



Legislative Assembly of Saskatchewan

BOARD OF INTERNAL ECONOMY

HANSARD VERBATIM REPORT

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Speaker**



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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

[The board met at 10:30.]

The Chair: — It being now 10:30 a.m. or just past — and looking around the room I see we do have quorum — I'll call the meeting to order.

And the first item on the agenda is, or before the meeting, is the approval of the proposed agenda. You have the agenda in front of you. Do we have any questions or additions or deletions to the agenda? And if there aren't any, could I have a motion to move the agenda be adopted as presented? Mr. Morgan. Could I have a seconder? Mr. Yates. It's been moved by Minister Morgan that the agenda, seconded by Mr. Yates, that the agenda 3/10 proposed be adopted. Do we have an agreement? Agreed. Carried.

Second item on the agenda is the minutes of the last meeting, April the 26th, 2010, 10 a.m. Do we have any questions regarding the minutes, last meeting? Any questions for the members? Do I have a mover to move the minutes be accepted? Ms. Eagles. A seconder to the motion to accept the minutes as presented? Mr. Yates. Are we all agreed that the minutes be accepted as presented?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried. Thank you. Now for the next number of items we have Mr. Putz with us this morning as well. If we have any questions on items 1 through basically, I guess, through 6, Mr. Putz is here to respond to any questions that may arise from item no. 1 through to 6.

So before us the next item is decision item no. 1, approval of the Legislative Assembly Service fourth quarterly financial and fiscal forecast report. Any questions in regards to item no. 1 presented to you in regards to the quarterly report? Seeing none, do I have a motion to approve the fourth quarterly report for the fiscal year 2009-10? Mr. Yates. A seconder for this motion? Mr. D'Autremont. Are we all then agreed?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried.

Second item before us is approval of the Legislative Assembly Service year-end report on progress actions, 2009 and '10. Do we have any questions in regards to this information? Seeing none, do I have a motion to accept the year-end report for progress? Ms. Eagles. A seconder? Mr. Taylor. Are we all in agreement?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Third item on the agenda is the response to the Provincial Auditor in regards to a couple of questions that were raised and, as you can see, the response that was sent by myself and the office to the Provincial Auditor.

Do we have any questions regarding the response? It's basically a standard response to the auditor's questions that he raises

regarding the board. Any questions? Seeing none, do we have a motion?

Mr. Putz: — Mr. Speaker, if I could just maybe comment.

The Chair: — Yes, Mr. Putz.

Mr. Putz: — Members of the board, as Mr. Speaker has indicated this is . . . The issue arises each year, as you'll recall in past meetings of the board, where the Provincial Auditor has asked for the Assembly to put into place a business continuity plan. And last year we were nearly complete. This letter just signifies that that process has been completed. Initial testing has been done. There'll be an exercise on this, and it's our estimation that this will satisfy the auditor.

The second issue is that the auditor annually requests that the Board of Internal Economy produce an annual report. And this board has consistently, over the last 15 or maybe 20 years, has indicated that it has no plans to publish an annual report — although in future you may want the Legislative Assembly Service to publish an annual report. And that's where the ongoing discussions are presently with the auditor. I just wanted to report that.

And if you wish to see a copy of the Assembly's business continuity plan, it has been tabled with the Speaker and it's in his office. I didn't figure every one of you would want a copy of that report, but if you want to look at it or you do want a copy we can make it available to you.

The Chair: — And as Mr. Putz indicated, this is the copy of the report. If members would like a copy we certainly can ensure that members would get the copy. If you just want to see the copy, it's in the office and you're welcome at any time to come and take a look at the copy.

Item no. 4, decision item no. 4 is the online access to members' disclosure reports, constituency office and conflict of interest and caucus disclosure reports, and online access to the Board of Internal Economy minutes and verbatim reports of the meetings. Maybe I'll ask Mr. Putz to just give us some comments in regards to this item, and then we'll open up for the discussion.

Mr. Putz: — Yes. Mr. Speaker, this item has been something that's been discussed more casually on and off over the past five years. I remember having a conversation with your predecessor, Speaker Kowalsky, about this, and it's come to light lately. And in fact both sides of the committee have stated publicly in media reports that they have no objection to putting these reports, which are publicly available in any event, in the Office of the Clerk. And those reports are your MLA [Member of the Legislative Assembly] disclosure reports, the caucus disclosure reports, and your conflict of interest declarations.

We have annually, every year, interest in these things, and it would be more convenient from an administrative point of view, besides a public access point of view, to have these documents made more widely available via the Assembly website. And so I had asked to have this agenda put on, based on those media reports, because we do get people — the media,

researchers, taxpayers federation people — in the office. And it does take a lot of work for the staff to get these reports out, and then copies of certain sections are needed. So it would be useful to us if these things were online.

And as far as the members have expressed through the media — and you can correct me if I'm wrong on this — but you also had an interest in making these documents more widely available to the public, more accessible to the public, rather than just office hours in the Office of the Clerk. So that's why this item is on the agenda.

And I might also add that when the board decided that the members should make available the disclosure reports . . . And by the way, your MLA disclosure reports, as you well know, are also required to be made available in your office as well. So I don't know how many people come to your office wanting to see this. Now they wouldn't have to come to your office if you agree to this. They could just look on the Internet.

But when the directives were put into place for these disclosure reports, we didn't have the technology to make them available generally to the public on the Internet as we do now. It won't be a burden to the Assembly. In fact we'll make it a routine matter of publishing the reports when they come out, both in paper form that will still be available in the Office of the Clerk, but electronically as well.

The Chair: — Thank you, Greg. And just an added comment, Greg and I had discussed this after . . . I believe it was around the end of May. There was an issue arose in the Nova Scotia Legislative Assembly — actually it was prior to that — and requests were coming to my office, and in turn I referred people to the Clerk's office. And personnel within the Clerk's office were then kept busy digging out information which, like as Mr. Putz has indicated, is available in our offices. And the fact that if it was put online, it just opens up the door for the public to have access to, and save some of the physical time spent in going through the files to retrieve the documents. So the floor is open for some questions in regards to this. Mr. Yates?

Mr. Yates: — Thank you very much. I was going to move that we accept the recommendation then that's on the table for discussion.

The Chair: — Okay. We'll have a motion to accept the recommendations, then we'll open it up for discussion. First of all, do we have a seconder to the motion? Mr. D'Autremont. Mr. Taylor.

Mr. Taylor: — Yes, just a question relating to the practicality of putting it online. Would the office just scan this data and make it available, or is it something that has to undergo additional input activity?

[10:45]

Mr. Putz: — As you know, you have the assistance of our finance branch to prepare your reports. It would then simply be a process of converting the electronic documents into a PDF [portable document format] form, and that's the way it would be handled. And that is not an onerous task at all. The MLAs won't have to worry about this at all. It would all be done from

our end and posted on the Assembly website.

Where there would have to be some slight modification is the conflict of interest reports. As you know, Mr. Barclay's predecessor, Mr. Gerrand, liked to do everything by hand and on paper, so there'll be some initial conversion of those processes to a format that, on an ongoing basis, will be just as easy as your MLA reports to convert. But Mr. Barclay is in favour of working with us on this and has no objection to it.

And as far as the other item on here, the board minutes, those would be made available exactly the same way that your Legislative Assembly committee minutes and verbatim are made available. No extra effort whatsoever.

The Chair: — Mr. D'Autremont.

Mr. D'Autremont: — You need to convert them to a PDF file so that nobody can go online and change them, because then they're a photograph. They're not actually a changeable document that you can work with.

Mr. Putz: — I'm just adding to that. One of the issues that we've found when there are demands for these things — because we don't have the staff to monitor the folks who come in and look at these reports — we've noticed that the next time somebody looks at it sometimes there have been pages missing and we've had to replicate those. We've actually had some people, whether by accident or whatever, some of the reports end up with missing pages. And we are required to have a complete, accurate copy, so this would assist in that endeavour as well.

The Chair: — Do we have any further questions or comments from committee members?

So the motion on the floor moved by Mr. Yates, seconded by Mr. D'Autremont:

That the following documents be converted to an electronic format and be available for public viewing on the Legislative Assembly of Saskatchewan website:

(1) The annual members' accountability and disclosure reports as required by directive no. 22, members' accountability and disclosure;

(2) The annual and end-of-term audited financial statements for each caucus office, including the auditor's reports on the financial statements, the system of internal control, and the caucus office's compliance with the directives as required by directive no. 23, caucus accountability and disclosure;

(3) The annual members' public disclosure statements as required by *The Members' Conflict of Interest Act*;

(4) The minutes and verbatim reports of the meetings of the Board of Internal Economy.

Are we all in agreement with the motion?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried.

The next item before us is decision item no. 5, the 2010-11 special warrant requests of the independent officers.

You have in front of you requests that have come from the independent officers. And you will remember back on I believe February 8, that time we met with all of the officers at which time they put before us their requests for the upcoming year in regards to the funds they would need to run their offices. And at the time a decision was made to not move forward with any increases in salary, given the fact that negotiations were currently going on with regards to government employees. And the decision was made that the government didn't want to or kind of set a standard where employees would be bargaining, but once the negotiations had been completed that the board would then approve the funding needed for the independent officers.

And in front of you, you have a special warrant indicating whereby I asked Mr. Putz to check with the officers and to inform us as to their needs for this meeting as to where they were, given the decision made on February 8th and 9th. And in front of you, you have the statements from each of the officers about the funds that they would need to continue to operate at the time.

So if I could have someone motion that we approve, and then we'll have any . . . open the floor for discussion. We have Minister Morgan. Do we have a seconder on this motion? Mr. Taylor. Do we have any discussion in regards to approval of the special warrant requests from the independent officers? And Mr. Putz has been in contact with them as well. If there's any additional questions, he would be more than prepared to respond as well. Any questions in regards to this request? Seeing none, it has been moved by Minister Morgan, seconded by Mr. Taylor:

That for the 2010-11 fiscal year, special warrant funding be approved as follows:

For vote 055, Information and Privacy Commissioner, \$50,000;

For vote 056, the Ombudsman, 73,000;

For vote 057, Conflict of Interest Commissioner, 100,000;

For vote 076, Children's Advocate, 76,000.

Are we in agreement? Agreed. Carried.

Moving on to item no. 6 on the agenda, the request to cancel card access lock system project to reallocate funds to the Legislative Assembly's operational requirements. Can I have, first of all, can I have a motion to reallocate those funds? Mr. D'Autremont. You have a seconder for that? Ms. Eagles. Any discussion in regards? Mr. Yates.

Mr. Yates: — Is this to cover off wage increases and that as well or . . . I'm trying to . . . There isn't a lot of explanation there. Or what has generated these increase requirements?

Mr. Putz: — I'll ask Linda Kaminski to come and assist me in the answer. But generally, a portion of it, it is. Fifty thousand of it is. And the balance would be to cover off other expenses that we foresee if and when we have competitions for the various officers. Twenty-five thousand of that, we know that under statute, the Public Accounts Committee is required to perform a competition for a new Provincial Auditor with Mr. Wendel's retirement. And those funds . . . Well Mr. Wendel's retirement was not known at the time when the board considered the Public Accounts Committee's budget, so funds will be needed for doing the advertisement and other competition costs.

You will be discussing shortly a Children's Advocate process. We know that generally speaking on average the costs are, just for advertising and costs for candidates' expenses, approximately 25 to \$30,000, and then whatever might happen with a Chief Electoral Officer. I mean if you reallocate the funds, there's no need then for the Assembly then to have a special warrant to cover off our employment costs or the costs of the other two competitions. And then if there are any costs associated with the third item, the Chief Electoral Officer, the funds would be in place there if needed.

We also have some other costs that the board decided not to fund at the time. For instance there is a cost of living increase in the core commissionaires' contract. When the board gave the Assembly a status quo zero budget, those were not contemplated. So expenses like that. There's some slight increases in rent for us as well. Those would be covered off.

I mean it is more money than we actually require, but this seemed to be the simplest thing. We of course will not spend the money if it's not needed for these purposes, and it'll be returned to the Minister of Finance as you saw in our fourth-quarter report that you earlier adopted. Funds not used are returned to the General Revenue Fund.

The Chair: — Do we have further questions? Mr. Taylor.

Mr. Taylor: — The direction here is to move money previously allocated for the purchase and installation of a card access lock system for reallocation, so that means we are not proceeding with an installation of the card access lock system this year. And could you explain why that's the case?

Mr. Putz: — I'll have to ask Mr. Morgan who's the one who asked that the funds be reallocated. As you'll recall, the board, as part of our asset replacement annual allocation, approved a project to begin initially replacing the key and locks in this building with a proximity card access system that's similar, that's in use in other Government of Saskatchewan buildings. And the request to the Assembly was that this project be postponed. And I'll have to let Mr. Morgan speak to that because that's where that initiative came from.

Hon. Mr. Morgan: — Thank you very much. We are supportive of the idea of updating the lock system on the building; I think it's an appropriate and prudent idea. But we are in a year of significant restraint. We're dealing with public sector bargaining and we've asked our public sector members to hold the line with regard to wage claims, and we think this is a request that could be deferred.

The Chair: — Any further questions from committee members? Mr. Taylor.

Mr. Taylor: — Just one other question along those same lines. We've just dealt with special warrants for the independent officer offices. An alternative to this proposal would be a special warrant as well, just a continuation of the process we began 15 minutes ago. Since we know that this card access lock system is necessary, we will probably have it back for discussion next year in any case.

And it isn't directly tied to salaries or wages. It's basically capital renovation. Why would we not be using special warrants to deal with, sort of on an individual itemized basis, the issues that the Clerk has outlined — wage issues in the Speaker's office and the public hiring process for independent officers?

Hon. Mr. Morgan: — It could have been done either way. It could have been done by way of a rescission of the earlier one and another special warrant. The Clerk's office was of the opinion it was easier just to do reallocation of the existing one, so I'll let Mr. Putz answer that.

Mr. Putz: — Yes. Because the Assembly's already appropriated the funds for this project, it's already, in effect, in our bank account. So rather than appropriating additional funds and having that money sit in the bank account till the end of the year and then returned to the public purse so to speak, it just seemed more prudent to transfer the money that's already been appropriated to the new purpose as identified by the board.

I was of the opinion though that this had to be a board decision, and that's why it was here for the reallocation of those funds. And it's totally up to the board which way you want to proceed. It would just . . . And also in consultation with Marilyn Borowski, our chief financial officer, it just seemed that this would be the easiest thing to do rather than going through all of the paperwork involved of appropriating the additional funds when we knew these funds are already going to be in our account and not being utilized if the board decided not to proceed with the lock project.

The Chair: — Okay. Mr. Taylor.

Mr. Taylor: — Yes. In the summary of special financial requests, warrant requests dealt with earlier, there was a brief paragraph on each item indicating what the dollar value was and what it was for. Mr. Putz gave a verbal explanation of what these four items would be for and indicated that it would be perhaps more money than was necessary. But do we also have a paragraph written that indicates specifically how much funding would be allocated to each of these four items as well? Do we have anything written that we could look at and make sure it all adds up?

Mr. Putz: — Unfortunately not. Because we can tell you what we do know, and I mentioned that. And Linda can come; she does have some documentation on that based on similar sort of matters that we reported from the officers.

But not knowing what the board's going to do with these various competitions outside Public Accounts and not knowing the exact amount, we can't specify. It's only an estimate. So it

would be like coming to the board at the beginning of the fiscal year, saying we're going to have a competition. It would be an estimate, and we wouldn't know exactly the amount that needs to be allocated to cover off these costs.

I mean, at the point when we devised this agenda, we weren't even sure what competitions we might have. And those are still up for discussion later on on the agenda. So as I said, if the funds aren't needed, they won't be spent.

[11:00]

The Chair: — Do we have further questions to the motion before us in regards to the reallocation of the funds for the lock program? Seeing none, we have a motion on the floor moved by the member from Cannington, seconded by the member from Estevan:

That for the fiscal year 2010-11, and further to minute no. 1739 of meeting 1/10, that under the Refurbishment and Asset Replacement Fund, approval for the purchase and installation of the card access lock system in the amount of 167,500 be rescinded; and further;

That \$167,500 be reallocated from the Refurbishment and Asset Replacement Fund to: no. 1, central management and services (LG01); no. 2, Office of the Speaker and Board of Internal Economy (LG07); no. 3, Legislative Assembly services (LG03); and no. 4, committees of the Legislative Assembly (LG04), committee support services as required to fund operating expenses of vote 021, Legislative Assembly.

Do we have an agreement on the motion presented?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried. Thank you. Item no. 7 is consideration of the recruitment process and time frames for the Children's Advocate, and at this time I would ask if it would be the wish of the board to move in camera for this discussion. I seek the guidance of the board in this regard. Mr. Taylor.

Mr. Taylor: — Mr. Speaker, with all due respect I see no reason to do so and therefore I don't believe it's necessary to move in camera.

The Chair: — I'll accept the . . . Mr. Morgan.

Hon. Mr. Morgan: — I'm fine with that.

The Chair: — Okay. Then we will move forward on consideration of the recruitment process and time frames for the Children's Advocate and we'll open the floor for discussion.

Hon. Mr. Morgan: — Mr. Chair, there is a draft motion that's been provided by your office. I'm prepared to make that as a motion.

The Chair: — Minister Morgan is moving:

That a national open competition be conducted by the Board of Internal Economy for the recruitment of a

Children's Advocate as follows:

That a subcommittee of the board be chaired by the Speaker and, consisting of a government member of the board and an opposition member of the board, be established as a selection panel for the committee;

That the Legislative Assembly Service provide human resource assistance to the selection panel for the competition;

That the recruitment process for the position be concluded so that the Legislative Assembly is able to consider the appointment of the Children's Advocate as early as is practicable during the 2010 fall session of the Legislative Assembly.

Do we have a seconder to that motion? Mr. D'Autremont. Do we have any further discussion? Mr. Yates.

Mr. Yates: — Yes, Mr. Speaker, a number of questions. Why are we once again looking at involving ourselves directly in the hiring process and not leaving this to a group of professionals that we could select to do the competition, whether it be the Clerk of the Assembly, the Chair, perhaps a group of agreed to people that we look at as the selection panel for independent officers, whether it be the presidents of the two universities or some group of individuals so that this is seen — not only is, but is seen — to be the selection of the best candidate without any partisan involvement, without any partisan consideration in this selection?

It would take away all the perceptions. It would take away a number of problems that have been seen to be involved in recent competitions and, you know, or some variation of that that takes us directly out of the selection process, whether it be . . . You know there could be a number of variations to that. And I think that that would very clearly indicate to the public that we are serious about having independents in our independent officers, that we want to take the partisanship out of any of the hirings, and that we want in fact to have the best candidates for the job.

And it may change even who would apply for the jobs. There are people who may not apply, feeling they have to go before a group for political scrutiny. And I think it does move us to a greater independence of our officers, a greater transparency, and gives credibility to the process.

The Chair: — Before I go to other members, I'll just ask Mr. Putz to give us a bit of a rundown as to what has traditionally taken place in the past, and I believe that's where this motion may have even come from. So, Mr. Putz, if you wouldn't mind, please.

Mr. Putz: — Sure. I mean ultimately it will be up to the board to decide the process. And the way it's presented here is the same way it was presented for the CEO [Chief Electoral Officer], as Mr. Yates is indicating. He was in part of that process. So was Mr. Morgan. Not knowing what the board wanted to do when this came up in the agenda, it was proposed exactly the way it was for the CEO. So certainly it is open for discussion.

I can give you a little bit of background as to what led to that for the CEO competition and, if you want, what happened the last time with the Children's Advocate competition. The reason, the primary reason for going with this format for the Chief Electoral Officer competition which this one replicates was based on what the Hamilton report suggested, that the recruitment of independent officers be based on a process that was used by the Standing Committee on Public Accounts. It'll be used again and ultimately that does involve members making the final decision. As to the involvement of members along the way in that process, that is something that is open for interpretation.

In the case of the Standing Committee on Public Accounts process, what happened was, as you're indicating, Mr. Yates, the senior officials were appointed in a similar way that you did with the CEO having myself and Ginette Michaluk and, to a lesser degree, Linda Kaminski involved in the process, the screening of applicants, the ad. There's no reason why the board could not decide to put all of that in the hands of the officials from the outset and then in the final analysis, like in the Public Accounts process, a list of two or three names comes and then the board or a selection committee of the board be utilized in picking the final candidate.

In the past with the Children's Advocate competition, it involved each caucus designating somebody to sit on the panel so the members themselves had a surrogate, so to speak, and those people then reported back presumably to each of the caucuses. So basically what you were doing in those cases is replicating what you were doing on the panel with somebody else selected by each of the caucuses to serve on the panel.

Ultimately it is up to the board to decide how they want the process to work, and the Assembly administration is willing to and will serve in any way that you designate. And even if you use this process, it doesn't mean that your select committee could not direct the officials to perform a process that doesn't involve the members perhaps until the final analysis, and then that's where the decision is made by members as to who your next Children's Advocate might or might not be.

Our suggestion though that if you're to use us in that capacity, like in the process for Public Accounts where a subject matter expert is on the panel, and like you did with the CEO where you had somebody that you selected from the private sector, Mr. Gavin Semple, to provide expertise on senior leadership skills required for these positions, that we would ask the support that we have a subject area expert on this panel, somebody perhaps akin to a retired children's advocate if that's acceptable to the board, and perhaps even another children's advocate from outside jurisdiction.

And that's happened in other senior competitions. For instance for our legislative librarian, we had the librarian from another jurisdiction serve on the selection panel. So these are all options open for your consideration. It's up to the board to shape whatever process you want. This was merely a suggestion based on past practices and the Hamilton recommendation that the process similar to the Public Accounts, perhaps more streamlined, be utilized in future competitions for independent officers.

The Chair: — Thank you, Greg. Any further comments from board members? Minister Morgan.

[11:15]

Hon. Mr. Morgan: — The only comment I'd make is we would welcome that process, and if you'd like to participate in a process such as that for the Chief Electoral Officer, we would be more than willing to consider those type of options. So if you would like to prepare a motion with regard to the Chief Electoral Officer using that type of thing, we could reconvene later today perhaps and deal with that matter.

But for purposes of this one, time is of some significance given the position is vacant. The direction from the Clerk's office is this is the process that has served us well in the appointment of the last two children's advocates and it would be our recommendation that we proceed with it.

Mr. Putz: — And Linda handed me the names of the people involved the last time. There's Clare Isman — she's Public Service Commission — but as you know the Hamilton report said executive government should not be involved in the selection of independent officers. And since that time our own Assembly human resource branch has the expertise now available to replace the Public Service Commission in that capacity.

And the representatives or surrogate, so to speak, for the members on that panel was Judy Samuelson, nominated by the government side — which the New Democrats were in power at the time — and Arlene Julé from the opposition side. That's just for your information. I committed to let you know who . . . I remember the process but I couldn't remember the names off the top of my head. So there you have it.

The Chair: — Any further comments to the motion before us? Mr. Taylor.

Mr. Taylor: — Given Mr. Morgan's comments and Greg's explanations, and recognizing the need to proceed quickly on the recruitment of a Children's Advocate, perhaps we could amend simply the first bullet:

That a subcommittee of the board be chaired by the Speaker, consisting of a government member of the board, opposition member of the board . . .

And adding a subject-specific expert as we did with the library so that there is sort of that one other expert eye that's on the selection panel. And then we would find everything else to be acceptable.

Mr. Putz: — If the members were not involved in the screening — and you'll remember, Mr. Yates and Mr. Morgan, that took up some of your time — and if you wish to streamline this process and do something as I was suggesting, perhaps leave the final analysis and the actual screening and devising the ad and all of that up to the administration.

We would prefer that we perhaps find two subject experts, and maybe it'd be a retired children's advocate or somebody from another jurisdiction if possible, just so that we have more than just a couple people on here and that it would be that we could appoint perhaps Ken Ring to assist in that process as well.

The Chair: — Further comment, Mr. Morgan.

Hon. Mr. Morgan: — Last time I think it was a decision of the subcommittee to try and bring in the experts. I think we should go ahead with the motion in its present form and then allow the committee members to decide which of the legislative officials and which outside . . . I haven't heard anything that I'm troubled by, but I think that's a decision that that committee makes rather than that we make as a board, and as such would suggest that we move forward with the motion in the form it's presented.

The Chair: — Do we have any further comments from committee members? Seeing none, there's a motion on the floor by Mr. Morgan, seconded by Mr. D'Autremont:

That a national open competition be conducted by the Board of Internal Economy for the recruitment of a Children's Advocate as follows:

That a subcommittee of the board be chaired by the Speaker and consisting of a government member of the board and an opposition member of the board be established as a selection panel for the competition;

That the Legislative Assembly service provide human resource assistance to the selection panel for the competition; and

That the recruitment process for the position be concluded so that the Legislative Assembly is able to consider the appointment of the Children's Advocate as early as is practicable during the 2010 fall session of the Legislative Assembly.

Those in favour of the motion?

Some Hon. Members: — Agreed.

The Chair: — Any opposed? There's three in favour, two opposed. The motion carries.

The last item on the agenda, as Minister Morgan indicated and members are no doubt aware, the current child advocate position is coming to an end shortly, and at which time Mr. Bernstein did indicate in a discussion with myself that he would not stay past his term of office, that he would be stepping aside. And at that time he was also already looking at other alternatives for his life, given the fact that he was not letting his name stand for reappointment.

And in my discussion with Mr. Bernstein, I had raised with him, given the fact that we probably would not have an opportunity to have in place a child advocate in time to fill the role of the child advocate when his term ended, would he have any suggestions for an acting child advocate. And in the discussion, Mr. Bernstein indicated to me that, given the fact that they didn't have a deputy, that they had turned their office into five managerial positions, and there may be some of the managerial positions, individuals who might look at putting their names forward to fill the role of child advocate. He felt it

would be very difficult for him to suggest a name from within the office, so I asked if he had any suggestions outside of the office. And he'd indicated that he felt that Mr. Fenwick, the Ombudsman, might be able to fill the role, and he would discuss it with him.

And then following his discussion, he called and indicated that Mr. Fenwick was prepared to, if asked to, however on a short-term basis. I then conversed and shared this information with Mr. Yates and Minister Morgan. And then I touched base with Mr. Fenwick, given that information, and asked if he would consider it. He said he would, however he wanted it to be very clear that it . . . a short-term basis. He didn't want to be stuck in the position where, given the demands on his office and demands on the child advocate office, that it became an indefinite period of time. And so he asked that we have a specific timeline in place. As a result of that we did put a tentative motion together, and so I invite a mover to a motion:

That the board recommend that the Lieutenant Governor in Council appoint Mr. Kevin Fenwick, Ombudsman, as acting child's advocate for the period September 6th, 2010 to October 31st, 2010 pursuant to section 12.21(2) of *The Ombudsman and Children's Advocate Act* without remuneration.

Do I have a mover to this motion? Mr. Yates, do you have a question or . . .

Mr. Yates: — I'll move it but I also have a question.

The Chair: — Okay. And do we have a seconder to the motion? Mr. Morgan. Any questions in regards to the motion? Mr. Yates.

Mr. Yates: — My only question has to do with the time frame, an end date of October 31st. Is that feasible and are we going to be able to recruit an individual within that time frame and have them start? Normally people want a couple of months in sort of seeing . . . [inaudible] . . . to come and I'm just, I'm asking that question not knowing the answer, I guess. And my only point is, why would we have an end date that may not be doable?

The Chair: — Thank you, Mr. Yates. And in regards to the end date, I know that Mr. Fenwick was quite adamant that we do have an end date. However, your point is well taken, October 31st versus saying November or December might be more appropriate. However, the floor is open for discussion. Minister Morgan.

Hon. Mr. Morgan: — I discussed this with the House officials earlier and they indicated that this was a quick timeline but an acceptable timeline for purposes of dealing with Assembly staff. The possibility that a prospective candidate might need some additional time before taking the position might mean that we might have to consider an extension or, in the event that Mr. Fenwick is not willing to take the work beyond that date, we may have to appoint somebody different. But this fits in with his needs and I don't think it's inappropriate to have a fairly rigorous timeline to keep the committee working.

The Chair: — Mr. Putz.

Mr. Putz: — Not to put words in Mr. Fenwick's mouth, but I think he was concerned that if the process dragged on it would become a burden to him. And he may be willing to consider another short-term reappointment if necessary, if he knows that an appointment is imminent and somebody's accepted the position. But I'm just speculating based on my casual conversations with him.

His concern was that if there is no end in sight as to the selectioner and the process was still ongoing, then that's where his concern was. And Mr. Morgan's right. He did ask the Legislative Assembly Service's advice and whether the process was workable given that time frame. And in review in our office, we felt it was. But your point is well taken, Mr. Yates, that a person may need more time to make whatever moves, adjustments they need to fill the position.

The Chair: — Any further questions or comments from board members? The motion then before the board, moved by Mr. Yates, seconded by Minister Morgan:

That the board recommend that the Lieutenant Governor in Council appoint Kevin Fenwick, Ombudsman, as Acting Children's Advocate for the period September 6th, 2010, to October 31st, 2010, pursuant to section 12.21(2) of *The Ombudsman and Children's Advocate Act* without remuneration.

Is there agreement to the motion?

Some Hon. Members: — Agreed.

The Chair: — Any opposed? It's carried. Thank you. Having arrived at the conclusion of our agenda, I'll entertain a motion for adjournment. Minister Morgan. And seconder to the motion? Mr. Yates. We're all agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you so much, members, for your time and attendance to the meeting.

[The board adjourned at 11:24.]