



Legislative Assembly of Saskatchewan

BOARD OF INTERNAL ECONOMY

MINUTES AND VERBATIM REPORT

**Published under the authority of
The Honourable Don Toth
Speaker**



No. 1 — February 8 and 9, 2010

BOARD OF INTERNAL ECONOMY

Hon. Don Toth, Chair
Moosomin

Mr. Dan D'Autremont
Cannington

Ms. Doreen Eagles
Estevan

Hon. Jeremy Harrison
Meadow Lake

Hon. Don Morgan
Saskatoon Southeast

Mr. Len Taylor
The Battlefords

Mr. Kevin Yates
Regina Dewdney

BOARD OF INTERNAL ECONOMY

Room 8 Legislative Building
Monday, February 8, 2010, 1:30 p.m.

Tuesday, February 9, 2010, 8:00 a.m.

Present:**Members of the Board of Internal Economy**

Hon. Don Toth, Speaker, Chair
Mr. Dan D'Autremont
Ms. Doreen Eagles
Hon. Jeremy Harrison
Hon. Don Morgan
Mr. Len Taylor
Mr. Kevin Yates

Staff

Ms. Irene Bauer, Acting Secretary to the Board

Officials in Attendance**Office of the Conflict of Interest Commissioner**

Mr. Gerald Gerrard, Conflict of Interest Commissioner

Office of the Children's Advocate

Mr. Marvin Bernstein, Children's Advocate
Ms. Bernie Rodier, Director of Administration

Office of the Ombudsman

Mr. Kevin Fenwick, Ombudsman
Ms. Lynn Fraser, Manager of Administration

Office of the Information and Privacy Commissioner

Mr. Gary Dickson, Information and Privacy Commissioner
Ms. Diane Aldridge, Compliance Officer
Ms. Pam Scott, Director, Administration

Office of the Chief Electoral Officer

Mr. David Wilkie, Acting Chief Electoral Officer
Mr. Brent Nadon, Manager, Election Finances
Mr. Jeff Livingstone, Manager, Information Technology and Register of Elections

Legislative Assembly Service

Mr. Gregory Putz, Clerk of the Legislative Assembly
Ms. Melissa Bennett, Legislative Librarian
Ms. Marilyn Borowski, Director, Finance and Member Payments
Ms. Lenni Frohman, Director, Parliamentary Publications
Mr. Darcy Hislop, Chief Technology Officer
Ms. Linda Kaminski, Director, Human Resource and Payroll Service
Ms. Iris Lang, Principal Clerk
Ms. Ginette, Michaluk, Assistant Director, Human Resource and Payroll Service
Mr. Kenneth Ring, Law Clerk and Parliamentary Counsel
Mr. Pat Shaw, Sergeant-at-Arms

AGENDA

Moved by Mr. Morgan, seconded by Mr. Yates, that the proposed agenda be adopted. The question being put, it was agreed to.

Minute #1729

MINUTES

Moved by Ms. Eagles, seconded by Mr. Yates, that the Minutes of the Meeting #05/09 be adopted. The question being put it was agreed to.

Minute #1730

ITEM 1

(a)

Table Item: Legislative Assembly 1st, 2nd and 3rd Quarter Expenditure Reports
(previously distributed to Board members)

The Chair tabled the report.

Decision Item: Approval of Reports

Moved by Mr. Morgan, seconded by Mr. Taylor:

That the 1st, 2nd and 3rd Quarter Expenditure Reports for fiscal year 2009-10 for Vote 021 - Legislative Assembly be approved.

The question being put, it was agreed to.

Minute #1731

(b) **Table Item: MLA Accountability and Disclosure Reports for Fiscal Year 2008-2009**

(tabled in the Assembly October 22, 2009 as Sessional Paper 11)

The Chair tabled the reports.

(c) **Table Item: New Democratic Party Caucus Audited Financial Statements for the Year Ended March 31, 2009**

(tabled in the Assembly October 22, 2009 as Sessional Paper 10)

The Chair tabled the reports.

(d) **Table Item: Saskatchewan Party Caucus Audited Financial Statements for the Year Ended March 31, 2009**

(tabled in the Assembly October 22, 2009 as Sessional Paper 9)

The Chair tabled the reports.

(e) **Table Item: Legislative Assembly Service Reports**

(i) Actions 2008-2009 Year-End Report on Progress for Year Ended March 31, 2009 (previously distributed to Board members)

(ii) Actions 2009-2010 Mid-Year Report on Progress, November 2009 (previously distributed to Board members)

The Chair tabled the reports.

Decision Item: Approval of Reports

Moved by Mr. Yates, seconded by Mr. D'Autremont:

That the Actions 2008-2009 Year-End Report on Progress for Year Ended March 31, 2009 and the Actions 2009-2010 Mid-Year Report on Progress, November 2009 be approved.

The question being put, it was agreed.

Minute #1732

(f) **Table Item: Provincial Auditor's Memorandum of Audit Observations for the Year Ended March 31, 2009**

The Chair tabled the report.

ITEM 2**Decision Item: Review of the 2010-2011 Budget for the Office of the Conflict of Interest Commissioner**

The budget, in the amount of \$156,000 (version 1) and \$258,000 (version 2), was presented by Mr. Gerald Gerrand, the Conflict of Interest Commissioner.

Mr. Gerrand responded to questions. A decision on the item was deferred.

ITEM 3**Decision Item: Review of 2010-2011 Budget for the Office of the Children's Advocate**

The budget, in the amount of \$1,707,000 was presented by Mr. Marvin Bernstein, Children's Advocate.

Mr. Bernstein responded to questions. A decision on the item was deferred.

ITEM 4 Decision Item: Review of 2010-2011 Budget for the Office of the Ombudsman

The budget, in the amount of \$2,895,000 was presented by Mr. Kevin Fenwick, Ombudsman.

Mr. Fenwick responded to questions. A decision on the item was deferred.

ITEM 5 Decision Item: Review of 2010-2011 Budget for the Office of the Information and Privacy Commissioner

The budget, in the amount of \$1,056,188 was presented by Mr. Gary Dickson, Information and Privacy Commissioner.

Mr. Dickson responded to questions. A decision on the item was deferred.

ITEM 6 Decision Item: Review of the 2010-2011 Budget for the Office of the Chief Electoral Officer

The budget, in the amount of \$1,694,402 including capital acquisitions in the amount of \$15,000 was presented by Mr. David Wilkie, Acting Chief Electoral Officer.

Mr. Wilkie and staff responded to questions. A decision on the item was deferred.

ITEM 7 Decision Item: Review of the 2010-2011 Budget for the Legislative Assembly

The budget, in the amount of \$24,192,000 was presented by Mr. Gregory Putz, Clerk of the Legislative Assembly.

Mr. Putz also presented the Legislative Assembly Service Action Plan for 2010-2011, and proposed projects for the Refurbishment and Asset Replacement Fund.

Mr. Putz and Legislative Assembly Service officials responded to questions. A decision on the item was deferred.

The Board recessed until 8:00 a.m. on February 9, 2010.

February 9, 2010

The Board met at 8:05 a.m.

The Board met in camera.

The Board resumed open session at 10:10 a.m.

ITEM 2 (cont'd) Decision Item: Review of the 2010-2011 Budget for the Office of the Conflict of Interest Commissioner

Moved by Mr. Morgan, seconded by Mr. Yates:

That the 2010-2011 Estimates for Vote 057 – Conflict of Interest Commissioner, be approved in the amount of \$156,000.

And further,

That such Estimates be forwarded to the Minister of Finance by the Chair.

The question being put, it was agreed to.

Minute #1733

ITEM 3 (cont'd) Decision Item: Review of 2010-2011 Budget for the Office of the Children's Advocate

Moved by Mr. Morgan, seconded by Mr. Yates:

That the 2010-11 Estimates for Vote 076 – Office of the Children's Advocate, be approved in the amount of \$1,621,000 as follows:

Budgetary to be voted \$1,420,000

Statutory: \$ 201,000

And further,

That such Estimates be forwarded to the Minister of Finance by the Chair.

The question being put, it was agreed to.

Minute #1734

ITEM 4 (cont'd)

Decision Item: Review of 2010-2011 Budget for the Office of the Ombudsman

Moved by Mr. Morgan, seconded by Mr. Yates:

That the 2010-11 Estimates for Vote 056 – Ombudsman, be approved in the amount of \$2,221,000 as follows:

Budgetary to be voted \$2,020,000

Statutory \$ 201,000

And further,

That such Estimates be forwarded to the Minister of Finance by the Chair.

The question being put, it was agreed to.

Minute #1735

ITEM 5 (cont'd)

Decision Item: Review of 2010-2011 Budget for the Office of the Information and Privacy Commissioner

Moved by Mr. Morgan, seconded by Mr. Yates:

That the 2010-11 Estimates for Vote 055 - Information and Privacy Commissioner, be approved in the amount of \$927,000;

And further,

That such Estimates be forwarded to the Minister of Finance by the Chair.

Minute #1736

ITEM 6 (cont'd)

Decision Item: Review of the 2010-2011 Budget for the Office of the Chief Electoral Officer

Moved by Mr. Morgan, seconded by Mr. Yates:

That the 2010-11 Estimates for Vote 034 - Chief Electoral Officer in the amount of \$1,694,402 (statutory), including capital acquisitions in the amount of \$15,000 be transmitted to the Minister of Finance by the Chair.

The question being put, it was agreed to.

Minute #1737

ITEM 7 (cont'd)

Decision Item: Review of the 2010-2011 Budget for the Legislative Assembly

(a) Approval of the Budgetary and Statutory Expenditure Estimates

Moved by Mr. Morgan, seconded by Mr. Yates:

That the 2010-11 Estimates for Vote 021 - Legislative Assembly be approved in the amount of \$23,905,000 as follows:

Budgetary to be voted: \$ 8,281,000
Statutory: \$15,624,000
Including capital acquisitions of \$ 198,000

And further,

That 2010-11 estimated amortization expense for the Legislative Assembly be approved in the amount of \$92,000;

And further,

That such Estimates and estimated amortization expense be forwarded to the Minister of Finance by the Chair.

The question being put, it was agreed to.

Minute #1738

(b) Approval of the Projects for the Refurbishment and Asset Replacement Fund

Moved by Mr. Morgan, seconded by Mr. Yates:

That, for the 2010-11 fiscal year, the following Refurbishment and Asset Replacement Fund projects be approved:

Broadcast Services Digital Migration Plan \$ 65,000
Card Access Lock System \$167,500
Restoration of the Composite Photograph Collection \$ 17,500
For a total amount of \$250,000

The question being put, it was agreed to.

Minute #1739

(c) Decision Item: Motion to Approve the Legislative Assembly Service Action Plan for 2010-2011

Moved by Mr. Morgan, seconded by Mr. Yates:

That the Legislative Assembly Service action plan for the 2010-11 fiscal year be approved in accordance with the approved 2010-11 budgetary and statutory Expenditure Estimates for Vote 021 - Legislative Assembly.

The question being put, it was agreed to.

Minute #1740

(d) Decision Item: Motion to approve Revenue Estimates for the Legislative Assembly Service

Moved by Mr. Morgan, seconded by Mr. Yates:

That the 2010-11 Revenue Estimates for Vote 021 - Legislative Assembly be approved in the amount of \$5,000;

And further,

That such Estimates be forwarded to the Minister of Finance by the Chair.

The question being put, it was agreed to.

Minute #1741

ITEM 8

Other Business**(a) Decision Item: Amendments to Directive #6 Constituency Assistant Expenses**

Moved by Ms. Eagles, seconded by Mr. Yates:

That effective February 1, 2010, Directive #6 - *Constituency Assistant Expenses* be amended as follows:

- 1) In clause (1), in the last sentence insert the word “total” between the words “the” and “annual”
- 2) Insert new clause (3.1) as follows:

“A Member may provide a lump sum bonus payment to a constituency assistant in exceptional circumstances. The maximum amount of the lump sum payment must not exceed \$5,000 per fiscal year. Multiple lump sum bonus payments may be provided to a constituency assistant so long as the aggregate amount does not exceed \$5,000 per fiscal year. Exceptional circumstances are defined as the provision of service above and beyond the normal call of duty.”

The question being put, it was agreed.

Minute #1742

(b) Decision Item: Amendment to Directive #6.1-Constituency Assistant Benefits

Moved by Ms. Eagles, seconded by Mr. Yates:

That, effective February 1, 2010, clause (3) of Directive #6.1- *Constituency Assistant Benefits* be amended as follows:

- 1) That the words “and where the constituency assistant chooses” be deleted: and;
- 2) That the words “Public Employees Pension Plan” be moved from the third line to the second line between the words: “Disability Plan” and “Dental Plan”, and
- 3) The word “and” be inserted prior to the word, “Extended Health Care Plan.”

The question being put, it was agreed.

Minute #1743

(c) Decision Item: Amendment to Directive #21 Annual Indemnity and Allowances

Moved by Mr. D’Autremont, seconded by Mr. Yates:

That, effective February 1, 2010, Directive #21 – *Annual Indemnity and Allowances* be amended as follows:

- 1) In subclause 6(a), by adding the following positions and amounts:

Government Caucus Chair	\$12,974
Government Deputy Caucus Chair	\$ 6,487
Opposition Caucus Chair	\$12,974
Opposition Deputy Caucus Chair	\$ 6,487
Third Party Caucus Chair	\$ 6,487

and further,

- 2) In subclause (7)(e), the word “Infrastructure” be deleted and substituted with the word “Justice.”

The question being put, it was agreed to.

Minute #1744

(d) Decision Item: General Authority to Re-number, Update and Make Administrative Changes to the Board of Internal Economy Directives as Necessary

Moved by Mr. D'Autremont, seconded by Mr. Yates:

That, effective February 1, 2010, the Chair be authorized to direct any administrative revision to the Board of Internal Economy Directives as in necessary to correct outdated references and titles; as well as the re-numbering of the Directives and associated clauses, and cross-referencing of the Directives, as may be required in consequence to any amendment to the Directives ordered by the Board of Internal Economy.

The question being put, it was agreed to.

Minute #1745

The meeting was adjourned at 10:48 a.m. to the call of the Chair.

Hon. Don Toth
Chair of the Board of Internal Economy

Irene Bauer
Acting Secretary to the Board

[The board met at 13:30.]

The Chair: — If I could have the members' attention. It being 1:30, I'm going to call the meeting to order and thank each one of the members for being here and actually, I could say, on time. Excellent. Glad to have everyone here. Trust you've been having a little bit of opportunity for leisure. I know the member from Estevan has. The rest of us are trying. And to all the staff who have joined us so far this afternoon, we want to extend our welcome and thank you for coming and joining with us for your part in the debate this afternoon.

And I'll call the meeting to order, and the first item on the agenda is the approval of the proposed agenda. So first of all if there are any questions, and if not if I could have a mover and seconder to the agenda. Mr. Morgan?

Hon. Mr. Morgan: — I move.

The Chair: — Moved by Minister Morgan. Do we have a seconder? Mr. Yates. Is everyone agreed?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Thank you. Second item is the approval of the minutes from the September meeting. The members had an opportunity to review the minutes. Are there any questions arising out of the minutes? And if not, could I have a mover too that the minutes as proposed be adopted? Ms. Eagles. Secunder to that motion? Mr. Yates. All those in favour? Agreed. It's carried.

Now we'll move on to the next item on the agenda. And there's a number of items on the agenda before us. First of all on our tabled items, we have the Legislative Assembly one, two, and third quarter expenditure reports. They have been tabled. And do we have any questions from the members regarding these expenditure reports of the Legislative Assembly — first, second, and third quarter reports?

Hon. Mr. Morgan: — I'll move approval.

The Chair: — I have a motion to approve that these tabled items on the Assembly's quarterly reports be approved. Mr. Morgan approves. Do we have a seconder? Mr. Taylor. Are we all agreed?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried.

Now we have a number of disclosure statements before the board, the MLA [Member of the Legislative Assembly] accountability and disclosure reports for the fiscal year ended March 31st, 2009. And these were tabled reports tabled in the Assembly, sessional paper 11, October 22nd, '09.

We also have the New Democratic Party caucus audited financial statements for the year ended March 31st, 2009. These were tabled in the Assembly as sessional paper 10, October 22nd, '09.

The Saskatchewan Party caucus audited financial statements for the year ended March 31st, 2009, tabled in the Assembly, sessional paper October 22nd, 2009.

And then the Legislative Assembly Service reports, *Actions 2008—2009: Year-End Report On Progress* for year ended March 31st, '09. And *Actions 2009-2010: Mid-Year Report On Progress* in November of '09.

Do we have any questions arising from the tabled reports?

Hon. Mr. Morgan: — Mr. Speaker, I believe that's a decision item to approve the Legislative Assembly reports, so I think we need a motion on that.

The Chair: — That's correct. And I have a motion in front of me:

That the *Actions 2008-2009: Year-End Report On Progress* for the year end of March 31st, '09 and the *Actions 2009-2010: Mid-Year Report On Progress* November 2009 be approved.

Do I have a mover for this motion? Mr. Yates. Secunder, Mr. D'Autremont. Are we all agreed?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried. And then you have in front of you, item (f). We have before us the Provincial Auditor's memorandum of audit observations for the year ended March 31st, 2009. And we will table and we will review later so members can take note, and we'll discuss this at a further meeting. But you now have the report in front of you for your perusal.

I believe we can now move on to the review of the budgets of our independent officers. And we're pleased to have Mr. Gerrand here from the Conflict of Interest Commissioner. And so, Gerry, I would invite you to come forward. And as members may also be aware, Mr. Gerrand's term is coming to an end, I believe it's in April. Mr. Gerrand's already informed me that his term is coming to an end. He's also informed me that he's looking forward to enjoying life a little more and has asked that he not be reconsidered. He'd like to step aside and let somebody else look after the file. But he probably would be willing to share that with us as well. So at this time I invite you to share your thoughts regarding your position responsibility, and then we'll open the floor for questions. Mr. Gerrand.

Office of the Conflict of Interest Commissioner

Mr. Gerrand: — Mr. Speaker, members of the committee. You have correctly stated the situation. I was appointed to this position close to 10 years ago. It was a five-year term. I was reappointed by the Legislative Assembly April 25th, 2005; hence my role as Conflict of Interest Commissioner expires statutorily April 25th, 2010. And I have written to each of you as members of the legislature, in connection with matters unrelated to what we're doing here today, and expressed my appreciation for having had the opportunity of serving the members and the Legislative Assembly. And I've indicated to

you how much I have enjoyed doing these things, what I have described as good works.

And I step aside in two and a half months feeling quite satisfied by what has happened both in the area of the activities of the members and the members' observation of their obligations under the relevant legislation, and satisfied in the role I have played in assisting them and achieving those ends.

The purpose of this meeting is to present a budget. My situation of course is quite different today, this year, than it has been in the past because I don't know what the budgetary requirements of this position will be in the ensuing year. Hence with the assistance of Ms. Borowski I have filed two budgets. I don't even know if that's permissible. One is described as version 1; the other, version 2.

Version 1 is a budget that I would have submitted if my role was continuing. It is a status quo budget, very similar to the budget proposals I've filed on previous occasions. The other is version 2 which contemplates additional expenditures, depending on the needs of the person who replaces me. And I leave it with you to do what you feel is appropriate. I'd be pleased to answer any questions, Mr. Speaker, the members have.

The Chair: — Thank you, Mr. Gerrand. Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. Mr. Gerrand, I'd like to start by thanking you for your long, dedicated service to the Legislative Assembly and the people of Saskatchewan. We very much do appreciate it. It's a difficult role as a Member of the Legislative Assembly, but it's also a very difficult role to be an independent officer of the Legislative Assembly. And I think I speak on behalf of us all when I say we truly do appreciate the work that you've done over the years and the way that you have conducted yourself in dealings with the members of this Assembly.

And we wish you the best in your future endeavours and hope that you take some time to enjoy the rest of the spring, I guess, and ensuing summer and take a nice vacation and do some things for yourself and your family. It's been very much an honour working with you, and you've done an honour to the province and to each of us as members of the Legislative Assembly.

I have some questions but I think before we get to that my hon. colleague would like to . . .

The Chair: — I recognize Minister Morgan.

Hon. Mr. Morgan: — Thank you for that. On behalf of the members on the government side, we would like to thank you for your thorough and professional service that you've given. I think virtually everybody that's in the House would regard you as being discreet and not unnecessarily intrusive while at the same time making sufficient inquiries that you were able to conduct and fulfill your mandate in a thoroughly professional and competent manner. And I think it's appreciated by all of the members that are here. You've not only enhanced the image of your office, but you've also increased public confidence in the legislature as an institution. So for that we thank you.

[13:45]

And I suspect that you will be like most lawyers, that you won't retire; you will just go and find something else that appeals to you. Because there's I think a saying that old lawyers never die, they just bump from commission to commission and role to role. So whatever your next and successive ones after that, I want to wish you the very best from all of us, and we thank you for your service.

The Chair: — Mr. D'Autremont.

Mr. D'Autremont: — Thank you. I too would like to thank you for your service to the province of Saskatchewan, particularly to the House and to the members. I know that it was challenging at times to get all of the members to file their conflict of interest reports on time, but you had the patience and the fortitude to do it, and I thank you. I guess my only complaint was I could never get the short form. But thank you very much for a job well done, and I wish you the best for the future.

The Chair: — Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. Mr. Gerrand, I have a number of questions as we're moving forward. I won't necessarily get into the specifics of the budget, but your arrangement as using your former law firm as support resulted in us being able to have substantial savings from what might be required of a totally new office. Now moving forward, would you recommend that that model worked well? Or were there particular problems or challenges with it or anything that would help us in making a decision about what model to use moving forward?

Mr. Gerrand: — That was the arrangement that Mr. Derril McLeod, Q.C. [Queen's Counsel] had, my predecessor, when he served as Conflict of Interest Commissioner. That is, he arranged to continue maintaining his office in the old law firm with which he had been associated for many years, and I simply repeated that practice with the approval of this committee.

I think it's been very economical, as you observe, and I would certainly, depending on the individual that replaces me and what availability they have to share office space, I would recommend the continuation of that practice. It is an economical arrangement. It worked fine. I had access not only to a secretary and use of an office, I had access to a law library and a fax machine and all the things that go with a law office. And if an independent, lone-standing office were created by my replacement, these things would come at quite a cost. So I was a taxpayer of this province for a far longer time than I served as Conflict of Interest Commissioner, and I would recommend that kind of economical pursuit in the future.

Mr. Yates: — Thank you very much. That's very helpful. Looking at, are there any recommendations or opinions you'd like to share with us about perhaps, moving forward, any changes that should be made, or were the arrangements in the working between the Legislative Assembly and the office satisfactory? You have a unique opportunity in your retiring from the position to give us some advice about the future. And

I'm just wondering if there's anything that you think we should be aware of as we're making our choices moving forward.

Mr. Gerrand: — Well the mechanical arrangements that presently exist for me meeting with the members, reviewing their disclosure statements, providing them with advice are satisfactory. The practice is for me to arrange for a meeting with the cabinet ministers, usually in their office; sometimes in my office, usually in their office. And for those members that are not cabinet members of executive, I meet with them in the Speaker's boardroom. And it just occurs to me that over this 10-year period, I've walked into that room for meetings on literally hundreds of occasions, so I'm very familiar with all the Speakers' pictures that hang in that boardroom.

Different jurisdictions have different arrangements regarding conflict of interest. They all have an Act which contains essentially the same four ingredients. They're called different Acts sometimes. They're called an ethics Act. In our province they're called the conflict of interest Act. The Acts always make reference to the obligations of the members of the legislature. In some jurisdictions, such as Alberta for instance, there's an obligation on the part of the conflict of interest commissioner to deal with senior government officials, deputy ministers, and department heads.

I should say this. I am not totally retiring from the role of Conflict of Interest Commissioner and going to pasture. Four years ago, with the concurrence of the powers that be, I agreed to become the Conflict of Interest Commissioner for the Northwest Territories. That's a four-year appointment. Both of these roles are part-time. The remuneration paid to me reflects that.

I was asked by the Speaker of the legislature of the Northwest Territories a few months ago if I would agree to being reappointed for another four years. I had by that time determined that my shelf life as Conflict of Interest Commissioner for Saskatchewan had pretty well come to an end. And I agreed to a four-year appointment conditional upon the 19 members of the legislature of the territories agreeing to that decision, and they did, including individuals about whom I had to write reports and give opinions that were not very favourable. So I've agreed to do that and I will do it.

But in the territories, my responsibility also includes looking at the conflict of interest obligations of deputy ministers and department heads. And I meet with the deputy ministers and the department heads and review disclosure statements I obtain from them. And that is a practice that prevails in jurisdictions additional to Alberta and the territories and Nunavut. That's something that might be looked at.

The object of the exercise can be really stated in one sentence: we do not use our public position to advance our personal interest. And that applies in some jurisdictions not only to elected members, but to senior officials.

I wrote a letter to the Department of the Attorney General over a year ago outlining a number of recommended possible amendments to *The Members' Conflict of Interest Act*, and I understand that that will be addressed at some time in the future. And in the future, if anyone wants any additional input,

additional to the letter I've written, I'd be happy to play a role in that.

Other than that, I think that our system is working as it should work, and the public, if it were aware of the high level of demand that is placed on elected officials to observe an absence of conflict of interest, they would recognize that this is a level far in excess of what is demanded in other areas of society. And I think it's working well. Sorry to be so long-winded.

The Chair: — That's fine.

Mr. Gerrand: — You'd almost think I was on the other side of the dais.

Mr. Yates: — Thank you very much for your answers. That concludes my questions.

The Chair: — Any further questions from other members? Seeing none, I do have a question as the Chair. And I think you may have answered it, Mr. Gerrand, in a roundabout way. You mentioned about some recommendations that you've made to the minister.

Mr. Yates asked for your thoughts on some recommendations you bring forward. You and I have had some very strong discussions about my thoughts on forms, and Mr. D'Autremont talked about the fact he has never qualified for the short form.

And I think you're right. The public in general do not recognize what's asked of members in filling out this form — the fact that you're basically disclosing your life and that of your spouse as well and everything that you're involved with. And I think, I don't have a problem with that. I think as you indicated just a moment ago, the greatest and the strongest principle is the fact that members need to be seen as not using their position to gain favours or involvement in government services. But one issue that I think has been somewhat contentious on the part of many members is the form and the fact that we're basically putting the same information down.

And given the technology we have nowadays, it would seem to me that . . . However I understand the challenges your office faces because as you indicated earlier, you're basically in an office that gave you access to a secretary and almost gratis. But when you look at larger offices and if there are forms to be filled out and if information on that form is basically similar year after year, normally an office would send out and ask you to update the form if there's been any changes. And I'm wondering, Mr. Gerrand, if you'd have any thoughts in regards to even the forms . . . and not that they're getting less information but a means whereby either they're simplified if nothing's changed, where that can be verified.

And I guess the other challenge would be, do you have access to the technology or the ability to actually program individual members' information into a file that you have ready access to that allows you then to ask members just to update where changes have been made? Would you have any thoughts or comments? Or maybe those are some of the things you've already passed on in your letter to the minister.

Mr. Gerrand: — Well there are ways to use the electronic systems that are available today to put these things on record and to simplify the repetition of what has gone on on a previous occasion. I don't think I'm the one to do that. I don't even like email. I like letters and I like hard copies and I like documents that are filled in and signed personally. All jurisdictions require the filing annually of a disclosure statement. And there are no jurisdictions that permit a short form other than Saskatchewan.

And I have the authority, the commissioner has the authority to allow a short form if I feel it's appropriate. And in some cases, with some of the members in this House, I do allow it. But the numbers have become fewer and fewer because the people that do complete the short form aren't completing it satisfactorily to me, in my view. And I find that when I meet with them and go over their affairs that there are things that have changed that they have not remarked on in the short form.

No, it's important for the commissioner to know not only what the total financial situation is of the member at the time of filing, but any material changes that occur in the course of the year. And there is provision in each Act for the filing of the supplementary statement if there are significant changes in the acquisition of debt or the acquisition of assets or income, streams of income.

[14:00]

When I spoke about there being a greater onus on legislators in Canada and the Western world to observe rules against conflict of interest, I wasn't really talking simply about the filing of disclosure statements. I was talking about the prohibition against the acceptance of gifts, the rules that apply with regard to using your position to advance your personal interest. These things are all obligations of members of legislatures in the Western world. And the rules don't apply to people in business ordinarily, so that it isn't just the disclosure statement that comes into play.

So I would not recommend any alteration to the arrangements that presently exist regarding the filing of the disclosure statement. It only takes most members 10 or 15 minutes to do it. It's a private document that is seen only by me, and it shouldn't be too onerous a task.

The Chair: — Thank you, Mr. Gerrand. Minister Morgan.

Hon. Mr. Morgan: — Mr. Speaker, with the utmost respect to you, I would agree with Mr. Gerrand's comments in that regard. To fill out a statement where you simply say, no change from last year, is too great a temptation or an inclination on the part of the member just to say no change without going through your own records or even canvassing through your mind as to the changes that might have been, another organization that you might have bought a membership in, or changing things within an RRSP [registered retirement savings plan] or other things.

It's certainly acceptable for a member to retain, and a member should retain copies of their own statements that they filed, review that as a starting point. But I think by going through the exercise of doing it, you certainly find the things that have been missed. With respect to Mr. Gerrand, I didn't find it a 10- or

15-minute process, but it is certainly not something that's an unreasonable task.

The Chair: — I stand reprimanded. However . . . Ms. Eagles.

Ms. Eagles: — Yes. I too would like to thank Mr. Gerrand for his years of service. You know, I kind of enjoyed getting together and chatting with you. Maybe the only one, I'm not sure, but I do seriously thank you for everything you have done. And my only question is, this means that you're really waiting for us to file the forms that you sent us at the end of January then, right?

Mr. Gerrand: — The letter I wrote to you, which I'm sure you've read with eagerness, states that very firmly. You must do it by the end of March, the 31st of March.

Ms. Eagles: — It will be done, sir.

The Chair: — Well thank you, Mr. Gerrand. And given the fact of what we've seen happen in Britain, it's certainly the . . . Your responsibilities over the past few years, and Mr. McLeod's, have . . . and the move towards conflict of interest has been a method whereby members have endeavoured, they have a means of public knowledge through an individual like yourself that assists us in ensuring that we are — while I believe every member accepts their position of responsibility with a lot of integrity — there are times when no matter what actions we do, can be certainly questioned.

So we want to, and I personally want to thank you as well for your years of service to the province as Conflict of Interest Commissioner, and I certainly want to wish you well.

I just do have one further question. You had mentioned you had two versions. I'm assuming from what I see in the second version, you've brought forward a suggested budget that may reflect the fact that the next Conflict of Interest Commissioner may not have the same opportunities you had, and therefore we need to have funds in place that allow that individual to certainly set up the office and meet the requirements. Is that what I understand?

Mr. Gerrand: — That's all speculative, of course.

Well thanks everybody again for the opportunity to have served you. I must observe that this, my last visit to this committee, has been the lengthiest and I'm wondering if there's any significance in that. Thank you.

The Chair: — Thank you, Mr. Gerrand. I just have one other member who would like to make a comment. Minister Harrison.

Hon. Mr. Harrison: — Yes. Thank you very much, Mr. Speaker. I just wanted to firstly add my voice to thanking Mr. Gerrand. I've only been here for a couple of years, but you're an example to me, as a member of the same profession, being the same profession as yours, as to what can be very nobly accomplished in the legal profession. So thank you for that.

Secondly, I think pending the uncertainty with regard to whether the next . . . your successor is going to have access to the same sort of resources or arrangements, I would suggest it

might be appropriate if we were to move forward on version 1 of the budget, and that we can make any additional supplementary decisions pending the decision as to who will be filling that role.

The Chair: — I thank you. And thank you again, Mr. Gerrand.

We'll move on to item no. 3, the Office of the Children's Advocate. Mr. Bernstein.

Office of the Children's Advocate

The Chair: — Well, Mr. Bernstein, welcome again to the committee. This will be . . . I haven't taken the time to actually sit down and count how many times you've been before the committee. I know you were here before I was, and so we're pleased that you've been able to join with us this afternoon. And I note you've brought some staff with you. So I'll invite you to introduce yourself and your staff, and then give us an overview. And then we'll have questions following. Mr. Bernstein.

Mr. Bernstein: — Well good afternoon, Mr. Chairman, and members of the board, and I'm certainly pleased to be here and to have the opportunity of presenting the Children's Advocate office's budget proposal for the 2010-11 fiscal year.

As you alluded, I once again have the distinct pleasure of introducing Ms. Bernie Rodier, our director of administration. She has been an enormous asset to me and to the office over the years. On the drive up here from Saskatoon, she made reference to the fact that this is her 13th appearance before the board in terms of supporting both me and my predecessor.

This is my fifth appearance in front of the Board of Internal Economy as Saskatchewan's Children's Advocate, and I'm proud to have had the opportunity of holding such an important public trust and to have been given the privilege and responsibility of promoting the rights, interests, and well-being of the children and youth of this province.

On this occasion I would like to go on record as acknowledging the support and dedication of all staff members of the Children's Advocate office, who are passionately committed to making a positive difference in the lives of all the children and youth who live in this province so that these children and young people can reach their full potential as proud, healthy, and contributing members of society.

As well, I would like to acknowledge and express my appreciation to the staff at the Legislative Assembly for the generous support and assistance they have extended to our office during my entire tenure as Saskatchewan Children's Advocate. As recently as last week there was a professional development opportunity that was extended to all the independent officers by the staff at the Legislative Assembly. So again we certainly appreciate those opportunities and we have worked together very collaboratively.

Working on the supposition that you have reviewed the written submission we have provided to the board, and therefore I intend to merely highlight some key points by way of brief

summary remarks before responding to any questions that you may wish to ask of me.

As well, in December I attended before the House Services Committee where I spoke at length to a number of programming areas which, I'm sure you will be pleased to hear, I'm not intending to repeat this afternoon.

As you can see from our written materials, I am submitting our office's 2010-11 budget proposal in support of a status quo programming budget allocation. That is the level of funding required in the 2010-11 fiscal year to maintain our office's programming services at the same level. So that's different than a status quo budget. It's a status quo programming budget.

More specifically, the underlying assumptions for the increase in the status quo programming budget, which are consistent with the directives provided to us by the Legislative Assembly Office, are as follows.

First of all, economic adjustments of 3 per cent to 12 out-of-scope staff and one known position reclassification decision, and that comes to a total amount of \$45,000 as of April 1st.

The second supposition is an economic adjustment of 3 per cent, the two in-scope staff in the total amount of \$1,200 on October 1st, 2010. These are two individuals who have reached the maximum of their range so that they would not be receiving any automatic increases.

Thirdly, projected performance pay increases of 4 per cent for six out-of-scope full-time equivalents amounting to \$12,000 as of July 1st, 2010.

Fourthly, a flexible benefit allocation of 2 per cent for 12 full-time equivalents who are out of scope that comes to a total amount of \$800 in the 2010-11 fiscal year over the allocation of last year.

Next, statutory personal services increase of 11.7 per cent in the total amount of \$21,000, based upon a projected calculation of the average salary of all deputy ministers as of April 1st, 2010, together with the economic adjustment that accrues to those positions.

Lastly, a 2 per cent inflationary increase to cover all non-personal services expenditures amounting to a total of \$6,000 in the 2010-11 fiscal year in compliance with the CP [consumer price] index.

Additionally, in terms of the percentage of our overall budget that represents annualized personal services costs versus annualized non-personal costs, we are projecting that 82 per cent of our budget will consist of personal services, while 18 per cent of our budget will consist of non-personal services. This is virtually all outside of our control. Certainly in terms of personal services, the collective agreement entitlements, the automatic increments, the cost of living adjustments — that's all outside of our control. Even within the non-personal services, there are items such as rent, fixed amounts. We have determined that perhaps about 5 per cent is really discretionary.

This 2010-11 budget proposal is thus being presented, as I said, as a status quo programming budget. Although the overall percentage increase is 5.3 per cent, in my respectful submission the factors contributing to this increase are largely, as I say, attributable to variables that are outside of our control.

In bringing forward a status quo programming budget for the third consecutive year, we have made our best efforts to take a fiscally responsible approach, having particular regard to the current economic climate within the province. We have conscientiously explored efficiencies within our office and concluded that there is no excess capacity that could be trimmed from our operational mandate. In my estimation, there would be a serious disadvantage and disservice to Saskatchewan's children and youth if we could not at least maintain our status quo programming levels.

[14:15]

In point of fact, there are many pressure points and challenges that still confront all operations of our office given our exceptionally broad mandate, but we are prepared for the 2010-11 fiscal year to address, prioritize, and manage internally such challenges and pressure points. Accordingly our office's 2010-11 budget proposal reflects our best projection as to what our office minimally requires in order to serve the children, youth, and all citizens of Saskatchewan in a fiscally prudent and accountable manner.

In conclusion, after a careful analysis of our office circumstances, we are bringing forward a status quo programming request in the amount of \$1.707 million, which equates to a 5.3 per cent increase over 2009 and 2010. In this regard, I would respectfully ask that the Board of Internal Economy recommend to the Legislative Assembly a total appropriation for the Children's Advocate office, vote 076, in the amount of \$1.707 million for 2010-11, which represents an overall increase for both budgetary and statutory expenditures of \$86,000 or 5.3 per cent over our 2009-10 approved allocation.

In terms of looking at recent years, during my tenure in 2006-2007, the percentage increase was 7.4 per cent. In 2007-2008, it was 12 per cent. In 2008-2009, it was 5.6 per cent. And last year for 2009-2010, it was 5.9 per cent. So this year is actually the lowest year in terms of percentage increase that we've been asking for over the past five.

So I'll stop there. I'm pleased to entertain any questions that may be posed to me.

The Chair: — Thank you, Mr. Bernstein, for your report. The floor is now open for questions from members. I do have a question, Mr. Bernstein. If I'm reading correctly here, you have — am I reading correctly? — 14 employees in the office.

Mr. Bernstein: — Plus myself. Fourteen FTEs [full-time equivalent] plus myself.

The Chair: — So that's 15.

Mr. Bernstein: — That's correct.

The Chair: — Fifteen total. As we look at, over the past number of years . . . And you've given us some budgetary figures and increases that have come forward prior to and during your tenure. In regards to the increases or the very slim decreases — there have been larger and smaller ones — what level of inquiries would you be getting to the office? Are you finding that your office is . . . that there are more and more queries made, and in regards to the amount of inquiries made and the personnel, that you're falling behind in responses to these inquiries?

And maybe you could also indicate what your endeavour is as far as how quickly you will respond to an inquiry made, and what it's been in the past and where you are today.

Mr. Bernstein: — It is becoming more challenging in terms of the number of calls that we had last year. We had 1,470 calls this past year. This is going to be reported in our annual report. For 2009 it's 1,858 calls, so we've had an increase of almost 400 calls. So the increase in activity is over 26 per cent.

As well we have over the past, . . . And the Minister of Justice would be aware of this but over the past two years, we have been supporting and facilitating Access to Justice, a pro bono initiative for lawyers to provide voluntary child representation to children who are before the courts and receiving child welfare services. We've taken this on in a voluntary capacity. We've not received any further funding allocation over the past two years. In the first year there were 42 referrals that we facilitated. In the past year there were 76 referrals that we facilitated.

We have a very broad mandate in terms of child death reviews, critical injury reviews, systemic investigations, and case-specific investigations program and service investigations. And it's important to stay current. And we are losing ground; we're falling further behind in terms of staying current. Certainly with the child death investigations, critical injury investigations, we try and be responsive. Certainly if we receive a concern expressed to us by a young person, we try and get back and respond within 24 hours.

This is a vast province. We're an advocacy office; we function not only as an ombudsman's office for children, but we have to get out to northern communities to visit children, to respond to their needs. It certainly becomes more complicated.

Also in terms of recommendation tracking, we've had to put more emphasis on recommendation tracking. Because of the foster home overcrowding report, we advanced 45 recommendations. We undertook to then table a foster home overcrowding status report where we had to evaluate and record compliance with those recommendations. And we have put more emphasis on recommendation tracking to determine the extent to which those recommendations have been implemented and are making a difference for children and youth in this province.

With more and more facilities that are being opened by the Ministry of Social Services because of the overtaxing of foster homes and . . . [inaudible] . . . more group homes and other residential facilities, there's been a greater need for us to stay current with respect to those new facilities and talking to young

people who are entering those facilities and ensuring that the due diligence is being carried out to meet their needs.

There are a lot of growing pressures on the office. Part of the issue for me is the fact that I'm coming to the end of my first term and it is a little difficult trying to project into the future and trying to anticipate what the future holds in terms of the office and kind of starting to develop a plan.

So it seemed as though probably the most secure way of addressing this was to come forward with a status quo programming budget on this particular occasion, given the climate. But I believe that, in response to your question, Mr. Chair, the expectations of the office are increasing; the pressures on the office are increasing.

When we do systemic investigations — I believe you'll hear this from the other independent officers as well — it is quite taxing. When we did the foster home overcrowding investigation, a large systemic investigation, usually what you're doing is you are trying to borrow resources from other parts of your office. So you may be taking some of your advocate resources, you may be taking some of the capacity that is normally directed to your regular staple of child death and critical injury investigations and redirecting some of those into the systemic investigations.

What happens is another part of your office starts to break down to some degree. And you're always trying to borrow from different parts, be creative, and move perhaps some capacity from your early resolution advocate desk into research to get some best practice perspective to support systemic investigations. We certainly feel that we can continue to deliver a quality service. We can continue to meet the needs of children and youth in this province.

But I think the challenges are growing. Child poverty is a problem in this province. Infant mortality is a problem in this province. Having greater access in northern communities. When I appeared before the House Services Committee, there was a great deal of concern identified in respect of the disparity of services in the northern part of this province. Emphasis was placed on youth suicide and could we get out and could we work together with some of the leadership in northern communities to build in some supports. So that may be kind of a lengthy answer in terms of the kind of the state of the nation within the Children's Advocate office.

The Chair: — Mr. Taylor.

Mr. Taylor: — Good. Thank you very much. Actually it did provoke my question. And so I very much appreciate the line of questioning that was initiated by the Chair. And thank you for your very good answer.

But I wanted you to expand just briefly, if you don't mind, on the work that you were saying was done on the basis of referrals from justice, the representation side. Just what is involved in that regard? And who would do that work if you weren't doing it?

Mr. Bernstein: — Well this point it's the ... There are pro bono lawyers that, through Pro Bono Law Saskatchewan, we

have a partnership and we refer those cases on to Pro Bono Law Saskatchewan. There's a roster of lawyers for Saskatoon, there's a roster of lawyers for Regina, and a roster for Prince Albert.

But we receive the calls at our early resolution desk. It means talking to the young person to identify whether or not they're interested in having a lawyer represent them in child welfare proceedings or to determine whether or not they just want some summary advice. Do they want a lawyer who actually represents them in the court process?

And we have those discussions with the young person. We determine whether or not they also want advocacy services because the lawyer's role may be more narrow in scope in terms of representing the interests of the young person in the court process. But that young person may have some challenges in terms of networking other systems. It could be education, it could be corrections, it could be children's mental health. So our office could have a role with respect to that as well.

And it means finding out from the young person how that representation is going. And we've made some larger recommendations in terms of some checks and balances. Some of these young people in overextended foster homes would benefit from having access to legal counsel and perhaps putting their issues and their concerns back before the courts. So we facilitate that.

And that becomes the responsibility at our early resolution advocacy desk. Because there's limited capacity in terms of the number of lawyers available, we're in touch with Pro Bono Law Saskatchewan to determine when that number, when the referrals have to stop for a given month. Because we don't have a limitless pool of lawyers who can do this work.

And then there is discussion, as I said, with the young person to get feedback. What can we learn from that experience? How has the representation met the needs of the young person? This is done in different ways in different provinces. And in Ontario there's a very large office, the Office of the Children's Lawyer, which has been structured and developed to provide this representation. In Alberta there is, within the Alberta children's advocate office, there is a separate part of that office that administers child representation within the province. Now they're administering and training and providing quality assurance, but they are given quite a substantial budget from the provincial government to administer child representation.

[14:30]

So this is all done through goodwill and pro bono representation. I just want to raise the point that this is being done. We've taken this on. And we've just taken the position that this is only an interim solution. This is not a long-standing, permanent solution to provide representation in this province. It's purely ad hoc. It's an interim, band-aid solution. But we're doing this on a pro bono basis as well.

Mr. Taylor: — Thank you very much.

The Chair: — Any further comments or questions from the committee members? I thank you, Mr. Bernstein. And I believe

you also had another gal with you, Bernie, and wasn't there someone at the back who was with us? Or is that . . . [inaudible interjection] . . . Oh okay. Sorry.

Mr. Bernstein: — Sometimes people think they're interchangeable but they work in two different offices.

The Chair: — Very good. Well thank you very much for your attendance here this afternoon.

Mr. Bernstein: — Thank you for the opportunity. Thank you.

Office of the Provincial Ombudsman

The Chair: — At this time we'll move on to the Office of the Ombudsman, Mr. Kevin Fenwick, who has joined us. I believe Lynne is one of your staff people who has joined you as well, and I understand we picked the right day for you to present this up before the committee on behalf of the office, hoping to add a little bit of relaxation as well. So we're glad you're able to join us today. And the floor is yours and then we'll open up for questions.

Mr. Fenwick: — Thank you, Mr. Speaker. Yes, Lynne actually is just back from some holidays, as you can tell from her tan. I wish I could say the same. And I would like to introduce Lynne Fraser who is our manager, administration, from our Saskatoon office, and she did actually come down with the folks from the Children's Advocate's office. In our ongoing effort to always combine costs and save money of course we had them travel together. But I'm proud to claim her certainly as a part of our office.

What I propose to do this afternoon is to just hit the highlights of the written submission that we had made to the board. I certainly would be happy to take questions at any time either at the end or during the presentation, and we certainly would be happy as well to obtain any additional information that you might need after the fact if we can't answer questions today as completely as you would like.

I don't propose to comment extensively on the introductory materials about our office. I'll limit my comments to those portions of how we operate that relate to what our budget request is, and that does lead me to talk a little bit about the kind of work we do in the context of what it is that we do in our office.

The Ombudsman and Children's Advocate Act sets out three key areas of responsibility for the Ombudsman. The first is to deal with complaints from the public. That always has been the core of our business, is now the core of our business, and always will be the core of our business and that's the way that it should be.

Our experience of the last three years suggests that we've hit a bit of a plateau, and it's a good thing in terms of the number of complaints. Over the course of the last decade there was some fairly considerable variation in terms of the numbers from one year to the next — a period of increases, a period of decline at times — but for the last three years our numbers have been almost identical from a year-to-year basis, and so we are assuming that that's something that we can look forward to in

the future unless there are significant changes in the way that we do our work.

Specifically with respect to last year, there is a slight increase, about two and a half per cent, in the number of complaints we received. The larger increase was with respect to the out-of-jurisdiction complaints, but two and a half per cent when you're talking about 3,000-and-some complaints isn't a large number. So essentially steady over the last number of years.

With respect to that most important part of our mandate, with respect to responding to public complaints, we're asking for the necessary funds to maintain the programs in the same form they were last year. We talk about it as status quo programs which, for the reasons that I'll outline, doesn't necessarily mean status quo funding but it's the language that we use when we're talking internally. That status quo programming does involve our request for some increased funding for those programs. And I'll just very quickly, if I may, outline for you what those increases are.

All of these costs, I would suggest, are numbers that are beyond our control. They're agreements that have been reached elsewhere. They're salary increases or adjustments in rent that we're going to have to absorb. It's not as a result of anything that we have done.

We have 20 full-time equivalents in our office. Of that number 20, there are only two that are in scope and 18 that are out of scope.

With respect to our in-scope staff, there's a 3 per cent economic adjustment on October 1st which is going to cost us about \$1,200. Our two in-scope staff are also entitled to some regular increments. That's going to cost us about \$1,400.

The largest increases obviously for us are with respect to our out-of-scope staff because that's the majority of our staff. They are scheduled to receive an adjustment of 3 per cent on April 1st which is going to cost us a little over \$50,000. Some of our staff are not already at the top of their salary range, and they are entitled to additional salary increases that we expect will cost us \$16,800.

One person on our staff has been reclassified and the cost of that adjustment will be \$11,000 over last year's budget. And there's an increase anticipated in the flexible benefit, which will cost us about another \$1,000. These numbers aren't all exact; it's what we've been told to expect. The combination of those adjustments affects our personnel costs by a total of \$81,500 over last year. And that works out to about 5.1 per cent of last year's budget.

We've been told to expect that the cost of our accommodations will increase by a little over \$4,000 — 4,140 to be exact. And for our other non-personnel services, we've used the 2 per cent suggestion that we were asked to use as a guideline. So the increase in our non-personal services is about \$9,500 or 2.2 per cent.

After factoring all of those in as well as the statutory expenditures, in order for us to maintain status quo programming, therefore, what we're asking for is a 5.1 per cent

increase in that portion of the budget. And I always shake my head when I look at that and, 5.1 per cent, how can that be status quo? But it is in terms of maintaining the same staff that we have now at the same levels that we have now, based on what we've been told we should expect in terms of costs.

The second part of our work, and it's becoming a more important portion of what we do, is what we call our own-motion or systemic investigations. We are now looking on a regular basis at larger and more complex issues.

The language I often use is contained in two phrases. One is that if we receive 10 complaints this year about the same issue we received 10 complaints about last year, then we haven't done our job. We need to look — and this is the second cliché that I use — we need to look beneath the tip of that proverbial iceberg at what the underlying issues are to find out what it is that's going on that's causing a number of complaints to come to us about the same issues, so that we can get beneath the surface and look at those underlying causes and try and address them.

I do believe that that's part of the reason, a significant part of the reason that our numbers are stabilizing now as opposed to the increasing numbers of complaints that we experienced for a number of years. We're trying to get at the root causes and I think we're seeing positive results as a result of that.

The difficulty with those systemic investigations of course is that they are very complex and they are extremely resource-intensive. The people that are working on those particular kinds of investigations really dedicate themselves for a number of months to one particular file or maybe one and a half files and nothing else. And at the present time we've been able to allocate about 1.5 full-time equivalents. We have one person who does almost exclusively systemic work, and one of our managers supervises those programs or that program and works on it extensively as well. So it works out to about one and a half positions working almost exclusively on those major or systemic investigations.

I believe strongly that that part of our work delivers great bang for the buck for the people of Saskatchewan because we are getting at those underlying problems, because a review that we do that might have been based on one or two complaints often has an impact for hundreds, sometimes thousands of people. And I could certainly give you many, many examples of where that has been the case.

If you're interested, and I certainly would entertain a question in terms of the kinds of own-motion investigations that we're currently engaged in, the list is always reported in our annual report. We can only at the present time manage one or two, maybe — if they're relatively small — three of those a year. That's not very many. We have a waiting list right now of issues we'd like to tackle that is much, much longer than that, and when we get our management team together monthly, we reprioritize that list and try and figure out which is the most important of that list to move on to next.

I'll just mention one of them though, if I could at this time. We've just recently completed a handbook for administrative tribunals called, not too romantically, *Practice Essentials for*

Administrative Tribunals. Not a very catchy name, but it's accurate.

We did that work partly as a follow-up to the major review that we tabled in the Legislative Assembly in December of 2007 entitled *Hearing Back*, an examination of timeliness for Saskatchewan's administrative tribunals. When we did that review, one of the things we heard from the number of administrative tribunals that we talked to was that they needed more training and they needed a desktop resource manual, something that these, for the most part, lay people who sit on these various boards and commissions could turn to as a guide when they encounter something that's maybe a bit out of the ordinary. We tackled that project last year, and during the last year completed that project. And it's just recently been published on our website, available at no cost, and through the Queen's Printer actually at nominal cost.

The feedback we've received so far both from within Saskatchewan and without has been very, very positive. And the material we submitted . . . I left you with a couple of captions from some letters that we've received from some senior individuals who worked in administrative tribunals in Saskatchewan for many years. We firmly believe that this manual will considerably increase the value and the level of service of many of the boards and commissions in the province. And I hold that out as an example of some of the good work that I think gets done through our systemic reviews.

What we're finding, however, is that while the one and a half people that we have dedicated to that work are very competent and do the work very well, as we move from one topic to another with these systemic reviews, we're often short of subject matter expertise. So we might move from something in the administrative tribunal field to something in the health field to something in the insurance field. And we often feel the need to bring an outside expert in from time to time, usually on a three- to four-month basis on a contract, to provide us with the specific subject matter expertise that we need.

With respect to this second part of our work therefore, our own-motion investigations, we are asking for \$70,000 in new money which would allow us to contract for that outside expertise for two or three of those systemic files a year. What we have found is when we do that it costs us anywhere from 20 to \$30,000 per file to bring someone in for two or three or four months. And that's what that \$70,000 would allow us to do. It's not increasing the number of full-time equivalents in our office, but it would be providing us with the opportunity to contract for that specific expertise. And again we believe that that's a very good investment, good bang for the buck, and that particular request is the same one that we actually put before the board last year.

The third part of our mandate under *The Ombudsman and Children's Advocate Act* is with respect to public education, fair practice training, and communications. We're not asking for any increase in funding in that area. We currently have one person who's coordinating that work and wearing three hats and doing a very good job doing it. We have this year assigned one of our assistant ombudsmen to work primarily in the fair practices training field. And that's been a good experiment that's paying dividends for us as well.

Members of the board who have been on the board before may remember a phrase that I've used in the past when I describe our fair practice workshops, and that is that we no longer just go out and make presentations to government agencies about what to do when the Ombudsman calls. What the fair practice workshops are about is going to government agencies and telling them what to do so the Ombudsman doesn't call. We have so far, I think, had unanimous response on our evaluations to the question: will this help you do your job better? And the unanimous answer has been yes.

[14:45]

We have agencies that are requesting that training. We don't advertise it. We will sometimes see a problem area in a government agency where we think the training would be helpful, and offer our services. Other than that, it's simply word of mouth. And requests are coming in, and quite frankly we're struggling meeting the demand but we're doing the best we can.

There is one small item that we're requesting in the budget that — and I'll speak candidly — we would find in our own resources anyway if it wasn't granted by the board. But it's a one-time expense and that is because it's Saskatchewan's turn in 2010 to host the national conference of the Canadian Council of Parliamentary Ombudsman. That's our national organization of parliamentary ombudsmen only. And I'm very happy to be hosting a wonderful group of people this year.

We have a pattern that's developed over the last number of years for these conferences, and that is that everyone pays their own way and pays their hotel, but the host province will generally cover the cost of the meetings and the lunches and the receptions, etc., while they're here. And so what we're asking for is what I would suggest is a rather small sum of \$5,000 to offset those costs as a one-time request.

And then there's one item left, of course, and that's the big one in our request. And that's with respect to funding for a health ombudsman unit. This is without a doubt the big-ticket item in our budget request this year and it is for the establishment of a specific health ombudsman unit within Ombudsman Saskatchewan. I'll take a couple of minutes if I could to talk about the history of how that developed.

Members of the board, I think, will be aware that there was a particular plank in the current government's election platform in the last campaign which was for the creation of a health ombudsman office. And the price tag that was attached to that was about \$1 million.

After the election, I asked our staff to prepare a background document on different models that are in use around the world for delivery of health ombudsman services. I specifically said, I don't want this to be a position paper. I think that we should be open to all our other kinds of models, and this was not about turf protection for our particular office.

We looked at models in Britain, in New Zealand, in Canada, in the United States, and Australia and presented — originally in draft form — to the ministries of Health and Justice a background paper on a number of different models including, as best we could determine, what the cost per capita was of those

various models. There were essentially seven different options that we were able to find. And when we were asked for our opinion, we suggested that three of them potentially made sense for Saskatchewan.

After some discussions with both of those ministries, government advised that it was satisfied that the best place for that work to be done was within Ombudsman Saskatchewan and would be supportive of us taking an enhanced role in the health field.

So the proposal that we have before the board today is the result of our research and planning with respect to how we could enhance our services significantly in the health field and deliver what I think would be, while not a Cadillac model, would certainly be a very, very good model for ombudsman work in the health field.

What we're proposing is a unit within our office that would consist of four full-time equivalents: a manager or director who would be managing and directing part-time, but would also be very much a hands-on researcher, investigator, educator, etc. We would hire two people who would be assistant ombudsmen, similar to what we have now, with a background and a skill set in the health field — not necessarily all health care professionals or hands-on practising professionals, but I think all with experience in the health field. Our goal would be for at least one of those people to be of a First Nations or Métis background. And then they would need some admin support as well, which is the fourth body that we're talking about.

For the same reasons that I had mentioned with respect to our systemic reviews, we believe we would also need to bring people in from time to time on a contract basis to deal with very specific areas in the health field. It is a very complex industry, and someone with a health care background in ophthalmology may not have the expertise that we need with respect to breast cancer. So there may be times when we would need someone to come in on a contract basis, and our proposal includes some funds to do that as well.

We would look at this unit both to deal with individual complaints and to do systemic reviews. Both of those points were actually in the Saskatchewan Party's election platform, both the systemic and the individual complaint perspectives, and we think that's correct and appropriate. We would see the people that would work in this unit as working very closely with the client care coordinators and the client representatives that are out in the field now in the health regions. Those people do good work. They do valuable work. We regularly have referrals from them to our office, and we regularly refer complainants who come to us to those people if they haven't yet been in contact with them.

We think that this unit, certainly for the first number of months, would also have a very, very important public education role, building up relationships and networks with people that are working within the health sector now and educating the public that we have a larger role to play than we've been able to accomplish in the past.

And just as an aside, this is something that just came to my attention the other day. Members of the board may recall that

there was some press around the health ombudsman unit in January of this year. One of the reporters for *The StarPhoenix*, *Leader-Post* is diligent about calling me every six months or so for updates on the health ombudsman unit. And so there was some quotes, I think, in the media from the Premier and from the Minister of Health, and as a result there was some buzz created, if you like, around the health ombudsman unit.

That little bit of publicity has resulted in the month of January in about a 50 per cent increase in the number of complaints that have come to us in the health field. Now the numbers are relatively small in the big picture, and I don't know whether it will continue for the year. But it illustrates, I think, how much more valuable we could be in that area if we could get out in the field and make ourselves better known within the health sector.

I recognize that this request is a very significant one in times of restraint, and we don't make the request lightly. I also will be very frank with you in saying that we haven't ignored the fact that these are difficult times to be asking for money for new initiatives and would point out that this is, while absolutely in our mind a worthwhile endeavour and something that we think would add great value to the services that our office can provide, this is not something however that is just us coming forward and say, please give us some more money because we want to expand our service. This is a direct response that we have made to a promise that was made in the last election campaign.

And I don't want to get into the politics of it, but I certainly don't want to leave the board with the impression that we're here just asking for a big stash of extra money. And I would point out, as I said, that while the amount that we're requesting, a little in excess of a half a million dollars, is a very large sum of money, it's approximately half of what the original estimate was.

I think that our office has worked very hard and continues to work very hard to be fiscally responsible. We have over a number of years, because we have expanded our role in the systemic, own-motion area of our work, had to find resources to do that from within. We've done a number of things and I'll just very quickly mention some of the small, individual but significant when taken together, cost savings that we've accomplished.

We're saving now about 55 or 60 per cent on our paper costs by going to a lower grade of paper. We're doing much, much more work internally now. We purchased a binding machine that means that now we can produce materials internally without having to send them out to outside printers. That has saved us a considerable number of thousands of dollars per year now that we've been able to dedicate to our systemics. We've reduced our reading and materials budget by about \$2,000 a year. We've reduced our computer hardware budget by about \$4,000 a year.

I think I mentioned this last year, I'm not sure, and I don't want to sound too altruistic here, but I gave up my CVA [central vehicle agency] and now drive a personal vehicle, which has a cost savings to the office of about \$6,000 a year. I don't want to sound too altruistic because, to be frank, I much enjoy driving my Honda Civic more than the government-issued Impala. So there's some selfish reasons here as well. But the fact is is that

there's a saving there of about \$6,000 a year to our office that we've been able to dedicate to those systemics.

We've looked again and we just don't see where there's money that we can save in our office now by cutting those corners and trimming the fat, as the phrase goes. What's left is that almost all of our budget is either salary or is fixed cost in some or other way, such as rent, and therefore we have very little control over the changes. The compensation that has been suggested to us, or already agreed to, is about 5.1 per cent. The non-salary items we're told we already have to expect are built in to the proposal that we're making now.

So what I'm suggesting to you is this is a status quo budget with respect to those specific three exemptions: \$5,000 for helping us assist with the conference costs; \$70,000 so that we can do a better job in systemic and then the big-ticket item, of course, which is the Health budget. And I'm open to any questions that you may have and thank you very much for your attention.

The Chair: — I thank you very much, Mr. Fenwick, for your report. We'll now open the floor for any questions, if any, of the Ombudsman. Mr. Taylor.

Mr. Taylor: — Just one question to start. By and large, I just wanted to let you know that I find the entire proposal to be very well done, gives us lots of information to work with. And your presentation today was very useful in terms of evaluating it.

You've made reference, as far as the health unit is concerned, you made reference to the election platform of the Saskatchewan Party and the comments made by the Minister of Health and the Premier a few months ago that appeared in the media. Has the Minister of Health or the Premier either directed you now to present this to the Board of Internal Economy or does your recommendation come with their acknowledgement or support? I guess what I'm asking is, are you asking the Board of Internal Economy to act on this before the Minister or Health or the Premier has authorized this particular direction for the satisfying of his or their election platform promise?

Mr. Fenwick: — Thank you for the question. Certainly there's been no direction. I would say two things. As an independent officer, I wouldn't want there to be direction. And the flip side of that is, we wouldn't be making the request if we didn't think it was a good idea.

The minister, I believe, and I'm not going to be certain at all about the dates — I think as long as perhaps a year and a half ago, maybe a year ago — in the legislature in response to a question I believe indicated in the House that the decision had been made by government that it was not necessary to create a separate office or to pass a separate statute creating a health ombudsman.

By way of background, there are two ways that a separate statute might affect the health ombudsman. There are some states in Australia where they have a separate piece of legislation that creates a health ombudsman and they have a stand-alone separate office specifically for health. There's also the British model where there is a separate statute for the health ombudsman but the ombudsman of general jurisdiction is appointed to do that work under the separate statutes. So you

have one individual doing the work or administering the work but under two different Acts.

What the minister said in the House, as I understood it, was that the decision was that the work could be done effectively within the structure of the existing Ombudsman. What we have been told is, resources permitting, that government would be supportive of us taking an expanded or an enhanced role in the health field. And clearly we're supportive of that as well. There's been no formal commitment to us made by the Minister of Health. I've had no discussions with the Premier about the issue at all and I've had no direction from the Premier in any way. So I hope that answers your question.

Mr. Taylor: — Yes it does. And I appreciate that but also what I'm trying . . . What you just gave me pause to think about is, the secondary question is you're therefore not aware that either the Minister of Health or the Premier is or are doing other work to in fact create a stand-alone office; that as far as you are aware this is the only work that's being done to satisfy the election promise and yet you've received no direction to do so.

[15:00]

Mr. Fenwick: — That's correct. No direction. My belief is, from the conversations I've had with the minister, that there is no other work being done — that what will be done in this unit will be done within our office, to clarify that. But again, have we been directed to make this request? No we have not. We're making the request because we think it's a very good idea.

Mr. Taylor: — Thank you very much.

The Chair: — Any further questions from the committee members? Seeing none, thank you very much, Mr. Fenwick and Lynne, your staff person, for coming down and being here this afternoon. Safe travels.

I'm going to suggest we take a 10-minute break to 3:10 just to give individuals an opportunity to stretch their legs, replenish their coffee cups, whatever else needs to be done. And we'll resume at 3:10. Thank you.

[The board recessed for a period of time.]

Office of the Information and Privacy Commissioner

The Chair: — Well members, we'll call the committee back to order. And with us this afternoon we have Mr. Dickson and his staff who have joined us to make their presentation on the Information and Privacy Commissioner and the challenges or lack thereof that they're facing. But so welcome, Gary and your staff, and I'll invite you to make your presentation, introduce the staff and we'll go from there.

Mr. Dickson: — Thanks very much, Mr. Chairman. Good afternoon members of the board. With me is Pam Scott who manages the operations part of the, I call it the Office of the Information and Privacy Commissioner or OIPC for short. And Diane Aldridge on my right is our director of compliance.

So before I consider looking at the details of our 2010-2011 estimates, I know that both Minister Morgan and Minister

Harrison are new to the board, and I had planned on spending a couple of minutes reviewing the mandate of the OIPC for the benefit of the new board members and a bit of a quick refresher for the longer term members.

The OIPC oversees, it would be something in excess of 3,000 organizations in Saskatchewan that are subject to either or one or more of *The Freedom of Information and Protection of Privacy Act*, or FOIP for short; *The Local Authority Freedom of Information and Protection of Privacy Act*, or LAFOIP for short; or *The Health Information Protection Act* or HIPA.

FOIP and LAFOIP require that government institutions and local authorities operate firstly as transparently as possible to be accountable to the citizens of the province, and secondly that they respect and protect the privacy of citizens when it comes to the personal information that they collect, use, and disclose in the course of providing important public services.

You may recall my annual report from last year. I talked about the last year as being the year of the privacy breach in Saskatchewan because we simply had seen so many more of those kinds of complaints to our office. So what we have currently as FOIP applies to a list of more than 80 government institutions that includes all of the ministries, all of the Crown corporations, and then a list of provincial boards, commissions, and agencies.

LAFOIP applies to municipalities, and that may be a city the size of Regina or it may be a one-person RM [rural municipality] office. It applies to boards and commissions that municipalities are able by statute to create. It includes library boards. It includes schools and school boards. It includes regional health authorities. It includes universities and colleges.

[15:15]

And then the third and most recent statute we oversee is *The Health Information Protection Act*, or HIPA. And in that respect, and this is where our numbers really balloon. This is how we get to the 3,000 plus, Mr. Chairman and members. If you think that it applies to every health information trustee that has custody of personal health information, it sets, it's really designed to facilitate the electronic health record that's being developed in our province for each one of us. And it sets out the rules for the collection, use, and disclosure of personal health information. It also sets out the rules for how patients get access to their own health record, their own health information, and how they can correct errors.

So who's a trustee? The list is a long one. It includes the usual suspects — the Ministry of Health, the regional health authorities, the Cancer Agency — but it also includes the regulatory bodies. We have, I think now — Mr. Taylor will probably recall better than I — but I think we have something like 27 regulatory bodies for health provider groups in our province. So it would be each one of those colleges qualifies the trustee and then each one of the members who carry on a practice and have custody of personal health information. So it's every medical clinic in the province and every dentist's office, every physiotherapist, every psychologist. All of those people in the course of providing their important health services qualify as trustee and are subject to HIPA.

So we have one of the broadest mandates, as I've told the board in the past, in the country, yet one of the smallest offices to manage that mandate. In fact if we leave aside Nunavut and the territories and the Yukon, the only provinces that would have a smaller office to address this kind of a mandate would be Nova Scotia and PEI [Prince Edward Island].

So these two themes recurring in the legislation we oversee: public information needs to be accessible, people should be able to see their own personal health information; and on the other hand, personal information when it's held by any public body or by a trustee needs to be protected.

The role of our office, sometimes called that of being the umpire in the information age, has four primary parts to our mandate. The first one is we review decisions by public bodies or by health trustees to deny someone access to records.

Members may recall it was just in December I had tabled . . . Sorry, I don't table, I submitted to the Speaker for tabling in the Legislative Assembly a report we had done on how our regional health authorities are managing access by patients. And you may recall in that report we looked at 12 regional health authorities. We found three of them were doing what we found was an adequate job in terms of accommodating patient access.

What that meant was we have nine regions in our province that weren't doing an adequate job in terms of facilitating access by patients, in fact were putting obstacles, different kinds of obstacles in the path of patients. In some cases, it was requiring a patient to agree that when they were getting their own information it was confidential, as if somehow the patient couldn't share the information with whoever they darn well pleased. In other cases, somebody had to sign a waiver of any claims or liability against the regional health authority in order to get their own information. Those are the kinds of barriers I'm talking about.

The second kind of area we deal with is investigations into breaches of privacy. Let me give you some examples of the kinds of things that have come in to our office so far in this year.

We have a pharmacist who is alleged to have gone into the PIP, the pharmaceutical information program — it's part of our electronic health record — and on nine different occasions viewed patient profiles for people that he wasn't actually providing pharmaceutical services for. He did this for personal reasons.

We had faxes sent by 32 different trustee organizations in our province to the wrong fax number that belonged to a private business. And in many cases, this was done repeatedly until the private business finally said, enough; we don't think we should be seeing this personal health information of patients. And they contacted our office.

We have a pharmacist discarding boxes of patient prescription information in the landfill, and of course it turns up and people find it. And we have health region employee who allegedly viewed and altered a co-worker's electronic health profile.

We had an harassment complaint that was allegedly shared internally at the employee's workplace with all kinds of people who had no legitimate need to know that information. A government institution mailed another person's personal health information to the wrong individual. An employer used employee contact information to solicit for donations. An instructor shared information about a student with her ex-boyfriend without the student's consent.

The third thing we do as part of our statutory mandate is we help public bodies and trustees become compliant. We provide what we call detailed advice and commentary. We think this is an important part of what we do. If we can encourage the bodies we oversee to develop better practices to manage transparency obligations, if we can promote better privacy protective measures, hopefully that should translate into fewer complaints down the road and certainly more satisfied residents in the meantime.

You may recall in the Patient First Review, when Commissioner Dagnone produced his final report, one of his key recommendations was that Saskatchewan Health needed to work closely — this is on page 44 — with the Information and Privacy Commissioner office to ensure that patients are going to have appropriate access to their personal health information in the electronic health records system. So that's an area that consumes a lot of our attention.

And then finally we provide education to the public in terms of the laws that we oversee and how they utilize our office.

Now when I come in front of you today, I'm very mindful of the public statements that are being made by Minister Ganteferre about spending restraints. And I also have clearly in my mind Mr. D'Autremont's advice from . . . It's certainly been more than one year that this government is anxious to avoid increasing the size of government faster than the size of the population. That's a paraphrase, Mr. D'Autremont, but that's kind of the message I think you were delivering to me last year.

Nonetheless, Mr. Chairman, mindful of those things, you've just in the past year reappointed me for another term of five years. And I think that my role here is to do the best job I can, to tell you as frankly as I can what the Information and Privacy Commissioner office requires to do, not what we think it should do, but to meet the mandate imbedded in the legislation in those three statutes I'd mentioned at the beginning.

I'd also make this observation. At a time of government restraint — and that certainly is where we are today, when public bodies are cutting back — my experience is, and maybe this is the experience of some of the members of the board, is that it becomes even more important to ensure that your Provincial Auditor, that your Information and Privacy Commissioner are appropriately resourced. Why? Because if you have fewer public servants expected to do more work, there will be a temptation for some folks in government to cut corners and to cut corners in some cases where it means breaching one of the three statutes we oversee, statutes that guarantee information rights to citizens.

Another observation I'd make is that much of our mandate and our role is a reactive one. It's driven by complaints from your

constituents, from the public in Saskatchewan, and increasingly complaints that are relayed by your constituency offices. So obviously from our experience, we have, if we oversee 3,000 bodies — I'm not suggesting they're all operating in violation of the statutes — but we certainly have too many public bodies that aren't doing what the law requires.

So, Mr. Chairman, I'm asking for an increase this year, an increase, a significant increase of \$129,188 over the appropriation I received a year ago. That allows us to hire a single additional portfolio officer or investigator, related costs, and covers a rent increase since our lease is being renewed. I'm not proposing any new . . . I'm not proposing to expand our mandate. I'm not proposing new programs. I'm talking about what we need just to do to meet the mandate that was created 18 years ago in this province when FOIP was first enacted.

So members may be asking themselves, why is Dickson here asking for \$129,000 in additional funding? The answer, Mr. Chairman and members, is straightforward. As members will know our workload has increased year over year; this year it's exploded.

In each of the last three years, I've come in front of the board and I've asked for an additional portfolio officer and I've been denied. Our situation however has frankly deteriorated. We've gone from grim to desperate. The OIPC is in crisis, and I don't use this language loosely or carelessly. When I was first selected by an all-party selection committee in the summer of 2003, I was advised that the intention of our legislature at that time was to grow this office so that we would achieve an access and privacy regime in Saskatchewan not unlike what existed at the time in other Canadian provinces. Unfortunately the resourcing, the support hasn't kept pace with the demand, with a result we've been falling further and further behind.

I'd refer members to the Estimates book; there's a bar graph on page 5. If you look at that, that shows for the first nine months a year ago, the first nine months this year, we've gone from 103 new files opened to 220. That's an increase of 113 per cent. This isn't all of the work we do in our office. This is simply the responding to access denials and responding to breach of privacy complaints.

If you flip over on the next page, this is probably a more useful graph on page 6. You will see active files. Now an active file is, we take the files that we've opened in the current year, plus the files that are held over that didn't get resolved from previous years, less the files we've closed. What we're left with is active files. A year ago it was 234. Currently it's 376. So we have a 60 per cent increase in active files in our office.

Now you may say, so what's the big deal with a 60 per cent increase? Well it comes down to this. In our office we don't have six portfolio officers like Manitoba or Newfoundland and Labrador. We have three. What that means is, the individual average caseload for one of our three portfolio officers would be 130. It's actually 120, but each of those officers also signed some detailed advice and commentary files, so you're looking at about 130 files for each one of those investigators.

What you may not know is that we monitor what goes on across Canada in other offices. And the average caseload in other

Canadian information privacy oversight offices would be 30 to 40 cases per portfolio officer. So the reality in Saskatchewan, we're expecting each of our three portfolio officers to carry a caseload which is a three to four times heavier than those of their counterparts in other provinces.

Now that's not all the work we do. If you look at the graph on page 7, inquiries, you can see them year-over-year increasing. This was an increase of 14 per cent from last year; 2,689 times in the first nine months of this current fiscal. We had your constituents, members of the Saskatchewan public, in some cases they're people working in public bodies, pick up the phone, phone our office, say, we need help understanding. Can we do this? Can we not do that? What does the law provide? Where do we find tools and resources to manage this? In some cases I say it's members of the public. It may be a constituency assistant. It may be a government employee who wants to know what they can and can't do.

[15:30]

And there's a bit of an overview, if you flip over onto the next page on page 8, which just shows you the significant increase in every facet of the work we do.

So I should say, you may say, well this is just your office. But let me hasten to remind all members of the board, on Friday I was meeting with the Minister of Health, Mr. McMorris, on another matter and with his privacy officer for the Health ministry. She confirmed that they have seen an explosion in requests coming to their office. We now have, in Health, a substantial access and privacy office. There are about six people involved, working on that. They say they've seen a spike in terms of requests for help, issues, problems.

The access and privacy branch in the Minister of Justice. I meet with him every two months, the director of that office. He reports an increase in activity in the kinds of work that they do.

So just to summarize, we have greater demand from the public because the government institutions, local authorities, and trustees aren't all doing what the three laws in place require them to do. Citizens come to our office, as the law allows them to do, and we can't help them in any kind of a timely way.

So the 129,000 we're asking for in addition, the sad reality is it's not going to significantly reduce our backlog any time soon. It's not going to stop your constituents and the members of the Saskatchewan public from having to wait one, two, or three years to have their complaint resolved. It simply means our backlog and the delay won't be aggravated. It won't get worse than it is now.

So I respect the board's right of course to make whatever decision the board thinks is appropriate, but you deserve my assessment on the consequences. I can tell you this: in the last two years, we spent more and more time dealing with complaints, not about what the public body didn't do, but about the delay in our office finishing our reports. That's time diverted from actually being able to work on the files.

I also would point out that to deal with expectations of public, we're going to have to start advising new complainants, new

applicants this spring that we're not going to be able to get to their file for 12 months, 18 months. We have to be upfront with them because otherwise we're simply getting, we're spending too much time on the phone trying to explain why the delay. We already get complaints from MLA constituency offices that they hear about delays, and I guess I'm here to tell you, you will likely get more of those complaints.

The other consideration is it's awkward for us and it hurts our credibility when we try and get after public bodies that take too long to respond to citizen complaints when we still have complaints in our office from 2004, 2005. There's important work we can't get to.

In October the Canadian Stroke Network came to my office. They're undertaking a national audit of stroke victims. They asked for our help in understanding what they need to do to change their program to comply with HIPA in Saskatchewan. I haven't been able to get to that because we've had a 26 per cent increase in those kinds of requests. And I have ministers who are telling me that they have priority needs to review proposed legislation or new programs and that's been my priority.

I got a call from the woman with the stroke foundation two weeks ago. She said, Dickson, you need to know that every other province in Canada's now signed off on this and they're rolling out that stroke study in those other jurisdictions. Saskatchewan is the one they haven't been able to proceed with. I think that's probably a good project. I think it's probably going to lead to better health outcomes. And I want to be able to get to that and I want to be able to support that, but I haven't been able to get to it.

So I think, with only three portfolio officers, we have no capacity to deal with vacation, illness, leaves of absence. Long-time members of the board will recall we had a portfolio officer who died suddenly. We've had a succession of one and two year mat leaves that of course we didn't plan for. We've told members in the past, you just can't hire somebody off the street to do this work. It's a nine-month training program and that makes it exceedingly difficult to fill a mat leave. By the time somebody gets trained up, the person they're replacing is back to fill the spot. So we keep falling further and further behind.

We also get further away from my goal, which has always been a five-month turnaround for most of the files we have. I understand the board and the Legislative Assembly, I thought they accepted that goal because I've been talking about it for four years and I've never heard a contrary indication from either body. But we're obviously far from that.

I just finally tell you that the Alberta Court of Appeal, the highest court in that province, dealt with delay just two weeks ago. They were dealing with a case that went to the highest court. It was a complaint against my colleague, the Alberta Information and Privacy Commissioner, for delay. And there's a different law in Alberta. They actually have to, the commissioner has to finish cases within 90 days there. We don't have that limitation or qualification in our Saskatchewan law. But here's what the Alberta court said, and I quote:

Timeliness is a necessary feature of how ... [and I mention the Alberta statute] serves the public interest. Academic debates about privacy encroachments years after the fact are not likely what the Legislature had in mind. Both claimants and respondents have a reasonable expectation of timely resolution of complaints.

And I leave it to the board to decide what the Saskatchewan approach will be or ought to be. And if I've just considered the numbers and the statistics I told you about this afternoon, I think I probably should be asking for three more portfolio officers. But in the current fiscal situation, I think clearly that would be irresponsible of me.

But on the other hand, it would be equally irresponsible of me not to advocate today as forcefully as I can, as forcefully as I'm able, to get at least one more portfolio officer. So for all those reasons we are in crisis. I need, we need the assistance of the board to deal with that crisis. And I'm happy to deal with whatever questions or comments the members of the board have, Mr. Chairman.

The Chair: — Thank you very much, Mr. Dickson. Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. Mr. Dickson, within the Saskatchewan context has it been raised, either in the courts or from any law offices, that delays in responses from your office are affecting potential court cases? And if that's so, does that in any way put liability upon the province or upon the office of the commissioner?

Mr. Dickson: — What's interesting, it's an interesting question because members will realize that if an applicant is dissatisfied with ... Let me come at it this way. Somebody's trying to access records. We investigate. We recommend they should get access. The public body has 30 days to say yes or no. If they say no, the applicant has 30 days to go to the Court of Queen's Bench and ask the court to do a *de novo* or start from scratch, and they could issue a binding order. I have probably, in the last month I've seen three or four letters from lawyers saying, we expect the public body is going to say no, whatever you recommend. Would you just get on and make your ... issue your ready decision because we can't go to court until you do that. And I have to tell them, I understand your concern, but frankly we have a lot of reviews that are older than yours and I can't get to them.

So I'm not aware of any pending court cases where FOIP is an issue and where there might be that sort of direction. But I can certainly tell you that there are a number of applicants that are chomping at the bit because they can't go to court. They can't get a binding order for documents to be released because the logjam is our office. We haven't been able to issue a report.

Am I being responsive? I don't know what else I can tell you. I'm not aware of any other court cases.

Mr. Yates: — Thank you very much. If there were a class action lawsuit being proposed against the government for inappropriate housing or holding of documents or disclosure of documents, and they weren't able to get the information in a timely manner from your office, does that in any way affect the court case or in any way increase liability on the government?

Mr. Dickson: — Yes. I'm always mindful that free legal advice is worth exactly what you pay for it, and so I don't think I'm in a position to offer you any legal advice. I think that there are . . . The risks that I'm thinking of are less sort of legal liability on the province than the total loss of credibility in our office, which to be honest is a far more worrisome thing for me. As I said before, how can we require public parties to be paying attention and responding in a timely way to citizens when it's taking us two and three years to conclude a report?

Mr. Yates: — Thank you very much. Those are all my questions.

The Chair: — Mr. D'Autremont.

Mr. D'Autremont: — Thank you. Thank you for your presentation, Mr. Dickson. How many staff do you have in your office?

Mr. Dickson: — We have eight staff, including me.

Mr. D'Autremont: — Has there been a change to the staffing complement in the last number of years?

Mr. Dickson: — There has. Not in terms of portfolio officers. That's the thing we've asked for for three years and never received. We have increased in terms of administrative positions. So we started off . . . When I first appeared — and you were probably on the original board six years ago — there was Pam Scott and Gary Dickson and that was it. And so clearly, we've grown. I'm not sure, am I responding to your question?

But for three years, we've asked for portfolio officers. And the problem is, you know, it's good to have administrative support. We've moved to the front . . . Ms. Scott now looks after intake, so that's something that portfolio officers don't have to do now. So we've tried to make other arrangements. But at the end of the day, it's only the portfolio officers that have the skill to be able to write the reports, to do the investigative work.

Mr. D'Autremont: — No, you answered the question because I was trying to recollect, I thought we had approved one more staff for you last year. And I wasn't 100 per cent it was your office or somebody else's.

Mr. Dickson: — No. It was an administrative position. We were grateful for that.

Mr. D'Autremont: — On the issue of, and you were talking about health, patients' records; who owns that information? Is it the doctor, the health district, or the patient?

Mr. Dickson: — There is a famous Supreme Court of Canada case, *McInerney*, which set a proposition which legislatures have tried to codify in all of the laws like HIPA. And what *McInerney* said was that it's the care provider who owns the paper record. This is before electronic health records were on the horizon. But that physician or hospital, they hold that information in trust for the patient, so the patient actually owns the information because it's about them. But the paper record, you might say, belongs to the doctor, the health region, the Cancer Agency.

But in the privacy sense, if the information's about Gary Dickson, it's my information, and I'm entitled to it. And under any of the laws in force in Saskatchewan, the job of the public body is to accommodate that request easily, efficiently, and in a timely way.

Mr. D'Autremont: — So the doctor owns the paper, but the patient owns the information.

Mr. Dickson: — That's the law. What's interesting is I'm just finishing a report which will come out soon which deals with . . . It's our first report we've looked at the electronic health record, which is interesting because it throws some really interesting issues of interpretation into play.

And so we have to decide with an electronic health record, it requires every doctor and pharmacist to upload patient information to this domain repository which is in the custody of Saskatchewan Health. And so when somebody accesses that electronically, so are they collecting it when they view it? Are they using it? Is it a disclosure? Those things we're going to be dealing with in a report, so that's going to be an interesting twist.

And I just encourage you to stay tuned because in the next month or so you'll see that report. And we're trying to take the rules in HIPA and sort of apply them in a way that will now be the way we'll always approach the electronic health records. We're still sorting that out, to be honest.

[15:45]

Mr. D'Autremont: — Okay. Thank you.

Mr. Dickson: — It's fairly complicated.

The Chair: — Further questions from committee members? I've got a couple comments here and questions. I noticed on page 3, you talk about the backlog increasing and being unable to provide proactive advice and assistance to ministers, Crowns, and local authorities. What would be the percentages of the caseload that comes directly from government agencies? And do you consider those priorities over other complaints that come to the office?

Mr. Dickson: — I think we probably have about 70 of them. I think you meant what we call detailed advice and commentary, when a ministry comes to us and they want advice in kind of a proactive way on a new program. I think we have, it's between 60 and 70 of those files. The one I'd mentioned before . . . 74, I'm advised, of those kinds of files. And so within it you do kind of a triage thing. So I've told you one of the ones that didn't get to the top was the stroke registry.

The ones that we tend to put a priority on is if a ministry comes to me and says, we've already booked our time with the legislative review committee. We want your two cents worth on this before it gets to that stage. If you don't give it to us, we're going to miss a legislative cycle. And, you know, so those ones I tend to put a priority on because it's likely going to affect a lot of people.

But there are lots of ones where it's . . . to be honest I'll take responsibility in each of those cases. With the advice of Ms. Aldridge, I make a call on which is going to come first. And everything we do, I feel sometimes like we work in a MASH [mobile army surgical hospital] unit. You see who's not breathing or who's hemorrhaging and you try and get the breathing going again or stop the bleeding. And those people that can breathe and aren't bleeding, or those cases then get put further back. And so that's kind of the way we operate.

But I wouldn't for a moment suggest that we always make the right call. And I'm sure I can be criticized for putting one file ahead of another, and that's kind of the nature of our work. But I must say it is part of our statutory mandate, and I view it as particularly important because it may affect way more than one individual complainant or one individual person is denied access. So we try and do some of both. I'm sorry, that's the best answer I can give you. I'm not being very precise, I'm afraid.

The Chair: — No, I appreciate that. And I thank you for that because, as you indicated, if ministries are asking for advice before they move forward with . . . or just to ensure that their legislation is not going to be challenged or at least face the least possibility of being challenged. And then if every other cases fall on the back burner, as you indicated earlier, as MLAs then we tend to get calls from constituents. And certainly I'm not immune of receiving those calls. And then you say, well chat with the Privacy Commissioner and find out where your file is because that's where the information's coming from. And sometimes some people can be quite impatient.

Mr. Dickson: — But to be fair, in another life I've made lots of access requests. And it's pretty frustrating if you get the information three years after you asked for it. It may be a shrug of the shoulders, and what's the point, you know, it's not useful to me now.

So I have enormous sympathy for people who are having to wait three years to have their matter resolved. I'm embarrassed that we can't do better. But I have to tell you, Mr. Chairman and members of the board, we have done everything I can think of. I've worked in this area for over 18 years, and we have done everything we can to sort of economize on time. We have some of the best skilled people I think in the country doing this work. They've been trained up to a high level. And, you know, we're closing more files. We're making headway. We closed over 100 files instead of 60 which was the year before. So in those respects I think we're doing everything we can to try and move on these things, sir.

The Chair: — Well I thank you very much. And given the last response and of your presentation as well, you indicated the dire need for one further portfolio officer. And I just don't recall if you indicated exactly how that would impact the files, outside of no doubt you'd be able to move forward on a number of files much more quickly. But with the files open going from 103 to 220, how would that impact that caseload?

Mr. Dickson: — Well I'd love to be able to tell you we're going to turn the corner. The reality is there's a reason Manitoba has 14 people in their office doing the same work. There's a reason Newfoundland has 13 people in their office doing the same work. Interestingly in both those offices they

have smaller caseloads than we do. Their numbers are significantly lower than ours.

All that's going to happen, Mr. Chairman, to be honest, is we're not going to sink further behind. The reality is we're not going to be able to put much of a dent in the backlog, and we're not going to be able to move much closer to that five-month goal that I think is ideal. It just means we're not going to fall further behind.

If you just looked at the numbers, I mean I keep on expecting it to level out. The experience in other offices is you have it sort of spiking up in the early years as people are finding out about the law and they're learning what they have to do to be compliant. And then it tends to plateau. I think that's the experience in the Ombudsman office here and some of the other longer term independent offices. But I keep on thinking we're going to get there. And so I'm surprised, to be honest, it's still spiking like it is. It's just a sign that we have a lot more work to do with public bodies and trustees, and making sure that they're meeting legislative requirements, sir.

The Chair: — Well I thank you very much. Certainly given the fiscal realities that we're facing today, I think it's important that, as independent officers, certainly you lay out the challenges facing your offices as well so that the board members as we're discussing these budgets have all the information that allows us to make more thoughtful decisions when it comes to the bottom line. So I want to thank you and Pam and Diane for coming and joining us this afternoon and your presentation to the committee.

Mr. Dickson: — Thanks very much.

Office of the Chief Electoral Officer

The Chair: — At this time we'll move forward with the Office of the Chief Electoral Officer. And I'll invite Mr. Wilkie to come forward with his staff to make their presentation to the board this afternoon.

I'd like to extend a welcome to David Wilkie and his staff who are joining us this afternoon. And first of all saying, giving our appreciation for the work that Mr. Wilkie has done in the interim as the Acting Chief Electoral Officer.

And given the challenges the office has been facing, we really appreciate the work, the time, and the effort you've put in to ensuring that the Office of the Chief Electoral Officer continues to function, move forward as we plan for the next provincial election, but first of all recognizing the time and effort and the work you've put into the by-election. So thank you so much. And I invite you to make your presentation and introduce the staff that have joined you this afternoon.

Mr. Wilkie: — Okay, sure. Mr. Chair, members of the Board of Internal Economy, I am pleased to once again be here with you this afternoon. And as mentioned, I have two people with me: Brent Nadon, the manager of election finances, and Jeff Livingstone who is the manager of information technology and registrar of electors.

So first I think it's a good idea to remind people what the mission of the office of the Chief Electoral Officer or Elections Saskatchewan is:

To ensure the right of the people of Saskatchewan to participate freely in honest, open and fair electoral events, and to encourage the involvement of political parties, candidates and electors by raising their awareness and understanding of electoral processes that are transparent, efficient and accessible.

And also our mandate is to direct and supervise the administrative and financial conduct of provincial electoral events in a fair, equitable, and cost-effective manner. And further to that, we must facilitate electoral process to ensure that all stakeholders — including electors, candidates, political parties, and election officials — are aware of and able to exercise their democratic and constitutional rights to impartial, open, and honest electoral events.

Rather than reinvent the wheel, this office constantly looks for opportunities to adopt existing technology, policies, and procedures in other jurisdictions for use in Saskatchewan in order to modernize the operational and administrative structures of Elections Saskatchewan.

So today we are now discussing year 3 of the four-year cycle. Although it may be hard to believe, it is now less than two years, about 20 months, until the next provincial general election. In an election there's approximately 10,000 election officials that are employed, using the last election as an example. This includes close to 3,000 enumerators to prepare the voters list and then 6,000 deputy returning officers and poll clerks who operate about 3,000 polling stations at about 1,600 locations.

To be able to expand from seven permanent positions to 10,000 positions once every four years requires a team that is multi-skilled and multi-talented. Of these seven positions, three are currently vacant and one is staffed at an unspecified term basis. One position has been vacant for almost three years. As a result, a series of temporary, contract, and term positions have assisted the three permanent employees to do the work necessary to carry out the functions of absent staff members, vacant positions during the 2007 general election — pre-writ, during, and post-writ — and the 2008 by-election in Cumberland as well as the 2009 by-elections in Regina Douglas Park and Saskatoon Riversdale.

The lack of continuity provided by staffing on the basis of one- to three-month contracts does not provide the continuity required to run a modern electoral office. The danger of staff turnover and loss of institutional memory as well as the high cost of recruitment and training are major risks to the successful administrative conduct of the next general election. So we want that to be very well known to everyone on this committee.

I also want to note that the Office of the Chief Electoral Officer is very appreciative of the HR [human resources] services that the HR office of the Legislative Assembly has provided for the past number of years, including recruitment, interviewing, hiring, benefits, payroll. And recently the HR for LAS is now handling all of our payroll. It used to be a split between Finance

and LAS office. It's now all people are handled by LAS payroll. And they also provide in-service opportunities such as last week's two-day coaching clinic for coaching skills for leaders and managers.

So now I will go on with our short presentation to comment on and update on a few matters since the last budget, the office priority for 2010-2011, and some changes from the office's 2009-2010 budget. Note for this year that strictly election-related costs in the budget document are noted under the title, election preparation. For example, you can see that on page 17 if you're following along in the document.

[16:00]

As mentioned in the budget document, this budget request takes into account three contract consultant positions which were approved by the steering committee of the Board of Internal Economy at its May 26th, 2009 meeting. At that time, the three positions were advertised for six-month terms as an interim measure pending the implementation of the Hamilton report. Nearing the end of the six months with the appointment of a permanent CEO [Chief Electoral Officer] not determined, the LAS HR director agreed with myself that the best option was to extend the terms for an additional three months to the end of March.

As the search for a permanent CEO has been suspended and will resume in approximately six months, I'm told, and there is no indication yet when the Hamilton report will be implemented, it is imperative that these three positions be further extended for another year to March 31, 2011.

This budget does not take into account the need for any further additional staff resources for the office which may be recommended in the Hamilton report's organizational review of the Office of the Chief Electoral Officer and the possible move to a permanent register of electors which both the government and opposition have pledged their support several times on that matter. The permanent Chief Electoral Officer, whoever he or she may be, will require tools to move forward. This may well require a supplementary request for additional staff to the Board of Internal Economy at some future date in the 2010-2011 fiscal year.

After the presentation, the three of us will try to answer any questions that you may have. But now if we go directly on to the following, what we've said, update from 2009-2010 budget, reviewing the notes or *Hansard* from that report, last year we had reported that since the two previous CEOs had not yet acted upon a January 1st, 1999 change to legislation regarding employment insurance and Canada Pension Plan deductions, and based on a request from the CRA [Canada Revenue Agency] and discussion with our legal counsel, it was estimated that a sizable amount of potential payroll taxes and penalties from the Canada Revenue Agency may be due.

And we have very favourable news to report. This is perhaps unusual with CRA, but we are required to pay only the CPP [Canada Pension Plan] deductions for the individual. It was found that we are not required to pay EI [employment insurance] deductions for the individual due to a fact that, under the employment insurance regulations, Elections Saskatchewan

is not an agent for Her Majesty in the right of a province. It's not a Crown agency, board, commission, or committee by appointment of Her Majesty in right of Saskatchewan, so we were pleasantly surprised.

Also it appears that Revenue Canada has had a change of heart. Originally they had requested of Brent that we prepare or be ready to prepare our entire payroll records for the 2007 election. They instead decided that they would only request information about any election worker from the 2007 GE [general election] with the exact same combination of duties. And this particular complainant, who was an enumerator, data entry operator, and constable, it's kind of an unusual trio of duties so there was only one other individual who had the same exact combination of duties. So we have a very, very, very small bill, which we're very happy that it's not what it could have been.

But our lawyer has suggested that we perhaps put two more test cases using an enumerator and data entry operator from the recent by-elections in order to solidify whether or not CPP may be needed for enumerators and data entry operators. So we're in the process of looking into that. But at least the large, potential payout is not going to happen.

Also last year the Board of Internal Economy made a suggestion that the Office of the Chief Electoral Officer should proceed with an arrangement with the communications and technology branch of the LAS [Legislative Assembly Service], and so we have the following to report.

Jeff and myself met with Darcy Hislop regarding some initial discussions on the option of moving our server. A move this year would have been difficult in any event due to the Office of the Privacy Commissioner server already being scheduled to be moved in June, the two by-elections, and some of their staff being on leave. Also it's worth noting that the consultant, David Hamilton, told Darcy that there should be no move on this option until a permanent CEO has been hired. So we will leave that for the moment.

So then next, going on to the priorities for this current year coming up, the 2010-2011 year, as mentioned in our document, the review of the polling divisions in all of the 58 constituencies should be looked at because in the last eight years there's been a number of population shifts. We also would like to accommodate the requests of MLAs who have indicated they think that there should be changes to the polling divisions, especially in rural constituencies to better take into account trading patterns. Also as mentioned before, facilitating an accessibility audit, which is a requirement of every . . . since I guess one-year-old Human Rights Commission complaint settlement.

Also along those lines, we have in the last couple of months done a pilot project looking at how we could greatly improve the maps that are provided currently to candidates and enumerators. And recently we have joined the Saskatchewan Geospatial Imagery Collaborative — and I'll let Jeff explain that in more detail if any of you wish that — which is made up of representatives of government ministries, Crown corporations, universities, cities, and private businesses. Currently Saskatchewan's maps are the worst in the country and

we have some before and after samples that we have made that can be looked at, which we'll talk about a bit later.

And then, building on our information technology strategy which has been ongoing for the last number of years, we want to look at adding a module to our elections operations software, also known as ESPREE [Elections Saskatchewan permanent register of eligible electors]. And thirdly evaluating the payroll situation to accommodate existing federal legislation, which we've touched on a little bit.

It's worth noting as you go along in the document that . . . I know that you, I'm sure you've read it in more detail, the years 3 and 4 of the four-year election cycle. We won't get into all of the things that do need to be done prior to the next election but page 10 and 11 outlines those.

So if you go to the actual document as to what requests for this current coming up year are, we look at personnel services. Currently it is, under this proposal, at 68.5 per cent of the budget. There is an increase of 398,000 which we'll talk about in a moment. The staffing cost consists of a 3 per cent economic adjustment for all budgeted positions, and the figure is there, the 4 per cent merit increase for the currently staffed permanent positions, and the figure is there, and an increase in the flexible benefit cost. And then the one-year term positions as mentioned were originally approved in the steering committee — the administrative services consultant, the communications consultant, and the financial compliance consultant at approximately 41, 65, and 60,000 each.

And then in relation to our mapping and review of the polling subdivisions, there is a request for two other one-year term positions in regards to a GIS [geographic information systems] consultant and a mapping assistant, and the figures are there at over 55 and 51. And then you'll note that in part to accommodate some of our requests, we have been able to reduce our training for our returning officers, our annual training, by 10,400.

And so in talking a bit more about the updating of the maps, I think it's worthwhile mentioning that, to refresh our memories from last time, that we had originally asked for 15 constituencies to be done last year, and it was denied with the idea that they would all be done this year.

And the original impetus towards the accessibility report is that in the 2007 election, a voter in Saskatoon made a complaint to the Human Rights Commission regarding the lack of accessibility at St. Michael's School in Saskatoon Meewasin. And then as part of that settlement, settlement of the complaint which was again about a year ago, this office, the Office of the Chief Electoral Officer, agreed to conduct an accessibility audit of all of the polls in the province. And the audit is to be done initially by the returning officer, but some of the field liaison officers that worked during an election would be needed to assist and/or check, validate the accessibility report for each polling place.

Then as mentioned again last year but worth repeating again, is that the idea would be that our office would meet with representatives of the ad hoc electoral advisory committee, which has representatives of all political parties, in order to

encourage and invite comments by this June from all MLAs or constituency associations and registered political parties about any improvements that they think could be made or should be made to the polling division boundaries. And again, that's not to be confused with the external constituency boundaries which the Boundaries Commission will look at in 2012.

Then in contractual services, it's 18.3 per cent of this budget proposal. There's no general inflationary increase. We have requested an increased legal costs, in part due to the ongoing Human Rights Commission complaint regarding visually impaired voters. Our accommodation services costs have gone up 11,584. And then for the election finance reporting system, which is another way of saying electronic form submission, for \$20,000. Feedback from the candidate's business manager and both of your party representatives at meetings of the registered political party advisory committee have indicated that this should be a priority for this office.

This project was not proceeded with in 2006-07, '07-08, and '08-09 because of the request from the Board of Internal Economy that the budget be cut. Last year we did not request the funds for this particular project because the office did not have the election finance staff resources to work with an outside IT [information technology] consultant. Now that we do have — and assuming that it continues — the financial compliance consultant, there is now elections finance staff resources to work with an outside IT consultant to work on this project.

Also it's worth noting that for the first time ever, training for business managers was developed by our office and offered to the business managers of the candidates for the recent Douglas Park and Riversdale by-elections. And the business managers for both of your party's candidates attended and the feedback from them was very favourable. We have done some initial preparatory investigation with Elections Alberta, Elections Nunavut, and Elections Manitoba who have some similar systems.

And this is one component of modernizing the operational administrative structures of the Office of the Chief Electoral Officer that the Board of Internal Economy has not yet seen fit to approve.

Election preparation. We have noted in our proposal the cost of the field liaison officers assisting with the accessibility audit.

Going on to advertising. It's 3.6 per cent of the budget proposal. It's an increase of 5 per cent from last year. No inflationary increase, and this would be assuming that perhaps before the end of the fiscal year that some of the positions might be recommended that are in the Hamilton report, as we're led to understand, that some of those might be approved and therefore we would have to advertise for them.

For travel and business, 6.6 per cent of the budget. An increase of 23,780 over the previous year. And this is all for the cost of travel for the returning officers to attend one-day mapping, accessibility, audit training, and updating the polling division maps process. And again that was outlined in partial form last year.

For supplies and services, 1.2 per cent of the budget. No inflationary increase, or zero increase from last year.

[16:15]

The equipment and expensed assets increase of 5,599. No inflationary increase, but you'll note that we have subtracted off what you had given us last year for the security cage, warehouse shelving, and backup Internet provider. We've put in a figure there for new or used furniture for some positions.

And then the leasehold improvements of \$9,000, and both . . . I'll give you a brief on this, but if you want more details, both Jeff and Darcy can speak to it in more detail. But the request this year includes a one-time leasehold improvement because during the 2007 general election, the current Internet circuit was not sufficient to handle incoming data in an acceptable manner. This improvement is required whether or not the technology environment remains in the Office of the Chief Electoral Officer.

Then capital asset acquisitions. ESPREE phase 5 election calendaring. The module will allow returning officers to access an online task list of requirements before, during, and after the electoral event. It will also provide our office with summary tracking and reporting capability to improve the overall management of electoral events. This is something that Elections Alberta has and they are very pleased with it. We think that it's something that would be an asset to this province as well.

So the details of the non-base-year estimates are also included on your page 24, 25, and 26. You can note again how our office is staffed in regards to the other electoral jurisdictions across the country, notably Alberta, Manitoba, New Brunswick, Newfoundland and Labrador, and Nova Scotia which have all had reviews.

And as well, we a few minutes ago were speaking of mapping samples, and Jeff will just show you a few samples. It's probably easier for you to get an idea visually rather than just me speaking about them. So Jeff and Brent will just hand those out. So we have looked at what the technology is available currently that can modernize the polling division maps which are used by candidates and enumerators. And we've got a couple of samples, both urban and rural, so we've got . . . rural northern. And we've got a Regina South and a Saskatoon Eastview sample and then a Cumberland and Last Mountain-Touchwood sample.

So we use colour for urban. We use colour to differentiate the parks, schools, streets, and individual street lots. And for rural we would use colour to differentiate the highways, the rivers, the lakes, the RM boundaries as well as the parks, schools, and streets in the inset maps for towns, First Nation communities, etc.

And these are preliminary samples only. By finding out about the collaborative which I spoke of, we were able to find out that a lot has been made, a lot of progress across the province in regards to digital information available. And so we think that you may have questions for us, so I'll let Jeff give you some

more information about that as we go on. But again we wanted you to have a look at those.

And then it's less than two years now until the Boundaries Commission starts its work in early 2012, so these improvements would be able to as well be continued on with the Boundaries Commission. And again we've got a sample. For example with Regina South, it's just a small section of it that we've taken. We also would have perhaps maps that would be larger than currently which would give even more detail.

So we look forward to your considerations today and that's the end of my presentation. We're now ready to answer any questions that you may have.

The Chair: — Thank you very much, Mr. Wilkie. We'll open the floor now for questions. Do we have any questions from the members in regards to the comments from Mr. Wilkie? Mr. D'Autremont.

Mr. D'Autremont: — Okay. Thank you. Looking at your maps, is there any particular reason why in the urban centres that the poll boundaries are generally in the middle of the street? I believe federally they're more in the back alleys. Is it legislation or just practice?

Mr. Wilkie: — It's not that it's fixed with practice. In the Regina South sample that we started a short time ago, the initial instructions given to the returning officer as she helped us with this pilot project was to look at the possibility, and the end result was it was worse than it was before. There's more confusion because of having to do breaks in the middle of streets and boulevards. That's not to say that in some of the older areas of the city, perhaps where we haven't got bays and crescents, it might be possible to do back lanes. But in the, let's say, suburban areas, it looked worse than it did by using the middle of the streets.

Mr. D'Autremont: — Where there are actual back alleys, it's maybe less confusing.

Mr. Wilkie: — Where there are back alleys it's possible. We've got another RO [returning officer] in Regina in the centre area of the city who's looking at that now. And so in the old areas it might be advisable to go that route, but in suburban areas, after that little sample we did in Regina South, the solution was worse than the problem.

Mr. D'Autremont: — I know, as somebody who does go out on the street and knock the doors, it's nice to be able to do both sides of the street. So that's my concern.

Mr. Wilkie: — Yes. Again in older areas that makes sense. In some areas, because you're going to be cutting in the middle of . . . Unfortunately the planners of cities and towns don't always take elections into account when they're building their roads.

Mr. D'Autremont: — I don't know why.

Mr. Wilkie: — Yes. We're surprised.

Mr. D'Autremont: — But we're always successful over on the east side of the city there, knocking doors, anyways.

The Chair: — Do we have further questions from other committee members? Seeing none, thank you, David. Thank you, Jeff and Brent.

As you can see, we've moved along quite well and we organized our committee over two days. But I also, when I was chatting with Greg and Irene this morning, suggested we should be open to moving forward with our debate and continuing to look at the other items on the agenda. And if I've got the agreement of the committee, we will move forward to the Legislative Assembly's budget. And I see heads nodding yes. So I'll invite the . . . [inaudible interjection] . . . I saw enough.

So I invite Greg and the staff who are here to come forward and we'll go into the Legislative Assembly budgetary items.

Legislative Assembly

The Chair: — Call the meeting back to order and invite — thank you Greg, Marilyn, Linda — and invite you to bring before our committee the Legislative Assembly budget for 2010-11. I acknowledge Greg.

Mr. Putz: — Thank you, Mr. Speaker. Maybe before I start I'll just introduce to the members just more for the record than anything else because you all know our staff who's here with me today. To my left is Marilyn Borowski. She's the director of financial services branch. To my right is Linda Kaminski, the director of our HR and members' payroll branch. Behind me is Lenni Frohman, the director of our parliamentary publications branch. Next to her is Darcy Hislop. He's our chief technology officer who is responsible for the broadcasting and the core computer services of the Assembly.

Ken Ring was here. He disappeared. He is of course the legislative counsel, Law Clerk and Parliamentary Counsel. He's gone off to get some of our other staff because, as Mr. Speaker indicated, you're moving along a lot faster than we had originally anticipated . . . [inaudible interjection] . . . Well he's our only lawyer, so we rely on him quite a bit. So we do appreciate his presence.

Members, I have a few prepared remarks to introduce our budget and then of course we're prepared to answer any questions you might have on the presentation or the submission that you all received approximately 10 days to two weeks ago. So I'll begin with that and my formal remarks will outline the highlights of the budget and of course brushing over a lot of the detail which you have before you in the book.

As you're aware, the Legislative Assembly's budget is either classified as budgetary or statutory estimates. The budgetary estimates comprise of funding for the operational functions of the Assembly, such as the administration and financial management of the Assembly including the Legislative Assembly Service, committees of the Legislative Assembly, the Office of the Speaker, and the administration of certain caucus services. It also includes the costs associated with the Board of Internal Economy.

Now the budgetary expenditures comprise about 35 per cent of our annual appropriation and of this about 66 per cent of our

budgetary expenditures are for the pay and benefits of the staff of the LAS.

The other category of expenditure is classified as statutory and essentially that's because these expenses are authorized on an ongoing basis by law. Because these expenses are authorized by law, ongoing spending authority exists regardless of whether or not the projected amount is exceeded. But of course our job is to assist you board members to monitor and manage these expenditures. The statutory estimates in our proposal are our projected costs for the next fiscal year. And as you know, the funding in this category is mainly for members' salaries, allowances for extra duties, constituency expenses and assistants, and travel expenses and caucus grants. And they comprise about 65 per cent of the total budget presented to you today.

So what I'll do now is give you a brief outline of the chief features of the budgetary side of the estimates, including the organization of the estimates and the factors that contribute to our annual costs.

For this year's budget presentation, we have reorganized the information into four main categories. Previously these were all combined and part and parcel of the Assembly service budget. And we've done this to provide you with a clear picture of the component parts and the associated costs of those component parts.

And those components parts are the Office of the Speaker and the Board of Internal Economy; caucus office administration; the Legislative Assembly Service; and the Refurbishment and Asset Replacement Fund known as RARF. I know, Dan, you don't like that term but it's kind of stuck and we're stuck with it.

[16:30]

By far the largest component of the budgetary side of the estimates is indeed for the Legislative Assembly Service. As you know, the LAS exists to assist you, the elected members, in carrying out your duties whether it's in the Chamber during sessions and the committees, in your caucuses, or your constituencies.

We have a duty to maintain as well our parliamentary institution through not only services to you the members but also to the public, which includes preserving the records in the corporate memory of the Assembly. In addition to those central responsibilities, the LAS also provides a variety of services or assistance to the Speaker, the Board of Internal Economy, a number of the independent officers which you heard through the various presentations here today, to the executive branch of government, and of course to the citizens of Saskatchewan.

In total Linda informs me that, directly or indirectly, we serve about 400 people or clients including the MLAs, the constituency assistants, caucus employees, independent officers, and our own LAS permanent and non-permanent employees. So you can see we are very much a multi-faceted organization because your duties as members and responsibilities as members are multi-faceted, because the parliamentary institution is also very much multi-faceted. And I

think you as members realize this more than most, but it's important to give you a context and maybe a bit of a reminder of the breadth of the services we provide, and we do this with a permanent staff of 61.

I also want to remind you that the description of our services and some of the staff who deliver these services can be found in the *Guide to Members' Services*. And that's this document which you all will have received the most recent update. It's also available electronically to all members via their portal access to the Assembly documents. This catalogue shows just how closely associated the LAS is with what you as members do, and some of the human resources needed to support the staff itself.

Now before getting into the numbers, I want to point out a few other things about the LAS financial plan presented to you. As you know, over the last few years we've presented our financial plan in terms of the LAS strategic plan. Our strategic plan is of course framed around the services LAS provides to you and the others, and this is associated with our strategic plan. And associated with that are the actions to keep the LAS a responsive and an effective organization. These actions are major projects and initiatives which are — and I stress — in addition to our ongoing services, programs, and operations. And I want to stress this because I don't want you to have the impression that is the extent of those actions in our budget book, the extent of what we plan to do with the appropriation that you'll provide the LAS in the next fiscal year.

I want to point out that the action plan for the most part will be accomplished with existing resources. Very few of the actions that you'll see in our financial plan will require additional resources. For those that do, for the most part these are the RARF projects and principally some conferences that will be hosted as part of the Assembly's national obligations. You may or may not be aware, but Saskatchewan is to host three major conferences this year — the Canadian Regional Conference of the Commonwealth Parliamentary Association, the legislative broadcasters, and also parliamentarians from Germany and Austria through the Partnership of Parliaments program.

Now I'm not going to go through each of those plans — they number 21 or so — nor the 100 or so pages in the *Guide to Members' Services* that describe everything that we do. I think you're well acquainted with all of those services. I simply want to point out and remind members of the role of the LAS and to remind you how closely we are associated with your roles and responsibility as members and our supporting role in the functioning of the Assembly itself.

Now turning to the expenditures, I'll take you through the main points of a submission. And I want to begin — you don't have to turn to this page — but on page 16 of the submission we provide you with a broad outline of expenditures, both the budgetary and statutory, and along with that a total which is at the bottom of that page. As you can see, the total request for fiscal year 2010-2011 is for \$24.192 million which translates into an overall increase of 2.4 per cent over our 2009-10 estimates. The assumptions and standard economic adjustments used to arrive at the total can be found on pages 14 and 15.

And there are four main points to this which I'll quickly mention. Executive government's assumption at the time we developed this document was for in-scope aligned positions, and that can be found on page 24. Also executive government's assumption for out-of-scope aligned positions, that's on page 23. The consumer price index assumption for April 1st, 2010, which is based on Statistics Canada and provincial bureau of statistics numbers, and the details of that can be found on page 41. And also the Saskatchewan federal public service travel rate, which is on page 41. And the final assumption is that we'll have a 65-day session, which is based on our parliamentary calendar.

I just pause there because I'm sensing a debate between the two sides as to whether that will hold true for this coming session.

I also want to point out to you on the budgetary side the approved estimates of the current fiscal year adjusted by subtracting any one-time expenditures that you approved for us last year. And we do this to avoid any distortions to our regular operating costs for the Assembly. Those one-time expenditures total \$79,000 and they're reported on page 48. They consist of items like conference costs. For instance last year in 2009 Saskatchewan hosted two national conferences with a combined total cost of about \$63,000.

Now breaking down the budgetary estimates into its component parts you'll note that, from the summary on page 16, that the budgetary expenditures amount to 2.8 per cent increase over the adjusted estimates — I stress the adjusted estimates — for 2009-10. That 2.8 per cent increase amounts to \$231,000, and that's reported on the table on page 47.

Now I'll take a few moments and take you through the major expenses that contribute to that 2.8 per cent increase. As I pointed out at the outset, our budget is composed largely of personnel expenditures, comprising 66 per cent of the total budgetary expenses. Simply by using the assumptions of executive government, which were known to us at the time we produced this document for the projected personnel costs, about 161,000 or 71 per cent of the increase of the \$231,000 can be attributed to our regular staffing increases. And as you've heard numerous times today, these are matters that we don't have much choice about. Section 71(2) of our Act requires LAS to provide its staff with the benefits applicable to the public service of Saskatchewan.

The other 29 per cent of the budgetary increase are spread out in much smaller amounts over six expenditure categories that are addressed in section 6 of our budget proposal. Most of the smaller increases reported in this section are in fact balanced off by corresponding decreases. So what I want to do is just draw your attention to the notable increases and provide a bit of a summary explanation.

In 2010 it's Saskatchewan's turn to host the Legislative Recording and Broadcasting Association conference, which we have estimated at a cost of \$25,000. This estimate's based on our experience with similar size conferences in recent years, and I would submit to you that this cost is not optional since we participate and benefit from our national parliamentary associations.

Another non-discretionary increase is the scheduled cost of living increase built into our contract with the Canadian Corps of Commissionaires. The commissionaires will cost the LAS an additional \$8,000 in 2010.

LAS has also experienced inflationary costs in a couple of areas that are beyond the expected consumer price index number I mentioned earlier. Vendors have advised our Legislative Library that the cost of periodicals, newspapers, and books will increase by a total of about 11,000. That's our normal subscriptions in the next fiscal year. At the same time the collective increase to subscriptions for online services provided by the library to its clients, including the members, will increase by \$12,000.

I want to make it clear that these estimates are based on the announced increases by our vendors. Books and information services are central to the purpose of the library, so if LAS is unable to fund these increases, these will have an impact on the delivery of many of the library services.

Now there is one area where LAS is requesting new money, and that's for additional hours for sessional proofing in the Hansard branch of parliamentary publications and for payment data entry by part-time relief staff in our financial services branch. The additional Hansard hours will enable senior people to conduct, during session, staff evaluations, something that has traditionally been very difficult to do when proofing and editing takes up every available person-hour during session.

In the financial services branch, the volume of MLA expense payment transactions has increased, so the additional hours are needed so the payments can continue to be made on a timely basis. All of these increases amount to \$70,000 which, when added to our 161,000 regular annual personnel increase, gives you the total of \$231,000.

Now I'd like to turn to the RARF section of our budget and remind you that RARF was established in February 2007 to provide a source of funding from outside the core LAS and Assembly budget for improvements to facilities, replacement of furnishings, non-capital equipment, and major capital asset acquisitions. For this reason, it has been presented as part of the budget submission in a separate category as we did in previous years.

Over the course of the past years, the annual RARF fund has been used to purchase, most notably, new chairs for the Chamber and new chairs for MLA Assembly building offices, continuing work on the proposed fourth floor committee room, caucus audio-visual presentation systems, replacement of the digital transcription system at Hansard, Chamber lighting, library reading room improvements, and the continuing multi-year project to replace the analog broadcast equipment.

Now as members are aware from the budget proposal put forward last year, two projects have reached the stage where continuing efforts will require funding substantially beyond the base amount of \$250,000. And these two projects are the second committee room on the fourth floor of the Legislative Building, which our projection is now \$3.5 million; and a replacement of the Chamber carpet, which is \$350,000.

This year, as was the case last year, we put forward a number of proposals for RARF funding, including the two that require funding beyond the regular amount. And by this method we're giving you, the board members, a choice about the RARF priorities by making decisions about which projects to fund. Of course we'd be pleased to present more detailed summaries of some of the projects before you. Some probably need no further summary, like the committee room; it's been before you probably almost every year since 2002. But we do have some new, proposed projects including a card access lock system proposed by the Sergeant-at-Arms, and the restoration of members' composites proposed by the Clerk's office.

Now I'll turn to the statutory estimates, which you'll find section 8 of the budget submission. Overall, statutory expenditures require an estimated \$339,000 increase for funding in the next fiscal year. This increase is based on a number of factors and assumptions. The first assumption is that the expected consumer price index for Saskatchewan will be 1.2 per cent. And this rate affects your indemnity as members, the addition duties, constituency service expenses, capital city accommodation, and the caucus grants. The amounts by which this factor affects the components of the statutory estimates can be found on page 41 and 42 of our budget proposal.

[16:45]

The second assumption is that the MLA travel rate, which is based on the Saskatchewan federal public service rate, will increase very slightly on April 1st, 2010. Both these factors are automatically applied based on Board of Internal Economy directives.

The third factor applies to constituency assistants. The assumption of a 3 per cent increase that I noted for Legislative Assembly in-scope staff is also applied to your constituency assistants.

So given these factors and assumptions, the changes to the component parts of the statutory estimates are as follows. Indemnity allowances and expenses for members and their office will increase by 312,000. Allowances for additional duties for MLAs will increase by \$4,000. Members' committee expenses are not expected to increase. And government caucus expenses will increase by \$11,000, and the opposition caucus expenses will increase by \$12,000.

So that concludes my quick overview of the budgetary and statutory increases reflected in this submission before you. In basic terms, the submission requests an additional \$231,000 for budgetary expenditures, an additional \$339,000 for statutory expenditures. In my overview, I tried to stress that the increases to both the budgetary and statutory expenses are for the most part tied to the regular incremental increases expected year, and I've outlined a few areas where this is not the case.

We have based our estimates on the standard assumptions and the factors applied each year which are familiar to you as board members. And in the document we also state we must operate within the realities of the province's fiscal situation as determined by you, the Board of Internal Economy.

I know from the news reports and what we hear from colleagues in executive government, we know this is a time of restraint. And although the Board has not given us any specific guidelines for this submission, it was our best effort to try to keep cost increases to a minimum. You won't see any major new proposals in our core budget beyond our obligation to host a national event, some needed extra hours in two of our branches. It's our hope that this, you'll find this a reasonable submission. And as I said at the outset, I brushed over a lot of the detail, and we're more than prepared to answer any questions you might have about the submission before you today. Thank you.

The Chair: — Thank you, Greg. Any questions? Mr. Morgan.

Hon. Mr. Morgan: — The existing lock system that's there, you'd indicated in the paper that it's not been changed or the locks haven't been re-keyed for decades. Is that the outside of the building?

Mr. Putz: — The proposal's for the inside of the building. And I'm just having Pat come up here, and he can explain in general terms what his proposal is and why he's making that proposal.

Hon. Mr. Morgan: — Well I'm trying to get an understanding of what the current status is. I presume what you wanted to go to is a card system, something like a hotel would use with a card reader on it, and then you'd understand whose cards had accessed what door locks at any given time. At the present time, the interior locks have not been rekeyed?

Mr. Shaw: — No. That's to my understanding, Mr. Morgan.

Hon. Mr. Morgan: — So my predecessor is welcome, he still has his keys . . .

Mr. Shaw: — Well the problem is . . .

Hon. Mr. Morgan: — I trust my predecessor, but I'm just enquiring.

Mr. Shaw: — A lock is a security device and a key is an insecurity device, and over the years there hasn't been a major change. And so we don't actually know how many keys are still out there that will open doors in the building. Now Mr. Bata who was the building supervisor, is now the area manager, has made some changes. He and I have sat down and looked at this.

But my recommendation is, is for those major areas of the building — minister's offices, the Clerk's office, the Law Clerk, and chief counsel, etc. — we'd put card access on similar to what we have on the exterior of the building. And the reason for that being, with a key, even if we had all the locks changed and had it rekeyed, we don't know who has a key and who's coming and going. With a card access system, you can restrict it to whom you want to go in. You know when they've gone in and when they've come out. You can run a daily, a monthly, a weekly check of who's accessed the office.

Hon. Mr. Morgan: — Cancel the card whenever you choose.

Mr. Shaw: — Cancel the card whenever you choose.

Hon. Mr. Morgan: — Yes, and I appreciate that's where you want to get to. My concern is where it is now. So if there's a change in minister or a change in government, there isn't a planned basis, other than asking for the keys back or is ... [inaudible].

Mr. Shaw: — That's my understanding.

Hon. Mr. Morgan: — Okay.

Mr. Putz: — Indeed that is the situation, and it's handled through Government Services. Pat works with Government Services on a key control system, but of course any time there's a change in any ministerial office, staff change, you have to run after them to get the key.

This system, over the long term it should save money, and it'll give you more control if the staff changes or there's a cabinet shuffle or a change in government. It happens instantaneously.

Hon. Mr. Morgan: — Thank you.

Mr. Shaw: — Mr. Morgan, that cost there is on the high side because dealing with a building such as this, as old as this, we estimated a little high for the installation costs simply because of the nature of the building ... [inaudible interjection] ... Pardon me?

A Member: — What you're telling us is you cut that budget ... [inaudible].

Mr. Shaw: — We made it like that because we've had experience with the building before, and running wires is not the easiest thing in the building.

The Chair: — Mr. D'Autremont.

Mr. D'Autremont: — Thank you. One of the precautions though, it's not that the doors are necessarily unsafe. Is it not the case that the actual physical lock doesn't remain necessarily in that door when there's a major change such as a shift of government? The locks are taken out and shuffled around the building, so nobody knows for sure where that key is going to work.

Mr. Shaw: — That could be part of it. I can't attest to that. I'd have to do more investigation ... [inaudible interjection] ... Okay.

Hon. Mr. Morgan: — But walking up and down the hallway you may find that your key fits six other doors, no other doors.

Mr. Shaw: — It's like finding your garage door opener opens your neighbour's.

Hon. Mr. Morgan: — You're not exactly reassuring me a whole lot right now. Thank you.

Mr. D'Autremont: — You talked about the cost for the committee work. Are those costs built in in addition to what's gone in the past so they become part of the base budget, or are they one-time costs?

Mr. Putz: — Which costs are you talking about, Mr. D'Autremont?

Mr. D'Autremont: — Committee work.

Mr. Putz: — Which costs in particular?

Mr. D'Autremont: — Well there was, I believe, the budget. You were increasing the ... You were talking about the adjusted 2009-2010 budget and then additional costs for budget for committee work on top of that.

Mr. Putz: — That wasn't part of the adjustment per se because the committees, as you know, were underfunded this fiscal year. When we came to the board last year, we asked for a base level of funding. We didn't get everything we asked for and, you know, that it took extra funds. In fact most of the committee hearings were subsidized by savings elsewhere in the Assembly. What you have before you is more or less based on last year. The only new component to that is a little bit of extra money for advertising hearings if they come about. So it's more or less what it was last year. That's why you saw on the members' side there's no increase there.

Mr. D'Autremont: — Okay, thank you. On conferences, once a conference is budgeted for in the past, does it become part of the base budget, or is it a one-time cost and is removed from the budget the subsequent year?

Mr. Putz: — Yes, that when we host these conferences, that is removed. And as I mentioned in my comments, the two conferences we hosted last year, we backed out and we considered those one-time costs. So last year we hosted the CAPA [Canadian Association of Parliamentary Administration] conference, which was the association of parliamentary administrators, and Hansard. And those costs were backed out. Then we added in this year, on top after that adjusted number, the conference that Darcy and his broadcasting unit are expected to host.

The CPA [Commonwealth Parliamentary Association] part of that — I mentioned a couple conferences in CPA — they get a grant, of course, through this appropriation and that amount has remained consistent over a number of years because CPA, unlike the Assembly, can retain the funds from one year to the next and built up the funding to host this conference this summer. And that is also true of the funding for the Partnership of Parliaments program, which, you know, that one year we host and the next year the Germans receive our members in Europe, whether it's in Germany or Austria.

Mr. D'Autremont: — Okay, thank you. On the replacement fund dealing with Darcy's projects, the cameras and switchers in this room, are they analog or digital currently?

Mr. Hislop: — The room 8 equipment is currently analog, and that would be next year's activities that we're proposing.

Mr. Putz: — If I could just add to that. When we set up this room, Gary Ward in those days was in charge and had proposed digital, but the board felt that was too rich and we ended up with analog. So they've served us well for a number of years,

but Darcy's not going to have much option when we get to 2012. The stuff just won't work.

Mr. D'Autremont: — Yes, because this is not that old in here. That's why I was wondering. But that would've been the tail end of the analog years.

Mr. Putz: — And in those days as well, digital was quite expensive. It was considerably more than the analog equipment because it was new, and that was one of the practical reasons why we went with analog. We knew that over the years the cost of the digital equipment would come down in price.

Mr. D'Autremont: — Okay. Thank you.

The Chair: — Mr. Taylor.

Mr. Taylor: — Thank you very much. Just for some further information on the additional capital item of the carpet. I think we are all aware that the carpet needs replacing. It has needed replacement for a while. I note in the materials in front of us that the cost requested or the dollars requested cover more than the cost of the carpet. There's also changes to the floor boxes and the fibre optic cabling. But it still seems to indicate once if you were to remove those from the total request of 350,000, a very expensive carpeting project. Could you please outline a little bit more the actual carpet replacement costs and why it appears to be so expensive?

Mr. Putz: — I'll just make a general comment, then I'll turn it over to Darcy because he would be our project manager on this. And he's the one who's had the discussions with Government Services on this.

Yes indeed we've added in costs for properly . . . or rewiring the Chamber, so to speak. It is an opportunity, if we're going to lift that carpet, then to do some work to bring the technology in the room up to standards. And it would our opportunity to improve on the channels and what have you that are underneath that carpet for better wiring and computer cabling. Darcy can speak to the actual estimate for the carpet; that technically isn't our number. That is a number that we were provided by Government Services. And Darcy, maybe you can elaborate on what you know about the number that we are provided.

Mr. Hislop: — The carpet proposed with this number is a relatively modest carpet quality compared to the existing one in there, which I believe is 100 per cent wool done in a size format that would be prohibitively expensive to pursue. So I believe this is more of a standard sort of an office grade — good office grade — as opposed to 100 per cent wool in an extremely large format. I believe there was only three textile factories that still produce carpets in the widths of the existing one. I think the initial estimates came back so high that they didn't see that as a realistic option. So I think it's a relatively conservative number in terms of the carpet replacement.

Hon. Mr. Morgan: — Dan just looked over and was sort of wondering whether there would be a possibility to get a good industrial grade lino.

Mr. Hislop: — It'd make the chairs roll easier.

Mr. Putz: — If the province goes to a domed stadium, maybe we can get a deal on the turf at Mosaic Stadium. But you'd have lines on it. I don't know if that would help or hinder the debate in the House.

[17:00]

The Chair: — Mr. Taylor, do you have more questions?

Mr. Taylor: — Well maybe just for further elaboration. I look at the numbers for the floor boxes and the fibre optics and it's under \$50,000. The proposal is \$350,000, so the carpet is \$300,000. That doesn't sound modest for the amount of space that's in there.

The most expensive house in Regina just sold for a million dollars. It's carpeted throughout. I don't expect that that house square footage, which was . . . Whatever, it's larger than the size of the chamber with lots of corners and cuts and sewing and whatnot. I can't imagine that a third of that house cost was carpeting. So it seems like \$300,000 even for a modest carpet is a considerable amount of money, and that's what I'm looking for is how does this compare to other square footage areas for that kind of carpet?

Mr. Hislop: — The estimate number for the carpet portion of this proposal was put together in conjunction with Steve Bata and the architectural firm that's engaged in most of the work, so I don't have specific details nor do I have the expertise on the actual flooring. We can certainly go back to them to provide additional detail as to what's all involved in it.

Mr. Taylor: — Okay. I think we should have more information.

Mr. Putz: — Mr. Taylor, my recollection is, and by the way this number's consistent with . . . This project's been off and on the board agenda for a few years. And I think the first time it came to the board it was around 220,000, somewhere in that neighbourhood. And the explanation at the time was that, as Darcy said, there is only one loom in the world that can do the wool carpet. And that's what we have in there and that was replaced last in 1978 in the Chamber. And there's only three looms in the world that can do the acrylic synthetic carpet that they're proposing to replace it with.

And part of the rationale is that you need this wide loom, so you don't have so many seams in a room that big. Now whether that's a concern to members or not, this is a heritage building and the architectural firm worries about things like that, and that's part of the cost estimate. And I agree, I mean the cost was somewhat astounding to us as well when we first heard that number, but that's not something within the control of the Legislative Assembly Service. It's something that Government Services worries about, and we'd be actually contracting with them to install that carpet.

Since you are interested, we will go back and ask Government Services to update their explanation or rationale for the high cost, relative speaking to your example of households, as to why the carpet is in that \$300,000 range.

The Chair: — Greg, if I could mention this, if Steve has a fair bit of information or more knowledge, would it be possible just to invite him to come and . . . Even right now? I believe he's still, he's usually here after 5 o'clock.

Mr. Putz: — If he's available, it'll be a total surprise to him. But he should have the information in his filing cabinet.

The Chair: — Well I'll ask Irene if she wouldn't just mind checking if he's still available. And maybe he can have a minute to come and give us more up-to-date information on that cost. In the meantime, do you have any further questions at this time, Mr. Taylor?

Mr. Taylor: — No, I don't.

The Chair: — Ms. Eagles.

Ms. Eagles: — Thank you, Mr. Chair. Darcy, I guess my thought is that when you're looking at carpet in something other than a 12-foot or whatever the standard width is, that is going to make it, you know, jack the price up quite a bit right there. What is the square footage of the area that you're looking to cover? I mean, you know, that's a huge room.

Mr. Hislop: — I don't have a spec on how many square yards of carpet they were proposing.

Ms. Eagles: — Yes.

Mr. Hislop: — But I do have a sample.

Ms. Eagles: — Thanks, but no thanks. No, I mean I would just like, you know, an approximate square meterage, or whatever you want to call it, of the Chamber because that room is a lot bigger than we think it is. And, I mean, I beg to differ from Mr. Taylor. I don't think there's any comparison with that house that sold for \$1 million because I'll bet you the majority of that was probably . . . You know, it wouldn't have been in that width for starters, and it was probably mostly ceramic tile or hardwood and whatever else they're going with in this time but . . .

Mr. Hislop: — As a rough guess, I believe, the floor to ceiling to the lighting side, I believe is 60 feet. I believe the length and width of the room will exceed that, so if you estimated about 80 feet length and width you'd be in the neighbourhood of 6,400 square feet. So there's a lot of area. I believe the carpeting would also include then in the press gallery area where there's currently carpeting as well, but Steve would have more details and probably a better idea of the actual area.

Ms. Eagles: — So that's the size of three healthy houses that have . . .

Mr. Hislop: — I'm pretty sure there's more area in there than End Of The Roll would have on stock.

Ms. Eagles: — I'm sure there is, yes. Thank you. That was all my questions.

The Chair: — And I already did check. Steve isn't available right at this time so, as Greg mentioned, we'll get further

details. But one of the other challenges is just the makeup of the room: how many different levels. All of those, that all adds up to some of the work too. Like you say, it'll be interesting to get a clearer idea of what the costs and how those costs are arrived at or where they come in. Minister Morgan?

Hon. Mr. Morgan: — I certainly don't want to micromanage or muck about in it, but I guess the questions I've got are, you know, how many square feet are in that room? And how many dollars per square feet the carpet actually is a cost of and what the installation cost per square foot would be? And is the technology any better for seaming smaller runs than it was a decade or two ago?

I mean the carpet that's in there now, we've been well served by that. It's been there for 30 years so it's . . .

Mr. Hislop: — Given the expression of interests and concerns regarding the cost as well as alternatives, then that's information we'll take back and request them to provide an explanation of the different widths, and what would be the implications of using more standard widths, cost-wise, as well as what's the area affected and what are the complexities or issues relative to installation.

Mr. Yates: — I just think that if you replace it every 10 years and that's \$75,000, you know or something, what's the difference?

Mr. Hislop: — What is the labour cost? You might be far and away to go, you know, save the money on labour and do it once every 30 versus a lower grade and doing it every 10. But that would be great information to get back from the experts.

Mr. Putz: — Yes, and there is an installation aspect of this that just isn't the square footage of the carpet. For instance, in that room right now we have — what is it, Darcy? — 95 different drops for different configurations for desks, for wiring, for the microphones, and cabling and power and that sort of thing. And these connections have to be built into the floor and right now it's just a hodgepodge of splicing and cutting in pieces of carpet.

And they want to avoid that in the future so that we're darn sure when we put these mounts in that we won't have to be cutting the carpet in future again, that we'll be able to accommodate any configuration that an election will bring us, or even if the House someday does increase in size. I think the House was built for 95 members and we're not there yet. Maybe one day we'll get there, but we want to have that contingency built in to our plan.

Mr. Hislop: — I know that the members see the little cuts and the squares where desks used to be. I think it would be preferable to have a proper housing that you could have a carpet piece in there, that if there's a desk not sitting there, it looks nice. You don't want to cut and splice and leave that sitting over and over. If we have a chance to redo it once every 30 years . . .

Hon. Mr. Morgan: — That's true. If we're going to do it, let's do it properly and avoid the grief . . . [inaudible].

Mr. Hislop: — Absolutely.

[Interjections]

Mr. Putz: — So it's a life sentence for Mr. D'Autremont and I think Mr. Yates as well.

The Chair: — Do we have further questions regarding the Legislative Assembly budget that's been presented to the committee? If there is any other questions, now would be the time to ask them. We have officers from the different departments — HR, librarian. I wouldn't mind though just having Melissa kind of bring us up to date on what were last year's commitments, where we are with the current upgrades in the library, if she wouldn't mind giving us a minute.

Ms. Bennett: — If any of you have walked by the reading room in the last couple of days, you will have noticed that it's starting to be emptied out. And so we're late getting started with the project to extend the mezzanine but it's going to be started this Wednesday. And it's projected to be under way from February 10th to the end of March, and so far things are going really well.

We have a letter to all Members of the Legislative Assembly prepared that will go out tomorrow to inform members of the project: what's happening, why and how long it will take. And we will be rerouting all of our library clients to the reference room for service. So we will be delivering all of our regular services during the project phase, albeit in a smaller, cosy space. So we will have that letter going out to members tomorrow and we are sending a letter out to building tenants as well. And I think we are also looking at communication through the Speaker's office about it. Were there some specific details that folks were looking for at this point in time?

The Chair: — Mr. Minister.

Hon. Mr. Morgan: — I think it's important for the members to know that this is done, you know, that it was a budget that was approved a year ago, and it's not exceeding the budget that was approved. There's no additional funding requests at this time.

Ms. Bennett: — Okay.

Mr. Putz: — It's exceeding the amount the board approved, but we're covering it off by savings elsewhere in the Assembly. And you'll recall that at the board meeting in October we did ask for additional funding for this and it was denied. Subsequent to that, we did go out and tender the project. It came in considerably cheaper than the revised costs that we were giving, so it was on that basis that we proceeded. And I can outline how the savings were that we . . .

Hon. Mr. Morgan: — For me, I don't need it as long as I know that we're not giving any additional money, there's no additional money.

Mr. Putz: — No. No additional money is appropriated for this project.

Hon. Mr. Morgan: — And we're pleased that it came in under budget, and I think you should emphasize that when you're . . .

The Chair: — Do we have any further questions from board members? Seeing none, I'd like to thank our staff from Legislative Assembly.

And now I seek guidance from the board. We do have supper here and it's available, and what I would recommend is that we stop for everyone here to enjoy some dinner.

And then can I ask whether the members would like to continue on after supper, say at 6 o'clock, and move in camera, discuss, or if you'd like to come back in the morning to move forward and have the discussion on the budgetary items? Any direction from anyone? Minister Harrison.

Hon. Mr. Harrison: — Well I think I would prefer anyways — and if everyone else doesn't agree, that's fine but — if we were to do it tomorrow, I think we'd have a bit more time and less of a crunch to get the discussion concluded.

The Chair: — Well if that's agreed amongst the members, we have scheduled the time for this afternoon and tomorrow morning. And certainly I appreciate the way things have moved along this afternoon with the members.

[17:15]

Hon. Mr. Morgan: — Well my note says 8 o'clock tomorrow morning. I'm fine with that. If people want to pick a different time, that's fine. It's immaterial to me, just so long as I know what time to show up.

The Chair: — We're all agreed that we will meet at 8 a.m. tomorrow morning back in the room here. In the meantime, I want to thank all the officials who have been with us and invite you to enjoy supper before you leave tonight. Greg.

Mr. Putz: — I just wanted to remind the board that besides the budget, we have a few housekeeping directive changes, proposals that's at the end of the agenda as well. So just to be mindful of that.

The Chair: — Thank you very much. So thank you to everyone who's assisted us this afternoon, and we'll see you tomorrow morning at 8 a.m.

[The board recessed for a period of time.]

[08:00]

\$927,000.

The Chair: — I'll call the meeting to order. And the first order of business will be a motion to go in camera. Ms. Eagles. And a seconder? Mr. Yates. And everyone's agreed?

Any questions? Are we agreed on that amount?

Some Hon. Members: — Agreed.

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

The Chair: — Agreed. Carried. We'll move forward then to the Chief Electoral Officer. And I'll wait for the motion.

[The board continued in camera.]

First of all I have the motion on the Chief Electoral Officer moved by Minister Morgan, seconded by Mr. Yates:

The Chair: — We'll call the committee back to order. And we have a number of items to be moved in regards to budgetary expenditures. And the first one we'll move forward on is the Conflict of Interest Commissioner approved in the amount of . . . And maybe I'll just give you all the, if Dan's going to move . . . Who's going to move the motions here?

That the 2010-11 estimates for vote 034, Chief Electoral Officer, in the amount of 1,694,402 statutory including capital acquisitions in the amount of 15,000 be transmitted to the Minister of Finance by the Chair.

Okay. The first one to be voted is the Conflict of Interest Commissioner approved in the amount of, we had 156,000 moved by Minister Morgan, second by Mr. Yates.

Is the committee agreed?

So we're all agreed with the 156,000 for the Conflict of Interest Commissioner? It's agreed. Carried.

Some Hon. Members: — Agreed.

And the second item is the Children's Advocate.

The Chair: — Agreed. Carried. We'll now move forward to Legislative Assembly.

[10:15]

Hon. Mr. Morgan: — [Inaudible] . . . I think what we were going to do with the carpet, we were not going to do it for this year. We'll ask for the information to come forward and then we'll consider where to go.

So the motion before the committee for the Children's Advocate, moved by Minister Morgan, seconded by Mr. Yates:

[10:30]

That the budget to be voted would be 1,420,000, statutory 201,000, for a total of \$1,621,000.

The Chair: — Okay. The motion before the committee is the motion by Minister Morgan, seconded by Mr. Yates:

Any questions? Is that agreed?

That the 2010-11 estimates for vote 021, Legislative Assembly, be approved in the amount as follows: budgetary to be voted 8,281,000, statutory 15,624,000 for a total of 23,905,000; and that the 2010-11 estimate of amortized expense for the Legislative Assembly approved in that amount of 23,905,000.

Some Hon. Members: — Agreed.

Does that sound . . . Is that correct? That sounds correct. Okay. Okay. First of all, on this motion, have we got agreement? Agreed. Carried.

The Chair: — Carried. We'll move forward to the next item, which is the Office of the Ombudsman. We have a motion.

Hon. Mr. Morgan: — Okay. For RARF, digital migration, 65,000. Composite restoration, 17,500. Card access . . . [inaudible] . . . which gives some flexibility to go slightly further than what was initially contemplated.

Okay. The motion before the committee, moved by Minister Morgan, second by Mr. Yates:

That the 2010-11 estimates for the vote 056, Ombudsman, be approved in the amount of 2,221,000 as follows: budgetary to be voted 2,020,000, statutory 201,000 for a total of 2,221,000.

The Chair: — So do you have a motion there, Don?

Any questions? Is the committee agreed? Agreed to that number? Have we got it correct? Agreed. Carried.

Hon. Mr. Morgan: — Yes.

The next vote before the committee is the Information and Privacy Commissioner and I'll wait to receive the motion.

The Chair: — Motion before the Assembly, a motion by Minister Morgan, seconded by Mr. Yates:

The motion before the committee is moved by Minister Morgan, second by Mr. Yates:

That for the 2010-11 fiscal year, the following refurbishment and asset replacement fund projects be approved: broadcast services, digital migration, 65,000; card access lock, 167,500; and restoration of the composite photograph collection, 17,500; for a total of

That the 2010-11 estimates for the vote 055, Information and Privacy Commissioner, be approved in the amount of

250,000.

Is that agreed to?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried.

If I could have the members' attention, we have to move back to 7(a) because we . . . With the numbers we have to amend it to include the 198,000 capital acquisition. So the motion before the committee will actually read, moved by Mr. Morgan, second by Mr. Yates:

That the 2010-11 estimates for vote 021, Legislative Assembly, be approved in the amount of 23,905,000 as follows: budgetary to be voted 8,281,000; statutory, 15,624,000, including capital acquisitions of 198,000; and further, that the 2010-11 estimated amortization expense for the Legislative Assembly be approved in the amount of 92,000.

Any questions? Are we agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. And then item 7(d), motion by Minister Morgan, second by Mr. Yates:

That the 2010-11 revenue estimates for vote 021, Legislative Assembly, be approved in the amount of 5,000; and further, that such estimates be forwarded to the Minister of Finance by the Chair.

Are we agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you. Carried. And item 7(c), moved by Minister Morgan, second by Mr. Yates:

That the Legislative Assembly Service action plan for the 2010-11 fiscal year be approved in accordance with the approved 2010-11 budgetary and statutory expenditure estimates, vote 021, Legislative Assembly.

Is that agreed to?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you. We'll move on to other business. We have three decision items. Amendment to directive no. 6 regarding the constituent assistant expenses. Moved by Ms. Eagles:

That effective February 1, 2010 directive #6, constituency assistant expenses, be amended as follows:

In clause 1 in the last sentence insert the word "total" between the words "the" and "annual";

And, number two, insert a new clause 3(1) as follows:

A member may provide a lump sum bonus payment to a constituency assistant in exceptional circumstances. The maximum amount of the lump sum payment must not exceed 5,000 per fiscal year. Multiple lump sum bonus payments may be provided to a constituency assistant so long as the aggregate amount does not exceed 5,000 per fiscal year. Exceptional circumstances are defined as the provision of service above and beyond the normal call of duty.

Do I have a seconder for that motion? Mr. Yates. Do we have an agreement to the motion?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried.

Item 8(b) regarding constituency assistant benefits, moved by Ms. Eagles:

That effective February 1, 2010 clause 3 of directive 6(1), constituency assistant benefits, be amended as follows:

That the words "in where the constituency assistant chooses" be deleted and that the words "public employees' pension plan" be moved from the third line to the second line between the words "disability plan" and "dental plan", and that the word "and" be inserted prior to the word "extended health care benefit".

So I have a seconder to the motion? Mr. Yates. Have we an agreement to the motion?

Some Hon. Members: — Agreed.

The Chair: — It's agreed to. Carried.

Item 8(c), motion by Mr. D'Autremont:

That effective February 1, 2010 directive #21, annual indemnity and allowances, be amended as follows:

In subclause 6(a), by adding the following positions and amounts: government caucus Chair, 12,974; government deputy caucus Chair, 6,487; opposition caucus Chair, 12,974; opposition deputy caucus Chair, 6,487; third party caucus Chair, 6,487; and further

In subclause 7(a), the word "infrastructure" be deleted and substituted with the word "justice".

Do I have a seconder to the motion? Mr. Yates. Do we have an agreement to the motion?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried. And we have a final motion by Mr. D'Autremont:

That effective February 1, 2010, the Chair be authorized to direct any administrative revision to the Board of Internal Economy directives as is necessary to correct outdated references and titles, as well as the renumbering of the

directives and associated clauses and cross-referencing of the directives as may be required in consequence to any amendment to the directives ordered by the Board of Internal Economy.

Do I have a seconder for this motion? A seconder? Mr. Yates. Do we have any questions regarding the motion? Are we agreed to the motion?

Some Hon. Members: — Agreed.

The Chair: — Carried. Pardon me. I recognize the Minister of Justice.

Hon. Mr. Morgan: — I see that we've got a number of the officials here that have made presentations over the last day or so. I would like to thank them for, not just for their presentations, but for their continuing work in supporting the legislature and enhancing the image of the institution. So thank you very much for not just your presentation but your ongoing hard work. Don't stop.

The Chair: — Further comments from members? I extend to, first of all, just thank you to the members and to the staff people who have certainly given us support over the last couple of days, for your involvement, and to the members for the questions you've placed and your involvement in our committee work.

I will now entertain a motion of adjournment. I recognize Minister Harrison, motion of adjournment. Have a seconder to the motion? Mr. Taylor. We are all agreed?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Thank you so much. This meeting is adjourned.

[The board adjourned at 10:48.]