

**Title:** Tuesday, November 13, 2007 Legislative Offices Committee

Date: 07/11/13

Time: 6:20 p.m.

[Mr. Rodney in the chair]

**The Chair:** Hello, Alberta. I have a little special note here as we sit in Legislative Offices. House services notified us that we should note that the audio of committee meetings is streamed live on the Internet from gavel with the exception of adjournments for health breaks and in camera proceedings.

With that, I'd certainly like to welcome you to this meeting. I have a feeling someone will give us a very special welcome to this particular part of town. In fact, why don't we start with you, young Laurie Blakeman, if you would. Tell us your name just for the record and your constituency, of course.

**Ms Blakeman:** Well, my name is Laurie Blakeman, and I'm very pleased as always to welcome everyone to my fabulous constituency of Edmonton-Centre.

**Mr. Coutts:** Dave Coutts, Livingstone-Macleod.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Your friendly neighbourhood chair, Dave Rodney, Calgary-Lougheed.

**Mr. Ducharme:** Denis Ducharme, Bonnyville-Cold Lake.

**Dr. Pannu:** Raj Pannu, Edmonton-Strathcona.

**Mr. Flaherty:** Jack Flaherty, St. Albert constituency.

**Mr. Marz:** Richard Marz, Olds-Didsbury-Three Hills.

**Mr. McFarland:** Barry McFarland, Little Bow.

**The Chair:** Okay. On behalf of Wayne Cao from Calgary-Fort I will say hello. Wayne will be joining us very shortly.

Point 2, the agenda. Everyone received their materials, so hopefully you have that sitting there right in front of you.

**Ms Blakeman:** Just a question on the agenda. Now, I understood from the last meeting that we had that any questions we had or any discussions we were going to have in the nature of a performance measurement around the officers or direct questions they had about their actual performance of the job should be connected with this salary review. Actually, I think it was pointed out to me that that was the only appropriate time to do it because I wasn't allowed to do it then. So will the officers be before us for this meeting?

**The Chair:** Sorry. There was a little background noise. What was your last question?

**Ms Blakeman:** Will the officers be before us so we can question them directly?

**The Chair:** They are not scheduled to be here tonight. No.

**Ms Blakeman:** Okay.

**The Chair:** You looked things up in *Hansard*, didn't you, Karen? Did you have anything to add about that?

**Mrs. Sawchuk:** I did, Mr. Chair, and we couldn't find anything from our last salary review meeting. Now, keep in mind that that was the meeting where we dealt with the final report that was completed by Meyers Norris Penny. The committee discussed the types of increases they were dealing with. At that time there was a note made that it was a cost-of-living increase; that that's how they were reviewing it. The adjustments that were made were done in accordance with these new scales but still following the senior officials' salary schedules that we were using.

If there was anything else, it was in camera, so there is no record of it.

**Ms Blakeman:** Yes, that's the problem with going in camera; there is no record of it.

That's my struggle at this point, that the officers do appear in front of us to defend their budget request, but this committee is the only opportunity to question the officers themselves on decisions that they've made or on their particular performance. So if we don't do it in connection with their salary, when do we do it?

**Mrs. Sawchuk:** I guess the only thing I can add to that, Ms Blakeman, is that the committee agreed back in I believe it was November 2003, when they were dealing with the issue of achievement bonuses, and they introduced a performance appraisal form, a type of performance review form for the officers. At that time the officers appeared before us and made an appeal to the committee that that type of review would impact their autonomy. The committee agreed to that, and we withdrew those forms. We didn't ask that they complete them.

When we've gone forward in subsequent years and done the salary reviews, it's always been on the basis of a cost-of-living increase, which is not a merit increase. It has nothing to do with performance, necessarily. Actually, we did find one reference where you asked that it be on the record that it was a cost-of-living increase only, and that was in 2005, and it was noted on the record.

**The Chair:** Indeed, that's why I turned to you for a little bit of corporate memory.

I know from my memory of serving on here as well that there have been occasions, but only occasions, on which officers have actually asked us if they could appear. Perhaps, if and when we go in camera here today, we could talk about whether in the future we would want them to come at our request rather than theirs.

But I do have a little bit of a speakers list here. I want to give everyone a chance. Denis Ducharme, please.

**Mr. Ducharme:** Thanks, Mr. Chair. With the changes in the Standing Orders that took place in April of this year, we will have the opportunity in terms of having the different officers report to this committee in regard to their annual report, and I would think that that would give us the opportunity in terms of being able to pose the type of questions that you're possibly considering. I know that that event should have probably taken place prior to this evening's meeting, but with the changes, hopefully, the others will have the opportunity to bring that forward later.

**Ms Blakeman:** Mr. Chair, rebuttal.

**The Chair:** Yes. Go ahead.

**Ms Blakeman:** Well, I appreciate that, but if we approve whatever kind of monetary increase or stay the same or whatever is the decision of the committee, once that decision is made and we leave

this room, there's no way to tie any kind of performance on behalf of the legislative officers to anything at that point. I appreciate that we can scrutinize their annual report, but frankly we have an opportunity to do that now when they come before us for their budget.

We're supposed to be representing the public here. In response to a question from a constituent I had to admit that once we make our conclusions here and they go forward, there's no other opportunity for debate in the House or for any other input on it. If we're not reviewing this, then nobody is reviewing it. If we don't tie somehow what they're doing to their salary, it strikes me that we're missing something here. My question to you, Mr. Chairman, is: how do we rectify that?

**The Chair:** Right. Before I answer that, I will continue on the speakers list.

Jack Flaherty, you're next.

**Mr. Flaherty:** Mr. Chair, it's basically on the same issue. My memory, going back on it, is that it seems to me that we asked either Dr. McNeil – I know we were in camera – or Rob Reynolds to have a look at this across Canada. It wasn't made in a motion. I did talk about this, and I did ask if we could have some way of looking into this. It was my impression that Mr. Reynolds or Dr. McNeil was going to look at what other provinces do in this regard through performance appraisal of their staff that we're talking about and report to this committee. That's where it is. Quite frankly, when I went through the agenda today, I thought there would be something on this that would tell us what they had done. I was quite disappointed when it wasn't . . .

**The Chair:** Why don't we address that right now. Don't be disappointed because Karen Sawchuk, our clerk, has some information on that right here right now.

**Mr. Flaherty:** Okay. Fine.

**Mrs. Sawchuk:** There are two things. Actually, we did get that through from the research branch. They put together all the numerous responses that the Clerk received, and we got it this afternoon. I've got copies of it, and I will be handing that out.

The thing that I was referring to was back on June 10, 2003. Actually, it was Ms Blakeman that made the motion that the Standing Committee adopt the officers of the Legislature achievement bonus guidelines and performance contract to be used in determining the annual achievement bonus payments.

**Ms Blakeman:** And then it was rescinded.

**Mrs. Sawchuk:** Then it was rescinded in September of 2003. Since that time the committee has not on the record passed any motion supporting any type of formal review process: documents, forms for the officers to fill out to present to the committee. Other than these odd occasions where, you know, we've gotten into cross-jurisdictional comparisons and that type of thing, the officers have not attended at these meetings. That's all I can say.

**The Chair:** Right. As has been pointed out by at least one member, things have changed this year in the Standing Orders, where we can review the annual reports, and we'll do that. In fact, we were to talk about it later, and we will, perhaps in the last week in January. I know that doesn't help this situation. I know that we are talking about having meetings about the budgets, and I know that could be

construed to be backwards and we need to have performance appraisals, perhaps.

But, again, Mr. Flaherty, you were asking for a piece of information that all of us asked for, which we received only this afternoon. That's no offence to Mr. Reynolds and company. In fact, we give him thanks for doing that. But we need time to look at that to determine where we go with that. So I pledge to you, Ms Blakeman, and to the committee that we will put that on the next possible agenda: to look at what we will be doing, if anything, with performance appraisal.

6:30

**Ms Blakeman:** Well, I would argue that we shouldn't be having this meeting tonight if we don't have the information in front of us in enough time to digest it.

**The Chair:** Well, no, that doesn't have anything to do with what we're here to do tonight.

**Ms Blakeman:** Yes, it does. Wasn't it a review of how performance appraisals were done?

**The Chair:** No. The performance appraisals will be going forward, so they wouldn't have anything to do with what we're doing here tonight with potential increases for these folks.

**Ms Blakeman:** This is the retroactive increase that goes back to the 1st of April, so in November we're going to . . .

**The Chair:** Right. Yes. Basically, what I'm anticipating, Ms Blakeman, is that it's entirely possible that people will suggest that something in the neighbourhood of cost of living is not overly contentious or debatable, which in this case would be helpful to us, and we move forward from here.

I wonder if we could have someone move that we adopt the meeting agenda as circulated.

**Mr. Ducharme:** Okay.

**The Chair:** Okay. Denis Ducharme. All in favour? Objections?

**Ms Blakeman:** Please note it.

**The Chair:** Okay. Note Laurie Blakeman.

That motion is carried.

I believe everyone did receive their copy of two sets of minutes, and I think we should have separate motions for each. First of all, let's take a look at June 12. Were there any revisions, corrections, additions, deletions to June 12?

**Mr. Coutts:** So moved, Mr. Chairman.

**The Chair:** Thank you. The hon. Dave Coutts moves that the minutes of the June 12, 2007, meeting of the Standing Committee on Legislative Offices be approved as circulated. All in favour? Any objections? No? That motion is carried.

Now, if you could take a look at June 22. Again, any changes whatsoever that you believe should be noted? No? Then we need someone to move that the minutes of the June 22, 2007, meeting of the Standing Committee on Legislative Offices be approved as circulated. Dr. Pannu, thank you for that. All in favour? Objections? That's carried too.

All right. I've got a little something to read to you here, folks, as

we go on to point 4, the Annual Salary Review 2007: Officers of the Legislature. As you know, the committee must review annually the salaries of the officers as set out in their respective acts. To provide a bit of background for our new members and anyone listening on the web or anyone present who's new to this, this committee did undertake an independent review of the officers' salaries last year. A request for a proposal was issued in January 2006, and as our clerk has noted, Meyers Norris Penny was chosen to complete the review.

Based on that consultant's report, the committee adjusted the salaries of four of the five officers at its August 30 meeting in 2006, and that was 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 that was recommended within that report.

Members should also be aware that the officers do not participate in the achievement bonus program of the Alberta public service. Of course, that wasn't always the case. In 2003 the officers themselves made a presentation to the committee in response to our request that a form of performance review occur in determining the bonus amount for each officer. The officers felt that the review process could undermine their autonomy and asked that they be removed from that bonus program.

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 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 the committee has generally approved only a cost-of-living increase in keeping with that approved for employees within the public service. The cost-of-living increase for 2007-2008 was announced in late August. That's part of the reason we're meeting after that, of course. It is 4.9 per cent.

One of the key points in the 2006 consultant's 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 has an eight-year term.

Any salary increases exceeding the top of their scales would then follow the cost-of-living increases announced for the public service, which results in corresponding increases to salary schedules.

For some of you this is not your favourite part, and I respect that, but the truth is that the committee traditionally moves in camera to discuss the individual salaries of the officers for privacy reasons. I wonder if we could have a member make that motion now, please, so we can have that discussion. Anyone want to move that we move in camera so we can discuss the individual salaries of our officers?

**Mr. Marz:** I would move that.

**The Chair:** We have two takers all of a sudden, either Richard Marz or Denis Ducharme. All in favour, please raise your hands. Any objections? That motion is carried.

[The committee met in camera from 6:36 p.m. to 7:36 p.m.]

**The Chair:** Welcome back, ladies and gentlemen. After considerable debate it looks as though we have one member who wants to come forward to bring forth a motion, so I'll invite Barry McFarland to take the floor.

**Mr. McFarland:** Mr. Chair, I'd move that the annual salary of the Ombudsman be increased by an additional \$11,480 effective April 1, 2007.

**The Chair:** Very good.

**Dr. Pannu:** Mr. Chairman, is reference being made to the motion that's on record, the motion that Karen said is on record with respect to the category? Your motion really is driven by that.

**The Chair:** Okay. Just for a point of clarification here.

**Mrs. Sawchuk:** Mr. Chair, I believe what Dr. Pannu is referring to is the motion that was made by the committee in 2003 which assigned all the officers to a specific salary schedule equal to the salary schedules for the Alberta public service. The motion was moved by Mrs. Fritz that "the salary for the position of Ombudsman be designated within a range equivalent to Range D of the Senior Officials Schedule 2 salary schedule." This motion that's been put on the floor would recognize that salary schedule.

**The Chair:** February 18, 2004, Denis Ducharme has clarified.

**Mrs. Sawchuk:** Pardon me. That's correct, yes. February 18, 2004.

**The Chair:** Good. Thanks for that.  
Any discussion? Deliberation? Objection?

**Some Hon. Members:** Question.

**The Chair:** Question. All those in favour? Anyone opposed? That motion is passed unanimously. Thank you very much.

It's come to my attention that perhaps there's one more motion, from Laurie Blakeman, to come.

**Ms Blakeman:** There is. I just want to clarify that this motion follows on, timingwise, the one made by my colleague Mr. McFarland. What I will be proposing is a motion for a cost-of-living increase of 4.9 per cent, but that percentage increase is to be applied to the new version of the amount of money the Ombudsperson would be getting. Just so I've clarified that.

**The Chair:** Thank you for reading that right into the record in *Hansard*.

**Ms Blakeman:** So I would like to move that officers of the Legislature be authorized to receive an annual adjustment of 4.9 per cent for the 2007-08 year, consistent with the cost-of-living increase approved for the public service.

**The Chair:** Any questions or debate?

**Some Hon. Members:** Question.

**The Chair:** The question has been called. Those in favour? Those opposed? Unanimously carried once again. Thank you, folks.

On to our next item, Other Business. Are there other items for discussion tonight?

**Ms Blakeman:** We are meeting again?

**The Chair:** In fact, I'll move on to the next point, the date of the next meeting. Members were polled last week to determine their

availability for evening meetings in late November or early December to replace the full-day meeting scheduled for December 11. You can stop the fan mail coming; we don't have that December 11 all-day meeting to consider budget submissions and business plans for the officers. We did get a response, and, Karen, you have quite thorough results, the numbers, don't you? Why don't you go ahead and explain what feedback you received.

**Mrs. Sawchuk:** Mr. Chair, the dates that were circulated were – these were all evening meetings from 6 to 9 p.m. – November 19, 21, 27, 28, and also December 3, 4, and 5. What we had asked was that members indicate their availability for all of those dates. We needed at least two evenings. We only had interest shown – well, nothing for the 19th or the 21st. Very low, not even a quorum. The 27th and 28th had eight members and 10 members respectively. December 3 had only six. December 5 had two. December 4 had seven. The two dates that had the highest response were Tuesday, November 27, and Wednesday, November 28.

**The Chair:** Right.

**Mr. Flaherty:** What were those dates again?

**Mrs. Sawchuk:** Tuesday, November 27, and Wednesday, November 28. We'd do three of the officers' budgets, business plan submissions on one evening and two on the other.

**The Chair:** Right.

Laurie, did you want to comment?

**Ms Blakeman:** Yeah. The Tuesday meetings are the Liberal caucus meetings. Just the way things have scheduled out, a number of the different standing committees have fallen on a Tuesday night, and we can't keep missing that many people out of our caucus meetings. So the Tuesday night is not going to work for us.

**The Chair:** Suggestions for an alternate? I mean, I know I've had to be in four or five places at one time as well. I feel your pain, but we do need an answer to this.

**Ms Blakeman:** When is the Conservative caucus meeting when we're in session? Which night of the week is it?

**The Chair:** We meet all the time.

**Mr. Ducharme:** Every day.

**Ms Blakeman:** Yeah, we meet every day too, in the mornings. But when do you guys meet at night? Do you have a longer, extended meeting?

**Mr. Ducharme:** We have a longer session on Thursday mornings.

**The Chair:** Yes. That's at least three hours.

**Mr. Flaherty:** Is there any way we could start, Mr. Chairman, on the 27th earlier and finish the whole thing in three or four hours?

**The Chair:** I don't know. The 27th: that's the Tuesday that Laurie has referred to.

**Mr. Flaherty:** We couldn't start at 3 or something?

**The Chair:** Well, it's just that people are sitting in the House.

**Mr. Flaherty:** Okay. That's right.

**Mr. Ducharme:** You mentioned that if the 27th doesn't work, the 28th does, right?

**Ms Blakeman:** Yes.

**Mr. Ducharme:** But you also indicated there was a date in December where you had a fair number of MLAs.

**Mrs. Sawchuk:** Seven.

**Mr. Ducharme:** You had seven members on December 3?

**Mrs. Sawchuk:** On December 4.

**Mr. Ducharme:** What day is that?

**The Chair:** That's a Tuesday again.

**Mrs. Sawchuk:** So we still would not have the Liberal members, Mr. Chair.

**Ms Blakeman:** You guys assign your caucus duties far in advance, don't you? So you guys would know now that you couldn't come at 3 o'clock on Tuesday, the 27th. Is that true?

**The Chair:** The House is in session.

**Ms Blakeman:** Not everybody is assigned on House duty all the time.

**The Chair:** We can't sit while the House is in session.

**Mrs. Sawchuk:** Not during the same hours as you're sitting.

**The Chair:** Yeah.

**Dr. Pannu:** This committee cannot meet when the Assembly is sitting, during those hours?

**Mrs. Sawchuk:** Right. I'm pretty sure. I'm going to double-check that, Mr. Chairman.

**The Chair:** What was the feedback on the 5th?

**Mrs. Sawchuk:** The 5th was two people.

**Mr. McFarland:** The 3rd was good.

**Mrs. Sawchuk:** The 3rd was six. Well, it makes the quorum requirements but just.

**Ms Blakeman:** The 3rd is a Monday.

**Mrs. Sawchuk:** Yeah, the 3rd is a Monday.

**The Chair:** Right. What was the feedback on the 3rd?

**Mrs. Sawchuk:** Six.

David, you didn't reply for the 3rd. Oh, so we could make that seven.

**The Chair:** So are we going to switch the 27th to the 3rd? Who has a problem with moving the meeting that we had thought might be on the 27th to the 3rd of December? That would accommodate your Liberal caucus situation, Laurie?

7:45

**Ms Blakeman:** Yeah, it would. So we'd be talking about Wednesday, the 28th, and Monday, December 3. Okay. Yeah, that works for me.

I'm sorry. I am going to have to slip out.

**The Chair:** What do we want to do about Denis? It sounds like Denis wouldn't be able to make it that night.

**Mr. Ducharme:** Do you have a quorum?

**The Chair:** Let her check.

**Mrs. Sawchuk:** Yeah, we have a quorum.

**The Chair:** We would have a quorum. Should we leave it, then?

**Mrs. Sawchuk:** So, Mr. Chairman, then the meetings will go ahead on Wednesday, November 28, and Monday, December 3, and we'll

be scheduling them from 6 to 9 p.m., or does the committee prefer 6:15 to 9 p.m.? What's the committee's pleasure?

**The Chair:** Let's keep it from 6 till 9. Actually, do we have to have an end hour?

**Mrs. Sawchuk:** No, we don't, and this committee has never really honoured the end hour. We've always sat until we've completed our order of business, whatever we have on.

**The Chair:** Okay. Then one thing that I'm going to ask Karen to make a note of is that when we do review the four annual reports – not five because the Auditor General reports to Public Accounts – we're looking at the last Tuesday, Wednesday, Thursday of January, so watch for e-mails. Karen, you'll ask the folks about January 29, 30, 31 in terms of the meetings for the four annual reports? Okay. So just watch for that.

With that, I would invite a motion to adjourn. Barry McFarland had his hand up first. Thank you, folks, and we look forward to seeing you on the 28th and the 3rd. Have a good night.

[The committee adjourned at 7:47 p.m.]

