

2:36 p.m.

Wednesday, January 18, 1995

[Chairman: Mr. Hierath]

MR. CHAIRMAN: Okay. We're going to call this to order. It's up to the committee whether we're in camera or public, and I see no reason to go in camera.

MR. FRIEDEL: Anytime we're in *Hansard*, it seems to me that it's an open meeting.

MR. CHAIRMAN: It is.

MR. BRUSEKER: I move that we accept the agenda.

MR. CHAIRMAN: Hey, let's do that. As you can all see, the agenda is short and sweet. A motion by Frank to accept the agenda. All those in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

The minutes are under tab 3, and I would ask someone to approve those.

MR. BRASSARD: I so move.

MR. CHAIRMAN: Roy. All those in favour of approval of the minutes of November 30?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Carried.

The fourth item is the Discussion on the Information and Privacy Commissioner Search Committee, and in the minutes we have a tabled motion that I would declare brought off the Table.

MR. FRIEDEL: Mr. Chairman, I have that motion that was tabled. What I would like to do is withdraw that motion and replace it with one that's a little bit more appropriately written, because the words in the previous minutes were something that just came off the top of my head. I think with some consideration it's reworded with basically the same intent. I would like to distribute copies of it and then move and read it into the record.

MR. CHAIRMAN: You're withdrawing the tabled motion. All those agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Carried.

MR. FRIEDEL: Okay. Now I'd like to move that the committee recommend the following to the Legislative Assembly:

- (1) that the Legislative Assembly consider a Bill to amend the Conflicts of Interest Act, particularly section 31, to allow for the appointment of an Information and Privacy Commissioner who is also the Ethics Commissioner, and
- (2) that the Legislative Assembly consider a Bill or Bills to amend the Conflicts of Interest Act and the Freedom of Information and Protection of Privacy Act in such other ways as the Legislative Assembly sees fit to facilitate the appointment of an Information and Privacy Commissioner who is also the Ethics Commissioner, and

(3) that the Legislative Assembly recommend to the Lieutenant Governor in Council that upon the Conflicts of Interest Act being so amended, Mr. Robert (Bob) Clark be appointed as Information and Privacy Commissioner.

MR. CHAIRMAN: Okay. We'll open up discussion on this.

MR. DICKSON: Mr. Chairman, if you could just help me with this. At the last meeting – and it's reflected in the minutes – there was a concern about looking at how they were doing it in other provinces, and there was a request to get more information from I think we identified Ontario, B.C., Saskatchewan, and the federal situation. Now, subsequent to the last meeting we've all received – I assume everybody's received it; I think it's in the book – a one-page summary, if you will, on 14-inch paper that talks about the three commissioners, a brief description of their mandate, position type, salary range, staff complement, and budget. Now, that's the only thing that we've seen. My understanding had been that in addition what was going to happen was that we would arrange for a telephone session so that we would actually as a committee by conference call be able to talk to some of these other commissioners and see what we could learn from their experience. Now, can I get an update in terms of what's happened in that respect?

MR. CHAIRMAN: Go ahead, Diane.

MRS. SHUMYLA: I was just going to add that as well as that sheet I had sent early last week to all committee members the entire package of information. I had sent an entire package of information.

MR. DICKSON: That's right. Yeah, that's gone as well. My concern still stands. That's helpful, and that's clearly what we wanted. But also there was interest from a number of members that wanted to be able to explore this, and I'd understood we were going to try to do something by telephone.

MR. CHAIRMAN: My understanding was that we were going to do it at a later date, and that's why we're meeting today, in lieu of a conference call.

MR. DICKSON: Okay. Well, maybe others have different recollections.

MR. BRUSEKER: I was on the same wavelength as Gary. I remember talking about the concept of a conference call of some type and arranging to speak with those individuals or some or hopefully all of them in person. That's part of my recollection as well, I must say.

MR. FRIEDEL: I remember we were talking about a conference call, but I thought we were going to decide at this meeting whether it was necessary.

MR. CHAIRMAN: Okay. Well, I've got *Hansard* in front of me here, that November discussion, and Gary Dickson talking about a call, and Don Massey saying, "I would rather read first" and have some background information. In the last statement that I was talking about, I said, "Well, the point was, you know, that there would likely be another meeting" and took it as a suggestion, Gary.

MR. DICKSON: Okay. I may be missing the point here. If members are saying that they wanted this meeting to discuss the material that's been prepared and assembled and sent out and then at a subsequent meeting we would do this telephone conference thing, I have no problem with that. My concern, though, is that if we're voting on Gary Friedel's motion today, we will be voting without the benefit of that outside input, which I'd understood we had wanted at the last meeting.

MR. CHAIRMAN: I took it as a suggestion from some of the members.

MR. FRIEDEL: Mr. Chairman, I'm not absolutely convinced that there's a lot to be added by going to the expense of a conference call. I think the information is here in the written material. I don't believe that there would be a lot to be added by going to the time extension that this would take.

MR. BRUSEKER: I would disagree. The questions that I would want to put to the commissioners are: how much time does it take; what kind of workload have you been getting; how many man-hours or person-hours have been involved? Those are the kinds of questions that I don't think are really covered in the annual reports – I think that's the title – of the different information and privacy commissioners that we've got in here. You know, sometimes it's those personal observations, I think, that can have an influence in making decisions. So I think it might be worthwhile.

MR. CHAIRMAN: I have summarized the *Hansard* of that meeting, and certainly Frank and Gary Dickson were of the mind – and I'm reading the comments of Gary Friedel and Vic Doerksen saying that what we need is information. Information is fine. The idea of interviewing was discounted by some other members. So it wasn't anything that I thought was consensual by this committee in that November 30 meeting.

MR. BRUSEKER: In all honesty, Mr. Chairman, I think the package of information that has been distributed appeared on my desk on Monday of this week. I have not had a chance to read it thoroughly and would certainly like to do that before voting on it. Having said that, not having had the opportunity to read all of the information that has in fact been provided, I would have to vote against the motion before us today simply because I at this point am not persuaded that that's the best direction we should be proceeding in.

2:46

MR. CHAIRMAN: When did the material come to the offices?

MRS. SHUMYLA: I sent it out a week ago yesterday first thing in the morning, and I hand delivered some of it. I checked with each secretary to see if I should send it directly to the constituency or to the office in Edmonton.

MR. BRASSARD: Mr. Chairman, I've had a chance to browse through the material that was given to us. I think we're in the very preliminary stages of this position. When I review the material and I look at this estimate that's been given to us, it's all over the map. I see Ontario, for instance, with 102 positions, more than the total federal government uses, who has 73 positions. In this same position I look at Saskatchewan, who has a part-time person with a half-time secretary. B.C. has 19 and a half positions. The budgets are all over as well. Ontario has a budget of

\$8 million. B.C. has a budget of \$1.2 million. Albeit I acknowledge that there is a difference in the way Saskatchewan handles their information and privacy commissioner, but their budget is \$120,000. I think we're all over the map.

I think, back to my comments at the last meeting, that I would like to see us combine the Information and Privacy Commissioner with the duties of the Ethics Commissioner. We have a person in place. We have the parameters by which he is going to operate, and we may have to modify the Bill as was outlined in the motion before us. I think we can study this thing to death, and until we get into it and have a little practical experience, I think we're not really going to know. It's obvious that in some of these jurisdictions it's almost taken on a life of its own, and I point to Ontario. I'm not sure that I want to replicate Ontario, and I don't really have a good basis of any of them. I think we need to get into it and get a little practical experience. So I'm speaking in support of the motion before us.

MR. DICKSON: I understand Roy's point. It's clear that there are some differences as you look across the country, but I think it's also fair to say that there are two distinct models of freedom of information legislation. The one model is found in Ontario and B.C. and Alberta. The Bill we have, that's been passed in this Legislature, follows the B.C. model. Saskatchewan has done something very different, and they've got a much more modest kind of Bill. So when you're doing this kind of assessment of whether you can roll it together with another position, I don't know how you can do that, Roy, through the chairman, without looking at the differences in the statutes.

Now, I hope everybody's received the bit of an analysis that I put together and sent out to everybody's constituency offices, where I went through and attempted to make my point by showing why the Saskatchewan Bill is really quite different from Ontario and B.C. and ours. You can go through all of the seven pages, and you'll find that Saskatchewan is clearly very different. For example, and perhaps the most important difference, in Saskatchewan the commissioner has no power to make binding rulings. All the commissioner can do is make recommendations. That's different from the B.C. regime. It's different from the Ontario regime. It's different from the Alberta regime.

In the Saskatchewan model that we're looking at – and that is really what would be achieved if this motion before us were passed – the commissioner has no responsibility to monitor compliance with the Bill, unlike the other legislation we're looking at. There's no responsibility to aggressively promote public awareness. There's no responsibility in Saskatchewan for conducting research and to access in privacy issues. The commissioner is not required to provide detailed suggestions to public bodies regarding information. The commissioner is not empowered to issue advisories and give advice to citizens and to departments in developing information. In Saskatchewan there's no positive responsibility to conduct public education so that people can get access to information without resorting to the Act. There is no requirement in Saskatchewan to produce regular updates and newsletters in these areas. I mean, those are simply some of the factors that make the Saskatchewan experience clearly inappropriate, inapplicable to what we're about here.

I think I raised some other concerns at the last session, and these include – as Roy says, this is a new office, and to me that's the most compelling reason why we make sure that we do it right. We did the Ombudsman thing, when we pioneered that office, in a way that we got the best person we could find for the job after an open competition. Why would we consider doing less here? You know, I think Albertans are excited about having freedom of

information, and I think we have a responsibility to them to have an open competition and to make sure that we're looking for the very best person we can find. I'm a big fan of our current Ethics Commissioner, Mr. Clark. I think he's done a sterling job in that office, and anything I say should be interpreted in that light. If you look at the background of the commissioners in this analysis I did, if you look at the commissioners in B.C. and Ontario: extensive backgrounds in running information management systems. It's a different kind of skill, and I'd just ask members to recall or recognize that in our freedom of information law here, the commissioner has the power to make binding decisions, decisions that cannot be appealed to the court. That's a whole different kind of situation than the Ethics Commissioner is in now, where basically he can simply make recommendations.

I guess the other thing I'd refer members to is a letter which I think has been sent to all members from a member of the city of Calgary law department, a John Anderson. I don't know whether everybody has seen this. I've got some copies. I can tell you that Mr. Anderson had made a very thorough presentation to the all-party panel on freedom of information in October of 1993. He certainly has established some authority in this area, and he has indicated how important it is, from his perspective, that this be a stand-alone position.

I think, without going through and reviewing all of the things I'd tried to say at our last session, this would be an extremely ineffective way of launching a brand-new office. You know, if we have concerns about the freedom of information regime here, they've got to be addressed in the statute because we've passed the statute. We can't sort of try and pretend we have a Bill that looks like Saskatchewan's, because it doesn't. It looks like B.C.'s and it looks like Ontario's. That's where we've got to take our direction from, I suggest and respectfully submit, and I think if we choose not to, we are going to be handcuffing and handicapping this new office before it ever gets started. I think Albertans are going to come back and they're going to be angry, and they're going to be demanding a better explanation than anything we've heard so far in terms of why we'd take that kind of risk.

MR. CHAIRMAN: I have Victor, Gary Friedel, and Roy.

2:56

MR. DOERKSEN: Thank you, Mr. Chairman. I just want to say first of all, Gary, thank you for this analysis, because it is something I received and looked at. You forgot one important column, in my estimation, which would have helped me, the Alberta column, which would outline how it compares to some of the other Acts. But having said that we're modeled after B.C. and Ontario, when I look at even your analysis here, the staff complements and the number of cases between the two, B.C. and Ontario, are considerably different. In one case in B.C. we've got a staff complement of eight, in Ontario a complement of 102. Number of cases opened, 275, albeit that's only for eight months, although I see 208 for privacy and 11,268 for information, so there are some disparities in numbers. In that sense I support Roy's comments that we don't want this to take on a life of its own and create something here that was not intended. I think if we do go into it and approach it slowly, it can work. We may get some information back as we get into this that we need to look at a different arrangement in terms of full-time or whatever.

I would also like to state, in terms of the motion, that I think we have to separate very clearly this motion into two motions, and I would ask the mover to consider my request. I think we first have to consider items (1) and (2), about whether to amend the Conflicts of Interest Act, as a single motion, which allows us then

to allow the Ethics Commissioner to also be a freedom of information and protection of privacy commissioner. That provides the legislative or legal basis to do that. However, I would not like to in the same motion then recommend the existing Ethics Commissioner, not that I wouldn't be happy to have him do that, but I think we have to clearly set out – it is a separate issue in my mind. You have to first of all say that it is possible to have these two functions fulfilled by the same person, and then we decide who that person is going to be. In other words, you don't fit the person to the office. You first of all set out the ability to do it; then you decide whether a person is capable to do it. So I would make that suggestion.

MR. FRIEDEL: I have no problems with that, Mr. Chairman. I'd be quite happy to separate points (1) and (2) as a single motion and introduce point (3) as a separate motion later.

I want to follow up on Gary Dickson's comment and Roy's that this is a new position. I guess my concern is that when you create a new position, you don't necessarily start out by making it a full-blown bureaucracy. I think you start out in a sensible and practical way, and if down the road it turns out to be necessary by demonstrated need that the job has to be expanded, then you consider that. I think the decision is, of course, going to be a bit arbitrary as to whether it's half-time or full-time. We have equally as much opportunity to be correct by determining now that it could be half-time as you, Gary, proposing on the converse that it might need to be more.

If the job is expanded, as I said, right at the start to become big and clumsy, I think there's a good opportunity that we don't grow into this, that we fill the position with people, that the people take on duties and not necessarily those kinds of things that are seen to be needed. If you demonstrate in the growth period what the people really want, what is necessary for the job function to be, and let it grow from there, I think you're going to have a better idea of what we in Alberta want as a homemade position rather than to try and copy what other provinces have done. When I see the numbers of people that are in some of these offices – you mentioned the Ontario situation, Roy. Certainly they have, you know, a much larger populated province than we do, but I would hate to guess what those kinds of numbers of people would be doing if we had that kind of bureaucracy here in Alberta.

I realize this is now speaking probably to the second part of the motion, but it's important, because I believe that if we hired someone with Mr. Clark's expertise and experience, I think that would make the transition period a lot easier. He has experience with the government. He has the respect of, I think, certainly most of the members of the Legislature, if not all, and a good degree of respect around Alberta, to the point where this would not be the same testing period as if a new person came in. He knows his way around the system, and I think that would make it not only quicker and more efficient to get the system up and rolling but, by the same tone, then less expensive than if we brought in new personnel, and the time lapse period would be an advantage to us.

MR. CHAIRMAN: I have Roy on the speaking list.

MR. BRASSARD: Thank you, Mr. Chairman. Gary, I'd like to thank you, too, for giving us this overview. It really is helpful. The points you've made concerning the legislation that we've brought forward being so closely related to B.C., I concur. I look at the qualifications for the commissioner that you yourself listed in your document and I see:

- no fixed educational requirements; preferred legal background;
- previous experience with access to info issues is essential; need

extensive experience working with various branches of government; senior level management skills; mediation experience; candidate should be committed to the value of [freedom of information].

It almost seems to be a natural for what we're proposing here and what this motion stands for. I think it just reinforces the need to go with a person who we know already has those qualifications.

As was pointed out by Gary and others, I think that we need to kind of feel our way into this a little bit. Certainly, the statistics that we've got are all over the map.

I just once again support the motion as it stands.

MR. DICKSON: I just want to go back to a couple of points that have been raised. Gary Friedel says that we may be equally at risk of making a mistake if we go with a full-time officer as if we go with a part-time officer. I can't agree with that. Sure it's a new office, but as always we make the best judgment we can with the information we've got. I have to suggest to you, knowing what we know in terms of the Saskatchewan model and the other provinces', that if you look at it and go through the kind of analysis I've tried to do here, it leads to no proposition that we could do with a part-time, that we do with a full-time. There is not another similar freedom of information law anywhere in Canada that has a part-time commissioner. Whether the province is bigger or smaller, populous or less populous than Alberta, if they've used this model, the more current model, it's a full-time position. Sure there may be no certainty, and there are always risks and so on, but just because we go with a full-time commissioner doesn't mean that this committee is going to sort of roll over and allow this office to expand into a hundred-person office. I expect we're going to continue to exercise the same good judgment and say to that full-time commissioner, "We're not going to build this office bigger than what the need is, and we're going to police and scrutinize and check in the usual rigorous fashion that this committee does to make sure that it doesn't turn into a runaway growth industry."

I just have to come back and say that we can't ignore the statute we've got. That's what largely defines the job description. You know, we can argue and reasonable men and women may disagree over some of the skills and some of the requirements, but Bill 18 defines the job for this person, and that's what we have to go back and look at. It's not that we're creating a job. The job already exists, and I think so clearly it cannot be done on a part-time basis. It's interesting to me that in the last meeting of this committee we heard the Ombudsman, another Legislative officer, express a number of concerns about an Ethics Commissioner doing this job.

3:06

MRS. FRITZ: In confidence, Mr. Chairman. I thought that was an in camera meeting.

MR. DICKSON: I stand corrected, yes.

Let me indicate that I think this fear of an Ontario-sized bureaucracy is just something that we ourselves will determine as this thing goes along.

In terms of the disparity between Ontario and B.C. that Victor raises, there are certainly some differences, and the best explanation I can give in terms of why they're different is: Ontario's had their legislation for a number of years. People are aware of it. It's better publicized and so on. The B.C. thing is fledgling; it's just starting up.

MR. DOERKSEN: That makes it more scary.

MR. DICKSON: I think you can still exercise discipline and make sure the thing doesn't get out of control, and I see that as an opportunity we still have.

The other point I wanted to make that hasn't been made before is that we have to recognize that the Ethics Commissioner now doesn't have the power to make binding decisions, as the Ombudsman doesn't have the power to make binding decisions. I think we should consider: if the Ethics Commissioner has the power to be able to order departments and ministers to do things, does that change the effectiveness of that office? I submit to you it will, and the reason I say that is that now he enjoys almost universal respect because he is there to assist MLAs and he's there to assist cabinet ministers. He's there to assist in being a problem solver in that respect. Will he still be able to do that and enjoy the same measure of respect from MLAs, from cabinet ministers, from senior departmental officials if on the other hand, wearing his other hat, he's giving directions to ministers, overruling the decisions of ministers about the release of information? So I think that's another concern as well.

MR. BRUSEKER: In looking at the motion, the motion suggests as a philosophical standpoint that we should combine the two legislative officers into one individual looking after two areas. I guess the question that springs to mind is: why would we consider combining the freedom of information and protection of personal privacy with the Ethics Commissioner? The Ombudsman pointed out that in other jurisdictions that is a role that is played by the Ombudsman. Maybe it could be combined with the Auditor General.

MRS. FRITZ: Mr. Chairman, I'm going to interrupt because the Ombudsman spoke to our committee in confidence in an in camera meeting and to the point where he clarified with this committee that he was in camera and not speaking directly to *Hansard* into a microphone. So I would ask that committee members respect what the Ombudsman had to say.

MR. BRUSEKER: I think what he was reporting and what I just referred to was a public piece of information.

MRS. FRITZ: It was an in camera meeting.

MR. BRUSEKER: So he said it in camera. It doesn't mean it can't be repeated elsewhere.

MRS. FRITZ: He asked that specifically.

MR. CHAIRMAN: Order. Okay, Yvonne.
Go ahead Frank.

MR. BRUSEKER: The point that I'm making here is that it seems to me that what is driving this motion more than anything else is the fact that we have an individual in the current Ethics Commissioner who I think, as it has been pointed out, has done an admirable job in that role, and it seems to me we're moving towards combining the two offices together simply because it's convenient at this time to do so. As Victor talked about, fitting the office to the person or the person to the office, however – he said it better than I did – I'm not sure this is the best way to do it with the long-term goal and philosophical viewpoint in mind of combining these two offices. You know, it seems to me that we're kind of rushing into this a little bit right now with a goal in mind of let's just get something in place and then whatever shakes out

shakes out. That seems to be the backwards way of doing it. I think we decide what it is we want and then proceed from there.

MR. CHAIRMAN: Are there any others? Gary.

MR. FRIEDEL: I just want to make one comment. I don't think what you said, Frank, precludes the possibility of some day down the road, if it is demonstrated – and I want to emphasize the demonstrated need – expanding the office, that the two offices couldn't be separated and dealt with by two separate individuals, but I think during the growing period it could quite easily be handled this way. I'm not denying the fact that it is somewhat targeted to an individual who I think is admirably suited to fill this job. I said that the last time. The fact that the suggested changes would point that out is not a coincidence.

MR. CHAIRMAN: All those in favour of the motion.

MRS. FRITZ: Call for two parts.

MR. CHAIRMAN: It's up to the mover.

MR. FRIEDEL: Okay. In the two parts, parts (1) and (2).

MR. CHAIRMAN: Okay. Is that acceptable? We are going to vote on Victor's suggestion that we vote on (1) and (2) of the motion. All those in favour? Opposed? Four in favour and two opposed. Do you want that recorded?

MR. BRUSEKER: Yes, please.

[For the motion: Mr. Brassard, Mr. Doerksen, Mr. Friedel, Mrs. Fritz]

[Against the motion: Mr. Bruseker, Mr. Dickson]

MR. CHAIRMAN: So now we'll vote on section (3). Do you want to have a further discussion on section (3)?

MR. DOERKSEN: Mr. Chairman, on section (3) I'd like to ask whether we can vote on this until the legislation has been changed in the Assembly.

MR. BRUSEKER: Yeah. Is that not out of order?

MR. DOERKSEN: It still has to be a debate, and we're only recommending to the Assembly to change the legislation. So we don't have the legislative power yet.

MR. BRASSARD: It's just a recommendation.

MR. CHAIRMAN: In a discussion I had with Frank Work and I think in the memo that was distributed to this committee dated – what?

MRS. SHUMYLA: November 25.

MR. CHAIRMAN: Yeah, behind this long sheet on tab 4. Parliamentary Counsel's advice is that, yes, in fact this is a recommendation. We are making recommendations to the Assembly, Victor.

MR. DOERKSEN: Okay. So this is a recommendation. This is not a hiring motion.

MR. FRIEDEL: Mr. Chairman, in a discussion with Frank Work this is what I was led to believe, that this is strictly a recommendation. If for some reason or other the Assembly did not approve the first part of this motion and in fact change the legislation, this third part would come back to us for additional review. You'll notice that it does say that "upon the Conflicts of Interest Act being so amended." So the one cannot go without the other.

MR. CHAIRMAN: Gary Dickson.

MR. DICKSON: I think there is probably nothing more fundamental to recruiting for a public position than an open competition. At the last meeting I'd specifically asked whether it was contemplated by those members proposing this dual office that there simply be an appointment from an open competition, and the response I received then was that that indeed was what was contemplated. I just want to say now with as much vigour as I can muster that if there's anything that makes my constituents angry, it's installing people in positions, paying them with tax dollars, giving them enormous responsibility over discharging a public function without ever there being an open competition.

Everybody around this table has enormous respect for Mr. Clark, but it seems to me that the way you best serve Albertans is by having an open competition and encouraging Mr. Clark to apply for the position, but to simply go out and appoint somebody – I have no idea and I daresay that nobody around this table has any good idea of who else is out there that could apply for the position. We may have some candidates who not only bring many of the skills that Mr. Clark would bring but a much more in-depth background in information management in this unique and very technical area.

So I just, as I say, register great objection to this kind of in-house process. It looks bad; it will smell bad to Albertans. I think by proceeding in such a route we do a disservice to Mr. Clark. We do a disservice to the office of the Ethics Commissioner, and I think we in a very major way handicap this brand-new office which hasn't even got going yet.

MR. DOERKSEN: A point of clarification, Mr. Chairman. How much does the present Ethics Commissioner have left on his term?

MR. CHAIRMAN: I am not exactly sure of that.

MRS. SHUMYLA: I usually have that with me, but I don't think I do. I believe the term may expire in '97.

MR. BRUSEKER: That was a question that I raised last time as well, Victor. That may in fact lead to some conflict as well in terms of the term of appointment. Do we go with a five-year term from now or a five-year term from when he started?

MR. DOERKSEN: Well, if it's 1997, I think in view of the earlier comments about almost a phase-in period, if we were in favour of the present Ethics Commissioner and it's a relatively short term, that at the end of that short term we'd be in a much better position to evaluate once again whether in fact this should be something more or a full-time officer, as has been suggested.

MR. BRASSARD: Just very briefly, Mr. Chairman. I think we're getting into a new area. There's no question about it. It's been pointed out repeatedly around this table that we have every confidence in the person being recommended. If the term of office is of concern, then that point can be raised when and if the

Lieutenant Governor picks up our recommendation to appoint Mr. Clark. I think it can be discussed at that time.

But getting into this, I think it would be as irresponsible to go out and spend a great deal of money just for optics, for lack of a better word, at this point in time than anything. I think we have a man that clearly can handle this job. I see no reason why we wouldn't recommend that he be considered for the position.

MR. FRIEDEL: I just want to clarify one point that Victor raised and also to Frank. The second part of the first motion suggests that the Assembly can make changes and uses the words "in such other ways as the Legislative Assembly sees fit." One of the specifics which was discussed was the coterminous, if that's the right word, terms. The suggestion was that it not be made so tight that the Assembly couldn't look at other things if there were other potential areas that needed to be considered. So we didn't want to make it so specific.

Following on what Gary Dickson's last comments were, this committee recommends to the Legislative Assembly. We are not in fact going out and hiring. There are 83 other people in the full Assembly that will decide whether or not this is a wise decision. I'm making this based on the consideration I have for Mr. Clark, how I feel he can fit this job. I think that it quite adequately, more than adequately, it superbly, I believe, fills the requirements of the Bill, I guess, as it is still in its present form. Certainly if the other members of the Assembly disagree with us, they have the right to turn it down. I don't think this in any way belittles the selection process or makes the selection less plausible than it would be otherwise.

HON. MEMBERS: Question.

3:16

MR. CHAIRMAN: All those in favour of number (3) of the motion? Opposed? One opposed. Carried. Thank you.

Now we will move on to Draft Budget Estimates. I just wanted to explain the budget estimates that have been drawn up for this search committee. We may or may not use it. If we want to readjust the budget to make it reflect more of what we're going to do – this budget estimate is for 1995-96. We obviously will not likely do the advertising campaign and the professional aspect of this.

MR. BRASSARD: Well, Mr. Chairman, it would appear to me that whether or not we actually embark on a search committee procedure will depend a great deal on whether or not the Legislative Assembly reacts to our recommendation. So I would move that this budget be held in abeyance until such time as this final motion of Mr. Friedel is acted upon.

MR. CHAIRMAN: All in favour? Carried.

Then I guess Other Business is not relevant.

MR. BRUSEKER: No. We have to wait for a response from the Legislature.

MR. CHAIRMAN: The Date of Next Meeting is not relevant, so I will entertain a motion to adjourn.

MR. BRUSEKER: So moved.

MR. CHAIRMAN: Moved by Frank. All those in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Carried.

[The committee adjourned at 3:23 p.m.]