

3:09 p.m.

[Mr. Langevin in the chair]

THE CHAIRMAN: Good afternoon, everyone. We'll open the meeting. We're already a little late. I know it's always a problem to get the members here, and then others have to leave early because there are other commitments, so I'll try and move the meeting along as quickly as possible.

I received a letter from Yvonne Fritz. She couldn't attend today because of other commitments she had made. Also, Ron Hierath has the visit of a minister in his constituency and has to accompany the minister, so he apologizes for not being here. So we have the members who are here plus Gary Dickson, who is on the phone from his office. We had offered the same thing to the other members, but they were not able to be available for a phone conference call.

MR. SAPERS: What minister can't find their way around Taber?

THE CHAIRMAN: I don't know.

So let's look at the agenda. Number 2, Approval of Agenda.

MS BARRETT: So moved.

THE CHAIRMAN: Moved by Pam. All those in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Carried.

You can hear us okay, Gary?

MR. DICKSON: Just fine, Paul. Thank you.

MRS. O'NEILL: Hi, Gary.

MR. JACQUES: Hi, Gary.

MR. FRIEDEL: Gary, you're looking better than you normally do.

MR. DICKSON: Yeah, but it doesn't necessarily mean I'm quieter.

THE CHAIRMAN: Well, we have the switch here, Gary.

Approval of Minutes. Any errors or omissions?

MRS. O'NEILL: So moved.

THE CHAIRMAN: If not, moved by Mary that we approve the minutes as circulated. All those in favour?

MR. DICKSON: I'm abstaining, Paul, because I wasn't present at that meeting.

THE CHAIRMAN: Okay. Others in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: That's carried. Thank you very much.

MRS. O'NEILL: Mr. Chairman, I have a statement I would like to make arising out of the minutes of the meeting, if I may.

THE CHAIRMAN: Yes. Go ahead.

MRS. O'NEILL: Thank you, Mr. Chairman. For the public record I'd just like to read the following statement. At our last meeting I made a facetious and inaccurate and ill-considered comment with regard to retroactive remuneration for civil servants, in particular my husband. My comments were ill timed, misplaced, and out of the time-frame and possibility.

Thank you.

THE CHAIRMAN: Thank you, Mary. We accept that as your comment.

Now we'll continue with the agenda. Item 4, Salaries of Officers of the Legislative Assembly. At the last meeting, for those who were present and those who were not, if you read the *Hansard*, you will have noticed that we had discussion on establishing the new wage scale for all our four officers of Leg. Offices. I as the chairperson made some comments. I also had Diane circulate to you an executive summary that was prepared to help us in justifying the evaluation and the different schedule where we would place these officers, as we have in the past and will do in the future. I had also at that time circulated amongst the members some possible draft motions that were looked at. We had a fairly lengthy discussion and decided to delay the decision until the next meeting, so this is mainly why we are meeting today. Then we have a couple of other items on the agenda.

I'll open it up for discussion. Just to review what we said last time, we basically agreed as a committee that we were thankful for having this new chart to work from, which gives some guidance. I as chairperson made the recommendation that we space the wages for the officers in the following sequence. What I talked about was that the Auditor General would be placed at the top level of our senior deputy ministers, and that means \$125,000 plus \$10,000 for market pressure, and that the Ethics Commissioner and Information and Privacy Commissioner, the combined positions, would be placed at the top of our deputy minister -- I shouldn't say "at the top" because all deputy ministers are equal in wages. It would be equal with that. Then I recommended that for the Ombudsman and the CEO, which are two offices where one has just started and the other is soon to start, we don't place them at the top of the range but that we place them somewhere at midpoint so there is room for annual evaluation and some increments in the future. That meant, by my recommendation, that the Ombudsman would be at \$92,000 and the CEO would be at \$85,000.

So with these starting discussions I'll open it up for discussion. I see Gary had his hand up.

MR. FRIEDEL: Paul, I had a good look at that scale at the last meeting, and I think what you did was very appropriate in terms of the rating. We have to watch with jobs such as these that they are handled fairly but reasonably mechanically because the operations of government are somewhat different than they are of the legislative officers. Nevertheless, we need some kind of a benchmark. I think the suggestion you made linking these to deputy ministers' positions certainly reflects the level of performance, the level of responsibility that we would expect. Actually, I'm even going to move that we set these. Considering that we probably need four different motions, I'm going to move that

the Auditor General be paid \$135,000 effective April 1, 1998.

Just for intent, that would represent \$125,000 being the top of the deputy ministers' scale plus the 10 percent for the market pressure.

THE CHAIRMAN: Excuse me. You mean \$10,000, not 10 percent.

MR. FRIEDEL: What did I say?

THE CHAIRMAN: Ten percent.

MR. FRIEDEL: I'm sorry. Okay; \$135,000 is the total, being \$125,000 at the top deputy rate plus \$10,000 for the market pressure adjustment that the deputies would likely all get.

THE CHAIRMAN: Thank you, Gary, for the motion.

I'd like to comment on the comment you just made, that maybe we need four motions. We do because we have to make a contract adjustment for each adjustment that has to be signed by the Speaker and the officer that is being affected. So they have to be covered by separate motions, yes.

Any discussion on the motion?

MR. SAPERS: Can I ask you a procedural question first?

THE CHAIRMAN: Yes.

MR. SAPERS: My interest is in discussing the appropriateness of the scale with the categories, and I don't know whether now that means I'll have to have that discussion four times. I'm prepared of course to do that during each one of the motions. What I'd rather do is have that discussion about the table before we move to recommendations or motions about the salary range. It seems to me that would be a more appropriate sequence. If not, as I say, I guess the option is we'll just have to go through it each time.

THE CHAIRMAN: Yeah. I wonder what would be more appropriate here.

MR. JACQUES: Why don't we move in camera?

MR. SAPERS: What I have to say I could say on the record, because it's not specific to the individuals, Wayne. But if there was some stuff that you felt would be, then . . .

MR. JACQUES: No, no. I just thought it would be easier if you wanted a discussion. That was all.

MR. FRIEDEL: Well, as the mover of the motion I would have no objection to you speaking to that. This motion being applicable to the other ones I presume is what you're suggesting.

MR. SAPERS: Sure. I may ultimately agree with the motion on the Auditor General -- I'm not sure yet -- but I have some concerns about the chart.

THE CHAIRMAN: Go ahead. We'll hear your comments, yes.

MR. SAPERS: All right. When I first saw this -- and I think I reflected it in the minutes -- I thought that it was good to see this kind of a presentation, and I appreciated it because it helped me understand a little bit about the relationship of these officers, one to the other. But to use this, then, to come to the conclusion for their salaries was a big leap for me. I don't know, for example, Paul, how many points were awarded to come up with the ranking for every category. I don't know exactly what kind of method was used to determine something like "complexity of work." Was it volume of calls? Was it just an opinion? I didn't get a good sense at all, other than trying to impose some discipline around the discussion, which I think is positive, that beyond that this was very scientific. That might be overstating it, that it wasn't very scientific. The bottom line for me became one of questioning some of the judgments that were made.

3:19

For example, when it comes to "complexity of work," I don't know why the Information and Privacy Commissioner is rated "high" while the Ombudsman is rated "moderate." Likewise, I don't know why "full time necessary?" is even a category, because there's certainly a difference of opinion about that. I mean, we're locked into some by legislation and others by practice, but certainly when it comes to the Ethics Commissioner and the Privacy Commissioner, there's been lots and lots and lots of debate and disagreement about whether those should be full-time or part-time jobs. Even the category about "professional designation required?" If, on the one hand, as a committee we're saying that we don't want these people to have a degree or a professional designation and then it looks like we're now using that as sort of a negative when it comes to a salary appraisal -- you know, we're not making it a job condition, but then we're using that in a way to sort of minimize what they might expect for remuneration. So I have lots of questions about how this was applied. I guess I need some of those questions answered before I can then vote with any sense of certainty about motions that would flow from these conclusions.

THE CHAIRMAN: Well, I commented last time that I had asked for a chart like this to be drafted and put forward. As chairman I had asked Diane. I didn't see anything in the records where there was anything written on how they arrived at placing our different officers in different ranges in schedule 2 of the government pay for other officers. We really had nothing at all, unless some people who have been on the committee longer than I would remember that we had, so I had asked to have this thing drafted. I did mention that it's probably not perfect -- it's the first attempt to do it -- and that this should be seen for us as a working paper. Every year before we do performance appraisals of officers, maybe we should look at this executive summary again. Maybe we would want to add some criteria to it, or maybe we would want to justify some of the evaluations there. I know it's not perfect, but it's better than what we had before. It's a starting point at least. It's something to work from. That's the only comment I have. I didn't give them my personal input on how it should be rated or how we should evaluate different offices. So that's about all I can comment on.

MS BARRETT: I'm sure that in preparing this, comparative analyses were made against other provincial counterparts. I just trust PAO to have the common sense to do that.

But in terms of what you're getting at, Howard, I'm just going to vote for the motion because I think it's appropriate. Maybe at some point down the road you could make a recommendation about how you'd want to weight these things, but I think that if we get into that now, we're here all night.

MR. SAPERS: Well, I don't think we will be here all night, but on the other hand, maybe we should be. You know, maybe that should be the job we should be doing. As I said, I can't really vote based on this information because I don't have the same confidence that it's had those kinds of comparisons. I only used a couple of examples earlier. I don't want to belabour the point, but I think that you can agree that this is a very subjective profiling. The idea is great to make it less subjective, and I thought that's what we were working towards. We wanted to make it, I think Gary said, more mechanistic, and I'm all for that because we're talking about public positions and tax dollars. But this doesn't do that. I guess what this does do is it sort of gives it the appearance that all of the t's have been crossed and the i's have been dotted when really this is just putting opinion into little categories. So I remain very uncomfortable with making our salary decisions based on this grid.

THE CHAIRMAN: Mary.

MRS. O'NEILL: Thank you, Mr. Chairman. I don't see this at all as being particularly a job description and clarification, et cetera. I think it is not subjective so much as it is brief, and I think it is brief in order to help us make an expedient decision on this issue. I haven't been around a long time, but certainly from what I see in the activities of these four individuals and the execution of their workload, I would say that this reflects what my perception is. It's only a brief working analysis that gives us the opportunity to make recommendations, as I see them, within the context here.

If we want to change the context, then I think it is, as Pam says, a whole other exercise. It would take more than one evening. Maybe that needs to come about at some point, but in my estimation we have neither the mandate here nor the time, nor should we be dealing with it right now.

THE CHAIRMAN: Pam, you have another comment?

MS BARRETT: Yeah. I'm not disagreeing with anything you said, Howard; it's just that I personally have faith. Maybe it's just that I've been around this place for so long -- yeah, I know -- that I just know that when PAO does stuff like this, they do a thorough job. Maybe what we could do to satisfy you in the short term and maybe in the long term get to where you wanted to go in terms of process is ask them to send us a copy of the procedures that they followed in coming up with this, including how they weight them and how they determine even what questions to be put. Would that be satisfactory?

MR. SAPERS: If I may?

THE CHAIRMAN: Yes.

MR. SAPERS: Yeah. I'd appreciate that, and I think that would be useful. But even when you get down to the two key lines here, which are the line for ranking and then the line for salary range, for a couple of them we have ranges for ranking and for a couple of them we don't. Yet even for one of the ones that doesn't have a range for ranking, it's got a range for the salary. So there are inconsistencies even within this document. I don't want it to be misunderstood. I'm not saying that I don't think PAO does a great job. What I'm saying is that we're being presented with something here which is sort of, you know, half the pie. There's a whole bunch of other information, and I don't have it. I don't have any of the explanations for how these inconsistencies are dealt with. Maybe they have done all that work, but I need to see it, because this is something new for us.

THE CHAIRMAN: I'd just like to make a correction because I didn't clarify it last time. I had asked the office of the Auditor General to prepare this.

MS BARRETT: Oh, sorry.

THE CHAIRMAN: A person had been assigned to work on it and make phone calls and get the information and all that. So PAO may have been called and asked for some input, but they're not the author of this document. Just to clarify.

MR. DICKSON: Let me just start off by saying that I think it's a good initiative. Although I wasn't at the last meeting and of course I wasn't privy to the in camera discussion, it strikes me that the thrust of this is trying to move to a more objective kind of assessment in fixing fees and salary ranges. That's positive. I hear discussion

about a working document and the prospect for evaluating it in depth somewhere down the road, but then I guess I query: is this really what is driving Gary Friedel's motion to fix these particular numbers for the five legislative offices? My six years on this committee suggest to me that once we do it using the formula this time, it's not likely we're going to at some future time go back and sort of go behind the recommendations and look at the variables and try to make that kind of assessment.

3:29

I think what I'm saying is that if in fact this is going to be a tool and an instrument that's going to be used on an annual basis to adjust salaries for these five legislative offices, then there's no better time than at the front end to make sure there's a good level of comfort with the assumptions that have been made. We really are produced with sort of the distillate of a process. I guess I share some of Howard's concern: we don't have the benefit of a lot of the variables that have gone into the distillate or the final grid that's being proposed. I think a great initiative, but would there be a big problem in terms of having some additional information made available from the Auditor General's office before we basically buy into a formula that will probably dictate salaries until the next election?

THE CHAIRMAN: Well, as chairperson I feel that we should move along with implementing some new wage schedule for our officers, because we're well into the year. We had as a committee always said that after the government had settled with the public servants and the deputy ministers and all the chairs of all the other committees and everything was made public -- we didn't want to influence that process -- that once it all happened, we would deal with it as soon as possible. We tried at the last meeting, and we didn't resolve it. We did commit at the last meeting to call this further meeting to resolve it.

By the discussion I hear around the table, I guess the majority seems to be supportive that we move along with a decision today.

MS BARRETT: I'd certainly support that.

THE CHAIRMAN: This is the feeling that I have. I think we've had some discussion. There are members of this committee who have openly committed that we should further review this and improve this. We will certainly use this executive summary in the future in yearly evaluations and all that. I think we've done as much as we can at this time, and we have to keep an open mind on this and try and improve it.

In the meantime I would be prepared to call the vote on the motion. I would like to ask who is in favour of Gary's motion.

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Who is opposed?

MR. DICKSON: I'm opposed.

MR. SAPERS: Me too.

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

The next officer on the executive summary is the Ombudsman, if we follow across the top of the headings here.

MRS. O'NEILL: In that case I would be prepared to make a motion that

we set the salary at \$92,000.

The rationale, Mr. Chairman, is that I feel it is appropriate, given

the relative newness of the person in that position. It is within the range that has been identified, yet there is room for adjustment, for assessment, et cetera. I think it is appropriate.

THE CHAIRMAN: Thank you for the motion. Any discussion on the motion?

MR. FRIEDEL: Just a question here. The Ombudsman is newly hired and the Chief Electoral Officer is going to be hired in the near future. We're talking about placement in the range that allows for some evaluation at either a prescribed or some opportune time down the road, likely a year from now, but reflecting that the Auditor General and the Ethics and Privacy Commissioner, both having held their offices for some considerable time, would be likely at the top of their scale. That's the intent of what you're talking about?

MRS. O'NEILL: It would by my intent, yes.

THE CHAIRMAN: Howard.

MR. SAPERS: Yeah. Thanks, Mr. Chairman. The Ombudsman, I think, again presents a good example of what I was getting to. If we compare the Ombudsman with the column for the Ethics Commissioner, you'll see that public profiles are both ranked high. Risk management: exactly the same, moderate to high. Complexity: moderate for both of them. For the Ombudsman volume of work is high, and for the Ethics Commissioner it's only moderate. The office budget for the Ethics Commissioner is about 10 percent of the office budget of the Ombudsman. There are 18 staff for the Ombudsman and only two for the Ethics Commissioner. Neither of them requires professional designation. One is required full-time by statute; the other is half-time by choice. Yet when you get to their ranking, they're 20 to 15 points lower.

Now, you know, that epitomizes the subjectivity that I was talking about. If you were making a rational conclusion, if you hadn't filled in the ranking column, you would have to have ranked the Ombudsman higher than the Ethics Commissioner, yet that's not what's been done here. It could very well be that it's because that's a joint ranking with the Information and Privacy Commissioner, but again at this point in time we have the same person sharing the job. It could very well be that we would have two different part-time people, or it could be that the IPC is going to become full-time. There is some speculation about that.

If you go through this and try to be objective and you get to that ranking, it doesn't make any sense. Of course, the ranking is directly reflective in the salary range. So I really can't support that motion. It's got nothing to do with whether or not I think the Ombudsman is worth more or less money. I've been pretty clear on this committee that I think the Ombudsman is worth more money. So I'm not arguing against paying the Ombudsman more money. My argument is simply one that's based on this process.

THE CHAIRMAN: Any further comments?

MRS. O'NEILL: In response to that, I can see what you're saying by the comparisons you're using, Howard. Again, we have one person who is the Ethics Commissioner, the same person being the Information and Privacy Commissioner. Consequently, should they ever be split, then we would deal with it at that time.

We are dealing with one and a quarter time if you very simply add them together. But it's like teaching two classes. If you teach the same class, the amount of energy, time, staff, material, resources, students, and personnel you deal with, if you spend the same time dealing with one group, then that's one thing. But when you deal

with two different groups -- different staff, different resources, different mandate, et cetera -- I think there is the justification. You can say that my argument is leaning towards, if you will, the Ethics and the Information and Privacy and the justification for that.

By the same token, I'll move back to my rationale for the Ombudsman projected salary as I have indicated here. What I'm saying is that this is an increase from what is current. We are moving into different times, and there is room for subsequent evaluation and adjustment. That's where I'm at at this point. We don't know the proven product.

THE CHAIRMAN: Any further comments?

MR. DICKSON: Paul, my inclination is to abstain. It's simply because without having a higher degree of satisfaction than I do in the formula that's been developed, I'm uncomfortable. I'm going to take the same position with each one of the four salaries we deal with this afternoon. This purports to be a more objective exercise than I think it is.

THE CHAIRMAN: Well, I guess we don't see if you're voting or not, but as chairperson I would certainly hope that anybody who attends a meeting would vote either for or against. If you feel you can't support what's happening, you're better to register your vote against than not to vote at all.

I am surprised, Gary, that you spent some time to ask us to install a conference call and then you choose to abstain from voting on the motions that come out of the same meeting that you want to be part of. That surprises me very much. I have a hard time buying into that, but that's your decision, I guess.

MS BARRETT: I can see that Diane is looking at the Standing Orders here. My recollection is that you abstain only when you're in a conflict of interest, but those are the old Standing Orders that I'm remembering.

THE CHAIRMAN: I should be up on that more. I know that in the House, if you're present, on a standing vote you can't abstain. You have to vote. I used to be part of municipal government, and if you're present, you have to vote unless you can declare a conflict that you can substantiate. In this case here I'm not exactly sure. That's why I didn't make that comment. Diane is looking at the Standing Orders right now.

3:39

MS BARRETT: I guess if the SOs are silent, then it means it's allowed.

MRS. SHUMYLA: I haven't found it yet, and I'll keep looking, but my understanding from other meetings is that if a member does not wish to vote, they leave the room. That's when the member is present, of course.

MR. JACQUES: He's left the room.

MR. DICKSON: I anticipated that, Diane.

MS BARRETT: Aren't you giving us a fun legal conundrum, Dickson?

MR. JACQUES: You probably can't vote unless you're in the room. That's probably more to the tune, I bet.

MR. SAPERS: We'll turn the speaker around.

MR. JACQUES: Otherwise, we don't need the Legislature; we just all phone in.

MS BARRETT: Well, given whatever, I mean, we can go ahead to the vote, and if it turns out that he wasn't allowed to abstain, I guess we could ask him after the fact how he would vote.

THE CHAIRMAN: Well, we'd have a problem if it was a tie vote. That's all, I guess. I'm going to call the vote. If it were a tie vote, then we'd have a problem.

So all those in favour of the motion as presented by Mary?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Those against?

MR. SAPERS: I am against.

THE CHAIRMAN: Okay. The motion is carried.

MR. SAPERS: I'd like to move a motion, then, Mr. Chairman, that the salary range for the Ombudsman be adjusted to be from \$80,000 to \$125,000.

MS BARRETT: The salary range?

MR. SAPERS: The salary range, that the upward limit on the salary range be increased from \$111,400 to \$125,000 to make it consistent with the Ethics and Privacy Commissioner, because I believe that's more reflective of the ranking that's been presented.

MS BARRETT: Okay. So it would go from \$84,000?

MR. SAPERS: No. From \$80,000 to \$125,000.

MS BARRETT: Sure.

THE CHAIRMAN: So if we approve that motion, that means that we get out of the schedule that we've used basically for the other motions. The schedule C range is \$80,000 to \$111,000, and what you're saying is . . .

MS BARRETT: The top end would go to \$125,000.

MR. SAPERS: To put him into salary range D.

THE CHAIRMAN: Well, I would certainly hope that if we wanted to change his salary to more than the top of this range through an evaluation process in future years, we would simply move him from one range to the other, instead of having this committee arbitrarily set a different range for different positions. My recommendation would be to not do that.

MR. FRIEDEL: Part of the earlier discussion today was the subjectivity of a chart like this. When you presented it last time, I think we all saw it for the first time, other than yourself and possibly Diane. The concept was to make it a little bit more objective. The previous way was basically dealing arbitrarily with each position, and however they were ranked at one time, that's where they stayed. I suppose over a period of time you can't jump completely from one process absolutely to another one. You could, but I'm not sure if it's

generally acceptable.

Rather than now taking this chart, which was prepared, I'm assuming, by the Auditor General and likely in consultation with one or more of the other officers, I'm again reflecting some degree of agreement on to the differential. I'm basing my agreement for the two motions that have come so far, assuming that the numbers you recommended last time may reflect in further motions, that if we're going to debate the rating of each of these items, we should do that as an exercise, not just take one of them and make the change and say: okay; now we've corrected a problem here. What this motion really means is that we want to debate whether each of these is factual. If we do that as an exercise, then we should perhaps sit down and do it, not take one of them and arbitrarily move it, because we don't really know -- and your argument earlier, Howard, is valid -- what the absolutes are that the Auditor General used in preparing this. But if we want to that, let's do it as an exercise rather than taking one out of context.

MS BARRETT: Good point, Gary. In fact, later on what we should do, when we get through this, is discuss, you know, if we would like PAO to do up a gridlike approach and a weighting system and see if we agree with them. I think I agree with you that now would not be the time. It would play into the very subjectivity, I think, that Howard was getting at earlier.

THE CHAIRMAN: Okay. We have a motion. Those in favour of the motion?

MR. SAPERS: Me.

THE CHAIRMAN: Those against the motion?

SOME HON. MEMBERS: Against.

THE CHAIRMAN: The motion is defeated.

MS BARRETT: Well, I'd like to move a motion if we're going now to the Chief Electoral Officer.

THE CHAIRMAN: Yes.

MS BARRETT: Can I do it? Thank you.

I do move that
the salary for the current year for the Chief Electoral Officer be set
at \$85,000.

On the subject of Howard's concerns, I would like to point out that in the age of information this is the only job that says: oh, it's not necessarily full-time except for close to elections and enumerations. Not in the age of information. I think it is a full-time job. So when we get to that exercise, if it isn't put down that way, I'll make the argument then. But I certainly think it's an appropriate salary, and of course it would be retroactive. Oh, no. It doesn't matter. Of course it wouldn't be retroactive.

THE CHAIRMAN: No. I guess that would have to happen if there's a change at the yearly review of a person's performance.

MS BARRETT: Right. So whenever we hire that person, that person, I would hope, the committee will support at \$85,000.

MRS. O'NEILL: Question.

THE CHAIRMAN: Those in favour of the motion?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Against?

MR. SAPERS: Me.

MS BARRETT: Poor little Howard.

THE CHAIRMAN: The motion is carried.

MR. SAPERS: I'm used to it, Pam.

MS BARRETT: So am I.

THE CHAIRMAN: Is Gary still on the line?

MR. DICKSON: Yes, he still is.

THE CHAIRMAN: Gary, we're going to have to turn the switch off, I guess, because in Standing Orders it says, "Every member remaining in the Chamber must vote on the question being put." Someplace else it says here that if you're part of a phone conference to the meeting, you're considered present and you're considered at the meeting, in the meeting.

MR. DICKSON: Okay. I'll be registering a negative vote then.

THE CHAIRMAN: Okay. Thank you. That's on the last vote.

MS BARRETT: It would be on the last two votes. He abstained on the Ombudsman and Chief Electoral Officer.

THE CHAIRMAN: But we have the clarification. Diane just found it here in the Standing Orders.

MR. DICKSON: Thanks, Diane.

MRS. O'NEILL: But my question is: is Gary staying?

MS BARRETT: Yeah, Gary's staying.

MRS. O'NEILL: Oh, okay.

THE CHAIRMAN: Okay. Now if we move on to the Ethics Commissioner and the Information and . . .

MR. JACQUES: Mr. Chairman, I would like to move that we establish a salary of \$125,000 per annum to be effective April 1, 1998, for the combined position of the Information and Privacy Commissioner and Ethics Commissioner, based on senior officials schedule 2, Order in Council 179/98, within salary range D, the distribution being 70 percent for the Information and Privacy Commissioner and 30 percent for the Ethics Commissioner.

THE CHAIRMAN: Thank you. Any discussion on the motion?

SOME HON. MEMBERS: Question.

THE CHAIRMAN: Those in favour of the motion?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Those opposed?

MR. DICKSON: Opposed.

MR. SAPERS: Me.

THE CHAIRMAN: Thank you. The motion is carried.

MR. DICKSON: Paul, can I move a motion at this time?

THE CHAIRMAN: Yes.

MR. DICKSON: Just so we're clear, we've now completed the list of the leg. officers; right?

THE CHAIRMAN: Yes.

MR. DICKSON: Okay. I'd like to move that the Auditor General be requested to provide the committee with particulars of the calculations and process that was first presented to the committee on June 3, 1998.

3:49

MS BARRETT: Uh-huh.

Gary, would you add to that, then, also the weighting factors? I'm interested in the weighting factors as well.

MR. DICKSON: Absolutely, Pam. I intended that to be part of it. Sure.

MS BARRETT: All right.

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

MRS. O'NEILL: I will be voting against it because I feel that the request and the intent of what I heard was a more comprehensive process rather than this.

MS BARRETT: Can I just ask Mary to explain what she was saying?

MRS. O'NEILL: Well, asking for the justification and the rationale of the weighting and the determinants I feel would just be in response to -- I would rather see somewhere along the line, in the proper scheduling of our activities as a committee, that we do an assessment that would be perhaps built on this but not just that.

THE CHAIRMAN: You mean more comprehensive.

MRS. O'NEILL: Yes.

THE CHAIRMAN: Pam, did you have your hand up?

MS BARRETT: Then in response I'd vote for both. I'd vote for Gary's and I'd vote for your motion because I think both are appropriate.

THE CHAIRMAN: Howard.

MR. SAPERS: Yeah. The earlier discussion we had would indicate that there is some interest in the committee in doing a more thorough review, and it seems to me, rather than ignore the fact that the Auditor General's office has been asked to do this and has compiled some information, that we might as well get the benefit of that, and it will certainly inform that discussion that we're going to have. It

doesn't have to be the sole basis of it, but I can't see us continuing with a discussion about the relative merit and work of each of the officers without having the starting point that the Auditor General used.

MR. FRIEDEL: Just a question, Paul. When you asked Peter Valentine to prepare this, was there an expectation that he would back this up with additional information, making it more of a scientific process, or was it supposed to be quick and easy, just something for us to start with?

THE CHAIRMAN: If I remember right, at one point he had asked me when we'd review the wages, and I explained to him the process, that we wanted the government to do their whole exercise first. Then I said: as chairman I'll have much backup material on how we rate the officers and if there are any reasons for it. Eventually he told me one time: if you want, I can ask one of my researchers in the office to do a bit of an evaluation and make some contact, find the information, and come up with this chart that he's talked about. I told him: well, it might help me as chairperson; go ahead. Eventually it became part of our discussion and part of our minutes. I never told him that it would be circulated or told him that I'd asked for any further information. He did it because I had asked for it.

MR. FRIEDEL: But when he set this up, I gather that he talked to Bob Clark, the others not being in place at the time.

THE CHAIRMAN: That person had discussions with the other officers, but I don't know to what extent.

MR. FRIEDEL: With a staff member.

THE CHAIRMAN: They did have discussions, yes. They confirmed that.

MR. FRIEDEL: The information would be very interesting. I have no problems with that. I'm just wondering if it puts him on the spot a little bit with one officer kind of evaluating the other positions and specifically how he did it. If he felt comfortable with that and if he knew that was going to be kind of the rules, then this is not a problem. I would definitely like to see some kind of a chart and probably best done by the four officers. You know, let them together come up with some kind of a rating chart and present it to us and see how that might be done in the future.

THE CHAIRMAN: If we give this more thought, we may come up with a much better way to do it. I would hate to put him in a position now, because I never indicated to him that it would be made public to the other officers or anything like that. I would prefer that we all support that at this time, buy maybe your suggestion to have all of them involved in the upgrading or the changing of this chart and coming up with something new -- like Mary said before, if we want a more inclusive process, we'll look at all the avenues and come up with something at future meetings. I don't think we can do that today.

Yes, Pam.

MS BARRETT: Thank you. To address Gary Friedel's concern, I assume Gary Dickson's motion said "ask for" as opposed to "demand."

MR. DICKSON: Right.

MS BARRETT: So if he felt uncomfortable, he could always talk to you in confidence, Paul, and we'd accept that. If he feels

comfortable, then we can receive it. You know, it's not a demand; it's an "ask for."

MR. JACQUES: Speaking against the motion, I feel that at this point in time we have passed motions which have been very specific with regard to the salary range, more particularly tying the dollars of pay into a salary range, the rationale for that, and at the same time, in most of the motions, indicating which of the salary ranges we were supporting. Yes, I acknowledge there was debate on it, but the bottom line is that the committee did, for each of those positions, accept as a guide the ranking that was provided. We effectively approved it. To go back now and question in more detail what the Auditor General and his staff did, I don't see any useful purpose other than opening up a can of worms, you know, after we've already dealt with it.

It would seem to me, more appropriately, that as we approach next year in terms of a possible adjustment, if at that point in time the relationship -- because that's really what we're talking about, I think, to a large extent, the relationship between these various positions. If indeed the committee believes at that point in time that the relationships are not fundamentally accurate or not fundamentally acceptable to the committee, then I would suggest that they launch, if you like, another independent process, whether it's the Auditor General or another third party, to go through, if you like, quote, a more formal process.

I think we're beating ourselves over the head on this, recognizing that each of these positions is established pursuant to a specific act, that remuneration is not defined, and that it is the role of this committee to define the remuneration. I think what we have done, and I think in a right way, is to feel comfortable with those relationships between those various positions and tied those nominally in relationship between the positions but I think equally importantly to the positions that we're assigning to our senior civil servants so that again we've got some benchmarks. I feel very comfortable with what we've done in that regard.

THE CHAIRMAN: Okay.
Howard.

MR. SAPERS: Thanks, Mr. Chairman. Well, for whatever it's worth, I think that it is too late for the Auditor General or a person in the AG's office to have the concern that he might somehow offend or trip over the toes of one of the other legislative officers in terms of justifying or accounting for or explaining this chart. If the Auditor General had that concern, he shouldn't have taken on the task that was asked of him. Perhaps it would have been more appropriate if it had been PAO and not one of the other officers doing this on behalf of all of the officers. I mean, the Auditor General does report to this committee. I don't think there's anything out of bounds in terms of asking for some explanation.

But I agree with you, Wayne. It is backwards, you know. I would have much rather had the explanation first, and I think I said that earlier. Without the documentation as to how these words got into these boxes on this chart, this is simply just one person's opinion and at this point not even a person that we know. It apparently was a staff person within the Auditor General's office. I don't know if it was somebody with broad experience, narrow experience, what they were working with, what specific instructions they had or didn't have. I don't know any of that. So I'm going to support the motion, and I would hope that we get the information and that we do have an opportunity as a committee to revisit this whole approach to setting the salaries.

THE CHAIRMAN: Mary, you have a comment?

MRS. O'NEILL: Yes, Mr. Chairman. I would like, with your indulgence, to ask if we could have the question. I have to leave. I changed my scheduling, and I have to get public transportation. Other than doing the conference call, I decided to come. I have to leave town. So I apologize.

MR. SAPERS: Boy, that's a real vote and run.

MRS. O'NEILL: It is, but unfortunately I just can't stay beyond this.

THE CHAIRMAN: Those in favour of the motion?

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed to the motion.

SOME HON. MEMBERS: Opposed.

THE CHAIRMAN: The motion is defeated.

MR. DICKSON: I'm sorry, Paul; I didn't hear the disposition.

3:59

THE CHAIRMAN: Sorry. The motion is defeated 4 to 3.

MR. DICKSON: Thank you.

THE CHAIRMAN: Mary has to leave. Thank you very much for coming, Mary.

MRS. O'NEILL: Thank you very much, Mr. Chairman.

THE CHAIRMAN: There's one more item on the agenda.

MS BARRETT: Formation of a subcommittee on the proposed amendments.

THE CHAIRMAN: Gary, you have a comment?

MR. FRIEDEL: No. Go ahead. I thought we were on the item.

THE CHAIRMAN: Yes, we have to have on the record that Mary is leaving at this time. Have a good trip, Mary. Thank you very much for coming.

At the last meeting the Ombudsman came to this committee and asked for some changes to the Ombudsman Act and presented us with a series of recommendations. I forget; I think there were eight changes he was seeking. They're quite far-reaching changes, because they may affect other acts. They certainly affect the work of his office, I guess, his responsibilities, and are even as far reaching as the budget of the province because he's talking about special warrants and different things. So we agreed at that time that we would sit down and look at forming a subcommittee that would look at his request and come up with some decision or recommendation on this.

MR. FRIEDEL: Just a question, Paul. I recall that it was brought up the last time shortly before the meeting adjourned, and Pam had expressed interest. I think Howard had also indicated he was interested. If we form a subcommittee -- traditionally those are in ratio to the elected members of the House -- this would be very difficult because that would be a committee of three and one. Is there any reason we couldn't have the entire committee, assuming there's enough interest? That could be a committee of the whole. Then everyone who's interested could participate.

MR. DICKSON: Agreed.

MS BARRETT: Sure. Good idea, Gary. Right on.

MR. FRIEDEL: Otherwise, it becomes a matter of who's excluded, and I don't think that's the purpose.

MS BARRETT: I think that's an excellent idea. Could we do that?

MR. FRIEDEL: It would probably mean -- what? -- one meeting dedicated to this topic.

MR. DICKSON: Paul, I'd just add that I've been on Leg. Offices for six years, and I think for each of those six years the Ombudsman has been anxious to see some changes. Some of them are represented in the proposals the current Ombudsman has put in front of us. Frankly, I think we owe it to the office to devote at least a meeting to sit down and discuss and engage in a review of whether those kinds of changes are appropriate and ought to be supported. I like the idea of actually having the whole committee do it rather than a subcommittee, and I think it's probably overdue.

THE CHAIRMAN: Okay. Well, we would need a motion to have a subcommittee of the whole.

MR. FRIEDEL: I'll so move.

THE CHAIRMAN: Moved by Gary that we do that. All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Passed unanimously.

MS BARRETT: That's a first for today.

I take it then, Diane, that in scheduling we would be able to get that legal counsel from the Ombudsman back for that meeting. Remember she came to the last meeting.

MRS. SHUMYLA: Yes, we would arrange that.

MS BARRETT: If we could get her, that would be great. Everybody's got the stuff now. It's not new; right? Everybody can look at it well in advance. We've had it since early June. Then if we've got her here, it should go quite well.

THE CHAIRMAN: Okay. Another thing. I don't know how soon we want to meet, but Diane has an enormous task to try and organize these meetings. For this one here she looked at a total of eight or nine days. There are always some people who can't come. Often it's too large a number and we can't hold the meeting. In this case, there was the possibility of two conference calls today, which were Ron and Gary, and at the last minute Ron had to drop off because he was not going to be available.

MR. DICKSON: Can we agree on a meeting right now?

THE CHAIRMAN: I don't have my calendar here, and I'm not sure when I'm available. What I wanted on the line is not to blame the members but to give credit to Diane, who works so hard to get these things organized and is so flexible and even changed the hours at the last minute, from 3 to 4 instead of 2 to 3, so someone else could be here. So she's working really hard to do it, and I hope we all as committee members appreciate that.

MR. DICKSON: Paul, I understand how much time Diane spends trying to wrestle with our schedules, and to be fair to her, can we just understand that for each meeting from here on people bring their Daytimers, their books, and we actually make a point of scheduling it while we've got five or six people around the table?

THE CHAIRMAN: Well, that's something we can look at, and we'll see if it works out okay. Thank you for that suggestion.

Okay. I have no further business. Any other members? No. I need a motion then.

MS BARRETT: You have a motion to adjourn from me.

THE CHAIRMAN: Pam moves that we go. Thank you very much for coming.

[The committee adjourned at 4:05 p.m.]

