



Legislative Assembly of Alberta

The 27th Legislature
First Session

Standing Committee
on
Legislative Offices

Monday, May 12, 2008
5:49 p.m.

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Standing Committee on Legislative Offices

Prins, Ray, Lacombe-Ponoka (PC), Chair
McFarland, Barry, Little Bow (PC), Deputy Chair

Blakeman, Laurie, Edmonton-Centre (L)
Campbell, Robin, West Yellowhead (PC)
Horne, Fred, Edmonton-Rutherford (PC)
Lund, Ty, Rocky Mountain House (PC)
MacDonald, Hugh, Edmonton-Gold Bar (L)
Marz, Richard, Olds-Didsbury-Three Hills (PC)
Mitzel, Len, Cypress-Medicine Hat (PC)
Notley, Rachel, Edmonton-Strathcona (NDP)
Webber, Len, Calgary-Foothills (PC)

Legislative Officers

G.B. (Gord) Button	Ombudsman
Fred Dunn	Auditor General
Lorne R. Gibson	Chief Electoral Officer
Donald M. Hamilton	Ethics Commissioner
Frank Work, QC	Information and Privacy Commissioner

Support Staff

W.J. David McNeil	Clerk
Louise J. Kamuchik	Clerk Assistant/Director of House Services
Robert H. Reynolds, QC	Senior Parliamentary Counsel
Shannon Dean	Senior Parliamentary Counsel
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Philip Massolin	Committee Research Co-ordinator
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

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[Mr. Prins in the chair]

The Chair: Well, good evening, everyone. The time on my watch is a quarter to 6, so we'll call this meeting to order. I trust everyone has seen the agenda and the committee budget estimates, which were posted on the committee website last Monday.

I think that before we get going, we'll introduce ourselves for the record. I'll start with myself. I'm Ray Prins, MLA for Lacombe-Ponoka.

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

Mr. Lund: Ty Lund, Rocky Mountain House.

Mr. Campbell: Robin Campbell, West Yellowhead.

Ms Blakeman: Laurie Blakeman. I'd like to welcome everyone, including the fans joining us at the back there, to my fabulous constituency of Edmonton-Centre.

Dr. Massolin: Hi. Philip Massolin, committee research coordinator, Legislative Assembly Office.

Mrs. Kamuchik: Louise Kamuchik, Clerk Assistant, director of House services.

Mr. Horne: Fred Horne, Edmonton-Rutherford.

Mr. MacDonald: Hugh MacDonald, Edmonton-Gold Bar.

Mr. Mitzel: Len Mitzel, Cypress-Medicine Hat.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Well, thank you very much. I think everybody's got an agenda before them, so I'd like to ask for a motion that the agenda be adopted as circulated.

Mr. Marz: I'll move that.

The Chair: All in favour? That's carried.

Basically, what this meeting is about is kind of an orientation, to start with. We'll look at what this committee is about, and then there are a couple of points of business that we have to attend to when we're through the orientation part.

I'll start with our mandate, and you can stop me and ask questions any time you want. The committee is responsible for review and approval of the operating budgets for the officers of the Legislature: the Auditor General, Chief Electoral Officer, Ethics Commissioner, Information and Privacy Commissioner, and Ombudsman. The committee also reviews the officers' salaries – that's annually – and the committee undertakes the review of contract renewals for the officers and provides a recommendation to the Assembly in that respect.

In 2007 the requirement for all reports of the officers to stand referred to the Legislative Offices Committee was included in the temporary standing orders. This provision has been reiterated in the current temporary standing orders.

I don't know; did you want to make a comment on what that means, Karen?

Mrs. Sawchuk: Thank you, Mr. Chair. The committee had never had that responsibility before. We still have not reviewed the reports of the officers. It was included last year, as the chair mentioned; however, a meeting that was originally scheduled to deal with the officers' reports was cancelled at the last moment, so the provision has been brought forward again. It says "reports." The assumption, of course, is that it's annual reports, but the interpretation that we've received from Senior Parliamentary Counsel is that it's any report of an officer. So it could go beyond just annual reports.

The Chair: Okay. Do we have reports now that stand referred?

Mrs. Sawchuk: We would be looking at, I believe, the 2006-07 reports because most of 2007-08's are just under way now. They won't be released until later in June type of thing.

The Chair: Okay. So if we need to do any of that kind of work, we can deal with that later.

Mrs. Sawchuk: We can, yes.

The Chair: Okay. Thank you.

The committee can review other issues that may be brought before it by an officer, including any proposed changes to legislation, although the committee does not have the authority to approve legislative changes. If the committee undertakes a review of draft changes to legislation, it then makes its recommendations to the Department of Justice and Attorney General.

We have legislative authority. The committee's functions are set out in the relevant statutes for each of the officers and can be found via the resources link on our internal website, and there's also a link to the standing orders which address the rules for legislative committees. You can note that the new requirement that reports of the officers stand referred to the committee can be found in section 55.01 of the Standing Orders. That's what we just referred to.

I'll deal with meeting procedures and schedules. Meetings are held at the call of the chair, and generally Karen will contact members to determine their availability for a number of dates. Meeting confirmations are e-mailed to members once a meeting date and time are confirmed, and I think we'll try to work that out and make sure we get quorum or at least that it suits most of us before we call meetings.

Meeting materials are posted on the internal committee website the week prior to a meeting, and members may print these documents, or you can access these during meetings on your LAO laptop.

All MLAs are entitled to participate in committee meetings, but those who are not members of the committee may not vote or move motions. So that means that if others want to come, they're more than welcome to attend meetings.

The standing order changes now allow for temporary substitutions with the same rights as regular committee members by providing 24 hours' written notice to the chair and committee clerk. The member who has named a substitute is responsible for providing meeting material to that member attending in his place. So if somebody can't be here and we need to meet quorum, you can get somebody to substitute for yourself with 24 hours' notice.

During meetings the chair keeps track of members wishing to ask questions, and every effort is made to ensure that all members have an equal opportunity to participate in discussions and ask questions. If you want to say something, put your hand up or make some noise, and you'll get my attention, and you'll get on the list.

As with all legislative committees our meetings are open to the

public unless the committee passes a motion to move in camera, such as during discussions related to officers and their contracts or salaries. In these cases a motion is made to move in camera, *Hansard* stops recording, and the meeting room is cleared of all participants excepting the committee proper, the committee clerk, and any other support staff as designated by the committee. So if we go in camera, *Hansard* leaves.

I'm presuming at this point in time that we're on live audio streaming.

Mrs. Sawchuk: Yes.

5:55

The Chair: So people around the world can be listening in on us. I'm sure that there probably are some, and we welcome them as well, but as soon as we go in camera, that stops.

Any decisions made by the committee while in camera must be reiterated on the record. Meetings are recorded by *Hansard*, and transcripts are accessible on the Assembly website and via a link from our committee website. During session transcripts of committee meetings are generally posted on the Friday following the meeting. Outside of session committee transcripts are generally available within two days following the meeting.

Legislative committees follow the rules set out in the standing orders, and if there are any procedural questions or challenges, either the Clerk Assistant or Parliamentary Counsel can be called on to provide assistance. We do have, I think, regulations in the standing orders. I've got some really old ones here, so maybe that will work.

Okay. We'll go on to Committee Website and Distribution of Documents. Meeting documents, resource materials, and archive materials from previous meetings are available on our internal committee website.

Ms Blakeman: Unless you have a Macintosh. It's a Trivial Pursuit question. If you use a Macintosh computer, you can't access it.

The Chair: Okay.

Members are welcome to access meeting material on their LAO laptops during the meeting, as mentioned earlier. LAO staff are available to assist with setting up prior to each meeting. Members were provided with a binder and tabs, if they choose to print off copies of the material posted on our internal website for each meeting. Obviously, people have binders and all kinds of information with them.

LAO support staff. We'll talk about that. As you know, Karen Sawchuk is the committee clerk assigned to this committee, and she provides administrative research and general assistance as required by the committee. The committee may also call upon the Clerk Assistant, or director of House services, Louise Kamuchik, for procedural and budgetary issues, and Senior Parliamentary Counsel – I think it's Rob Reynolds; he's not here yet – with respect to legal opinions, and research staff undertake any research projects that the committee may assign. That's Philip Massolin. The committee may also call on communications staff from the Legislative Assembly Office should issues arise which require their expertise.

We also have the approved 2008-09 committee budget estimates. A copy of the committee's proposed operating budget was posted on the committee website, and it's for information purposes only as it was approved by the Members' Services Committee in December of '07. This budget is basically status quo with the budget from last year.

Karen can respond to any questions members may have in respect

of the budget estimates. I would ask whether anybody has any questions on what we just talked about, particularly the budget. I don't have those numbers with me, though. Does anybody have any questions on what we just covered? We're not dealing with budget estimates tonight anyway, so I don't think that's critical right now.

Mrs. Sawchuk: I don't believe there's anything unusual.

The Chair: No. It doesn't matter.

The next thing on the agenda is the review of the term of contract of the Ombudsman. I believe that the contract for our Ombudsman expires on September 15 of this year, 2008. One of my first duties as chair of this committee was to send Mr. Gord Button a letter asking that he provide an indication of his interest in reappointment if that was his intent. I met with Mr. Button, and we have also received his written response to my letter. I have that letter here.

For information purposes the Ombudsman is appointed for a five-year term with provision for reappointment, so he's nearing the end of his first five-year term. There is opportunity for reappointment, and he has indicated that he would like to be reappointed.

Since we'll be discussing the contract of an officer, I'd ask that somebody move that we go in camera. Ty. All in favour?

Ms Blakeman: No. And could it be noted, please.

The Chair: Okay.

Ms Blakeman: Thank you.

[The committee met in camera from 6 p.m. to 6:48 p.m.]

The Chair: We'll just move on to the next item on the agenda. We'll talk about conference attendance. There are two conferences. One is the Canadian Council of Public Accounts Committees conference September 7 to 9 in Whitehorse. The committee budget provides for two members to attend this conference. This is generally the chair and one additional member and a couple of alternates. I have indicated to Karen that I would like to go. We're just looking for one other member. I don't know how we're going to pick that unless we draw for it. This is the conference in Whitehorse, the one that coincides with Public Accounts. Are you all interested in going? That is from September 7 to 9 in Whitehorse.

Mr. Lund: Mr. Chairman, there are two of us that are already going.

The Chair: Okay. You guys are going. Who else would like to be considered to go either as a delegate or an alternate?

Mr. Marz: I'll go down as an alternate.

The Chair: Okay.

Mr. Campbell: I'll go as a delegate.

The Chair: Okay. We'll put your names in a draw or something. I think it's fair to draw if there's more than one.

Mrs. Sawchuk: Mr. Chair, I think the only problem will be that we've got three members absent. Normally we would include them, so with the agreement of the committee what we could do is just do a quick e-mail to them tomorrow morning, ask if they even want to have their names in the draw, and if they don't, then with the committee's agreement we can go ahead and put forward your name,

Mr. Campbell's, and then Mr. Marz as the alternate if there aren't any other indications of interest.

The Chair: Fred and Len, are either of you guys interested?

Mr. Horne: These particular dates, Mr. Chairman, might be problematic for me, so I'll stand down on this one.

The Chair: There's always next year.

Mr. Mitzel: I think I'll stand down as well.

The Chair: Okay. So that puts Robin and Richard in along with the others that are not here for the Whitehorse one, and I'll be going there.

We don't need a motion for that at this point, do we?

Mrs. Sawchuk: Yes. Mr. Chair, I think that the motion can read that

the committee designate the chair and one other member and one alternate to attend the conference in Whitehorse from September 7 to 9 and that the names of the additional member and the alternate be determined by a lottery, by a draw.

The Chair: Okay. You're making that motion, Richard?

Mr. Marz: Yeah, I am.

The Chair: Thank you very much.

Any discussion? All in favour? That's carried. That will be for the CCPAC conference.

Then in Chicago there will be the Council on Governmental Ethics Laws conference from December 7 to 10. This committee budgets for four attendees at this conference. It would include the chair, the committee clerk, and two additional members. Laurie Blakeman has asked if she could be one of the members, so I have agreed to consider that. I think what we would do there is have a couple of alternates as well. We have four attendees that can go. I don't know how you want to do that. If you want to put your name in a draw, Laurie?

Ms Blakeman: Sure. Whatever is fair. I just want to be considered for this one. This is the one I find more interesting. In Chicago in December: oh, yeah; nice time.

The Chair: Yeah, it'll be really nice there.

Karen, do you want to add to this?

Mrs. Sawchuk: Mr. Chair, would the committee want to entertain the same type of motion for this one, that we contact the three members who are absent and ask if they want their names included in a draw? We've got room for two members, plus we need two members for alternates. So far the only name we've received besides the chair is Ms Blakeman. Is there anyone else?

Mr. Campbell: I'll put my name in.

The Chair: Okay. Robin.

We'll draw for the delegates and the alternates.

Mrs. Sawchuk: Right. So we've got two. Any others, Mr. Chair?

The Chair: Fred?

Mrs. Sawchuk: Fred. Okay.

We've got three members, Mr. Chair. We'll do the same thing. We'll do it by lottery. The motion would read the same, that the standing committee designate the chair, the committee clerk, and two additional members as attendees and two additional members as alternates to attend the COGEL conference in Chicago from December 7 to 10, 2008.

The Chair: That sounds good to me.

You made the motion, Ty?

Mr. Lund: I so move.

The Chair: Okay. Thank you. All in favour? That's carried.

Other Business. Any questions on anything else?

Ms Blakeman: I'm just wondering where we are with reviewing the elections. There were a number of irregularities that were brought forward during the last election. Where are we in the process or the format to be looking at, dare I say, that performance? Where are we at with that? I don't want to see a situation where it's a year from now that we're looking at something. So, I guess, where are we at with his contract, with the contract for that position, and where are we at for reviewing some of the irregularities? Frankly, it's more for members that are on the government side here because I think that's where the black eye is being cast.

The Chair: Okay. Thank you for that question. I know that the Chief Electoral Officer's contract expires one year after the actual voting day, which was March 3. I don't know where we're at with the review of this.

Rob, maybe you could fill us in on that.

6:55

Mr. Reynolds: No, Mr. Chair. That's exactly what I was going to say. His term of appointment expires under the statute one year after the polling day.

The Chair: I don't know if that's the question that Laurie was really asking. She was talking about the review of the process of the election.

Ms Blakeman: What's available for this committee to look at how that election went? What's open to us?

The Chair: Is it our job to review that?

Ms Blakeman: Well, it's the office of the Chief Electoral Officer and how that performs, so it comes to us on behalf of the Legislative Assembly.

Mr. Parliamentary Counsel, can you help us here?

Mr. Reynolds: There is nothing that I'm aware of in the legislation that specifically provides for a review of the election by the committee. However, one of the items that was added to the temporary standing orders, as I indicated, was the annual reports of the officers. Now, there is no actual annual report, necessarily, from the Chief Electoral Officer, but he does have a report on the election, in this case on the operation of the 2008 general election. I don't know when that comes out, but it will be a document that presumably could be reviewed. But there will be a report on it.

Ms Blakeman: You said that you weren't aware of it, but I'm

presuming there's something in the legislation that would set the timeline for the delivery of that report.

Mr. Reynolds: Yes, there is. Sadly, the one act I didn't believe was going to come up was the Election Act. But, yes, there is something. I can advise members as to when that would be.

The Chair: I wonder if I could ask Karen to maybe make a quick comment on that.

Mrs. Sawchuk: Actually, Mr. Chair, I'm just going through the act right now trying to find that provision for when they must report after an election, so if you'll give me a couple of minutes.

The Chair: Okay. So I presume the Chief Electoral Officer will report on the election, then. If there were any problems or irregularities, they should show up in that report, and that report should be reviewed by us when we review the reports of the officers. Would that not be the time that we would look at that?

Mr. Reynolds: Certainly, Mr. Chair. It hasn't been done, to my knowledge, by Leg. Offices. It hasn't been done before, but it doesn't prevent you from breaking new ground under the terms of the standing orders.

The Chair: Okay. Does that answer your question, Laurie?

Ms Blakeman: But we've had a previous Chief Electoral Officer who served one term only and whose contract was not renewed. How did they arrive at that decision? Oh, wait. It was probably done in camera, and we don't know because nothing was recorded.

Mr. Reynolds: I can tell you that there was a new Chief Electoral Officer selected. There was a search committee, but to my knowledge there hasn't been a review of the report of the Chief Electoral Officer before.

Ms Blakeman: No. That's because the report wouldn't have been referred to the committee prior to this.

The Chair: Does that answer your question, Laurie, then, about the process?

Ms Blakeman: Yeah. It means we've got to wait for that report from the Chief Electoral Officer before we can review what happened during that election, and that would also be affecting, I presume, their reappointment, which falls within the timeline we've already heard.

The Chair: Right. So that will come up sometime before March 3 of next year.

Any other questions before we move on to the dates of future meetings? Okay. Then we need to set a date for the salary review that we're going to do in, I presume, the next meeting; we have nothing else scheduled. Before we move on to any kind of a reappointment of any officers, we want to look at a review of salaries. We need to get out our calendars and pick a date that suits all of us. I think a supper meeting is probably good enough. How much time do we need to get the information? Another week or two?

Mrs. Sawchuk: Mr. Chair, I'm only basing this on previous salary review meetings of this committee, but I would suggest that we

might need longer than an hour or an hour and a half. A lot of the information exists. It might have to be updated a bit, but I think, Philip, we shouldn't have too many problems in that respect.

Dr. Massolin: Yeah, I agree. It should be pretty easy to put together.

Mrs. Sawchuk: Okay. So we could do that any time in the next two, three weeks or whenever.

The Chair: But you're thinking a full day or half a day?

Mrs. Sawchuk: No. Not a full day.

The Chair: How much time?

Mrs. Sawchuk: I thought I heard that the committee had said that maybe they wanted the officers to attend. Was I missing something there?

Ms Blakeman: We were looking at the fact that he'd requested to come before us, but I think there wasn't appetite for that.

The Chair: What I'm hearing is that people would like another supper meeting, a meeting like this over supper. This is almost two hours that we can meet. It's 7 o'clock now. We've been here for quite a while. Not quite two hours: an hour and a half, an hour and a quarter. What's your wish? In a couple of weeks? Today is the 12th.

Mr. Marz: The 26th is a Monday.

The Chair: The 27th is fine if that would suit you better.

Mr. Mitzel: That works for me.

Mr. Marz: Works for me, too.

The Chair: The 26th or the 27th works for me.

Ms Blakeman: On the 27th we have a regularly scheduled caucus meeting over the supper hour, so Tuesdays don't work for us.

The Chair: Okay. Then we better stick with the Monday. Wednesdays are no good for us. So the 26th.

Ms Blakeman: So it's Monday or Thursday, then.

The Chair: Thursday we're gone, so Monday is the only day. Do I hear a motion? Robin.

Mr. Campbell: I move that we meet on May 26 at 5:30.

The Chair: Okay. That is to do a salary review.

We need another meeting to review the reports of the officers. Do we have those reports?

Mrs. Sawchuk: Yes, Mr. Chair. I believe we would still be reviewing the 2006-07 annual reports. Most of the 2007-08 won't have been completed yet.

The Chair: Okay. Now, is there any urgency to do that soon, or shall we set that meeting date after the next meeting?

Mrs. Sawchuk: The previous committee had suggested scheduling a full day and following a format similar to that of the Public Accounts Committee. They were scheduling an hour per officer: 15 minutes for them to provide a background/ history/review of their report and then 45 minutes for the committee to ask questions. If the committee wanted to continue to follow that type of format, we could do that. You'd need a day.

The Chair: When could we expect the most recent reports of these officers?

Mrs. Sawchuk: You know, Mr. Chair, some of the reports aren't ready until later in the fall.

Ms Blakeman: Most of them come out around the same time as the AG report, so you end up getting them sort of Octoberish, and then we tend to meet in December to review their budget requests for the following fiscal year, and we meet about March – that is my memory – to do the salary review. We want to do this in June, I think. We've got to deal with the last ones.

The Chair: Is there a requirement to deal with these if they're a year

and a half old? If there's no requirement, my feeling is that we wait for the next ones, for the more current ones.

Ms Blakeman: Sure. Your more current ones will be six months out of date instead of 18 months out of date.

The Chair: All right. For the sake of not just having meetings to look at really old reports.

Ms Blakeman: I will celebrate that.

The Chair: Okay. Let's leave that until the next meeting or until we have an idea when the reports come out.

Anything else for the good of this meeting? Then I will call for an adjournment.

Mr. Lund: I'll move adjournment.

The Chair: Thank you. All in favour? We're adjourned.

[The committee adjourned at 7:04 p.m.]

