

Title: Tuesday, June 10, 2003

Legislative Offices

Date: 03/06/10

[Mrs. Tarchuk in the chair]

The Chair: Well, good afternoon, everyone. I'd like to call this meeting of the Standing Committee on Legislative Offices to order. Just so everyone knows, Dr. Pannu is out of the province right now. We have Mark Hlady, Gary Friedel, and Marlene Graham on the telephone, and everyone else is in the room, physically in attendance. You all have copies of the agenda, and I wonder if someone would like to move that the agenda be adopted with the addition of item (b) under 5.

Mrs. Fritz: So moved.

The Chair: Any discussion on that motion? Motion carried.

Mrs. Sawchuk: We don't have (b).

The Chair: If I could just back up for a second, personally as the chair I need to add 5(b). It's copies of a letter to Mr. Dunn and his response. We'll talk about that when we get to that portion of the agenda.

Mrs. Fritz: Thank you, Madam Chairman. So moved.

The Chair: Thank you, Yvonne.

Also in your packages you have the minutes from March 17. I wonder if someone would like to move that the minutes of the Standing Committee on Legislative Offices meeting of March 17 be adopted as circulated.

Mr. Hlady: I'll move those.

The Chair: Thank you, Mark. Mark, were you at that meeting?

Mr. Hlady: No. Should it be someone at that meeting?

The Chair: That would be great.
Laurie?

Ms Blakeman: Yeah. I'll do it.

The Chair: Okay. Thank you. Any discussion? All those in favour?

Hon. Members: Agreed.

The Chair: Motion carried.

Okay. Frank Work, Information and Privacy Commissioner, and Suzanne Frederick are with us this afternoon. We'll just have someone ask them to come into the room. They're going to speak to item 4, which is a request from their office for supplementary estimates for 2003-2004. We'll just give them a second to get seated at the table.

Good afternoon, Frank and Suzanne. Just so you know, we have three people that are listening via telephone. Mark Hlady and Gary Friedel and Marlene Graham are participating through teleconferencing, and the rest of the committee, as you see, is here. Anyway, if I could at this time just pass it over to you, and you can give a brief presentation on your request.

Mr. Work: Well, good afternoon. Thank you, Madam Chairman. Thanks to all of you for assembling in person and via technology so expeditiously to entertain our submission on the supplementary estimate. You have a package which we sent along a little while ago. I don't propose to read that back to you.

I guess I would just, by way of introduction, elaborate on the rationale for the supplementary estimate. Of course, it's predicated on the introduction of Bill 44, the Personal Information Protection Act. We live in an age of acronyms; right? We have FOIP and we have HIA and now we will have, I'm told, PIPA. PIPA is going to impact every business organization in Alberta. It will impact their employees, it will impact them as employers, and it will impact their customers. In order to ensure that organizations are aware of what this legislation is about before it becomes law, in partnership with the Ministry of Government Services we have planned to prepare an educational program to provide as much information and guidance as possible to those affected by the act. Just anecdotally, we're presently getting about five calls a day from parties who have heard about the legislation in one way or another and are curious about what's going on and where they can obtain materials and so on.

Of course, the education program needs to be implemented prior to January 1, 2004, for the very simple reason that the federal government has kind of struck the agenda on this, and their PIPEDA legislation – add that to the list of acronyms – will come into force on January 1, 2004, regardless of what the province does or what any province does. As a result, some of you may recall that when the Health Information Act was enacted a few years ago, the then commissioner was able to extend a bit of a grace period to allow the health care professions to come up to pace on the Health Information Act, so there was a bit of a go slow procedure. I'm not sure to what extent that will be possible with the situation we find ourselves in with both the federal and provincial laws pending. Therefore, we feel we owe it to organizations and to the public in Alberta to do as much as possible as soon as possible to make them aware of the legislation and support them in their efforts to implement it.

It was interesting, referring to the remarks I made about the sort of convergent or divergent federal and provincial jurisdictions here. I noticed that on May 28 the Premier made a statement. I'm quoting from a *Calgary Herald* article. The Premier "directed ministers to refocus on government priorities, among them: . . . maintaining a strong voice in Ottawa in areas of shared jurisdiction." I think this is very definitely one of those areas of shared jurisdiction.

Now, that was my introduction. I guess I'll go on to some numbers. As I said, I won't go through the questions and answers. If you have questions you want to follow up on, I'd be happy to try to answer them.

The request for supplementary estimates is in the amount of \$574,000. Of that, \$290,000 would go to manpower, and \$284,000 would go for supplies and services. We anticipate that the manpower complement would be five people: a team leader, an intake officer, a lawyer, and two, what we call, portfolio officers. An intake officer is basically a well-trained person who mans the phones and tries to forestall our having to take official requests and complaints. A lot of times if you have a competent person as the first point of contact, they can answer a lot of questions or direct people to other places. So that's what an intake officer does.

3:50

The legislation, like the FOIP legislation and the Health Information Act, allows people to either lodge complaints or requests for review with the commissioner's office, and it then requires the commissioner to try to mediate or resolve the request without holding an inquiry. That's what these portfolio officers do.

They mediate, negotiate, whatever process they want to use between the aggrieved party and the party that's being complained about. The lawyer does what lawyers do, and I imagine that with the abundance of legislation in this area that person will be kept quite busy trying to straighten out where the lines are. So that's manpower: \$290,000.

Supplies and services, \$284,000. Of note there, Madam Chairman, is \$100,000 for communication and education materials. This is an innovative kind of undertaking for us and for government, I think. We were asked by the Ministry of Government Services if we would like to enter into a joint venture with them to prepare materials for those who are affected by Bill 44, and it seemed to make a lot of sense, especially given the extremely short time we would have to help people get prepared for that. So Government Services said they would commit \$100,000 there, and we said that we would seek \$100,000 to match that.

Travel, \$62,500; \$40,000 for computer workstations; \$37,500 for various networking devices, which the IT people have explained to me a couple of times, and I'm still not entirely sure I understand exactly which component does what. I can tell you what they are if you like, though. Recruitment advertising, \$15,000; \$12,500 for contract services; \$14,000 for office services and supplies; and \$2,500 for hosting. I guess the only other thing to note about the supplies and services amounts is, first, that the \$100,000, the \$40,000, the \$37,500, and the \$15,000 are pretty well onetime expenses. I think I would characterize those as start-up expenses, although you do have to replace computers from time to time.

I don't think I'll say too much else about the package and maybe see which way the committee would like to go in terms of questions and answers.

The Chair: Are there any questions for Mr. Work or Ms Frederick?

Mr. Work: Oh, I'm sorry. That's terrible of me. I didn't introduce Suzanne, especially to the people in Calgary. I'm sorry; my apologies. Suzanne Frederick is with me. She's the finance director for the office.

The Chair: Thank you.
Mary.

Mrs. O'Neill: Thank you very much. Mr. Officer, if I were to summarize this – would you tell me if I'm correct? – you had originally requested \$773,224, and you are now requesting \$574,000. Am I correct?

Mr. Work: Yes, you're correct.

Mrs. O'Neill: Well, then, Madam Chair, I would just say that that's good news.

The Chair: Any other questions or comments?

Dr. Taft: Hi. I suppose a follow-up to Mary's question, first of all. Why the difference?

Mr. Work: The difference, Dr. Taft, is a result of the timing of the legislation. The initial . . .

Dr. Taft: Okay. That's good enough.

Mr. Work: That's good enough? Okay. I'll shut up.

Dr. Taft: So just following up, the next sort of logical question is: on an annualized basis would the figures be the same? I mean, when it comes to the beginning of next year, how big an increase on an annual budget will we be looking at as a result of these activities?

Mr. Work: Good question. We anticipate that our annual budget will increase by \$520,000 as a result of the PIPA legislation.

The Chair: Do you wish to add something, Suzanne?

Ms Frederick: Yes. We're anticipating that for 2004-05 the amount would go up by approximately \$63,000, and that would be it. So you'd be looking at this \$574,000 plus \$63,000. That's just to compensate for – all the employees would now be on an annual, 12 months, as opposed to the proration, and as Frank indicated, some of these costs wouldn't be incurred again next year: the \$100,000, the \$40,000, the \$37,500, et cetera. I think you could say that we're looking at an average cost for this on a yearly basis of about \$630,000.

Dr. Taft: Okay. All right.

Ms Graham: I'm wondering, Madam Chair, if Frank can explain in a little more detail the savings enjoyed because of the sharing with the Auditor General and how long those benefits are likely to be available.

Mr. Work: Yeah, I'd be happy to. It's Ms Graham; yes?

Ms Graham: Yes.

Mr. Work: Okay. The shared services with the Auditor General: actually, it was sort of fortuitous that that came about. I understand that the Auditor General had his complement in Calgary reduced through retirements. I approached him about Calgary office space at one point, and he said: well, as luck would have it, I could easily accommodate at least four staff down there; I could give you five workplaces anyway.

In terms of cost savings it would not require the Auditor General to add any more space. It would not require Alberta Infrastructure to obtain any space for us. We're using existing space. Some of the – what do you call it? – administrative infrastructure is already there. We would share a receptionist. We would share, I believe, some basic office management functions. We would share photocopiers, you know, things of that kind. Hey, our name's already on the door. I think I'm safe in saying this: the only real expense resulting from the Calgary office would be the \$37,500 for the Calgary office IT networking. That is because the Auditor General and we would want to run separate IT functions there, because they don't want to read our e-mail and we don't want to read theirs. In the world of information technology that requires separate routers and separate servers and so on.

Ms Graham: That helps. I'm just wondering. In the budget, for example, the \$14,000 for office services and supplies: is that your contribution for, say, reception in part, or are these costs that you would be reimbursing, I guess, the Auditor General for shown in your budget? What is the arrangement there for the sharing?

Mr. Work: We would cost share the receptionist with the Auditor General at – what is that, Suzanne? A third?

Ms Frederick: About 20 percent.

Mr. Work: So we would be paying about 20 percent of their receptionist costs. To be perfectly honest with you, I haven't yet sat down and costed this out precisely with the Auditor General. We believe these figures to be accurate, but in terms of who's going to buy the Post-it Notes and how much photocopy paper we'll consume as opposed to the Auditor General, we haven't worked that out yet. So those things will have to be left until . . .

4:00

Ms Graham: Is that the category, then? The shared expenses?

Mr. Work: Yes.

Ms Graham: Then as far as Alberta Infrastructure, what is the arrangement there?

Mr. Work: Well, my understanding is that Alberta Infrastructure doesn't have to do much of anything now. If we had tried to go it alone with a Calgary office, my information is that Alberta Infrastructure had budgeted \$150,000 just to turn out an office space for us in Calgary, and they won't need that now.

Ms Graham: So there's nothing showing in your budget. You're not showing what those facility costs are.

Mr. Work: No. Infrastructure would have borne that cost in any event, just as they bear the costs for the Auditor General's space presently.

Ms Graham: Okay. The only other question: the \$12,500 for contract services, what was that again?

Mr. Work: Yes. Okay. The \$12,500 was made up of our portion of the Auditor General's receptionist costs, which we have at \$7,500, and we put \$5,000 in there for what we're calling emergency IT consultants. We don't intend on splitting the office. It's very important to us to maintain the office of the Information and Privacy Commissioner in Edmonton. Our IT people are here; our lawyers are here. But if we have something go wherever IT things go in Calgary and we have to call someone in to deal with it, we have \$5,000 set aside for those kinds of exigencies, and that makes up the \$12,500.

Ms Graham: Okay. Then the \$14,000 is over and above reception.

Mr. Work: Yes. Now, under the \$14,000 we have, well, paper, pens, stationery, business cards, books, that kind of thing, telephones, postage, and courier.

Ms Graham: Okay. All right. Thank you for those.

The Chair: Thank you, Marlene.
I have Denis and then Mary.

Mr. Ducharme: Thank you. Frank, just a couple of questions I'd like to talk about regarding the comments that you made on next year's budget. Basically, you're looking for two-thirds of the year's budget now to finish off this fiscal year. In your opening remarks you had indicated that there was about \$192,500 that was onetime start-up type of expenditures: \$100,000 for communication, \$40,000 for the computer workstations, \$37,500 for IT networking, and \$15,000 for recruitment advertising. When I deduct that from the budget that you're requesting, if we take away these onetime costs,

we're looking, basically, at a budget of \$381,500.

Where the math confuses me is that in next year's budget you're going to be asking for \$630,000 for a full-year budget, and I see that as an increase of roughly a little less than \$250,000. When I work out the math, I see that, you know, to continue the year, you should basically only be looking at roughly \$130,000 to balance out that one-third of the year that you're short.

The other question I'd have is in regard to the \$62,500 "for travel required to educate and inform businesses [and] public." Is that going to be an ongoing item, or is that something that possibly could be reduced in the following years after you've done your initial education program?

Mr. Work: Okay. I'm going to do the easy one first. The \$62,500 I anticipate would be radically reduced in future years. The reason it's high for the initial years is the incredible demand we're getting right now for speakers. I've spent – do you want to say that, Frank? – a lot of time out of the office this spring just traveling around the province, talking to conference boards and associations and so on. So I anticipate that that will decrease significantly after we kind of get some understanding of the legislation.

Now the harder question. If you deduct what I called the start-up costs, you had \$381,500. That \$381,500 sees us through until March 31, '04. The question was: for the '04-05 budget year we should be spending \$630,000?

Mr. Ducharme: The number identified was \$630,000, but if I look at your \$381,000 and add in the 33 percent to cover the balance of the year – I'm using ballpark – I'm saying that next year you should be coming in with a budget request of about \$521,000 rather than \$630,000. Then there would probably be less from that amount that you just indicated; the \$62,500 for travel would be reduced.

Ms Blakeman: Were you including the prorated salaries from your starting point?

Mr. Ducharme: Well, I basically took – the budget that's being asked for is \$574,000. There's \$192,000 that's taken out for start-up costs. That brings it down to \$381,500.

Ms Blakeman: That's right.

Mr. Ducharme: Then we'd add in another third. You'd have to add a third of that \$381,500 to carry through for a full fiscal year, so I'm saying that it would be \$521,000 rather than \$630,000.

Mr. Work: Okay. I'm going to let the financial director field that one.

Ms Frederick: The manpower costs are not actually prorated at a third. We have two individuals that are going to be hired August 1, so that's eight months' worth of salary required for them. Another individual is being hired in September, so that's seven months, and two hired in October, being six months. So for next year, for fiscal year '04-05, the manpower budget would actually go from \$290,000 to \$470,000.

We'll just go down all the ones that are on that listing that we presented to you. For communication it goes down by \$90,000, but we've still put \$10,000 in communication because we anticipate that we'll probably have to do brochures, et cetera. Travel: I actually went up a bit on the travel. Frank knows better than I do, but I've gone up slightly on the travel to \$83,500. Equipment went down from \$40,000 to only \$5,000, probably a replacement of a computer

or maybe a filing cabinet. The Calgary IT, another onetime start-up cost, \$37,500; I've still put in \$5,000 for next year because we will have SuperNet charges, et cetera, for our communication back and forth. Recruitment advertising. You're correct: it went from \$15,000 to nothing. Contract services went from \$12,500 up to \$23,000, and the reason for that is that the Auditor General's services will be over the whole year as opposed to being prorated like they are right now. Office supplies I left at pretty much the same. Hosting: \$2,500, the same. So that's how we came up with the \$630,000.

Mr. Work: I think the important thing to note is that, as you can tell, the figures that we're not sure of will be things like travel, contract services. Those are probably the two big ones because we have no idea, you know. I mean, we're not asking for this money now. By the time we come back for the 2004-2005 budget, I would expect we would have a much better handle on what those actual amounts would be.

So if I got the gist of your question, the concern really was: by hiring these people now, the people that we're proposing to hire now, what is our ongoing financial commitment going to be? I mean, the one thing we can be sure of now is that if we hire these people, we know we're going to have to pay them in 2004-2005, whereas for travel, contract services, and so on, we're not sure what it'll be for 2004-2005.

Mr. Ducharme: I think the answer has clarified some of the concerns I had. Thank you.

The Chair: Thank you.

Mary.

4:10

Mrs. O'Neill: Thank you, Madam Chair. You're here before us today, as I understand it, to request the supplementary estimate portion for this current year, obviously. What we were interested in were ongoing costs that might be built into your base budget next year; right? So I guess I would say that I think we've been given some indication of the direction. We'll have to observe it when we review your budget next year. But before I leave it, with respect to this year's my question is: do you anticipate that this will be ongoing continuously for years to come, or do you have a time frame for the end of this Calgary office?

Mr. Work: No, I don't have a time frame for the end of it. I anticipate that it would be ongoing. There would be other factors that might affect that. If, for example, the Auditor General decided that he or she didn't want a Calgary office anymore, that would certainly cause us to reconsider because I think a lot of the rationale for it is that we can share this with the Auditor General.

The ongoing commitment, aside from that, is basically the staffing commitment. What I've given you here is in terms of the staff we think we need to do the job. It is minimal. We've never padded our staffing commitment in the office. These are the people that I believe we need to do the job, and I don't anticipate at the present time hiring any more people than that. If something totally unforeseen happened – I don't know – if we got thousands and thousands of complaints and requests for review under the legislation, I guess I'll be back with egg on my face talking to you again at some point. This is a sustainable level of staffing on the basis of what we know now.

Mrs. O'Neill: Thank you.

The Chair: Laurie.

Ms Blakeman: I got mine answered. Thank you.

The Chair: Kevin.

Dr. Taft: Thanks. I'm just trying to think through the timing of all this. Bill 44 will be passed, say, by the end of November. The regulations will be introduced, and the bill will be proclaimed, then, let's say in early December. Are you certain that January 1, 2004, is going to stand as the implementation for the legislation?

Mr. Work: It's the best information I have from the Minister of Government Services, yes.

Mr. Ducharme: You don't think it'll pass before the feds' legislation comes in?

Dr. Taft: But Bill 44 is our bill, though; right?

Mr. Work: Yeah, Bill 44 is our bill. Mr. Ducharme made a very good point. What I do know for absolutely 100 percent sure is that on January 1, 2004, the federal act will apply or will apply in lesser provincial law.

Dr. Taft: I have, if I may, one more question. The \$100,000 for communication and education materials is a fair chunk of money. Who do you have in mind to do that?

Mr. Work: Well, we've just started talking with the information management and privacy branch in Government Services. What we have in mind are at least four initiatives that we're talking about now: some kind of electronic venture, a CD-ROM; possibly a video; definitely a very short manual. I don't know if any of you remember. For the Health Information Act we did – we called it the comic book, not pejoratively, because it was 40 pages long. It was very simple: lots of illustrations, lots of examples. The health care professionals loved it. That worked so well with them that we're anticipating that being one of the vehicles. So that's three – CD-ROM, video, this comic book – and we're looking at brochures.

Dr. Taft: Okay. That's fine.

The Chair: Are there any other questions? Any comments? Well, if not, I wonder if someone would like to move that the supplementary estimates for the office of the Information and Privacy Commissioner for 2003-2004 be approved as \$574,000.

Mrs. O'Neill: So moved.

The Chair: Okay. Is there any discussion on that motion? All those in favour?

Hon. Members: Agreed.

The Chair: Okay. Motion carried.

Thank you very much for joining us this afternoon and answering those questions.

Mr. Work: Thank you, Madam Chairman. Thank you, committee. Have a good summer.

The Chair: You too.

If we can move to agenda item 5. We had two items that were business arising from previous minutes and meetings. Item 5(a): if you remember, at our last meeting we passed a motion that

the Standing Committee on Legislative Offices establish criteria for the allocation of achievement bonuses for Officers of the Legislature, effective the 2003-2004 fiscal year.

What Karen has put into our agenda is some guidelines basically taken from documents that are currently in place for senior officials. Actually, Karen was going to speak to what she's pulled together here, so just give us one minute. That's agenda item 5(a) in our packages.

I just commented, Karen, on our motion from the previous meeting and why you had pulled together some of this information.

Mrs. Sawchuk: Okay. Madam Chair, what I did after that meeting – and I guess I was sort of remiss: usually we show an action line on the minutes, and I didn't show that. Of course, we were in camera, so there is no *Hansard* transcript, but I had said that I would try and get some information together.

The guideline sheet, that one single sheet that shows it as guidelines, is based loosely on a format that's used right now in government departments for senior level officials: deputy ministers, that kind of thing. It's an information sheet for them. It sort of just highlights the kinds of things that you want them to put down as their goals for the coming year.

The second sheet is just the performance contract. So what they would do is just show their key goals, like: "We'll come in under budget," or "If there's new legislation enacted, we'll do whatever to bring it into our office and work with it." I'm not sure what exactly they could put down there, but they would fill out those forms. This is how it's done, from what I understand. They fill out the forms, they submit them to whoever their immediate supervisor is, and the immediate supervisor sits on those forms until the end of the fiscal year. Then they go back and they ask them to please complete the report now and show how they met those goals during that reporting period.

So they're given guidelines to set up the goals. They set up the goals, submit them to their supervisor. I guess that, in theory, if you weren't happy with the goals that they gave, then the committee could say, "We'd also like to see these kinds of things addressed" or whatever. It was something to get the discussion going, because I don't believe anybody really had any ideas of how they wanted to set up the achievement bonus reporting system for the officers. So I worked with Dr. David McNeil, who worked with personnel issues for years and years, and I also received some assistance from executive search. That's sort of where the basic documents came from.

The Chair: I guess we can open it up for discussion. What we could do with these guidelines is either accept them as they are or make changes or amendments or whatever we'd like to do, but we could forward them to the officers and have them present to us sometime early in the fall their ideas on what they see their goals and objectives and measurable targets could be. Then when we deal with the budget in the fall or closer to Christmas, actually, we can discuss what they've given to us and agree or disagree, but at least we know what we're going to be dealing with in April and May when we're taking a look at the bonus.

4:20

Ms Blakeman: I think there are a couple of issues. I think we need to be clear that this is for extraordinary performance. I mean, the idea is that they're already being paid to do a job. For instance, where there's legislation to be incorporated, that's what they're

supposed to do. That's what they're being paid to do. So then an achievement bonus, which is above and beyond your regular pay scale, is to compensate for or recognize extraordinary achievement, and the goals need to reflect that. It isn't a matter of simply achieving the business plans that any particular department has set out. It's a matter of, you know, doing it in less time or with less money or winning national awards. It's meant to be extra, better, and I think we need to keep that in mind.

I also have real concerns about time lines here, because if, really, six months into the year, halfway through the year, we're going to turn it over to the five officers to come back to this committee with their suggestions on what would be their performance goals and measurable targets and things for achievement bonuses, then they only have six months of the year to achieve those targets for themselves before we're looking at whether or not they in fact achieved that extraordinary performance and therefore are worthy of the achievement bonuses, that are above and beyond their pay scale. I think timing really is of the essence, and anything we can do to assist them and give them as much time as possible to achieve these goals, the better.

So I really hope that we're going to be able to come back in September and be able to work on this and not have it leak over into October or November or December because then they really have three months to achieve this. What can they possibly get done in three months? At a certain point how can they possibly achieve that extra work in a very short time line? I think it's important that we do this, follow through on the process.

The Chair: So are you suggesting that we look at a date earlier than September or that September would be fine to hear back from the officers on their suggestions?

Ms Blakeman: Well, I think that the chances of getting this committee together again before September . . . I'm just saying that as long as we can set a date in September and preferably early September and that we not let it sort of leak over, because there may be some back and forth. If we look at the five and go, "Well, this officer is fine, and that one's fine, but for this one we'd like to see something different," there's going to be a time line turnaround there. God bless us in this committee, but it's going to be at least a month before we can all get back together again, and it does start to go on. So September's fine as long as we can try and set it now.

The Chair: Any other comments?

Dr. Taft: I would just be interested in a brief discussion among the members on Laurie's points about the bonuses being tied to extraordinary achievement. How do other people feel about that, if anything?

Mr. Hlady: You know, I think there are a lot of private-sector people or guidelines out there and comparative programs. One of the things we always want to do is make sure that we do hold on to the good people we have, especially after the process we go through to get them. Defining what's extraordinary is obviously the key, as has been brought up here, and I think that would be the centre of the discussion, you know, having them put something back to us to define and us looking at it to determine what is extraordinary, what would justify a bonus. I think until we have the information back from the individual officers and so on, it makes it tough for us to define that. I look forward to that discussion in September.

Dr. Taft: Okay. Fair enough. Sure.

The Chair: Any other comments? So do you agree that we forward these guidelines, as presented in your packages, to the officers for feedback to be returned to us before mid-September?

Mrs. O'Neill: Madam Chair, my question is: will it be asking them also to fill out the form so that they can identify what their goals are, too, or just to review the draft page?

The Chair: I think we're asking them to define.

Mrs. O'Neill: To do it. Thank you. I just wanted that clarification.

Dr. Taft: Just again following up on Mary's point and Laurie's point about the timing, could we at the same time have them at least begin thinking about the bonuses for the following full 12 months? So that would be '04-05. I think Laurie makes a valid point. By the time we're done all this, this fiscal year is going to be three-quarters over, and it might in fact be more fair to them to say: okay, over the next 18 months, what extraordinary efforts could we look for?

Mr. Hlady: I would agree with Kevin on that. You want to have them in place 12 months ahead of time, ideally, to give them a full year to achieve their goals.

Ms Blakeman: If we do the 18 months, which is a great idea, how then do we determine whether or not they get an achievement bonus for '03-04?

Also, if I can get a chance to put this in, there's something specific that I would like one of the offices to look at. Should I do that here, or should I do it directly through you to the office, or what?

The Chair: Well, why don't you run it by the committee?

Ms Blakeman: Okay. The Chief Electoral Officer I think needs to develop some strategies around enforcement of the act in the upcoming election. I think we need to better anticipate where enforcement is an issue and how that office plans to enforce the act during an election, because I think we could find ourselves in a position with a challenge if we're not able to actually follow through and enforce the act. I've had a bit of experience in that one, so I can see that one coming. Not for me. So my specific request to that office is: what strategies are they looking to implement around enforcement of the act during the election process?

Mrs. O'Neill: I think what you are saying is a point well made, but at the moment we haven't resolved this issue of time, et cetera. I'm having difficulty. I can appreciate what you want to do and put it in one specific officer's direction, but I think we aren't at that level of detail or direction at the moment. I still have the question in my mind: how then do we deal with potential achievement bonuses at the end of 2003-2004 if we're going to do an 18-month proposal? I don't know the answer to that yet.

Mr. Tannas: I wonder if an interim report – for instance, if it's 18 months to go, you set it up for that and then say: lookit; we want an interim report on where you have gone in the first six months. Then that will get us the 2003-2004. Or, you know, it might be 19 months, depending on when this thing starts.

The Chair: I think Don might have something there.

Mr. Tannas: So they know up front that this is for 18 months, but there will be an interim review of progress, et cetera, and that will reflect itself in the bonus for the year we're presently in.

The Chair: That does sound manageable. We do need a motion not so much for some of the details we've just talked about, because we can certainly pass that on to the officers, but if this committee is going to adopt the achievement bonus guidelines and performance contract as before you, then we should have a motion to do that and also adding that they will be used in determining annual bonus payments for the officers of the Legislature. Is anyone willing to make that motion?

Ms Blakeman: Yes. I will move that the committee adopt the achievement bonus guidelines and performance contract as presented to be used in determining annual bonus payments for the officers of the Legislature.

The Chair: Any discussion? All those in favour?

Hon. Members: Agreed.

The Chair: Okay. That motion is carried.

4:30

Mrs. O'Neill: Madam Chair, just to come back to Laurie's suggestion, if you will, to one particular officer, rather than mix that into this process, I think that's something that I would support, that we perhaps ask the officer to come to the next meeting or two meetings out or whatever date and bring that kind of a strategy forward.

The Chair: We can make that request.

Mrs. O'Neill: Rather than incorporating it.

The Chair: Okay, item 5(b) is another Business Arising item, and it stems from when we had a motion that

the Officers of the Legislative Assembly utilize a budget format similar to the format used by the Office of the Auditor General, including a separate reporting of proposed expenditures related to new or anticipated legislation.

That really stemmed from the last meeting where there was a little bit of frustration over the various formats used by the different officers and just an appreciation for the format that was used by the Auditor General. So just as information I forwarded that motion to the Auditor General, and you've got a copy of that letter as well as his response, that indicates that he's more than pleased to assist in the establishment of a common format for the budget proposals and that he will work with the other offices. So that's what 5(b) is referring to.

If we can go to New Business, Karen has just distributed – particularly for the two individuals that have joined our meeting that aren't on the search committee, just prior to this meeting we did at our search committee meeting make a recommendation for the person to fill the position of Ombudsman.

What we need to do to keep the office functioning – we have made a recommendation for an individual effective September 15. The current Ombudsman has advised that he will leave the position as of June 30, and Karen is just handing out that meeting. He is suggesting that we appoint an Acting Ombudsman, Mr. Brian Carver.

So I guess at this point do we just take his letter as information, or do we have to accept – just bear with us for a second here. I'm not aware that we actually have to do anything more with Mr. Sutton's letter.

Ms Blakeman: No. That looks like it's for information.

The Chair: Yeah.

Go ahead.

Mrs. Sawchuk: Madam Chair, the letter from the Ombudsman is sort of the impetus for the motions that we're now going to have to pass, because without that there would be no reason, really, for this committee to just come out of the blue and do that. So he's made a few recommendations in his letter, and the committee does have to vote on them. They have to be on record.

The Chair: Okay.

Mr. Hlady: Which recommendations?

The Chair: We do have recommendations for two OCs that would accommodate the transition from the current Ombudsman to the new Ombudsman. According to our research, the necessary motion, the first one, is that

the Standing Committee on Legislative Offices recommend to the Lieutenant Governor in Council that Mr. Brian Carver be appointed Acting Ombudsman for the period July 1, 2003, to September 14, 2003.

Is someone willing to make that motion?

Mr. Friedel: I'll make that motion.

The Chair: Thank you, Gary. Any discussion on that motion? All those in favour?

Hon. Members: Agreed.

The Chair: Motion carried.

The second motion has to do with compensation, and I'm wondering if we could have a motion to briefly move in camera for that particular item.

Mr. Hlady: Mark.

The Chair: Mark, thank you. Any discussion? All those in favour?

Hon. Members: Agreed.

The Chair: The motion is carried.

[The committee met in camera from 4:35 p.m. to 4:42 p.m.]

Mrs. Sawchuk: Madam Chair, the other motion that the committee requires is that

the committee approve the payment of a salary equal to the existing salary of the current Ombudsman to Mr. Brian Carver for the period July 1, 2003, to September 14, 2003.

The Chair: Laurie will move that?

Ms Blakeman: Sure.

The Chair: Any discussion? All those in favour?

Hon. Members: Agreed.

The Chair: Okay. That motion is carried.

I wonder if someone could move that the Standing Committee on Legislative Offices recommend that the Lieutenant Governor in Council appoint Mr. G.B. (Gord) Button as Ombudsman effective September 15, 2003, for a five-year term.

Mr. Hlady: I'll move that.

The Chair: Any discussion? All those in favour?

Hon. Members: Agreed.

The Chair: Motion carried.

Is there any further business to discuss? The next meeting date will be at the call of the chair.

Would someone like to move that we adjourn?

Mr. Friedel: I'll move that.

The Chair: Thank you, Gary. All those in favour?

Hon. Members: Agreed.

The Chair: Motion carried. Thank you so much.

[The committee adjourned at 4:44 p.m.]

