

[Chairman: Mr. Hierath]

MR. CHAIRMAN: I think we're going to call the meeting to order. There are a couple of members that were delayed. A couple of members have phoned in. Frank and Gary Dickson said that they were going to be delayed half an hour, but I think that since we have such a busy schedule this afternoon, we will maybe get started.

First, I'd just like to mention what we were talking about before the meeting started. We were all shocked about the passing of Harry Sohal, our colleague from Calgary. A letter of condolence was sent to his family. So I just wanted to acknowledge that.

I would like to have approval of the agenda. Roy.

MR. BRASSARD: I would like to add one item: the subcommittee report on the assessment of the enumeration process. I'd like to put that on the agenda.

MR. CHAIRMAN: Okay. If we could add that in under item 8.

Would someone like to make a motion to approve the agenda? Yvonne. All those in favour? Opposed? Carried.

The minutes of the October 4 meeting under tab 3(a). I need a motion, if they're correct, to accept those minutes. Don Massey. All those in favour? Opposed? Carried.

The next order of business is finding a replacement as deputy chairman for Harry Sohal. I have asked Gary Friedel if he wouldn't mind filling in that position, and he has agreed to do that. So if someone would like to make that motion.

MRS. FRITZ: I'll move
that Gary Friedel be the deputy chairman of the Legislative Offices
Committee.

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

MR. BRASSARD: Good for Gary.

MR. FRIEDEL: In the words of the immortal Jon Havelock, does it come with a car?

MR. BRASSARD: No, but a few of the committee members do expect to be taken out for a steak sandwich dinner every so often. I mean, that does go with the job.

MR. FRIEDEL: No perks, no payout.

MR. BRASSARD: No perks. I'd like to rescind that last motion.

MR. CHAIRMAN: Item 5. I would like to welcome Bob Clark, the Ethics Commissioner, to our meeting this afternoon. We want to review the budgets of the officers that we supervise. I think maybe I'll just turn it over to Bob to give us a quick overview of any changes. You can maybe turn to tab 5 and follow along with some of the things that Bob will be presenting to us. Go ahead, Bob.

MR. CLARK: Thanks, Mr. Chairman. I welcome the opportunity to look at our proposed budget for next year. Just to help you in looking at it, the first three pages are really summary budgets of what I might call past, present, and future. Then page 4 is really the summary of budget estimates. I think that's stapled together, if I'm not mistaken. From there on there's a breakdown of each code.

Under each page there's one code.

Just in an overview, Mr. Chairman, the budget calls for a .59 percent reduction in the expenditures of the office. Last year I said to the committee that I thought we were very close to bare bones, and I think that's where we are again this year. The changes that are most significant would be in these specific codes under wages. We spent \$3,000 less in part-time wages this year than we had estimated, and we're suggesting in our budget that that be cut back.

In the area of employer contributions, when you look at long-term disability – I don't plan to use that, I should add – and health care, that eats up the increase there.

On allowances and supplementary benefits and travel expenses, this year you'll recall that I recommended that we not go to the COGEL conference. That's the organization where you have electoral officers, privacy commissioners, and conflict of interest commissioners, and the group of them meet. This year they met in Hawaii. The year before they met in Minnesota. I went down to the one in Minnesota. I found it helpful but not something you have to go to every year. I have included money in the budget this year to go to that meeting in Washington, D.C. The only other out-of-province travel that's included in the budget is a once only meeting that's held by the conflict of interest commissioners across Canada. That's held in Ottawa, where six provinces and the federal commissioner get together for one day. I should also add that as far as insurance is concerned, Mr. Chairman, there's a \$500 increase there, and that's because of the directive we got from Alberta Treasury as far as risk management is concerned.

I know it's not a very exciting budget, but it does meet your guidelines, I think. Our projection for the next two years is that we should be able to keep the budget at this level. So you'll find that portion of the budget that deals with the next two years at the present level.

The last comment that I'd make – it's that area that Mr. Doerksen always asks about – is on professional fees, services, and so on. We have \$21,000 in there. That \$21,000 will serve us rather well this year in the event that we don't have to get into some sort of an inquiry or investigation. We may have a little bit of money left in that this year. That's the only area, Mr. Chairman, that I can see where there could be overexpenditure.

MR. CHAIRMAN: Thank you.

Now we'll open it up to questions.

MR. DOERKSEN: I'm looking at what I think is the summary of budget estimates on the top of the page. Bob, is that correct?

MR. CLARK: Yes, it is.

MR. DOERKSEN: Okay. The part that I'm not clear on is that we have a '94-95 forecast, a '94-95 estimate, and a '95-96 estimate. Which one of those is the budget we approved last year?

MR. CLARK: The 1994-95 estimate, the one in the middle, Victor.

MR. DOERKSEN: So that's the one we approved?

MR. CLARK: That's the one you approved. Yes.

MR. DOERKSEN: So your actual expenditures, then, would be under the forecast column.

MR. CLARK: That's right.

MR. DOERKSEN: Okay; thank you.

MR. CLARK: On the left are the estimates that I'm proposing to you for this year.

MR. DOERKSEN: Okay. It makes a difference because you underspend rather than overspend.

MR. CLARK: Thanks very much. It is a unique way of the order. I should have had the 1995-96 estimates on the right-hand side. It would have been easier to follow; wouldn't it?

MR. DOERKSEN: It doesn't matter, as long as I know which column is which.

MR. CHAIRMAN: Do we have any further questions of Bob on this?

I think I agree with him that it's a fairly straight and a fairly small budget compared to some of the other officers that we supervise. I just wanted to make sure that the committee had the chance to ask questions of budgetary forecasts and so on.

Roy, do you have comments?

MR. BRASSARD: I just have a brief one, and it's almost hypothetical. Given the political environment that we're all operating in today and recognizing that your office is to a large degree demand driven, can you accommodate challenges or requests for evaluations within this budget as you see it? We just went through a couple of such challenges put to your office with two of our members, and there could very well be more, recognizing, as I say, the climate of today. Is there enough flexibility in your budget to accommodate that kind of request for investigation?

1:19

MR. CLARK: Perhaps if I could just very briefly mention the one or two that you're alluding to. The one dealing with the Special Waste Management Corporation will not come out of this budget, because in the end it was a request from the Premier that went to the commissioner in British Columbia. So that will come out of the Premier's budget.

MR. BRASSARD: Oh, I see. Okay.

MR. CLARK: The reason for that is that when we set down how we would do it, it didn't satisfy the commissioner in British Columbia that he should be asked to do an investigation of something in Alberta by the commissioner in Alberta. So he requested that I ask the Premier to have it done that way, and it was done that way.

Roy, one that is ongoing right at this time will be reported I guess Friday. We came reasonably close to having an inquiry in that case. We chose not to. As long as we don't have to get into a kind of public inquiry arena, I'm very satisfied that this budget can meet our requirements. My hope is that we don't have to get to that situation.

MR. BRASSARD: The reason for my request is that the very nature of your office would indicate that you have to respond.

MR. CLARK: Yes.

MR. BRASSARD: As much as I know we have to adhere to budgets, I wouldn't want your office to be restricted financially in that ability to respond. So I guess that's my only concern.

MR. CLARK: I have taken solace, I guess – and I think it's well founded – that if I got to that kind of a situation, where I had to go to an investigation that was going to cost more money, there are two choices. One is to come to the chairman and to indicate that that's

my situation, and I would rely upon the chairman to go to the Provincial Treasurer or whoever is appropriate to make the case for me. I can't conceive of a situation where because of budget restraint – we wouldn't do something like that under any conditions.

MR. BRASSARD: Good.

I have no further questions, Mr. Chairman.

MR. CHAIRMAN: Okay. Seeing no other inquiries, Bob, thank you for coming.

MR. CLARK: Thanks very much.

MR. FRIEDEL: Do we have to have a motion to approve or accept for information?

MR. CHAIRMAN: Yes.

MR. FRIEDEL: To approve?

MR. CHAIRMAN: Sure.

MR. FRIEDEL: I'll so move.

MR. CHAIRMAN: Okay. Gary Friedel is moving the approval of the budget estimate for Ethics Commissioner. All those in favour? Opposed? Carried.

Our next order of business is one where I think I will ask for approval of the committee to maybe go in camera for the next two items, 6 and 7. So without anybody objecting to it, I'll declare that we're going in camera.

[The committee met in camera from 1:23 p.m. to 2:32 p.m.]

MR. CHAIRMAN: I'll call the committee back to the public portion of our meeting and entertain a motion from Roy Brassard.

MR. BRASSARD: Mr. Chairman, I move that Mr. Wingate receive pay as Acting Auditor General for the period April 1, 1994, to February 28, 1995, based upon the salary Mr. Salmon, Auditor General, would have received effective April 1, 1994.

MR. CHAIRMAN: Any discussion on that motion?

MR. BRUSEKER: Do we need to have the figures in it? It's implicit in the motion, I guess.

MR. BRASSARD: Yeah.

MR. BRUSEKER: Okay.

MR. DOERKSEN: Well, just for the record, Mr. Chairman, let me state that Mr. Wingate stepped very professionally into the gap and acted as Auditor General, was required to present the audited financial statements by June 30, which was a new request by government. He filled that professionally and did a good job, and I certainly support the recommendation.

MR. CHAIRMAN: All those in favour of the motion?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

The next order of business is the Canadian Ombudsmans' conference attended by Yvonne Fritz. Yvonne, were you going to give us a report on the conference?

MRS. FRITZ: I thought I'd just give you a brief verbal presentation about the conference as I've talked with many of you since I had gone to the conference. I had an opportunity to be there for a day and a half. At that time I learned a great deal more about the Ombudsman's office than I had originally been aware of, and that is because pretty well all the staff from the office attended as well as Mr. Johnson of course, the Ombudsman himself. Then there were people from other legislative offices throughout Canada. By that I mean the Auditor General offices and the Ethics Commissioner offices. One full morning was presentations mainly from the people that were in the B.C. legislative offices, and then there was a tour to see not only how the offices are centralized but also the different technology that they use and the types of complaints that they handle and the volumes, et cetera.

If you have any questions for me, you know I'd be more than pleased to answer them. It was informative. Quite frankly, they did a very good job with knowing – and we all knew that as a committee – that the conference was scheduled to be way down east, and actually it ended up out west. So they had to put it together fairly quickly, and they did a good job in that regard.

I did notice one thing too, and I should just say this as well. Different people brought their annual reports and reviewed them, but one that I thought was worth while considering was having the annual report done as a newspaper, because there were considerable cost savings by doing that. I have since talked with Mr. Johnson in his office about that. So it's just for your consideration.

MR. DOERKSEN: Were there any recommendations of note that came forward from the conference?

MRS. FRITZ: No, not that I could come to you and say that this is how we should change our policy or how we should be approaching these issues. There was a great deal of discussion as to how different provinces handle issues, and it's interesting how similar the approaches really are.

MR. DOERKSEN: Did you notice any overlap between the role of the Ombudsman and perhaps Human Rights Commissioners or bodies?

MRS. FRITZ: No. I think, Victor, that that may have occurred in the next week, which was partly why staff were there as well. There was a conference dealing with social service type issues and with child welfare.

MR. CHAIRMAN: Any further questions of Yvonne?
Thank you, Yvonne.

MRS. FRITZ: Thank you for letting me go. Thank you.

MR. CHAIRMAN: The next order of business is a subcommittee report from Roy Brassard. The committee, then, is looking at enumeration, the Election Act.

MR. BRUSEKER: Enumeration process.

MR. BRASSARD: Enumeration process, yes. Yes, Mr. Chairman, we had a very brief meeting with Dermot Whelan. Unfortunately, Gary wasn't able to attend. It was really kind of an informal meeting in that we had really wanted to kind of set the terms of what

we were looking at. So we didn't get into a lot of great detail except that Mr. Whelan did present us with some material, as you can see, this three-inch binder that we were to review.

MR. BRUSEKER: I've read it all twice. How about you?

MR. BRASSARD: Me too. We have established another meeting for December 19, and the members have all confirmed attendance.

One of the concerns – well, there are actually two issues. The alternatives to the current enumeration process are extensive. It's unbelievable. The status quo has six variations of compiling enumeration lists. Some areas have no enumeration lists at all. Some of those take place in the United States. There are five variations of performing an election not having any enumeration lists at all. They are looking at a permanent list or a continuous roll of enumeration. There are nine variations of that. The private-sector data base also compiles a lot of information that could be drawn in and utilized for enumeration purposes, but there are four different resources and six variations to that whole process. Finally, for the public-sector data base, such as drivers' licences, health care insurance, and so on and so forth, there are five resources and six variations.

What we've asked Mr. Whelan to do and what he is hopefully going to be able to supply us with on December 19 is some kind of a cost analysis of those various procedures. So we're going to narrow it down, hopefully, to specifically what can be had, what it's going to cost us, and just how practical it all is going to be.

One issue that I would like to address very briefly, though, is the discomfort that I noted with the Chief Electoral Officer when we arrived because of another member being appointed by the Department of Justice to make similar inquiries of him. It brought into question just who this man was to answer to, whether indeed it was the Minister of Justice or whether it was this office.

MR. BRUSEKER: This committee.

MR. BRASSARD: This committee; pardon me. We didn't resolve that, and I haven't clarified that. I was going to ask for a legal opinion. I apologize; I haven't done that. Mr. Jon Havelock had been asked to review this whole process with the Chief Electoral Officer, and to be quite honest, he was a little uncertain as to just whom he would or should be reporting to: this committee or the Minister of Justice in this case. So we didn't resolve that, and I haven't got a legal opinion yet, but I will get one. I apologize for not having it here today.

Frank, you were there. Is there anything you'd like to add to that? We spent a very interesting two hours with the man.

MR. BRUSEKER: Yeah. I must say that I was very impressed with his background knowledge, and he seemed very, very quick in coming up to speed in terms of the Alberta situation and the Alberta Election Act. Again, it was an introductory meeting. We just sort of kicked some ideas around and just got started, but a good meeting, a good start.

MR. BRASSARD: Yeah. Was there anything that I left out?

MR. BRUSEKER: No. I think you covered it pretty well. The big one was the last point you just made about authority I guess.

MR. BRASSARD: Yeah.

2:42

MR. DICKSON: That's interesting, the point you raise in terms of

the new electoral officer feeling some uncertainty I guess or some concern over the reporting mechanism. I've always seen that our role as a committee is to be the buffer between the legislative officers and the executive branch, and I think it's important and I'd encourage the chairman to confirm with both the minister and with this particular officer that it's this committee, the Legislative Assembly represented through this committee to whom that officer reports. There's no line authority with the minister. I think that part of our job is to, if you will, sort of stick up for these legislative officers, all of them. If we don't do it, I don't know who else will. So I think there's an important principle at stake. In fact, let me see first if there's support for it. I'd encourage the chairman to sort of put something on the record with the minister and with the Chief Electoral Officer.

MR. BRASSARD: I think that the concern he has was more towards the legality, whether he has a legal responsibility to respond to the Minister of Justice or to any other minister, for that matter, or directly to this committee. So it needs to be clarified, and I really have been remiss in not doing so.

MR. CHAIRMAN: Well, I thought that I put this issue to bed with the previous Minister of Justice, Ken Rostad. A couple of months ago I talked to Ken Rostad, and there is no doubt that this committee is the committee that is going to handle the whole thing. I've talked to Dermot Whelan about it. I've talked to Jon Havelock, and I thought it was all finished.

MR. BRASSARD: Then I guess I didn't get that message, and I didn't pass it on to him, because he certainly didn't. Frank, you were there. There was a discomfort, didn't you think?

MR. BRUSEKER: Oh, clearly a discomfort, and he was a little taken aback even that Jon Havelock would be broaching such a topic as enumeration with him. But, you know, from a quick scan of the Election Act it seems absolutely clear, Mr. Chairman, I agree with you, that it is to this committee and not to any minister, in particular the Minister of Justice, let alone a designate of the Minister of Justice.

MR. CHAIRMAN: I know that Dermot Whelan is new. I have conveyed that to Dermot after I had a conversation with the previous Minister of Justice, Ken Rostad, and he was the guy that had asked Jon Havelock to do this. When I got wind of it from Dermot Whelan, I went and talked to Jon, then I went and talked to Ken Rostad, and I thought it was settled.

MR. BRASSARD: Perhaps he was just expressing sensitivity surrounding it, and I misinterpreted it or blew it out of proportion.

MR. BRUSEKER: Well, no. Roy, I agree with you. I had the feeling that he was still feeling some discomfort. I don't think you've misinterpreted it. If you have, then I have as well, because my reading was very similar to what you've expressed: that he was feeling some considerable discomfort. Now, I don't recall the exact day, but I'm wondering about the sequence here of how things have happened.

MR. BRASSARD: Our meeting was on November 2, so I don't know when you spoke to whomever you spoke to.

MR. CHAIRMAN: You mean when I spoke to Ken Rostad?

MR. BRASSARD: Yeah.

MR. CHAIRMAN: Oh, it was early in November. Truthfully, if Dermot is uncomfortable, it's because he's not sure of the political wind, and I'll phone Mr. Whelan up and reassure him again.

MR. BRUSEKER: I was just going to say, Mr. Chairman, that it might well be that your conversations occurred after ours.

MR. BRASSARD: It could be, because we met on November 2. We'll be meeting with him on December 19, and we can reinforce anything then.

MR. DICKSON: Well, I'd move that the chairman of the committee be requested to simply write the minister and just reaffirm the principle that the Chief Electoral Officer is accountable to this committee and the Legislative Assembly through us.

MR. CHAIRMAN: All in favour?

HON. MEMBERS: Agreed.

MR. BRUSEKER: I think that would probably just be a reflection of the Election Act.

MR. BRASSARD: Why do I always get on these subcommittees with quick reads like this?

MR. CHAIRMAN: We will move on. Any other business?

From our discussion in camera about wanting to set up a meeting with the Ombudsman and this committee, we need to try to pick a date. Or should I arbitrarily pick one with the Ombudsman? We have a meeting now scheduled for November 18; is it? No, I'm sorry; January 18.

MR. BRUSEKER: It must be a new time machine you have there, Mr. Chairman.

MRS. FRITZ: Should we do it then?

MR. CHAIRMAN: Well, I mean, the thing is that we certainly will – well, we may not – be leaving things to the eleventh hour with the expiry of Mr. Johnson's term if we wait to have a meeting on the 18th of January.

MR. FRIEDEL: Some of us have to be down here on the 19th for that meeting on the electoral boundaries. Is there a possibility that would be a day that would be suitable for the rest of the committee?

DR. MASSEY: I'm not here on that day.

MR. BRUSEKER: What meeting on boundaries?

MR. FRIEDEL: Isn't that the one you just talked about?

MR. CHAIRMAN: We talked about December 19.

MR. BRUSEKER: No, it's December 18 that we're talking about.

MR. BRASSARD: December 19; weren't we?

MR. DICKSON: He means enumeration.

MR. BRASSARD: Oh, enumeration, not electoral boundaries. Enumeration.

MR. CHAIRMAN: Yeah. Well, okay, but he's just saying to piggyback it with this Legislative Offices Committee.

MR. BRUSEKER: He's talking January, and Roy's talking December.

MR. BRASSARD: December 18.

MR. CHAIRMAN: December 19. The 18th is a Sunday.

MR. BRASSARD: I'm sorry. December 19.

MR. BRUSEKER: December 19, Monday, 9 a.m.

MR. BRASSARD: And your office has confirmed? So has Frank's.

MR. CHAIRMAN: So the suggestion is that we have a Legislative Offices Committee on the same day, on December 19.

MR. BRASSARD: We were going to meet at 9, so anytime after.

MRS. FRITZ: I'm not available then, but you know the way I feel anyway.

MR. BRUSEKER: December 19 is not okay?

MR. FRIEDEL: You're going to be at that meeting, too; aren't you?

MR. BRUSEKER: Yeah, it's fine with me.

MR. BRASSARD: I'm okay.

MR. CHAIRMAN: Well, I certainly can co-ordinate a meeting date with the Ombudsman. Whoever can make it, fine.

MR. BRASSARD: Why don't you do that? Can I just request, Mr. Chairman, that we also clarify the contract renewal ability of this committee to do so while the session is in, the issue we talked about in camera.

MR. CHAIRMAN: Well, I've talked to Frank Work about it, and I don't think there's a problem, but I'll clarify it some more if you're concerned about it.

MR. BRASSARD: Because it was them that brought it to our attention.

MR. CHAIRMAN: I will.

So is that the wish of the committee, then, or should we shoot for December 19?

MR. BRASSARD: We'll leave it at the discretion of the chair.

MRS. FRITZ: I can't. He can't. He can't.

MR. DICKSON: December 19 is fine with me, Mr. Chairman.

MR. CHAIRMAN: I'll try to co-ordinate that with Mr. Johnson. He's out of the country right now in Russia.

MR. BRUSEKER: I would suspect that we would want an hour and a half with Dermot Whelan, so I would suggest, say, 11 o'clock. That gives us time to travel.

MR. CHAIRMAN: Okay.

MR. BRASSARD: It also gives us a fence to bump up against.

MR. BRUSEKER: That too.

MR. CHAIRMAN: Don.

DR. MASSEY: I'm sorry, Mr. Chairman. I can't be there for the meeting. I'm a little worried about some of the wording that we had when we were in camera.

MR. CHAIRMAN: The wording of what, Don?

DR. MASSEY: The notion of "conditional." I would hate to be absent when a decision other than what we had made in camera was arrived at.

MR. FRIEDEL: Well, the conditional part was that we meet with him, and we would be meeting those conditions just by having the meeting.

MR. CHAIRMAN: Would this be an official Legislative Offices Committee meeting, is what you're saying, and at that meeting, if people were in agreement, would there be a motion, is what you're wondering about. Is that it, Don?

DR. MASSEY: I'm not alarmed if the motion is what we have all agreed to, but should it be otherwise, I would hope, then, that at that time the committee would table the motion until . . .

MR. CHAIRMAN: I concur.

DR. MASSEY: Okay.

MR. CHAIRMAN: Okay. That being the case, I'm going to ask for a motion for adjournment.

MR. FRIEDEL: Okay; the meeting is set for 11 o'clock.

MR. CHAIRMAN: No, no. I'm going to try to co-ordinate it with Mr. Johnson.

Move to adjourn?

MRS. FRITZ: So moved.

MR. CHAIRMAN: Okay. We'll let you know, Gary.

[The committee adjourned at 2:51 p.m.]

