



Legislative Assembly of Alberta

The 27th Legislature
Fourth Session

Standing Committee
on
Legislative Offices

Tuesday, August 23, 2011
9:45 a.m.

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Fourth Session**

Standing Committee on Legislative Offices

Mitzel, Len, Cypress-Medicine Hat (PC), Chair
Lund, Ty, Rocky Mountain House (PC), Deputy Chair

Bhullar, Manmeet Singh, Calgary-Montrose (PC)
Blakeman, Laurie, Edmonton-Centre (AL)
Campbell, Robin, West Yellowhead (PC)
Drysdale, Wayne, Grande Prairie-Wapiti (PC) *
Elniski, Doug, Edmonton-Calder (PC) **
Hinman, Paul, Calgary-Glenmore (W)
Lindsay, Fred, Stony Plain (PC)
MacDonald, Hugh, Edmonton-Gold Bar (AL)
Marz, Richard, Olds-Didsbury-Three Hills (PC)
Notley, Rachel, Edmonton-Strathcona (ND)
Quest, Dave, Strathcona (PC)
Rogers, George, Leduc-Beaumont-Devon (PC)

* substitution for Manmeet Bhullar

** substitution for George Rogers

Legislative Officers

G.B. (Gord) Button	Ombudsman
Brian Fjeldheim	Chief Electoral Officer
Merwan Saher	Auditor General
Neil R. Wilkinson	Ethics Commissioner
Frank Work, QC	Information and Privacy Commissioner

Support Staff

W.J. David McNeil	Clerk
Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Cheryl Scarlett	Director of Human Resources, Information Technology, and Broadcast Services
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications and Broadcast Services
Melanie Friesacher	Communications Consultant
Tracey Sales	Communications Consultant
Philip Massolin	Committee Research Co-ordinator
Stephanie LeBlanc	Legal Research Officer
Rachel Stein	Research Officer
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

9:45 a.m.

Tuesday, August 23, 2011

[Mr. Mitzel in the chair]

The Chair: Well, good morning, everyone. It is 9:45, and we'll call the meeting to order. I believe Ms Blakeman will be phoning in. Ms Notley should be here with us shortly. I'd like to welcome everyone to the Standing Committee on Leg. Offices.

I'd ask the members and those joining the committee at the table to introduce themselves for the record. Meeting materials were posted on the committee's internal website and also delivered to members' offices. If anyone requires copies, please let the committee clerk know. For the record Mr. Elniski is replacing Mr. Rogers, and Mr. Drysdale is replacing Mr. Bhullar.

We'll start. I'm Len Mitzel. I'm the chair of the committee and the MLA for Cypress-Medicine Hat.

Mr. Lund: Ty Lund, MLA, Rocky Mountain House.

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

Mr. Lindsay: Good morning. Fred Lindsay, MLA, Stony Plain.

Mr. Quest: Good morning. Dave Quest, MLA, Strathcona.

Mr. Drysdale: Good morning. Wayne Drysdale, MLA, Grande Prairie-Wapiti. As stated, I'm replacing Mr. Bhullar.

Mr. Campbell: Robin Campbell, MLA, West Yellowhead.

Mr. Elniski: Doug Elniski, MLA, Edmonton-Calder, replacing Mr. Rogers.

Mrs. Scarlett: Cheryl Scarlett, director of human resources, information technology, and broadcast services.

Mr. Reynolds: Rob Reynolds, Law Clerk and director of inter-parliamentary relations, Legislative Assembly.

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

Mr. Hinman: Paul Hinman, Calgary-Glenmore.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Thank you.

The second item on the agenda is approval of the agenda. I have one item for discussion under other business, submissions to the Lobbyists Act review, under item 6.

I think Ms Blakeman has joined us.

Ms Blakeman: Yes, I have. Sorry for being late.

The Chair: We were just doing introductions, so you're right on time.

Ms Blakeman: Great. I wish I was in Edmonton-Centre, but I'm not yet.

The Chair: Thank you.

Any other items to add to the agenda?

Seeing none, would someone move adoption of the agenda? Moved by Mr. Lund that the August 23 agenda of the Standing Committee on Leg. Offices be adopted as amended. All in favour? Opposed? That is carried.

Item 3 is the adoption of the meeting minutes. Any errors, omissions to note on the May 26, 2011, minutes?

Seeing none, a motion to approve, please.

Mr. Marz: I move approval.

The Chair: Mr. Marz moved that the minutes of the May 26, 2011, meeting of the Standing Committee on Leg. Offices be approved as circulated. All in favour? Opposed? That is carried.

Now, just a point, ladies and gentlemen, as well. Any request for a recorded vote should be made prior to the motion as we go through the agenda here. When we do a recorded vote, it will go by names, then, and agreed or opposed. Okay?

This takes us to number 4, the office of the Ombudsman, the recommendation for an order in council, the appointment of the Ombudsman. For the record earlier this morning the Ombudsman search committee passed a motion recommending that Mr. Peter Hourihan be appointed Ombudsman, and the search committee's final report has now been tabled with the Clerk of the Assembly as an intersessional deposit.

Section 7(3) of the Ombudsman Act authorizes the Standing Committee on Leg. Offices to make a recommendation for the position of Ombudsman to the Lieutenant Governor in Council when the Legislature is not sitting. This appointment must be confirmed by the Assembly within 30 days of the commencement of the next regular session. We have with us Mr. Reynolds in attendance today to respond to any questions the committee may have with respect to this.

Any questions with regard to the comments that were made or the recommendations that were made at the previous meeting?

Seeing none, is someone prepared to make the necessary motion?

Ms Blakeman: A recorded vote, please.

The Chair: Ms Blakeman has asked for a recorded vote. For the record Ms Notley has joined the committee.

I will read the motion into the record. Moved by Mr. Lindsay that

the Standing Committee on Leg. Offices recommend to the Lieutenant Governor in Council that Mr. Peter Hourihan be appointed Ombudsman for the province of Alberta for a five-year term commencing October 17, 2011.

We'll call for a recorded vote.

Mr. Lund: Agreed.

Mr. Marz: Agreed.

Mr. Lindsay: Agreed.

Mr. Quest: Agreed.

Mr. Drysdale: Agreed.

Mr. Campbell: Agreed.

Mr. Elniski: Agreed.

Mr. MacDonald: No.

Mr. Hinman: Agreed.

Ms Notley: I'm opposed.

Ms Blakeman: Opposed.

The Chair: That motion is carried.

Okay. Item (b) on that is a recommendation for an order in council, appointment of the Acting Ombudsman. As members may recall, the last day for our current Ombudsman, Mr. Gord Button, is August 31. As noted, Mr. Hourihan's appointment will be effective October 17. To accommodate the transition from the current Ombudsman to the new Ombudsman, a recommendation to appoint an Acting Ombudsman may be put forward by the Leg. Offices Committee. Mr. Button by e-mail has suggested that Ms Joanne Smart, the senior legal counsel in the office of the Ombudsman, may be appointed as Acting Ombudsman during the vacancy in that office. Are there any questions in this regard?

Mr. Marz: Just one. Mr. Button wouldn't be prepared to continue on until the 17th?

The Chair: No. His effective date is August 31. We made a similar recommendation in 2003, you know, when we appointed Brian Carver as Acting Ombudsman for the period between Scott Sutton's retirement and Gord Button's appointment as well. The delegation of the authority permits the holder to exercise all the powers of the Ombudsman except the power to delegate or make a report under the Ombudsman Act.

Mr. Campbell: Do you need a motion?

The Chair: Yes, I do.

Mr. Campbell: I move that we accept the Ombudsman's recommendation.

The Chair: Okay. I'll read the formal motion. Mr. Campbell moves that

the Standing Committee on Leg. Offices recommend to the Lieutenant Governor in Council that Ms Joanne Smart be appointed Acting Ombudsman for the period September 1, 2011, to October 16, 2011.

All in favour? Opposed? That is carried. Thank you.

Now, this takes us to item (c) under 4, and that's the acting pay. As the Acting Ombudsman Ms Smart will assume all the duties and powers of the Ombudsman during the vacancy of that office. Based on public-service guidelines, Ms Smart is eligible to receive a temporary salary increase during the period that she is acting as Ombudsman.

The committee's discussions may extend to Ms Smart's current salary and classification, and I'd therefore call for a motion to move in camera prior to continuing our discussions in this respect. Moved by Mr. Quest. All in favour? That is carried.

[The committee met in camera from 9:53 a.m. to 10:14 a.m.]

The Chair: Okay. We are now on the record.

Mr. Campbell, you're prepared to make that motion.

As well, Ms Blakeman, you had requested a recorded vote on this. Is that correct?

Ms Blakeman: I did. Thank you.

The Chair: Okay. Thank you. I wanted to do it on the record. Mr. Campbell.

Mr. Campbell: Okay. I move that the Standing Committee on Legislative Offices approve the payment of a salary equal to 55 per cent of the development maximum for the senior officer D range to Ms Joanne Smart, senior legal counsel, office of the Ombudsman, for the period September 1, 2011, to October 16, 2011.

The Chair: Okay. We have a motion on the floor. Any more discussion on it?

Mr. Marz: Mr. Chairman, I think now is the time that the recorded vote should be asked for because, otherwise, the person asking for the recorded vote doesn't know what they're asking for until they hear the motion. It has to be asked for after the motion is made but before the vote is taken.

The Chair: Okay. Thank you. Ms Blakeman.

Ms Blakeman: Thank you. Could I have a recorded vote, please?

The Chair: Thank you. It will be a recorded vote.

Mr. Lund: I agree with the motion.

Mr. Marz: I agree.

Mr. Lindsay: Agreed.

Mr. Quest: Agreed.

Mr. Drysdale: Agreed.

Mr. Campbell: Agreed.

Mr. Elniski: Agreed.

Mr. MacDonald: Agreed.

Mr. Hinman: Agreed.

Ms Notley: I don't agree.

Ms Blakeman: Opposed.

The Chair: Thank you. That motion is carried.

This takes us to item 5 on the agenda, the officers of the Legislature, the 2011-2012 annual salary review. We'll be discussing the individual salaries of the officers of the Legislature, so I'd suggest we move again in camera. Would a member like to make a motion for this? Moved by Mr. Marz. Of course, any decisions of the committee with respect to this will be made by motion once we return on the record. All in favour? That's carried.

[The committee met in camera from 10:17 a.m. to 10:36 a.m.]

The Chair: Okay. We're back on the record, ladies and gentlemen.

I'd ask Mr. Lund to make a motion respecting compensation adjustments for the officers of the Legislature.

Mr. Lund: Thank you, Mr. Chairman. I move that in accordance with the requirement to review annually the salaries of the officers, the Standing Committee on Legislative Offices reaffirm and apply the compensation strategy for the officers of the Legislature approved at the committee's June 11, 2008, meeting and that each officer be advised of his salary entitlement for the 2011-12 fiscal year effective April 1, 2011, consistent with the compensation strategy.

The Chair: Are there any comments?

I'll call the question. All in favour? Opposed? That motion is carried.

There is also a second motion for the committee's consideration. Mr. Campbell, are you prepared to make this motion?

Mr. Campbell: I move that

the Standing Committee on Legislative Offices authorize lump-sum payments of \$1,750 effective March 31, 2011, and \$1,250 effective December 31, 2011, and payable in January 2012 to those officers of the Legislature holding positions on the effective dates, consistent with compensation adjustments for deputy ministers, senior officials, management, opted-out and excluded employees of the public service of Alberta announced in June 2011.

The Chair: Any comments or questions with regard to this motion?

Seeing none, I'll call the question. All in favour? Opposed? That motion is carried.

This takes us to item 6, other business. I've got a quick item of business to do with the committee's review of the Lobbyists Act. Over the last two months this committee received 14 written submissions regarding the Lobbyists Act. An additional two submissions were received a few days after the specified deadline of August 12 and were processed and posted by staff. Karen can speak to this if you wish. Is it the will of the committee that these late submissions be accepted and included in that part of our review? We did have a deadline. We've had 14. We received two and, actually, received one more after this.

I don't see any comments on this. I assume that it's okay, but I'd like a motion on this because we did have a deadline. Is someone prepared to move that we include the written submissions? Mr. Quest has moved that

the Standing Committee on Leg. Offices include written submissions received prior to September 6, 2011, in the review of the Lobbyists Act.

Any comments on this?

I'll call the question. All in favour? Opposed? That is carried.

This takes us to the date of the next meeting. We have to meet to review the 2012-2013 budget estimates and the 2011 annual reports of the officers of the Legislature. In the past we've held one meeting to review the annual budget estimates for the officers of the Legislature and a second meeting to review the officers' annual reports. As we discussed at the January 31, 2011, meeting, the officers have made a commitment to complete their annual reporting by October so that the committee could review the previous year's reports before considering the officers' budget estimates for the next fiscal year.

Ms Blakeman: Yes.

The Chair: Thank you, Laurie.

I'd like to suggest that the committee meet the week of either November 14 or November 28 to review the officers' annual reports and budget estimates. I believe one day would be required to complete the reviews. If session should be in during either of these weeks, we could complete our review on the Friday, as we've done previously.

Mr. Hinman: What were the two dates you said?

The Chair: The week of the 14th or the week of the 28th.

Ms Blakeman: In the event of an election what happens to the timeline?

The Chair: Well, that's only an assumption. I think we have to work with what we have.

Mr. Hinman: Well, the question is: would the meeting go on if there was an election called for, say, November 21?

The Chair: I'll have Mr. Reynolds speak to that, please.

Mr. Reynolds: Well, Mr. Chair, it's quite clear that once there's an election called, the Legislature is dissolved, so no committees can meet. There are technically no Members of the Legislative Assembly. All the seats are vacant – right? – because you're having the election. If the election is called during that time, the committee wouldn't meet. Likewise, if there is an election before and the Legislature hadn't been reconvened, the committee wouldn't meet because there would be no committees until the Assembly reconvenes to constitute them.

The Chair: Thank you. I think that answers that. At this moment I believe that we work with those dates that we have. We can't make any assumptions.

Mr. MacDonald.

Mr. MacDonald: Yes, Mr. Chairman. Under item 7(a), the Tuesday, September 6, meeting to review the Lobbyists Act, what time is that meeting going to take place, please?

The Chair: I'll ask Karen to check that.

Mrs. Sawchuk: From 10 till 2, Mr. Chair.

The Chair: Okay. I think one date is going to be required. I think what we'll do is send out an e-mail to everyone asking what date works best for them, and we'll go on that. If something comes up that the Legislature is dissolved or whatever, then of course everything is dissolved, and the whole thing would then be rescheduled for perhaps after the first of the year or whenever the committees are struck again. Okay? That works?

Ms Blakeman: But we're anticipating sometime in that two-week period in November?

The Chair: Well, we can figure that out. Do we want the week of November 14 or the week of November 28?

Mr. Campbell: I would say the 14th.

The Chair: We can do either one.

Mr. Campbell: I would suggest the Tuesday. The Tuesday would be good. If we're in session, the week before is constituency week, and members' day is on the Friday. I would suggest that we give Monday for people to come up Monday night and that we meet on the 15th of November. Why send out a bunch of e-mails and then get screwed up with the dates? I mean, let's set the date today.

The Chair: If we're in session, though, then how would we meet?

Ms Blakeman: We'd meet at night.

Mr. Campbell: Well, we'd meet that Friday. We set the 15th. If not, we meet that Friday.

Ms Blakeman: Well, the point of having no night sittings was so committees could meet at night. If there's nothing else scheduled on the Tuesday night, it's perfectly appropriate to meet on the Tuesday night after session.

The Chair: Then we would need two nights because the leg. officers will be there giving their reports, and we're going through the budget presentations.

Mrs. Sawchuk: Tuesday and Wednesday, Mr. Chair, the 15th, 16th?

The Chair: The dates that are suggested, Ms Blakeman, are the 15th and 16th in the evenings if we're in session.

Ms Blakeman: Okay. Well, I don't have a calendar handy, so I'll just say yes.

The Chair: It's a Tuesday and a Wednesday.

Okay. Agreed on that? All right.

Anything else? Thank you.

A motion to adjourn. Mr. Drysdale. All in favour? It's carried.

[The committee adjourned at 10:45 a.m.]

