

Standing Committee on Legislative Offices

3:51 p.m.

[Chairman: Mr. Bogle]

MR. CHAIRMAN: Okay; we'll declare the meeting officially open. I'm sure you've all had a chance to meet our new administrative assistant, Diane Shumyla. Let me say at the outset that we're pleased she's here with us. We'll get to know you better, Diane, and you us as time goes on through this exciting all-party committee we have.

I'd also be remiss if I didn't state for the record and give apologies to committee members who have been here waiting for a number of us. There was a special meeting of cabinet and caucus, and unfortunately it ran a little longer than we expected. Again our apologies for that to members of the committee and to officers whom we've inconvenienced.

Could I suggest that we move on, then, to our agenda. Under Approval of Agenda, item 2, there's one further item that does not appear and should. It's at the request of the Chief Electoral Officer, and it relates to the proposed referendum on constitutional reform. With permission of the members, could we tuck that item in with the Chief Electoral Officer's various presentations, possibly after Request for Special Warrants re the by-election and the enumeration.

MR. SIGURDSON: Should we make it item (c) or a stand-alone?

MR. CHAIRMAN: Actually, that's an excellent idea. Item (c), as it is a special warrant request. Good point, Tom.

Are there any other matters members would like to see added to or deleted from the agenda?

MR. ADY: Do you want a motion to approve it as amended?

MR. CHAIRMAN: Please. So moved, then, by Jack. Further discussion? All in favour? Carried unanimously. Thank you.

We move on, then, to the approval of past committee meetings, beginning with Friday, March 6, 1992, pages 1, 2, 3, 4, 5, and the final page.

MR. HYLAND: Do you want each one a . . .

MR. CHAIRMAN: Excuse me. Did you have a question, first of all, Don?

MR. TANNAS: No, I was going to move that the . . .

MR. CHAIRMAN: All right.
Alan?

MR. HYLAND: Do you want individual or all in one?

MR. CHAIRMAN: Let's deal with them on each day.

MR. HYLAND: Okay. I'll move that we accept these, March 6.

MR. CHAIRMAN: Approval to accept the minutes as presented. Questions? All in favour? Opposed? Carried.

Then March 18, pages 1 and 2. A motion, Don?

MR. TANNAS: No. I wasn't here.

MR. CHAIRMAN: You weren't here. All right. Derek. Thank you. A motion to approve. All in favour? Opposed? Carried.

May 6, 1992, pages 1 and 2.

MR. HYLAND: That was a short one.

MR. CHAIRMAN: Tom, a motion? So moved by Tom. All in favour? Opposed? Carried. Thank you.

Now we'll move on to item 4 and receive an update from our Ethics Commissioner. He's probably sitting here in awe as to how co-operative the three political parties are. It doesn't look like the House, does it Bob?

MR. CLARK: Quite a change.

MR. CHAIRMAN: Quite a change.

MRS. GAGNON: It's just the beginning of the meeting.

MR. ADY: We put stuff in their pop.

MR. CLARK: I'm glad I'm item 4 rather than 14 then.

Well, thanks for the opportunity to be with you for a bit. I realize that you've got some time constraints, so I'll try and condense a bit, Mr. Chairman, what I was going to say. I want to touch on four points: first of all, give you a brief update as to what we have done for the last four months; two, talk about proclamation and our request to have that effective September 1; thirdly, make a comment or two about confidentiality; and fourthly, a couple of outside activities that I would like to just mention to you.

As you know, our office is established in the 109th Street building. Some of you would recognize it more if we were to say that it's on the sixth floor there where the Mirabelle restaurant is on the bottom floor. It's a good place to eat.

Shortly after becoming involved in the office in September, one of the things that we did -- I had an opportunity to go to Ottawa and meet with the counterpart in the federal government and also the commissioners from Ontario, British Columbia, and Nova Scotia.

MR. FOX: When was that, Bob?

MR. CLARK: That was in May. I'm sorry; did I say September?

HON. MEMBERS: Yes.

MR. CLARK: I'm sorry. It was in May.

I found that really helpful because I had a chance to get to know the commissioners a bit, especially from Ontario and British Columbia. We had a chance to share some common experiences, or in my point of view uncommon experiences, and develop a relationship there. Since then the commissioner from Nova Scotia has been out to Alberta and has spent some time with us also.

As you know, the office is running. Karen is the person, thanks to your good decision, who keeps the office running. I'm very, very grateful for the assistance that Karen provides.

As far as the legal services are concerned, we've worked out an arrangement with Parliamentary Counsel where Frank Work is available to us on issues of, shall I say, general nature. They've erected somewhat of a Chinese wall between he and Mr. Ritter so that on general advice matters Frank is available to us. What we've done for the past two and a half months is virtually once a week have Frank and the young student over there come over and spend a couple of hours every Wednesday morning with us. That's been extremely helpful.

We've done two things: waded through the Act, but in addition to that I've over the course of the four months had close to 35 members in contact with the office either getting advice or asking questions or simply saying, "Look, I don't need to see you until after proclamation." In the course of those meetings a number of questions have come up, so we've been able to walk through with Frank some of the practical problems of implementing the Act, and I found it really, really helpful.

The other side of legal services and what we're doing right now: we have met with two lawyers whom I've asked to give us a proposal so that we'd be able to have them to use in the event that there was a need to on a very short-term basis and for a very specific matter. Obviously, the arrangement we have with Parliamentary Counsel is that if there is an issue which affects a member, Parliamentary Counsel would not be involved in a position to give us advice there. So we're just waiting now for the proposals from two individuals. They'll be on a retainer relationship, I hasten to add, with no cost until we turn the meter on. What we've asked them for is to scope out the work to be done on each project and give us an estimate ahead of time. So that's the procedure that we're following there.

As far as investigative assistance after the Act is proclaimed is concerned, it's very appropriate that Mr. Johnson is here because he has agreed that if he were to have a senior person available and we were to have a need at that particular time, we might be able to work out something that way, which would be just excellent from the point of view of our office. I assume that would be very desirable on behalf of not only the taxpayers but everyone concerned.

I had a chance to meet with two of the caucuses. In early May we sent out a checklist to all members saying that if they want to come in and sit down and talk to us, we're here and please do that. As I've indicated already, over 30 members have done that or at least contacted the office and said that they didn't need to see us.

Some members have been in to get specific advice on particular matters. Section 41 of the Act gives responsibility to the commissioner to give advice to members. Some members have received written advice from us, so once they receive and follow the advice, then in fact they are deemed to be within the spirit of the Act. Then a number of members have been in for general guidance on some issues.

4:01

I might say that some members and their spouses have been in to deal with the disclosure statements which are coming up. It's always difficult to generalize, but I think that in most cases there was considerable reluctance as far as the disclosure statements. Once we sat down and started to talk about what was going to be in the private disclosure statement and why and what would be in the public disclosure statement, a great deal of that concern, perhaps not all of it but a great deal of it, disappeared.

As far as the proclamation is concerned, as I mentioned earlier, we've asked the Attorney General to have the Act proclaimed around September 1. What that would set in motion is that there are then 60 days, which really would be until the end of October, for members to file their own statement, the statement on behalf of their spouse, on behalf of their children under 19 years of age, and also companies that they're involved with. Following the end of October, we would be in a very hectic period of time when Karen and I would endeavour to sit down with each member, and their spouse if appropriate, to go over the filing so there's no misunderstanding and so we understand what they have put in their private disclosure. We estimate that will take at least a month with about -- is it 83 or 85 members?

MR. CHAIRMAN: It's 83.

MR. CLARK: Eighty-three members. It's going to be a very hectic period of time.

MR. FOX: You weren't at another committee meeting yesterday, were you?

MR. CLARK: Not that I know of.

Then we would hope during part of November and December to do the public disclosure statements. It's not requested by the Act, but it's my plan to prepare the public disclosure statement, to send it to a member, to give the member one week to look at it, and if a member has any concern about what's going to be in there, they can come and plead the case or make the point with me. That isn't to say that I'll change my mind, but I'm prepared to certainly hear the argument. My hope is that by the end of December, we'd then be able to have those filed with the Clerk's office.

Karen has today with us the proposed forms. We'll leave them with you so you can have a look at them. Fresh off the printer we have the brochure that we've worked on, and it's available. Please just keep it to yourself. We don't plan to release the brochure until the Act is proclaimed because the brochure talks about not only the responsibilities of the members and the responsibilities of the office but also other aspects of the commissioner's responsibility dealing with investigations and so on, and as you know, those things cannot start until the Act is proclaimed. I've spent quite a bit of time trying to have people understand that we're not at any investigation stage until the Act is proclaimed, so I'd like to keep that down until the Act is proclaimed.

I guess a couple of last comments I'd like to make, Mr. Chairman, would be that I have met with Dr. Walter Buck, who was one of the three people on the review panel that looked at the question of conflict of interest, and then last week I met with Frank King in Calgary, who was the second person. Next Wednesday I'm meeting with Judge Wachowich here in Edmonton, and the judge on his own initiative has invited the two lawyers that did the drafting for the panel along with him. So we're having a two-hour get-together next Wednesday afternoon. I certainly found the other two meetings helpful, and I'm sure I'll find this one helpful, too, in kind of fleshing out the background, the philosophy that was involved.

That brings you up to date in a general sense as to how we spent the last four months.

I should say this too. Not long ago Dr. Mellon, the Deputy Minister of Executive Council, contacted our office to ask us if we would consider assuming the responsibilities for the financial disclosures that the government will be putting in place for senior members of the public service. I indicated to him that we would be prepared to do that if it was appropriate. It's simply in the discussion stage. I wanted to raise it with you today so that there are no surprises down the road for the members of the committee. I'm not in any position to say much more than that because we've just simply had an exchange of correspondence after discussion. Dr. Mellon knows that I'm sharing it with you today, and I'll keep you abreast as to what's happening on that.

MR. CHAIRMAN: Thanks very much. I do have a couple of names on the speakers list, but before going to Don and then Derek, with regard to the brochure I wondered if that's something you might like to distribute, discuss with us briefly, and then collect back since your intention is to release them after the Act has been proclaimed. It's just one more bit of paper for us, and I'd hate to see one inadvertently slip away.

MR. NELSON: I don't think you should release them right here.

MR. CLARK: I'm easy.

MR. NELSON: I'm expensive.

MR. CLARK: You're expensive, are you?

MR. NELSON: Not easy but expensive.

MR. CLARK: Okay; I'll take your word for it.

MR. CHAIRMAN: So would you like to look at them?

HON. MEMBERS: Sure.

MR. CLARK: Frank King's closing comment to me as I left -- we were talking about what he called a commonsense approach -- was that you should find yourself being like a priest and a policeman: you're a priest until someone crosses the line, and then you're a very aggressive policeman. I told him I had enjoyed the priest part so far.

This is the kind of thing we hope also to make available to the public when they write in for information. We're continually getting requests for this kind of information and are reluctant to do more than send out a general letter until everything's in place.

MR. CHAIRMAN: Then your intention, sir, is to have these available in provincial buildings and other areas where there's public material available?

MR. CLARK: Yes.

MR. CHAIRMAN: Well, it's concise yet very factual.

MR. CLARK: Mr. Chairman, we don't need the forms back because several other people have some copies of these. These are simply the latest draft; I hope the last draft. They look awfully complicated, but when you sit down and go through them, I don't think you'll find that they are really that complicated.

I should tell you that when the forms are filed with the Clerk's office, my own form will be on top, so that way I'm in a situation of not asking you people to do something that I'm not doing myself.

MR. CHAIRMAN: Any questions at this time?

MR. TANNAS: I had a question earlier.

MR. CHAIRMAN: You have a question on the pamphlet?

MR. TANNAS: No.

MR. CHAIRMAN: A question on the form?

MR. TANNAS: No, arising from earlier.

MR. CHAIRMAN: Oh, we'll come back. Let's deal with the form and the pamphlet first. If there are no questions -- you've had a chance to go through it -- we'll pass the pamphlet back.

MR. TANNAS: I have one question.

MR. CHAIRMAN: On the pamphlet. All right; one question by Don on the pamphlet.

MR. TANNAS: Bob, it's a breach of the Act for a member to fail to file a disclosure statement. Once you go, then, into a subsequent year -- as I understood talking with the people from Ontario, it's quite common to get them one week, two weeks, three weeks late and that kind of thing because of a variety of circumstances. Would you see that as a breach worthy of note?

MR. CLARK: Initially no. In Ontario one of the problems they had in the first year was that they let the deadline slide and slide and slide. One or two or three weeks became months. Advice we got when we went down there in May, you know: adhere to that rigidly. If a member hasn't got his form in, I'm sure that Karen will be on the phone to them saying: "Look; the mail must be awfully slow between the annex and this office. We haven't got it. When's it coming?"

MR. HYLAND: It takes a day longer to get to the annex.

MR. CHAIRMAN: All right. Could we then return the pamphlets? We'll move on to our general speaking list. I have Don and then Derek. Don, you had a general question?

MR. TANNAS: Yes, I did. You said something about you receive the private disclosure to you, the Ethics Commissioner, from that you distill a public disclosure item for that particular person, and you would then send to the member this public disclosure and he/she would have a week to make comment on it or object or whatever. What I want to know is: what is the week? I'm sure most of us have experienced the receipt of some document that has taken three weeks to get to us. Many of us do not live in the city, do not get our mail on a regular basis, and that kind of thing. So for something as important as this would you call it a week from the time that you know the person has it or from the week that it leaves your office?

MR. CLARK: Well, it's something we haven't talked about in any detail, Don, but I would suspect what we'll do is the same thing that we plan to do when the Act is proclaimed: have one of these things delivered to each member's legislative office here in Edmonton and then have 60 days from that period of time.

MR. TANNAS: Oh, yeah. I don't have a problem with the 60 days; it's the one week.

MR. CLARK: I would assume, Don, we'll do the same thing. Don, if it's five days or seven or eight days -- I'm not holding people to seven days. It's a courtesy that I think is appropriate to extend to members. Members will know that these are coming, and if they have concern, once it reaches the office, we can then perhaps ask Karen to have the members' secretaries fax them to the member. Each member can make their own arrangements. However you think is most appropriate there. I'm easy.

MR. TANNAS: Something with such a tight time line, that does have such a public presentation, I think you ought to verify that the person has received it, and from that time the clock ticks. I can imagine ministers, for instance, that are away. If any of us have dealt with the members of the fourth estate, you can speak about one thing and it comes out quite differently, or the spin is quite different. Particularly in the first run through we want this to have, I think, ownership by everybody that it was a good process and it's a fair process. If you happen to get some clanger in there because it went through so fast, I think that would be unfortunate. That's all I'm trying to say.

MR. CLARK: I'll certainly keep that in mind. It isn't our intention to try and catch anybody. I should give somebody that extra opportunity.

MR. CHAIRMAN: Derek.

MR. FOX: My question was answered.

MR. CHAIRMAN: All right.
Yes, Yolande.

MRS. GAGNON: You mentioned when you were advising us of the content of your remarks that you'd talk about "confidentiality" and about "outside" or other activities. Could we have that, please?

MR. CLARK: The outside and other activities was the request from the deputy minister, Dr. Mellon. Confidentiality is just this: if there was one thing that I thought I understood before I took this job on, it was the need for confidentiality in the office. I appreciate even more the sensitivity that members appropriately have there. You know, there's just Karen and myself in the office. We have taken extra steps as far as the portion of the office where the files are stored. There have been some additional construction steps taken so that a person can't get in there under virtually any circumstances.

We have double locks there. None of the members' files are on computers and things like that. So we've gone a great distance. Both Karen and I realize there's a fine of \$20,000 and immediate dismissal. Karen doesn't want the immediate dismissal on her résumé, and I can't afford the \$20,000, so we're very sensitive to that.

MRS. GAGNON: Thank you.

MR. HYLAND: You mean the berry business isn't that productive these days?

MR. CLARK: Not with the frost this year.

MR. CHAIRMAN: Jack.

MR. ADY: I'm okay.

MR. CHAIRMAN: Anyone else? Any general questions?

One of the things you advised us of was your intent to have the Act proclaimed on or near September 1. Have you had a positive response to that position?

MR. CLARK: I've sent to the Attorney General -- he's on holidays now, but in fact following the occasion I spoke to the Conservative caucus, he indicated that the September 1 deadline would not be a problem. I've heard nothing contrary to that since.

MR. CHAIRMAN: As that is your request, is the committee comfortable in passing a motion supportive of the Ethics Commissioner?

MRS. GAGNON: I'll so move.

MR. CHAIRMAN: Thank you, Yolande. Moved by Yolande that the committee support the position of the Ethics Commissioner that the Act be proclaimed on or close to September 1.

Any further discussion? Ready for the question? All in favour? Let the record show that it was carried unanimously.

I think that's all we had. Good. Thanks very much.
Harley, welcome. The chair is warm.

Okay; if we can move on then to item 5, the request for staffing approval, and welcome our Ombudsman. Harley, would you like to give us the detail on this, please.

MR. JOHNSON: Yes, sir, and again I'm very appreciative of the opportunity to come forward and present this to the committee. Basically, the staff complement has been reduced by a resignation within my office. In the spirit of restraint I attempted not to fill the position immediately. However, I found that our turnaround time on complainants' letters and letters back to departments moved from the under five days to between the seven- and nine-day time frame. As a result I hired a part-time person for two weeks to get us through the backlog and then hired a student for the rest of the summer on a wage basis, as best I could still all within budget and within the constraints that are put on.

I'm finding I cannot be without this position if in fact I want to maintain my objective of getting letters back out after five days of coming into the office. I investigate many complaints within government departments of unnecessary and undue delay, and I feel my office in particular, since I'm investigating others, cannot be criticized for extending it. I believe that this position is needed on that basis.

MR. HYLAND: Mr. Chairman, I would like to make the motion that we support the request from the Ombudsman.

MR. CHAIRMAN: Any discussion on the motion? Yes, Derek.

MR. FOX: Well, it's always been my interpretation of the guideline that came from the Premier earlier this year about a staff hiring freeze that that didn't apply to existing positions. I appreciate the Ombudsman coming to us, but it seems to me . . .

4:21

MR. CHAIRMAN: No. Excuse me. It does apply to existing positions.

MR. FOX: Oh, is that right?

MR. CHAIRMAN: Yes.

MR. FOX: So for each and every position, if anyone in the government employ leaves for whatever reason, before that position can be filled . . .

MR. CHAIRMAN: It goes up to the ministerial level.

MR. NELSON: Yeah. I can attest to that.

MR. FOX: Is that right? Okay.

MR. CHAIRMAN: Yeah, and in this case we're acting as the minister.

MR. FOX: Okay. Well, I certainly support the motion.

MR. CHAIRMAN: Further discussion? Ready for the question?

HON. MEMBERS: Question.

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

MR. JOHNSON: Thank you very much.

MR. CHAIRMAN: That was easy.

MR. JOHNSON: Are we, Mr. Chairman, going to deal with the Treasury Board directive at this date?

MR. CHAIRMAN: Well, we're going to deal with it, but it's on our agenda later on. It's actually item 11, but we are going to deal with it today.

MR. JOHNSON: Do you want my involvement? I submitted a letter to this committee through you.

MR. CHAIRMAN: Well, I've actually been dealing with all four of the officers on the issue as it affects all of you. With the indulgence of the committee we can move it ahead and deal with it. I think we should deal with the Complainant Protection issue first, which is specifically under your name. All right?

MR. JOHNSON: Okay, sir.

MR. CHAIRMAN: Members of the committee will recall that this matter goes back to a discussion we had last year. At that time a request by the Ombudsman to expand the complainant protection provisions was declined. However, a suggestion was made that if the Ombudsman wished to go back and do some further research and come back to the committee, he could certainly do that. That is indeed what has happened. In addition, with the upcoming international Ombudsman conference the Ombudsman has provided us with a copy of some remarks he intends to make at that conference. So we now have the matter before us as a committee. It may be the intent of the committee to deal with the issue today; we may find we cannot. We have been provided with a copy of the remarks the Ombudsman wishes to make, and they've been provided on a courtesy basis.

I'll stop with that kind of introduction and turn it over to the Ombudsman, but first, Derek, you had a point?

MR. FOX: I'd be happy to wait until we hear Harley.

MR. JOHNSON: Realizing the time constraints, maybe I could just . . .

MR. CHAIRMAN: Excuse me. I'm just assuming we're going to be meeting a bit later today. We're not going to try to finish -- I hate to see our officers feel that they're in a pressure cooker and have to compress everything. If you're agreeable, I'm prepared that this meeting run until 6 o'clock or later if need be.

Derek?

MR. FOX: Just for the committee's information, I have an important public meeting in the village of Hairy Hill at 7, and I have to leave early enough to be there.

MR. CHAIRMAN: How long is that?

MR. FOX: I'd have to leave here at 5:30.

MR. CHAIRMAN: You have to leave at 5:30?

MR. ADY: I could cover it for you.

MR. CHAIRMAN: Are there others who would be uncomfortable if we did run up until 6 o'clock?

MR. NELSON: Six o'clock is fine.

MR. CHAIRMAN: All right. Derek, is that all right with you?

MR. FOX: Sure.

MR. CHAIRMAN: Okay. Thank you.
Go ahead.

MR. JOHNSON: Thank you, Mr. Chairman. I'm still appreciative of the time constraints. I believe that this committee is fairly well aware because of my previous presentation. What I'd like to do is just make comment on a number of the types of complaints that are coming in that support the idea that the complainant protection clause within the Ombudsman Act is necessary. The original complaint started as the result of a complaint of patient abuse by a staff member in a nursing home, feeling that if they brought the complaint forward to the Ombudsman's office in a formal written fashion, they in fact face retribution -- either ostracism, a firing -- because it did involve administration within this particular nursing home. Now, a nursing home in itself is outside of my jurisdiction, but they are within the jurisdiction of the Health Facilities Review Committee, and this person was in fact referred to that committee and then subsequently I investigated the Health Facilities Review Committee and made a recommendation back to the Health Facilities Review Committee on that specific incident.

More often than not when I went to public meetings dealing with either public servants or the public themselves, many felt that they could not complain formally to the Ombudsman because of a repercussion. One of the items that I have enclosed in that paper that in fact I did present yesterday to the International Ombudsman Institute workshop dealt with a tire issue which is a very public issue. It dealt with a company who was a nonreceiver of a contract feeling that they could not complain to the Ombudsman and have me investigate because they had to deal with that department again in subsequent contracts. The statement made by the president of that particular company back to me was that government bureaucrats have long memories, and if in fact a complaint was raised, the fear was that they would not even be considered for subsequent contracts.

I had a very serious case come out of one of the remand centres. It was a case where a very good friend of a prisoner had indicated that their friend on the inside of a correctional facility had been raped and brutally assaulted and that the guards were standing by and watching this particular assault. The investigation preliminary that I did, because I had no authority to go in formally, showed that that in fact was not the case in totality, that the rumours had gone beyond what the actuality was but that there was sufficient evidence to warrant a fuller scale investigation on receipt of a complaint. The prisoner involved refused to complain to my office for fear of future retaliation by other inmates and by guards.

A number of nursing home people in the province have indicated that they would like to complain to my office about patient abuse but cannot.

I recently had a complaint that is currently under joint investigation by myself and a committee. Again I'd like not to expand upon that particular investigation at this time because it is a very serious allegation, but the original persons involved indicated to me that they were very, very afraid of repercussions within this particular facility and that the complaints involved very high level administrative and staff wrongdoings, both in an administrative

unfairness manner and in a potential criminal matter. So that investigation at the present time is ongoing, but the original idea was that the staff were afraid to talk to anybody, including members of my staff, about the abuses because there was no protection and they felt that they would in fact be fired from their position as soon as their name was brought forward. We were able to allay the fears in this particular case, and they have now signed requests for investigation by my office, which I have subsequently turned over to another group. Of course that other group is still within jurisdiction after they've completed their investigation, and I may still be involved at a more direct level. I apologize to the committee that I cannot explain further at this particular time; however, I'm of the belief that this committee will become aware of it through other sources in time and when it is probably more appropriate.

The whole idea is that people are afraid to come forward without some form of protection. The Alaskan Ombudsman has within his Act what is called whistle blowers. I have stated very publicly that I do not support whistle blower in totality because whistle blower implies anonymity; people can make anonymous calls. I will provide confidentiality to people who get ahold of my office, but I will not act fully on an anonymous call or an anonymous letter. I will make some general inquiries, and if on the general inquiries, the informal inquiries, there is evidence to support an investigation, I still have the option of going in under own-motion investigation, but I will not do a formal investigation directly on an anonymous call.

So the difference between whistle blower and complainant protection that I am proposing and have proposed in the past is that we still will not deal with anonymous calls, but we will protect in law those people who come forward from any retribution or recrimination either by staff or otherwise. I made the comment to this committee last time that all human rights legislation -- the Individual's Rights Protection Act in this province, the federal human rights legislation -- have a complainant protection clause, and I am getting more and more convinced all the time of the need for this particular type of legislation within my own Act.

4:31

MR. CHAIRMAN: Harley, just for clarification before we go to our speakers list. In the opening comments I indicated that you were presenting a paper at the international Ombudsman conference or a workshop. Is that not right?

MR. JOHNSON: That is correct; it happened yesterday. The International Ombudsman Institute workshop is in August of 1992, and it's going on at the present time. So your information is correct.

MR. CHAIRMAN: That's correct, but I had understood that you were presenting your paper at a workshop of the Vienna conference, a subsequent conference.

MR. JOHNSON: No, sir. If that's the impression, then I must have . . .

MR. CHAIRMAN: A misunderstanding on my part. I just want to clarify it for the record.

MR. JOHNSON: It is August 1992. We have right now 40 international Ombudsmen and Ombudsman investigators and academics involved at the University of Alberta.

MR. CHAIRMAN: Yes, I'm aware of that.

MR. JOHNSON: I made that presentation yesterday to them, indicating that I would be coming to this committee as well.

MR. CHAIRMAN: Okay. Thank you.

MR. JOHNSON: There are other complainant protection clauses in some Acts, but very few Ombudsman Acts around the world do have them. There is no complainant protection clause in any Ombudsman Act in Canada.

MR. CHAIRMAN: Good.

Jack, and then Alan.

MR. ADY: Thank you, Mr. Chairman. I understand the difficulty that our Ombudsman is encountering and the difficulty that complainants are encountering, because I know the very thing that he's talking about can happen. The concern I have with what you're asking for has to do with -- I'm not sure that you could pass tight enough legislation to accomplish what you're asking so that someone could be assured of that kind of protection, and if we did find a way to do it, I have a concern that someone could hide behind it. In other words, they make a complaint and all of a sudden they're protected by that piece of legislation. In every piece of discipline that was ever handed down to them in the future they could say, "Hey, you're just doing that to me because . . ." They phone and call whoever to enforce this legislation that would protect them from ever being criticized, disciplined, or whatever. I'm not talking about firing someone. I think that if their behaviour is bad enough to be fired, that fits into the category. I'm talking about being disciplined and passed over for an increase, transfer, those kinds of things, criticized, ostracized. All of those things can happen for other reasons, but they could all be blamed on the fact that "Oh, I made a report to the Ombudsman so that's why they're doing it to me, and I want this legislation to deal with this question so that they can't do this to me."

I don't see how you could ever put legislation in that would give them the protection, because even if you did, someone could still . . . For instance, I read your speech -- it's part of our package of information here -- and I think that the health care worker was concerned that she would be ostracized by her peers. I don't see how you can nail something like that down by saying in legislation that their peer group shall not ostracize them in the future because they blew the whistle. I would really need to look at this thing to see what else is out there that's partially doing the job and what really could be done to accomplish what you're asking without bringing on overkill.

MR. JOHNSON: If I could respond to that, sir. The Alaskan Ombudsman, who has been dealing in this area for quite some time, has as part of the Act a clause indicating that just because a person has taken this complaint forward, disciplinary action cannot occur. What has happened in practice is that disciplinary action has been put off until the completion of the investigation, and then if disciplinary action is warranted, it's still taken, and that person still could go back through the grievance procedures either with the union or a complaint back to the Ombudsman if in fact the grievance procedures are completed.

In terms of your second comment, the idea that ostracism could occur is correct, and I think your feelings are very valid. It still could happen, but what we can do up front is say that you are protected in law from direct discrimination or retribution because you have brought a complaint forward to the Ombudsman for investigation.

That's the best I can do, sir. Your comments are valid. There still is the subtle ostracism. There are still subtle ways to move people

out of the system should they so desire, but at the present time there is no law protecting anybody coming forward and making a complaint.

MR. ADY: No, there isn't, but there's certainly protection for someone who is unjustly dealt with in the workplace under the human rights legislation. His report is full of them every quarter or every year when he files it, where someone said that they were unjustly dealt with in the workplace, and they demand compensation and they get it. I'm just wondering if that doesn't fill the bill.

MR. JOHNSON: It doesn't fill the bill in my opinion. The human rights legislation does have the complainant protection clause within it.

MR. ADY: Does, you say?

MR. JOHNSON: Does. The Individual's Rights Protection Act has a complainant protection clause within it, and I'm only asking that that protection clause be expanded to include the Ombudsman Act.

MR. ADY: That Act covers everybody in the province, so why do you need it in addition? I'm not clear on that, Harley.

MR. JOHNSON: Okay. Within the Individual's Rights Protection Act there are very specific legislated reasons that you cannot discriminate: age, racial origin, religion, those types of issues. Those types of issues do not cover all the administrative actions that I investigate. I investigate any unfairness within a government setting, period, not just limited to the five or six components within the Individual's Rights Protection Act. If it's an administrative unfairness that's not part of the human rights legislation, at the present time there is no protection. It does not cover all those components.

MR. ADY: Okay. Mr. Chairman, I don't want to take all the time, but I just would ask one more question. So you're saying that the Individual's Rights Protection Act cannot in its present form expand to cover the things that you're trying to cover.

MR. JOHNSON: That is correct, sir, unless there was a change to the Individual's Rights Protection Act, including all administrative unfairness. If that was the case, then someone would legitimately question why my office was there.

MR. ADY: Okay. Let me just move to the second part of my comment, that having to do with -- five years after someone blows the whistle, they're still covered by that piece of legislation protecting them from any kind of retribution for having blown the whistle. My point was that they got a lifetime of protection for too many things, that they can use that to hide behind. That's the other concern I have.

MR. JOHNSON: In response to that, only in relation to that one incident, not in relation to any other circumstances that they're involved in.

MR. ADY: Well, no, just a minute. I realize I'm getting into a bit of a debate, and I don't mean to do that. What I'm saying is that the complainant could be subsequently disciplined for not working hard enough, not being productive enough. The minute that he is, he says to a supervisor, "You're only doing that to me because five years I blew the whistle on you, and here you come." When in actual fact the guy is guilty of it. Now, how do you sort that out?

MR. JOHNSON: I think you go back to an independent investigative agency such as our office to determine whether or not there is any evidence whatsoever that can be traced back to the original complaint. If at the present time I find during any of my investigations that some retribution has taken place, I would be involved in an own-motion investigation very quickly. An own-motion investigation is very public and very quick and in my opinion would create an awful lot of adverse publicity for the department. This particular protection can be placed in as a complainant protection clause. In my opinion, it can be just folded right in with the Ombudsman Act and dealt with in a very appropriate and quick fashion, a very efficient fashion.

MR. ADY: Okay, but by the statement you just made, you're actually accomplishing now the very thing that you're asking to be kept in legislation.

MR. JOHNSON: But I cannot turn around and say in law to a complainant that they are protected from direct retribution. I can't say that in law. All I can do is promise them that I would go into an own-motion investigation if it ever came up.

MR. ADY: But you don't think that's sufficient?

MR. JOHNSON: I don't think it's sufficient.

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

4:41

MR. HYLAND: Thank you, Mr. Chairman. I chaired the Health Facilities Review Committee -- I'm not sure if that's the same one or if it was previous; there have been others since -- during one of those negotiated, investigated resolutions. What's the right term?

Firstly, to start with, the thought to put whistle-blower protection in it. A number of years ago -- maybe it's about the time the human rights Act was put into place -- with the Child Welfare Act we had that 1-800 hot line. It might have done a lot of good, but it sure did a lot of damage. Kids could phone up and say something or people could phone up and say something if they wanted to get even with their neighbour. You didn't have to give your name. That complaint was there. It was there, and it was as if you were guilty as sin before anything happened. You couldn't get your darn name off there. I know of one instance where a kid about five years old was told he couldn't do something, and he and his dad had a discussion downstairs in the rumpus room. The father came upstairs for something out of the kitchen; the kid was on the phone to the 1-800 number telling how he was abused. It took him a long time to get that cleared. That's what I'm afraid of, going to that extent again. I agree that in that instance we need something, but the way it was being done was too sweeping. There is no mechanism for getting out of it.

So how do we handle those that are vicious complaints for one reason or another, just complaints to keep things stirred up? As I remember my time on the Health Facilities Review Committee -- John, maybe it's changed; maybe it hasn't in the last three years -- some people would complain six months, even further, after they left the employment because they were mad about something and they wanted to get even. If whistle blowers isn't done right, I think it gives those people a chance to really get vindictive and really maybe not care about what's happening, but they're perceived to be getting even with somebody. That's what I'm concerned about. As I said, I've been involved in it. I can't say a whole lot more about it. I'm in the same position as you.

MR. JOHNSON: If I may respond to that. First off, on the 1-800 line for child abuse, the children did not have to give their names. It was anonymous. I'm not suggesting anonymous complaints. That's the first thing in response to your concerns, your expression.

There is no mechanism to get out of it in the 1-800 line, and you're afraid to get back into it. If I could respond to that, nobody has access to my files, so it's not a matter of getting in and getting out of it.

The third thing is that people would complain to get even. I have those now. I have them constantly, and a good chunk of my job is separating wheat from chaff, and when I can separate it and deal with it in a proper fashion, it never goes any further. So I have those complaints now.

There was a concern expressed by this committee last time that it would only increase the numbers of complaints that you're going to get. I can only come back to this. I'm having a lot of complaints right now where people are attempting to get even. Some of you may have read just recently in the newspapers the problem on suits where divorces are occurring and children are moving from one side to the other and people are complaining that the other party is guilty of sexual abuse, et cetera, et cetera. Those types of complaints come into my office continually, and we investigate and separate wheat from chaff. Where we do find evidence, we support. Where we don't find evidence, we don't support. We tell the complainant one way or the other, and then it dies. I think that's one of the beauties of this office: nobody has access to that file. So it's not a matter of getting your name out of the file. Nobody else has access to it but me and my investigators, period.

MR. HYLAND: But under this example that I used, nobody had access to that file. The person knew that his name was in it and there wasn't a reason for it to be in. If something would have happened to that child, they could have come down on him I suppose in court or whatever with a charge that he indeed did do something.

MR. JOHNSON: I'm attempting, sir, to allay that fear in that nobody, even the courts, has access to my files. That was proven just recently, and I believe the chairman was brought up fully to speed on that issue.

MR. CHAIRMAN: Derek, and then Tom.

MR. FOX: From previous discussions I think members of the committee know that I support the need for a whistle blowers or complainant protection Act, however you want to describe it. Our caucus has introduced a Bill to accomplish that. We tried to insert a clause that would provide that kind of protection in the environment Act that we passed. I think it is important.

I recognize the concerns that Jack and Al have expressed. It's not possible to create a perfect world through government action or legislation. We're always going to have situations arising where there are frivolous complaints or vexatious complaints along with complaints that aren't brought forward because of fears that people have. What we have to do as legislators is find an appropriate balance, and I think that balance does not exist in our current legislative mix. The Individual's Rights Protection Act provides complainant protection for people who complain under the provisions of that Act. So if you complain about your employer discriminating against you because of age, race, or religion, you're protected from retribution based on your having issued that complaint, but that doesn't provide any protection for an employee in a government department who wants to highlight a wrongdoing in the department by a superior or abuse or someone who is in a

corrections institute. That doesn't relate in any way to the Individual's Rights Protection Act.

I think what we need to do and what Mr. Johnson is requesting here is have complainant protection legislation that would in a sense extend what the Individual's Rights Protection Act does, and that would be to prohibit discrimination against people, not just on age, race, religion, sex, et cetera, but also protects them from discrimination based on their revelations or complaints or information that they bring forward. I think our investigative agencies, indeed MLAs' offices, are well versed and experienced by now with separating frivolous and vexatious complaints from ones that have merit. I mean, there may be an increase in nonsense coming forward, but at the same time I think people need to be assured to the greatest extent possible that if they're going to highlight some wrongdoing, be it fiscal impropriety or administrative bullying or wrongdoing or inefficiency in government, they can do that without fear of reprisal. That needs to be separated from what else is going on in terms of their job. If five years down the road there's a disciplinary action based on performance, presumably there's a record. The employer would be able to show: I'm not punishing that person for telling the world that I'm a lousy manager five years ago. In fact, this is what's happened to that employee since: there's been this advancement, there's been this commendation, there have been these things, but in addition to that I want to show the Ombudsman that this employee has an unacceptable record of absenteeism, of abuse of deadlines and authority and stuff like that.

People have ways of measuring evidence, and I just think that there is a need in terms of our legislative umbrella to provide complainant protection so that people can be assured that they're not going to be punished for doing what they feel they need to do.

4:51

MR. CHAIRMAN: Thanks, Derek.

Tom, Don, and then Yolande.

MR. SIGURDSON: Mr. Chairman, I suppose one of the things that I would like to remind the committee members of is that there's a power that rests with this committee and that if this committee finds that after an appropriate period of time we have an increased number of complaints that are going to the Ombudsman's office that are requiring complainant protection and we find those complaints to be vexatious, we can withdraw some support as well. If the Ombudsman comes in and says that we have an increase, that we need to have an increase in investigative staff because the level of complaints has increased, multiplied by whatever number, we can start asking questions about whether all of those are legitimate complaints. We could then perhaps consider changing certain provisions of the Act to deal with the concerns that may be coming to us one, two, three, four years down the road.

At this point, though, I believe that the Ombudsman has come to the committee with a number of very real concerns that have been addressed to his office by Albertans that fear retaliation and require a degree of protection that's not currently available to them. I think that we ought to afford that kind of protection to Albertans. I share the concern about an individual feeling that they will have protection for as long as they remain in a particular employ, and I also share the concern that Al points out about somebody phoning up and just out of anger trying to initiate a complaint when there really are no grounds for a complaint. That's why the office of the Ombudsman is there; it's to sort that out and to find out what's legitimate and what is not and to have that extra degree of protection for those Albertans that really believe that they need it. Given the professionalism of the office, I'm sure that the investigators and the Ombudsman would explain to those people who bring in complaints that these are the

provisions of the Act, this is what the protection affords you. It doesn't give you a lifelong contract or lifelong guarantee that you're going to be able to always use this complaint, this protection as a way to avoid work and not have disciplinary action taken against you for other matters.

So I think we really ought to support this request to provide this kind of protection to Albertans.

MR. CHAIRMAN: Thank you.
Don, and then Yolande.

MR. TANNAS: Harley, I didn't hear you talk about any kind of recommendations. You talked about the wheat and the chaff. Presumably some of the chaff might be even worse than that; it might be the tares or something or other, the weeds. I'm thinking of vexatious, where somebody is maybe in a box or whatever so they strike out with a smoke screen of making some charges. I didn't hear you mention anything about when you discover that there's chaff in some of the complaints, that maybe some of that is really being vexatious and that kind of thing, that any action is being taken. Would you envisage what you're proposing having, the other side of the hammer? This gives an employee a good hammer, you know. If we're on the bent of trying to right the wrongs of the world, then fine, but what about the other side? Derek spoke about administrative bullying. I would think there could be a case made, when you've got your chaff cases, that there might be employee bullying or blackmailing or whatever you want to do, intimidation of management. What have you got in here that protects the other side?

MR. JOHNSON: I can respond by saying that at the present time I've got a number of investigations ongoing where I believe there is vexatiousness involved. What I have done to date is gone back to a complainant, be they a public servant or be they a member of the public, and simply stated, "There is no evidence to support your complaint." I have not taken any action to suggest that because their complaint is not bona fide that we should in fact make it public or we should in fact send them a letter saying that they are a liar or words to that effect. Ombudsmen in other jurisdictions have taken that position. I don't believe that's necessary. I think I can get my job done very competently without going back to somebody and saying, "You have brought forward a vexatious complaint." I have said on occasion to a couple of complainants, "You are completely wrong in your information, and my investigation does not support your complaint because of . . ." Then in the formal letter that I send back say that I just do not support their complaint, that there is not enough evidence or there is no evidence to support their complaint, period.

Within the public service itself I have had a number of issues brought forward to me by public servants who I have felt to be vexatious in terms of promotion, in terms of competitions for other positions, and in fact people who apply for positions with the government of Alberta, with the public service. Where I have not supported it, I have just simply stated: "I have not supported your complaint. There is no evidence to support it. The process of hiring was fair, and unfortunately you are an unsuccessful candidate." In terms of your concerns as expressed, I deal with those now.

MR. TANNAS: With respect, I see that as kind of only a partial deal. For instance, if you have on the one hand a person in a position of authority and they are deemed by you to have wrongfully dealt with their employees -- something happens to that person. Their superiors are told that. It may be sufficient to cause criminal investigation, whatever. Certainly there is a career mark there.

What you're saying, on the other hand, is that if you do make an allegation and in your mind it is not founded and moreover is vexatious, it's done and nothing happens further. What I'm getting at is that there's no penalty on the other side.

MR. JOHNSON: Officially there is no penalty, and officially I am not proposing any penalty. What it does state in my original proposal is a bona fide complaint, which leaves it open for that. I don't believe it's necessary. I haven't found it necessary to date.

MR. CHAIRMAN: Thank you.
Yolande.

MRS. GAGNON: Well, just for the record, Mr. Chairman, I have supported this since the Ombudsman first brought the request to this committee, at least a year ago I would think.

Before I go any further in my comments, I have a question. Did the vulnerable persons protection Act tabled by Mr. Day go anyplace? Was it passed? Was it even introduced? I know it's ready. Does anyone know? We don't know what the status is. In any case, it was not passed.

MR. CHAIRMAN: It was a private Bill.

MRS. GAGNON: But it didn't go anywhere? It wasn't even introduced? Okay. My question is: in case this private member's Bill is introduced and passed, there would be mandatory reporting required. If you see something going on -- your colleague in a nursing home is beating on this patient every day or whatever -- you must report it according to the law, but you have no protection. So you want to go further than what the vulnerable persons' protection Act as it is now envisaged would go? You would like to go further?

MR. JOHNSON: Yes; that is correct.

5:01

MRS. GAGNON: Well, I do support it, because I think we have to look at the other side that by not having this kind of protection, complainants will allow things to go on and on and there are innocent people maybe being hurt, being abused, being treated unjustly, unfairly, inhumanely in some cases. I just think I would like to see this committee make a recommendation that either the Executive Council or a government member or someone come up with a Bill that would actually make this happen. I'll turn that into a motion. It's not worded very well, but I would move that this committee support the introduction, through whatever mechanism is most effective, of a Bill, an amendment to the Ombudsman Act which would provide for complainant protection.

MR. CHAIRMAN: Discussion on the motion? Don.

MR. TANNAS: Okay. Thank you, Mr. Chairman. Yolande, would you see that as this committee discussing this further but maybe getting examples from other jurisdictions and then we as a committee would bring it in as an amendment, or would we recommend to the government that the government do that? What is the thrust of that?

MRS. GAGNON: Well, two things. I think we've discussed this a long time. It's been over a year. We have had a lot of time to think about it, read about it, and so on. So I would not want to delay for more discussion. But in order for this to happen, it has to be introduced either as a private member's Bill or as a government Bill. Not being in government, I can't suggest which mechanism we'd

want to use, just that this committee would make that recommendation. I know we have to recommend it to somebody. What would your suggestion be?

MR. CHAIRMAN: Well, it's to government. If we pass the motion, then the recommendation goes to the minister responsible for the Ombudsman Act. It then must be dealt with by government.

MR. JOHNSON: If I may interject at this point, where amendments have been made in the past, they have been referred back to the Attorney General. He's the minister responsible for changing it.

MRS. GAGNON: Okay. My motion, then, is that the committee would recommend to the Attorney General that an amendment to the Ombudsman Act be presented to the House.

MR. CHAIRMAN: Don, any further comment?

MR. TANNAS: No.

MR. ADY: I have some concerns with the motion. Before I speak about those, did you say, Harley, that the only Ombudsman who has legislation like you're asking for is Alaska and others do not?

MR. JOHNSON: The others do not. That's right, sir.

MR. ADY: At this point.

MR. JOHNSON: There are a couple of minor Ombudsman offices around the world -- to be honest, they are minor offices -- that have a form of protection but not in the full-scale complainant protection style that I am requesting. That is correct, sir. By the way, they're all sitting waiting to see what happens.

MR. ADY: To see who blinks first.

MR. JOHNSON: To see who makes the first move.

MR. ADY: Well, speaking to the motion, I would rather have seen some action taken on the basis of looking at Alaska's legislation, looking at what we would be doing in the form of legislation as opposed to just saying "Do it," because in my mind this has quite a few ramifications. I can't get all revved up about doing legislation just for the sake of doing it and without knowing the whole picture as to what impact it's going to have on the negative side. Most legislation does have some negative side to it.

MR. JOHNSON: In response to that, would it be appropriate to have the Alaskan Ombudsman make a presentation to this committee within 10 minutes, if I can find him?

MR. ADY: It would be nice to have time to at least see their legislation and understand and be more comfortable with . . .

MR. JOHNSON: Would that be of any value, Mr. Chairman? I realize you're on a time frame.

MR. CHAIRMAN: My only reluctance is that we have a patient or impatient Chief Electoral Officer with several items which must be dealt with today.

MR. JOHNSON: I do appreciate that.

MR. NELSON: Question on the motion.

MR. CHAIRMAN: Well, we still have two on the speaker's list, Derek and then Tom.

MR. FOX: It's my understanding, Mr. Chairman, that the motion from Yolande deals with the principle of complainant protection and the possible recommendation from this committee to the appropriate minister, in this case the Attorney General, to investigate the possibility of introduction of such legislation. We're not dealing with a proposed Bill here and crossing t's and dotting i's; that's beyond the ability of this committee. Presumably if a motion passed and the recommendation went to government and government introduced a Bill, members of the Legislature would have an opportunity to examine the Bill and make amendments and recommend changes. But we're just dealing with the principle here. I think it's a sound principle and one that I support.

MR. CHAIRMAN: Thank you.
Tom.

MR. SIGURDSON: Well, Mr. Chairman, I've heard so often in the Legislature that Alberta has been first. We were first in establishing this office in Canada.

MR. FOX: First in North America; 25th anniversary.

MR. SIGURDSON: It's significant that the 25th anniversary is to be celebrated this year, and I think a significant step forward would be granted to all the people of Alberta by having this kind of provision enshrined in legislation. It would do the government an awful lot of good to have at the 25th anniversary celebration an announcement that significantly affords greater opportunity to Albertans to have protection if they feel it's required, if they have to initiate a complaint to the Ombudsman's office.

MR. CHAIRMAN: Don.

MR. TANNAS: It's too bad we can't follow up on Harley's suggestion of the Alaska . . . Are there any reports of the success and the difficulties, et cetera, of this piece of legislation? It's the only one in North America, I gather. Do we have anything in that line?

MR. JOHNSON: The easiest way, I would suggest, is to go back to our own Human Rights Commission. They've had no problem with this particular portion of the human rights legislation in this province.

To answer your question directly, there's no report I'm aware of other than the people who are proposing such changes to legislation in a number of different jurisdictions. There is no formal report in a total research style. There's none.

MR. TANNAS: I'd certainly feel a lot more comfortable if that were available and a person could look at it.

MR. CHAIRMAN: Jack.

MR. ADY: Harley, I have to take issue with what you just said. There have been instances where the human rights protection Act has been very vexatious, where people have called them in to do investigations that were groundless and put people through a great deal of unnecessary anxiety and, in my own constituency, turned around and did it again in six months.

MR. JOHNSON: But we're talking here, sir, if I may, about a complainant protection clause specifically, not whether the human rights legislation allowed them to come in. I know when I come into a department on an investigation, there's trepidation, and in 60 percent of all my investigations they support government action, saying that the actions are correct. So to say it's because Human Rights went in and caused some concerns with some people because they've got a complainant protection clause, I'm sorry, sir, you and I will agree to disagree on that.

MR. SIGURDSON: The commission may have gone in regardless, whether or not there was complainant protection.

MR. JOHNSON: They went in not because of a complainant protection clause. They went in because of complaints that did come in and they investigated. How they investigate is another issue. Whether there was a complainant protection clause did not cause them to go back into another investigation within six months.

MR. ADY: With all respect, you're correct on that point; it was not because of the protection clause. But you were using, I understood, the broad term of the Human Rights Commission Act, that it had not been vexatious and had worked well.

MR. JOHNSON: I do apologize if I gave that impression, sir. I was talking specifically of the complainant protection clause within the Act itself.

MR. CHAIRMAN: Are we ready for wrap-up? Yolande has the right to conclude the debate if she wishes, but I wonder if before she does that you have anything you'd like to add, Harley.

MR. JOHNSON: The only very brief statement I'd like to add is that I suspect you would want somebody who has a complaint about a department to put that complaint through a legitimate, competent investigative agency rather than going to other agencies or other ways of making issues. I suggest to you that the Ombudsman's office is one of those types of offices where you would want a complaint investigated to see whether there is any wheat with the chaff, as has been pointed out.

That would be my final statement, sir.

MR. CHAIRMAN: Closing Comments by Yolande?

5:11

MRS. GAGNON: I guess I would just say this is not whistle blower protection. There is no anonymity here, and the person has to give their name. I think that alone would do away with a lot of vexatious, retribution-type complaints being made. So I think it would be envisioned not as whistle blower protection but as something where there's confidentiality without anonymity -- and they're very different -- and something we should support in order to protect innocent people who are being abused or potentially being abused.

MR. CHAIRMAN: Thank you.

The question then being put, all in favour of the motion, please raise your hand. Opposed? The motion is defeated.

Do you wish it recorded? Okay. Those in favour of the motion: Yolande and Derek and Tom. Those opposed: John, Don, Jack, Alan, and Stan.

MR. JOHNSON: Thank you again to the committee for listening to the arguments. It is a difficult issue, not an easy issue, and I'm sure

it will be raised again in the future if the committee gives me that opening.

MR. CHAIRMAN: The Ombudsman always has the opportunity to come back, both through his annual report, which is made public, and to the committee.

MR. JOHNSON: Thank you, sir.

MR. CHAIRMAN: Item 7, the International Ombudsman Institute Board of Directors Request. This again was a late item added. You all have a letter in front of you in small print, which is difficult for the elder group.

If I could just make a couple of comments at the outset. When I'm finished, Harley, I'd like you to make some comments. There are really two requests in this letter. One is for participation by our Ombudsman on the board of directors of the International Ombudsman Institute, and the second is for a commitment of \$5,000. My editorial comment is that this is not the budgetary process; this is not the time to deal with budgetary process matters. The first is a principle item and we should deal with that, but if the two are linked together, I would urge the committee to use real caution, because there is a time and a place to deal with matters like this in terms of dollars involved.

Harley.

MR. JOHNSON: I have to agree with you, Mr. Chairman. There are two issues here. The first is, of course, the idea -- and I'm already on the board of directors, but I'm representing the University of Alberta. At the present time the University of Alberta is also under extreme financial constraints, and any travel I do on International Ombudsman Institute work is currently being paid for by the University of Alberta, which is going to be rescinded. As such, it was suggested to me that I let my name stand for one of the Ombudsman's positions on the board of directors rather than an assigned position from the University of Alberta. I had some concerns about this. I told the people who approached me, which by the way are members of the executive committee, that I realize it is very much an honour for our office to be asked to be considered, but I do know there are an awful lot of financial constraints and restraints right now. I'm very cognizant of that, and before I would make any attempt to suggest to them that I could allow my name to stand, I would at least need some form of support in terms of a direction from this committee because I could not perform the functions out of my own pocket. On that basis, I brought this to this committee.

I should add that there is another alternative should this committee support the concept of my being involved in the board of directors without financial support. There is another alternative that can be approached following this. The basics are on the travel points basis. The question has been asked -- would you like me to answer it, Mr. Chairman? -- whether I could use travel points at no cost to anybody within the Alberta government, although I am now using travel points for travel within the office to keep our costs down as well. There is a second alternative, and that is out of IOI directors' funds themselves by being appointed to an executive director position: no cost and no fee for me. I'd be doing it as a volunteer and they would pick up my travel costs. So there is an alternative to this, but it's an approach of whether or not this committee supports my involvement at the international level.

MR. CHAIRMAN: Thank you.

The speakers list: Alan, Derek, and then Tom.

MR. HYLAND: Thank you, Mr. Chairman. I don't have any problem with the first request. I think it's great for the office and the province that the Ombudsman was asked if he'd let his name stand.

I have a problem with the second one in that more often with these international things -- and, Harley, you just got on to it right at the last -- once you're on those boards, because everybody pays fees to belong, they then assume your travel costs. I think that with the Commonwealth Parliamentary Association, if you're on the executive part of the travel cost is assumed; your parliament doesn't pay it and these sorts of things. I don't have any problem supporting the first one. The second one: you know, being the time of year and that sort of thing, out of sync on budget, if we start adding to it, I've got concerns with that.

MR. JOHNSON: With respect, Mr. Chairman, could I request a small coffee break?

MR. NELSON: Yeah. I'll move that we go in camera.

MR. CHAIRMAN: The Chair will just declare a coffee break.
Thank you.

[The committee adjourned from 5:18 p.m. to 5:19 p.m.]

MR. CHAIRMAN: Anything else, Alan? Okay; Derek and then Tom.

MR. FOX: Well, in terms of the request about involvement with the International Ombudsman Institute board of directors, I too am pleased that the Alberta office and the Alberta Ombudsman are highly regarded by colleagues. I think that's commendable and you should accept that invitation and serve with the kind of commitment I know you will. It's my understanding, my assumption based on experience that as Ombudsman Mr. Johnson exercises a prudent and responsible approach to what he does, and that would be the case. If there's an opportunity to save money going to a conference by using travel points, if there's an opportunity to handle costs in other ways, that's just something you do as a matter of course. You've advised us there's a possibility you may be appointed to the executive committee of the board of directors, in which case some of the travel obligations would be handled by the IOI. Did I hear you right?

MR. JOHNSON: If in fact there was an appointment to an executive directorship, not just to the executive, as a volunteer executive director of the institute.

MR. FOX: So that remains a possibility.

MR. JOHNSON: That's correct.

MR. FOX: So it seems to me we should support with enthusiasm the first request with the understanding that there may be budget implications related to this appointment and, when the time comes to assess budgets, the Ombudsman has the opportunity to present to the committee a request for his 1993-94 budget based on estimated expenditures, some of which may relate to this position. That's the way we should support in principle and deal with things as they come.

MR. SIGURDSON: When are the elections to be conducted?

MR. JOHNSON: They'll be held in Vienna during the international Ombudsman conference.

MR. SIGURDSON: How long is the term?

MR. JOHNSON: The term will be a one-year appointment. Each year has to be reapplied through a regional directorship. In our particular region, which is the North American region, there are three Ombudsmen appointed to the board of directors at the regional level. They represent the region at the board of directors level; then the board of directors appoints a president, a treasurer, a secretary.

MR. SIGURDSON: So this committee would have the opportunity to review the requirements of the office and any budgetary concerns on an annual basis?

MR. JOHNSON: As to my involvement with the office, yes, that's correct.

MR. SIGURDSON: Okay. What kind of time away from your office in Alberta will the position require of you?

MR. JOHNSON: As most of you know, I'm the acting treasurer right now while Dean Timothy Christian's on sabbatical leave, and I find I'm able to cover it very easily in the evenings. Occasionally I need some time at work for phone calls, but it's very minimal and, by past experience, will include one extra week at some form of meeting. Last year it was in Puerto Rico, and that was funded by, as I say, the University of Alberta.

MR. SIGURDSON: The Ombudsman's conference in Vienna takes place in October, is it?

MR. JOHNSON: October of this year, yes.

MR. SIGURDSON: So if the committee approves of your participation at that level, you would assume the responsibilities straight away. We're dealing with two separate issues here. I think we've got to marry the two issues together. I don't think we can say, "Congratulations for a job well done; go and do it with our blessings but not our financial commitment." I think we've got to consider the two together. In October we're -- what? -- five months from a new fiscal year. If the committee agrees to support this, I'm wondering if there's any way you can see getting around the five-month problem, the problem between October and the end of March, and then we have a new budget year when we can consider dollars invested in a new element for the position.

MR. JOHNSON: With all due respect, sir, there would be no travel or expenses in that time frame for whoever takes this particular position. The only cost involved in this is a one-week board of directors meeting to be held someplace through an Ombudsman's office. That would be the only cost to the citizens of Alberta.

MR. SIGURDSON: And that will be in the next fiscal year.

MR. JOHNSON: That would be in the following fiscal year, probably in October of 1993.

MR. SIGURDSON: New information. Thank you. I want to indicate my support.

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

MR. HYLAND: Thank you, Mr. Chairman. I would like to move that the committee approve -- or is it the right word? -- the first part

of the request of the Ombudsman, that of being a member of the board and seeking a position on the board. What I'm doing is dividing the two completely, and that's a little contrary to what Tom is commenting on.

MR. ADY: On the motion.

MR. CHAIRMAN: Okay, on the motion.

MR. ADY: You can't divide it in two, Al, because the minute that the man is appointed to the board, he has a financial commitment.

MR. CHAIRMAN: Excuse me. For clarification, did I not understand correctly that until this point in time it was possible to do just that because the University of Alberta covered travel costs and the university has withdrawn that commitment at this time?

MR. JOHNSON: That's correct.

MRS. GAGNON: But there may be other sources.

MR. CHAIRMAN: There may be other sources.

MR. ADY: All right. Take me to next October for your week-long meeting. Who would be responsible for that?

MR. JOHNSON: First off, my proposal is: would I get support from this committee? Second, without that support, I would go after the travel points. Third, I would go after a volunteer position as executive director and make funding application back to the IOI or CIDA. In my opinion, sir, I would be successful in the next application.

MR. ADY: Okay. It's not that I'm saying we cannot allocate funds. I just want to be clear whether there is a direct obligation for the \$5,000 in the budget that you're requesting the minute you're appointed to the board. That's what I want to clarify as part of the motion. You are saying there is not.

MR. JOHNSON: There is not.

MR. ADY: And it wouldn't necessarily follow.

MR. CHAIRMAN: But it should be clear on this that the motion makes no reference to the possible use of travel points, many of which are now being used . . .

MR. HYLAND: Or the \$5,000.

MR. CHAIRMAN: Yeah, but that's a separate issue. The motion deals with participation on the board of directors by Alberta's Ombudsman.

Tom, on the motion.

MR. SIGURDSON: Getting back to the Ombudsman for clarification, I'm wondering if in your budget presentation to this committee you could add a new element in that this committee supports your position on the executive if you couldn't include in your upcoming budget proposal a new element to cover off the expenses, knowing full well this committee would expect you to find as many other options available to you as possible to reduce or perhaps even not use.

MR. JOHNSON: It's possible, sir, I'd still put it into the travel budget in the explanatory notes, explaining what this particular amount is for, if in fact I am unsuccessful at getting further support.

MR. CHAIRMAN: Okay. All right. We have Don, Alan, and Yolande.

MR. HYLAND: If I get in, that's it.

MR. CHAIRMAN: I'm sorry, Alan. You want to get ahead of Yolande?

MR. HYLAND: No. She has to go ahead of me because I'm closing debate.

MR. CHAIRMAN: Right. Thank you.
Don, then Yolande.

MR. TANNAS: Thank you, Mr. Chairman. As I understand the motion, we're really just giving permission to the Ombudsman to let his name stand. That's what the issue is. I am a bit concerned about the money implications and one of the things Tom has just mentioned, that we could have a new element next year and so on. It seems to me that is prejudging the budget. If we're going to do that, we could just as easily have a 10 percent cut across the board for everybody here. Field that kind of thing, and then where does that put you? So I would rather deal with it just without the financial implications sort of thing. I guess that's what you were saying too.

If we did come to that kind of scenario, then we really would have to make up our minds whether we're going to spend the money or whatever it happens to be. Then you might have to seek the outside assistance you speak of.

5:29

MR. JOHNSON: If I could respond, Mr. Fox made the comment that I've been pretty prudent so far in terms of my travel, and I think this committee will support that. I would seek and am quite confident I can find other funding. So even if it's approved, I'm very confident I can find it elsewhere and it will have no budget implications. But I wanted the position of this committee understood so we know where we stand.

MR. TANNAS: Yeah. That's great.

MR. CHAIRMAN: Thanks.
Yolande.

MRS. GAGNON: I think my question basically has been answered, but just to state where I'm coming from, I think it's an honour that our Ombudsman has been invited. I think his participation will provide a lot of leadership and vision because of the experience here. I would not support any type of budget allocation even later in budget time just because of the times we are in, the fiscal restraint we're in. I would hope and I'm sure CIDA or the IOI would see fit to support this kind of involvement if necessary.

MR. CHAIRMAN: Thank you.
May Alan close the debate? Alan.

MR. HYLAND: I have just one question to ask Harley, because I think most of the rest of it has been said. If you get the other position, this position you're after, that still leaves . . .

MR. JOHNSON: There's still no guarantee that's going to be voted in my favour.

MR. HYLAND: No, but the question I've got is: then the university will still have the spot you're holding now, so we'll have two people from Alberta on this board. Is that right?

MR. JOHNSON: Well, we have two people now. One is the dean of the law faculty and one is myself representing the University of Alberta. I would be removed from the University of Alberta sponsorship, which they are going to do anyway, and allow my name to stand in the North American regional meeting for representation to the board of directors.

MR. HYLAND: So we will then have three from Alberta.

MR. JOHNSON: Probably not. I think the University of Alberta will be withdrawing its support down to one position, which will be the dean of the law faculty or myself. There's still that other option under the executive directorship.

MR. CHAIRMAN: Everyone is clear on the motion? The question has been called. All in favour? Opposed? Carried. Thank you.

One last item, which really crosses lines, is item 11 on our agenda. We were going to move it forward. We now have two of our officers present; it's a good time to deal with it. It's the Treasury Board Directive Re Out-of-Country Travel for committee members. I'd like to begin by apologizing in that there is a file with several memos, letters, which inadvertently has been misplaced between my office and the Leg. Assembly. We can't seem to find it, and my acting secretary in my secretary's holiday time can't put her fingers on the file. So I'm going to go back and give you a verbal overview, and if you feel you'd like to wait until we actually have the file, then certainly we'll do that.

Two things occurred at about the same time. The Provincial Treasurer wrote to me -- and we now have a copy of the material attached -- indicating that it really was the responsibility of this committee to approve out of country travel for the officers, and he hoped we would follow the approach taken by the Treasury Board. I responded to that memo by reminding the Provincial Treasurer that we had not only reduced our travel and hosting budget as a committee by 25 percent but our officers had reviewed their travel and hosting budgets very carefully in at least two cases and made reductions. I then discovered that letters or memos had been written by the Deputy Provincial Treasurer to the three officers re out of country travel. Basically, the department was instructing the officers that they had to comply with the Treasury Board order. I approached the Speaker of the Assembly for a legal opinion through Leg. counsel and received an opinion that unless this committee passes an appropriate motion assuming unto itself this responsibility, the way the Act is written, then indeed the Treasury Board does have the right to extend its jurisdiction in this area to the four officers, none of whom are employees of the government, all of whom are employees responsible through the Legislative Assembly.

So the recommendation I would make today is that we pass a motion that assumes to this committee the responsibility to approve out of country travel for the officers and the staff of the officers that the committee deals with.

MR. ADY: I'll so move.

MR. CHAIRMAN: Okay; thank you.

MR. HYLAND: Question.

MR. CHAIRMAN: Before going to that, as we have two of our four officers present, is there any comment either of you would like to make in that regard?

MR. JOHNSON: No, sir. You've covered it off very well. We've taken the position very strongly that we report through this committee. One of the things that concerns us, especially myself: I'm an investigative agency of some of the people who would then be in charge of my travel, which I think is inappropriate.

MR. LEDGERWOOD: I support it wholeheartedly, sir.

MR. CHAIRMAN: Okay; good. What I will do is ensure that a supportive document is distributed to the members of the committee. I again apologize for the fact that it's not here today. That's no fault of Diane's. Somewhere along the way I slipped up.

MRS. GAGNON: What I want to know is: did they think they had to cut their travel, then, by 50 percent, 25 for us and 25 percent for the Treasurer?

MR. CHAIRMAN: Question was earlier called. Are we now ready for the question?

MR. HYLAND: Question.

MR. CHAIRMAN: Okay. All in favour? Let the record show carried unanimously. Thank you.

MR. JOHNSON: Thank you to the committee.

MR. CHAIRMAN: Harley, thank you very much. It's been long and exhaustive, and we appreciate it.

AN HON. MEMBER: Two minutes, please?

MR. CHAIRMAN: Yes. A two-minute break has been called.

[The committee adjourned from 5:36 p.m. to 5:40 p.m.]

MR. CHAIRMAN: All right. If we could move on to item 10, Request for Special Warrants, we're dealing with (a) By-election, Calgary-Buffalo Constituency, and (b) Enumeration, Three Hills Constituency. As members of the committee are aware, both of these have taken place, and I'll ask Pat to comment on them. We've added an item (c), and that relates to the application for a special warrant, constitutional referendum.

So, Pat, could we deal with (a) and (b) first and then come to (c)?

MR. LEDGERWOOD: Fine, sir. I don't know which order you have in mind.

MR. CHAIRMAN: Oh, I have the Calgary-Buffalo by-election as (a).

MR. LEDGERWOOD: Does anyone have any questions on the application for a special warrant?

MRS. GAGNON: Is there any detail in the book on the background?

MR. LEDGERWOOD: Yes, it details by financial code the travel, advertising, freight and postage, rental, telephone, contract services, materials and supplies.

MR. ADY: Those dollars are there.

MRS. SHUMYLA: It's under 9 because we have added this agenda item this morning.

MR. LEDGERWOOD: A special enumeration was conducted in the last fiscal year. We conducted that February 12 to February 22.

MR. CHAIRMAN: So we've dealt with the enumeration. We're now dealing with the by-election in Calgary-Buffalo next.

A question, Alan?

MR. HYLAND: Yeah. Oh, no; February we weren't in session. Does it matter? The date on the special warrant is February 3. We were not in session; that was previous to session. Does that make any difference?

MR. LEDGERWOOD: I believe it's undated. I should also tell you that we're having difficulties now with special warrants in that on the Treasurer's office desk there is a new special warrant format, and it has not been approved yet by the Provincial Treasurer. So these forms are a little out of date, but the new form is not yet available.

MR. ADY: Pat, this would be an accurate figure because it's after the fact, right?

MR. LEDGERWOOD: We're still getting data.

MR. ADY: So you don't know?

MR. LEDGERWOOD: We don't know. Bill Sage, who looks after this area, is on holidays. Before he left, he assured me that the items approved here would more than cover any of the expenditures. So there won't be a supplemental to this.

MR. CHAIRMAN: No, and the other factor to keep in mind is that as there will be a by-election in Three Hills, if indeed there are dollars left over from this special warrant, they can be applied there and an adjustment made on the special warrant for Three Hills.

MR. LEDGERWOOD: Yes, that can happen. It can work like that.

MR. ADY: Okay. You answered the question.

MRS. GAGNON: I have a question as well. Is this close? Do you think it's relatively close?

MR. LEDGERWOOD: Oh, it's relatively close. On by-elections it's much easier to judge because we have hard data. The items that vary are the printing costs and rentals, advertising. A couple of those are variables, whereas on the enumeration the variables are basically the number of enumerators, because they're paid a training fee, a flat fee, and then 50 cents a name. We'll get into that as we get into the next one.

MR. HYLAND: Mr. Chairman, I'd like to make a motion that we approve the request for a special warrant for approximately \$54,360 for the costs associated with the by-election in Calgary-Buffalo. [interjection] Why I worded it just that way is that if that number

isn't exactly right, by referring to Calgary-Buffalo, it could float a little bit.

MR. CHAIRMAN: That's not part of the motion, Alan. That's understanding. All right. So . . .

MR. HYLAND: Yeah. Well, it's understanding.

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

Second is Enumeration, Three Hills Constituency.

MR. LEDGERWOOD: This is for \$35,677. This was the actual cost of the enumeration which was conducted May 21 to May 30.

MR. HYLAND: What was that number?

MR. LEDGERWOOD: That's \$35,677.

MR. SIGURDSON: This isn't an appropriate question with respect to costs, Mr. Chairman, but I'm just curious to know what kinds of changes there were in enumeration. Was there a lot of transiency? Are you able to provide me with that fact, or should I take it another time, Mr. Chairman?

MR. LEDGERWOOD: Numberswise, in the 1988 enumeration there were 14,911 electors; at the '89 general election, 15,454; at the special enumeration, 16,866. When the election is called, you can anticipate some swear-ins, so that the number will be above the 16,866.

MR. SIGURDSON: If I recall correctly -- I don't know if the political parties examined the voters list -- in Edmonton-Strathcona we found that a lot of folk had moved out of the constituency and new people were moving in. Are you able to look at your enumeration and find out what kind of residence stability there is in the constituency? Have a lot of people moved out and . . .

MR. LEDGERWOOD: The main area was in the city of Airdrie, in which case we established three more polls.

MRS. GAGNON: When was the most recent enumeration? May?

MR. LEDGERWOOD: May was a special enumeration.

MRS. GAGNON: I could tell you, as an aside, that it's quite accurate. I was door knocking there Monday, and there are very few changes -- you know, people having moved in or out. Really, it's quite stable.

MR. ADY: Did you do the whole city?

MRS. GAGNON: No, not the whole city, but a damned good part of it, Jack.

MR. ADY: How could you tell?

MRS. GAGNON: I'm just saying, based on where I was, that it hasn't changed much.

MR. CHAIRMAN: Do we have a motion? Tom?

MR. SIGURDSON: Sure. I would move the request by the Chief Electoral Officer for \$35,677.

MR. CHAIRMAN: Thank you.

Any further discussion? Question? The motion has been called. All in favour? Opposed? Carried. Thank you.

Now, the third is a little more complicated. Do members have a copy of the memo?

AN HON. MEMBER: No.

MR. CHAIRMAN: All right. Pat, could you briefly lead us through the application for a special warrant on a constitutional referendum?

MR. LEDGERWOOD: Mr. Chairman, this is a request. As you know, the referendum may be held under the Local Authorities Election Act. Should the referendum be held under the Local Authorities Election Act, voting would be on October 19. There are certain lead times required. One of the main areas that requires lead time would be in the referendum results tracking centre where we would be receiving information from the 350-plus municipal returning officers responsible for the 440-plus separate municipal entities.

Our experience from the senatorial election was that there was a lot of interest in that particular election. We had a lot of media coverage. We anticipate that a referendum vote in Alberta, depending on the magnitude of the constitutional debates -- we could have a lot of national interest, so we would want to provide very timely results. We're working with Public Works, Supply and Services to provide us with their expertise on how to set up a results centre. I would envisage a format very similar to what we had in the senatorial election. We would set up a phone system where electors could phone in on a voter information system. When the polls close, we would use those same telephone lines to set up an information system receiving the election results from the returning officers. We would have runners who would take that to data entry personnel who would put the data into the computer program. The computer program would then tabulate, and we would display the information in the results centre. We also set up my office as an area for the Premier and the boardroom for other guests.

We would have that data going to the media centre, to my office, and to the boardroom. So there would be timely updates from the 350 municipal returning officers. We would also provide a hard copy printout, in that it would be very hard to follow the information on the screen, particularly for those people who want detailed information. We'd have a high-speed printer and a high-speed photocopier so that we could provide information to the media centre and also to the VIP and the special guest area.

5:50

MRS. GAGNON: A question, please. If it's under the Local Authorities Election Act, which means in conjunction with the municipal election, that means it will be a stand-alone referendum at some other time undetermined?

MR. LEDGERWOOD: No. The provision that constitutes a referendum Act provides that it can be a stand-alone or in conjunction with a general election as well as under the Local Authorities Election Act.

MRS. GAGNON: But your scenario of the results centre, which I presume would be at your office, where it was the last time, and so on and all of that -- that is in case it's done in conjunction with a municipal election, or is that in any case?

MR. LEDGERWOOD: In any case we would have exactly the same procedures. The only difference was that instead of hearing from the 350-plus returning officers, we'd only hear from 83.

MRS. GAGNON: Right. Okay. I understand this thing now.

MR. CHAIRMAN: Okay. Don, then Tom.

MR. TANNAS: Right. I guess three things. I didn't hear a number.

MR. LEDGERWOOD: The number that we're looking at is \$455,900. This would include the manpower, advertising -- I should tell you that the regulations have not yet been written, but working with the AG's department and FIGA, I think they envisage that FIGA would be responsible for preparing brochures explaining the referendum question that would be sent to each household. My understanding is that I will be tasked to place ads in the newspapers advising the exact wording of the question and also advising the electors where they would exercise their franchise. So we have the advertising, freight and postage, rental of equipment. We're working with PWSS so that any items we can borrow from other departments we would borrow. Other items we would rent for a very short time, and there are other items they would have to purchase. There would be telephone costs, contract services, materials and supplies, and data processing equipment.

One of the problems is that if we're going to have everything run smoothly on October 19, there are certain lead times where they must order the equipment, delivery time. One of the main criteria that PWSS is concerned about is putting the equipment in and having it up and running and all the bugs out of it well in advance of October 19. They're not anxious to have the well-publicized problem that the Nova Scotia Liberals had. I don't think we can afford to have that type of fiasco on a referendum vote. We've got to have equipment in place, the programs written and tested, so that on polling night things run smoothly.

MRS. GAGNON: I have another question, please, if no one else has. You're not finished? Oh, I'm sorry.

MR. TANNAS: It's just that that was one of my earlier ones.

Supposing this were to be approved -- and that would be really quite a big special warrant -- how much would be spent before you knew whether or not in fact we're going to have a referendum on the 19th?

MR. LEDGERWOOD: Well, in fact I've had to commit some funds now. As you know, PWSS, as well as many other departments, are on a cost-recovery basis. We have been working with them so that they can tell us what type of hardware we need, what type of software programs are going to develop. It's very difficult for them, not knowing, for example, how many questions are going to be addressed. There are so many unknowns that we're just simply right now trying to, if you'll pardon the expression, cover our butts so that if it happens, when it happens, we'll be as well prepared as we can.

MR. TANNAS: I have a couple more, but I'll defer to the chairman.

MR. CHAIRMAN: Yolande, and then Alan.

MRS. GAGNON: My question is one of cost. Is the cost the same whether it's stand-alone, in conjunction with a provincial election, or in conjunction with a municipal election?

MR. LEDGERWOOD: The cost will be exactly the same.

MRS. GAGNON: Okay. Like, if you just tag it on in a provincial election, you couldn't have a tag-along question, because in the other one you're voting on a candidate. This is separate.

MR. LEDGERWOOD: We would set up a parallel system at the poll.

MRS. GAGNON: Okay, I understand. Thank you.

MR. CHAIRMAN: Alan, and then Tom.

MR. HYLAND: Mr. Chairman, my concern with it -- and I understand where the Chief Electoral Officer is coming from in being prepared. This whole constitutional thing is on the move now, and next week we could well know the answer one way or the other. I understand that sometime, 2 o'clock or 3 o'clock this afternoon, the Prime Minister announced that there would be a First Ministers' Conference. Is it Monday or Tuesday next week?

MR. ADY: Tuesday.

MR. HYLAND: So although I suppose we're not meeting again, I'm just concerned about approving it, because things are moving so fast now that we're probably within a week of knowing if we're going to have a vote or not.

MR. LEDGERWOOD: Well, as you know, the standard procedure has been that I don't spend any money until I have to.

MR. CHAIRMAN: Tom, and then Don.

MR. SIGURDSON: I'm sorry, Pat, I don't know if you were able to answer this question earlier when the question was put to you. If there's no referendum question on the October 19 ballot and you've spent portions of this special warrant, will you be able to apply those dollars that are the product that you've bought, whether it's a technological product or a hard product, to a future referendum, stand-alone or one that's included with a general election? Will you be able to apply that technology and that product to a future election?

MR. LEDGERWOOD: The procedure is that we would apply this to any referendum vote whenever it was held. The last time we were involved, at the senatorial election, Municipal Affairs co-ordinated the results centre. The equipment that was purchased at that time went back to Municipal Affairs. This time we would have the equipment, so that if we were to run another senatorial or another referendum -- and hopefully we would be able to work this into our general elections as well.

MR. SIGURDSON: Thanks.

MR. CHAIRMAN: Okay. Don.

MR. TANNAS: I would like to suggest that we table this for the time being. Some of us are supposed to be at other meetings. Two people have already left. I was supposed to be at another meeting an hour ago. I feel that making a decision at this time is . . .

MR. LEDGERWOOD: Mr. Chairman, I wonder, rather than tabling it, if the members could agree to give you power of attorney, so that if the action started to develop, you could authorize a transfer.

MR. CHAIRMAN: No. We've dealt with that in a different format. Could we leave it this way? Is the committee comfortable if -- two things: number one, the assurance from the Chief Electoral Officer that while there are certain things he must begin to do, he's not going to commit dollars where he doesn't have to, and whether we tie this in with the municipal elections or it's a stand-alone, as much as possible will be portable; secondly, if we find out that things are moving very quickly, we'll call an emergency meeting to deal with the matter.

MR. HYLAND: If this is the only item, we could make perhaps a conference call.

MR. CHAIRMAN: If it's the only item, a conference call on the telephone, and we'll get as many members as possible. Are members comfortable with that? Pat, are you comfortable with that?

MR. LEDGERWOOD: Fine, sir. I think that's the only thing. So many things are up in the air.

MR. CHAIRMAN: I know that.

All right. Is there a motion to table? All in favour? Carried unanimously.

MR. SIGURDSON: Do you want to set another meeting date?

MR. CHAIRMAN: Set another meeting date?

MRS. GAGNON: At the call of the Chair?

MR. CHAIRMAN: If you're comfortable with that, that will give us maximum flexibility for Pat.

There are some unfinished business items both under Pat's -- Recommendations re Returning Officer Positions, Request for Remuneration by Chief Electoral Officer. Letter of Engagement, Kingston Ross Pasnak, which is not part of the Chief Electoral Officer's, and under (13) the reports on conferences by a couple of our members.

MRS. GAGNON: Could I ask, Mr. Chairman: was Recommendations re Returning Officer Positions an urgent matter?

MR. LEDGERWOOD: That was not my agenda item.

MR. CHAIRMAN: No, that's a result of our earlier discussions at budget.

MRS. GAGNON: Oh, I remember. Okay.

MR. HYLAND: Don't you have authority to sign (12)? I thought there was a motion in the minutes to accept that letter. The amount's the same.

MR. CHAIRMAN: Well, we've got a motion for us to table it. We won't worry about it.

We need a motion to adjourn. Tom, I see your hand up. Thank you. All in favour? Carried.

[The committee adjourned at 6:02 p.m.]

