

Standing Committee on Legislative Offices

Monday, July 18, 1983

Chairman: Dr. Elliott

1:35 p.m.

MR. CHAIRMAN: We'll call the meeting to order. We have two or three very brief items to deal with, and then we will see if we have enough time this afternoon to visit the Ombudsman. As I understand the first item . . .

MR. HIEBERT: May I make a suggestion?

MR. CHAIRMAN: Yes.

MR. HIEBERT: Unless there is an urgency in the time line, in view of the numbers we may want to leave the visit to the Ombudsman to another time, or are we set to go?

MR. CHAIRMAN: We're set to go, and I did discuss with the people who couldn't make it whether they felt that they would prefer that we change the date, and everyone, including Mr. Notley, said: oh, no; for goodness' sake don't change it; leave us out. So that's my answer to your question. But let's ask others how they feel about it.

MR. HIEBERT: I will not be able to go.

MR. MILLER: I can go, but my concern was similar to Al's, when he mentioned that he wasn't going to be able to be there. It gets into a quorum.

DR. CARTER: Does this pose a problem at the Ombudsman's office?

MR. CHAIRMAN: I wouldn't think so. The slot was open. As I understood it, he was available. If we show, fine; if we don't [inaudible]. He hasn't made any special arrangements that I know of.

David, what do you think about that?

DR. CARTER: Well, if it's going to be just the four of us, maybe we should [inaudible] and make it another day.

MR. THOMPSON: Yes, it doesn't look good.

MR. CHAIRMAN: Yes, you're right. Do we want to suggest another day?

MR. HIEBERT: What did we have lined up for our agenda for the tentative meeting in August?

MR. CHAIRMAN: August 16 was the date that we had set for August and, as I recall, we just had it there reserved for our use. If that seems to be a good time to do that . . . Before we're finished today, we might want to take a look at some of the assignments we might want to tackle during the next several months, to see what we have ahead of us. We've sort of just been catering to the work that's been laid in front of us; maybe we would like to consider some assignments on our own.

MR. MILLER: Bob, did you, John, and Dr. Carter have any occasion to further discuss with the Auditor General the aspect of auditing what might be termed private organizations?

MR. CHAIRMAN: There was some discussion on that, and we'll be bringing it up. I'll have John refer to it here later on.

What about this August 16 meeting right now? Do we . . .

DR. CARTER: What do we have scheduled on that day by way of business? I think it was fairly open anyway.

MR. CHAIRMAN: It was open. I have nothing scheduled for that day.

DR. CARTER: Having been to the Ombudsman's office once before, it can't take that long to go through there. If we don't have too many other pressing items on the agenda that day, maybe we can agree and meet at one of those offices at 1:30, do an hour there. It takes a half hour to get us on to the other office -- we'll do the Chief Electoral Office -- and then we've done our visiting before we're back in session.

MR. CHAIRMAN: That sounds fine by me. How does that sound to you, Al?

MR. HIEBERT: Sure.

MR. MILLER: Is that the last meeting we have scheduled?

MR. CHAIRMAN: At present, yes. That's the last one we have on our schedule.

MR. MILLER: Would you anticipate that we could question these individuals when we're in their offices, Dave?

DR. CARTER: Maybe we would want to do that on another day, so we could set some subsequent dates. I hear you loud and clear. What about the Friday of that same week?

MR. CHAIRMAN: August 19? That's not available to me.

MR. HIEBERT: That's not available to me; I'll be in Banff.

MR. MILLER: The 18th, Thursday, is no good either, David?

MR. CHAIRMAN: August 17 and 18 are caucus days.

MR. MILLER: I just had the one marked. Are there two days?

MR. CHAIRMAN: Two.

MR. MILLER: I'm sorry.

DR. CARTER: What about the following week, on the Monday? Have you any desire to come back? In particular what we want to do -- the real question has to do with the office of the Ombudsman. Is that right, Mr. Miller, via the Chair? That's one of the ones we really want to have done, isn't it?

MR. MILLER: Yes.

MR. CHAIRMAN: I was going to ask you to elaborate a little bit on that, on your reference to the questioning bit. This is a piece of leftover business from some of our earlier discussion you're referring to.

MR. MILLER: That's true, Mr. Chairman. What I would like to know from the Ombudsman himself is some questions regarding the . . . I would like to be able to question him in regard to some of the investigations he has carried out, and specifically the one carried out regarding the boy that hanged himself on Christmas day in Ponoka. He had quite an elaborate report. I was quite concerned after reading it that the amount that had been done for that boy -- in his summary he didn't recognize that the government, through the social services department, had tried everything humanly possible for that fellow. In that report, it just seemed to me that that wasn't recognized: you can go so far, but it was impossible.

MR. CHAIRMAN: I see what you mean.

MR. MILLER: The other thing is the parameters of his investigations. He was in Lloydminster, and he was over on the Saskatchewan side meeting with some senior citizens in regard to their property taxes vis-a-vis sewer and water improvements. In my opinion, it's outside his jurisdiction. I give those two as specifics.

MR. CHAIRMAN: Yes, I understand. So what you're suggesting is that when we meet with him and have questions like that, we should be meeting here.

MR. MILLER: Yes.

MR. CHAIRMAN: When we go to his place, we're his guests and his company, and we would have a different plan.

MR. HIEBERT: Mr. Chairman, I'm sure it's possible, as the calendar develops after the full holiday season, that we can work in several meetings at appropriate times.

MR. CHAIRMAN: Yes. We don't have to rush these things.

What about the scheduled meeting of August 16, while we're on this topic, and then we'll kill it and get off it. Does that one still stand, or is that crowding people?

DR. CARTER: That would stand. The whole committee has had notification. I think we'll do one hour Ombudsman and one hour at the Chief Electoral Office, and hope they're both in town.

MR. CHAIRMAN: Okay. If that's agreed to, before we go any further I suggest I should go and phone the Ombudsman right now and tell him that we'll not be there today.

MR. CHAIRMAN: I've made contact with the Ombudsman's office. He is busy in a meeting, but I left a message with the person who answered the phone and apologized profusely for not being able to make this afternoon's meeting. I left August 16 for them to consider, and they're going to get back to us this

afternoon or tomorrow. So when we meet on August 16, we will have those two visits ahead of us.

The next item of business -- I'm working off an imaginary agenda this afternoon. Are we prepared to discuss the Auditor General's salary? David, are you prepared to lead us through that discussion?

DR. CARTER: After our meeting the other day, John Thompson, our chairman, and I met with the Auditor General for a brief period of time to discuss this particular issue. We talked in terms of a 3 per cent increase overall, and we left. That seemed to be acceptable with a view to pegging that salary in some kind of fashion to whatever the senior paid deputy minister in government would be. However, subsequent to that, Mr. Chairman, John Thompson was going to do some other checking out, so we couldn't make a decision until we heard back on that. So John must have some information. I think he was going to speak to Mr. Blain about it.

MR. CHAIRMAN: Thank you. Mr. Thompson.

MR. THOMPSON: Well, Mr. Chairman, I was over this morning talking to Doug. If you recall, I was particularly interested in clearing up an area there regarding the bonus being put in the salary, and that kind of thing. Mr. Rogers didn't -- and I assume he's telling the truth, because he's usually left his salary negotiations to other people. He wasn't particularly aware of what had happened, but we looked at what had happened and there was no arguing as far as the figures were concerned. As David said, he more or less expects to get paid in what we call range seven, which at the present time is a maximum of \$92,200. At present he is getting \$91,100, so there's an \$1,100 differential in that. His suggestion was -- and he was prepared to live with that range seven. However, I asked him what he thought about it and he said, well, I would prefer of course waiting and working on the new schedule that comes out in August or September. He says he doesn't mind waiting until, as I understood it, they set the salary on that basis. He would like, however, to get his salary prorated up to this \$92,200 at the present time, which I think is valid. It isn't a lot of money. You're looking at \$1,100 over a year's time, so basically it isn't an awful lot of money. But the thing that Mr. Rogers is concerned about, of course, is the fact that any salary increase at this time has quite an effect on his pension in the future. But from my point of view, he agreed that the salary range seven, whatever that is, would be acceptable.

On my own, I mentioned the fact that we were wrestling with the point that the salary year of two of our officers we are involved with ranges from April 1 to April 1, while his is during the calendar year. I asked what he thought about trying to get them all in one area, and that's when he said he thought that basically maybe we should set our salary years somewhat the same as these senior civil servants. But I think there are points for and against that. One thing, if we do that we more or less tie the hands of the committee in future to just set -- there is then no salary schedule set by this committee; it's basically set by somebody else. But it wasn't a big thing with him. And it is easier to do it, of course.

So basically, from my point of view, I think we should make some attempt at least to bring him up to \$92,200 now, and then talk about an anticipated increase in this group of people in the next year. How we go about doing that -- whether we wait until that becomes public knowledge and then make an adjustment in his salary; what we do with that -- I leave up to the committee. We didn't make any decision. I'm just reporting on his attitude as much as anything.

MR. CHAIRMAN: Thank you. Do you want to follow up on that, David?

DR. CARTER: Just for clarification, had the bonus been put into the . . .

MR. THOMPSON: Oh yes. I did a little research on that after the other meeting. I got the minutes of February 17, 1982, and in there it specifically says just what they did. There's no rationale for doing it. As Doug told us before, they did not have a transcript of their meetings back in those days, so we just have the barebones decisions.

MR. MILLER: Would it be fair to say, Doug, that that bonus was given because of the freeze put on civil service salaries over a certain level? I think that was initiated by the federal government. Then after the freeze was off, it was lifted. Is that correct?

MR. BLAIN: It's practically impossible to answer that question. The freeze was put on by the federal civil servants, but the salaries were never frozen here. They were limited.

MR. MILLER: They were limited to a maximum \$2,500 increase, if I remember correctly.

MR. BLAIN: But as I say, in the absence of a verbatim record of the committee discussions and decisions, the best you could do with that is make an assumption that that was the case. When I was discussing it with John on Friday, I explained to him that I had no knowledge of the committee's thinking. I suggested that as the motion was made by Myrna Fyfe, she may recall the details of it. But not being present, of course I had no way of knowing that.

DR. CARTER: The motion by Mrs. Fyfe, seconded by Notley, was this: that the salary of the Auditor General reflect the top salary of the senior deputy ministers in range seven, plus a bonus, and that the salary be adjusted from \$74,900 to \$91,100 until the next review.

MR. MILLER: I thought it was just a \$4,000 jump.

MR. THOMPSON: Well, the base salary at that time was \$87,000. It's now \$92,200, but the base salary was \$87,000. If you add the \$4,100, you've got about a \$17,000 increase.

DR. CARTER: The substance of your motion would be to make it \$92,200?

MR. THOMPSON: Well, yes. Prorating it to \$92,200, plus whatever increase is given this year, because he's always six months behind on the thing.

DR. CARTER: So that we would be making it \$92,200, and then we would add on whether there's going to be a 2 per cent or 3 per cent.

MR. THOMPSON: I would think whatever cabinet decides to make the increase.

MR. HIEBERT: No. Mr. Chairman, as soon as you take it to what the salary range is going to be from that subsequent cabinet decision, you then are earmarking this salary to follow it. You're really setting a precedent. I think it is the role of this committee to set the salary and, while it may reflect what's happening in that area, we only use it as a guideline. We should be making the decisions. At least that would be my thought.

MR. MILLER: I think so, yes.

MR. HIEBERT: Because as soon as you establish the idea that you're going to wait for the other thing to come out and then earmark it with a certain percentage from that figure, then you've made that the bottom line each year. You've set a precedent.

MR. CHAIRMAN: David, do you want to pursue that?

DR. CARTER: I agree that we shouldn't be tying the anniversary dates to the August 1 of the civil service, because I think there's an advantage -- then we see a clear distinction that this committee is exercising its authority to set salaries. The expectation is there about tying it to whatever those figures may be. John Thompson has done the homework, together with others, so that he's talking about \$92,200 at the moment. So that might be the substance of one motion, that we would move it to that, and then we have to figure out what date. Is that to be effective January 1, so that would be backed up for seven months? Then we would have to talk about whether we're going to add 2 per cent or 3 per cent of what the salary was as of December 30.

MR. THOMPSON: Mr. Chairman, we never got to any official . . . All I was doing was talking as a member of the committee, and I was just reporting his attitude and more or less his expectations. We didn't get down to the details of the actual date, but I inferred from what he said that he would expect at least some kind of retroactive increase that would bring him up to the \$92,200, which is basically a very small amount when he's getting \$91,100 already.

DR. CARTER: Is it \$91,100 or \$91,900?

MR. BLAIN: \$91,100.

DR. CARTER: Thank you.

MR. CHAIRMAN: I would like to interject here. I too have a dimension to this discussion. It was suggested that while I was in Toronto last week, I should take any opportunity I had to visit with the Auditor General on this very topic. I introduced the topic and he rather quickly -- I got the feeling he would just as soon not pursue it in Toronto; that he would wait until we got back on our own turf. But during the course of the discussion, he reminded me that somewhere along the way we had asked for salaries from auditors general in other jurisdictions; thus that one sheet of paper I passed around.

Last Friday morning, we had our visit in his shop, to use the expression. I was going back to the hotel just before lunch, and he saw fit to drive me. At that time he gave me the sheet of paper which I have since photocopied and handed out this morning, and said: this is in response to the request to give you these numbers from other jurisdictions. The piece of paper he gave me he then turned over and said: my understanding of -- you don't have the back photocopied on yours, you see -- where we are, and from past discussion, is that my salary would likely come out at \$92,200, in keeping with the top of range seven; that is an effective increase of \$1,100, effective January 1, 1983. And he said: as far as I'm concerned, that is just very satisfactory.

I didn't hold that discussion by design, because there has been other discussion with him since. So those are his jottings, and there was no discussion about an additional percentage on top of that date. In other words, this would be his salary for the 1983 calendar year. What we do a year from now for 1984, or if we want to talk about changing the anniversary date

or getting into a different pay structure or something, that is an entirely different topic. At this time, this is my opinion on this.

So I would say that the decision is really very simple, and we have enough clarification from him so that I think we know where we stand. Does anybody want to add to that?

MR. MILLER: I think that's fair, Mr. Chairman. I have a concern in leaving it, in tying it to the salaries that will be arrived at in August. If we go along with what the Auditor General suggests, and this is retroactive to January 1 -- if we keep the date of January 1, and if the salaries in salary range seven do increase, we would take that into consideration next year. Although he's out half a year . . .

MR. CHAIRMAN: That's not the point.

MR. MILLER: . . . he still gets the benefit of the salary increase which is granted in August.

MR. CHAIRMAN: I want to raise one question. You use the word "retroactive", and that has a different meaning from what I think we should be considering. We are considering his salary for the calendar year 1983. Whatever we decide, it will become effective as of January 1, 1983. It's not like making a pay increase retroactive to some previous date. This will be his pay period that we're talking about. Does that make sense, or am I confusing the English language?

MR. HIEBERT: If you accept that particular suggestion, that you peg it at \$92,200 as of January 1, 1983, in effect you have taken the top level of that category and are using that as your benchmark, whether you like it or not.

MR. CHAIRMAN: Consciously so, too, because there was discussion the other morning about: do we have this person increase his salary by X per cent and have him one of the first provincial people going over \$100,000? That was part of the background discussion, and that was mentioned.

MR. HIEBERT: If you were to do that for the remainder of the year, that's fine. But then I would suggest to the committee that we look at an adjustment factor between January 1, 1984, look at changing the anniversary date to April 1, the same time for the other offices, and then bring it in line to where all the officers involved with this committee are at the same anniversary date. Then you get yourself out of the hookup with that top of category seven. Go with it this year, for the '83 calendar year. Look at an adjustment for January to April 1 of X dollars in the interim period, and always start with the same anniversary date that you have for the others. Then you have clearly moved it away from the civil service awards and brought it back to this committee, when this committee will deal effectively with the same anniversary date for all the officials.

MR. CHAIRMAN: You're telling us that the anniversary date for other provincial civil servants is the calendar year.

MR. HIEBERT: No, I'm talking about the Ombudsman and the Chief Electoral Officer. Why not make all on the same anniversary date?

DR. CARTER: Mr. Chairman, I think that suggestion has a lot of merit. If we just listen to ourselves talking -- we're dealing with the 1983 salary now;

we're going to be back to this issue within a few months so we can get to the proper time frame, the late fall.

MR. THOMPSON: I'm still concerned about getting too closely tied with the civil service range seven. I'm sure that you've said it very well, and I made a mistake. If we gave the Auditor General a 2 per cent increase -- and that would come to \$1,822 -- that goes above the \$92,200. It isn't so far out of range that it's going to make too much difference. All it does is that we have set the salary with our own figures, more or less. If the minutes show that we've decided on a fixed sum -- I guess you could say that \$1,100 is a fixed sum, too. But basically, I don't think we would be too far out. I would prefer making it as our own decision of a percentage increase something like that.

MR. CHAIRMAN: All we're doing there is recognizing the guidelines at 0 to 5 per cent. Those are the guidelines being used in other offices.

MR. THOMPSON: And incorporate Al's suggestion that we work to getting a similar date for every one of these officers, whether it's the calendar year or April 1. Whichever way it goes, I don't think it makes it much harder one way or the other.

MR. CHAIRMAN: In doing that, we've also established that August is the other date for the deputy ministers.

MR. THOMPSON: That varies, Mr. Chairman. A copy of this latest schedule was June 30, when that O.C. was signed. It isn't a set date as far as that's concerned.

MR. CHAIRMAN: We've had a lot of good discussion. Does anyone want to . . .

MR. HIEBERT: One small point, Mr. Chairman. I'm not hung up on the April 1 date either -- we can go to calendar year -- as long as we're consistent with all three officers.

MR. CHAIRMAN: That's fine. David, do you want to have a final word on this, as it's in your subcommittee?

DR. CARTER: I think we have two separate motions involved here. The first motion could be along the lines of giving a 2 per cent increase. If we did that on the basis of \$91,100, which he has at the moment, that would increase it by \$1,822 to give him a -- I think the term is -- gross salary of \$92,922. That's probably a good way to go. It keeps our independence. John Thompson, would you like to make the motion of 2 per cent? I think we could get support.

MR. CHAIRMAN: John Thompson made the motion that we increase the Auditor General's salary for the 1983 calendar year by 2 per cent. We have the motion. Any question on that motion?

MR. MILLER: The range: is that a guideline or is that firm? My concern is this. As of right now, if we do this he will be above the range we have for 1983.

MR. CHAIRMAN: I understand it was generally a guideline, but maybe we should refer to Doug Blain to give us that wording again.

MR. BLAIN: You're now referring to the order in council?

MR. MILLER: I'm referring to the senior positions' salary range.

MR. BLAIN: It's not a guideline. It's a schedule on which the salaries are built. The level achieved by the individual is dependent on service and performance within that framework.

MR. MILLER: Doug, I appreciate all that. But the fact of the matter is that if we do this retroactive to January 1, 1983, we are in effect paying more than the salary range for group seven.

MR. BLAIN: Yes, that's right.

MR. MILLER: Does that cause a problem?

MR. BLAIN: I'm sorry, perhaps I misunderstood your question. What you're saying is: are we using this as a guideline for the purpose of the Auditor General, for the purpose of the people listed on there? No, it isn't a guideline; it's an instruction. But in setting the Auditor General's salary, you can use that as a guideline. You've just said that this is a committee decision and you're not bound by that order in council. You're not bound to adhere to that in making a decision. You can give him 5 per cent, if that's the committee decision.

But I must advise the committee that from recent experience civil service salaries, in relation to legislative salaries, are used as a benchmark. That doesn't mean that the legislative salaries are tied to them, but they're used as a benchmark. All persons are public servants, all being paid from the same source, and they're all, generically speaking, doing the same type of work. So there has to be a measure somewhere against which legislative salaries are set.

MR. MILLER: Maybe I'm unduly concerned. My concern is simply that in giving this raise, we are in effect making the Auditor General the highest paid individual in this government, as far as I know.

MR. BLAIN: At this moment.

MR. MILLER: As of all 1983, up to this point in time.

MR. BLAIN: Yes.

DR. CARTER: But not past August 1. So does that not have a sort of countervailing effect in terms of the whole year?

MR. MILLER: Yes, it quite probably would have, David. I lay it on the table, and I agree with the 2 per cent. The question is: in establishing the highest salary, are we doing something that we could be criticized for? In other words could it work the other way? Could the Legislative Counsel, somebody from this group here, the president of Alberta Government Telephones, use this as a lever to increase his salary over and above what the Auditor General is getting?

MR. HIEBERT: But we could argue the other way, that 2 per cent within the guidelines is lower than the median.

MR. THOMPSON: If these four individuals will take 2 per cent, I'm sure that Lou would be happy to pay them.

[Unrecorded remarks]

MR. CHAIRMAN: We have the motion: 2 per cent for the Auditor General for the 1983 calendar year. Those in favor of the motion? That motion is passed unanimously.

The next item of business . . .

MR. HIEBERT: Are we going to get to the anniversary date?

MR. CHAIRMAN: If you want to touch on it now, the Chair is available. Otherwise, as far as I'm concerned it's a topic for after Christmas. But if you want to expand on that discussion now . . .

MR. HIEBERT: May I just serve notice then that at a future meeting, we discuss the anniversary date question to get some consistency. How we do it is irrelevant at this time.

MR. CHAIRMAN: I think that's excellent. Does anybody have any objection to that?

MR. BLAIN: If the committee permits, I might comment on that. As you will recall, at the last committee meeting I was asked to examine that question -- what would it cost to do that, and could we do it -- and I did. I put this suggestion forward to the committee: if that is done, would it not be better to do it now and have it done, rather than put it off?

The other thing is that there's no reason why it can't be done by the committee. I took the precaution of examining the Auditor General Act, and section 7 says -- I may not have the exact wording -- that his salary shall be regulated once a year. I've always taken it to be implicit in that statement that "once a year" shall mean at the same time every year.

So that date was developed. So by committee resolution, the anniversary date could be changed. However, I would consider it necessary that the Auditor General -- in this case, it just happens that it's the Auditor General -- should be compensated for that change in anniversary date. Otherwise, in the long run he suffers a loss.

MR. HIEBERT: When I raised the discussion, I indicated that we could bring in an adjustment factor to deal with that idiosyncrasy.

MR. BLAIN: A prorated amount for the three-month period between anniversary dates.

MR. CHAIRMAN: Do you have any problem with the suggestion that -- you have served notice that we deal with this. I'm not firm on whether it fits better in September, October, or November.

MR. HIEBERT: No, it doesn't have to be done today.

DR. CARTER: I don't think we should be doing it today. We've given notice to all members of the committee that we're going to be back in this in November, December.

MR. CHAIRMAN: In two or three months, we're going to be back at it again.

MR. HIEBERT: And we would want to examine whether April 1 is appropriate for the others. Let's do both things.

MR. CHAIRMAN: Does anybody else want to bring up anything new right now, or should we go to the next topic? Are we through with that piece of business?

The one other thing that I had on my imaginary list was another look at the Law Clerk position. Does anybody have any objections to taking a look at that right now?

MR. HIEBERT: Are we looking at the position itself or the salary?

MR. CHAIRMAN: Yes, the position.

MR. HIEBERT: I would just like to raise a matter. I think it was underlined when we were visiting the Auditor General on Friday, when a clear distinction was made about the office of the Legislative Assembly or the Legislature itself. I know that very unique distinctions were made. In light of that particular clarification, I think an examination should be made whether the Law Clerk does in fact rest with this committee or should come under the Speaker and the Legislative Assembly.

MR. CHAIRMAN: That's my topic.

MR. HIEBERT: It would appear to be an anomaly in a way. You'll note that in my previous conversations, I was making reference to three officers of this committee. Maybe this one is really an appendage and doesn't fit appropriately.

MR. CHAIRMAN: John, before I recognize you I was going to ask if we could take one minute at this particular moment and ask Doug Blain to review the history of that position.

MR. THOMPSON: That was my point.

MR. CHAIRMAN: Then we all would be starting at the same spot. How did that particular position end up in this committee? I know you've done this twice for us now.

MR. BLAIN: It's all right. I just want to get the sequence clear. Some time ago, the Law Clerk -- and the Law Clerk is an officer of the Legislative Assembly, which is clearly established under *Standing Orders*. There's no question and no need for discussion: he's an officer of the Legislative Assembly, not of the Legislature. The other three are officers of the Legislature. The line is fine and sometimes hard to define, but it's there. They're appointed by the Lieutenant Governor in Council; the Law Clerk is not. Sometime ago -- I think about two years, perhaps longer -- the Law Clerk felt that he was not being remunerated at the same level as other lawyers in the service. He commenced a campaign -- I think that's as good a word as any -- for reclassification to the level of Executive Officer II, in order to achieve a salary at what he considered to be parity with other lawyers in the public service. Discussions and correspondence went on for a very considerable period between himself and the Clerk of the Assembly, who is his organizational superior, and the Speaker, to whom he reports professionally. The matter was referred to the Members' Services Committee.

The Members' Services Committee looked at the situation. They gave consideration to the fact that the Public Service Act says, amongst other things, that the Legislative Assembly shall have the right to hire, promote,

and dismiss its officers and other servants. The Members' Services Committee considered this at some length. The Speaker asked the Members' Services Committee to send forward this recommendation for reclassification to the Public Service Commissioner, who comes under the Provincial Treasurer, for approval. The Members' Services Committee considered the matter at some length and decided that they would not do this but would leave it in the hands of the Speaker to achieve this change in status. I believe that the Speaker was unsuccessful in convincing the appropriate authorities that the Law Clerk should be reclassified to Executive Officer II. I think the crux was the classification, although they were sympathetic to the question of salaries.

The Speaker then went to the former chairman of the committee, appeared before the committee, and recommended that Mr. Clegg be taken under the wing of this committee, that he be removed from the classification area, and that henceforth his salary be set by the Standing Committee on Legislative Offices. This was agreed to; hence, the anomaly was created. For the last two years at least, his salary has been reviewed and established by this committee.

I don't think I've missed any points in that. I wasn't directly involved in these discussions, but I'm familiar with them all by virtue of the fact that I retain the minutes of the Members' Services Committee and was also consulted from time to time by the Clerk of the House.

DR. CARTER: The only thing that needs to be added, Mr. Chairman, is that this committee in its previous existence in terms of membership dealt with the issue with great, great reluctance and was not happy at any time with the matter.

MR. BLAIN: Yes. I recall that also, because I was here for part of one meeting, at which the Speaker was present. I think it would not be unfair to say that he made a very strong pitch for this to happen.

MR. CHAIRMAN: I'm going to interfere for just one minute. The meeting is about to lose one member. This doesn't break the quorum, Al; four of can continue if you have to leave.

MR. HIEBERT: If this issue can be resolved quickly, I'll stay.

MR. CHAIRMAN: I think this issue can come to a head pretty fast. I ask only one question. Before we make a decision to do something, I would like to have somebody make me feel quite comfortable with the fact that it is our privilege and we're on firm ground to make decisions pertaining to this, or are we stuck with this? By what authority -- do we have to have special dispensation from the Speaker or somebody to take this particular topic and deal with it? Or are we within our own rights legally constituted to deal with the topic?

DR. CARTER: Mr. Chairman, I'm sure we may get some comments from Mr. Blain, but it would seem to me that by virtue of our legislation we're empowered to deal with three officers and three officers only. In actual fact, we have been presumptuous in our previous exercise of our authority in this area, and probably legally incorrect.

MR. BLAIN: The only comment I have to add is that I would substitute "accommodating" for "presumptuous". But in all other respects, I agree with what Dr. Carter said. It's my view that it's within the committee's powers to make this decision, and the committee needs authority from no one. The committee is a creation of the Assembly, not of the Speaker. So no authority is required from the Speaker for the committee to take a decision. If anybody

should question the committee decision, it can only be the Assembly, which is its master.

MR. THOMPSON: How are we doing, Mr. Thompson? Does that make sense to you? Would you like to deal with the discussion on the Parliamentary Counsel?

MR. THOMPSON: No, I'm just . . .

MR. CHAIRMAN: You're not unhappy with anything at this point?

MR. THOMPSON: I'm not unhappy at all.

MR. CHAIRMAN: David, would you like to give us some words of guidance on this topic, with your experience and wisdom?

DR. CARTER: I'd like to try a motion: that the office of the Law Clerk be removed from the jurisdiction of this committee and returned to the Legislative Assembly, effective immediately.

MR. CHAIRMAN: The word "return" -- did it come from them to us?

MR. BLAIN: Yes.

MR. THOMPSON: Was it the Members' Services Committee that dealt with these salaries before, Doug?

MR. BLAIN: Actually, it was the office of the Legislative Assembly. It was the Clerk and the Speaker jointly.

DR. CARTER: It would read this way: that the office of the Law Clerk be removed from the jurisdiction of this committee and be returned to the office of the Legislative Assembly, effective immediately. I so move.

MR. HIEBERT: Rather than "removed", would it be better to frame it in a positive way: that this committee is empowered to deal with the three officers . . .

MR. THOMPSON: You want a preamble in there.

MR. HIEBERT . . . and therefore the Law Clerk rightly belongs with the Legislative Assembly, which should be acted upon immediately. He never really belonged here in the first place, and this might get around that.

MR. MILLER: I think the preamble would be necessary and strengthen it.

MR. CHAIRMAN: What do you have now, David?

DR. CARTER: It's still in flux. Whereas this Committee on Legislative Offices is empowered by legislation to deal with the three offices of the Ombudsman, the Auditor General, and the Chief Electoral Officer, it is moved that the office of the Law Clerk be assigned to the office of the Legislative Assembly.

MR. THOMPSON: In your preamble, David, I'd like to see you get in there the distinction between officers of the Legislature -- mention the fact that the three people you mentioned are officers of the Legislature.

MR. HIEBERT: He said that.

MR. THOMPSON: Oh, did he? Okay.

DR. CARTER: Whereas the position of the Law Clerk is not specified in our legislation.

MR. CHAIRMAN: If you have to dash, do you think we can handle it from here?

MR. HIEBERT: Yes. You may take my vote as being strongly in favor.

MR. CHAIRMAN: I'll accept that. To the best of my knowledge, this is the last item on the agenda for today.

DR. CARTER: As you stand at the door, it's roughly like this: whereas this committee is empowered to deal with the three officers of the Legislature -- namely A, B, and C -- and whereas the position of the Law Clerk is not specified in our legislation, be it resolved that the Law Clerk be assigned to the office of the Legislative Assembly, effective immediately. I so move, Mr. Chairman.

MR. CHAIRMAN: We have the motion. By definition we are called the Committee on Legislative Offices; that is who we are, and that is different from Legislative Assembly. Any other question? Those in favor of the motion? The motion is carried unanimously. Thanks, Al.

To whom do you feel we should direct this letter? Doug Blain, would you like us to mail this letter to you? Would you like Louise to put this in a nice letter for my signature and address it to the Speaker?

MR. BLAIN: Yes. The Speaker is the department head for the Legislative Assembly office.

DR. CARTER: I assume copies would go somewhere else as well -- to Bohdan and to the Law Clerk.

MR. BLAIN: Certainly it should be copied to the Clerk, and the Law Clerk should be advised. Would you have any objection if I study the motion, without in the least altering the substance but perhaps make an editorial change. I ask this question for this reason. As you know, what applies in the House applies here, and preambles are not permitted. We can leave the substance unchanged but . . .

DR. CARTER: We would leave it as the mover making that comment in the minute just before the motion.

MR. CHAIRMAN: So the minutes would get edited as well as the motion -- is that what you're saying?

MR. THOMPSON: That was my point. In the minutes, the discussion that is taking place here today -- I don't care whether there is a preamble or there isn't. The only thing I want in there is the reason we're doing it. Our discussion here will remain unchanged. From my point of view, whether or not there is a preamble matters little.

MR. BLAIN: An editorial change; the substance would be absolutely as it is now.

DR. CARTER: Then the bulk of it would be communicated in a letter, not just the bare bones.

MR. BLAIN: That's right.

DR. CARTER: Okay, we're on the same wave length.

There was one other item, Mr. Chairman. It's the question Bud raised at the beginning, with respect to all those other irrigation districts and the Calgary Olympic Development Association. For purposes of the minutes, it should be noted that John Thompson, the chairman, and I are going to meet with the Auditor General in his office on Tuesday, July 26, at 1:30 in the afternoon, and discuss all these things in detail so we have the background information to go from there to speak to the Provincial Treasurer, to make sure he knows what all is involved. Then we use that as our background information and come back to this committee for discussion.

MR. CHAIRMAN: Carter, Thompson, and Elliott to meet with the Auditor General on July 26, the topic to find out the Auditor General's position on this.

DR. CARTER: Well, we want to have complete background information, because some of the easements for audit have come via legislation, some via omnibus resolution, and some were set up originally back in the days of Social Credit, and then other changes took place. Mr. Chairman, if Mr. Miller wants to come and join us that day, we would be pleased to have his company.

MR. CHAIRMAN: It's not closed.

MR. MILLER: I think you have a good committee established, Mr. Chairman. If I happen to be here, I would be delighted to. But I have full confidence that the three people who are going to meet with the Auditor General are more than capable of being able to carry this out.

MR. THOMPSON: It would be quite hard for me to come up that week. I was going to suggest that possibly I won't be able to make it. So if Bud will volunteer, I would gratefully decline. I'm sure we're on the same wave length.

MR. CHAIRMAN: He just volunteered.

MR. THOMPSON: So change it from John Thompson to Bud Miller.

MR. MILLER: Are you meeting in your office first, Mr. Chairman?

MR. CHAIRMAN: No, we're going to go straight to the Auditor General as far as I'm concerned.

MR. BLAIN: May I ask if you'll want a record on that occasion? Louise will be on a well-earned vacation, and I'll have to make other arrangements. Or is this just to be a face to face discussion between yourselves and the Auditor General?

MR. CHAIRMAN: My personal opinion is that I think it could be an extremely important meeting, because we're going to try to explain to the Provincial Treasurer what we learn that day. We're going to ask for his reaction to what we learn. If I don't retain what I learn that day any better than what I learned the last day, the Provincial Treasurer will have nothing to respond to.

DR. CARTER: So we'd like some secretarial support.

MR. BLAIN: That was all I wanted to know. It's just that it won't be Louise.

MR. CHAIRMAN: Why do I have a great big thick file of addresses on irrigation districts?

MR. THOMPSON: That's the stuff we're going to talk to the Auditor General on.

MR. CHAIRMAN: Am I the only one that has it?

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Thank you. That was what was worrying me. It bothers me if I think I'm the custodian of the last piece of information.

MR. THOMPSON: Well, the irrigation thing is something that you really can't do much with because it's in the Act, unless the Act is changed. We can discuss it and, from my point of view, Bud, if it still stays in that office, we should try to make the cost of the audits come somewhere close to reality. But I don't think there's any way you can discuss not doing it, because if it's in the Act the Act has to be changed.

MR. MILLER: It could be self-supporting, though.

MR. THOMPSON: When it costs \$7,500 and they're charged \$2,500, that's the area I would be concerned about, that they try to upgrade -- but in a gradual way, not in a year or so. I'm sure we're on the same wave length. And we would eventually try to eliminate as much of that stuff as we could.

MR. CHAIRMAN: All right. We're through with that topic then? We'll go on to the next one.

Louise, do you want to lead us through the follow-up items and how we're making out with these things?

MRS. EMPSON: Basically, you've done most of them except for the orders from the Auditor General and the first four items on page 2.

MR. CHAIRMAN: Does everybody have a copy of this follow-up sheet? The first four items on page 2: 9, 10, 11, and 12. We had 13 handed out today.

MRS. EMPSON: [Inaudible] will probably be discussed when you're discussing the orders for signatures. I don't think No. 1 can be held until the Auditor General has the figures.

MR. BLAIN: If you'll excuse me, having confused you as much as I possibly can . . .

MR. CHAIRMAN: You can't confuse me.

MR. THOMPSON: You did your job on me, Doug.

DR. CARTER: Well, 14 and 13 are done, are they not?

MRS. EMPSON: Yes.

MR. CHAIRMAN: Fourteen is done; 13 I've just handed out today.

DR. CARTER: Clarification on item number 11, the renewal of the term of office of the Chief Electoral Officer: we still haven't done that.

MR. CHAIRMAN: That office has to be renewed. His term has to be renewed within an X number of months after an election.

MRS. EMPSON: One year.

DR. CARTER: How come we haven't done it yet? Why don't we just do it?

MR. MILLER: I thought we did it when he was in here.

MRS. EMPSON: No, we didn't.

DR. CARTER: Do you have an appropriate wording from the last time it was done, so we could just go ahead and do it? I don't think that's fair to him either, and we don't have any problems about reappointing him.

Could we perhaps adjourn for just a moment and see if it would be possible to try to flush that out. It would be in 1979, I guess. I'm sure it would be 1979-80. That's something we should do.

MR. CHAIRMAN: We should get that one out of here. I agree. And this CODA thing lines up with the others, from 2 to 8. We'll likely get that information on the 26th, David.

DR. CARTER: Yes.

MR. THOMPSON: Have you got that machine turned off?

MR. CHAIRMAN: The wording is the minor part of it. The thing is that we can make the motion right now while we're here. Bud Miller just made the motion that we renew the term of office of the Chief Electoral Officer and . . .

DR. CARTER: Renew the term of office of Kenneth Wark as Chief Electoral Officer, so that he's specifically named.

MR. CHAIRMAN: Those in favor? That motion is carried unanimously. I had a thing here that gave an indication of the number of years the last time that happened.

DR. CARTER: The other thing I would like to suggest, Mr. Chairman, with respect to the follow-up items, is that we could take item No. 10 off our list until we come to it later in the fall.

MR. CHAIRMAN: Yes. Louise and I were just looking at that before the meeting started. We don't need it as a flag in there, do we?

DR. CARTER: No. I think we have it sufficiently flagged. The other thing is item 9. Surely we can get that one boosted with a phone call.

MR. MILLER: Agreed.

MR. CHAIRMAN: Are we asking Louise to do make that phone call? Would you, please?

MRS. EMPSON: Sure.

MR. CHAIRMAN: Talking about jurisdictions, mandates, and so on, I'm not sure whether that's our mandate to have you do that or your mandate to be stuck with it. But we just stuck you with it anyway.

All right. We've reviewed the list of the follow-up items. I have nothing else at my end of the table. Does anybody else have any business?

DR. CARTER: Mr. Chairman, I think the other thing would be that perhaps we should schedule one more meeting in August or the first week in September so that we could have our meeting with the Ombudsman to discuss some items of concern. We didn't get anywhere with the middle of August.

MR. CHAIRMAN: The middle of August business collapsed on us. It was suggested that we might as well go right into September.

DR. CARTER: What about Tuesday the 6th, which is right after Labour Day?

MR. THOMPSON: There's a savings trust fund on that day. What about the 8th?

MR. MILLER: I have an AOSTRA meeting that day.

DR. CARTER: All day long?

MR. MILLER: Yes. How about September 9?

MR. THOMPSON: Joint committee on the Metis Betterment Act at ten o'clock in the morning.

MR. CHAIRMAN: Do you want to try the 12th?

DR. CARTER: How about your afternoon?

MR. MILLER: What about afternoon, John?

MR. THOMPSON: Well, I usually go over and eat dinner at the Discovery, but probably two o'clock or something like that.

DR. CARTER: On the 9th?

MR. THOMPSON: The 9th would be fine.

DR. CARTER: Much better.

MR. MILLER: Bob, how does that hit you?

MR. CHAIRMAN: It's the second choice for me. Any Friday afternoon in Edmonton is a second choice, because I don't get home until about 10:30 or eleven o'clock Friday night. Friday mornings are fine; I can fly out at noon. But when I'm still stuck on an airplane Friday night, I start to feel my weekend is slipping away on me. But if it's necessary, I'll do it. Monday afternoons, Tuesday mornings, Tuesday afternoons . . .

MR. THOMPSON: Actually, the 6th -- as far as I'm concerned with that Heritage Savings Trust Fund, I think it's usually held in the building here anyway. I can just slip in and slip out, as far as that's concerned.

DR. CARTER: What time do you go? All day?

MR. THOMPSON: It looks like it from here. So I could live with the 6th.

DR. CARTER: Is there more likely to be a quorum there if we use the morning for you to slip out? Is Grant Notley also on that?

MR. THOMPSON: Yes.

MR. CHAIRMAN: What about the 12th?

MR. THOMPSON: The 12th I've got Native Affairs and heritage trust fund both. I could live with the 6th better. Kowalski's got meetings scheduled so steady. I don't know; I think we'll run out of topics.

DR. CARTER: Do you break? How does that schedule run? Sort of 10 to 12, with two hours for lunch, and you go . . .

MR. THOMPSON: I've never been on this committee before. And with a new chairman, I've no idea how they'll go on.

DR. CARTER: Well, we could guess that they're going to break for lunch. Would we be prepared to sort of do 12 to two on the 6th, and that would minimize the attrition from the other committee?

MRS. EMPSON: Do you want to make it a lunch meeting, and I'll order sandwiches?

DR. CARTER: Please.

MR. THOMPSON: Okay. I'll write down Legislative Offices on the 6th.

MR. CHAIRMAN: From 12 to two. And we'll have a sandwich while we're meeting.

DR. CARTER: Of course that's also contingent on whether we get the Ombudsman here. So, Mr. Chairman, if you could follow up on that one about the 6th and also whether we're going to be with him on that other day.

MR. THOMPSON: Excellent.

MR. CHAIRMAN: Motion to adjourn? I will accept that as a motion to adjourn.
September 6: I will be in contact with you on August 16 to confirm that meeting with the -- August 16 is strictly to visit those offices.

MRS. EMPSON: Are you going to meet here, or are you going to meet at one of the offices?

MR. CHAIRMAN: I think we'll go straight to one of the offices.

MRS. EMPSON: Which one are you going to start with?

DR. CARTER: Depending on phone calls to see who we can get first -- and supply the addresses of both places in case one person can only get to one.

The meeting adjourned at 2:57 p.m.