

1:05 p.m.

Tuesday, November 13, 1990

[Chairman: Mr. Bogle]

MR. CHAIRMAN: I'll officially call the meeting to order.

Dave, would you like to take a seat, please. I'll officially welcome Dave Ives from the office of the Chief Electoral Officer. He's here to walk us through item 3 on the agenda, the Request for Special Warrant - Chief Electoral Officer.

The first matter to deal with is approval of the agenda as presented. Would members take a look at that, please. You'll note that once we deal with the request for the special warrant, we'll have a report from Alan Hyland - he's scheduled to be with us today - on the conference that he and Louise attended in Ottawa. We then have the budget estimates for our committee. Any other business that arises can be dealt with at that time.

Now, if we conclude our work before 3:30, we'll break and then reconvene. Louise has suggested that we go over to the Ombudsman's office by LRT. There is a short walk at the other end. We're to meet with the Ombudsman in his office at 3:30, visit with the staff there, and then come back here, reconvene, and go through the Ombudsman's budget estimates for the next fiscal year. Then we will deal with the Ombudsman's request for a legislative change.

On the budget matter, we'll deal with it in a similar fashion to that of the Chief Electoral Officer and the Auditor General: this is not decision day; it's merely a first look at the budget and to ascertain if you have any questions for the officials.

Is the budget satisfactory as presented, or are there any additions or alterations that members would like to see?

AN HON. MEMBER: The agenda, I think.

MR. CHAIRMAN: The agenda. Yes. Pardon me.

MR. SIGURDSON: So moved.

MR. CHAIRMAN: Tom moves approval of the agenda as presented. All in favour? Opposed? Carried.

Louise, would you pass the material out now, please? We're ready to move on to the breakdown of the request. As you know, the Chief Electoral Officer is on a holiday at this point in time. He did phone in on Saturday - he caught me at my residence - and asked whether or not he should break from his holidays so that he could be with us today. I indicated that, no, we were quite happy to be in David Ives' good hands on this matter. But I thought it was important to note that he was prepared, he meaning the Chief Electoral Officer, to come in to be with us at this time.

David, why don't you just walk us through the different elements in the request for the special warrant? Of course, this has to do with the anticipated by-election in the Edmonton-Strathcona constituency. As we know, the Executive Council has a period of, I believe, six months in which to call the by-election.

MR. IVES: Okay, Mr. Bogle. I'm not sure what you have in front of you. I have two sheets, the Edmonton-Strathcona 1990 Special Enumeration and then a second sheet which is the by-election. Are you looking at the same sheets? I think you are.

MR. CHAIRMAN: Yes, we have the two sheets. I'm assuming from previous discussion with the Chief Electoral Officer that he wishes to deal with them in tandem.

MR. IVES: Yes, indeed. Are you interested in any of the rationale as to why we've set up the budget in the first place?

MR. CHAIRMAN: Well, I think you can give us an overview, yes.

MR. IVES: Okay. I'll make it very quick for you then. When the vacancy occurs, a warrant is received by the Chief Electoral Officer, and within six months after that warrant is received, an election must be called. If an election must be called, there must be, obviously, money to cause that election to occur. Those dollars are not exactly cast in concrete; they fluctuate and they vary. What this budget is, in the way of the election itself, is the best assessment that we can give based on our 12 years of office existence and based on like types of costs in the recent past. I've broken it out a little bit, if you'd like to ask me later, perhaps, what we've done the comparisons against.

In any event, given that the by-election must occur and it must be paid for, the only really debatable issue, I suppose, is whether there should be a special enumeration. The Election Act, section 35, gives clear and uncluttered responsibility to the Chief Electoral Officer to decide if one is required. So I would like to give you just a moment of rationale as to why we went ahead with one, if that's what you'd like. I think that's what you were aiming at, Mr. Bogle?

MR. CHAIRMAN: Yes.

MR. IVES: We have called, and we are in the process of conducting, a special enumeration essentially for two reasons. One is administrative and one is more political in nature. On the administrative side of the house, the routine of running an election is all predicated on the assumption that there are current and up-to-date lists of electors available by which the electoral process is conducted. You can appreciate that if there were no lists of electors and there were 450 electors in any polling station, which there might very well be, and if it took two minutes to swear them all in, we would need something in the order of 15 hours. The polls are only open for 11. So you can understand that the list of electors is there for administrative control and sensible management of the process.

Secondly on the administrative side, we have a system of casting a ballot called the incapacitated and absentee elector system. An individual who wishes to use that technique of voting must have their name on the list of electors. If the list of electors is not up to date, they cannot use that system. Therefore, eligible electors may be precluded from voting because their names are not on the list. The lists that we have, which came out of the general election in 1989, will be about, plus or minus, two years old at the time of this by-election.

We've had to do some wagging here, if you'll pardon the expression. We've made a certain basic assumption: that it will be the government's wish to have a new MLA in place when the spring session begins. If that's the assumption and then we assume what date that would be, we have to back off from that by eight days of appeal period, by 10 days of official count, by 29 days of the election cycle itself, and we come up with a day 1 of around April 24 at the latest and May 22 for polling day. If we apply that then to the opening of the Legislature, we come up with a date which is in January for day 1 and February 14, Valentine's Day, essentially for polling day.

In order to prepare for those dates, we have to run a special enumeration in advance. Because the Chief Electoral Officer has chosen to go that route - and he's done that because we

know for a fact that something in the order of 12 to 14 percent of the electors on the list as it was in the general election of '89 have changed. They've left the electoral division of Edmonton-Strathcona, or new people have moved in, or they have relocated internally. The lists are wrong and inaccurate enough that we cannot run a reasonable election without new ones.

Therefore, we have to do a special enumeration, which puts us sort of on the same footing for the special enumeration as we were with the by-election itself. If you're going to run one, it costs money. How much does it cost? We gave it the best estimate we could. I'll give you some comparisons, if I may. Edmonton-Centre is as close as we can come to Edmonton-Strathcona by virtue of being in the same city, downtown, about the same number of electors. In the general election of '89 it cost \$48,676 to run an election in Edmonton-Strathcona. Understand that a general election is nothing more nor less than 83 simultaneously run by-elections, except that the costs are lower because there are a lot of common costs, bulk purchasing, volume discounts in advertising, that type of thing, so we can save a bunch of money. It's a little more costly to run a by-election by itself. In Edmonton-Whitemud, which has more electors of course, we came up with a by-election in December of 1985, when Mr. Getty first got his seat, that cost \$57,454, five years ago. So dealing then with the by-election itself, our estimate of \$62,830 is, we think, very reasonable relative to the costs we've experienced in the past, and I can go through each of the items for you.

On the enumeration side of the house, we have never done a special enumeration on a by-election basis. The general election of '86 was prefaced by a general enumeration in the fall of '85. The general election in 1989 had before it the general enumeration of 1988. The by-election in '89 in Stettler still used the list of electors from the March '89 general election. They were always valid. This is the one unique time perhaps. We've never had to do a special enumeration on an electoral division basis before. We do them regularly when it comes to liquor plebiscites under the Liquor Control Act, which is another part of the world that we live in, but they're not adaptable at all. We're talking about a two-mile radius of a single location.

*1:15*

So that's the rationale of how we've come to the dollars we have, and I'd be delighted to explain to you what each one is expended on if you like.

MR. CHAIRMAN: We'll pause at that point and see if there are questions from the committee.

MR. HYLAND: Maybe help my memory. How long between the election in Edmonton-Whitemud when the Premier got a seat there and the previous member retired? How long before that period to the election before that, longer or shorter than this period?

MR. IVES: We had an enumeration in the fall of '85. That'd be September. Mr. Getty ran on December 15, '85. So you see, it was only about two and a half months. Now, the election before that, of course, was not consequential because we had the enumeration.

MR. HYLAND: It would have been two years.

MR. CHAIRMAN: That's right.

MR. HYLAND: That was the first enumeration after the election.

MR. SIGURDSON: You said that the voters list may be 12 to 14 percent out?

MR. IVES: Yes, sir.

MR. SIGURDSON: Is that on a yearly basis, or is that since September 1988 when the last enumeration occurred?

MR. IVES: Yes and no. It is our best estimate based on the figures following the general election of '89. However, it's been factored for the 1990 city census as run by the city of Edmonton. They gave a population of 25,559. We estimate 24,600. That's just a bit of a ballpark, and I'll explain that. It's something like 4 percent less. It allows for aliens, non-Canadians in other words, or persons who have lived in the electoral division for less than six months and are not eligible. We had to run a fiddle factor in there for that. I might just point out that if you went for 10 percent less for those figures, you'd come out with 23,000 people. The difference between 23,000 and 24,600 is about \$1,800 worth of total enumerator's costs. An enumeration is very labour intensive. So it's based on known details, but we have to factor them a little bit, Mr. Sigurdson, for what we consider to be non-Canadians and persons not inside the six months.

MR. SIGURDSON: Thank you.

MR. CHAIRMAN: Jack.

MR. ADY: Thank you. Perhaps you covered this and I missed it, but is there a regulation that tells you that you must do an enumeration in this circumstance because of the time, or is it at the discretion of the Chief Electoral Officer?

MR. IVES: Yes, sir, it is exactly that: at the discretion of the Chief Electoral Officer. Section 35 of the Act says:

35(1) The Chief Electoral Officer may by order require a returning officer to conduct a special enumeration of an electoral division . . . if in the opinion of the Chief Electoral Officer the circumstances are such that a special enumeration should be conducted.

Et cetera, et cetera. It is entirely subjective on the part of Mr. Ledgerwood. He did so on the basis of the experience that we've had over the years.

MR. ADY: Just one last question then. Did I understand you to say that in a given year by virtue of past history there would be a fluctuation of about 10 percent?

MR. IVES: No. No, I didn't say that. I said that we estimate, using the figures from the Edmonton city census, that the population within the electoral division of Edmonton-Strathcona has changed by about 12 to 14 percent - therefore, that's about 4,000 people - with people relocating internally, moving out, new people moving in.

May I go on just one moment, Mr. Bogle? I said that there were two parts, and I didn't cover the second part. I said administrative and political. Now, from the political point of view - I'm talking about the candidate system during an election. You would know about this better than I. If you go door to door in your electoral division and shake hands with the

people who live there . . . I'm kind of making this up as I go along. I presume that's done. If you do that and you say, "How are you today, Mrs. Smith" and it's Mrs. Elkavitz that lives there, it's kind of embarrassing. Conversely, during the electoral process one of the things that the lists are used for by the political side is what I believe you call bingo sheets. It is of little value to you to use your bingo sheets against a voting electorate when in fact the sheets are incorrect by the degree that we think they are. That's the political side of the argument in favour of the enumeration.

Our mandate in the office I think is to ensure that every elector who is eligible to vote must have a means of doing so. Therefore, if the incapacitated and absentee system is part of that process, we would not be fulfilling our mandate if we produced lists of electors that were anything less than as close as we could get it at the time. Two years is too long. I think Mr. Ledgerwood mentioned Mr. Glen Clegg when you folks came to the office a while back. When the Spirit River-Fairview by-election was run, we did not do a special enumeration, and Mr. Clegg has rued the day ever since. He says we simply cannot operate like that, and it was less than a two-year period as I recall. This was in Spirit River-Fairview. That would be, I'm sure - was it '83? I don't have the date handy. It was just a little bit before my time.

AN HON. MEMBER: Eighty-five.

MR. IVES: Early '85. Yes.

MR. CHAIRMAN: Anyone else? Jack? Don.

MR. TANNAS: Yes. Thank you, Mr. Chairman. Following up on Tom's point and Jack's point as well, it would be interesting if you could run a computer list of the names and match your new enumeration, should that be approved, with the old enumeration just to see what the percentage is, because it would give you a good mark for other kinds of things, sort of a demographic comparison if you will.

MR. IVES: We will certainly do that. This is the first time we will have run a special enumeration. We've put some money in the budget: \$3,000, the third from the bottom line of the special enumeration figures. We have been asked on paper and verbally by the three major parties to please provide the results of the special enumeration in an electronic format. I'm talking about floppy disks. We have not done that before. It's costly, and we have to sort this out as we go, but surely we must do that in the future because that's the way the world is moving. That's why we have allowed that amount there. We will certainly take the '88 figures and the '89 figures and measure them up against the '90s.

MR. TANNAS: I wasn't meaning the figures. I was seeing if there is some way you could do a person list in the computer - you know, Anderson, C. versus Anderson, A. - to see whether or not they come out: so that you could actually prove that there was a 10 percent, a 25 percent change, whatever.

MR. IVES: Yes. We won't be able to do that by name because we do not have electronic records right now of lists of electors. It's all hard copy. You see, one of the problems is that it costs a lot of money to produce these lists, of course, and they weigh a lot of pounds when you've got them stacked up in a corner. But even if we produced it electronically for everybody, every-

body can't use it. Independent candidates perhaps don't have the sophistication of electronic capability and therefore they need hard copy. So we have to have that at least and for some time to come, I'm sure.

MR. CHAIRMAN: Any other questions? Are you ready, then, to move on to the second phase of the presentation, the special warrant requests re the by-election?

MR. IVES: Okay. I don't have a lot to add. I have been talking generalities around both of them, sir. The rationale I was trying to explain to you was the reason for the special enumeration by way of the change in numbers of electors. The by-election itself is very straightforward. We are required to have a by-election. There's no debate on that. There really isn't . . .

MR. CHAIRMAN: Well, with respect, we've been talking about the enumeration; I understand that. I'm now asking you to discuss the by-election. We don't know the date, but members of the committee are seeing this today for the first time, so just spend a few moments on it.

MR. IVES: All right. It's essentially wrapped up in these figures. What we think is a sophisticated and an intelligent assessment of what it will cost comes out to \$62,000. The results will be known at some later date. Given that the election has to happen, how much is it going to be? We know what certain fees and expenses are. The election fees and expenses regulation says, for example, that you will pay a returning officer so much, a supervisory deputy returning officer so much, a poll clerk so much, just as for enumerators. You can knock those out times the number of people involved. That gives you a number.

We know that advertising in the general election cost so much in Edmonton-Strathcona in 1989. So that we are able to assess what advertising will cost in 1991 when this by-election presumably will occur, how much are costs up? We know about how much it will cost to rent a hall to train people in, because we knew how much it was in 1989. We've just extended those figures with the very best assessment we can put on it, and we came up with this figure.

MR. CHAIRMAN: Are there any further questions? Are you ready for a motion?

1:25

MR. HYLAND: Mr. Chairman, I'd like to move that we support the request from the Chief Electoral Officer for the special enumeration for Edmonton-Strathcona as well as the budget for the by-election in Edmonton-Strathcona. The special warrant of this year will assume that it's going to happen before March 31. I would guess that if it happens after March 31 for whatever reasons, maybe that's beyond the time limit and we'll probably need another motion to deal with it in the fiscal year.

MR. CHAIRMAN: Well, we're dealing with it in principle. When it goes before Executive Council, that's a question they can determine.

Any further question on the motion?

MR. SIGURDSON: Mr. Chairman, if you divided it in two, you could get the special enumeration done, and if something should

happen to go into the next fiscal year, then you could deal separately with the by-election.

MR. IVES: Mr. Bogle, would it be in order for me to make a comment?

MR. CHAIRMAN: Sure. Certainly.

MR. IVES: You do understand that these are our very best estimates, based on the very best that we can produce? If we have misfired somewhere and we haven't asked for enough, then we'll have to come back and ask you for more via another special warrant later on, only this time there will be bills unpaid as opposed to a guess as to what they will be.

MR. CHAIRMAN: On the other hand, what we would look at in that event is transferring unused funds from other parts of your budget to cover that shortfall.

MR. IVES: Yes, sir. You betcha.

MR. CHAIRMAN: Well, the special warrant has come before us as one, with the two elements together. I guess I'd go back to the point that our committee deals with this in principle. If cabinet wishes to divide it for any reason, they have the ability to do that.

MR. HYLAND: Question.

MR. CHAIRMAN: The question has been called. All in favour? Let the record show it's carried unanimously.

MR. IVES: Mr. Bogle, in December '89 in Oak Bay, B.C., there was a by-election called with fewer numbers than we are forecasting for Edmonton-Strathcona. That by-election cost \$254,000.

MR. HYLAND: I hope you're not off the mark by that much.

MR. IVES: Oh, no, sir.

MR. CHAIRMAN: If they are, Alan, there will be other questions to be answered.

MR. IVES: I think that we're [inaudible].

MR. CHAIRMAN: I'm sure you are. Thanks for coming in. All right; item 4, Business Arising from the Minutes. At this point I wonder, Alan, if we could have a report from you, with some supplementary comments from Louise, on the Canadian Comprehensive Auditing Foundation Conference recently held in Ottawa.

MR. HYLAND: Have you typed up your notes yet?

MRS. KAMUCHIK: No. I just got back to work this morning. They're all handwritten.

MR. CHAIRMAN: Just give us an overview.

MR. HYLAND: Who went to this last year?

MR. CHAIRMAN: Tom.

MR. HYLAND: That's why he's laughing.

There is some interesting comment at this comprehensive auditing conference, but it's tough slugging. One of the guys there from a major accounting firm said: "It's not even all accountants that get off on this. It's tough for me too because this is not my bag."

But there were some good speakers and some good points. One of the first speakers was Paul Tellier, the clerk of the Privy Council, outlining the new changes in the public sector federally to achieve more accountability and quicker decisions. They're trying to move the decision level from the top down. He said that politicians didn't mind mistakes; they just hated surprises. Mistakes could be lived with; surprises are tough to live with.

One of the outlines they said they were trying to do, for example: to purchase a vehicle or office furniture, the steps to go through were in an eight-volume book, about 200 pages each; it's now down to two pages of directions and guidelines rather than step by step by step. They're trying to do that all the way through to get closer accountability and dollar for value out of the workers in that they wouldn't be chasing paper around and around and around.

There was one workshop from colleges in B.C. where they're trying some accounting for a dollar value on their courses. Working with their students and their staff, they're using it as a tool to see what's acceptable to students, what they like the best, what the staff like, and they're using it as a tool for budgeting and the operation of the college. They feel it's working, but they don't know if the setup they're using will be able to be just transferred to another institution. Each institution may have to develop its own because of each being different, but they feel there's some common stuff in it: that they can see if they're getting value for dollar out of their funds in their institutions.

Another one that was talked about - the same thing, dollar value for funds - was the government of Manitoba in the public works division, the purchase of vehicles and office furniture, et cetera. Then they tried it in the social area, in the social services program support for battered women. The director of that group was one of the speakers. She seemed to find it more useful than the guys relating it to the purchase of cars. It gave her a tool to see where her people were, what they were doing, how they were placed, should they be moved, should more emphasis be put here, more people put here, more people put there. So she thought it really worked in their case, which I found interesting. I thought it might have worked better in the other where it was an actual service you could see vis-à-vis something in a social area. She was pretty high on that.

That's about it. There was one on management and accountability for the health care sector, and the chief of surgery for the Foothills hospital was one of the speakers. One of the other speakers was the former chairman of the Nova Scotia Royal Commission on Health Care. There was some interesting discussion there related to the same thing: what they should and shouldn't be doing, how doctors should work together, how hospitals should work together, how governments should work together, the whole ambit. That was probably, Louise, I would guess one of the more interesting parts because in that case none of the guys talking were auditors or accountants. They were speaking as management responsible for dollars in their institutions.

MR. CHAIRMAN: Thank you, Alan.

MRS. KAMUCHIK: I picked up some interesting statistics from some of the speakers. Paul Tellier, for instance, talked about

the reform of the public service. It's called Public Service 2000, which I didn't even know was going on. In the past five years they figure they've cut the overhead by about 25 percent. There are 400,000 public servants in Canada in 32 departments, 400 organizations, and 200 various boards, agencies, commissions. The reform group they've put together has come forth with 250 recommendations that they hope to be acting on, and the aim of that is to make the public service more responsive to clients' needs. Some of the statistics that he also mentioned were that, for instance, with the present controls it takes six months, six departments, two committees to sell one RCMP house.

MR. HYLAND: That's cabinet committees.

MRS. KAMUCHIK: Another example was that it took up to a year to staff a senior position and four months to purchase a desktop computer. That's the way it is now, and of course they're hoping to improve that. They hope to decentralize and deregulate the management process of the public service, and it apparently has received good support. He also talked about the ability of government agencies to deal – and he specifically said the tornado that we had in Edmonton some three years ago, how they all acted together.

1:35

I took in one of the technical sessions, which was Action Plan St. Lawrence. That was established in the spring of '89 and has been in operation since June of '90. It's a \$110 million joint venture program between the federal government and the province of Quebec to clean up the St. Lawrence, basically, and they went through some of the steps. They hope to, of course, reduce the pollutants by 90 percent, and they also plan to establish a 5 million hectare marine park along the St. Lawrence. So those of us who get a chance to go and visit should see some improvements there in the future. They reviewed the obstacles and the research conditions and that type of thing.

Paul Massé, who is the president of CIDA, was another speaker. He spoke on world globalization, the world debt, and he certainly had an interesting background. If you remember, at the age of 11 when he was taking his classics at the Montreal school, he also wanted to take economics at the university, but because he was so young, his father registered, and he accompanied his father to the university to take his economics course. At the age of 19 he was a lawyer, and he won a scholarship to Warsaw. He didn't speak a word of Polish. In nine months he wrote his thesis in Polish in Warsaw. Really a very, very impressive gentleman.

AN HON. MEMBER: I don't like guys like that.

MRS. KAMUCHIK: It just makes you sick.

MR. HYLAND: He spoke for about 20 to 25 minutes before he looked at his notes for the first time, and laid off statistics and statistics and statistics.

MRS. KAMUCHIK: Just incredible.

There were over 600 delegates at the conference from 28 different countries, and 25 of the delegates were not accountants and auditors. There were, in fact, some MLAs; Alan and Mr. Pashak were not the only MLAs. There were some from Victoria and the Territories that were on Public Accounts committees. So that certainly was more interesting, I think, and

there seems to be a general move away from just being dry auditing-type stuff.

Paul Massé also mentioned that not too long in the future – I think we all know that – Europe would be a leading country in international trade, followed by Asian countries. The United States and Canada would fall to third place. So we've all heard, but to see it talked about . . .

The term "whistle blower" came up, actually, in one of these sessions beyond the audit report. How governing bodies and auditors and managers can restructure and work together over the next 10 years is what they're aiming at. There was a lot of emphasis on auditors working with managers. I guess that obviously it wasn't happening in the past.

Because there were so many delegates, I found they had an interesting way of making use of overhead projection systems. Even if the speaker was way in the corner of the room, they had the overhead camera and he was on the large screen, so you felt you weren't that far away, and you could certainly hear very well. It was very well organized, and they had, as Alan said, some really interesting speakers.

In the health section, as Alan said, the speakers were not auditors or chartered accountants; they were actual doctors. In Halifax they were doing liver transplants, which are more costly than heart transplants. Ottawa didn't do liver transplants because of the cost. None of the doctors supported transplants, period. So even though it's expensive to the health care system, they were not in support of doing transplants, especially liver transplants. I can't really say about heart transplants. We found that an interesting comment coming from doctors.

MRS. GAGNON: May I ask you a question, please? Louise, who, then, is in favour of all these transplants? Why do we have so many if doctors aren't pushing it?

MRS. KAMUCHIK: Well, he spoke for himself.

MRS. GAGNON: Oh, I see.

MR. HYLAND: These guys were doctors in administration.

MRS. KAMUCHIK: He spoke for himself.

MRS. GAGNON: Not researchers and so on? Okay.

MRS. KAMUCHIK: In talking about Dr. Keon in Ottawa, who is head of heart transplants – that's where the comparison came up between liver transplants being done in Halifax at greater cost to the taxpayer. Ottawa didn't touch them; they only did heart transplants.

MR. HYLAND: One guy was Dr. Robert McMurtry, chief of surgery, Foothills hospital.

MRS. KAMUCHIK: Dr. McMurtry also felt there were too many physicians in Canada. There are 400,000 people in the health care system: 50,000 of them are doctors; 200,000 are nurses; 12,000 are dentists. And there are 12,000 articles of a medical nature being published daily in the world. That's a lot of reading for these doctors to keep up.

There are a number of projects that would reduce costs of the health care system that are being turned down by government. One of them that they talked about was cigarette paper that burns itself out if someone falls asleep or ignores it, instead of

causing house fires and what have you. Apparently, it's a project that's been turned down by government. Interesting.

There's the experience of the Manitoba government that Alan touched on, and the evaluation. They're going to review the process. The ladies certainly seemed to be a lot happier.

At the luncheon on Tuesday they showed a tape. I didn't know that CCAF had a fellowship with Third World countries. They take 10 individuals from across the world from these Third World countries, and bring them to Canada for a year. They get to see a bit of Canada, but they are put in departments, usually with the federal Auditor General, and they'll specialize in a certain area, whether it's agriculture, et cetera. They go back to their country, and then they teach what they've learned in Canada and apply it to their country. So that was certainly innovative. Two of these people have also gone on to become auditors general in their own countries.

That's about all I have to say, except to thank the committee very much for the opportunity. I certainly learned quite a few things and met some very nice people. I got to practise my French quite extensively. I certainly found it interesting.

MR. CHAIRMAN: Good. Thanks very much. Any questions of either Alan or Louise? Okay. Thank you for your report.

Could we move on, then, to item 5, the budget estimates for our committee? It's in the binder.

MR. ADY: Under what tab?

MR. CHAIRMAN: Tab 5, page 1. It's still in draft form, of course. The total expenditures would drop by 1.2 percent. Are there any questions on page 1 that you wish to direct to Louise?

MRS. GAGNON: Is that because we're such careful stewards or spendthrifts?

MR. CHAIRMAN: Well, if you go up under Travel Expenses, you'll see that the largest drop is under travel, and that happens to all of the legislative committees. If there's a conference far away, your travel costs go up. We see it in Members' Services, depending on where the parliamentary conference is being held. We have the schedule of conferences next year. Two are scheduled for Winnipeg, one for Montreal, and one for North Carolina.

MR. ADY: I don't have that page. Do you have a spare one?

MR. CHAIRMAN: Oh. Under tab 5?

MR. ADY: Tab 5. No. I start right off with . . .

MR. CHAIRMAN: Jack, is there a page number at the bottom left-hand corner?

MR. ADY: Page 3.

MR. CHAIRMAN: Okay. Let's just take a minute and get extra copies. Is there anyone else missing . . .

MR. ADY: I have page 2, but I don't have page 1.

MR. CHAIRMAN: You have page 2?

MR. ADY: Yes.

MR. CHAIRMAN: Is Jack the only person missing a page?

MR. FOX: With respect, Mr. Chairman, he might be missing a couple of bricks too.

MR. CHAIRMAN: What happened? One of your bees sting you?

MR. SIGURDSON: It was probably a wasp.

MRS. GAGNON: They were some nasty remarks. I'm glad you weren't paying attention at all.

MR. CHAIRMAN: Well, Yolande, I expect you to protect Jack's interests in this.

MR. ADY: I knew where it was coming from, so it wasn't worth listening to.

MR. CHAIRMAN: All right.

Are there any other comments or questions on page 1? Page 2? All right. On page 3 we have a breakdown of the various conferences and estimated costs.

1:45

MR. HYLAND: Oh, see, there's what went wrong. Mine got mixed up, because I don't have a page 3. It goes from 2 to 4.

MR. CHAIRMAN: Do you want mine?  
Page 4.

MR. HYLAND: Oh, I've got a question on 4.

MR. CHAIRMAN: All right, Alan.

MR. HYLAND: Was this in last year, or did we pull it last year because . . .

MR. CHAIRMAN: No, it was in.

MR. HYLAND: It was in.

MR. SIGURDSON: The same on page 5: in but not used. Both 4 and 5.

MR. CHAIRMAN: Yeah. What it does is give flexibility in the budget.

MR. FOX: A new committee is appointed with the opening of the spring session, so there's . . .

MR. CHAIRMAN: I know. That's their rationale.  
Page 6.

MR. HYLAND: They don't put the car amount in here. There's my 3 way at the back.

MR. CHAIRMAN: Louise has dropped the audit of the Auditor General's office estimate to this year's actual. Correct?

MRS. KAMUCHIK: That's right.

MR. CHAIRMAN: So we're anticipating the same charge for 1991-92 as we have incurred in 1991.

MR. SIGURDSON: No inflationary increase?

MRS. KAMUCHIK: It's difficult to say. Hopefully, with the experience they've had in the last two years, they should be able to do it in record times.

MR. CHAIRMAN: Yeah. I recall the first year we had a higher fee because they were new. All right.

Page 7. And finally the last page. Is this page 8? It's not marked.

MRS. GAGNON: I have a question, please.

MR. CHAIRMAN: Yes.

MRS. GAGNON: Why is meeting attendance estimated so high, like almost \$6,000 more than this year's?

MRS. KAMUCHIK: Last year when the budget was prepared, as you recall, it was before the Members' Services order that increased the rate that members received for attending a meeting. Now, as you know, if the meeting is only four hours, you receive \$100. So this reflects the increased cost. It's based on 10 meetings, six of which are at the full rate of \$260 - it could be less, but this is the worst scenario - and four meetings at \$165. They've taken into consideration that some members don't live as far; Mr. Sigurdson is from Edmonton. So this varied time and length of meetings and travel time is taken into account. Hopefully, it could go under, but this is a worst scenario.

MR. CHAIRMAN: Okay. Anyone else?

Any general questions or comments on the budget? The purpose today was to go through it in a general, overview way.

Louise is just passing out now the dates that we now have for next year's conferences and also the current expenditures and the estimates for next year - I think that request came out of one of our past discussions on the budget; members asked if we could share dates - and actual expenditures to date.

First, on the calendar of conferences there's one we don't yet have, and that's the Ombudsman Conference in Winnipeg.

MRS. KAMUCHIK: That's right. They hadn't established the date yet.

MR. CHAIRMAN: No.

MRS. KAMUCHIK: Maybe they will today.

MR. CHAIRMAN: At one point in time we thought that might be moved.

MRS. KAMUCHIK: The location might be moved. It's usually in the summer - September as well. But it varies from July to September. It all depends on the host.

MR. CHAIRMAN: Louise is just getting a copy of the expenditures so that each member may have that as well.

Is there any other business you'd like to deal with while Louise is getting copies made of the one document?

MR. FOX: Mr. Chairman, on the memorandum submitted to us by the Chief Electoral Officer regarding revisions of his 1991-

92 budget estimates. That is, I presume, for our information and something we'll deal with at a subsequent meeting. Is that . . .

MR. CHAIRMAN: Yes; that's correct. We'll come back in. We'll have to set dates for our next meetings, whether in January or early February, when we sit down with the three offices again and finalize their budgets at that time. All he's doing is apprising us of the updating he's doing.

MR. FOX: Right.

MR. CHAIRMAN: Would you like to go ahead to the date of our next meeting?

MRS. GAGNON: I wonder if I could just ask Mr. Hyland a question about the Comprehensive Auditing Foundation Conference. Did you find, Al, that compared to other provinces the scope and mandate of our Auditor General is similar? Did you get into that or have an opportunity to explore what each province does as far as their own Auditor General's scope and his or her mandate?

MR. HYLAND: They didn't really get into that. It was just value for dollar. When you look at our Auditor - what? - 20 percent or something, I think he said, was . . .

MR. CHAIRMAN: Yolande, were you with us when we visited the Auditor General in his office?

MRS. GAGNON: Yes.

MR. CHAIRMAN: Do you recall that at that time he indicated that some jurisdictions where the scope is much broader are finding that they're actually beginning to pull back? Because if the Auditor General gets into the management of the departments or is perceived as getting into that field, he then runs into competition with those departments, whereas if he's looking straight at the dollars and how the dollars are spent but not making comment on the program value, there's a clear-cut distinction. I took from that discussion we had with Mr. Salmon that not only did he and his staff prefer the current legislation in Alberta, but they're finding that some other jurisdictions have actually begun to move closer to our model, away from that Ottawa model, if you like, which is all encompassing and allows the Auditor General to comment on program matters which we made a very deliberate attempt to stay away from in our own legislation.

1:55

MR. HYLAND: And in private conversation with people, they're concerned with the way Mr. Dye has approached this; that it hurts the value for dollar comprehensive type audit because people are suspicious of a lot of publicity on it. They feel that may happen with what they're trying to do in the other [inaudible] in the comprehensive value for dollar auditing to go after the publicity just to give managers something that they can use.

MRS. GAGNON: Okay, I think I understand. Okay, thanks.

MR. CHAIRMAN: Jack, before you leave, we're going to spend a moment talking about possible meeting dates in January and February. I'm not proposing that we finalize it today, but if we can get an indication from members on their availability in

January and February, then possibly Louise can bring it down to a couple of dates for our meetings. So prior to your departure, do you know offhand if you have any commitments in January or February that would take you away?

MR. ADY: I would prefer that it be sometime after the third week of January; in other words, from the 20th on. Okay?

MR. CHAIRMAN: All of February?

MR. ADY: I don't have my book, but it's generally open.

MR. CHAIRMAN: All right.

Yolande, do you have any idea at this point in time?

MRS. GAGNON: I don't have my book with me; I'm sorry.

MR. CHAIRMAN: Okay. When we reconvene after we've visited the Ombudsman's office, if you'd look.

MRS. GAGNON: I'll get it.

MR. CHAIRMAN: John, do you know at this point?

MR. DROBOT: I'm generally open.

MR. CHAIRMAN: Generally open.  
Don?

MR. TANNAS: I'll be busy, but I don't know what dates yet.

MR. CHAIRMAN: Okay.

MR. FOX: It looks good you'll be busy sometime in January.

MR. CHAIRMAN: Derek?

MR. FOX: Just teasing.

We have an extended caucus meeting during the week of the 21st to 25th.

MR. TANNAS: Of January?

MR. FOX: Of January, yeah. So for me, other than that week I can schedule meetings.

MR. CHAIRMAN: Okay.  
Tom?

MR. SIGURDSON: From the 28th on.

MR. CHAIRMAN: Is all right?

MR. SIGURDSON: Is all right, but prior to that I'm away.

MR. CHAIRMAN: All right.  
Alan?

MR. HYLAND: I don't know. Sometime in February I'm away.

MR. CHAIRMAN: All right. And I'm flexible.

MR. HYLAND: But if we're gone, it's only a week at the maximum.

MR. CHAIRMAN: Let's see. All right. The 28th is a Monday, so if we can focus on January 28 on through until, say, February 15. We'll discuss that further today, but I'd like to give Louise some dates that she can try to nail down for us. Also working around Members' Services, which have to approve these budgets.

All right. Any other business before we adjourn? How would it be if we assemble down in the pedway by the periscopes, the entrance to the Annex building at - what? 3 o'clock or 3:10? What will it take us to go over?

MR. HYLAND: Five minutes.

MRS. KAMUCHIK: Ten minutes if we have to park.

MR. HYLAND: Are we going to walk?

MR. CHAIRMAN: We're walking, aren't we?

MRS. KAMUCHIK: Are we going to take the LRT? Sure.

MR. CHAIRMAN: Aren't we? Is that all right?

MR. TANNAS: Yeah. I just need to know if I should have a coat. Okay.

MR. HYLAND: What about Jack? Are you coming?

MR. ADY: No.

MR. CHAIRMAN: No, Jack will come back. I assume we'll be back here between 4:30 and 5.

MR. TANNAS: Are we coming back here afterwards?

MR. CHAIRMAN: Yes. Then the Ombudsman will join us and we'll go through his budget and also the proposed amendment to the Act.

MR. TANNAS: Are we leaving our stuff in here or should we leave it elsewhere?

MR. CHAIRMAN: We leave everything here. The room is secure.

So how would it be if we meet at 3 o'clock over there? That way we're sure.

[The committee adjourned from 1:59 p.m to 4:40 p.m.]

MR. CHAIRMAN: I think we can reconvene. Louise will be here shortly. So, Harley, to you and Dixie and Mary, a welcome.

As you know, we're going to deal first with the proposed 1991-92 Ombudsman budget estimates. The purpose of today's discussion will be introductory in nature. Committee members may have some questions to ask. If at any point in time we seem to be straying into a sensitive area or confidentiality is important, we'll go in camera. That's been our practice with the other two officers, and the system seems to work well. Then we will move on to the Ombudsman request for a legislative change. We will deal with that and, I presume, be in a decision-making mode on that particular item today.

So if you're comfortable dealing with the agenda items as they appear in our agenda, we'll move right into your budget.

MR. JOHNSON: That'd be fine, sir.

MR. CHAIRMAN: Okay. Let's move on then, committee members, to tag 8(a), and there's a covering letter from the Ombudsman.

Sir.

MR. JOHNSON: Thank you, Mr. Chairman and members of the committee. This is the first time I've had the pleasure of presenting a budget to you, and I trust you'll find it in pretty good order. Before I get into the line-by-line side of it, the overall is that we are not asking for any new positions; we are not asking for any new space or change of space. I'm satisfied that the numbers of people I have on staff are capable of performing the function. What we've got before you is a budget that reflects a shift somewhat in terms of my priorities that I've established in conjunction with this committee in the past, that being educative and investigative and management upgrades. Three of the four priorities are reflected in some of the items and the shifts within this budget itself.

In terms of the actual manpower, if you wish to go to the first line item, 711A, Salaries - Permanent Positions, what we've got here is a reflection of a decrease in permanent positions. That's why the '90-91 estimate going to the '91-92 estimate shows a 9.6 percent reduction: from \$578,500 to \$573,000. That will be picked up later, however, in payments to contract employees under 711D, the third line item. There are, as I pointed out to start, no changes in the numbers of personnel required by the Ombudsman for the years '91 and '92.

Line 2 is 711C, which is Wages, and that particular one is a summer student position. It was filled this last year by a young person from the Faculty of Law, University of Alberta, and I found it to be a very worthwhile project in terms of having a young law student on staff to do a number of the research items. The particular person was reporting directly to Mary Marshall, the solicitor, and the workload was quite extensive.

The third line item, 711D. I have indicated that there is an increase from \$296,400 to \$342,800, an increase of 15.6 percent. That really reflects only a shifting from one permanent position to a contract position. One of the people that came on staff made a decision not to go on permanent but took the contract position that was made available. It really reflects no change in the budget in terms of overall.

In terms of item 711E, Employer Contributions, again it shows a 7.9 percent increase from \$105,000 last year to \$113,300, and in terms of the actual justification for that change there will be an increase in the employer portion of pension buy-back for two members of my staff. These are people who in fact had taken parental leave and are coming back on. During the '91-92 year there will be an increase in terms of the employer contributions to their portion of the pension plan.

In terms of item 711F, Allowances and Benefits, there is an increase here. The increase represents primarily a \$6,000 or 60 percent increase from \$10,000 to \$16,000. The focus that I brought to the office indicated education and internal training as priorities. This is where the budget reflected that. I plan to have one of my members attend an executive training course. I plan to have the senior investigator in Edmonton go to a management training course. I have staff training involved here. I have an investigators' conference to be presented by the Ontario Ombudsman's office coming up, and I plan to send to

that conference as many as I possibly can. There was no investigators' conference during this past fiscal year. I understand the agenda on that will be on investigative skills and attempting to increase investigative skills - something I'm pleased with to date in my investigators; however, you can always get upgrading. This particular case reflects one of those priorities, the training internally of staff.

The total manpower budget - the bottom line, if you will, of group 1, Manpower - shows an increase of 5.5 percent. The only real major increase I've given you that is over and above the normal salary and cost of living increments that have been awarded, both in terms of the union agreements that have been signed and in terms of the management payments, really is represented in the Allowances and Benefits area. That is the only real increase, if you will, in terms of the group 1. So it's a 5.5 percent requested increase.

MR. CHAIRMAN: Let's pause at that point, Harley, and see if there are any questions from committee members on the Manpower, group 1, category.

Tom.

MR. SIGURDSON: Sorry. Could you just explain a little further 711D, Payments to Contract Employees? What kind of work is being contracted out?

MR. JOHNSON: These are people on staff that are filling contract positions. At the present time, only two of the investigators are permanent staff. The rest come in and work on a contract basis. Really they're staff members for all intents and purposes. They have a choice of whether they wish to be involved in pension plans or whether they wish to have a payment in lieu of their pension, for instance, a very similar type of contract to myself. That's the basis of it.

MR. CHAIRMAN: Any other questions? Yes, Derek.

MR. FOX: Just a follow-up to that. Harley, are you considered a contract employee then? Yours is one of the 20 permanent positions that's listed in the Manpower vote and you're a contract . . .

MR. JOHNSON: Yes, I'm under contract.

MR. FOX: Okay. And is that the difference? Because there were 14 salaried employees this year, 15 the year before, so there's a decrease of one salaried employee and an increase of one contract employee.

MR. JOHNSON: That does not reflect me, sir.

MR. FOX: Oh. Okay.

MR. JOHNSON: That is a person that came on staff partway through the year. One of the people that left the office was in a permanent position; the person that was selected to replace them came in under contract. So that's the change in the numbers.

MR. FOX: And that's often a choice made by the incoming employee.

MR. JOHNSON: It's pretty well all a choice made by the incoming employee.

MR. HYLAND: The former Ombudsman would have been in a contract position too.

MR. JOHNSON: That's correct. Therefore, it is not a change.

MR. CHAIRMAN: Okay. Any other questions?

All right. We move on to group 2, Materials and Supplies.

MR. JOHNSON: In group 2, sirs, in 712A, Travel Expenses, there is a significant increase from \$84,000 to \$105,800, or 25.9 percent. Part of this increase involves sending the people that I mentioned under Allowances and Benefits in the previous group to this particular investigators' workshop. I mentioned there was no investigators' workshop held in '90-91. There will be in '91-92. There is an increase in the lease on the Ombudsman's car. That is also reflected in this particular area. The average cost per investigator is approximately \$6,200. With 11 people doing travel at the investigative level, that comes to \$68,200.

4:50

In terms of my own position, I have laid out before this committee one of my priorities, being educative of the public or educating the public to the best of my ability. Therefore, I plan to increase as much as possible the amount of time I spend in Alberta as opposed to - and I'm not saying Edmonton's not in Alberta - outside of head office, if you will. I was going to make a comment in terms of my transfer here from Calgary, but I think maybe I'll just let it pass.

In terms of the actual tours I plan to take, I have established that I am going to have one full public meeting in every electoral riding sometime during the first five years in addition to numerous other presentations to specific interest groups. Now, that has already started. I have now had three full series of public presentations. Last week, for instance, I made nine presentations in three days in the High Prairie, Slave Lake, Grouard, Lac La Biche route. That's nine presentations plus two workshops plus two media, phone-and-talk-in type shows in the community and meeting with complainants. I plan to continue that profile if at all possible, and this is part of the reason for the travel expenses being up the significant amount that I show.

In terms of 712C, the second line item, Advertising, \$15,000 to \$17,000. As I pointed out, touring remains a priority; I've already established that. The second part of it is that during the employment advertising within the office itself, one of the practices I noted when I came into this position was a tendency to hire based on résumés already on file, going back into the file. While this is cheaper in the long run, it does not make all the positions available to everybody in the province. At least if somebody is interested, we should go out to a competition so everybody has a fair chance at that particular position. So the \$2,000 increase is actually for employment advertising if and when it does occur.

In terms of 712D, Insurance, there is no change in that one. It's still a thousand dollars. I'm told by Dixie that I am allowed one accident between now and April of next year; any more and I'm in trouble. But there is no change in the request.

MR. HYLAND: So you didn't have any accidents or any tickets. That's why it's still the same.

MR. JOHNSON: I haven't had a thing, sir, to date, and I touch wood when I say it.

In terms of 712E, there is an increase, from \$5,500 to \$7,000. It represents a fairly significant change percentagewise. The overall increase in the category is due to the increased postal rates and the increased costs, because of the postal rates, to mail out the annual reports as we do at the present time. The annual report costs are quite extensive, and in terms of the costs for the mailouts, they are getting quite expensive. It cost us \$1,500 in 1989 and \$2,300 in 1990 for the annual reports to be mailed out, which is fairly significant, and a number of those represent international recipients of the report, other Ombudsmen's offices throughout the world.

In terms of Rentals, 712G, there is no change requested. Everything that we have right now is basically the same as before. If you like, I can give you the specifics in terms of what it entails. We have a Xerox copier, which is a rental, in both the Calgary and the Edmonton offices, and we have a lease expiry next year. There are copying charges involved in this. The postage metre rental is involved in this, and there's a parking stall for myself when I visit the Calgary office. That's all charged in the rental component of that.

In 712H, Telephone and Communications, I'm showing a decrease of 33.3 percent from \$12,000 to \$9,000. I give Dixie credit for this in terms of bringing to my attention areas in the budget that I can look at reducing. That was one of the questions I asked of her when I came into office. Because of the way we're now monitoring them, I'm finding that the long-distance telephone calls from the investigators and the increased usage of the toll-free line and the insistence for investigators to use the toll-free line, even if they are busy to wait rather than go through with the telephone calls at that particular point - that shows quite a significant decrease of 33.3 percent in terms of our request. That pressure will be maintained to ensure that we don't let long-distance telephone charges get out of hand.

The next line item, 712J, representing Repairs and Maintenance, is going to take a little more explanation in terms of what has happened. Now, the old NBI computer system was on a lease-to-own basis and it was being charged against this particular budget. So this budget shows, now that we don't lease to own the NBI equipment, from \$19,000 to \$1,000, a reduction of 1,800 percent, if you will. But it's really not a reduction. It's only in the line item that it shows a reduction, because we'll be picking it up under 712L a little bit later on in terms of Data Processing Services. So it's not a reduction in the amount of the budget; it is showing a shifting of the amount from 712J to 712L.

Under Contract Services, 712K, this particular item again represents no change in the budget. I believe \$30,000 is enough to maintain us at the present. Contract Services here deals with getting external legal opinions where required, building services, temporary clerical services, accountants' opinions when needed, some drug-testing specialists that have been used in the past, investigators on a short-term basis, special workshops, air quality specialists, microfilming, Quick Law access and usage. So Contract Services covers a large range of areas, but I'm of the belief that I can cover it with the moneys that are available at the present time with no change.

Now, 712L is on the data processing side of it. This does show a significant increase from \$12,000 to \$52,800, part of which represents a shift from 712J, as we mentioned before, to the data processing 712L. The actual amount is 340 percent in terms of the increase. I mentioned earlier that we are going to still require some program development for custom services and attempting to buy a program where we can in fact go into the complaint system and pick off words which identify locators of words within the system itself and pull them forward. There will

be about \$10,000 for that particular item in 712L. Quick Law computer, which is the access to all the legal files Mary needs to do her particular portion of the budget, is on a separate computer, and the maintenance of that is provided by public works and is within this particular budget as well. There is a maintenance contract for the local area network that we now have in place, and there are professional services, again dealing with the local area computer network. PWSS does send us computer printouts, and we are required to pay for those printouts whether we basically want them or not. Actually we do get them because they are a management tool, but they're one of those items sent out and charged back to my budget. That's the data processing. As I say, that does show a significant increase, but a good portion of that is a transfer from another area.

On 712M, I have found that the \$3,500 that was in the '90-91 budget for hosting is more than sufficient. I don't do a lot of hosting, and therefore I'm recommending a decrease in that budget from \$3,500 to \$3,000. I'm very sure I can comfortably fit that within that particular portion. In terms of what we're looking at right now, we're going to be running close to the \$3,000 mark for this year in terms of projection.

In terms of 712N, the next portion of the budget, Other Purchased Services, no change. This category basically is utilized for the payment of the membership into the International Ombudsman Institute, and that comes to \$1,000 U.S. per year. You'll notice on the right-hand side '89-90 Actual. This particular category is where in fact they show my move from Calgary to Edmonton. That's where that is shown, in the '89-90 Actual. There is no movement projected next year, but should it occur, we'll deal with it as it happens. I'm not expecting to move any investigators from Calgary to Edmonton or vice versa during the next year.

5:00

MR. HYLAND: Does that include Ed's move to Calgary too?

MR. JOHNSON: Ed's move will be shown in the 1991 forecast of the \$19,100. I do have one position currently vacant within the office. I have made an offer to a person outside the Edmonton area, but the costs will be low in terms of this person not owning his own home, if in fact he accepts.

MR. CHAIRMAN: We'll hold the other questions until we get finished with this.

MR. HYLAND: I'm sorry, Mr. Chairman.

MR. CHAIRMAN: It's okay.  
Go ahead.

MR. JOHNSON: That is in terms of the Other Purchased Services. In terms of actual increase, I really don't need it, but if we do have to move somebody, that's where it would be assigned to.

Code 712P, Materials and Supplies, shows an \$8,800 increase, from \$40,000 to \$48,800. Items that are covered in this particular function are the annual reports. I am going to have the pamphlet redone. Some of you have seen that pamphlet; I'm sure all of you have seen the pamphlet. The pamphlet needs to be redone. There are a number of changes required in there. I won't publicly say that it's hokey, but it is time for a change. It implies that the Ombudsman can do absolutely everything, and that is not the case. There are some restrictions to my

office on what I can and cannot do, and I think the pamphlet that goes out should in fact reflect that. We're getting an increased supply of letterhead and envelopes. The legal publications, legal resources, subscriptions, general office supplies, and furnishings under \$500 – what I'm asking for in this particular area and part of the increase is for 20 lamps for investigators' desks. Right now we have in the office neon lighting and that is it. It would be cheaper for us to put in the desk lamps, the college-type lamps, for all investigators, rather than going to all the different types of lamps available. I'm recommending that we go with the 20 lamps, enough to cut down the glare on paper. And there will be a bookcase coming into this area as well. There will be some software supplies. That's basically it. There are some other areas in here, more minor items such as Christmas cards, and those issues also come under this particular one, 712P, Materials and Supplies.

MR. CHAIRMAN: Thanks, Harley.

Questions on this category? Yes, Don.

MR. TANNAS: Yes, advertising. I wonder if one of the things you've explored, Mr. Johnson, particularly in the rural area, is making use of the public service advertising. For instance, you get it on your radio stations, TV stations. Usually there's something in all the weeklies; we call it AGT Good News or whatever. Some people read those or listen to them more than they do the actual advertising, unless you get a great big display ad kind of thing. It's something to explore in terms of effectiveness and virtually no cost to any of them. That's in the rural area.

If you can get the announcer of the public service – lots of times they'll chatter away about it, saying, you know, what the Ombudsman is and that kind of thing and they've got a little information with them. You get something a whole lot better than if you bought radio advertising.

MR. JOHNSON: This particular one wasn't for radio advertising. The increase isn't for radio advertising per se. It's to publish the fact that I've got positions available so that everybody in Alberta knows, as opposed to somebody that has sent a résumé in unsolicited. I mean, that's about \$2,000 . . .

MR. TANNAS: Yeah. I wasn't thinking of the increase, just the total amount, because you were saying that you were touring. Not just radio; any of those public services when you're going into the rural area.

MR. JOHNSON: Your comments are very valid, sir. In terms of the most recent publication, that's exactly what we did. We went to radio talk shows. The cost to the Ombudsman's office was very minimal on this last one. We paid for one advertising on a three-and-a-half day tour. We were fortunate in that other people through the community colleges and the vocational centres also picked up some of the advertising because they are providing a service to the community. They advertised the fact that I was coming on their own. We also did reports in advance that the press did pick up on, the weekly papers, and wrote what the Ombudsman's office is all about and that I would be there during certain time frames. That was, again, free of charge. Also, on those there were the phone-in talk shows that again were free to this office.

To date we've used that as much as we can. We can continually explore ways to make sure we save as much as possible

and to put out the message. But as I said, on this last three-and-a-half day tour we paid for one advertising.

MR. CHAIRMAN: Any other questions on the advertising?

MR. SIGURDSON: Not on advertising.

MR. CHAIRMAN: Okay. On another subject?  
Yes, Tom.

MR. SIGURDSON: Just on 712L, Data Processing Services, I know that you listed a number of packages you were looking at. Can you break those down to, I guess, a subcomponent total cost? It wouldn't be fair to look at that \$52,800 and say, "Well, that's a very odd figure; reduce it by 10 percent or something." If you've got information on what a certain package or software package would cost, I think that might be beneficial so we can look at each individual package.

MR. JOHNSON: Okay. We can look at that, sir. One of the things I'm searching now is this text search. We don't know what it's going to cost. We're guessing based on what the computer industry is telling us it should be around if, in fact, we do go for it. I want to make sure it's right for our office before we purchase it. I've put enough in here to cover that type of thing. We can break it down even more, if you wish, in terms of the specifics of the \$52,800.

MR. SIGURDSON: At some point, if we could get that, I would like to take a look at it.

MR. CHAIRMAN: Okay. Is there anything else, Tom?

MR. SIGURDSON: No. That's fine, thank you.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: What kinds of groups would you host? What does Hosting cover?

MR. JOHNSON: Hosting covers basically luncheons. If I hold a management meeting and take the managers for lunch, that would be under Hosting. In one particular case in Halifax we all went for lunch as a group, and that came under Hosting itself. That was to make sure the Alberta people knew each other before going into a conference, so we weren't going in blind. It may involve a luncheon for a specific person I'm attempting to work with to the betterment of the office. For instance, we have a situation now in the Calgary office where there's potential to get 18 first-rate paintings at no charge to our office, on a free basis, not to own but for display purposes. The Glenbow Foundation has an excellent program. Therefore, that might mean a lunch, taking the person out during our negotiation stages. That's the type of thing Hosting does cover.

MR. CHAIRMAN: Anything else, Yolande? Are there any other questions?

Harley, under Travel Expenses you mention an investigators' workshop. Where is that to be held?

MR. JOHNSON: In Toronto, sir.

MR. CHAIRMAN: How long is it?

MR. JOHNSON: It's looking right now that the agenda is going to be three days. That's still up in the air. We're waiting for the Ontario people to come back to us, but we're basing it on that.

MR. CHAIRMAN: When we come back, would you give us a little more detail on the cost and the breakdown of that?

MR. JOHNSON: The cost breakdown? Certainly.

MR. CHAIRMAN: I guess the only other question I have is under the lamps. I'm curious why you'd raise that here. Why wouldn't you just deal with that at the end of a fiscal year? There are always dollars left in categories.

MR. JOHNSON: We can, but if I end up with an on-the-money budget by the end of the year, then I would have to come back and request moneys from you, and I don't think I want to do that. So hopefully I've got it in. If in fact we do have moneys at the end of the year – and right now we are projected to have some surplus – then I will have to come back to this committee anyway because that money will be in manpower as per our projections.

5:10

MR. CHAIRMAN: So are you now projecting you'll have dollars in the current year's budget to take care of Ed's move to Calgary?

MR. JOHNSON: I am.

MR. CHAIRMAN: Okay.

MR. JOHNSON: But I will have to come back to this committee to do so, because it will be a request for a transfer from group 1 to group 2. The reason why the money is there is that the two people we have hired to replace the people who left were hired in at a lower rate of pay. Secondly, Ralph Toews retired out of Calgary, and in the promotion of Brian Carver, he came into the management stream at a lower level. So we do have some moneys left over in that, but I will be back to this committee for that transfer.

MR. CHAIRMAN: Just one other comment, and it has to do with mailing out the annual reports. You did mention that there's quite a cost in the mailouts to other Ombudsmen. It almost sounds unpatriotic to raise it, but have you considered mailing out from Sweetgrass, Montana? I'm serious. The cost of postage here vis-à-vis the United States is shameful. You may recall not long ago that the tourism department in New Brunswick was taken to task by Canada Post because they were mailing out to their American destinations from Maine. If that's a substantial drain, because that does seem high, all I'm asking is if any consideration has been given. Would you at least look at the rates and come back and tell us?

MR. JOHNSON: We will, sir.

MR. CHAIRMAN: Because I know an MLA who lives eight miles away.

MR. SIGURDSON: Mr. Chairman, I've got to protest. I really do. I just think that to send a Canadian document through American channels is certainly a departure from the norm. I mean, we could do a lot of stuff in the United States if we

wanted to lose Canadian jobs. We could do a lot of stuff cheaper. I know you've talked about decentralization of services. I don't know how far you want to decentralize, sir.

MR. CHAIRMAN: I'd like to see the cost comparison.

MR. SIGURDSON: If that's all it is, a cost comparison . . .

MR. CHAIRMAN: Let's look at the cost, and then we can go from there.

Yolande, you want to get on this?

MRS. GAGNON: I am speechless. Thank you.

MR. ADY: Back on another item, 712A, Travel Expenses, did you say you have built in there the increased cost of ground transportation for your investigators? I'm talking about the increase in fuel and the increase in airline costs and so on.

MR. JOHNSON: Yes, we have.

MR. ADY: That's based on where the energy prices are today?

MR. JOHNSON: Basically yes, what we know or what we think of where they're going to be. But yes, we've built in enough there to cover those increases should they happen. We know they are going to happen in terms of air fares.

MR. ADY: They already have happened with gasoline costs for cars.

MR. JOHNSON: They have with the gasoline, and they're going to happen in a number of other areas too.

One of the biggest concerns I think all of us have is that we don't know exactly how the GST is going to impact on all prices. We know we're supposed to be exempt in some ways, but we're still not absolutely sure.

MR. ADY: Sure we do. The Prime Minister is in town and he said it's going to impact positively, so you can be assured of that.

MR. CHAIRMAN: I think Tom wanted to get in on this point.

MR. SIGURDSON: That was the very point: are we going to get status that exempts us from having to pay GST?

MR. JOHNSON: I don't know exactly. We're waiting now for directives.

MR. CHAIRMAN: One level of government can't tax another. It's one of the key elements in the court case, as I understand it.

MR. SIGURDSON: But we'd be paying that on postage. We'd be paying that on everything.

MR. CHAIRMAN: Well, let's hope that by the time we come back for a final look at the budget, we'll have a clearer picture of the federal government's intent and our response.

MR. HYLAND: The government hasn't made a statement on changing the mileage yet, have they? I haven't heard.

MR. JOHNSON: I haven't got any information to show that.

MR. CHAIRMAN: Anything else on group 2, Materials and Supplies? All right.

Fixed Assets, group 3.

MR. JOHNSON: In Fixed Assets, under 724C, Purchase of Data Processing Equipment, I am requesting a printer for a dedicated complaint server in Calgary. There will be some software upgrades that are required - very few. There's only \$2,000 in there for software upgrades, so we're not asking for a major amount at all. I mentioned earlier the additional software, and we're attempting to locate that text search package.

There's one other area we need to look at, and that is the office calendaring mechanisms that we now have to merge Edmonton and Calgary schedules. It's not meeting exactly what we need, so we're going to need some custom move in that area. That's on the scheduling component of the WordPerfect office network system. We have it in Edmonton and we have it in Calgary, but we can't merge the two at the present time. So that's going to take a minor upgrade. It's \$11,000 to purchase the data processing equipment under 724C.

In terms of 724F, Purchase of Office Equipment, it's \$5,000. Last year on the recommendation of the select standing committee, when the local area network came to you on a budget basis by the Acting Ombudsman, Mr. Chetner, this particular area was taken out of the budget in total. At this particular time I'm asking for \$5,000 in here to cover some new chairs, some additional shelving, bookcases, and a second vault within the office itself. At the present time we have one vault. That vault is now at the point of overflowing, not just overloaded but overflowing, and I'm asking for a second vault. The justification for that vault also is that we are a small office, but the personnel files are kept in that vault. Certain people have access to that vault, and I don't believe anybody should have access to personnel files except myself, period, or an emergency backup, because they're dealing with personnel issues within the office itself. So I now have taken those files out of the vault, but I do require some place to store them, and that vault is it. So that's my request.

MR. CHAIRMAN: Sounds reasonable.

Any questions? Yes, Tom.

MR. SIGURDSON: You said earlier that you wouldn't be requiring any extra space. I'm just wondering: if you're going to have an extra vault built in at your current location, would there not be a location in the city, looking at convenience, I suppose, where you can get a lesser cost per square foot to build a vault? Or do you need immediate access to this information?

MR. JOHNSON: If I'm dealing with personnel issues and somebody comes in and wants to deal with their file, I don't want to say I don't want to deal with it now until I go out and get to the vault. I've got in my office, under the office renovation project when we renewed the lease, built into my office . . . When you come around to look at the computer, you almost can't get through by my desk there. That's a new addition. All that is is really a clothes closet, but I've got a space in the bottom of it for a small vault. I'm not talking about a major bank-type vault but a very small vault, and it can be done very, very inexpensively and put in there. I would like it right in there so I have access to personnel files.

MR. SIGURDSON: Thank you.

MR. CHAIRMAN: Any other questions?

Just for clarification, Harley – and in a sense I'm back on manpower – did you indicate there's one vacant position at the present time?

MR. JOHNSON: There's one vacant position at the present time. That was the land administrator position. We still have not filled that position, because we're finding that we have got excellent support from the people that got us the system in the first place at a much reduced cost. So I'm not filling that position at this time. However, I'd like to maintain that position should we find that we do need it. But at the present time we may be able to get by. I'm quite satisfied that we're able to do what we need to do at the present time.

MR. CHAIRMAN: Any final questions or comments from committee members?

MR. JOHNSON: Sir, if I may just add one more. There's one other investigator's position that is becoming vacant, and it will be filled, that particular one. That is filled currently; it's just a replacement. There'll be a month hiatus in there between investigators.

MR. CHAIRMAN: Anything else?

MR. TANNAS: I was just going to say: with the equipment purchase, do you do it through government purchasing?

MR. JOHNSON: Most often we do, as long as it can satisfy the need and is the cheapest cost. There are times when we can go outside and get it cheaper than the government can do, and we have done that.

MR. CHAIRMAN: Harley, in conclusion, let me say first of all that the very thorough way you've gone through the estimates . . . One of the things we asked the other two officers to do, keeping in mind the direction from the Treasurer to departments, was to prepare a zero growth budget. We know in the case of the Chief Electoral Officer that if there is to be a general enumeration during the year, there's an added cost. We're already into a situation where we have returning officers appointed in 83 constituencies, so there's an added cost. But setting those two things aside, we've asked the other two officers to look at other ways they might reduce their proposed budgets. In the case of the Auditor General we said: can you come back with a zero growth budget? Because I think we've been reasonably generous with him in the past few years. In the case of the Chief Electoral Officer we said: setting aside the two areas I've previously mentioned, can you come back with other reductions, or if other reductions were required, where would you make the reductions? So we'll make the same request of you.

5:20

So there's no misunderstanding, I'm not suggesting you alter this budget; I'm suggesting that in addition to coming back with the answers to the questions which have been asked, you do some soul-searching on where you would reduce further if indeed we wanted to come closer to a zero growth budget, comparing estimates to estimates as well, not to forecasts.

MR. HYLAND: What is the actual increase? Could you give us a total?

MR. JOHNSON: On a percentage basis it's 10.1 percent, \$1.28 million to \$1.353 million.

MR. CHAIRMAN: Any final questions on the budget before we move to the second agenda? All right; I think we're ready to move. Thank you.

Okay. We had an opportunity during our meeting of July 20 to review the complainant protection clause as proposed. The matter is now back before the committee for a decision in terms of whether or not we're prepared to recommend that this go ahead. Harley is here today with Mary to go into a bit more detail with us. So why don't I pause, turn back to you, Harley, if you'd like to make some opening comments; then we'll go right into questions. Again, if there's any requirement to go in camera, we'll do so, although I think it's general enough in nature that we won't see that necessity. But if any member feels a need to, we can certainly do that.

MR. JOHNSON: Thank you, sir. It's my pleasure to bring to you again the proposed amending clause to the Ombudsman Act. As you recall, during our last meeting when this was presented to you for information purposes, the direction given to me was to go back with the Parliamentary Counsel and ensure that the wording in fact is consistent with the wording of other legislation and to see if in fact it meets the requirements of what I'm attempting to achieve by this particular clause change.

One of the areas that has come up, as I pointed out last time, is that I've got a number of people approaching me behind the scenes indicating they would like to come forward, but they won't come forward. They feel there will be some form of retribution against them should they come forward. I've got it from a number of different areas. It's not just one or two people; it's fairly substantial. Now, I haven't been able to prove beyond a reasonable doubt that in fact retribution does occur when somebody does complain. What I have found, though, is that there is a significant perception that when certain groups have a concern about government administrative actions, those groups are afraid to bring it forward for fear they may lose their services. Therefore, a number of people are refusing to come forward, or if they are telling me, they are telling me behind closed doors. This causes me some concern, because if there are legitimate ways we can improve the efficiency of administrative action, then I think that should be explored.

One of the concerns with any clause, of course, is: how can you prove it should you in fact get this clause changed? What I would like to be able to do for these complainants that are afraid to come forward is to show them that in law no action can be taken against them if they come forward with a bona fide complaint. I also mentioned during our presentation originally that all the individual rights protection Acts, or human rights legislation, in Canada have this protection clause, but there's no such clause in any of the Ombudsman Acts. The Ontario, Quebec, and B.C. Ombudsman offices are very interested in this particular clause. They have said that they're going to sit on the back burners and see what happens in Alberta. Alberta is basically a front-runner in terms of ombudsmanship throughout the world and especially in Canada. I mean, we are the first province to even have an Ombudsman's office.

The recommendations are coming very much from a perception that a lot of the people who have complaints are afraid to come forward. They're afraid to come forward for losing AISH payments, they're afraid to come forward for losing welfare payments, they are afraid to come forward out of the nursing homes, a number in summer student areas are afraid to come

forward, because they feel there's potential retribution. That does give me some considerable concern. That's the reason why this came up.

Maybe I should explain right up front – I know the media and many people have made comments that this is whistle blower legislation. This is not whistle blower legislation. Whistle blower legislation implies anonymity: complete protection, and your identity is as it is. You phone in and you give a complaint and somebody deals with it. It's like a Crime Stoppers type of program if you want to equate it to the policing field. This is not such a clause. This is just a clause, really, to put forward and increase the competence of an already very competent piece of legislation. I am not suggesting protection from identification in terms of anonymity. The people who in fact are complaining I would still take in the normal fashion. What it is is I can go back to the people who feel they've got a complaint but are afraid to come forward and say that in legislation you have some protection. I might add – and I've already mentioned it, but let me emphasize it, please – it's a protection that's already available to them under the Individual's Rights Protection Act in this province. I have made a number of recommendations to different departments where this has come up, that in fact they should look at potentially requesting a change in their own legislation. [interjection]

MR. CHAIRMAN: We're going to hold our questions, remember, until . . .

MRS. GAGNON: Until he's finished. Okay.

MR. CHAIRMAN: Well, not only until the finish; we're going to have something to eat.

MRS. GAGNON: Oh, I'm sorry. Okay.

MR. CHAIRMAN: Then we will come back.

MR. JOHNSON: Basically, the wording is in front of you. The wording states that I am requesting – and this is on Michael Clegg's, the Parliamentary Counsel's, recommendation that we only change the one. In my original submission to you I suggested there be two changes or two clauses affected. He came back and suggested that we only change the one clause, and that's section 30, adding in the terms and the words:

without lawful justification or excuse, evicts, discharges, suspends, expels, intimidates, coerces, imposes a pecuniary or other penalty on or otherwise discriminates against a person because that person has, in good faith, submitted a complaint to the Ombudsman or given evidence to or otherwise co-operated with an investigation under this Act.

That is the wording Michael Clegg came back with, based on legislation that's already in place in this province.

MR. CHAIRMAN: Okay. Thank you. Any supplementary comments?

MS MARSHALL: No, there's nothing I'd like to add. Thank you.

MR. CHAIRMAN: All right.

[The committee adjourned from 5:31 p.m. to 6:05 p.m.]

MR. ADY: The government spends \$1.3 million-something a year to have an Ombudsman. Granted, I think we have an

excellent process for our Ombudsman's service. We want it to be effective, and we want it to work. It's there to serve people who feel they've been unjustly dealt with.

You spoke earlier of someone coming forward with a bona fide complaint and having fear of retribution, but I think we have to have some concern for the non bona fide complaint that comes forward. Then what? Granted, the person who makes the accusation is not anonymous, is not protected anymore; nevertheless, he has made a complaint, and I would hate to see us do something that would have our highly respected Ombudsman's office used for some purpose other than what it's meant to be used for. I'm talking about someone who is protected making a frivolous complaint against someone they don't like or they have a difference of philosophy with or who has crossed them for whatever reason but not enough of a reason that the Ombudsman should be brought in, and they make this accusation against them.

You said earlier that if they are found guilty of taking retribution, it would probably be the end of their career. I have a concern about a frivolous complaint of a very serious nature, where the charge is very serious but unfounded, and here the guy is a deputy minister, we'll use as a for instance, who is accused and goes through this whole process. I don't know what all will go on during that, whether, depending on the seriousness of it, he would have to be suspended while the investigation goes on. And here we go: it comes out at the end that he was not guilty, but the word goes out, "Where there's smoke, there's fire," and no retribution can be taken against the guy who made the accusation because he stands back and says: "Hey, I brought this forth in good faith. I was sure the guy was guilty or I'd never have done this, and you're protecting me with the Act." I just have a concern that we might do something here that is going to cause us more trouble than we're going to heal, although I suppose there are cases out there, because you indicate you've had people come to you and say, "I would if . . ." But I wonder how many there are where they're really concerned. Supposing it's an underling who lays this charge, inasmuch as they have the human rights protection Act out there, and they have all of this wrongful dismissal legislation: all of that is out there to protect them. I have a concern that we're going to create more of a problem than we're going to solve, from that perspective.

MR. JOHNSON: If I may respond to that, already in the legislation, if a person comes forward with a frivolous or vexatious complaint, I can by the authority of the Act refuse an investigation. They do come forward with those, and through investigation we don't take the complaint any further than the initial steps in the investigation. Or if we find through the investigation that complaint to be frivolous or vexatious, we will then suspend the investigation at that particular point. That happens now. So I don't see that the inclusion of this particular clause is going to change that procedure.

Under the Act as it now stands, there is no real meat and potatoes to go back against a complainant who brings one of those complaints forward except that on an independent investigation I find that complaint is frivolous or vexatious and cease the investigation. So I don't see how, in my opinion, sir, that is going to have any effect whatsoever on those types of complaints. We have them now.

MR. ADY: But if I may just get back in, we also have a lot of protection out there under other Acts to protect people who may receive retribution in a variety of circumstances. I mean,

you have protection on one hand, but you also have protection for the other person that's already in place.

MR. JOHNSON: All I can do is respond by saying that I get a number of those types of complaints where people are against a person strictly because of a decision they've made even though that decision was made properly. Over two-thirds of the investigations of my office actually show that the government administrators are in fact doing what they are supposed to be doing in terms of both process and merit of a complaint investigation. Some of those complaints that we're turning down are still coming to us in a bona fide manner. They believe them to be in good faith and, in fact, are in good faith because they believe them to be in good faith. But nothing happens to that administrative person because we have supported them in their actions in dealings with the public. There is no smoke; there's no fire. I haven't had any indications whatsoever. I guess my response still comes back to my first comment to you, sir, that I don't believe that to be a concern at all. I get the vexatious and the frivolous complaints now.

MR. ADY: One last question. I don't recall in your opening remarks if you stated whether anywhere in the world where there is an Ombudsman, there is legislation like this, or would we be . . .

MR. JOHNSON: We would be leading.

MR. ADY: We'd be the first one.

MR. JOHNSON: We would be the first. The New Zealand Ombudsman indicated at one point that it was within his Act, and upon checking the actual legislation after he sent it to us with his explanatory notes, it is not exactly what we are aiming towards. We would be the first one, to my knowledge.

MR. ADY: Okay.

MR. CHAIRMAN: Yolande.

MRS. GAGNON: I'd like you to pursue that just a little in light of the discussion that occurred in Halifax with the fellow from Toronto metro police. Now I've forgotten his name.

MR. JOHNSON: Clare Lewis.

MRS. GAGNON: Clare Lewis. He was talking about mischief and so on, I think referring to protection that police have from people who make complaints against them and so on. I can see what Jack is getting at. Recalling all of that discussion there, it seems to me that even though you decide there is nothing there and we will not pursue this investigation, because anonymity is gone - although I know you handle cases in a confidential manner - would not the person's reputation already have been besmirched just by the fact that you're there investigating what was a mischievous complaint?

MR. JOHNSON: We haven't found that, and as I pointed out in answer to Mr. Ady's question, two-thirds of all complaints find that the government administrators are acting in a correct fashion. One-third of the full-scale investigations find that there has been misadministration or maladministration of some form. I have not heard of one case where we have supported the government in those two-thirds of the numbers where in fact

somebody has been disciplined internally or, as pointed out, where there's smoke, there's fire. That statement to me is quite significant in that it's there now in terms of vexatious and frivolous complaints. I just refuse to investigate them. But even if we do investigate and find the departments to be acting properly, there's no action taken against the administrator who in fact is the subject of that complaint.

MRS. GAGNON: I'd like to get on to the punitive measure as well. You don't think it would ever have to proceed to that. If somebody actually did engage in retribution against someone who complained, and that was found to be so, how would you actually proceed? Would you go to that person and say: "According to the Act, you have taken your revenge on this person who accused you of whatever; therefore, we will charge you and you will be fined," or "We are recommending to your superiors that you be dismissed"? How would you act?

6:15

MR. JOHNSON: I would be going back to the deputy minister indicating that what we have found is an unlawful act committed by one of your employees, should this ever happen. As I pointed out in my initial comments, I have not proven beyond a reasonable doubt that in fact it has happened. But there's a perception of a number of complainants, recipients of government service, that if they do complain, they will have some form of retribution against them; therefore, they don't want me to investigate those particular complaints.

MRS. GAGNON: Now, do you think that because the protection is already there in the Individual's Rights Protection Act, this is duplication? Is it necessary to have it in your Act when it exists in other Acts?

MR. JOHNSON: It is because there is nothing under the Ombudsman Act. If they complain to me, they're not protected under the Individual's Rights Protection Act.

MRS. GAGNON: They're not? It doesn't cover everything?

MR. JOHNSON: No. They are protected by the statute that I'm dealing with, not the Individual's Rights Protection Act. If they complain to the Human Rights Commission under the Individual's Rights Protection Act . . . May I just read you the actual Alberta Individual's Rights Protection Act?

No person shall evict, discharge, suspend, expel, intimidate, coerce, impose a pecuniary or other penalty on, or otherwise discriminate against a person because that person has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under this Act. That's the Individual's Rights Protection Act. So it has to be under that Act.

MRS. GAGNON: So this is not in general throughout society?

MR. JOHNSON: It's not a general term. It's not a protective clause; it's available all over.

MRS. GAGNON: Good. Thank you.

MR. CHAIRMAN: Don, and then Tom.

MR. TANNAS: Yes, Mr. Chairman. Mr. Johnson, you're saying that in your experience no one has given you the kind of

evidence that would suggest that retribution had occurred. Is that right?

MR. JOHNSON: That is correct, sir.

MR. TANNAS: Uh huh. So we're going to make an amendment that will cover that as a perception.

MR. JOHNSON: That is correct.

MR. TANNAS: I suppose in politics perception is in a sense a big part of the game, but it seems odd that we're going to deal in a law with something that you're reasonably certain has never occurred.

MR. JOHNSON: May I state it slightly differently then? There is a perception that people don't want to come forward. I have documented where that has occurred, where people have told me behind closed doors something that has happened that deserves an investigation but don't want me to investigate for fear of retribution. In other words, I'll tell you what's going on, but please don't investigate.

MRS. GAGNON: So it's based on fact?

MR. JOHNSON: It's based on fact because people have a perception that if they complain, there's a potential retribution. For instance, and I'll use this as an example only, if a social worker is dealing with an AISH recipient and the AISH person has a concern, then there is a concern about that person coming forward because of a decision that social worker may have on future payments. That social worker controls an awful lot of what is paid to an AISH recipient. Now, there are certain boundaries, but there's a fear that if they come forward, that person can use it against them.

MR. CHAIRMAN: But to use that as a specific example, the individual can either come to their MLA or they can go to the appeal committee. Unless they're dealing with a matter that's written as part of a provincial guideline, not regulation, the appeal committee can direct the office, and hence the worker, to increase the support for that person.

MR. JOHNSON: That is correct, sir.

MR. CHAIRMAN: So there are other avenues. I'm just responding to that specific case.

MR. JOHNSON: There are other avenues; that's correct.

The initial fear is in the first place a fear of going to the Ombudsman, or a potential fear of going to the Ombudsman. There still is the fear of going back to the department itself.

MR. CHAIRMAN: Probably a constituent has at one time or another expressed to each and every MLA in this room a fear of coming to the MLA because of the concern of what might happen in the department. I'm sure every other MLA responds the way I do and says, "That's part of our job." If we're doing nothing more than operating like a computer, you don't need people like MLAs or an Ombudsman. We're here to put a human face on the system. Sorry; I didn't mean to digress.

Don, we're on your point. Harley, you wanted to respond.

MR. TANNAS: Mr. Chairman, could we . . .

MR. CHAIRMAN: Yes, certainly. Could we have a motion to go in camera?

MRS. GAGNON: I move.

MR. CHAIRMAN: All in favour? Opposed? Carried unanimously.

[The committee met in camera from 6:20 p.m. to 6:25 p.m.]

MR. CHAIRMAN: Tom, you're next, and then Alan.

MR. SIGURDSON: Thanks. Mr. Johnson, who would bring forward the action if there is indeed retribution? We're talking, say, of a senior in a nursing home, or a person that's on AISH, a person that's in care. Obviously, at \$720 a month, which is what you get on AISH, you can't very much afford to launch your own action.

MR. JOHNSON: That's right, and that is back through a complaint to this office, which would investigate.

MR. SIGURDSON: If there's retribution, you would launch the action?

MR. JOHNSON: I wouldn't launch the action initially; I would investigate and then deal with it in whatever method deemed appropriate after the completion of that investigation, which is very similar to the style of investigation I'm using now. If I get a complaint, I investigate and after completion of the investigation determine the route to take. If it's substantiated, then I become an advocate for the complainant. If it's not substantiated or the administrative side of the government has acted correctly, then I become an advocate for the administrative side of government.

MR. SIGURDSON: So if you're the advocate for the complainant, and after the investigation is concluded, you find that there is indeed retribution, you would take it further.

MR. JOHNSON: I would take it further, whatever is deemed to cease that retribution taking place or to correct a wrong. It could be in the form similar to what it is right now, where I'd be going back to the deputy minister, the minister, the Lieutenant Governor in Council, and all the steps that I have to go through, or indeed it could be back through a charge in the courts. But I suspect, and I say this very strongly, that it would be back through the deputy minister, saying this is illegal or unlawful action.

MR. SIGURDSON: Thank you.

MR. CHAIRMAN: Alan.

MR. HYLAND: Thank you, Mr. Chairman. Jack was partly on my concerns, and I think part of it stems - I remember when the child hot line or whatever it was called was brought in, and there would be some calls on there that were totally bogus or whatever you want to call them. Once a kid phoned in, your name was there and you couldn't get it off. You were numbered or whatever they did with it. You were there. You couldn't get your name off. I believe now there are steps taken before anything is done on it to see if indeed it is a reasonable complaint from a child before something is done, so your name

doesn't always appear. What happened with this is my kind of fear.

The other question I've got. You made comments related to the fear of people in nursing homes about retribution and that they're afraid to go to the Health Facilities Review Committee for the same reason. If this goes, then I can think of probably three or four Acts that we would need to go into and put in the same thing because then we'd start to get a conflict between the Ombudsman Act and the Health Facilities Review Committee Act, going into there, and then the next thing will be the Social Care Facilities Review Committee, going into their facilities. I'm just a little uneasy because we could be getting into three different bunches of legislation. If we go one, we're bound to have to go three to give the same protection. Otherwise, people will be coming to you. Then you start to get: are you inside your Act, are you outside your Act, or where are you, and are you going into this part and are you going into this part and that sort of thing? That's a concern I have.

MR. JOHNSON: If I may respond, sir. I believe that there's no conflict at the present time because it's in one Act, the Individual's Rights Protection Act, and not in the other Acts. I believe the extensions should occur from the Individual's Rights Protection Act to all those other Acts that you do talk about. I have made that recommendation back to the Health Facilities Review Committee that in fact this be looked at as a potential protection clause within their Act. If it comes up in a specific investigation on any other committee, I would in fact make the same recommendation back.

MRS. GAGNON: Harley, are you really convinced that this would improve matters of justice to people who feel they are being wronged by the system? Would it actually improve the whole situation for individuals who feel they are wronged?

MR. JOHNSON: I'm convinced that they will come forward more easily than they do now.

MR. CHAIRMAN: Are there any other questions for information, or are we ready for a motion? Is it a question, Don?

MR. TANNAS: Yes. Mr. Johnson, have you given consideration to all the other legislation that might be parallel to it so that we don't do it one piece at a time, that it be done at some time in the future with all the things there would be? The Ombudsman Act – and then you'd have to know all the other places so that you don't run into the kinds of things . . . Would that not be an appropriate way to go?

MR. JOHNSON: With due respect, I'm dealing with the Ombudsman Act. With specific complaints that come forward involving other pieces of legislation where this issue comes forward, the recommendation has gone back to those people, to those committees, that this particular protection type of legislation should be looked at in their Act, which is a recommendation of mine, which is within my power under the Act. So it's a recommendation that they look at including it. I have made specific, formal recommendations back to the specific committee that we discussed earlier, the Health Facilities Review Committee.

MR. TANNAS: I have another question that's related.

MR. CHAIRMAN: Go ahead, Don.

MR. TANNAS: If I understand it, we have a person who may lay, say, a gender harassment case or whatever, some complaint about a superior or superiors or peers, whatever, in the department they happen to be in. And let's say that the investigation goes ahead and it's found in their favour – or even if it isn't found in their favour but was not proven to be mischievous, vexatious, or frivolous – and retribution does occur. The person is transferred to Milk River or wherever. That in itself, then, becomes a case for the Ombudsman as well, doesn't it?

MR. JOHNSON: That is correct.

MR. TANNAS: So in other words, without the legislation you really could follow it up. So the change you've proposed is perhaps to encourage somebody who now doesn't come forth. That's really the only justification. I mean, protection is already there for the individual. They would be reinstated. If they got some bad words on their personnel record – and they have the right to see it – those can be either removed from the record or altered so that they are no longer being unfairly restricted in their career path and so on.

MR. JOHNSON: That is correct. Your comment in terms of it being already there: I believe it is already there in the majority of cases. Where it's not there is for the people that are afraid to come forward for fear of being subjected to some form of harassment or retribution by their administrators. That's the bottom line, sir, on that one, to be quite honest. That's where it is. There are some people that are afraid to come forward. My belief, sincerely, is that if this were embodied in the Ombudsman Act, it would increase people's confidence to come forward.

MR. CHAIRMAN: Jack.

MR. ADY: Picking up on Don's comments, the only thing that you're able to offer those people that you can't offer them now is the fact that that person can be fined \$1,000.

MR. JOHNSON: That's right, that it's against the law to retribute against a person who filed a complaint.

MR. ADY: If you investigate a person today for retribution, turn it in to his superior because he's guilty, I would think that he's finished. So the only thing you're able to offer that person is the consolation that if this person does something back to you, it's going to cost him up to \$1,000.

MR. JOHNSON: I don't think so, sir.

MR. ADY: Why?

MR. JOHNSON: I think, in honesty, if I tell somebody it is against the law for them to take any action against you, as opposed to what I do now – I say, "If something happens to you, I will then take it back to the deputy minister or to the minister if in fact you face some form of retribution because you came forward with a complaint."

MR. ADY: After it you would do an additional investigation?

MR. JOHNSON: That's right.

MR. ADY: Which you would do if the law were in place.

MR. JOHNSON: Which I would do. It's the same process; that's correct.

MR. ADY: The same process. There's just the thousand dollar fine difference.

MR. JOHNSON: It's also a perception that it is unlawful as opposed to just my word directly or my investigator's word back to the complainant to say, "We will support you should retribution take place." I can't show anything in black and white to somebody who says he doesn't want to bring that complaint forward for fear of retribution. All I can do is sit back and tell the people that if in fact this does happen, I will take it up as a secondary complaint or another complaint on their behalf.

6:35

MR. HYLAND: So what the system is now – and granted, maybe it's unwritten – is you're putting a judge in the middle rather than a minister. It gives you a court proceeding to go to rather than going to the minister. Are you cutting off the ability to be able to go to the minister by going to the courts?

MR. JOHNSON: On the contrary, and my response to Mr. Sigurdson would be in the same vein: my process would be no different with or without the legislation, no different. I would still go back to the deputy minister, then to the minister to in fact right a wrong that does occur. I don't plan to go outside that process. I don't do it now, and there are penalty clauses within the Act itself. But no charges come forward out of the Act. We go back and deal with it administratively. What I would like to do is go back to a complainant and say, "You are protected from any retribution, and it's in law." Right now I have to say, "If retribution occurs, I will take another investigation forward on your behalf." It does not happen often, but it happens often enough to give me some concerns.

MRS. GAGNON: Mr. Chairman, I'm ready to move a motion, and of course that would lead to further debate if it's necessary.

MR. CHAIRMAN: Certainly.

MRS. GAGNON: Mr. Chairman, I move that this committee recommend to the Legislature that the Ombudsman's request re the proposed amendment to the Act be acceded to.

MR. CHAIRMAN: All right; there's now a motion on the floor. Any further . . .

AN HON. MEMBER: ". . . be acceded to."

MRS. GAGNON: Well, be . . .

MR. CHAIRMAN: Recommended.

MRS. GAGNON: Well, I started by saying "recommend." "Be supported."

MR. CHAIRMAN: Could you read it back?

MRS. KAMUCHIK:

Moved by Mrs. Gagnon that this committee recommend to the Legislature that the Ombudsman's request re the proposed amendment to the Ombudsman Act be supported.

MR. CHAIRMAN: Any further question or comment on the motion?

MR. SIGURDSON: Question.

MR. CHAIRMAN: The question has been called. All in favour? Opposed? Would you like it recorded?

MRS. GAGNON: Yes.

MR. CHAIRMAN: All right. Let the record show that those in favour were Yolande and Tom and those opposed were Don, John, Jack, and Alan.

MRS. GAGNON: Mr. Chairman, I'm just wondering if there would be other wording that might more closely reflect the thinking of other members of the committee. Maybe my motion was too strong, too proactive, too definite. I would encourage someone else, if they had an interim type of measure, to bring it forward.

MR. ADY: Well, I think either this committee recommends the action or they don't, and I don't see how you can soften it or change it. The Ombudsman has come to the committee with a request. I don't really see how we as a committee can change it. We either accept it or we don't. It was a motion put forward which was very well put; it addressed the request of the Ombudsman. It took its course.

MR. CHAIRMAN: Okay; anyone else on this issue?

MR. TANNAS: I just wanted to clarify. There's nothing to stop us from looking at this for a future session.

MR. ADY: That's right.

MR. TANNAS: So some of the concerns might be addressed or at least put to rest in either case. You know, I think there are some things that recommend themselves in there. At the same time there are some concerns that are addressed, and I know we're on record. I would have liked to have talked a little more about the nursing home thing.

MR. HYLAND: I think, too, as others have said, that it doesn't prevent this from coming forward again, whenever. I think with some of the comments that were said some of us, in a personal view – John is closer to it now than I am. I was a number of years ago personally.

Maybe we have to ask our caucus, the government caucus, or the committees to look at this aspect as it affects the other committees too so that if there is a time and place in the future that we move with something like this, we move with it simultaneously rather than moving with it in one aspect. The comments you made, Mr. Johnson, I was unaware of before, related to other committees. If it is decided at a point in time, after it's reviewed, perhaps it's something we can hit all at once instead of one at a time.

MR. DROBOT: In regard to the Health Facilities Review Committee their mandate is to make recommendations to the minister, and that's the authority they have. If there is reason to, the minister investigates or looks into the matter, or Health

department people, whatever. That's our total mandate, to make recommendations to the minister.

MR. CHAIRMAN: Okay. Anything else?

MR. DROBOT: If their mandate should be strengthened, then of course that would be in legislation as well, in an amendment to the legislation.

MR. SIGURDSON: What we tried to do here by supporting this proposed amendment was to correct a perception that's out there. I'm sure that all of us as members get it. I know that I get it. People don't want to bring any information forward for fear of retribution.

I would like the Ombudsman's office to perhaps start keeping record of how many people come forward and say, "I would like this investigated, but because I don't feel there's sufficient protection for me, I'm not prepared to risk my future and bring certain information forward to you." I think that if there's one, that's one too many. If there's more than one out there, then we'd better start doing something to correct the perception. I was hoping that I would have been able to ask the Ombudsman to take note of how many people come forward now and say, "I'm coming forward because there is this protection," but I'm not able to do that this year. But over the course of a year I'd certainly like to see how many people would come forward or withdraw a complaint because there is this lack of protection. Perhaps when we meet again, not to deal with the budget but to deal with other matters that relate to your office, we might be able to discuss this matter with you.

MR. TANNAS: To add to Tom's thought, and to have perhaps generic detail. Just like your example, I suppose you could go through and maybe figure out four or five departments it could have been. But, I mean, that kind of generic detail that doesn't tip off where it's at but nevertheless gives some substance to what it is we're talking about puts not exactly a face but at least a shape on what we're talking about. I would appreciate that kind of information too.

MR. SIGURDSON: I just want to make one other point if I might. I know that on occasion, when I've felt a constituent was wrongfully treated and I couldn't get any further, I've referred constituents to your office. I'm wondering if the Ombudsman has ever referred Albertans to their MLA.

MR. JOHNSON: Yes. That's a categorical.

MR. SIGURDSON: Good. Thank you.

MR. JOHNSON: About 50 percent of the complaints that we receive are in fact referred to some other person or some other agency. What we attempt to do is make it as specific as possible.

MR. CHAIRMAN: The reason for the referral, is it jurisdiction?

6:45

MR. JOHNSON: A lot of it is jurisdiction, a lot of it is that there are other people who can better deal with this specific complaint, and a number of them are based on the fact that all the appeals have not been processed by that individual before I can take a formal investigation stance.

MR. CHAIRMAN: Right. Any further discussion? I think there were some very valid comments. Yes, Harley.

MR. JOHNSON: Just one point, Mr. Chairman. I'd like to thank the committee for taking the time to discuss this issue. I think it is important, and the comments that had been made to me and to my staff will in fact be taken up. We will in fact document as best we can. I can say that more than one have come forward. I used one example in this particular presentation. But we will document as best we can, and we will also find more information out from the other jurisdictions, who are also in the same process as ourselves. But I'd like to thank the committee for the time and the process for putting this forward and discussing it.

MR. CHAIRMAN: Thank you.  
Alan?

MR. HYLAND: No, you don't want my motion yet.

MR. CHAIRMAN: No, not yet. We want to deal with the date of our next meeting. Before we broke at 2:30, we were looking at somewhere between January 28 and February 15, with a hope that we could also involve the three officers at that time. Harley, I don't know if you have your schedule. I know you don't have your little computer with you which has your calendar in it.

MR. JOHNSON: I can use Mr. Tannas's.

MR. CHAIRMAN: Do you know if by chance those dates are . . .

MR. JOHNSON: I'll have to check, sir, and get back to you through Louise.

MR. CHAIRMAN: Is everyone else clear on those dates?

MR. TANNAS: I'm sorry; which ones?

MR. CHAIRMAN: Monday, January 28, through Friday, February 15.

MR. TANNAS: You're not clear on those days.

MR. CHAIRMAN: I'm not clear on those days?

MR. TANNAS: The 11th and 12th, you're booked.

MR. CHAIRMAN: Am I? All right.

MRS. GAGNON: Could I suggest that we try the week of the 28th to the 1st?

MR. CHAIRMAN: Should we try that week, if possible, the week of the 28th? We'll try the week of the 28th, and we'll do our best to fit the officers in. It may be necessary to have one later meeting, but we'll attempt to wrap it up that week. All right?

Yes, sir.

MR. JOHNSON: I have one agenda item that I might add, Mr. Chairman, if possible, and that is the comments that were made to me - I would like to go on record - by other Ombudsmen at

the Canadian Ombudsman Conference that the support the Alberta Ombudsman gets from this standing select committee is nothing short of phenomenal. There were only two elected officials from any province at that particular conference taking part as actual participants. It was well received, and the comments I got were exceptionally favourable. So I'd like to comment back to this committee and thank them publicly for the support they've given this office.

MR. CHAIRMAN: Thank you very much. We appreciate it. Alan.

MR. HYLAND: I move that we adjourn.

MR. CHAIRMAN: All in favour? Opposed? Carried.

[The committee adjourned at 6:50 p.m.]

