

8:34 a.m.

[Mr. Langevin in the chair]

THE CHAIRMAN: Okay. We'll call the meeting to order. All the members are here, so we have a full attendance. Thank you all for coming to our little meeting. Now, I hope you all have your agenda. The first item on the agenda is the approval of the agenda itself. Any comments? Can I have a motion to approve the agenda?

MR. HIERATH: I'll so move.

THE CHAIRMAN: Moved by Ron that we approve the agenda. All those in favour? That motion is carried. Thank you, Ron.

Now Returning Officer Fees. As you will remember – and I have a copy of the letter here – back on September 25 we received a letter from the CEO, Mr. Whelan, proposing a new fee for returning officers. In the covering letter he also proposed that this be retroactive to the 1996 enumeration and 1997 election but that it would carry on in the future. It would establish a new fee for future elections. I'm sure that you all got a copy of that letter. I'd like to have some comments on that.

Mr. Jacques.

MR. JACQUES: Yes. I would move that
we table this until such time that a new Chief Electoral Officer is
hired.

THE CHAIRMAN: We have a motion from the floor. Any discussion on the motion?

MR. JACQUES: It's a tabling motion.

MR. SAPERS: So you can't debate it.

THE CHAIRMAN: Oh, sorry. Yes. I'm sorry. It's too early in the morning.

Okay; we have a motion to table this to a future date. I'll have to call the vote. Those in favour of the tabling motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed? The motion is carried.

The fourth item on the agenda is Use of the "ACN Today Daily Index." Mr. Dickson asked to have this on the agenda, and I'll ask him to open the discussion.

MR. DICKSON: Thanks, Mr. Chairman. We try hard as a committee and always have to ensure that our legislative officers are not only operating independent of the Legislative Assembly but are seen by all Albertans to be operating independent of the Legislative Assembly. What's happened, however, is that three of the five legislative officers, if they have news to issue, do it through the Premier's office and the Public Affairs Bureau. I understand why there may be some convenience to it, but the Acting Ombudsman I think has got it right. In the package you will see a note from Brian Carver where he indicates the Ombudsman has always issued the news releases on its own, independent of the Public Affairs Bureau. What I'm proposing – in fact, I've distributed a written motion, Mr. Chairman – is that each of the legislative officers be urged to develop a plan to communicate with media independent of the government Public Affairs Bureau and the Premier's office and to

report to this committee prior to February 1, 1998.

My belief is that with five legislative officers, there certainly are the resources and the ability to be able to come up with a plan to be able to distribute their news releases jointly. I think there's a critical mass, and it seems to me that it serves the important principle of independence of legislative officers. I'm not suggesting that there's been anything improper in the past, but I think it's simply so important to reinforce a sense of independence. Without this, I think somebody could well be confused and think legislative officers are in some fashion an extension of the government of the day.

The last thing I'd just mention is that it seems to me that if we were going to be consistent and not change the practice, then the Official Opposition should be able to issue news releases through the ACN news. I mean, that's the flip side. If we don't go this way, then we say that ACN news is also available for all Legislative Assembly news releases and so on, and that would include the Official Opposition. I'm not sure that's ideal, and I think this motion is perhaps a more constructive way of dealing with it.

Thanks, Mr. Chairman.

THE CHAIRMAN: Thank you.

MR. JACQUES: I agree in principle with what Gary is putting forward. The suggestion I would have with regard to the motion is twofold. One, the latter part says, "[Then] to report to this committee prior to February 1, 1998." If the key word is "urged" as opposed to "directed" – and I think he got it right saying "urged," because they are independent in terms of the legislative offices. I was just doing some scrawling, and it would seem to me that in the wording that I have indicated, that "each of the legislative officers be urged to communicate with media independent of the government Public Affairs Bureau and the Premier's office" – in other words, I would propose an amendment which would delete the words "to develop a plan" and to delete the words following "the Premier's office." It would be a full stop at that point.

The rationale for that would be – "to develop a plan": I don't think we need to have something that formal. I think that if we urge the officers, that's sending the message to them, which we want to do. It gives them the flexibility without having to come back to this committee. If any member believes in the future that there is a problem that the urging is not being taken seriously, then I would suggest we revisit it at that time.

So my motion would be to amend the motion by deleting the words "to develop a plan" and by deleting the words following "office."

MR. DICKSON: Mr. Chairman, I'm not uncomfortable with those suggestions. I was trying to, I guess, be a little gentler with the legislative officers, give them an opportunity to come up with a way to do it. The amendment, frankly, is a little bit more directive, and I'm not uncomfortable with that. The message is the same.

MRS. FRITZ: Is there any cost, Gary, to this? Have you looked at that? Is there any change for the technology or costs in any way? What's extra for each office?

MR. DICKSON: Mr. Chairman, if I might. I don't have anything in writing from the legislative officers. I've been advised by the Ombudsman, for example, that they do this routinely. They are the one legislative office that reports independently. They attribute no extra cost to doing that. It may be as simple as the five legislative offices simply sharing an up-to-date media list with fax numbers and so on. The best information I can give Yvonne or the committee is

that this is not a significant cost item.

MRS. FRITZ: Well, I'm going to support the amendment, Mr. Chairman, and the motion as amended. I think the legislative officers will develop their own plan. They don't need to be directed to do that. They'll do that internally, and they'll handle it in the best way possible. I'll be supporting both the amendment and the motion.

THE CHAIRMAN: Thank you, Yvonne.

Gary, you had a comment.

MR. FRIEDEL: Yeah. I agree with what Gary Dickson is attempting to achieve here. I note in the letter that was addressed to him from the Ombudsman that they go so far as to say "nor does it involve itself with any other legislative offices when it uses 'news releases.'" In other words, they're even suggesting they want to stay remote from other leg. offices.

The concept of remaining independent and impartial is great, but I would hope that as we're doing this and if there is going to be communication with them, we make it very clear that this isn't to set up another little minibureaucracy within each of those leg. offices or collectively with them. It's not as if this is a foreign government that we're dealing with; this is part of our entire government process. If there are savings to be had by using available services – I'm not talking about developing the releases or anything like that, but using an existing mechanism to disperse them – I would hope we're not going to preclude that as an option. Insofar as ACN is an index of available news releases, I would hope we're not going to preclude them from allowing that to be part of a collective system.

I'm going to just caution, while I do support the concept of the motion, that we communicate this in a way as to make sure that we're not growing government and adding unnecessary cost.

THE CHAIRMAN: Thank you, Gary.

Any other comments? If not, I'll ask for the vote on the amendment. Would you read the amendment again to make sure we are all clear, Mr. Jacques.

8:44

MR. JACQUES: Okay. Do you want me to read the revised motion?

THE CHAIRMAN: Well, we might as well have the friendly amendment.

MR. DICKSON: If I didn't make it clear, Mr. Chairman, my intention was to accept, integrate the amendment into the motion. So we have a single motion on the table, which would be . . .

MR. JACQUES: That

each of the legislative officers be urged to communicate with media, independent of the government Public Affairs Bureau and the Premier's office.

THE CHAIRMAN: Thank you. We all heard the motion. Now I'll call the vote. Those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: The motion is carried unanimously. Thank you very much.

Item 5. We have some members who attended some conferences, and I've invited them to make a report on their attendance and what happened at the conference. The first one is the National Conference of Canadian Ombudsmen. That was held September 10 and 11, I believe, in Regina, Saskatchewan. I'll ask Mr. Howard

Sapers to comment on that.

MR. SAPERS: Thanks, Mr. Chairman, and thanks to the committee for giving me the opportunity to attend. I have done a couple of things in anticipation of making this report. One is that I've catalogued the various material that I picked up at the conference, and I have developed an index of that material. So if anybody wants to review it, it's available in my office, all the original material. You can see there are 15 or so items that I thought were important to keep on record.

The conference was attended by people from Ombudsman and Ombudsman-like offices from across the country, and there was tremendous interest in what was going on in Alberta. I almost could have been on the agenda, myself and Diane, who was there, because of course it was no secret in the Ombudsman community that we are in the process of recruiting somebody. That became quite a topic of discussion outside of the sessions, and I had lots of advice in that regard.

One of the highlights of the session was meeting the Ombudsman for Brazil, who made a number of presentations and provided a number of backup materials and made the point that they are just discovering how important it is to have an Ombudsman and how important it is for that Ombudsman to be scrupulously independent of government. He made a point of saying how they look to Canada and the various provincial jurisdictions as really leading the way in the international community and made a point of being quite gracious and sincere in those remarks about the leadership that Canada provides the rest of the world.

We were also hosted by the provincial Legislature of Saskatchewan and had an opportunity to meet with the Speaker and discuss the relationship between the Ombudsman and government in the Legislature.

There was an excellent presentation on privatization and contracting out, and I do have extensive notes from that session. I haven't had them transcribed yet, but I'll be doing that shortly, and they'll be available to any member as well.

In short, it was a good use of my time and certainly provided me with some perspective which I believe will assist me in my responsibilities on this committee. If other members have an opportunity to attend a national Ombudsman conference, I think it would be worth their while as well.

THE CHAIRMAN: Howard, you said you're going to have notes prepared shortly.

MR. SAPERS: On the privatization session, yes.

THE CHAIRMAN: If you would make these available to Diane, she could just circulate them, and then we wouldn't have to contact you.

MR. SAPERS: Absolutely. I'll be happy to do that, Mr. Chairman.

I should note that Diane also had a very successful trip while she was in Regina. I haven't checked out her footwear yet this morning, but she was able to come back having helped boost the local economy in Regina.

MRS. SHUMYLA: Okay. I have a relative in the shoe business there.

THE CHAIRMAN: Besides the shoes, do you have anything to add to Howard's . . .

MRS. SHUMYLA: I enjoyed the conference as well. In the past I've always made a written report, but due to my workload this fall, I

didn't have an opportunity. But the same as Howard, I have quite a few notes, and I did highlight some of the things that I liked the most. They were both, actually, on privatization sessions, so maybe I can put these notes together with what Howard has.

THE CHAIRMAN: Thank you very much.

Now we'll ask Mary O'Neill and Gary Dickson to give a report on the Governmental Ethics Laws conference.

MRS. O'NEILL: Actually, if I may, Mr. Chairman, I'd like Gary to go first because, Gary, I think you attended more completely than I did. I just listened to one of the luncheon speakers, and I attended . . .

MR. JACQUES: What were you doing? Shopping?

MRS. O'NEILL: No. I only attended on Monday because I had other commitments.

MR. JACQUES: Just joking.

THE CHAIRMAN: Okay. Gary.

MR. DICKSON: Thanks, Mr. Chairman. I appreciated the opportunity to attend along with Mary and Howard Sapers from our committee. The three of us were there at different parts of the conference, September 10 to 12. This was a curious conference because in some respects it was like at least four different conferences going in parallel. There was one set up dealing with freedom of information, which was of particular interest to me. Also, there was one on lobbying, which was sort of a whole parallel theme with speakers and material and people there specifically to address that. Then you had electronic reporting. Electronic reporting was sort of the hot issue, and most of the people in attendance involved with the Council on Governmental Ethics Laws tend to be people involved with campaign finances disclosure electronic reporting. Then there was also an ethics tract. So you had almost four different groups in this conference, and you had some crossover and some shared perspective, but often each of these tracts proceeded somewhat independently.

The U.S. experience was a bit different. It seemed to me that over 75 percent of the people there, maybe 80 percent, were from U.S. jurisdictions, so there was a lot of talk in terms of comparing what different states do, none of which had a lot of direct bearing in terms of how we operate in this province. The freedom of information part and the ethics and the lobbying, I think, had some application.

There were some terrific speakers. The late John Sopinka of the Supreme Court of Canada came and talked about the Internet and limits on free speech and what's appropriate. There was a very dynamic woman named Mary Schiavo, who is the inspector general for the U.S. Department of Transportation. She gave a scintillating noon-hour speech about lack of air traffic safety, because this was a woman responsible for checking airworthiness of planes and training programs for flight crews. After hearing that, I suspect that at least half of the people in attendance were looking to book bus transportation home to their U.S. residences, because it was pretty unsettling to those of us who work the airbus route. I know some different things to ask now when I'm getting on the plane.

A lot of written material – although I don't have it prepared, I'd undertake to circulate a bit of an inventory of the stuff I have in my office that I took from the conference. Two books were particularly good. One was a 1997 campaign finance update, which highlighted the legislation and the litigation – being the U.S., the litigation is sometimes more important than the legislation – in 50 states, the

District of Columbia, and the federal government. So in about 200 pages it gives you an excellent summary of what's going on in all U.S. jurisdictions.

The other one is a lobbying update on legislation and litigation, U.S. and Canada. This was very helpful, because the Americans attempted to also analyze what was going on in Canadian jurisdictions, sort of a comparison and contrasting right across North America. So these are excellent.

There's a third publication. A woman from the Information and Privacy Commissioner's office in Toronto had come and done an analysis of recent developments in freedom of information laws right across the country, and that's available as well, and just a large number of papers in terms of how the different ethics systems work and that sort of thing.

I guess the last thing I'd just say is that what was apparent was that both Derm Whelan and Bob Clark had been largely responsible for the conference coming to Edmonton, and I think this was useful in terms of reinforcing their network of contacts. I found it quite fascinating, even those parts that didn't have so much application here. I've got a wealth of material, and if anybody's interested, I'd be happy to share it, Mr. Chairman. I appreciate the chance to have been able to attend as a representative of the committee.

8:54

THE CHAIRMAN: Thank you very much, Gary.

Mary, do you have anything you want to add?

MRS. O'NEILL: Thank you, yes. I'll just add that I attended the luncheon speaker, Mary Schiavo. She is the former inspector general, as Gary has mentioned, for aviation in the States. She left that position on principle and wrote a book called *Flying Blind, Flying Safe*. She is a lawyer and she is a pilot. Actually, her whole presentation, which was absolutely dynamic, warned us of how the system can cover up, quite frankly, so she did an extensive investigation. She really took on the job of being inspector to the chagrin of many, many people working within the industry. She really attempted, if you will, to put it on track, as directed. In fact, she resigned I believe it was two weeks before that crash in the Everglades, for which she had recommended that their safety inspection prior to that be updated and corrected, and it wasn't.

She was a powerful speaker in terms of experience, but what she taught me and what the relevance is to this committee, as I pondered it, was most specifically the fact that she was a government appointee in what I would call a legislative office, a federal office, et cetera. But when she did act in that position, it was quite dramatic. So in that sense I link it to our searches for replacements when the time comes for several of the offices that we look after, be it an Ethics Commissioner for us or a Chief Electoral Officer. I would suggest that we look for those who are conversant with whichever area we are looking to fill the position for and at their expertise in it and particularly their credibility, because it was her credibility as a pilot and a lawyer that really highlighted this whole issue of national safety for them.

So I thank you for the opportunity to attend. I'm sorry I wasn't able to take in much more of that, but I did engage in conversation with people at the table who were mainly from the States. They happen to operate almost with 51 mini-legislatures there that also have their ethics commissioners, et cetera. It was quite helpful.

THE CHAIRMAN: Thank you, Mary.

Any questions?

MR. SAPERS: Mr. Chairman, I could add that there was a third luncheon speaker, who was special counsel to I'm not sure which

chamber in the United States, but he was looking at the investigation of the alleged wrongdoing of Speaker Gingrich. It was a very interesting contrast in styles, because his style was much more of trying to reach consensus and accommodation on how they would proceed and how evidence would be brought and how the issue would be resolved, as opposed to the former inspector general. His name was James Cole, special counsel to the House of Representatives Ethics Committee.

His approach as a special counsel was entirely different, and I guess those in attendance had reached some conclusion about whether they thought one style had more merit than another or was more productive than another. I think the answer was that circumstances really dictate and the question, as well, about whether you use in-house counsel or you appoint special counsel when you're trying to resolve that kind of an issue. I think that's a little instructive for some of the things that have gone on here in this province in the past when we've looked at controversial reports from one of the legislative offices.

THE CHAIRMAN: Thank you very much.

Any comments or questions? If not, we're down to Other Business. I'd just like to bring up that Diane's been trying to schedule a meeting for December 16 to speak to the budget of our Auditor General, when he is scheduled to attend. We have a couple of question marks yet, and I'm wondering – Yvonne, I guess you're unable to attend at that time.

MRS. FRITZ: I'm not able to. I could on Thursday afternoon, Mr. Chairman.

THE CHAIRMAN: The day before.

MRS. FRITZ: This Thursday.

THE CHAIRMAN: Oh, this week.

MRS. FRITZ: Thursday of this week, because I'm still in Edmonton for other meetings.

THE CHAIRMAN: Well, I had quite a long discussion with Mr. Valentine last night, and he just can't make it this Thursday. By the time we gave him notice that we wanted to meet with him again, he had a lot of meetings scheduled. Yesterday he was in Olds at the college. He's got a whole bunch of stuff scheduled, and he needs time to prepare. In all fairness, I don't think we should deal with that without having him in attendance so that he has a chance to put forward his case.

MRS. FRITZ: I agree, Mr. Chairman, but unfortunately I can't be there on the 16th. So thank you.

THE CHAIRMAN: Gary, how does it work for you?

MR. FRIEDEL: During the daytime or evening?

THE CHAIRMAN: That would be 6:15 to 7:15 p.m.

MR. FRIEDEL: I can't. I'm okay anytime during the day until 3 o'clock in the afternoon.

MRS. SHUMYLA: I think there were three members in standing policy committee that afternoon until 6.

MR. FRIEDEL: That's where I'm at from 3 till 6.

MRS. SHUMYLA: So that didn't work, and earlier I believe didn't work for Mr. Valentine.

MR. SAPERS: Gary, that's Tuesday the 16th?

MR. FRIEDEL: Tuesday the 16th.

THE CHAIRMAN: Also Wayne had to leave. We also have a question mark with Wayne.

MR. FRIEDEL: Well, Wayne chairs that standing policy committee.

MR. DICKSON: I'm not available for Thursday evening.

MRS. SHUMYLA: Wayne may be available.

THE CHAIRMAN: Oh, okay. Well, we have four members now.

MR. SAPERS: And we don't know about Pam.

THE CHAIRMAN: Pam has a yes here.

MRS. SHUMYLA: Oh, is there a yes? Okay.

MRS. O'NEILL: What time again, Paul?

THE CHAIRMAN: The time that was scheduled here was 6:15 to 7:15 in the evening.

MRS. O'NEILL: Isn't the SPC over?

MR. FRIEDEL: I have another commitment. I can't even stay to the end of the SPC.

MR. HIERATH: Yeah, it's supposed to be over by then, but sometimes they last longer.

MRS. SHUMYLA: Unless you're interested in trying the next morning before caucus or something.

THE CHAIRMAN: Would you agree to an early meeting again the next morning?

MR. SAPERS: On Wednesday the . . .

THE CHAIRMAN: The 17th. It would be a morning meeting. We'd have to probably start about 7:30 to 8:30.

MRS. FRITZ: I won't be here, Mr. Chairman. I'm not there at caucus that day.

THE CHAIRMAN: Okay. Well, the rest of the members will be here for caucus. I don't know how that would work with you two.

MR. DICKSON: Is it possible to make it 8:30 rather than 7:30?

MR. FRIEDEL: We have a 9 o'clock meeting that morning.

MR. DICKSON: Oh, okay.

MRS. O'NEILL: I would prefer not 7:30, please. It's just that it's one of those days that, if it starts at 7:30, will probably go to 10:30 at night solid. I have supper meetings and everything else.

MRS. SHUMYLA: I can go back to Mr. Valentine's office and the members and keep phoning.

THE CHAIRMAN: Maybe we'll leave it in Diane's hands, then, and try and find some date. I know that sometimes we're not 100 percent, but if we have more than two missing, if we have four missing out of nine, then that gets to be . . .

MR. DICKSON: Also with respect to this issue, given the kinds of issues and concerns last time, it's important that there be if not a full committee then as close to it as possible to do the follow-up to some of the issues that had come out of our last meeting, Mr. Chairman.

THE CHAIRMAN: We'll leave it with Diane then, again, and she'll contact your secretaries and your offices.

I have no other business for this meeting. Yes, Howard?

9:04

MR. SAPERS: You were going to report on your discussion with the Chief Electoral Officer.

THE CHAIRMAN: Yes. I would like to go in camera to report on that, if that's okay.

MRS. FRITZ: I'll make a motion to go in camera, Mr. Chairman.

THE CHAIRMAN: We have a motion by Yvonne that we go in camera. Those in favour of the motion? The motion is carried.

[The committee met in camera from 9:05 a.m. to 9:28 a.m.]

THE CHAIRMAN: Now I guess, seeing no other items on the agenda, we can have a motion to adjourn the meeting.

MRS. O'NEILL: So moved.

THE CHAIRMAN: It is moved by Mary then. Agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Thank you.

[The committee adjourned at 9:29 a.m.]

