



STANDING COMMITTEE ON PUBLIC ACCOUNTS

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**STANDING COMMITTEE ON PUBLIC ACCOUNTS
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Mr. Elwin Hermanson, Chair
Rosetown-Elrose

Ms. Joanne Crofford, Deputy Chair
Regina Rosemont

Mr. Lon Borgerson
Saskatchewan Rivers

Mr. Ken Cheveldayoff
Saskatoon Silver Springs

Mr. Michael Chisholm
Cut Knife-Turtleford

Mr. Andy Iwanchuk
Saskatoon Fairview

Mr. Kim Trew
Regina Coronation Park

[The committee met at 10:30.]

The Chair: — Good morning, ladies and gentlemen. We will call this meeting of the Public Accounts Committee to order.

I'll welcome each one of you here. Whether you're committee members or playing some other role this morning, we're looking forward to dealing with two items on our agenda. Firstly with . . . Both items, by the way, are from the 2006 report volume 3 of the Provincial Auditor.

The first item is chapter 7, the Public Service Commission. We have allotted half an hour for that. The second one is chapter 19, First Nations and Métis Relations, and we have allotted 45 minutes. I notice both chapters are relatively small with two recommendations each, so we'll try to apportion enough time to deal with both of those items this morning.

Public Hearing: Public Service Commission

The Chair: — We have representing the Provincial Auditor on the first chapter on the Public Service Commission, Judy Ferguson. Judy, we'll ask you to just briefly give us a review of your chapter. And then we have the Chair of the Public Service Commission, Clare Isman here, and we welcome you. And we'll give you a chance to introduce your colleagues and respond after the report from the Provincial Auditor. So we turn the floor over to you.

Ms. Ferguson: — Thank you, Chair. Good morning, committee members and officials. This morning this chapter includes the results of the audit of the commission for the year ended March 31, 2006, and the status of recommendations that we made in our 2005 report volume 1.

We conclude that for the year ending March 31, 2006, the committee had adequate processes to safeguard resources and comply with authorities with two exceptions. Similar to many other government departments, the commission's human resource plan did not contain all the key information expected. A robust and complete human resource plan is essential so that the commission has the right people with the right skills at the right time. On page 227 of the chapter, we recommend the commission revise its human resource plan to include the missing components as listed on that page.

Late in our audit period, the commission started to use the Information Technology Office for certain information technology services without having a written contract in place. A strong contract with the ITO [Information Technology Office] is important as the commission remains responsible for the security of information that the ITO processes. On page 228 of our report we recommend that the commission sign a service level agreement with ITO for its information technology services.

Finally, the commission as the central human resource agency for departments provides the human resource policy framework in which departments must operate. In 2005 we reported that the commission had adequate processes to lead human resource planning across departments with two exceptions. We made two recommendations.

First, we recommended the commission communicate to departments a manageable number of human resource priorities, particularly those that are relevant for the next five years. Second, we recommended that the commission use at-risk management framework to identify and analyze human resource risks and set acceptable risk levels.

On pages 229 and 30 we report that the commission has made reasonable progress to address these recommendations, but some more work remains.

In summary, this chapter contains two new recommendations for the committee's consideration. Recommendation no. 1 is on page 227, and recommendation no. 2 is on page 228. That concludes my presentation, and we'd be pleased to respond to questions.

The Chair: — Thank you very much, Ms. Ferguson, for that. Again we welcome you, Ms. Isman. If you want to introduce your colleagues and respond, now is the time to do it.

Ms. Isman: — Thank you very much, Mr. Chair. Yes, I would like to introduce my officials that are with me today. To my right is Rick McKillop, the executive director of employee relations, policy and planning with the Public Service Commission. To my left is Lynn Jacobson, our director of corporate services. And behind me on the right is Jocelyn Souliere who is the director of policy and evaluation for the Public Service Commission; and Dawna Griffith, our director of recruitment and employment programs.

Thank you for the opportunity to appear before the committee today to discuss the recommendations contained in chapter 7 of the 2006 auditor's report. The auditor has recommendations in the report that relate to the Public Service Commission's own human resource plan, the agreement with the Information Technology Office, and as well has made comment with regard to human resource planning for the overall public service from 2005. The PSC [Public Service Commission] concurs with the auditor's recommendations and has made progress on each of these matters since reported in 2006.

With respect to the first recommendation, our own internal plan, I would suggest that this is one of those examples where we need to do as we say to others, and as a department we were perhaps falling short of what we were expecting of other departments. Over the past year, the Public Service Commission's management team has worked competently and diligently to identify our succession management issues and critical competency development needs for our staff.

In our own human resource plan, we have identified key actions for ourselves, including the development of succession plans and knowledge transfer initiatives for our high-risk positions. We have also established learning and development plans for the majority of our staff; however not all staff so we need to complete that piece of work. And finally, we have implemented a number of training initiatives to address our staff's learning needs.

These are particularly around customer service training, consulting skills, and currently we're looking at a facilitation

skills training workshop. In our human resource plan, we have also reaffirmed our commitment to increase the representation of Aboriginal persons and persons with disabilities at all levels of our organization.

In terms of the auditor's second recommendation, the PSC has been meeting with the ITO representative since the fall of 2006 to negotiate an agreement to cover the delivery of IT [information technology] technology services for the PSC. A final agreement has been completed and is waiting approval by the ITO executive. We expect that agreement to be signed and in place by May 1.

With respect to the auditor's comments in 2005 regarding human resource planning for the public service, the PSC has been working over the past year with departments to review and to revise the government-wide human resource plan. The 2006 to 2010 HR [human resource] plan was finalized and approved by the management services council of deputy ministers and by Treasury Board.

The renewed plan sets out our new statement of organizational culture as a foundation for HR management efforts across the public service. The goals and objectives in the HR plan support the achievement of our desired culture and address the highest human resource issues facing the Saskatchewan public service. The PSC worked in collaboration with departments over the past year to identify human resource priorities that are achievable and supported by all. Although the number of HR priorities has remained relatively constant over the past few years, we believe that they define what the HR management priorities are over the multi-year plan.

Given limited resources, discussions between the PSC and department officials have taken place to promote an understanding that departments need to allocate their resources to those priorities that are most pressing to them in any given fiscal year. This may vary amongst departments. For example, one department may have a stronger need to focus on diversity, and another may have a need to focus on learning and development. The HR plan accommodates the needs for these priority actions at the department level.

In 2005-06, the Public Service Commission did develop a risk management framework to help the PSC and departments identify human resource management risks that have an impact on our ability to achieve government priorities. The framework draws on national and international standards, incorporating best practices for risk management from around the world. The risk management model includes processes to systematically identify and analyze those risks and set acceptable levels. We trained 36 HR practitioners from across government departments in the use of this risk management model.

In 2006 we also revised our 2007-08 planning guidelines to more clearly outline the requirement for departments to demonstrate and use the risk management framework in the development of their human resource plans.

I think this summarizes the work that we have undertaken since the Provincial Auditor's report, and I would like to thank the committee for the opportunity to update you on the progress that we have made with regard to the recommendations. And

I'd be pleased to respond to any questions that you may have.

The Chair: — Thank you, Ms. Isman, for that response. I just want to inform the committee we have one substitution this morning. Substituting for Mr. Borgerson is Mr. Yates and so, Mr. Yates, we welcome you to our committee this morning.

Mr. Yates: — Thank you.

The Chair: — We will move on then to any questions regarding chapter 7. Mr. Cheveldayoff.

Mr. Cheveldayoff: — Thank you, Mr. Chair. And welcome, Ms. Isman and your officials, to Public Accounts this morning. I listened with interest to your presentation, and I see that you've addressed some of the concerns that I've had.

I think you probably felt the same way as I did when you're reading this, that a department such as yours that has the responsibility to guide other departments. It's somewhat troublesome when you read in the first paragraph that your department needs a human resource plan for its own activities which needs to be improved. So we would, you know, hold you to a very high standard and hope that you do provide guidance.

And I guess if you could just outline, you know, how you lead by example with your department and how specifically you have addressed the concerns about your own human resource plan at PSC.

Ms. Isman: — Thank you very much. Yes, I think as I mentioned, I think it's one of those examples of do as I say and not as I do, I think is the phrase that's often used. And often when you work as an expert in a field, you don't necessarily contemplate that you need to do it internally. Thinking for ourselves because we're in the business of HR management, we sometimes forget that we're also managing an organization ourselves. And so when we sat down to actually look at what our human resource plan looked like, I would suggest to you that it was all paramount in our minds and really hadn't been well documented.

Our management committee was well versed in what it took to develop a human resource plan because that is the nature of their business. So it wasn't that difficult as a team to really look at some of the key things that we needed to do — first of all, the identification of key positions where we were potentially at risk, where if losing individuals with that set of expertise was going to cause problems across the organization. So that was our first priority was to identify those key positions.

From there we also worked very closely with all of our staff to determine what the competency requirements were for our positions which were well developed in terms of our work plans as well as within our job descriptions. But talking with each and every one of our employees about what their learning needs were and then documenting that into a plan and then putting in place some learning opportunities to actually address them.

With regard to the key positions, some of the things that we have done is implemented some opportunities for job shadowing, definitely I think enhanced the coaching that we're doing within the commission. We have development plans in

place for some of those key positions in terms of some learning and development opportunities, for example, that they might take. So for example for those people who would be next in line for senior leader positions, they've done and been involved in leadership development training. And I think in my opening comments I remarked on a number of other training initiatives that we've done. As well, we've assigned responsibility to our managers in terms of meeting the objectives that we've outlined in our plan.

Mr. Cheveldayoff: — Thank you very much. Can you go on to outline the guidance that you do provide for other departments? I know it says PSC provides human resource policy framework, and you've talked a little bit about the risk management service that you provide within that. Can you give us an outline of what encompasses that framework in totality?

Ms. Isman: — Okay. With regard to overall human resource planning, we do have a position within the Public Service Commission in our policy and planning area that is a human resource planner responsible for the government-wide human resource plan. That person over the last five years — really since we stepped into the realm of human resource planning — has become what I would describe as the technical expert within the Government of Saskatchewan on effective human resource management planning. And I think, as I noted the last time we were before the committee, this is an evolving area of study and growth and development.

So that individual is responsible for being aware of ongoing best practice in the field, responsible for establishing the framework for human resource planning — which is quite broad; it's available on our Public Service Commission website — and as well leads a group of human resource planners from across the departments. So we've established a network of human resource planners in the departments.

This individual leads that group so the discussions that they have are . . . First of all the individual is responsible for the establishment of the broad environmental scan of those things which will affect the government's human resources overall. That becomes the starting-off point in terms of effective HR planning. We then look to the departments to identify department-level issues that may be affecting their ability to achieve their strategic goals.

We then consolidate all of that information in terms of developing the broad four-year corporate human resource plan, which in this case will take us out to approximately 2010. That plan then guides the establishment of annual performance plans — both the Public Service Commission plan as well as the department human resource plans. So that identifies the goals, the objectives, the actions on an annual basis, as well as the performance management targets that are established in that process.

With regard to the risk management framework that you spoke to, I think it was when we were here a couple of years ago that we really had just started to embark on some research around risk management in the HR field. What we did was we did research from both national and international standards, and we looked at organizations such as the Government of Canada, the Government of British Columbia and Ontario, the governments

of Australia and New Zealand, the Project Management Institute, and Wiltshire Consulting which were all seen to be lead organizations in this field.

The management model that we have established and trained our employees to use includes processes to systematically identify and to analyse human resource risks and risk levels. So we embedded those actually in the policy and framework guidelines that we had and that previously hadn't been there. And then we asked the departments to actually build that into the processes that they were using.

One of the best ways that I might be able to explain it is that it identifies what a risk is, first of all. And really it's as simple as something happening that will have an impact on the department's ability or the organization's ability to achieve its goals.

So then what the departments are asked to do is to take that risk management definition and apply it to the objectives that they've laid out. So once they've identified the objectives, then they look at what the human resource risks are that are associated with each of those objectives. For example then they ask what the likelihood of the risk occurring, and they rate those; what are the consequences if the risk occurs, and whether or not it's severe, moderate or low; and in what time frame might that risk occur. And once they've established whether or not it's a short-term or a long-term risk, they know whether or not it's something that within the risk tolerance level they need to actually address.

This is done concurrently as well between the human resource management practitioners and the executive and management teams of the departments because clearly those are the key people that need to be actively involved. They then roll that up actually into a framework. And then that allows them to prioritize what actions they need to take.

Mr. Cheveldayoff: — Thank you very much. I had several additional questions regarding risk management, but I think you've covered a lot of it. To me, I guess, the prime concern is losing a key person in a key area would be the number one risk. And doing anything to get ahead of that situation would be how you would address it. Is that correct?

Ms. Isman: — Yes. That's exactly right.

Mr. Cheveldayoff: — Thank you. The auditor goes on to talk about the information technology offices and the service that you receive from the ITO. And can you just explain to us where you're at with negotiations with the ITO?

Ms. Isman: — Yes. Actually the agreement has already been established. We have a committee within the Public Service Commission that manages our IT initiatives with them and the service level agreement which we have reviewed and are in agreement with, so we've sent it back to the Information Technology Office executive team saying we're in concurrence with the agreement. And we're simply awaiting their signature for it to be signed.

Mr. Cheveldayoff: — Are you satisfied with the services that you're presently receiving from ITO? Are there any major

concerns at this time?

Ms. Isman: — No. Thus far I think since we've been involved, which is a year ago, we are satisfied that the consolidated model is meeting our needs.

Mr. Cheveldayoff: — To your knowledge is that the case with most departments that you're helping with guidance along? Is the ITO situation going well?

Ms. Isman: — Actually I don't think I could speak for my colleagues because I've never had really a conversation with them with regard to their IT service needs.

Mr. Cheveldayoff: — Okay, fair enough. We'll be asking that question to departments ourselves.

I found it interesting. I was reading through the chapter, and it was fairly short. And it referenced the human resource plan for the public service '06 to 2010 and the performance plan. So I did go on your website and read through the performance plan, which I found very interesting for an overall global perspective of where we are with the human resources in the province.

Now first of all, on page 8 it talks about the age categories and the age of employees across Saskatchewan, and then it defines also all Government of Saskatchewan employees. And for example, like in the 20 to 24 age group, employed Saskatchewan population is about 12 per cent. Within the Government of Saskatchewan it's at 4 per cent. So at that very young level, we seem to have a real lack of workers and something that needs to be addressed, especially when we go on further and look at what's going to happen in the future.

Can you outline some of the things that you're doing to address this concern?

Ms. Isman: — Yes, I'd be pleased to. The representation of youth across the public service has been noted as a concern for a number of years. First of all, I think the one thing I would point out is the 4.3 per cent number is with regard to our permanent employees. And we actually have 11 per cent representation when you consider all forms of employment within the public service, but the 4.3 per cent definitely is of concern in terms of our permanent group.

Some of the things that we've done is the initiation of some internship programs within the public service. First of all, Aboriginal Career Connections, which is a program we started a number of years ago and although not targeted specifically at youth, it is specifically targeted to people within five years of getting a post-secondary education. So initiatives like that clearly are bringing individuals into the public service.

And the objective of the internship program is to allow people to gain work experience within the public service to then ready them for securing permanent employment at a later date.

We've also established a partnership with the University of Regina for a master's of public administration internship program, and we have a number of new grads coming out of the M.P.A. [Master of Public Administration] program that are working in internship programs. And then we're successfully

being able to move them into permanent employment opportunities after that.

As well, we've, I think, done a lot of work over the last number of years in terms of how we're positioning ourselves in the marketplace with regard to attracting youth. The look of our website and the changes that we've made this year, for example, we think is much more friendly to a young population. The nature of our ads and how we're positioning ourselves in terms of the qualifications we're looking for, as well, are designed so that young people won't be deterred from applying for the jobs that we have across the service. Those are some examples.

Mr. Cheveldayoff: — Just a quick question on your recruiting efforts. Do you do proactive recruiting? Do you go to career days at the post-secondary institutions and actively talk about the specific jobs that you have and try to recruit people at that level?

Ms. Isman: — Absolutely, yes. We're on campus. We're at SIAST [Saskatchewan Institute of Applied Science and Technology]. We're within the different faculties depending on where we need to be recruiting, at the business dinners, wherever we can be, as well as posters and initiatives, on reserves. Wherever we believe that we've got opportunities to be able to recruit, we're positioning ourselves to be noticed.

Mr. Cheveldayoff: — Thank you very much. I see the time is slipping away very quickly here. Another thing of interest was the retirements, the projected retirements within the public service. It's on page 11 of the performance plan. And the numbers are just somewhat staggering. When you look at managers and assistant directors and above, 40 per cent turnover in the next five years and about a 70 per cent turnover in the next 10 years. I'm generalizing a bit, but can you just outline some of the efforts that you're undertaking to address this concern?

Ms. Isman: — Yes thank you. Mr. Chair, you know once again it's the flip side of the problem of the demographics is one side we've got lots of expertise potentially leaving. The flip side of that of course is when they leave, we'll be able to hire young people. So it's trying to find a balance of being able to do both of those things.

That's where human resource planning really comes into play is to identify those key positions where we are at potential risk in making sure we have plans in place from a succession management perspective. So succession management becomes the key. And that can work from anything from recruitment strategies for some positions. Others could be learning and development initiatives to make sure that people are ready. One of the key areas clearly is in our executive and management cadre, and so leadership development is becoming paramount for us to ensure that we've got the next wave of individuals within the public service positioned to be able to move into those jobs.

Mr. Cheveldayoff: — Thank you very much. I have several other questions and as my role of Finance critic for the overall government that impacts on your department but looking at the clock, I think I'd like to give some of my colleagues some time to ask some questions, so I'll put those on paper and ask you to

respond in that way.

The only other thing is, I was trying to see the public service 2006-2010 human resource plan. I couldn't find that on the website. It says here that it is. But if you could get me a copy of that, that would certainly be helpful. I did find the performance plan. Thank you very much, Mr. Chair.

Ms. Isman: — Yes I can.

The Chair: — Right. If the Chair could ask just a couple of questions. As you know, the Minister of the Public Service Commission has been questioned rather extensively about dismissals with cause. And I'm just wondering, I'd like some background information. Can you tell me what role the PSC plays in dealing with dismissals with cause?

Ms. Isman: — The role that the commission plays, Mr. Chair, is one of an advisor. So as technical experts with regard to effective human resource management, we're called in to provide guidance, support, and recommendations to the deputy minister who has authority under The Public Service Act.

The Chair: — And how many of these would you normally deal with in an average year in your experience?

Ms. Isman: — We don't actually . . . Mr. Chair, we don't have a specific number, but I would suggest the number in the course of the year is probably less than ten. But it's not an overly burdensome number.

The Chair: — And so you have enough human resources in your department to adequately handle that matter whenever it arises. It's not a problem for your department?

Ms. Isman: — No it is not.

The Chair: — How long would it take on an average if a deputy minister raised a case where he or she felt there was a dismissal with cause? How long would that process usually take to handle? Is it a matter of several months, or is it a matter of a week or two or a day or two?

Ms. Isman: — Mr. Chair, I think the response to that question would be it depends very much on the nature and the severity of the incident and the amount of work that needed to be done in order to satisfy ourselves that we had the appropriate background to be able to make a decision and advise them from an informed position.

The Chair: — So what is the nature of the advice that you give? Is it legal advice? Is it regarding to the public servants or the Acts that affect public servants. What exactly do you do?

Ms. Isman: — It is both actually. And it would be important for me to say that we often, and most often, work with the Department of Justice concurrently. The labour relations experts that we have at the Public Service Commission do serve in a capacity because of the knowledge that they have on — what's the word I'm looking for, Rick? — jurisprudence.

Mr. McKillop: — Yes, arbiter jurisprudence if it's in the bargaining unit and some knowledge of common law with

respect to HR matters around discipline and dismissal.

Ms. Isman: — So our people are very skilled in that. That's who we recruit, and we have that level of technical expertise at the commission. If we need further legal assistance, we call on the Department of Justice to help us out.

The Chair: — So in these cases, do you see yourself as the servant primarily of the deputy minister who feels he or she may need to dismiss someone with cause? Or do you see yourself as an arbitrator that reviews a situation and provides advice that may be helpful to the employee and in fact be a defence of the employee? What is your role in that regard?

Ms. Isman: — I think the role of the commission is that of an independent expert providing advice based on all of those things. And these matters tend not to be simple in any way, shape, or form. So our job is to be very knowledgeable, to use all of the information, and then to make the advice that we provide to be based on fact and evidence that we believe will be upheld and withstand scrutiny by any other level of appeal or consideration.

The Chair: — How often would there, in your opinion — or would you know? — how often there would be a dismissal with cause where you were not brought into the process? I'm speaking of the PSC, not yourself personally.

Ms. Isman: — Rick advises me that it would be seldom, but it has happened.

The Chair: — Let's say you did 10 cases a year. Would it be normal that it would be one or two or three cases where you weren't involved?

Mr. McKillop: — . . . to be any cases in which we . . .

The Chair: — I beg your pardon, I can't hear you.

Mr. McKillop: — I think it would be abnormal for there to be any cases in which we weren't involved in some advisory capacity, but I must say that it has happened.

The Chair: — Well obviously you know it's happened in one instance because that's the case that's been very prominent in the news over the last little while. I'm just trying to find out sort of the background as to why would a deputy minister not use the Public Service Commission. I thought perhaps it took too long, but you're indicating you can provide some advice very quickly.

Mr. McKillop: — If you're referring to the Carriere case, which I assume that you are, the Public Service Commission was an adviser to the deputy minister in his decision making with respect to that decision, as was the Department of Justice.

The Chair: — Okay. So in fact the Minister of the Environment did not dismiss the person without first consulting with the Public Service Commission.

Mr. McKillop: — No, the deputy did in fact consult with the Public Service Commission and the Department of Justice in making his decision.

The Chair: — And so was your advice followed in this case?

Mr. McKillop: — Our advice was that the penalty selected was within the range of reasonable penalty, based on the circumstance.

The Chair: — So then in that case, in your opinion and knowing the laws as you would know it, would you say then that there would, that the dismissal was with just cause?

Mr. McKillop: — That wasn't the first decision. The first decision was a long-term suspension, a demotion, and it was on that question that we advised.

The Chair: — Okay. So you didn't advise on dismissal then.

Mr. McKillop: — On the final decision, that was made in a different way.

The Chair: — Okay. That was actually what I was driving at in my first question. I'm sorry I misunderstood you. So you were not consulted when it came to the final dismissal?

Mr. McKillop: — I think it's fair to say we were consulted, but we weren't directly involved in the final decision.

The Chair: — So were you able to give advice in that situation then?

Mr. McKillop: — We did advise with respect to the responsibility, where the responsibility lay for making the decision. We did advise with respect to the possibility of double jeopardy issues being advanced in terms of imposing a new penalty based on the same facts.

The Chair: — So would you say then your advice was heeded or it wasn't heeded by the minister?

Mr. McKillop: — The decision was made at the appropriate level. I think it still involved a certain amount . . . It still certainly involved the question of double jeopardy.

The Chair: — Okay. I think that that is all the questions I have on that matter. Are there any other questions? Mr. Chisholm.

Mr. Chisholm: — I just have one quick question. A couple of years ago, the criminal record check came into play. I'm just wondering if you could report on the progress — there was kind of a five-year phase-in period for some positions — and just where we're at on that program.

Ms. Isman: — Yes, Mr. Chair. We have implemented the policy. I don't have all of the detailed numbers with me in terms of the rollout, but could provide them. What I can advise the committee is that we have rolled out the criminal record check policy for all positions that are currently being staffed that have been identified as needing them. So all staffing actions now that require a criminal record check are being checked.

The second area was with regard to — as we rolled it out — was for all of our out-of-scope employees in positions that required a criminal record check. And all of those positions have been advised that they are required to submit a criminal

record check within the five-year time frame.

We are now just in the process of rolling it out and identifying the positions within the scope of the SGEU [Saskatchewan Government and General Employees' Union], of all of those. And then we will roll it out to all of the employees that are currently in those positions and giving them the five-year window within which to submit them.

Mr. Chisholm: — Thank you.

The Chair: — Colleagues, are there any more questions or are you ready to go directly to recommendations?

Mr. Yates: — To the recommendations.

The Chair: — Everyone is ready to go to the recommendations. Very good then. We will begin with recommendation 1 which is on page 227, the bottom of the page and follows through on the next page. The Provincial Auditor says:

We recommend the Public Service Commission revise its own human resource plan to include the following:

a prioritized listing of human resource risk specific to PSC

detailed strategies to bridge identified gaps in human resource needs specific to PSC

assignments of responsibility and deadlines for implementing major strategies.

Is there a motion? Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. I'll move we concur and note compliance.

The Chair: — The motion is to concur and note compliance. Is there discussion of the motion? Seeing none, we'll call the question. All in favour? That's carried unanimously.

We will move then to the second recommendation which is at the bottom of the same page. It reads:

We recommend that the Public Service Commission sign a service-level agreement with the Information Technology Office for information technology services.

Is there a motion? Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. I'd move we concur and note progress.

The Chair: — At this time a motion to concur and note progress. Is there discussion of the motion? Seeing none, we'll call the question. All in favour? Again that is carried, I believe unanimously. Maybe missed a couple of hands, but I sense it was unanimous so we will call it that.

That brings us to the conclusion of chapter 7. I want to thank you, Ms. Isman, for appearing before our committee with your colleagues and for answering our questions this morning. We

will just recess for a minute or two while we wait for the First Nations and Métis Relations people to assume the chairs at the end of the table. Thank you again very much.

Ms. Isman: — Thank you.

[The committee recessed for a period of time.]

The Chair: — We will reconvene the Public Accounts meeting and before I introduce our new witnesses, there's been just an informal discussion through the recess. It is the Chair's understanding that there will be a state funeral next Tuesday. The consensus around the table is that whether or not . . . and even if we don't know whether or not the House will be sitting at any point next Tuesday, that we should cancel the Public Accounts meeting for one week hence. And so I just give you advance notice to expect a cancellation notice to be following.

Public Hearing: First Nations and Métis Relations

The Chair: — We want to welcome the deputy minister of First Nations and Métis Relations, Richard Gladue. Richard, I believe this is your first appearance, is it not, before the Public Accounts Committee so we especially give you a warm welcome to our gathering.

Our custom, at least while I've been the Chair, is that we will have a brief summary of the auditor's report. That will be given by Ms. Ferguson, who is doing double duty this morning. Thank you for that. Following her summation of the chapter, we would invite you to introduce your colleagues that you've brought with us. If you briefly care to respond, we invite you to do that but we are cautious of the fact we need to leave enough time for members to ask questions. So I give the floor to Ms. Ferguson.

Ms. Ferguson: — Thank you. Good morning, Chair, committee members, and officials. The chapter before you includes the results of the audit for the Department of First Nations and Métis Relations for the year ended March 31, 2006. We conclude that for the year ending March 31, 2006, the department had adequate processes to safeguard resources and comply with governing authorities with three exceptions.

First the government created the department effective October 2004. At March 31, 2006 the department did not have a complete performance plan. Its 2006-07 performance plan did not have performance measures for four of its eight objectives. In addition the department had not set targets for its performance measures. Without this information it is difficult to monitor the department's performance.

On page 399 we recommend that the department complete the development of its performance plan, including the identification of measures, selection of performance targets related to its goals and objectives.

Second as previously discussed with this committee, a robust and complete human resource plan is essential so that the department has the right people with the right skills at the right time. The department did not as yet have a human resource plan. On page 400 we recommend that the department prepare a human resource plan.

Finally we report progress that the department has made to better monitor the spending by four community development corporations and the First Nation Trust Fund to ensure the money it provides to them is spent as required by law. The department continues to work with these organizations to correct reported problems; however, more work remains.

In summary this chapter contains two new recommendations for the committee's consideration, the recommendation 1 on page 399 and recommendation 2 on page 400. That concludes our presentation. We'd be pleased to respond to questions.

The Chair: — All right. Thank you again very much, Ms. Ferguson. Mr. Gladue, if you'd care to introduce your colleagues and respond.

Mr. Gladue: — Thank you, Mr. Chair. I'm glad to be here. It's a pleasure to be here my first time. Thanks for the warm welcome. I'd like to introduce my officials. Laurier Donais is my director of finance and corporate services to my left; and John Reid, who is my acting deputy minister to my right. Also in the back I have Giselle Marcotte, who is our executive director of policy. We have Seonaid MacPherson, who is our executive director of strategic initiatives. And we have Trisha Delormier-Hill, who is our executive director of our TLE [treaty land entitlement] lands and resources branch. We have Kerry Gray, who is our director of our gaming section, and my assistant, Jennifer Brass, who's assistant to our DM [deputy minister] office.

Once again, thank you and greetings. And I guess I could start with just quickly highlighting some of the department's main initiatives that include policy in Aboriginal relations, lands and resources, negotiations of new TLEs, and administration of existing agreements, also the administration of the 2002 Gaming Framework Agreement and related funding to that agreement, the Aboriginal economic development program, the Aboriginal employment development program, and also establishing a process for First Nations and Métis consultation.

Specifically on accountability, we take our duty to manage and protect public money very seriously, and I think everybody has that. I think our department values the work done by the Provincial Auditor and value its relationship with the auditor's office. We are committed to addressing in a proper fashion any issues identified by the auditor. The department is working with departments of Executive Council and Finance to hopefully refine performance measures that will be included in future performance plans.

Through the '06-07, the department worked at the Public Service Commission who provides human resource client service to the department to develop a human resource plan.

Specifically in regards to accountability of First Nations gaming funding, we have made much progress in addressing the Provincial Auditor's concerns and we are pleased to see that the Provincial Auditor has noted improvements since the last report.

Accountability processes are in place for both First Nations Trust and community development corporations. These processes were followed for the 2006-07 fiscal year.

I think that's my quick summation of my comments and I welcome any questions.

The Chair: — All right. Thank you. Just before I open up for questions I just notice . . . I always look at the numbers. On the top of page 398 I notice that the original estimate for the gaming agreements was 27.4 million, but the actual spent was 33.3 million — a fairly significant increase. Can you just quickly explain why that occurred?

Mr. Donais: — Yes. Actually the estimates are based on projections, original projections from the Saskatchewan Indian Gaming Authority and Saskatchewan Gaming Corporation and so those would be prepared, you know, fairly early I guess in the development, in the budget development process. And then the actual numbers would reflect revised forecasts for both SIGA [Saskatchewan Indian Gaming Authority Inc.] and SGC [Saskatchewan Gaming Corporation].

And the other thing that the actual would include would be what we call a reconciliation payment for the prior fiscal year. Because we'll make payment based on their forecasts and then once there's an audit complete of both SIGA and SGC, then if there's additional amounts owing, we'll make those payments. And that's what would be included in the actual. So there's the reconciliation payment from the previous year as well as increased forecasts.

The Chair: — All right. I'll open the floor to questions. Mr. Chisholm.

Mr. Chisholm: — Thank you, Mr. Chair, and welcome, Mr. Deputy Minister, and your officials. I have a couple of questions and then I think my colleagues also have some questions.

Firstly, on page 400 near the end of the report . . . In the report we received last year, a number of reports that had certain deadlines did not meet their deadlines the year before. And you may have brushed over that briefly. But I'm just wondering if you could outline if the First Nations Trust Fund and the four other organizations that were mentioned, if they now concur with the required dates as noted by the auditor last year.

Mr. Gladue: — In terms of just the reports, they are in compliance now. And we continue to work with all the organizations to continue to get their reports.

Some of the reports that are missing . . . And the way the trust fund and the CDCs [community development corporation] operate is that they have timings of auditors in order to get the reports, and a lot of them have individual auditors. So the reporting, in terms of consolidation of those reports, are not put together on their end. And so in some cases the timing of the auditing process of the trust fund and the CDCs sometimes does not reconcile. So when it doesn't reconcile, we have to follow up with the following year in terms of getting them to complete the missing reports that are not reported on for that particular fiscal year.

Mr. Chisholm: — Thank you. And perhaps I'd like to address this question to the auditor's office. Maybe you could outline with this specific department what . . . is the auditor's role

different than other departments — it sounds like there's a number of other auditors involved in some of the organizations — and then the overall role of the Provincial Auditor.

Mr. Wendel: — This would be a slightly different system than what you're talking about, Mr. Chisholm. What you're talking about is where an agency is a government agency and there's another auditor involved. We have an oversight role with those auditors.

But in this case for the First Nations Trust and for community development corporations, we don't have an oversight role. Those organizations are not government agencies. So our role is just to make sure that the department is getting all the required reports that they should get to make sure the money's being used for the purpose intended. And if we have any concerns with the timing of those reports they're receiving or the quality of those reports, that would appear in this report.

Mr. Chisholm: — Okay. Thank you.

The Chair: — Ms. Draude.

Ms. Draude: — Thank you very much, Mr. Chair. And to the deputy minister and the officials, we haven't met for a while; it's nice to see you. Actually we did. We met yesterday, so I'm being facetious.

I have a number of questions, but my first question is, in the report on page 397 it indicated that the department was responsible for the Clarence Campeau Fund. And when I was listening I wasn't sure if there was an official here today that can answer questions on that fund.

Mr. Gladue: — The Clarence Campeau Fund, as you know, is funded on an annual basis to approximately \$2 million a year through the gaming system. So in terms of just how the Clarence Campeau Fund operates, they have a selected board of directors that approve a lot of their funding proposal processes with the individual clients that they operate with.

So in terms of just how that operates, we monitor and we have reports that come in on an audited financial statement under the fund on an annual basis. And any other reports that come in, we closely work with the fund and its directors to do that. We also have an official that is part of the actual structure, so that's how we sort of, in many ways, stay close in touch and do the reporting with that particular structure.

Ms. Draude: — That's good. I have a couple of questions about it, and I'm wondering if there's somebody that is available today to answer those questions.

Mr. Gladue: — On a separate . . . After the committee? Certainly we should be . . .

Ms. Draude: — On the Clarence Campeau Fund right now.

Mr. Gladue: — Yes, we certainly can.

Ms. Draude: — Okay thank you.

Mr. Gladue: — Yes.

Ms. Draude: — I know that there's \$2 million a year I believe given through the Department of First Nations and Métis Affairs to the Clarence Campeau Fund, and that is really . . . it's for economic development for First Nations and Métis people. And can you tell me what percentage of this money is non-repayable and what part of it is loans?

Mr. Gladue: — We'd have to check with that board to be able to do that in terms of just how much is available. If you're asking for this year or previous years, we'll certainly get that information for you. Thank you.

Ms. Draude: — Okay. Then possibly you won't be able to answer some of my questions. I also wanted to know the number of loans that . . . Are all the loans current, or are there any loans that are in default at this time?

Mr. Gladue: — A lot of the way the proposals now, this is just in terms of just my . . . A lot of the proposals that are funded through structures like Clarence Campeau Fund, depending on how big the projects are, the outstanding loans could be carried on for five years or you know . . . And so they're all business-related loans, so many of them will either be a year or, depending on what the project is, they'll be extended over a period of 10 years depending how the structure is because they do have . . . They use the funding, the \$2 million, to leverage other financial commercial funding. And a lot of those business plans and how the loans are structured could be two to three years or longer.

Ms. Draude: — I just, I understand that the terms of repayment can be up to seven years, so as long as they're within that seven years . . . My question was if there was any that were outside, if there was any concerns of loans that may not be able to be collected, if you're aware of that.

Mr. Gladue: — At this time, no. But certainly we can get that information for you.

Ms. Draude: — Okay. And the other part that we'd talked about briefly under the department was the development of management and marketing skills program. And I know that this fund can pay up to 75 per cent of the training cost. And I'm wondering if there's a lot of individuals that are having the opportunity to have training paid for through this program, how well used is it, and if there's a need for more funding in this area for Métis people.

Mr. Reid: — We understand that to be the case. In terms of numbers, we'd have to get that information for you, Member. We don't have the numbers in front of us, but we could get that information. But they do do that.

Ms. Draude: — Okay. I won't ask any more questions on this because I'm sure that we can get some information at another time.

One of the questions that I have about the department is, I understand with the announcement, I believe about a month ago, with the chief of the FSIN [Federation of Saskatchewan Indian Nations], changes in the gaming policy . . . Will the agreement that was signed about a month ago, will that make any changes to the gaming corporation Act, or is this not going

to have an impact at all on the amount of money that flows through to the CDCs and so on?

Mr. Gladue: — I gather you're referencing the review of the gaming agreement process.

Ms. Draude: — That's correct.

Mr. Gladue: — Yes. And that's an ongoing process. In terms of any new money that will be going to CDCs or to trust fund, a lot of it would . . . the money, if it increases, is related to projections of the profits of the four SIGA casinos and also SGC. So depending how the review happens and how the discussions go, I mean, I can't really say at this time whether there'll be new money or any different way of flowing in terms of dollars will happen under the agreement.

Ms. Draude: — I guess my question really is, if there looks like there's going to be any changes to the agreement, it will make a percentage difference in the amount of money that is flowed out to the different programs.

Mr. Gladue: — Yes. It would make that, if that is basically the direction it's going. There would be some changes there, yes.

Ms. Draude: — Can you give us an idea of what these changes will look like?

Mr. Gladue: — At this point in time, no we can't. We can't say that because a lot of it depends on the discussions and the review and how those parties discuss the end result of that agreement.

Ms. Draude: — And when do you feel the agreement will be completed?

Mr. Gladue: — In terms of just the period that's involved, there's 180 days that's involved to do the review period. And the timing of it probably might be the end of June. But depending on the discussions around the table and what the parties agree, it could go beyond that.

Ms. Draude: — Is there any end date where the agreement has to be completed?

Mr. Gladue: — One hundred and eighty days is basically what's been identified.

Ms. Draude: — But you said it might go longer than that.

Mr. Gladue: — The reason why I say that is because since it's a review period, I mean you just never know around this table. The target is 180 days, and that's what's been identified, and hopefully that they can hit that target. And if both parties agree within that 180 days, then that's where you know. . . And if they agree to extend it, I understand they have the flexibility to do that.

Ms. Draude: — Oh they do have the flexibility to extend it longer than that.

Mr. Gladue: — If they agree. Yes. If they agree. I mean the target date's 180 days . . .

Ms. Draude: — Okay. Okay, I know that there are four CDCs, and I'm wondering is it felt that it does complete the need across the province, or does it look like there's any changes needed to have more of them? Or is it working out well?

Mr. Reid: — Well there would be admin CDCs staffed around the new, two new casinos that are being set up. There's four right now based on . . . or the host communities are where the casinos are located but there would be potentially . . . well there will be two new ones.

Ms. Draude: — Okay. And that may lead me to another question that I had, and that was on page 400. My colleague had asked about some of the employees, but it says that the department has about 40 staff, and they have a service agreement with PSC to hire some of the human resource functions. How many of your staff are hired through the Public Service Commission? What percentage of your staff are hired through the Public Service Commission?

Mr. Gladue: — I think, well, all of them are hired through the PSC except in case of an OC [order in council] appointment.

Ms. Draude: — Okay. So if they are, that's the full-time ones. Are there any part-time that wouldn't be hired through the Public Service Commission?

Mr. Gladue: — As far as the information we have, temporary and permanent are hired through the PSC for our department.

Ms. Draude: — And then my other question would be, you said you may hire someone through a contract. They wouldn't be through the Public Service Commission then. How many of your people that are working in the department are hired on a contract basis?

Mr. Donais: — Mr. Chair, we have a few contracts that are just like regular supplier or consultant type contracts, I guess, as you would call them. And then we also have one personal services contract which is actually the individual who is the manager of the Aboriginal Government Employees' Network. And so those would be the contracts that we have.

But I mean the consultant contracts, I mean, that would vary, you know, based on, I guess, the time of year and . . . I mean I guess we've got three ongoing ones. But then there would be, you know, consultant contracts as business required.

Ms. Draude: — Yesterday we had the opportunity to talk about the new people that would be hired for the duty to consult and accommodate. They will be hired as full-time employees through the Public Service Commission, or will they be contracts?

Mr. Gladue: — They will be hired through the Public Service Commission as full-time employees.

Ms. Draude: — Okay. And then I also know from speaking with the minister last year in estimates that basically this department works as a liaison for First Nations between any of their needs and other departments, whether many times it seems like you're shuffled from one department to another and maybe not understanding where you may go. So is the number of First

Nations and Métis people that are asking for help, is that increasing? Is that why I see an increase in the number of employees in your department?

Mr. Gladue: — Well there is in terms of just . . . And I could start probably making comments around some of the HR [human resources] plans that we have. And I know that's not the question that you . . . [inaudible] . . . but we try to answer that through our HR plan because obviously my department plays a very coordinating role, in some ways functions almost like a central role, a central policy role for government because we have to work very closely with several departments on each front.

Several of these departments deal with First Nations and Aboriginal people, depending on the case that they're working on. So many times internally we have certain working groups and committees to be able to coordinate some of this information so we share the approaches and the information to be able to deal with certain cases.

So in many ways the shuffling that you refer to certainly I find that it's not really shuffling. I think it's more of a gauging how we want to approach certain specific issues that come forward. And every department has also mandates, and obviously those mandates have to be considered, and how we want to move as a group, as a team, to be able to address some of the issues.

Some of them are individual and my department will deal with the particular department that affects that individual. If it's deemed necessary and if the request comes through, we'll follow it up with that department. If there's a bigger issue on a tribal council or an Aboriginal community, a Métis community, then we will take a look at which departments are affected and how we want to move that on a sort of an overall team approach.

So my department functions in many ways, very flexible in a lot of those ways, but it's very horizontal and vertical approaches that we take in order to coordinate some of the information with some of these departments.

Mr. Reid: — I'd like to add to that to my deputy's comments. A couple of good cases in point. One would be treaty land entitlement where we're dealing with almost a dozen departments. And as mentioned yesterday, consultation is another one that we're dealing with half a dozen departments, Sask Environment, Agriculture, Government Relations, Justice, Industry and Resources, etc.

Ms. Draude: — Okay. I just have two questions left. One of them is on the treaty land entitlement. On page 398 the estimate was 10.2 million, and it was actually 9.6. Because it is a signed contract or an agreement, I'm wondering why there would be less paid out than had been estimated.

Mr. Donais: — Yes. The reason we were underspent on TLE was . . . You're right. There are signed agreements there, but we also have a fund. That's the tax loss compensation fund, and that's paid out based on how much land transfers to reserve status. And just less was transferred than what was expected.

Ms. Draude: — Okay, thank you. And my last question was on

CDCs again. And I know that when they were set out, the importance of them, and the function that they were trying to fill. Has there been any review of the function and measuring of the outcomes and any determination that there should be anything different in the criteria set out for the application?

Mr. Gladue: — Are you referring to the applications to individual CDCs for request of grants and those types of things?

Ms. Draude: — That's right.

Mr. Gladue: — No. Normally the CDCs have set out some of their own parameters in terms of how they approve their grants. And we do have a person that sits on the CDCs to monitor the operation of how the approvals happen. So there's a constant monitoring that way. And also in terms of the last few years, there has been very little change around how the approvals have been made. Now it remains to be seen in terms of how the discussions go with the review period and maybe the CDCs might be impacted in that way. But that's, you know, work for down the road.

Ms. Draude: — Thank you very much for your answers. I appreciate them.

The Chair: — All right. Just a couple of questions here. On page 399, just before the first recommendation, the auditor notes that the department as of the time of the publishing of this volume had not yet developed performance measures for four of its eight objectives. And you may have covered this, but I missed it. Are you now covering all eight of those objectives? Or what number are you covering?

Mr. Gladue: — At the time when the first performance plan was developed, we had four of the eight were not drafted. To date we have seven of the eight laid out. Yes, the last piece is basically the one I would refer to is more of a broader Aboriginal policy framework which actually is the last fundamental piece around how we develop an overall provincial policy around Aboriginal . . .

The Chair: — All which?

Mr. Gladue: — Overall policy framework policy around Aboriginal First Nations issues.

The Chair: — And so at what stage are you in complying with that?

Mr. Gladue: — Well a lot of it . . . That stage is very evolutionary. Because in terms of just developing an overall framework, I think many of the pieces that we talk about here today in terms of the consultation process, for example, will lend and plug in to that whole piece and how that's going to be framed. The overall pieces around some of the programming that this department does around Aboriginal economic employment development, the economic development program and also the gaming framework, a lot of those activities and some of the pieces that come out of those activities will eventually lead into an overall Aboriginal framework that is going to be . . . I'd say you'd see the vision happening.

So while we're measuring and doing a lot of those things, we

hope that that last piece we will be able to put into place in terms of how that framework will be set out and what it would look like by this year.

And in the end when I say by this year, obviously a lot of those processes that I talk about involves many of the groups that we consult with on a daily basis. But also I have a lot of — how do you say? — a lot of encouragement. Not only it's going to be challenging is the dialogue that's going to happen around the whole consultation piece and where that's going to go. And I see that. Although the first step is we have to be very cognizant of the legal duty, but also that if we manage to move forward on that legal duty and build on it, we have a process that could lead to good public policy.

The Chair: — So you're saying that with your overall framework objective you hope to have that completed the end of the year. Are you talking calendar year, fiscal year? In the 2007-2008 fiscal year? Is that your goal?

Mr. Gladue: — The reason why that's left there that is because we wanted to gauge and measure some of the activities that we're taking now. For example, in our ec dev program, it's been almost a little over a year that it's been operating. So obviously we'll be taking a good look at that and see what impact it has in terms of . . . [inaudible] . . . and what success rates we had.

Under the Aboriginal economic employment development program, which is the AEDP program, currently right now we're completing an evaluation of that particular piece, what also will give us the measuring tool and the analysis that's required for that particular piece and the impact that it has.

As you know, there's a whole issue around gaming framework that's happening and where that's going to land. And there's a whole ongoing piece of First Nations Trust and CDC accountability requirements that are required. So we're moving constantly on those pieces.

And when you add up all of those pieces obviously, you know, a lot of it, if they come together at a certain point in time . . . And I've always liked to see a target. So it's safe to say that if I had to set a target and make sure those pieces are in place, yes, for the '08-09 year we hope to have some sense of an idea of what that whole piece is going to look like.

The Chair: — And just with regard to the two ongoing recommendations that had not yet been met on page 401, what is the status of . . . Are those complied with now?

Mr. Gladue: — Progress is being made and right now they're all in compliance. And just to say that our follow-up as of I could say today that we have a meeting with First Nations Trust on Friday. So I mean there's going to be certainly some serious, some discussion around just exactly what is outstanding on the First Nations Trust.

The Chair: — So can you give me a target date when you think full compliance will be realized with regards to those two ongoing recommendations of the Provincial Auditor?

Mr. Gladue: — Well I could say that they are complying at this

point in time. It's tough to say when there'll be a target date for that because a lot of it is the timing issue and around the auditors. Because we have to sort of look at . . . CDCs have auditors, First Nations Trust has their own auditor. And that particularly — I'll give the example of First Nations Trust — is that auditor has to receive and review audits from at least, to be exact, 74 First Nations because they're receiving money through the First Nations Trust.

And you have 74 audits, so that particular auditor has to compile that particular report that's submitted to us which in turn is audited by the Provincial Auditor. So the timing of all that is continuing to be worked on. It's in progress and we always strive to make it even more streamlined and more perfect. So that's basically, you know, CDCs function the same way, First Nations Trust functions the same way. And we will continue to monitor and try and improve the progress there.

The Chair: — So then I guess what you're saying is you're assuming compliance but until you have the results of all these audits, you can't confirm compliance. Is that a fair statement?

Mr. Donais: — Yes. I think if I can just add to my deputy's comments, I think the issue is more around timing. Because we set up some deadlines, you know, for when the CDCs and First Nations Trust will provide reporting to us. Those deadlines have not always been met. And so I think that's where the Provincial Auditor's recommendations really stem from. So we've been working with the CDCs and the trust to move that reporting up. But again, we don't fully control that. I mean, we'll work with the organizations as much as possible to get that reporting in, but at the end of the day it's up to them to provide that reporting.

The Chair: — Are we ready for the recommendations?

Some Hon. Members: — Yes.

The Chair: — All right. There are two of them. The first one is on page 399. The Provincial Auditor states:

We recommend that the Department of First Nations and Métis Relations complete the development of its performance plan including the identification of measures and selection of performance targets related to its goals and objectives.

Is there a motion? Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. I would move that we concur and note progress.

The Chair: — A motion to concur and note progress. Is there discussion of the motion? Seeing none, we call the question. All in favour? It's carried unanimously.

We'll move over to the page 400, no. 2:

We recommend that the Department of First Nations and Métis Relations prepare a human resource plan.

Is there a motion? Mr. Yates.

Mr. Yates: — Yes, Mr. Chair, I move that we concur and note progress.

The Chair: — Again a motion to concur and note progress. Is there discussion of the motion? Again seeing none, we'll call the question. All in favour? Carried unanimously. That brings us to the conclusion of chapter 19.

Mr. Deputy Minister Gladue, I want to thank you and your officials for appearing before the Public Accounts Committee. It wasn't so bad after all. And hopefully you'll have many more positive experiences with the Public Accounts Committee.

I want to thank all of my colleagues, members of the auditor's office, and the comptroller's office. We apparently will not be meeting for a couple of weeks, so I just wish you all the best in the interim. I declare the meeting adjourned.

[The committee adjourned at 11:48.]