

[Chairman: Mr. Hierath]

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

MR. BRUSEKER: I move we adopt the agenda.

MR. CHAIRMAN: Great. All those in favour? Carried.

MR. BRASSARD: I would like to add one thing to the agenda.

MR. CHAIRMAN: Oh, pardon me. Under Other Business we'll have a report from the enumeration subcommittee.

MR. BRASSARD: Just very brief. Yes, please.

MR. BRUSEKER: I move we adopt the agenda as amended.

MR. CHAIRMAN: Okay.

The third item is approval of the committee meeting minutes of January 18. Can I have someone move those? Don Massey. All those in favour of approving the minutes of the January 18 meeting? Opposed? Carried.

I would now like to welcome Don Neufeld and Andrew Wingate to our meeting this afternoon.

Under tab 4, gentlemen, we have a letter from Andrew, and I think you've probably all read it. It's further to our discussion of January 18. I think I'll turn it over to Andrew.

MR. WINGATE: Thank you, Mr. Chairman. Yes, AG 1 is the first order. The letter explains the background to our change in policy for charging our clients. Basically in the past we only charged clients who got their funds other than through the general revenue fund. We charged commercial entities at the rate of \$51 an hour and noncommercial entities at the rate of \$21 an hour. Now, the \$21 was designed to recover our direct salary cost only. The \$51 an hour was designed to recover our full cost, but in fact it didn't do so. The reason for that is that the rate was computed by dividing our total cost by hours worked rather than chargeable hours. Any of you who are familiar with an audit will recognize that very often you'll put in 100 hours to come up with a billing of, say, 90 hours. So we weren't in fact recovering our costs based on the \$51 an hour. Further, we hadn't included some of the costs which we've now decided to include such as accommodation and that sort of thing.

What we're proposing to do is to bill all attest clients the fee for their attest audit opinion, and we're going to propose to use charge-out rates which are geared to the level of staff involved. In other words, instead of being a flat, average charge-out rate, there'll be a rate for each level of staff. The average, incidentally, that we're proposing is \$64.45. So it is in fact an increase over the \$51.

Now, we recognize that we've got to give our clients some time to digest this new proposal and also to budget the funds necessary to pay for our fees. For that reason, we're suggesting that for clients we currently bill, we go to the new rates for year-ends falling after March '95. Where we haven't previously charged, we're suggesting that we charge our full rates for year-ends after March 31, 1996, and that'll give them plenty of time to budget for expected expenditures. It means that most clients would have to include it for the first time in their '96-97 budgets.

That brings me to the order itself, AG 1. The first section just recaps what the previous orders were. Section 2(a) indicates that we're entitled to charge fees; (b) indicates what we're going to charge fees on – i.e., attest audits which involve the expression of an

attest audit opinion, and that can be on financial statements, cost-sharing claims, pension returns, or any other special purpose financial information – (c) deals with the fact that we propose to use hourly rates designed to recover our full cost for the different staff levels. Section 3 deals with the implementation; i.e., the timing issues that I was talking about previously. So that's it in a nutshell. It sounds simple, but it's going to have a profound impact on the workings of our office.

MR. CHAIRMAN: Okay. I have a couple questions. First Frank and then Gary.

MR. BRUSEKER: Thank you. Andrew, you touched on it in the order itself under 2(c). You certainly imply it, and I heard you say it just now, but I'm wondering if perhaps you want to add the word "full" into the order so that it would read, "designed to recover the Office's full costs." It's implicit, but I think if you added that word in there, it might make it more explicit.

MR. WINGATE: I have no objection to that. We could do that.

MR. NEUFELD: There's not a problem with that.

MR. BRUSEKER: Okay.

My second question. You talk about clients, and I wonder if you could just refresh my memory as to what clients you're referring to here that you do currently charge and those that you would propose to add on to this, just so I have in my mind a clearer picture.

MR. WINGATE: Okay. The first thing to realize is that the vast majority of our clients we don't charge, because they're funded by the GRF or largely funded by the GRF. So it's only the unusual clients who have access to other funds, such as the Workers' Compensation Board. In the old days AGT was another example, the liquor board. It's those institutions which have an outside source of funds that we charge, and there are comparatively few of them, which is not surprising because this is government. So although we do charge fees, as you can see from our budget, we're spending some 9 and a half million dollars, and we're recovering only \$825,000. So we're not billing many people. What we're suggesting is that we bill everyone for our attest audit opinions, which we estimate will take up our revenue to \$5 million in due course.

MR. BRUSEKER: Okay. Well, then, you've already answered my last question, which was: what will be the impact of this? You just covered that.

Thank you.

MR. CHAIRMAN: Gary Friedel.

MR. FRIEDEL: Yeah. I have several questions. You partly answered the question about what is commercial and quasi commercial. Well, you did say that there were very few. Are there enough that it justifies this bookkeeping adjustment or the order in council in terms of dollars that we're going to generate, I guess?

MR. WINGATE: Right. I think the main thrust here is that we're putting everyone on the same basis. We had two bases before for a minority of our audits. What we're proposing to do is to go for a consistent basis for all our clients. So there will be no differentiation between a commercial or quasi commercial and a department, for instance. They'll all be on the same basis. I think in fact what it'll do is simplify the whole arrangement, because at the moment we have debates in the office as to whether the client is quasi commercial or not. I mean, I don't think that's a helpful debate.

MR. FRIEDEL: So the \$64.45 is a rate that'll be charged to all.

MR. WINGATE: To all, yes.

MR. FRIEDEL: Oh, so there isn't going to be a difference.

MR. WINGATE: No. That's right.

MR. FRIEDEL: I missed that part of it.

MR. WINGATE: Right.

MR. FRIEDEL: The second question I have, then, is: how is this fee going to be charged, and where does it go to? Will it be intended to supplement the existing budget of the Auditor General, or is it going to reduce the requirement, then, from the GRF for the annual budget of the Auditor General?

1:17

MR. WINGATE: We're not proposing to go to a net budget. In other words, we're going to ask you to approve our gross expenditure and our gross revenue. So there's no concept of netting yet. Now, if in years to come you think it would be convenient to start thinking about netting, well, that's another matter, but we're not proposing it today. We're saying: "No. Let's continue on the old basis which was to approve our gross expenditure and our revenue."

MR. NEUFELD: The revenue goes directly into the general revenue fund, and we have no access to it.

MR. WINGATE: Yes. It doesn't touch our office at all actually.

MR. FRIEDEL: That's what I was kind of leading up to, because at the last meeting we talked about the ability to charge out and I guess indirectly that budgeting system.

I was quite intrigued by the proposal that you had brought up at the last meeting, and I was kind of wondering where that sits right now. Also, is there anything in this proposed change that would enhance that and also look at the situation where if a client feels that they could get a better rate elsewhere, they could negotiate with your office to contract that outside auditing firm, I guess?

MR. WINGATE: Right. Okay. Let's return to the netting, first of all. I don't think there's anything we're proposing that will preclude the ultimate netting if that was the wish of this committee, if we wanted to go to a net budget.

The other useful thing I think to say at this juncture is that our financial statements, which show the cost of our operations, will of course have the revenue in them. So you'll come down to a net cost of running the office, and that will be the cost associated with the Auditor General's report where we're not billing anyone. So the financial statements will have the appearance of the office having its independent source of revenue and incurring its own expenditure, but that's not to say that the budget approval was on a net budget

basis.

Gary, was that helpful?

MR. FRIEDEL: Sort of, yeah. I'm following where you're coming from, yes.

MR. WINGATE: What was the second question?

MR. FRIEDEL: Other auditors.

MR. WINGATE: Contracting out. All right. Obviously as soon as we start invoicing our clients, they're going to say, "Well, there's a possibility we can get this done more cheaply down the road." We're quite willing to explore that possibility with them, but we need to point out that there is this accountability relationship between our client and the Legislative Assembly, and we have to make sure that the auditing is done to the standards expected by the Legislative Assembly. If we manage to find someone who could do it more cheaply than we could, we would then appoint that person, that auditor as an agent to do the work, and we would pass on the agent's cost rather than our own cost.

Now, we feel that we have to have the right to appoint those agents to ensure that the standards of auditing are to the standards expected by the Legislative Assembly. We're quite willing to entertain the prospect of the private sector doing the audit providing we have the right to appoint the firm as an agent, and that's part of this process. It is designed to ensure that we are competitive and efficient.

MR. FRIEDEL: When you mentioned it the last time, as I said, I was very intrigued by it. There's always a perception – and I guess it's real, actually – that in government we have a captive audience, and for the most part the client doesn't have much choice. It then raises the accountability question. I'm not suggesting that they're getting poor service or anything. You know, that's not what I have in mind. But the perception could easily be enhanced here. I think it's very important to the Auditor General's department that the standards are still set so that the service is definitely, you know, an apples to apples kind of an arrangement. I think it's also important that it doesn't just become a free-for-all. As you've mentioned, it would be important that the appointment by contract is through the Auditor General's department. In other words, he becomes an agent of the AG. All of those things have to be kept in place. I make no bones about it. I think this concept is extremely interesting. In terms of perception of accountability and competitiveness, I guess, within the government, it could certainly be enhanced.

MR. WINGATE: Right.

MR. NEUFELD: That's what we're after.

MR. WINGATE: We have some experience with this, because as you know, we're spending \$1.7 million on agents at the moment. So in some respects you could regard it as an expansion, perhaps, of the use of agents. However, we're confident that we can demonstrate that we are competitive.

MR. FRIEDEL: I would rather suspect you would find that you're very competitive, because as a government agency there are certain things that don't appear as expenses, promotions and things like that.

MR. WINGATE: Right. We don't have to advertise or buy people lunch.

MR. FRIEDEL: Those things should make you more competitive, but if anything it gives you a measuring stick as to how you evaluate the cost of services within the agency.

MR. WINGATE: Right. The other discipline, of course, with charging a client is that you've got a client at the other end who's quite likely to object paying for the audit fee, and that keeps you on your toes. You have to justify your fee each year, and that's a healthy discipline as well, I think.

MR. FRIEDEL: There's another thing. I'm not sure if it's a major thing in the government, but I know that in the private sector if you're hiring an auditor and he has to do a lot of the basic book work before he gets to the audit stage – and they pay for it at the going commercial rates – it tends to entice them to get their own homework done before your office has to come in to clean up the mess.

MR. WINGATE: I think that when I spoke to you last I talked about the fact that there are advantages to charging a client the full cost because it encourages them to use our resources effectively, to best effect, and not to use our resources on jobs that could be satisfied with less expensive resources.

MR. FRIEDEL: In actual fact this is going to cost government nothing. It's just an accountability procedure.

MR. WINGATE: Yes, it is.

MR. FRIEDEL: Thank you.

MR. CHAIRMAN: I have a question and then Don Massey. Andrew, firstly, how many groups are there that would be affected by this, and how many of them know that such discussions are taking place or that they may be impacted by this the next fiscal year?

MR. WINGATE: Right. Now that we've got approval from this committee, at least presuming that we've got approval from this committee, our job is then to spread the word very rapidly and indicate what our expectations are and communicate that to all our clients. Obviously, it wasn't sensible to discuss it with our clients before this committee had said, "Yes, we buy into that idea." So one of the very first things we'll have to do is to give everyone due warning and notice of the fact that we're charging.

Getting back to the numbers, I would think a number getting towards 200 will probably be . . .

MR. NEUFELD: Yeah, probably a little less than 200, but well in excess of 100. Probably 120 or 130, I would say, additional organizations will be getting a fee for a significant audit. Now, there are a lot of smaller things that we offer opinions on that would increase the number, but they're not significant.

MR. WINGATE: Right.

MR. CHAIRMAN: Don Massey.

DR. MASSEY: Yeah, two questions. One, how much control do your clients now have over your activities as auditors? The second question: isn't the net effect going to increase administrative costs to government? Now you're going to have the structure you have set up to do the actual billing and tracking. You're going to have

departments involved in that whole business of trying to track audit costs. Isn't that net effect going to be increased administration?

MR. WINGATE: Right. Obviously there will be increased bookkeeping required as a result of this, but the theory is that the increase in bookkeeping will be paid back more than through increased efficiency, and I sincerely believe that to be the case. I grant you that it will result in increased bookkeeping, but I think, relatively speaking, that's comparatively minor. We'll watch that and monitor it to make sure that it doesn't get out of hand.

DR. MASSEY: How much control do they have?

MR. WINGATE: I think that if they think the time we're spending on an audit is excessive, they will raise it, even where they're not paying the fee. But by charging a fee, it will bring that into sharper focus. There's no question. So they have some control at the moment. They can object on the basis that the audit is unduly protracted in their opinion, and sometimes we do get that sort of a complaint.

As to control over the appointment of an agent, we sometimes entertain the suggestion of the client as to who should be the agent, and when we can agree that that's a suitable agent, then we will appoint that agent rather than going elsewhere because it has the support of the client as well as ourselves. So some control, I think.

1:27

DR. MASSEY: Isn't that control basic to efficiency? How do you make the efficiency argument?

MR. WINGATE: Okay. I think by putting a dollar figure on our work and making a comparison with the private sector, an easy comparison to make, you highlight those areas where we are not as effective or as efficient as the private sector and vice versa. You indicate quite clearly where we're more effective and efficient than the private sector, and there are some areas where – there's no question – we're better. In the whole area of coming forward with recommendations, I believe that we are better.

DR. MASSEY: If I could just follow. What happens to your clients if every department in government follows suit: the office space that they occupy, the utilities that they have? Doesn't it really seem to open a door to just a whole host of new administration, a bureaucracy sort of gone wild?

MR. WINGATE: I think that if you're dealing with material cost, obviously there's a limit to this. You don't want to capture every cost however insignificant, but if you're capturing the principal costs, then I would say that it results in better decision-making invariably. One of the advantages of having computers is you can capture that cost and process it and present it in financial statements at minimal cost. I mean, now that we've got computers to handle this sort of thing, it's no great additional overhead.

One of the things that I'd like to discuss today is our lease cost. It's an interesting story. We took a very active interest in our lease cost. And why? Because we're going to include it in our costs. Previously it was a public works' cost. Now we're saying: "Look, this is very important to us. It's going to be our cost, and we're going to have to pass it on to our client." So we took a very active interest in it.

Now, the timing was just splendid. The timing couldn't have been better. We're currently paying \$540,000 per annum, we budgeted \$300,000 per annum, and we're in the process of finalizing a deal at \$200,000 per annum. So we've come down from \$540,000 to \$200,000, and that's as a result of knowing what our cost structure is and taking an active interest in that cost structure. Now, if that was buried in the bowels of someone else's books, I don't think you'd have got that result. In fact, I know you wouldn't have got that result. All I'm trying to demonstrate here is that the more you're aware of your own costs and their effect on your outputs, the better able you are to use those resources to best effect. That's my view, at any rate.

DR. MASSEY: I've been through this a little bit with school-based budgeting and watched schools sublease space to clients.

MR. WINGATE: Our lease example is a very current one, and Don and I are both delighted that we've managed to negotiate a reduction, from \$540,000 to \$200,000, because that's significant. It's a private-sector landlord. It's Canadian Pacific.

MR. CHAIRMAN: Are there any other questions? If there aren't, you have a copy of the Standing Committee on Legislative Offices' order AG 1. That is what the Acting Auditor General is proposing to this committee for approval.

Gary.

MR. FRIEDEL: First of all, I should ask, I guess: are we moving to adopt or moving to approve?

MR. CHAIRMAN: We are moving to adopt, I believe.

MR. FRIEDEL: Would that be the correct process?

MR. NEUFELD: Yeah, you're approving it.

MR. CHAIRMAN: Okay. Approve.

MR. FRIEDEL: Okay. I move that we approve this order AG 1 as submitted by the Acting Auditor General.

MR. CHAIRMAN: Are you ready for the vote? All those in favour? Opposed? Carried.

MR. WINGATE: A small technical point. The word "full," do we want to embrace that in the order?

MR. BRUSEKER: My preference would be to see it there, personally. As I said in my opening comment, I think that was certainly implicit in what you said. Certainly you did use the word when we were discussing it, and it's implicit in your letter of February 3 as well. I would like to see it added in.

MR. WINGATE: Right.

MR. FRIEDEL: I have no problems with it.

MR. CHAIRMAN: Okay.

The second one. Do you want to just explain that one, Andrew or Don?

MR. NEUFELD: I should begin perhaps by pointing out that the order that was in your package included two organizations that had requested us to act as their auditor. One of those, the Safety Codes Council, has since withdrawn that request. I've provided Ron with the revised order that only has the name of the Fairview College Foundation on it now. So I will only deal with that one.

We have previously accepted and the committee has approved our involvement as auditor of similar foundations. Grande Prairie and Olds college foundations are examples. Some of the colleges have begun to consolidate the affairs of their supporting foundations into the main college financial statements, and in these circumstances it's quite useful for us to be the auditor of the foundations. In common with all of the colleges the Fairview College Foundation has a June 30 year-end, and because our work on this audit would therefore not fall during our very busy public accounts period in the spring, we would be able to staff this audit without difficulty. So under the circumstances we request the committee's approval to accept the Fairview College Foundation's request that we act as its auditor.

MR. BRUSEKER: Thanks, Don. Just one quick question. I'm looking at the list that you have provided us of other audits that you do, and certainly it falls in line with the Grande Prairie Regional College, the Olds College Foundation, et cetera, et cetera. So there are a number of them. Could you explain to me, just to refresh my memory, the difference between a 12(a) versus a 12(b) audit? I notice that you have the University Hospitals Foundation.

MR. NEUFELD: A 12(a) audit means that we are the statutory auditor of the organization under some legislation. In the case of those bottom two organizations, there were legislative changes that made us the statutory auditor, and that happened subsequent to the approval of those original orders in 1979. A 12(b) audit is where there is no legislation requiring us to be auditor, but the organization has asked us to be their auditor, and this committee has approved us to act in that capacity.

MR. BRUSEKER: Okay.

Just a follow-up question then. I notice that a good number of these are inactive and some of them for obvious reasons because I imagine they're no longer – the XV Olympic winter games organizing committee obviously doesn't need to be active anymore. How do some of them switch from being active to inactive? For example, the Access Charitable Foundation of Alberta is now listed as inactive.

MR. NEUFELD: In most cases these organizations have basically disappeared. In some cases they have changed their form or have chosen to engage a private-sector auditor. In that case we've just said: "Fine. We have no reason to insist on being your auditor. If you want to appoint somebody else, that's fine with us."

MR. BRUSEKER: Okay.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Gary.

MR. FRIEDEL: Okay. Considering the discussion we just went through before now, is this going to be one of those agencies where we recover full costs? Would this in fact be a net recovery to the Auditor General's department?

1:37

MR. NEUFELD: We will be billing the foundation for the full cost in accordance with the order that you just approved previously. Yes.

MR. DICKSON: I move that we approve the Approval List OAG 2-11.

MR. CHAIRMAN: Any further discussion? All those in favour of Gary Dickson's motion? Opposed? Carried.

MR. WINGATE: Mr. Chairman, there's just one final matter that I think the committee might be interested in: the whole question of the audit of regional health authorities is still up in the air. My expectation is that it'll be resolved fairly shortly now, but if we were appointed auditors of regional health authorities, it could have a significant impact on the budget, and we'd probably need to come back to you to go over those implications. If we were appointed auditors of regional health authorities, we would have to use agents in probably a significant number of those audits. There again we'd need funds for paying agents. That's the only remaining item of business.

MR. FRIEDEL: What happens in a case like those where previously the hospital boards have paid for that out of their operating budgets? Is there allowance in the regional health authorities' budgets to pay for this so that in fact it could be netted out to an increased budget by the AG's office?

MR. WINGATE: Yes.

MR. NEUFELD: Oh, yeah. We would expect that they would pay for the audit; no question.

MR. WINGATE: Right. But going back to this business of you approving our budget gross, then we're talking about you having to approve a revised gross budget, because we're not netting at the moment.

MR. FRIEDEL: Are there any provisions whereby we could in fact net in a case like this, where there's an adjustment to the budget because of extenuating circumstances?

MR. WINGATE: Well, I think that it would be appropriate if we raise the question of net budgeting within the next couple of years, because by then we'll have gotten better at invoicing and understanding the funds involved. Because there's such enormous change afoot at the moment, it's very difficult to get it right. A lot of change is occurring. I think the best course of action at the moment, the most secure course of action from your standpoint, is to approve gross, both revenue and expenditure, and in due course perhaps review the possibility of going to a net budget approval.

MR. FRIEDEL: So in a case like this where the regional health authorities are involved, the net budgeting would be through the Treasury Board really, not through the AG's office.

MR. WINGATE: Yes. That's right.

MR. BRUSEKER: Just so I'm clear, your concern is that if the health authorities are put in that 12(a) category, where they are mandated, that has an impact on your budget in terms of the gross figures.

MR. WINGATE: Yes.

MR. BRUSEKER: But the 12(b) type really don't have any impact, then, or do they?

MR. WINGATE: Well, yes, they have an impact as well but much smaller.

MR. NEUFELD: The same way. It's insignificant in comparison.

MR. BRUSEKER: So the one we just passed then, which is the Fairview College Foundation, really will be so small as to be insignificant to add into your total budget right now. But if the health authorities come on board, they would be so large and so many that there would be significant impact.

MR. WINGATE: That's it exactly. Yes.

MR. CHAIRMAN: Well, thank you for bringing us up to date on the potential on the health authorities, and thank you, Andrew, for joining us this afternoon.

We'll take a break. The Chief Electoral Officer will be in shortly. Thank you.

[The committee adjourned from 1:41 p.m. to 1:44 p.m.]

MR. CHAIRMAN: I think I'll call the meeting back to order and welcome Derm Whelan, Bill Sage, and Brian Fjeldheim to our meeting this afternoon. Committee members, under tab 5 you will see some of the reference material that's the subject we're going to talk about this afternoon.

I think maybe I'll just turn it over to you, Derm, to guide us through some of the topics you wish to discuss this afternoon.

MR. WHELAN: Thank you, Mr. Chairman. I'll try to do this very quickly because I know that you're probably pressed for time. The first point deals with the Canadian Election Officials Conference. We want to ask the committee if we might have approval to proceed with this conference. It's something that's held every year in alternating provinces, but it has not been held in Alberta since July of 1981, and we're a little bit out of sync with the other jurisdictions. Last year it was in British Columbia, and I understand from the host of that particular province that their cost was \$12,200. I don't know that we would want to spend that much, but in due course during the estimates for 1997 we would like to seek the concurrence of the committee so that we might work in that direction and prepare for that conference. I don't know if I need to say more than that. There's a more amplified description in the notes that I think were presented.

MR. CHAIRMAN: Maybe I'll just open it up, if there are any questions by any committee members with regards to this subject. Any thoughts?

DR. MASSEY: The costs seems very small. What does the \$12,200 buy?

MR. WHELAN: Usually there would be a fair amount of preparation of literature. Because both New Brunswick and Quebec are involved in the conference, we had to arrange translations to English and French. So that's the primary cost.

There is some social activity, usually a reception hosted by the province, but it's a low-key thing and it should not be expensive. In other jurisdictions the host city has often given some sort of a dinner or something like that, but we would try to cut the cloth to fit the child, so to speak, and keep the cost very low. Indeed, if it were

necessary, we might even suggest that a registration fee should be charged. Some jurisdictions, but not all, have done that in the past.

MR. CHAIRMAN: Okay. I have Yvonne and then Gary Dickson.

MRS. FRITZ: Thank you, Mr. Chairman. It's just to make the motion for approval of the \$12,200 for the conference.

MR. CHAIRMAN: Okay. You're moving that. We'll still have comments from Gary Dickson.

MR. DICKSON: The things that I was going to say still speak to the motion. I notice that there are two different conferences that you've address here, one in '97, one in '98, as proposed. This is my own naivete, I guess, but I understand that the Council on Governmental Ethics Laws also encompasses some election matters and issues. To what extent would you have the same people attending the one conference in 1997 and then the next year rolling in for the 1998 conference on governmental ethics if we were to approve both recommendations?

MR. WHELAN: Well, the conference on governmental ethics usually embraces a larger number of people: people involved with lobbying at different levels, people who are concerned with conflict of interest legislation, generally people who are Canadian and American. But to be specific, only a small number of chief election officers in Canada, perhaps six to eight, are involved in the COGEL conferences, the Council on Governmental Ethics Laws.

The other thing is that there are usually people at these conferences from a number of overseas jurisdictions. It's not just Canadian or American but very often from Britain and, at this particular conference, from Japan and from South Africa. There is a much wider discussion of political laws with respect to not only elections but party financing, political money, pacts in the United States, the whole gamut of political money and how it's managed. So in that sense the focus of the conference is very different.

The Canadian conference really focuses on what each jurisdiction in Canada is doing, and one of the topics that's been sort of on the front burner in the last three or four years has been this initiative to try and develop a more national type of voter registration process. This usually gets discussed in great detail. It's a very, very Canadian and very particular focus, whereas in the COGEL conference it's very, very different. We have lawyers. Lawyers get accreditation from law schools in the United States for attending. Lawyers in Canada don't have that kind of benefit, so that doesn't usually ensue. But that attracts a lot of people from the private sector, especially Americans. In Canada they tend to be people working with the agencies that have to do with lobbying, political money, ethics, and so on. So there would not be the same people. You're comparing 400 to 25 essentially, Gary.

MR. DICKSON: Thanks very much for the explanation. Mr. Chairman, I should have added that I was speaking in favour of Mrs. Fritz's motion.

MR. CHAIRMAN: Okay.
I have Gary Friedel and Roy.

MR. FRIEDEL: Yeah, I think it's maybe worth commenting that just this morning a subcommittee of this Legislative Offices Committee went and met with these same three gentlemen. We were talking about the issue relating to voter registration and enumeration, and one of the critical elements that came up was that cross-border co-operation was going to give us the potential of saving a large

number, as a matter of fact millions, of dollars. If this is the kind of thing that is necessary to make interprovincial co-operation work, I think it's quite important that we remain as part of the group and take our turns hosting it at what I guess would be a relatively reasonable cost. I certainly support it.

MR. BRASSARD: Much of what I had to say has been said. I believe that we're in the age of computerization and technology, and our global community is certainly shrinking all the time. I think it's imperative that we keep abreast of what is happening. I would support the motion, Mr. Chairman.

MR. DOERKSEN: Just a question. The money that this costs: is this in addition to your budget, or is it managed within your existing budget?

MR. WHELAN: No. It's not in the projected budget for '97-98 or '96 or '97. When we come next year, we would have to present the extra. It's not specifically in the budget as presented, no. It wouldn't be in this year's estimates anyway; it would be next year's.

MR. DOERKSEN: Presuming we can go with the same budget structure, could it be accommodated within the existing allocation?

MR. WHELAN: I would think that it's likely. It really depends on the number of by-elections that might occur. It's difficult to say with definity that it certainly would.

MR. DOERKSEN: I mean, certainly I would support the concept of holding the conferences, but the budgetary item is perhaps another decision. It's hard to differentiate or split the two because they are connected, but we don't have those years' budgets in front of us.

MR. WHELAN: No, no, of course not. It would have to come forward in due course.

MR. CHAIRMAN: All those in favour of Yvonne's motion?
Carried.

1:54

MR. WHELAN: Well, I don't know if I need to say much more, Mr. Chairman, on the Council on Governmental Ethics Laws Conference. I would point out that over the years I have met MLAs from Alberta there – I don't know whether they were there on behalf of the Assembly or whether they were members of the select committee – and other parliamentarians from across Canada as well as from other countries. So there is a great interest in this. I suppose the concern of chief election officers in Canada is that it not become Americanized, that there has to be a Canadian presence. We've established a fund. We've sort of tried to bring people from many different countries to speak, with the intent of keeping the Canadian content at least in people's immediate view.

This particular conference has only been held in Canada twice – once in Toronto – and once in Hawaii. Both were tremendous successes, and they stood on their own feet financially. In the meantime, they would bring significant, I guess, tourist dollars to either Banff or Jasper or wherever the host, or the locus, was for the event. Of course, many stand in line for this particular event. So we would first put forward a proposal, if you agree, and then of course it would have to be selected by their site selection committee. Inasmuch as it's been only twice in Canada in maybe 15 years, it's likely to receive an affirmative response.

I don't know that I want to say very much more about it. I haven't had a chance to talk about this in detail with Bob Clark, but I'm sure

that I can anticipate his support both as the Privacy Commissioner, if that comes to be, and as the Ethics Commissioner.

MR. CHAIRMAN: Okay. This committee used to send representatives to that until budget cuts restricted the travel of committee members.

MR. BRASSARD: In the absence, Mr. Chairman, of any costs, am I to assume that this will be cost free?

MR. WHELAN: Yes, Mr. Chairman.

MR. BRASSARD: There will be no charge?

MR. WHELAN: Yeah, this would stand on its own feet.

MR. BRASSARD: Then I would recommend that we participate. I would move
that we accept the recommendation to attempt to host this conference.

MR. CHAIRMAN: Okay. Gary Friedel.

MR. FRIEDEL: That was my question too. There was a reference made to "stand alone," and that was what I was asking.

MR. CHAIRMAN: Seeing no further questions, all those in favour of Roy's motion? Opposed? Carried.

MR. WHELAN: Mr. Chairman, at the last meeting I made reference to returning officers and some of the concerns that we have in our office. The main concern is in the tenure, or the duration, of appointments. I'm not sure whether everyone has had a chance to look at the appendix on this particular topic. Did you have a question?

MR. CHAIRMAN: Would you wish to make a comment right now, Gary?

MR. DICKSON: Well, I was just going to say that I don't have anything at appendix 3 in my binder. Am I the only one?

MR. CHAIRMAN: Appendix 5.

MR. DICKSON: Okay. I've got this appendix.

MR. WHELAN: It should be 3, I hope.

MRS. SHUMYLA: It is 3.

MR. DICKSON: Fine. Okay. Thanks very much.

MR. WHELAN: Well, in appendix 3 there is a brief resume of different duration and appointment methodologies used in all the jurisdictions in Canada. By and large, the only two jurisdictions where returning officers do not have any tenure are Alberta and New Brunswick. In New Brunswick 240 days, or eight months, after a general election the appointment lapses. In the Northwest Territories, in Quebec, and in Newfoundland if this legislation that has passed the House is proclaimed – and I understand they're hoping it will be proclaimed there in July – then there will be three jurisdictions where the tenure of the returning officer is over a considerable period of time, and the chief election officer is very

much involved in that process. The other provinces in Canada do appoint returning officers for usually a term certain.

The problem is that without returning officers in place between elections, the planning process is really brought to an abrupt halt. There's no one with whom to communicate. There's no one to plan events or to try and determine even methodologies that might be used both at the federal and provincial levels to effect economies. To give you a concrete example, the Chief Electoral Officer of Canada, when he met with us, suggested that there was no good reason why we could not use the same facilities for either a federal or a provincial election. His thinking is that even polling divisions might be comprised of, let's say, three provincial ones making up a federal division or vice versa. So the process of planning this type of thing between elections is precluded because there's just nobody there.

That's the first point that needs to be made: unless there are extant and surviving returning officers in districts, it's very difficult to get on with the business of properly planning or improving events as they have occurred, and it's very, very difficult, also, to build on the expertise and the skills that people are requiring. So the duration of the appointment is something that we would like to, with the committee's permission, put forward perhaps in a paper that might suggest an amendment to the Election Act.

The second point that I'd like to make quickly, if I might, is that very frequently – and I've said most frequently – as I understand the practice, the returning officers are appointed just before an enumeration. So the enumeration being finished and the election being finished, they're gone again, and they may or may not be appointed for the next event. That's a little bit of a concern. First of all, it does place a great front-end load on the process. If you have a new person in for training immediately before an electoral event and they decide as a result of the training that this is really more than they ever contemplated doing, what happens is that they just quit. Here you have the writ for an election and the returning officer quitting. It makes it very difficult for the election officer. So that's the second point.

The next point. The experience in other jurisdictions in Canada is that usually returning officers are able and willing to do two, three, or even four general elections. As the years pass, they keep attuned and focused on the process, and they're building up knowledge and skills that are really essential, that help the process, and assist in establishing its reputation. When they're an ever changing class of persons, to me there doesn't seem to be a sense of consequence or purpose. I mean, where is this going? I don't think that serves the process. I wouldn't say that it brings it into disrepute, but I do think that it would be very beneficial to have these people in place between elections. I'm not suggesting that they should be paid stipends either. Most jurisdictions do not pay a stipend. They pay for the electoral work or the enumeration work, whatever it might be, and the rest is sort of pro bono, if I might put it that way. But I think that not having people in place between electoral events sort of deprives the process of an opportunity to acquire efficiencies and to effect economies. You're just dealing with an ever changing class of people. There's somebody new all the time. I think we would like, with your concurrence, to put up an amendment that addresses that.

The next point is that the returning officers in the field between events, because they really don't know whether they're going to be reappointed or not, I think sort of lose their commitment to the process. They lose their focus, and that is not a positive thing either. Now, I think that it's also very important for returning officers to be competent for the purpose. They have to be able to do the tasks that they're given to do. Very often our office is not involved in that, so we would like to maybe raise that as another issue. We are often

asked: well, do you have a person that you want to recommend? The answer is: we don't; we just don't know anyone to recommend. So that puts us in a very difficult position.

Anyway, to cut to the chase, Mr. Chairman, with your concurrence – and this would only be a draft for the consideration of the committee – I would like to prepare and put forward an amendment to the Election Act that considers, first, appointments of returning officers; second, the qualifications of returning officers, the duties, the remuneration; and, also, how to deal with terminations and vacancies in the context that I spoke of: tenure and hopefully a better service to the process.

2:04

MR. CHAIRMAN: Thank you, Derm.

MR. FRIEDEL: The concept sounds okay, but you mentioned that in other jurisdictions they're not paid for this additional service. What assurance is there that if there is someone doing work, they're not going to be asking for some kind of a salary that reflects a continuous contract or the possibility of a per diem kind of payment based on work that might be done between enumerations or between elections?

MR. WHELAN: Well, I think that the nature of the agreement between the parties would have to be clear. It certainly would have to be said that the remuneration has to be connected to an electoral event and that there will not be an honorarium, per annum, or even a per diem. On the other hand, if there is an unreasonable amount of work, perhaps the committee would decide that there might be a per diem. I'm just suggesting that there doesn't have to be. This does not have to cost a lot of money; that's the gist of what I'm saying, the substantive point. It does not cost a lot of money in most of the jurisdictions. If this proposal were to go forward and people felt inequity, that there should be a per diem or some remuneration for work that's completed on a daily or a weekly basis, then there would have to be a tariff to deal with that. I guess what I'm saying is that a tariff with respect to work between electoral events is really not necessary, although it may be very desirable and maybe eminently fair in certain situations.

MR. FRIEDEL: I see, for example, that if those people were in place, there would certainly be a temptation to use their expertise between elections, and if nothing else, there may be expenses for attending meetings occasionally. If there are revisions of some sort, the process that we're going through now with electoral registrations, these people would certainly be a level of expertise that would be worth calling on. I guess I'm concerned about the potential to budget costs, but by the same token I don't like to ask people to do things for nothing.

MR. WHELAN: I understand.

MR. FRIEDEL: We pay for most general services in the government, and it wouldn't be fair. So unless the remuneration they get during the election was considered adequate that it would cover some additional time, I think we'd certainly want to have a look at that in a report anyway.

MR. WHELAN: Well, perhaps in the proposal we'll submit a number of possible tariffs for consideration. It is very difficult to be very definitive about the matter at this point, but we could put it up, and in that sense there would be tariffs of different sorts.

MR. FJELDHEIM: Could I add to that, Derm?

MR. WHELAN: Yes, Brian.

MR. FJELDHEIM: At the present time the returning officers, once they're appointed, get a \$75-a-month fee. If you want, think of it as a retainer. In the regulation there is also, as you mentioned, Gary, fees given when they do certain tasks. For example, for the preparation of the map, the electoral division showing the polling subdivisions, they receive \$400. That's on top of the \$75. So as Derm has said, we could certainly put together a proposed regulation to cover those types of things.

MR. BRUSEKER: It's interesting you mentioned how you can have turmoil if your returning officer quit. That's exactly what happened in my constituency in the last election, and it did create some turmoil.

Just going back to the issue about cost, are there other jurisdictions that pay some kind of a fee or retainer between elections?

MR. WHELAN: Yes, there are honorariums being paid to returning officers. They're not very significant, but there certainly are some. We can endeavour to put that also forward in more detail.

MR. BRUSEKER: You just said by a comparison basis here. Any idea what kind of level you're talking about? Sort of a \$50 to \$75 a month kind of thing?

MR. WHELAN: I think it will be not more than \$200 a month. I'm talking in the federal context. Provincially, as you say, probably less than \$100 a month for the honorariums. I don't have the data in front of me, but I can include that in any proposal we put forward for the committee's consideration, Mr. Chairman.

MR. BRUSEKER: Just another question. Is there a requirement that the returning officer live in the constituency for which he is the returning officer?

MR. WHELAN: Yes, there is.

MR. BRUSEKER: And you would propose to continue with that?

MR. WHELAN: Yes.

MR. BRUSEKER: With respect to appointments, as I look over the page that you've provided for us, it seems that the appointments are done either by the Lieutenant Governor or Governor in Council as one category. There are two that are exceptions to that – one is the Northwest Territories and the other seems to be Quebec – wherein the Chief Electoral Officer makes the appointment. Do you have any comment about where it would be best to have the appointment made?

MR. WHELAN: Well, the drafts to the Newfoundland Act, which is part of that appendix also – this is legislation that I wrote. This has passed the Assembly in Newfoundland, and I understand it will hopefully be proclaimed in July. So I think all things being equal, I would agree with the Chief Elections Officer of Quebec that it is important to have people competent for the purpose, and the involvement of the Chief Electoral Officer is also an asset. I'm not sure that I would recommend that it be done exactly like it's done in Newfoundland or in Quebec at this point in time. I think people tend to see competitions for all things in the light that, well, how would I feel if I wanted this particular position; I at least should have an opportunity. Now, that may or may not come to pass. Most of the

appointments of returning officers are made by either the Governor in Council or the Lieutenant Governor in Council. We don't necessarily want to change that, but we'll put forward the scenario, and it can be discussed in the committee.

MR. BRUSEKER: Yet Newfoundland is changing, as I understand it.

MR. WHELAN: Yes, as Quebec has done.

MR. BRUSEKER: They're changing from Lieutenant Governor in Council to appointments by the Chief Electoral Officer. I wonder: could you give me some background as to why it is they're doing that? Do they see this as a – obviously, they do. But why do they see this as a better direction, to proceed with appointments by the Chief Electoral Officer?

MR. WHELAN: Well, I think what has happened in Newfoundland is that over the years it's been sort of happening anyway. The Chief Electoral Officer was actually recommending people to the cabinet. The Chief Electoral Officer of Ontario, Warren Bailie, is doing the same thing, so it's coming up through the office anyway. I think it's just a recognition and a formalization of the status quo, and it seems, at least in this jurisdiction then, the caucuses of the parties and the Legislature agree. Having said that, it obviously is not the position of the government of Canada or British Columbia or many other provinces, but I think it was a de facto practice. The likelihood of this type of legislation being acceptable is greater than it might be in a province where the process has generally been a little bit different.

MR. BRUSEKER: Just one final question, if I might, Mr. Chairman. You mentioned briefly qualifications, that you were concerned that returning officers have certain qualifications. How would you envision checking those qualifications, if you will, assuming we went to a Newfoundland-type model wherein the office of the Chief Electoral Officer was making the appointments? Would you then be taking resumes from individuals for this position?

MR. WHELAN: Yes, and I think we would be very clearly setting – well, we have set out criteria now with respect to all returning officers in Alberta. An example of one of the areas where people will benefit from skills is in the area of mapping and understanding maps and also working with demographic statistics with relation to populations and things of that sort. If a person has experience with census or in another electoral setting, then that very obviously is the type of quality that you would not only tell people about but you would look for in any intending returning officer. So these types of things.

The qualifications for returning officers in Alberta now are committed in writing, and they're in the hands of anyone that would like to have them. It's a public document. I should say, too, that by and large I don't know that there's been any significant problems with running elections or with returning officers in Alberta. I don't want to be misunderstood. I'm not saying that. Would that be correct, Brian?

2:14

MR. FJELDHEIM: Yeah. Then another point, I think, is that people skills are important for a returning officer, being able to deal with sometimes stressful situations and so on, being able to handle those, and when in doubt to call and try to get some guidance and so on.

MR. BRUSEKER: Thank you, Mr. Chairman. That's all I had.

MR. CHAIRMAN: Okay. I've got Gary Dickson, Roy, and then

Gary Friedel.

MR. DICKSON: I very much support the concept of a standing position instead of just doing it for purposes of a single election. My experience is maybe not directly, but I know in the city of Calgary, for example, there was a relatively new returning officer appointed. It was compounded because of the electoral boundaries, but there was just an enormous number of problems that I think could have been headed off if the person had been there longer and had a better sense of what was required. I think that sort of thing you are prone to or at least vulnerable to have happen with the system we've got now. So I like that notion.

This is maybe a bit of a small point, but my concern with the Newfoundland statute – and I've only skimmed it very quickly, the excerpts from the Newfoundland statute. A few moments ago we were talking about the potential of maybe doing some collaborative things with other jurisdictions and the federal government in terms of being able to share some resources and so on, trying to have a permanent voters list and those kinds of reforms. Yet the circumstances for terminating a position are extremely limited. If you look at section 12, it talks about when an office becomes vacant. I mean, short of cause or a change in somebody's residential status or a physical or mental infirmity, I don't see a provision here that allows you to decide that you're going to be eliminating a certain number of these positions just because they may be surplus, because there's some other electoral reform going on. It seems to me that while it may be a good model conceptually to look at, I think you need a greater degree of flexibility than is admitted in the excerpt I'm looking at here. I just think there are all kinds of cases where you may want to make some changes, not because of infirmity and not because of change in residential status but because of some bigger changes going on, probably in the provincial system.

MR. WHELAN: The only reason the excerpt from this Newfoundland statute is here is because in the overview it isn't reflected that a change is imminent in that province. That's the only reason I added it to the appendix. But on the point, you're right, except for clause (c), which deals with vacating the office if a person hasn't discharged competently the duties imposed, and (d), which deals with partisanship or political bias. So I would think these two would be covered in that statute, but I take your point. We will probably want to draft a broader and more inclusive set of points in relation to vacating that particular office.

MR. BRASSARD: I would like to support the proposal to have a permanently established returning officer. I think it's a good concept for all the reasons that have been mentioned. I have difficulty changing the procedure of appointment however. I don't want to get into a debate here at this time because I think that will come, but we've got a system right now that's accepted by 12 of 13 jurisdictions, the exception being Quebec and Newfoundland. I think each of those jurisdictions presents a unique circumstance. So while I do support the concept and would vote accordingly, I know I'm not prepared to change my support for the existing system.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Gary Friedel.

MR. FRIEDEL: Yeah. Just one last question. I notice that British Columbia has a very interesting criterion for tenure. It says, "during good behaviour." I'm wondering who decides if these folks are on their best behaviour.

MR. WHELAN: I'm not quite sure. In the meantime, I take it that

you know I can't answer that question.

We're not suggesting any changes. We want to propose a draft for your consideration, Roy, and you know the committee is free to make whatever decision, of course, that it wishes to make. But if we just get tenure, I think we'd be very happy.

MR. CHAIRMAN: Derm, are you looking for recommendations from this committee, or is the discussion itself acceptable to you and gives you some sense of what the committee is thinking?

MR. WHELAN: Yes, it very clearly gives me the sense of what the committee wishes to entertain.

MR. CHAIRMAN: Right.

MR. WHELAN: So we would draft our amendments in that light. So with your permission, then, we would go about preparing this amendment for your consideration.

MR. CHAIRMAN: Okay.

Do you want to carry on with the next?

MR. WHELAN: Well, is that approved?

MR. CHAIRMAN: Yes. Yes, it is.

MR. WHELAN: Well, I'll deal with this very quickly. As has been mentioned, we're talking about the possibility of a joint venture with Canada on a permanent voters list, the cost of which would be shared between Canada and Alberta. At the moment this is with a subcommittee of this committee, and we're not really sure where it will go. But in the interim, if it is necessary to implement or to use the old system again for enumerations, we suggest that there are certain changes that would be cost beneficial and would also improve the likelihood that the data gathered in that enumeration would be useful in the electronic process with a permanent register.

Right now we're required by law to send two enumerators to every door in Alberta. Now, my experience has been that one person goes on one side of the street and the other goes on the other side of the street. It really is a waste of money. So unless there's a compelling reason such as a person's security or difficulty in doing the enumeration, we would suggest that one person is enough to do a polling division. The saving on the traditional type of enumeration by simply doing that is \$980,000, very close to a million dollars, so we would like to recommend that in the interim. Secondly, we feel that the three days of revision are not really necessary during enumerations. Nobody ever comes to them, so one day is sufficient. There are further savings there.

Again, Mr. Chairman, we would like to put up an amendment that deals specifically with slight changes to the enumeration process in case it is again used, and very likely it might be before we get to the stage, if you decide that you should get to that stage, that a permanent registry would be implemented or developed.

We would also attempt to capture full names and addresses. Right now the full names are not collected. It's just the family name that's collected. So you have H.J. Jones and B.J. Jones and A.B.C. Jones and D.F.Q. Jones, and no one knows who they are. They just have the same surname. That can't be used for a database. You need more complete information.

We'd also suggest that other things might be considered in addition to names and addresses: gender, even telephone numbers, if people are prepared to give them on a voluntary basis. In another jurisdiction we did collect telephone numbers, and it was done simply by saying, "Are you listed in the telephone book?" If a

person said yes, we said, "Well, may we have your telephone number?" It wasn't a problem. We got about 80 to 90 percent of all the telephone numbers linked immediately to the elector's address. So things of this sort are what the interim amendments would be concerned with.

2:24

There might also be an opportunity, if the committee wished to entertain other amendments, to maybe think of eliminating the prohibition against the consumption of alcohol in districts during elections. Now if there's a by-election, everything is closed in that district, and right across the street a person's competitors could be doing a thriving business. It might be an opportunity to deal with that sort of thing also.

What we have in view is maybe attempting to get this up quickly either by way of a miscellaneous statutes type of amendment or a very brief amendment to the Election Act. Again we just seek your guidance. If you would entertain that, we'll put it together very quickly and get it back to the committee.

MR. FRIEDEL: I just wanted to comment on the possibility of reducing the number of enumerators. By coincidence the office manager in my constituency office in Peace River has for some years been an enumerator. For the most part, I don't think there's a problem, but I think I'd be correct in assuming that the vast majority of these people are women, and there are some places she mentioned, such as low-rental apartments and things like that, where she would have been extremely nervous to go in alone. As long as there are provisions for that sort of a thing, because safety and security should also be considered.

MR. BRASSARD: I guess I missed it. How are you going to save \$980,000?

MR. WHELAN: Well, at the moment two people in every polling division do the enumeration in urban areas, and both are paid.

MR. BRASSARD: So we reduce that to one.

MR. WHELAN: To one unless required for reason of security or another compelling reason.

MR. BRASSARD: Okay. In your proposal were you considering inclusion of number 5, which is "repealing the prohibitions on prisoners voting in Alberta," or did you leave that out deliberately?

MR. WHELAN: No. I did not speak to it because our primary intent is to make sure that any enumeration data is captured in such a way that, first, costs will be downsized, and secondly, the data will be useful if we proceed in the direction of a permanent list. The ancillary things that might be considered include the liquor prohibition and also the prohibition against prisoners voting. Now, it's not that we think prisoners should vote. It's just that it causes so much legal cost when it's challenged that it adds unnecessary expense to the process. If we gave, let's say, prisoners in Alberta serving sentences of less than two years the right to vote by a mail-in ballot, then that difficulty would evaporate. Quite frankly, I think the courts have found that people serving sentences of two years or less have a springing interest in the life of the Legislature that's about to be elected. They may well be back in the community during the first year in office of whatever Assembly is elected. So given the fact that they're minor offences and it's not a great problem, it may be well to avoid costs that build because people either take the province to court or the office of the Chief Electoral Officer to court to try and compel the office to provide access to the

polling booths. This of course has happened frequently in other provinces with respect to prisoners voting.

MR. BRASSARD: I just alert you to the fact that this could very well end up being a very controversial item.

MR. WHELAN: It's bound to be controversial. I remember the words of Niccolò Machiavelli. He said: whenever you change the order of things, there's always great peril and danger. I think he's accurate. I think right now the mood in Canada with respect to people in prisons is not focused on correction. So I understand what you're saying. My point is simply that this could cost a lot of money.

MR. BRASSARD: I'd certainly be in favour of bringing forward a draft recommendation, but I'd rather speak to the content of it at that time. Thank you.

MR. DOERKSEN: Well, Roy brought up the one that I wanted to bring up, number 5, so I'll move on to the other ones, items 6 and 7. Again these are the ancillary aspects. I would wonder if we're not running into a problem of privacy of individuals if we're asking for occupations and telephone numbers and then, in particular number 7, using these lists for "public interest purposes."

MR. WHELAN: Well, the practice with respect to the lists and privacy – let me take two examples. In Ontario the list of electors can only be used for a purpose other than an electoral purpose when it is clearly demonstrated to the Chief Electoral Officer of Ontario that that is in the public interest and it's relatively a private matter. It might be some sort of academic research related to health or whatever. Canada usually screens requests to use the list of electors through their legal office, and again the intent is to make sure that the purpose is relatively private and, secondly, that it is not going to be harmful to people. It doesn't invade their privacy. So I think any type of data that is gathered virtually stands in the middle of the road. It is necessary to make sure that both things happen: that the electoral process is served and also that whatever private interests may have a use for the data use it in such a way as not to infringe on people's rights. So that has been the general practice in Canada for a very long, long time.

In Alberta, on the contrary, the practice has been to take the list and destroy it. There isn't even a copy in the archives of the last list of electors. So it truly is perhaps the best example of tombstone data that's possible for anyone to think of. What is being suggested is not that further intrusion occur into people's privacy but that if a database is going to be used with a view to lowering the cost of enumerations and elections, then the database has to be comprehensive enough to be usable. If you just have a family name, it means nothing. Even when you have a given name – Bill Smith is Bill Smith is Bill Smith even though they may be 10 different people – there's a necessity for another little bit of data to distinguish the person. Also there's an age requirement, I mean in respect of age or date of birth, which is not mentioned here but which probably would be contemplated. The gender, either male or female, is seen as an asset also. I don't think that we would need occupations, but I would point out that in jurisdictions where there are databases, they have telephone numbers, social insurance numbers, and also occupations. The example is British Columbia. So I take your point.

MR. DOERKSEN: The question I would have, though, is that with all this information on the database, I would be very concerned if this got into the hands of telemarketers for instance. It would

become a very good database to be used for those purposes, and I would certainly not support something to that effect.

MR. WHELAN: No, and I don't think we would want that to happen either. There would have to be built into the system certain precautionary steps to make sure that did not happen. Even the list we have now in a sense is in the public domain. It's given to all candidates and political parties. It is used by scrutineers and by election officials at the polls. I think any unscrupulous person wanting to use it for another purpose could subvert the good intentions of all. I agree that there has to be strong privative causes in the legislation to prevent that sort of thing from happening. I suppose the ultimate is a strong sanction system. I think there will always be somebody trying to misuse a good database.

I know that people are very concerned about privacy issues, and I'd like to assure you that the electoral office is too. If people find out that, "Oh, you got my name from the list of electors," they're not likely to co-operate with the office again when we're trying to build another list. So we have a great interest in making sure that there's no perception that privacy is being perversely violated.

2:34

MR. DOERKSEN: Of course, the more information you have on your database, the more valuable that becomes to unscrupulous operators.

MR. WHELAN: Exactly.

MR. CHAIRMAN: Okay. If we could keep things rolling here. We have the Ombudsman scheduled for 2:30.

I have three people on the speaker's list: Gary Dickson, Frank, and Yvonne.

MR. DICKSON: Mr. Chairman, you're anticipating me by pointing out that we should keep our comments short.

MR. CHAIRMAN: No, I have three people on the list.

MR. DICKSON: I was going to say, Mr. Chairman, in listening to my friend from Red Deer-South that I think he makes a compelling argument for a full-time privacy commissioner.

I also want to expand on this concern. I represent an inner-city community with, I think, about 92 percent renters. An extremely high number of them are either young single women working downtown or a lot of seniors living on their own. Specifically I want to flag a concern with gender identification. There is a very great concern and I think a legitimate concern in terms of personal safety. We've moved some distance from the point where electors lists used to be stapled to telephone poles at the end of the street and anybody who happened by could reference who was living and so on. That's a very big concern in terms of particularly women who would be identified as living on their own. So I hope that you're going to be able to address that in some fashion to give me and other people some comfort that the personal safety of these people is not going to be compromised in any way.

The other point I was just going to make – and I expect this is a discussion we'll have another time. On the prisoner voting thing I agree with the recommendation, and it's simply this. I think reasonable men and women may well – and I expect they do in Alberta – have different views in terms of whether prisoners should be entitled to vote, but the reality is that section 3 of the Charter of Rights and Freedoms says that every Canadian citizen has the right to vote. It's been interpreted many times by the courts in this jurisdiction that in fact that means provincial prisoners do have the right to vote.

So I appreciate the concern that each election in Alberta we're sort of waiting for somebody to take out an injunction to suspend the election or force an enormous effort to allow somebody to vote in an institution. Whether we as a personal matter think it's appropriate or inappropriate that prisoners should vote, I think that given the very clear decision that's been made by the court, it probably is responsible for us to anticipate it in advance, to build it into the system. I think that quite frankly the reality is that very few serving prisoners will exercise the franchise in any event.

I appreciate the notion of anticipating that issue and heading it off rather than sort of being beaten over the head with it when you're in the 12th hour.

MR. BRUSEKER: Following right on that. Having four penitentiaries in my constituency, where would they vote? Do they vote in that constituency or in the constituency of their normal residence?

MR. WHELAN: I think that of course it would have to be self-structured. They would vote in the district from whence they came. At least that's where their vote would be counted. It would be a mail-in ballot.

MR. BRUSEKER: I was anticipating having to send a letter to the Solicitor General about being allowed to campaign inside the institutions.

A question that I have for you then. You put forward 13 proposed amendments here. Are you looking for any kind of a motion from this committee to proceed with these, or what would you like?

MR. WHELAN: Well, what I think I would like to do is put up the amendments in a more formal fashion for the committee to consider. Then either some of them might go forward or some might not. I mean, that's the business of the committee.

MR. BRUSEKER: Okay. In that regard, then, I guess I really don't need to say a whole heck of a lot other than most of them I think are pretty good, but I don't agree with the amendments proposed for sections 1, 4, and 5 in your numbering here. I'll leave you with that comment. Some of them I think are pretty good, but others I don't think would advance the cause.

MR. WHELAN: Okay.

MR. CHAIRMAN: Okay. Yvonne.

MRS. FRITZ: Thank you. My understanding is more now, too, that you're bringing this back and we aren't being required to approve these today.

MR. CHAIRMAN: No.

MR. WHELAN: Oh, no.

MRS. FRITZ: Okay. Thank you.

Just two questions then. Number one, what is the payment process now for a returning officer's employment?

MR. WHELAN: For a returning officer?

MRS. FRITZ: Uh huh.

MR. WHELAN: Bill, do you want to go down the list?

MR. SAGE: For returning officers it's quite involved. They get a basic fee of \$3,000 for the enumeration. They get 10 cents per name for each name on the list of electors, \$400 for the maps, \$125 for the training session, \$125 a day for attending the revision period. That's three days. Two hundred and fifty dollars for – I even forget what this one's for now. There's another \$250 one in there. If you like, I can certainly send them over to you.

MRS. FRITZ: I'd be interested. Thank you. I'm wondering where the cost savings would be.

MR. SAGE: This is for enumerators, the point that you're looking at there. Your enumerators are paid a basic fee of \$100, a training fee of \$50, and they get 50 cents per typed name.

MRS. FRITZ: Sorry. Say that again. It's \$100.

MR. SAGE: A \$100 basic fee, a \$50 training fee, and they get 50 cents per typed name. So where you're from in Calgary, you would have two enumerators. If they have 300 names in the subdivision that they're working in, it's going to cost us \$300 for each of those people. So if you eliminate one of them – and keep in mind the safety with that other head, if that's the way it goes through with one enumerator – then you've cut your costs in half. Certainly in the rural areas you don't have that same sort of cost because a lot of them only use the one enumerator. That's where the big saving comes from for that one.

MRS. FRITZ: Okay. Thank you.

My other question was: what do you require now from the Chief Electoral Officer for the personal information?

MR. WHELAN: For the personal information all that's required at the moment is the family name, or surname, and initials unless an elector volunteers to give more.

MRS. FRITZ: But you don't require their address?

MR. WHELAN: Oh, yes, we require the address.

MRS. FRITZ: Do you require gender?

MR. WHELAN: No.

MRS. FRITZ: Do you require their occupation?

MR. WHELAN: No.

MRS. FRITZ: When you said other information, you mentioned the social insurance number, age, number of children, that kind of information?

MR. WHELAN: I think we'd be thinking primarily about age and perhaps telephone number on a voluntary basis, not about other things. The only thing I would say is that when you move to full names, then the issue of gender becomes rather moot. I think that when you say the given name, the gender of the person is almost implied, and that would be probably true in 95 percent of the cases or more. So whether there's gender or not, if there's a full name, you're probably going to have gender identification. So you may want to consider that also.

MRS. FRITZ: Why do you think you need their occupation?

MR. WHELAN: Well, this was with a view to developing a permanent register. Each individual record is only as good as its specific identifying parts. So if you have people of the same name – well, let me put it this way. We really don't need occupation, but it would be useful in terms of having a very good set of files that could be managed from other databases in the province, but I don't think it's absolutely necessary to have occupation.

MRS. FRITZ: Mr. Chairman, I know they were looking for information as to where we were coming from as a committee. Just to let you know: I'd be opposed to 1, 4, 5, and 6 and money for these, as has been said.

Thank you.

MR. CHAIRMAN: Thank you.

Okay. I think maybe, Derm, that gives you a little sense of what the committee's thoughts are on the interim amendments to the Election Act.

If you want to touch quickly on the last two items.

MR. WHELAN: Very quickly, yeah. I'll ask Bill Sage to deal with the special warrant question.

2:44

MR. SAGE: Okay. During the last budget meeting a comment was raised about how to obtain funding for an election. We got into a discussion about the Deficit Elimination Act and the fact that we had requested a legal opinion from Parliamentary Counsel. That information is attached to your appendix 5. What we're looking for here is further direction from the committee as to which method to pursue in terms of obtaining this election funding. Right now the legal opinion seems to indicate that the Deficit Elimination Act overrides the Election Act, which allowed us to get money by special warrant, which was done in past elections. So we're looking in terms of, as I say, direction from the committee to take this matter forward to the Treasurer, if that's the route that you decide to go, to find out what direction he wants to take. For a special warrant now the Provincial Treasurer can acknowledge that if an emergency exists – I'm not sure an election falls into an emergency category, and I'm not sure it would be illegal or anything, but he would be declaring it to be an emergency: is it really an emergency? It's section 6 of the Deficit Elimination Act that deals with it.

As I say, we've had the legal opinion that seems to throw it back to the Treasurer for his opinion on it. Budget Bureau, whom I was talking to the other day, is of much the same opinion. They're not sure how it should be handled either. Obviously, somewhere down the road we're going to need 4 and a half million dollars to run an election.

MR. CHAIRMAN: But it is in your budget.

MR. SAGE: It's not in our budget yet. We did bring it forward at the budget presentation just to let you know that it's coming up, but it's not in the budget yet. There is money in there for an enumeration and some money for by-elections.

MR. CHAIRMAN: Not for this year, but it's in the budget for next year.

MR. SAGE: No, not yet. We have an enumeration in next year's budget that we've brought forward but not an election.

MR. BRUSEKER: Not a general election.

MR. SAGE: Not a general election, right.

MR. CHAIRMAN: Okay. I'm asking you, then, if it's not in the budget even '96-97.

MR. SAGE: No. All we did was annotate our budget presentation to you.

MR. CHAIRMAN: Oh, I see. Yeah, it's in there as a notation.

MR. SAGE: Right. Just to let you know that somewhere down the road – we're not trying to blindside you with it – we're going to need money.

MR. CHAIRMAN: Obviously; very obviously.

MR. SAGE: Right. As I say, the legal opinion we got from the Budget Bureau is the same, and right now nothing really covers us. We're going to fall through the crack, if you want, and it's obviously something we have to address.

MR. CHAIRMAN: My sense is that it has to be in the budget.

MR. SAGE: Well, traditionally, in the previous years we haven't budgeted for a general election.

MR. CHAIRMAN: I know that. Right.

MR. SAGE: I mean, obviously, if you say that it should go into part of the budget item, that's not a problem. We can certainly work with it. Again, we want to know which of the avenues you want to take.

MR. CHAIRMAN: The conversation with the previous Chief Electoral Officer was that we should be putting it in the budget and carrying it through, meaning that it should be in there for 1996-97, and if the election isn't called in 1996-97, then it carries forward to 1997-98.

MR. SAGE: Yeah. Certainly the bottom line to it is that if the money is there, we're not going to spend it sending everybody in the place to Hawaii with their families, that type of thing.

MR. CHAIRMAN: If the election's not called, right.

MR. SAGE: So the money certainly would be allocated for our use, but it's not something that we would spend until a general election is called.

MR. CHAIRMAN: That's my sense of the direction you would get from the Provincial Treasurer.

MR. SAGE: If you remember, during the three-year budget presentation in the last fiscal year that was deleted from there. We did bring that forward. The year that they're building the budgets on or the 20 percent decrease was '92-93. Well, that was the year before our election and enumeration. So in terms of overall spending for the Legislative Assembly it hasn't been recognized at all. When we bring another \$9 million back into the system, I think the 20 percent reduction for the Legislative Assembly will go by the boards fairly quickly.

MR. WHELAN: Mr. Chairman, if I may, I think that's the essential point. The base share reflected now in the votes or the estimates for the Assembly is using 1992-93 figures, which do not include the last election or the last general enumeration. If they had been there, then the tracking of the reduction over 20 percent would be consistent,

but it not being there and still not being there, we just really want to know what direction to proceed in.

The special warrant is really a problem, because the Provincial Treasurer can only do this in an emergency. I really don't believe an electoral event is an emergency.

MR. CHAIRMAN: No, I don't either.

MR. WHELAN: I guess we need very definitive guidelines from the committee on the point.

MR. BRASSARD: That was the point exactly. I think that following an election a fund needs to be set up to allow for the next election and with a notation that it's not to be considered as a budgetary item at all but rather a reserve, if you will, for future use. I think it can be handled in the budget specifically that way. Not to budget for it I think would be an error. I would hope that we contact the Provincial Treasurer and clarify this issue so that it can be incorporated in next year's budget, because I think it should be there.

MR. WHELAN: Okay. That's fine. That answers the question. We can just put it in the budget and go on with doing that on a regular basis, and the issue related to the special warrant evaporates.

MR. CHAIRMAN: That's my sense.

MR. WHELAN: The final point. We're aware of the correspondence with respect to the privatization of payrolls, et cetera. Quite frankly, we don't really have any problem with continuing to participate in that particular process, but I just thought we should ask the committee for some direction with respect to this. The Speaker's office is concerned, very obviously, that it's perhaps best to keep the expenditures with respect to the Legislature within the Legislature and those with regard to the executive within the executive. This is more a question than anything else, which in due course I'm sure you can answer without wasting a lot of time today.

MR. CHAIRMAN: Gary Dickson, you have a comment?

MR. DICKSON: I think it's a query. Is this privatization the subject of some correspondence with the Speaker's office?

MR. WHELAN: Yes.

MR. DICKSON: Is that in the book here?

MR. WHELAN: Yes, it is. It's in the last half. Oh, perhaps it is not in your books.

MR. CHAIRMAN: I don't think we have it.

MR. WHELAN: No. Well, perhaps I do. It was correspondence. Basically, the issue that's being raised is that the functions of the Legislative Assembly and the offices of the Assembly are in, quotation marks, the legislative area as opposed to, quotes, the executive area. I think the Speaker has concerns about money being paid for the Legislative Assembly by a private firm who is really acting as an agent of a line department, the department of finance. That's the concern. So we're asking: should we get on with that, or should we wait for a fuller discussion?

MR. DICKSON: I have to say that I have some misgivings in terms of embarking on a discussion on a two-line summary of an issue not clothed in a kind of context which makes it more meaningful to me.

It seems to me the issue that's being raised applies to each one of the legislative offices. There's nothing unique here to your office, and it seems to me that it should be addressed in that sense, Mr. Chairman, where we look at the issue and we have some sense of what the alternatives are. So if the Speaker in fact has raised it, then I'd appreciate the benefit of seeing the correspondence and what suggestions the Speaker is making in terms of an alternative means of funding.

MR. WHELAN: Gary, you'll realize that I would be hesitant to put forward the Speaker's correspondence. I think that should come directly from him. Just raise the issue, you know.

2:54

MR. DICKSON: I didn't mean to suggest that you would share that with us, but I think the communication to the Speaker should be that instead of him dealing with the legislative offices directly, it should be raised with this committee. We should hear the views and then deal in a global sense with all five legislative offices at the same time because they're all affected in the same way.

MR. WHELAN: I agree.

MR. CHAIRMAN: Would it be proper, then, for me to ask the Speaker's office if they want this committee to deal with this issue and then bring it forth to the committee members at the next meeting?

MR. DICKSON: Yes.

MR. CHAIRMAN: Okay.

MR. WHELAN: Well, that's our answer. Yeah, okay. Are we done? Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Thank you, Derm and Brian and Bill. Thank you.

[The committee adjourned from 2:55 p.m. to 2:58 p.m.]

MR. CHAIRMAN: Okay. We have to rattle and roll, ladies and gentlemen. Sometimes our scheduling works out and sometimes it doesn't. Today was one where it doesn't quite, and I know that committee members are going to start exiting at 3:30. So if I could reconvene the meeting and welcome Harley Johnson to our meeting this afternoon.

Welcome, Harley. I think maybe I'll turn it over to you to initiate the discussion this afternoon.

MR. JOHNSON: Okay. Thanks, Mr. Chairman. One of the things I'd like to do is draw your attention to the bottom of the covering letter. Specifically, I don't intend to provide you with reams and reams of material. What I would like to do with you from a process perspective, if it's fine with this committee, is discuss the issues and look towards getting support from you for one or more of these issues that I'm bringing up. If I get consensus and support from the committee, then I will do the work and bring it back to you in a final format. So it's more a conceptual issue, discussion to see if I can get support. If I can, I'll take the next step and bring it back to you in a written form rather than get into the nitty-gritties of each word meaning this at this particular time, if that's fine with you.

MR. CHAIRMAN: Sure. That would be fine.

MR. JOHNSON: Possibly I could go to the issue of complainant

protection, number 2, first. Inasmuch as this is an issue that I've raised a number of times with your predecessors – this is now the third committee that I've reported to – we don't seem to be able to get to any resolve. Complainant protection is misconstrued by many people to mean whistle-blower, and I want to be very up front, if I can, and say that complainant protection is not whistle-blower. Whistle-blower implies that somebody can make comments to the public either through the press, through an independent officer, or through some person or some office on issues that they believe the government is not doing correctly. Complainant protection implies that anybody who has a right to bring an issue forward for grievance redress may in fact have the protection that they will not be discriminated against or face retribution because they brought that complaint forward. Quite a difference.

A second difference is that whistle-blower implies an anonymity clause; they're anonymous. In this particular case, that is not the issue at all. For instance, where this first came to my attention was in a health related field dealing with a nursing home, where a complainant felt that if they brought the complaint forward to me to investigate, they would in fact face retribution through firing for bringing that issue to my attention. But it dealt with them specifically, not about general government misuse, which is more a whistle-blower concept.

Another case came up involving a correction facility in the province, where a person feared they would face retribution and have temporary absence passes reduced or removed from them because they brought a complaint forward to the Ombudsman. I liken it very similarly to yourselves, as MLAs who also take complaints through your constituency offices. If somebody complains to you about an action and you look at it and try to resolve that action, should that person face some retribution? Or should they be protected from some form of retribution? I think the answer is clearly that they should. They should not be thrown out of their home, they should not be having their temporary absence passes removed, and they should not be seeing a withdrawal of medical services or health related services because they brought forward a legitimate complaint.

So that's it in a nutshell. Conceptually, I've already worked on the wording that I think is appropriate. It is already contained in the Individual's Rights Protection Act in this province. It was interesting that shortly after my presentation to a previous committee, one of the persons on this committee voted against including a complainant protection clause in the Ombudsman Act and then turned around and introduced that same clause dealing with the Vulnerable Persons' Protection Act, and it was passed. I found that a little bit of a misnomer, in a sense. But the bottom line is that it is complainant protection, it is not whistle-blower, and I think it is needed. There is a perception that people can face retribution. Now, in practice, if I found that persons faced retribution and I could prove it, I would go into an own-motion public report, which in fact is still available to me if this does happen. But I would like to be clear and up front with complainants that people who bring complaints forward to my office for legitimate redress of their grievance have a protection, that they're not going to face retribution and that it states that in legislation.

MR. DICKSON: What I'm going to do is move a motion and then speak briefly to it. I refer members to tab 6, and I think it's page 6 in the package. It's the letter addressed to Mr. Bogle dated October 29, 1990. My motion is

that this committee recommend to the Legislative Assembly that section 30 of the Ombudsman Act be amended by adding the following after clause (a):

(a.1) without lawful justification or excuse, evicts, discharges, suspends, expels, intimidates, coerces, imposes a pecuniary or

other penalty on or otherwise discriminates against a person because that person has in good faith submitted a complaint to the Ombudsman or given evidence to or otherwise co-operated with an investigation under this Act.

Now, speaking to the motion, I think this protection is too limited. I think it doesn't go far enough and I still think we need whistle-blower protection, but I think this very modest protection is an absolutely key amendment that is required to make the Ombudsman office more effective. It is important that Albertans be able to see that in the statute and not run a risk that they put their own situation in jeopardy by raising a concern. If anything, my only comment would be that I think it's too narrow. It's certainly, I think, a realistic, justifiable, and indeed a necessary amendment to make the Ombudsman office as effective as it possibly can be.

MR. BRUSEKER: A question. The phrase "in good faith." What about someone who puts forward a complaint that is mischievous or frivolous or designed really just to cause harm to the person he or she is complaining against?

MR. JOHNSON: I already have the discretion not to investigate those complaints, those frivolous, vexatious types of complaints, and I do it all the time.

MR. BRUSEKER: Thank you.

MR. FRIEDEL: Just following up on what Frank just said, if it is a frivolous or vexatious complaint, you in your office can choose to ignore it or refrain from doing anything. Is it possible, then, that if this sort of resolution that Gary Dickson just moved was put in place, that would prevent the employer from dealing with that employee who is being an obstructionist or whatever the case might be?

MR. JOHNSON: No. I think on the contrary. I think "in good faith" is something that is discussed in law, in courts, and I use that in many of my analyses of the complaints that come forward: in good faith; somebody who comes forward in good faith. If they come forward with the specific intent of undermining or, as you put it, basically to get somebody, then they would not be having this protection within the clause as it now reads.

Gary, you're a lawyer; maybe you want to comment on that. I believe that completely takes this out of that realm.

MR. DICKSON: If I could, Mr. Chairman, I think the other point to make is: is this without lawful justification or excuse? That allows an employer to discharge an employee who is not doing their job, who has breached the terms of their employment and so on. You find this in the IRPA, the Individual's Rights Protection Act, and some other things. This is in no way a constraint on the employer taking action against an employee who is not doing what he's paid to do. So there are the two provisions: the good faith requirement and it allows the employer to discharge, suspend, evict, et cetera if they have lawful justification or excuse.

3:08

MR. JOHNSON: It still doesn't help. One of the concerns that was brought before, "Will this inundate your office with complaints?" – the answer is no. It's just a protection clause for those people that do come forward. We already have 10,000 complaints per year coming in.

MR. FRIEDEL: I don't have any problem with the basic concept of what you're talking about. I'm a little curious as to why it has been denied in the past, and I keep thinking of things like a case where an

employee has in fact been dismissed and then comes to your office for an investigation after the fact. How would that be affected by this kind of an amendment?

MR. JOHNSON: It wouldn't affect it whatsoever. If a person comes to me – and I get many complaints on those issues right now because of government downsizing – I still investigate, and if I find there is evidence to support the investigation, then I state so and try and get some recompense to that person if they've been dealt with unfairly. If they've been dealt with fairly, then they're told straight up front: you've been dealt with fairly and within the policies and procedures as laid down.

MR. DOERKSEN: I have to ask several questions just to help my understanding. If I understand it correctly, somebody who now lodges a complaint with your office is not anonymous.

MR. JOHNSON: That's correct. They're confidential but not anonymous.

MR. DOERKSEN: Okay.

MR. JOHNSON: There is a difference.

MR. DOERKSEN: But if you're doing an investigation, through the length of the investigation it becomes obvious who that person is, because I don't know how else you can do an investigation without sitting down with people who would know that individual. So there must be some protection available now to in some way make sure that they're not discriminated against, or else the function of your office wouldn't operate or could not possibly operate properly.

The other thing is that you also stated earlier that you can do your own motion investigation if you saw that happen. So it seems to me that there are avenues available under the current situation.

MR. JOHNSON: In the practical sense you're correct: there is an avenue that's currently available. In reality, though, when you're trying to explain to a complainant who's coming forward, saying, "You will not face retribution if you complain to the Ombudsman's office," I can't produce anything in law that says that you will not face this retribution, whereas in other Acts – the Vulnerable Persons' Protection Act, Individual's Rights Protection Act, those types of issues – there is a legislated component right in front of them saying: you will not face retribution or these people who retribute will face some form of retaliatory action rather than just exposure by the Ombudsman's office.

Let me give you one other example. It's almost too bad that Mr. Brassard is not here. It involves one of the committees that he serves on. There was an investigation of a facility in this province where it was very serious to the extent that there were allegations that fire extinguishing equipment and pipes leading from the sprinkler systems led to an empty closet. In fact, it turned out to be true. There were a whole pile of other allegations that came forward. The person who is operating this facility was attempting then to take legal action against this person who brought the complaint forward and in fact is making quite a fool of himself behind the scenes currently to try and locate who specifically that person that brought the information forward is, and it will cause some legal actions. That's the type of thing we're trying to preclude from this inclusion that I'm requesting be considered in the Ombudsman Act.

MR. DOERKSEN: In practice, how many people walk away and don't leave the complaint with you once you give them the facts? In practice, how many times does this come back?

MR. JOHNSON: It doesn't come back often, but it happens about five times a year. It's one of the questions that come up in my public meetings more and more.

MR. CHAIRMAN: I have Yvonne.

MRS. FRITZ: Thank you, Mr. Chairman. I'm going to support the motion that's on the floor. I think it's reasonable and necessary. I think the Ombudsman has given us some clear examples today, although relatively few, as to why it's necessary to have complainant protection. Just as I had supported the whistle-blower protection Act, I agree with what was debated earlier, and I will be supporting what's on the floor.

MR. FRIEDEL: Can I make one more comment? I'm not questioning your ability to draft legislation, nor am I attempting to read something into what Gary's motion is, because you're actually reading the one from the letter of October 29, 1990. I would feel a little bit more comfortable if you didn't get into the explicit wording of the legislation you're recommending. I would certainly support a general motion that asks to have the Legislature draft an amendment but without us having the specific wording in our recommendation. There are a couple of things in the wording here that, not being a lawyer, I have a little bit of concern about and as a result wouldn't support it. If it could be general, I would support it.

MR. JOHNSON: In response may I suggest that the wording here came with the advice of Legislative Counsel before I put it in a letter to Mr. Bogle.

MR. DICKSON: I just wanted to remind my friend from Peace River that the reality is that all this is is a recommendation. Nothing happens, really, unless the government decides then to take the next step and introduce it in terms of a government-sponsored amendment. There will be ample opportunity for Legislative Counsel, for the government to review it and to make some modifications. I think this is a reasonable thing to put in front of them and maybe get them moving on, and there's still opportunity to amend if on reflection the Legislative Counsel or indeed the government itself has some concerns and wants some modification to it.

MR. FRIEDEL: Could we put something in our recommendation that would imply that it doesn't have to be this specific wording? I'm not saying that it may not be this wording, but let it come that way.

MR. DICKSON: If I might. This is in *Hansard*. My suggestion is that we make sure that if this is passed, the comments raised and the concerns be part of the package that goes to the appropriate minister. They would be able to recognize the concerns raised by you and other committee members. Would that suffice?

MR. FRIEDEL: I suppose so.

MR. CHAIRMAN: Any further comments?

We'll vote on Gary Dickson's motion. All those in favour? Opposed? Carried.

MR. JOHNSON: Thank you very much. The second issue is number 3 on the letter that I did send in: "Protection of the name 'Ombudsman'." I would like to see developed, and I haven't done the legal background work or had work done on the actual clause itself, but the protection of the name "ombudsman" is becoming

more and more an issue because the word “ombudsman” itself means something. It means an investigator and it’s independent and it reports to a Legislative Assembly, not through the executive side of government.

Other organizations are attempting to use the word “ombudsman.” The two in Alberta, the actual organizations, are Keyano College and the Workers’ Compensation Board. Now, they have both at my request withdrawn the idea of developing a WCB ombudsman because I also investigate WCB complaints. The same at Keyano College. Part of the issues would involve student finance and counseling, and specifically to student finance I also investigate the Students Finance Board if a complaint comes forward. There gets to be an idea of where and which ombudsman do you wish to take it forward to. I had in Red Deer not long ago an individual who claimed to be the ombudsman for the federal government. When challenged, he in fact was a person who was putting his shingle out saying that for a fee he would advocate on behalf of somebody who came forward. Now, in Red Deer, in WCB, in Fort McMurray, and the two newspaper ombudsmen – in other jurisdictions they’ve got banking ombudsmen; they have private enterprise ombudsmen. External affairs has now got an ombudsman at the federal level. Only internal mechanisms. I’d like to see the name of Ombudsman protected within the province so that nobody can use that name just by hanging out a shingle and charging a fee for an advocacy service.

3:18

MR. DICKSON: I move

that we ask Parliamentary Counsel to give us a report with respect to protecting the Ombudsman name in the province, to be provided at the next meeting of this committee.

That’s the motion. The reason I say that is that trademarks are a matter of federal jurisdiction. There’s some question in terms of whether the most appropriate way of dealing with this is by the provincial Legislature. I mean, I’m totally sympathetic to the aim, but I’m not persuaded that necessarily it’s for this Legislature to deal with by statute. What I’d like to do is have Parliamentary Counsel give some advice to the committee in terms of what our options are.

MR. JOHNSON: The options that I went forward with were to become a provincial symbol or in fact to be in the Ombudsman Act itself, but I haven’t pursued the actual legislative work. I’ll take that forward if that’s the wish of this committee and come back with specific wording.

MR. CHAIRMAN: Don.

DR. MASSEY: Yeah. I’d like some more information, because it seems to me that “ombudsman” has been a generic term around for a long time and has been used by municipal councils, library boards. All kinds of people have either had official or unofficial ombudsmen, so I guess I would just question even trying to take proprietorship for that at this time. I would like some information on what’s done in other jurisdictions across the country.

MR. JOHNSON: Yeah, I can develop that. In New Zealand what they have right now is that the New Zealand chief Ombudsman has to approve, and he has criteria laid down as to what it can be used for and where it can be used. What they’ve done in England, in Great Britain, is they have established criteria and a standard before they would allow it to be used. I think what I fear is a potential only, and that is that there’s such a proliferation that nobody knows where to send them to. In many jurisdictions right now – and we’ll talk about it in a few minutes – many of the Ombudsmen now are dealing with the human rights complaints, so I think I would like to protect it if at all possible.

DR. MASSEY: Yeah. I understand the motive. I just wondered about that.

MR. CHAIRMAN: Would the committee wish to vote on Gary Dickson’s motion?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: All those in favour? Opposed? Carried.

MR. JOHNSON: Thank you. Possibly now would be the time to slip to number 5, if we can: the expansion of the role of the Ombudsman to include contract agencies and, specifically, a letter I wrote to Mr. Bogle on July 26, 1990. This is becoming more and more an issue as privatization comes in. We raised this in previous discussions. We talked about this in the budget discussions for a few minutes dealing with these contract agencies. There is a fear that vulnerable people within Alberta are not going to have the same complaint redress mechanism available to them should it be a service provided directly by government as opposed to a stand-alone private contractor. What will happen – and I did mention this before; I think Mr. Dickson raised the issue – is that complainants will now have to go through an extra step before they can come to the Ombudsman to review what has happened, even though it’s public moneys involved in the supplying of that service. That extra step would be then back to the department. Each department would have to then provide procedures to investigate complaints that they have, and then I would be limited to investigating their investigation. I would not be able to look at the provision of the service itself up front.

So from a contract agency perspective I do have some concerns that more and more people are going to fall through the cracks, and I would like some thought given – and this is more of an open discussion rather than an absolute specific recommendation – to contract agencies and ensuring that they still have the access to an independent redress mechanism, because it’s still public moneys that are being supplied.

MR. CHAIRMAN: Gary Friedel.

MR. FRIEDEL: I actually have some sympathy for this request. It was one of the things raised during earlier discussion. Was it Bill 57? I suppose that as and when that Bill in its present or somewhat revised form is likely to come forward again, it’s going to be up for debate. I would suggest that with the information we have right now – and as you said, Harley, you’re just looking for an open discussion anyway – maybe we should do something similar to what we just did with the previous request: have some legal opinions and possibly have it debated in other circles so that that concern could be raised, particularly before the legislation is likely to come on the table again.

MR. DICKSON: If we’re going to do it in the same way – and I appreciate Gary’s comments – I’d move

that we request Parliamentary Counsel to give us an opinion in terms of what changes would be required not only to the Ombudsman Act but also to the Freedom of Information and Protection of Privacy Act to address privatized, for-profit agencies doing what had formerly been government of Alberta services.

That’s the motion, but I just say parenthetically: you know, people may disagree whether FOI should be part of it, but it seems to me that since we deal with both Acts, it’s a common issue. Let’s get the information from Parliamentary Counsel, and then we can debate and decide what, if any, part of that we should deal with.

MR. BRASSARD: I think that this is extremely timely as we move

more and more into privatization of many services, including seniors', where they're moving into private homes being supplied for that purpose. I think it's imperative that we know our jurisdiction within those facilities, particularly on behalf of the Ombudsman. So I support the direction wholeheartedly.

MR. FRIEDEL: I would, Mr. Chairman, actually like to see it go further. I would like to suggest that in addition to getting a legal opinion, both the government members and the opposition members take it back to their respective caucuses for debate, because I think this has the implication to be more than just legal, and I would imagine that everybody has received similar comments. I very much favour the concept of getting out of the business that government shouldn't be in, you know, and privatizing to a certain extent, but we also have to be careful that people don't perceive that we're doing this for the wrong reasons and that openness and fairness and everything else remain a part of what we're responsible for. So I would like to see it taken to other debates, as I said earlier, in different circles, presumably caucuses and such.

MR. CHAIRMAN: All those in favour of Gary's motion? Opposed? Carried.

MR. JOHNSON: Thank you.

The number 6 item in my letter, the recent report from the Canadian Mental Health Association, Alberta division: I included only one article rather than the entire report. I have the entire report. I don't know whether you as committee members have seen the entire report or just seen the precis in the newspapers and this type of thing.

I have some concerns with the report from the perspective that it claims to offer a one-stop shopping centre for citizens' concerns or public complaints or an independent redress, yet the recommendations don't bring it to a one-stop shopping centre component. The recommendations still have all these little lines moving all over the place. One of the concerns that I wanted to raise before we got into item 1 that came out in this report is that from an Ombudsman's perspective, it shows the public commissioner or the citizens' commissioner reporting findings to the Human Rights Commission, which I think, if you have independent officers of the Legislature, is an inappropriate way to go. On that basis I could also slip now into item 1, realizing there are time constraints.

MRS. FRITZ: So was that just for information, Mr. Chairman?

MR. JOHNSON: That was just for information and where I'm coming from on the report, because obviously it affects my workload, and this committee should be aware of where I'm coming from on this. I have not made any public comment on it. Of course *Hansard* – somebody may take it, and it may generate. I had a number of telephone calls last week. Unfortunately, I was out of town when they did make the actual report, but this committee was aware in advance that this report was coming down, not the specifics in terms of the recommendation. It is claiming for a one-stop shopping centre, when in actual fact it's not what the recommendations finally come out to. If this report is accepted and work is done towards it, it would actually fetter the responsibility of the Ombudsman's office in that I or whoever is this commissioner would have to report sideways.

3:28

MR. DICKSON: I was just going to say that I appreciate the Ombudsman bringing this to our attention. There are some other concerns I have with the report, coming at it from a different perspective. It looks to me like it would be a diminution of the work

of the Human Rights Commission. It talks about turning the commission into a standing board of inquiry, and while there ought to be a standing board of inquiry, I don't think that the commission is the appropriate vehicle to do that. So I think there are a number of concerns with the report. I think that the notion of one-stop shopping is always a very simplistic way, attractive, but I think there are some very different mandates and a lot of different concerns in terms of how you do this without reducing some of the effectiveness these offices have currently.

MR. BRASSARD: I agree that the report is an oversimplification. I have a copy of the report, which I have read most of at this point. I find it interesting that the Ombudsman and one of the committees that I chair at present are in discussion about an issue, and to try to lump that in and resolve all of that I think is not the way to go. So I do not concur with the report, and I'm not speaking at all to number 1 on this agenda. Certainly I have discounted the report. I'll let it go at that. I don't agree with the report at all.

MR. JOHNSON: I think the issue raised that a one-stop shopping centre for investigative services on the surface has merit, but it has to be explored very carefully before you jump into it.

MR. BRASSARD: Yes.

MR. JOHNSON: In the same vein, going to number 1. One of the issues that came up in front now of two ministers of community development talks about the role of the Ombudsman and the amalgamation of the role of the Ombudsman with the Human Rights Commission. This issue was told to me to be an issue that was going to be discussed in a recent study that was done within the Human Rights Commission, but the issue was never addressed in the final report, and that is whether or not investigative services could in fact be handled by one office. I'm of the opinion that they can. I raise it as an issue. Also I believe that you, Victor, brought it up at one point: is it going to be looked at? My information to you at that time was yes. I was told it was, and it never did happen.

I believe that the Ombudsman's office and the Human Rights Commission, as it now stands, can be amalgamated with significant changes in the process of their investigation. I'm currently dealing with the Human Rights Commission on how they investigate complaints in an attempt to speed up their process, in an attempt to make it more fair, and to make sure that it stays within their legislated mandate. There's an awful lot of work that has to be done, and I think it can be done, if the combination of the two offices is felt to be appropriate. I'm letting this committee know that it is appropriate from my perspective, and it could be accomplished and still perform exceptionally effectively.

MR. DICKSON: Well, I just want to make a comment. I understand the views of the Ombudsman, and I guess I just wanted to make it clear that I have strong concerns and that in fact I'm opposed to the idea you advance. I appreciate the reasons you raise, but I think that there are a number of reasons, and I don't think it's necessary for me to go through all of them now because I simply don't think we're going to have sufficient time. I just wanted to be clear with the Ombudsman that I don't support the proposal to merge the two offices.

MR. JOHNSON: I probably knew that in advance.

MR. DOERKSEN: I would like to see this process continue, to see whether we can't bring the two together. So I'm speaking in favour of that.

MR. CHAIRMAN: Any other comments?

MR. FRIEDEL: Well, I'd like to echo what Victor just said. I don't think that the concept should be abandoned. I don't think we have enough information here today, but certainly I would like to see it pursued.

MR. DICKSON: Just one other thing. Because I know that my friends around the table are all reasonable men and women, before our next meeting I'm going to circulate a copy of the submission I made to the government-appointed panel reviewing the Individual's Rights Protection Act and the Alberta Human Rights Commission and see if I can't persuade some of my friends in that fashion to reconsider their initial enthusiasm for the concept of a merger.

MR. JOHNSON: I think there's one other issue that I'd like to raise before moving on, and that is that I support totally the position that that particular review panel did as to making the Human Rights Commission independent and out of the umbrella of potential if not perceived and in some cases real budget cuts that are department issued as opposed to legitimate reasons across government in total, thereby making, in my opinion, the Alberta Human Rights Commission less effective because of that. That's truly unfortunate. I believe that it should be responsible to this committee as an independent office, and I'm proposing that it could in fact still be amalgamated under one roof.

MR. DICKSON: We agree on that.

MR. JOHNSON: Item 4. I have argued in the past and I realize that this committee has already taken a position that the Information and Privacy Commissioner's duties should in fact be amalgamated with an office, and there is unofficially a move to have it go to the Ethics Commissioner. As I pointed out to this committee before, I have no problem whatsoever with Bob Clark and his capabilities. It's my opinion and I wanted to put on record before this committee that the accessed information and the refusal of agencies to provide information to the public is an administrative decision, not a conflict of interest decision. I currently deal with refusals to provide information, currently deal with privacy issues, as they relate to administrative actions though, not as they relate to legislated actions. Let me explain. If a person needs information to go to a secondary process and the government refuses to provide that information, if the bureaucracy refuses to provide that, then I in all probability will be making a recommendation that that information be provided to that person.

Very specifically, it came up recently where a person was attempting to get Indian status by definition with the federal government, but the birth records and many of the records through Family and Social Services were in fact confidential unless authorized by the minister, and the minister did not authorize that. During an investigation I felt that to be an administrative unfairness because the person couldn't prove their heritage background. The minister accepted my recommendation, and that person was supplied with that information. It was accessed information. But that's an administrative issue, not a legislated issue, and I contend that the Information and Privacy Commissioner's duties by law are more administrative in nature than they are conflict of interest in nature, realizing the position that this committee has already taken.

MR. DICKSON: I just want to say that in Alberta we're extremely fortunate that we have so many strong and competent legislative officers. I just want to say that I'm opposed to the Ombudsman also being the information commissioner, but I want to acknowledge –

and I want to say this on the record – that if on a functional basis you were going to combine the Information and Privacy Commissioner with another legislative office, there's no question in my mind that the Ombudsman is a far more appropriate fit in terms of function than the Ethics Commissioner for the reasons that have been mentioned by Mr. Johnson. I still say and want to put on the record that a very persuasive submission had been made by the Ombudsman to the all-party panel on freedom of information that was considered at length, and the ultimate decision was that in fact the commissioner should be a stand-alone position. So we heard the views, and while my friend from Peace River may say that he wasn't totally in agreement with that, there was no dissent from that report.

I guess just one other comment, Mr. Chairman. I'm concerned. I look at the package. I see a letter dated March 10, 1994, to the chairman from the Ombudsman that at least this member hasn't seen before, and I'm wondering how it is that that letter of March 10 wasn't circulated to members of the committee before this time.

3:38

MR. CHAIRMAN: Yes. In fact, I asked Diane just before the meeting whether that had been circulated. I certainly didn't instruct Diane not to circulate it. At the time, almost a year ago when Harley wrote the letter, I guess we were wondering when would be the appropriate time to put it in the binder and maybe were negligent in doing that. I did inform the committee, when our discussions were taking place, that the Ombudsman was one of the officers who had indicated that he was interested in taking on the freedom of information and protection of privacy duties. If Diane wanted to make any further comments, she certainly could.

MRS. SHUMYLA: Yes. Ron and I talked about this letter before the meeting. When I get letters from the officers, they come to Ron's attention, and they're transferred to me. Usually I will send them out to all committee members, but if it's a matter where I think the officer may not have spoken to the chairman yet – that's perhaps why it wasn't forwarded at that time. I'd have to check in my office if I did forward this. I usually mark them.

MR. DICKSON: Mr. Chairman, I want to be clear. I'm not imputing motives to anybody. We all commit oversights, because we're busy people. But I think I had raised this last meeting. I just think it's the sort of thing where we have to make a special effort to make sure that when the stuff comes in, it's distributed in a timely way to all members of the committee. I accept the explanation, but I just wanted to flag it. I think it's useful for me. I like to see the text of the letter. The summary is helpful, but I'm a slow learner, I guess, and I like to be able to digest the letter at my own pace.

Thanks very much.

MR. CHAIRMAN: Gary.

MR. FRIEDEL: Yes. I'd like to make a comment on the possibility of combining the offices. I realize that the recommendation is already made, and I'm not suggesting going back and making any changes there, but I would like to suggest that the relative Acts be at least investigated to make sure that it is possible in the future to combine one or more of these offices. I don't think there's anything wrong with having the system set up so that it is possible whenever it might be practical and expeditious. While we're in this process now, there would be nothing wrong, in my opinion, in investigating all of the legislative office Acts to ensure that the capability at least, on the recommendation of either this committee or the Legislature, could be followed through.

MR. CHAIRMAN: My understanding is that the only one that was

restrictive was the Ethics Commissioner's Act.

I mean, I think your Act allows for you to take on the duties; is that not correct, Harley?

MR. JOHNSON: It would be very easy. There would still have to be an amendment.

MR. FRIEDEL: In actual fact, I think the freedom of information Act, in its written form, included it; did it not?

MR. CHAIRMAN: No. It was the Ethics Commissioner's Act.

MR. DICKSON: It was in the report, but it's not reflected in Bill 18.

MR. CHAIRMAN: Are you finished, Harley?

MR. JOHNSON: I am, Mr. Chairman. I just wanted to go on the record that I believe this is much more an administrative Act than it is conflict of interest. Realizing completely where this committee is coming from, I just feel it's appropriate that it be reflected upon and stated publicly.

MR. CHAIRMAN: Fine.

MR. JOHNSON: This also leads into what was just raised by Gary in terms of item 7. I recommended to this committee in one of our previous meetings that there be an independent commission to review the role and the mandate of the Ombudsman, to pull it all together, to look at it in a clear light to see just how far we want the role of the Ombudsman to go or if in fact we want it more restrictive or more expanded, and I am requesting support from this committee to in fact take the next step. I think somebody outside of myself; I should not be the person doing it. Somebody outside of this committee or outside of the Legislative Assembly should not be doing it.

We know there are many different models that are occurring around the world. Especially in British Columbia now there are massive changes going on in the role of the Ombudsman only as it impacts on the agencies that it will be investigating: hospitals, universities, municipalities, professions and occupations societies. It's quite extensive. I think it's appropriate after 27 years of having the Ombudsman's office in place that somebody now sit back and say: "Is this organization doing what it's supposed to be doing? Can it be made more effective? Should it in fact not even be here?" I'm prepared to put that on the table as well because I think somebody should be looking at it, but I think it also should be somebody independent.

MR. FRIEDEL: I'm not sure if I heard you correctly. You spoke a minute ago about it not being the Ombudsman's office itself, which of course makes sense, but you went on and said it should not be someone outside of government. If I misunderstood that, I'm assuming you mean it should be someone outside of government.

MR. JOHNSON: If I said it should not, I was mistaken. No. It should be somebody external to government, somebody who can be independent completely of the office of the Legislative Assembly or the bureaucracy.

I believe it was Mr. Bruseker who asked last time who could possibly do this type of role, and I suggested possibly either the dean of the Faculty of Law at the University of Calgary or the University of Alberta, both being independent or far enough apart from this office and from the Legislative Assembly to give a good, independent review. The original setup of this office came

independent of government from Clement, QC, who did the original study which was brought back to the Legislative Assembly and approved.

MR. DOERKSEN: Mr. Chairman, this is an issue that I'm not sure we can finalize this afternoon in view of the fact that there are members who already have had to leave and in view of the time that others have to leave as well. I would suggest we put it on hold and bring it back to this table.

MR. CHAIRMAN: Okay. Agreed?

MR. FRIEDEL: I agree with Victor; I think the request has merit. However, considering that the original draft has been with us – I'll take your word for it that it was 27 years ago – it's probably time that we do review it.

MR. DICKSON: Well, I appreciate the comments, and we are down to sort of a rump group of the committee, but I have one concern and it's this. We see all kinds of changes going on at, some might say, breakneck speed in terms of mergers, in terms of changing reporting structures. It's important to me that we not have the review report after we've already made some major changes to the office, so I'd like to suggest it be put close to the top of the next committee agenda so that we are able to deal with it and it's not further delayed.

MR. JOHNSON: If I could recommend that items (a) and (b) also be included in that as well, realizing your time constraints.

MR. CHAIRMAN: Okay.

Thank you, Harley.

I need to get one motion through here before we adjourn. So the next order of business is item 7. I have communicated with Bob Clark, as you can see, by letter. I guess maybe Gary Dickson in our last meeting was telling the committee that possibly the \$200,000 budget allocation was not enough. Bob Clark certainly thinks that way, and I guess some of the people in public works who are going to be supervising this Act think that because this Act may be enacted sooner than we were thinking in this next fiscal year.

My recommendation to this committee is that the budget for the Information and Privacy Commissioner be increased to \$450,000 for 1995-96. Is there any discussion on how Bob Clark and I as chairman want to amend the budget estimate that we did last time?

3:48

MR. DICKSON: I so move.

MR. CHAIRMAN: Any discussion? All those in favour?

MR. DOERKSEN: Mr. Chairman, I'm not sure how we can make a decision without any discussion. There's nobody here to represent the increased budget or what the justification might be for the extra \$250,000.

MR. CHAIRMAN: Well, it was a discussion between Treasury and Bob Clark that took place after our motion at the last meeting. I guess maybe the horse got before the cart on this one or something like that. When we were asked to make a budget at the last meeting, that discussion with Treasury hadn't taken place yet. So that's the nuts and the bolts of it, Victor.

MR. DICKSON: I think, Victor, we're in the same position we were last time. We've simply got more information. There is nobody who can really come and defend a budget, so we're in a position of basically making an arbitrary decision. I think the only difference

is that we've now got some people in PWSS who are telling us that this makes more sense than \$200,000. I expect we may have to revise the thing further, but this seems to be at least a more realistic kind of target, albeit somewhat arbitrary.

MR. CHAIRMAN: All those in favour? Opposed?

MR. FRIEDEL: I don't know what that just did, but I feel sort of like Victor: just to come in with a small percentage of the committee here and make a decision to double the budget. I realize that in the overall scheme of things, I mean, \$250,000 isn't the end of world, but nevertheless it's a drastic change from what we said at the last meeting.

MR. DICKSON: Well, what was the last thing based on? I mean, we were guessing. We didn't have the advice from the department people last time.

MR. DOERKSEN: There's only one for and one against. You can break the tie.

MR. CHAIRMAN: Well, of course I'm in favour of it, so I'm declaring the motion carried.

MR. DICKSON: Is that it, Mr. Chairman?

MR. CHAIRMAN: Yes. I seek a motion to adjourn.

MR. FRIEDEL: So moved.

[The committee adjourned at 3:52 p.m.]

