

5:36 p.m.

[Mr. Langevin in the chair]

THE CHAIRMAN: I'll call the meeting to order. To start with, I'd like to ask for the approval of the agenda.

MRS. O'NEILL: So moved.

THE CHAIRMAN: We have a motion by Mary that we approve the agenda as circulated. All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: That is carried.

Now, you have copies of the minutes of December 16, 1998. I'd like to ask if there are any errors or omissions in the minutes.

MRS. O'NEILL: I move that they be accepted and adopted.

THE CHAIRMAN: I have a motion again by Mary that we accept the minutes as circulated. Any discussion on the motion? If not, I'll call the vote. All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: That is carried.

Now, as you remember, the December 16 meeting was to receive the presentation from our four officers on their budget for the year 1999-2000. We've had five or six weeks to look at the budgets. What we have to do today is make a decision on those budgets, and I'd like to start a discussion on item 4 on the agenda, the budget in reference to the Ombudsman.

MRS. FRITZ: Mr. Chairman, if there aren't any questions on this budget, I'd like to make a motion to move the budget of the office of the Ombudsman.

MS OLSEN: I have some questions on it.

MRS. FRITZ: Do you? Okay.

THE CHAIRMAN: I'll accept the motion, and then we'll have discussion on the motion.

MRS. FRITZ: Okay. Then I'd like to move that the 1999-2000 budget estimates of the office of the Ombudsman be approved in the amount of \$1.587 million and that that be adopted as was presented to the committee.

Mr. Chairman, in making that motion, I'd like to refer to the letter that the Ombudsman had written to you on December 11, 1998, where he referred to

a significant shift of governing responsibilities which will see the involvement of the Office of the Ombudsman as the independent third party review process for not only a number of professional groups but numerous regional boards as well.

As we've discussed in the committee in the past, we would see that happening with the onset of the Health Professions Act, which is expected to be passed early in 1999. In that act alone we'll see the jurisdictions increasing and, as he said here, his jurisdiction expanding "to include 29 health professions."

So I know that it's an increase that has been requested by the Ombudsman, but I would ask that the committee support the motion.

THE CHAIRMAN: Well, thank you for the motion and those comments.

Is there any discussion on the motion?

MS OLSEN: I have some discussion on the material provided by the Ombudsman on the request that we had made at the previous meeting. In the discussions with the Ombudsman we asked him to provide a copy of the process review report, which he did. Then there are some questions that unfortunately, I suppose -- well, the Ombudsman is not here to ask.

In relation to this report there were some concerns with intake issues and logjams in Calgary and, as a result, delays and complaints. I'm curious to know what specific action has been taken to remedy those problems in Calgary in the processing of the complaints. You know, what action will be taken down the road in '99-2000?

Now, in relation to the budget, my question would then be: is the budget going to be taking on the new role under the health information act? In giving that budget money to do that, I'm not yet satisfied that that alleviates the complaints and that there's been a strategy addressed to alleviate the existing complaints, never mind approving a budget where the Ombudsman takes on more responsibility. So I don't see any strategies there to address those problems that already exist.

THE CHAIRMAN: Okay. That's something that was raised when he made his presentation; right?

MS OLSEN: That's right, and now we're going to approve his budget. It's not so much that I don't want to approve his budget, but I think these concerns have to be raised. We're approving a budget in relation to new work-related duties. For those responsibilities that exist already under the act, if there are problems with those responsibilities, then adding more responsibility is going to be a problem. So I'm just wondering what strategy the Ombudsman's office has taken to address those concerns in Calgary. We don't have that answer here, yet we're here to approve the budget. So I'm going to raise that concern. I'm not going to oppose approving the budget, but I think that's something that we as a committee have to be responsive to and ask him to respond to us at some point.

THE CHAIRMAN: I can't recall the conversation when he did the presentation, but what we could do is ask Diane here to contact the office. Maybe if you get something in writing from Mr. Sutton, you could circulate it to the members of the committee.

MRS. SHUMYLA: Okay.

MS OLSEN: I just want to make it very clear that he's taking on new responsibilities, and we're giving him new money to do that, yet we're unable to determine at this very point that he has addressed the problems that already exist in the Ernst & Young report.

THE CHAIRMAN: Okay. We're going to try and get an answer for you from his office.

MRS. SHUMYLA: I was just going to add that, yes, I can send him a memo or letter with the attached transcript so he knows what we were discussing and then ask for some follow-up for the committee.

THE CHAIRMAN: Ask for a response.

MRS. O'NEILL: Well, my comment is that the last time the Ombudsman came to our meeting, he presented as best he could his

projections, I felt, for next year and his expenditures in including them in his budget. He did attest to the fact that he would be looking at it as efficiently as he could possibly forecast, and he assured us at that time that while he was dealing with the execution of the unknown, of new tasks, in his forecasting capabilities he did say that he felt that this budget would address the issues. He gave me that confidence, and that's why I will be voting in support of the motion.

THE CHAIRMAN: Thank you, Mary.

Any further discussions? If not, I'll ask for the vote. All those in favour of the motion as tabled by Yvonne?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Against? The motion is carried. Thank you very much for that.

The next item is item 5, and we're talking about the budget for the Auditor General for the province of Alberta.

MRS. O'NEILL: Mr. Chairman, I would like to move that the 1999-2000 budget estimates of the office of the Auditor General in the amount of \$12,936,093 be adopted as presented at the last meeting.

I, too, feel that the Auditor General's office has expanded requests for their work, and certainly they have forecast as best they could. Who better to forecast what it's going to cost them? I think they projected and presented us with a budget after we queried them on a number of things. That budget is capable of being lived within. Again, I return to the assurance that he gave us that he felt that with this increase over last year, it was certainly within the realm of possibility.

THE CHAIRMAN: Thank you, Mary, for that motion.

Is there any discussion on the motion? If not, I would like to ask for the vote. All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? The motion is carried.

Item 6 is the budget estimates from the office of the Chief Electoral Officer for the province of Alberta.

5:46

MR. JACQUES: Mr. Chairman, I would like to move that the 1999-2000 estimate as presented by the Chief Electoral Officer in the amount of \$1,208,955 be adopted as presented.

Mr. Chairman, I wasn't at the last meeting; however, in preparation for today I did review the binder together with the copy of *Hansard* for each of the budgets that were presented and got a fairly good feel with regard to the questions that had been asked by the committee. I really didn't have any additional ones, particularly as it related to this particular legislative office. The material seemed to be, I think, fairly self-evident in terms of the discussion that took place at the last meeting. Hence my motion.

THE CHAIRMAN: Thanks, Wayne, for the motion.

Any discussion on the motion that he has made?

MRS. O'NEILL: I just have a question, and that is with respect to the memo that we were given at the beginning of this meeting on the subject of the acquisition of ballot boxes. Is that going to adjust the amount that you have mentioned?

MR. JACQUES: Yes.

MRS. O'NEILL: Or is it going to be blended and adjusted and something within that amount?

THE CHAIRMAN: Mary, that's a good question. Item 7 will cover your question. If you want to look at the agenda, it is to deal with the . . .

MRS. O'NEILL: Oh, that's in reference to it. I'm sorry. I was trying to include it in this one. Sorry.

MR. JACQUES: Yeah. He actually wants to change it in this year's budget, not in next year's. That's what he's looking for.

MRS. O'NEILL: Oh, yes. I understand now. Thank you.

THE CHAIRMAN: No problem. We'll deal with that in the next item.

So the motion now is to deal strictly with the budget estimate as was presented on December 16. Are there any questions on that motion? If not, all those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed? The motion is carried.

Now, Mary, your question will be answered on number 7 here. Yes, Wayne.

MR. JACQUES: Yes. Mr. Chairman, we have under item 7 the memo of January 7, which was in our binder, together with the memo of January 19, which you distributed at the outset of the meeting. In that connection I would like to move that

the current budget for the Chief Electoral Officer for the year 1998-99 be changed to reflect an increase of \$40,000, which I understand will be under the definition of capital, and that that \$40,000 be transferred from the operating costs as included in the 1998-99 budget figures.

My understanding based on both memos is that there is indeed going to be an underexpenditure in the current year and that there are sufficient moneys overall to accommodate the \$40,000 request.

THE CHAIRMAN: If I remember right -- and I don't have the figure, Wayne -- the office of the Chief Electoral Officer will be returning somewhere in the neighbourhood of \$400,000 or \$500,000 at the end of the year. It would come out of that amount, so we don't have to go back to the Legislature for a supplementary request. It's just transferring the funds, as you mentioned in your motion, from one account to the other to make the purchase possible.

Any questions on that motion?

MS OLSEN: I guess I have some questions. Again, it's unfortunate we can't speak to Mr. Fjeldheim. I have no problem, obviously, with the \$40,000, but he stated in his January 19 memo that

the use of the polyethylene rather than the polycarbonate does result in some loss [of] strength, although I'm told the difference is minor and only at very cold temperatures.

I guess my question is that we have two different products being used. We have a \$20,000 difference, and I'm wondering: if he's got \$600,000, then why are we . . . You know, if the integrity of the boxes can be an issue at very cold temperatures -- and let's not forget the February/March election we had last time -- there's going to be a need for these boxes to be stored in a manner that is not going to expose them to those elements. On some of my election days it was minus 35 and minus 40, and in fact on election day it was pretty darn cold as well in this city. So I'm just questioning the issue of the ballot box integrity in relation to that. The difference obviously is \$48,000 from what had been purchased now and what he had proposed to purchase. So, again, we can't talk to Mr. Fjeldheim. I'd just maybe mark that down.

THE CHAIRMAN: You're expressing your concern about that. I had some discussion with Mr. Fjeldheim after I received the first memo and the second memo, and his indication to me also was that these boxes are always stored inside at the office there. It's a heated storage, not a cold storage, where we keep all this stuff. Then there's only the time of shipment, but in most trucks today and most transport it's also a controlled environment. So the chances of having these in a very cold environment are slim, but even at that time, unless somebody really abuses them, there would be no failure. They won't be as strong, you know, if it's minus 40 and they're outside and they are hit very hard, but he felt that the cost saving warrants more than the amount of extra strength you would get. You know, it's basically half the price.

MS OLSEN: I guess we'll find out after the next election.

THE CHAIRMAN: We'll probably have a summer election.

MS OLSEN: Thank you for that. I would like that.

MRS. O'NEILL: Just a point of interest. The last ones that were ordered by the office were in 1978-79. There certainly hasn't been any notation here of them failing, and we're talking 20 years. I happened to have an opportunity for two days to sit in a room with these boxes and have the seals broken and observe these cumbersome things, and you'd think that they were the stronghold of Alcatraz when I looked at them. I don't know whether they were the more expensive ones or whether they were the less expensive ones, but if we can save, in my mind, 40-some thousand dollars on these boxes that are so sealed and everything, then albeit a naive comment, I think \$40,000 is a lot of money.

MR. JACQUES: I'm just noting that assuming the numbers are correct that we've been given all along, the 1,200 boxes would cost, using the first material suggested, an average of \$700 per box: 1,200 at \$700 is \$88,000. He's proposing 2,000 boxes for \$40,000, which makes the cost approximately \$200 per box. That's very significant: \$700 to \$200. So presumably we could withstand a little bit of cold and even maybe a little bit of breakage on that differential.

THE CHAIRMAN: Yeah. You can afford to replace 1 or 2 percent.

MS OLSEN: Yeah. I guess my point was not to say that this was a bad purchase or that we're not interested in saving \$48,000.

THE CHAIRMAN: No. I understand.

MS OLSEN: My point is that at certain times -- and who knows, Mary, what the product was at the time they bought the other boxes? Yeah, the savings would be nice. I'm only suggesting that sometimes you get a Cadillac, sometimes you get a Ford Escort, and where's the balance in between? That remains to be seen. Who knows?

THE CHAIRMAN: Okay. Thank you for those comments. I'll call the vote. All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? The motion is carried.

Now, item 8 is the estimates from the office of the Information and Privacy Commissioner.

5:56

MR. HIERATH: Mr. Chairman, I would move that

the 1999-2000 budget estimates for the office of the Information and Privacy Commissioner in the amount of \$1,777,020 be adopted as presented.

I think the budget of the office of the Information and Privacy Commissioner will from here on probably settle down and be a little bit more predictable for the commissioner, Mr. Clark. There are always some growing pains whenever a new act is started, and it was very unsure three years ago as to what the budget necessities were of the Information and Privacy Commissioner. I certainly think the manpower side of the commission's job was probably underestimated. I think the 12 percent increase over last year is necessary, so that's why I'm moving the adoption of the budget as presented.

THE CHAIRMAN: Thank you for that motion and those comments. Any other questions or comments on this issue?

MS OLSEN: First of all I'd like to thank the Information and Privacy Commissioner for providing the update that he sent us out from the last meetings we had in relation to those who had to actually submit -- oh, that's the ethics, conflict of interest, but either way.

THE CHAIRMAN: The same commissioner.

MS OLSEN: He's done a good job.

I think this office probably will see an increase in their use. Having health information legislation apparently coming forward, there will be discussions in the years down the road as to who is and who is not covered. I can see the issues of delegated administrative organizations being covered. There will be the push on to have private schools. So I think the increase to the budget is reasonable, and it will allow for added human resources that need to be fulfilled.

THE CHAIRMAN: No more comments?

I'll call the vote on this motion. All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? The motion is carried again.

Number 9 is the estimates for the office of the Ethics Commissioner.

MRS. FRITZ: Mr. Chairman, I'll move that

the 1999-2000 budget estimates as presented by the office of the Ethics Commissioner in the amount of \$196,480 be adopted.

I'd like to note for the record that I agree that this is a fiscally responsible budget in that it's being presented as a minus 6 percent over the previous.

THE CHAIRMAN: Thank you for the motion. Any discussion on this motion?

MS OLSEN: I think my last comments were indicative of the need that we see to separate the two offices, Ethics Commissioner and freedom of information and privacy. However, again I think this is a reasonable budget, and we do have, hopefully, the proclamation of the new Conflicts of Interest Act coming forward, and that will certainly require a little more work from the Ethics Commissioner as well. I think this is a reasonable budget from that office.

THE CHAIRMAN: Thank you.

All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? The motion is carried.

Item 10 is the appointment of the auditor for the office of the Auditor General. Every year we have an auditor that audits the Auditor General on his office performance and the financial budget that we approve for the Auditor General. In the past we have had that done by Kingston Ross Pasnak, a chartered accountant firm from this city. It's one of the few firms in Edmonton that has no conflict with any of the work that the Auditor General does in the province. More and more he's involved in auditing school boards and regional health authority boards and different boards across the province, and there are many auditors and chartered accountants in this province who have contracts with some of these municipalities, these school boards, these RHAs, so they would be in conflict. In this case there's absolutely no conflict. So I recommend that we approve the same firm one more year. You have the document in front of you with the estimate. I don't know if somebody would care to make a motion to support that. Wayne?

MR. JACQUES: Yes, Mr. Chairman. I would move that the firm of Kingston Ross Pasnak be appointed as the auditors for the office of the Auditor General for the year ending March 31, 1999.

THE CHAIRMAN: Any discussion on the motion?

MS OLSEN: I just wanted to raise a question. I don't know, this being my first year. When you say there's no conflict with Kingston Ross Pasnak, I'm assuming, then, that they don't also do government work. Do they do government work as well?

THE CHAIRMAN: As far as I know, they don't do any other government work, plus they don't do any auditing or bookkeeping or whatever. They're not involved with any of the work that the Auditor General does.

MS OLSEN: Okay. I'm comfortable then. If they don't do any government work and if they're not involved in any of those organizations that the Auditor General is involved in, then I would be satisfied to support that motion.

THE CHAIRMAN: All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? That's carried again. Thank you very much.

Now we have number 11, returning officers. If you remember a while back when Derm Whelan was still the Chief Electoral Officer of the province of Alberta, he had written a letter to the chairman asking that we review the possibility of changing the fees for the returning officers in the province. He was also proposing back pay for the last election -- and I'm just looking for the amount here -- at an estimate of \$136,950. That came to the board, and then there were discussions.

If you look at *Hansard* of October 24, 1997, following his written request, one of the paragraphs says that Mr. Whelan stated that he wrote to the chairman on September 25, 1997, proposing a change to the fee schedule for returning officers and election clerks and asked whether it could be made retroactive -- you see the intent was that he wanted to make it retroactive to the March 11, '97, election -- as he felt that they were not adequately compensated.

Then Mr. Dickson, a member of this committee, raised the issue on December 16, 1998. This is our last meeting. He felt that we had

never dealt with this request. I personally feel that we have dealt with it in the form that if there would have been a member of this committee that had a strong feeling on this request, that member would have brought a motion to the floor proposing to adopt the request, and then there would have been discussion and a vote either to adopt or to refuse the motion. There was never a motion that was brought to the floor.

On December 16, when Mr. Dickson expressed his concern that we hadn't dealt with this, Mr. Fjeldheim, the new officer, replied that the amount was not in his budget -- I'm just paraphrasing right now; I'm not reading -- and that he had, if I remember right, no intention of making such a request and that it was not in his proposal to compensate retroactively or to propose a raise in pay for the returning officers at this time.

As chairman, to open the discussion, I'm not in a position where I can support this request to change the wages or the remuneration for these people at this time. I believe that when the new officer gets well established and he's got a year or two or three under his belt, if he comes back with a proposal to change the remuneration at that time, we could review it and we could assess it and we could make a decision if we do support that or not. But in my opinion it's premature to do something that the new officer does not support and it would be in bad taste to make something retroactive on the request of an officer that's not employed by us anymore.

So those are my comments, and I don't know if anybody wants to add to those comments or if there are different points of view.

6:06

MRS. O'NEILL: I just wanted to speak very quickly to this. We had the presentation at our last meeting by the current Chief Electoral Officer, and we rely very heavily on their assessment of their needs, budgetarywise, and because it was not included in it, I do not feel that we should override their direction in this case. Therefore I would not be in support of it.

THE CHAIRMAN: Thank you, Mary, for those comments. Any other comments?

MS OLSEN: Again, I wasn't on this committee when Mr. Whelan was the Chief Electoral Officer, so I'm not really familiar with the total background on this. What I would say is that because Mr. Fjeldheim has no experience as of yet in his current position, he may or may not at some point come forward closer to an election possibly with a recommendation for an increase for the returning officers. I think we're now two years down the road. I haven't spoken to Mr. Dickson on the issue, but I would suggest that because we're two years down the road and have had that change of leadership in that office, it wouldn't be a prudent move to go forward with that request. So at this point I would support not going forward with this request. However, I would caution the committee that at some point Mr. Fjeldheim may in fact come forward with a request for an increase, and we need to give that some consideration if in fact that does happen.

THE CHAIRMAN: Thank you for those comments. Wayne.

MR. JACQUES: Yeah. I just wanted to comment. When this issue came forward in October of 1997, I think it's fair to summarize that there was certainly no warmth at the table with regard to the issue of retroactivity. That was the primary issue that, quote, came for discussion, but there was no motion made. I suspect that one of the reasons for that is there simply was no warmth for it at the table. So when I read *Hansard* from the last meeting in December, I was a little surprised that it was back. Well, I'm not surprised, I guess, that

the question had been asked, but I was surprised it was back on the agenda, because I thought Mr. Fjeldheim had answered the question from his perspective quite clearly at the last meeting. So in my opinion there's no further action required. Unless somebody is prepared to make a motion, there's nothing really to discuss on this.

THE CHAIRMAN: It's a dead issue. Yes, I agree with you. The only reason it's on the agenda is that Gary wanted to have it on the agenda to have further discussion. He was not able to be here today. I have the same opinion. I think it's a dead issue at this time, and it seems to be supported across the board here.

MRS. FRITZ: I also think, Mr. Chairman, that it is at this time, but I know that there were over 30 proposals put forward by the previous Chief Electoral Officer. The reason that I recall those were put forward was because of the significant additional work that the returning officers had experienced with the enumeration and whatnot of the previous election. So if the current Chief Electoral Officer brings forward a proposal in relation to those 30 recommendations, I would see the committee looking at it at that time, but that isn't what we have before us.

THE CHAIRMAN: Okay. I don't think we have to make a negative

motion. We've had discussion. We'll just leave it as is, and we'll wait. If there's a request that comes forward, we'll evaluate it at that time.

Item 12. Is there any other business that members would like to bring forward at this time? Hearing no new business, the date for the next meeting I don't think we can set today. We'll see when there's a need for a meeting, and we'll advise the members as in the past.

I need a motion to adjourn.

MRS. O'NEILL: So moved.

THE CHAIRMAN: Moved by Mary that we adjourn. All those in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Well, it's unanimous again. Thank you very much.

[The committee adjourned at 6:11 p.m.]

