

Title: Monday, April 16, 2007 Legislative Offices Committee

Date: 07/04/16

Time: 6:14 p.m.

[Mr. Rodney in the chair]

The Chair: Well, good evening, everyone. With your indulgence we will indeed begin the meeting. The quicker we start, the quicker we can move on to other business.

I trust that you all have received this big, heavy binder, delivered to the Leg. or Leg. Annex office on Thursday morning, April 12. For the record I wonder if we could just go round the table and introduce ourselves. Karen, do you want to start us off?

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

[The following committee members introduced themselves: Ms Blakeman, Mr. Cao, Mr. Ducharme, Mr. Flaherty, Dr. Pannu, and Mr. VanderBurg]

Mr. Reynolds: Robert Reynolds, Senior Parliamentary Counsel.

The Chair: Thank you, folks.

I would ask someone to move adoption of our meeting agenda. Could I have a volunteer? Jack? Thank you. All in favour? Objections? The motion is carried.

I don't know if everyone had the chance to go through the two sets of minutes. I hope you've gone through that and the whole binder. I need a motion to adopt each set as circulated unless there are revisions or corrections to note.

Ms Blakeman: Which one are you doing first?

The Chair: Laurie, if you would like to move January 24, that would be appreciated.

Ms Blakeman: I'm happy to move January 24. Yes. I move that those minutes be accepted.

The Chair: So moved by Laurie Blakeman that the minutes of the January 24, 2007, meeting of the Standing Committee on Legislative Offices be approved as circulated. All in favour? Any objections? The motion is carried.

Who would like to move the minutes of March 13 to the same effect?

Ms Blakeman: Once they're on the floor, I have a point to raise.

The Chair: Go ahead.

Ms Blakeman: I noticed that the discussion, which was prolonged, that raised the issue of asking for the money before the bill had passed is not included in the minutes. I think that was an issue of enough discussion that it should have been included in the minutes.

The Chair: Okay. Karen, do you have a comment on that?

Mrs. Sawchuk: It's duly noted, and I can make an adjustment to the minutes. We've tried to maintain the same policy with respect to all minutes issued, that they are considered a summary primarily of the action items. That's normally how we view them if the meeting is on the record and there is a *Hansard* transcript that can be reviewed. Of course, it's at the committee's pleasure. The minutes can be amended.

The Chair: Laurie, would you like to insert one sentence? Do you have one in mind?

Ms Blakeman: Well, it would need to be inserted under item 4. I don't have a specific sentence written out. I just think that the issue that was raised and discussed was around the timing of the request in that the bill that would have necessitated the request for this funding had not yet been passed and, as a matter of fact, has still not yet been passed as of today. So I think it continues to be an ongoing issue.

The Chair: Before we vote on it, we should actually have a sentence. Correct? Do you have an idea on that, Karen?

Mrs. Sawchuk: Well, Mr. Chairman, what I could suggest is that I could do an addendum, almost, and a change could be made. So we could hold adoption of the minutes at this time, carrying forward to the next meeting with the revision.

Ms Blakeman: Sure. That's cleaner.

Mrs. Sawchuk: Is that better?

Ms Blakeman: Yup.

Mr. VanderBurg: Why not just a suggestion that there was quite a discussion on the item as noted in the *Hansard* pages, blah, blah, blah. Then it makes it easier, and that way you get both things covered: you get the word-for-word pages, and you get it noted that we had great discussion.

Mrs. Sawchuk: I guess the only problem with that is that with the printed *Hansard* and the online *Hansard*, sometimes the pages differ if I'm correct. I know that they can be different, and it depends on in what format people print it out: HTML or PDF and that kind of thing.

Mr. VanderBurg: Okay.

Mrs. Sawchuk: Yeah. I suppose if we start getting into that and actually reviewing it, then I could probably just excerpt it.

The Chair: So, George and Laurie, we're okay with an addendum to be brought back?

Ms Blakeman: Thanks.

Mr. VanderBurg: Sure.

The Chair: Very good. Okay. Thanks.

We'll move on to point 4, Business Arising from the Minutes of Previous Meeting, the first point, of course, being (a) Delegation of Authority by the Ombudsman.

I wonder: do we need to hang on for one minute while we have people return from their food? We'll note it for *Hansard* that we'll be back in just a minute. Please do not adjust your sets.

6:20

Welcome back, and a special welcome to hon. Barry McFarland. Thank you so much for making the effort to be here, sir.

On your agenda it's item 4, Business Arising from the Minutes of Previous Meeting: (a) Delegation of Authority by the Ombudsman. As a number of you folks will recall, the committee considered this

request at the meeting on Wednesday, January 24, 2007, and approved the delegation of authority by the Ombudsman to certain staff within his office as provided for under section 27(1) of the Ombudsman Act.

The committee also agreed to pursue a legal opinion related to this request, and as a result of that, I would like to welcome Rob Reynolds, Senior Parliamentary Counsel, to the meeting. A good friend of the Assembly. I'm sure everyone knows him, but due to the nature of the situation here, I would ask for a motion to move in camera just to receive legal advice on this issue.

So moved by George or Raj? Very good.

Ms Blakeman: I'm sorry. I really object to that. I think we're doing the business that we're charged to be doing. There has been a report that was commissioned and paid for directly or indirectly by the taxpayers, and to go in camera is, I think, inappropriate. The information should just be discussed. There's nobody's name in particular. We're talking about the actions of a position and of an office, so I would argue strongly against going in camera on this. I think it should be on the record.

The Chair: Okay.

Mr. Reynolds, you had something to say on that, did you?

Mr. Reynolds: No. I don't want to disagree with that.

The Chair: Oh, I'm sorry. I thought I had a signal from Karen Sawchuk on my left.

Mrs. Sawchuk: I'm sorry. I was nodding my head.

Dr. Pannu: Mr. Chairman, I strongly endorse the principle of holding discussions of this committee as much as possible in public. On this issue, however, I looked at the report that we received and the legal opinion and advice, and it does draw our attention to the possibility of some parties being in a position to seek some court action if you wish.

The Chair: Right.

Dr. Pannu: And that's a sensitive matter. I think we need to have the opportunity first as a committee to look at the report and its contents before we agree to either make it public or, conversely, agree to keep it in camera.

The Chair: Right.

Dr. Pannu: The advice is primarily for the benefit of the committee. We were struggling at our last meeting with the whole issue of whether or not retroactivity can happen, if we can retroactively extend approval for delegation to the Ombudsman, and we weren't sure of the legalities involved in it.

The Chair: So you're in favour of the motion?

Dr. Pannu: Yes.

The Chair: Did anyone also want to speak against the motion or for the motion? No? Okay.

Then I'll call the question. All those in favour? Those against? Very good.

Ms Blakeman: Could I have that noted, please?

[For the motion: Mr. Cao, Mr. Ducharme, Mr. Flaherty, Mr. McFarland, Dr. Pannu, and Mr. VanderBurg]

[Against the motion: Ms Blakeman]

The Chair: Okay. That's noted.

[The committee met in camera from 6:24 p.m. to 6:55 p.m.]

The Chair: Mrs. Sawchuk, I wonder if we should note it for the record that there has been an official request for dessert at the next meeting courtesy of Mr. Flaherty. All those in favour of dessert at the next gathering? Very good. That one's passed. I won't even ask.

Back to the serious side of things.

Mr. Flaherty: Can I change the wording to "a healthy dessert," Mr. Chairman?

Ms Blakeman: No.

The Chair: I am sorry. You've been overruled. Laurie Blakeman, a member of your own caucus, has said no: you get a dessert, and it is what it is. But if *Hansard* spells it correctly, it will be dessert, not desert, with two S's.

Now, we have a heavy agenda, folks. Let's continue. Point 5 on your agenda, Committee Orientation: (a) Committee Mandate – Excerpt from the Practical Guide to Committees of the Alberta Legislative Assembly. Again, you'll find that in your binder. You have a one-page excerpt there from the practical guide setting out the mandate for the standing committee. As noted, the committee is charged with reviewing the operations of the officers of the Legislature, including approval of their operating budgets and the annual review of their respective salaries.

In your reference materials are acts related to the mandate for each of the five officers of the Legislature: Auditor General, Chief Electoral Officer, Ethics Commissioner, Information and Privacy Commissioner, and the Ombudsman. There is a reference section at the back of your binders, including copies of each of the relevant acts for the officers, and this will be referred to when required.

The third point there is Meeting Schedules and Legislative Assembly Office Staff Support. As some veterans of the committee know, there's not a set meeting schedule although traditionally it has met in December each year to consider the proposed budget estimates for the officers and again in the spring to review the salaries of the officers, each of them. The committee also meets when necessary to consider items which may be brought before it by the officers – we've had a good example of that in the last little while – and in those instances the meetings are held at the call of the chair. You've had Mr. Strang do that prior to me. I'll endeavour to poll members, of course, with suggested dates and provide as much notice as possible when these are required.

Now, Karen Sawchuk is the committee clerk assigned to the committee. She provides our assistance in terms of administration, research, and general assistance. Other services provided through the Leg. Assembly Office include Senior Parliamentary Counsel, the Clerk of Committees, and the committees branch when required. I just needed to read that into the record.

Would you like to say something at this point, Ms Blakeman?

Ms Blakeman: Well, we are readjusting, all of us, to the new timing that is set out for the sitting of the House, but I think we do need to try and align our meeting times wherever possible with the Tuesday

and Wednesday nights that have now been opened up to committee meetings. We're encouraged to hold the committee meetings on the Tuesday and Wednesday evenings to stay away from Monday night, which is, I understand, cabinet policy committee.

The Chair: Yes.

Ms Blakeman: We'll have to try and co-ordinate, I guess, through the committee clerk's office to try and not compete too much with the policy fields and various other committees that are taking place and to stay away from the constituency weeks but outside of session as called.

Thank you.

The Chair: Thank you. A perfect example of that right now: I could be at the community spirit program, and I'll be off to it right away.

On to item 6, which is a big part of the reason we're here: the annual salary review for our Legislature officers. Every year we must review the salaries as set out in the respective acts. Now, to provide a bit of background for the new members around the table, this committee undertook an independent review of the officers' salaries last year. A request for proposal was issued last January 2006, and Meyers Norris Penny was chosen to complete this review. Based on the consultant's report the committee adjusted the salaries of four of the five officers at its August 30, 2006, meeting retroactive to April 1, 2006. The salary of the Chief Electoral Officer was not adjusted at that time since the salary negotiated with the new CEO was within the range recommended in the report.

I've a fair bit to read for you, folks, so just bear with me. Members should also be aware that the officers do not participate in achievement bonus programs of the Alberta public service. It wasn't always the case. In 2003 the officers made a presentation to the committee in response to our request that a form of performance review occur in determining the bonus amount of each officer. The officers felt that this review process could undermine their autonomy and asked that they be removed from the bonus program, and at least a couple of you were there for that.

The committee has assigned each of the officers to a specific salary schedule within the public service. The Auditor General, Information and Privacy Commissioner, and the Ombudsman are within the senior officials' salary schedule D, and you have handouts on that. The Ethics Commissioner and the Chief Electoral Officer are within the senior officials' salary schedule C. Senior officials within the Alberta public service may receive both an increment based on performance as well as a cost-of-living increase.

For the officers this committee has generally approved only an annual increase in keeping with the cost-of-living increase, where approved for employees within the public service. There has also been an instance when the committee approved an increase in keeping with those issued for the public service and later in the year when an adjustment providing an additional increase retroactive to April 1 of that year was announced by the Public Service Commissioner, this committee approved the additional increase for the officers as well. Generally, at this time of the year there is a clear indication of the cost-of-living increase for public service employees; however, that's not the case this year.

These are the guidelines only, and the committee may do one of three things: choose to adjust the officers' salaries within the existing salary schedules; number two, adjust the officers' salaries within the existing schedules with an acknowledgement that should a greater increase be announced for the public service for 2007-2008, the committee could revisit the issue at that time; number

three, table the salary review until such time as the cost-of-living adjustment for 2007-2008 is announced by the Public Service Commissioner. Does that make sense?

We're almost done this section. One of the key points in the 2006 consultants' report was that ideally incumbents would reach the top of their salary scales by the fifth or sixth year, keeping in mind that the officers' contracts are for five-year terms, with the exception of the Auditor General, who is eight years, right?

Mrs. Sawchuk: Eight years.

The Chair: Salary increases following the top of the scales would then follow the cost-of-living increases announced for the public service, which results in corresponding increases to their salary schedules.

Members have a history of the motions related to the salary increases and achievement bonus payments for the officers since 1991 under tab 6 in your binders, and really that's what I've been summarizing.

The committee usually moves in camera, as you know, to discuss the individual salaries of the officers, but before I entertain a motion to do that, maybe we could have a discussion on whether we wish to proceed at this time. Or does the committee want to hold this item in abeyance until the cost-of-living adjustments for 2007-2008 are announced?

Ms Blakeman: If I may be allowed to make just a tiny little correction on your historical vignette.

The Chair: I was expecting you to.

Ms Blakeman: The second part of the reason that the bonuses that were offered to the legislative officers ceased was because, in fact, in their contracts it said that they were not to have bonuses. So there were two things that were at play there, and one of them was that we were not to be giving the bonuses. It was in the contract, so we were a little guilty of not having fully read the contracts. That was the second part of what happened there.

The Chair: Yeah. Okay.

Ms Blakeman: We just didn't do it again.

The Chair: Thank you for that.

Okay. So I'll again ask the question: is this something you want to hold in abeyance until we get the cost-of-living adjustments for 2007-08, or do you want to proceed?

Mr. Ducharme: If I may, I'd like to make a motion that we keep this in abeyance until we have the 2007-2008 adjustments come forward from the public service.

The Chair: Okay. Discussion on this point, anyone?

Mr. Flaherty: Just some information for my own self. Other than the adjustment that we get from the cost-of-living indication, are there any other factors that would influence an adjustment in each individual salary, something within the contract or something else? So, in other words, we'd be consistently using that right across the board?

The Chair: Well, that in addition to, you know, factors in the Alberta economy.

Mr. Flaherty: Okay.

The Chair: Which is partially reflected in the cost of living.

Would you repeat his motion, that the review of the salaries of the officers of the Legislative Assembly . . .

Mrs. Sawchuk: . . . be deferred until such time as the 2007-08 increases are announced for the public service of Alberta.

The Chair: Did you have a question, Mr. McFarland?

Mr. McFarland: Just because I don't know what's happened up to this point, if that were not to be disclosed until this time next year, the '07-08 adjustment, would . . .

7:05

Mrs. Sawchuk: It's retroactive.

Mr. McFarland: It's retroactive. In the meantime, there's no automatic pickup on a grid or any adjustment to the salary. Would that be in keeping with other . . .

The Chair: That would be in keeping with the other staff, yeah. That's correct.

Mr. McFarland: Okay.

Mr. VanderBurg: The MLAs are the only ones that are treated properly. We should all have that. Everybody should have that.

Dr. Pannu: Mr. Chairman, do we know when the decisions with respect to the public service increases are going to be made? Any idea?

The Chair: Mr. Ducharme, did you have the answer to that?

Mr. Ducharme: If it follows through with past practice, they're probably negotiating now, and it's probably something that will be forthcoming sooner rather than later. It's always been a factor that we've considered. What the past committees have always looked at is what was happening elsewhere within the public service. It certainly played in the decision-making process, so that's why I made the motion as such, to wait till that information came forth.

The Chair: Right.

Ms Blakeman: Yeah. If you look at our past decisions, they're usually pretty closely aligned with whatever the percentage increase was for the public service.

The Chair: Right.

So any further comment? No? All those in favour of putting this in abeyance? Those opposed? Well, that's carried.

If you refer to your agenda, it's point 7, the Conference Report: 2006 Council on Governmental Ethics Laws (COGEL) Conference, December 3 to 6, 2006, in New Orleans, Louisiana. Members do have a copy of that report in the binder. It will be included in the annual report of the Legislative Assembly. As noted, Dr. Pannu and Karen Sawchuk attended. It is provided in the binders for members' information.

Karen or Raj, did you have anything to add about that in addition to what's in the report?

Dr. Pannu: I think the report is very well done, Mr. Chairman, in my view. It's comprehensive, and it tells you about the sessions,

who the main speakers were, what topics were discussed. This is my second or third attendance. Every time I go there, I learn something. I found it quite useful, as a matter of fact. You know, I attended most of the sessions. Contrary to established, sort of, patterns: people attend a few. But I find them very, very useful.

Much of the focus in these conferences is on what's happening across the border. From state to state there's quite a variation and difference, and some of the initiatives that some states take are really wonderful. They really strengthen democratic transparency, accountability, and things of that sort. As a matter of fact, some elected officials in the U.S. have been taken to court, and they are serving time in jail for problems of, you know, past disclosure and things of that sort. So it's refreshing to learn that other jurisdictions are very insistent on making sure that elected officials and government and civil servants are accountable and that the notion of equality before the law does work, and the rule of law is in operation.

So I come back quite convinced about the usefulness of those conferences.

The Chair: Very good. Were you excited especially, Dr. Pannu, about the accuracy and the worth of this . . .

Dr. Pannu: Indeed. Indeed.

The Chair: . . . because you wrote it, or was it someone else who had written the report?

Dr. Pannu: No, I read the report. I didn't do the report. I read the report. I found that it reflects very well.

The Chair: Very good. Thank you. We'll let you off the hook.

Dr. Pannu: As a matter of fact, I did say, Mr. Chairman, that this is perhaps the most detailed report over the few years that I've been there.

The Chair: I'm looking forward to reports that are even more detailed as we send others in the future.

Anything to add, Karen?

Mrs. Sawchuk: No, Mr. Chairman. It was an excellent conference, very, very good.

The Chair: Well, Raj, that's a great intro to point 7(b), Attendance at 2007 COGEL Conference in Victoria, B.C., coming up September 16 to 19, 2007. Our committee budget provides for four delegates to the COGEL conference. Generally, the chair, the committee clerk, and two additional members are considered in that, but Karen Sawchuk has advised us that she is unable to attend this year. Are there any members who would like to put their name forward to attend this conference? Ideally, we'd like to have the names of all four delegates plus two additional members as alternates, should someone have to cancel, to submit to the Speaker for approval. I see George VanderBurg as one of the four.

Dr. Pannu: Mr. Chairman, I'd be interested in going, but I've been to two now, I think. I would like to see if some other members want to take advantage of it.

The Chair: Very good. So we'll put Dr. Pannu down as a possible. I suppose we'll put the chair down as a possible. That's three. Mr. McFarland, did I see your hand? No? Wayne Cao.

It would only be fair to ask the others who were unable to come today. Correct?

Mrs. Sawchuk: Mr. Chairman, they did receive their meeting binders. I could always just send out an e-mail asking if they'd had an opportunity to review the materials, see if they were interested.

The Chair: Okay. We'll announce this at the next meeting because we don't have all the information?

Mrs. Sawchuk: We'll actually have to make a decision before that. We do have to get these conference attendance names in. Usually we're providing names to the Speaker's office by May for conferences at the end of the year. So this is much earlier.

The Chair: Right. Okay.

Dr. Pannu: Mr. Chairman, to underscore the usefulness of attending this, perhaps I should indicate that we do get other Canadian provinces and the federal government also represented at this conference. Those sessions are very, very useful too. You get an idea of what's happening across our own country.

The Chair: Absolutely. Yes.

For the record we have Mr. VanderBurg, Mr. Rodney, Dr. Pannu, and Mr. Cao interested, with an e-mail going out to those who weren't able to attend. Ms Blakeman, you're not on the list. Is that correct? You don't want to be put on the list?

Ms Blakeman: No.

The Chair: Okay. Just checking. I want to be absolutely sure.

Mr. McFarland: Is that for this September?

The Chair: That's September, yeah.

As I'm hearing around the table, there are folks interested in other dates as well, so we'll continue on with that, then. We won't go ahead with this motion, then, yet?

Mrs. Sawchuk: Not yet.

The Chair: No. Okay.

On to the next item, which I think there'll be some interest in, attendance at the 2007 CCPAC conference in Victoria. That's August 19 to 21, 2007. This is the Canadian Council of Public Accounts Committees, and the committee budget covers the attendance of two members. I have a feeling that hon. Denis Ducharme is interested in going. Is that correct, sir?

Mr. Ducharme: That's correct.

The Chair: Let's find out if there are others interested in that as well. Mr. McFarland. Do we have any others who are interested?

Mrs. Sawchuk: We should have at least one more as an alternate.

The Chair: One more as an alternate. Will anybody consider putting their name down?

An Hon. Member: Again, you'll ask the others?

The Chair: We'll ask the others. Okay. Shall we do a motion on that one, then?

Mrs. Sawchuk: No, I think we should wait, Mr. Chair.

The Chair: We'll hold off just in case?

Mrs. Sawchuk: Yes.

The Chair: Okay. Fair enough.

Mrs. Sawchuk: It's on the record.

Mr. Cao: Mr. Chairman, the Speaker also sent out a list. Are these two included in there?

Ms Blakeman: Yes, they're on there.

The Chair: They are in there.

Mrs. Sawchuk: The dates, yes.

Ms Blakeman: And the descriptions.

The Chair: Yes.

Mr. Cao: And the others too, right?

The Chair: Yes.

Well, then, without us being able to proceed because we will do the fair thing and e-mail those who weren't here to make a final list – it looks like we're very close already, but it's more alternates than anything – then we'll go on to Other Business, point 8.

Mrs. Sawchuk: Mr. Chairman, if I might ask: if we have three more members and the three members all ask to be considered for one or both of these conferences, would the committee be willing to agree at this meeting that the chair have the opportunity to do the draw and just draw names from a hat if we run into a situation where we have seven names in for three spots?

Mr. VanderBurg: The Speaker will determine that.

Mrs. Sawchuk: Actually, it doesn't go to the Speaker. When it's the committees, it's the committee's decision to choose that. He asks that we provide him with the process, how we reached it.

7:15

The Chair: The others are his choice, though, but this is different.

Mrs. Sawchuk: Yes.

The Chair: Karen Sawchuk is asking that if we have folks who aren't here who would request to go, that if there are more names than required, the chair would pull names out of a hat. Anyone opposed?

Mrs. Sawchuk: Everybody is in agreement. Thank you.

The Chair: Do members have any other items for discussion? This is Other Business, point 8, on the agenda. No?

Well, then, I'm very sorry to tell you that we're on point 9, Date of Next Meeting, which will be at the call of the chair.

I suppose it's time for a motion to adjourn. It looks like Barry McFarland may have been nodding first.

Thank you again for coming out, folks.

[The committee adjourned at 7:16 p.m.]

