

Standing Committee on Legislative Offices

11:05 a.m.

[Chairman: Mr. Bogle]

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

Could we first go to Approval of Agenda. Item 4, Budget Estimates, Office of the Chief Electoral Officer will be dealt with at noon. I would like to add an agenda item: Other Business. We normally have that. Are there any other adjustments anyone would like to the agenda?

May we have a motion to approve the agenda? Alan. Further discussion? All in favour? Opposed? Carried.

Let's now go to item 3, Approval of Committee Meeting Minutes. I note we do have minutes from February 3 through February 12, so if we could begin with . . .

MR. HYLAND: Can you do it in a motion?

MR. CHAIRMAN: Yeah, we can at the end. Let's look at them just to make sure.

February 3: pages 1, 2, 3, 4, 5, and there are the attached budget estimates. Going on, then, to the meeting of Tuesday, February 4: pages 1, 2, 3, 4, 5, 6, and additional attachments. The minutes of Monday, February 10, under tab C: pages 1 and 2. Tuesday, February 11: page 1. Wednesday, February 12: pages 1 and 2. Wednesday, February 12, the afternoon: pages 1 and 2.

Do we have a motion on the minutes? Alan.

MR. HYLAND: That we accept the minutes.

MR. TANNAS: The minutes of all of the meetings under review.

MR. CHAIRMAN: Yes. Okay. Further discussion? All in favour? Opposed? Carried.

We have one other set of minutes . . . Or two?

MRS. KAMUCHIK: One.

MR. CHAIRMAN: . . . to be distributed now. They are the meeting of Thursday, February 27, pages 1 and 2.

Motion? Tom. Further discussion? All in favour? Carried unanimously. All right.

The last set of minutes will be released today along with the news release.

Back to the agenda. If we could move on to item 5, 1992-93 Budget Estimates, Office of the Ethics Commissioner.

Miss South.

MISS SOUTH: Thank you.

MR. CHAIRMAN: Welcome, Karen, in your new capacity. Have you got your helmet on?

MISS SOUTH: I forget which hat I'm wearing.

MR. CHAIRMAN: The process that Karen followed on this, I had asked her to begin preparing the budget estimates for the office of the Ethics Commissioner – what? – a week or 10 days ago. She's done that. She reviewed the estimates with me. She's also reviewed the estimates with the new commissioner designate, and they're now to the committee for our consideration. Assuming we approve them

either as they stand or in an amended version, they will then go on to Members' Services along with the other three officers' budgets for final consideration.

Are we ready for Karen to proceed?

HON. MEMBERS: Yes.

MR. CHAIRMAN: Karen.

MISS SOUTH: Do you want to go through them page by page then?

MR. CHAIRMAN: Please.

MISS SOUTH: Starting with page 2, that covers the contracts for both the commissioner and myself. On page 3 are the employer contributions, and those are set pursuant to the contracts that we have. The commissioner will be included in the dental plan next year, but the contract as set for this year does not include him in the dental plan.

MR. HYLAND: By "next year" you mean the next fiscal year?

MISS SOUTH: April 1, '93, he will qualify for the dental plan.

MR. ADY: Oh, not April 1, '92.

MR. SIGURDSON: You have to have a full year of service, the same as a member of the Legislature, before you qualify.

MR. TANNAS: Unless you're on an existing plan.

MISS SOUTH: Yes. Mine carries on.

On page 4 is the delegate fee for attendance at the Council on Governmental Ethics Laws.

On page 5 we've estimated travel for the commissioner from home to Edmonton and return. That's based on gas claims plus accommodation and meals. A lot of the figures that we've put into the budget have to be guesstimates. We don't know till next year what our actual expenditures will be.

MR. HYLAND: The stuff like vehicles, is it actual figuring of that?

MISS SOUTH: The rental of the vehicle, the lease charge? Definitely.

The commissioner has discussed going to Toronto to view the operations of the existing office there, so we've included funds for that. The Council on Governmental Ethics Laws is in Toronto, and I discussed with Justice Evans, the commissioner in Ontario, where the Canadian conflicts commissioners would be meeting this year. He indicated that they agreed to meet either just before or just after COGEL, so we've added in some extra funds for them to stay on and meet as a group there.

MR. CHAIRMAN: Good.

MISS SOUTH: Page 6 is the deductible for the insurance for the commissioner's car.

On page 7 we're guessing on what postage might be. We're looking at possibly a fair-sized mail-out of the initial brochure and possible interest in the office as it gets settled.

11:15

MR. HYLAND: And the fax machine is so he can have one at home?

MISS SOUTH: On page 8?

MR. HYLAND: Yes.

MISS SOUTH: Yes, he will have one at home.

MR. HYLAND: It makes sense.

MR. SIGURDSON: Isn't the postage low?

MISS SOUTH: Well, a lot of our correspondence, I believe, will be with the elected members and can go through government courier.

MR. SIGURDSON: To constituency offices?

MR. CHAIRMAN: That goes government courier as well.

MISS SOUTH: To the offices here.

AN HON. MEMBER: Well, to the rural areas, anyway.

MISS SOUTH: Yes.

MR. SIGURDSON: I just think that \$600 for a year – I mean, that works out to about 120 letters a month. My constituency office goes through a lot more than that.

MR. CHAIRMAN: But that's because you're using the post office, whereas Karen is indicating she can use the government courier service.

MISS SOUTH: I went through the figures for a number of the branches of the Legislative Assembly Office, and they seemed to fit.

MR. CHAIRMAN: Well, would you like a few hundred dollars added to it? Would you be more comfortable?

MR. SIGURDSON: In the first year, I think that rather than going over budget, to go to \$900 a year would not be excessive.

MR. CHAIRMAN: Sure.

MR. HYLAND: This is the first budget we're giving them more money rather than less money, Tom.

MR. SIGURDSON: Well, slash next year. If you take annual reports in the first year, I would think that . . .

MISS SOUTH: We don't have an annual report in the first year.

MR. SIGURDSON: You haven't done an annual report in the first year. Okay. Well, I think that there may be even more interest there.

MR. CHAIRMAN: Fair enough.

MISS SOUTH: Page 8. I did discuss with the commissioner about having a mobile phone in his car, and he did indicate that he would be interested just so that he is that much more accessible for the members.

MR. HYLAND: That's the yearly rent on one? I don't know, because the one I got was purchased.

MISS SOUTH: I got the rental charges this morning from administration. It fits within that.

MR. CHAIRMAN: Okay.

MISS SOUTH: Page 9, Tolls and Rentals. That includes the fax machine tolls, telephone, plus the mobile phone toll charges.

MR. SIGURDSON: How does the RITE system figure in here? You don't have to pay for access to the RITE system, do you?

MISS SOUTH: We shouldn't. I think we should be included as all offices are. Public works looks after getting us the phones.

MR. SIGURDSON: So you're included in this. The rentals are strictly equipment? Tolls are almost minimum?

MISS SOUTH: Tolls will be for the fax machines, the mobile phone charges. One other thing that I mentioned to the commissioner that is perhaps a little higher on the phone is that should a complaint come in from the public, we should perhaps be able to receive collect calls.

MR. HYLAND: One of the things we've said about this office is that in the way of services: the same service that is offered to MLAs. What about a phone that we put in his home versus his charging for it? Remember we once figured out the difference in cost of having phones installed in our apartments and our homes versus using a credit card: what we pay for all those phones in a month and a half or something on the average call, not those of us with big ones. I wonder if we should look at that as one thing, because if you're making a number of calls back and forth, it could be quite a saving if you've got your own phone. You can get the fax machines now where you can hook them together.

MR. CHAIRMAN: Tom?

MR. SIGURDSON: I was just going to ask that. Is that fax machine that's going into his home going to have a separate line from his home telephone, or do you know that? That's the technical question that you're not yet prepared to answer?

MISS SOUTH: Yes.

MR. SIGURDSON: Because that could be a shared line.

MISS SOUTH: Yes, it can be.

MR. HYLAND: Yeah, with the new faxes you can.

MR. CHAIRMAN: Shall we look into that?

MISS SOUTH: I'll look into that.

MR. CHAIRMAN: Okay. Although it falls under two budgets. All right.

MISS SOUTH: Page 10. That's a standard auto repair that we put in for any of the committee chairmen's vehicles, so I just included that there.

Fax Repairs is a figure given to us by information systems; a minimal amount for Typewriter Servicing.

MR. SIGURDSON: I just saw an advertisement today for a Sharp fax machine that had a telephone and answering machine and the fax

component all integrated, and you could pick it up for just over \$500. It's one that I have in my constituency office that I purchased some time ago. Here we're budgeting \$300 for repairs, and it's almost the price of a new machine. Talk about a disposable society.

MISS SOUTH: Information systems recommends rental rather than purchase because of the technology upgrades.

MR. SIGURDSON: I'll take your word for it.
That's one of the questions I'll be putting to the Ombudsman.

MISS SOUTH: I had asked Bill Gano, the director of information systems, which was the better way to go, and he recommended rental.

MR. HYLAND: It depends on what the cost is. The one I got is \$900 and some, and it works well. It costs you how many dollars a month to rent?

MISS SOUTH: Well, I know that we've gone through a number of them within our own office, changing as they went to the plain copy.

MR. HYLAND: Plain paper.

MISS SOUTH: Plain paper.

MR. SIGURDSON: I guess it's the frequency with which you use it. I don't use mine a great deal. Mine is relatively inexpensive as well.

MR. HYLAND: Since I've had mine, we've had stuff come, and the kids stretched it out one day and were ripping the pages off. It started at the living room window all the way to the table. That's about 26 feet of paper.

MR. SIGURDSON: It made for a long read, eh?

MR. CHAIRMAN: Any questions?

MISS SOUTH: We've gone on to page 11. I've listed the annual report, but we won't actually be producing one until April of '93. It won't be in this year's budget, but we'll remember to include it for next year's.

MR. HYLAND: Which is going to distort your next year's budget, because it's going to show an increase.

MR. SIGURDSON: That's okay. We can defend that.

MISS SOUTH: We're also expecting to produce a brochure on the office and its operations.

MR. FOX: In terms of there not being an annual report, I suppose it would be difficult to produce such a thing with a new office, but I think it's going to be important that there be some report on the first year of operation that can be made public. We're dealing with new legislation, a new office; it's important that people have a sense of how it's working.

MISS SOUTH: No, it's just that the annual report will be based on fiscal year '92-93.

MR. FOX: Oh, I see.

MISS SOUTH: And since it ends March 31 in this fiscal year, there won't be a report.

MR. FOX: Right. Okay. Pardon me, I should have . . .

MR. TANNAS: There'll just be run-up expenses but not the actual expense itself.

MISS SOUTH: There will be no report prepared until after the end of the fiscal year.

MR. TANNAS: So it might come out in June, type of thing.

MISS SOUTH: Exactly.

Page 12, Hosting. We put in a very small amount. That's basically just for coffee.

Page 13 is largely a guesstimate.

Page 14 is Data Processing Equipment. What we are looking at initially is to have two word processing units in the office and the commissioner to have a laptop computer at home.

Page 15 is just some equipment.

MR. FOX: Mr. Chairman, do you have any information that you can share with the committee about a prospective office? Do you know anything about that yet?

11:25

MR. CHAIRMAN: I was going to ask Karen to address that issue once we dealt with the budget, as we have had discussions.
Anything on the budget?

MR. SIGURDSON: Can I go back to Hosting?

MR. CHAIRMAN: Certainly.

MR. SIGURDSON: I note that we've asked all offices to reduce their Hosting component. I don't know what the other offices have as Hosting, but I would think that we're now the third province in Canada to set up an Ethics Commissioner office. It seems that a number of other jurisdictions are going to have some interest in what we do. I don't know that \$200 is going to be enough for folk that'll be coming from other jurisdictions into Alberta to meet with Karen and the commissioner. To go through a full year, I don't think you have enough money there. [interjection] No, I don't think that at all.

MR. CHAIRMAN: What would you recommend, Tom?

MR. SIGURDSON: Have we got the budgets of other . . .

MR. CHAIRMAN: Sure. Take a look at the Chief Electoral Officer's as an example. Well, the original budget submitted by the Chief Electoral Officer was \$1,200. We'd asked that he take a look at \$900, which would bring him in line with the actual forecast for the year.

MR. SIGURDSON: Well, then I would suggest we go to \$900.

MR. FOX: My sense of it is, you know, I'm not sure it's a big issue, but we're dealing with several estimates here that are guesstimates, as Karen has said. For example, under Professional, Technical, and Labour Services, if there are no substantial investigations that exceed the ability of the commissioner's office to conduct, then there is going to be surplus money within the Supplies and Services element of the budget. You know, the officer and administrator would have the freedom to adjust within that element without

seeking endorsement from the committee based on the principles that we've established. Plus this office is dealing with a far smaller number of people than the Chief Electoral Officer.

MR. CHAIRMAN: Are you comfortable with Tom's suggestion of \$900?

MR. FOX: I think it's moot either way. I think we're dealing with kind of vague figures for this.

MR. SIGURDSON: The only problem with that, though, is that if the commissioner comes back next year and says, "You know, I had a budget of \$200, and my expenses have been a 400 percent increase," some members may say, "How come?"

MR. CHAIRMAN: The media wouldn't misrepresent that.

MR. SIGURDSON: Oh, no, but some members might. So I would rather that we put in . . .

MR. CHAIRMAN: So are you moving that we move it to \$900?

MR. SIGURDSON: Move it to \$900. If it comes under, fine. If it is 10 percent over, then it's . . . I would move that we move it to \$900.

Now, don't go out and party on my account.

MR. CHAIRMAN: All right. Are there any other questions on the amended budget? We've adjusted a couple of items. Are you ready for a motion to approve the amended budget? Tom. Are you ready to vote? All in favour? Carried unanimously. Thank you.

Good work, Karen, in a very short period of time.

Now, can you bring us up to date on the office space matter? Go back to the review of the space next to the Ombudsman and give a chronology of matters.

MISS SOUTH: I did go and look at the Phipps-McKinnon space on the 16th floor. The idea of the committee had been that if space was available next to the Ombudsman's office, we might consider shared reception duties. The space that is available on the 16th floor is too large, and the people that manage the building do not want to subdivide it. It is very excessive space. Also, the reception end of the Ombudsman's office is at the other end of the hall, which would not make a shared reception area feasible. The other consideration is that it is very difficult to park downtown for the members to visit or even for any members of the public.

Then we went to public works and asked them if they could find us some space closer to Government Centre. Yesterday morning we looked at six buildings and narrowed it down to two offices that have open space that can be developed quickly without tearing something apart and starting over again, presently undeveloped space. In discussing it with the commissioner yesterday, he has a preference for one of the buildings, which is the same building that the Auditor General is presently located in.

MR. FOX: Is there any opportunity for shared reception with the Auditor General?

MISS SOUTH: It's on a different floor.

MR. SIGURDSON: Can you still have telephone lines switched into the Auditor General's office?

MISS SOUTH: My initial discussion with public works was that they felt it was possible to do call-forwarding to pretty much any office.

MR. SIGURDSON: Okay.

MR. CHAIRMAN: Okay. Any further discussion on the office space?

Yes, Jack.

MR. ADY: Karen, I didn't quite hear what you said about that office space. Is this space that's already rented by the government for the Auditor General, or is this new space we'd have to add on?

MISS SOUTH: It is new space.

MR. ADY: Okay. I'm going to be a voice in the wilderness on this issue. I think we're overconcerned about distancing the Ethics Commissioner from this complex. I just can't see a problem with having the Ethics Commissioner in the annex, where we already own space, where it doesn't cost us more money. I can't see this perceived problem that we're going to have of influencing him or having him too close to us.

MR. FOX: Him or her.

MR. CHAIRMAN: Him and her.

MR. ADY: Him and her.

I'm missing something there that the committee seems to have a real concern with. I just can't see the problem with alleviating the cost of doing that when we already own the annex and all we have to do is make some changes and make some offices. Could we have some discussion on where I'm wrong with this?

MR. CHAIRMAN: Sure. Let's discuss it. Anyone else?

MR. TANNAS: Now, I'm not arguing, for the moment anyway, with the man in the wilderness. What I was wanting to know is: just where again is the parking for the building that you seem to be looking at with some favour; that is to say, the Auditor General's building?

MISS SOUTH: It is called the 109th Street building.

MR. CHAIRMAN: It's walking distance from here.

MR. TANNAS: Oh, right. Okay.

MISS SOUTH: It is walking distance from here, but it also has very good underground parking.

MR. TANNAS: Okay.

MR. CHAIRMAN: Could we go back to Jack's point? Jack is asking the question: why would we go out and rent space, pay additional funds, when we have unused space available in the annex building now? We have previously discussed the matter, but Jack wants to come back and address it again.

Okay, Don.

MR. TANNAS: Now I'll argue with him. I think the first couple of years of the Ethics Commissioner's term in office is so crucial to getting public confidence, so it should be removed so that it doesn't

appear to be part of government in any way. Of course, because it's through our committee, the office of the Ethics Commissioner is not directed by the government, but it's directed by the Legislature in this standing committee. I think it should be separate for that main reason: so that no one thinks that it's just an office of government. It is not; it's an office of the Legislature.

MR. CHAIRMAN: Thanks.

11:35

MR. HYLAND: Well, maybe I'll join that voice in the wilderness. We've always been accused of that from this House.

When we're looking at the annex, we're not really looking at a government building; we're looking at a part of the Legislature. I guess there is Executive Council on one floor. Other than that it's basically, with Education coming in once in a while, a Leg. Assembly building. We've got – what? – five or six floors of it between the caucuses and Legislature and *Hansard* and systems: the whole schmeer. We've got more than half the building now. We wouldn't have to be in the same area. That building's big enough. We could be in a separate area of the building.

Which makes somebody feel more uncomfortable? If you've got to go see the commissioner, is it more obvious when you have to go out and up the street or just in your own building? I would think there's probably space there that wouldn't even need to be renovated. I don't know; with the way some of the renovations have gone, it looks like we're going to be in that building awhile anyway, so why not stay there? Karen's used to going to work there anyway; she wouldn't have to change her system. And there's parking.

MR. FOX: I think there are some good reasons for separation. That's the case with all of our officers. They're separate from the Legislature precinct, if you will. Because of the proactive role we've described for the Ethics Commissioner's office and the kind of approach that I think the two people involved will be taking to the office, I don't think there's any reason to think that if a member goes to the office, that member is in trouble. Members will go to the office to seek advice, to seek information about the application of the law, and there need not be a stigma attached to that. So I don't think it's a particularly strong reason for moving the office away from here, but based on the precedent of the other offices being away from here, I think it's probably, all things considered, a good idea to have it someplace else.

MR. CHAIRMAN: A question for information, and then John.

Karen, in the other provinces you visited, where are the Ethics Commissioner offices located relative to the Legislature buildings?

MISS SOUTH: They are within walking distance but separate from them.

MR. CHAIRMAN: Okay.
John?

MR. DROBOT: That answered my question.

MR. CHAIRMAN: All right.

MR. ADY: Can I sum up?

MR. CHAIRMAN: Tom?

MR. SIGURDSON: Well, I think it's important to establish the independence straight away. This is another officer of the Legisla-

ture. I think that having the office within walking distance is an asset; having the office within an elevator ride could be perceived as too cosy and too close. Members have access to the Legislative Assembly annex at all times. If there is a matter that has to be investigated, it would take it completely away from the suspicion of the public. Would that member have access to all floors? Of course that member would. Security isn't provided on each and every floor. Once you're inside and you've signed in late at night, you could be anywhere.

MR. HYLAND: Your key only fits one spot.

MR. SIGURDSON: Your key only fits one spot. You could have a member with the right tools and interested . . .

MR. ADY: Oh, Tom.

MR. SIGURDSON: No, I'm suggesting that you keep it completely independent and above any possible suspicion. That's a concern that I think we want to establish with the public and the public trust.

MR. CHAIRMAN: Don, and then Jack.

MR. TANNAS: Thank you, Mr. Chairman. I just want to remind us that we have three other officers that have had some time under the Legislative Offices Committee: the Ombudsman, the Auditor General, and the Chief Electoral Officer. All three of those officers are in separate buildings away from the Legislature, and I think this would send an unfortunate message if we had the Ethics Commissioner within the precincts of the government. It's not far away, yet it's at that arm's length that's so important in ethical and legal matters.

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

MR. HYLAND: In response to Don's comments, remember that when those offices were established, we did not have an annex. We had the Legislature Building, which was overcrowded anyway. You couldn't have found office space in here. Agriculture was in the annex then. We now have a building that is mostly dedicated to the Legislature. It may or may not – you know, maybe that's the future of the one up the street; I don't know. Someday we may want to have the servants of the Legislature in the annex or in adjacent buildings. Remember that using that as a precedent, there would have been no space for them here when they were established. Some of them have been going a long time, some not as long, but there was no space for them here when they were established so they had to go elsewhere. Now the situation is different. We do have space because of one department moving elsewhere in the city.

MR. TANNAS: Okay. If I may follow up – that was a comment to me – I would make the suggestion, then, that when that time comes that we're going to bring the Ombudsman, the Auditor General, the Chief Electoral Officer, and the Ethics Commissioner into a government building, we do that all together in one swoop.

MR. HYLAND: You're going to have to sign a five-year lease to get office space, so you're going to be stuck for five years.

MR. CHAIRMAN: All right; let's go back to Jack to sum up. There's no motion.

MR. ADY: We're dealing with an entirely different set of circumstances when you deal with the other officers. They have a large staff. They have a large operation. They need to be where their people are. This isn't the case here. We have two people. They need two offices. Certainly they can fit much better in the annex than the others could. There isn't room for them and their operations in the annex.

As far as sending a message to the public, I don't think there's any message going to go out to the public on this issue. We're hiring someone that we checked thoroughly for his integrity. Now all of a sudden we're casting suspicions that he could be influenced or raided or whatever, so we're going to secret him away over in some place and pay \$7,000 a year of money we don't have to spend. That's my point. Secondly, he's here where the people who will need to access him can access him. Two points: the cost and the access. I just think we're overreacting to all of those reasons.

MR. SIGURDSON: I want to clarify the integrity issue. I'm not questioning at all the integrity of the officer.

MR. ADY: No. I make it as a positive point that he is a man of integrity, and we shouldn't be concerned about that. I didn't mean to cast the aspersion that you were.

MR. SIGURDSON: Okay. I don't think anybody here is doing that. I tell you that for the most part I feel that members of the Legislature come here with an awful lot of integrity. I'm just suggesting that if one person was in hot water and had to be investigated, there could be access for that one individual, and that's what you don't want. If you've got a person that requires an investigation and that person feels that the investigation wouldn't go favourably, I don't know how far that individual may go. So it's the integrity of one potentially bad apple that I'm concerned with.

MR. CHAIRMAN: This has been a good discussion.

MR. ADY: Fine. I want to make a motion.

MR. CHAIRMAN: All right. I was going to suggest that unless there is a motion, we should move on.

MR. ADY: I'll make the motion that
the Ethics Commissioner's office be established in the government
complex, preferably in the annex.

MR. CHAIRMAN: Thank you. Any discussion on the motion, preferably discussion that's new to what we've already heard?

MR. HYLAND: Well, I think you're going to have to call the question then.

MR. CHAIRMAN: The question's been called. Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: All in favour? Opposed? It's 3 to 2. It's carried.

MR. FOX: Did I miss something here?

MR. ADY: Where's the vote? Somebody didn't vote.

MR. TANNAS: Does everyone have to vote?

MR. ADY: Sure they do. Everybody has to vote.

MR. HYLAND: Including the chairman if it's tied.

MR. CHAIRMAN: All right; I'm about to call a coffee break.

MR. FOX: You might have missed that count, Mr. Chairman. Let's do it again.

11:45

MR. CHAIRMAN: Let's call the vote again, please. All in favour of the motion? Opposed to the motion? It's a tie vote, and the chairman votes against the motion.

MR. TANNAS: We need another motion then.

MR. CHAIRMAN: No. We had previously given direction to seek space. The discussions Karen and I had were that if the office space next to the Ombudsman's office was not suitable, then find space closer to the building with convenient access, good parking. That's what Karen has been pursuing with the Ethics Commissioner designate.

I suggest that we deal with item 6 before we take a short lunch break, and then we'll be ready to move on to the Chief Electoral Officer.

Item 6 is the report on the committee offer to Kingston Ross Pasnak, our auditors. They have accepted. We've exchanged letters.

MRS. KAMUCHIK: It's in the binder under tab 6, which shows the acceptance of the committee's offer that their fees will not exceed \$13,125.

MR. CHAIRMAN: All right. We've already dealt with this by motion. This is just for information, just to advise that everything is . . .

Could I back up for a moment on our budget. Louise very correctly reminded me that while our budgets for the three and now four officers of the Leg. Assembly are included in the Leg. Assembly envelope, the Members' Services Committee as a committee does not review the budgets for the officers. That is solely our responsibility. I was in error in suggesting that our budget would go on to Members' Services and then be dealt with. It's part of the envelope of Leg. Assembly.

MR. HYLAND: Just our committee budget.

MR. CHAIRMAN: Just our committee budget, as other standing committee budgets and special committee budgets are dealt with by that committee. Okay?

Could I ask that we go in camera for a few moments and then come back for lunch?

MR. ADY: I'll move it.

MR. CHAIRMAN: Thank you.

All in favour? Opposed? Carried. Thank you.

[The committee met in camera from 11:48 a.m. to 12:38 p.m.]

MR. CHAIRMAN: Let the record show we welcome Pat Ledgerwood. The Chief Electoral Officer has joined us. We know how busy you are these days, Pat, having just gone through a by-election in Little Bow and with the work you're doing on the Electoral

Boundaries Commission. So thanks for joining us. We'll try to tidy up your budget today.

MR. LEDGERWOOD: My pleasure, sir. I can report that the by-election went well.

MR. ADY: Yeah, you're right.

MR. LEDGERWOOD: No major glitches or administration problems.

MR. CHAIRMAN: Or for the government.

MR. FOX: I'm not sure Yolande would agree with that assessment.

MR. CHAIRMAN: Pat was kind enough to provide us with a folder, and you'll notice that at the beginning he's attached the memo which I sent to him February 24.

Okay, Pat.

MR. LEDGERWOOD: Thank you, sir. You'll notice on the cover page that we have followed the instructions contained in the memo the chairman spoke about, and we reduced the budget by \$3.8 million. There were some specific points raised at the last meeting. Would you like to address those to start with or go directly to the enumeration?

MR. CHAIRMAN: Well, go through the elements of your budget and then highlight those concerns as we're in the particular section.

MR. LEDGERWOOD: Okay. If we could turn to page A1, please, the changes were made in the Supplies and Services control group, and we've reduced that by 31.4 percent. The changes are in Travel Expenses, Contract Services, and Hosting.

If you'd like to go to page A2 . . .

MR. ADY: I'm sorry, Pat. It would be Travel Expenses . . .

MR. LEDGERWOOD: Travel Expenses, Contract Services, and Hosting. We've reduced that control group by 31.4 percent.

On page A2, under Travel Expenses, we're talking about discretionary travel. I think you will remember that when my deputy was here he discussed certain things we didn't feel we had discretion on, such as vehicle rental, vehicle operating costs, courier service, those types of things. So we looked at it and felt we had a total of \$2,700 in discretionary travel. Of that, I have reduced my travel in Alberta from \$850 to \$425, which is a 50 percent reduction. I realize this will leave me only about \$35 a month for travel, but I don't anticipate a great deal of traveling in the next year. As you know, I was an ex officio member of the special select committee and attended most of the 39 public hearings and, of course, have traveled extensively in the last couple of weeks with the boundaries commission. So although that is a significant reduction, I feel I can live with it.

The other reduction is in staff travel. Normally I send directors to a Canadian election officials workshop. This year that conference is in Quebec on April 8, 9, and 10. I have decided not to send a representative to that conference. That will reduce that element by 100 percent, \$1,350 out of that. The rationale is that almost every other jurisdiction attends this particular conference and we're in contact with those people on a regular basis. We're going to miss our own input, but we can contact those individuals and receive that information. There will be a great deal of discussion on the report

of the royal commission, and we will be getting that data piecemeal as it's released.

The other reduction is where we provide a service to parties and constituency associations when they have a meeting or when they require assistance. We generally go to their annual conferences or meetings and explain either the Election Act or the provisions of the Election Finances and Contributions Disclosure Act. I've reduced that from \$500 to \$250, so there's a 50 percent reduction in that. And it will be up to the representatives. If they will send us a representative, we can provide them with a detailed briefing and they, in turn, can brief their colleagues. It's not quite as effective as us going and doing the presentation, but I think the fact that we're going to have an ad hoc committee meeting . . . Once the Election Act is amended, the Election Finances and Contributions Disclosure Act is amended, and the redistribution procedures are complete, I will have to call in representatives of the parties and we will have a very detailed discussion on changes to the legislation.

So in the discretionary travel, I've reduced that by 75 percent. Unfortunately, some of the blocks are fairly large, and that's why that is larger than the 25 percent you asked for.

The other is over on page A3, Contract Services. We reduced that by 81.1 percent and completely removed the legal fees of \$15,000. The other reduction is in Hosting, down the page, code 712M. We reduced that from \$1,200 to \$900, a 25 percent reduction.

Any questions on any of those?

MR. CHAIRMAN: Thanks, Pat.

Tom first, and then Alan.

MR. SIGURDSON: Just with respect to travel, Pat, when you traveled with the commission, that travel didn't come from your budget, did it?

MR. LEDGERWOOD: No. That's out of the commission's budget.

MR. SIGURDSON: Did you get a per diem?

MR. LEDGERWOOD: No.

MR. SIGURDSON: Your lunches, your food: was that looked after?

MR. LEDGERWOOD: Everything was paid for.

MR. SIGURDSON: By the commission?

MR. LEDGERWOOD: By the commission. The per diem is something I think we'll maybe discuss later on once the commission gets close to being finished.

MR. SIGURDSON: Okay. Thank you.

MR. FOX: Pat, when you're talking about conference attendance or something like that, it's still your plan to attend and participate in COGEL, I hope.

MR. LEDGERWOOD: Yes, I hope to go to COGEL and to the annual Workshops-Conference of Canadian Election Officials.

MR. FOX: Good. I think that's vitally important. The linkages you have with those groups are crucial.

MR. LEDGERWOOD: My understanding previously was that that is acceptable.

MR. CHAIRMAN: Yes.

MR. HYLAND: Pat, there was some money left in Contract Services. That's just for things other than legal services, isn't it?

MR. LEDGERWOOD: Yes, that's basically . . .

MR. HYLAND: Other contracts you may need as the year goes on.

MR. LEDGERWOOD: Yes. It's just \$3,500.

MR. CHAIRMAN: Any other questions on tab A, the Administration element? Motion to approve?

MR. HYLAND: Do you want to approve element by element or the whole thing?

MR. CHAIRMAN: How were we doing the others?

MRS. KAMUCHIK: The whole thing.

MR. CHAIRMAN: All right. We'll wait and do them all at once.
Thanks, Alan.
Go on to tab B.

MR. LEDGERWOOD: Okay. Tab B is the Election element. As far as I know, there were no questions on that particular item.

MR. CHAIRMAN: I don't think there were. Are you comfortable with that, members?

MR. LEDGERWOOD: Okay. If we could go to . . .

MR. HYLAND: Can I ask a question on that?

MR. CHAIRMAN: Go ahead.

MR. HYLAND: Pat, when an election is called in Calgary-Buffalo, that would be a special warrant again like the other one. We've already passed the application for a special warrant for the enumeration.

MR. LEDGERWOOD: Yes. The committee has passed that. I understand cabinet will approve it on March 12.

MR. FOX: That's just the enumeration.

MR. LEDGERWOOD: That's just for the enumeration and also for the by-election in Little Bow.

MR. CHAIRMAN: If a by-election were to be called before we go back into spring sittings, we'd call an emergency meeting of the committee and approve the special warrant for the by-election.

MR. LEDGERWOOD: Which the committee has.

MR. CHAIRMAN: Yes.

MR. HYLAND: No. You only requested an enumeration for Calgary-Buffalo, didn't you?

MR. CHAIRMAN: Louise is just asking. There are no special warrants when the House is sitting. That's correct. We're in a new fiscal year after April 1.

12:48

MR. LEDGERWOOD: I will still need a special warrant for that, because I don't have any money.

MR. CHAIRMAN: If the by-election were called in this fiscal year.

MR. LEDGERWOOD: Uh huh. And even in the next year there's no money built in.

MR. CHAIRMAN: I know. You'll need the dollars whenever it's called, depending on which side of the line it's on.

MR. FOX: If it's called. We might have a general election before.

MR. CHAIRMAN: We're on a roll now. Watch out.

MR. SIGURDSON: Are you using current supplies out of your office to conduct anything to do with the Buffalo by-election?

MR. LEDGERWOOD: Very fortunately, I had enough material left over from the 1989 general election for the two by-elections.

MR. SIGURDSON: What happens if there's another vacancy in the House?

MR. HYLAND: Are you thinking of resigning?

MR. SIGURDSON: No, I'm not. It's a hypothetical question.

MR. LEDGERWOOD: What we'll do, Tom, is examine that at the time, because we will be starting to resupply. I think I've explained that I'm not anxious to order any materials until I find out whether or not the Election Act is going to be amended. I think you can appreciate that if the Act is amended, we'll require new forms that will require new guides. Those guides are for enumerators, candidates, campaign workers, and election officials. We'll also need new brochures and new pamphlets. We have to create new training aids and a new training manual for returning officers. So those will all be items. Included in those purchases under contract services will be new forms. Our problem is that if we run into a couple of by-elections before the Act is amended, we will simply have to order replacements for the old supplies.

MR. CHAIRMAN: Okay. Go on, then, to tab C, Enumeration.

MR. LEDGERWOOD: Okay. Tab C, Mr. Chairman, addressed the Enumeration element. The first page is just a refresher on the overall picture. What we have is that under the Election Act, the Chief Electoral Officer has the responsibility to provide each returning officer with the necessary forms and materials to conduct an enumeration. So what I have here in the estimate: reduced from \$4,189,910 to a total of \$406,540. That's what that first page is.

If you go over to C1, it will show the original estimate, those items we require in advance of an enumeration and those items that can wait for a special warrant. Remember that an enumeration is very labour intensive. About 84 percent of the cost of a enumeration goes to personnel costs. These are the enumerators and officials associated with the enumeration. So C1 is that breakdown.

Then over on the next two pages is a complete breakdown by code of areas where we feel we would like money at this time and items that we feel can wait and come by special warrant.

MR. CHAIRMAN: Okay. Questions?
Don, and then Derek.

MR. TANNAS: Yes. Let's just take the scenario that electoral boundaries changes are delayed in this fiscal year so that enumeration cannot be taken and so on. You've got here the revised estimate of \$406,540. How much of that would be spent in a year in which no enumeration is actually held?

MR. LEDGERWOOD: If I understand the question, it depends when the enumeration is held. This is basically for preparation for the enumeration, and maybe if we go through each element, you can see where we have delineated where we feel we need money at this time and where we can wait for the special warrant.

MR. FOX: It's difficult to discuss the budget of the Chief Electoral Officer without discussing possible political scenarios. This is linked very closely to a possible election call. I know the Premier assures us that there's not going to be an election called until 1994, but we all know that in the world of politics things change, that decisions are made based on a number of considerations. I would suggest that for all anyone on this committee knows with assurance, he might be planning to call it tomorrow. It could happen anytime between now and 1994, and, you know, we're dealing with an electoral boundaries review right now. The commission is charged with the responsibility of coming back with a final report that tries to live up to the legislation and meet the needs of Albertans, and what process that takes is not something I know. How the Legislature responds to it: there are all sorts of unknowns here, and I'm just very uncomfortable with us deleting a substantial portion of the enumeration from this budget.

Our committee passed a motion suggesting that the CEO look at having an enumeration sometime in the first six months of 1993, which includes three months of the fiscal year we're looking at. I felt at the time that even that was a little too restrictive. I think pending the boundary review process or rejection of same, the Chief Electoral Officer needs to be in a position to provide the information to the Legislature and the people of Alberta necessary to conduct an election. It's a 28-day campaign, and we're looking here, Pat, at a special warrant request sometime in the future. I mean, if the Premier walked out of his office on July 25 and said, "I'm calling an election; it's going to be held on August 23," realistically, do we have time to pass a special warrant to conduct a provincewide enumeration and be prepared for an election in 83 constituencies 28 days later?

MR. LEDGERWOOD: No, we would not.

MR. FOX: So how can we possibly plan on doing this by special warrant, Mr. Chairman?

MR. CHAIRMAN: That's the discussion that we've had around this table on several previous occasions, including just prior to the committee passing the motion which requested the Attorney General to have the legislation amended so the next enumeration could take place in the first six months of 1993. We've had that discussion, and the only response I can give you is that for the leader of a governing party to call an election when you are in the middle of redistribution would give the opposition parties the best issue imaginable.

Of course, the question would be asked of the Chief Electoral Officer whether or not he could gear up in time. He would answer the way he has to this committee today. So what I'm telling you is that it's not going to happen, as I told you last year when we debated whether or not to put \$4 million in the budget and we chose not to.

MR. TANNAS: Mr. Chairman, I'm going to say essentially the same thing, but perhaps not so well. We're talking about hypo-

thetical. A member of this committee is saying that that's exactly what that is, hypothetical; it will not happen. We as committee members would certainly let the Premier know that that's a consideration in us establishing this budget: that there won't be a sudden election call on the old boundaries. We're committed to the process.

MR. LEDGERWOOD: You may remember that three years ago today was nomination day for the 1989 general election. So in just a little over two weeks the government is starting into the fourth year of their mandate, and before the fiscal year '92-93 budget runs out, they're into the fifth year of the mandate. So I can tell you that as Chief Electoral Officer I'm a bit concerned about being prepared.

12:58

MR. CHAIRMAN: And three years ago today the governing party had nominated 83 candidates. Today the governing party has not nominated one.

MR. FOX: Get with it.

MR. CHAIRMAN: Derek, Alan . . . Tom. I'm sorry.

MR. HYLAND: Did you cross him off without . . .

MR. CHAIRMAN: I guess I did. Somehow I went to Don on the list. Well, why don't we go to Tom now and then Derek? My apologies.

MR. SIGURDSON: Okay. Well, I'm afraid I haven't got a level of comfort sufficient for me to support this budget. I know there is a proposal that the Attorney General may introduce an amendment to the Election Act that would allow for an enumeration to not have to be conducted in September of 1992, but I don't know what else might be included in that amendment. Could it be something that's carried over, that an enumeration may not be conducted until September of 1993? I haven't seen the amendment.

I think what we're doing by waiting for an amendment to come forward is really tying the hands of the office of the Chief Electoral Officer to a degree where I am very uncomfortable. We in this committee previously said that the Chief Electoral Officer would have the discretion to hold an enumeration in the first six months of 1993, and we knew full well at that time that it would cross over two fiscal periods, 1992-93 and 1993-94. There was some discussion about that; I recall having discussion about that. Now what we're going to do is wait for the Attorney General to introduce an amendment that, as I say, will certainly eliminate the necessity. I think it would eliminate the necessity to hold an enumeration in the fall, September of 1992, but again I have no degree of comfort, not knowing what the amendment is going to say. Is it going to say that there shall be an enumeration conducted in March of 1993? Or is it going to be left wide open at the discretion of the Chief Electoral Officer? I believe that that discretionary power is being removed from the legislation without knowing who's going to have the discretion. I think we are the ones, quite frankly, that are being blindsided without knowing what the amendment is going to say. I'm very concerned that we could enter into an election period without having the necessary tools to conduct an enumeration properly.

As we all know, we are as the first-place candidates – the incumbent party is asked to provide the enumerators. I think it would be very difficult for some of us to provide enumerators in a 28-day campaign. I can tell you that my first preference would not be to provide enumerators but to provide people that can go out and campaign on behalf of my personal re-election. I think in honest

moments most of us would agree to that, whatever constituency, whatever political stripe. We may be further jeopardizing the ability of the Chief Electoral Officer to conduct an enumeration. I don't think in 1992, with all the technology available to us, it would be too terribly difficult to put an enumeration on a computer system and then draw lines.

Moving one polling subdivision from Cypress-Redcliff to Medicine Hat shouldn't be too terribly tough. If it so happens that you have a constituency boundary that would divide a polling subdivision, then you go out and you only have to enumerate that area that's been divided. My goodness, we deal with that all the time. We know where jurisdictional lines are, we can put people on one side or the other, but we're certainly not going to take Redcliff and divide Redcliff into three different constituencies. We know that Redcliff will probably stay the same. It will be the whole community in one constituency. Why not enumerate that? Why not enumerate all of Taber, all of Warner, all of Cardston? We know that the likelihood of those communities being divided is so minimal that we could go ahead with an enumeration and only have special enumeration in areas where there have been line changes.

So I think to give the discretion to the Chief Electoral Officer would be a better move, live up to or keep consistent with the previous motion we had where the Chief Electoral Officer was given the discretion to conduct an enumeration as soon as practicable within the first six months of 1993. If we know that new boundaries are coming in in 1993, that the government is prepared to introduce new boundaries in 1993, in the first few weeks of spring session of 1993, I'm sure that the Chief Electoral Officer and the returning officers and their staff of enumerators would wait if we could provide that assurance. But if we were to say, "Oh, we're still in the process; we don't know what we're doing with electoral boundaries; we don't know if they're going to be new, old, different than the proposed, or something else altogether," then I think the Chief Electoral Officer has to have the discretion and the authority to go out and conduct an enumeration and then make the amendments as necessary to the polling subdivisions that might otherwise be disturbed.

So I would like to see the Enumeration element maintained in this budget for this fiscal year.

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

MR. FOX: Tom's made a number of very persuasive arguments. Mr. Chairman, you mentioned a decision that we made in the committee with respect to a request for Enumeration element dollars for fiscal '91-92. I would like to revisit that a little bit because I think it's relevant.

I think the job of our Chief Electoral Officer is to be election-ready, to follow the dictates of legislation. Admittedly, he might not always be privy to what may be planned in terms of changes to legislation, but I think in fairness we have to recognize that when it has come to being election-ready, to conducting elections in efficient, economical ways, to being ready for by-elections, to providing information, our Chief Electoral Officer has been Johnny-on-the-spot every time. I'm pleased with that, and I think that's why he brings requests to this committee that he thinks are prudent and in line with what's required of him in his office.

The request that dollars be provided for the enumeration required by legislation for September of 1991 was denied by the committee, but I would like to remind members that had we had an enumeration in September of 1991, the first time since 1988, we would not have needed a special warrant for enumeration in Little Bow. We would not need a special warrant for enumeration in Calgary-Buffalo. We

would not need special warrants for any by-election needs that may arise. Now, none of us can predict those things, but that would have been in place and has to be considered.

I think it's not possible to conduct an enumeration during a 28-day campaign provincewide. I can't imagine a scenario where our Chief Electoral Officer would go ahead and hold an enumeration when it obviously didn't make sense to hold one. If we were right at that crucial time when the boundaries are about to change, we've given him a six-month window there. If it's not required at the end of fiscal '92-93, then I would expect some of those dollars wouldn't be spent and we would approve that amount for fiscal '93-94.

I think we cannot in conscience tie the hands of this important office and need to provide the tools required to do the job when necessary, so this special warrant stuff makes me very uncomfortable. I would like to point out that a significant portion, \$394,500, of the Enumeration element that needs to be approved this year, regardless, is for providing monthly . . . What do you call that? It's not per diems.

1:08

MR. LEDGERWOOD: Honorariums to returning officers.

MR. FOX: . . . honorariums to the returning officers, Conservative appointees all, throughout the province for a 12-month period for not having to do anything if we're not going to have an enumeration. We were paying them for a portion of last year as well. I just think we need to provide the money in this budget to do the job required.

MR. CHAIRMAN: Thanks, Derek.
Alan.

MR. HYLAND: Firstly, Mr. Chairman, as part of the comment you made: why would a government party call an election when you've got not one out of 83 candidates nominated?

Secondly, I was prepared to make a motion, and that's why I waited till the last. I'd like Derek's and Tom's quick comment. I was prepared to make a motion to accept the budget as presented. Now, that puts you guys in a bit of a spot if, the way you're talking, you're going to vote against the whole budget. Would you feel better if I split the two sections?

MR. FOX: Three sections.

MR. HYLAND: Three, yeah. Split two into one vote.

I would move that we accept the budget of the Chief Electoral Officer under items A and B, the Administration element and Election element, as presented.

MR. CHAIRMAN: Okay. We have a motion to accept the first two elements in the Chief Electoral Officer's estimates. Further discussion?

MR. SIGURDSON: Could I just ask one quick question with respect to contractual services? I saw a letter to you from Dr. Carter. I believe it said that Frank Work is now Parliamentary Counsel. Is it Frank Work that you'll be dealing with?

MR. LEDGERWOOD: Yes. Unfortunately, I've not been able to arrange a meeting with him yet. We had a meeting scheduled; it was delayed and then subsequently canceled.

MR. SIGURDSON: The reason I asked to go through that is that I saw the memo – Louise, do you know under which tab that appears?

MRS. KAMUCHIK: Four; right behind tab 4.

MR. SIGURDSON: The reason I asked that question – oh, it came from David McNeil – is that it has Michael Ritter listed as Chief Parliamentary Counsel and Frank Work without a title. I was just wondering: who is going to be providing your information and your services?

MR. LEDGERWOOD: Well, that is a concern of mine, and if we could go in camera, I could express it.

MR. CHAIRMAN: All right; let's go in camera. Who will move to do it? Derek. All in favour? Opposed? Carried.

[The committee met in camera from 1:12 p.m. to 1:16 p.m.]

MR. CHAIRMAN: The question's been called on the motion to approve the first two of three elements in the budget. Any further discussion? All in favour? Carried unanimously. Thank you.

Now we're on element three, the Enumeration element. Could I ask a question for clarification, Pat? When Brian was here, a question was raised under wages for the returning officers and the enumerators on when the last review had taken place and whether there should be an adjustment.

MR. LEDGERWOOD: Okay. The last review was in 1985, and there was only a minor adjustment made at that time. That dealt with a problem where we had an election called within a short period of an enumeration, and it had to do with the fees of the returning officer. That has been addressed. The basic fee schedule has not been adjusted since 1981.

I have here for the committee a compendium of comparative fee schedules for all jurisdictions, and you'll see that we're in the middle in most cases. I don't know whether in this time of restraint we want to look at increasing. There are certainly some areas I could come back and recommend changes to, particularly in the area of enumerators. I think Tom mentioned one of the problems. Some of the returning officers have great difficulty in getting enumerators, and that may be the one area that we might want to look at.

Also, we don't train our poll clerks. We train the deputy returning officers, and they in turn are responsible for training poll clerks. So that would be an area, too, that we might want to look at.

I don't know whether you want to go into detail now, sir. Have a look at this, and then . . .

MR. CHAIRMAN: Yeah. Can you distribute it?
Alan?

MR. HYLAND: I wonder, Pat: are these set through order in council or are they in the legislation?

MR. LEDGERWOOD: No, this is a regulation. It's a fees and schedules regulation.

MR. HYLAND: If I could continue, Mr. Chairman, then perhaps we have this. Maybe the Chief Electoral Officer could go back, then come back with some alternatives or some suggestions that we could look at. They wouldn't necessarily affect the budget, but that we could look at in the future.

MR. LEDGERWOOD: I'd be very pleased to do that, Mr. Chairman.

MR. CHAIRMAN: All right. We'll leave it at that: that the information's been shared with us by the Chief Electoral Officer, Alan has requested that we take a look at it, and we'll address it in due course.

We come back, then, to element 3, the Enumeration element. Is there a motion one way or the other? Don?

MR. TANNAS: Yes. I would move that we accept the 1992-93 estimate that excludes the Enumeration element.

MR. CHAIRMAN: Well, you can only give a total. Maybe that would be helpful.

MR. FOX: This is the Enumeration element, again excluding enumeration?

MR. TANNAS: Yeah; \$406,540.

MR. CHAIRMAN: On the motion. Derek, Tom.

MR. FOX: Speaking against the motion, I put most of my comments on record. I feel very strongly about this. If we pass this motion, this element of the budget, we're going to be tying the hands of our officer and the people who work for him. We know it's not possible to conduct a provincewide enumeration within the time frame of a provincial election, and I just can't understand why members on this committee would insist on passing a budget like this for '92-93. No one can give us any assurance that an election is not going to be called for at least another 18 months, because that's what this is starting to look like, that people are anticipating further delays in the redistribution process and that an election wouldn't be called till sometime mid-to-late 1993 or '94. I don't think anyone can give reasonable assurance that that's going to be the case, and I think we need to be prepared.

I speak against this and hope that we vote it down and add into this element the money required to conduct an enumeration sometime in fiscal year '92-93, and if the officer deems it unnecessary to do so, then he wouldn't spend the money.

MR. CHAIRMAN: Thanks, Derek.
Tom and then Jack.

MR. SIGURDSON: The only way to deal with Derek's concern, Mr. Chairman, is through an amendment. I'm going to move an amendment

that code 712K, Contract Services, in the 1992-93 estimate, first column, be amended to read that we delete \$268,300 and replace that figure with \$3,445,825.

Speaking to that, I think it's important that money be made available to the office of the Chief Electoral Officer to conduct an enumeration at the discretion of the Chief Electoral Officer. In fact, a motion was passed by this committee on an earlier occasion where we instructed the Chief Electoral Officer to conduct an enumeration sometime within the first six months of calendar year 1993. It's up to the Chief Electoral Officer to ensure that we as Albertans, not just we as politicians, are prepared to go into an election at the call of the Premier.

I can well appreciate the remarks that have been made by you, sir, as the Chair that there will not be an election held in 1992 or 1993, but, quite frankly, you ain't the Premier. Until I hear that with some greater degree of assurance than what I have to date, I can't accept that as gospel. In fact, I'm very concerned about the possibility of – not necessarily an early election, because I think that we're almost at the third anniversary of this mandate and an election could be held

at any time. I think the Chief Electoral Officer has to be prepared for that.

I also would fully expect, as I said in my earlier remarks, if the Chief Electoral Officer knew that new boundaries were going to be introduced to the Legislative Assembly in the form of the electoral boundaries amendment Act, I think it would be called, in the spring session of 1993, that he wouldn't cause an enumeration to be conducted in the first three months, that he would wait until those boundaries have been adopted.

So for those reasons I would argue that 712K be amended to reflect the need for sufficient dollars to conduct an enumeration.

MR. CHAIRMAN: All right. Thanks, Tom.

On the amendment, Don.

MR. TANNAS: Yes. Mr. Chairman, as I understand it, an amendment that in fact completely changes the nature of the motion is questionable.

MR. CHAIRMAN: Let me address that matter. I did listen very carefully when the amendment was made, and it substantially adds to the motion, but it does not detract from the original motion. Therefore, in my view, it is in order.

MR. TANNAS: Okay. Having received that ruling, then I'll press on.

I listened with interest to the comments from the Member for Vegreville, who made the interesting assertion that if we had an enumeration in 1991, we would not have required the special warrants for the Little Bow and Calgary-Buffalo enumerations, which is interesting mathematics: that somehow you spend \$4 million and in so doing save yourself an expenditure of \$88,525. I have some trouble with that level of economic wizardry. I also heard – and perhaps *Hansard* will bear this out – the assertion by the same member that somehow there wasn't going to be an election or an enumeration called until late in 1993 or at least until after . . .

1:26

MR. FOX: I said approximately.

MR. TANNAS: . . . eighteen months had passed. I don't know that that real assertion had been made before by members who were speaking in favour of not having the enumeration. What we were trying to say is that when the electoral boundaries are decided, if and when they are decided and approved and passed and now will come into legal force, then an enumeration can be held. We didn't want one in 1991. I don't think we want one in the fall of '92. Therefore, I think this permits and gives lots of discretion, then, to the Chief Electoral Officer to make those preparations to the lead-up to an enumeration. But an enumeration surely can't be planned until after it's clear whether we have 83 seats or 85 seats or 90 seats, whether there's going to be a change in the number, or what those boundaries are going to be. As we have seen, most of the boundaries have had some significant changes. So I think it needs to wait until that time.

MR. CHAIRMAN: Derek?

MR. FOX: Speaking on the amendment, I'd just like to make a comment to the Member for Highwood. If he's one of the few Conservatives that survive the next election, he'll make an excellent opposition critic because he phrases his arguments very well. I want to clarify that I was not attempting to equate the special warrant

enumerations for two by-elections with the amount required to conduct a provincewide enumeration.

MR. HYLAND: Then how come you did it?

MR. FOX: I said that's one consideration, plus we would not need special warrants for any by-elections that may be required in the near future, plus it would hold us in good stead should a general election be called sometime within the next year based on the Premier's discretion. So let's make that clear. As well, when I was talking about an 18-month time frame, I used the word "election," not "enumeration," and make the argument that for government members or members who were speaking in favour of the original motion to want to delay an enumeration and implement one by special warrant presupposes that an election would not be held in Alberta for at least 18 months. If you do the math on it, I'm sure you'll come to that conclusion.

MR. CHAIRMAN: John.

MR. DROBOT: Thank you, Mr. Chairman. In your ruling you said the amendment adds to the motion. So be it, but it also only proves that the amended figure needs to be subtracted and the amendment defeated.

MR. CHAIRMAN: Thank you, John.

Any further discussion on the amendment? Are we ready for a closing question? All right. Question on the amendment. All in favour of the amendment? Opposed to the amendment? The amendment is lost.

[For the amendment: Mr. Fox, Mr. Sigurdson]

[Against the amendment: Mr. Ady, Mr. Drobot, Mr. Hyland, Mr. Tannas]

MR. CHAIRMAN: Now back to the original motion. On our speakers list we have Jack, then Don, and then Tom.

MR. ADY: Well, we've heard a lot about all of the bogeymen that are going to come out of the closet over this thing, having to do with hardships that are going to be on members and the CEO with trying to conduct an election and an enumeration coincidentally, all in 28 days. I think that's not reality. No one at this table is going to ever put the CEO or members in that circumstance. I see no reason for us to include this in the budget in the amount of \$3,445,000, so I support the motion by the Member for Highwood.

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

MR. TANNAS: Thank you, Mr. Chairman. I have every confidence that the Chief Electoral Officer . . .

MR. CHAIRMAN: Pardon me?

MRS. KAMUCHIK: He can't close debate.

MR. CHAIRMAN: Oh, I'm sorry. Don, it's your motion, so you'll get to close the debate.

MR. TANNAS: Okay. I get to say that again then.

MR. CHAIRMAN: I'm sorry. I'll bring you down. Tom.

MR. ADY: You don't have to say anything again.

MR. SIGURDSON: Well, what happened, Jack, the first time was that I moved an amendment and spoke to the amendment. Now, having heard the wisdom of the committee, I'm going to try one more time to amend section 712K, and that is to delete \$268,300 down to zero dollars. If it's the opinion of this committee that we don't need to have an enumeration for a period of time, I certainly would want to extend that and wonder why we require having the returning officers in there at all.

I want to correct the amendment, if I may. That is, \$268,300 is for three different services: enumeration forms, preparation of electoral maps, and \$118,300 for the returning officers' fees and honorariums. It's to delete from \$268,300 the \$118,300, so the new, revised figure would be \$150,000.

Speaking to that, if we're not going to have an enumeration – we didn't have an enumeration in the last calendar year or the last fiscal year – we've spent \$118,000 perhaps unnecessarily.

MR. ADY: Better than four million.

MR. SIGURDSON: Well, I'll let you get that one on record.

I don't think we're required to spend an additional \$118,000 for people that are going to be sitting back waiting for the Chief Electoral Officer to call them to bring them up to speed so that they can conduct an enumeration whenever there might be money provided for an enumeration element.

So I would seriously urge all committee members to reduce that by another \$118,300.

MR. CHAIRMAN: Thank you.

Pat, can you give us some background? We obviously moved on this issue last year when we were dealing with the budget element. Can you just tell us how long these positions have been in place – I understand they are being paid an honorarium now – and what the rationale was a year ago for that?

MR. LEDGERWOOD: Returning officers are paid an honorarium of \$75 a month. They're appointed by order in council, and their time in place is from their appointment until four months after the subsequent general election. I automatically terminate them four months after the general election in accordance with provisions of the Election Act.

MR. CHAIRMAN: Okay. Now, can you recall last year, when we turned down the request for enumeration dollars, why did we go ahead with the provision for providing the deputy returning officers with the funding partway through the fiscal year?

MR. LEDGERWOOD: Not deputy returning officers: the 83 returning officers.

MR. CHAIRMAN: The 83 returning officers. Can you help me? I can't recall . . . If we had this discussion last year, why did we go ahead with the appointments?

MR. FOX: Good question.

MR. LEDGERWOOD: Just on that point, sir. The committee did not appoint returning officers.

MR. CHAIRMAN: I understand that.

MR. LEDGERWOOD: They were appointed by order in council.

MR. CHAIRMAN: But we must have approved the \$75 a month times 83 returning officers.

MR. LEDGERWOOD: Yes, you did.

MR. SIGURDSON: Because of an OC.

MR. CHAIRMAN: But we put the dollars in our budget. Well, not because of the OC. We did it because we felt . . . I'm just trying to get an understanding of where we were a year ago on this issue. Derek, can you help us?

MR. FOX: I believe an examination of the record will show that we raised this point last year, wondering why we were going to be hiring people to do something that isn't going to be done. But, again, majority votes on the committee decide what happens in the committee.

MR. CHAIRMAN: Okay. Anyone else? All right; back to the amendment. I'm not sure I'm any clearer, but back to the amendment that we delete \$118,300. Further discussion on the amendment?

1:36

MR. HYLAND: Question.

MR. CHAIRMAN: The question's been called. All in favour of the amendment? Opposed to the amendment? The amendment is lost.

[For the motion: Mr. Fox, Mr. Sigurdson]

[Against the motion: Mr. Ady, Mr. Drobot, Mr. Hyland, Mr. Tannas]

MR. CHAIRMAN: Back to the main motion. The only one I have on my list is Don to close debate.

Derek?

MR. FOX: I have to emphasize that the only reasonable explanation that I can accept from members in favour of voting for this budget request the way it is, without sufficient dollars to provide an enumeration in '92-93, is that government members are convinced that the redistribution process is going to be delayed, that it's not going to proceed according – this is an assumption I'm making, Mr. Chairman, because we did provide for an enumeration to be held in 1993, the first six months. What we're saying now by implication is that that's not likely to occur, because we've acknowledged that it can't be done: an enumeration can't be held provincially during a 28-day election campaign and have us in the kind of shape we need to be in in order to conduct an election properly in the province of Alberta. Passing this motion as is implies to me that people are confident the procedure is going to be delayed and that an election will not be called in the province of Alberta for some time.

I just don't think anybody around this table can give the assurance about when an election is going to be called. It's not up to the committee. With respect to the Member for Cardston, it's not up to us to decide when an election is called. The Premier decides that, and I'm not convinced that he uses reasonable criteria in making that decision. There are a lot of things that factor into that. I think we're making a bad decision here if we vote in favour of this motion.

MR. CHAIRMAN: Just a point for clarification before Don sums up or anyone else gets in. I think it might be appropriate for members to go back and look at the *Hansard* leading up to the motion we passed in the committee which instructed myself as chairman to write the Attorney General and request a delay in the enumeration

to the first six months of 1993. If you review the *Hansard* carefully, you will see that on the advice of the Chief Electoral Officer, who gave us the time lines necessary, to do an enumeration by September of 1992 would mean that the Electoral Boundaries Commission, which is required by statute to bring in a report by the June 30 – indeed that report would have to be in two or three months earlier than that date. If the commission takes its full statutory time allotment, it would be physically impossible for the Chief Electoral Officer to have all of the necessary work done in the new 83 ridings across the province in terms of returning officers alone. Pat, how many returning officers live outside of their proposed boundaries?

MR. LEDGERWOOD: The ones in the interim report: I would need 21 new returning officers.

MR. CHAIRMAN: Yeah; 21 out of 83. Pat led us through all of the work that has to be done, so it would be physically impossible.

We then looked at the scenario of when the Chief Electoral Officer would be ready, and it appeared that it would be sometime early in 1993. That's why we made the motion the way we did. We recognized the difficulty of straddling fiscal years, because if we're fortunate enough to be able to do it in the first three months of 1993, we're in the fiscal year '92-'93. If it's beyond that date, it's new. So we spoke of a special warrant as a concept.

I believe this motion as put forward by Don is totally consistent with the earlier motion we passed in this committee that we refer to the Attorney General and ask for an amendment to our legislation.

Derek?

MR. FOX: Can I just say that prior to your final statement about you feeling the motion is consistent, I agreed with everything you said. But it seems to me we're not dealing with a proposed enumeration in September of '92. We're dealing with a proposed enumeration some time in the first six months of 1993 . . .

MR. CHAIRMAN: That's right.

MR. FOX: . . . and it seems to me, by virtue of the dollars being eliminated from the fiscal '92-'93 budget, that what we're saying is we're not planning for an enumeration in the first three months of 1993. It's an implication. I'm saying that's the implication I draw from it, otherwise I just can't understand why we don't make sure that the dollars are there to do the job if required, and if the job isn't required, then the dollars won't be spent. We can't tie the hands of our officer.

MR. CHAIRMAN: Well, clearly that's why in bringing the budget forward and as noted in the memo in the beginning of the material, my memo to the Chief Electoral Officer of February 24, 1992, I directed him to do so on the basis of our previous motion. The Chief Electoral Officer has very appropriately put in the dollars which would be required through special warrant. So it's addressed, Derek. Relax.

MR. FOX: I disagree.

MR. HYLAND: Trust me: that's what Tom always says.

MR. SIGURDSON: A question that you asked the Chief Electoral Officer: he said that there would be 21 returning officers that would have to be found due to . . .

MR. CHAIRMAN: Based on the interim report.

MR. SIGURDSON: Based on the interim report. Does that mean that some constituencies – 80 – would have two?

MR. LEDGERWOOD: One has three.

MR. SIGURDSON: One has three. If this committee is convinced that we're not going to require an enumeration because we're going to have changed boundaries, are you equally convinced that we don't need three returning officers in one proposed constituency? That amounts to almost \$19,000.

MR. CHAIRMAN: We're talking about existing boundaries. This is a proposal.

MR. SIGURDSON: Yes, I'm aware of that, but under the existing boundaries, you're convinced that an enumeration would be a waste of money – yes? You're convinced that an enumeration on the existing boundaries would be a waste of money?

MR. CHAIRMAN: My position is that to call an enumeration for a cost of, well, the special warrant of \$3.78 million because – to go back to Derek's point – it would have meant we could have saved the money required in a special warrant for two by-elections, doesn't add up.

MR. SIGURDSON: That's not what I said. That's not my question. My understanding of your position is that it would be a waste of money, a waste of . . .

MR. CHAIRMAN: No. There are three key factors. Let me review them.

First of all, looking at historical precedent. The governing party, which has been in office since 1971, has never gone to the polls without having all constituencies with nominated candidates. That's principle number one.

Number two, for any governing party to go to the polls when it's in the midst of redistribution where you're seeing massive changes proposed as we see in Alberta – these aren't semantic changes as we've had in some redistributions; they're very major and significant – I suggest to you that that party would have an issue on its hands that it could not deal with in a 28-day period.

Third, the leader of the governing party has stated categorically that there will not be an election this year. I believe him.

There are my three reasons.

MR. FOX: He also said no new taxes.

MR. CHAIRMAN: There are my reasons.

MR. SIGURDSON: Okay. Given that those are your reasons, then the expenditure of however many millions of dollars to conduct an enumeration would be a waste of money?

MR. CHAIRMAN: No; I said it would be inappropriate use of funds.

MR. SIGURDSON: An inappropriate use of funds.

MR. CHAIRMAN: That's correct. To enumerate in 83 constituencies where there are major changes in most, minor in others – it may sound simplistic that when boundary changes occur, they'll follow polls.

MR. SIGURDSON: Right.

MR. CHAIRMAN: I ask you to go and look at the interim report and tell me where you can find any similarity between polls within constituencies and new lines.

MR. SIGURDSON: I'm just wondering if you would also concur that having three returning officers residing in one proposed constituency is also a waste of money.

1:46

MR. CHAIRMAN: But keep in mind that there are 83 legitimate constituencies today: 83. Okay? What we have is a proposal to change the distribution, and in that mix Pat has indicated to us that in one constituency, if the boundaries in the interim report were accepted, there are three returning officers resident today. In 20 others there are two.

MR. LEDGERWOOD: Sir, I should maybe clarify that. That 21 includes the current vacancies.

MR. CHAIRMAN: Oh. All right.

MR. HYLAND: In that case, what if in one of those three something happened to the MLA, whoever it is? I don't know who it is.

MR. SIGURDSON: I would think that the Chief Electoral Officer's staff . . .

MR. HYLAND: Some people have – you've cut the returning officer off.

MR. SIGURDSON: I've taken that into account, and I would think that the Chief Electoral Officer's staff would be able to get down there quickly enough to provide the service.

MR. CHAIRMAN: Tom, in fairness, we're redebating two amendments which have failed. We're back on the main motion, unless you're putting forward another amendment.

MR. SIGURDSON: We're dealing with the percentage of the second amendment.

MR. CHAIRMAN: We're coming back to the main motion, which is a positive motion to approve a budget of \$406,540.

MR. SIGURDSON: I'm only trying to save you more money.

MR. CHAIRMAN: NDP economics again. It's kind of a hard way of seeing it.

Anyone else before Don concludes? Don.

MR. TANNAS: Thank you, Mr. Chairman. Again I'd say I have every confidence that the Chief Electoral Officer and his good officers will be able to conduct the run-ups to the enumeration once it has been determined what the new boundaries are going to be, and that this budgetary item provides him with that kind of money to conduct them. The assumptions by implications that were ascribed to this motion I don't think are founded, as the chairman so eloquently put.

Therefore I ask that the question be now put.

MR. CHAIRMAN: The question's been called. All in favour? Opposed? Do you wish a recorded vote?

MR. SIGURDSON: Please.

[For the motion: Mr. Ady, Mr. Drobot, Mr. Hyland, Mr. Tannas]

[Against the motion: Mr. Fox, Mr. Sigurdson]

MR. CHAIRMAN: The chairman was able to maintain his neutral stance as always.

MR. FOX: He has a track record of voting with the opposition.

MR. CHAIRMAN: That's right. Earlier today, Pat, I found myself voting with the opposition and one of our members.

Pat, anything else re the budget?

MR. LEDGERWOOD: No, that's fine, sir. I think that the people will appreciate the ramifications of an election without a list of electors. I have a good feeling that everybody understands that, and we'll rely on the judgment of the committee members.

MR. CHAIRMAN: Well, you have followed the directions that the committee's given you, so you've done everything you can.

Anything else, Pat?

MR. LEDGERWOOD: No, that's fine sir. Thank you.

MR. CHAIRMAN: Okay. Thank you.

Under Other Business I do have one matter.

This is something that we're giving to you, Louise, on behalf of all of the committee. It's a small way for the committee to express to you how much we've appreciated your work, your support, and your friendship over the years. Thank you.

MRS. KAMUCHIK: Thank you so much. I'm going to miss you all.

MR. CHAIRMAN: At the call of the Chair for the next meeting?

A motion to adjourn. All in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Carried unanimously. Thank you.

[The committee adjourned at 1:50 p.m.]