

Standing Committee on Legislative Offices

1:39 p.m.

[Chairman: Mr. Hierath]

MR. CHAIRMAN: The first thing is Approval of the Agenda. Has everyone read over the agenda? Can I ask someone to approve it?

MR. BRUSEKER: So moved.

MR. CHAIRMAN: All in favour? Carried.

MR. SOHAL: Mr. Chairman, I have to go and get my booklet. I'll be back in three minutes.

MR. CHAIRMAN: You all have a copy of the minutes. Are there any errors or omissions? If there are none, I will ask for a motion to approve the minutes.

MRS. FRITZ: I'll move that.

MR. CHAIRMAN: All in favour? Carried.

The next order is the letter of retirement from the Auditor General. It's under tab 4. I guess basically the date to remember is April 1, 1994. That's the date that he is asking to officially retire. You are all aware that we've set up a search committee for his replacement. Anyone got any comments they wish to bring forth now regarding the letter of retirement from the Auditor General?

MR. BRUSEKER: Just a question: is there a fixed term for this particular office?

MR. CHAIRMAN: Yes. I think it is.

MR. BRUSEKER: Is it eight years or 10 years?

MR. CHAIRMAN: It's eight years, I think.

MRS. SHUMYLA: I think it may be eight years. I'd have to check.

MR. BRUSEKER: I guess my question really is: is this really a retirement, or is it just sort of the end of the normal term that we're seeing here?

MR. SOHAL: It says in the letter here, "As you know, I was appointed Auditor General . . ."

MR. BRUSEKER: "For an eight year term."

MR. SOHAL: Yeah, but it then says: I have been eligible to retire.

MR. DICKSON: I move that the letter be accepted for information.

MRS. SHUMYLA: I was just going to add that it is the end of his term as well: March 31, 1994.

MR. CHAIRMAN: Thank you.

Gary Dickson moved that we -- acknowledge or accept?

MR. DICKSON: Accept the letter for information.

MR. CHAIRMAN: Accept the letter -- right -- from the Auditor General on his retirement. All those in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Carried.

The next order of business is appointing an auditor for the Auditor. I don't know which tab it was.

MR. BRUSEKER: Before we go to that, Mr. Chairman, immediately following the letter of retirement of the Auditor General there's the copy of the government motion. Since I'm now on that subcommittee, I'm just wondering when you anticipate that subcommittee would commence its work.

MR. CHAIRMAN: Okay. Maybe you might as well announce the date here that I just . . .

MR. BRUSEKER: I just thought that might be the appropriate time.

MR. CHAIRMAN: I think it is. The date that I had arranged with Diane was Wednesday, December 1, at 3 p.m.

MR. BRUSEKER: Do we have a location for that yet?

MR. CHAIRMAN: Not yet.

MR. BRUSEKER: Thank you.

MR. CHAIRMAN: Then tab 5, the Audit of the Auditor General's Office. Kingston Ross Pasnak have done it for a long time. I would just like to open up the floor to any discussion or debate that we want to have on appointing an auditor for the Auditor General's office. Any comments? Go ahead, Gary.

MR. DICKSON: Mr. Chairman, I'm not familiar with how this particular firm has been chosen in the past, but I always like starting from the basis that you open this thing up, basically a call for tenders. I don't know if that's been done in the past with these people, if there's an expectation they do it for three years or two years or every year. I have no reason to think that this firm isn't doing a fine job, but it's always a question, I think, since we're dealing with public dollars, of making sure that we're getting the best value we possibly can.

MR. DOERKSEN: It's not a bad idea, Gary. The difficulty in terms of hiring new auditors is that the first year is always brutally expensive because they're coming in fresh. You'll even notice here that their first year in was at least \$4,000 or \$5,000 higher than the previous guy's. That's because they have to do a lot of preaudit work, so the costs for the first year initially are always much higher than they are in subsequent years. Unless we are really dissatisfied with what they're doing, I'm not sure it's -- I guess at some point in time we probably should entertain reviewing that thing. They've been at it now for -- what? -- four years?

MR. BRUSEKER: Four years behind them.

MR. DOERKSEN: Four years and looking for a fifth year. That's not overly lengthy, I don't think.

MR. CHAIRMAN: Any other thoughts? Don.

DR. MASSEY: It's also a very small sum.

MR. BRUSEKER: I see it's a hold-the-line kind of a budget too.

MR. CHAIRMAN: Well, what I was suggesting -- and I don't want to stifle the discussion -- was that my feeling was that since most of the committee are new this year, if they were willing to hold the line at \$13,125, I would think that we probably should do it this year. This committee is going to be in place for four years, and we need to develop our own satisfaction or dissatisfaction with these people. That would be my recommendation. If there's any further ideas on that, I would certainly like to hear them.

MR. DICKSON: That's not unreasonable.

MR. BRUSEKER: Just to add to that, Mr. Chairman. As I look at it, I echo your sentiments, I guess. You know, there was a Legislative Offices Committee before. They decided for the last four years to go with this group. They felt the figure of \$13,125 was appropriate last year, and they had some experience under their belt. We are coming in as a new committee. The same group is saying let's go again, and they're prepared to hold the price at \$13,125. I guess I would be inclined to support that we keep them on for at least this year and maybe revisit it again next year. I would support it this year anyway.

MR. CHAIRMAN: Would you make a motion then, Frank, that if they're willing to hold it at that price, we would proceed with them this year?

MR. BRUSEKER: All right. I would move that the auditors for the office of the Auditor General be Kingston Ross Psnak if they can indeed hold their price to be the same as last year's, which was \$13,125.

MR. DOERKSEN: I'll second that.

MR. CHAIRMAN: We don't take any seconds, do we?

MR. DOERKSEN: Okay; then I withdraw my second motion.

MR. CHAIRMAN: All in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

The next item on the agenda is the National Ombudsman Conference in Toronto. I think we're aware of what's happened, and maybe I need to explain a little bit of what happened versus the motion that was made in our October meeting. We had made a motion and passed it that Harry would be our representative to the Toronto conference. Our PC government Whip didn't think that we could spare one person absent from the Legislature, so he wouldn't approve it. Subsequently I asked Frank if any of the Liberal caucus members wanted to attend, and apparently you felt you fellows couldn't find it in your timetable to attend either. So I was informed that the next order of business would be if Diane wished to attend on our behalf. That being the case, I gave her authority to attend the conference in Toronto. With that, maybe I'll give Diane a chance to give a little bit of an overview. She's got a report on the conference under tab 7. If she wants to give us a brief summary of some of the highlights verbally, that would be great.

1:49

MRS. SHUMYLA: Thank you. Yes, I did attend the National Ombudsman Conference. It was November 2 to 5, so it was just a couple of weeks ago. The Ombudsman also attended the conference, so his perspective on the conference, of course, with his experience may be a bit different than mine. I did a fairly comprehensive report on the sessions that we did have, so I'll just say a couple of brief things in addition.

As you can see, I noted that the technical sessions discussed the Ombudsman under different categories such as: in the time of fiscal restraint, challenges in Canada, challenges to the Ombudsman internationally, accountability versus the independence of the Ombudsman, and the Ombudsman as a mediator. These were the themes that the conference had.

In addition, the delegates also had an opportunity to meet with the Lieutenant Governor of Ontario and the Speaker of the Legislative Assembly of Ontario. Those were part of the conference as well.

The conference, from what I learned of the office of the Ombudsman, was a good learning process for me. My impression was that some other jurisdictions have had problems, have not had a close working relationship between the Ombudsman and the standing committee. Everything that I was made aware of is that in Alberta there has always been an excellent and close working relationship. So that was really good to hear.

I felt that the conference was very professional, and it was very worth while for myself as I learned more of the Ombudsman's role. I felt that it would also be of value for any committee member that attended.

I'd like to thank the chairman and the committee for the opportunity I had to attend the conference.

MR. CHAIRMAN: Any discussion or questions or anything of Diane?

MR. BRUSEKER: Yeah. Diane, in the past the Legislative Offices Committee has sent a number of MLAs. What did we have, three MLAs traveling in the past? Do you think it's worth while for MLAs to go to this? Do you have any sense in terms of how many we should possibly send in the future? I think we had agreed we would send one, and Harry couldn't make it this time. Is that a worthwhile decision?

MRS. SHUMYLA: Well, the budget allowed for one MLA. In the past it had allowed for a number of MLAs. That had been reduced to one MLA. I feel it would be useful. I did note that the people at the conference were mainly Ombudsmen and their support staff. In talking with the Ombudsman and from the bit of background I know, since he does have a good working relationship with the committee, I think that was one reason he would have liked to have one of the MLAs attend. He was very supportive of it, so I think it would be very useful. As well, he had noted to us earlier that his term's expiry will be in a little over a year, and he felt that by having one of the members of the committee attend, they could see his style versus the styles of other Ombudsmen and really get to know the work of the Ombudsman better. From my perspective I would support it.

MR. BRUSEKER: When does his term of office expire?

MR. CHAIRMAN: In '96, doesn't it?

MRS. SHUMYLA: I'll be right this time: January 31, 1995. So that's just over a year.

MR. BRUSEKER: All right. Thank you.

MR. DOERKSEN: Just . . .

MR. CHAIRMAN: Just a minute. Gary had his hand up first.

MR. DICKSON: I've got a couple of questions. One, if you look at page 3, Diane, under Solutions, about two-thirds of the way down in that first item there's reference to: the Alberta Ombudsman "noted that if mediation was used, existing legislation may have to change." Was he talking about Alberta legislation? I'd understood mediation is, in effect, a big part of what he does informally now in resolving concerns and problems.

MRS. SHUMYLA: Both of the speakers for that segment were from Ontario, and they were quite pro to adding mediation to the process. Mr. Johnson was the facilitator or panel chairman for that part, so he did note that existing legislation may have to change, but he didn't say specific to any jurisdiction. I'm not sure what the legislation was in Ontario versus what it may be in Alberta.

MR. DICKSON: The other thing I wanted to ask. We're looking at freedom of information. In some provinces, like Manitoba in particular, the Ombudsman is the information and privacy commissioner. When the conference was dealing with the Ombudsman in a time of fiscal restraint, was there discussion or material circulated that related to the Ombudsman being the information and privacy commissioner and how that worked, advantages or drawbacks to it?

MRS. SHUMYLA: I did hear some informal discussion at the conference on that but nothing that I can really pinpoint, not that I recall. There wasn't a session dealing specifically with that. I guess that's where the informal discussion was useful, too, at the conference.

MR. DOERKSEN: I'm curious, and maybe you can elaborate. I'm not sure if you can or not. I see in your report here a lot of references to human rights. Is this seen as an overlap with human rights commissions and commissioners?

MRS. SHUMYLA: I would think one of the reasons it was mentioned quite a bit is that some of these speakers were from a human rights background; for instance, May Woo Sims of the municipality of metropolitan Toronto was the manager of human rights. I would suspect it's because they were all talking from their own background.

MR. DOERKSEN: Did you get a sense from the Ombudsmen from other provinces that they are also dealing with human rights issues in terms of their jurisdiction? You may not know. I'm just curious.

MRS. SHUMYLA: Yeah, I know what you're saying. I know what you're asking, but I'm not sure how to answer it.

MR. DOERKSEN: Okay. Thanks.

MR. CHAIRMAN: Any further comments? Do we need to adopt your report? No.

Okay. We'll move on to the next order of business, and that is Committee Allowances. There is no tab on that. There's a little info on our search committee. In that motion there was a little to do with committee allowances. Maybe I'll ask Diane to explain a little further in regards to committee allowances.

MRS. SHUMYLA: In regard to claiming committee allowances, it has been past practice with the Legislative Offices Committee as well as some other committees not to claim while the House is in

session. For this meeting that we're having, of course, the House is adjourned, so committee members are entitled to claim for their meeting attendance and for their travel time to meetings.

I'll just read you a portion from Members' Services Committee Order 10/89. It states:

(1) A Member who serves on a "Category A" or "Category B"

Committee is entitled to be paid in respect of that service an allowance at the rate of

(a) \$100 a meeting, in the case of meetings up to 4 hours duration;

(b) \$165 a meeting, in the case of meetings greater than 4 and up to 8 hours duration;

(c) \$260 a meeting, in the case of meetings exceeding 8 hours duration.

So in the past the committee members did claim these allowances, and there is a provision for it in this Members' Services order and also in our budget.

1:59

MR. CHAIRMAN: We just put that in there so that everyone was aware of what the remuneration for the committee is and that the legislation is there for you to claim if you wish or not claim if you wish. If there's any further discussion on this topic, I'll entertain the comments.

MR. FRIEDEL: I had gone through this briefly probably at the last meeting. We got into the situation of: are we coming down here specifically for a meeting, or are we here for another one? It does certainly make a difference. I expressed my opinion at the time, and I'll say it again. I would hate for this to be used in such a way to suggest that anyone who was going to be claiming would be put in the position of having to be even slightly embarrassed by it. I find in my own case that coming down specifically for a meeting is very problematic. If I'm down here for other functions, I have no problem at all. I'm either traveling 10 hours by road or virtually wipe out a day to attend the meeting specifically. This one today, for example, was tied in with something else, but I do have to return to Peace River this afternoon. I know we're in a restraint mode, but by the same token I would hate to see anything done to it that would make it appear that anyone who has to claim would be looked at, you know, saying, "You're not following the sense of restraint."

MR. CHAIRMAN: Well, from my perspective as the chairman of this committee I certainly want to have as good an attendance as possible at the meetings. I will try to accommodate some of those things, Gary. If anyone has special requests on meetings, we'll try to accommodate to some extent other meetings. I'm just bringing it up. It is a voluntary thing. The legislation is there for everyone to claim. From my perspective that will be your business. So I'm going to each individual's decision. I'll leave it at that, if that's fine with this committee. Okay?

DR. MASSEY: Sure.

MRS. SHUMYLA: At past meetings what I've done is just handed out the expense claims at the beginning of the meeting. I can hand them out at the end of the meeting in this case.

MR. CHAIRMAN: Good.

Okay; under number 8 is there any other business? Gary.

MR. DICKSON: One thing I think had been flagged at the last meeting. I understand that there's an issue the Ombudsman has raised in the past in terms of wanting some legislative change. Now, Mr. Clark this morning -- it came up on the tour of the Ethics

Commissioner's office, an issue about a change to the Conflicts of Interest statute. What process are we going to use to deal with those things, to be able to get them out? I'm anxious, Mr. Chairman. You know, some of these people have difficult jobs, and I'd like wherever possible to give them the support and the tools and the powers they need to be able to do what they think is appropriate. We don't meet that regularly. Perhaps we will, but we don't meet that frequently. I think these people sit there, and we turn over and go back to our constituencies, yet they've got a job to do.

I don't know whether we're in a position to address those things today; we should probably have some backup material. I'm going to suggest that we make a point of dedicating the next meeting or next two meetings to try to meet head-on any recommendations from the offices we have responsibility for and deal with them, debate them, and make a decision one way or the other. I know Mr. Johnson's been holding fire for quite a long time on at least one recommendation he's made that the committee has not sort of dealt with squarely.

MR. CHAIRMAN: Right. I remember your bringing it up at the last meeting. When I was making up this agenda I wasn't sure whether we would be having a meeting while the session was still on or not, and that's why there was maybe a little bit of a lack of coordination on this meeting from my standpoint. I think what I would like to do, with your approval, is invite the Ombudsman to the next meeting and let him just bring up and discuss any information that he wants.

If he has some written information for us before he comes, then we'll ask him for that so we can read it over before he comes to the meeting and we'll know what topic he's going to talk on and so on. So with your approval, I agree with you, Gary, that we should get going on that concern, if he does have a concern.

Don, then Victor.

DR. MASSEY: I was going to ask: can we get the information of how it was handled in the past? Is there sort of a process for those officers to bring suggestions to the committee? How are they handled?

MR. CHAIRMAN: Maybe you could answer that, Diane.

MRS. SHUMYLA: I think if an officer wanted an issue brought up before the committee, they would usually send a memo to the committee chairman. At that point I would get a copy, and it would become an agenda item. Then when I prepared the binders, it would be in there as an agenda item with the backup.

MR. CHAIRMAN: Has he done that? Has the Ombudsman sent us a letter asking to meet with us, or did he send a letter to the previous Legislative Offices chairman six months ago? Do you know?

MR. DICKSON: Mr. Chairman, I just notice that on the list of follow-up items in the front of the binder there's an item: "June 19, 1992, Mr. Johnson, Complainant Protection."

MR. CHAIRMAN: That's the issue?

MR. DICKSON: That's one. I think there's another one as well.

MR. CHAIRMAN: So it's an old one.

MR. DICKSON: Oh, sure.

MR. CHAIRMAN: Okay. I'll tell you what we'll do. We will invite Mr. Johnson to our next meeting, and in doing that, I will ask him whether he has something specifically in mind to bring up to our committee. If he does, we'll know what the subject material is before you come to the meeting and supply you with any written information we can. How's that?

MR. DICKSON: That would be excellent, Mr. Chairman.

Can I just add that he also has some real concerns with freedom of information legislation and how it would affect his office. Since we're probably not going to be dealing with the statute until February or March of 1994, he should understand that he'd have the opportunity to come and relate his concerns there, and we would be able to talk about that as well.

Thank you.

MR. DOERKSEN: I'm a little concerned, because we had a general discussion with him this morning.

MR. CHAIRMAN: No, no.

MR. BRUSEKER: That was the Auditor General.

MR. DOERKSEN: Oh, okay. All right. That's better.

What I would prefer to deal with is specifics as opposed to a general discussion. Just to have somebody come here and talk makes no sense to me. If you have something that you want changed in the Act, I think it should then be documented and brought forward as an agenda item to discuss. These other people, if they have some changes they want to recommend, should come the same way. Just a general discussion for the sake of discussion is not, in my way of thinking, very practical.

MR. DICKSON: My response to that: I think that's a fair comment. I think we want to be focused on the issues. My understanding is that there's a specific issue with respect to the Ombudsman recommending that there should be complainant protection in the Ombudsman Act. My intention would be, Victor, that he would come to address that, but if he has other issues, I mean, maybe we could ask the chairman to identify those in advance.

MR. DOERKSEN: You would think, though, that he would have contacted the chairman already if that's still an issue, knowing that there's now a new committee. You could certainly ask him.

MR. CHAIRMAN: Well, down here on this page you'll see that there's a request from Mr. Johnson for changes to the Ombudsman Act. I mean, I would have to assume, Victor -- it's down here on this page in three different places -- that there is an issue that he wants us to deal with.

2:09

MR. DOERKSEN: Okay. Fair enough.

MR. CHAIRMAN: Frank.

MR. BRUSEKER: Yeah. My question really dealt very much with this page of follow-up items, Mr. Chairman. I see a number of issues there, and I guess I would like at some point to have a resolution of them, certainly the issues that were already on the page before we had our first meeting. In large part, although I'm familiar with the general nature and tenure of the issues, I'd like some more detail on them. I guess I'm thinking, at least the way I think things

through, that eventually this page of follow-up items should be dealt with and should be removed from the page.

I guess, in particular, coming out of our last meeting, I note that the expiry date of the Chief Electoral Officer is noted here as being June 16, 1994. Anticipating that we will probably spend a good deal of time trying to find a new Auditor General, I'm wondering if we have any indication from the Chief Electoral Officer if in fact he's going to be resigning then. Are we going to be looking at another subcommittee to get a new Chief Electoral Officer? I'm feeling a little uncomfortable with the page of follow-up items, I guess, is what I'm saying. It seems to me there's quite an agenda right in there of issues that need to be dealt with. I'd like to see those start to be tackled and resolved one way or another.

MR. CHAIRMAN: I agree with you, Frank, and that's why for sure we'll try to accommodate a meeting around Mr. Johnson at our next meeting.

As far as the Chief Electoral Officer, your statement, I guess, will give me an opportunity to ask the Chief Electoral Officer what his intentions are. Of course, it will depend on what our intentions are as much as -- I mean, if his intentions are to retire, our work is clearly defined then. I think his term is up a year after the election, so we will certainly be dealing with that sometime in January. We'd better be, right?

MR. BRUSEKER: Yes, I agree.

MR. CHAIRMAN: Okay. Any further discussion or any other new business?

MR. DOERKSEN: Just a question, Mr. Chairman. Is it within our mandate to evaluate, provide recommendations if we think that some of these offices can be connected or joined together? Because I do sense some overlap in terms of duties. Is that for us to deal with?

MR. CHAIRMAN: I would assume that it would be a good starting point, a good starting place to discuss something like that. I don't know.

MR. DOERKSEN: I haven't sat on this committee before, so I'm speculating.

MR. BRUSEKER: I don't think any of us have been on this committee of Leg. Offices.

MR. CHAIRMAN: We're all rookies, I guess. So I would assume that if you had an idea of streamlining some of our offices . . .

MR. BRUSEKER: We just have the four offices, correct?

MR. CHAIRMAN: Four. Right.

MR. BRUSEKER: So your idea, Victor, would be perhaps to somehow streamline down to three?

MR. DOERKSEN: Yeah. I haven't examined it in depth, but just from my conversation with the Ombudsman and the Human Rights Commissioner, for instance, I see some overlap in those two offices. Maybe we need to amalgamate, for instance, those two. I don't think you can amalgamate the Auditor General in there. Would you rather I brought something to the table, then, if I see something there?

MR. CHAIRMAN: Sure. Is the committee in agreement with that?

MR. DICKSON: Sure. We can deal with it when we have the proposal.

MRS. FRITZ: I would think, if you are thinking of that, that you would do that fairly quickly because of the business plan subcommittees. If you're anticipating that there's duplication in those two areas, then looking at cost efficiencies, you should put that forward at the right business plan subcommittee.

MR. DOERKSEN: Yeah. This won't happen overnight, though, because you'd have to change the Acts.

MRS. FRITZ: Well, no, but what you're doing is putting forward an idea. I would think that you wouldn't have all the documentation as far as supporting that. I've heard you say, quite frankly, before, you know, with regards to human rights that maybe it duplicates other areas. It may very well do that, but I would think that you'd deal with that fairly quickly, because those are meeting now.

Who is the business plan subcommittee chairman for this area? Who is this area reporting to?

MR. CHAIRMAN: I don't think there is one, Yvonne.

MRS. FRITZ: There isn't? Community Development, for example, is reporting; I think the chairman is Ed Stelmach. I think it's well intentioned, but if you're serious about that, I think that you'd consider doing that fairly quickly.

MR. BRUSEKER: Just one other thing springs to mind, I guess. This morning we had a tour, really an introduction of our committee to two of our four officers. Are we going to arrange or are you as chairman going to arrange similar kinds of visits with the Chief Electoral Officer and the Ombudsman?

MR. CHAIRMAN: Do you think I should?

MR. BRUSEKER: Well, I think it might be worth while for us to get a bit of a feel for where they do their work and what kind of work it is they do. I'll leave it up to you in terms of how long is necessary, but I think it might be worth while.

MR. CHAIRMAN: Okay.

MR. DICKSON: Mr. Chairman, I like the idea of going to the offices out of which these people operate, but I also take Victor's comment earlier. Maybe rather than just the tour and sort of the orientation, we can be a bit more issue-focused too. Each of these people will have concerns and things they'd like to see changed or stay the same. Maybe we could even have a bit of an agenda so that the tour isn't the whole event; it's the side life to it.

MR. BRUSEKER: Well, for example, Gary, you've outlined the concern from the Ombudsman. Maybe we could address that while we're at his office visiting with him. That might be an excellent idea.

MR. CHAIRMAN: Kind of count it as part of the meeting?

MR. DICKSON: I guess that's where I'm going. That's what I'm trying to suggest.

MRS. SHUMYLA: My only concern would be, if you wanted to combine the two, that we have the question of *Hansard* and having the meeting recorded by *Hansard*. So if you wanted to have a tour

and then invite an officer to a meeting even on the same day, that could be arranged.

MR. CHAIRMAN: That's probably what we'd have to do in regards to this.

MR. BRUSEKER: Good point.

MR. FRIEDEL: I was going to raise a new item. Are you finished, Frank?

MR. BRUSEKER: I'm done. I was just thinking out loud.

MR. FRIEDEL: Before we leave that, then, I would like to suggest that if we're just going to go in and look at a few offices, the meeting we had with the Auditor General this morning was great because there was a lot of information discussed. We spent an hour and a half talking about the role of the Auditor General. But quite frankly the tour of the facility left me less than delighted, because you can walk around and look at any office and get just about as much out of it. I felt that that part of it -- I know that it only took 10 minutes -- was really a waste of time. If all we're doing is going to just look around the office, I'd have some question as to whether it's worth while.

MR. CHAIRMAN: That's a point well taken.
Go ahead, Harry.

MR. SOHAL: We should have the kind of meeting we had with the Auditor General this morning whereby he tells us what kind of work or job he's doing and where he fits in the whole system of things.

MR. FRIEDEL: Yeah. That I would have no objection to whatsoever because I found that quite interesting. I think the fact that we've all individually been to see the Ethics Commissioner and have gone through that, there were very few surprises as to what his office is all about and what it did. So maybe that part was anticlimactic. I would certainly like to see what the Ombudsman's office is all about and maybe even the Human Rights Commissioner's, these sorts of things, to get information on them. My only comment was that if we're going there just to tour the office, I happen to have some questions about it, but certainly meeting with the individual would be a good idea.

MRS. SHUMYLA: Just to give a little bit of history to the committee. Every time a new Legislature began, there was a new chairman, a new committee. That would be the time when the tours would have been made to the officers. So it would be approximately once every four years that these tours would be made. From what I know, both the Ombudsman and the Chief Electoral Officer would be happy to have the committee to their offices so that the chairman and the committee members could have a better idea of what they do in their offices.

2:19

DR. MASSEY: I was going to express the contrary here. I would like to see them on their own turf. It's an hour, an hour and a half of our time, especially if we're going to have a discussion as we did with the Auditor General.

MR. CHAIRMAN: Okay.

MR. FRIEDEL: Don, not that I'm arguing against having that meeting in their office, but if it's just a matter of going to the office to have a look at the inside, that's what I'm reluctant to do.

MR. DICKSON: You want a presentation.

MR. FRIEDEL: If they can have a presentation and a bit of a meeting kind of thing, that doesn't necessarily have to be recorded in *Hansard*. I have no problem with that at all. As a matter of fact, I'm in favour of it. The only point that I would be concerned about is if we're going over there just to look at the inside of the facility.

MR. CHAIRMAN: Okay. We will try to arrange that as the other two.

MR. DICKSON: New issue?

MR. CHAIRMAN: Yeah, sure.

MR. DICKSON: We had touched on this thing, or it came up when we were meeting Mr. Clark, the Ethics Commissioner, this morning. I'm really interested in seeing some change to the Conflicts of Interest Act to set out what the rules are for individual MLAs dealing with judges. My suggestion would be, Mr. Chairman, that for our next meeting I'd prepare a bit of a proposal and a copy of the recommendations from the Ethics Commissioner and circulate that to members in advance. Is that a reasonable way of proceeding with this?

MR. CHAIRMAN: Sure.

MRS. FRITZ: Well, no, just hold on. Can I ask: is it conflict of interest in all areas?

MR. DICKSON: Let me just back up. The background is this: often MLAs, particularly new MLAs, are approached by a constituent who says, "I want you to write a letter to a judge on my behalf, in my case." Sometimes it's a sentencing recommendation used by the judge in sentencing a constituent. It may be some other aspects of a legal case. I have a concern that we don't want anybody in a position where you're seen as improperly trying to interfere with what a judge is paid and responsible for.

An issue had come up in the spring that caused the Ethics Commissioner to do a report, and in his report he suggested that one way of getting around this problem of MLAs not knowing what they can and can't do would be to have any letter that an MLA wishes to send to a judge about a particular case before the court go to the Ethics Commissioner first, who would vet it; you know, say, "This is okay," or "This goes beyond the bounds," or "This is a problem."

He made the recommendation to the Legislature in the spring, and nobody's sort of following up on that. I'm interested in doing that and seeing if there's support from this committee and see where it can go from here. I don't like seeing all these loose ends, and it would be a way of addressing something that had come up and had never been finished off or fully dealt with.

MRS. FRITZ: So it's strictly dealing with correspondence to judges on behalf of constituents, whether or not an MLA should be doing that.

MR. DICKSON: Right.

MRS. FRITZ: Those are the strict parameters of this.

MR. DICKSON: Right.

MRS. FRITZ: So it doesn't deal with if you had, for example, a constituent come to you that had, I don't know, received a ticket from a police officer, that you shouldn't be writing to the chief of police on that constituent's behalf because you'd be in a conflict. I can think of many situations actually, not just that one. But what I'm asking is: are you just strictly dealing with a judge and whether or not MLAs should write on behalf of constituents to judges?

MR. DICKSON: Or if they should, what safeguard we put in to make sure that we have some guidance in terms of what's appropriate and what isn't. You raise some interesting other situations, but I've just been focused, Yvonne, on that one situation.

MRS. FRITZ: So the rules that are in place now, Mr. Chairman, are that if you have any question at all about whether or not you should write a letter on behalf of a constituent, you have right now the option of going to the Ethics Commissioner?

MR. CHAIRMAN: Yes.

MR. DICKSON: There's no sort of rule, but that's available.

MRS. FRITZ: Was that the recommendation then?

MR. DICKSON: He recommended that it go further, that it should be clear to MLAs they should not, cannot write, just sit down and start penning notes to judges unless there's some screening, some safeguard mechanism to [inaudible] inappropriate communication.

MR. CHAIRMAN: Gary, did you have some comment?

MR. FRIEDEL: Just a question on that. You're talking, Gary, I presume, about just procedural rather than regulatory or legislation changes that we're considering.

MR. DICKSON: There are two ways of coming at it. I guess what I had in my mind was an amendment to the Conflicts of Interest Act, that the Ethics Commissioner is responsible to police, to address this.

There's another issue, though, you know. I think that if there were a code of conduct for MLAs, that might be a neater way of dealing with it so that you don't have to tinker with the statutes. I just find that, particularly when we have so many first-time MLAs, people sometimes fall or walk into traps not for improper purposes but simply because sometimes it's not clear what's verboten and what isn't, what's appropriate and what's inappropriate.

MR. FRIEDEL: The reason for my question, though, is if we're just talking about a procedural situation where we would be discussing this possibly with the Ethics Commissioner, that is one thing. If we're doing this with a view that this committee in any way looks at changing legislation, I don't think that second part is within our mandate. If there is legislation to be changed, it would either have to come through the appropriate minister or through a private member's Bill. Going back to the other, if all we're trying to do is sit down as a committee and the idea being to discuss with the commissioner how we felt on it, it may be within our mandate, but I would suggest that we'd want to look at the legality of it. Are we at this point putting ourselves in the position of almost interfering with his decision?

MR. DICKSON: Well, I saw it more as being supportive of the commissioner. I guess my notion would be that as the committee responsible for overseeing these offices, if one of these people has a concern or there's an issue that comes up in them doing their job, it seems like it is appropriate for us to deal with it. If it requires a legislative change, what would happen, I would think, would be a recommendation from the committee if it was felt that there should be a change in legislation. I would think it would be quite appropriate for this committee to make the recommendation. I mean, the Justice minister may do what he wishes with it, but it would be appropriate to make the recommendation.

MR. BRUSEKER: Just following up on what Gary Dickson said in response to Gary Friedel. I think you're correct: it would be inappropriate for us to say, "Here is the specific proposed change." But I think it would fall entirely within our mandate; in fact, committees are regularly struck to put forward recommendations about changes that could or should be made to legislation. The Electoral Boundaries Committee springs to mind; it was the one I was on. The whole purpose of that committee, the whole rationale for the committee to be struck was to put forward proposed legislation or proposed guidelines at least for the legislation to then be crafted by the legal beagles, who, you know, cross the t's and dot the i's and that sort of thing. So I think that if we have meetings with the officers for whom we have responsibility and the suggestion comes out that a change should be made, and then we here in this committee concur with that suggestion, then it not only is within our mandate, but in fact I would say it is our responsibility to then put forward the suggestion as to that proposed change and then, again, leave it to those that know how to draft the legislation as to how to draft the particular details of the legislation.

MR. CHAIRMAN: Yvonne.

MRS. FRITZ: Thank you. Just one further question: are you envisioning that there be penalties, as part of the recommendation? I guess what I'm leaning to, Gary, is that what I see you discussing is common sense and that people should not be writing on behalf of constituents to judges. I think that falls in line with many things that we do that are commonsense. If you're envisioning penalties for the MLA that follows through and does this, which is against the code of ethics, et cetera -- I'd be interested if that's where you're leading to.

2:29

MR. DICKSON: Well, I think what I was trying to suggest is that I see a lot of value if there were a code of conduct or a set of ethical standards for MLAs that was something at a different level than a piece of provincial legislation. We don't have that, though. In the absence of that, I've been talking about actually seeing an amendment to the Conflicts of Interest Act, and I hadn't spent a lot of time thinking about penalties. There's a penalty provision now for noncompliance with the different duties in the Act, and I suppose -- and this is something we have to talk about -- unless we define a separate penalty, it would be just subject to the same kind of penalty. I'm less interested in trying to hammer somebody over the head than I am in just making sure that MLAs have some direction.

MR. SOHAL: Guidelines.

MR. DICKSON: Sure. As much as you say, Yvonne, that it's common sense, there have been instances where people haven't exercised what you may be calling common sense.

MRS. FRITZ: Then what they do is they live with the consequences. They make a choice on whether or not to write to a judge on behalf of a constituent, and they live with the consequence of what the follow-up is to that. I guess this would be discussion for another day.

So what I hear you saying is that there isn't a code of ethics. There's conflict of interest guidelines, and you want to amend the conflict of interest guidelines. So my next question is whether or not that falls in line with conflict of interest. I'll look forward to what you bring back and discuss.

MR. DICKSON: Sure. I guess I was just hoping to get if people had some direction in terms of how they wanted this thing presented. As I say, my offer was to do up a bit of a handout in advance of the meeting, and then we can discuss the thing on its merits.

MRS. FRITZ: I guess what I would be looking for is more what the Ethics Commissioner presented. Was it in the spring that you said this happened?

MR. DICKSON: It was in the spring. It was a particular case, and he gave a ruling. Part of that ruling was -- and he's the one who came up with the suggestion -- why don't we have individual MLAs file these letters? He said, as he always does in his recommendations: that's up to the Legislature to decide; all I can do is make a recommendation. I guess what I'm doing is I'm just trying to take the recommendation and follow up with it: either we reject it or accept it. You know, I'd like to see it addressed and finished.

MRS. FRITZ: Well, I'd be interested in reading what the Ethics Commissioner had presented in the past.

MR. CHAIRMAN: Okay. Any other business? If not, the date for the next meeting -- I haven't got a date in mind. I'm not exactly sure. Some of this stuff -- if we're trying to have Harley Johnson here and so on. Maybe if you could leave it with me for the next date, that would be the best. Would that be acceptable? Okay. We will try our best to have one before Christmas.

MRS. FRITZ: Otherwise, we have one on December 2 at 3.

MR. CHAIRMAN: That's the search committee.

MR. BRUSEKER: December 1, isn't it?

MR. CHAIRMAN: Yeah.

Okay, with that, then, I'll entertain a motion to adjourn.

MR. DOERKSEN: So moved.

DR. MASSEY: Just before, I wanted to thank you for arranging that tour this morning. I found it useful.

MR. CHAIRMAN: I did too.

MR. BRUSEKER: I think the emphasis was on the discussion, not the tour.

MR. CHAIRMAN: Okay. Victor moved that we adjourn. All in favour? Carried.

[The committee adjourned at 2:33 p.m.]