



Legislative Assembly of Alberta

The 27th Legislature  
Third Session

Standing Committee  
on  
Legislative Offices

Monday, January 31, 2011  
8:32 a.m.

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**Legislative Assembly of Alberta**  
**The 27th Legislature**  
**Third Session**

**Standing Committee on Legislative Offices**

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Lund, Ty, Rocky Mountain House (PC), Deputy Chair

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## Standing Committee on Legislative Offices

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Jeff Olson, Assistant Auditor General	
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8:32 a.m.

Monday, January 31, 2011

Office of the Auditor General

[Mr. Mitzel in the chair]

**The Chair:** Good morning, ladies and gentlemen. I think we'll call the meeting of the Standing Committee on Leg. Offices to order.

I'd ask that the members and those joining the committee at the table introduce themselves for the record.

Meeting materials were posted to the committee's internal website, but if anyone requires copies of any of these documents, please let our committee clerk know, and she'll get them to you.

I'm Len Mitzel from Cypress-Medicine Hat. I'm the chair of the committee.

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

**Mr. Campbell:** Robin Campbell, West Yellowhead.

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

**Mr. Lindsay:** Fred Lindsay, Stony Plain.

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

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

**Mr. Olson:** Good morning. Jeff Olson, Assistant Auditor General, Auditor General's office.

**Mr. Saher:** Good morning. Merwan Saher, Auditor General.

**Ms Eng:** Good morning. Loulou Eng, manager of finance, Auditor General.

**Mr. Quest:** Good morning. Dave Quest, Strathcona.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Well, thank you. I think there may be a couple of others joining us shortly.

Our primary item of business today is the review of the reports of the officers of the Legislature in accordance with Standing Order 55.01. As committee chair I can say that the committee has found this process to be productive, providing members with an in-depth look at the operations of the officers of the Legislature, keeping in mind the unique positions and the independence of the officers.

I would like to call for approval of the agenda. I have an item respecting the resignation of the Ombudsman to discuss under further business. Any other items to add to the agenda? Hearing none, moved by Mr. Lund that the revised agenda be adopted as circulated. All in favour? Opposed? That motion is carried.

I'd also like to have a motion to approve the minutes of the November 26 meeting. Moved by Mr. Campbell that the minutes of the November 26 meeting of the Standing Committee on Leg. Offices be approved as circulated. Any errors or omissions? All in favour? Opposed? That's carried.

Well, good morning, gentlemen and lady. Before you begin your report overview, I note that we have a second term of business to discuss respecting reporting timelines of the officers. I'd suggest that the presentation of your annual performance report be kept to about 15 or 20 minutes, leaving sufficient time for questions of the committee as well as an opportunity to discuss the second item of business.

With that, Mr. Saher, I'd ask you to proceed.

**Mr. Saher:** Well, thank you very much. Good morning, everyone. Jeff Olson is our head of corporate services in the office, so he takes oversight responsibility for all of our planning and accountability systems. Jeff is going to make a presentation to you on our performance information for the fiscal year ended 31st of March, 2010, so I'll hand it straight over to Jeff.

**Mr. Olson:** Thank you, Merwan. Mr. Chair, Vice-Chair, members of the standing committee, I expect this presentation will take, as the chair had asked, about 15 to 20 minutes and will allow time for questions during and after the presentation.

I'd first like to ask you if you do have with you the document with the slides. Going to slide 2, I'd just like to talk a little bit about the agenda that we're going to go through and the presentation.

The first item, fiscal year 2010, results and performance information. Second are the tabled Auditor's reports dealing with this fiscal year, October 2009 and April 2010. Then we have a last section that we'd like to talk a little bit about, and that's Going Forward.

As you know, this presentation, as Merwan said, focuses on the annual report of the OAG operations for fiscal year 2010. That's ending March 31, 2010, but I'd like to present our information for the agenda through the lens of our business plan 2012. As you remember from November, our focus in the business plan was strategies that ensured the office was relevant, reliable, and that work was done at a reasonable cost. This results in a presentation that emphasizes work in these key areas. It is what we believe will make the OAG more independent and accountable.

If I move to slide 3, dealing with agenda item 1, results and performance information from a financial perspective, this information actually comes from the statement of operations and note 5 of the financial statements. Actual expenditures operationally spent were \$21,800,000, capital investment of about \$600,000, for a total operating and capital spend of about \$22,400,000. In our budget for fiscal year 2010 we were provided with the operations and capital spending of \$23,221,000, so in fact we returned \$780,000, or about 3.4 per cent of our total approved budget, to the Legislative Assembly.

Now, a small surplus or deficit in any fiscal year is normal due to the changes in planned audit work and because our audits can span simply two fiscal years. We also can change audit scope and defer audits if departments are not ready for a follow-up, so those contribute to why we can have a surplus in any particular year. As a matter of interest, over the past six years we've actually returned a small portion of our funding back to the Legislature as a normal course of business. On average it is about 2 per cent, so we are somewhat higher this year at over 3 per cent.

On slide 4 you've got a graphic there. With this graphic, the pie graph, what it's showing is that, really, 94 per cent of our cost is about people. If you look at the top there, you look at the first four items: salary and wages, 63 per cent; agents and advisory services, 22 per cent; 5 per cent for temp services; and 4 per cent for training and professional fees. That gives us a total of about 94 per cent. It's no surprise, then, that when we return some money, it's very much related to those areas. Unspent payroll funding of about \$647,000 resulted from lower compensation to staff. Most importantly, our staff turnover rate of about 15 per cent this year was high; we actually budgeted for 10 per cent. When staff left, we could not promptly replace all the people who left in a timely manner, producing a surplus in this budget line.

If you go to slide 5, I'd like to discuss the other items that made up our surplus. We just talked about salaries and wages and contributions. The next line there, agent and other audit services. For

several audits we hire an auditing firm to do our audit work for us as our agents. For fiscal year 2010 our agent's costs decreased by \$460,000. This reduction was mainly from changes we'd made to our system audit plans. For example, we postponed the infection prevention and control systems audit to allow Alberta Health Services to have Accreditation Canada conduct a scheduled review of Alberta Health Services' infection prevention and control practices. In other cases we used our own staff instead of more costly agents so there's a reason for the surplus there.

**8:40**

Finally, we saved almost \$200,000 in the second year of the office of the Auditor General doing the entire Alberta Health Services audit due to the efficiencies achieved through the fixed costs. What I'm talking about here is because Alberta Health Services is now one entity, you do not have to go to different exits, entrance meetings, and there's a lot of work that gets involved in there. By putting it together, there are some savings, and we gain from that.

On the next line item, training and professional fees, we saved almost \$93,000 by reducing spending on professional development and training, and we did that purposely. We had planned to cut professional development and training in fiscal year 2010 because we knew those areas would need more spending in the current fiscal year, 2011, that we're in. For example, those costs that we are relating to now are training our auditors on international financial reporting standards and reissued Canadian auditing standards, but more on that later.

The next item, capital investments and amortization. We had planned to spend \$465,000 to replace our laptop computers and associated software in the summer of 2010, but because the laptops could no longer meet our needs, we replaced them a couple of months earlier, in September and spring 2010. This change meant we spent the funds this fiscal year instead of next.

Next, technology services exceeded budget by \$74,000 mainly due to the increased software subscriptions to cope with the evolving security requirements and the complexities of the IT environment. Other savings in other supplies and services areas amounted to about \$46,000, so this brings us to a surplus of about \$780,000 for this year.

On to the next slide, slide 6.

**The Chair:** Just a note. Would you like to take questions now or wait until the very end?

**Mr. Saher:** I think as we go along would be fine.

**The Chair:** Okay. We do have one.

Just for the record, note that Mr. Hinman and Ms Notley have joined the committee.

Mr. Rogers had a comment on the last bit that you talked about.

**Mr. Rogers:** Thank you, Mr. Chairman. I really appreciate your indulgence. I believe you mentioned the savings because of the AHS being one entity versus where you had 13 or whatever it was before. Did you mention \$200,000?

**Mr. Olson:** That's correct.

**Mr. Rogers:** Thank you very much. I wanted to note that.

**Mr. Olson:** So if that's it, I'll just move on to slide 6. This is where we move away from the results and performance information, financial, to more of a non-financial basis. As mentioned, we want to emphasize our work and performance measures in relationship to our new business plan; specifically, performance

measures that focus on our strategies of relevant, reliable, and work at a reasonable cost. When we do that – and we selected those from schedule 2 of our report – this means focusing on eight of our 19 measures.

To begin with, to be relevant. We have five measures that you see there in that box dealing with relevancy. The first thing about being relevant is that you must have information out in a timely manner. If you look at the third box down, for assurance audits the issuance date of the Auditor's report is a performance measure. The key one achieved by the office was the issuance of our Auditor's report on the consolidated financial statements of the province by June 30. This was achieved by June 25 in fiscal year 2010. This involves not only our office, of course. It involves a lot of hard work by the departments, and it's appreciated. It's kind of amazing when you think about how many statements get pulled together.

To be relevant, we also have to make a difference and promote change for the better. Now I want to look at boxes 1, 2, and 4. In the first box, as a key performance measure in our systems and assurance audits, is the percentage of the Auditor General's primary recommendations accepted by government. In the April 2009 and October 2009 reports 90 per cent, which is 33 of the 37 recommendations, were accepted by government. This is a 13 per cent increase over last year, at 77 per cent, and in fact our percentage rate for the next couple of reports is looking even better on that.

In the second box the number of Auditor General primary recommendations not implemented in three years hasn't changed. It's at 27. In the fourth box dealing with relevancy system audits focus on major programs or initiatives that organizations take to achieve their goals and objectives and are an obvious important, relevant performance measure. A systems audit assesses if an organization has the policies, processes, and controls in place to accomplish its goals and mitigate its risks economically and efficiently, and we spend about 20 per cent of our budget on that.

Now, the last measure. This measure comes from the MLA survey, and we've talked about it before. It's designed to help us understand whether you consider us to be relevant. The last time when we did the survey, the response rate was very low. Because it was so low, we are not confident that 94 per cent was a reasonable representation of the views of the members, so it was delayed. We are currently working on the appropriate questions and the appropriate target for this measure.

Moving on, slide 7. Our other two areas of priority initiative are Reliable and Reasonable Cost. Now, a common observation you can make is that more work is needed here because we don't have as many measures, and we'll be doing that to identify either more or better-suited measures in these two areas.

Under Reliable note that we are currently subject to the external Institute of Chartered Accountants of Alberta review of our financial statements audit work and have a measure for it. In fact, the review found that we met the standards. But this review is only focused on financial statements, so it doesn't cover all our six types of auditing. It is not as encompassing as the one we are envisioning to be done by an external peer group.

You may ask, under Reasonable Cost, why we listed the measure of staff turnover rate as an output of demonstrating reasonable cost. I did touch on this in November, but I think it's important that we do it again. The fact is that the high staff turnover directly relates to high costs because we must train new staff and use valuable senior staff time in supervising the new staff on our audit methodology and work performance.

One measure we are looking at very favourably that I think will make a difference and demonstrate reasonable cost in the future: we are working on a better set of measures. We are researching

the performance measures used by our peers in other legislative offices, including Australia, and that's where we talk about benchmarking average hourly rates. So we're working on that presently.

On slide 8 we get into our second agenda item. I'm going to move a little quicker here in the interests of time. What we have is our fiscal year 2010. The two tabled reports that we looked at were the Auditor General's reports for October 2009 and April 2010. The significant stand-alone system audits we had were in October 2009, and they're right there: public agencies, executive compensation; Alberta's response to climate change, part 2; Public Affairs Bureau; electronic health records; commercial vehicle safety.

In April 2010 we looked at Alberta schools alternative procurement, occupational health and safety, managing Alberta's water supply, ATB, oversight of financial institutions, land titles registration system, and oversight of peace officers.

Slide 9 is really a snapshot of our system audit follow-ups that we did. They are: in October 2009 we had recruiting, evaluating, and training boards of directors follow-up and food safety follow-up. In April 2010 executive corporate credit cards, child intervention services, MLA expense payments, sand and gravel, and identifying and managing conflicts of interest for contracted IT professionals.

Slide 10. Those two public reports delivered are the most visible product that we produce. But just as significant, though, are almost the 200 recurring risk-based assurance audits, both financial and nonfinancial. These audits serve all Albertans, providing independent assessments to help the Legislative Assembly hold government accountable.

For the fiscal year 2010 and recently in our business plan 2011-2014 we identified this work under five types of businesses. The key ones are financial/nonfinancial, our work on performance measures here. Secondly, another important area: compliance audits to ensure government follows the rules as set out by statutory regulation, central agency directives, and department procedures. And, finally, another area that departments would find very useful and have told us so is our management letters. A lot of the stuff, the recommendations, that are in those reports are not all that we provide through the management letters. There are a lot of recommendations that come through the management letters, and that's if we find the organization could improve its systems in areas such as governance and accountability, internal control over financial management information, technology, performance reporting. We make recommendations to management on those things.

**8:50**

On slide 11 we now go to our third item, and that's Going Forward. That is new for this current year. It was not an issue in 2010. It's our temporary services budget line. As mentioned before, we have a difficulty keeping staff, particularly at the post-CA level – that's that high turnover rate – due to the salary freeze. In fact, our turnover rate for those experienced or qualified staff is 30 per cent. This requires us to bring in more costly temporary staff to make up for the shortage. So you can expect we're going to be over on that budget line in this current year.

Training costs. I mentioned how we actually had a surplus last year. This year we're going to actually overspend on that line, and again it gets back to the two big areas that we've talked about, that I think the last two or three years are really fully coming to roost. We bring in instructors to do it rather than sending our people away, to manage the cost, but it's going to go over that budget line. This will affect, as I say, the fiscal year 2011 budget, but we will continue to manage to the bottom line.

Slide 12. I'm going to quickly go over this because you actually saw it in November. This deals with the 20 per cent of our total resources that are allocated to stand-alone system audits. Just to refresh your memory, I've got those on this slide and the next one: H1N1 planning, safety of government infrastructure, Alberta Health Services infection prevention and control – we talked about that one being deferred; well, it's now coming into play – oversight of credit unions, Campus Alberta implementation, IT project management. And new for this year is knowledge of business, Alberta's current health and wellness system.

On the next slide, slide 13, some follow-up audits: seniors' care, food safety, drinking water, energy's royalty review systems, ATB treasury management, and confined feeding operations.

That brings us to the end. Hopefully, I got within the 15, 20 minutes to allow for that time for questions.

**The Chair:** Thank you very much. We've got a couple of questions. Mr. Lindsay first.

**Mr. Lindsay:** Thank you, Chair. On slide 6, the second item here, you talk about the primary recommendations not implemented within three years of acceptance. Are any of the recommendations listed there, the 27 in '09-10, carryovers from '08-09, or are they all new recommendations?

**Mr. Saher:** Yes, a good number of them will be carry-over. If I could just supplement very quickly, although our target is to have recommendations accepted and implemented within three years, realistically speaking there are a good number, as represented by this 27, where it is going to take the government more than three years to respond fully to what it is that we recommended. To bring a new system in can take time, and we won't sign off and say that something is implemented until we've seen that system actually functioning. We see the change in terms of designing something new and then demonstrating that what you've designed can in fact work. So although the number is obviously much greater than – in theory it should just be zero. But practically speaking, as long as this number is not escalating in some strange fashion, we're quite satisfied with that.

**Mr. Lindsay:** Thank you.

**The Chair:** Mr. Hinman.

**Mr. Hinman:** Thank you. On slide 11 you were talking about the salary freeze and doing a system analysis. I just wonder if you have a comparison going years back to see if you really feel that it is because the salaries were frozen, or have you always had a fairly high-percentage turnover over the years? I mean, it's always part of the economic cycle, but are many of these people just ready to move on? They've put their time in, this is what they wanted to do, and they go on. You specifically mentioned salary freeze. I'm just wondering if you could expand a little bit on that and if that really is your, I guess, long-term analysis that that is the problem there.

**Mr. Olson:** Well, there are two parts to that, and to be honest, our staff turnover rate has ranged from a high in 2006 of about 21 per cent to 15 per cent this year. In reality we had budgeted 10 per cent because we thought with the economics that were going out there, we'd be able to keep our staff. Well, we were wrong. Basically, when you think in the long term, we're about the same as what we were, so 15, 16, always high, and in that area of the post it's 30 per cent. What we're finding a little different, a little harder

is trying to hire people to replace them. That's where the problem is coming into.

**Mr. Hinman:** So do you need more money to hire them? Is that the crux of it?

**Mr. Olson:** Not in all our levels but in particular the manager levels. At the last presentation I pulled up the *Journal* where it identified that the finance areas are still doing quite well, so there is a demand for those.

Also, let's be quite blunt. I mean, we're not going to hire just anybody. We have to get quality, and the thing is that nobody wants to let quality go? And that's what we're up against right now.

**Mr. Hinman:** Thank you.

**Mr. Saher:** I just would like to supplement. The question you asked: I think you were trying to establish whether in our minds it is a wage freeze which is predominantly driving our inability to hire or precipitating people leaving the office. It's definitely a contributing factor, but it's not the only factor. I think you were right when you said that it's quite natural for professionals to train in an environment and then to progress their career, to move on. So I'm not sure that we can give you a precise breakdown, but I do want to make the point that it's not just money.

**Mr. Hinman:** I just wanted to respond back to that if I could.

**The Chair:** Okay. Sure. Go ahead.

**Mr. Hinman:** I guess the interesting point and what I wonder about is that earlier for the IT you said that you bought and replaced the laptops early. I'm wondering if in a system analysis it would be better to let each department have more latitude to realize that maybe I need to increase there rather than compartmentalize and say, you know: this must be a freeze. If they had said about your IT that you're over budget in that one area – I guess I'm just looking at efficiencies and better use of our dollars. If you had that latitude, would you have possibly made those changes to accommodate your needs?

**Mr. Saher:** Well, let me say that as the Auditor General I do have some latitude in salary decisions. We are a part of the public service. We follow the public service guidelines and methods of operating at a particular time. I do have the latitude to make exceptional decisions, but generally we are complying with the public service wage freeze.

**Mr. Hinman:** Thank you.

**The Chair:** For the record, Mr. MacDonald has joined us.

Ms Notley.

**Ms Notley:** Thank you. I have two questions, one going backwards, which – I'm sorry – is linked to the fact that I arrived late, and I apologize for that.

Really quickly what was the explanation for the underbudget piece with respect to salary and wages, and then the agent and audit services? I'm sure you guys explained that, and I just missed it.

**Mr. Saher:** I'll ask Jeff to do it.

**Mr. Olson:** Okay. Two pieces. One is the salary and wages and contributions part, and that really has resulted from lower compensation to staff. But the particular item that we were just talking about is our inability, when somebody leaves – obviously, if there's 30 per cent turnover in a very key management area, we haven't been able

to hire those people. That means that by the year-end you're short, and you're not going to be able to spend that.

In the area of our agents there are some positives. Some of them are just, again, a reflection of our business and why we do surplus money just about every year, a little bit, and that is that, depending on the environment, we're always changing our system audit plans. For example, Alberta Health Services. We postponed the infection prevention and control system. It's in this coming year's. We postponed it to allow Alberta Health Services to have Accreditation Canada do a scheduled review of Alberta Health Service infection prevention and control practices. That's why. We'd rather have them do it, get their information, than go in at the same time, causing a lot of stress, get their information and use that to help us complete a more thorough audit.

The other thing that was a positive from our perspective was combining all the Alberta Health Services regions. We used to go out there with exits and entrance pieces. Now with them together it's typically more efficient, from our perspective, for audit. So hopefully that answers that.

9:00

**Ms Notley:** It does. Thank you.

Then I had one other question, which relates to the end of your report. Could you describe for me in just a little bit more detail the last bullet on page 12: knowledge of business, Alberta's current health and wellness system? What is that? I know that you did talk about it last time, but I cannot recall now.

**Mr. Saher:** Obviously, health care is an important area for the audit office to spend time using our system audit mandate. I made a decision a year ago that we should spend a little time just taking stock of what is today's health care system. Who are the people involved within it? What are the accountabilities? What are the primary systems that are being used to deliver health care in the province? So we decided to invest time in what we call knowledge of business. It's preparatory to doing audit work. It's not an audit in and of itself; it's gathering the knowledge necessary to position one as an auditor to mount what we could then argue would be the most focused and most useful audits.

**Mr. Olson:** If I could just add, Merwan – and you've mentioned it before – we haven't just stopped with that one. There are two other items in there with Alberta Health that we are dealing with, and those are the H1N1 planning and response and the Alberta Health Services infection prevention and control. So it's a little bit of two approaches that you'd used.

**Mr. Saher:** Correct.

**Ms Notley:** So your sort of baseline summary of how things are working now or, however you want to describe it, your knowledge of business, would still be something that would be produced and described in a report, in one of the two reports.

**Mr. Saher:** I don't want to say definitely that it will be in a report. It's not normal to put knowledge of business into a report because it isn't audit work. On the other hand, I'm going to wait and see, you know, what our internal product looks like. If it has information that I think would be useful to Albertans, then we would certainly consider putting that into a public report.

**Ms Notley:** What's sort of your timeline in terms of expecting your internal product to be complete?

**Mr. Saher:** I don't anticipate that it will be complete until probably April, May of this year. So if we were to be able to consider



making use of it publicly, the first opportunity to do that would be our scheduled October 2011 report.

**Ms Notley:** Okay. Thanks.

**The Chair:** Mr. Lund.

**Mr. Lund:** Thank you. On page 13 you mention that one of the upcoming follow-up system audits is confined feeding operations. I'm really curious: what, exactly, is it you're looking for in that audit?

**Mr. Saher:** We started auditing confined feeding operations a number of years ago and made recommendations to the NRCB, who is the regulator of such operations, to take a new approach to how they manage their regulation, to take a risk-focused approach. We made those recommendations, and then we stepped back. Then we went back for a follow-up and came to the conclusion that what it was that we thought should be done hadn't been done. So we refreshed our recommendation. Actually, tomorrow I will be having a meeting with the NRCB board. We've completed the second follow-up. Essentially we think that they do have a risk-focused approach now. There are some things that will need to change.

Really, it's taking limited resources and having a system to work out how best to apply those given that they regulate over 2,000 confined feeding operations within the province. It's not possible to go out and look at 2,000; you have to have a way of deciding where to use the scarce resources.

**Mr. Lund:** So, really, you're looking at the risk factors . . .

**Mr. Saher:** Yes. We're talking about risks to groundwater and surface water.

**Mr. Lund:** Right. Thank you.

**The Chair:** Mr. Hinman.

**Mr. Hinman:** Thank you. It's interesting that 20 per cent is what your numbers are for system audits in looking for efficiencies and better systems. You commented a little bit. But when I see the government putting out a lot of its information, always talking about per capita spending and that we're above average for infrastructure, above average for health, above average for education – above average, above average, above average – I'm wondering if you know the per capita spending or the percentage, compared to other provinces and areas, on how we fund the Auditor General, yourself, if it's seen as important and the funding is there or whether you need more. The main thing is where you are compared to other provinces with the actual funding.

**Mr. Saher:** Right. No, we haven't done an analysis that would have the rigour that I would feel comfortable with in making a comment that we're above average or below average.

One of the difficulties in doing comparisons is different audit mandates, not so much in the type of the work – the federal Auditor General and other provincial Auditors General, their mandates are generally the same, to do what many call value-for-money audits, what we call system audits, and to audit financial statements – but it's the quantum of financial statements that the audit office is required to do that makes the difference.

Within the scope of the Auditor General Act in Alberta we have what I think I can say definitively is the largest financial statement audit scope of any other jurisdiction in Canada. Those that brought in that legislation thought that that was the right thing to do, and quite frankly I think that senior people in the Auditor General's office over the years have felt that that's very good. We're pleased

that we are the auditor of all of the entities within the consolidated financial statements. It makes, I think, for the prospect of a better product for Albertans.

**Mr. Hinman:** I appreciate that. Very good. Thank you.

**The Chair:** Thank you.

Are there any further questions?

Seeing none, this takes us to the second item of business that we have for the Auditor General's office, the reporting timelines for the annual reports of the officers. The issue has been raised by members of the committee a number of times since the standing orders were revised to address the review of these reports that we're doing today.

I'd like to take this opportunity to thank the Auditor General for co-ordinating this issue amongst the officers with the goal of having these reports available in time for review in conjunction with the officers' annual budget estimates. I think a copy of the letter from the Auditor General was circulated that all five officers had signed off on providing their reports at the same time as they do their budget reports, so it'll be done late this fall or early winter, before the first of the year. Thank you very much for that.

Are there any questions? I guess it's pretty straightforward. Mr. Saher, have you anything else to add? Do members have any questions in this regard?

**Mr. Saher:** No. I don't think I can add anything, really, to the facts that we have in our joint letter to you. I think the key thing is that we've all looked at our operations and confirmed that we can all have our performance reports for the year ending March 31, 2011, in place and available to the committee by October at the latest, which, in the way the schedule works, would be in good enough time for this committee to have an opportunity to study those and ask questions just before going into looking at our budget requests.

We suggest it could be immediately preceding, in the sense of one meeting that deals with looking backwards and then looking forward, or the committee could choose to have this done in two separate pieces, meetings like today's to look at past performance and then a separate meeting to look at the budget request.

**The Chair:** Well, thank you very much. That's interesting because it always was a concern of the committee that we don't have the report, yet we're approving the budget for the next year. When we've got those combined, that's going to make, I think, for a better meeting and better decisions.

Any other questions or comments from anyone?

Seeing none, thanks, gentlemen and Ms Eng, for attending today.

We have a new committee room co-ordinator. Jamie Friesen has just joined us. The other gentleman retired, so here's the new man that's co-ordinating this.

We'll take a 10-minute break, and we'll be back. Our next one is with the office of the Ethics Commissioner.

[The committee adjourned from 9:10 a.m. to 9:24 a.m.]

**The Chair:** Okay. We'll get started. This is the office of the Ethics Commissioner, Mr. Odsen and Mr. Resler. We'll be looking at the annual report of the Ethics Commissioner and, afterwards, the review of the correspondence on members' disclosures dated January 4 along with the comparison chart. We'll be doing that after the report.

Good morning. Our primary item of business today is the review of the reports of the officers of the Legislature in accordance with Standing Order 55.01. As committee chair I can say that the com-

mittee has found this process to be productive, providing members with an in-depth look at the operations of the officers of the Legislature, keeping in mind the unique positions and the independence of the officers. The committee has also accepted the officers' commitment to provide their reports annually by the end of October to accommodate the review of future reports in conjunction with the officers' annual budget estimates. Thank you for that.

I'd like to advise as well that the Ethics Commissioner contacted me in December to advise that he wouldn't be able to attend today's meeting.

That said, could we please go around the table and introduce ourselves for the record? I'm Len Mitzel. I chair the committee.

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

**Mr. Campbell:** Robin Campbell, West Yellowhead.

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

**Mr. Lindsay:** Fred Lindsay, Stony Plain.

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

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

**Mr. Resler:** Glen Resler, chief administrative officer, Ethics Commissioner's office.

**Mr. Odsen:** Brad Odsen, Lobbyists Act registrar and general counsel to the Ethics Commissioner.

**Mr. MacDonald:** Hugh MacDonald, Edmonton-Gold Bar. Good morning.

**Mr. Hinman:** Good morning. Paul Hinman, MLA for Calgary-Glenmore.

**Ms Notley:** Good morning. Rachel Notley, Edmonton-Strathcona.

**Mr. Quest:** Good morning. Dave Quest, Strathcona.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Thank you. Before you begin your report overview, I'd note that we have a second item of business to discuss respecting members' disclosure statements, which requires a decision by this committee. I'd suggest that the presentation of the annual report be about 15 minutes or so, leaving sufficient time for questions by the committee as well as an opportunity to discuss the second item of business. With that, please proceed.

#### Office of the Ethics Commissioner

**Mr. Resler:** Thank you. Mr. Chairman and members of the committee, it's my pleasure to be here this morning. As previously stated, with me today is Brad Odsen, our Lobbyists Act registrar and general counsel. Mr. Wilkinson sends his regards. Due to previous commitments out of the country the commissioner was unable to be here today.

As we look at the 2009-2010 year-end review, it was a year of significant change for our office. The Lobbyists Act was proclaimed on September 28, 2009, an online lobbyists registry was developed, tested, and successfully launched, a comprehensive communications strategy was released, and two of our four staff were replaced. Brad and I both joined the office this fiscal year.

As the Lobbyists Act registrar Brad's efforts during the year were primarily focused on completing the online registry system

and website during the first half of the year, followed by design testing prior to the official launch of the system. He negotiated the contracts for website enhancements and for ongoing hosting of the Lobbyists Act registry and the office of the Ethics Commissioner websites.

Following proclamation of the Lobbyists Act on September 28, 2009, Brad responded to registrants and technical systems issues, reviewed and posted registrations to the lobbyists registry, and, most importantly, Brad has day-to-day interactions with lobbyists, media, government officials, and other users of the registry.

As part of our communications plan to lobbyist stakeholders 38 presentations were delivered on the Lobbyists Act and registry. There were over 675 attendees, including members and employees of associations and businesses, Members of the Legislative Assembly and their staff, and senior departmental officials from a number of ministries. Resource materials were published on the office of the Ethics Commissioner and Lobbyists Act websites, and Mr. Odsen responded to 627 telephone queries and 3,773 e-mail queries concerning the act and the registry. By March 31, 2010, we'd processed and posted 110 organization and 149 consultant lobbyist registration returns, an average of about 42 per month.

The success of the lobbyists registry rollout is a direct result of the efforts of Mr. Odsen. Our office is proud to provide an open and transparent lobbyists registry system that enables real-time registration by lobbyists and is searchable by the general public.

Under the conflict of interest legislation all Members of the Legislative Assembly and senior officials complied with their obligations to file disclosure statements within the appropriate timelines. A total of 170 disclosure meetings were held. There was an 8 per cent increase over last year in the number of requests for advice received by our office. The largest increase was attributed to the Alberta Public Agencies Governance Act, in which our office will assume some responsibilities for code-of-conduct matters. Several boards sought our advice on their codes of conduct.

We experienced a 6 per cent increase in requests for advice from the public, and as noted in the annual report, we received 27 requests for investigations. Most of these were nonjurisdictional, and for those complaints that related to an MLA, the matters discussed did not fall under the Conflicts of Interest Act.

#### 9:30

We have also initiated reviews of decisions of conflicts of interest under the code of conduct and ethics for the public service of Alberta and under the codes of conduct for public agencies. For the public agencies, since the Alberta Public Agencies Governance Act has not been proclaimed, we have requested both parties to agree to have our office perform a review of a decision.

As a small office conferences provide opportunities for staff to exchange information on issues of common interest. We attended conferences for the Canadian Conflict of Interest Network, the conference of Canadian lobbyist registrars and commissioners, and the Council on Governmental Ethics Laws.

For the year in discussion, 2009-2010, our office operated with a budget surplus of \$215,040. The main variances in actual costs to budget were due to the following: new staff commencements were hired at the lower salary, lower travel expenses, conferences were not attended as planned, lobbyist registrar travelled less than anticipated in rolling out the new lobbyists registry, advertising costs were lower than anticipated in filling staff vacancies, and contract services were significantly under budget in two areas, IT and legal services.

Our IT costs were under budget by \$72,000. We saved \$40,000 by moving to a new contractor to support the office's network and

IT services. The lobbyists registry costs were \$36,000 lower than expected.

The second savings under contract services was external legal services, in which we're under budget by \$75,000 as a result of fewer independent legal opinions, investigations, and report-related costs than anticipated.

Other savings were a result of not being charged for the new SuperNet installation in our office as the costs were paid for by Service Alberta.

Finally, under materials and supplies we delayed the replacement of our computers and other related hardware.

That ends my presentation, Mr. Chair. Brad and I would be pleased to answer any questions you may have.

**The Chair:** Do you have any questions? Mr. MacDonald.

**Mr. MacDonald:** Yes, I do, Mr. Chairman, if you don't mind. Okay. My first question would be regarding the Alberta Public Agencies Governance Act and its regulations. As this legislation unfolds and we see more agencies, boards, and commissions abiding by the law and the regulations, how much of an increase in your workload do you anticipate?

**Mr. Resler:** Right at this moment we don't know what the impact will be. As a comparison, the code of conduct and ethics for the public service: this was our first review of decisions since that has been put in place. There has been some work up to this point as far as reviewing codes of conduct, and we've had a couple of requests since the legislation has been proposed, but at this point in time we do not know.

**Mr. MacDonald:** Mr. Chair, for clarification, the act was expected to be proclaimed in 2010, and I cannot remember, but I don't think it was. Correct?

**The Chair:** I don't recall for sure.

**Mr. Resler:** It was not.

**Mr. MacDonald:** It was not.

**Mr. Odsen:** It has not been proclaimed. No.

**Mr. MacDonald:** It has not been proclaimed yet, and that was a flagship piece of legislation. So, again, in this year you have no plans to increase your budget to administer – we're shifting off more and more government responsibility to many different agencies, boards, and commissions, in my view. You have not had any sort of formal . . .

**Mr. Resler:** No. We haven't put anything formally forward as far as increasing our budget to accommodate this.

**Mr. MacDonald:** Okay. Everything from Alberta Treasury Branches on down you will be looking after if this is to become law.

**Mr. Resler:** Correct.

**Mr. MacDonald:** Okay. Thanks.

**The Chair:** Are there any other questions? Okay. Thank you very much.

Then we'll move on to the second item. I'd like to welcome Mr. Rob Reynolds as Senior Parliamentary Counsel to the meeting. Mr. Reynolds is here to assist with the next item as required.

I'd ask either Mr. Odsen or Mr. Resler to provide an overview of the issue relating to members' disclosure statements, and Mr.

Reynolds may have some additional comments to make once the issue is on the table. This refers to – I believe you do have a copy – the letter that the Ethics Commissioner did send to everyone along with the chart that's on the back. It had to do with the web posting of members' public disclosure statements. It was sent January 4, I guess. Yes. Does everyone have a copy of this? Okay.

Mr. Resler, are you prepared to speak to this? I know Mr. Wilkinson isn't here, and I think he had suggested that you were very capable of doing this.

**Mr. Resler:** The letter discusses the manner in which the public disclosure statements are made available to the public through the Clerk's office in compliance with the Conflicts of Interest Act. An issue that arose this past year was that these records were not available online for access by all Albertans. We have met with the Clerk's office and his counsel to explore the established practices and the feasibility of making these documents available online. We are in agreement that in an era of transparency and openness in government the public has come to expect online access to this data.

We are also sensitive to the information that is being made available to the public, and we feel that members should have the opportunity to consider the matter of web posting. If these records are to be posted on the web, we agreed to post the public disclosures on our website for the following reasons: our office is responsible for collecting the information, we already prepare the public disclosure statements, and we are responsible for any updates to these documents. There would be minimal cost in providing these documents in a PDF, read-only format. We would continue to provide the public access to current and historical documents from the Clerk's office in compliance with section 17 of the Conflicts of Interest Act.

We have also provided you with a comparative look across the country of other jurisdictions and the manner in which they provide disclosure. Currently five jurisdictions will be providing online access. The Ontario Integrity Commissioner's office has been providing online access since 2005, Saskatchewan since 2009. Where new or amended legislation has been passed, the intent is to make these documents available online.

Under section 47(1) of the Conflicts of Interest Act, the standing committee may make an order respecting the management of records in the custody or under the control of the office of the Ethics Commissioner. It is therefore our request to the standing committee that you consider directing our office to post members' public disclosure statements on the website of the office of the Ethics Commissioner.

Thank you.

**The Chair:** Any questions? I'll open the floor for discussion.

**Mr. Marz:** Just a question. Would this information include a member's physical address?

**Mr. Resler:** It would not.

**Mr. Marz:** Would it include just the member's information or the member's spouse's information as well? Some spouses already have quite a degree of difficulty, because their husbands or wives are in public life, feeling that their particular business interests need to be part of the public record as well, especially on a website.

**Mr. Resler:** Correct. It would be complete disclosure, the same information that is already provided to the public in the paper format. The public disclosure statement will identify the assets, liabilities, financial interests, and sources of income; fees, gifts, or benefits approved for retention; and any travel accepted under section 7(1). What

it wouldn't state would be the assets, liabilities, or interests with a value of less than \$10,000; any source of income less than \$5,000 per year; information identifying a home or recreation property occupied by the member or by the member's family; personal property of that member, the member's spouse or partner; any unpaid taxes except for taxes under the Municipal Government Act and taxes under the School Act; and any support obligations. But it would include, you know, the form, information from the member, member's spouse or partner, and business activities.

9:40

**The Chair:** Mr. MacDonald.

**Mr. MacDonald:** Yes. Thank you, Mr. Chair. This is the same information that's provided or is filed away in the Leg. Library, right?

**Mr. Resler:** Yes, it is the exact same information.

**Mr. MacDonald:** Okay. Thank you.

**The Chair:** Any other comments? Mr. Lund.

**Mr. Lund:** Thanks. The one area that has always bugged me is the payments, particularly from AFSC, on crop insurance because the way it's reported, it looks like it's a net amount, and in so many cases it's not even close. So it's misleading in that regard. As everyone around the table that has crop insurance knows, there's a premium that we have to pay, and that's not recorded accurately; at least, in my case it's not. I really have a problem with that because it's very misleading.

**Mr. Resler:** Yeah. Currently the public disclosure statements will show those payments as income. They are payments from the Crown indirectly.

You know, the legislation is up for review in 2012, and that could be an item that we put forward as far as clarification for that. It has been consistently shown that way. We are able to show the offset cost under the liability side if that's something that you would like shown.

**Mr. Lund:** The problem is that it isn't accurate. Anyway, I find that really frustrating when I see those numbers and they're not accurate, and because of the way they're skewed, they're very misleading.

**Mr. Odsen:** If I may, the act speaks to income. It doesn't say gross or net or pretax or post-tax or anything like that. Certainly, it's our understanding that right from the beginning that has always been interpreted as gross income, not a net income, not an income after taxes or after expenses or any of those kinds of things. That's the way it's always been interpreted, and of course we're just following along with that.

**The Chair:** Mr. MacDonald.

**Mr. MacDonald:** Yes. Thank you, Mr. Chair. I can understand the hon. Member for Rocky Mountain House's concern, but I think it is part of an open, transparent government that those payments be publicly disclosed and be available not only in the library but, hopefully, on the Internet in the future. I would think that when we review this legislation in a year or two, we would consider also having disclosure of farm fuel benefits from any member of the Assembly that would be eligible and receiving a fuel reduction through the tax system on their farming or agricultural operations.

**The Chair:** If I may, a couple of comments and a couple of questions as well with regard to this letter. I know you did contact the other jurisdictions to see who was or was not doing this particular part, and you noted those on that chart on the back of the letter. As well, did you speak with the ones who presently have the legislation to see if they had any issues or concerns with the way they put it forward administratively or otherwise? As well, did you speak to your colleagues in the other jurisdictions who do not have that and ask them why they don't? Did you get a detailed look at the other jurisdictions?

**Mr. Resler:** Comments received by the other jurisdictions where they do not provide it online. Most of them stated that it was sufficient to provide access through either the Clerk's office or their office. A lot of those jurisdictions were the smaller provinces, too, but they didn't have a concern with the present manner in which they're made available.

**The Chair:** The ones who did provide it didn't see any administrative issues or anything like that or any other issues?

**Mr. Resler:** No. They actually thought it was a benefit to them as far as media requests, requests from the public. It actually reduced the number of requests on the office as far as providing that information to the public, so it was a savings in time for them.

**The Chair:** I notice that there's quite a variance here with what's available online and the other two – what's filed with the Clerk of the Assembly and what's filed with the commissioner's office of various jurisdictions – on how they approach this. There's quite a mix there.

**Mr. Resler:** That's directly related to the legislation itself as far as how it's stated and where it's available.

**The Chair:** Their specific legislation. That's correct.

You mentioned 2012, that the legislation was going to be reviewed at that time, right?

**Mr. Resler:** Yes.

**The Chair:** Okay.

**Ms Notley:** I just had a quick question. Are there any sources of income that are excluded from being included in the disclosure?

**Mr. Resler:** Sources of income: if it's less than \$5,000 per year.

**Ms Notley:** But every other source of income is included?

**Mr. Resler:** Yes.

**Ms Notley:** All right. Okay.

**The Chair:** Mr. Quest.

**Mr. Quest:** Thank you, Mr. Chair. Just a couple of questions. I've never looked up through the library what the final is. Sources of income: are there dollar amounts on assets and liabilities listed?

**Mr. Resler:** No, there are no dollar amounts listed.

**Mr. Quest:** For example – I'm just tagging onto what Mr. Marz was saying – the spousal information is on there. In my case, a minor child, the fact that he has an RESP, would that also be . . .

**Mr. Resler:** Yes.

**Mr. Quest:** Okay. Well, just as an observation.

**Mr. Resler:** Yeah. As an example – I do have a copy here if you wanted to take a look – you know: sources of income, province of Alberta; nature of income, MLA indemnity and expenses, committee work. That's all it will state. It won't have a dollar amount. Income from farming: nature of income, grain sales. That's all that is stated. If there are RRSPs, it will state the company as far as who the RRSPs were purchased through and may state mutual funds, or it may specifically state some of the investments if they're actually share ownership.

**Mr. Quest:** Yeah. I've just got a little bit of discomfort, just like Mr. Marz was saying. For myself, I mean, that's fine; that's part of being in public office. But for my spouse and my minor child I would have some concerns that anybody could access that information anytime they wanted. Is that what we're talking about?

**Mr. Resler:** Uh-huh.

**Mr. Quest:** Very good. Thank you.

**Ms Notley:** Just to clarify once again, right now anybody can access that information by walking into the Legislature Library, correct?

**The Chair:** No. You have to put an application in. Is that right?

**Mr. Resler:** Walking in or putting in a request that can be mailed to them.

**Ms Notley:** Right. So that information is not restricted now.

**The Chair:** Perhaps Mr. Reynolds can clarify that.

**Mr. Reynolds:** Just to clarify, I have the binder available in our office. Under the act the Ethics Commissioner provides the public disclosure statements to the office of the Clerk, which end up in our office, and people can come and take a look at them. They're just sitting on a shelf, and we charge for copies if people want copies.

This issue arose because certain individuals wanted the information available online and thought that it should be, so we had discussions with the Ethics Commissioner's office. The Ethics Commissioner's office realized after the discussions that they would be the most appropriate entity to put it online because our office just receives the information. We don't touch it, if you will. We're just like the library. However, the act doesn't say that it goes to the library. It goes to our office.

**9:50**

The information that is available is the information that's required under the act to be available in a public disclosure statement. I've brought some samples here. It's all public information. It doesn't, for instance, list any amount of investments. It's just, as Glen was saying, where they are, really.

With respect to your spouse or, as they say, interdependent adult partner it just indicates the nature of their interest, but it doesn't, I don't believe, even give their name.

**Mr. Resler:** The name is right after the title on the form.

**Mr. Reynolds:** Right. Oh, of course. Yes, it's under the member's name. Yes. Sorry.

But there is no address given. The principal address of the member is not given.

**Mr. Resler:** No.

**Mr. Marz:** Currently when someone applies for this information, is the member notified who is seeking that information?

**Mr. Reynolds:** No. And there is no application, really. I mean, they just come up and ask to see it. That's pursuant to section 17 of the act, which requires the information to be publicly available in the Clerk's office.

**Ms Notley:** Well, I guess, you know, not wanting to belabour this issue for a really long time, it seems to me that the nature of the information that's being made publicly available remains the same and the concept of public availability remains the same. We're just simply talking about the mechanism and moving into, you know, the 20th century in terms of making it available on the Internet, so I'm not sure that this really has to be a hugely complex issue. I would support just moving forward with it because, really, all that information is available anyway. It's just about reducing the amount of paper that we make people photocopy.

I would support moving ahead with the recommendation from the Ethics Commissioner's office and moving on to the other agenda items we have today.

**The Chair:** Mr. Rogers.

**Mr. Rogers:** Thank you, Mr. Chairman. I guess I get some comfort from the clarification in terms of what is currently available as public information. This is a public disclosure document and process just by its nature. My only concern is putting things on the web, the nature of the web. I mean, it is, as Ms Notley said, the 21st century. It's one of the more widely used mediums for acquiring information today, but it's also a medium that can be misused. Information, just as easily as it's acquired, can also be disseminated for a variety of different purposes. I wouldn't even want to start to attempt to name the potential. I think the potential is there that this information could be widely distributed for any number of purposes beyond the fact that the information is available.

The point I'm trying to get to is that if we've already slated to discuss the revamp of this act in 2012 – this is 2011 – it may very well be time. You know, my concerns and my thoughts relative to how this information might be used differently than it is being used today, the fact that it's available – there is a little bit more onus on an individual to be prudent in seeking the information. I would personally think that this is better dealt with when we review the legislation, and if it's time, if there are many reasons than I have raised that suggest that this should be done, let's do it then. But I think this should be part of the review of the act, and I'm certainly not prepared to make a decision to move ahead with it right now.

**The Chair:** Mr. Hinman.

**Mr. Hinman:** Thank you, Mr. Chair. I just would like to, I guess, give my support behind Ms Notley in the fact that it is available information. One of the frustrating things for many Albertans, though, is that if you don't happen to live where it's convenient, you don't have access. This is, to me, about equal opportunity for Albertans across the province to not have to make a long trip to the library or to the Clerk's office to view these documents. I mean, that's something that I think everybody running for public office should be aware of, that these things come forward and the importance. I don't want to name any specifics, but there's always that problem of a spouse receiving shares from a corporation or something else.

I think that all of those things have come in place because of, you know, past activities, and I feel that it's important as public

individuals that we have that public disclosure. I think that being on the Internet only makes sense for the people across the province. So I would hope that we would address this today rather than further down the road.

**The Chair:** Just a quick comment, then. Mr. Resler, you mentioned that in 2012 the legislation is up for review. Just in thinking about this and thinking about the differing opinions here, if there are going to be things in the legislation that change other things with regard to whatever, whether AFSC or any of these others, some other things that we haven't even talked about or don't know about will be changed in there. If this is done now, then in 2012 there will be a different set of information that is set, and perhaps 2012, as Mr. Rogers said, might be something worth while looking at as opposed to going at it right now.

**Mr. Resler:** If I can add one thing, the information that we provide to the Clerk's office is both in a paper format and an electronic format, so they can obtain PDF copies of these documents already. The information this past year as far as disclosure period has been posted on the web by other sources. Part of my concern regarding that is the control of the information. If we were the source where the public can come to, we could ensure that the information is the most current version of that form. You know, other sources have posted it. Just to make you aware of that.

**The Chair:** Mr. MacDonald and then Ms Notley.

**Mr. MacDonald:** Yes. Thank you. I certainly think we should, you know, carefully consider the letter from Mr. Wilkinson regarding the web posting of members' public disclosure statements. It doesn't seem to me to be a big deal. He writes to us indicating that a posting of this nature would simply involve "adding an additional page to [the] web site which listed the Member's Public Disclosures and which, when clicked by a visitor to the page, would link them to the Record stored on our server." The cost to do this would be nominal, the Ethics Commissioner, Mr. Wilkinson, indicates to us. I think we should proceed with this in the spirit of openness and transparency.

I can understand some members being concerned about private information regarding minor children or spouses, but during an election campaign candidates from each and every party are quite willing to share with potential constituents or voters their family's information, in some cases detailed down to the dog and the cat. You know, it goes beyond spouses and children. I think that when you compare what candidates are willing to disclose in an election to potential voters and what we seem now to be reluctant to share on the web, it's ironic.

I think we should proceed with this suggestion from the Ethics Commissioner. It's a good one, and hopefully we will support it now. Thank you.

**The Chair:** For the committee I asked the clerk to pull up Saskatchewan's disclosure information. I'm not sure what their original intent was or how it originally looked. They've been on since 2009, I guess, now. I didn't pull up Ontario's. But as she's scrolling through one member's, you have all of his phone bills. You have all of his land, the legal descriptions. There are complete details on all corporations and the companies' names and whether he's a member or a director. It's fairly complete. I don't know whether that was the original intent or if that's how their legislation first started.

Given that, it's very, very detailed, so I just wanted to make that comment.

Ms Notley.

10:00

**Ms Notley:** Yes. Well, that's really interesting information because I think what that actually shows is that we have other provinces that are not only making the information more available but also more detailed information that's being made more available than in Alberta, so perhaps what that might be perceived as is a reminder that we need to get moving on this and be a little bit less closed with this kind of information.

I just wanted to sort of make two points. First of all, in relation to whether or not we review this act and change the nature of our disclosures in 2012, the fact of the matter is that we're having this discussion now. Whether or not this goes on the Internet has nothing to do with legislative change; it's a decision that we make. If against all my predictions we end up coming up with a change to the act a year and a half from now that dramatically increases transparency, this committee continues to have the authority to define the nature of what goes on the Internet, I suspect, because we have the authority right now to put stuff on the Internet. The point is: we can change that practice should we develop a more transparent process in the future.

The other thing that I wanted to point out, which has been referenced already, is the fact that because the act says that this stuff is public, there's nothing to stop me from going to the Clerk's office and getting this information and posting it on my website. It is already accessible, and the act already says that it's public information. There's a valid point made by the commissioner's office, that at least if they are as a matter of course posting it, then what you have is an official source as opposed to somebody else reproducing what they in good faith believe to be an official source, so if anything, you're probably ultimately protecting yourselves.

In any event, you guys have the majority, and you'll make your decision, but I certainly think that we should just be moving forward on putting this on the website, as I said, and moving on to the next agenda item.

**The Chair:** Mr. Marz, then Mr. Lund.

**Mr. Marz:** Yes. Mr. Rogers brought up an interesting point, and I think we've all seen how information on the Internet can be used and misused. This is quite a departure from the way it is handled, because the Internet is quite a different venue for how information is used. If all of the members around here want to put their physical address on the website, that would be fine. Especially when the public knows you're away from home a lot, what can happen to your property by some people that are disgruntled: you can start imagining that.

My physical address is in that information as a rural resident because my legal land descriptions are on there. Yours are not as an urban resident, so therein lies a huge difference. Just by the process of elimination, going down the legal description of each one of those quarters, you're going to find my place pretty quickly. I do have some concerns about that because I'm away a lot, and I've had situations since I've been in public life where I've had garbage dumped in my driveway. I've had the door kicked in while I was away on convention in the middle of winter and a snowdrift in the entry. So I do feel uneasy, and I think I'm justified in feeling uneasy in having information that does contain my physical address on the website.

**Mr. Lund:** I have a lot of that same feeling. We've had instances – as a matter of fact, two years ago we had bullet holes in our mailbox. Of course, I reported that to the police. There was nothing they could do about it. I have no idea who may have done that. I think that when we're going to be reviewing the act within the

year, I would move, Mr. Chairman, that we not proceed at this time with putting it on the web. That'll give us an opportunity to discuss this with the caucuses, all of them. If it's something that should come forward at the time of the review, so be it, but at this point I'm very uncomfortable with it, primarily because of some of the stuff that's on there.

The legal description of our land is on it, so on the spur of the moment anybody that wants to can find it if it's on the web, and I have a real problem with that. When you've got a lot of livestock around, it's awfully easy just to leave some gates open, open a granary. It could cost huge dollars. I just really have a problem with it. Well, I'm getting into what's on the disclosure statement. I've got no problem if they want to know how many quarters of land one owns, but, boy, when we've got to put down the legal description, anybody can find it, and I have a real problem with what we're putting on. So I would move that we not proceed at this time.

**The Chair:** Just a point of clarification. Ms Notley, you didn't formally make a motion. You just said that you think we should go on with it, right?

**Ms Notley:** No. But I can make a motion.

**The Chair:** We already have one on the floor.

**Ms Notley:** Do we? All right. Okay. I kind of thought we had.

**The Chair:** You wish to speak to the motion, Mr. Lindsay?

**Mr. Lindsay:** Thank you, Mr. Chairman. Certainly, an interesting discussion here, and it would appear fairly straightforward that if it's available, accessible to the public right now – the information, that is – the next logical step would be to put it on the Internet. But, obviously, based on the conversations here today and as somebody who has received a number of threats due to my previous position and actually had requests from my own family to move, I think it would be prudent that this particular item be deferred until there is a review of the legislation in 2012 and proceed at that time once there's a little more opportunity for input into what should be disclosed and what shouldn't be.

**The Chair:** Just a comment. When I first got into public office – this was with the county – the very first year I went to convention, I was burglarized. It was obviously local; it wasn't on the Internet. Everything was in order with regard to rifles and handguns and fur coats and jewellery and everything else. They were all gone. We never received anything back. It was while I was on convention. It wasn't on the Internet. This is my personal feeling. If it was on there, if it was available to whomever – and I've gone many years past that now but am in a position that's maybe a little more predominant, you know, an MLA as opposed to a county councillor – the opportunities perhaps might be there as well. That concerns me.

Mr. Rogers.

**Mr. Rogers:** Yeah, Mr. Chairman. Speaking to the motion in particular. You know what? As I said earlier in my comments, this is 2011, and when this discussion is over, we may very well decide that in 2011-2012 the web is where most people find information and the information will in fact end up on the web.

I think it behooves us to be careful that we have a thorough discussion that looks at all of the concerns that have been raised around this table and those that haven't been – I mean, we're a small representation of our various caucuses – so if and when that decision is made, it be made with some comfort that we have had

a thorough discussion, and we've covered all the bases. We have met the test and the desire from the public for adequate public disclosure but have also been careful that individuals who sit around this table and our loved ones are protected to the best of our abilities, recognizing that, you know, when you enter public life, I suppose you do hang yourself out to certainly more scrutiny but to also some risk as well.

I don't think anything will be lost in doing a proper review of this and making a decision accordingly, whatever that decision is at the end of the day.

10:10

**The Chair:** Any other comments?

Just a note. I mentioned, Mr. Resler, whether you'd actually followed up with any of the jurisdictions with regard to any issues they had. It would be an interesting one, I suppose, to look at with regard to Saskatchewan, the disclosure statement that the clerk opened up on the website here. That's why I mentioned that. Was that the intent with the legislation when they first started? Has this gone past what they had initially figured? I don't know. That's why I'd asked that point to you.

Any other comments? I will call the question on that motion, then, by Mr. Lund, that this be deferred until such time as it can either be reviewed or – what was the exact wording on that?

**Mr. Lund:** Well, that it not proceed at this time with the review coming. I thought there was a preprinted motion.

**The Chair:** The clerk has written down what you said.

**Mr. Lund:** Okay. Well, that's good.

**Mrs. Sawchuk:** I took a few liberties, Mr. Chair, trying to fill in the blanks, but I believe I caught Mr. Lund's intention here, that the Standing Committee on Legislative Offices defer the issue of electronic posting of members' disclosure statements to a future committee meeting to permit additional research by committee research staff and for members to discuss this with their respective caucuses.

Is that pretty well it?

**Mr. Hinman:** A point of clarification possibly?

**The Chair:** Yes.

**Mr. Hinman:** I very much understand the concerns that are being brought up. I guess I'm just wondering. If we were to say, "Yes, we are accepting this proposal," could we make sure that the location of one's home – and that would be, I would say, an entire quarter – could be withheld? Would some amendment, something like that, be possible? The safety of our family and personal life is paramount in serving in public office, so I'm just wondering if there's a balance that can be brought between the two.

**The Chair:** I guess that's part of a minor point within the entire thing that can be put forward by the commissioner. That's a whole lot of details that maybe we could discuss later, I suppose. Maybe that's the reason why this thing should be deferred right now while some of these things are looked at.

**Mr. Lindsay:** Mr. Chairman, I guess I would recommend a friendly amendment to the motion, that

instead of just deferring it to a future meeting of this committee, we should specify that the legislation is going to be reviewed in 2012 and that it should be referred to the group who's going to be reviewing that legislation,

with our decision made after that review.

**Mr. Lund:** I'd agree with that.

**The Chair:** Mr. Lund accepts that, to put a date on it.

Any other comments? I'll call the question on Mr. Lund's motion, that this be deferred to such time as the act is reviewed. All in favour? Opposed? That motion is carried.

**Ms Notley:** I would like to get a recorded vote on that.

**Mr. Marz:** Don't you have to ask for a recorded vote prior to the vote?

**The Chair:** She should have asked for it prior, but the clerk will take care of that.

**Ms Notley:** Okay.

[For the motion: Mr. Bhullar, Mr. Campbell, Mr. Lindsay, Mr. Lund, Mr. Marz, Mr. Quest, and Mr. Rogers]

[Against the motion: Mr. Hinman, Mr. MacDonald, and Ms Notley]

**The Chair:** Okay. Where are we now?

**Mr. Campbell:** A break until 10:40.

**The Chair:** The clerk has called the Chief Electoral Officer's office, and they may be here sooner than that, so we'll take a 15-minute break. I'd like to thank Mr. Resler and Mr. Odsen for attending today.

Thank you very much.

[The committee adjourned from 10:15 a.m. to 10:32 a.m.]

**The Chair:** Ladies and gentlemen, we'll call the meeting back to order. We'll be looking at the review of the report of the office of the Chief Electoral Officer.

Good morning, Mr. Fjeldheim and your staff.

**Mr. Fjeldheim:** Thank you.

**The Chair:** Our primary item of business today is the review of the reports of the officers of the Legislature in accordance with Standing Order 55.01. As committee chair I can say that the committee has found this process to be productive, providing members with an in-depth look at the operations of the officers of the Legislature, keeping in mind the unique positions and independence of the officers. The committee has also accepted the officers' commitment in providing the reports annually by the end of October to accommodate the review of future reports in conjunction with the officers' annual budget estimates. Thank you for that.

I'll ask you to please proceed with the overview of your 2009 annual report. If you can complete your presentation in 20 minutes or so, then leave sufficient time for questions from the committee.

Does anyone need a copy of the report? Okay.

#### Office of the Chief Electoral Officer

**Mr. Fjeldheim:** Thank you very much, Mr. Chairman, and thank you for this opportunity to review some of the activities carried out by our office over the past year. I have with me today Ms Lori McKee-Jeske on my left, Deputy Chief Electoral Officer, and C.J. Rhamey on my right, the director of election finances.

I'm first going to call on C.J. to go over our annual report.

**Mr. Rhamey:** Thank you, Brian. Good morning, Mr. Chairman and members of the Standing Committee on Legislative Offices.

As indicated in the message from the Chief Electoral Officer on page 1 of the report, it covers a broad range of activities. It includes annual financial reporting by registered parties and registered constituency associations, which I shall refer to as CAs throughout the remainder of my presentation. As well, this report provides campaign period financial reporting by registered candidates and registered parties that participated in the Calgary-Glenmore by-election.

Our efforts in 2009 focused on resolving outstanding financial matters related to the 2008 general election, administering the Calgary-Glenmore by-election, and working towards election preparedness. The contents of this report represent many hours of diligent effort on the part of chief financial officers for parties, CAs, and candidates as well as the staff and volunteers who contributed their time and expertise to the accurate completion of hundreds of financial statements, which are summarized in this report. Their contributions are acknowledged with much appreciation.

Slide 1 on the presentation deals with section 1, page 2 of the report. This section provides relevant information on annual activity for the parties and the CAs in the 2009 calendar year. As an overview, there were eight registered political parties as of December 31, 2009, which all met their annual filing requirements by the due date of March 31, 2010. There were 342 registered CAs on December 31, 2009, of which 334, or 97 per cent, met their filing requirements by the due date of March 31, 2010. We certainly appreciate all the effort undertaken by these CAs in this regard and assume that our reminder letters along with our ongoing support to the chief financial officers have contributed to this high level of timely reporting. The other eight CAs filed shortly afterwards.

Pages 6 to 8 of the report detail the contributions to and over the \$375 threshold for each of the registered parties, with reporting on the specific number of contributions and related dollars received from individuals, corporations, and trade unions. A chart on the bottom of page 8 provides a summary of the annual financial statements for each of the parties.

Pages 9 to 11 detail the contributions to and over the \$375 threshold for all CAs in total related to each party, with reporting on the specific number of contributions and related dollars received from individuals and corporations. The chart on the bottom of page 11 provides a summary of all contributions to parties and their CAs. The 2009 annual reporting indicates parties received contributions totalling approximately \$4.1 million and that CAs received contributions totalling approximately \$1.5 million for a grand total of approximately \$5.6 million in 2009.

Pages 12 and 13 identify the individual 342 CAs by their registered party for the various 83 electoral divisions.

Slide 2 refers to section 2 on page 14. This section provides relevant information on campaign activity for parties and candidates for the 2009 Calgary-Glenmore by-election, held on September 14, 2009. The campaign period commenced with the writ of election on August 17, 2009, and ended November 14, 2009, two months after polling date. Registered candidates were required to file their campaign financial statements by January 14, 2010, and registered parties were required to file their audited campaign financial statements by March 15, 2010. In total, there were six registered candidates, including one independent candidate, for the 2009 Calgary-Glenmore by-election.

**Ms Blakeman:** Hi, everybody.

**The Chair:** I'd just note Ms Blakeman. Thanks for joining us. We are going through the Chief Electoral Officer's report at the moment.



**Ms Blakeman:** Sorry for the interruption. Carry on.

**The Chair:** That's fine.

**Mr. Rhomey:** All candidates and the five registered parties that participated in the by-election met their filing requirements.

Pages 15 to 19 detail the contributions to and over the \$375 threshold for each of the registered parties and registered candidates, with reporting on the specific number of contributions and related dollars received from individuals, corporations, and trade unions. The chart on the bottom of page 20 indicates that approximately \$124,000 in total was received in contributions by the registered parties and the registered candidates during the 2009 by-election.

**10:40**

For your information we post submitted annual and campaign financial statements as originals shortly after legislated due dates on our website for public disclosure purposes. As you can likely appreciate, we need to review each of the annual and campaign financial statements submitted by registered parties, registered CAs, and registered candidates for reasonableness and to reconcile the financial reporting with literally thousands of contribution receipts. Although our staff makes all efforts to expedite this process, additional time may be required to follow up on anomalies noted on individual financial statements, and we work with the political entity to resolve apparent reporting issues. Once completed, we note that the financial statement is a final version on the website.

Section 3, page 21 of the report. This section provides general information on funds held in trust, public files, and events of interest. As at December 31, 2009, the Chief Electoral Officer held total funds of approximately \$6,000 from the Alberta Green Party and their related CAs. The registration for the Alberta Green Party and their related CAs was cancelled effective July 16, 2009, in compliance with the Election Finances and Contributions Disclosure Act.

Public files include financial statements filed by parties, CAs, and candidates and are maintained in our office. Similar reporting for interested readers is available on the Elections Alberta website at [www.elections.ab.ca](http://www.elections.ab.ca).

A major event of interest since January 1, 2010, was the passing of Bill 7, the Election Statutes Amendment Act, 2010, which represents the most significant change to electoral administration since the legislation was rewritten 30 years ago. Elections Alberta has been very busy integrating Bill 7's amendments into the forms, guides, and other resources provided to registered parties, CAs, and candidates. Pages 23 and 24 provide the highlights of the significant changes that will particularly affect political entities in this summary chart. As resources are prepared and implemented, they are made available through our office and updated on our website.

Section 4, page 25 of the report. This section provides the audited financial statements as of March 31, 2010, for the office of the Chief Electoral Officer.

I trust my executive summary of the 2009 annual report of the Chief Electoral Officer has provided more insight and understanding of our activities in the elections business and our supporting role to various stakeholders, including parties, CAs, candidates, and, most important, to all Albertans.

Before I conclude, I would like to provide you with some pertinent information regarding the future CA transition process. As you know, the Electoral Divisions Act, Bill 28, received royal assent on December 2, 2010. This will change Alberta's current

electoral divisions from 83 to 87 electoral divisions, which will be effective on the date that writs are issued for the next provincial general election.

To assist registered parties and their registered CAs, we are currently drafting a detailed procedure to manage the transition process with respect to deregistration of the current CAs and the formal registration of new CAs. Our office is currently planning to initiate the preregistration of new CAs in the fall of 2011, this fall. The objective of this transition process is to enable current CAs to transfer their net assets at the time of deregistration to either their registered party or to CAs registered in the new electoral division boundaries.

Recently we sent a letter out to all registered parties and their CAs with a similar overview of the upcoming CA transition process. As well, I would like to add that we were invited by two registered parties to provide a presentation on the Election Finances and Contributions Disclosure Act to the chief financial officers of the parties' CAs. We shall welcome an invitation from other registered parties to provide similar presentations to the chief financial officers of their CAs.

On this slide here, the division of constituency association assets. This is one of the slides included in our presentation to CAs. We discuss the various options for chief financial officers to distribute the net assets with the current CAs that are deregistered. In short, although the net assets will need to be transferred either to the registered party or to one of the new CAs, the rationale for the distribution will be up to the principals of the CA. This may be done based on geography, based on population, or based on other contributions.

This example of a current electoral division – and that's marked in the red right here – has \$9,000 in net assets. It just so happens that it's perfectly rectangular and has been divided so that one-third of the geographic area falls into the new electoral division A, of which this is the third and falls within that one, while two-thirds of the current one falls in the new electoral division B. Based on geography you could choose to allocate \$3,000 of the net assets to the CA for the new electoral division A, and \$6,000 could go to the CA for the new electoral division B. If half the population – there's 30,000 total; there's 15,000 on this side and 15,000 on this side. You could transfer \$4,500 of the \$9,000 to this CA with division A and \$4,500 to this one as well. In this chart here if all the contributions for the CA came from this area and that was going into division B, then you may decide to transfer all the \$9,000 directly into the CA for the new division B. These are only a few of the options you may wish to consider.

To assist you in your planning efforts, next week we will be sending out to every registered party wall-sized maps for each of the new 87 electoral divisions. Our goal is to provide a simple process that clearly demonstrates that all the CAs' net assets upon deregistration have been appropriately distributed by the CA and validated as to the specific transfers by the party and/or the new CAs established for the new electoral divisions. This reconciliation process will ensure accountability and transparency of all financial transactions related to the deregistration of current CAs. We invite anyone in your party or CA to feel free to contact our office with any questions regarding the Election Finances and Contributions Disclosure Act or the CA process.

At this time Brian will continue with our presentation.

**Mr. Fjeldheim:** Thank you, C.J.

As you know, a number of amendments were passed this past year affecting the Election Act, the Election Finances and Contributions Disclosure Act, and the Electoral Divisions Act. These amendments have required a great deal of work by our office in

ensuring that all our guides, forms, and maps are in line with these new legislated requirements.

One of the main tasks was the hiring of returning officers. Returning officers have been hired for the electoral divisions that will come into effect at the issue of the writ for the next general election. In fact, our office has hired 90 returning officers, but for one reason or another at the present time we have 85. As you know, this is the first time the Chief Electoral Officer has hired returning officers and election clerks, and it has been a very interesting challenge. I see that this activity will require our ongoing attention. As I mentioned earlier, even in this early process we have had to replace five returning officers who have resigned for reasons of health, moving out of the province, or acceptance of other employment opportunities.

I'd now like to call on Lori McKee-Jeske to make a few comments regarding these returning officers.

**Ms McKee-Jeske:** The Election Act authorizes returning officer appointments two years after the general election, so we began the recruitment process as soon as we had statutory authority to do so, and that was back in April of last year. Position descriptions were finalized, job advertisements were posted, online assessment tools were created for completion by interested and eligible applicants, independent recruitment teams were created, interview questions and scoring criteria were developed, and references were checked. We had the assistance of an HR expert to ensure fairness and consistency throughout the process.

*10:50*

We have an excellent group in place to manage election activities. The returning officer ads attracted many skilled people, including a large proportion of educators – teachers, principals, and administrators – as well as many people with accounting and public service backgrounds. I believe this group of returning officers will be able to successfully do their jobs and that they fully understand the need for professional, nonpartisan service to the public. Having said that, it's been my pleasure to work with many fine Albertans over the years, returning officers who were willing to dedicate the necessary time to conduct enumerations and elections in order to fulfill a very demanding and very challenging role.

There are some very consistent characteristics shown by people who take the job of returning officer. Persons interested in the job are always very civic-minded, and I believe they have to be. All of the newly appointed returning officers have just completed a map review project that required many miles of travel over wintery roads and sometimes an investment of more than a hundred hours on their part for a fee of \$1,500. I think it's important that you know that and appreciate that these folks often put in extra time and effort without any expectation of additional compensation beyond the prescribed fees that they receive. We always marvel at the commitment we see these returning officers display, and we hope that other stakeholders in the process appreciate their efforts as well.

Another characteristic we see in returning officers is a dedication to community service. They're involved in all types of volunteerism and service to their communities. That involvement is essential to their success in the returning officer's role. We need people who know the electoral divisions they represent: the traffic patterns, communities of interest, where people shop and play hockey and take their kids to school and so on. We also count on them to know the people in the area who can be called on to work as enumerators and election officials. Consider the challenge of that task alone when some of the electoral divisions, as you know, span 30,000, 40,000, even 90,000 square kilometres, when election officers must be found in all the various communities

throughout each electoral division. Province-wide returning officers will hire over 20,000 Albertans for the enumeration and the election.

As MLAs you know the challenges of understanding your constituencies and determining the best ways to serve your constituents. They are diverse in terms of ethnicity, languages spoken, education, priorities, needs, and, certainly, diverse in terms of their preferences for communication and means of service. Our returning officers struggle with addressing these same issues within a very compressed time frame.

Returning officers have received a one-day training session at this point. It included an orientation to their roles and directions for review of their electoral division maps and development of the polling subdivisions that will be in effect for the next enumeration and election. The map review is now completed. Most returning officers have received their lists of electors and street keys and have begun reviewing the assignment of electors to the new polling subdivisions they created. Once we've incorporated all the returning officer input, we will provide each party and each MLA without a party affiliation with a map showing the newly created polling subdivisions along with a list of electors based on those areas. Please remember that this will be the list used in the 2008 election, with a minimal number of updates at this point.

The enumeration is planned for the last week in August and the first two weeks in September of this year, and it will be conducted on these polling subdivisions just developed. Political parties and MLAs without a party affiliation, again, will receive new lists this fall following that enumeration.

Returning officers will receive additional training over the upcoming months, training to manage the enumeration and the election as well as an election refresher session. They will be accompanied by their key staff, the election clerk and the administrative assistant, when the election training is provided. These activities are all scheduled to be concluded within the next year.

Now I'll turn it over to the Chief Electoral Officer to continue with the presentation.

**Mr. Fjeldheim:** All right. I see that our time is moving on here, so I'm going to abbreviate a little bit of this. As I mentioned earlier, we had planned to partner with some municipalities in the province to conduct our enumeration while they were doing their census this spring. I'm afraid that, regrettably, we won't be able to proceed with that initiative. One major municipality has decided not to conduct a census in 2011, and due to some technical difficulties and so on a number of the municipalities now do the census-taking online, and to fulfill our obligations under the legislation, we need signatures on our forms and so on. So we've run into a few snags in that area as well. As a result, we will be conducting the province-wide enumeration on our own in conjunction with all of our 87 returning officers.

We'll be supporting enumeration activities in particularly challenging areas through early notification and expanded options for participation. Apartment and condo owners and managers will be contacted well in advance to advise them of the upcoming enumeration. Residents of student campuses will receive information through central information booths and will have the opportunity to add their information online or via mail if we are unable to contact them during the enumeration.

We plan to increase public awareness about sources of additional information for the next provincial election. We want to ensure that temporary work camps and postsecondary institutions have the information needed to contact the appropriate returning officers so that they can receive a special ballot. We will also ensure

that electors receive their special ballots as quickly as possible by prearranging express post for deliveries.

Social media websites and smart phones are revolutionizing the way communication is done with voters throughout Canada. In Canada I am told that there are over 11 million users on Twitter and 16 million on Facebook. That was quite a surprise to me. By using these in tandem with traditional communication methods such as the newspaper and so on and social media websites and Internet-capable devices such as smart phones, we will be able to increase election awareness and share information in a more comprehensive and engaging fashion.

I think I will conclude there. Thank you very much for your time. We'll be happy to answer any questions you may have.

**The Chair:** Thank you very much.

Any questions? Ms Notley.

**Ms Notley:** Thank you. I have two questions. My first question relates to the assignment of polls. I'm wondering about this process of figuring out where the new polls are in the new divisions before you've completed the enumeration. It would seem to me that you're going to have some polls where you're going to have triple the number of people there if you're using the current list. As I've said repeatedly, as you probably know, in my riding the current list is probably about 30 per cent accurate at this point, if that. So how can you come up with polls in ridings like that without first doing the enumeration?

**Mr. Fjeldheim:** Okay. What we do is get maps that show parcels of properties and that show addresses and lot lines. They're address-based maps. We do a calculation, and it's based on what we had previously, as you mentioned. Also, we count each of the houses and multiply it by 2.2. Where it's a multi-unit residential, then we can find out on those maps as well how many people are resident in that. Based on that, we draw these subdivisions. Let's just say, for example, that we draw 60 subdivisions. Once that is done, then we enumerate based on those subdivisions, as you mentioned.

Now, legislation talks about 450 electors in each subdivision. If we get much over that, we'll divide that subdivision in half, so we'll have 27A and 27B. That'll magically turn into two polls, or it could turn into three. We're making our best efforts at this time to figure out how many we expect to be in there.

Now, Lori, do you want to add anything to that?

**Ms McKee-Jeske:** Just to say that we really aren't selecting polling places or polls at this stage of the game. All we're doing is establishing polling subdivisions entirely on the number of projected electors we expect to see in an area.

We do get excellent data from the municipalities, so with an indication of the number of units, as Brian said, we can do a calculation that will indicate how many people that should be. As a rule of thumb two-thirds of the population will translate to electors. At this stage of the game we're really just dealing with numbers and our best guess.

**Ms Notley:** All right. Then my second question. I raised this when we last met with you, and since then I've had conversations with representatives from the student groups, who continue to be concerned about the enumeration process and the timing of the enumeration, so I'm putting it to you again. Can we be assured that enumeration in areas that are adjacent to universities will not commence until the second week of September?

11:00

**Mr. Fjeldheim:** First of all, I'm going to start the enumeration across Alberta in the last week in all the constituencies. I have the authority to decide when it will happen and how long it will happen for. If we look at electoral divisions that contain universities and postsecondary institutions, I can extend the time for conducting that enumeration. I'm not going to stop the enumeration if I don't feel that we've got a good count or that we've covered the entire electoral division appropriately.

**Ms Notley:** Well, can I get some more clarity? Because I'm deeply concerned about this.

**Mr. Fjeldheim:** I understand that.

**Ms Notley:** I have been involved in my riding not only as an MLA but as an organizer for the last decade, and there has been a profoundly consistent, ineffective strategy for getting at students who reside in that area. So, you know, we really need some more clarity in terms of the assurances.

There are big blocks of that riding where, if you go in the last week of August and then you go again in the second week of September, your list will change by about 60 per cent. We really need some assurances on this, and the representatives from the student communities need some assurances on this. They're not feeling heard right now. I have to say that right now I'm not totally feeling heard either because I'm not getting a certainty in terms of when exactly you would decide: oh, maybe this is not good enough; we'll go back in. There are blocks in my riding that if you start that in August – I mean, are you intentionally going to go back in there and go through every building again in the second week of September? That's what you'd have to do; otherwise, you know, you've got a real problem.

We've got a real problem in that riding, and it is frustrating because it's very predictable. You can see it's going to happen. You know it's going to happen. So I'm frustrated by the lack of assurances that we're not going to once again embark upon the same mistake.

**Mr. Fjeldheim:** Well, I can assure you that we're not going to conduct an enumeration and just do this partially. Each of the enumerators goes to each residence three times. Now, obviously, in that constituency there are a number of residences that are not affiliated with the university.

**Ms Notley:** But they have university students in them.

**Mr. Fjeldheim:** So I would instruct the returning officer, you know, to make sure and hit these places first. Where you know there are going to be students, we're not going to go there at the end of August. That's just common sense.

Also, I'm surprised to hear that the university students association is saying that because I've met with them, and I've talked to them. We had a very good meeting, talking about how we were going to conduct the use of special ballots and so on.

**Ms Notley:** No. That's special ballots. What I'm talking about is enumerating for the many, many, many, many students who reside . . .

**Mr. Fjeldheim:** Yeah. Who consider that their ordinary residence.

**Ms Notley:** That's right.

**Mr. Fjeldheim:** Certainly, we'll do that.

**Ms Notley:** That's right. What I'm saying to you is that demographically there is less than half of that riding that you can go into in August and expect to get 50 per cent or more accuracy in terms of what you're getting. There's about 30 to 40 per cent where you can go in in August and be reasonably assured. I mean, even there if you insist on going in August, you are going to up your inaccuracy by about 15 per cent. There's no part of that riding where you're not going to up your inaccuracy by going in in August. There are only small portions where you could, you know, at least, I guess, for some strange reason, decide to accommodate a 15 per cent error rate right off the bat, but there are other areas where you're looking at a 50 per cent error rate.

So I'm very, very concerned that that understanding is not there. Quite honestly, I just don't know how you can expect to do the best job of enumeration by starting anything in there in August. There are about five polls where I would suggest you're safe to start in August.

**Mr. Fjeldheim:** Okay.

**Ms Notley:** The rest you're bound to undercut the quality of what you're doing.

**Mr. Fjeldheim:** Right. Well, as I mentioned, the returning officers are instructed to tell the enumerators to visit three times. I want to be consistent across the province on the start date. The end date I can vary. I don't mind varying the end date. Obviously, I'm going to take, certainly, a very good look at this. If I feel that we're not getting the results that we should be getting and the count that we should be getting, then I will continue the enumeration.

**Ms Notley:** Again, I'm not sure how you're going to make that decision. I'm not sure what the criteria are that you're going to use to make that decision, you know, where you feel you're not getting what you should be getting. I know as someone that has organized on election days in that riding over and over and over again that the quality of the voters lists in that riding is systemically and repeatedly very, very bad. So I don't know why you would start with a plan that's destined to require correction.

**Mr. Fjeldheim:** Maybe we'll agree to disagree because I don't feel this is a plan that is destined for failure.

**Ms Notley:** Well, this is my concern because I know the area. I live in the area, and when you say that, it frustrates me greatly.

**Mr. Fjeldheim:** Right. Well, I went to school in the area.

**Ms Notley:** And I live in the area.

**The Chair:** You can talk later. Okay? I think we could probably go into more detail in a bit.

**Ms Notley:** Well, I'm just very concerned that we're not setting this up well.

**Mr. Fjeldheim:** I appreciate that, and I do understand that.

**The Chair:** Ms Blakeman, are you still on the line?

**Ms Blakeman:** Yeah.

**The Chair:** Did you have any questions?

**Ms Blakeman:** I did. I was wondering if there had been any plans to change the payment schedule for the enumerators because that's another place where it really goes off the rails. I mean, there is no

incentive for them to go repeatedly to a house. They're not paid more. I've got one apartment, for example, that's filled with foreign students, and enumerators go through there once, and they mark everybody as a citizen. I try and go through there, and none of them are. There's no incentive for them to go back, and there's no incentive, necessarily, to get it right. That's around the payment schedule. Can you talk about whether you (a) were aware of this and (b) were going to change it?

**Mr. Fjeldheim:** We have not made any proposal for an increase in payment. The incentive for the enumerator is a dollar a name. As I mentioned earlier, we instruct them to go back three times at least, and we leave notifications and so on when no contact is made. Once again, there is a base fee, and then the incentive is a dollar per name. That dollar is whether they are confirming the name that is already on the list or is an addition to the list.

**Ms Blakeman:** But you can see that if you have to go back repeatedly, there's no incentive to do so. You're doing so on your – you've already been, you know, paid, so to speak, and going back two or three times to find it doesn't get you anything, especially if you don't end up with a name.

**Mr. Fjeldheim:** I'm sorry. Each time you confirm a name that is already on the list or you get a new name to put on the list, you get a dollar. Am I missing something here?

**Ms Blakeman:** Yes. Because if you're knocking on a door and no one is answering, there is no incentive to go back two or three times.

**Mr. Fjeldheim:** Well, the incentive is to go back so you get the dollar or the \$2 or the \$3, depending on how many electors are there.

**Ms Blakeman:** Well, has this system changed recently? Because my experience of that list is that people were not . . .

**Mr. Fjeldheim:** No. It's been that way for as long as I can recall. It wasn't a dollar, of course. I think when I started, it was 25 cents a name. But that's the incentive. The incentive is the dollar.

**Ms Blakeman:** Okay. I'll go back and check this with the people I've spoken to, and I'll bring it up to you privately.

**Mr. Fjeldheim:** Yeah. Feel free to call me about that.

**The Chair:** Okay. Mr. Bhullar.

**Mr. Bhullar:** Thank you, Mr. Chair. Good morning. My questions relate to training of all sorts of election officials, not just the returning officers but also clerks and so on – and I've brought this to your attention before, and I've brought it up on several occasions – specifically when it comes to interpreting election rules, voter eligibility, ID requirements, et cetera, et cetera. The reason I bring this up again is because I've heard constantly, to be quite honest, especially from people of certain visible minority groups who were asked to produce more identification than legally required, on a constant basis, people that were denied the right to vote on a regular basis because they wanted other ID, different types of ID. I feel this problem is a very significant one. It lets people feel as if they are, quite frankly, not at home in this Canadian system. For that reason, I just would like to hear about what you are doing to train not just the returning officers but the actual clerks, the folks that will be on the front end. The previous commissioner's election report even mentioned that there are often issues with respect to staff interpreting rules differently, interpreting legislation differently.

11:10

**Mr. Fjeldheim:** All right. Thank you very much. Well, certainly we want to treat everyone the same. By legislation there is a list that we have put together of acceptable identification, and that identification, of course, is for everyone, visible minorities as well as everyone else in this province. We do extensive training with the returning officers and the election clerks and the administrative assistants, and it is the responsibility of the returning officers, using the material that we supply, to train the election workers. The deputy returning officers, the supervisory deputy returning officers, and the registration officers are all trained.

I'm going to ask Lori to comment on the types of identification that we have that are acceptable in Alberta. Again, I want to emphasize that certainly one group should not be asked to supply more identification than any other group.

**Ms McKee-Jeske:** As you know, the Assembly approved changes to the Election Act, and one of the items did relate to the identification to be used for voting. I think the change that was made is going to be very useful because it brings a great deal of clarity to that area. It specifically talks about an individual producing either a piece of government-issued ID, so a driver's licence – that makes it easy – or two pieces, both of which have to have a name, one of which has to have a current address. Then as Brian said, he's prepared a list of all the identification that we've been able to locate going to the municipalities, going to Elections Canada to see what they use, to find something that is broad enough to ensure that people shouldn't be disenfranchised for lack of ID opportunities.

A couple of the things that we intend to do to supplement the training that's given by the returning officers is to have information in a placemat format that sits right at the polling station. One of the pieces of information will be the identification that is to be accepted. So it's not discretionary on the part of the individual sitting at that table; it's prescribed by law what's to be accepted. That information will be posted as well in the polling place, so an individual walking into the poll can have a look at what they have in their wallet to make sure that it's appropriate. So the eligibility requirements for voting will be placed next to the ID requirements, and hopefully that will help to bring some additional clarity as well.

**Mr. Bhullar:** Well, I think it's not just a matter of clarity. I think it's a matter of training and proper supervision on the ground. I think that's absolutely instrumental. Quite frankly, I think an investment on the front end here of having well-trained staff all across the province, whether that'd be paid training, whatever the heck it requires, is a worthwhile investment for everybody in this democratic process.

The second piece I'm going to refer to just briefly is the actual enumeration process. Now, experience shows me and tells me that folks with not-so-common names – let's just say their names don't always appear very accurately on lists sometimes. For example, in some cultures there's the use of legal middle names, so on a list a legal middle name appears as a legal last name, and on other lists it's missing altogether. It just turns into a pretty complicated scenario.

Then you have, let's say, a few dozen people all with this middle name process who go up to vote, you know, and you end up raising some suspicion on the part of the officers working there saying: well, why aren't their names right on the list? It's not their fault the names aren't right on the list. It's Elections Alberta's fault that the names are not right on the list. What sort of training are the folks that are actually going to be on the ground enumerating going to have in this process? How are we going to be able to ensure that they can – I'm typically not one to go out and say that

you need folks to go through some sort of culturally sensitive training or anything like that, to be quite honest with you, but in this case I would say that people do need to be cognizant of the fact that there are sometimes communication gaps.

If you have a senior citizen, specifically, who doesn't speak the language, who tries to understand what you're saying but maybe cannot provide you information in a very, you know, understandable fashion in English, that can lead to a whole series of challenges. All those challenges are compounded, and then on election day you've got a helpdesk just filled with people, usually again of visible minority backgrounds or folks with not-so-common last names saying: what the heck is going on with my name on this? Again, in this process they feel, really, sort of excluded. Everybody else sort of looks at them and stares and says: these guys are always doing something funny. So it all really compounds.

To me, quite frankly, these sorts of problems really hurt the democratic process. I know it can't be perfect, but I just hope that on the front end here now we can find some small ways to minimize these issues.

**Mr. Fjeldheim:** Thank you. I certainly appreciate those comments. What we try to do with returning officers is to utilize the people that are in those communities as election workers, so they are familiar with the culture. They are familiar with the names and so on. We do that across the province. We try to do that with First Nations people, and we try to do that with people from different cultures. The people that are collecting the names for the list of electors and the people who are going to be doing the data entry are familiar with those types of names and so on. We strive to do that, to ensure that the people within those communities are the ones that are involved during the enumeration and are involved on election day and also, of course, speak the same language.

**Mr. Bhullar:** You're saying that they're going to be involved in the data entry process?

**Mr. Fjeldheim:** Yes, I would hope we could get some people in the data entry process. What happens is that these enumerators go out and collect all this information. Then the returning officer hires approximately six data entry operators. So these lists come in from the enumerators. They're given to the returning officer to do a quality control check. Then they are passed along to the data entry operator to enter into the database, which produces the list of electors for each of the electoral divisions. Obviously, if you have people who are collecting the names and are familiar with those types of names working in those visible minority communities and then they pass those names on to someone who is not familiar with those names, that makes it that much more difficult. Obviously, we would like to have someone doing the data entry that is familiar with those names.

**Mr. Bhullar:** I think that in the past – I don't remember if it was Elections Alberta or if it was the city of Calgary – officers, folks going door to door enumerating, carried with them cards that explained what they were doing in a multitude of different languages. Is that something they'll be doing again?

**Mr. Fjeldheim:** We would be looking at that, yes.

**Ms McKee-Jeske:** We did that last time.

**Mr. Fjeldheim:** That was done last time? Thank you.

**Mr. Bhullar:** Perhaps I can offer my assistance in saying that I can help you reach various communities, at the time enumerations are starting, to say, “This is what’s happening; this is why you have somebody knocking on your door saying: tell me who lives here.” Let’s be honest, my friends. There are folks who live in our province that aren’t too trusting of government folks showing up at their door saying: tell me who lives here. That sort of a public awareness campaign at the same time, I think, would be worth while as well.

**Mr. Fjeldheim:** I’m afraid that they’re going to be a little inundated this year because, of course, the Canada census is also happening, and a number of municipalities, including Calgary, are conducting a census this spring, so we’re going to be the third group that comes along.

**Mr. Bhullar:** I mean a little piece there just to say: hey. And, sir, I’ll arrange your interviews. I will go out and talk to various ethnic media and say, “Please have this fellow on.” You go on and say: “This is why they’re coming to your door. This is the only reason why they’re coming to your door. You have nothing to be afraid of.” I’ll tell you, I still hear this stuff today. I still hear today people saying: “Oh, I don’t know. I don’t know if I want to tell the government I have six people living in my house.” You know, they’re reluctant to say that there are six people living there. I don’t know why. Anyway, I hope we can work together in this process to make sure that we can minimize these issues in a systemic manner.

Thank you.

11:20

**The Chair:** Thank you.

Mr. MacDonald, followed by Ms Notley.

**Mr. MacDonald:** Yes. Thank you, Mr. Chairman, and good morning. I would first like to say that your information posted on the Internet is very useful. All the financial statements and the other information that you provide there I find very useful, and I check it on occasion, but I am disappointed to visit your office. I like visiting your office, and I like the coffee that’s provided. I appreciate that. But I was disappointed to notice that you have shut down your file room with all the previous elections, the paper files of the disclosure statements in the binders that you had there. I really wish that was still in place, but I can understand, you know, that we’re moving on. In some quarters we’re moving on to the Internet in full fashion.

My questions are around the returning officers. You said that you had 90. You now have 85, I believe.

**Mr. Fjeldheim:** That’s correct.

**Mr. MacDonald:** I should know the answer to this question, but I do not, Mr. Chairman. Are the returning officers, even though they’re hired by your office, still order in council appointments?

**Mr. Fjeldheim:** No. Under the new legislation I am responsible for the hiring of returning officers and election clerks entirely. There is no more order in council.

**Mr. MacDonald:** Okay. Is that list of 85 a public list at this moment?

**Mr. Fjeldheim:** We haven’t published it yet in the . . .

**Mr. MacDonald:** *Gazette*.

**Mr. Fjeldheim:** . . . *Gazette*. That’s the word I was looking for. It will certainly be published in the *Gazette*.

**Mr. MacDonald:** You’re obligated by law to publish this in the *Gazette*?

**Mr. Fjeldheim:** Yes. I’m looking at Lori to confirm that.

**Ms McKee-Jeske:** We would do so, yes, to make sure that’s publicly provided. At this point we’re waiting to get our appointments and oaths back from the returning officers who have been appointed, and then those will go forward into the *Gazette*.

**Mr. MacDonald:** Am I led to believe that you were already training some of these folks?

**Mr. Fjeldheim:** Yeah. They are already trained. They have completed the map with the subdivisions we were chatting about earlier, and they are now reviewing the lists of electors to make sure that when we take these people out of this electoral division 27, subdivision 82, and we put them in 36, subdivision 23, they’re in the right place. So when you get your list and the new map, it will be numbers that are out of date in terms of electors and so on because it’s from the ’04 enumeration plus updates in ’08 that were taken during the election and so on. We’ve got to make sure they’re in the right place, so that’s what they’re doing now, confirming that we’ve moved these electors into the right place.

**Mr. MacDonald:** Okay. I can appreciate that, but I think the information on these individuals, particularly in light of what happened in the last election, should be public. Certainly, if they’re working, if they’re getting ready and putting everything in place, it’s in the public interest to know who these individuals are.

I would just like to say in regard to Mr. Bhullar’s comments and suggestions that I certainly hope they are trained adequately. In the last election, particularly in our constituency, whether it was a lack of training or whatever it was, the law, the Election Act, was not abided by in certain polls in the constituency of Edmonton-Gold Bar, and that was acknowledged by your office. If it’s a training issue, hopefully it is going to be resolved so that those practices do not continue.

Now, I have some other questions, Mr. Chairman. You note in the annual report where there have been some changes to the Election Finances and Contributions Disclosure Act. I think it’s an improvement, certainly, whenever we’re looking at auditing financial statements. I’m told that constituency associations at the moment are not required to provide an audited financial statement on an annual basis.

**Mr. Fjeldheim:** That is true.

**Mr. MacDonald:** That is true. My first question to you would be: do you think that should be changed?

**Mr. Fjeldheim:** No, I do not.

**Mr. MacDonald:** Okay.

**Mr. Fjeldheim:** If I may continue, I believe that we do a desk audit. We review the statements when they come in, but I think – and, of course, we get to know a number of these people involved at the constituency association level – it would create quite an onerous financial task for many constituency associations. I feel that it is important that they continue on and not feel: we have to make sure we at least raise this much money every year so we can afford the audited financial statement.

**Mr. MacDonald:** Well, Mr. Chairman, in light of that and with due respect, in some constituency associations for some parties we're talking about a significant amount of money. I think we could put a ceiling or a bar on it where if there was an amount over a certain amount, then there should be an audited financial statement. We're looking at, particularly, the Progressive Conservatives, the government party. I looked at the New Democrats. I looked at ourselves for the year 2009, and we're not talking about a lot of money. But with the Conservative Party we're talking over a four-year period, between 2006 and 2009, over \$6 million that has been expensed at the constituency level.

I shared my research with your office, I believe, in the fall, and I think it's fairly accurate. Some of the constituencies, a couple of them, in that four-year period spent over a quarter of a million dollars, and four, if you added them up, would be over \$1 million.

I don't think it's unreasonable to expect that amounts over – for instance, we could use \$375 as the bar, just like it is for a disclosure statement. Why could amounts over that not be publicly identified? I think it is very important. There is some big money flowing around here, and what this money is used for I have no idea. But whenever you consider that in some years there could be upwards of \$186,000 spent, \$257,000 spent in Edmonton-Whitemud in a year on constituency expenses – some of this money is, obviously, tax receiptable. It comes in with a receipt. I don't think we can not request that all constituency associations with amounts – we can work this out – over a certain level are audited, and there should be an audited financial statement made.

Your desk audits – I'm sorry; no disrespect – are not adequate. If that room was still available, I could go and find you mistakes with all parties where they have volunteers doing their books, where there have been mistakes made, and it's just been rubber-stamped by Elections Alberta. In this day and age it's not good enough.

I think we should make a process. All parties should abide by it. It should be a law that constituency associations' annual expenses are audited, and any amounts that are over \$375 should be disclosed so that if the public is issued a tax receipt, they know full well where that money is being spent. If we're going to have an open and transparent elections system, voters, taxpayers, have every right to know where the money that has been spent came from and what it's been used for.

**Mr. Fjeldheim:** I appreciate your comments. Also, I appreciate your comment about the consistency right across, that it would have to be for all parties. Of course, that would require a legislative change, and obviously if there was a legislative change, then we would certainly carry out the requirements of the legislation.

**Mr. MacDonald:** Do you have any idea what it would cost? I mean, the parties have to have an audited financial statement. I know what it would cost our association, and we'd be quite willing to do it, but do you have any idea what it would mean for your office?

**Mr. Rhamey:** You mean for us to review the audited statements or for us to do the audits?

11:30

**Mr. MacDonald:** No. What administrative burden do you think you would have to enforce a law that all parties at the constituency level provide annually their expenses in an audited form and any amounts over \$375, any individual expenses? Just like with the election contributions and disclosure act, they would be itemized. For instance, if we had a Christmas party and it cost us \$550, that would be listed. If we sent out, for instance, a mailing and we had \$800 in stamps and it was over \$375, that would be listed. If we sent some young

people to an annual general meeting and we picked up their hotel room and transportation costs, that would be listed.

**Mr. Fjeldheim:** I don't feel that would create a huge burden on our office. It would require us, obviously, to disclose it publicly and so on, but we would put it up the same as we put up the audited financial statements for the political parties.

**The Chair:** Ms Notley.

**Ms Notley:** Thank you. I'm just going back to the issue that I was talking about with respect to the enumeration. You talked about how, well, if you reached a certain point and you felt the enumeration hadn't been adequate, you might extend the time. I'm wondering: will there be a process of consultation in there? Like, will you have a draft list of enumerators or a voters list that people can see so that if we feel there is a concern that people haven't been properly enumerated, we can have a more formal and transparent and accountable process to go back to you to say: "Listen; it didn't work. You need to go back into this area"?

**Mr. Fjeldheim:** Yeah.

**Ms Notley:** I mean, I'm again looking for certainty and some ability to have a process that we can rely on as opposed to just pure discretion, that we only find out about it after the fact.

**Mr. Fjeldheim:** Parties will get the list as soon as we can get it together after the enumeration is completed.

**Ms Notley:** That's my concern. That is my concern. What I'm talking about is not after it's completed. I'm talking about in the process. You're saying to me that you're going to hold to yourselves some discretion to extend the enumeration process if you feel that it's not adequate.

**Mr. Fjeldheim:** Right.

**Ms Notley:** But we don't have a clear set of guidelines or criteria or a process for determining whether it's adequate. All we have is the past history of it not being adequate. My question to you is: would you be prepared to consider some mechanism whereby we can take a look at that list before it's complete so that if we have concerns that huge tracts – in our case students but in other communities it can be other groups – of voters are not properly reflected on that list, we can get it changed rather than going back to each voter one-on-one and saying, "Oh, you can always get yourself on the list after the fact," because that's a completely different process, which we do not have the resources to engage in.

**Mr. Fjeldheim:** Yeah. The revision period during the election you're referring to.

**Ms Notley:** Well, any period, any one-on-one thing. I'm wanting to ensure that the resources are used efficiently and effectively and that people aren't after the fact trying to do one-offs because there are big gaps that were left.

**Mr. Fjeldheim:** Right. I'm thinking. I'm thinking.

**Ms Notley:** I mean, apart from going with my suggestion of starting a week later, I'm looking for other solutions.

**Mr. Fjeldheim:** People say, "Well, everybody is away on the long August weekend," and so no. Number one, it's also a safety concern of mine. I want to get started as early as possible while there's still as much light as possible. Enumerating these days is

fine on Pleasant Street, Alberta, but there are a number of areas right across this province where it is not that safe to be out after dark. We encourage people to make sure they're finished – I want them to quit – while it's still light outside and you can come home again and so on. There are numerous stories of incidents. I want to make sure that there's still light out there when they're enumerating. So that's the August-start reason.

More specifically to your question, we will have a pretty good idea of how many electors there should be in each of these subdivisions. I think your concern is: how accurate is that number? We could certainly share that, I think. I don't have any concern about sharing that. "This is the estimate we have," and if someone says, "Hold it; you say that there are 400 in there, but there are 800 in there," well, we want to make sure that we're on track and get the 800. Then we'll split it, as I talked about earlier.

**Ms Notley:** Yeah. I mean, the numbers: that's a very blunt tool. It would be better to sort of see the list to make sure that people are on the list that should be on the list. Really, the issue is that, you know, by just sort of sharing estimates of numbers, I don't think we'll get at the problem because the problem is not the numbers; the problem is the names. As you know, last time 49 per cent of the people who voted in my riding were written onto the list on voting day, and I still to this day, just last night door-knocking, run into people who tell me that they tried two or three times to vote and were not allowed to. It's the names that are on the list that I'm profoundly concerned about.

**Mr. Fjeldheim:** Right.

**Ms Notley:** So again I'm going back to you. Is there a way to share a preliminary list before you have shut down the enumeration process so that we can address those concerns and say: "You know what? We'd like you to exercise your discretion here to go back into this area and re-enumerate because you don't have it right now"? Otherwise, how do we do that?

**Mr. Fjeldheim:** Once again, I have the authority to start and stop and start again, and if there is a hole somewhere, we're going to fix it. If someone gets a list somewhere in the province – and we can't keep going back forever, obviously; that's not practical. Once we've sent that list out to the parties – there is no preliminary list. As soon as we get that inputted from across Alberta – we'll have about 400 data entry operators pushing this stuff into our database. We don't send out a preliminary list. Federally they have a preliminary list. We don't have that. We're going to send it out as soon as we can to the parties along with a map so that all the candidates can look at that map and see how many people there are in each one. That would be the time, I guess.

**Ms Notley:** So the long and the short of it is, then, unfortunately, that you're not using a preliminary list strategy, which would be another, more complex way to deal with the problem that I'm telling you history has shown us we have had over and over and over again in that riding, and you're not prepared to change the time when you start the enumeration even though we have told you very clearly that this is a significant problem in this riding. We can tell you that there's been a long history of your office not dealing with this problem correctly in that riding, and what we're basically being told is that we're just going to have to trust you because there's no mechanism to come in and say: "You know what? You missed this area. You guys went through this area on August 27, and half the people that live there moved in on September 6."

**The Chair:** You've got about two minutes left.

**Ms Notley:** You know, it's such a black-and-white problem, and I'm really frustrated at the unwillingness to find a solution, Mr. Chair. Sorry.

**Mr. Fjeldheim:** We have a returning officer in that riding, obviously, and we've reviewed the map. We do that in great detail. This isn't something we do just in a few minutes: "Here. Take a look at this. How's that?" They spend hours on this.

I appreciate what you're saying, but quite frankly I'm starting to get a little bit lost because I've explained the process. I've explained how we can go back and fill any of these holes. The returning officer, again, knows that riding. I appreciate that you're very familiar with the riding. Well, we want our returning officer to be just as familiar with that riding, to be able to see these subdivisions and have a very good idea how many electors are in that area, so they will be able to tell us how accurate that list is after the fact.

**Ms Notley:** I guess what I'm saying is that a returning officer that knew the riding would never think to start enumerating before school had started.

**Mr. Fjeldheim:** There are people in that riding who do not attend school.

**Ms Notley:** Absolutely. That's absolutely true, but the problem is that that's not a big enough percentage.

**Mr. Fjeldheim:** Those we will get, and we will also get the students that are in that riding who are ordinarily resident in that riding.

**The Chair:** Mr. MacDonald. Very quickly. We're going to wrap up pretty quickly.

**Mr. MacDonald:** Yes. Okay. I appreciate that.

The notice that you send out in conjunction with Service Alberta or auto registrations or licensing notifications or whatnot – and it's just a rectangular slip of paper: if there's a change of address, please let us know – how many responses do you receive electronically from those leaflets that you send out? Do you have any idea how many people read that and go online and update their information?

11:40

**Ms McKee-Jeske:** I believe about 1,500 a month go in and either update their information or add information.

**Mr. MacDonald:** Okay. I thought it would be more than that.

**Ms McKee-Jeske:** No. Between election periods it seems to be fairly stable around that number. Now, I can get you some better statistics. I'm going off the top on this answer and probably shouldn't, but I believe it's about 1,500 a month. When we have an election, not just a provincial election but any election activity, then we see a real spike because people get interested. They go in and update that information.

**Mr. MacDonald:** Okay. Quickly, to conclude, are you going to have any advertising campaign to alert the constituents of Edmonton-Strathcona, "Enumerators are coming to your door"? When are you going to start that? If the enumeration starts the last week of August, the first two weeks of September, when are you going to start a public campaign to alert citizens that this is who is coming to their door and why?



**Mr. Fjeldheim:** Yes. We'll be starting that in July and, of course, the first part of August right across the province. That will be for all constituencies. Where there is a requirement to continue later, we'll also be notifying people of that.

**The Chair:** Okay. Thank you. We've kind of used up our allotted time here.

I'd like to thank the electoral officers for attending today.

We'll adjourn till after lunch. We'll be reconvening at 12:19 sharp. We're breaking for lunch in committee room C.

[The committee adjourned from 11:42 a.m. to 12:21 p.m.]

**The Chair:** We'll call the meeting back to order. We'll be looking at the 2009-2010 annual report of the office of the Information and Privacy Commissioner. Good afternoon, commissioner and your staff.

For the record we'll go around the table and introduce ourselves. I'm Len Mitzel, and I chair the committee.

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

**Mr. Campbell:** Robin Campbell, West Yellowhead.

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

**Mr. Lindsay:** Fred Lindsay, Stony Plain.

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

**Ms Blakeman:** Laurie Blakeman from the fabulous but frozen constituency of Edmonton-Centre, to which I welcome you.

**Ms Mun:** Marilyn Mun, assistant commissioner.

**Mr. Work:** Frank Work, Information and Privacy Commissioner for Alberta.

**Mr. Wood:** Wayne Wood, director of communications, office of the Information and Privacy Commissioner.

**Mr. MacDonald:** Hugh MacDonald, Edmonton-Gold Bar.

**Mr. Hinman:** I think most of the province is frozen this morning. Paul Hinman, Calgary-Glenmore.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Thank you. Our primary item of business today is a review of the reports of the officers of the Legislature in accordance with Standing Order 55.01. As committee chair I can say that the committee has found this process to be productive, providing members with an in-depth look at the operations of the officers of the Legislature, keeping in mind the unique positions and independence of the officers. The committee has also accepted the officers' commitment to provide the reports annually by the end of October to accommodate the review of future reports in conjunction with the officers' annual budget estimates.

For the record Mr. Quest has joined us as well.

Mr. Work, please proceed with the overview of your 2009-2010 annual report. Your consideration of a 20-minute time limit would allow sufficient time for questions from the committee.

#### **Office of the Information and Privacy Commissioner**

**Mr. Work:** Thank you, Mr. Chairman. By the way, I'm pleased to hear you say that the committee has agreed with a slightly revised

timeline for co-ordinating annual reports and budgets. I think that will make for a really meaningful kind of exchange.

I worked for the Legislative Assembly back in the early '90s when the Leg. officers didn't have the benefit of a sounding board or an ear with a legislative committee, and I can tell you that I prefer this system. It's not always – well, I was going to say that it's not always fun. It's usually fun, but it's worth while being able to talk to MLAs about the work we do.

With that, we have a brief PowerPoint for you, Mr. Chairman. You've heard a lot of it before, but I'll touch on the usual highlights, and then I imagine there will be some discussion.

The Information and Privacy Commissioner for Alberta has three pieces of legislation to deal with. The Freedom of Information and Protection of Privacy Act applies to public bodies, including the government of Alberta but also municipalities, universities, schools, and hospitals. The so-called FOIP Act deals with both the privacy of Albertans' personal information with respect to those public bodies and the right of access to information in the hands of those public bodies.

The Health Information Act applies primarily to health care providers in the province of Alberta, and it deals primarily with how they collect, use, and disclose the health information of Albertans during the course of providing health services.

Finally, the newest piece of legislation is the Personal Information Protection Act. Alberta is one of three provinces in Canada, I'm proud to say, which has a private-sector privacy act. The Personal Information Protection Act is, I think, one of the most forward-looking and practical pieces of privacy legislation in Canada. Because of our unique Canadian constitutional structure some of the functions that we perform and the powers that we have under the Personal Information Protection Act are, of course, concurrent with functions and powers held by the government of Canada, and I'm pleased to say that the number of collisions over jurisdiction have been pretty much nil in the past five years that this legislation has been in force.

The commissioner's functions under any or all of these pieces of legislation are basically to conduct reviews and investigate complaints, and there are some examples there. The statutes all provide for a right of correction to information held by these organizations. There are limits on the kinds of information that can be released by a public body. Albertans can file complaints that their personal or their health information has been collected, used, or disclosed in violation of one of the laws, and if someone makes an access to information request and they do not feel that that has been handled according to the law, they can ask for a review of the decisions of the public body with respect to access to that information.

The commissioner's functions. I can investigate on my own motion. We review and accept privacy impact assessments, which are required under the Health Information Act. We get hundreds of them. They're not required under the freedom of information act, but more and more public bodies are voluntarily seeing fit to do privacy impact assessments, and we're always happy to review those.

We consult with public bodies, government of Alberta, and municipal governments on programs, schemes, and proposed legislation. We get requests for advice and direction: commissioner, what do you think would happen if we did this, or how do you think the law applies to that? We try to deal with those whenever we can, where it doesn't look like it will prejudice us on a future order. We issue decisions on requests for time extensions.

Staffing levels: 38 positions, with 11 portfolio officers, six directors. The directors, by the way, are not pure management positions. The directors all carry reduced caseloads to recognize their supervisory responsibilities. The intake officers are like the

triage people at the front desk. People phone and say: I've got a complaint; what do I do? The intake officers deal with that. Often we can resolve things at the front desk. Four adjudicators. Adjudicators are people who write orders. If a complaint or a request for review cannot be resolved by one of the portfolio officers, the law says that it has to go to an inquiry, and the adjudicators are the people that receive the submissions from both sides and hear and decide and write an order. We have nine support staff. You can see there that our staffing levels have remained constant over the past four or five years.

Then there's an organizational chart, which I'm sure you find fascinating given that we've done it so that no one can read it. It shows up better in print, I'm told.

I think we'll skip the next slide on order-making powers. That's more things from the act. If you're interested, we can come back to it.

### 12:30

What I'd like to do is that for each of the three statutes I asked my staff to help me isolate three issues from the annual reports to discuss with the committee, so here we go. Under the Freedom of Information and Protection of Privacy Act members of the public are consistently the primary users of the right for an independent review. Now, remember, my office functions not in the first instance, not in terms of getting the information from whichever public body it is; we function in terms of someone having asked for the information and either not having gotten it or not having gotten what they think they should or something like that. As it says, we're the reviewers.

Sixty-seven per cent of the FOIP cases and 76 per cent of the noncase inquiries were from members of the public. The freedom of information act accounts for 53 per cent, over half of all the cases in my office that go to inquiry. Mediation investigation resolves 82 per cent of the cases we get under FOIP, which I think is very good; 39 cases, or 12 per cent, were resolved by orders; 21 cases, or 6 per cent, were resolved by my decision to refuse to conduct an inquiry.

As I think I mentioned at budget time, you know, the realities of resources and the realities of caseload I think dictate that I have to take a closer look at the kinds of requests we're getting and whether or not the matter has already been decided, for example, or whether or not the matter is – I don't want to use the word vexatious but whether or not the matter is well founded. In 21 cases I've refused to put the matter forward for inquiry. Inquiries are very expensive for all parties. The public body has to prepare a brief submission on what happened. If there are thousands of pages, the brief has to deal with all the issues. The member of the public, the complainant, has to put together a brief, and one of my staff has to read it and decide and write an order. So you want to use those kinds of resources very carefully.

Historically it's always been the case that my office has consulted with public bodies not just on legislation but on initiatives. We've always been very open to do that, and I think it has always worked quite well. On the slide here I hold up as one of the prime examples the cross-ministry information-sharing initiatives such as the child and youth data laboratory, social-based assistance review. These are cases where the government wishes to try something different or something that may run counter to the FOIP view of information sharing. We've worked with public bodies to see if there are ways that some of these initiatives might be accommodated under the act. It's not always possible. In that case either it doesn't get done or an amendment to the legislation sometimes has to be sought. As I said, we do get more privacy impact assessments and privacy scans, which we're always happy to review because that's just good, proactive business.

Under the Health Information Act significant issues are that the scope of the Health Information Act has expanded. There are a lot of new custodians. Remember, custodians are basically health care providers. There are lots of new custodians being brought into the act. More and more colleges, which are self-governing entities, are being brought under the Health Professions Act of Alberta. The Health Professions Act typically makes the colleges responsible for the knowledge and the compliance of their members with the prevailing laws, but we play a role in that in terms of helping them prepare their members to deal with health information.

As you can see from the second bullet, we estimate there are about 40,000 – 40,000 – health care providers who now have some kind of access to the provincial electronic health record, Netcare. We see our role in this with respect to a growing concern with unauthorized access by authorized users, people that are, well, surfing, for lack of a better word, where they shouldn't be.

Going back a ways, I think that in order to facilitate a functional, efficient electronic health record, certain controls that people used to have over their health information had to be abrogated, and my office supported that when it was done. On the other side, the quid pro quo of that, people lost some control over their health information in terms of consenting to its use. On the other hand, they did get something in return, and that is a good electronic health record system that is necessary. They got statutory review under the Health Information Act. They've got the right to ask for investigations. As it says here, Bill 52 amendments ensure that Albertans can get a copy of their access log. So even though they don't directly control who's looking at their health information, they can find out if they want to. If they feel that there's anything wrong there, they bring it to us, and we have lots of power to investigate it.

Okay. Let's move on to the Personal Information Protection Act. Staffing issues are probably the most significant issue with PIPA. Remember, PIPA is the law that governs private-sector organizations and how they collect, use, and disclose personal information. We have a lot of complaints. I think the average case officer is carrying between 50 and 60 cases. It's heavy. It means longer timelines. People get mad and they phone and they give me heck or, worse, they phone my people and give them heck. But, you know, it just is what it is. We're not sitting on our hands. I mention that to you only to say that there is some frustration, I suppose, with the timelines in the private-sector area. The investigations we have to do with the private sector typically are more difficult than the investigations we have to do with public bodies. Maybe it's because public bodies are more accustomed to the legislation and expedite things a little faster. The timelines are long.

Let's see. As I mentioned before, we collaborate with the other jurisdictions that have private-sector authority.

The newest amendment to the Personal Information Protection Act is breach notification. Alberta is the only jurisdiction in Canada which has mandatory breach notification where there is a loss or a hack of personal information by a private-sector entity, and a lot of you know that because you were on the review committee that made the recommendation that the law be changed.

Canada is probably the only jurisdiction in North America where the mandatory notification is to a commissioner as opposed to just the people affected. I think that's the preferable model. I think it's very hard for people to make sense of the implications of what has happened to them when their information is lost. I think having the reporting to a regulator puts us in the position of being able to help people understand or at least guess at what the event, the spill, might mean to them. Interestingly enough, some European jurisdictions are now looking at this model with great interest.

12:40

Okay. I think I have just a couple of minutes left of my 20. I gave you a bunch of statistics: total cases opened, total cases closed, total number of calls and queries. Happily, most of those calls and queries are dealt with just on the basis of calls and queries.

The next slide just gives you a breakdown of the cases opened for the reporting year: FOIP, Health Information Act, PIPA. You have to be aware that the majority of those in the Health Information Act are privacy impact assessments we receive as opposed to complaints or requests for review. FOIP is, of course, both issues with respect to privacy and issues with respect to access.

Cases closed. Well, we could have put both of those on one slide so you could see the comparison. We closed more cases this year than we did in the previous year. We still resolve by far the majority of cases by mediation.

Timelines are always an issue. These are the timelines for my office: 68 per cent of cases were closed within 180 days of receipt of the request for review or the complaint.

The last slide is non case-related calls, e-mails, and inquiries. This just gives you some idea of where the public wants to know what's going on or where the public thinks they might have an issue. They call and say: you know, this has happened; is there anything you can do? You can see 733 cases in FOIP, 757 in the Health Information Act, and 2,800 in the Personal Information Protection Act, and 79 where we didn't have jurisdiction. As I say, those are all non case-related calls that we were able to deal with at the front desk, so to speak.

That's all I have, Mr. Chairman. I'm happy to enter into discussion with the committee.

**The Chair:** Thank you very much.

Ms Blakeman.

**Ms Blakeman:** Thank you very much. I have three questions, but they're all pretty short, referencing page 5 of your PowerPoint handout. We didn't manage to achieve a paperless society, did we? Now we do a PowerPoint, and we do a handout.

This, as you know, is an area that really concerns me. I'm wondering if you can give us, without specifics, a bit of a better expanded understanding of what kind of unauthorized access by authorized users is happening, because to my mind this is the big fail point in the system. We've managed to accomplish the levels of security and access into the system, but to my eye most of the unauthorized disclosure of people's personal information happens because someone who knows darn well that they're not supposed to do it does it. So if you could give us some idea of some of the instances you've seen that happen in.

My second question is connected to that, which is the secondary use of electronic health data. Where are you seeing that happen?

And my third question is PIPA, so maybe I'll do that after you answer the HIA questions.

**Mr. Work:** Okay. You're quite right, Ms Blakeman, on the unauthorized access issue. It's not a case of someone breaking into the system; it's someone who is legitimately on the system doing things that they shouldn't be doing. As you can imagine, with 40,000 users it's complicated. Not everyone – and I always try to emphasize this – in the system gets the same access. There are rules set by the data stewardship committee, which is a government and health care professions group that sets the guidelines for what kind of people should get what kind of access. A physician is obviously going to get very broad access, and a technician will get fairly narrow access.

They're trying to set it up so that people aren't tempted, so that their access is role based and they can't go too far. Nevertheless, there are opportunities. Sometimes people are getting access they shouldn't, or even with the access they have, they're going places that they shouldn't, or they're using their access for personal reasons.

The one case we have prosecuted, I believe, was a clerk in Calgary who was using her access to Netcare to keep track of her boyfriend's ex-wife's progress through cancer. We got the complaint. We got the access logs. We found out what had happened. We laid charges through Alberta Justice, and there was a \$10,000 fine.

We're investigating three cases at the present time that are of a similar nature, and I absolutely assure you that if there are grounds for charges, we will lay charges. There's just no choice. You don't like doing it, and you sort of hope that between the audit logs – I mean, people should know that they're likely going to get caught. With the permissions you get, you sort of hope to forestall this, but where the carrot doesn't work, we will vigorously prosecute anyone that trespasses.

Secondary uses. Did you mean secondary uses within the health care system or secondary uses where the information is moving outside the health care system? Just help me narrow it down.

**Ms Blakeman:** Well, you note it specifically as a significant issue at the bottom of your card. It says: secondary use of this electronic health data that they've now collected. I think that's the great temptation. You see information and go: "Wow. We could do this wonderful, exciting new thing with that same information." But it's always: "No. You collected it to do A. You can only use it to do A, not B."

I guess my problem with both of these areas is: what are the checks and balances we have in the system? We only found the clerk from the first case that you mentioned because someone noticed something a little strange with the test results, I think, but most of us wouldn't know where to look. We wouldn't even know anything was wrong. I'm looking for: can we work in some better checks and balances? Maybe you could expand on that audit system that's happening.

**Mr. Work:** It would be – I don't want to say nice. If we could actively audit the system, we would – and by me, I mean either my office or Alberta Health and Wellness – but as you can imagine, with 40,000 users the number of data transactions per day is staggering. To the extent that the audit has to be a fairly manual process, it's just very problematic.

We have talked to those who are operating the system about doing either spot audits or famous persons audits or audits like that to try to find, you know, if there are trespasses, but again with the hundreds of thousands of data transactions those kinds of targeted audits don't usually yield much fruit.

I'm not sure what the answer is. If at some point technology will save us by providing for programs that can do more auditing – of course, every time you machine-audit a system, every time you get a positive, a human being has to become involved to find out if the positive is a false positive or a true positive. I would like to be able to do more auditing, but I realize how resource consumptive it is and what our limits are.

12:50

I think you're right about secondary uses. Alberta's health information system is the furthest advanced in Canada, which makes it, obviously, very attractive to researchers, to people that are dealing with health care systems, trying to figure out where there are efficiencies to be found, where the problems lie. So there are these kinds of demands for other uses of the information.

I think the police are now more content with their role under the Health Information Act, but for some time the police were not very happy with the fact they are not given more access under the Health Information Act as well. They've been quite vocal about that, so I'm not telling tales out of school. I think we've finally achieved some common ground with the police services. So, yes, there are a lot of other parties who would like access.

In terms of system maintenance, benchmarking, and system governance generally, the act does allow the operators of the system, including the minister, a certain degree of access to use the information for system-related purposes. Those are constrained by the act. In some cases the minister is supposed to give me a privacy impact assessment with respect to certain of those uses.

For years and years within the health care profession there's been a real kind of intellectual struggle, an academic struggle over what is research and what is quality assurance. Health care people continue to struggle with this. You know, if I'm a cardiologist and I have a big database of my patients and I'm manipulating that data to see how I could do my job better, when is that research, and when is that quality assurance? The line gets very blurry.

Whenever you're doing research with health information, the law in Alberta is that you have to go before a research ethics board. There are six authorized research ethics boards in the province. If they give you specific permission, you can then access health information without the consent of the patient, provided that the doctor who has the information is willing to give it to you. Even if the research ethics board says, "Yes, Frank; go ahead and do your research; you can have access," I still have to go to Dr. Wood and say: "Here. I have my permission from the REB. Can I have your files?" And Dr. Wood can still say: "Uh-uh. I want you to go out and get consent from my patients."

You asked about checks and balances. There are some of them.

And the PIPA question.

**Ms Blakeman:** You talk about staffing issues. I wonder if higher caseloads, longer timelines to resolve complaints, is a budget issue, or is it a process issue in that you're dealing with a lot of backlog for some reason? If it was a budget issue, how much additional money would you need to be able to do this adequately? If it's a process issue, how long do you think it'll take until it kind of evens out?

**Mr. Work:** It's a budget issue. I think the number of cases we get under the private-sector act has been pretty constant, so it's not like we're getting ebbs and flows or surges. It's a budget issue. Well, it's mostly a budget issue. This particular year I've had staff going on maternity leave. That's good – don't get me wrong – but it means you have to find new people, you know, on a short-term basis and train them and stuff, so we have had a bit of that. But we've got over 50 cases per person, and that's heavy. That's a high load. It's manageable, but of course it's only manageable because we're stretching our timelines. What would I need? Another portfolio officer.

I think that maybe the reason the issue is particularly acute with the private sector is because of the additional breach notification responsibilities we got last May. Whenever we get a notice of a breach – and we've had about 30 – one of my staff has to go and analyze that with the organization and find out what happened and then write a report so that I can make a decision on whether or not they have to notify. That takes time and resources.

**Ms Blakeman:** Okay. So one portfolio officer?

**Mr. Work:** That would certainly help.

**Ms Blakeman:** Okay. Thank you.

**The Chair:** Mr. Lund.

**Mr. Lund:** Thanks. I've just got one question, and I'm a little afraid of the answer already.

**Mr. Work:** I'll try to keep it short.

**Mr. Lund:** With occupational health and safety twice now I've had cases where they've done an investigation after an accident, and the individuals cannot get a copy of the report. I'm wondering: is there anything that your office can do about those situations? In one that is before me right now, it is about 18 months since the accident. Of course, it gets to be a problem between WCB and the company that owned the facility where the accident occurred.

**Mr. Work:** Mr. Lund, that is a sore point. As you said, it's occurred under that topic of occupational health and safety. The sensitive spots have occurred in a few places. I remember several years ago, when the act first came into force, WCB, Workers' Compensation Board, was having a terrible time. They had, as you can imagine, thousands of workers requesting their files under the act, and it jammed pretty much everything up.

WCB, very responsibly, totally retooled their system so that they were dealing with these requests by injured workers outside of the act. WCB just said: "Okay. You know what? You don't even have to make a FOIP application. Just go to this particular office, and we've got our system tooled up, so we will just give you your file." So WCB has been good for the past number of years.

I must say that Minister Lukaszuk did a really, really good thing last fall when he made available the employer statistics on work-site/workplace injuries. I think that was a very proactive move on his part. But I take your point that there are still people that, obviously, would like to see their file regarding their particular incident or injury.

We've written a couple of orders on this, and generally the orders have said that a person in that situation is entitled to their file, with the possible need to take out personal information of third parties. But the personal information of third parties doesn't include the company – right? – or the place where he was injured. It means personal information, not corporate information. I mean, this isn't a new area. This should be fairly established. The law, the right of access to this, should be fairly well established, which makes me think that possibly it might be an administrative problem.

You might recall that a few years ago Alberta Environment had an administrative problem with a number of requests that were being made for site remediation. What Alberta Environment did was say: "Okay. You guys, we're not going to put you through the act. We're going to deal with you on a more expedited basis." Maybe that's what Employment and Immigration might want to look at here if they're getting deluged with a lot of these kinds of requests. Sometimes putting them through the FOIP system is not necessarily the best way. You know, the WCB and Alberta Environment both found ways to expedite filling those requests.

That would be my suggestion, that I'd be happy to make to the minister. As I said, the minister has done a pretty good job of being proactive with this stuff, so Mr. Lukaszuk might be open to considering that.

**Mr. Lund:** Good. Thank you.

1:00

**The Chair:** Other questions?

I do have one, Mr. Work. First off, I want to thank you for the response that you gave regarding the secondary, perhaps, trivial

thing like school pictures and the issue of being able to have pictures taken by students without having to get all these approvals. Thank you very much for that. I've shared that with the school boards in my constituency.

You mentioned another point, I think when you were talking with Ms Blakeman, about the Health Information Act and the issue regarding the sharing of information. It was one that was expressed to me as well, that once the ambulance operators moved to a different union, they felt that it was outside of their purview to be able to share any type of information with the police or vice versa, you know. I'm not sure whether that was ever resolved or whether they've got some type of joint working arrangement now on this or not.

**Mr. Work:** That one has been resolved. The police were very forceful with their position that when ambulance attendants attend the scene of an accident, the police need to be in the information loop. That was a sticking point because the police are not custodians under the Health Information Act. So there was kind of a joint – well, it wasn't really a committee but a joint task force between Alberta Justice, Alberta Solicitor General, my office to some extent, the police, and the ambulance people. I think there's been an understanding worked out that, hopefully, will not require amendment of the act. I guess we'll see, you know, how well it works for the ambulance people and for the police, but it appears that we've achieved an understanding on that, hopefully.

On the schools thing, yeah, that was a good point you raised in budget. It was actually timely. I spoke to the Alberta Weekly Newspapers Association on Friday. They had a meeting here in Edmonton. Most of them are appreciative of that information having gone out or at least available to the school boards. Some of them are saying that the school boards or some schools are still being more challenging than others. You know, it's a discretionary thing, and you're not going to get a nice, broad, and consistent application. I think, as you say, that really helped. That's my read from the newspaper people anyway.

**The Chair:** Yeah. I think the word you're looking for there is that some of the school boards were erring on the side of caution, if you want to put it that way.

**Mr. Work:** I think that's well put, Mr. Chairman.

**The Chair:** Yeah.

Any other questions? Mr. Lindsay.

**Mr. Lindsay:** Well, thank you, Chairman, and thank you for that report. I have just one question in regard to your message from the commissioner. Just for clarification, in the first paragraph on the second page it says, "If you are going to promise to obey the law, well, you don't need to promise that; you are supposed to do it." The question I have is that in some people's mind it might raise doubt, that there is evidence that some in leadership positions may not be obeying the law. So I'm just curious as to whether or not you had evidence to that or whether I'm missing the meaning of that particular sentence.

**Mr. Work:** You know, thank you, Mr. Lindsay, for that because there has been a lot of talk about what I said or reading between the lines in that message. First, no, there is no evidence that government of Alberta entities are obstructing or deliberately disobeying the law. In fact, I've said time and time again that most public bodies, including the government of Alberta, are reasonably good at obeying the law. If you look at the numbers for timelines, about 90 percent of access requests are resolved within

60 days, which is what the act allows. The act allows public bodies 30 days, and then under certain cases they can give themselves another 30 days. So 88 per cent within 30 days and 8 per cent within the 31 to 60 days: that's good timeliness.

Now, there are other issues, but your question didn't involve those, so I won't get into them. What I was trying to say is that there's a good job of obeying the law, but what I was hoping for was even more proactiveness. I mean, you obey the law because it's the right thing to do. You go beyond that because you want to or because you feel that ethically you do better than obeying the law.

Yes. Thank you for allowing me to clear that up.

**The Chair:** Any further questions? Seeing none, thank you very much for attending today.

**Mr. Work:** Thank you, Mr. Chairman. Thank you, committee members.

**The Chair:** We're just a little ahead of time, so how about a five-minute break? The Ombudsman is here, but I've called a five-minute break. We'll take five, and we'll get rearranged. Okay? Thank you.

[The committee adjourned from 1:06 p.m. to 1:12 p.m.]

**The Chair:** I think, folks, we'll get started again. Okay. Ladies and gentlemen, we'll call the meeting back to order. We're here to review the 43rd annual report of the Ombudsman. Good afternoon, Mr. Button.

For the record we're going to go around the table and introduce ourselves. I'm Len Mitzel, Cypress-Medicine Hat, and I chair this committee.

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

**Mr. Campbell:** Robin Campbell, West Yellowhead.

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

**Mr. Lindsay:** Good afternoon. Fred Lindsay, Stony Plain.

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

**Ms Blakeman:** Laurie Blakeman. I'd like to welcome you to my fabulous constituency of Edmonton-Centre. Also, boy, 43 years of Ombudsman services in this province. That's pretty impressive. I know you're responsible for only part of that, but congratulations.

**Mr. Button:** I'll take credit for all I can get. Gord Button, Alberta Ombudsman.

**Mr. MacDonald:** Good afternoon, sir. I'm Hugh MacDonald, Edmonton-Gold Bar.

**Mr. Hinman:** Good afternoon. Paul Hinman, Calgary-Glenmore MLA.

**Ms Notley:** Good afternoon. Rachel Notley, Edmonton-Strathcona.

**Mr. Quest:** Good afternoon. Dave Quest, Strathcona.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Thank you. Our primary item of business is to review the reports of the officers of the Legislature in accordance with Standing Order 55.01. As committee chair I can say that the committee has found this process to be productive, providing members

with an in-depth look at the operations of the officers of the Legislature, keeping in mind the unique positions and the independence of the officers. The committee has also accepted the officers' commitment to provide the reports annually by the end of October to accommodate the review of future reports in conjunction with the officers' annual budget estimates.

Mr. Button, please proceed with the overview of your 2009-2010 annual report. I'm certain we'll have sufficient time to have questions from the committee.

### Office of the Ombudsman

**Mr. Button:** Thank you, Mr. Chair. Thank you, all, for the opportunity to once again appear with you and discuss the operations of my office as reported in my 2009-2010 annual report. As Ms Blakeman commented, this is the 43rd annual report of the Alberta Ombudsman. As I think many of you know, Alberta was the first province in Canada to create an Ombudsman, in 1967, and we continue to provide, I think, a leadership role in the community in Canada in that regard.

Being cognizant of not wasting the committee's time and rehashing old ground as I have in past years since we've had this process, I will try to largely stay to the operational issues covered in my annual report with some updates on some current initiatives. The annual report contains a very good overview of the operations of my office from the last fiscal year, and I am pleased that the committee is entertaining the joint submission of the legislative offices to put this process possibly ahead of the budget process. Certainly, in our view and in my view personally, it would give the committee a very good snapshot at a point in time of what has gone on in the past, what is current, and what is coming in the future, which I think is in all of our best interests as we report to you and as you maintain your responsibility on behalf of the Legislative Assembly of Alberta.

Without repeating – and I'm always cognizant of the fact that there is changeover of personnel on this committee. Some of you have been with me from the start and have heard me talk about the same things too many times while others are new to the committee. It behooves me to make sure that for the benefit of those who haven't been on the committee quite as long, I do give a good overview of the office. Some of this is a bit repetitive for those of you who've been on the committee for a long time, but I will try to move through it as quickly as possible because the important part here is to give you an opportunity to ask questions and explore the areas you're interested in further.

I will quickly go over the organizational chart of the Alberta Ombudsman, and I'll talk briefly about our business plan for the current year. I will provide a brief overview of our workload statistics from 2009-2010. I'll update you on the current status of our last own-motion investigation into the Out-of-country Health Services Appeal Panel and the Out-of-country Health Services Committee.

I'll talk to you about some of the ongoing initiatives and challenges that are currently with us and will continue to face us this year and in the years to come, I think: in health professions the patient concern resolution process in Alberta Health Services, our ongoing discussions with the Alberta Human Rights Commission, and my concerns with respect to the Alberta Public Agencies Governance Act.

I will briefly bring back to your attention, just so it doesn't get lost, the business case that I put forward in 2008 for additional resources for my office and will then certainly be available to answer any questions that you may have.

Looking at our organizational chart as outlined in our annual report, we maintain a level of 25 FTEs. We have a very flat management structure, which consists of me as the Ombudsman, the Deputy Ombudsman, the director of corporate services, and the senior legal counsel. Fifteen of those FTEs are fully designated for investigations and complaint analysis, and the six additional FTEs provide administrative support to the management of the office as well as providing operational support to the investigative staff. We focus our maximum resources on our primary responsibility, which is conducting investigations and alternative complaint resolution.

I currently have one vacant investigator position, that we are looking at filling in the not-too-distant future, and one vacant admin support position, that we're currently reviewing with a view to redesigning that position more directly in support of operational investigations as an assistant to investigators to do research and direct support to the investigative process.

The business plan for 2009-2010 was included in the annual report, number 43. Just quickly, the objectives that we pursue through the key initiatives and the linkages in the business plan are, number one, to manage the workload in an efficient and effective manner; number two, to excel in investigations, because that's really what we're all about; number three, to support workplace wellness and staff development and maintain a positive atmosphere and a good place to work in the office; and, number four, to enhance the knowledge and understanding of the role of the Ombudsman throughout Alberta in all sectors.

Our results with respect to the key initiatives, as I mentioned, are reported in the annual report, and I'll certainly be prepared to answer any questions you might have with regard to those.

*1:20*

Just looking quickly at the workload statistical overview and so as not to bore you with a bunch of numbers, by and large the workload maintained equilibrium with the previous year, the 2008-2009 fiscal year. There were slight decreases in some areas and slight increases in other areas but nothing spectacular. We have maintained our emphasis on alternative complaint resolution and continue to see success there. We did have a slight increase in active investigations that were carried forward to this year. A large part of that is a result of a couple of initiatives that I'll talk about later, where we have files that have been open for some time.

One thing I did want to touch on briefly is our active investigations. As of March 31, 2010, we had 188 active formal investigations ongoing. As of last week we are still at 186, so that number is fairly constant. One thing I have looked at and I know I've discussed with the committee before is the timelines for our investigations. I've had an initiative under way for the last two to three years at least of continually following and monitoring those investigations which are getting somewhat long in the tooth. I've always felt as a manager that one of the premises that I've focused on is that what gets measured gets done, and often just making sure that we're all aware of what is being measured and what's important helps to make sure that there is the proper attention paid to it and that it gets done.

Looking currently, we have 144 of those 186 investigations which are less than two years old and are going through the process in the normal fashion. The great majority of those are less than a year old.

We do have 42 investigations which are over two years old, and that's where I focus my attention on that quality assurance initiative. Of those 42, 15 are from the Out-of-country Health Services Appeal Panel and are really part of the own-motion investigation that we completed in 2009, that we are still following up on as we discuss the recommendations out of that report with the appeal panel and

the committee and the Department of Health and Wellness, and eight are long-overdue files with the Alberta Human Rights Commission. I will update you on the status of our discussions there, but as I've told you before, we've had a difficult situation with the Human Rights Commission that goes back now to December 2007 and is moving but moving slowly. I'll explain that in a little more detail. So that takes 23 of those 42 files off the top.

A number of those files are what we call completed but not yet closed, and that means our investigation has come to a close. We've made our recommendations to the appropriate authority. In some cases we're waiting for the authority to respond to our recommendations. In other cases we're doing our due diligence in maintaining an open file to ensure that the authority implements the recommendations they have promised us they would. For instance, there might be a requirement to rewrite policy, and that obviously takes some time.

I advocate strongly on behalf of the recommendations I make, and if I make a recommendation to an authority for change, I don't close my file until I am confident that those changes have successfully been implemented within the authority. So of these files, the two- to three-year-old files, four of them are completed. In the three- to four-year-old files six of them are completed. In the very oldest files, five years plus, there are five more of them completed. So there are very few of those files that are in active investigation mode. Most of them are either as a result of the Out-of-country Health Services Appeal Panel and Out-of-country Health Services Committee own-motion investigation, the Human Rights Commission issue, or our files where we have completed our investigation and are certainly at this point in time just making sure that the authorities follow through with the commitments they've made to us.

Looking at the distribution of complaints, which is, I know, an interest every year, there really is nothing significant to indicate any change in the departments that the complaints come from. In the last fiscal year, that we're talking about, 12 per cent were from Alberta Solicitor General and Public Security, primarily all of those from inmates in corrections; 7 per cent from the Workers' Compensation Board, which is consistent with past years; 6 per cent from Children and Youth Services; 5 per cent from Alberta Employment and Immigration; 5 per cent from Alberta Justice and Attorney General – those are predominantly maintenance enforcement program investigations – 5 per cent from the Appeals Commission for Alberta Workers' Compensation; 5 per cent from Alberta Health and Wellness; and 3 per cent from Seniors and Community Supports. Those percentages are really within 1 or 1 and a half per cent of where they have been other years.

Just to update you on a few of the significant investigations and ongoing initiatives, I reported to you previously the results of our own-motion investigation into the out-of-country health services program. Just to remind you, that program is in place in order to provide a source of funding for Albertans who are required to travel outside of Canada in order to receive treatment for situations where the treatment either is not available or not available within a reasonable time period within the province. This program doesn't deal with those situations where an Alberta citizen is travelling abroad and is struck with an illness or breaks an ankle skiing or requires medical treatment for some emergency situation. That's covered under different policies and programs.

We undertook an own-motion investigation into this particular program as a result of several years of high numbers of complaints coming in, investigations which indicated some systemic issues that seemed to be lasting over a long period of time and weren't being resolved. There is a committee established to receive those applications from Albertans for funding under the program. Then

there's an appeal panel established that hears appeals on committee decisions that the citizen is not satisfied with, doesn't feel there's been a fair treatment. Of course, the department of Alberta Health and Wellness has a role to play in the process as well.

Out of the investigation we made 53 recommendations to the minister of the day. All 53 of those recommendations, some of which dealt with the committee, some with the appeal panel, and some with the department, were accepted. Fifty-one of the 53 have been implemented successfully. The two that remain for implementation require regulatory amendments. That matter was reviewed and considered in the fall. One aspect of those recommendations was not accepted. We're currently redrafting the information package to go back to cabinet for approval, and that will bring that investigation to a successful close.

Some areas are resulting in an increased workload and increased observations of complaints coming into my office. Some of these are ones that we anticipated would result in some increases. The implementation of the Health Professions Act, which I believe was in 1999 although I stand to be corrected on that – it was prior to my time as the Ombudsman; I know that – is resulting in a significant number of investigations and complaints, and all of them, we're finding, are complex and time consuming as we look at each one of the health profession colleges for the first time. It's quite a lengthy process.

We did undertake a major systemic investigation of one of the health colleges in the past year. It actually started during the 2009-2010 year and carried over into the current fiscal year. As a result of that systemic investigation we made 46 recommendations to the college and 13 recommendations to the department. I'm very pleased to advise that all of those recommendations have been accepted. A great many of them have been implemented, and the others are certainly in the throes of implementation.

#### **1:30**

This was a health profession college which certainly needed to look at itself and needed external oversight in order to strengthen the governance and the way the college was being managed by the executive. Also, some issues within the department were timely to bring up to the department to ensure they were doing their due diligence in holding the health profession colleges accountable.

The patient concerns resolution process we've discussed at this venue before. The regulation bringing that process into being was passed by the Legislative Assembly in the spring of 2006 and was proclaimed on September 1 of 2006. I have been very proactive in travelling the whole province and meeting with the former nine regional health authorities and with management people in all of the facilities. I've continued that with the evolution from the nine regional health authorities to Alberta Health Services' one board. I've continued meeting with them and providing my guidance and input to the process.

Without going into too much detail, my observations have been that for a number of reasons, not the least of which might be the revamping of the service delivery model of health services, the patient concerns resolution process, in my opinion, has not had the impact that it should have for Albertans. The Health Quality Council of Alberta in their most recent survey, which was released, I think, maybe in late December, indicated that of those people surveyed, 61 per cent were dissatisfied with the results they had when they lodged a complaint within the patient concerns resolution process. What's most concerning is that not only is it a big number, but it is exactly the same number that was being complained about before the patient concerns resolution process regulation was brought into being, which indicates that the regula-

tion has had little, if any, impact on the level of satisfaction that Albertans are feeling when they make a complaint.

I've most recently met with the acting CEO of Alberta Health Services, the executive officer of Alberta Health Services, and the executive vice-president responsible for patient concerns to share my concerns with them. I can report that I got a very honest and interested response from them. They recognize the challenges that they face and have committed to me to put more effort into it, and I will certainly be continuing to follow up and hold their feet to the fire to make sure that happens. It's a very important piece of the process for ensuring fair treatment of Albertans, particularly those who are having experiences with the health system.

The Alberta Human Rights Commission. As I've reported before, as a result of an ongoing dialogue and a bit of a stalemate that I was reaching with the former chief commissioner, we ended up taking matters to the courts in the fall of 2007. We received a favourable decision from the courts that confirmed that not only do I as the Alberta Ombudsman have authority to investigate complaints about the Human Rights Commission and the chief commissioner, but also the chief commissioner and the commission do have the right to implement my recommendations, as provided for in section 21(1) of the Ombudsman Act.

That matter dragged on with the retirement of the former chief commissioner and then the lengthy time it took to appoint the new chief commissioner. Unfortunately, we still haven't resolved all of the issues. We have been working diligently through my legal counsel and legal counsel for the chief commissioner, facilitated by an assistant deputy minister from Alberta Justice, to bring that matter to a close, but we still have a number of investigative files, some that have been open for over four years, trying to get that matter resolved and to move forward on it.

I mentioned the Alberta Public Agencies Governance Act. The Board Governance Review Task Force in 2007 made a number of recommendations with respect to the governance model for agencies, boards, and commissions in Alberta, identifying that there were approximately some 250 agencies, boards, and commissions. The public agencies governance framework was adopted in February of 2008, and we have been using that framework in our investigations and in our recommendations to authorities covered under it as best practice and our expectations of proper governance. The act was passed in the spring of 2009, I believe, and is awaiting proclamation.

Certainly, there are some significant benefits for the transparency and clarity of roles and responsibilities for the agencies, boards, and commissions and for Alberta citizens who are utilizing them: providing clarity of roles and mandates; providing for competency-based appointments; providing for public reporting and, thereby, transparency for all to see what these agencies, boards, and commissions are doing and how they're doing it; and performance management and accountability regimes so that we as Albertans have some satisfaction with respect to how these agencies, boards, and commissions are operating in discharging their mandates. I look forward to the act eventually being proclaimed, which will give a legislative base for what we're now looking at under the framework.

One last matter I'd just like to remind you of because it's my responsibility to remind you. In 2008, when I met with this committee to discuss my reappointment as the Alberta Ombudsman, the committee identified two significant areas that they felt were important for me to focus on and to do more work in. One was in the large-scale systemic investigations, such as the two I've just talked about in my report, and the other was the further development and evolution of the alternative complaint resolution process

to try to resolve more issues in informal problem-solving manners as opposed to formal investigations.

That fall I brought forward a two-part budget, one to cover the ongoing operations of my office and a second part to facilitate the additional resources required to put together an own-motion investigation team and to expand our alternative complaint resolution resources. Unfortunately, like many things, timing is everything, and the timing for that submission was not good. Alberta and the rest of the world, for that matter, were diving into a significant recession, and financial issues were paramount. The business case, although not rejected by the committee, was not financially approved by the committee.

I've kept it in front of you, purposely not asking for the money, knowing the money is not available at this time, but I really do think – and given my current situation I just wanted to re-emphasize – that it is important as this office moves forward and as we go into our 44th and 45th and 46th years in existence that those capabilities be funded so that we can truly deliver on our mandate in a way that is appropriate and in the best interests of the Legislative Assembly of Alberta and the citizens of Alberta.

With that, I will throw it open, Mr. Chair, for questions.

**The Chair:** Thank you very much, Mr. Button.

Mr. MacDonald.

**Mr. MacDonald:** Yes. Thank you very much. On page 25 of your report – I hope it's the same page number in the written report as it is on the Internet – you indicate there were 803 written complaints received.

**Mr. Button:** If you'll excuse me, I'll just tell you it isn't the same numbering system.

**Mr. MacDonald:** Okay. I thought so.

**Mr. Button:** So if you'd just give me a second, I will find that. Yes. Okay.

**Mr. MacDonald:** Okay. There are 803 written complaints, and you noted this in your remarks. You listed the Alberta Solicitor General and Public Security as the number one site for complaints or issues that are brought to your office. But if you add up the Workers' Compensation Board and the Appeals Commission together – and they're all under the same statute – of those 800-plus written complaints, 12.5 per cent of them certainly relate to the Workers' Compensation Board. That's a significant number. Now, you know, you've got them separated there, but in my view they are together. They should be together. The issues are all related at the Appeals Commission as to what happened before at the Workers' Compensation Board. Of those 147 new formal investigations that you initiated, could you tell us, please, what percentage comes from files at the Workers' Compensation Board?

1:40

**Mr. Button:** Well, the percentages in the report, as you noted, are based on the number of files with the Alberta government departments out of the total number that we received. The Workers' Compensation Board in the year in question was 7.3 per cent, and, as you mentioned, the Appeals Commission for Alberta Workers' Compensation was at 5.2 per cent.

**Mr. MacDonald:** Yes. But you indicate that there are 147 new formal investigations. Of those 803 complaints, 147 found their way to the formal investigative process.

**Mr. Button:** Correct.



**Mr. MacDonald:** How many of those would be related to the Workers' Compensation Board?

**Mr. Button:** I missed your point. My apologies.

**Mr. MacDonald:** That's okay. That's fine.

**Mr. Button:** I don't think I have the exact number with me, but I can tell you that the numbers would sort of move out consistently. The number of written complaints that we got and the number open for formal investigation would maintain that percentage fairly closely. The Workers' Compensation Board and the Appeals Commission are certainly major sources of investigations for my office. The Appeals Commission numbers have fallen down in my seven and a half years in this role. I believe the numbers of investigations with respect to the Workers' Compensation Board itself have remained relatively constant. We have made a significant number of recommendations to both of those entities. We continue to work with them quite successfully, but they do continue to be the source of a significant number of complaints.

I was just looking through to see if I had the actual numbers for the year in question, but I'm sorry; I don't.

**Mr. MacDonald:** Okay. If you could provide that information to the committee through the clerk, I would be grateful.

I have one additional question, Mr. Chairman. It centres around the information that you provide in your annual report regarding the provincial electoral divisions. You give an interesting breakdown by constituency, and I'm surprised that you would track your complaints or your formal investigative files by constituency. Calgary lists 215 written complaints, and Edmonton lists 147. Is it possible for your office to provide, again through the clerk to all committee members, a breakdown of what that is in the urban constituencies?

**Mr. Button:** By urban you would mean . . .

**Mr. MacDonald:** Edmonton and Calgary, if you don't mind. Your map is, again on my electronic version of your annual report, on page 27.

**Mr. Button:** It's page 19 in the actual report.

**Mr. MacDonald:** Page 19. Excellent.

**Mr. Button:** So by urban area do you mean the confines of what is described as the city of Edmonton and the city of Calgary, or are you talking about what is commonly referred to as the donut as well?

**Mr. MacDonald:** Well, I consider Stony Plain part of the donut. It has five complaints. [interjection] Most of them are in Gold Bar, you think?

**Mr. Campbell:** You want to know what's in Gold Bar, so let's ask the question.

**Mr. MacDonald:** Well, no. I want to know what's throughout the city and where your complaints are coming from. I think it's a reasonable question to ask, particularly in Calgary, where you

have 215 written complaints. If we could get a breakdown. Surely, if you've got a breakdown of the rural areas, you have one of the urban centres as well.

**Mr. Button:** So you would like them broken down by constituency within the urban centres?

**Mr. MacDonald:** Yes, please.

**Mr. Button:** I know we don't capture that, Mr. MacDonald. We can certainly attempt to see if we can do it by residential address.

**Mr. MacDonald:** Well, if you don't have that information – I just assumed you would have it.

**Mr. Button:** I don't actually do that myself. Obviously, my director of corporate services does. I can check with her and see what sort of a breakdown we have and what additional information we can give to you and get back to the committee with that information.

**Mr. MacDonald:** Thank you.

**The Chair:** Are there any other questions?

Seeing none, I'll thank you, Mr. Button, for your presentation here.

I guess perhaps this takes us to other business. As I mentioned at the outset of the meeting, there's an issue for the committee's consideration, and I would ask for a motion to move in camera at this point and return to the record to document any decision that is made by the committee. Mr. Button has asked if he could stay here in camera and explain the reasons for the letter that he sent out and the thing from the Speaker.

**Mr. Campbell:** I'll make the motion.

**The Chair:** Moved by Mr. Campbell to go in camera. All in favour? Opposed? That's carried.

[The committee met in camera from 1:46 p.m. to 2:17 p.m.]

**The Chair:** Okay. Ladies and gentlemen, we're back out of camera. Mr. Campbell, you wish to make a motion?

**Mr. Campbell:** I move that

we recommend to the Speaker that we revise the date for the Ombudsman's resignation to be August 31, 2011.

**The Chair:** Any questions on that? All in favour? Opposed? That motion is carried.

The next item on the agenda is the date of the next meeting. I believe it will be at the call of the chair.

Any other business to come before this meeting?

**Mr. Marz:** Aren't we going to talk about the process of selecting a new . . .

**The Chair:** That's next meeting.

I would invite a motion to adjourn. Moved by Mr. Quest that we adjourn. All in favour? Opposed? That's carried. Thank you.

[The committee adjourned at 2:18 p.m.]





