very much for coming in this morning. We'd ask that you keep your presentation to about 20 or 30 minutes, and we can save the last 20 minutes or so for questions and answers. With that, I'd ask you to please proceed.

Office of the Auditor General

Mr. Saher: Okay. Well, thank you very much, Mr. Chairman. Good morning, committee members. Just to reiterate, with me

today is Jeff Olson, who is an Assistant Auditor General. Just to explain Jeff's role in the office, he has oversight of our business systems, including planning, resource acquisition and allocation. Most importantly, he leads in our being certain to the outside world that we are in fact accountable. He leads our efforts to make sure that we meet that standard. On my right is Loulou Eng. She's our manager of finance.

As you've requested, Mr. Chairman, we're going to start with a short presentation. Jeff has handed out some slides to you. He proposes to walk through those slides, about 20 minutes maximum. Jeff, would you like the committee members to hold their questions?

Mr. Olson: Sure. That would probably work out the best, if you don't mind.

Mr. Saher: On the other hand, I always like to make the offer that, as we go through the presentation, if there's something you feel you just need to stop and ask, please feel free to do that because sometimes that is more effective.

So we'll get going with that. Over to you, Jeff.

Mr. Olson: Thank you, Merwan. Mr. Chair, Vice-Chair, and committee members, in your package you have our business plan 2011-2014 and our fiscal year 2012 budget request. I'm just going to quickly, as Merwan mentioned, go through the slides. It will take about 20 minutes. If you do have any questions, like he said before, feel free to ask.

On the second slide I've got an agenda, and I'm hoping that this will guide us through the presentation and the information. It's broken into three questions; I call them the whats. Hopefully, these are some of the questions you have, and they'll provide a good basis for discussion. The three whats are: what is the strategic focus of our business plan, what is our budget request, and what specifically will we be doing in the next year?

On the next slide – and it's just before I start talking about and getting into the agenda on the business plan – government has actually made a number of changes in this last year on business plans. Although we haven't audited the business plans of departments yet, we do like the guidelines that they have in place. For example, there's very much a focus on strategic versus operational. They've simplified them and made them more focused, I think, and those are all good. So we've actually followed those guidelines. We also took the opportunity to meet and get our staff to participate in reviewing our business plan, questioning it, and maybe providing some changes to it.

Actually, we've come up with some changes. We've added a vision statement, something that we didn't have before, on adding value through expert auditing. There's our mission statement there. You can probably read it just as well as I can. Our mission has changed, actually, to better reflect our work on making government accountable and also making us more accountable to you and ultimately to all Albertans. Our office has always had strong values. In fact, we actually started out with a list of about 15. We whittled it down to about four that we feel are really necessary for a strong organization to thrive, and those are values of respect, trust, teamwork, and growth of the individual.

On the next slide, slide 4 – I'd like to start right away now into the agenda – what is the strategic focus of our business plan? Well, our strategic focus has caused a significant change in our business plan this year as it focuses the office's resources and efforts to demonstrate to you and the people of Alberta that we are an independent office that is accountable.

When I think about independence, I think about our work, and that is that our work has to be objective, based on facts, and executed without preconceived opinion. Relationship: I think that's symbolized very well by the selection and appointment of the Auditor General and by our liaison between you, the Standing Committee on Legislative Offices, and the Public Accounts Committee. Business practices: our business practices are designed to ensure that all of our staff remain free of any association that could potentially impair their objectivity.

When I think about accountability, the Auditor General Act, we are answerable for the responsibilities we have under the Auditor General Act. Business plan: the first part of accountability is to prepare a plan and act upon it; hence, this business plan. Lastly, performance report: the second part is the report on results achieved and costs in relationship to the plan and on how performance might be improved. Our performance report was actually tabled in October. I suspect we'll be like in previous years up to the front to talk to the committee sometime in late January or early February. We'll wait for your guidance on that.

9:10

The next page, slide 5, putting it together; we believe this business plan will guide us in meeting our mandate and demonstrate the three attributes of our accountability, and those are relevance, reliability, and work at a reasonable cost. Page 4 of our business plan identifies the many strategies to meeting each attribute. In fact, I'd like to change the naming of these and go, really, to what we call in business plan language priority initiatives.

Looking at the attributes, or priority initiatives, at the high level, the first one, relevance, by far the most important, I guess. An audit can be done perfectly with all the rigour of the professional standards that we have, but if it's not relevant – in other words, not current – how useful is it to Albertans? You can think of the health sector's discussions going on right now on that. Does our work provide valuable recommendations that improve the effectiveness, efficiency, and, ultimately, accountability of government in this sector?

Reliability. Well, that's the other side of the coin. We can have an audit dealing with the current issue, but if our recommendations are not accurate or do not provide real change for the good, then we are not providing value.

Work done at a reasonable cost: have we provided value at a reasonable cost? As these are taxpayer dollars, we need to be accountable for it.

The next slide, side 6. Overall our strategy in our business plan is to improve our accountability, and we're going to do that twofold. First off, there's the performance measures review. Our major purpose of performance measures is to raise fundamental questions. Although measures seldom by themselves provide definitive answers, we will undertake a review of our performance measures to ensure that they continue to help us and our stakeholders understand our performance. We'll be introducing some of those changes in the next couple years as we go through our review.

Independent peer review – this is brand new; I'd like to bring it to your attention – where we research, plan for, and execute an independent peer review within three years of this current business plan. The review will be commissioned to provide conclusions on whether we do provide relevant, reliable work at a reasonable cost, and it will be made public.

On to slide 7. We've already begun looking at our performance measures. We've reviewed, actually, the 19 that we had and selected only those that are considered key and actually fit within the priority initiatives of relevance, reliability, and reasonable cost. We now

have eight, but we intend to do more work in this area, particularly under priority initiatives, reliability, and reasonable cost.

Points 1(a) and 1(b) deal with recommendations. Some Albertans actually consider this is the most valuable and relevant part of our work. This is where we track the number of primary recommendations accepted by government. Though I may be upstaging our performance report that we're going to present sometime in January or February, just recently government communicated to us that they have accepted 100 per cent of our primary recommendations in the February 2010 Auditor's report. Just as important to the acceptance of the recommendations is the implementation of the recommendations within three years of acceptance. Although setting a target of none may seem kind of unrealistic, we believe the low number of outstanding primary recommendations is a sign of good accountability in government.

Timeliness. It's important to be relevant, and we have a measure on when we issue our Auditor's report. To be relevant, we must be able to apply enough resources to current issues, so we've applied about 20 per cent of our resources to stand-alone current system audits.

This office must be also relevant to the Members of the Legislative Assembly, you, so we have a measure for that. The percentage of MLAs that believe our work is valuable was 94 per cent from a survey two years ago. Frankly, we have not set a target yet because the survey did not have a large enough response to give us the confidence to set a target that is realistic but high enough to get us to strive for excellence. In fact, this was brought up as a good point by Richard Marz a while back, and you were right on. It was a very good point. We expect to do the survey again, hopefully get a better response, and then after that set a target for this measure.

On the next slide, slide 8, actually with the next two slides, in both of the priority initiatives more work has to be done; that is, more work needed here to really identify either more or better-suited measures. In this one here, on Reliable, you can note that we're currently subject to an external institute, a chartered accountant's review of our audit work, and have a measure for it, but this is less rigorous and not as encompassing as we are envisioning with a peer review.

On slide 9, where we get At a Reasonable Cost, now you may be asking: well, what's staff turnover rate got to do with high cost? The reality is that when you have high staff turnover, that means we have to spend the effort, the time, the resources in training them, and more importantly our supervisory staff, our senior staff, have to spend a lot of time making sure that the standards are there, the quality of our work is in place. So that costs us some money. We have a new benchmark there, where we haven't set the measure yet, but we expect to. That says we want to demonstrate our reasonable cost as we go to the private sector to benchmark our cost on an hourly basis. I'm looking forward to providing something to that in the next business plan.

On the next slide, slide 10, what is our budget request? It's probably one of the most interesting questions that you want to ask. Well, from page 1 of our budget section we have a second year of a no-increase budget, and we have operating expenses of about \$23 million, and about \$2.3 million goes directly as audit revenue to the government. So our net operating cost of our office is about \$20.7 million. Our capital expenditures of about \$155,000 also remain unchanged over the previous year. Since the committee approves the combined vote of operating and capital, we are requesting approval of our total voted budget of \$23,165,000.

On slide 11, factors for no change or increased budget. As a responsible organization that depends on taxes of Albertans, we have to be mindful of this period of economic restraint we are

into. Personnel costs represent about 90 per cent of our operational costs. So when you have a salary freeze, it's a major factor in getting to a no-increase budget. Part of it is also that we've a challenge to replace our higher quality staff in a timely manner. Our ability to hire the staff is hampered by the fact that with the salary freeze we cannot attract senior qualified staff from the private sector. In fact, although we forecast in our current year a no-surplus budget, there is a chance that we might actually in this current year have a surplus because of our inability to actually replace the staff that leave as timely as we want to, so we want you to be aware of that.

The fact is that the skills that we want, the quality that we want are in high demand in the systems. I just picked this up before it hit the Dumpster last week. It is dated November 12, the *Journal*. It talks about accounting being a largely bulletproof career. So that's sort of what we're up against when we try to hire people. Accounting is one of those professions that during good times and bad there is still a good demand for them.

On slide 12 our bottom line stays about the same, but significant reallocations are within it. Normally, anything over 10 per cent we like to talk about it with you. The first one is a 10 per cent, or \$25,000, decrease in advisory services. This year in our budget year we don't have a review done by the institute on our professional practices, so that's out of our budget. We do, though, have a 13 per cent, or \$100,000, increase in training. I know we've talked about this a number of times with you in the last couple of years, but now things are happening in these two particular areas called IFRS, International Financial Reporting Standards, and Canadian Auditing Standards, CAS, the updating of those. Those have implications, training costs that our standards really force us to do. There's a 12 per cent, or \$35,000 increase in technology services due to increasing costs of software licences.

I've added one small item in here, just so that you're aware. It's 4 per cent, but it still represents \$70,000, and that's because of an uncontrollable cost, and that is that pension contributions have actually gone up. That's something nobody has control of in government. That's just a reflection of what's required on the actuarials.

On slide 13 we get into the question: what specifically will we be doing? It's probably the most important question for you to get an answer for. Our audit work is our output, and legislative auditing encompasses six types of audit work that may seem separate but are highly related. It's important to think about how we run our business this way because we allocate our resources in that manner and actually assess our performance on that. We are the auditor of every ministry, regulated fund, provincial agency, and it works out to 200 entities, over \$40 billion.

9:20

On slide 14 the six types are described in details on pages 2 and 3 of our business plan. I don't want to go through those specifically, but I'll just touch on them briefly. I guess it's important in this slide to recognize that, as I mentioned before, 20 per cent of our work is targeted at stand-alone audits, system audit work. The balance of 80 per cent goes to assurance or other types of legislative auditing such as financial statements, compliance, performance measures, results analysis, and research and advice. In the previous business plan we really didn't lay those out as well as I think we could have. I think this does a good job in trying to say that there is a lot of work that's done, not only in system audits but on the attest side of the shop, the other 80 per cent.

Slide 15. As just mentioned, this 20 per cent of our total resources is stand-alone system audits. It must be noted here that at any point in time during the year we have an active inventory of

those stand-alone system audits, which are prioritized and will likely be done. But circumstances change and events change, so those can change.

The next two slides, actually, provide you with what we currently view as upcoming stand-alone system audits. I'll give you some time to look at the list, but I just want to point out that it's important to note that we have significant increases to the health sector. For example, you'll notice that down at the bottom there we have knowledge of business in Alberta's current health and wellness sector. This will provide us the knowledge gain that we hope will help us, inform and guide us in our audit work over the next five years. Even without that, we actually have two other significant health audits, and that is H1N1 and infection prevention and control.

On the next slide, slide 16, to be true to our mission of keeping government accountable to you the Legislature, we cannot be satisfied with getting government to just accept a recommendation; we must ensure that it is implemented satisfactorily within a reasonable time. I know we talked about this need to do it within three years. The fact is that management has actually told us that about 25 per cent of 280 recommendations are now implemented, so we now must focus on the follow-up of those audits necessary to confirm this. That's just the payback that you get from the original recommendation as they actually implement it, because a recommendation not implemented is of no value. There is the list there. I'm not going to go through it because of time. I'm sure you want to ask us some questions.

In conclusion, we've tried to provide you a basis of discussion by trying to answer three questions, the three whats: what is the strategic focus of our business plan; what is our budget request; what specifically will we be doing in the next year? I'd like to stop now and take whatever questions come forward.

The Chair: Thank you very much, Mr. Olson. We do have some questions. Mr. Rogers.

Mr. Rogers: Thank you, Mr. Chairman. Again, Mr. Olson, Mr. Saher, and your team, thank you for the presentation. Just a few questions as you went through your presentation, if I may. On slide 6 your number 2 item there, independent peer review: is that something to be done by the ICA, or who would be doing that peer review?

Mr. Olson: Well, I would just defer to the Auditor General because I know this is one of his important initiatives that we have. We're actually kind of excited, a little bit worried but still excited about it.

Mr. Saher: The purpose of a peer review – and I concentrate on the word “peer” – is to have respected peers who understand the work of legislative auditing looking at our practice with terms of reference to examine the practice, conduct, if you like, an audit of our work, and formulate a report that would be made public. This practice in Canada so far has only been used by the federal Auditor General. The federal Auditor General has had over the last 10 years three independent peer reviews of her office carried out, one just recently where the reports were made public. So that I can give you some sort of idea of what I'm talking about, that review team was led by the National Audit Office of Australia. The team comprised auditors from Sweden and, I believe, the Netherlands, but there was one lead office, and that was the National Audit Office of Australia.

The process that we envisage is something similar. We've made a commitment through this business plan to carry out this process. I think it will be three years before we can execute it and deliver a

public report. The reason that it takes that long is that it takes time to formulate, decide who should be the reviewers. I want to consult with outside parties, including this committee. I think you as a committee should have a role in helping decide who you would feel comfortable with in terms of credibility to look in at the office.

Another decision is the cost of the exercise. From my understanding the major cost of an international review is actually the travel costs of those that would have to come to Canada to carry out the review. I'm not sure that that's appropriate in our circumstances here. I think that we can put forward proposals for a credible independent review team from within Canada.

This is sort of a long answer to your question. The reviewers are independent of the office, and I think one of the characteristics that they must have is knowledge of our business.

Mr. Rogers: Thank you very much for that.

Then, if I may, to follow, it sounds – and you can correct me if I'm wrong – that you're very early in this process. It sounds to me that at some point you will be working with your peers across the country to build this and hopefully get some buy-in from some of them as well, which in turn would potentially provide similar benefits to them as well.

Mr. Saher: Right. If I can just respond to that, certainly at the provincial Auditor General level if we can make this work, Alberta would be the first provincial audit office that has commissioned an external independent peer review of this nature. I think my fellow Auditors General across Canada at the provincial level would obviously be very interested in it. I believe that in the discussions we have, that's the right port of call for forming an independent review team. I have in fact already had conversations with the Auditor General of Canada, with her office, and I believe that they would be prepared to play a part in this. I think that that would be very useful given their experience in having this done to them.

If members would be interested, Mr. Chairman, I could circulate to the committee a document. I actually just printed this off the Internet; it's very current. This is the report of the Standing Committee on Public Accounts of Canada. At the federal level the Public Accounts Committee is the one – there isn't an equivalent committee to this at the federal level. Really, the Auditor General of Canada has a closer relationship with the federal Parliament through the Public Accounts Committee. They, in fact, had a hearing with respect to the latest international peer review of her office. This is a document that summarizes the view of the Public Accounts Committee in listening to the results of that review. It's quite short, and I think that it will give committee members, you know, a better flavour, an idea of what this is about.

In a sense, what's this all about? The introduction of this report from the Public Accounts Committee of Canada starts off with these words. “A common question that arises among political commentators, parliamentarians, public servants and the Canadian public is ‘Who audits the Office of the Auditor General?’” That's really what we're dealing with here, finding a way in which we can answer that question publicly, demonstrate our accountability in a public way.

Mr. Chairman, if you think that would be useful, I'd be happy, through the chair, to give you this.

The Chair: Sure. Karen will get it from you and then circulate it to the committee. Thank you very much.

Mr. Rogers: I thank you for that response, Mr. Saher. I want to encourage you in this effort. There's no doubt around this table the value of the work that you perform, but certainly taking it to that next level to offer that additional level of scrutiny for our public I

think will provide great value, and I'm looking forward as you develop the process. As you mentioned, you'll be involving this committee as well. Kudos to you, and I want to encourage you.

9:30

My next question, Mr. Olson, is relative to page 9, staff turnover. By the nature of your office I would think that this is certainly something that's not new; it's ongoing. You potentially provide a great training ground for people who will grow their careers with the development that they achieve in your office. I appreciate your highlighting this, but I would imagine that this is something that has been from the start of your office and will continue to be. I don't know if you might have any comments on that.

Mr. Olson: Thank you. Yeah, I do have a few comments. This is one of those areas where, yes, that's true. That's sort of the business that we're in. We are sort of forced with a high turnover. We've noticed that where our problem happens to be is we bring them in, we educate them, get them trained, and then a lot of times we're having them leave. Actually, our biggest concern is that our turnover could be just 15 per cent, but at the most important levels, where we get our payback after all this training, we've had examples of 30 per cent. This is at the manager level that we get 30 per cent, and in one year it was 80 per cent. That was 2007-08, I think. So it's really, really quite, you know – again, as I mentioned before, with the competition that we're against, it's an area of concern that we have. It's a cost.

Mr. Rogers: I think that's something – I mean, I can't speak for the rest of the members – that I'm certainly sensitive to and I think for the most part this committee understands, so we'll have to continue to work with you as you find strategies to deal with that.

Mr. Olson: Thank you. Yes.

Mr. Rogers: My final question. I don't want to take the whole thing, Mr. Chairman, but there's a lot of interesting stuff here. Very quickly on page . . .

The Chair: We do have quite a few people on the list.

Mr. Rogers: I appreciate that, Mr. Chairman, and if I cover everything, I do apologize. Page 15. It's important to ask because you highlight some pieces of the health system. My one overall question is: are there any parts of the health system that you don't audit? You've highlighted a few here, but I thought you audited the whole thing.

Mr. Olson: Yeah. Merwan, the Auditor General, can talk about it, but I'll just start off. Yes, the whole thing, in fact, just recently when they regionalized and brought them together. Prior to that we didn't audit the whole, but now we do, including the department and any affiliates that they have there. So our potential to go anywhere is there.

The Alberta Health recommendations: there have been a number over the year. We're at the point where we try to really target where we could do the best, provide the best advice and be a change agent, that requires this knowledge of business. At the same time, we actually targeted a couple of areas. H1N1 being so much on the minds of people almost a year ago, we want to see how there may be things to improve so that if something like this does happen again, we can do it better or provide advice on that. And the other one on infection prevention. You're right; there's the whole area.

Mr. Rogers: Mr. Chairman, I do thank you for your indulgence. I'm finished.

The Chair: Thank you.
Mr. Marz.

Mr. Marz: Well, thank you, Mr. Chair. I, too, would like to commend you for carrying out the performance measures review and independent peer review. I think that will be helpful information for you going out, and it will also highlight for the Alberta public and government what I think is an excellent job that this department is doing. I'm also pleased to see that the government actually accepted 100 per cent of the recommendations you made. I think that's very positive to highlight.

The other thing I commend you for is what I see as very important audits coming up: seniors' care, food safety, drinking water, Energy's review systems, ATB, confined feeding operations. All those are very pertinent to rural Alberta, especially my riding, and probably to all Albertans because those affect the economy of all Albertans in a very meaningful way. Also, the H1N1 planning and response: I think there is much to be learned by doing an audit there, and I'm looking forward to seeing the results of that. Could you tell me when you expect that to be completed?

Mr. Saher: Yes. We had actually planned to carry out that audit earlier than we are currently achieving. We learned that the Health Quality Council of Alberta was carrying out a review being commissioned by Alberta Health Services, actually, by the department of health, so we thought it was in the best interests, the best use of taxpayer funds to wait to receive a copy of that report before we proceeded with our work. I understand that we will get sight of that, certainly, before Christmas, which means that we can assess that, start our work. I would anticipate that the earliest that we would be able to report publicly would be next October, but we would actually complete the audit earlier and be able to give any advice or recommendations that we have, put them into the department and AHS well before next October.

Mr. Marz: Okay. Thanks. I'd just like to conclude by saying I recognize the costs in your budgets are highly dependent on professional staff. Alberta being a bit isolated from the global recession, we're still very competitive for those types of people here, so I'd like to commend you for what I think is a very responsible budget proposal.

Mr. Saher: Thank you.

The Chair: Mr. Lund.

Mr. Lund: Well, thank you. Thanks for the overview. I'm going to just concentrate on a couple things on pages 15 and 16. The oversight of the credit unions. I'm really curious: is this going to be centred mostly around Credit Union Central, or are you going to be going below that into the individual credit unions? Of course, as you know, there are local boards that are set up to kind of provide the guidance for the local credit unions.

Mr. Saher: Right.

Mr. Lund: So if you could give me some insight into exactly what it is you're doing there.

Mr. Saher: This audit is headed Oversight of Financial Institutions. This is really part 2. We did part 1 a year ago when we looked at the way in which the department of Finance and Enterprise regulates Alberta Treasury Branches. So this is part 2,

looking at how the Credit Union Deposit Guarantee Corporation, CUDG, as it's known, regulates the credit unions in Alberta. We take a systems-based approach. We're interested in the systems that CUDG has to regulate credit unions. This audit work would be looking at those systems and processes. It might require us to go out and actually reprocess, if you will, the work that CUDG does in its monitoring programs. You know, the ultimate effect is: has CUDG got good systems to regulate all credit unions? So we are down at the credit union level, if you will.

Mr. Lund: That sounds good. I don't know about other MLAs, but I know I get calls every once in a while wanting us to interfere with the local decision-making. I find that very offensive because, as you know, we as MLAs cannot deal with the Treasury Branches, yet we can deal with the credit unions. I would suspect the reason for not dealing with the Treasury Branches is because it could be political interference. I think the credit unions are a lot more vulnerable than ATB to political interference. Anyway, that's just my own feeling. Maybe I'm wrong. It wouldn't be the first time.

The other one, though, on the confined feeding operations. I would really be curious what exactly it is that you're going to be looking at there. A bias that I have with the guidelines for these operations is that they're not outcome based; they're prescriptive. I find that just usually doesn't work, and I can see it's not working in the confined feeding operations.

Mr. Saher: Okay. On the slide that you're referencing, slide 16, you'll see that this is under a follow-up systems audit. We a number of years back made recommendations to the NRCB, the Natural Resources Conservation Board, who has responsibility here to take a risk-focused approach to their management, their oversight of confined feeding operations. What happened was that we don't think our original recommendation was well understood. When we went back and did a follow-up, it seemed to us that the points we were trying to make had not been embraced by the NRCB.

This is now the second follow-up, which is essentially designed to see that the NRCB assesses risk in these confined feeding operations, almost 2,000 operations across Alberta, 300 of which have come into operation after AOPA, which is the acronym. I can't ensure I'll get the act's name right. The largest issue is with approximately 1,700 confined feeding operations which were sort of grandfathered into that piece of regulation. We've had good contact with NRCB. We've tried to make sure they understand the recommendation that we originally made, and we're going to go back and assess whether they do take a risk-focused approach to identifying risks to groundwater and surface water and act appropriately from a cost-benefit point of view with respect to their oversight responsibilities.

9:40

Mr. Lund: Okay. Thanks.

The Chair: Okay. Mr. Hinman.

Mr. Hinman: Thank you, Mr. Chair. I'd like to start off by thanking you, Mr. Saher, for taking on the job, then, and not wanting to be one of those who exit to private life. I really appreciate the work of the Auditor General and your office staff and all that you do, and I really enjoyed your presentation.

My first question. I believe I heard you right, that 25 per cent of the 280 recommendations have been implemented. I think, as you kind of mentioned, what you say is that the real value of the Auditors is to go through and look at: here are areas where we've misused money or a program that's not working, not performing.

The government's response of only 25 per cent of 280: is that being accepted and implemented in a timely manner, or are we putting things off and not implementing as quickly as possible, in your view?

Mr. Saher: Right. Just to put all of that in context, the last public report, that we issued in October, has an appendix at the back which lists all outstanding recommendations. There are 280 of them. In that appendix we indicate that the government managers have signalled to us: we the government are ready for the audit office to come in and do a follow-up audit on 25 per cent of them. That's one of our biggest challenges now, to in fact arrange our resource deployment to go and verify, if you will, the government's assertion that those have been implemented.

We have a statistic that Jeff went through, which we sometimes focus on: how many of those are more than three years old? The number has climbed from 27 to 43. Again, that's reflective of our ability to go back and perform that follow-up work. I mean, simply put, we have been putting more recommendations into the system than we as an office are able to match the government's rate of progress in dealing with them and keeping a current audit program going. So we've had to rebalance. We've signalled through our business plan that we will have to spend more time on the follow-up auditing. But my assessment is that the government is reacting reasonably. I think you have to watch that statistic of how many are more than three years old. It has climbed from 27 to 43, but that's because, you know, we took out one year and have added in in another year.

In summary, I don't have a complaint at the moment that government is being slow with responding. I think the government may legitimately have a complaint with our office on the speed with which we are in fact going back and verifying their assertions that recommendations have been implemented.

Mr. Hinman: So does that mean that they have implemented and you just are not aware of them yet then?

Mr. Saher: They assert they've been implemented. We say thank you for telling us that. But until we've done a follow-up audit with the same rigour as the original audit, we're not prepared to take them out of the inventory.

Mr. Hinman: Okay. Excellent.

Mr. Saher: Just for the record, I mean, there are other jurisdictions across the world that run their practice that if the government asserts that a recommendation has been implemented, they say thank you very much, and they drive on. Others have different methods, degrees of rigour that they bring to the follow-up. We in Alberta have always had, and I intend to continue bringing, the same follow-up rigour, the same audit level, robustness of the audit process. If the government's assertion that it has been implemented is not warranted, then we will repeat the recommendation. Even in our October report there are examples of where we did repeat recommendations.

Mr. Hinman: Yeah. I guess a follow-up question on that is: do you feel that perhaps it might be worthwhile to have a page in there saying "these ones the government claims they've responded to but we have not yet had time to audit" so that we know that at least we think that compliance is there? When you see that, it looks like, oh, there is no compliance, and it's frustrating. If they at least say that – because I totally agree. I want that rigour there so that we know that it has been. Maybe I missed it.

Mr. Saher: Yes. Maybe I can help with that. Everyone will have missed that in the past. We did make an effort in this last October report. For every entity that's listed here without standing recommendations, we have in fact split them into two pieces: a group which is headed The Following Recommendations Are Outstanding And Not Yet Ready for Follow-up Audits and a second group, Management Has Identified These Recommendations as Implemented.

Mr. Hinman: Okay. Excellent.

Mr. Saher: So that data that I think you want is in fact there now.

Mr. Hinman: Then the other question. With management, it's always kind of frustrating when we just put out blanket policies. I remember in '92, well, it was a 5 per cent cut across the board. Currently it's freezes across the board. It's not always appropriate, in my mind. I guess my question – you say that you're losing staff because you've got a freeze on wages and you're not able to do it. Maybe you do this as well. Could you give an estimated cost of where we'd need to be? When we lose staff, whether it's just an overall freeze, you know: oh, that's an easy policy – we throw it out. But, I mean, there's nothing worse than losing that trained staff whereas maybe all you needed was a 5 per cent increase in salary and we would have retained those people. But because there's a freeze, it's not there. Is there an estimation?

Mr. Saher: Well, I will tackle that. I think that the very senior people in our office have made a commitment to the public service, understand the economic reality. I can't speak for any of them, but my sense is that they're not looking at the newspaper each day, trying to find themselves a different job. They're in for the long term and understand the economic situation that Alberta faces. It really is, as Jeff has said, that brand new qualified student. Our wage levels are competitive at that level. In my opinion those that are leaving, many of them, it's not just for money. It's a quite legitimate, I would argue, progression in a professional's career. "I've trained in the audit office. Thank you, Albertans."

Mr. Hinman: It's on my resumé now.

Mr. Saher: Yeah. When they leave our office and go into the wider public service, we say that's fine. We have people leave and go into internal audit departments within government. We've had people leave and go to, for example, Alberta Health Services internal audit. That's good. We believe that the investment, our investment, is in fact being recouped by Albertans. It's when somebody leaves our office and goes into industry that we have to be sure that we understand why. If it's career development, I always say fine. I don't work to try to keep a professional. There is a strong phenomenon and evidence of people that leave our office, go out into the private sector, and then come back, and that's good.

Just in summary, I don't think that us having more money would help us at this point to cure the phenomenon of the level at which people leave.

Mr. Hinman: Well, thank you. That's excellent, and that answers. Like you say, there is always that movement, and we never want to prohibit someone.

9:50

The Chair: Mr. Lindsay.

Mr. Lindsay: Thank you, Chair. Thank you for that excellent presentation. My question is in regard to your line-by-line budget on page 1, under Expense by Core Business. Your actual expense for

the year '09-10 was \$21,882,000. Your estimate for this upcoming year, '11-12, is \$23,010,000. My question is – I'm looking for clarification, I guess – is that due to an increased cost per audit, or is it a reflection of conducting more audits or some other reason?

Mr. Olson: Just to make sure I've got it, you're talking as the years go out, the next two target years, and the increases that are there?

Mr. Lindsay: That's correct.

Mr. Olson: Yeah. What that is is a reflection, really, of a small increase, about 3 per cent, that we've added in those outlying years. If there is any kind of a salary increase, we want to make sure that we reflect, as accurately as possible, the impact on our budget. Of course, it's all going to be dependent on what's decided by government, and we're mindful and respectful of that. But at the same time we wanted to at least make ours as accurate as possible. Sometimes in business plans there's a tendency in the second and third year to not be as realistic as possible, and we wanted to make sure that we did involve that.

In fact, we did have discussions with the other leg. offices because we didn't want to have everybody coming up with a different number in there, so we each selected, I think, about 3 per cent to try and be common in this area. It's more of an estimate. It's not written in stone in those two years. Effectively, what you're doing is you're approving our budget for just this next year, which is a no-increase budget.

Mr. Saher: Have we answered the question?

Mr. Lindsay: Actually, you have somewhat. But the question was more – when I look at the '09-10 actual, it is \$21.882 million. When I look at, well, even your forecast for '10-11, it goes up to \$23.010 million, which isn't a huge increase. I just was looking for clarification on whether or not that was an increase in the number of audits or an increase in the complexity of the audits you're doing or some other reason.

Mr. Saher: I think what we're saying now with this forecast is that here we are in the end of November 2010, we have another four months to go, and it's fully our intention to manage the current year on the basis of fully using the appropriation we have, which was \$23 million. It's our intention at the moment, as we manage our resources to take us through to the 31st of March, 2012, to fully utilize the resources that have been made available to us. The comparison you're making with the previous actual, where we weren't able to fully use the resources available to us and we, in fact, returned \$780,000. We're not predicting at this stage that we wish to return any money. We want to try to use all of the money available to us to carry out audits.

Mr. Lindsay: I think that would be our expectation as well, so thank you for that.

The Chair: Ms Notley.

Ms Notley: Thank you. I have a few questions. Briefly, you mentioned in your presentation that there has been a change this year in your business plan and an associated change in the performance measures that you're focusing on. I, perhaps just through my own inability to scroll to the right site, couldn't find copies of your old business plan or your old full list of performance measures. I'm wondering if I could just get a copy of that.

Mr. Saher: Certainly. Just for the record, I think what you need is a copy of our last performance report, which is reporting back

against the previous business plan, and I'll make sure that you get a copy of that. You will see in that report on previous performance that there are many more measures than we have put into this plan. As Jeff said in his introductory presentation, we've looked at all of those measures that we previously had and felt that some of those are useful to us internally in running our business, but they're not really measures that, we believe, provide much value to you as a committee looking in at our performance.

One, for example, is staff satisfaction. That's crucially important to any organization in understanding whether its policies, practices are understood and subscribed to by staff. But for an external party to hear that – for example, I'm just making up a number – 87 per cent of the staff of the Auditor General's office are satisfied with the Auditor General's office, I'm not sure that that actually brings a lot of value to you. We're having a lot of internal debate as to what set of measures really would be useful. As Jeff has indicated, we think we're light on the measures that we have in this business plan that we brought forward, but we've decided it's better to be light and work at what should be there, than to stuff in some that we're not particularly happy with.

Ms Notley: Okay. That's great. I'm also interested in just the evolution of the business plan as well. Is it online somewhere?

Mr. Saher: Yes, this is online. It's on our website, oag.ab.ca.

Ms Notley: Yeah. I was just on there, and I wasn't able to find it. Maybe if I could just get a hard copy to look at in the break.

My next question was with respect to advisory services. You might have mentioned it. What exactly is advisory services, the area that has decreased?

Mr. Saher: I believe – and I'll get Loulou to confirm if I get this wrong – it has decreased because in the year that we're talking about now, the budget year, we are not going to be subjected to a practice review by the Institute of Chartered Accountants of Alberta. That review happens every three years, so that's one reason why. On reflection, why we would have an external review in a caption called advisory services, I don't know. It's probably the only place that fits the government chart of accounts.

Ms Notley: So that's the only piece that's being decreased in that caption?

Ms Eng: Yes.

Ms Notley: Okay. Then the last question I have, sort of the last two, are linked. You talked about the inability of the office to keep up on following up on previous audits, and you mentioned that as a result of that you want to refocus your efforts to do that work, to follow up on the previous audits. In refocusing to that, what are you refocusing away from?

Mr. Saher: It means less new audits.

Ms Notley: So you're reducing your new audits?

Mr. Saher: Yes. If I could just make the point: it is less, but in our estimation it's a good number. It will be for you to judge. We've given you in the slide presentation an extract from our inventory.

Ms Notley: What would you say is sort of a rough percentage assessment of what the reduction would be?

Mr. Saher: I've never thought of it that way. I've not sort of mentally tried to work out: by rebalancing, what's the percentage of new that we've dropped out? I haven't really thought of it that way. I always try to think of quality not quantity.

Ms Notley: I certainly don't want to talk about the number of audits because I know different audits will take a different amount of time and have different levels of complexity. That's why I'm looking at sort of the overall resource reallocation. Would it be possible for you to provide the committee with that information?

Mr. Saher: Yes. We'll have a think. If it is possible to answer your question in a meaningful way, we'll certainly try and do that.

Ms Notley: Yeah. It would seem to me that that's kind of a critical element of your work.

Now, I know that the previous Auditor General did raise this, and I apologize if I'm bringing this up again, but it's just sort of occurring to me again. Which year was it that you became responsible for the full amount of the Alberta Health Services auditing responsibilities? Was it last year or the year before?

Mr. Saher: It was the year before. It would have been in the year ending 31st of March, 2009.

Ms Notley: So as of '09 you started having that responsibility?

Mr. Saher: No. I think it occurred within that year.

Ms Notley: Within that year.

Mr. Saher: Within the year ending 31st of March, 2009.

Ms Notley: Prior to that you hadn't been responsible for auditing the full amount of money that was allocated to the previous regional health boards?

10:00

Mr. Saher: Yes. We weren't the appointed auditor of all of the regional health authorities.

Ms Notley: So then sort of halfway through the year of '09 your auditing responsibilities increased by roughly \$9 billion, the amount of government expenditure that you suddenly had to audit. Or did you have some regions before that?

Mr. Saher: Oh, we had regions before that, so it certainly wasn't that full amount

Again, I think we could come back to you with that analysis.

Mr. Olson: Can I just maybe help out on that one? We basically had that work brought on to us during a year, and actually, because of that, we had to recognize that and come as a supplementary estimate increase in that particular year to sort of deal with that extra work that was done. We did have an increase to handle that.

Ms Notley: And did that carry on?

Mr. Olson: Yes.

Ms Notley: Okay. That's what I couldn't remember.

Mr. Saher: That's carried on. That change is still reflected here except that it's not thought of in terms of a number of regional health authorities; it's now the one board.

Ms Notley: Right. Exactly. If you could get back to me on the questions that are outstanding, that would be very helpful. Thank you.

Mr. Saher: Yes, we certainly will.

The Chair: Mr. Campbell.

Mr. Campbell: Thanks, Chair. I don't know if you could just give me an instance. I'm looking at your cross-government issues, and I'm curious what that would entail as you do each department differently. Or is that something outside of government?

Mr. Saher: No. We use cross-government as a category when the recommendations will be addressed to more than one ministry. That is picking up the costs of some of these follow-up audits. For example, the follow-up audit on food safety: the recommendations that we're following up on were previously addressed to agriculture and health.

Mr. Campbell: So these are all follow-ups, then?

Mr. Saher: Yes. Primarily, in that inventory of work we don't have any significant large new audits that we predict that the recommendations will be delivered to a number of ministries. It's the cost of doing follow-up audits on seniors' care and food, primarily.

Mr. Campbell: Looking at your different departments, I'm curious as to what the complexities of Advanced Education and Technology audits would be to justify \$4.8 million. I look at Health and Wellness, which is our biggest budget item, about \$14 billion in our budget, and we spend \$3 million on auditing, so I'm just curious as to why Advanced Education and Technology is such a high audit number.

Mr. Saher: I think the thing that drives that is simply the number of individual organizations that make up that sector.

Mr. Campbell: So you're doing all the colleges, technical schools, universities.

Mr. Saher: All of the colleges, technical institutes, and universities. From a relative point of view, as far as numbers, I think the answer to your question is that those dollars are driven by the large number of organizations within the sector.

I'm really pleased that you've asked that question because it shows me that the way that we've presented this data in schedule 1 is designed to challenge us and allow people to ask questions. Organizing it by sector I think is why you've asked that question.

Mr. Campbell: When we do our budget, I look over spending on health, \$14 billion, which is, you know, 30-some per cent of our budget, yet we're only spending \$3 million on audits. Do you audit the Alberta Health Services Board?

Mr. Saher: Oh, yes. Absolutely. What we're signalling through this business plan is that we anticipate in the next five years that a very good use of the audit office's resources will be to do audits in the health sector, but until we do what we've called a particular knowledge of business here – we don't think we're prepared to actually launch out into expanded auditing in that area until we've done some preparatory work. I fully anticipate that, for example, two years from now and even before, in the next cycle, you might be asking the question that you asked in reverse: "What is actually happening here? Why are you spending so much time in health and much less time in advanced education?"

Mr. Campbell: Well, personally, I think we should be spending a lot of time on health being that we're spending the money we're spending. I think it's important that we get the best bang for our dollar.

Mr. Saher: Absolutely. I'm just trying to signal that we understand that but want to prepare ourselves to deploy resources in that area wisely.

Mr. Campbell: Okay. Thank you very much.

Thank you, Mr. Chair.

The Chair: Mr. Bhullar.

Mr. Bhullar: Thank you very much for your presentation. My first question is just: on page 15 you say, "upcoming new standalone system audits," and you've got "oversight of credit unions." Can you just provide me some insight as to what that means? I mean, are you the entity that actually audits our credit unions?

Mr. Saher: No. The Auditor General's office is not the auditor of any credit unions in Alberta. We are the auditor of the Credit Union Deposit Guarantee Corporation, which has the responsibility to regulate credit unions. We will be looking at the systems that CUDGC has to execute that responsibility. In other words, do they have a good, solid regulatory review program in place? Is it designed properly, and is it functioning? That's what that audit is, and it's sort of part two. We looked at the department of finance's regulation of ATB and made recommendations a year ago, so this is part two of a similar audit.

Mr. Bhullar: Next, forgive me; this is a bit broader question. I've been engaged in dialogue with respect to program reviews and trying to find ways in which all levels of government can have regular program reviews built into the system. What I hear very often in talking to colleagues across the country about this is: "Well, that's the role of our Auditors General. It's for them to talk about the effectiveness and rank the effectiveness of specific programs and so on." I guess I see the role of the Auditor as looking at the effectiveness of programs as their outcomes are laid out by government. First of all, that's correct, right?

Mr. Saher: I think you started your question by describing something that's referred to as program evaluation. Program evaluation is something that is carried out by those that run programs. It's a technique. There are established procedures and methodologies for doing program evaluations. It's part of a management group understanding whether they are in fact achieving the results that they want to achieve. That's not, in my opinion, the work of an Auditor General and should not be the work of an Auditor General unless an Auditor General has that mandate. I don't have the mandate to do program evaluations. Our job is to comment on whether management has processes and systems to understand whether or not they are being successful.

As an office I don't believe we have ever yet issued a recommendation that a particular department or organization should carry out a program evaluation. It's certainly something that we might think about. Our job is really, and we have looked in, to see: do departments, organizations, have systems, processes to inform themselves on whether or not they are being effective? Primarily, what that leads us to are performance measurement systems, performance measures and measuring up, and the performance measures in ministry annual reports.

I don't know whether I've answered your question, but I was seeking to differentiate what is a management role, pure program evaluation, and what the Auditor General's mandate is.

10:10

Mr. Bhullar: Based on what you just said, I guess you help enable management to ensure that they can evaluate programs.

Mr. Saher: It's our job to comment publicly if management groups are not evaluating their programs, do not have processes in place . . .

Mr. Bhullar: To evaluate their programs.

Mr. Saher: . . . to understand and evaluate their programs.

Just to summarize, one technique could be management performing program evaluations, which is a science. It's a methodology. It's a structured way to go about assessing whether or not you are achieving what it is you are trying to do. Certainly, we in our office don't have expertise in program evaluation.

Mr. Bhullar: How much of a culture within governments is there to actually do that?

Mr. Saher: I don't know. Based on your line of inquiry this morning, I think it's enough for us to take that away and think about it, and perhaps at some other point I could answer your question more informatively.

Mr. Bhullar: Sure. Well, thank you. It's just a discussion in a line of thinking that I've been discussing with many different people from many different levels of government, forms of government, and so on.

Mr. Saher: I don't want to shift your question to someone else, but in my opinion the group best able to answer that question, I believe, would be Treasury Board. Treasury Board management has responsibility for the program of performance measurement within government, and I think program evaluation is a subset of that. I'm sure they have insights that I don't have and would be perhaps better able to answer your question.

Mr. Bhullar: Great. Thank you very much.

The Chair: Thank you.

Are there any other questions?

Mr. Saher, Mr. Olson, and Ms Eng, thank you very much for your presentation, and thanks very much, too, to the members for their questions. This concludes this portion. Committee decisions on your budgets will be sent out early next week.

Mr. Saher: Thank you very much for your time, everyone. It's been a pleasure to be here.

The Chair: We'll have a 10-minute break.

[The committee adjourned from 10:12 a.m. to 10:25 a.m.]

The Chair: Okay. We'll reconvene. We'd like to welcome Mr. Button and Ms Richford to our meeting this morning. We will go around the table and introduce ourselves. I'm Len Mitzel; I chair this committee.

Mr. Lund: Good morning. I'm Ty Lund, MLA, Rocky Mountain House.

Mr. Marz: Richard Marz, Olds-Didsbury-Three Hills.

Mr. Rogers: George Rogers, Leduc-Beaumont-Devon.

Mr. Lindsay: Fred Lindsay, Stony Plain.

Mr. Campbell: Robin Campbell, West Yellowhead.

Mr. Button: Gord Button, Alberta Ombudsman.

Ms Richford: Suzanne Richford, Alberta Ombudsman's office.

Mr. Bhullar: Manmeet Bhullar, MLA, Calgary-Montrose.

Mr. Quest: Dave Quest, MLA, Strathcona.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Thank you.

I'd ask you to limit your presentation to about 20 minutes. That'll give us plenty of time for comments and questions afterwards. Mr. Button, I'll turn it over to you just with a note that a couple of other members have called and said they will be joining us shortly. They had to step away for a couple of minutes.

Office of the Ombudsman

Mr. Button: Thank you, Mr. Chair. Again it's a pleasure to be here today to present a financial overview of the operations of the office of the Alberta Ombudsman. With me today is Suzanne Richford, director of corporate services for my office, responsible for financial management, human resource management, and information technology.

I will provide you a brief outline of my presentation. I want to just clarify that I will be focusing primarily on the budget and issues that are impacting the financial management of my office recognizing that my understanding is that we will continue with the practice of the last couple of years and have a further meeting early in the new year where we'll discuss my annual report and, more specifically, operational issues with respect to my office.

Just a brief overview of my presentation. It will be relatively short. I'll provide you with an organizational chart to give you a sense of our structure and our human resources, a brief update on our workload and a statistical overview, a short discussion with respect to operational priorities, an update on our most recent own-motion investigation, a brief overview of the emerging jurisdictional issue in the Health Professions Act, and then get into the budget forecast and estimates and, certainly, reserve adequate time for discussion and questions.

As you will see by our organizational chart, we have a very flat organizational structure. I have a total of 25 FTEs, which includes four management positions: myself, my deputy ombudsman, who is in charge of all operations; my director of corporate services, who is in charge of the administration and corporate services for the office; and my senior counsel, who provides legal advice not only to me but to investigators during the course of investigations and also supervises the analysis section of the office. This structure and resource base has remained relatively static over the last several years. Fifteen of the FTEs are directly targeted to investigations and complaint analysis, six of the FTEs are administrative support for both investigations and for management, and as I said, we have four managers.

Looking briefly at our workload, we had a very significant spike in workload last year, as you can see, with 819 formal, written complaints, up well over a hundred from the year before and from previous years. That stayed relatively static this year with no significant increase. We have had slight increases and decreases across the board, but by and large it can be assumed that the workload has remained static and at the level of the year before. We have maintained our emphasis on alternative complaint resolution

as a better approach in the right circumstances to resolving issues of administrative unfairness when all parties are agreeable to it.

I just wanted to discuss very briefly operational priorities and the effect of fiscal restraint and the hiring freeze on our office. At the time I met with the committee in 2008 to discuss my reappointment to a second term as the Alberta Ombudsman, the committee quite clearly articulated to me a concern and an interest in the office focusing more on large-scale, systemic investigations as well as alternative complaint resolution or early resolution of issues without the purpose of an investigation. In our discussions at that time and in my subsequent discussions with the chair prior to formalizing my reappointment, we agreed to come forward with a proposal to fund those additional resources, which we did in the 2008 submission for the 2009-2010 budget year. Unfortunately, like a lot of other things we were caught in the fiscal restraint initiative, and that proposal wasn't approved. I have not resubmitted it this year, but I do want to put it before the committee and keep the emphasis on the need to do that when the fiscal situation of the province can facilitate it.

Our last own-motion investigation was into the out-of-country health services program. I spoke to you about that last year in the report Prescription for Fairness, which we released in May of 2009. It resulted in 53 recommendations, which were all accepted by the then Minister of Health and Wellness, and 51 of those recommendations have been implemented. There are two outstanding, both of which require amendments to the regulation, and that's in the regulatory process. So it is moving forward, but I don't have at this time a date when that might be approved. By and large that investigation has fulfilled its requirements and a very good result not only with respect to the out-of-country health services program, but a lot of the recommendations can be applied across many other programs. There was a lesson in that investigation for many others.

One of the emerging jurisdictions that is resulting in new pressures for us is the Health Professions Act. The act was actually passed, I believe, back in 2001, but it has taken considerable time for the 28 health profession colleges to pass their schedules which bring them under the provisions of the act and, therefore, within my jurisdiction. That is happening now. My jurisdiction looks at the registration procedures, discipline procedures, and complaint-handling procedures of the colleges. Those numbers are increasing significantly. We're also finding that the investigations are very complex and very time consuming. All of these colleges were previously self-regulated and, obviously, were not subject to any external oversight until they came under the Health Professions Act.

We did just complete a major systemic investigation with respect to one of the colleges and the Department of Health and Wellness resulting in 46 recommendations to the college for significant changes to their governance procedures and 13 recommendations to the Department of Health and Wellness with respect to their responsibility for oversight of the health professions. I believe we've received a response from the college, and they have accepted all of my recommendations as made. We're awaiting a response from the department. Again, the outcome of that investigation will have significance and provide a good basis for many of the other health colleges moving forward to enhance their procedures for registration, discipline, and complaint handling.

Just looking at our budget forecast and estimates, in the current year we're forecasting a surplus of \$134,000 in personnel. That's as a result of maintaining one vacant investigator position for the year and one vacant administrative assistant position for the year as well as the final half of a maternity leave which started in the previous year.

We're predicting a small surplus in supplies and services, for a total of \$160,000 surplus forecast for 2010-2011, the current fiscal year. With respect to that forecast, we've made some reductions in staff conferences, workshops, travel costs, and training, we've reduced my travel with respect to my international commitments, and we've reduced our forecast for contract services, primarily due to a savings in legal costs for legal challenges we faced. One that I've spoken to you about before was a court challenge with the Alberta Human Rights Commission, and as you're also aware, we've been involved in ongoing discussion with respect to the information and privacy legislation and an action that the commissioner has before the courts.

10:35

In the estimates for 2011-2012 we're estimating a zero per cent increase over the approved 2010-2011 operating budget. There will be no new FTEs. Staffing will be held at the budgeted salaries of 2009-2010, taking into account that there will be no merit increases, no cost of living adjustments, no bonuses paid. Discretionary spending remains at the 2010-2011 levels with restraint initiatives implemented on travel and training, and we'll continue to maintain prudent management of those. It's important to continue developing our staff, but in light of and in respect of the fiscal situation we're managing that within budget.

I should note that there is no provision in the estimates for any pay increment that might be approved as a result of the ongoing negotiations with the bargaining unit, and if there were to be any in-year pay increments approved, we would have to look at managing as best we can, but it might result in us having to come back with a supplemental if that were to happen. Of course, none of us know at this point in time. The approximate cost, for instance, of a 3 per cent pay increment would be about \$100,000 to my office.

We do need to seriously pursue staffing of the vacant positions in 2011-2012. We're realigning the administrative support position that's vacant and reclassifying it to put it in direct operational support to investigators as a researcher and an assistant to investigations. We are struggling to keep up with a timely discharge of our responsibilities with respect to investigations, and the additional investigator would help us to alleviate that situation somewhat.

Technological services has increased by about \$10,000 to address system upgrades that are required. I think you're aware that we do not have any full-time IT staff in our office. We contract that service out for approximately \$130,000 a year, which would hire one IT person with limited knowledge, and in so doing, we avail ourselves of a wide base of IT expertise and skill sets that meet all of our IT needs. It's a much more efficient approach to managing our technology needs than having hired staff.

That's it briefly, without going into the detail. I know you've had a chance to have a look at my business plan as well our forecast for the current year and our estimates for the two out-years 2011 and 2012, so I will turn it over to you, Mr. Chair, and the members of the committee for any questions.

The Chair: Thank you very much, Mr. Button. I do have a short list at the moment.

Mr. Rogers.

Mr. Rogers: Thank you, Mr. Chairman. I promise to be brief. Mr. Button, thank you for your presentation. I just want to refer to your operational priorities slide. There's no number, but it's the one that talks about the additional investigations and the fact that you haven't requested any additional resources to deal with that. Certainly, I appreciate your sensitivity to the financial situation

that we're in and the fact that your budget reflects no increase, but I'm just wondering how vital that piece is that you're not being able to deal with. What does it mean? What's not being investigated? How vital is that piece to your operations in terms of expectations from our public?

Mr. Button: Thank you for that question and the opportunity to explain further. That is a very significant element of my mandate. Under the act I have the authority to investigate jurisdictional entities on my own motion without benefit of a complaint from the public where I see the need and to conduct systemic investigations where I can go into a particular program or department or area that's within my jurisdiction and look broadly at all of the governance and the complaint handling and the way they're making decisions and discharging their responsibilities.

Those kinds of investigations are extremely labour intensive. When I undertake a systemic investigation, at a minimum I assign three investigators full-time to the investigation as well as one administrative support and legal counsel. I also involve the Deputy Ombudsman and myself extensively in managing those investigations. They generally take anywhere from six to 12 months. So it's a very labour-intensive process but one that yields excellent results because not only does it provide the particular program or authority investigated with a very good external view of how they're managing their affairs and how they're discharging their responsibilities, but it also serves to provide food for thought for other departments of government or other program managers or any of the agencies, boards, and commissions. I think it goes a long way in encouraging them to continually look at their practices and ensure that they're meeting the high standards of administrative fairness. That was one element that I presented in my budget in 2008 for the 2009-10 year, which was to staff with a starting complement of four additional investigators at the systemic investigation capacity.

The other component of that and one which Mr. Lund, I know, talked at length about when I appeared before the committee in 2008 to discuss my reappointment was to further develop and emphasize alternative complaint resolutions, as we call them – ADR is the common terminology for it – to try to develop the capacity and the resources to work with complainants and work with representatives of authorities being investigated to find mutually agreeable resolutions to problems without going into the full extent of a formal investigation and that very long process. So to get issues resolved quicker, to build trust, to build relationships between the citizens of Alberta and the various authorities that are discharging these responsibilities, we looked at putting two resources full-time into a model to focus strictly on identifying and pursuing alternative complaint resolution initiatives.

I hope that answers your question, Mr. Rogers.

Mr. Rogers: Thank you.

Mr. Marz: Thanks very much for the presentation, Mr. Button. You answered most of my questions through the presentation, but on technology services you budgeted \$120,000 for this year. We're going up to estimating that to be \$130,000 for next year. That's an increase of \$10,000. You said that you contract that out. Is that through a competitive process, a bidding process? How do your contract services relate to that? You're basically saying that that's going to remain a fairly static number, \$80,000 to \$80,000. So you're not budgeting any more for that, but on technology services it looks like you're increasing that by another \$10,000.

Mr. Button: I'll answer part of that, Mr. Marz, and then I'll ask Suzanne to deal with some more detail. Contracted services is an

area that is sometimes difficult for us to estimate on because it's things like the need to hire external legal counsel if we end up having to go to court. Hiring of communications: I don't have a communications person on staff, so if we do an own-motion investigation which requires media releases and public media disclosures, we have to hire external staff. Those all come under contract services.

Under technological services by and large we have three elements. One is managing our computer database and systems for all of my staff, the second component is a contracted service we have with the Ombudsman from British Columbia, who actually hosts our database for our investigational reporting process on a contract basis, and the third element of that is managing and hosting our website. Those stay relatively static except for what you see as a small increase that's just inflationary. Despite the fact that I know we are looking at zero increase and that government is looking at holding the line, in the private sector we are seeing inflationary increases, and we've just accommodated that in that \$10,000 increase for next year.

Suzanne, can you provide any more details?

10:45

Ms. Richford: I can. For the budget for this year, for '10-11, we had been optimistic and budgeted \$120,000, but if you look, we actually spent in the previous year, '09-10, \$125,000, so it's really only an increase of \$5,000. We are anticipating this year to do a website upgrade just to keep our website current because it's one of the most important communication tools that we have. Basically, we're thinking that we can stay at \$130,000, and we have taken that extra money from travel. We've stayed within the zero per cent increase but felt that if there's any risk of an increase happening, it's going to be in the tech services versus anywhere else.

Mr. Marz: Thank you.

Mr. Bhullar: Good day. Just a quick question: how long does the process usually take from when an individual files a complaint to a determination of whether or not there'll be a formal investigation?

Mr. Button: For that analysis process I have the actual numbers here. Just give me a minute to see if I can find them for you. We have a target of completing the analysis phase of a written complaint within 14 days. We initially write to the complainant upon receipt of the complaint to acknowledge that we received it, just to give them the comfort that we have it, and we tell them at that time what the process will be and when they can expect to hear from us again. So complainants are responded to within 14 days. Once the file is assigned for investigation, the complainant is advised and has an initial contact from the assigned investigator within 10 days.

Mr. Bhullar: Okay. Thank you very much.

I just want to thank you, sir, for your approximately \$100,000 total forecasted surplus for the current fiscal year. I wish that your spirit of fairness with the taxpayer of Alberta spreads throughout government. Thank you very much.

Mr. Button: That would be nice.

The Chair: Mr. Quest.

Mr. Quest: Thank you, Mr. Chair. Just going back to these investigators, the front-line people that you're looking for, you said that ideally you would have four more?

Mr. Button: To form an own motion or systemic investigation team which would not carry a file load of reactive complaints and investigations but would focus on doing the larger scale systemic investigations, we were looking at starting with four investigators and assigning them full-time to identify the various issues or programs or areas that warranted such investigations and then researching and formulating and conducting those investigations.

Mr. Quest: For a junior, a new investigator, what would the salary be roughly? Actually, where would they come from? What would be the background of these individuals?

Mr. Button: Well, I'll answer both sides of that question. We generally hire at the middle to high range of the human resource level 1, which is my junior investigator, which tops out right now, I think, at around \$70,000, give or take. That's pretty close, I think.

The background is extremely varied. Unfortunately, there is no Ombudsman 101 program at the U of A that people can go to, but by and large what we end up finding in our hiring process is people who have significant experience in the workforce in a variety of other functions. We have former media people. We have lawyers. We have people from the health sector. We have teachers. We have people who have been in other roles in government. But, by and large, in my time we have never hired somebody right out of university. Without those life skills and that exposure and that development I really don't think they would be able to handle the very complex nature of these investigations.

The background of my staff is just about as varied as you can find, and we find that that makes a really good mix because we work in a very team-oriented environment, where investigators are continuously consulting with each other and bouncing ideas off each other as they work through investigations. You know, if somebody is working on something in the health field, they go to somebody who's got a background in the health field for that kind of a discussion. By having a wide array of professional and educational backgrounds, we've got a pretty good talent pool and a pretty good basic understanding of most of the areas that we look at. All of my staff, by and large, have university degrees. If not, they may have a partial degree and significant appropriate work experience that equates to that.

Mr. Quest: Thank you.

The Chair: Thank you very much.

Mr. Lund.

Mr. Lund: Thank you. Thanks for the excellent work that you're doing. I'm curious. In the labour force that you have, what kind of turnover do you have?

Mr. Button: We had significant turnover early in my tenure. We had a very senior workforce. I had the pleasure of being one of the younger people in the office when I started out, Mr. Lund. I'm no longer that. But we did have a very significant turnover in about 2004-2005. Since then, by and large, we have found over the years, when I look back, that the people that are hired in the office either find that it's not for them in the first year or so or tend to see it as a lifetime career. Turnover has not been a significant issue; I would say one investigator a year or maybe two at the most out of 15.

Mr. Lund: In the replacement do you have difficulty finding the right person? In the pool that you talked about that they generally come from, I'm curious whether there are that many people looking for a position.

Mr. Button: When we advertise an investigator position, we normally would receive, depending on how the economy is going – this has changed significantly from the boom years in the middle of the last decade to the situation now – anywhere between 150 and 200 applications. There are a significant number of those that simply don't meet the qualifications, but I would say that in the ones that I've looked at, there have been at least 50 or 60 people that meet the basic requirements, and we start narrowing down from there. It's a pretty good talent pool. We do tend to attract pretty qualified people.

Mr. Lund: Well, thank you very much. I guess that, really, one of the measures that I kind of use is that I haven't had a complaint about the office in the last year. We usually always got one or two complaints, but it's been very silent, so I appreciate that.

Mr. Button: I appreciate that. The complaints that do filter through to the MLAs or to the committee, unfortunately, generally have to do with the time frame that it takes us to complete formal investigations. I understand fully and all of my staff understand fully that when a complainant brings forward an issue to us, they've been probably fighting it for a lengthy period of time, and they would like us to resolve it in a week or so, and they think we should. The truth of the matter is that my staff work very, very hard and put in a lot of hours. It does take time, not so much once we can get active in the investigation, but because of the volume of formal investigation files we have, there's a period of time when an investigational file will sit in limbo waiting its turn to be dealt with by an investigator. We know that's frustrating, and we'd like to do more about it. It's certainly one of the focuses of all of my staff.

Thank you, Mr. Lund.

Mr. Lund: Thank you.

The Chair: Mr. Button, that segues, actually, into my question. Contrary to what Mr. Lund had, I have had calls and letters regarding complaints, and they have focused, as you mentioned, on time for the most part. I noted in your presentation as well that the files carried forward have increased from 278 in '07-08 to 299 and now up to 305. I was curious as to: how old is the oldest file? I know, as you mentioned, that some of the calls are specific and that there's a queue, and I think perhaps some of that comes from the fact that there has been a freeze on additional funding. I wondered: what was the percentage of the files where, if you had more funds, if you had more people, you could actually do these quicker? What percentage is that, and what percentage are files that just are going to take a long period of time?

10:55

Mr. Button: There are two sides to that. For the bulk of our investigations, I would say 75 or 80 per cent, with adequate resources we could quite comfortably move those from receipt of the complaint to conclusion of the investigation and resulting actions in six months if we could get at them immediately and they didn't have to go into a holding queue. There is another portion of investigations, 20 per cent or so, I would estimate, that are just so complex, that require such research and investigation with authorities and research of legislation and policies that they are going to take longer. The majority we complete within a one-year period.

We do monitor complaints with respect to completion within six months, within 12 months. A very, very small minority, a percentage well under 10 per cent, would be open more than 12 months.

Again, as I mentioned before, I recognize that a lot of these issues are very sensitive to the people bringing forward their com-

plaints. They're looking for resolution. Sometimes the issues are very significant to them. We do a triage process when we receive complaints, and we assess those that are having an immediate and continuing impact on the complainant, the citizen bringing forward the issue, and we'll give those any priority we can in the process in order to move them ahead, especially if it's a situation where it appears there is a significant immediate impact that will continue to affect that person until such time as we complete our investigation.

I wish I could tell you that if I had X number of resources, I could reduce the time frame for investigations to this period. What I can tell you is that, for instance, I have 25 resources in Alberta with the population we have here. The Ombudsman for Saskatchewan has 21 resources for less than a third of the population. The Ombudsman for British Columbia has close to 50 resources for a slightly bigger population. So we're doing it on a shoestring here, and I really owe it to my very dedicated staff for putting in the long hours and working as diligently as they can to bring these matters forward, recognizing that a lot of these citizens that bring forward complaints are really kind of at the end of their tether. They've tried everything else, and my door is the last one they can knock on. We would like to bring them resolve quicker than we do, but the reality is that we're doing the best we can with the resources available, and we understand the restraint and that resources are not just freely available. If we could double the size of the office, we could double the output, but that's not going to happen.

The Chair: Well, I do appreciate the work that you're doing, and I thank you for the way you're doing that. More out of curiosity than anything else, how old is the oldest file that is carried forward?

Mr. Button: Suzanne tells me four years, and that would have some very unique circumstances. Actually, there are some that have been tied up with the ongoing issues that I've discussed here before, the challenges with the Alberta Human Rights Commission. We've been to court, and we're still working through trying to resolve impasses there. Some of those complaints have been sitting for three and four and five years. We also have a significant number of files with the out-of-country health services program that are getting on to that four-year-old time frame. For any that are at that time frame, there's a very unique circumstance that has resulted in it being held in abeyance pending a resolution of normally some impasse like we have with those two authorities.

The Chair: Okay. Are there any other questions?

Seeing none, Mr. Button, I certainly appreciate you coming here today and providing your budgets and your business plan. I'll let you know that the decision on your budgets will be presented to you next week.

Thank you very much.

Mr. Button: Thank you very much, Mr. Chair and members of the committee. All the best of the upcoming holiday season to you all.

The Chair: Thank you.

Lunch will be served at 11:45. It will not be here until 11:45. There will be a 45-minute break then.

[The committee adjourned from 11 a.m. to 12:46 p.m.]

The Chair: Good afternoon, everyone. We'll call the meeting back to order and welcome the Information and Privacy Commissioner and his staff. We will all introduce ourselves for the record, and then you'll be able to proceed with your presentation. I'm Len Mitzel, the MLA for Cypress-Medicine Hat, and I chair this committee.

Mr. Lund: Good afternoon. Ty Lund, Rocky Mountain House.

Mr. Marz: Richard Marz, Olds-Didsbury-Three Hills.

Mr. Rogers: George Rogers, Leduc-Beaumont-Devon.

Mr. Campbell: Robin Campbell, West Yellowhead.

Ms Furtak: Sophia Furtak, manager of finance.

Mr. Work: Frank Work. I'm the Information and Privacy Commissioner.

Mr. Wood: Wayne Wood, director of communications.

Mr. Hinman: Paul Hinman, Calgary-Glenmore MLA.

Mr. Allred: Ken Allred, MLA for St. Albert, sitting in for Manmeet Bhullar.

Mr. Quest: Dave Quest, Strathcona.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Thank you.

Mr. Work, you can proceed. If you keep your presentation to 20 minutes or so, 20 to 30, then we'll have sufficient time for questions and answers.

Office of the Information and Privacy Commissioner

Mr. Work: Thank you, Mr. Chairman. I will do that. We have a little PowerPoint presentation.

The office of the Information and Privacy Commissioner basically administers three pieces of legislation for the province. The Freedom of Information and Protection of Privacy Act deals with access to information and privacy with respect to public bodies. So that's the government of Alberta, municipalities, universities, schools, hospitals, police services, boards of education, and so on. We have the Health Information Act, and I'll get into this a little bit later, especially if there are any questions. The Health Information Act applies to an ever-increasing number of health care providers. They are called custodians under the act. It basically governs the collection, use, and disclosure of health information. The primary focus of the Health Information Act at the present time is Alberta Netcare, which, of course, is the provincial electronic health record system. Lastly, the Personal Information Protection Act governs how private-sector entities, businesses, in the province use personal information. Alberta is one of only three provinces in Canada that have a private-sector privacy act, I'm proud to say. I got ahead of myself, obviously. I won't belabour this with any more detail than I've already given you. It's in the slides.

Under all three of those pieces of legislation the commissioner's mandate is pretty much the same. All three acts are complaint driven for the most part, so if people feel that either their right of access to information or the use of their personal information is not what it should be, they complain to my office, and we try to resolve the complaint. We try to resolve the complaint either by mediation or, if necessary, by investigation. If we can't bring people together to resolve the issue, then we conduct an inquiry. In Alberta after an inquiry the commissioner issues an order, and the order is binding. Of course, as a quasi-judicial process my orders can be reviewed by the courts.

The money story. The bottom line is that we've got a zero-sum budget. We're not asking for anything more. We've made a couple of changes, which I will go through for you. I did feel in my

covering letter to the committee – as you know, the FOIP Act was reviewed earlier this year by an all-party committee of the Legislature, and in some of the submissions that were made to the committee there were concerns about the time that it takes to get resolution from my office. I spoke to that in front of the committee, so I didn't intend to rehash that for you this afternoon but only say that, obviously, one way of reducing timelines – and that probably right now goes without saying – is to put more resources to them. We're not asking for any more resources. We believe that we can continue to hold the timelines as they are and look for administrative improvements wherever we can internally. That's our go-forward situation.

On the first slide you'll notice that the only change to our budget is shown on the far right-hand column. You'll see a \$7,000 increase on the personnel side and \$28,000 on the supply and services side. It's still a zero-sum budget. We obtained that money, you'll see on the bottom line, out of our equipment budget. So we're moving money around in order to deal with it. The \$7,000 in personnel is for staff reclassifications. As I said, we've realized some significant savings in our computer hardware and software line item. As it says at the bottom, we're not going to do some capital projects that we might have otherwise done. So we're moving the money from there to supplies and services and personnel.

This slide deals with the supplies and services item itself. A matter that the committee is always interested in is contract services because it's probably the second-largest item in our budget: \$713,000 last year and \$713,000 this year. You may want to ask questions about this later, but just to let you know, that contract services amount is used for outside lawyers, which I use when we are challenged in the courts, and we're getting challenged in the courts quite regularly now.

We also use that money for investigations. For example, where there has been a breach of the act or a breach of one of the pieces of legislation and the breach, we think, requires prosecution, we hire our own detective, if you will, to gather the evidence and put the file together so that it can be handed over to Crown counsel with sufficient evidence to prosecute the individual. Again, this is something I'd be happy to get into if you want to talk more about health information issues. There are a lot more health care providers being given access to Alberta Netcare, and unfortunately we're finding situations where it looks like we're going to have to prosecute some of these people for misuse of their privileges on the Netcare system. One of the things we use this money for is to investigate when there has been an offence and provide the file to Crown prosecutors for prosecution. Our IT needs are also taken care of out of this item.

12:55

The biggest item, of course, in our budget is salary and wages. You can see the amounts. The number of FTEs is pretty much the same. We needed some additional money for position reclassifications, and that came from our equipment budget, as I said. You'll notice at the bottom there the \$12,000 that's in brackets; we eliminated the learning account for staff, so that freed up \$12,000, that was reallocated.

I'll give you a little snapshot of how things have been going over the past year. All of these numbers are based on the fiscal year, not the calendar year. So in 2008-09 for all three pieces of legislation, 1,300 cases; 1,500 cases in '09-10, and this year to date – I guess we're through the third quarter almost – 872. The number of orders issued: 44 in '08-09, 51 in '09-10, and 34 so far in '10-11. I think we're probably on track to hit 51 again this year. As I said, if you look at the bottom, there are 125 cases in the queue for inquiry.

Judicial reviews. Last year we had 19. This year we've got 29 already. I'm at a loss as to how to explain it. Well, I can try to explain it if you want to specifically ask. One of the big issues that I think has been precipitating a lot of these cases has been the time issue. Under two of the pieces of legislation there was a 90-day time limit. The court decided that if I didn't do it within 90 days, I would lose jurisdiction. Now, that's been solved to some extent by a recommended amendment from the all-party review committee for the FOIP Act, and previously there was an amendment to PIPA, in both cases changing the time from 90 days to a year. So on a go-forward basis I think the problem may be solved, but this increase in cases here points to previous cases that are already in the hopper and, therefore, subject to that 90-day rule. That whole issue of the 90-day rule is going to the Supreme Court of Canada in February, and we'll see what happens.

Self-reported breaches. Oh, this is interesting. Of course, it's all interesting, but this is particularly interesting because it's new. Under the Personal Information Protection Act of Alberta, I'm always very proud to tell people, Alberta is the only province in Canada, the only jurisdiction in Canada that has mandatory reporting of breaches when a company or a business loses someone's personal information. It's the only jurisdiction in Canada. Furthermore, it's the only jurisdiction in North America where a breach has to be reported to a commissioner.

There are 46 American states that have breach notification laws, but in all of those cases it's simply a matter of the business having to notify people of the loss. There's no intermediary, no regulatory agency that can say, for example, "This is a serious loss; you'd better take these protective measures," or "This is not as serious; try to stay calm." Alberta is the only jurisdiction in Canada, as I said, that has mandatory breach reporting and the only jurisdiction in North America that has mandatory reporting to a regulatory agency. Interestingly, the European privacy commissioners are very interested in what we're doing here. The United Kingdom commissioner, in particular, has said that he thinks that the way it should go is that there should be notification to the regulator. I'm very proud of Alberta for being that far out in front on the matter of breach reporting.

You can see the numbers there of self-reported breaches. I will point out that the requirement to report only came into force in, I believe, May of this year. What this shows is that in '08-09 we were getting reports anyway, self-reported breaches, and we got some more in '09-10. Now, since the law has come in – it's become mandatory in this year – we've had 26 year-to-date, so we're probably on track for maybe 40. That '10-11 number could be 40 by the end of the fiscal year. That shows kind of, I think, something of a progression in terms of organizations losing people's information and then having to report the loss to the commissioner.

By the way, the organization is always free to notify their clients, customers, and employees anyway. They don't have to wait for me. If they want to get out ahead of it, they can tell people, but they have to report to the commissioner. I can order them to report, and I can to some extent order them how to report and what to report.

Opportunities and challenges: just a few things. This year is the 15th anniversary of the freedom of information act. As I said, there was an all-party committee that reviewed the legislation. The report was just tabled a little more than a week ago. There were 24 recommendations. There is always increasing pressure. This is the information age. People want more and more information.

I think, as a sideline to that, there are some very interesting things going on that I hope will get noticed at the provincial level. In particular, the city of Edmonton is doing some fascinating

things on a concept called open government. This is a little different than just pure access to information. Access to information assumes that, you know, someone asks for the information: “I’d like to have the budget,” or “I’d like to have the reports.” What open government does – and Edmonton is one of maybe three cities in Canada that has really embarked on this – is that it pushes the information out just as a matter of course.

What Edmonton does is that they put it out on their website. They put it out in a usable form, and they don’t claim any rights to the information. So, for example, Edmonton puts out all their information about the buses, schools, bus routes, health facilities, recreational facilities, and so on. All that is made available on their website in a downloadable format, and some private citizen comes along and says: hey, I can take that information, and I can make an application out of it. For example, in Edmonton one enterprising individual created an application where if you’re looking for a house, you punch in your MLS number, and the application goes to the city of Edmonton databases. It will tell you for that MLS listing where the schools are, where the bus stops are, where the recreational facilities are, and so on. It works great, and the city didn’t have to pay for it. They just made the bare-bones information available.

You know, given the increasing pressure on public bodies to provide information – and resources are tight, you know. If you have to have people going and looking for the information and packaging it, it gets expensive. I think this whole notion of open government maybe has some very positive features that we all need to look at.

1:05

The next slide, Health Information Act. I alluded to this earlier, and I’m only going to take one more minute because I promised the chair 20. As I said, there are more health care providers being brought under the Health Information Act and being given access to Alberta Netcare. The Health Information Act is the law that governs how they use health information on Alberta Netcare. We will probably be up to about 35,000 health care workers having access to Netcare over the next year, by mid-2011. This is a lot of people. They need to be trained, and that’s not entirely my responsibility. In fact, that falls mostly on Alberta Health Services and Alberta Health and Wellness, but it’s a whole lot of new people that need to be trained on how to use this health information network.

It’s also going to mean changes for the professional colleges because under their legislation they have not only some responsibility for disciplining their members who misuse patient information, but they also have a role in deciding how much access – for example, the college of psychologists or the college of nurses will have a role to play in telling the managers of Alberta Netcare: this is the kind of information our people need to get out of Netcare. Then their level of access will be set accordingly, right?

Not everyone gets to see everything in Netcare. What you’re allowed to see depends on the job you do. For example, we will have chiropractors, midwives, optometrists, opticians, podiatrists, denturists, dentists, dental hygienists, nurses all coming on stream over the next year, getting some kind of access to Netcare. That will mean increased responsibility for my office in terms of policing how the legislation is used and, as I said, increased responsibilities for the colleges and for the managers of Netcare.

The most powerful single thing in the Health Information Act is the privacy impact assessment. With that number of people using the system, whenever there’s a change to the system, we rely very heavily on being given a privacy impact assessment that documents how the change will affect the collection, use, and disclosure of health information. You can see there that we’ve had

significant increases in the number of privacy impact assessments we get, and that’s directly correlated to the way Netcare has been growing. That in turn is related to the number of users.

I’ve said all of this about the mandatory breach notification. Mr. Chairman, I think that will do it for my presentation. I’d be happy to hear any questions from the members of the committee.

The Chair: Mr. Allred.

Mr. Allred: Thank you, Chair. Just a couple of questions, if I might. Going back to your budget and, in particular, your contract services, with the high cost of legal costs do you look into mediation and perhaps arbitration to resolve some of your differences?

Mr. Work: Yeah, Mr. Allred, absolutely. Our first approach is always mediation, and 90 per cent of the time it works. Where most of this money is spent is after mediation has failed, and we’ve issued an order, and we’re being taken to court on the order. At that point, regrettably, there’s not much left to mediate. But you’re absolutely right. Mediation is far and away the most successful means we have of resolving these things.

Mr. Allred: Okay. Thank you. My second question, if I might. With regard to your self-reported breaches, what is the point of reporting them to you? What is your role once they’re reported?

Mr. Work: Well, that issue has come up in the United States, actually. As I said, there are 46 states that require breach notification, but that’s left up to the organization. If you lose it, you’ve got to tell the victims, but there often aren’t any standards as to what you tell them. You know, if you lose a name and address, well, maybe it’s just a matter of: don’t worry about it. If you lose someone’s whole financial portfolio, then maybe it’s a matter of, you know: go hide in the basement or something.

What was happening was that, first of all, people weren’t getting that kind of advice necessarily when they got a breach report. The other thing that was happening was that, human nature being what it is, people were starting to regard these breach reports as spam. They were getting so many of them that they were going: “Well, another breach report. What am I supposed to do about it?” I think the logic here was that if there was a regulator involved, we could tell the organization: look, you’d better tell people specifically that the following things that happened, and you’d better advise them to, you know, put a watch on their credit report, for example, or tell them to scrutinize their bank statements extra carefully to make sure there aren’t unknown withdrawals, things like that. You know, give people a little bit more solid advice when they’re told that their information was lost.

Mr. Allred: To follow up on that, your role is basically advisory, then, is it?

Mr. Work: Well, it’s advisory, yes. It is advisory to some extent, but I do have the power to order an organization to notify: you have to tell your employees or your customers that you’ve lost this information. I can also tell them how to report, what to notify them of. I think that’s important now. It just happens so often, you know?

For 10 years I’ve been yelling at people: encrypt your laptops. We still get reports, you know, of another laptop stolen from a home, an office, whatever. The first question is always: was it encrypted? Unfortunately, the answer a lot of the time is: well, it was password protected. Meaningless in this day and age. Unfortunately, given our apparent inability to learn how to protect information, I guess it’s necessary to have that regulatory role.

Mr. Allred: Okay. Thank you. That was helpful.

Mr. Hinman: Thank you for your presentation. You kind of answered one question about why there are so many judicial cases in your presentation, but what's the cost? In the letter that you sent to us you said: well, if you want to affect the timelines and reduce them, we need to hire another adjudicator. What's the cost for another adjudicator? I know that salaries are your big – a \$3.6 million estimate. What would one more adjudicator cost to have on staff?

Mr. Work: Probably \$120,000 all in, wages and benefits. But let me clarify, Mr. Hinman, following from Mr. Allred's question as well, that the extra adjudicator would help us get more orders out of our office. Under the contract services budget a lot of that money is spent going to court to defend the order once we've put it out. So it's a before and after thing. Another adjudicator would be the before thing getting the orders written, and then the money that we spend on legal services out of that line item is for defending the order if it gets attacked in the courts afterwards. As I said, once we get this timeline matter settled, maybe over the next year and hopefully after the Supreme Court deals with it in the spring, I'm very optimistic that the number of cases we're defending in the courts will go down. I hope so, anyway.

Mr. Hinman: That was some of my follow-up. Is that going to just increase the frustration but decrease the liability?

Mr. Work: That's very well put. I think the answer is yes. It may increase frustration, but I hope it will decrease liability. As I told the FOIP review committee, I'm not sure where the 90-day time limit in the legislation came from. I think it came from British Columbia. If I remember correctly, our FOIP Act was modelled on theirs. They had a 90 days, so we adopted a 90 days: 90 days to get the case in the door, get it handed to one of our mediators to try to resolve, get the two parties together to try to work something out, and then if mediation fails, send it to an inquiry, get both the parties in to argue it, get an order written. That just can't be done in 90 days under any circumstances. You couldn't give me enough resources to do that in 90 days. It's just, you know, something we have to deal with now. As I said, happily two of the laws have been amended to change that to a one-year period, so on a go-forward basis I think we're going to get that relief. We'll see what the Supreme Court does with the backlog issue on the 90-day thing.

1:15

Mr. Hinman: Yeah. Well, to me 90 days seems short. One year seems like a frustratingly long time for someone. But, again, your committee went through that; I'll accept that.

I guess I'm trying to look at: are we being penny wise and pound foolish? What percentage of our cases actually go through mediation versus those that don't go, you know, to the judicial review? Could we put more resources up front, I guess, to get people mediated quicker, where they're more amiable to a resolution? It seems like the longer it takes, the more people are entrenched, and they just become angered over the length of time. It's, you know: I'm mad now. Is there a way?

Mr. Work: Yeah. Let me give you some information on timelines. First of all, under the FOIP Act I'm pleased to say that, unlike some other provinces, public bodies in Alberta are pretty good at meeting the timelines. Public bodies under FOIP get 30 days to deal with an access request, and then they can take another 30, so that's 60, and if they want more, they have to come to me. Now, I'm not saying they do it in every case. Sometimes it goes

way over. But probably in 80 per cent of the cases they meet the timelines.

Okay. So that aside, of the cases that come to us, not many of them are timeline cases is what I'm saying. Of the cases that come to us for review, to answer your question specifically, 90 per cent of the cases that walk in our door get resolved by mediation, so that leaves 10 per cent that have to go to inquiry. As I said, it's a time-consuming process because it's a quasi-judicial process. Both parties have a right to be heard. They have a right to make submissions. You have to give them time to make submissions. You have to give them adjournments, usually, if they ask for them. That 10 per cent that goes to inquiry will eat up a lot of time. Out of the 10 per cent that go to inquiry and after an order is issued, I would say about maybe 10 to 15 per cent of those go to court. It's a fairly small number of the total that do go to court. Remember that 90 per cent get solved by mediation, so this is 10 per cent of 10 per cent that actually wind up in the courts. But, as you know, litigation is expensive.

Mr. Hinman: Can I ask one more quick one?

The Chair: Yes.

Mr. Hinman: This is more of an individual case and just looking for some guidance on it. I've got a senior. Her doctor retired. She was sent a letter saying, you know, that her records are here still at the doctor's facility. Then six months later she got a letter from a firm out in Ontario that "Oh, we've got all your personal health information, and if you want it, you've got to pay us a hundred dollars, and we'll send it to you." Is that legal? Is it possible? How was her information given to a firm out in Ontario, and she has to pay to get back her medical information here in the province of Alberta?

Mr. Work: It probably is legal. With the aging of the baby boomer generation, of course, there are a lot of health care providers who are reaching retirement age. My office and Alberta Health and Wellness and Alberta Health Services have for some time been talking about orphaned records, which is basically what's happened here. The doctor or whoever retires, and the records: what do we do with them?

Mr. Hinman: But the legality is, to my understanding, that doctors have to keep records for 10 years.

Mr. Work: Yeah. The statute of limitations says that a doctor can be sued for negligence for 10 years after the event, so that indicates to them – that's why doctors will keep most records for 10 years. They don't have to. I mean, if you wanted to take a chance, you could get rid of all of your records as soon as you retire, but then if you get sued within 10 years, you're scrambling, looking for the paper.

What has happened is there has been an amendment to the Health Information Act that will now make the colleges – well, I mean, the first place to start with is the College of Physicians and Surgeons – responsible for setting a record retention period for their members. So going forward, that's what will happen. The college will say to doctors, "You now have to keep your records or make provision for their storage here in Alberta" – if they want; it's up to the college – "for 10, seven, six years, whatever." That's going forward. At the present time, to be perfectly honest, we have no control over what a health care provider does with their records after they retire.

We've literally had cases where they have been left in the daughter's garage when the doctor retired, and we have no power over the daughter of the doctor. Under the Health Information Act

we can order the doctor to do certain things but not his or her daughter. We've had records in garages. We've had records dropped off at the town office. As the doctor retires, he comes by the town administrator and says: here's 20 boxes of records; I'm out of here. We've had records left in empty office space. We often get called about those, and what I've been doing is taking the records even though it's not really my job. We'll go down and collect them just so they're not floating around. But, yeah, it's been pretty chaotic, as your example indicates.

If someone has hired a firm in Ontario to manage their records for them, I think right now that's quite legitimate, and if the firm is charging a reasonable fee to provide that information back, that's probably legitimate. The Ontario Privacy Commissioner might be able to review those fees, but I don't have jurisdiction over a company that's storing records in Ontario.

I've gone on about this far too long. Relief is in sight because the Health Information Act has been amended to require that rules be made for the storage of health records in the province, but for right now it's . . .

Mr. Hinman: When does that kick in, then, if the amendment has been . . .

Mr. Work: I think it comes into force on proclamation or on a date to be decided by the minister. I don't think a date has been set because the college has asked for time to get the rules made and get them promulgated. I hope I'm right about that. I'm kind of guessing there, so if I've crossed anyone up, I apologize in advance. But I don't believe a date has been set yet because the college has to, you know, prepare the rules, figure out what a reasonable retention period is and how they're going to require them to be stored. Do you want everything to be stored, or are you going to require them to destroy most of it and just store parts of it? It's pretty complicated.

Mr. Hinman: Thank you.

The Chair: Okay. Thank you.

Mr. Lund.

Mr. Lund: Well, thanks. Thanks for the presentation. I've just got a couple of quick questions. In your budget you show the reduction of professional fees and development, and the footnote suggests that this is because of the elimination of the learning account. I'm curious. How much turnover do you have in staff, and when you bring someone new on, if the budget is reduced this much, how do you accommodate the training of a new individual in the office?

1:25

Mr. Work: Yeah. I'm actually pleased to say that we have very, very low turnover, and I'd like to take credit for that, but maybe not. We have very low turnover. What we do have is a highly professional staff, and most of the training and the professional development is now done on a peer-to-peer basis in-house. We do have some good opportunities, inexpensive opportunities, for some outside stuff. As you know, Mr. Lund, because I think you were involved and you've heard me harp on it year after year, the University of Alberta has the IAPP, information and privacy protection course, which is the only one of its kind in Canada. That's done by extension out of the U of A, and it's very reasonable. The University of Alberta IAPP program puts on a very good access and privacy conference every year in June, and we're involved in putting that on both as speakers and in terms of the agenda. That usually attracts 350, 400 people, so that's a nice, you know, rea-

sonably cost-efficient thing in the province that people can go to to get upgraded.

The last thing is that – and this is something you're familiar with, too, I think – since Alberta and British Columbia have the same private-sector privacy act, about four years ago my office started getting together with the British Columbia commissioner, and we put on a little conference every year for the businesses that are subject to the act. So one year it's in Alberta, the next year in B.C. We just had it this past November here in Calgary. We invite all the businesses and the charities. We only charge about, I think, \$500 a person for two days. That's another opportunity for upgrading and learning that's, again, usually within the province and at little or no cost to my office. So we're covering the gap with those resources.

Mr. Lund: Thanks.

Just one other quick one on the amortization. I see you have \$32,000 there, and the actual in '09-10 is \$26,500. So what's that: five and a half thousand dollars? I'm curious. How come the \$32,000 in the upcoming budget?

Mr. Work: I'm going to ask my director of finance to deal with the amortization issue. I went to law school because they promised me there was no math.

Ms Furtak: We've acquired some new equipment since then. That's why the amortization is going to be a little bit higher. Also, some of our equipment was fully amortized, so when we have the new addition, there's new amortization that comes along with it.

Mr. Lund: Okay. Thanks.

The Chair: Thank you.

For the record Ms Notley joined us shortly after you started your presentation, just so we've got that.

Are there any other questions?

I do have one – and it's not as in depth as the others – in regard to the personal information protection acts. Constituents have asked me about when they want to take school pictures of a team or whatever, and they've got to get signed authorization because it's going to be in the paper or something like that. It has to be signed authorization from the parents or else the kid cannot participate in the team picture. I'm wondering if you'd comment on that and whether some of this stuff has maybe just gone too far.

Mr. Work: Mr. Chairman, I'm absolutely delighted to comment on that because it's a perennial issue, and as you say, I think it's something that's gone too far. That issue has been with us since the act came into force. In the case of schools it's up to the authority, which would be the principal at the school level or the school board, to decide whether or not a disclosure of information is unreasonable. It's entirely within the principal's or the school board's ability to say that taking pictures of students at a track meet or a football game is not an unreasonable invasion of their privacy; it is permissible. I don't know what the answer is, Mr. Chairman. I don't know if it's because people get too nervous, you know. They get overcautious, and they say: well, you know, we'd better just say no. The fact of the matter is that they can say yes.

I'll tell you my view as commissioner. It's not an unreasonable invasion of a child's privacy to put their pictures on the wall in the halls of the school. It's not an unreasonable invasion of their privacy to allow the local newspaper to take pictures at a track meet or put the names of the team in the paper. But this is all within the power of the immediate authority, be it the principal or the school board, to make that decision and to allow it to happen.

As I said, the legislation is complaint driven. I mean, they can go ahead and say: go ahead and take the picture. If someone doesn't like it, they can complain to me then, and we'll take it from there. But I share your frustration.

The Chair: Just a little bit further to that, you mentioned the concern in their erring on the side of caution, I guess, with regard to pictures. The school boards have mentioned this. Could not a communiqué of some sort be sent to them outlining some of these things? But you're right. One person complains, and that's what they're afraid of: one person complaining that their kid didn't sign a paper or there wasn't one, and his picture, for whatever reason, is in the paper. That, of course, then, would come to you. I guess that's what they're worried about.

Mr. Work: I suspect you're right. I have ruled on this matter in the past. Yes, we have material out there, and Service Alberta has material out there on this. Obviously, as you suggest, maybe it needs to be refreshed every so often. There are a couple of networks in the province of school administrators.

The Chair: Yeah. ASBA.

Mr. Work: Yeah. I'll see if there's some way that we can, as you suggest, put this out as a reminder that, you know, an overabundance of caution is not really in anybody's interest. You know, if they get a complaint, they just have to refer the complaint to my office, and we'll be happy to deal with it. But, no, I'll look for some ways to get that information out.

The Chair: Okay.

Mr. Hinman: That's an excellent question and a very informational answer. It always amazes me. We're living in a world now where those parameters are so grey. I just want to raise it up a little bit higher, then. Like, if you're at a function and people are taking pictures, is there any liability? I mean, if you're at a public function, whether it's a charitable organization – you know, I'm just trying to think of some of the different ones I've gone to where people are taking pictures and people are having fits: oh, you know, you can't do this, privacy. What are the rules on that if you're at a function and someone is taking a picture and all of a sudden somebody in there says: you don't have a right to do that? Could you give us a little bit of information on that, please?

Mr. Work: It's tricky, I suppose, in our common law legal system. It's all based on what your reasonable expectation of privacy is. I know that sounds really vague, but that's it, reasonable expectation of privacy. If you go to the Grey Cup on Sunday or you go to some Grey Cup events tomorrow, as a reasonable person you can't expect much privacy there. You're in a public place with a lot of other people. It's a public event. Chances are you're going to get your picture taken or something like that, so you should not have a very high expectation of privacy in that kind of situation.

1:35

Getting changed to go to bed at night in your house, you've got a very high expectation of privacy. A school would fall, obviously, in between the two. Schools are public places. On a playground, at a track meet in the schoolyard to which the parents are invited, again your expectation of privacy goes down. In the principal's office if there's a family issue, your expectation of privacy is higher. That's about the best I can do.

You can sue people in our system for stealing your image. If I took a picture of you drinking a bottle of pop at the Grey Cup parade and then put that up on my website and said, "See, MLA

Hinman drinks such and such pop," then we've got an issue, but that's a different issue entirely.

Mr. Hinman: You're commercializing it.

Mr. Work: Your expectation of privacy depends on the circumstances, and it varies.

Mr. Hinman: That was informative. Thank you.

Mr. Work: Sure.

The Chair: Okay.

Mr. Allred.

Mr. Allred: Thanks. Just a couple of further questions. You mentioned your Privacy Commissioner's rulings. Are those public rulings, or are they private?

Mr. Work: They're always public.

Mr. Allred: Are they posted on your website?

Mr. Work: They're posted on our website as they're made. We also issue a media release on every order that we release from the office, and if people want, they can give us their e-mail address, and we'll send them the orders automatically as they're released.

Mr. Allred: Supplementary to that, do you have a frequently asked questions site on your website that would, say, answer questions such as the school picture thing?

Mr. Work: Yeah. We do actually. It obviously needs a higher profile because the message isn't getting out there, but we do.

Mr. Allred: Okay. Those are good things.

Just on another subject, going back to one of Mr. Hinman's earlier questions with regard to health records, who owns the health records, the doctor or the patients? Tough question.

Mr. Work: Yeah. You guys are asking some really hard questions. No court in Canada has ever wanted to rule on who owns health records. The closest we've come is that the Supreme Court has said that in the case of a health record the piece of paper it's written on belongs to the health care provider, but the writing on it belongs to the patient. The reason that's done is because that notion of ownership of information gets really, really tricky, and it gets even trickier if you think, for example, about genetic information. Who owns your genetic information if you happen to be the one person in the world that has a gene that's resistant to cancer or AIDS? Does that belong to you? Does that belong to your ancestors who gave it to you? Or does that belong to humanity?

It's never been clearly said in our legal system, in the English legal system, who owns health information. What we've done under the Health Information Act is given the patient a whole lot of rights with respect to that information without saying that they actually own it. They have all kinds of control over it short of actual ownership.

Mr. Allred: Perhaps just a comment to all the doctors that might be listening. I'm sure there aren't very many. Perhaps when they retire, a reasonable thing for them to do is to write to their patients and say: I've got the records if you want them; otherwise, I'm going to destroy them in 10 years or whatever.

Mr. Work: That's not bad advice. We'll be talking to the College of Physicians and Surgeons before they make the rules with re-

spect to how doctors handle records. Maybe that's a very good idea to suggest to the college.

Thank you.

Mr. Allred: Thank you.

The Chair: Thank you very much for your questions and answers. We will be making our decision on the budgets, and it will be sent out to you early next week. Thank you so much.

Mr. Work: Thank you very much, Chairman. Members of the committee, thank you.

The Chair: We'll take a five-minute break. We'll be starting early with the next legislative officer.

[The committee adjourned from 1:40 p.m. to 1:44 p.m.]

The Chair: Okay. We'll call the meeting back to order. I'd just like to note for the record that for the question that was asked of the Auditor General by Ms Notley, he has provided a written response, and Karen will pass those out.

Okay. Well, I'd like to welcome the Chief Electoral Officer and his staff here. We will go around the table and introduce ourselves. I'm Len Mitzel, the MLA for Cypress-Medicine Hat, and I chair this committee.

Mr. Lund: Good afternoon. Ty Lund, MLA, Rocky Mountain House.

Mr. Marz: Good afternoon. Richard Marz, MLA for Olds-Didsbury-Three Hills. I'd like to congratulate the Chief Electoral Officer and his assistant, Drew Westwater, for their participation in Movember. I'm sure you're anxious to get those things shaved off in a few days.

Mr. Rogers: George Rogers, MLA for Leduc-Beaumont-Devon.

Mr. Campbell: Robin Campbell, West Yellowhead.

Ms Notley: Rachel Notley, Edmonton-Strathcona.

Mr. Westwater: Drew Westwater, director of election operations and communications with Elections Alberta. Good afternoon.

Ms McKee-Jeske: I'm Lori McKee-Jeske. I'm the Deputy Chief Electoral Officer.

Mr. Fjeldheim: Brian Fjeldheim, Chief Electoral Officer.

Mr. Rhamey: C.J. Rhamey, director of finance.

Mr. Hinman: Paul Hinman, MLA, Calgary-Glenmore.

Mr. Allred: Ken Allred, St. Albert, filling in for Manmeet Bhullar.

Mr. Quest: Dave Quest, Strathcona.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Thank you very much.

I'd just ask you to go ahead with your presentation. Let's see if we can perhaps keep about 20 minutes or so at the end for questions and answers.

Mr. Fjeldheim: Yes. Certainly.

The Chair: Okay. Thank you.

Office of the Chief Electoral Officer

Mr. Fjeldheim: First of all, thank you for this opportunity. Movember: yes, we are raising funds in our office, as you mentioned. I'm last in the league, obviously, but we're doing the best we can. So far we've raised \$651, so that's worth while.

Thank you for this opportunity to meet with you and discuss our budget presentation. Today I would like to briefly share our activities over the past year along with our forecast for expenditures related to the 2010-2011 budget, provide you with a timeline of our key activities as we move to election preparedness, present our request for funding for the '11-12 fiscal year and the two subsequent years, provide a comparison of our proposed election budget to last year's projection and to the 2008 provincial general election expenditures, and most importantly communicate our strategy for addressing the issues and concerns we have heard with respect to election management. We have slides on the board behind you which sort of highlight the comments that I'll be making.

I accepted the position of Chief Electoral Officer almost one year ago and identified three main priorities. Those priorities were the review of the service plan to ensure that stated goals reflect the statutory direction provided to Elections Alberta; the development of an election preparedness strategy and the necessary staff complement to carry out that strategy; and the implementation of the necessary changes resulting from legislative amendments, electoral division redistribution, and the needs expressed by stakeholders. I am pleased to say that I have addressed those priorities with the assistance of a dedicated group of staff, and I wanted to publicly express a special thank you to Deputy Chief Electoral Officer Lori McKee-Jeske for all the help that she has given me and for her very hard work.

To begin, I would like to highlight some of our key activities over the past year. Since our last meeting, in February of this year, we have followed closely the legislative review of the Election Act and the Election Finances and Contributions Disclosure Act and prepared for the implementation of legislative changes. Significant changes were made to our legislation by the Assembly. In fact, the scope of change is the greatest that we've seen since the legislation was rewritten, about 30 years ago, when the office was first opened. These changes have necessitated a complete review of all forms, guides, and training resources, which is currently under way.

They have also provided us with the opportunity to communicate with stakeholders, including political parties, to share advance notice of the changes and the effects on the activities of parties, candidates, and constituency associations. We notified all political parties and their constituency associations of these amendments which have occurred to date and those which will occur upon proclamation. That notice was accomplished by our offer to attend political party functions to share information on this topic and answer any questions surrounding the implementation of the legislative changes.

In addition, we've recently participated in party annual general meetings at the invitation of two political parties to provide an overview of the amendments that will affect constituency associations. We would encourage all political parties to please contact us, and we'd certainly be more than happy to attend your function to go over some of these new rules and regulations. Those opportunities always provide valuable dialogue and suggestions for additional information that would be useful to the volunteers who serve on the boards of constituency associations.

1:50

A recent recommendation was actioned by this office to clarify the prohibition of contributions by municipalities. We sent detailed information on this topic to 345 municipalities and to all political parties, which has resulted in very positive feedback.

Utilizing a similar approach, we prepared a list of identification which will be accepted by election officers from electors who wish to be added to the list of electors on polling day. That list of acceptable identification appears on our website and has been shared with political parties to encourage input and additions, if appropriate.

Recruited returning officers and election clerks. We have conducted a recruitment process across Alberta in response to a legislative change concerning the appointment of senior election officers. Our office ran open, merit-based competitions for 174 positions, 87 returning officers and 87 election clerks, which were advertised in local newspapers and on employment websites. All political parties and municipal offices received notice of the competition in order to solicit the broadest possible group of candidates. All interested candidates were required to successfully complete an online skills assessment prior to submitting their application and resumé.

The top candidates were then invited to attend interviews, which were conducted by five independent recruitment teams through the months of August and September. As of today 84 returning officers have been recruited and 82 have received orientation and map review training. Sixty-four election clerks have been recruited, and meetings between key election officers are taking place across the province.

This slide shows a recent training session conducted at our office here in Edmonton. We held five full-day sessions to provide orientation and map review training to our newly recruited returning-officers-in-waiting. This early preparation will ensure that we are well positioned to meet our statutory responsibilities of updating the list of electors and polling subdivision maps and, ultimately, delivering a successful election.

Recruitment costs were minimized by conducting interviews for both returning officers and election clerks at the same time. Still, recruitment is an expensive activity. We estimate that the initiative cost approximately \$200,000 for advertising, the online skills assessment, contract fees for recruitment teams, and travel costs. Last year's budget presentation did not include a provision for any future legislative changes, and it was expected that we would require supplementary funding to cover the required recruitment initiative. However, I'm pleased to say that we believe we will absorb this cost within this year's current budget allocation. Our forecast shows a break-even budget since a by-election or by-elections may still be held in this fiscal year. However, \$265,000 will be surplus if no by-election activity occurs.

We supported the Electoral Boundaries Commission and the Legislative Assembly through the review process and the debate of Bill 28 on the Electoral Divisions Act. The '09-10 Electoral Boundaries Commission concluded its mandate with the submission of its final report in June 2010. At that time our office began preparations for the map review that would allow us to provide political parties with maps and lists of electors based on the new electoral divisions as prescribed by section 18(1)(c) of the Election Act. Our office also provided resources to the Legislative Assembly to support proposed amendments to the boundaries, areas, and names of the 87 electoral divisions that will be proclaimed into effect upon the issuance of the writ of election for the next provincial general election.

We brought some maps today to show you how this process worked. If you are interested, during the question period, perhaps, we could open them up then, if you wish. We began work early to ensure that maps and lists of electors based on the new electoral division boundaries would be provided to political parties on a timely basis. Returning-officers-in-waiting began reviewing and reconfiguring polling subdivisions for the proposed electoral division maps in September. To date 34 returning officers have concluded their map review and are working to confirm the accurate redistribution of the lists of electors to reflect the new polling subdivision boundaries.

Returning officers will be assisted in this task through the availability of physical addresses for the majority of the province. You will recall that we had contacted 40,000 electors who were listed in the register of electors with only a mailing address. This initiative resulted in the collection of 8,047 physical addresses to ensure the accurate assignment of electors to the newly designed electoral divisions and polling subdivisions. Polling subdivision maps will be used for the upcoming enumeration and election, and elector information based on the new polling subdivisions will be used to prepare preprinted enumeration records for our scheduled enumeration. You will recall that you approved funding in the amount of \$625,000 to support this mapping initiative. I'm pleased to advise that we expect to conclude this activity within this fiscal year and within this budgeted amount.

We have begun stocking the warehouse to ensure the orderly acquisition of necessary election supplies. To date we have purchased voting screens, election posters, ballot paper, ballot boxes, polling place signs, et cetera. You will recall that you approved funding in the amount of \$290,000 to support this initiative. I'm pleased to advise that we expect to conclude this activity as well within this fiscal year and within the budgeted amount.

With communication with stakeholders over the past year we have arranged to meet with representatives of all political parties that are represented in the Legislative Assembly and have already met with most of them. I wanted to hear first-hand about their concerns and get their ideas for positive improvement. We have continued to focus on early communication with stakeholders in order to develop an awareness of our activities and services and to encourage voter participation.

Voterlink. You might be interested to know that Alberta and British Columbia are the only two provinces to offer this opportunity. Elections Canada has visited our office and is looking at incorporating a similar program. Voterlink, of course, is our online voter registration initiative. It continues to increase in popularity with over 1,700 registrations monthly. You will recall that electors receive notice of this service along with their vehicle and operator's licence renewal, from Canada Post's Smartmoves program when they move, and from realtors on a voluntary basis in newsletters and new homebuyer packages. We are pleased to note that at least one political party now displays our Voterlink icon in response to our February 8 request to all parties for assistance in encouraging perspective electors to take this first important step in participation. We hope that other political parties will follow suit to encourage visitors to their websites to update or add their registration on an ongoing basis.

Our Building Future Voters resource continues to be used by more grades 6, 9, and 12 social studies teachers, with 950 packages distributed this past year. The resource has been so well received, in fact, that Alberta Education has committed funds to preparing a French translation of these resources, which will be available in the spring of 2011. In addition, our educational program includes contact with teachers at teachers' conventions, students involved with Forum for Young Albertans, students in-

involved with MLA for a Day, students involved with School at the Legislature – that was 38 presentations over this past year – and classroom presentations on specific topics.

We wish to develop a strategy for election preparedness. This slide shows our warehouse, including a row of ballot papers that were purchased this year in preparation for the upcoming election. I've already mentioned some key areas in which we've begun preparing for the next election, an activity which really begins immediately following the previous general election. I'm pleased to advise that we are fulfilling our current year's obligations and are well under way with respect to the election preparations within the '10-11 budget allocation.

Next I would like to move to our timeline of key activities that will take us to the end of the '11-12 fiscal year. First of all, we expect the completion of map and list of electors redistribution by March 2011. We've been working in conjunction with the city of Edmonton, in particular, to enumerate with them. Census takers would gather enumeration data for us. This is not a huge money-saving event, but we only knock on doors once. That's the upside. The downside is that the data is a little older since the census takes place in the spring of the year, and I intend to conduct the province-wide enumeration in the fall. We've run into a bit of a snag with the workers working more than 35 hours, with the deductions and so on, but hopefully we can work our way through that.

2:00

The distribution of maps and lists of electors to political parties we expect July 2011. Now, keep in mind that list of electors would be the information from the last general election plus any that has been added through the Voterlink system. If we work with the city of Edmonton, that information would be included as well. I expect to conduct a province-wide enumeration the last week in August, the first two weeks in September 2011. I expect to distribute the maps and lists of electors – that's the updated lists, of course – to political parties November 2011.

Now I would like to provide you with an overview of our '11-12 budget request. In total we are requesting \$25.7 million to be approved for our office. The total of \$25.7 million can be broken down into four main activities: \$7.5 million to fund the enumeration, \$13.2 million to fund the anticipated provincial general election, \$4.5 million to fund our ongoing annual operations, and \$0.5 million to fund potential by-elections.

Once again our annual operating budget includes a zero per cent increase. We believe we can meet all operational requirements with an operating budget of approximately \$4.5 million and will continue to absorb the effects of external, unavoidable cost increases within that budget. As you're aware, this becomes more difficult each successive year, particularly in areas with significant inflationary increases such as information technology services as well as services which we find are increasing in demand such as legal fees.

Regarding the next provincial election fiscal year '11-12 is the fourth year of the five-year mandate, and there have been a number of public statements that support that possibility. While I do not like to be presumptuous, I believe that it is appropriate to budget for an election at this time. Regarding the potential by-elections we believe it prudent to earmark funds for this purpose as in the past. You may recall that in the '07-08 fiscal year we administered two by-elections, Calgary-Elbow and Drumheller-Stettler, in June as well as the provincial election in March '08.

Our budget request for the '11-12 fiscal year once again is \$25.7 million. Our budget target for the following '12-13 fiscal year is \$26 million, which also accommodates the possibility of a general enumeration and election. If we enumerate in the fall of

'11 and there is no spring election, we would not enumerate again. It is in the budget in case something unforeseen should occur, and we want to maintain that flexibility. The minor increase of approximately \$0.3 million reflects anticipated inflationary factors and incremental cost increases by deferring the election into '12-13. Please note that the event-related costs that are governed by legislation have not been adjusted as the fees and expenses regulation under the Election Act would need to be amended first as our authority to revise event budget estimates in the future.

Our budget for the 2013-2014 fiscal year is \$5.5 million. This includes \$4.8 million for our annual operating costs and \$0.7 million for by-elections if needed. For your information we have included a general 3 per cent inflation factor for nonlegislated fees and expenses in the '12-13 and '13-14 fiscal years.

In last November's presentation to this standing committee we provided a heads-up to you that the election year budget '11-12 would be approximately \$19 million. We are budgeting for a full enumeration of the province, either independently under the supervision of provincial returning officers or in partnership with municipalities should the opportunity arise. I should point out that funding for a full enumeration results primarily in the increase to this year's budget request. Undertaking a full enumeration, rather than a small targeted enumeration as planned last year, accounts for the additional funding being requested now for the election year budget totalling \$25.7 million. This is an increase of \$6.7 million and is directly attributed as follows: \$5.8 million for the impact of going from a 15 per cent target to a full enumeration, \$0.5 million for potential by-elections, \$0.2 million for dedicated IT support from Service Alberta during the election period, and \$0.2 million for the special ballot mail-out to expedite delivery to electors.

I believe that a full door-to-door enumeration is necessary for four reasons. First of all, the quality of the list of electors has to be improved both for effective election administration and effective campaigning. The traditional door-to-door enumeration is becoming increasingly difficult for reasons related to accessibility, security, and availability of staff. You are likely aware that only a few provinces still conduct full enumerations: Manitoba, Saskatchewan, Prince Edward Island, and the Yukon.

Secondly, address assignment must be confirmed following the redrawing of the electoral division boundaries. In spite of our best efforts to collect physical addresses for all residences, we have only mailing addresses for some electors, which could result in these electors being included on a list of electors in a polling subdivision other than their own. Collection and confirmation of physical addresses will enhance the quality of the list of electors and establish a reliable base for future activities. On that point, we plan to expand our address base by collecting physical addresses directly from all electors on an ongoing basis. This will allow us to accommodate future electoral division or polling subdivision changes and, more importantly, will allow us to provide all registered electors with information on where to vote.

Third, legislative change prescribes the collection of middle names rather than middle initials for the register of electors. A full enumeration will ensure complete data collection, which will improve our ability to effectively identify electors for electronic updating using other data sources in the future.

Fourth, a complete current list of electors will address many of the issues of concern raised during the past election, including lineups at polling stations and confusion regarding electors' polling place locations.

The total enumeration budget is \$7.5 million. Of this amount, \$6.5 million, 87 per cent, is directly related to fees and expenses paid to returning officers, enumerators, and data entry operators.

You may be interested to know that we expect to hire over 6,500 enumerators and more than 650 data entry operators. Their fees are prescribed by regulation and have not increased since the '08 target enumeration. The other \$1 million will be incurred for other associated costs, such as freight and postage, bulk mail-outs, advertising, staff training, facilities, contract support services along with the required general materials and supplies to run the enumeration.

The total election budget: \$13.2 million. You may be interested to know that we expect to hire more than 16,000 Albertans to serve as election officers on polling day. For comparative purposes, we ask 87 Albertans to recruit, train, and supervise a workforce that's more than half the size of our Alberta civil service, all in a 28-day period. Of this \$13.2 million two-thirds of the budget will be incurred directly as fees and expenses prescribed by regulation, which has not increased since the '08 election. To be more specific, the amount will pay for direct costs incurred for election officers, rental of 1,700-plus polling places and 87 returning officers' offices, and statutory costs. The other \$4.4 million, or one-third of the election budget, is for other associated costs, which include such things as freight and postage for bulk mail-outs and special ballots, telephone costs, contract services for printing, call centre and other support staff, technology services, and general materials and supplies needed for an election.

I'd like to take a moment and share the scope of the operation that our budget allocation will support. In 2008 we shipped more than 45 tonnes of election material. To prepare for that shipping, we put together about three pallets of election materials for each returning officer. Here you see a portion of our warehouse with those pallets all packed and ready to go. Each of these pallets is customized for each of the electoral divisions it will serve, and each box lists the contents so that the RO can have immediate access to the supplies they need to open and run the offices as soon as the shipment arrives. Semi-trailer trucks fan out across the province delivering to these 87 offices, and by day 2 of the election we expect to have all of this material delivered.

2:10

In addition, we ship all material for use at the polls: about 25,000 posters, enough to cover a regulation NHL ice rink four times over; about 42,000 pencils, enough to provide fans at a sell-out show at Rexall Place with three souvenir pencils each to take home. We also ship 261 computers, which are acquired for the election period at a nominal cost of \$15,000 to reconfigure. A cost savings of approximately \$246,000 is realized through our ongoing partnership with computers for schools, a training program that refurbishes and recycles surplus computers. One thing we ship in bulk are ballot boxes, shown here, some of which have been in service since 1978. During an election we ship about 7,000 out, enough to provide everyone in a town the size of Taber with a ballot box. I'm providing these examples to share a sense of the scope of this activity, and even more important, of course, is the accuracy required in these preparations.

The cost for the 2008 general election was \$9.9 million. For the anticipated 2012 election we estimate the cost will be \$13.2 million, an increase of \$3.3 million. The cost increase from the last election is consistent with historic increases when elections are four years apart. Between 2004 and 2008 costs went from \$6.8 million to \$9.9 million, a 45 per cent increase. From 2008 to 2012 we're projecting a 33 per cent increase as the cost increases from \$9.9 million to \$13.2 million.

In general terms this increase can be explained as follows: incremental increases in population and electoral divisions, which affect polling place requirements, materials and supplies, \$1.6

million; special initiatives and supports, such as increased staffing and dedicated server support, computer support – there were some problems previously – \$1.5 million; and, finally, inflationary pressures, \$0.2 million.

As mentioned previously, this is in effect the same overall budget that was presented to you last year with the addition of a full enumeration. There are a few key budget items which add a great deal of value, particularly because they directly address some of the issues raised following the last general election.

Public awareness strategy. We have to inform Albertans that an enumeration is taking place. We want them to open their doors for us. Electors will receive a notice of enumeration. It's an information piece delivered to each residence; that's about 1.3 million residences in the province. We'll also have advertisements providing enumeration dates and general information that'll appear in local newspapers. Electors who are missed during the enumeration will receive a "we missed you" notice in the mailbox containing information on our Voterlink and how they can be added to the list or to call us and we'll make sure they're added to the list. That opportunity will allow electors to update their registry information on an ongoing basis via the Internet.

In the first week of the election period an information piece will be delivered to each residence in the province. In addition, a customized where-to-vote card will be sent to each residence in our register, which will provide detailed information on advance polls, special voting opportunities, where to vote on polling day, and where to obtain additional information.

Four advertisements will appear in the newspapers of general circulation: one to provide general information, one to provide polling subdivision maps, one to provide maps and polling place information, and one to provide candidate information. If you recall, it's a requirement under the act that we advertise in the newspapers.

Radio ads will provide information on key dates and means to obtain general information. These will be short spots, 15-second ads, and will just direct individuals to the appropriate place to get more information.

Online support will provide electors with information on where to vote and will allow them to confirm registration. Our move to an independent server and the establishment of a disaster recovery site will ensure more reliable service and effective backup capacity should it be required. That service enhancement will be achieved with our existing budget allocation for IT maintenance. Technical support of our server will be provided by dedicated Service Alberta staff on a 24/7 basis throughout the election period at a cost of just under \$200,000. That service will provide continuous monitoring to identify and resolve IT issues before they result in service interruptions. In addition, a disaster recovery site will ensure business continuity should our main site be compromised.

The number of call centre operators will be increased, and our call centres will offer expanded hours to better serve the high volume of callers: last election approximately 18,000 callers and 10,000 on polling day. We plan to use social media such as Facebook and Twitter to share updated election information or blog upcoming events and deadlines and other important reminders. With 11 million and 16 million users on Twitter and Facebook respectively, reaching even a fraction of them will provide electors who rely on social media with another means of communication with our office.

In short, these items comprise over \$2.7 million for our public awareness campaign to ensure that electors have access to all necessary information to allow for their participation in the upcoming election and thereby meet our Election Act obligations.

Additional staffing and training. Increased elector support will be placed in 500 polling places to facilitate the voting process. These registration officers, that are mentioned in legislation, will direct electors to their polling stations, answer questions, and add electors to the list of electors if necessary. Special constables will be placed in all polling places that require additional security to safeguard those normally present in the building. This is often a prerequisite of our use of schools as polling places, and this is an area that I'm concentrating on. We're having more and more difficulty getting polling places into schools, so this is something we hope will assist in that regard.

Returning officers in each electoral division will receive additional training, a refresher session to ensure they know exactly what their role is on polling day. The returning officers in each electoral division will also provide specific training to a group of poll clerks, so they will have extra people available should something happen and the regular deputy returning officer is not able to work. Polling day workers will have access to an interactive online refresher site. They can go to that a day or two before the election and review their training.

Outreach activities are already under way within our current budget allocation to ensure accessibility for all Albertans, including those who are students at postsecondary institutions, members of the military who are posted overseas, workers in work camps, residents of Indian reserves, new Canadians, and others with specific needs

Outreach initiatives for new Canadians will focus on education about the electoral process in Alberta and communication of election information using existing resources available through various multicultural organizations.

Outreach activities include planned meetings with owner-manager representatives in multiple-dwelling sites to educate and inform them of election access requirements for enumerators, candidates, and campaign teams during provincial election preparations and throughout the writ period. Communications strategies for multiple-dwelling sites include mail-outs to owners-managers, advertising in trades magazines and on electronic bulletin boards, visitations by returning officers, and posting of event notices to ensure that owners and tenants are informed about the election access requirements and provincial voting opportunities.

I have personally met with the Alberta association of university students to discuss the concerns of students and to discuss options for accommodating their needs within the context of the legislation. Returning officers will be asked to be mindful of these groups when establishing polling places. We will share that availability, obviously, with the students and instruct them on the use of the special ballot. Special ballots will be delivered by express post to expedite receipt by electors who are out of the province or out of the country.

We look forward to serving the electors and all stakeholders through these upcoming activities. I believe that the budget request presented to you today will allow us to deliver effective, nonpartisan services that meet the electoral needs of Albertans as our mission directs us to.

I'd just like to point out – and you've all received this – that this is our service plan, our vision. I won't go through this. You've had an opportunity to look at it. I'm pleased that our vision now states, "Albertans have confidence in an easily accessible electoral process." Our mission is to deliver effective nonpartisan services that meet the electoral needs of Albertans. At the back we have our performance measures, and I believe we've come up with some effective ways to measure the results.

That concludes our presentation to the standing committee. I certainly now welcome any questions that you might have. Thank you very much.

2:20

The Chair: Thank you very much, Mr. Fjeldheim.

Your first question is from Mr. Marz.

Mr. Marz: Thanks, Chair. Thank you, Mr. Fjeldheim, for a very well-prepared and comprehensive report. It would appear that you and your staff are very well prepared for a general election to date. I also would like to thank you for making yourself or your designate available for constituency organizations so that they can be as well prepared as possible because a lot of people try to get information from those constituency offices during an election as another source of information. The more prepared they are, the better it is, too.

I'd like to also commend you for absorbing the recruitment costs within your budget. I was going to commend you also for absorbing those material costs that we saw, but I see that in the difference between the '09-10 budget and the '10-11 budget there was an extra 300,000-plus dollars to account for extra materials, so I assume that that was already taken care of in the budget. You can elaborate on that if I'm wrong there.

The other thing I'd like to ask you is: when does the pay of returning officers start after they're recruited? The complaint I had heard from a number of different areas of the province last time was that they were working fairly steadily about a month before the election in preparation, but their pay didn't start until much later than that. I don't know if you want to comment on that or not. I'd appreciate it if you would.

I guess that's all for now. Maybe you can comment on that first.

Mr. Fjeldheim: All right. Thank you very much. I'll answer the second question, and I'll have Ms McKee-Jeske answer the other one. The returning officer pay starts when I've signed the letter that has appointed them, so it has already started for those that have been appointed, and we pro-rated it, actually, to the day and the month, I think. So those that are appointed are now being paid their monthly honorarium as well as the fee they are to receive for review of the map and review of the list of electors.

As we go through that process, once the map is completed and we've okayed it, then they get paid that portion. Once the list of electors has been reviewed, then we will pay that portion. But, again, the monthly honorarium, the \$130, has started for those that are appointed.

Now, Ms McKee-Jeske.

Ms McKee-Jeske: Yeah. With respect to the budget for the material, at last year's budget presentation we had asked you for an amount of \$290,000 to cover some materials so that we could go ahead, order those early, and make sure to get enough quotes so that we could get a good price on them. That was granted. It was money available in this year's budget that we've spent for that purpose.

Mr. Marz: Okay. My follow-up question deals with your enumeration costs of \$7.5 million and how that relates to the projected 2012-13 budget, which doesn't seem to reflect your statement that you are going to enumerate in the '11-12 budget and that you wouldn't be enumerating again if the election happened the year after. So that figure of \$26 million should probably be reduced by \$7.5 million because those enumeration costs would have taken place in the '11-12 budget.

Mr. Fjeldheim: Yes. We have it in both in case there is an unforeseen disaster of some sort or another. I cannot even imagine what it might be. If we do not enumerate in '11, this then would give us the opportunity to do it in '12.

Mr. Marz: Okay.

Mr. Fjeldheim: I don't see that happening, but we discussed that and felt that we would be better to put it in, so we'd have an accurate budget for that year in case something unforeseen happens, a disaster of some sort or something, that I can't imagine.

Mr. Marz: I just wanted to make sure we weren't duplicating enumeration costs over the course of a one-year period.

Mr. Fjeldheim: Yeah. I can assure you that we will only be enumerating once.

Mr. Marz: Okay. Thanks.

The Chair: Mr. Quest.

Mr. Quest: Thank you, Mr. Chair. Mr. Fjeldheim, the \$26 million is going to be probably an attention-grabbing number at the time, all of it justified, obviously, but I do have a question. On slide 21 we're talking about increases in population and electoral divisions, \$1.6 million, so a 16, 17 per cent increase over '08. Because the population growth has been relatively flat since '08, would you be able to get us a breakdown of how much of that would be attributed to population growth and how much to the increase in the number of electoral divisions?

Mr. Fjeldheim: Yeah. The population increased by 300,000, and we calculate in terms of approximately \$5 per elector for the enumeration and the election. So that's where that number comes from.

Mr. Quest: So about half of it, then, is population growth, and about half of it is because of the increase in the number of divisions?

Mr. Fjeldheim: I'm sorry?

Mr. Quest: About half of that increase would be because of the population growth, and half of it would be the increase in the number of electoral divisions?

Mr. Fjeldheim: Yes.

Mr. Quest: It's about 8 per cent and 8 per cent.

Mr. Fjeldheim: Yes.

Mr. Quest: All right. Very good. Thank you.

The Chair: Thank you.
Mr. Allred.

Mr. Allred: Thank you, Chair. Thank you, Mr. Fjeldheim, for a very interesting presentation. I've got a number of questions, but I think I'll deal with one of them first while it's fresh. Mr. Marz asked the question with regard to the 2011-12 budget versus the 2012-13 budget. I thought he just addressed the enumeration, but I assume that you're not budgeting for an election in both years. Is that correct? So it's an either/or. In 2011-12 if there's an election and enumeration, it'll be \$26 million, plus or minus, not both?

Mr. Fjeldheim: Yes. We are budgeting for both an enumeration and an election in both of those fiscal years. If there is no enumeration and no election in this fiscal year, then the mandate – it's

a five-year mandate. In this fiscal year we're going to be in the fourth year of that mandate, so it's possible to go another year without an election. That's why we're budgeting for an election in '12-13 as well.

Mr. Allred: Okay. I assumed that. So it's going to be \$26 million in one year but not in both?

Mr. Fjeldheim: That's right. One or the other.

Mr. Allred: Okay. Thank you. A few other questions, if I may. You talk about Voterlink, and last election a lot of people ended up on the voters list twice. From the people I talked to, it seemed to be that they were already on the voters list, and they also registered on Voterlink. They ended up getting, presumably, double ballots if they wanted to. Is that being looked at?

Mr. Fjeldheim: I'm going to ask Ms McKee-Jeske to answer that.

Ms McKee-Jeske: The lists that are used for the elections are provided to the political parties prior to the event, of course, so you are using the same one for campaigning that we end up using on polling day. If a person moves close to the event and they do register on Voterlink, we would be able to put their new address onto the list of revisions of the list of electors, so they would appear at their new address while on that originally circulated list they would appear at their old address. That's true.

Mr. Allred: In my case, for instance, I presumed I was on the voters list, and at the request of your little card I registered on Voterlink. My address didn't change or anything, but I noticed I was on the on the voters list at election time twice. I only voted once, but I was on there twice.

Ms McKee-Jeske: Well, good for that. Yeah. You know, that would not explain it, then, because the way Voterlink operates is that it will only update your record if there's a change. We find that people do go on quite frequently not sure what their record says. Of course, for security reasons Voterlink doesn't feed back any information to you; it simply accepts the information. If you give it information that we already have in the register, it would not add you to the list of electors again, so there had to be a reason for your duplicate entry.

The only thing I can think of – and this is an off-the-cuff response – is that we do get data from different sources, from the national register and so on, and if there was a possibility that it appeared that your record was for two different people, if you were, for example, Ken and Kenneth on two different records, you would see that appear twice. That's something that a general enumeration is very good to clean up. We're able to do that, but it's something that our computer program doesn't always catch, that sort of a difference.

2:30

Mr. Allred: Okay. I know it happened to a number of people, so maybe you should watch out for that.

My next question is with regard to the Electoral Boundaries Commission eliminating metes and bounds descriptions and going to the maps. Do you anticipate or have you seen any problems as a result of that? Or do you say, like me, hurrah?

Mr. Fjeldheim: No, we haven't seen any problems with that. We're producing these maps now, and as I mentioned, we have some here if you would like to see them. But, no, that has not been a problem for us.

Mr. Allred: Okay. My next question is with regard to electronic voting. Are you looking into electronic voting? Also, are you looking at co-ordinating your enumeration, I think you said, with the census-taking? For instance, the city of St. Albert is very interested in getting into an electronic system of census-taking and co-ordinating it, and they would be very interested in co-ordinating with anybody they can to share the price, of course.

Mr. Fjeldheim: Yeah. We would certainly be interested in that. A number of the municipalities, Sherwood Park and Airdrie, do an electronic census, where they invite people to go to the Internet and to voluntarily enter census data. There are some problems with that with us because of privacy concerns. The census data is asking very generic questions, and it's all lumped together. We're asking for specific names and so on. So there are a few situations like that we have to overcome.

As far as Internet voting that's a regular question we receive. In fact, I brought one today. The individual says: "I want to vote online. I do not want to go to the polling station. If you want voter turnout to go up, you should offer this option. Send everyone a unique PIN number before the election. It can only be used once. Hit the vote button. If a voter shows up in person at a polling station, then that ballot overrides their online ballot."

You know, at first blush, boy, that's a great idea. But we would need computers at every polling station across the province, so there's – I don't know how many thousands – 16,000 laptop computers at every poll and so on and then a program that would take that PIN. I mean, the logistics boggle your mind. Having said that, yes, right across Canada jurisdictions are looking at online voting and different methods of voting and so on.

Elections Canada has made a commitment to have something in place in 2013, Drew?

Mr. Westwater: That's correct.

Mr. Fjeldheim: So we're certainly looking at it, but there are a number of logistical problems in doing that.

Mr. Allred: Just a suggestion.

The Chair: Mr. Allred, can we move on, and then you come back again?

Mr. Allred: Okay. Sure.

The Chair: You've had six questions. We have a couple more here, and then you can come back, please.

Ms Notley.

Ms Notley: Thank you. My questions are with respect to the enumeration, too. I have a couple of general questions and then a specific question. With respect to the enumeration the last enumeration was in 2004? Is that correct?

Mr. Fjeldheim: Correct.

Ms Notley: And that one was, again, a door-to-door, in-person kind of thing?

Mr. Fjeldheim: That's correct.

Ms Notley: So this is going to be the same model?

Mr. Fjeldheim: That is correct.

Ms Notley: Is it basically that this budget just has been increased on the basis of inflation and people?

Mr. Fjeldheim: That is correct. Yes.

Ms Notley: Okay. Good. Well let me say that I'm very pleased to hear you talk about the need for a door-to-door enumeration. I've had this discussion in other settings before, and I think you're exactly right, that that's what you have to do if you're going to get a proper voters list. I think there were many MLAs that were concerned about the problems with the voters list last time. In my riding it was particularly bad in that just under half the people that cast a ballot in Edmonton-Strathcona last time were sworn in at the polls. I mean, it was utterly ridiculous that almost half of the people that voted were not on the voters list.

So where that takes me, then – I know you had some conversations with our leader at another time, and he indicated that he hadn't had a chance to talk to you about this issue – is that I have a concern about your schedule for enumeration at this point and, in particular, with respect to my riding. Can I assume that it will not be done until September or later in 2011 because of the residency patterns of the university crowd? Even those who've lived there for, you know, a year, two years, or four years may well still move right around that time, and they'll move every eight months. You know, half the roommates graduate, whatever, that kind of thing, so they move in September. And then the other piece as well is that even though they might not be considered residents of the riding in October, they would be by April because they would have been there for six months. So that way it's very, very important to ensure that they're on the list.

Mr. Fjeldheim: Yeah. Well, first of all, the residency requirement anywhere in Alberta is six months, so that would be for students outside of the province that you're referring to.

Ms Notley: Right.

Mr. Fjeldheim: The Election Act years ago used to say that we enumerate the last two weeks in September, so I moved that up. The last week in August, the first two weeks in September is what I have chosen because I want to do it when there's as much light as possible, so it lessens the possibility of problems.

As far as the students go, when you're talking about when they come, certainly we would look at that, and that will be in the first two weeks of September, of course. We have a pretty good idea of how many residents are in each apartment building and so on. So we would look at that, and if we don't get a good count, we would say: "Now, why is that? Well, it's because they're just moving in." I have the authority, then, to extend the time for an enumeration.

Ms Notley: Well, can I just say right at the outset: don't even try – do not even try – to enumerate in Edmonton-Strathcona at the end of August because far too many people are moving in in the first week of September. I would suggest even in terms of your current calendar – and I guess this is my point – that you please, please, please do not send anybody to do enumeration until the very last week of your window. I mean, I don't know how much time you plan to take in each riding to enumerate.

Mr. Fjeldheim: Well, three weeks.

Ms Notley: Then I hope that you consider reconfiguring your plan right now so that you don't start until the second week of September. Otherwise, you are going to disenfranchise a large portion of the residents in that riding. I think there are a significant number who change residence in the first week of September.

Mr. Fjeldheim: Okay. Thank you for that.

The Chair: Mr. Rogers.

Mr. Rogers: Thank you, Mr. Chairman. Mr. Fjeldheim, thank you for your presentation. Certainly very thorough. I have two questions. Number one, and it may be semantics, but I've got to tell you that I had a little conversation – I visited, I'm going to call it, a seniors' home. I'll tell you exactly the name of the facility because there are a few of them around. It's one of the Carrington Properties lifestyle options. What you have in these facilities is a seniors' population, but they range in terms of the services that they use. The comment that was made to me was: we're classified under institutional poll, and, Mr. Rogers, this is not an institution. So I said to them: look; I'm sure it has something to do with the legislation but, you know, it's a categorization. I'm just wondering whether you have within the rules at your disposal to call those something different or if this is something we have to change in the legislation. I just thought I'd take the opportunity to raise it because these people, quite frankly, were offended by the term.

Mr. Fjeldheim: The legislation talks about supportive living facilities, I guess, politically correct. I think that fits. Does that fit, in your opinion?

Mr. Rogers: Oh, I think that would be a better fit.

Mr. Fjeldheim: Yeah. That's what it says in the legislation: supportive living facilities. In a supportive living facility we can put in a mobile poll. So the poll will come right to that facility, and those people don't have to go out. But supportive living facility is how it is referred to in the act.

Mr. Rogers: I like the sound of that. I don't know, then – this was somewhere around the most recent municipal election – whether that's the term under the Local Authorities Election Act. That may be. If your process does not use that terminology in those facilities, I think you'll make some seniors very happy.

Mr. Fjeldheim: Okay. Thank you.

Mr. Rogers: The other question I wanted to ask you. The picture of the warehouse with all the supplies and the kits ready to go: I'm just curious when you source your computers. The nature of computers today is that they get obsolete very fast, so I'm just curious about when you source these particular pieces of equipment towards an event.

Mr. Fjeldheim: I'm going to let the director of operations answer that question.

Mr. Rogers: Thank you.

Mr. Westwater: Thank you. Through you, Mr. Chairman. The picture you saw was of a previous election. We don't have them built and stacked up and ready to go in our warehouse right now. We haven't acquired the computers yet. We've made an arrangement with computers for schools to accumulate them for us until next summer, and they'll deliver them to us in the fall of next year. So they'll be election-ready by November, December. We'll accumulate them and have them wiped clean and set up for our election in the summer of next year, using the latest available models that come to them as surplus. They won't be brand new, state-of-the-art computers. They'll be surplus computers but the latest version of them.

2:40

Mr. Rogers: And capable of doing the job for you.

Mr. Westwater: Oh, absolutely.

Mr. Rogers: Thank you.

The Chair: Mr. Hinman.

Mr. Hinman: Thank you. Thank you for your presentation. One of the simple questions, and I guess I never tried to do it, but you say that there's online verification. I've had lots of people call and talk to me: could I go online, check my name, and it'll show me that I'm on the voters list? Can they not check everyone else's, then? How do you keep the privacy?

Ms McKee-Jeske: There are two different applications that are available. The one that is available now, Voterlink, will accept your information as you input it. So as long as you provide the unique number off your motor vehicle licence, it will let you access that record and update your address. It won't tell you what the old address was. It doesn't return anything, as a matter of fact.

During an event we have an application called Am I Registered? You can first of all find out where to vote by putting in your address. Then when you key in your name, your birth date, and your address, it will tell you, yes, you're registered at that address or, no, you're not. It won't tell you that you're registered at another address, so it doesn't provide any information you don't have.

Mr. Hinman: Okay. I'll go online and try that, then.

Ms McKee-Jeske: Okay.

Mr. Hinman: I wasn't sure how that was, and there was a lot of frustration in the last election with people trying to do that, that they relayed to myself.

My question is on the budget I received. I don't know if I missed it, but on supplies and services, on travel in 2009-10 we're at \$36,000, and then for '10-11 we're \$345,000, and then for '11-12 \$761,000.

Mr. Fjeldheim: I'm going to ask C.J., our director of finance, to answer that.

Mr. Hinman: Okay. Thank you.

Mr. Rhamey: The travel. The change from last year to this year is primarily related to the mapping project that we have going on. We have travel costs associated with those. Of course, going into next year's budget, the '11-12, the travel goes up a lot more because we have the travel costs associated with the returning officers and other associated travel costs for it.

Mr. Hinman: I guess my question is: is there any way of getting a breakdown? It's just such a huge – it goes up 10-fold and then doubles again. You know, is that really necessary? How many people or kilometres? It's just such a huge increase.

Mr. Fjeldheim: Well, while C.J. is getting the specifics, keep in mind that when we do an enumeration in rural Alberta, there is a lot of travel involved because, well, we have people driving all over Alberta. So there's a huge cost to that. During the election, of course, deputy returning officers, depending on the distance, get paid mileage as well. During this mapping process now returning officers are required to become thoroughly familiar with their electoral division. So it is a lot of money, obviously. I'm well aware of that, but we have an awful lot of people driving an awful lot of miles.

Mr. Hinman: I'm just wondering if maybe C.J. has got a little bit of a breakdown to show that, you know, we've got this many.

Mr. Rhamey: For the mapping for the '11-12 year, for next year, we have travel for the ROs, for the enumerators, which is about \$100,000 for the enumerators. It's about \$400,000 – primarily most of this travel is enumerator-related for the '11-12 budget. For the general election we have about \$150,000 for the ROs. There is a small component for the by-elections if that were to happen. So most of the travel is related next year, '11-12, to the enumeration and the election.

Mr. Hinman: Do we have any way of knowing how many – I guess, obviously, you guys have projected from your past experience with this. But because we have such a short time span here, you know, going back to '04 for enumeration or whatnot, how much of an increase is that from the last time you had to do it? Like I say, you must obviously have knowledge to put those numbers in. I would sure like to have more.

Mr. Fjeldheim: Yeah. Certainly. Lori has a comment.

Ms McKee-Jeske: Maybe a simple answer if this helps a little bit. In terms of our calculation we used the last actual kilometrage travelled during a full enumeration, and we just replaced the old fee per kilometre, which was 38 cents, with what is now 50.5 cents. So that was the calculation that we based on.

Mr. Hinman: Okay. Could we possibly get a breakdown of those different categories and how many kilometres?

Mr. Westwater: We've got them here if you want to read them out, C.J.

Mr. Rhamey: Okay. Have you got them there?

Mr. Westwater: Yeah. On line 68 in enumeration the ROs travelled 72,000 in 2004. We did the mileage rate based on the same kilometres this time. It was a 33 per cent rate increase for that. Enumerators travelled 280,000 last time. We just did the new kilometre rate at that kind of mileage again this time. So we used the actual mileage they used in previous events and just used the kilometres rated for those sorts of things.

Mr. Rhamey: Are you saying that it's not kilometres; it's dollars, those dollar amounts here?

Mr. Westwater: Yeah.

Mr. Rhamey: The ROs in travel in 2004 actually incurred \$72,000, and we bumped that up to \$96,000 on the inflation with the change. On the enumerators for 2004 we spent \$280,000, and we took that up to \$372,000. For the office staff with the enumeration we spent \$46,000. We're taking that up to \$61,000. Then on the general election we had \$140,000, \$150,000. That should be all the travel.

Mr. Fjeldheim: We can actually break that out for you if you like.

Mr. Hinman: That would be helpful. Maybe everybody would like a copy.

Mr. Fjeldheim: We can send a note over to the chair and outline these numbers for everyone. Is that satisfactory?

The Chair: That would be the easiest way to go, and then they're there for us.

Mr. Allred, you had another comment.

Mr. Allred: Well, yeah, just a follow-up comment on electronic voting. I presume you're a shareholder, and you periodically get a notice to vote on corporate elections. You just put in your control number, and it works great. They've been doing that for years, so it seems to me that it would be very similar.

Mr. Fjeldheim: Yeah. I copied the chair on a letter that was sent March 18 to Minister Evans on electronic voting. Could I send that once again, Chair? Perhaps you could distribute this?

The Chair: Yes, please.

Mr. Fjeldheim: It gives a very good overview of this information across the country.

Mr. Allred: I appreciate that. Good. Thank you. That's all I have.

Mr. Hinman: I've got two more quick questions, then, if you've got time.

The Chair: Okay. Two more quick questions. Go ahead. We do have a little bit of time, and then we'll be moving on, though.

Mr. Hinman: Yeah. Okay. About the military and sending the ballots over and the cost of going with that special delivery post or whatever, have you ever thought of actually holding a polling station at our bases? You could actually get a returning officer and do it there so that the turnaround time with trying to get, you know, the ballots there, the ballots back – is that a possibility, to just actually get a polling station?

Mr. Fjeldheim: No. There is nothing in the legislation that would allow for that sort of thing. For the special ballot process we're in contact with the military. We try to get it on – what are those called? – dispatch bags. We try to get the information over there as fast as we can. But we can't just put one poll in the military base. It would have to cover each of the electoral divisions in the province because those military people might live in any of the electoral divisions. So there are some logistical problems there. It's not just like one ballot box, and so on.

Mr. Hinman: I just thought that they'd be able to go in, and they'd have one box. Okay. Good enough.

The other quick thing. When electronic balloting comes up, I guess I just love to share my thoughts with you on that. I've read a few reports. To me the biggest reason why electronic balloting cannot be accepted or used is because there is no verification. There is nobody there that you can have as a scrutineer to say that, no, this many people voted through there. There's no traceability of paperwork. I'm very concerned, and I've seen reports in the States where they've been looking at this. They've built foolproof ballot boxes that are electronic. They let people come in, and in 15 minutes ones that they've said are foolproof: people have been able to somehow gerry them around that the voting can be adjusted.

2:50

I'm just very concerned, myself, that once you put it on there, there's nothing traceable on it whereas with mail-in, with an actual paper ballot – I mean, if you want to have an electronic reader that it goes through as it goes through the box, that's very different. But, literally, for me to be able to go online, punch it in there: there's no verification. There's no scrutinizing that can go back. There's nothing to challenge in court saying, "Are those ballots logistic? Are they really there?" It's vaporized. It's gone into the digital world and gone forever. I just wanted to share my comments on that.

The Chair: Well, thank you very much, Mr. Fjeldheim. Thank you very much for the presentation and also thanks for the questions. The committee will be making a decision shortly, and you'll have a decision on our budgets by next week.

Mr. Fjeldheim: Thank you very much.

The Chair: We'll take a five-minute break. Then we've got some work to finish here before we adjourn.

[The committee adjourned from 2:51 p.m. to 2:55 p.m.]

The Chair: Okay, folks. We're back in order here with the decision we have to make on the officers' 2011-2012 budget submissions. I'd suggest we pass the motions in the order of the presentations that were received. The officers' 2011-2012 budget figures with one exception have all come in at a zero per cent increase over their approved 2010-2011 budget estimates.

We'll start with the office of the Ethics Commissioner. The office of the Ethics Commissioner 2010-2011 approved budget estimate was \$943,000.

Mr. Lund: I would move that

the Standing Committee on Legislative Offices approve the 2011-2012 budget estimates of the office of the Ethics Commissioner in the amount of \$943,000 as presented.

The Chair: Any questions? I'll call the question on this. All in favour? That's carried.

This takes us to the office of the Auditor General. The 2010-2011 approved budget estimate is \$23,165,000. If a member would like to make a motion to approve this, then we'll open the floor for discussion.

Mr. Lindsay: I'll move the motion.

The Chair: Fred is moving that

the Standing Committee on Legislative Offices approve the 2011-2012 budget estimates of the office of the Auditor General in the amount of \$23,165,000 as presented.

Ms Notley.

Ms Notley: Thank you. I would like to speak against this motion. Then what I'm going to do is propose a, I think, reasonably minor amendment to the motion. I'll just talk about why that is.

I did some really rough calculations. I think it was the Information and Privacy Commissioner who noted that lawyers are really uncomfortable with numbers, and I share that problem. So take this with a grain of salt. However, based on the rough consumer price index that we have been faced with over the course of the last two years, when the Auditor General's budget was last increased, we're looking at, I think it was, roughly 1 per cent last year and about 1.2 per cent this year. If you put that all together, the amount, the net loss due to inflation in that office is roughly \$500,000, \$550,000, in that general vicinity.

Meanwhile, the Auditor General in response to my question did provide us with information, which I note members have received, but I'd just like to put it on the record, identifying that the percentage breakdown within the category of system audits – so this isn't about increasing system audits necessarily; it's about maintaining the certain portion of a type of system audit within that category. Anyway, the breakdown was that in 2009 40 per cent of their time on system audits was spent doing follow-up and 60 per cent was spent doing new audits. In 2010 that changed such that 55 per cent of their time was spent doing follow-up, and the new system audits dropped down to 45 per cent.

In terms of what's being proposed, they're looking at focusing even more on follow-up audits at the rate of 65 per cent and dropping the percentages of new audits down to 35 per cent. So what I did was that I looked at the business plan that was provided to me through the clerk after my request from 2010-11, and in that year the Auditor General's office had spent \$5.365 million on systems audits as a whole. By applying those percentages to that number, it became clear to me that if we go forward on this basis, the Auditor General will go from spending \$2.389 million on new systems audits in this current fiscal year to only spending \$1.85 million on new systems audits next year. That's actually an even bigger drop from the year before. That difference is about \$530,000 that's being spent on new systems audits.

Now, if I were to identify as the target that new system audits be what they were in the year 2009, we'd be looking at the 65 per cent number, which, you can imagine, would be roughly about a \$1.5 million increase. Now, I'm not suggesting that we go that way because I, you know, understand that everyone here is very concerned about fiscal responsibility and ensuring that we are responsible with our dollars. But at the same time I think that when you consider how much time the Auditor General is spending on these systems audits and the number of issues that have come up over the course of the last year let alone in the last week and a half about the way in which our systems are spending taxpayers' dollars, I would suggest that, basically, asking the Auditor General to decrease his expenditure on new systems audits by what would amount to roughly 20 to 25 per cent is not a wise decision. At the end of the day the Auditor General costs very, very little as a portion of our \$36 billion budget, and money that he spends in terms of advising not only taxpayers but members of this government on how to most accurately expend that money is, I think, money well spent, probably one of the best investments that we can make.

What I am suggesting, then, is that this be amended to add enough money to ensure that the Auditor General can dedicate the same resources in the fiscal year coming up that he is dedicating this year. This year I believe the plan was to dedicate about \$2.3 million to new systems audits, \$2.389 million, so it would be almost \$2.4 million. I would like to see that maintained, and in order to do that, one would change the motion that is before us right now by adding roughly \$535,000 to it. The amendment that I would like to make: Mrs. Clerk, would you like me to say that now? I don't know if I can just make the motion that I am moving an amendment that

the amount identified in the motion on the floor be increased by \$535,000 so that the actual amount we are budgeting for the Auditor General would be increased to \$23,700,000.

The Chair: Okay. All right. We have an amendment on the floor now, and Mr. Quest will talk to the amendment.

Mr. Quest: Yeah. Just a question first, Mr. Chair, since this is my first time at the table involved with this process. This forecast that we have from his office was prepared by his department?

The Chair: Yes.

Mr. Quest: Okay. Well, then, I guess I would have difficulty supporting the amendment because we have his forecast and what he feels he'll need to run his department right in front of us. I'm not going to support the amendment.

The Chair: Mr. Hinman.

Mr. Hinman: Thank you. I think that if anybody has a record of speaking against increasing budgets and being fiscally conserva-

tive, I would be the one that the finger would be pointed at, but I totally agree with Rachel in that the most important thing – and, again, are we going to be penny-wise and pound-foolish? – is that the Auditor General plays a very important role in ensuring that taxpayers' money is spent properly and that it's being scrutinized. I find it interesting that it's going up when actually, going back, the cost and the percentages of follow-ups – like I say, to me, he answered that very well.

I'm very pleased with his idea of wanting to have peer review. I think that he's above reproach, as they all have been, in his integrity and his desire to see taxpayers' money spent very well. The question is that with the growth of government, the growth of budget – as was discussed last night, it went from a total budget in '97 of around \$15 billion to a current budget of close to \$40 billion – he has an ever-expanding amount that he's trying to be auditing.

3:05

I think it's critical that we fund the Auditor General with enough money. With all regard to my colleague next to me, he didn't ask for any increase because he understands we're under zero budget. I think one of the most important things under managing is putting the priorities in place, and I believe that he talked about that, the different priorities. I think that as a parliamentary committee we want to put the tax dollar money in a priority place. I would agree that the Auditor General is a place where we don't want to be cutting back and not following up and ensuring that each of the different departments' dollars are being spent properly.

There are so many changes going forward that I would want those new reports coming out, so I would vote in favour of this amendment and recommend that we ensure that the Auditor General is keeping up with its new reports and not just backtracking to follow up and, well, falling further behind because he's just doing backups, follow-ups. Those would be my thoughts on this.

Mr. Lund: Well, I have a little bit of a problem with this because I never thought that it was our role to tell one of the offices where they're to spend their money. Had he in his presentation suggested that he would prefer to do that as opposed to the follow-ups, where government has said that they have implemented his recommendation and he wants to do a complete audit, and I agree with that, to see that, in fact, the department has implemented the recommendation – if we now were to vote for this and basically tell him that we know better where to spend those dollars, I have a problem with that. I think that should be his decision, not ours.

The Chair: Mr. Allred.

Mr. Allred: Thank you, Chair. I certainly appreciate where the mover of the amendment is coming from, but I guess I'm even tighter than my friend next door here. I certainly agree with the comments made by Mr. Quest that this is a presentation that was prepared by the Auditor General. It is not cutting back although in the concept of inflation, yes, I agree. But we're in a very tight fiscal situation right now, and we've got some very key fiscal responsibilities. I think one of the big things you've got to do when you've got a fiscal downturn is that you've got to start to look at ways you can work smarter, and you've got to identify the priorities, and that is, as Mr. Lund has indicated, the responsibility of the Auditor General and his staff, not our responsibility. They've asked for a certain amount. I'm quite prepared to give them that amount but not to increase it.

Thank you.

The Chair: Mr. Lindsay.

Mr. Lindsay: Well, thank you, Chair. I'm speaking against the amendment as well. You know, the cost of living indices may very well have risen 2 and a half per cent since 2008, but our government revenues certainly haven't matched that. Again, I didn't hear any concerns from the Auditor General in regard to a lack of ability to carry out his responsibility within the budget that he presented. I accept his budget as presented.

The Chair: Mr. Rogers.

Mr. Rogers: Thanks, Mr. Chairman. I, too, can't support the amendment. I think the Auditor General made a very good presentation. Certainly, he was clear in advising us that he thought that he could do the best to deliver on his mandate within this budget that he's asked for. Had he spoken up, as another one of my colleagues said, when he was here and highlighted this as an urgent need, then I'd be willing to consider this but certainly not based on the presentation that he made.

Thank you.

Mr. Marz: Well, I would agree with the last four speakers, Mr. Chair. Mr. Saher is not new to the department. He's new to the post but certainly not new to the department. He knows it probably better than anyone. I think he brought forth a very responsible request, a request that he feels comfortable that he can live within. He recognizes realistically the economic times that everyone is facing, including his department. I don't think we should be telling him to do more or what to be doing within that budget. I think he brought forth a very good thing, as was stated. He didn't make any arguments specifically towards this. I might have considered something like this had he identified it as a priority, but since he didn't, I can't support the amendment either.

The Chair: Mr. Hinman.

Mr. Hinman: Thank you. All very valid questions. Like I say, I'm like Mr. Quest, a little bit new on some of these processes, so I'm not sure what goes forward. I often wonder: what are the parameters that they're given? We need to decide today, basically. Is that correct? We don't have time to go and ask him. You know, there's no conversation going back and forth with him to present that. I don't know the parameters he has been given or if he just knows that we're under fiscal restraint, that we want balanced budgets, and therefore he says that, well, he has to be there.

But he also talked about, you know, that he has to follow up. Because of those follow-ups, it's taking more and more time to do that, so he's learning this forward one. Like I say, to me it's one of those things where I wish you would have asked him that question while he was here. Now we're left in a position where we don't know. Like I say, I don't know the parameters that the government has actually given him, whether he has just done this on his own or he's, you know, been kind of told, "Well, you need to be fiscally balanced," so this is the budget he has presented. There's very little discussion to be able to go on.

I would still vote in favour of this, but I sure wish that we could have a discussion with the Auditor General to make a more informed decision. I'll leave it at that.

Thank you.

Ms Notley: Well, just on the last point first, I agree that it would have been better to have had that conversation at the time. Unfor-

tunately, when I asked him the question, I didn't get the answer until – granted, he gave it well before the time I had asked him to give it to me by, but it was still after he had left. I did ask him the question about what the breakdown was, and I did specifically ask what the refocusing on the follow-up meant for the new ones.

It wasn't until I saw the breakdown that I saw the degree to which the new audits have been restricted over the course of the last year and how much the intention is to restrict new audits in the next year. That, to me, as an MLA, who is responsible not only to the Assembly but to the people of Alberta, is concerning because I think that notwithstanding the discussion paper that a former deputy minister just circulated around these buildings six months to a year ago about not being happy with system audits, the general consensus within the professional community is that the system audits are valuable to government. I'm concerned about the loss of the new ones and the shrinking resources that are being dedicated to that work.

In terms of Mr. Quest's point about, "Well, he didn't ask for it, and he didn't say anything," the fact of the matter is that what he did say very clearly, as Mr. Hinman pointed out, is that he's having to redirect the system audit resources to following up on the other ones, and the implications of that are that the new ones are restricted. He did say that.

I also would suggest that we do have the authority to have this discussion. He's an officer of the Legislature; he's not a judge. He reports to the Legislature, and this committee is representative of the Legislature in terms of the work that we do and the fact that they report to us. I think this is very much within our jurisdiction to discuss, so I'm disappointed in the consensus that seems to be developing around the table. I think that in the long term it is, you know, a penny-wise, pound-foolish decision that's being made, but all I can do is put this forward.

As I said, I think it was a pretty modest proposal. Not to sound like Jonathan Swift or anything, but it was a relatively modest proposal that I was putting forward, just basically to keep the going-forward system audits at the current level, not even trying to restore them to what they were a year or two years ago. Nonetheless, I suspect we've had a fairly full conversation about it, so we might as well have the vote.

3:15

The Chair: Ready for the question? All those in favour of the amendment, please raise your hands. Opposed? That amendment is lost.

We are back to the motion. Mr. Lindsay made the motion. Should I read the motion again? Okay. So \$23,165,000 as presented. All in favour, please raise your hands. Opposed?

Ms Notley: Can that be recorded?

The Chair: Yes.

Ms Notley: Thank you.

The Chair: That motion is carried.

Okay. This takes us to the Ombudsman.

Mr. Rogers: Mr. Chairman, I'm willing to move the motion that the Standing Committee on Leg. Offices approve the 2011-2012 budget estimates of the office of the Ombudsman in the amount of \$2,888,000 as presented.

The Chair: Any questions? Seeing none, I'll call the vote. All in favour? Opposed? That motion is carried.

This takes us to the Information and Privacy Commissioner.

Mr. Quest: Mr. Chair, I move that

the Standing Committee on Leg. Offices approve the 2011-2012 budget estimates of the office of the Information and Privacy Commissioner in the amount of \$5,741,000 as presented.

The Chair: Any questions? All in favour? Opposed? That is carried. This takes us to the Chief Electoral Officer. Mr. Marz.

Mr. Marz: Yes, Mr. Chairman. The budget of the Chief Electoral Officer is kind of unique. I think most Albertans recognize that because of general elections there are surges, very significant surges, from time to time. I do believe that in the course of the presentation the Chief Electoral Officer justified the amounts that were presented. Therefore, I would move that

the Standing Committee on Legislative Offices approve the 2011-2012 budget estimates of the office of the Chief Electoral Officer in the amount of \$25,710,000 as presented.

The Chair: Are there any questions?

Mr. Hinman: I guess my question and comment at the end – this will be the last budget that we vote on – is that one of the problems that I see or feel as a committee member is that we're given this information, that we're able to hear their presentations, that we can ask a few questions, but to have to turn around and make a decision this quickly without getting some more information, to be able to go back, like I say, and see the 2004 – and they're very good at answering the questions. But it just seems to me that the process is being rushed too much. To me, it seems like there should be a week between, where a person could go back, discuss with these individuals after having these questions. To come forward and to go through these this quickly and then vote on them, I find that I don't feel like I'm as well informed as I should be and have the answers to have someone come and ask me: well, why have you approved all these things? It just seems to me, going forward, that next year it would help out to be able to have these presentations and then meet a week later and have some correspondence, possibly, to go forward with that.

I am prepared to vote on this, but like I say, for me in the future it would sure be helpful to have a week or two weeks between these discussions and voting so that more answers could be received. We have some questions, but it's very limited time.

The Chair: We did poll everyone, and over the course of the last two or three months we ended up having one date that nearly didn't work here. This has to be done before the end of session, so that's why it was done as it was.

Mr. Hinman: I appreciate the restraints that way.

Mr. Marz: I appreciate the comments made by Mr. Hinman on this. Going forward, I guess that if we poll a long enough period of time ahead of time, perhaps our schedules would be more open to that sort of thing. I'd certainly be open to doing that as well. I don't have questions this time that are hanging out there, but I can appreciate that at other times I may and other members may, so I'd certainly be open to that.

Mr. Campbell: Well, I was just going to say that we get the material well enough in advance, and if you've got any questions, there's nothing stopping you as a member of this committee from phoning any of the officers and asking them what is in the report and having some of the questions answered before they even come here or posing the questions to them and asking them to bring the answers when they come to do the presentation. Like I say, it's hectic enough and it's hard enough to get a group of eight or 12

people together for one day, let alone try and follow up a week or two weeks later. I think there's nothing stopping us from speaking to the officers before the presentations.

The Chair: Sure.

Mr. Hinman: That's my whole problem, though. You wait to receive the presentations. That, to me, is where the information is. You can ask the questions. Yes, you have the numbers. You can go through them, but there are just no details on the budget in what we receive here. It's the presentations and the questions. Perhaps, like I say, if it's booked a year in advance and we say: "Look, we're going to have to do this two weeks apart. It's this Friday, in two weeks that Friday." It's just something to try. But I just can't agree with the idea that we're supposed to have had all this when I just got the presentations today, as the rest of us did.

Mr. Campbell: These presentations were given to you almost two weeks ago.

Mr. Hinman: Well, I would debate that they add a lot to their presentation in doing it publicly than just the piece of paper and the PowerPoint that was handed to me. Otherwise, why would we

listen to them if we just need a PowerPoint? I think they add a lot to it and the discussion that can arise from it.

Thank you.

The Chair: Okay. Anything else? We'll call the question on that motion by Mr. Marz. All in favour of the motion? Opposed? That's carried.

Mr. Lund: I would move that we go in camera.

The Chair: All in favour? We have a five-minute item.

[The committee met in camera from 3:21 p.m. to 3:28 p.m.]

The Chair: Is there any other business?

Seeing none, the date of the next meeting is at the call of the chair, and it'll be probably in the middle or toward the end of January.

Mr. Lund: I move to adjourn.

The Chair: Mr. Lund moved to adjourn. All in favour? Thank you.

[The committee adjourned at 3:28 p.m.]

