

12:06 p.m.

[Mr. Langevin in the chair]

THE CHAIRMAN: Okay. I'll call the meeting to order. It was scheduled for 12, and it's about 5 after. Before we go into the business part, I'd like to take a few minutes to welcome our three officers from Leg. Offices: the Auditor General, the Ethics Commissioner, and I'd like to underline very heavily Mr. Scott Sutton, our new Ombudsman, and just point out that this is real dedication and commitment. He's only starting in office on April 1, but already he's getting his feet wet. He's around the office, and he's taking part in the decision-making. I want to commend him for that. Thank you for coming. Also Bill and Brian from the Chief Electoral Officer's office. Mr. Whelan was not able to attend, so they're representing the office. And the support staff for Peter Valentine. Welcome.

Now, before we go to the regular part of the agenda, I'd like to go to item 5, and we'll deal with the presentations from the officers at this time so that they will be free to be get back to their offices. Then we will proceed with the regular part of the agenda.

MR. HIERATH: Mr. Chairman, I would like to make a motion that we go in camera for this portion of the meeting.

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

[The committee met in camera from 12:07 p.m. to 12:40 p.m.]

THE CHAIRMAN: We may as well deal with this one right now, because it's fresh in our mind. If we proceed with the requests, we have to have five separate motions. Treasury wants each item under a separate motion because it's allocated to the five different offices. We can't make a motion for \$267,000. We have to make motions as we go down.

MS BARRETT: Sure. I'll start. I'd like to move that
the office of the Auditor General be supported in its request for a supplementary requisition of \$203,000, this being consistent with the government's achievement bonus strategy for the public service.

THE CHAIRMAN: Okay. We have a motion on the floor. Any discussion on the motion? Those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed? The motion is carried.

MRS. O'NEILL: I'll make a similar motion for the office of the Ombudsman, that
the office of the Ombudsman be supported in its request for a supplementary requisition of \$24,000, this being consistent with the government's achievement bonus strategy for the public service.

THE CHAIRMAN: Okay. I'll ask the question on that. Those in favour of that motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed? The motion is carried.

MRS. FRITZ: I'll make the next motion then. It's the office of the

Ethics Commissioner? Is that the next one?

THE CHAIRMAN: The next one on our list is the Chief Electoral Officer if you want to follow it in sequence here.

MRS. FRITZ: I'll make the one for the office of the Ethics Commissioner, that
the office of the Ethics Commissioner be supported in its request for a supplementary requisition of \$4,000, this being consistent with the government's achievement bonus strategy for the public service.

THE CHAIRMAN: All those in favour of the motion?

HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed? The motion is carried.

MS BARRETT: Mr. Chairman?

THE CHAIRMAN: Yes.

MS BARRETT: I think we missed one in this order, so I'll move this one. I'll move that
the office of the Chief Electoral Officer be supported in its request for a supplementary requisition of \$10,000, this being consistent with the government's achievement bonus strategy for the public service.

THE CHAIRMAN: Okay. All those in favour of that motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed? The motion is carried.

We still have the office of the Information and Privacy Commissioner.

MS BARRETT: I'll be pleased to move that
the office of the Information and Privacy Commissioner be supported in its request for a supplementary requisition of \$26,000, this being consistent with the government's achievement bonus strategy for the public service.

THE CHAIRMAN: Okay. We have a motion by Pam on the office of the Information and Privacy Commissioner. All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed to the motion? The motion is carried.

Okay. We will communicate this information this afternoon to Treasury, because they impressed on us they need that right away if they're going to proceed with it. Diane will look after that.

We don't have much time left, and we have quite an agenda here. We'll try and rush that through if we can. You have three sets of minutes in your package. We have October 24, December 2, and December 9. I don't know if you all have had time to read the minutes. I did read the minutes, and I see no problems in there. I would like to ask you if there are any errors or omissions that you notice in these minutes. If not, we need three separate motions to adopt each one separately.

MS BARRETT: I was sick in December. I had the flu. I didn't get very far in December, but I was at this meeting. I'll move approval of the October 24, 1997 minutes.

THE CHAIRMAN: Okay. We have a motion by Pam that we accept the minutes as circulated.

You had a question?

MR. SAPERS: Yeah, I have a question. It's very simple, and it pertains to all the minutes in the package. I received my package only just a couple of hours before this meeting, and it would be helpful if I could see the minutes previous to that. It's just a procedural thing.

THE CHAIRMAN: I think we apologize for that. Diane has been sick with the flu. She made a special effort to come yesterday and today to put this together. Usually we would have them about three or four days before.

MRS. FRITZ: Yeah. We usually have it earlier.

THE CHAIRMAN: We will attempt to make sure it doesn't happen.

MRS. SHUMYLA: I was also waiting for the submission . . .

MR. SAPERS: From this team. That's what I assumed.

MRS. SHUMYLA: . . . from another area, so that held up the package a bit.

THE CHAIRMAN: Sorry about that.

We did have a motion. I asked those in favour of Pam's motion.

HON. MEMBERS: Agreed.

THE CHAIRMAN: Anybody care to make a motion on the December 2 minutes?

MRS. O'NEILL: Yes. I'll so move.

THE CHAIRMAN: Moved by Mary that we approve the December 2, 1997, minutes as circulated. All those in favour of that motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: And December 9?

MR. HIERATH: I'll so move.

THE CHAIRMAN: Moved by Ron that we accept the minutes. All those in favour of that motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed? It's carried also.

Item 4 on the agenda is the term of our Chief Electoral Officer, which terminates on March 11. We've had some discussion on that before. The committee had indicated to me that I should be talking to the person. I did. His decision was that he wanted to serve until the end of the term. I believe we're within a month of the end of the term, so we should maybe make a motion to get this in gear so that we can form a search committee and do the required work to fill this position.

Yes, Gary.

MR. FRIEDEL: I'll move, Mr. Chairman, that the Standing Committee on Legislative Offices recommend to the

Minister of Justice and Attorney General that a motion be introduced in the Assembly to establish a search committee for the position of Chief Electoral Officer.

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

MR. DICKSON: I always get confused, Mr. Chairman, in terms of what we're able to do here. Can I just ask Gary: you've checked the statute, and that's the process?

MR. FRIEDEL: The Legislative Assembly establishes the search committee as far as I know.

MR. DICKSON: I was just going to say that my understanding for this office had been that it was simply the approval, that the contract couldn't be entered into without the sanction of the Legislative Assembly. I don't know that for sure; I'm just raising it as a question.

THE CHAIRMAN: I picked up some information on that. The last time we looked at the Ombudsman appointment, there was a motion. If you look in *Hansard* here, our motion was given to Minister of Justice Havelock, and then Mr. Havelock stood up in the House and made the official motion naming the members to be on the search committee. That motion and that decision is made by the Legislature. There's discussion in the Legislature, and there's a vote to approve this motion.

Our motion is not to appoint a search committee, but our recommendation to the minister is that he proceed with a motion in the House. If you look back in *Hansard* of May 15 and May 20, you're going to take that up.

MR. DICKSON: I'm just going back, Mr. Chairman, to when I was involved when we hired the outgoing Chief Electoral Officer. We had a different committee then. I hadn't remembered the motion in the House. I stand corrected.

MRS. O'NEILL: Mr. Chairman, could you read from *Hansard*? Was it that it went to the House and the names had already been selected or that it went to the House for the names for us as a committee to choose?

MS BARRETT: To recommend.

MRS. O'NEILL: Recommend us as a committee?

MRS. FRITZ: Yeah.

MRS. O'NEILL: I guess I didn't pay attention to the details of your motion. Maybe you should read it again, Gary.

THE CHAIRMAN: Each party that is elected to the Legislature is part of this bigger committee. Each party can put nominations to the Minister of Justice, and the Minister of Justice goes into the House and makes a recommendation appointing certain members to that committee.

MRS. O'NEILL: So this has to go first, Gary's, and then that comes after the input?

THE CHAIRMAN: What he needs from us is a notice from this committee that we are asking him to proceed with the establishment

of a search committee. That's what this motion is doing. I can circulate what happened last time if you're all interested.

Okay. Gary has made a motion. There's been some discussion. All those in favour of the motion?

12:50

HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed? The motion is carried.

Now item 6. There is in your package something to support that also. Every year we appoint an auditor that audits the office of the Auditor General, and we need a motion to do that also. The company that has been doing it is Kingston Ross Pasnak, and you have a sheet on that. Diane was also good enough to provide you with some back years' budget value that this cost our committee to get the audits done. It goes from \$15,100. It depends on the year and the amount of work there is to be done, I guess, and this year they have given an estimate of \$12,750. This is a fixed amount. If we approve that amount, they do it for that price.

MR. HIERATH: So it's more than an estimate; it's a firm bid.

THE CHAIRMAN: It's a firm bid. Every year the office negotiates the price according to the workload there might be in that year. If you go back to '95, where there was more realignment of government, you know, because of the cutbacks, there was more work that came in from '94. So that's what happened.

MS BARRETT: Well, I'll move
the \$12,750 fee for Kingston Ross Pasnak to audit the Auditor General.

THE CHAIRMAN: We have a motion to accept the appointment of Kingston Ross Pasnak for a total amount of \$12,750. Those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed? The motion is carried.

Now, Information and Privacy Commissioner, acting officer. You have a letter from Bob Clark, who has addressed myself as chair of this committee, asking that we give notice to the Lieutenant Governor in Council that Mr. Frank Work be appointed as acting in the absence of Bob Clark during treatment of his sickness. With the letter there's a copy of the act, how this is to proceed, and it's under 46(2) and 46(3)(c) also. If we proceed with the motion, the acting office ceases to exist on the return of the officer from his temporary absence. So it's for the time he is absent from work, and according to the act that has to be done. We cannot do the firm recommendation. What we can do is recommend to the Minister of Labour, who carries this through cabinet, that he proceed with this.

MS BARRETT: Well, I'll certainly sponsor such a motion.

MRS. FRITZ: Thank you. Mr. Chairman, I would as well make a motion.

MS BARRETT: I'll second it. You go first, and I'll second it.

THE CHAIRMAN: There's quite a wording for it.

MRS. FRITZ: Okay. Thank you. You've kindly provided that, Mr. Chairman, based on the letter from Mr. Clark. I'd like to read into *Hansard* just a part of Mr. Clark's letter that would show that it is by

his request that this motion is being made. In verbatim he's written:

My understanding of the section is that . . . the Lieutenant Governor in Council may make the appointment under subsection (2) without a recommendation from either the Assembly or your committee. However, I would ask that you convey to the Lieutenant Governor in Council my request that Frank Work, Director of this Office, be appointed acting Commissioner . . . I would suggest that the acting appointment be along the lines of subsection (3)(c), rather than for a specified period.

I know that we all wish Mr. Clark well with his health, and with that in mind, Mr. Chairman, I'll make the motion that you have given me, which says: I move that

the chairman transmit to the Lieutenant Governor in Council the request from Mr. Robert C. Clark that Frank J. Work be appointed Acting Information and Privacy Commissioner in the commissioner's absence pursuant to section 46(2) and 46(3)(c) of the Freedom of Information and Protection of Privacy Act.

Thank you.

THE CHAIRMAN: Any discussion on the motion?

MS BARRETT: I'd just like to say that I know Frank Work's work firsthand. He was Parliamentary Counsel here for a couple of years. He'll do a sterling job.

THE CHAIRMAN: Any other comments? Question? All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed? The motion is carried.

Now Other Business. I don't know if you have other business. I have one item that I wanted to bring forward for discussion. That involves four letters that were sent. I just want clarification from the committee on how we should proceed in the future.

First of all, I'll ask Gary if he wants to comment on it or if other members want to make a comment. The reason that I did bring this forward is that I had a comment from one committee member. It has been customary in most committees that any correspondence that goes outside of the committee would be going on the recommendation from the committee but under the signature of the chairperson. I sit on several other committees, and I know that's what's happening. The reason I'm bringing it forward is so that if we have an understanding of what's going to happen, then we don't all send letters and get cross-wired and officers or other people get letters from different members of this committee. In the past what has happened is that Diane has drafted any correspondence that should follow from the minutes, and they have gone out under my signature wherever applicable. This is a little contrary to that, so I thought we should discuss it.

MR. DICKSON: Mr. Chairman, certainly I meant no offence to the chairman. My concern had been that when we discussed this, it seemed like it was a fairly minor element. I know that routinely the legislative officers review this in any event. Maybe I got carried away with my own enthusiasm. I simply wanted to make sure that they were addressing it. I invited them to contact you, but I can see in hindsight that the more appropriate thing that I should have done was simply speak to you, Mr. Chairman, and encourage you to write them directly and have you solicit any difficulty they have. My concern was simply whether there were some practical difficulties that they might have. I'm quite prepared to say in hindsight that I was overly enthusiastic and that the letter more properly should have come from the chairman.

THE CHAIRMAN: I didn't bring it up, Gary, to reprimand anybody. It could have been another member. It was just to establish the line of contact.

MRS. FRITZ: Thank you, Mr. Chairman. I hadn't been aware of this letter. Just reading it now, I would ask that any committee member would work through you as the chairperson. If you feel that you can't as a committee member, I would think that by courtesy you would let other committee members know as well. That goes for all of us as committee members if you're corresponding directly with the offices.

Quite frankly, if one of the officers had come to me and said, "I received this letter from Mr. Dickson, and there may be problems with this whole media thing dealing with the government Public Affairs Bureau, the Premier's office, et cetera," I would have been really offended that I hadn't known about that, especially working with people on the committee for so many years. That's my view of this.

I see that it's been CCed to you, Mr. Chairman, with letters I can barely read with these eyes of mine. Somehow your name made it on this letter way down here.

THE CHAIRMAN: None of the officers phoned me back, so nobody we're concerned about is seeing it. It's to clear the air.

MR. FRIEDEL: Well, my concern adds to the comment I made when this was being discussed. Unfortunately I don't have the minutes of that meeting right in front of me. I recall when we debated this suggesting that there may be times when these officers might be able to dovetail on activities of the Public Affairs Bureau or any other officers without compromising or jeopardizing their independence in any way. At that time I distinctly recall saying that if that is the case and if in their professional opinion they could do so, that would be an option that should be available to them, and by selecting a specific quote, it almost implies that there was no other debate, that this was a direct instruction from the committee.

1:00

I think that's the danger of doing this sort of thing. You know, I accept that you probably are wishing you hadn't done it now. Nevertheless, I would have to emphasize that it's very important that there be a protocol of communications. If there is a disagreement – and I recognize that there may be times. You know, with the multiparty committees that is not unusual. There are opportunities for those people who disagree to voice that opinion, but I think this almost is the kind of letter that conveyed the deliberate communication from the committee.

MR. DICKSON: I don't have the minutes with me either, Mr. Chairman, but my understanding – in response to Gary Friedel, I thought I had actually paraphrased. I thought I'd tried to only spell out the motion that was passed. I mean, my concern was that this was a minor kind of thing. I saw it easily getting lost. I was simply anxious that it be flagged in some fashion. You know, I don't want to beat that horse to death. I acknowledge that what I did was inappropriate, and I'm clearly prepared to take responsibility, but I think all I've done is relate exactly what came out of the minutes, copying the chairman so that the chairman knew exactly what I was doing.

THE CHAIRMAN: Okay. We've had enough discussion, I think. The message is clear. I remember when we passed this motion, and the intent was to advise them of such, and I know Gary's concern here.

MR. SAPERS: I'm sorry, Mr. Chairman. I don't want to beat a dead horse either. I mean, I think everybody is clear. Gary Dickson has said that in hindsight he would have done things differently, but there was a suggestion in Gary Friedel's comment that it had some partisan basis or whatever, and I just don't want that to go uncorrected.

We all in fact have the December 9 minutes. We just read them. The amended motion was actually by Mr. Jacques, and it's the wording of that amended motion that was reflected in the content of the letter from Mr. Dickson to the legislative officers. So, I mean, I just don't think that it's appropriate for there to be even a suggestion that there was anything else that was going on other than as it was explained by the member. Certainly there's no attempt to end run the committee or to imply something in this correspondence that didn't reflect the conversation or the discussion on the motion in the committee. So I just feel that that should be put on the record.

THE CHAIRMAN: Thank you for those comments.

I just want to underline that I did not bring that forward to try and evaluate the propensity of the motion but to establish a line of conduct for future correspondence that would leave this office.

Any other business that members would like to bring forward before we adjourn the meeting? The House reconvenes in about 26 minutes.

MR. FRIEDEL: I move that we adjourn.

THE CHAIRMAN: Moved by Gary that we adjourn. All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Thank you very much. Thank you for coming.

[The committee adjourned at 1:04 p.m.]