

## Standing Committee on Legislative Offices

10:07 a.m.

[Chairman: Mr. Bogle]

MR. CHAIRMAN: We're going to call the meeting to order and suggest that we go through the minutes and the agenda. We'll hold the matters of substance until Derek gets here, but I do believe we should proceed. So the meeting is officially called to order. I'd first ask for approval of the agenda.

MRS. GAGNON: So moved.

MR. CHAIRMAN: Thanks, Yolande.

Further discussion? All in favour? Opposed? Carried.

Okay; if we could then move to our committee minutes of August 12. Page 1. Page 2. Page 3.

MRS. GAGNON: We'll be coming back to these if there are items, you know, from the minutes?

MR. CHAIRMAN: Yes.

MRS. GAGNON: Okay.

MR. CHAIRMAN: All we're doing now is verifying that the minutes accurately reflect what happened.

Page 4. Page 5. Page 6. And finally page 7.

MR. HYLAND: I move we accept the minutes.

MR. CHAIRMAN: Thank you.

Alan has moved the minutes be accepted as presented. Discussion? All in favour? Opposed? Carried. Thank you.

I wonder if we could just hold the fourth item for a moment and go down to item 12 on the agenda, Approval for Attendance at Australasian Conference. I was going to suggest that we table that item today. Normally we would not have dealt with that matter during this fiscal year. The last conference was held after April 1, if I remember correctly, but the conference scheduled now is in late March. That's why it appears at this time. The real question is whether we wish to participate in the conference or not. It would not require a special warrant as we do have dollars in our budget to cover the costs, but I think we need to discuss the principle of it. So if it could be taken as notice at today's meeting.

Let the record show we welcome Mr. Derek Fox.

Okay. Let's back up, then, to item 4, please, an Update on Proclamation of the Conflicts of Interest Act by our Ethics Commissioner. Members of the committee will recall that we passed a motion unanimously supporting our Ethics Commissioner in his request to government that the Act be proclaimed on or close to September 1 of this year. That motion was conveyed to the Attorney General, the minister responsible for the Act; to the Premier; to the Leader of the Official Opposition; and to the leader of the third party. As you know, the government has made a public announcement that the Act will be proclaimed on April 1, 1993. I have since contacted the Attorney General asking for an explanation. Mr. Clark is here today to update us and give his perspective on this matter.

Bob.

MR. CLARK: Mr. Chairman and members, following the meeting on August 12 -- I want to be very candid here -- I waited for a response from the Attorney General. The federal referendum campaign was going. I did talk to the Attorney General's office on two or three occasions. It seemed to me somewhat presumptuous to contact the Premier prior to the referendum being concluded. A week before I did. I asked for a meeting with the Premier. I met with the Premier the week after the referendum and urged him in the strongest possible way that I could that the proclamation be made on January 4 at the latest, which would mean that the 60 days would be March 4, then following from there. I then received a call from the Premier indicating to me that he was going to recommend proclamation to the cabinet the next day but that the date would be April 1 rather than January 4, which I had asked for in the discussion.

I'm being very, very careful here to say that I expressed my very real disappointment to the Premier that the date of April 1 was selected. I don't know the reason for that, Mr. Chairman, but I also express to the committee my very real disappointment. When I took on this responsibility, I took it on with a clear understanding, I believe, that when the office was ready to move ahead the office would be given that opportunity. I am being quite direct with the media now in telling them that I do not know the reason why proclamation has not moved ahead. I believe it is not in the best interests of the office that this action has taken so long.

I would like to report one other matter, if I could move on to that, and that is that the last time I met with the committee, I indicated to you that senior officials would be coming under the Ethics Commissioner's office. I also discussed that matter with the Premier at the same time. That item was included in the announcement, that senior officials, basically being deputy ministers and all full-time order in council appointments -- I believe there are between 80 and 90 people -- would fit into that category. The initial announcement indicated that that portion of our responsibilities would also become effective April 1. Since that time I have met with the Deputy Minister of Executive Council and Mr. Dixon from the public service commissioner's office. I'm not sure if that's the exact term. The indication at this time is that as of February 1 senior officials, being deputy ministers and all full-time order in council appointments, will come under the full responsibility of the Act with the exception that there will be no public disclosure and there will not be a cooling off period for those officials. Other than those two exceptions to the Act as it is in place, I have been asked to administer the Act for senior officials.

I have one other item I might just touch on, and that deals with the confidentiality of documents. You people, I'm sure, read the paper more than I do, but I also spend a bit of time reading it. With the possibility of members departing from the Assembly, there's no direction in the legislation, Mr. Chairman, as to what we should do with confidential documents once a member leaves the Assembly. The idea I'd like to present to members and get your reaction to -- perhaps today isn't the appropriate day but sometime in the future -- is that confidential documents should be retained for a period of six months after a member departs from the Assembly. Once that happens, it is my plan, unless you'd like me to do otherwise, to destroy those documents.

10:17

MR. CHAIRMAN: Or return them to the . . .

MR. HYLAND: Return them to the member so he can destroy them.

MR. CHAIRMAN: How would it be, on that third item, if we take it as notice today? We can think about it, and when we have a

meeting early in the new year, we'll be able to come back and try to finalize something. Is that all right?

MR. SIGURDSON: Just on that particular point, the last point.

MR. CHAIRMAN: On the last point. Okay. Tom, then Alan.

MR. SIGURDSON: I'm sorry. The Act isn't in the folder today. Is the cooling off period six months?

MR. CLARK: Yes, it is.

MR. SIGURDSON: So that's the reason . . .

MR. CLARK: That's why I take the six months, Tom.

MR. SIGURDSON: Okay. Thank you.

MR. CHAIRMAN: Alan?

MR. HYLAND: No. Mine can wait.

MR. CHAIRMAN: Okay.

So are we comfortable with that? Yolande?

MRS. GAGNON: I have a question, please. In the matter of those people who will be exceptions as regards public disclosure -- like senior officials, you said, who will be subject to this as of February 1 but exempt from any public disclosure -- is this consistent with the Act? Is that within the Act? I can't recall.

MR. CLARK: No. The Act says that for ministers there's a cooling off period for six months once they leave the office of the ministry. They can make no representation to officials in that department. It is not consistent with ministers; it is consistent with Members of the Legislative Assembly.

MRS. GAGNON: Okay, but I'm going back to your second point, you know. Unless I've misunderstood, you said that there were some people, just a few, who would be exempt from the public disclosure aspect of the Act.

MR. CLARK: Those would be the deputy ministers and full-time order in council appointments. There's no cooling off period for those people. That's a policy decision that the cabinet's made.

MRS. GAGNON: Uh huh. It is not inconsistent with the Act, or the Act is silent about that, the Act under which you operate? That's what I want to clarify.

MR. CLARK: Yes. The Act under which I operate does not apply to senior officials at all.

MRS. GAGNON: But it's been extended in policy or in regulation?

MR. CLARK: Yes.

MRS. GAGNON: Okay. I understand.

MR. CLARK: Sorry; I didn't make that clear.

MR. HYLAND: The comment that I wanted to make was just the last comment Mr. Clark made. It's in policy but direction taken from the MLA side of the Act.

MR. CLARK: Yes.

MR. CHAIRMAN: All right. So we will refer that matter to our next meeting.

Now, if we can go back to the first part of the presentation on proclamation of the Act. Derek, you wished to get in?

MR. FOX: Yes. Mr. Chairman, if I could observe that this Act was debated extensively in the Legislature and passed by the Assembly -- it may even have been passed unanimously. I haven't confirmed that. It was certainly supported by all sides of the House at most stages, because the need for having effective conflict of interest legislation, I think, was broadly recognized by members of the Assembly. We may have suggested some things that should have been added or some things that were unnecessary in trying to make it a Bill that would conform to what we envisioned, but I think it had the general support of members of the Assembly. Then our committee was charged with the important responsibility of finding an Ethics Commissioner and setting up a budget and an office. I think we did a very good job in doing that, and as a committee there's been no distinction between government and opposition.

We passed a unanimous motion here on August 12 supporting Mr. Clark's request that the Act now be proclaimed, recognizing that his office was up to speed and ready to handle the burden. I take it as great offence that that hasn't occurred yet. As a member of the committee I'm pleased to note that you, Mr. Chairman, have requested an explanation. I think we could state it in stronger terms. We deserve an explanation, as do members of the Assembly, because we participated in this process in good faith. We've hired a good person who's anxious to do the work for us. We've been prudent managers with taxpayers' dollars, and we've requested and received funds to run this office, and now, doggone it, it's time for the office to be doing something. Somebody somewhere has made a decision that that's not going to happen, and we need to know why. I think a letter should go from the committee, if it's not been by letter form -- and you can clarify that -- demanding an explanation. This is our responsibility, and we're all doing this to the best of our ability, and we're being frustrated.

To try and facilitate or expedite the process or put pressure on the government, some of you may be aware that the Leader of the Opposition and all members of the New Democrat caucus went through the very difficult task of preparing our own public disclosure statements to the best of our abilities using the private statements as provided. We thought if we went out and declared and showed that it's not that difficult, that it can be done, that might pressure the government or other parties or people contesting the leadership or whatever to do their own, and the ball might start to roll as this government hoped and tried to do with the Senate election a few years ago. You know, try and put pressure on the system to make it evolve or resolve itself. That hasn't worked, and I'm expressing my frustration and hope that we can get the answers we deserve.

MR. CHAIRMAN: Thanks, Derek.  
Don, and then Alan.

MR. TANNAS: In terms of the proclamation I'm wondering if there is anything to preclude individual members from deciding that they would like to submit their documents and go through the process ahead of time. Some individuals have limited companies, and they have different year-ends. April 1 may put them six or eight months out of date, so it would be better for them to go earlier. Is that a possibility, or does everybody have to send it in by Christmas and get it there for that date? Is it possible to have them ahead of time?

MR. CLARK: As Derek pointed out, members of his party have gone to that process. There are two other members, one from each of the other two parties, who have also put in all the documentation to us. From the standpoint of your specific question there's nothing preventing members, obviously, from filing ahead of time, Don.

MR. TANNAS: Okay. Thank you.

MR. CLARK: I should say that the commissioner has only the power of persuasion. If you notice that a member has a problem, you only have the power of persuasion to ask a member to look at it. You don't have the strength of the Act behind the commissioner, if you ever have to use that, until April 1.

MR. TANNAS: Until April 1. Sure. But then that may give them fair warning to do something about it.

MR. CLARK: I should say that I've met now with 52 or 53 members of the House.

MRS. GAGNON: At their request or at yours?

MR. CLARK: As a result of a letter that I sent out in May and then members coming to me and asking for advice. I think it's part 7 of the Act which sets up the office, and section 41 allows the commissioner to give advice on request from members. I've done a considerable amount of that.

MR. CHAIRMAN: Okay. Thank you.  
Alan.

MR. HYLAND: Mr. Chairman, I have to agree with the sentiments expressed by others about the timing of the proclamation of the Act. I would like to move that we write to the Attorney General. It may be the same person; it may not be. We'll know in a week or two. There might be different thoughts in that office in the next two or three weeks. I'd like to move that we request the chairman to write a letter asking for the reasons why the proclamation didn't occur and recommending that proclamation occur on or about February 1 of 1993, if that's an acceptable date. It's a little later than the January one that the commissioner suggested, but the reason I have suggested a month's change is that that will give whoever is the Attorney General and the cabinet and the new Premier a chance to at least look at it and re-examine it in that time period. If cabinet is appointed, we're facing Christmas, we're facing New Year's, and it's kind of a two-week hiatus period there. If we are trying to get him to agree to something new, we should give him that extra time.

10:27

MR. CHAIRMAN: I'd like to give some clarification on one aspect before we debate the motion before us. I did not write to the Attorney General. I phoned the office as soon as I became aware of the decision by cabinet to proclaim the Act on April 1. I phoned for an explanation. I spoke with the Attorney General and was advised that there were some administrative problems. I asked for a written response as to what they were. I have not yet received that.  
Derek.

MR. FOX: That's a motion on the table then?

MR. CHAIRMAN: I accept the motion as I heard it: that a letter be written on behalf of the committee insisting on an explanation and that the Act be proclaimed on or near February 1 with no further delays.

MR. FOX: I would like to speak on that and suggest that we not require a specific date but say immediately. That puts the pressure on it. The way I understand it, it's not up to the new Premier and his new Attorney General to decide what's valid here. The Legislature passed an Act, and the Legislature working on behalf of Albertans passed into law the Conflicts of Interest Act. In the implementation there are logistical problems, technical things that need to be worked out. Our understanding as a committee is that all of those things were worked out, and the Act, from the point of view of the person hired to do the job, was ready to be proclaimed on September 1. If there are technical reasons, then I'm sure we're capable of understanding them if they're explained to us, but we've not heard any. I believe it was raised in the Legislature as a question in Oral Question Period in September with nothing more than sort of a passing comment devoted to the question about this.

I think we need to be insistent rather than -- I mean, you're assuming, Al, that there are some legitimate reasons and that February 1 might give time to clear that up, but we don't know that there are any legitimate reasons. If we were presented with that information, then maybe we would all agree that it would take that amount of time, but as far as I understand, until someone tells me otherwise, all that needs to be done is that cabinet pass an order in council, and bingo, it's proclaimed and the clock starts to tick. So I would argue that we have "immediately" instead of the date of February 1 in there.

MRS. GAGNON: Are you making that as a formal amendment?

MR. FOX: Proposing the amendment that we delete the words "February 1" and replace them with "immediately."

MR. CHAIRMAN: But that substantially changes the intent of the motion. If you're deleting the reference to February 1, we would accept that, but to go beyond that substantially changes it.

MR. FOX: Diane, could you read how you have it, then.

MRS. SHUMYLA:

We request the chairman should write asking why the proclamation did not occur and recommend proclamation occur on February 1, 1993.  
That was Al's original motion.

MR. CHAIRMAN: That's your intention?

MR. HYLAND: Yeah.

MR. SIGURDSON: Perhaps before we get to the amendments and subamendments and motions, maybe we can just kick something around and then have Al . . .

MR. CHAIRMAN: But we do have a motion.

MR. SIGURDSON: I know.

MR. CHAIRMAN: The Chair can't control when motions come forward, so now we're debating a motion.

MR. FOX: I've made no amendment, then, if we want to just discuss it. If people will consider that to be the case, let's . . .

MR. CHAIRMAN: If we're comfortable, we'll leave the motion on the books, and we'll exercise latitude on the discussion.  
Yolande, and then Tom.

MRS. GAGNON: I would certainly support the motion. Basically, we have to restore the confidence of Albertans in politicians. What I heard from a couple of constituents when the delay was announced was that, well, there are some people who hope to be gone, you know, before this ever applies to them. As long as those kinds of allegations, suspicions are there, we will never restore the confidence of Albertans in their politicians. So I think it's very important to enact this Bill as soon as possible and clear the matter up, to say that everyone of us is willing to declare up front exactly what we're doing and that we do not have conflict.

MR. SIGURDSON: Perhaps, Mr. Chairman, what you might want to do or what Alan might want to consider by way of friendly amendment to the motion is that the Chair on behalf of the committee write the Attorney General again advising the Attorney General that we as a committee unanimously endorsed the recommendation that proclamation take place on September 1 and ask that Cabinet revisit the issue as soon as possible without providing them a date and move as quickly as possible a proclamation date, with all emphasis pointing out that it was a unanimous recommendation that September 1 be the date of proclamation, and that we haven't had an explanation for the reasons for the delay.

MR. CHAIRMAN: Alan, do you accept that as a friendly amendment?

MR. HYLAND: Yeah. I don't have trouble with it.

MR. CHAIRMAN: So basically what we're doing is taking out reference to February 1 and requesting it be done as soon as possible.

MR. FOX: But we're still demanding an explanation?

MR. CHAIRMAN: We still want the explanation of why it was not done on or close to September 1.

MR. FOX: You could even include words like "shocked" and "appalled" and then pretend you're an opposition member.

MR. CHAIRMAN: I'm sure that if you were the chairman, you'd do that.

MR. FOX: I just want you to practise up for the future, Bob. Just teasing.

MR. CLARK: Could I just make one comment? That is that you may want to keep in mind that the Act is proclaimed; it's a matter of moving the proclamation ahead.

MR. CHAIRMAN: Thank you. That's a subtle but valid point: moving the proclamation ahead.  
Okay. I've got Yolande.

MRS. GAGNON: No. I've spoken already, and I support the motion.

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

MR. HYLAND: My response was to Derek -- and maybe Tom covered it in his comments -- in that I had just picked the time and put the motion in the way that cabinet would have to revisit the issue. Perhaps Tom's wording is better. It lays it out better. I just

wanted to get it in front of them again. That was the reason for the motion.

MR. FOX: I understand.

MR. ADY: Am I to understand, Alan, that you've accepted a friendly amendment to your motion, to "as soon as possible" instead of "February 1"?

MR. HYLAND: Yes.

MR. ADY: Then I'd like to speak against the amendment, because I think that that puts less pressure than the date. "As soon as possible" can be interpreted as soon as possible, and I don't think that gives any type of deadline, goal, or date for the minister or cabinet to aim towards. I think that "February 1," the way the first motion read, puts more pressure in a definite way than does "as soon as possible." That's vague to me.

MR. FOX: That's why I talked about "immediately" as a term.

MR. ADY: It's still vague.

MR. FOX: Immediately is pretty vague?

MR. ADY: Sure it is.

MR. FOX: I guess it is. It doesn't seem vague to me. It sounds like it's immediate, but we said: passed by unanimous motion September 1. For us to now say February 1 implies that we understand and accept that it has not been proclaimed since September 1. Maybe, you know, we remind them that this motion was passed that it be proclaimed September 1. That wasn't done. We're demanding an explanation as to why and, you know, demanding that they do it immediately.

MR. CHAIRMAN: Tom, and then I'd like to leave the chair. Alan can chair so that I may speak on it.

MR. SIGURDSON: I just think that as soon as possible from our perspective means straight away, and perhaps that ought to be clarified in the letter. It doesn't mean as soon as convenient to cabinet. We make that differentiation of what's convenient and what's possible, that they're two different things, and we want something that's straight away, not when it's convenient.

MR. CHAIRMAN: I'm leaving the Chair.  
Chairman Al.

[Mr. Hyland in the Chair]

MR. BOGLE: I think it's important that we not lose sight of what happened this fall, and Bob accurately reflected on the referendum and how that disrupted our normal flow. We then, and even before the referendum vote, had an announcement of a leadership within the governing party. So there have been two factors which normally would not occur. It's also important that we not lose sight of the fact that a new cabinet will be sworn in very soon, presumably with a new Attorney General.

10:37

I'm not trying to make excuses. I want an explanation as much as anyone else around this table. But I think we have to recognize those three very important and unusual factors which have come

together between the time we made our original request back on August 12 and today. The one beauty of what I saw, and there may still be room for an amendment in this motion, is that by first of all demanding an explanation as to what happened -- why the delay? -- secondly, by requesting that the proclamation be moved ahead as soon as possible, and then I would suggest that if we say "and absolutely no later than February 1," do we not then capture the essence of your argument, Tom, of Jack's concern, and the original intent of Alan's motion? We want it done soon, but we're also setting a deadline on a date and not past that date for any reason. I'll just throw that out as an idea.

Thanks.

MR. ACTING DEPUTY CHAIRMAN: Back to you.

[Mr. Bogle in the Chair]

MR. FOX: Perhaps you've captured the essence here. I mean, the fact is cabinet isn't going to base their deliberations or decisions on what we do or say as a committee here. We're in a position to express our point of view, and it's clear to me that that's generally held. We've passed unanimous motions with respect to the proclamation of that Act, and now we're in a position to state our real displeasure at the fact that that hasn't occurred and demand explanations by way of letter and urge that the date be moved forward. You know: the particulars of the date. I mean, the decision's in their hands, not ours. We're a pressure group at this stage, I guess, trying to live up to our obligations and the fact that we've put a lot of work into this. I think you've captured the essence of the problem.

MR. CHAIRMAN: Is there any further discussion?

MR. HYLAND: Question.

MR. CHAIRMAN: The question has been called on the amended motion as worded.

MR. SIGURDSON: By?

MR. CHAIRMAN: Well, I didn't move an amendment.

MR. SIGURDSON: Okay, but we've included the discussion to accommodate . . .

MR. ADY: We need clarification on how the motion now reads.

MR. CHAIRMAN: I know that. You're going to get it.

MR. FOX: I feel sorry for Diane having to write all this stuff.

MR. CHAIRMAN: I just wanted to make sure, before I do call the question, that it's understood that the amended motion we're voting on does not include the last reference which Derek addressed: the February 1 date. If you're prepared to move ahead and vote on that, we do so.

I'll ask Diane to read the motion back to us.

MRS. SHUMYLA: I'll first read the motion made by Mr. Hyland. We request the chairman should write asking why proclamation did not occur and recommend proclamation occur on February 1, 1993. Then Mr. Sigurdson amended it that

we recommend the Chair write to the Attorney General advising that the committee endorse proclamation take place on September 1 and cabinet revisit the issue as soon as possible.

MR. CHAIRMAN: No.

MR. HYLAND: Can I take a shot at what I think we ended up with?

MR. CHAIRMAN: All right, since it's your motion, Alan.

MR. HYLAND: I think we ended up expressing the concern that we didn't have September 1 as a deadline in the letter; two, that cabinet revisit the issue and we have proclamation no later than February 1. Isn't that right?

MR. SIGURDSON: And asking for an explanation as to the reason why it wasn't proclaimed September 1.

MR. CHAIRMAN: Now, if that isn't consensus-building in a motion, I don't know what is.

MR. CLARK: Just remember that it's a matter of moving the proclamation ahead.

MR. CHAIRMAN: Yes, it's a matter of moving the proclamation ahead: no later than February 1.

Any further discussion on the motion? Ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called. All in favour? Carried unanimously. Thank you.

MR. SIGURDSON: Now, on the second point that Mr. Clark had raised, about the Act being extended to deputy ministers and full-time order in council appointments -- the disclosure statements -- I'm just concerned about staffing. I know that your office has you as a part-timer and one full-time individual. Have you sufficient staff to accommodate the other disclosure statements?

MR. CLARK: Yes, at this time there is a sense that we have, Tom. You recall that in the budget you approved last year there is some provision for part-time -- I said "some" -- and the only part we've used was when Karen was on holidays. At this time budgetwise we're in very good shape.

MR. SIGURDSON: Okay; thanks.

MR. FOX: Correct me if I'm wrong, Bob, but the understanding I have from what you're saying is that you've been asked to be prepared to include deputy ministers, senior civil servants, and full-time OC appointments in terms of requiring private disclosure filed with your office. That is something that is not in the Act, it's not required by law currently, and it's being requested by Executive Council.

MR. CLARK: That's right.

MR. FOX: I find that somewhat worrisome. I mean, we advocated that provisions like that, including a cooling off period, be part of the legislation, and amendments that we as an opposition will propose will reflect that. I'm certainly happy that someone in Executive Council recognizes that these people should be guided by some principles in terms of conflict of interest that people can agree to and

understand, but it's not in law. I think we need to make sure that we're very precise so that people know what they're required to do. They know what happens to them if they cross certain lines. In some sense it's not fair to the public to pretend that these people will be subject to the force of law when they're not, and it's not fair to the employees either to not really have a clear understanding of what they're required to do and what happens to them if they don't do what they're required to do. I don't know if you've got a comment on that.

MR. CLARK: Perhaps three comments. Number one, presently deputy ministers are required to file, I believe with the Attorney General -- if not the Attorney General, it's the Deputy Minister of Executive Council -- a statement of any interests which they have. That's the first comment. Secondly, the request which has come to me from Executive Council, and really from the Attorney General, is that we would follow the Act as it applies to members of the Assembly: when the commissioner has a concern or feels that there's a breach of the policy, I would report that to the Attorney General. Thirdly, my understanding of the way this is to be implemented is that in the very early part of the new year a directive from the Attorney General will go out to those people affected indicating what's involved, the way in which it will be handled.

Does that help, Derek?

MR. FOX: Yes. My concern remains, but I appreciate your clarification.

MRS. GAGNON: I have a question on your first point. You say that presently they must file with the Attorney General. Does that come under the Attorney General's Act? What gives that effort some credence?

MR. CLARK: That's a policy directive, I believe, from the cabinet, which, if my memory from the discussion is accurate, dated back to a decision made in the mid-1970s as a result of a directive which the Premier at that time gave to cabinet ministers and deputy ministers.

MRS. GAGNON: It's a long-standing practice then.

MR. CLARK: Yes, it is.

MRS. GAGNON: Okay.

MR. CLARK: The disclosure and, of course, the breadth of the Act is far broader for senior officials than it is now.

10:47

MR. CHAIRMAN: Any other discussion? Any other comment? Anything else for Mr. Clark? Anything else from you to us, sir?

MR. CLARK: No. I'd just like to thank you very much for your support on the proclamation question. Candidly, it's been a very difficult time for the office because a number of people phone the office and quite candidly say: "I have a concern on this issue. I'd like you to investigate it." I have no choice but to say, "Until the Act is proclaimed and in place, I can't do that." That makes it very difficult from the standpoint of not myself as much as it is the office and the credibility of the office.

MR. CHAIRMAN: This committee takes its duties -- and those duties cross party lines -- very seriously in working with you and in defending the integrity of the office.

MR. CLARK: Thank you very much.

MR. CHAIRMAN: Thank you.  
A coffee break's been requested?

MR. TANNAS: I would request a coffee break.

MR. CHAIRMAN: Five minutes.

[The committee adjourned from 10:48 a.m. to 10:54 a.m.]

MR. CHAIRMAN: If we could reconvene, we'll hold items 5 and 6 and go right down to item 7, which is Request for Special Warrants by the Chief Electoral Officer.

Welcome, Pat, to the meeting.

MR. LEDGERWOOD: Good morning, sir, and ladies and gentlemen.

[Mr. Hyland in the Chair]

MR. ACTING DEPUTY CHAIRMAN: Okay, Pat. Number 7: go ahead.

MR. LEDGERWOOD: I have two special warrants in, one for the Three Hills by-election and one associated with the Constitution referendum Act. I think you've had these for some time. I'm prepared to answer any questions you may have.

MR. SIGURDSON: Mr. Chairman, do you want to just provide us with the final numbers so that we can move it as a motion to pay them out?

MR. LEDGERWOOD: Okay. The special warrant for the Three Hills by-election was for \$41,602. In actual fact we conducted the by-election for \$40,342.

MR. ADY: Good work.

MR. ACTING DEPUTY CHAIRMAN: Could we do that in one motion, or do we need two?

MR. SIGURDSON: Sure. Well, let's move that as a motion.

MR. LEDGERWOOD: Okay. The second item . . .

MR. ACTING DEPUTY CHAIRMAN: Just a sec.  
Tom, you've got a motion?

MR. SIGURDSON: Sure. I'll move that  
the amount of \$41,602 for a special warrant to cover the cost of the  
Three Hills by-election be concurred in.

MR. ACTING DEPUTY CHAIRMAN: Okay.

MR. TANNAS: Can I speak to that?

MR. ACTING DEPUTY CHAIRMAN: Okay, Don.

MR. TANNAS: It may be a very small point, but if in fact you actually only expended \$40,000 and some, why would we go for the greater amount?

MR. LEDGERWOOD: It really doesn't matter to me in that that money is protected. It's only usable for that particular event, so we can't use that money for anything else other than the Three Hills by-election. As far as we know, we have all the invoices in. The only thing that would provide would be in case of a last-minute invoice which would be over and above what my report contains.

MR. TANNAS: We're only talking a few hundred dollars. If at the end of the fiscal year there wasn't anything additional in your costs, then that reverts to the Crown?

MR. LEDGERWOOD: Yes, sir, that reverts to the Crown.

MR. TANNAS: No problem.

HON. MEMBERS: Question.

MR. ACTING DEPUTY CHAIRMAN: Question. We're voting on \$41,602 as submitted. All those in favour? Opposed? Carried unanimously.

[Mr. Bogle in the Chair]

MR. LEDGERWOOD: Mr. Chairman, the second special warrant is for \$20,940, and this is actually to reimburse the Public Works, Supply and Services technicians who worked on the constitutional referendum Act, preparing for that event.

MR. CHAIRMAN: Members of the committee will recall that Pat approached our committee. He was in a bit of a quandary in that we had legislation requiring a provincial referendum. There was word on the street that there may be a national referendum, which would mean we would not have to have a provincial referendum, but no final decision had been made. We authorized the Chief Electoral Officer to go ahead and prepare for the provincial referendum in the event that we would have been forced to go that route. So the dollars being requested are to cover the costs incurred in that preparation, which later proved to be that we did not need a provincial referendum.

MR. HYLAND: I move that we accept the amount of \$20,940 as recommended.

MR. CHAIRMAN: It's been moved.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called. All in favour? Carried unanimously. Thank you.

Moving on then to item 8, Fees and Expenses Paid to Election Officer, members of the committee will recall that we spoke with Pat about the fees and expenses paid for the enumeration and the conducting of elections. Pat now has done a comparative summary sheet of other jurisdictions. I'll turn it over to you, Pat, so that you may lead us through that.

MR. LEDGERWOOD: Thank you, Mr. Chairman. We passed this out a couple of meetings ago. I think you've had a chance to review it.

You can see that although we're lower in some areas than other jurisdictions, we're also higher in others, so when we look at a particular event, you'll find that we're right down the middle. When we reviewed this, particularly looking at the economic climate, we determined that the only areas we would like to look at would be the

fees that are paid to the returning officer, the 10 cents a name, and to the election clerk at 8 cents a name, just for review. However, we felt strongly that the fee that is paid to the returning officers for doing their polling subdivision maps and boundary descriptions at currently \$200 was a bit out of line, and we recommended that it be increased to \$400 and preferably to \$500.

MR. CHAIRMAN: Okay. Is there a motion by anyone on either or both of those matters? We'll deal with them one at a time for clarity. Yes, Jack.

MR. ADY: I'll move that it be moved to \$400 from \$200.

MR. CHAIRMAN: That's for the electoral division map and polling subdivision boundary descriptions: from \$200 to \$400.

MR. SIGURDSON: Mr. Ledgerwood, can you tell me approximately the number of hours that are committed to detailing the polling subdivision maps? I know that each constituency would vary.

MR. LEDGERWOOD: That is the problem. It varies by electoral division in that we have a great disparity in the number of electors in each electoral division, also the area that an electoral division covers. I think you're aware that there's increased emphasis now on level access, so many of the polling places that we used in past elections are not suitable now. The returning officers will be building polling subdivisions around level access polling stations. Also, the fact that we're going into new electoral division boundaries will mean that they'll have to get familiar with a new area, so in many cases it may mean actually driving through the countryside to determine where the best boundaries will be. Also, many of them are familiar with the range and township system; others are not. So there is no magic number, because each of the 83 returning officers has a different situation and also comes from a different background and has different experiences. It is a long, involved job in that they must divide their electoral division into suitable sized polling subdivisions. They must transcribe that to a map, and they also must write out the technical legal description. The legal description of course must exactly outline the lines they've drawn on the map. It's a very technical phase of the returning officer training and work.

MR. SIGURDSON: So we're looking at at least a week's work?

MR. LEDGERWOOD: Generally at least a week's work, and if they have to get somebody else to type their work for them, if they need some assistance in doing the legal descriptions, it can go longer. We are hoping that it would be about 10 days from the time they started the work until they could have the maps back to us, which would be basically two weeks.

MR. SIGURDSON: Thank you.

MR. FOX: I'm interested to know: if this fee is currently at \$200 per returning officer, is that something each returning officer in all 83 constituencies gets every year, or is it something that occurs after an enumeration or redistribution?

MR. LEDGERWOOD: No, it's not an annual fee; it's only when we require them to do mapping. For example, after the 1989 general election we paid many of the returning officers to update their maps. I think you're aware that we don't like to have more than 450 electors in any polling subdivision, and I think you're aware of some of the

areas where we had rapid development. We ended up in some cases with an A poll, a B poll, and a C poll to keep the numbers down below 450. We don't like the same poll number with an A, B. We like to have individual poll numbers. So in those cases we had those returning officers do their maps. We have them sequentially numbered in a logical manner so that if, for example, the growth was in the centre of their electoral division, it would mean they would have to renumber the whole map.

MR. FOX: So just to follow up on that, this expense will be incurred in the immediate future because of the need to establish polling subdivisions but likely wouldn't be incurred for some time after that, a year or two or three depending on when an election is held and whether or not there is a need to review the system.

11:04

MR. LEDGERWOOD: That's exactly right. As you know, there is no requirement for an enumeration the year following the general election, so there wouldn't be any activity in that year.

MR. FOX: Okay. I would support the motion. I think it's entirely reasonable. I know from my constituency, for example, if new boundaries are adopted as proposed, it would be almost 50 percent larger, and the extra burden of establishing reasonable polling subdivisions to facilitate voter involvement is substantial. Four hundred dollars seems certainly well within reason, perhaps not adequate even. In urban areas, as you mentioned, Pat, even though the geographic boundaries are relatively small, there's lots of people, people moving, buildings closing, and some places where there's level access and where there isn't. So it seems to me it's going to be a big job for returning officers in all 83 constituencies.

MR. LEDGERWOOD: I know they'll be most appreciative of the increase in fees.

MR. TANNAS: I was intrigued by the 450 electors to a poll. Is that based on the fact that maybe the polls are open for 10 hours, so that gives you 600 minutes, so it takes you about a minute and a quarter to handle each? What's the basis for that?

MR. LEDGERWOOD: I think basically the experience that we have gained. You may recall in the federal system they only had 250 electors per polling subdivision, and that basically added millions of dollars to the cost of an election. The Chief Electoral Officer on his own initiative increased that to 350, and many of the returning officers are following the provincial system even though the federal Act has not been changed. I think it's a cost factor. Also, it's the number of people we employ, and we found that we can handle 450 electors at a poll without any long lineups. We naturally have peak periods, but we have not inconvenienced any electors by having that number.

MR. FOX: If I can just correct the PC math there, it would be one minute and 20 seconds, not one minute and 30 seconds.

MRS. GAGNON: Question.

MR. CHAIRMAN: All in favour? Carried unanimously.  
Now, on the second matter, Alan.

MR. HYLAND: Mr. Chairman, I notice we had a recommendation on this second matter. I'd be prepared to move a motion if I could first get the opinion of the Chief Electoral Officer. He gave us a suggestion on the matter we dealt with, but I don't see any

suggestion on the next matter, related to the amount of money for the names on the list, et cetera.

MR. LEDGERWOOD: No. I was just requesting that we review this, with the aim that if you felt it was warranted, then there would be a recommendation for an increase.

MR. HYLAND: What would be your recommendation?

MR. LEDGERWOOD: I think you can appreciate that the last time the fee schedule was changed was in 1985, and that basically covered the situation which existed as a result of the election called right after the enumeration in 1982. The change was that the returning officers would be paid the 10 cents for both the enumeration and the general election. Basically, the fees that you're looking at were established in the very early '80s, at which time Alberta was one of the highest paying for election staff. We've now fallen basically in the middle.

MR. HYLAND: You're almost sounding like us around the table, going around the issue and not giving us a direct answer, Pat. What's your recommendation?

MR. LEDGERWOOD: I would be very pleased to see a 20 percent increase in the fees paid on the per name basis for both a general election and a general enumeration.

MR. HYLAND: If I can still make the motion, I'd be prepared to make a motion of the 12 cents and the 10 cents, which would be a 20 percent increase.

MR. CHAIRMAN: So to be clear, we would be moving that the current 10 cents per name on the list of electors go to 12 cents, and the 8 cents per name that the election clerk receives go to 10 cents.

MR. FOX: I'm looking on the chart that you provided, Pat, and I'm trying to find out where the 10 cents per name figure can be compared to other jurisdictions.

MR. LEDGERWOOD: That's very difficult, when you get into that, because what you basically have here are election staffs where you don't have the returning officers and the election clerks. These are basically enumerators, DROs, poll clerks: people at the polls, not the election staff.

MR. CHAIRMAN: Any other questions on the motion?

MR. LEDGERWOOD: Unless we wanted to spend some time and go through the basic philosophy that's used in some jurisdictions, where they pay very high fees to the returning officers and only employ them for a very short period of time, whereas our returning officers are employed throughout the period and we pay them an honorarium of \$75.

MR. CHAIRMAN: Well, we're not opening that up today.

MR. LEDGERWOOD: No.

MR. CHAIRMAN: That's a bigger issue.

MR. LEDGERWOOD: So it's rather difficult, Derek, unless you want to go over a four-year cycle.



MR. FOX: Yeah. It gets to be like apples and oranges, in a sense, trying to compare systems.

MR. LEDGERWOOD: But certainly this takes them just above the mean average for other jurisdictions.

MR. CHAIRMAN: Just above?

MR. LEDGERWOOD: Yes, sir.

MR. CHAIRMAN: All right. That's important.  
Derek.

MR. FOX: Okay. I'm wondering. The 10 cents per name: when was that established? In 1985?

MR. LEDGERWOOD: No. I believe about 1982.

MR. FOX: In '82, and it has not changed in a 10-year period. Okay. The honorarium for the returning officers remains the same. The fee each year in which an enumeration is held would remain the same; they get double now for establishing polling subdivisions when that's done. I'm just wondering. Increased costs are covered through submission of receipts and stuff. What we're dealing with here is strictly the income associated with the responsibility. Is that right?

MR. LEDGERWOOD: Yes.

MR. CHAIRMAN: Okay.  
Further discussion, or the question?

MRS. GAGNON: Question.

MR. CHAIRMAN: The question's been called. All in favour?  
Opposed?  
I'm sorry. I didn't see your hand, Don.

MR. TANNAS: You didn't.

MR. CHAIRMAN: In favour or opposed?

MR. TANNAS: I was too slow. I wanted to have this postponed.

MR. CHAIRMAN: You were too slow. So are you in favour or not?

MR. TANNAS: I guess I'm in favour . . .

MR. CHAIRMAN: Thank you.

MR. TANNAS: . . . of waiting.

MR. CHAIRMAN: Carried unanimously.

Let's move down, then, to item 11. We'll come back to 9 and 10, as they deal with Pat alone.

Number 11 is Request for Remuneration by Chief Electoral Officer, Electoral Boundaries Commission. I'm going to ask Pat to lead off, as this matter is before us at his request. I'm going to ask Michael Ritter to comment, and I'm going to make an observation as to the intent of the original Select Special Committee on Electoral Boundaries. Tom was also a member of that committee, and he's here today. We'll go from there. So to you first, Pat.

MR. LEDGERWOOD: This is a carryover from the last meeting. I believe that everybody has copies of the material that I put in, which basically is copies of the applicable legislation, copies of the letters, and copies of two legal opinions. Did you want me to expand on them, sir?

MR. CHAIRMAN: I think you should. It's been some time since we visited this issue, so give us a brief overview if you would, please, Pat.

MR. LEDGERWOOD: Okay. The issue is basically: is the Chief Electoral Officer, who by statute is an officer of the Legislature and accountable to this committee, an employee of the government? I think members of this committee, as elected Members of the Legislative Assembly, passed the legislation which governs. It's on the basis of this legislation that I believe I'm entitled to receive remuneration for my work as a member of the Electoral Boundaries Commission. As I mentioned, I received two legal opinions which support this position from two separate law firms.

MR. CHAIRMAN: Okay.  
I'd now ask Michael Ritter to comment.

#### 11:14

MR. RITTER: Thank you, Mr. Chairman. First off, I should mention that both counsel in our office have been involved in this. The reason I'm here, of course, is because Frank Work also gives other legal advice to the CEO, and he didn't want to be in a conflict of interest position.

We have read the two legal opinions. In fact, it's one of these things where you get two lawyers in a city and they're going to make a lot of money, but one lawyer's going to go broke. In fact, Mr. Ledgerwood was supplied with some legal opinions from two law firms. One is de Villars Jones and the other is Michael Clegg. All the lawyers dealt with different aspects of the legislation. The finding of our department -- the relevant section is section 4(1)(d) of the Election Act, which says that the Chief Electoral Officer "shall perform all duties assigned to him by this or any other Act."

Obviously, the Electoral Boundaries Commission Act decides the Chief Electoral Officer to be part of that commission. However, it is our feeling that whatever the intent of the order in council might have been, the way it was written in 1980 was quite clear. It did not specifically exclude, obviously, officers of the Legislature. It only excluded government employees, and certainly Mr. Ledgerwood is not an employee of government. I think it was rather an oversight of Leg. Counsel when they did the order in council on January 10, 1991. It orders that members of the Electoral Boundaries Commission, except the chairman, shall be paid remuneration. Now, again, if they were consistent or if the drafting in this particular order in council had maybe been a little better, it would have made very clear the status of the CEO, whether he was to be included or excluded, as under the normal terms of the order in council. As I say, there are really two contentions here.

In Mr. Ledgerwood's favour, the legal advice said: well, technically the drafting of the order in council says that I guess he is to be paid. However, if you're looking at other legislation that says his duties include whatever duties are prescribed by this Act and any other Act, he should not be paid. So we're in one of these difficult situations where you've got two statutory authorities saying completely different things.

MR. CHAIRMAN: Thank you.

I wanted to go back and give you some thoughts from the Select Special Committee on Electoral Boundaries and then ask Tom to

comment if he wishes, as he was a member of that committee. Pat was an ex officio member of the committee. As you may recall, the committee was made up of seven members of the Legislative Assembly, and we asked Pat to join us in an ex officio capacity.

When we reviewed the process of the composition of the Electoral Boundaries Commission, it was clear to us that the Chief Electoral Officer should be part of that commission. We reviewed the matter of remuneration for committee members, and we did state in our report that it would be permissible. We didn't give direction, but we did say "may" be compensated. I don't have the exact wording before me, but it was to that extent. I became aware of the tug-of-war, I'll call it, if you will, through the Speaker's office. Ultimately, the matter was passed back from the Speaker's office to this committee in our capacity as the body which works with the Chief Electoral Officer. The Speaker's words to me were that, you know, if anything's going to be done, it must come through this committee; it cannot be because of other statutes and matters that automatically flow through from the Speaker's office or in other ways.

Tom first. Any comment you'd like to add to that?

MR. SIGURDSON: Only to concur with your comments, Mr. Chairman. I recall, as a member of the committee, wanting to ensure that the Electoral Boundaries Commission would have the benefit of the wisdom of the Chief Electoral Officer's office and the Chief Electoral Officer serving on the committee. I must confess that I don't recall the select special committee ever trying to figure out an appropriate remuneration for any commission member, or are we talking exclusion?

MR. CHAIRMAN: No. I hope I didn't leave that impression. It was merely on the matter of whether or not the Chief Electoral Officer would be eligible for compensation. In the past it had been specifically excluded by the wording of the Act, as was the judge. In the ensuing legislation, I think the appropriate word is "may." The word "may" is used, not "shall" or "cannot" but "may." That's where the vagueness comes in, and that's, I believe, why it's back in our lap.

MR. SIGURDSON: Perhaps it was left to Executive Council to establish that.

MR. CHAIRMAN: Okay. Yes, Don.

MR. TANNAS: Well, to get this thing under way then, I would make a motion. I'd move that  
the appropriate remuneration for members of the Electoral Boundaries Commission be paid to the Chief Electoral Officer.

MR. CHAIRMAN: Discussion? Tom.

MR. SIGURDSON: Maybe I'll speak to that. I think Mr. Ritter made an explanation of that and said it was an oversight of counsel. Mr. Ritter provided us with a brief explanation of what happened. It seemed that there was an oversight of counsel in drafting the order in council.

The concern I have is that I think what we have to protect is the impartiality of the officers of the Legislature, in that they cannot ever be construed as being employees of the government. That applies to the independence of and the autonomy of the Auditor General, the Ethics Commissioner, the Ombudsman, and the Chief Electoral Officer. I think we have to make sure, to the best of our ability, that the public understands that these are employees of the Legislature, not of the government. There may be a fine line, but I don't think we should cross that line. I think that if in the future

we're going to have officers of the Legislature participate on commissions or committees or Executive Council, if it's an order in council recommendation or approval, the order in council is going to have to be more specific and more clear. Unfortunately, in this instance it wasn't clear; it's too vague. I think we ought, therefore, to pay the request that has come to us and see that in the future orders in council are a little more specific.

MR. CHAIRMAN: Anyone else? Yolande.

MRS. GAGNON: Just a question to the mover of the motion. Are you suggesting the same remuneration paid to other members of that commission? You said a reasonable amount. What do you mean by that?

MR. TANNAS: An appropriate remuneration? Well, I guess first of all the expenses that you receive. You receive the expenses the same as the other group. Is that so?

MR. LEDGERWOOD: Yes, sir.

MR. TANNAS: Okay. So what we're talking about is the per diem remuneration which would be, presumably, on top of your regular salary.

MR. LEDGERWOOD: Yes, sir.

MRS. GAGNON: Okay. I understand.

MR. CHAIRMAN: Anything further, Yolande?

MRS. GAGNON: No. That's fine.

MR. FOX: I'm just wondering. In 1982-83 there was a similar process. Does anyone recall how that was handled? Or was it empowered in a different . . .

MR. CHAIRMAN: The Chief Electoral Officer was precluded from receiving any payment because of the way the legislation was worded. It was deemed to be part of the duty, as has been outlined by Michael.

Anyone else? Jack.

11:24

MR. ADY: I guess I'm not following what Tom is saying. I thought I was following what he was saying, and I thought he was on a very good point, having to do with crossing that fine line. The Chief Electoral Officer is not an employee of the government; that's a given. He's under contract. I have a concern with us crossing that fine line. Even in this case, as far as Mr. Ritter's input, with respect, it wasn't helpful to me to form an opinion from that because there wasn't an opinion given; it was background. Instead of two lawyers making money in town, we've now got three. Just in jest. No, seriously, it was not helpful in giving us direction. All it did was state the facts from a legal perspective and wasn't helpful.

I guess I would have to ask the question, from the points that Tom made early in his comments: if this is paid, what does it do to the office? What kind of a precedent does it set? I would just have to have some reservations, with the information that we have, to move forward on this at this point. I'd like to see us adjourn for a coffee break. I'd like to think this one over.

MR. CHAIRMAN: Just before we do, I think Michael wants to clarify something.

MR. RITTER: Mr. Chairman, to answer the question about precedents and crossing the line, Frank and I have done a fairly extensive search of legislation that either includes or excludes public employees from various things. We found that many of the statutes that apply to government employees specifically also will apply to employees of the Legislature, employees of the Legislative Assembly Office. Other statutes and regulations tend to just refer to public employees and not refer to the distinction between the two groups of government. So, in fact, as far as a precedent goes, there's no consistency in legislation, as we find here. It seems that when the legislative draftsmen over in the Attorney General's department draft orders in council and legislation, they often forget that people who work at the Legislature or at the Legislative Assembly are not employees of the government. It seems that sometimes they catch it and are very specific and express with whether or not Legislature employees shall be included with public servants, and sometimes they forget and then we're kind of left with one of these vagueness things.

This is exactly the case here. I don't think anybody over in Leg. Counsel actually anticipated the difference between employees of the Legislature and public servants. So I think the only direction I can give to this committee is that there's a story that comes down on each side; it's largely a matter of what you feel the intent of the legislation was. That's what we're left with.

MR. ADY: Well, Mr. Chairman, if I could just get back in. The prime thing here, I think, is that certainly we want to be fair to our officer, but we also need, at the same time, to protect him and his office. We also need to be careful, because I understand what you just said about conflict. I still couldn't get that sorted around so that it told me very much. I just have to feel on more sure ground from my perspective than I do.

MR. CHAIRMAN: Okay. Do you still want the coffee break?

MR. ADY: Yeah, I want the coffee break.

MR. CHAIRMAN: All right. So we'll take a break, and then I have Alan and John.

[The committee adjourned from 11:28 a.m. to 11:30 a.m.]

MR. CHAIRMAN: We'll reconvene.  
Derek.

MR. FOX: I think I would move that the committee go in camera so that we can have a sort of detailed discussion. We've established a precedent in the past when dealing with sensitive matters, personnel, that we do it in camera out of respect to the people involved.

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

[The committee met in camera from 11:31 a.m. to 12:09 p.m.]

MR. CHAIRMAN: Now, regarding the motion before us.

MR. ADY: Mr. Chairman, I'd like to put forward a motion that the motion as put forward by Mr. Tannas be tabled pending further information that the committee will endeavour to obtain on this issue.

MR. CHAIRMAN: Thank you.

A motion to table. All in favour? Opposed? Carried unanimously.

All right, we'll take a lunch break. We'll come back as quickly as we can, and we will adjourn today at 1 o'clock. So any matters that we really must deal with we'll be sure we do today, and then other matters will go over to our next meeting. Okay?

[The committee adjourned from 12:10 p.m. to 12:23 p.m.]

[Mr. Hyland in the Chair]

MR. ACTING DEPUTY CHAIRMAN: We'll reconvene. Bob just phoned. He's held up at the moment. He'll be back shortly, but he wanted to get us going again so that we could try and be through by 1 o'clock so that Yolande can leave.

If we could go back up to number 5 -- the Ombudsman isn't going to be here -- relating to the retirement of Ed in Calgary and a replacement for him. Because of the freeze in positions, we have to have a motion of this committee approving the request from the Ombudsman. Does anybody wish to speak to that?

Tom.

MR. SIGURDSON: I'll just move that, Mr. Chairman.

MR. ACTING DEPUTY CHAIRMAN: Okay. Any discussion?  
Derek.

MR. FOX: I would suggest that in addition to approving the motion for staffing in the Ombudsman's office in Calgary, the Chair be empowered to send on behalf of the Legislative Offices Committee a note of thanks and congratulations to Ed Chetner upon his retirement, and that some appropriate token of the committee's appreciation could be passed on to Mr. Chetner for years of devoted service, some through some difficult and challenging times, as we've changed Ombudsmen two or three times during his term of office.

MR. SIGURDSON: That's a separate motion, my friend.

MR. FOX: Oh, okay. I'm speaking in favour of his motion.

MR. ACTING DEPUTY CHAIRMAN: Okay. How about we do the first motion, and then we'll go back to Derek for a following one. All those in favour of Tom's motion? Opposed? Carried unanimously.  
Now Mr. Fox.

MR. FOX: I move that  
the Chair of the Standing Committee on Legislative Offices send a letter to Ed Chetner upon his retirement expressing the committee's deep appreciation for the work that he did over his years in that office and that some appropriate token be sent as well to express gratitude on behalf of the Members of the Legislative Assembly to someone who has provided service above and beyond the call of duty.

MR. ACTING DEPUTY CHAIRMAN: Okay. Any other discussion?  
Jack.

MR. ADY: I don't want to sound like Ebenezer on this, but I would assume that the office of the Ombudsman would be taking care of the gift side of it. Certainly the letter is appropriate. It's not a big deal with me. I just raise it for discussion and wonder if it's appropriate. For instance, if Pat's staff were to leave, would this committee be moving through with gifts or tokens?

MR. FOX: Can I explain my motion?

MR. ADY: Yes, I'd like some explanation.

MR. FOX: Just to explain. You know, Pat is a good example. Pat is an officer of the Legislature. Ed Chetner was as well, or he was designated in that role. He acted as the Acting Ombudsman during a time when we were switching officers. He did report to the committee, and he did have some things to deal with that aren't normal in terms of his employment as a staff member of the office of the Ombudsman. I appreciate the line you're drawing there, and I'd drawn it without referring to it. It would be inappropriate of us, I think, to deal directly with a member of an officer's staff, but in this case I was thinking of Mr. Chetner as someone who fulfilled the officer's responsibility.

MR. ADY: I accept that, and I don't want my comments construed to be anything in the way of downplaying Ed Chetner's contribution; quite the contrary. He has made a contribution much along the lines you've recited, and I'm supportive of that as long as we follow some process here.

MR. ACTING DEPUTY CHAIRMAN: All those in favour? Carried unanimously.

Okay. We need to do number 6 because it should have been done in August. That's relating to the letters of Kingston Ross Pasnak on the auditing of the Auditor General's office. We did the first one late. By the time we got the letter, it had been done. Anyway, we've got two motions we have to do.

Diane.

MRS. SHUMYLA: The first one, 6(a), Letter of Engagement, Kingston Ross Pasnak, has to be approved and signed as it has to be sent back to the company. It wasn't done. In the meantime they've done the work, and they've already billed us for it.

MR. ACTING DEPUTY CHAIRMAN: So that's the April 23, '92, letter or the May 13?

MRS. SHUMYLA: That's the way they sent it; it's got both dates. But that's the one that has to be approved and would have to be signed.

MRS. GAGNON: I would move, since it is a housekeeping issue at this point.

MR. SIGURDSON: Just before discussion on that, as it's the chairman who signs it, I would like to see if the chairman has any comments. He has in the past had comments about signing documents from Kingston Ross, and I would hate to pass a motion in his absence.

MR. ACTING DEPUTY CHAIRMAN: I think this is the amount that was arranged in the exchange of correspondence, isn't it? It just hasn't been signed. Could we put that proviso on it?

MR. SIGURDSON: Can we table this until the chairman comes back, Yolande?

MRS. GAGNON: No problem.

MR. ACTING DEPUTY CHAIRMAN: Is that a motion?

MR. SIGURDSON: Yes, moved to table.

MR. ACTING DEPUTY CHAIRMAN: Because if we get to running out, we may have to deal with it if he isn't back. Okay.

So then we've got the next tab, B. I'm not sure if we want to go on.

MRS. SHUMYLA: That's the invoice on the work that's been completed.

MR. ACTING DEPUTY CHAIRMAN: We should do the same thing with that then.

MR. SIGURDSON: Well, if the work's been completed, it doesn't require the chairman's signature. I'm just concerned with respect to what was under tab A.

MR. ACTING DEPUTY CHAIRMAN: I think, unless I've got it backwards, tab A is a signature, so we can pay this one. We've got the other one coming up for the next year too. Right?

MR. SIGURDSON: Fine.

MR. ACTING DEPUTY CHAIRMAN: So have you changed your mind?

MR. SIGURDSON: No.

MR. ACTING DEPUTY CHAIRMAN: What are we doing with B?

MR. TANNAS: Tabling it.

MR. ACTING DEPUTY CHAIRMAN: We tabled A. We've got nothing on B; nobody's made an indication one way or the other. Don.

MR. TANNAS: I'd move to table tab B.

MR. ACTING DEPUTY CHAIRMAN: Okay. Jeez, I'm doing great; he'll never let me run the meeting again. Tab C.

MR. FOX: These don't require action by members of the committee. It's simply presenting to us the audited financial statement of the office of the Auditor General for our information and review.

MR. ACTING DEPUTY CHAIRMAN: I think all we need to do is just have a motion to accept, don't we? Jack.

MR. ADY: I'll make that motion to accept.

MR. ACTING DEPUTY CHAIRMAN: All in favour? Carried. So we've got tabling on two.

MRS. GAGNON: I would move that we accept this for information.

MR. ACTING DEPUTY CHAIRMAN: Yeah, we did.

MR. TANNAS: No, we're now at D.

MR. ACTING DEPUTY CHAIRMAN: Oh, yeah. That minor problem of the other partner that used to be involved. Okay. All those in favour of that? Carried. Derek.

MR. FOX: The issue still to be dealt with is who we engage to perform the audit of the office of the Auditor General for the fiscal year 1992-93. That's a decision that's yet to be made in addition to approving what's already been done and agreed to.

MR. ACTING DEPUTY CHAIRMAN: So we've got those two things hanging.

How about if we go now to item 9? In talking to the chairman before, when I saw the agenda, I asked him why that was on it. I think what he wanted to do was have the Chief Electoral Officer lead us through the things that have to be done once the legislation is accepted, because before we've talked about time frame but not the actions. If it's agreeable to others, I'd like the Chief Electoral Officer to do that, so that once the legislation is passed, we have an idea in our own mind where we go and how long it takes us to get there.

HON. MEMBERS: Agreed.

MR. ACTING DEPUTY CHAIRMAN: Pat.

12:33

MR. LEDGERWOOD: Thank you, Mr. Chairman. Once the legislation is passed, I understand that the government will be sending this to the Court of Appeal as a reference.

In our area the two areas that we're concerned about are mapping and returning officers. Now, in the case of mapping we require a provincial map. We require the cities of Calgary, Edmonton, Medicine Hat, Lethbridge, Red Deer, St. Albert, Fort McMurray, and Grande Prairie to be shown with their electoral divisions. We also need the individual electoral divisions maps. Mapping tells us that they require about six and a half weeks to prepare the base maps. We're currently working with mapping to see if they can reduce that time. Also, they talk about 15 days to produce the diazo and paper print maps. We'll also see if we can reduce that time in that we need those maps before we can do our polling subdivision maps.

Yes, Mr. Tannas?

MR. TANNAS: Is that in addition to the six and a half weeks, Pat? So you have six and a half weeks required for mapping, and then in addition to that, 15 days. That's over two weeks, I think.

MR. LEDGERWOOD: Yes. We're hoping we can reduce all of those times.

In the case of returning officers there is a requirement that the returning officer live within the boundaries of the electoral division. So we'll require that returning officers be selected, that they be appointed, and that they be trained.

We discussed earlier today that it's going to take a couple of weeks for them to do their polling subdivision maps. Mapping tells us that it will take them four and a half months to do the polling subdivision maps. Remember, they were going to have over 5,000 separate polling subdivisions. Again we're working with mapping to try and reduce that time. We think that it's a bit long. Later on I'll tell you some of the requirements that we have by legislation which don't permit mapping that luxury in time.

The enumeration on the new boundaries would be conducted in September of 1993. The Election Act at section 12(2) talks about the electoral divisions schedule to the Electoral Divisions Act being amended before May 1, in which case we can then go ahead and do our enumeration on the new boundaries. It also makes provision for registering the new constituency associations under the Election Finances and Contributions Disclosure Act. As an aside, I can tell you that I had a meeting with party representatives on November 19.

At that time we established procedures for registering the new constituency associations and also a preregistration procedure for candidates based on the new electoral division boundaries. Returning officers are required during the first week in May to write to constituency associations to request the names of available electors who would like to act as enumerators.

As soon as the new boundaries are passed, we will then look at the new boundaries with the 1989 general election results superimposed on those boundaries and determine who would have won the riding. Based on that, the government and also the party that either won the seat or came second will have an opportunity to select enumerators for the new riding. So that letter has to go out the first week in May.

The returning officer training will be accomplished in that period with no difficulty. Once they're appointed, it will only take us minimal time to co-ordinate the training on their basic duties and responsibilities and how to do their mapping.

Bill 21, which controls the Election Act and the Election Finances and Contributions Disclosure Act, was proclaimed and will come into effect on January 1, 1993. So we are currently ordering our new supplies and new forms in that the new forms regulation will also come into effect on January 1, 1993. We'll be changing 22 of the 36 forms prescribed in the Election Act. The Election Finances and Contributions Disclosure Act doesn't have the same prescribed forms, so we'll be revising those forms as well.

We were able to brief the attendees at our meeting on November 19, and we got some very positive feedback on our proposed changes. We'll be ordering our supplies, and we'll have those in January. We will then start to package them, pallet them, and prepare them for shipping to the returning officers. We'll do it in four phases: a pre-enumeration package, a pre-election package, an enumeration package, and a general election package.

Those are basically the steps that we'd go through, Mr. Chairman.

MR. ACTING DEPUTY CHAIRMAN: Okay.

Derek, then Tom and Jack.

MR. FOX: I'm wondering. You mentioned early in your comments that the legislation would be referred to the Court of Appeal. Am I to understand that that would not happen until the legislation is passed by the Legislative Assembly?

MR. LEDGERWOOD: That is my understanding.

MR. FOX: Is that right? There's been no provision to send this map to the Court of Appeal and let them have a glance at it before legislation. So we're clearly dealing with something that won't happen until the Legislature considers and enacts a Bill.

MR. ACTING DEPUTY CHAIRMAN: I'm assuming the reason for that is that till we put the final vote on it -- even if we make one little change -- they're judging on something that doesn't exist.

MR. FOX: If I can follow up on that then. In a political sense, if the Premier-designate and his government colleagues say, "We like the report; we're tired of fooling around; it's dragged on too long; we're going to do it" -- I mean, they form the majority in the House, and what they want to do will eventually pass, regardless of pitfalls along the way. It could pass into law if they wanted it to, made that political determination. Would mapping be working on anything now in anticipation of that, or will mapping not do anything until a Bill is passed by the Legislature?

MR. LEDGERWOOD: You'd have to check with the mapping branch. I am not providing mapping with any requests nor am I going to pay them for mapping. I simply can't do it until I know what the boundaries are.

MR. FOX: Right. So mapping would take six and a half weeks. I'm wondering if all these time lines are consecutive or concurrent. If it takes six and a half weeks to develop the constituency maps, can the breakdown of polling subdivisions be going on at that same time? The returning officers would be designing their polling subdivisions and submitting those to mapping, so that other four-month time line that you referred to can be going on at the same time. Or is this a series of consecutive steps, none of which can occur until the others have been completed?

MR. LEDGERWOOD: They're pretty well sequential in that you can't ask the returning officers to start doing polling subdivisions when they don't have the base map to work from. I can tell you that the legal descriptions are being rewritten so that they will be a stand-alone boundary description, and this of course will help our returning officers a great deal.

MR. FOX: So you're saying that the returning officers wouldn't be able to look at the polling subdivisions until after the six and a half week mapping process is complete.

MR. LEDGERWOOD: They would need those maps to start drawing their polling subdivision maps.

MR. FOX: Even though we don't -- I mean, we sort of have maps of the constituencies already.

MR. LEDGERWOOD: Where?

MR. TANNAS: It hasn't been passed, though.

MR. FOX: Yeah. Okay.

MR. ACTING DEPUTY CHAIRMAN: Tom.

12:43

MR. SIGURDSON: Government caucus is going to invoke the notwithstanding clause and not worry about the five-year mandate.

MR. LEDGERWOOD: I can tell you that we've apprised mapping of our requirement by legislation to go to constituency associations June 1. Really, if you're going to get meaningful input from the constituency associations, you should have those polling subdivisions mapped so that they can nominate people from those polling subdivisions as enumerators. Remember that the people that do the enumeration are generally selected as election officials.

MR. SIGURDSON: Pat, are you going to be seeking an amendment to the Election Act that would allow you to conduct an enumeration outside of that September provision that's currently there?

MR. LEDGERWOOD: In correspondence that I've had with my entrée to cabinet, I've pointed out that I have a legal opinion from Parliamentary Counsel that the only time I can conduct a general enumeration is during the period September 15 to 30 and that if the government wishes me to conduct enumeration at any other time, then there should be an amendment made to the Election Act. I've suggested that maybe the appropriate time would be when they revise the schedule to the Electoral Divisions Act.

MR. SIGURDSON: Okay. So you have made that request, or you've at least had some correspondence.

Are you going to attempt to computerize lists? The reason I ask that is that in the civic campaign in Edmonton voters' lists were put on computer disks, which saved a heck of a lot of photocopying and paperwork. The floppy disk or the disk to call up on computer was then just provided at a cost to the ward candidates. I think that political organizations being what they are today are able to accommodate that. Have you given any thought to trying to get returning officers to put enumeration lists onto computer disks?

MR. LEDGERWOOD: What we've been able to achieve at the last four by-elections is that we have provided to the parties diskettes containing the lists of electors. One of the forms that we redesigned is the list of elector sheet. It now has a nonblack pigment ink so that we can scan the list of electors. This is our plan: we will develop the expertise of the last four by-elections. We feel that we will be in a position to scan the lists of electors so that we can put them on diskette, and we can pretty well guarantee that within about a month from the time we get the list of electors.

Remember that even the printing takes time because we have nine registered parties. They're each entitled to six copies of the list of electors. We need copies for independent candidates, and we also need copies for our own use. So really we're looking at printing 60-some copies of the list of electors. Remember, we talked earlier about over 5,000 polling subdivisions and up to about 1.7 million electors, so we're talking about a great deal of printing.

MR. SIGURDSON: That's a legislative requirement, isn't it?

MR. LEDGERWOOD: The six copies? Yes.

MR. SIGURDSON: There's something else that our committee should look at. You know, we could save a lot of money just in terms of paper and photocopying costs if we were to move to providing political parties with a disk. Having worked as an organizer for the New Democratic Party -- surprise, surprise -- I know that when we got our six copies, well, we would send two out to every constituency association, and we had four. What the hell did we do with them? You know, they sat and collected dust. It's a great expense to the government, and I don't think it's necessary. It sure as hell isn't environmentally friendly. We could put all of that onto disk, provide one copy free. People can make their own copies. If somebody else needs a copy or if they lose their copy, you charge them for the disk.

MR. LEDGERWOOD: We provide up to six copies. We ask the parties how many copies they want. Not every party takes the six copies. Some only take a couple.

MR. ACTING DEPUTY CHAIRMAN: So that would be one thing that you'd have to add to the list. If we wanted to change that, it would have to be added to the amendment.

MR. SIGURDSON: What are your printing costs? Sorry.

MR. FOX: Tom's bucking for an appointment to Klein's cabinet. He's trying to paint this image of fiscal conservatism.

MR. SIGURDSON: Minister of redundancy.

MR. LEDGERWOOD: As I say, our plans are to provide both the hard copy and the diskettes, and given sufficient time after the

general enumeration and before the general election, we should have both.

MR. ACTING DEPUTY CHAIRMAN: That doesn't answer Tom's query though.

MR. SIGURDSON: Well, Pat, do you know what your printing costs are for providing that incredible number of lists?

MR. LEDGERWOOD: I don't have that at my fingertips.

MR. SIGURDSON: There are savings there.

MR. ACTING DEPUTY CHAIRMAN: Maybe it's something that we as a committee can suggest can be looked at and try it on the parties, our parties as well as others. Even if you give a couple sets of lists -- sure they have to be printed, but that's a whole lot less paper than six.

MR. SIGURDSON: It sure is.

MR. LEDGERWOOD: Well, two things. When we had our meeting with the party representatives, they were most anxious to get the diskettes. They didn't indicate that the six copies were too much. We did tell them that we wanted them to give us a commitment early so that we could go to the printers. So once we find out when the enumeration is going to be conducted, we will be contacting parties to determine -- and in the case of your party, Tom, if you only need two copies, then only ask for two.

MR. ACTING DEPUTY CHAIRMAN: Okay.  
Jack.

MR. ADY: Tom and Derek have asked some of the questions that I had, but I wasn't clear on one thing with the enumeration. I understand the time frame that you're locked into, but the question has to be: how early could you be ready to do an enumeration if legislation were favourable?

MR. LEDGERWOOD: Again, not to skirt the issue, there are variables that I have no control over. If you can tell me how long after the legislation is passed I will receive the order in council appointees and returning officers, I can then tell you from there. If you tell me how long mapping is going to take before I can have maps that the returning officers can use, then I can go from there.

Basically, what we're talking about are a couple of days to train the returning officers, and we have no idea how many new ones we're going to have or how many experienced ones. Your best training is in groups of under 10, and it takes normally about a day. So we would like about a week to train returning officers. If we've got the maps available, then it would take a couple of weeks for the returning officers to do their polling subdivision maps. We can do a one-day turnaround on the maps in our office, providing the polling subdivision legal description matches the polling subdivision that they've drawn on the map. We can then give them a one-day turnaround and provide those maps to mapping. We don't know how long mapping is going to take. It would be a great asset to have those polling subdivision maps for the general enumeration. The enumeration itself takes two weeks. Again, depending on what agencies we use, we're thinking about three weeks to do the printing and up to a month to get the cassettes. The parties, depending on how they respond to the request from the returning officers for enumerators -- some parties are excellent. Some constituency associations are excellent. They provide real good, meaningful lists

of people that can be employed as enumerators. Some of the parties don't even acknowledge the letter, so the returning officer is left on his own to go out and recruit enumerators. So we have to allow time for the returning officers to select and train their enumerators.

I haven't been very definitive, Jack, but . . .

12:53

MR. ACTING DEPUTY CHAIRMAN: What's your best guess from the date that you get the list of returning officers?

MR. LEDGERWOOD: We have said that given the returning officers and providing we have the mapping available at that time, we would be ready to start conducting an enumeration in about seven weeks. That again depends on the appointment of the returning officers and having the mapping done.

MR. ACTING DEPUTY CHAIRMAN: So then it would be how much longer after that that a general election could be held?

MR. LEDGERWOOD: Then we're looking at two weeks for the enumeration. If we're looking, for example, at September 15 to 30, the enumerators have five days after the close of the enumeration to provide their typed lists to the returning officer. The revision period is later that month. The way the Act currently reads is that by February 1 we must provide to the parties the list of electors.

MR. TANNAS: From September?

MR. LEDGERWOOD: Well, from October. In actual fact in both the '85 and the '89 general enumerations we provided the list to the parties before Christmas.

MR. FOX: We're dealing with a lot of hypotheticals here, and it makes it difficult, but it's important to hear these issues and think about it. If Premier Klein were determined . . .

MR. TANNAS: If he were inclined.

MR. FOX: If he were inclined. If he doesn't renege between now and then and determines that a Bill will be passed through the Legislature and returning officers who are provided by Conservative constituency associations will be submitted to your office by the end of January -- I'll construct the scenario, and you tell me when I start to make mistakes here. If he says that he can have those two things done by the end of January -- a new Bill and returning officers appointed -- it would take you seven weeks. February's a shorter month. Say, by the end of March you could be ready to conduct a general enumeration of the province. Within two weeks the enumeration would be completed, and about a month later, four weeks after, the lists could be provided in a hurry-up scenario, having gone through revision, et cetera, et cetera. So we could be looking at the possibility of being ready for a general election, if someone determined that they wanted to do it in a hurry on the new boundaries, sometime in April.

MR. LEDGERWOOD: Which hypothetical portion do we want to discuss?

MR. FOX: Have I strayed in my assumptions in a best case scenario, if you're the Premier wanting to call an election?

MR. ADY: Sure you have.

MR. ACTING DEPUTY CHAIRMAN: You forgot the initial mapping.

MR. SIGURDSON: Derek, are you finished?

MR. FOX: Well, no. I'm wondering . . .

MR. SIGURDSON: Maybe what I could do is just rephrase.

MR. FOX: He's just starting to look worried.

MR. LEDGERWOOD: Well, there are so many variables in there, Derek, that I really can't . . .

MR. FOX: The law will be passed, the returning officers will be appointed by the end of January, and an amendment to the Act will be passed facilitating an enumeration as soon as possible. Then you go ahead and prepare for an enumeration, and one occurs probably a total of three months later. Would it be possible to conduct an election given that 12-week time frame?

MR. ADY: Point of order, Mr. Chairman. I think we've strayed from the mandate of the committee. We're now into the scenario of trying to determine for our own political interests when an election may be called or could be called when in actual fact the mandate of this committee is to concern itself with what the officer requires from this committee in order to expeditiously carry out his responsibility. That has to do with budgets which are to be made available to him and suggestions coming from him for changes in legislation to let him do it. I would respectfully ask the Chair to keep the committee within those bounds.

MR. ACTING DEPUTY CHAIRMAN: Okay. We'll try.

MR. FOX: On the point of order. Do I have the floor?

MR. ACTING DEPUTY CHAIRMAN: Okay.

MR. FOX: With respect there are few people with sufficient expertise with whom members of the committee can, on behalf of the caucuses they represent, gain some insights into the technical details of mapping, enumeration, and appointment of officers, and members of this committee from all three parties frequently solicit the advice and guidance of officers so that we know the answers to these things. I realize I may be posing some questions that are difficult to answer, but I do think I have the right to pose them nonetheless.

MR. ACTING DEPUTY CHAIRMAN: I think the questions that the hon. member is asking -- there's hypothetical and then there is in some cases something that's beyond hypothetical, and I think we're getting pretty close to that stage.

Tom.

MR. SIGURDSON: Perhaps I could rephrase the question so that it fits within our mandate and also gets the question across. Pat, what happens if in the middle of April the new Premier decides that he wants to go to the polls? What does that do to your office?

MR. LEDGERWOOD: I think that earlier we were talking about if an enumeration were to be conducted at any other time, that hopefully there would be an amendment passed to the Election Act. I can tell you that if Executive Council directs me to conduct an enumeration at any time other than September, I will do the best

within my own resources and cajole and harass and whatever the people who support me to make sure that we are able to get that enumeration done on the date selected.

MR. SIGURDSON: That's an enumeration. My question was: if the new Premier decides in April that we are going to the polls, what does that do to your office? [interjection] Well, what consideration? I mean, this is one of the considerations that we have. How much disruption is there going to be? What kind of support should we as a committee be looking at in the event that the Premier goes before the time line that you outlined is completed?

MR. LEDGERWOOD: In order to answer that question, can I assume that the boundaries have been passed, that returning officers have been appointed and trained, and that mapping has been done?

MR. SIGURDSON: From my point of view I think you can assume the first two: that the maps have been passed and that the returning officers have been appointed. From a political perspective I think that if the Tories are high in the polls in the middle of April, they're not going to be too terribly worried about whether the maps have been done or not.

MR. FOX: If they're high in the polls next week, they're not going to worry about whether the maps have been done.

MR. ADY: Mr. Chairman, point of order.

MR. SIGURDSON: It impacts on what we may have to provide, and that's my concern. What does it do to his office? Can he possibly conduct it under that scenario, and if not, what extra do we have to provide or make provision for?

MR. ADY: Mr. Chairman, I'm sure that the officer will be back to this committee in plenty of time to give us those requests or answers because it's not possible for him to give them today anyway.

MR. SIGURDSON: If that's the case, then can I respectfully request that you come back at a later point to this committee with an answer, telling us should the new Premier decide that he wants to go early before your office is prepared or having gone through all the hoops and hurdles that you've got to go through -- I want to know what impact it has on your office. I'd like to see a worst case scenario because it impacts on what we do as a committee. So I'd just like, then, a report back.

MR. TANNAS: Mr. Chairman, I'd like to draw your attention to the hour. We did agree that we would table a couple of items and bring them back before we close.

MR. ACTING DEPUTY CHAIRMAN: Yeah.

Derek, and then I want to get Diane to speak on that. Technically, I guess we can move they come off the table.

MR. FOX: On the matter of the committee adjourning, it was my understanding that we'd scheduled a lengthy meeting for a lengthy agenda. The member that had to leave by 1 has been gone for some time. The Chair is to be returning at some point, I gather, so I'm not sure what our time lines are here, Mr. Chairman. Do you know?

MR. ACTING DEPUTY CHAIRMAN: Well, I guess it's up to us that are left, what sort of time lines we put on it.



MR. FOX: I'd been told to plan for a day-long meeting. I don't know what other people were told.

MR. ADY: I have some time. We could extend the meeting for a short time.

MR. FOX: As long as we get on to a relevant subject.

MR. ADY: That's right.

1:03

MR. ACTING DEPUTY CHAIRMAN: Well, if I can take the prerogative as chairman and in spite of all the points of order and that, I think we've given the actions of the Chief Electoral Officer a good hearing, and he will give us some other responses maybe later, as time goes on. I think we could keep on going probably for three or four hours on that: the what ifs and the what fors and what if this happened? So if we could move off that one.

I see Derek with his hand up.

MR. FOX: Well, I was just commenting on the agenda suggestion made by Don. I did have one other comment that moves away from the consideration of the new boundaries, but it's still something that I think I need to ask the officer.

MR. ACTING DEPUTY CHAIRMAN: Okay. Why don't you ask him that?

MR. FOX: Okay. It will be a question that's asked of us tomorrow at our caucus meeting and something that my constituents ask me. If the Premier designate decides that it's important for him to seek a mandate from the people of Alberta as soon as possible in order to implement his agenda, what are the mechanics, the logistics, and the legalities of an election being called on the existing boundaries given that a report has been presented? I'm just not sure of the legalities. Are the old boundaries suspended and not legal in that sense, or could we still hold an election on the existing boundaries if someone determined that . . .

MR. LEDGERWOOD: My understanding . . .

MR. ACTING DEPUTY CHAIRMAN: You may want to answer that, but I would think that question almost needs to be asked to Michael, versus Pat.

MR. FOX: Well, Michael doesn't know as much about all the intricacies of that.

MR. LEDGERWOOD: My understanding is that the current boundaries are in vogue and will be in vogue until the Electoral Divisions Act and the schedule to the Electoral Divisions Act are amended.

MR. SIGURDSON: Right.

MR. ACTING DEPUTY CHAIRMAN: And proclaimed.

MR. LEDGERWOOD: And proclaimed. From the 1983-84 boundary commission the legislation was such that we were able to complete an enumeration in 1985 based on the proposed boundaries which came into effect with the writ of election for the 1986 general election.

MR. FOX: Just one other succinct question related to an enumeration. Is it possible to conduct a general election on the existing boundaries without a new enumeration?

MR. LEDGERWOOD: I think you're aware that the last general enumeration was in the fall of 1988. That list of electors was updated at the spring election in 1989, and in my opinion that list of electors would not be viable to conduct a general election.

MR. FOX: Thank you.

MR. ACTING DEPUTY CHAIRMAN: Diane, I wonder if you can comment on these two letters that we tabled for when the chairman would be back related to the work done and the billing. Has the work been done?

MRS. SHUMYLA: As I had mentioned, the work has been done by Kingston Ross Pasnak, but we need that letter of engagement to be approved before we can pay them.

MR. ACTING DEPUTY CHAIRMAN: Just a minute. Can somebody move we take that off the table?

MR. SIGURDSON: I'll move that we pull it off the table.

MR. ACTING DEPUTY CHAIRMAN: Okay. Sorry about that. Derek.

MR. FOX: Okay. I understand Tom's concern raised earlier, but I think this is a very straightforward matter. The question about whether or not we sign the letter of engagement is something that we worked out over time in terms of dealing with this particular company and the way that they like to do things. It seems to me they've done what we asked them to do. It was done within the budget that was allocated, and this is all just after the fact. The letter wasn't signed and should have been. We were into session and the committee didn't meet is my understanding of why it wasn't. This is just a technicality, and I think the chairman should be authorized by the vote of the committee to sign the letter of engagement.

MR. ACTING DEPUTY CHAIRMAN: We didn't have the vote on removing that off the table. Everybody in favour of the motion? Okay.

You want to make another motion, Derek?

MR. FOX: I move that  
the committee empower the Chair to sign said letter of engagement for  
Kingston Ross Pasnak.

MR. ACTING DEPUTY CHAIRMAN: All those in favour? Carried.

So that's it. The Out of Country Travel was put off till next meeting, right? So we can, if we want, go down to . . .

MR. TANNAS: How about 6(b)? I would move that we pay an invoice from Kingston Ross Pasnak . . .

MR. ACTING DEPUTY CHAIRMAN: Do we need a motion? I guess we do, because we just approved that the contract be signed, not the amount. We've got to approve the amount too. Yeah, he's right. Okay, Don, move that.

MR. TANNAS: I move that

we pay the invoice from Kingston Ross Pasnak in the amount of \$13,125.

MR. ACTING DEPUTY CHAIRMAN: Okay. All in favour? Carried.

Now, somebody help me. Didn't we table two things when we started?

MR. SIGURDSON: Number 12.

MR. ACTING DEPUTY CHAIRMAN: That was tabled?

MR. FOX: I think that was number 10.

MR. ACTING DEPUTY CHAIRMAN: What did we do with 10? I thought we did . . .

MR. TANNAS: No, we didn't deal with it. We've yet to deal with it. Number 11 is tabled.

MR. FOX: Was that something the Chair has dealt with the officer on?

MR. ACTING DEPUTY CHAIRMAN: Well, he's talked to him. He told us that. Maybe that's where my mix-up is. Can we hold that?

MR. FOX: Do we expect Bob back?

MR. ACTING DEPUTY CHAIRMAN: He was supposed to be, but I don't know what's happened. He's held up doing something.

MR. TANNAS: Okay. Could we ask Mr. Ledgerwood: would tabling 10 cause you any inconvenience?

MR. LEDGERWOOD: No. The background on that is that Canada is providing electoral assistance to many Third World countries and former communist nations that are now seeking democratic elections.

I think you're aware that as a result of the United Nations peacekeeping Canada has done -- Canada has taken part in every United Nations peacekeeping mission -- we have a good reputation in the world. The first time this came up was in 1989 when we were asked to send observers to the election in Namibia. I had been the chief air staff officer designate when I was in the military to go to Namibia in 1978 when they were going to get independence. Eleven years later, of course, they had their election. I wasn't able to go because that's when we had our senatorial election, but where it came up was that several of our provincial returning officers went as observers.

Now, subsequent to that, you may remember that last year I went over to Ukraine to act as an election observer for their referendum and their presidential vote. At that time I was invited by Elections Canada through External Affairs, and I actually went as a representative of the Conference on Security and Co-operation in Europe.

Earlier this fall I was over to Ghana as an election observer for their presidential election, and that was a bilateral agreement between Canada and Ghana. The election of the President wasn't really free and fair in all aspects, and we reported this as such. The election for Parliament was to be on December 8. The opposition parties boycotted this particular event, so they changed it to December 22. I was asked if I would go back as a Commonwealth observer, and I think one reason was that I had already had the

accreditation and also had the experience of being there once. I was talking to the chairman and had refused to go in that it was going to be over the Christmas period and also because in Kenya they were going to have their election on January 29 and the Commonwealth was going to be there. I felt I would be pressured into being an observer at both Ghana and Kenya and be away for the Christmas, New Year's period. They were very short of what I classed as an experienced specialist observer. I received a request to see if I would go to Yugoslavia as observer for their election on December 20, and speaking to the chairman, he was not very keen on that. So it's on the agenda. I think it's a fact that we receive these requests to go as observers.

All our expenses are paid by whoever invites us. We submit our claims to Elections Canada through External Affairs. I don't know what happens, because for both the missions I was on I received an advance well over what I spent so that I actually had to write them a cheque.

1:13

For example, in Ghana one of the Canadians, the Chief Electoral Officer from Ontario, was on his 10th mission as an international observer. The Chief Electoral Officer in Manitoba has been on half a dozen. British Columbia has been on five. This was only my second. I have not been able to accept the invitations when they arrive because I have other commitments here, so I've only been on the two. I think our next big one will be in Cambodia in the spring. I think because of my military background they don't mind inviting me to what they consider some of the difficult ones.

The groups that take part in these -- I mentioned the United Nations. There is also the Commonwealth. The Speaker of the Legislative Assembly in Ontario is particularly keen on Canadians supporting the Commonwealth observer teams. As a matter of fact, I think he's encouraging elected members to be observers. I also mentioned that when I was over in Ukraine, I provided technical assistance to the Members of Parliament who were there as observers. I know that the former Premier of New Brunswick Mr. Hatfield was an observer in Namibia, and I know there are a number of both currently elected and former politicians who take part. I also mentioned the Conference on Security and Co-operation in Europe. There is also the Organization of American States. A new group that is becoming very active is the Carter Centre. This is group President Carter has put together, operating out of Atlanta, Georgia. For example, in Ghana they were the largest observer team with over 30 observers, whereas the Commonwealth had 15 observers representing 13 countries and nine members of the secretariat representing eight Commonwealth countries.

MR. ACTING DEPUTY CHAIRMAN: Okay.

Derek, then Don.

MR. FOX: Just a question on detail before I make my comments. Pat, this is a request for something that occurs on December 20 or starts . . . I mean, we're not talking about being there for a whole election. We're talking about being there for a specific period of time. Can you tell us what that period is?

MR. LEDGERWOOD: Generally the procedure is that the requests all come in very late and you have about one day to make up your mind, so for those of us that have traveled extensively our shot records and passports are always current. It generally means a trip to Ottawa where you're briefed by Elections Canada officials and External Affairs. External Affairs gives you a general briefing and they have the desk officers from that particular area give you a current briefing.

You travel to the area. When I've gone, in both cases we were really looked after by a representative of External Affairs. When we were in Kiev, we were looked after by the consul general; in the case of Ghana, the high commissioner. As a matter of fact, I traveled with the deputy high commissioner and one of their drivers. He was not an election expert, but he certainly knew the countryside. We were able to visit 35 separate polls.

MR. FOX: So you're away for a week or two weeks.

MR. LEDGERWOOD: You're away for about a week.

MR. FOX: In total. Okay.

Now, I guess my feeling based on previous discussions is that I realize there are some legal considerations with respect to who insures our officers and what happens if something happens to one of our officers while traveling out of country, and those things need to be resolved in the appropriate manner. But I guess on principle I'm really puzzled why it's up to us to make a decision like this. It's not an expense of the committee, it's not an expense to the taxpayers of Alberta, and it seems to me it's up to the officers that work for us to manage their time and manage their offices. Mr. Ledgerwood has proved in the past that if the workload here does not permit him to go -- i.e., during a Senate election -- then he doesn't go. But if a request comes in for his input and expertise to be available to a developing country and he's able to go and External Affairs is paying for it, I don't draw much of a line between that and the officer deciding he needs to drive to Lethbridge to talk to some of the returning officers that work for him. I think that's a managerial decision best left to the officer involved. I don't understand why we as a committee would want to try and influence that. Clearly, if this request comes in for the end of January, for example, when this new Bill may be passed and the office is in turmoil, a responsible manager is going to make sure the work at home gets done first. So it seems like an entirely reasonable request to me, and I support strongly the principle and practice that given reasonable constraints we as a relatively successful and mature democracy make available our expertise, experience, and personnel when requested to do so.

MR. ACTING DEPUTY CHAIRMAN: Don.

MR. TANNAS: Okay. The logic of what Derek is saying is maybe self-evident, but I think there's something more to it, and that is that it's unfair to the Chief Electoral Officer to have to make those decisions. It may be that the Chair of the committee knows or can gain access to information that would say, "Probably it's a good idea, although we can't say it officially, not to go at this time," or on the other hand, if asked the question, "I think it would be just fine and dandy, and why don't you go?" So I would say there is the potential for knowledge that the chairman may have or can secure given the request.

The other thing is that in some ways it's unfair to stick the whole thing on the Chief Electoral Officer. I would agree with you in the sense that he's got the good sense and the expertise. I would agree that we do want to assist other democracies. We believe in it, and it's just part of our obligation of where we are situated on the planet to be able to help others. At the same time, I think it's unfair to put the whole onus for this decision to go somewhere on the Chief Electoral Officer. If he wants to go, then he can lay that in front of the chairman and say: "I would like to go. I request you give me permission." I think that's a lot better than him going and having not asked the chairman. The chairman could easily have said, "Hey, we were planning to do something." Particularly, the Chief Electoral Officer has shared with us the notion that sometimes he gets very, very short notice. He might be gone on that short notice, having no

obligation under your scenario to contact the chairman and ask about it, right at the time we're going to be doing something or it is contemplated. Now the Chief Electoral Officer is open to the charge of: where were you when the election was called? So I think that really isn't fair to him, Derek. He's already got the room to manoeuvre to make the request.

MR. FOX: May I clarify?

MR. ACTING DEPUTY CHAIRMAN: Okay.

MR. FOX: Just quickly to clarify. I understand the point you're raising. I guess what I'm saying is that the reference to the committee is something I would like to view as more a formality and an exchange of information, and I express my appreciation for the officer making sure he goes through these channels. But it would seem to me that unless we've got strong compelling evidence to the contrary, our endorsement of such a request would be more or less automatic because we have to trust the judgment of our officers. I understand what you were saying. I'm not sure I was saying something very much different.

1:23

MR. ADY: I have to get on the point of the hon. member. With what you're proposing, no limitations, we can have our Chief Electoral Officer gone all year.

MR. FOX: Then he wouldn't be doing his job and we'd fire him. I mean, he's not going to do that.

MR. ADY: I don't think the Chief Electoral Officer would even expect that kind of latitude, and I don't think it's an imposition on the Chief Electoral Officer to come to the chairman with a request. If the chairman sees there is a possible difficulty that should be vented through this committee, we're always at the call of the Chair. We could be called. Otherwise, I think a discussion between the chairman and the Chief Electoral Officer would suffice. But certainly I think the officer would find a lot more comfort if he vented it through the Chair and the committee if necessary.

I'll defer to the officer as to what he really feels needs to happen here. How much freedom does he need or want on this decision?

MR. LEDGERWOOD: It's worked out very well in the past. I've called the chairman and advised him that I've had this request. Usually it's a very informal request to sound out: "Are you available? We think we're getting a formal request. We've had an informal request from nation A. It looks like the time frame is going to be this." It's quite loose on the initial request. In the three requests I've had, I've gone to the chairman, explained them. He's asked for a little more information. When I've received the information, I've passed it to him and got approval for two out of three requests.

MR. ACTING DEPUTY CHAIRMAN: So it's not a problem.

MR. LEDGERWOOD: The system works. I don't know why the chairman had this on, whether it was just to brief you on it or to establish procedure.

MR. ADY: I think it's a point of information.

MR. ACTING DEPUTY CHAIRMAN: I think it was the brief, but we seem to have gone beyond briefing.

Tom.

MR. SIGURDSON: Well, now I am confused. I wasn't sure if we were trying to set policy or trying to confirm a request.

MR. ACTING DEPUTY CHAIRMAN: It seems like we've had an unofficial one that seems to have worked.

MR. SIGURDSON: Well, we've got something that's working. I subscribe to the theory that if it ain't busted, don't attempt to fix it. Having said that though, Pat, did you have a specific request at this point for this committee to deal with out-of-province travel to a jurisdiction?

MR. LEDGERWOOD: The request I had was to go to Yugoslavia for their election on December 20. It is now too late. I've called External Affairs and said I'm not available. If I had got the decision yes today, it would be fine; I could go this weekend and all would be well. But if I say no, it would really be too late for them to put somebody else into the mill. As well as External Affairs, of course, you have to get the visas and the diplomatic clearance. It goes right up to the Minister of External Affairs.

MR. ACTING DEPUTY CHAIRMAN: Okay. Let's move on.

We're half an hour beyond a suggested time frame -- again, whatever everybody's schedule is -- but what we have left is really the reports of the conferences, most of which are in the book, written reports of conference attendance. Don has just done his or has almost got it in. He's got some corrections or something.

MR. TANNAS: Mr. Chairman, I was prepared today to hand it in. However, I see there are enough typos -- and not just typos but errors -- that I would prefer to have it completed this afternoon and turned in to the chairman at that time.

MR. SIGURDSON: Mr. Chairman, I move that we accept the reports as circulated. I've had the opportunity to review all the written reports. I have questions, but I would address my questions to the individual. So I would just move that we adopt them as circulated. They've been sitting here for quite some time.

MR. LEDGERWOOD: Mr. Chairman, may I be excused?

MR. ACTING DEPUTY CHAIRMAN: You may.

MR. TANNAS: Thank you very much.

MR. ACTING DEPUTY CHAIRMAN: Are you voting, Derek, or are you asking a question?

MR. FOX: I have a comment. It's been my practice not to circulate written reports but to make an oral report to the committee and the *Hansard* transcript becomes a fairly thorough and enduring written record of that. So I've not submitted a written report. If the committee would like that . . .

MR. ACTING DEPUTY CHAIRMAN: Talk about piling it higher and deeper.

MR. FOX: Should I take offence to that?

MR. ACTING DEPUTY CHAIRMAN: Go ahead, Derek.

MR. FOX: I find that facilitates discussion on pertinent items, so I'm wondering if the committee would request that I prepare something in writing for the next meeting.

MR. ACTING DEPUTY CHAIRMAN: No. I think that's up to the member. And the other half of your attendance isn't here today anyway.

MR. FOX: He's only half here when he is.

MR. SIGURDSON: My motion . . .

MR. FOX: Just kidding. Keep on going.

MR. SIGURDSON: My motion, Mr. Chairman, just for clarification, is to deal only with the reports that are already in the binder. We've had them in there for quite some time, and I think all of us have had the opportunity to read them.

MR. ACTING DEPUTY CHAIRMAN: And it's the two additions as well.

MR. ADY: It's not an endeavour to set a policy.

MR. SIGURDSON: It's not at all an endeavour to set a policy. In fact, I know that when we've had the occasion to discuss them in committee, we've had some good discussion about a lot of the work that's been done. At this point though, with respect, I think my report has been on the agenda now for two agendas, and I know we have some lengthy meetings coming up. I think at this point we just accept them as they've been circulated, and hopefully we'll get back on track in due course.

MR. ACTING DEPUTY CHAIRMAN: John, on the motion.

MR. DROBOT: Only in regard to my report on the Public Accounts conference. I had it ready. I was going to follow Tom when the meeting was adjourned, as you're probably aware, so I've held that over too. It doesn't matter to me either way.

MR. ACTING DEPUTY CHAIRMAN: Okay. All those in favour of Tom's motion? Agreed. Carried.

We had a motion by Don, I think it was, to take that letter from William Mahon. Somebody made a motion to take that as information.

MR. TANNAS: Yolande.

MR. ACTING DEPUTY CHAIRMAN: Yolande. Okay. I knew it was somebody.

So who wants to make the next motion?

MR. TANNAS: No. You've got number 14.

MR. FOX: For clarification, Mr. Chairman, what is the committee's request with respect to my conference attendance report? That it be done at a later date?

MR. ACTING DEPUTY CHAIRMAN: It will still be on there at a later date.

MR. ADY: It would be your option to give it verbally at the next meeting or submit a written.

MR. FOX: Okay, but not verbally at this meeting.

MR. ACTING DEPUTY CHAIRMAN: No.

MR. FOX: So all the documentation I've brought I'll just save.

MR. ACTING DEPUTY CHAIRMAN: Incidentally, I turned all my stuff in to Diane, if anybody wants to look at that. So did Jack, I think.

MR. ADY: It's just the same, so she only needs one set.

MR. ACTING DEPUTY CHAIRMAN: Other business? None. Okay.

The date of the next meeting is at the call of the Chair?

MR. SIGURDSON: I guess the concern I have is that I know we've got a number of officers we have to review budgets for. I know that we have three members absent, but I worry about not being able to accommodate the officers in the time frames folk here have.

MR. ACTING DEPUTY CHAIRMAN: Can I ask a question?

MR. SIGURDSON: Sure.

MR. ACTING DEPUTY CHAIRMAN: Is anybody going away in January?

MR. SIGURDSON: I am.

MR. FOX: Nancy told us not to.

MR. SIGURDSON: I booked on Monday.

MR. TANNAS: You guys always take the wrong advice.

MR. ACTING DEPUTY CHAIRMAN: I suppose we should tell the chairman or Diane what our plans are. Then we'll find out who is going to be here and who isn't.

MR. SIGURDSON: I'll give you my January itinerary.

1:33

MR. ACTING DEPUTY CHAIRMAN: We heard some of the announcements today, and we don't know what's going to happen in the next week.

MR. ADY: Why don't we have the committee members give Diane something on their January availability.

MR. ACTING DEPUTY CHAIRMAN: Okay.

MR. FOX: Just to follow up on that, we have an onerous schedule ahead of us. There's a lot of work that needs to be done. I suspect it would be fair to say that budgeting generally is behind schedule because of the leadership race, and we need to appoint a new cabinet. So I would assume in the same light there's not as much pressure on this committee to do the budget review with the officers prior to Christmas as we've done in the past and it likely would be something we could complete effectively during the month of January-February.

We do need to bear in mind that there's a reasonable chance the Legislature may sit during January; it's been rumoured. We will deal with the electoral boundaries issue, for example. So scheduling a series of meetings to deal with the budgets may be a difficult thing. As well, another committee that I gather will be meeting fairly extensively in January is the Parliamentary Reform committee, because that's been working towards a more organized schedule of meetings.

MR. ACTING DEPUTY CHAIRMAN: Are you on that?

MR. FOX: Yes.

MR. ACTING DEPUTY CHAIRMAN: How many of us are on that?

MR. FOX: Me.

MR. ACTING DEPUTY CHAIRMAN: Just you?

MR. FOX: Yeah.

MR. ACTING DEPUTY CHAIRMAN: Okay. That's a bit of a break to the extent that it's only one of us versus a larger number.

MR. FOX: Yeah, but . . .

MR. ACTING DEPUTY CHAIRMAN: Don't say it, Derek. I'm still waiting for somebody to make that other motion.

MR. ADY: Motion for adjournment? I'll make it.

MR. ACTING DEPUTY CHAIRMAN: All those agreed? Okay. We'll give Diane the listing of our availability in January.

[The committee adjourned at 1:35 p.m.]

