

1:36 p.m.

Wednesday, June 26, 1991

[Chairman: Mr. Bogle]

MR. CHAIRMAN: Ladies and gentlemen, I declare the meeting officially open. Let the record show that we're also very pleased to welcome at this time Patrick Ledgerwood, the Chief Electoral Officer. Later in the meeting we will be accompanied by Mr. Don Salmon, the Auditor General. It was our original intent to have Harley Johnson with us to discuss one of the agenda items. However, he had commitments in Red Deer which precluded him from being here late morning and all afternoon. With session winding up yesterday, it was my view that it was not appropriate to call an early morning committee meeting. Therefore, we rescheduled the meeting to accommodate members.

Derek, you've just returned from some pretty hectic activities you've had in your constituency and you're back in Edmonton.

MR. FOX: I've enjoyed my break immensely. I'm ready to get back to work.

MR. CHAIRMAN: Good. Now you're ready to get back. Well, that's good. Time does move on.

All right. Let's first of all look at the agenda, Approval of Agenda. I might mention that under item 13 we will be discussing later on today a date for our next meeting. We will have matters to deal with relating to the ethics commissioner and the office. We will also be dealing at either that meeting or a subsequent meeting with the Ombudsman's report.

Are there any other matters members wish to alert the Chair to relative to the next meeting? Well, before we conclude today, if there are items that come to your attention and you wish to make us aware, do so at that time.

Relative to today's agenda, are there any additions members would like to see or adjustments to the agenda? Are you ready to accept the agenda as presented?

MR. SIGURDSON: I move it.

MR. CHAIRMAN: Moved by Tom. Thank you. All in favour? Carried unanimously.

Moving on, then, to the committee minutes of our March 13 meeting. It's under tab 3, page 1, page 2.

MR. FOX: On page 2, item 5, I believe there's a wording error there. A committee's referred to as a special standing committee; it should be select standing committee: Members' Services.

MR. CHAIRMAN: Yes, it should. Thank you.
It's a select, Members' Services.

MRS. KAMUCHIK: No, it's special: Special Standing Committee on Members' Services.

MR. HYLAND: Yeah, it's one of two. We're select and it's special. We're appointed every year; it's appointed once per session.

MRS. KAMUCHIK: It's the right name for it.

MR. CHAIRMAN: It's the correct name. Members' Services is the one standing committee which is appointed for the

duration of the Legislature. The other standing committees are appointed annually.

MR. FOX: I stand corrected.

MR. CHAIRMAN: The makeup of this committee is dealt with each spring sitting, as is the case with Public Accounts and . . .

MR. FOX: My understanding was that all committees where members are selected are select committees, and they're either standing committees that are in place for the duration or special committees like the search committees or Constitution committee or whatever.

MRS. KAMUCHIK: The Members' Services Committee is the only one that is called the Special Standing Committee on Members' Services. The others are all standing committees or select special committees like the one on constitutional reform.

MR. CHAIRMAN: The first among equals. That's why they approve our budget. We don't get a chance to approve their budget.

All right. Anything else on page 2?
Alan?

MR. HYLAND: No, I'm waiting for page 3.

MR. CHAIRMAN: All right. Page 3.

MR. HYLAND: I move we accept the minutes as presented.

MR. CHAIRMAN: All in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Carried. Thank you.

Moving on to tab 4. We have a letter from the Ombudsman dated April 8 re spousal travel. Have all members had an opportunity to read the letter?

Yolande, first, then Don.

MRS. GAGNON: I have a question about the other offices that we supervise, the Auditor General and the Chief Electoral Officer. Do they have the spousal travel coverage? I'm looking here for consistency or precedent.

MR. CHAIRMAN: My understanding is – and as we have one of the officers with us, I'll ask him to comment – that what is being sought is a policy decision which would in fact apply to all three offices, and indeed once we have the ethics commissioner, the four offices.

Pat.

MR. LEDGERWOOD: Mr. Chairman, currently we are not reimbursed for spousal travel. However, in my case, my wife accompanies me to the two conferences.

MRS. GAGNON: At your own expense.

MR. LEDGERWOOD: At my expense.

MR. TANNAS: Well, I didn't realize it was going to be all of the officers, but anyway I was just going to say that it seems reasonable to me that all three officers that we have jurisdiction

over, and presumably the fourth one when that person comes on board, when attending a conference out of province be allowed one per year with the spouse's travel costs being picked up by the office. Although there's nothing in here, there might be overseas travel; then one would maybe pick that every year. So on a yearly basis it could be one spousal trip out of province, and once every four years one of those out-of-province trips could be an international trip, like off the continent, whether it be Europe or Australia or whatever.

MR. CHAIRMAN: Well, for instance, next year we do have the Ombudsman conference which is scheduled for Vienna. That would be off the continent.

MRS. GAGNON: There's also one in Puerto Rico.

MR. TANNAS: Well, I guess that becomes an argument as to whether that's off the continent.

MR. NELSON: Mr. Chairman, to someone with better wisdom than I, isn't Puerto Rico classified as part of mainland U.S.A. now?

MRS. GAGNON: It's a state, in a sense.

MR. TANNAS: The only thing that I would say is the difference in costs. If you're talking in terms of a cost factor, Puerto Rico's probably not much different than if you're going to Los Angeles or if you're going to Halifax or Saint John's or something like that. Why I was saying the overseas is because presumably then you're into kind of a thousand dollars plus to travel. I was trying to make a difference in terms of the relative costs of air travel or land travel.

MR. CHAIRMAN: You were the last one to speak. An extension to that?

MR. NELSON: I just wanted to ask a question.

MR. CHAIRMAN: All right, and then Jack and then Tom and Alan.

MR. NELSON: The travel cost, I believe, is business class for people traveling longer distances, which is considerably more expensive than traveling economy or excursion or whatever. I'm just wondering if you wanted to think about that one too.

MR. CHAIRMAN: Well, I'm assuming that if indeed there is to be a motion and it's concurred in, the same general rules would apply to the three officers as apply to members, and that is that we generally fly economy. There has to be a very special reason not to do so, and it has to be authorized by the Speaker.

MR. NELSON: I don't think it's traveling business class. I may be throwing a red herring into this right now.

MR. CHAIRMAN: Well, all I recall is that when one member was traveling overseas, there was a substantial difference in costs between business class and economy, and the member went economy.

MR. ADY: Well, on that point we can just have the same rules apply as apply to Members of the Legislative Assembly.

MR. CHAIRMAN: Right. Jack, you're up.

MR. ADY: Oh. Mr. Chairman, when I put my hand up, I was thinking that this would impact on the budget of this committee, and that's not true. It would impact on each of their budgets, so we don't have a problem with that. So my question is resolved in my own mind.

MR. CHAIRMAN: Just one other point for members to think about, and that is that if we choose to authorize this travel, would you also wish it to include a registration, if there is a registration fee involved, for a spouse?

Okay. Tom was next on the list, and then Alan.

MR. SIGURDSON: Mr. Chairman, Stan raised the point that I had. I was concerned about the class of travel that the officers are allowed to take.

Do you know if they travel business class, Louise?

MRS. KAMUCHIK: My recollection, and I'd have to check into it, is that they travel economy as well.

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MR. SIGURDSON: You know, knowing in advance when conferences are, if you deep discount tickets, you can save up to 50 percent over regular economy. So if we started to deep discount ticket purchases, we would be able to accommodate two people traveling for the same price as one on full economy.

MR. LEDGERWOOD: Mr. Chairman, as a very frugal individual and knowing the dates of our conferences well in advance, I book the tickets for my wife and I well in advance and get the cheapest rate available.

MR. CHAIRMAN: And how do you fly, Pat?

MR. LEDGERWOOD: The cheapest rate available.

MR. CHAIRMAN: Economy?

MR. LEDGERWOOD: I think there's even a cheaper rate than that.

MR. CHAIRMAN: There's an excursion.

All right. Anyone on the list . . . Yolande.

MRS. GAGNON: I have a lot of trouble with this, I must say, in the present financial circumstances that we find ourselves in, and I won't be able to support this if it does become a motion. I have a lot of trouble with it.

MR. HYLAND: My question is related. I'm just looking at the Ombudsman's letter, and one of the listings shows a Puerto Rico International Ombudsman Institute board of directors conference. I single that one out as a board of directors meeting versus a conference and wonder . . . To me, if our officers are on committees and there's a committee meeting, it's fair that they travel, but spousal travel should be for the conference vis-à-vis a board of directors meeting I guess is what I'm trying to say. Whoever makes a motion, it should be worded in a way that it would include the conference where the business is done - it's a day or two's meeting and you're back or whatever, not a board of directors where it may go on.

MR. CHAIRMAN: Okay. Anyone else?
Are we ready to move to the next item of business?

MR. TANNAS: Did we want that as a motion?

MR. CHAIRMAN: The Chair is merely asking whether members have discussed the issues and are ready to proceed to the next agenda item. Is a motion being placed forward?

MR. TANNAS: I'm about to.

MR. CHAIRMAN: Okay.

MR. TANNAS: Okay. [interjection] Pardon me. Were you going to move it?

MR. SIGURDSON: Well, I'm ready with one as well. I'll wait to hear yours and see what yours says, and maybe we can just work on some amendments or whatever.

AN HON. MEMBER: You're older Don; you go first.

MR. CHAIRMAN: Would the members like a two-minute coffee break so that they can concur and consult?

[The committee adjourned from 1:50 p.m. to 1:57 p.m.]

MR. CHAIRMAN: We'll reconvene. I believe that Tom and Don have been working, along with some input from Yolande, on the possible wording of the motion.

MR. TANNAS: I guess the question, first of all, is: do you want us to respond to the request for the office of the Ombudsman, or do we speak for all of the legislative officers?

MR. CHAIRMAN: Well, the Chair would prefer that you deal on the principle so that we're dealing with all officers the committee works with, so that would include the three existing officers and the soon to be named ethics commissioner.

MR. TANNAS: Okay. I would move:

That travel costs and registration fee for a convention or conference be covered for an accompanying spouse of a legislative officer once per calendar year for out-of-province travel under the following conditions:

- (1) transportation reimbursement will be at the best available excursion rate, and
- (2) intercontinental travel be limited to once every term of office and would replace the out-of-province travel for that year.

MR. SIGURDSON: Do you second . . .

MR. CHAIRMAN: No, but speaking to the motion, Tom.

MR. SIGURDSON: Speaking to the motion, I think it's important that we make the one clarification with respect to the first "subject to" clause that for those legislative officers that choose to travel business class or first class, they would still be permitted to do so, but they would cover off the cost difference between full excursion fair and first class. It would be at their choice. But the province, the tax dollars would only cover the amount of two full excursion fares, which, if memory serves me correctly, amount to about the price of one full economy ticket.

MR. CHAIRMAN: Okay.

Yolande, on that point. Any observations? Okay.
Alan, and Jack.

MR. HYLAND: Just a question on using the word "spouse." With the Leg. Assembly we use "guest" or something. I wonder if we're tying it too close. A guest, according to our rules or what's been interpreted as our rules, is somebody you are closely associated with and/or an immediate family member. I don't know. I'm just asking a question.

MR. FOX: Yeah. I think the idea here is that there are functions that are fulfilled by the spouse of the officer attending a conference on behalf of the province of Alberta. That same can't be said for a brother or a sister or a son or daughter.

MR. HYLAND: The only reason I say that is most of ours are your spouse and/or your girlfriend, or whatever better term. I don't know. I just asked the question.

MR. CHAIRMAN: On this specific point, and then Don.

MR. SIGURDSON: Yeah. I think that's absolutely right, because if I recall correctly, we've got one legislative officer that has a companion . . .

MR. HYLAND: That's the word I'm looking for.

MR. SIGURDSON: . . . that's not legally - you know, they're not into a legal marriage contract.

MR. TANNAS: Well, I was saying spouse because the prompting of it indicated that in many of these international conferences and these national conferences, there is a Mr. and Mrs. kind of function, and that kind of thing led me to make the suggestion I did. I wasn't thinking of significant members of the family or any other extended term.

MR. HYLAND: I wasn't either. I was just saying that that's the wording.

MR. CHAIRMAN: Okay. We've broken from our speakers' list. I did have Jack and Don on the list, but I'm assuming they're slightly different topics. All right. We'll hold them, please, and stay with this.
Stan.

MR. NELSON: Well, on the issue of the term "spouse," it's my understanding that if you have a common-law relationship, under our Charter that is deemed as spouse.

MR. CHAIRMAN: All right. Is the mover of the motion satisfied with the current wording?

MR. TANNAS: Yes.

MR. CHAIRMAN: Any further discussion?
Back to Jack, and then Don.

MR. ADY: I just wondered if the wording on that excursion rate was too limiting. There might be a circumstance come up when an excursion rate was not available, and it would preclude anybody from going.

MR. TANNAS: That's why it was worded that way. If I may take my turn and respond, I was going to explain that the best available excursion rate . . . If you're flying from here to Toronto, there's about 15 fares, and the lowest one might be the sky-night fare or something like that, and it's not available during periods of time. You might come to excursion fare number five, which is somewhat different from the others, so you have to show that that was available at that time for booking. You can't go just at the best posted. I didn't put the best posted: the best that's available at that time. Otherwise, it's unrealistic.

MR. ADY: Does that let you move out of excursion, though, if there are no excursion rates, and into economy?

MR. TANNAS: Then that's the best available right at that time; exactly. For instance, if you have somebody go at the last minute, there isn't an excursion, so that's the best fare available.

MR. ADY: Okay. The word "excursion" was the thing that was giving me the trouble. Okay.

MR. CHAIRMAN: Are we ready for the question?

MR. HYLAND: Question.

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

Item 5, which is a report by the Chief Electoral Officer. That's the letter, Pat, to Michael Clegg.

MR. LEDGERWOOD: Mr. Chairman, you may recall that earlier this spring at one of our meetings we talked about the services of Parliamentary Counsel to the office of the Chief Electoral Officer, and on March 1, 1991, I terminated my contract with Michael Clegg.

MR. CHAIRMAN: Alan, any questions?

MR. HYLAND: Pat, in the letter, the last paragraph says, "The provisions contained in paragraph 8 of the Agreement will be honoured by this Office." Can you tell us what's in paragraph 8 of the agreement?

MR. LEDGERWOOD: Paragraph 8 states:

In recognition of the fact that the Firm will be keeping time available for services that may be required by the [Chief Electoral Officer] hereunder, the CEO agrees that the Firm shall be entitled to payment for not less than 75 hours in every contract year. Any minimum due as a result of this provision shall be paid within 30 days of the end of every contract year.

This clause shall not apply in a contract year in which the Firm terminates this agreement under clause 9(a) or the CEO terminates this agreement under clause 9(c).

And 9(c) is basically: with cause.

MR. CHAIRMAN: So in the fiscal year 1990-91 you paid out for . . .

MR. LEDGERWOOD: I paid out for the remainder of the year. The contract ran from October 31 to October 31.

MR. CHAIRMAN: A further question?

MR. HYLAND: It was a payout at that rate of 75 hours?

MR. LEDGERWOOD: For the 75 hours.

MR. HYLAND: At how much an hour?

MR. LEDGERWOOD: Ninety-three dollars an hour. It's exactly the same as the contract with the Speaker's office.

MR. CHAIRMAN: Are we to assume there was some work done during that period of time that was covered under the 75 hours?

MR. LEDGERWOOD: Oh, yes. It was just the remainder of the 75 hours.

MR. CHAIRMAN: Further discussion? Okay. Thank you, Pat. We'll move on then to tab 6. We have a letter from the Chief Electoral Officer dated May 1, 1991; Subject: General Enumeration '92.

MR. LEDGERWOOD: Mr. Chairman, do I understand that everyone has received a copy?

MR. CHAIRMAN: All members have copies.

MR. LEDGERWOOD: And also a copy of part 2 of the Election Act, which deals with enumerations?

MR. CHAIRMAN: Which was attached, yes.

MR. LEDGERWOOD: I guess the easiest way to start, Mr. Chairman, would be to try and answer any questions that any of the members have regarding any . . .

MR. CHAIRMAN: I'd suggest you lead us through your request first, and then we'll go to questions.

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MR. LEDGERWOOD: Okay. In paragraph 1, I talk about the fact that by May 1, 1992, there are certain things that must be done, and they all dovetail in that the schedule to the Electoral Divisions Act controls the electoral division boundaries. With that, of course, when we change the boundaries, we will also have to have new registered constituency associations and, of course, new returning officers. So that's what I'm talking about in paragraph 1.

In paragraph 2 I'm talking about the fact that the Electoral Boundaries Commission was appointed a little later this cycle than for the '83-84 commission, and continue that thought into paragraph 3 when we're talking about the final report not being tabled until mid-March of '92. I think you're all familiar with Bill 52 which has subsequently amended that time frame.

In paragraph 4 I'm talking about the specifics of the general enumeration and the current legislation, which carries on into paragraph 5, the specifics on May 1, 1992, when, in accordance with existing legislation, certain actions must take place.

Then in the paragraph at the bottom of the page I'm talking about the electoral divisions, returning officers, and some of their responsibilities. At the top of page 2 I expand that into time frames so that those who not are familiar with the lead time in some of these items would get an appreciation of the fact that once these returning officers are selected and appointed, then there are other things that have to be done. We have to train them. If they're not familiar with their area, they have to become familiar very quickly to the point where they

know where their polling subdivision boundaries are going to be and where they're going to actually have their polls for the election. Then the mapping requirement follows that and the time, really out of our control, where Mapping will complete the mapping work.

In the second paragraph on that page I talk about if the boundaries commission is late in submitting its report, a couple of options that may be looked at in part 2 of the Election Act; either looking at possibly amending the time when we do enumerations, which is a fixed time now from September 15 to 30 with the revision period in October, or maybe doing as some other jurisdictions do: increase the length of the campaign period and actually conduct an enumeration at the start of a general election or by-election.

The next paragraph deals with amending the Election Act and basically, just as you read it, I have proposed some procedural and housekeeping amendments that I think will be passed at some time, but they are not directly related to the timing of the enumeration.

Then the last paragraph is really to alert you to some of the concerns I have.

MR. CHAIRMAN: Okay. Thanks very much. Questions?
Yes. Derek first, then Don.

MR. FOX: Yeah, I have a few questions, Pat. With the passage of Bill 52 the deadline for the interim report is now the end of December. Is it possible that the commission, based on the Supreme Court decision that came down, may to some degree anticipate what's going to happen with the appeal court reference and be able to get some of that work done ahead of time? Is it likely that we wouldn't see an interim report until December 31? I mean, I don't understand the mechanics of the job you've got ahead of you.

MR. LEDGERWOOD: The commission will be working well in advance of the Alberta reference decision in that we will be attempting to beat that deadline if we can. I think I should make you aware that on the '83-84 commission, the commission was appointed in December, as was this commission. The last commission held 10 meetings to reach their decisions and published their interim report. At this point, the interim report was at the printers, and it was published on July 10. This particular commission has not reached anywhere near that stage. We have barely touched the surface of our requirements. So we have the bulk of our work yet to do. Similarly, when I was on the federal commission, we had our interim report out within six months. The six months has passed. We have not made any real, significant progress, so we have got the bulk of our work to do between now and the end of December. There are some hard decisions that have to be made. I can't anticipate, as you know. Because I have a vested interest in getting the work done as quickly as we can, I'm pushing as hard as I can as a commissioner.

MR. FOX: I'm wondering as well - in your letter you talk about a March tabling of the final report and that being sort of the latest you can work with in terms of gearing up for a September 1992 enumeration. With the extended deadline there's another three months and a week or something added to that March 28 deadline. Are you saying to us that it seems unlikely we would be able to do a September '92 enumeration and we'll have to either amend the Act to facilitate one later in

'92 or early '93 or else move toward an enumeration held in the early part of an election campaign?

MR. LEDGERWOOD: Well, of course, that would be a political decision as to how it's handled. Currently the commission is looking at distributing the interim report in late December, giving people a chance to examine it, and holding public hearings in February and March of 1992, then adjusting the boundaries as a result of the inputs we receive at the public hearings and then very quickly providing our rationale, writing a report, getting the new maps, getting it printed, and getting it in the hands of the Speaker.

MR. CHAIRMAN: All right. Thank you.
Don, and then Stan.

MR. TANNAS: Okay. I've got two questions. One is relatively short. That's on the second page, Mr. Ledgerwood, I think almost in a graphic kind of form. You've got at the end of that a time factor: four days, and then it takes 10 days, and then it takes three days, and then it takes 50 days, and then it takes 15 days. Presumably we're talking about working days, are we?

MR. LEDGERWOOD: Yes.

MR. TANNAS: So that five days presumably would be a working week. Now, are those all sequential, that you don't begin the 10 days until the four days have passed, and you don't begin the three days until the 10 days have passed? Is it like that, so that we're looking at 70-some days which, when you throw in weekends and all that kind of thing and holidays, would be up to 100 days? Is that what we're talking about?

MR. LEDGERWOOD: There is some overlap. We can't do anything in the training of returning officers until they're appointed. Once they're appointed, hopefully many of them will be the current returning officers, so we won't really have to spend much time training those individuals. So we would run an updated training course. Those particular returning officers would be able then to go back and for the new electoral division very quickly come in with their mapping, which we would again check very quickly and get over to Mapping. Now, the brand-new returning officers are the ones where those time frames will apply as shown in the memo, in that we will take the time to train them. They will then take at least 10 days to go back out and get familiar with their electoral division, to select the polling subdivision, select the polling places, get the maps, get the legal descriptions, and get the maps back to us. Our turnaround time will not be long to make sure that the legal descriptions they've provided and the polling subdivisions they've outlined on the map are the same. The big delay is in mapping, and I think we can put the pressure on Mapping to reduce that 50 days. We will have to reduce that time.

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MR. TANNAS: Okay. That was just my first. That was the simple question.

The other one - I'm kind of confused here, and I'm sorry for that, Mr. Ledgerwood. We've got in here that the final report to the Speaker will be March 18, 1992. Now, didn't the commission ask for - and as Derek said, the report period is now December 31. Does that change this 18 date? What are the parameters for their report to be sent in? What time lines do they have?

MR. LEDGERWOOD: Based on getting the interim report completed and in the hands of the Speaker before the end of this calendar year, we're still looking at approximately five months-plus to complete the public hearings, and we don't know yet exactly how many public hearings we're going to have to have. Remember we're talking about holding those public hearings in February and March, not an ideal time in Alberta, and then depending on the inputs we receive from the public, how many revisions we have to make to our original proposals. Then of course you have to go through that cycle again of getting the new legal descriptions, getting the new maps, and publishing another report. So we hope to be finished and we've set a target date of mid-June, but there's general agreement among the commission that we will work as hard as we can to complete that.

Significant is the fact that we will meet on August 19, and it's the first date that all commissioners are available. We will work straight through for 10 days. Remember that some of these other commissioners have a lot of other responsibilities, so they've blocked off 10 days to do the bulk of the work. In the meantime, as many of us as are available are meeting on an infrequent basis to try and develop scenarios that then we can try and get approval from the full commission when we meet.

MR. TANNAS: I'm sorry, Mr. Chairman, I must not have made my question clear enough. What I was reading was paragraph 3 of your May 1 letter to us where you're saying: "Under provisions contained," et cetera, "is not required to submit their Final Report . . . until March 18, 1992." There is at a request of the commission - of which you are a member, right? - that we delay the time to the end of December.

MR. LEDGERWOOD: For the interim report.

MR. TANNAS: I know, but I mean all the rest of this thing is based presumably on the final report, right?

MR. FOX: We've changed the March 18 date to June 30, six months after.

MR. TANNAS: So now it's June 30 that the final report date would be?

MR. LEDGERWOOD: We will attempt to complete our deliberations and get the report printed and distributed before that if possible.

MR. CHAIRMAN: Thank you.
Stan, Alan, then Yolande.

MR. NELSON: Well, I was going to address the same tone, but on the second page of your May 1 correspondence, Mr. Ledgerwood, you're talking about days and what have you. Is there not some flexibility in that? I can't understand why it takes 10 days for a returning officer to go through a map that is basically already done, and because of a boundary change - there are a few adjustments in the boundaries. I've seen those maps when I've been working with the returning officer, looking at some of those years ago, and I can't understand why it takes 10 days to do that sort of stuff.

MR. LEDGERWOOD: I think that in Calgary-McCall, where you're dealing with a very, very small area where you have only a limited number of level access polling places and blocks and

communities are very easy to recognize, the average returning officer can certainly do that within 10 days or less. What we're talking about is the rural returning officer who has got a brand-new area maybe significantly expanded from the previous RO's responsibility, may not know whether or not there's a community hall in Podunk junction, has to determine where the polling places are going to be and design a polling subdivision around it. Now, theoretically the returning officers who are selected and will subsequently be appointed will be very familiar with the area, but it doesn't necessarily follow. So what I'm saying is that 10 days is a realistic number in that many of these returning officers will have trouble doing it in 10 days.

MR. NELSON: Well, I'm not that familiar, I guess, with the rural situation other than I'm not sure that's not an excuse rather than a reason, because you obviously would have information in your office that can be provided as to where these particular locations are that a returning officer certainly could have in hand and subsequently be able to identify on the range roads or the various quadrants that they would have within their mapping. So I'm not sure that this . . .

MR. LEDGERWOOD: What do you think would be a realistic time frame then?

MR. NELSON: A week.

MR. LEDGERWOOD: You're talking three days.

MR. NELSON: Five days. A week is five days.

MR. SIGURDSON: I don't know how stable Calgary-McCall is.

MR. NELSON: It moves around.

MR. SIGURDSON: It moves around. There are areas in the south end of my constituency where in '86, I think, in one particular poll we had an enumeration of more than 400. In the '89 campaign they changed entire community boundaries because the one area had almost been razed, and the one poll dropped down to 130 voters on the voters list. The mapping that took place in there - it took a while to get that back from the returning officer.

Also, when you move from the development in inner-city areas where you've got some of the extraordinary changes that went on in Edmonton-Highlands and you go along Jasper Avenue and the development going on there, it's going to take some degree of time to try and put those maps together given the high-rise construction that's been going on.

MR. NELSON: Well, if we're going to run this thing like a business, which it should be, you set yourself some times and get people to work within those times. Ten days or, say, five days and they'll work it. They're not bureaucrats out there. A lot of these people are working people or have working husbands in industry, and they are somewhat reasonably efficient. Not to suggest that we don't have efficiency in many of our government situations.

MR. FOX: I think we're spinning our wheels. We've extended the deadline months here, and he's quibbling about three days, five days.

MR. NELSON: Well, I beg to . . .

MR. LEDGERWOOD: I think the key point is that many of the returning officers will get the material in five days. Many will not do it in 10 days. As far as their capabilities go, remember that these are political appointees. I do not select them. I do the best I can with them.

MR. CHAIRMAN: I think the thing we have to focus on is that we've given an extension to the legislation, a three and a half month extension, and that was as a result of the unanimous request by the five-member Electoral Boundaries Commission. So we're in essence moving back our dates three and a half months. Pat has just confirmed that the outside date for the final report is June 30, 1992. Pat went on to say that they're aiming at June 15. So they're giving themselves a couple of weeks to deal with other outstanding issues.

2:27

I think it's also very important for all of us to keep in mind that the last redistribution done in 1983 was much easier than this redistribution. It was much easier because we added four seats to the Legislative Assembly. We haven't added any to the Assembly this time around. We're creating one more seat in the city of Calgary, which automatically means one less seat someplace else. There's a new configuration of single- and multi-municipality constituencies, and I ask you to go back and focus on one sentence in the opening paragraph of the Select Special Committee on Electoral Boundaries report in which the committee advised all 83 members of the Assembly that all 83 constituencies would be affected by this redistribution. Now, some may be affected in a relatively minor way; however, the majority will be affected in a major way. There will be some dramatic changes in lines, and when the interim report is made public, I suggest there will be a considerable number of requests coming in to the commission for the opportunity to present a presentation at a hearing. The commission, as Pat has rightly pointed out, is going to be very overloaded.

Now, what we have to focus on as a committee, because our work as Legislative Offices does not relate to the workings of the commission but relates to the workings of the Chief Electoral Officer – what we have to relate to is what happens from the time the final report is dealt with in the Leg. Assembly, whether it is dealt with and approved intact, whether it is dealt with with amendments, whether there are major overhauls to it. From that point on, and that's what the Chief Electoral Officer is addressing primarily on page 2 of his letter wherein he's addressing the amount of time necessary – and, Don, you were on this point – appointing new returning officers. In some cases it will be appointing people who are now there, recognizing there will be some changes in boundaries. In some cases there will be totally new people.

But what we have to address leading up to the enumeration: how much time is required? If you have a final report which is submitted at the end of June, does this mean the Legislature will be sitting in the month of July? If the report does come at the end of June and assume the House sits in July, are we geared up for an enumeration in the fall of 1992? The Chief Electoral Officer has asked us to look at the possibility of extending the amount of time in an election campaign from 28 days. Remember at one time we had 39-day elections. Then you could have an enumeration while the election is on. That, in my view, isn't in the cards. I don't think that's something that will be con-

sidered, certainly by the governing party; I don't know about opposition parties. We're in a 28-day election period, so our job is to help the Chief Electoral Officer find a way to fit in an enumeration.

MR. NELSON: May I continue, now that I've had my lecture.

MR. CHAIRMAN: You didn't have a lecture, and I thought you had finished. But go ahead.

MR. NELSON: Well, you interrupted me along with the Member for Vegreville, and I hadn't concluded; I'm sorry.

MR. CHAIRMAN: My apologies, Stan. I thought you had finished. Go ahead.

MR. NELSON: I want to ask whether there was a feasibility of commencing the public hearings in January rather than leaving them through to February and March; doing them in January and February, and recognizing there are certain constraints.

MR. LEDGERWOOD: One of the problems with holding public hearings in January is that people want time to prepare their remarks, and remember that there's been increased emphasis on municipalities and municipal inputs. These counties, MDs, IDs, et cetera, meet on an infrequent basis. So the commission felt that we should give them time to digest the interim report and then give them time to prepare their submissions for the public hearing.

MR. NELSON: Recognizing this, I know we're not dealing with the commission here. The chairman has already indicated that. What I'm looking to you for some help on is: we may need some flexibility as far as you're concerned to ensure, number one, that you can do your enumeration at the appropriate time. At the same time, I don't know that we should do an enumeration without having a final report, because there's a phenomenal cost involved to do two enumerations with two separate boundaries, and that's a possibility.

MR. LEDGERWOOD: Well, I don't think it would be wise to do an enumeration on the interim report. I've been on two commissions, and both commissions have made significant changes as a result of the public hearings which have changed the boundaries that we presented in the final report.

MR. NELSON: So in essence are you making any recommendations as to the possibility of enumeration in late '92 or '93?

MR. LEDGERWOOD: Well, the way the Election Act reads now, we're obligated to do an enumeration in 1992.

MR. NELSON: So you're not making any proposals as far as maybe even suggesting possible changes to the Act.

MR. LEDGERWOOD: Well, it's my understanding that a Member of the Legislative Assembly has been appointed to sponsor changes to the Election Act through the House.

MR. NELSON: Thank you.

MR. CHAIRMAN: Okay. We have a lengthy list: Jack, Alan, Yolande, Derek, Tom, and Don.

MR. ADY: Mr. Chairman, as I listened to this thing coming together, I don't see any way all of this can come together and we get that final report before the Legislature, get the Act amended, and allow the Chief Electoral Officer time to do an enumeration in 1992. There's just not time in there. It doesn't sound to me like they stand hardly any chance of getting it in before June 30. In all probability, if the pattern follows, we won't be sitting June 30, 1992; the Legislature will have adjourned. So the logical thing is that we have to make some space here to get him off the hook, so to speak, on this legislation there. It says he has to conduct one by amending the legislation to allow him to conduct it in 1993. Let's not cram this thing up, because all we're going to do is get everybody in trouble with where it's at. My recommendation is that we amend the legislation to let him carry on enumeration in 1993.

MR. CHAIRMAN: Is that a motion?

MR. ADY: I made some notes, because as I listen to this, I don't see any alternative. I'd be prepared to make a motion on it.

MR. CHAIRMAN: What is your motion, Jack?

MR. ADY: I move

That the Standing Committee on Legislative Offices recommends to the government through the Attorney General's office that the appropriate sections of the Election Act be amended to require that a general enumeration take place within the first six months of 1993, the exact date to be at the discretion of the Chief Electoral Officer within that six-month period.

MR. CHAIRMAN: We have a motion. Speaking to the motion, I'm first going to ask those whose names were on the list. I had Alan, Yolande, Derek, Tom, and Don. Do you all wish to retain your places? Are there any additions to that list? All right. Alan, then Yolande.

MR. HYLAND: Mr. Chairman, Jack's motion answers part of my comments in that either recommendation that would be picked from here we would have to change. Unless we go ahead with it, the only way to prevent going ahead with the enumeration – the delay would require change to the Act and the length of an election would require change to the Act, wouldn't it?

MR. LEDGERWOOD: Yes, they would both change it.

MR. HYLAND: So to delay it from the time it's called for requires a change to the Act no matter how you do it.

MR. LEDGERWOOD: It requires a change to the legislation.

MR. HYLAND: Legislation. Yeah. And after campaigning – what? – once when we go to a 28-day election campaign and a 39-day election . . . Or was it longer than that? It's a long time.

MR. CHAIRMAN: Okay. Yolande, and then Derek.

MRS. GAGNON: Yes. I would like to ask the mover of the motion why it is impossible to do an enumeration after June 30 in the calendar year 1992. I mean, if the final report comes to the Legislature by June 30, '92 – it may be sooner, but you want to give yourself that leeway, so it's June 30 – what is to prevent an enumeration that year, that fall, late August, September, October? I don't understand the need for your motion.

MR. ADY: Okay. The need for the motion is that that final report, as I understand it, has to come before the Legislature to be approved or changed or debated or accepted. If we're not sitting, I don't see how that can happen. Then the whole system is hamstrung; it can't move.

MRS. GAGNON: I guess my point is that if they say June 15, maybe they can set the deadline at June 15. We normally sit until the end of June.

MR. ADY: Well. I heard the Chief Electoral Officer take a few positions in an effort to give him a little bit of breathing space, which I can understand because of the magnitude of his project here, saying that he even had concerns that it could be in by June 30 at one point, although that's the time within the legislation. We're really cramming things in. Then you have an Act coming in at the tail end of a Legislative session that has to be brought up daily without any real time to debate it. I just think we're dealing with something very important here, and we shouldn't be cramming the system when I'm not sure it's mandatory that we do that.

2:37

MRS. GAGNON: Okay. Can I have a follow-up? When must we have a provincial election? What is the latest?

MR. CHAIRMAN: In the spring of 1994.

MRS. GAGNON: So what you're suggesting would be that by June of '93 that would be the first six months. You say that anytime in the first six months of '93 there would have been an enumeration.

MR. ADY: That's correct.

MRS. GAGNON: That's all well and good if there's no election until '94, but if there is, you're suggesting that we go with the old enumeration? An election could be called sooner, right? There are a lot of other factors, and what if it is? Are we stuck with the old figures?

MR. ADY: Well, we've just come through that scenario from the last time we dealt with this. We've been at risk ever since the last election, frankly, and two years after.

MRS. GAGNON: I know, but the closer we get to the deadline . . .

MR. CHAIRMAN: Yolande, I wonder if I might help by asking the mover of the motion a question. You moved that it be within a six-month period but at the discretion of the Chief Electoral Officer. Why did you do that?

MR. ADY: Why did I move "within that six-month period"?

MR. CHAIRMAN: Why are you giving the flexibility?

MR. ADY: Well, to give him some latitude.

MR. CHAIRMAN: Okay. That's what I assumed, but I wanted to hear if that was your reasoning. So much of this depends on when the Chief Electoral Officer can get geared up because of all the things that must take place that he so articulately outlined on page 2 of his letter to us. Things have to be in place before

he can really be ready. This gives the Chief Electoral Officer the discretion. If he could do it early, like January of '93, it's done. So whenever the election is called, the enumeration has been done. All right?

MR. ADY: Yeah. I was just giving him some space in there, but he could move on January 1 and start.

MR. CHAIRMAN: Okay.
Anything else, Yolande?

MRS. GAGNON: I just think it's really a difficult thing to keep delaying it like it is. I would prefer if we could have some kind of commitment that somehow or other the report would be dealt with before the end of June '92, that it be tabled and dealt with in the Legislature.

MR. ADY: If I can just speak to one more thing. If you look at the things listed at the top of page 2 that our good officer has to accomplish, he can't do any of this until after the Legislature has done all its work. He's got all these things to do in 70 to 100 working days, and I don't see how he could physically do it.

MR. CHAIRMAN: Okay.
I have Derek, Tom, Don, and then John.

MR. FOX: I speak against the motion, and I'll just outline my practical reasons first. I think what we're all hoping is that based on the guidelines now in place the commission will do their work as quickly and thoroughly as possible and that we'll be looking at public hearings in February or March of next year. We don't need to tie our hands to a specific motion like this right now. It doesn't take very much effort to put in an amending Act that changes a couple of dates in the Electoral Divisions Act. You know, during the next spring session we would have a clear indication of exactly when the final report would be tabled, and I think then we could make sure the process is expedited as much as possible. I think there would be a political Hades to pay if the government did not make a commitment to deal with the report as soon as it is available.

We're in enormously treacherous territory here from an electoral point of view because of delays and extensions in the process. According to your scenario, you envisioned an enumeration being held approximately four years after the last election. I think likely that is longer than perhaps any term of government since 1971 in the province of Alberta. I don't want to revisit the arguments we had in the Legislature, but we had an opportunity in this committee to approve an enumeration on the old boundaries in September of '91 to guard against the kinds of problems we see arising right now. We chose not to do that as a committee by a majority vote, so we're in this scenario. Once that report is tabled, it has to be dealt with. We owe it to the people of Alberta to make sure they don't wallow in electoral limbo any longer than they have so far, and it's in everyone's best interests to get those boundaries established in law and an enumeration held as soon as possible so an election can be held.

In response to Yolande's conjecture, I think it's entirely possible that there may be some reason to call an election before all this is done. We have some political disagreements about that, the chairman and I, and that's maybe an intriguing discussion item we engage in, but we've got to move forward as quickly as we can. I think what the Chief Electoral Officer is saying to us is that likely we will need to make some revisions

to this Act to accommodate some extensions in the process, but I don't think now is the time to do that.

MR. CHAIRMAN: Tom, Don, and John.

MR. SIGURDSON: Well, I believe we will have to and will deal with the electoral boundaries final report in subsequent legislation that follows in the spring of next year. I'm sure all House leaders will agree to deal with that. Otherwise, I fear we'll have division bells on motions to adjourn debate going through an entire spring session. I think we owe Albertans that commitment to get on with our new boundaries.

In that we're going to have to approve the Chief Electoral Officer's enumeration budget for 1992-1993 in due course, I wouldn't mind perhaps making an amendment to Jack's motion and letting him consider this anyway. It would still allow for discretion of the Chief Electoral Officer to call for an enumeration when necessary or when practical, but I'd just amend your motion with

so that an enumeration be conducted as soon as practicable following the new electoral boundaries Act being adopted by the Legislative Assembly.

It doesn't specify the time period. In fact, I think it has a little more flexibility, because under your scenario, where you have the first six months of 1993, you're crossing two budget years. This allows for the enumeration to be conducted in the 1992-93 budget year. We can deal with that, get that one out of the way. If there is a possibility of having an enumeration in November or January, that's at the discretion of the Chief Electoral Officer.

MR. CHAIRMAN: The amendment slightly alters the intent of the original motion, but I'll allow it.

MR. ADY: If the member has concerns over it crossing two budget years, I would be more comfortable with amending it to be within the first three months of 1993.

MR. CHAIRMAN: Just an editorial comment. I don't think we should get worried about that. We can recommend a special warrant to deal with the cost. I think we should be dealing with the principle here rather than the fact that we're looking at a motion which does overlap two fiscal years. What's really being recommended in the amendment is more flexibility.

MR. SIGURDSON: More flexibility for the possibility of having an enumeration in late 1992.

MR. CHAIRMAN: So can we deal with the amendment to the motion then? We can go back to the original speakers' list of Don, John, and Alan. Would you like to speak to the amendment or hold your place?

MR. TANNAS: I'd like to ask a question.

MR. CHAIRMAN: All right.

MR. TANNAS: With the report, let's say, coming in on June 1...

MR. LEDGERWOOD: It's for June 30.

MR. TANNAS: I know it's the 30th. I'm trying to fix where our deadlines are. Okay, let's say by the 30th and that we do meet. Before anything can happen with enumeration and the

proclamation of the new electoral boundaries, do we have to accept it? The Legislature has to accept the report. Is that right?

MR. LEDGERWOOD: Accept the report, and then there's a resolution that it accepts the proposals either as presented or as amended.

2-47

MR. TANNAS: Okay. Following that time, as we're looking at it, you're into probably October or November. Are those good months to do enumerations? November.

MR. LEDGERWOOD: If you tell me what the weather's like in November, I could answer you much better.

MR. ADY: If I could just speak to that.

MR. CHAIRMAN: All right. Go ahead, Jack.

MR. ADY: I don't think we can make an assumption that it's going to be June 1, because we have just given them until June 30. That's in the legislation. You can't ask them to change that.

MR. CHAIRMAN: Anything else, Don?

MR. TANNAS: No.

MR. CHAIRMAN: Okay. John and Alan.

MR. DROBOT: Well, I just have a question, Mr. Chairman. The commission asked for an extension until June 30. Correct?

MR. LEDGERWOOD: I don't think we specified any particular date.

MR. SIGURDSON: An extension was granted for the interim report. The report now has to be out by December 31. Before that the interim report had to be out September 17 or 18. Because of the extension to December 31, there now follows six months for the final report to be distributed. That makes it June 30.

MR. DROBOT: Okay. If they asked for an extension, why are we trying to expedite the enumeration or the role of the commission?

MR. FOX: Can you repeat that, John, please?

MR. DROBOT: If they asked for an extension, why are we trying to expedite the enumeration or the role of the commission? They asked for the time to . . .

MR. CHAIRMAN: In my earlier comments I was suggesting to the committee that we should try to set aside what's happening until the report is presented to the House, because that's not this committee's function. Our function in working with one of our three officers is to assist the officer in the upcoming enumeration, and the officer has very properly brought to our attention the fact that under current legislation he is locked into a two-week period between September 15 and 30 for an enumeration. We're now discussing whether or not that is feasible. We have a motion that suggests six months, with flexibility for the officer. We have an amendment to the motion

now offering even more flexibility, as the Chair interprets it. That's where we're at, John. I know it's difficult for us to compartmentalize and set aside the process the commission is working under, but that really isn't this committee's function.

Alan and then Derek on the amendment.

MR. HYLAND: We're talking about Tom's amendment of the first . . .

MR. CHAIRMAN: Would you like it read back?

MR. HYLAND: What did you say? The first six months?

MR. CHAIRMAN: Just a minute. No. We'll have the amendment read back, please.

MRS. KAMUCHIK: Mr. Ady's motion will be amended by Mr. Sigurdson

to allow for a call for enumeration at the discretion of the Chief Electoral Officer as soon as practical following the new electoral boundaries being adopted by the Legislative Assembly.

MR. CHAIRMAN: Now, keep in mind a broad interpretation of this amendment. If things didn't all fall into place, you could be past June 30, 1993.

MRS. GAGNON: Point of order, Mr. Chairman. That is a brand-new motion. I like it, but it's not an amendment to Jack Ady's motion.

MR. CHAIRMAN: It's an amendment. You may have been writing something down at the time.

MRS. GAGNON: No, I wasn't, but when I heard it reread, it was totally different.

MR. CHAIRMAN: No, that's the way I heard it, and that's why I said the Chair had some difficulty with it but would accept it as an amendment even though it does alter the original intent somewhat. It is stretching the original motion. It is offering greater flexibility. However, on the other hand, if things did not fall into place, it could mean the enumeration would take place outside or after the time line set by the original motion.

Now, on the amendment.

MR. HYLAND: With the motion out there, let's look at the report coming back on June 30 if no problems occur. So we've got June 30, unless the session starts late. Generally about that time is the adjournment. Then we're looking at a fall session to deal with the Legislative Assembly Act or a session well into July, one or the other. If we're looking at a fall session, what? October?

MR. SIGURDSON: Maybe on that point, I don't want . . .

MR. HYLAND: All I'm trying to do, Tom: the way your motion is worded, there could be about a month's difference between your amendment and Jack's original motion.

MR. SIGURDSON: If you look at it in those terms, yes.

MR. HYLAND: That's assuming you wouldn't be doing anything through the Christmas season with enumeration.

MR. SIGURDSON: Well, if you look at it in the terms you've outlined, Al, then you're right: the time lines aren't all that terribly different between my motion and Jack's. But without trying to, you know, throw up a lot of barriers right now and into next spring session, I think we might have to just make some accommodations to deal with the Elections Act as soon as it comes out, otherwise we're not going to have a very co-operative legislative process next spring. I know we want to deal with this legislation; I'm sure the governing party wants to deal with the legislation. That may very well mean we have a longer Easter break and we go a little more into July or whatever to deal with this in the spring session and not hold it over to a fall session.

MR. ADY: If I could just make one last point.

MR. CHAIRMAN: All right. And then we're going to have a point of order and then go for a coffee break as recommended by Stan.

MR. ADY: Just bear in mind that if this process we're following, that you're suggesting, were to fall off the tracks, our officer is obliged to hold an enumeration in September and he would have to hold it on the old boundaries. If we don't amend the legislation, he has to move on it.

MR. CHAIRMAN: Jack's assumption is that the amendment and the motion both fail, that we stay with the existing legislation if that's the case.

A point of order.

MR. FOX: I think we're into something here that's beyond our jurisdiction as a committee. It's up to the Legislative Assembly to amend the Act, to reflect the reality. The reality, based on the time lines established by Bill 52, is if the final report is not presented to the Legislature by June 30, we cannot have an enumeration on new boundaries according to the schedule laid out in the current Act, and there will need to be amendments made to that Act in advance of any of these dates that appear. I believe the first date is May 1, right? So before May 1 in the legislative session of 1992, we will need to have passed an amendment to this Act that changes at least that date and perhaps a couple of others. It's not something that's going to happen because of a motion or an amendment to this committee. We may be able to give our best advice to the Attorney General, or I assume - isn't Mr. Bradley the one that has been asked to sponsor some amendments?

MR. LEDGERWOOD: Yes.

MR. FOX: You know, an amendment has to come forward from somewhere in the governing party and then be called forward on the agenda so the Legislature can deal with it, and frankly I think we're out of order here.

MR. CHAIRMAN: Well, you don't have a point of order, and the motion is amended. It's perfectly within the bounds; it is indeed part of the responsibilities and duties of this committee to advise, to make recommendations to the Assembly. We're dealing with a specific issue which has to do with the enumeration. It is this committee which approves the budget for the Chief Electoral Officer so that he may conduct an enumeration. So we'd be remiss in our duties if we kept our heads in the sand on the issue. The May 1 date that you refer to is contained in

the letter from the Chief Electoral Officer to our committee, dated May 1, 1991, in which he backs up to indicate things which must happen in order for the enumeration to take place.

2:57

He's saying that by May 1 of 1992 the schedule to the Electoral Divisions Act must be approved. Now, that's the Act which actually confirms the lines for the 83 constituencies. We know at this point in time that that's not in the cards because we've given a three-and-a-half month extension to the commission. We don't now expect the final report until - well, the Chief Electoral Officer indicates it may be June 15. It must be no later than June 30. Clearly the motion's in order, as is the amendment.

A final point, Stan, and then a coffee break.

MR. FOX: Could I finish what I'm saying?

MR. CHAIRMAN: Well, no. You don't have a point of order. I'll come back to your name on the list if you want to speak to the motion.

MR. NELSON: Thank you. I'm not sure that I understand 14.1(3) under the Election Act, a copy of which was provided by the Chief Electoral Officer. They discuss a commission.

(2) If a Commission is appointed, the Chief Electoral Officer may, at his discretion, not proceed with an enumeration in the calendar year in which the Commission is established or the calendar year following the calendar year in which the Commission is established.

(3) Notwithstanding subsection (2), if before May 1 in a calendar year referred to in subsection (2) . . .

That's the one I just read.

. . . the Schedule is amended or re-enacted following the laying of the Commission's report before the Legislative Assembly, an enumeration shall be conducted in that calendar year.

That's under 14.1(3). Not being a legal beagle, if I read that in the manner which I have, it appears that if the commission puts a report forward on the Table of the Legislature by June 30 and it is not dealt with and in fact we don't have legislation passed by that date in 1992, then it may be incumbent upon the Chief Electoral Officer to hold an enumeration, based on what's in here. Maybe Mr. Ledgerwood could help me.

MR. LEDGERWOOD: Okay. Going back to 14.1(2), we're talking about that the commission was formed in 1990, and the year following, of course, was 1991. That particular paragraph we've bypassed, and then "notwithstanding subsection (2)" indicates that if there is an amendment, then there shall be an enumeration conducted in that calendar year.

MR. CHAIRMAN: Okay. Anything else, Stan?

MR. NELSON: No. I just wanted to make that point, that we may be spinning some wheels.

MR. CHAIRMAN: All right. Coffee break.

[The committee adjourned from 3 p.m. to 3:07 p.m.]

MR. CHAIRMAN: Okay. We're reconvened.
Derek.

MR. FOX: One thing we haven't done. Pat made a presentation to us outlining his concerns, and I read in his letter that the

purpose of the memorandum and this meeting with us is to alert us to these concerns so that we can be aware of what might be required, what in fact likely will be required, in terms of amendments to this legislation of last year. We haven't asked you what you're asking us for today. Is it just that we understand what you're saying to us, or was there some particular action on the part of the committee that you're requesting?

MR. LEDGERWOOD: No. I think I would have been remiss had I not apprised the committee of my concerns. That's basically what I was doing when I wrote the letter to the chairman. It was just to let him know that I could see a scenario developing that I wasn't very happy with.

MR. CHAIRMAN: I should add to that that the letter was written and received prior to the request by the commission for an extension.

MR. FOX: And the passage of the Bill and the Supreme Court decision.

MR. CHAIRMAN: So the problems that the Chief Electoral Officer has alluded to are compounded by the three-and-a-half-month delay.

MRS. GAGNON: They're worse.

MR. FOX: For sure.

MR. CHAIRMAN: That's right.

MR. FOX: This is the point I'm making in my discussion, I guess. We are alerted, and we're having a good discussion about it. We understand the restrictions and what will be required down the road. I don't think we're being asked to do something in particular right now by way of motion or action. I just don't see the need for us to do that.

I rest my case.

MR. CHAIRMAN: Okay.

Back to the amendment to the motion. Are there any further comments to be made on the amendment to the motion?

MR. NELSON: Question.

MR. CHAIRMAN: Are you ready for the question?

MR. FOX: Can we ask that the motion with the amendment be read so we can be clear? I've forgotten some of the wording in Jack's original motion.

MRS. KAMUCHIK: The motion by Mr. Ady that the Standing Committee on Leg. Offices recommend to the government through the Attorney General's office that the appropriate section of the Election Act be amended to require that the general enumeration take place within the first six months of 1993, the exact dates to be determined at the discretion of the Chief Electoral Officer.

MR. CHAIRMAN: And the amendment to the motion.

MRS. KAMUCHIK: The amendment would read: to allow for a call for an enumeration at the discretion of the Chief Electoral Officer as soon as practical following the new electoral boundaries being adopted by the Legislative Assembly.

MR. CHAIRMAN: As indicated, the Chair had a little difficulty with the amendment, recognizing that the amendment alters the intent somewhat. It gives greater latitude both prior to the January 1, 1993, date and after June 30, 1993.

The question's been called on the amendment. All in favour of the amendment? Opposed to the amendment? The amendment is defeated. Do you wish to have it recorded?

MRS. GAGNON: It doesn't matter.

MR. CHAIRMAN: All right; now to the main motion.

MR. HYLAND: Question.

MR. CHAIRMAN: The question's been called on the motion. All in favour . . . [interjection] Did you have a question to ask, or did you call the question?

MR. TANNAS: That's what I'm asking. Can I ask questions?

MR. CHAIRMAN: Yes, by all means.

MR. TANNAS: If I understand this right, the concern that some members might have is that Alberta might have an election before the report is approved and the new electoral boundaries are established.

MR. FOX: Yes.

MRS. GAGNON: Of course.

MR. TANNAS: Okay. So my question is: is it legally possible once the commission is established to call an election in the middle of that?

MR. LEDGERWOOD: Well, there's no reason why - you can call an election anytime.

MR. CHAIRMAN: The Premier can issue a writ.

MR. TANNAS: So it's legally possible. Politically, wouldn't it be a disaster?

MRS. GAGNON: We don't mention that here. That's your problem, not ours.

MR. CHAIRMAN: That is the debate we had at the Electoral Boundaries Committee.

MR. NELSON: Question on the main motion.

MR. CHAIRMAN: Just a minute.

The question's been called. Do you have any other questions you wish to ask?

MR. TANNAS: All I wanted to say was that my understanding of Jack's motion is not to set it up so that we can have an election on the old boundaries; it's to facilitate what we've been discussing for the last hour.

MR. CHAIRMAN: Well, this is on the assumption that we will have a report which has been accepted by the Legislature and certain things will have been done. It allows the Chief Electoral

Officer to pick the time within that six-month period for enumeration on new boundaries.

Tom.

MR. SIGURDSON: Just one question. I'm very curious as to the reasons, if the Chief Electoral Officer is able to conduct an enumeration at the beginning of November, why we want to hold it over to January or February or March or that six-month period. I'm curious to know the reasons we want to delay it for that two-month period.

MR. ADY: My motion took into account this September date that was magic to him, all right? Now we've got another three and a half months tacked onto the scenario he was working with when he wrote this memo. So my motion was designed and crafted to give him at least that much flexibility. He was being crammed and pushed to make the September date with the old rules.

MR. SIGURDSON: Right.

MR. ADY: Now we add on all this extra time, and you're going to give him a month.

MR. SIGURDSON: Going from May 1 through to, in order to conduct . . .

MR. ADY: No, from September to November you were going to give him. That's what you're talking about now in the scenario you just outlined.

MR. SIGURDSON: Yeah. He talked about having everything set up going back to May 1 as his deadline or a date that he requires to have everything in place in order to conduct an enumeration for September 15, right?

MR. ADY: Well, September 1992 in his letter.

MR. SIGURDSON: Yeah, and I think section 14 in the Act specifies that it's from September 15 through to the 30th for general enumerations.

Now, I realize that we have a report that will come in from the commission. I can appreciate that if you tack on three and a half months, which is the extension that the Legislative Assembly granted the commission just recently, to the September 15 date, you do indeed come up with a January 1 date, which is your rationale for giving January 1 and six months thereafter for an enumeration to be conducted, at the discretion of the Chief Electoral Officer. I'm sorry; I still don't follow the reason why, then, if in the event that the Chief Electoral Officer has everything in place two months earlier than anticipated, we're no longer going to be able to give him that flexibility, and I just wonder why we would hold back that flexibility.

MR. ADY: By the same token, I don't know why you're so hung up on two months, because first of all, one of those months is going to be December, and if the electoral officer would choose to have an enumeration in the month of December, I'd question his rational thinking. All I'm doing is giving him into January to go with it. We're both in the same vein here, hopefully, that this is all to be done on the new boundaries after the report is in, the boundaries are drawn, and we're on new boundaries. You're worried about two months. Your only worry possibly could be that there would be an election in there.

Again, if somebody is going to call an election in December, I'd question their rationale.

MR. FOX: I'll pass your concern on to the Premier with regards to the Edmonton-Strathcona by-election, held December 17.

3:17

MR. SIGURDSON: Just to continue on it, if I may, Mr. Chairman. I know you're extending an awful lot of latitude, and I appreciate it. I, too, would be quite concerned if we were to start conducting an enumeration in December, but I guess what I'm more concerned about is the 11th month, November. If by chance we have everything set in place, if there's a remote possibility that everything could be set in place for November 1, I truly believe that if an enumeration were to be conducted anytime in November, then you've got a period of time in December to complete everything, get all of the paperwork done, the photocopying done through various companies that are contracted to do the photocopying. Then you've got, you know, January, February to get those reports out. So it's the November I am concerned about, not the December.

MR. ADY: I'll make one more point. Supposing the Legislature wasn't sitting in June. We'd had to have a fall session to deal with this. Then what have you got?

MR. CHAIRMAN: Okay. The Chair's been very patient with all members of the committee. Could I ask that we be brief in our questions and comments? Our list is growing again. I have Derek, Alan, and Don.

MR. FOX: Okay. Speaking to the motion, it seems to me that the motion allows for a worst case scenario. You give flexibility with six months if the Legislature's not sitting, if it has to be ratified in the fall session. If that, you know, takes time, it might not be till six months into 1993, but it does not allow, in my view and I think in the view of Tom, for a best case scenario.

Now, there is a possible best case scenario. I think what we're arguing for here is that if there's flexibility there, there should be flexibility here as well. Could I ask the Chief Electoral Officer - let's assume the best case scenario - if the report was available in mid-June, if the Assembly made a commitment to deal with it and was able to deal with it expeditiously by the end of June, let's say, when would you envision the earliest possible enumeration date?

MR. LEDGERWOOD: Mr. Chairman, the easiest way to answer that question - of course, it's a hypothetical question. But the fact that the legislation approves the schedule to the Electoral Divisions Act doesn't give me returning officers; again, we're at the mercy of the government for appointment of returning officers. So you'd have to continue this scenario a couple of steps further. Remember that in the case of government MLAs, the MLA selects the returning officer for appointment. In the case of opposition constituencies, it's the PC constituency association that makes recommendations. With the change in boundaries, of course, we're going to have new constituency associations, so you have to build in that lead time as well so that the constituency associations are formed and in a position to nominate returning officers.

MR. FOX: So you have no best case scenario?

MR. CHAIRMAN: Well, in fairness, let's not try to pin the Chief Electoral Officer down. Go to his memo of May 1, 1991. In the memo to us - and this memo was written before the commission asked for a three-and-a-half-month delay - the Chief Electoral Officer states very clearly that in order to be ready for enumeration between September 15 and September 30 of 1992, these are the things which must happen, and he backs up. Add three and a half months onto the schedule. To me, we're right into the motion.

MR. FOX: Well, I was talking about a best case scenario.

MR. CHAIRMAN: Well, that is the best case scenario. That is the best case scenario; it's been outlined for us by the Chief Electoral Officer.

MR. FOX: I disagree.

MR. CHAIRMAN: Okay. Alan, and then Don.

MR. HYLAND: Thank you, Mr. Chairman. First, in part of the last comment Mr. Ledgerwood, in answering the question from Derek, said the returning officers, but there's also the thing of the party supplying names for the enumerators, too, to the returning officers, not necessarily to you but to the returning officers. It takes time. As far as if all this happens sooner, I would assume that once we accept this motion, if it's accepted, we are in the '92-93 fiscal year. So if we're in a case to move it ahead because of the timing falling into place, wouldn't it be just a simple motion of the committee? Because by doing this, we're allowing the budget for it, and we're in the fiscal year, so it's a matter of moving the dates, not so much moving it from one fiscal year to the other. No?

MR. FOX: Well, the dates are established by legislation, not by the committee.

MR. CHAIRMAN: Okay.

Don, briefly, and then let's move.

MR. TANNAS: I'll pass.

MR. NELSON: Question.

MR. CHAIRMAN: The question's been called. All in favour of the motion? Opposed to the motion? Anyone wishing it recorded?

MR. FOX: Yes, please.

MR. CHAIRMAN: A recorded vote, please. Those in favour: the mover, Jack; Stan; John; Don; and Alan. Those opposed: Yolande, Tom, and Derek. Thank you.

MR. LEDGERWOOD: Thanks very much, Mr. Chairman. I'm glad there was such a free discussion on this. I think everybody now has an appreciation of some of the problems. I think it gives you an appreciation of some of the lead times and some of the activities that are required even after the final report is tabled.

Thank you very much.

MR. CHAIRMAN: Thank you, sir.

A special welcome to the Auditor General, Mr. Don Salmon, and to Andrew Wingate, who's accompanying him. Did Pat send you a note telling you to bring reinforcements?

I'm going to suggest that we move right down to item 8, which is the Charge-back of Audit Fees to Commercial Entities. This is a matter we dealt with while we were preparing our budget for the current fiscal year, and we asked the Auditor General to review the list of Crown corporations or government entities that are involved in private-sector activities where they're in direct competition with others in the private sector, and report back.

MR. SALMON: Thank you, Mr. Chairman. We have a handout here. We'd like you to have a copy. I'd just like to talk briefly about the background, and that is that we did take your suggestion under consideration and have come up with a fairly short list of those which we feel fit the nature of the problem. However, in looking at these audits in relationship to what we did because of NovAtel, we ended up with a concern with the order by which the committee had approved the basis of charging fees and need to suggest a few minor changes to the original. Don't forget that the original order was made in 1979, and we have amended it. The last amendment to the basis of fee charging was in 1983.

With that little background, if I may, I'd like to walk you through what I have in front of you so that there is no confusion as to what we're looking at today. The first handout, which is clipped with a staple, is the suggested new order, AG 1, which includes the previous matters that we had by order of the committee along with other amendments that have taken place. There's a slight change with respect to irrigation districts. The NovAtel one is in here, and (5) is the suggested wording for the commercial or quasi-commercial activities.

In order for us to get this all straight, we looked at all of the orders and amending orders that we'd had. We had approximately 18. So the first suggestion there, in (1), is that AG 1, dated January '83, which is the second item attached, be replaced or rescinded, and (b) is a motion by the committee in January of 1986 regarding irrigation districts. We've just formalized it by putting that in here in item (4). The other attachment is just for information, which we'll talk about in a moment, of those organizations which we think fit (5).

Could I keep running?

3:27

MR. CHAIRMAN: Yup. Go ahead.

MR. SALMON: Okay. Now, on that basis I have also in my possession today, if the secretary would like, a copy of all of the OAGs, 1 through 18, which were changes and amendments in the past. What we would suggest is that if the committee could discuss this particular order, we would then be prepared to provide to the committee a full list of exemptions from audit fees in order to get this thing brought up to date and not have it confused with the some 12-year period in which we were making amendments. I think it might be timely to bring that up to date so that the committee is aware of those audits which fit this definition in (2) in which we do not charge a fee. We'll probably update that so there will be no misunderstanding for future auditors general as well, because it is getting a little old.

On that basis, Mr. Chairman, if I could just comment that 2(1) just describes section 14 of the Act, which requires that the Auditor General have the basis of authorization approved by this committee.

Item 2(2) gives the definition which was in the former order; however, we have just changed some wording in the practice of which we have been charging fees. The word "attest" has been added in there, because those are the ones we've been charging audit fees on. That's the only change in (2).

In 2(3) we changed what was formerly called the internal standard charge. We have interpreted that all along as being the direct salary costs, which we have based on this particular order. All of these fees, those direct salary costs, which we have always been doing, we would now charge on an hourly rate rather than the exact amount, which we would revise annually.

Number 2(4) is the irrigation. The committee had approved and passed a motion that we would not charge for the cost-sharing projects on irrigation districts, and we've just formalized that here. There ends up being four scenarios. One is where we charge regularly for the direct cost; two, where we end up with the irrigation districts exempting the cost sharing; three is NovAtel; and four is the commercial loans in (5).

So 2(5) is the commercial, where we're suggesting that consideration be given to charging these commercial or quasi-commercial organizations. We would charge them on "an hourly rate, revised annually, to cover full Office costs, excluding travel and computer costs" in that hourly rate, and then add to that cost of audit fees "the actual travel and computer costs" pertaining to that particular job. It will make it a lot easier if we can have an annual rate rather than the specific costs in order to charge these organizations.

We've also asked if we could have the time to notify the organizations of the change, because it would mean a considerable increase in an audit fee for some of the organizations on the list. We're not asking approval of the list. We prefer that the list not be included but that it be made available to this committee. If we change it, we can adjust it without having the formality where every time a name changes, we have to come to the committee, because there's a lot of paperwork if we use that process. But we certainly would be willing to make notification to the committee any time as to what is included in that particular list.

MR. CHAIRMAN: Okay. Alan, Tom, Yolande.

MR. HYLAND: Okay. A question related to charging irrigation districts travel costs. I thought the majority of them – and this would follow true to the other organizations that are outside the city, though I guess there aren't very many of them. I thought you were trying to do that stuff with contract people in the area, so then there wouldn't necessarily be travel costs with them, would there? That, like I said, would follow true on the other stuff.

MR. SALMON: Right. That's true, but, Mr. Chairman, we haven't built into this order the fact that we're using agents on some of those audits where we are paying the fee, but those agents are receiving more dollars out of this office than we would charge normally under this order. Therefore, in order to calculate the irrigation district audit fee, it is our direct salary costs if we had done the job, because we're imposing the agent on them, plus our travel costs if we were to do it, and it's always less than what the agent will be charging us. So that's really what this order is doing.

MR. HYLAND: Oh, okay. It's as if you were doing it. They'll still be contracted?

MR. SALMON: We're still going to contract. That's right. But the fee we charge is direct salary costs plus travel if we were to do it in relation to those audits that are being done by those particular agents. We have always had the scenario that if we were going to impose an agent on an audit – and I mean impose. There are regular audits done by us, and we're using so many agents. We say, "Okay, we're going to put Deloitte into this particular job": we've imposed that on the organization. We will only charge them what it would have cost if we had done the audit, not the fee that the agent has charged us. That has always been the way it's been done.

MR. CHAIRMAN: Can you help for clarification on Alan's point? I don't understand why there's a reference to travel costs.

MR. SALMON: The committee's order to us in 1986 was that we charge the full cost based on this order, on the original order, the full cost for each audit excluding the cost-sharing portion of those audits. That full cost included direct salary costs, which is where we've always had it, plus travel, if we were to do it. In some cases we do do it, because we do some of the very small districts ourselves. If it was by an agent, it would just be then imputed travel costs, and I go on direct costs.

MR. CHAIRMAN: If I may, just for further clarification, and then we'll go back to our speakers list. Does that same principle apply, then, to other activities that you audit outside of Edmonton in addition to irrigation districts, all of which are in the south? Are there any other entities being audited where the travel becomes part of the cost?

MR. SALMON: No, except in the commercial ones.

MR. CHAIRMAN: The reason I asked that question, members of the committee, is that it seems to me that we're placing entities that are far from where the Auditor General's office is at a disadvantage.

MR. SALMON: Certainly if this new committee wants to eliminate travel from the irrigation districts, you could.

MR. CHAIRMAN: Well, I'm just looking for fairness.

MR. SALMON: No, no. That's right. But that's what was concluded in the previous committees.

MR. HYLAND: Or add it to all.

MR. SALMON: Or add it to all. It's your way.

MR. CHAIRMAN: I'll stop for a moment and go back to the list.

We have Tom and Yolande.

MR. SIGURDSON: I'm wondering if you've got on this list that you provided us a list of the hours that you spend conducting audits for these entities.

MR. SALMON: We haven't given you the hours, nor have we given you the fees. We didn't want that to become a debate because that really is an internal matter rather than a decision of the committee as to how long we spend on a job. The only time you see the fee that we pay is in the budget, where we

show the agent's fees on audits, you know, and they're usually on a calendar basis rather than on an individual basis.

MR. SIGURDSON: You talk about just doing an attest audit. That would be the fee that you would charge to the entity even if you did . . .

MR. SALMON: To express the opinion on the financial status.

MR. SIGURDSON: Yes. Even if you did a comprehensive value-for-money audit?

MR. SALMON: If we do a systems audit, we haven't been billing any audit fees.

MR. SIGURDSON: None at all?

MR. SALMON: No.

MR. SIGURDSON: Not even the attest?

MR. SALMON: Yes, all attests we've been billing.

MR. SIGURDSON: Okay. Thank you.

MRS. GAGNON: My question, Mr. Chairman, deals with the annual rate. It's an hourly rate revised annually. On what will that be based? Is it based on what you consider actual costs of the previous year? Would the rate charged have a close relationship to the cost?

MR. SALMON: It would have a close relationship to the cost, because we would take the total costs applicable and the total hours spent on attest audits and come up with a rate for the coming year. That would be the rate you'd use based on the hours that you would incur in the current year.

3:37

MRS. GAGNON: And that is compared to what you have been doing.

MR. SALMON: Which is the direct salary costs rather than the full cost.

MRS. GAGNON: Okay. Right.

MR. WINGATE: Just to clarify, on 2(5) we're talking about an hourly rate which is designed to recoup the full cost to the office.

MR. SALMON: And on 2(2) it's direct salary costs.

MR. WINGATE: Well, 2(3). We're talking about direct salary costs there but not the full cost of running the office.

MRS. GAGNON: Yes, okay.

MR. SALMON: The other comment over here from the chairman was that in the irrigation one we have direct salary costs plus travel.

MRS. GAGNON: Right.

MR. CHAIRMAN: Okay. Don, and then Stan.

MR. TANNAS: I think of the quasi-commercial entities. I was just thinking that we have been down the road a couple of years after this came into being, and the museums went from voluntary to a price for admission, which they are now instituting. Would you give a one-year notice of fees so that they could fit it into their budgets along with a reasonable estimate based on your previous year's work, et cetera?

MR. SALMON: Yes. That's the reason for the statement on the bottom of 2(5).

MR. TANNAS: Okay.

MR. FOX: Right at the bottom of page 1.

MR. SALMON: The sentence at the bottom of the first page. We would have to give them time.

MR. TANNAS: Okay. Give them one year or whatever it is to put it in their budgets. Okay. Good.

MR. CHAIRMAN: Stan.

MR. NELSON: Mr. Chairman, I'd like to make a motion, and that motion would be to accept the recommendation of Order AG 1 as identified by the Auditor General, which I'll hand to the executive assistant to place on record. I think what he's asked for, generally speaking, is what we asked for some time ago, and I think we should pursue it under his request.

MR. CHAIRMAN: Thank you.
Alan, and then Derek.

MR. HYLAND: Mr. Chairman, I would like to amend the order in section 2(4). I'd like to have the words "will also pay travel costs" removed from that. The reason for that is in singling out an entity of itself. It should be the same for all. The ERCB, for example, is in Calgary, and there are no travel costs there. So I would suggest that we take that out of the order, but I have no problem with the rest.

MR. CHAIRMAN: Okay. So we have an amendment to the motion. Further discussion on the amendment?

Stan, you may have been out of the room when that discussion was held. I don't know.

MR. NELSON: I was here.

MR. CHAIRMAN: Okay. Fine.

MR. NELSON: I know what he's saying. I don't agree with it.

MR. CHAIRMAN: Fine; then vote against it.
Derek, on the amendment.

MR. FOX: On the amendment, I appreciate the concern that Alan expresses here, and I assume he's speaking on behalf of irrigation districts. However, we're operating in a bit of a vacuum in terms of information. A change was made by this committee in January of 1986, perhaps prior to any of us being on it, that revised the way fees were assessed to irrigation districts. I assume they must have had some reasons. I mean, this is the way it's been now for the last five or six audit sessions. I'm not aware of complaints. I don't know how much of an

expense that actually is to them. I don't have any of that information. There's no compelling reason that I can see to change what has been the established practice. If I knew of some reasons, then I might be able to support the amendment, but I can't.

MR. CHAIRMAN: Stan.

MR. NELSON: I guess the question I have is to Mr. Salmon. If that item were removed, would you just build it into the normal cost of doing business rather than identifying it separately?

MR. SALMON: You mean into the hourly rate?

MR. NELSON: You could do that.

MR. SALMON: We could do that so it doesn't show up. The other aspect, Mr. Chairman, if you want some consistency in here – and I'm not suggesting that you do this – would be to include the travel in 2(3), if you want travel in at all.

MR. CHAIRMAN: Do you have any other comment on that, Stan?

MR. SALMON: There's not a lot of travel, but there would be some.

MR. NELSON: Well, I have no problem making it consistent.

MR. CHAIRMAN: Okay.

Stan, would you take the Chair? I'd like to speak to it.

[Mr. Nelson in the Chair]

MR. BOGLE: I'd like to speak in favour of the motion for two reasons. First, I don't know why the Leg. Offices Committee in 1983 decided to apply travel charges to irrigation districts, all of which are in the far southern end of the province, and single them out relative to other entities. I think that's wrong. But there's an even broader question at stake. Because the Auditor General's office is located in Edmonton – and I think you have a branch in Calgary.

MR. SALMON: Yes, we have.

MR. BOGLE: But you have your primary office here. Are we going to favour activities that are close at hand and charge travel time, so the further you are away from the centres, the greater the cost? I think that in terms of consistency and the way we offer services across the province, it would be better if the travel costs were eliminated, to be consistent with all other activities. I urge members to support the amendment.

MR. DEPUTY CHAIRMAN: Derek is next.

MR. FOX: Thank you, Mr. Chairman. Again, my comments are recorded. I'm making it clear that I'm operating without information, so I'm just conjecturing here. Is it not the case, Mr. Salmon, that irrigation districts are gaining a benefit by virtue of the fact that audit is being provided for them by the office of the Auditor General, a benefit that's not available to a lot of other organizations like rural fire protection associa-

tions? Unless I misunderstand the way they're established, they're not departments of government; they're not strictly agencies of the government; they're districts that are comprised of local individuals. It may have been that the committee making the decision in '86 felt that this was a fairly unusual benefit provided by the public to these irrigation districts and that maybe we should at least recover travel costs in providing that.

MR. SALMON: Mr. Chairman, the very fact that they are not provincial agencies is true. We are by the legislation of the Irrigation Act the auditor; therefore, we're maintaining it, partly because of the monitoring of irrigation districts by the Department of Agriculture and the Irrigation Secretariat and so forth. I think that's why they've left us in there as the auditor, definitely so. With the agents doing it locally, we appreciate that because it gives local involvement. They do the job, and we're happy with that, and we work closely with them. The committee in '86 incorporated the business of the full cost of recovery except for cost sharing. They wanted to get full recovery, but they thought we would be penalizing them by charging the audit costs to do with cost sharing because that was imposed by government as well. So it was stripping that out, and the travel got left in. Whichever way the committee wants to go, I have no problem. It's just whatever you might like to do.

MR. FOX: Just to clarify my question, if I might, then. It's required by law, so we do it, and that's well and proper, but there are other agencies in the province one could think of that don't have that benefit.

MR. SALMON: That don't require that.

MR. FOX: That don't have that benefit. So we're dealing with an extra benefit extended to these important, worthwhile organizations.

MR. DEPUTY CHAIRMAN: Alan, and then Tom.

MR. HYLAND: Mr. Chairman, I think the only part of the benefit we would be dealing with would be the travel we're talking about removing. Whether an organization like a municipality is paying the government for auditing, which you're charging back to them now, or paying a local firm for auditing – if they're totally on their own and running their own audits, I would suggest there would be minimal travel because it would be done by some local firm in the town. I don't think that's going to affect it that much. I'm not saving them that much money by doing this.

3:47

MR. FOX: They are done locally, though, aren't they?

MR. HYLAND: It's the principle of the travel.

MR. DEPUTY CHAIRMAN: Okay, Tom.

MR. SIGURDSON: Well, that was my very question. Are not the audits conducted by local agents?

MR. SALMON: All but the very small ones. There are 13 audits done, and four of them are done by our Calgary office directly.

MR. DEPUTY CHAIRMAN: Okay. Are you ready for the question, then, on the amendment? Those who are in favour of the amendment, please signify? Those opposed? Carried. Do you wish to record it? Thank you.

[Mr. Bogle in the Chair]

MR. CHAIRMAN: Thank you very much. The question's been called. All in favour of the original amended motion? We approved the amendment. Now we're dealing with the motion as amended. All in favour? Carried unanimously.

MRS. GAGNON: The advantage of being quick with the Chair: didn't even have to vote on it.

MR. FOX: Didn't get to vote on it. That was pretty clever. You know, you distorted the vote here by 200 percent.

MR. NELSON: You just figured that out?

MR. FOX: It would have made no difference whatsoever to the outcome. It was just a humorous observation.

MRS. GAGNON: I could see that happening the minute you appointed him, Bogle. I'm way ahead of you.

MR. SALMON: Mr. Chairman, we'll supply you with another order to sign with that amendment.

MR. CHAIRMAN: Thank you.

Yolande, I know you're just busting to get into this, so we'll move right on to item 7.

MRS. GAGNON: There's nothing to report, Mr. Chairman. I think it's self-evident. We contacted someone in the Premier's office, as a matter of fact. There's no date here. I'm sorry, but this was done many months ago, before Christmas possibly. This was the explanation as stated: they felt it wasn't a necessary office. Really, there's nothing more I can add.

MR. CHAIRMAN: Thank you.

MR. NELSON: Excuse me. Could I interrupt just one second? Are we going to talk about this?

MR. CHAIRMAN: No, not before we've dealt with this.

MR. NELSON: Okay. I'm sorry, Yolande. I apologize.

MR. CHAIRMAN: Some members were wondering about item 9, but we don't need the Auditor General present for that.

MRS. GAGNON: Mr. Chairman, basically I have no further comments to make. As indicated, we did contact someone in the Premier's office, and this is what we were told.

MR. HYLAND: Yolande, I often hear you when either I or others are trying to ask a question in the Legislature or when we table responses. What's the word you always use? Puffball?

MRS. GAGNON: Not me.

MR. HYLAND: It would seem to me that the information they've given you is very much in spades. The response they've

given you for their reason is very superficial, because they don't say anything about what their other appeal procedures are or anything.

MRS. GAGNON: That's your comment. You're welcome to think that. It has nothing to do with me.

MR. HYLAND: I know it has nothing to do with you.

MR. CHAIRMAN: All right. Are we ready to move on?

Item 9, letter of engagement. I'll make some opening comments.

MR. HYLAND: Okay.

MR. CHAIRMAN: Members of the committee will recall that when dealing with our budget, we invited Kingston Ross Pasnak to submit a tender based on the amount of dollars in the past year's audit, and that was the second full year that the accounting firm audited the Auditor General's operations. The first year - their first year of operation was the year prior to that - saw a considerable overrun in expenditures, and that was accounted for as they were new and there were some unexpected costs that they incurred. If members will look closely at the letter dated May 21, 1991, it is for all intents and purposes a blank cheque. It is an open-ended contract, and that is not what we had initially agreed to as a committee.

With those opening comments, I'll go to those who wish to speak. Derek, Alan, Stan.

MR. FOX: Mr. Chairman, I had the same impression as you did when I read the letter. I found myself scratching my head and saying, you know, where did this letter come from? Maybe we've done this in the past, but I don't recall letters like this being authorized and instructions being a blank cheque. We did approve a budget estimate that indicated the committee's willingness to pay a certain amount for the audit of the office of the Auditor General. I think the committee indicated as well that we were pleased with the work done by Kingston Ross Pasnak, and we've had some good discussions with representatives from that company with respect to the job they do and the fees charged. So I've got no quarrel with Kingston Ross Pasnak. It just struck me as being an open-ended request for us to be willing to pay them whatever they ended up feeling their work was worth after it was done.

The other thing that I had to wonder about - and maybe this is just standard wording of a letter like this. There were several provisos put in the letter with respect to information provided by the office of the Auditor General: we can only deal with things if they provide it to us in a timely and accurate sort of fashion. It's stated three or four times in the letter. I had to wonder if they were saying to us that maybe they've not had that co-operation in the past. My understanding is that the office has been very co-operative and in fact went the extra mile to help a new firm acquaint itself with the work of the office of the Auditor General. Maybe it was the mood I was in when I was reading the letter, but I wondered if there wasn't something in the tenor of the letter as well.

MR. CHAIRMAN: Thank you.

MR. HYLAND: Mr. Chairman, I'd like to move that a letter be prepared for your signature writing back to them that we've met with them, we've discussed this situation, and if they can't

put a number in their return correspondence to you that you can sign, we will look for other auditors.

MR. CHAIRMAN: All right.
Stan, then Don.

MR. NELSON: Well, I think we can clean up that motion a little bit.

I have a similar concern as Derek. When I first read this, I nearly went through the ceiling based on page 2, the second paragraph, where it suggests "hourly rates vary according to the degree of responsibility," et cetera, "assignment at rates commensurate with the nature of the engagement," et cetera, et cetera. I'm not sure that we dealt with that type of memorandum in previous years. Quite frankly, I find it rather objectionable as far as the manner in which this has been written. I would certainly suggest the chairman not sign this and send a letter to Kingston Ross Parnak outlining the norm and that we are going to offer the fee for service for the complete audit and that that would be the end of it. But failing that, I think we have to examine another firm.

MR. CHAIRMAN: Thank you.

MR. TANNAS: I was just wanting to soften what Alan has moved and that rather than we "will" that we "may be required to" or "may consider." I'm not making an amendment. I quite agree with the tenor of what you said.

MR. FOX: I move that we go in camera.

MR. CHAIRMAN: Moved that we go in camera. All in favour? Carried unanimously.

[The committee met in camera from 3:56 p.m. to 4:04 p.m.]

MR. HYLAND: Mr. Chairman, I would like to withdraw my motion and replace it if that's acceptable to everybody.

HON. MEMBERS: Agreed.

MR. HYLAND: The new motion would read:

I move that the chairman along with the secretary of committees draft a letter to go to Kingston Ross Parnak reaffirming our position related to the auditing during our budget discussions of this committee.

Is that plain enough?

MR. CHAIRMAN: Okay. Ready for the question?

MR. HYLAND: Question.

MR. CHAIRMAN: All in favour? Carried unanimously. Thank you. Louise and I will do that.

All right. Tom and John, we have a report on your trip to Australia and the council on public accounts conference. Tom first.

MR. SIGURDSON: I'll start by thanking all members of the committee for the opportunity I had to attend the conference in Darwin, Australia. I found the conference to be very interesting and the country to be extraordinary. One day I hope to go back, not to a conference for six months, but I'd love to go back and spend six or eight months exploring Australia.

MR. NELSON: I had eight years there.

MR. SIGURDSON: Eight years there, the Member for Calgary-McCall.

To deal with the conference, they've got a very different structure to their public accounts committees than we have in Alberta and what we have in Canada from the number of jurisdictions I have seen. They work in a very different way than we do. They operate for the most part with much smaller committees. I took a number of notes from the reports that were given. The smallest committee is made up of only three members: the leader of the opposition and two government back-bench members. That committee, which is a brand-new committee since 1991, is in the Australian capital territory. The largest committee is a committee made up of 15 members, eight government and seven opposition. That's the commonwealth public accounts committee. There are numbers in between that, but there's not to the same degree an overwhelming representation of government members versus opposition members as we have in jurisdictions in Canada.

Interestingly enough, their public accounts committees hold departments responsible, and ministers will often work with the public accounts committees, saying, "Look, my department is doing this, and we've got to investigate this." So it's not the minister that's being put on the hot seat and having to defend policy decisions that the government made; it's the department that's being put on the hot seat in a number of instances and not the policy of the government. So if there are expenditures in certain areas that are extraordinary, what you've got is that the public accounts committee takes a look at some of those expenditures.

For example, the committee in New South Wales looked at overpaid doctors. There was a jump in payments from \$46 million in fiscal year '83-84 to \$204 million in '88-89, and the PAC recommended that the payment structure be changed because it was inefficient, inequitable, and not accountable, and there were indeed stricter internal controls placed on hospitals to make sure that there was more accountability.

Another area that I found interesting - I'll just read it verbatim out of the pamphlet that was given:

Parking Fines Scrutinised

Parking fines came under PAC scrutiny. It cost more to keep motorists in gaol than the Government got back in fines! \$34 million was owed in parking fines in 1983 rising to \$52 million by 1985. People who didn't pay their fines were sent to ... overcrowded gaols.

So what the public accounts committee suggested was that they cancel drivers' licences and not worry about fines rather than send people to crowded jails. It made a major difference.

There is still some ministerial responsibility that is there, and there are time lines. Ministers have to respond to some of the concerns that are raised by public accounts committees. They do so in the House. But it's a better working relationship, seemingly bipartisan from the reports we had from the Chairs of public accounts and the auditors general. I think John would agree that we didn't see the kind of political manoeuvring going on. This was a real attempt for public accounts committees to look at departmental spending and bring some of the departmental spending under control. I didn't see the kind of politics being played there that might be played in other areas. This was trying to bring more accountability and control to the public expenditures.

I have letters going out to some of the participants, asking for their legislation. I'm hoping to get that in due course, because I think we can learn a great deal from what they've done. Their

public accounts committees have not been in operation for as long as ours. Some of them are very new, less than five and 10 years old. They've got a very different system of operation than we have, so I've asked for their legislation that governs public accounts committees in various Australian states. I'll share that with all members when that comes.

Again, I want to thank the committee for the opportunity to attend the conference.

MR. CHAIRMAN: Thank you, Tom.
John.

MR. DROBOT: Well, thank you. As you're probably aware, the conference is biennial, held every two years. There were delegates from Alberta, one from the Northwest Territories, Papua-New Guinea, Tasmania, as well as the Australian states and their federal representation.

The conference was certainly interesting and very enlightening. Perhaps the highlight was an address by D.A. Shand. He is the commissioner for review of the Queensland Public Sector for Management Commission. He presented a paper on a bureaucratic perception of public accounts committees. His discussion was wide ranging, saying that with all the evaluation of government institutions it would be appropriate for someone to evaluate the performance of public accounts committees.

We have to realize that each Australian state, as in Canada each province, has a different policy regarding public accounts committees. Some of them have six-member committees with a government member chairing it and having a tying vote, thus controlling the majority vote. A short time ago the Queensland government, which was a coalition, split apart because of differences as to whether public accounts committees were desirable.

In some cases public accounts committees are standing committees constituted under standing orders. In their federal House the chairman is always an opposition member, as it is in Alberta. Some committees have powers to establish budget estimates, but in most cases this is done by separate committees. In New Zealand as well as in the Australian state of Victoria it's traditional for the public expenditure subcommittees to be chaired by an opposition member.

It's generally agreed that committees operate best on a nonpartisan mode. This is not always possible or desirable in some cases. It should be remembered that in Australia there are different departments that are not under the direct responsibility of a minister, such as the road authority, highway authority, port authority, airport authority. They are basically bureaucracies. So the role of the public accounts committee is somewhat different in scope.

In Alberta we have 25 days in Committee of Supply and the Public Accounts Committee sitting ever Wednesday when the Legislature is sitting.

The public sector in Australia has recently undergone significant change. These changes are both in the public service generally and in government business undertakings. Their move toward corporation and privatization has implications for both accounting and auditing of these bodies. The rationale for incorporation of certain public sector agencies as companies can be found in broader changes to enhance ministerial control over the public service and to give department managers more control over day-to-day management. The guiding force in this is to pursue efficiency, effectiveness, and value for money.

4:14

The session was also taken up by committee reports, after-dinner speakers, and a group session. Barry Pashak reported an overview of the public accounting process in Canada, as he's vice-chairman of the public accounts council there as well as chairman of the Public Accounts Committee in Alberta. He reported what they have in common and their differences and proposed reforms. Every public accounts committee in Canada is a member of that council.

The purpose of the conference is to exchange information and opinions relating to public accounts committees and to discuss matters of mutual concern as well as to educate the elected members and the general public as to the purpose and activities of the public accounts committees. These meetings give the delegates some opportunity to present their views both in formal and informal sessions. It's a great experience to discuss matters of mutual interest during coffee and meal breaks as well. The foundation's overall approach is to report on the practical, showing what could be done or is being done rather than what might exist in a perfect world. It's quite evident that each public accounts committee operates separately and distinctively from their counterparts throughout Canada as well. There is a similar situation in Australia.

One of the highlights was the trip to Australia's Kakadu National Park with legislators from Australia, federal as well as state Legislatures. There were many one-to-one discussions taking place regarding legislation, et cetera. The trip was 250 miles by bus. We were treated royally, and as I said, every time we stopped, we had a lot of discussions as to how they do things, how we do things, and other things as well.

So I'd like to thank the committee for the opportunity to attend the conference.

MR. CHAIRMAN: Any questions or comments to Tom or John? Thank you.

Moving on, then, to item 11, the Ethics Commissioner. I've had the opportunity to sit down with the Speaker of the Assembly and to request, both through the Speaker's office as well as the Attorney General's office, some further clarification on the establishment of the office for the ethics commissioner and the selection of the individual to fill that post. As members are aware, this committee has been charged with being the liaison between the Assembly and the ethics commissioner. As well, the way the legislation is drafted, it's our responsibility to establish the office and to make the selection. What I would seek at this time is consent from the committee to continue working with the Speaker and with the Speaker's office so that in preparation for our next meeting we may begin to have in place a game plan, if you will, on how we proceed with the establishment of the office and the selection of the ethics commissioner.

Derek.

MR. FOX: Yes. Mr. Chairman, I wasn't clear, I guess, from the debate. I raised some questions with the Attorney General in third reading to try and clarify the process. But my memory, at least of the most recent committee that we had to choose the new Ombudsman, the selection committee, was that the all-party committee was established by a motion in the Legislature. It wasn't clear to me if it was the intention of the Attorney General to wait until the Legislature next met to put a motion forward. You know, I just wasn't clear in terms of the process. My assumption all along was that a committee would be struck from within the Legislative Offices Committee and function as

a selection committee and that we would do pretty much what we've done in the past to come up with the best person for the job.

MR. CHAIRMAN: I'd raised the same point several days earlier and was advised that the Act was written in such a way that this committee may perform the function itself and an additional motion was not required.

Jack, then Tom.

MR. ADY: Well, I understand what you're saying. Do you need a motion to authorize the chairman to proceed with this? If you do, I'm prepared to make a motion.

MR. CHAIRMAN: I'd feel comfortable if I just had something from the committee to ensure that I'm doing the right thing.

MR. ADY: Well, let's make a motion, and then we can speak to it. I move

that we authorize the chairman to work with the Speaker and Legislative Assembly counsel to establish the criteria for the establishment of the office and the selection of the ethics commissioner and report back.

AN HON. MEMBER: Not the selection.

MR. ADY: Well, he's just going to establish the ground rules and come back to this committee. All we're doing is authorizing him to get some things together with this motion. He's not going to cast it in stone with that motion.

MR. CHAIRMAN: No, that's fine.
On the motion.

MR. NELSON: Question.

MR. CHAIRMAN: The question's been called. All in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Carried unanimously. Thank you.

MR. SIGURDSON: Sorry, Mr. Chairman. Just to respond to Derek's question about the Legislature having to put forward a motion for a committee to be struck to select an Ombudsman, the reason for that was because Bob and I were on the Select Special Committee on Electoral Boundaries, and we had to make changes to accommodate that. Otherwise, it would have come to this committee.

MR. CHAIRMAN: Good point. I had forgotten that as well.

MR. FOX: So we had to go outside the committee.

MR. CHAIRMAN: Okay.
Any other business?

Okay. If we turn to our schedules, let's see if we can find a date for our next meeting. I have a note from Yolande that she's not available the weeks of July 8, 22, or September 9. What I'd like to do in working with the Speaker of the Assembly is get a feel for how the offices currently work in provinces like British Columbia and Ontario, where they have ethics commissioners in place: what are we looking at in terms of staff, functions, so on? I think we need at least three weeks in order

to adequately gather that information and have something to report back to the committee. So if we were looking from the last week of July on, can we . . . Yolande is saying the week of July 22 is not good for her. How about July 29?

MR. TANNAS: I'm tied up.

MR. FOX: I'm available until then, but from then until August 12 I'm fully committed.

MR. CHAIRMAN: Okay. How about the week of August 12?

MR. TANNAS: I'm tied up. I've got that FCSS.

MR. CHAIRMAN: Okay.

MR. ADY: The week of the 19th I could be available. The 20th is a good day.

MR. CHAIRMAN: August 20? Mark it down fast.

SOME HON. MEMBERS: What time?

MR. CHAIRMAN: We'll leave the time for now.

MR. FOX: That's a reasonable time line too, Mr. Chairman. It gives time for the auditing firm to respond to your query.

MR. TANNAS: What's the agreed date, then?

MR. CHAIRMAN: August 20.

MR. SIGURDSON: Could we try and make it later in the afternoon?

MR. CHAIRMAN: Is 1 o'clock too early?

MR. SIGURDSON: That's fine. Afternoon would be good.

MR. CHAIRMAN: Or 1:30?

MR. SIGURDSON: Sure.

MR. CHAIRMAN: Okay, if you're agreed. As long as we can go later if we need to.

MR. SIGURDSON: Do we want to look at other dates right now?

MR. CHAIRMAN: Should we look at other dates right now?

MR. ADY: For what?

MR. CHAIRMAN: Well, subsequent meetings. What about late August, the week of the 26th?

MR. FOX: Didn't we just set a date for the 20th of August?

MR. CHAIRMAN: Yeah, we did.

MR. ADY: This is in addition?

MR. CHAIRMAN: If we need it.

4:24

MR. FOX: Would we need a meeting a week after the one we just had?

MR. NELSON: No.

MR. CHAIRMAN: What about the week of September 3?

MR. FOX: What would we anticipate in the way of business?

MR. CHAIRMAN: I think primarily it's on the ethics commissioner's office, isn't it?

MR. FOX: Yes.

MR. CHAIRMAN: I think the idea is that we move along. It would be nice to identify a couple of extra dates, and if we don't need them, it's easy to cancel them. But if you don't have them . . .

MR. CHAIRMAN: What about the week of the . . .

MR. FOX: September?

MRS. KAMUCHIK: Constitutional Reform will be having public hearings then.

MR. CHAIRMAN: Well, what about September 4 and 5, Wednesday and Thursday?

MR. FOX: Thursday's out because we've got a caucus meeting; in fact, Tom and I influenced the scheduling for the caucus meetings.

MR. ADY: How about Wednesday, the 4th?

MR. CHAIRMAN: Wednesday, the 4th?

MR. NELSON: No, it's not good for me.

MR. ADY: Stan doesn't like it.

MR. CHAIRMAN: It's not good for you, Stan?

MR. NELSON: I'm in Vancouver.

MR. CHAIRMAN: Do we have any other day that week?

MR. SIGURDSON: I've got the 3rd.

MR. NELSON: Not after a holiday Monday, a long weekend.

MR. CHAIRMAN: You're tied up the entire day on the 3rd, Stan? Afternoon too?

MR. NELSON: Yeah.

MR. CHAIRMAN: Oh, you're out there. All right.

MR. SIGURDSON: The 9th.

MR. CHAIRMAN: Well, I know that's not good for Alan or me.

All right; why don't we leave it? Louise and I will work with you over the next couple of days and try to identify some dates when the majority can come.

MR. NELSON: In the interim I move we adjourn.

MR. FOX: I'm just wondering. If we're meeting on the 20th, and we anticipate that, you know, we may be able to move towards outlining dates and processes and stuff, maybe we could meet earlier. Or is it a problem with you?

MR. CHAIRMAN: Well, we started with the following week, and I think you were the first to suggest it was too early.

MR. FOX: No, no. I mean earlier on the day of the 20th. Sorry.

MR. CHAIRMAN: There was a request that we make it at 1:30 that day. Kindly check with your caucus over there, would you please?

MR. FOX: Well, he mumbles so much I couldn't hear him.

MR. CHAIRMAN: We heard him. We have no trouble hearing him.

MR. SIGURDSON: The Chair's nattering away about something.

MR. NELSON: Mr. Chairman, I should also indicate to you that in October, from the 3rd to the 11th, I will be playing in the U.S. Open.

[The committee adjourned at 4:27 p.m.]