

[Chairman: Dr. Elliott]

[11:09 a.m.]

MR. CHAIRMAN: We'll call the meeting to order. Anybody have any objection to that? I think those who are here are here. What do we do with some of this information that Louise has handed us, things like expense accounts? We'll deal with that later.

We have one hour before the Ombudsman will be joining us, and for this hour we are in committee. I have some items I would like to bring to the committee's attention, and then we will see where we go from there. One of the items was some unfinished business from during the month of August, with the visits to places like the Auditor General's, and Louise has given us some handout material this morning. Would you like to explain this, to see what action we have to do on this, please, Louise?

MRS. EMPSON: These are more additions to the orders. They were given to you to sign. You met with the Auditor General in July and August to find out what they were involving. These two just came in this morning from the Auditor General, which I gather puts a time limit on the Olympic Development Association and the Olympic Winter Games Organizing Committee.

MR. CHAIRMAN: Does this fit with any of the discussion that you gentlemen had when you visited with the Auditor General? David, do you want to comment on this, please?

DR. CARTER: Mr. Chairman, I think you've all received copies of the minutes of a subcommittee where Bud Miller and I did meet with the Auditor General on two occasions. That helped to clarify a number of issues with respect to some of the charges or waivers of charges with respect to the audits on the irrigation districts, but also with that great long list of other organizations, for the most part, which includes colleges and universities. It was in that regard that the items which are on this one page occur. Actually I discussed that with you at caucus.

The Calgary Olympic Development Association, the Olds College Foundation, the Olympic Winter Games XV Organizing Committee, and the trustees of the academic staff benefit and supply at the University of Alberta: in conversation with the Auditor General, we discovered that he had been carrying out a preliminary audit on the CODA, Calgary Olympic Development Association, and he had done that because he had been requested. Let's see now, who was the director at Banff who then went to the Calgary Olympics?

MR. PURDY: Leighton.

DR. CARTER: Thank you. So he took that on, and he expected to bring the letter before the previous incarnation of this committee for approval. But because of the election and so forth, that did not take place. Then you will recall that earlier this spring, we as a committee raised a number of questions and wanted to examine all these accounts so that we could have some rationale to it.

So out of our meeting, Mr. Chairman, Bud Miller and I did make the comment that it would be appropriate for us as a committee to give retroactive approval that the Auditor General conduct that audit of the Calgary Olympic Development Association up to the end of April 16, 1982. The reason for that date is simply that that then brings to an end the audit of the books where the people were going out to try to solicit the Games. So that's the reason for that. We could then go on to the other things, but are there any questions with regard to that item 1?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Okay. Thank you. We'll try to answer 2, then.

DR. CARTER: Olds College Foundation was one that just comes along because the other colleges and universities in the province received the same consideration.

MR. CHAIRMAN: Agreed?

HON. MEMBERS: Agreed.

DR. CARTER: Winter Olympic XV. This again would take them through to the end of March '83. That then becomes the interim period. As we agreed earlier, the CODA thing went to April 16, 1982, when they received permission to go ahead with the Games. The Auditor General then has been tacitly examining the books to the end of March of this current year, again as a provincial contribution towards the support of the Games, but it would terminate on March 31, 1983. Again in our discussions, Mr. Miller and I raised our very serious concerns that the Auditor General should not be involved on an ongoing basis with the Olympic Winter Games. We had those concerns even before all the media started complaining about the cost overruns on the Coliseum.

So the recommendation of Mr. Miller and myself was that we give the approval to the end of March 31, 1983, but after that the Olympic Games would have to do their own accounting, and that in turn guarantees the impartiality of the Auditor General on behalf of the province.

MR. CHAIRMAN: What did the Auditor General feel about that kind of thing? Did he have firm opinions about this?

DR. CARTER: He concurs with this absolutely; I think it would be fair to say, Bud, with a measure of relief.

MR. MILLER: If I might just comment, Mr. Chairman. The concern has always been that if he's doing the auditing, then who's going to audit the Auditor, sort of a deal. But if there's somebody else, then he can go in and not have — I don't think "conflict of interest" would be the word — any . . .

MR. CHAIRMAN: He'd have his right authority, then, wouldn't he?

MR. NOTLEY: So his recommendation is what you're recommending to us.

MR. MILLER: Yes. He felt this was the way it should be. It gave him more or less a hands-off aspect of actually doing it, but left him open to be able to go in and do an audit as the Auditor General. In other words, he wouldn't be auditing himself.

MR. NOTLEY: But he could do a special audit if there were concerns that had to be answered.

MR. MILLER: Yes.

MR. NOTLEY: I think I would agree, then, that it is important that we maintain that impartiality. If there are problems that develop there, someone has to be able to go in without having been part of the difficulties, perhaps, as they develop. So I hope that doesn't happen, but there's always the possibility it may.

MR. CHAIRMAN: It gives him the opportunity to perform his duties as I understand they should be, anyway.

MR. NOTLEY: Okay.

MR. HIEBERT: So it presupposes that if there were an audit, obviously made by an independent firm, that would leave him the opportunity to come in as an impartial person to do an audit of the audit, sort of thing.

MR. NOTLEY: Yes. One of his special investigations.

MR. HIEBERT: That seems reasonable to me.

DR. CARTER: The other aspect of it, Mr. Chairman, is the fact that by his having done these two audits to date, it gets the books hopefully set up that they will be operated in a style consistent with our Auditor General from here on in.

MR. NOTLEY: David, in your discussions with Mr. Rogers, what was his assessment of the set-up to date? Is he satisfied with it, or is he concerned about — sometimes these organizations have a certain slapdash element to them.

DR. CARTER: I think, Grant, that when he went into the CODA thing, when he first got the books to look at, they were short a few receipts. So he said, well, I can only give you a preliminary letter, and that he was going to still have to refer this whole matter of his permission back to the committee. Then he found that a lot of receipts suddenly appeared. So I think he is less anxious now about the CODA thing. I don't think he was excessively anxious about it, but it did allow him to get some more information.

With respect to the Olympic Coliseum, I think he's only been in on a consultative basis with the department, so I don't know where that part of that issue is. But that's the other major issue out there, of course.

MR. CHAIRMAN: But that's not part of this in any way.

DR. CARTER: No.

MR. CHAIRMAN: Any other comment, then, on what we've done to this point? David, do you want to continue?

DR. CARTER: The fourth item, Mr. Chairman, is like the second item; it's the trustees academic staff benefits plan. So that's something that by tradition — the access, the benefit — is done by the Auditor General with respect to the colleges and universities. So that's pro forma.

MR. CHAIRMAN: Any questions on that one? John?

MR. THOMPSON: I was a little late on the Olds College, but I have some confusion why we would have to be making . . . If it is pro forma; and I don't doubt your word at all, why is it in the special categories where we have to give authority? I mean, we don't particularly have to do that for these other organizations. Why would Olds College and the pension plan, which we're talking about now, be different and need this special dispensation from the committee?

DR. CARTER: My understanding of that, John, was that I think you recall earlier in the

year, we also had to do one for Grande Prairie college. It hadn't been on the approval list before.

MR. CHAIRMAN: It didn't exist before, John. But I don't know about the pension plans.

DR. CARTER: This is staff.

MR. CHAIRMAN: Is that a new organization, too?

DR. CARTER: That's my understanding.

MR. CHAIRMAN: That accounts for that.

DR. CARTER: Mr. Chairman, I move that we give approval to those four organizations.

MR. CHAIRMAN: In accepting your motion, David, I want to point to your attention that Louise handed us two sheets of paper here. They're not the same, in that on the very top printed line there are two different numbers. Is there a reason for that?

MR. NOTLEY: One is the exempt from being charged a fee, and the other is the appointment.

MR. CHAIRMAN: Yes. Thank you. One dash zero seven. So we're working with two different things.

DR. CARTER: My motion is with respect to the organization that is exempt from being charged a fee.

MR. CHAIRMAN: Thank you.

DR. CARTER: And I'll quickly give you another one.

MR. CHAIRMAN: Right. Any questions on the motion? Those in favor? That motion is carried.

David, do you want to carry on then, please, with the two more?

DR. CARTER: My motion would be that we give approval to the appointment of the Auditor General as auditor of various organizations, and the four as listed on 2-04.

MR. CHAIRMAN: Thank you. You have heard the motion. Are there any questions on the motion?

HON. MEMBERS: Question.

MR. CHAIRMAN: Those in favor? The motion is carried.

Is there any other follow-up with respect to the visit to the Auditor General by the subcommittee we had? Do you have anything that you wish to report to us at this time? It might not come up again.

MR. MILLER: Yes. I believe there is a greater appreciation between the members of this committee and the Auditor General and the members of his staff, and the fact that greater interest is being shown by this committee in the workings of the three specific offices. Certainly from my point of view, I've had quite an insight into the capabilities and the tremendous job the Auditor General is doing. He certainly is very efficient and

runs a good organization. I had some concern as to the pre-audit vis-a-vis the post-audit, and certainly he himself was able to explain the advantages of the post-audit. Generally speaking, I think our meeting and sitting down with the Auditor General has been a most satisfactory exercise, having a better understanding of what we're doing and our concerns and the fact that we appreciate what he is doing in his office.

MR. CHAIRMAN: Thanks, Bud. That's very good.

DR. CARTER: We have some additional material that would be coming to a fall meeting of the committee, with respect to some of the other organizations where the fee for the Auditor General's department — speaking to the organizations to see whether or not they are willing to take the fee on and build that into their 1984-85 fiscal year. At the same time, he had sent out the letters charging the new fees to irrigation districts, so there will be some information coming back on that. So I think we could deal with that at some meeting later in the fall when we've had some of the responses.

MR. CHAIRMAN: Any other question on that topic? Should we deal with Louise's other handout here, which also includes the approval of minutes, or does somebody have something they want to deal with before that? I recommend that we go on with the other handout Louise left with us and determine our position there.

Do you wish to guide us through this, to find out where we are or where we aren't?

MRS. EMPSON: Yes.

MR. CHAIRMAN: All right. How about number 1: April 22 [inaudible] requested by Dr. Carter. Do you wish to comment on that one?

DR. CARTER: I think that's still upcoming.

MR. CHAIRMAN: That item's still coming. What about item number 2?

DR. CARTER: We've just done that one. That's 1-07.

MR. CHAIRMAN: I see. Thank you. Item number 3?

DR. CARTER: I believe the next three items deal with things like irrigation districts and those other organizations that we've just commented on.

MR. CHAIRMAN: They'll be here in a fall meeting. Item number 6.

DR. CARTER: We've just completed that one as well. That was the first item mentioned.

MR. CHAIRMAN: Item number 7.

DR. CARTER: I think these next two are like the other material for the fall.

MR. HIEBERT: Six, 7, and 8 are the same, are they not?

DR. CARTER: No. I would have thought that myself, then having caught up as to why these two pages were here. One's 2-05 and the other's 2-06. I think they're like our other items 3, 4, and 5.

MR. CHAIRMAN: Okay. Seven and 8 will come at a fall meeting. Then we turn we have

the minutes of July 14, 15, 18, 26 and August 16.

MRS. EMPSON: August 16 were not distributed, so they should not be approved today.

MR. CHAIRMAN: Is anyone prepared to make a comment on the minutes of the meetings of July 14, 15, 18, and 26?

MR. HIEBERT: Mr. Chairman, I move that the minutes be adopted as circulated.

MR. CHAIRMAN: For the four meetings?

MR. HIEBERT: Of July 14, 15, 18, and 26.

MR. CHAIRMAN: Does anybody want to drag out the rule book here and see if we can't do it that way?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Okay. Thank you.

MR. BLAIN: There's no reason why you can't do it that way.

MR. CHAIRMAN: We just did four minutes in one motion, and it's carried.
September 6. There's a good point; that brings us right into our next topic.

MR. HIEBERT: When is the annual conference, Mr. Chairman?

MR. CHAIRMAN: The Annual Conference of Canadian Legislative Ombudsmen, in Vancouver, starts a week today, Monday of this coming week. I have been in telephone contact with the Ombudsman in British Columbia. He has asked if I would make myself available to sit at a very informal round table discussion, the topic being legislative committees of legislative offices, and I agreed to do that.

I also pointed out to Louise that we wanted it on the agenda today, from the point of view of determining how many committee members wish to go and are prepared to go and how many we should have go, and make it formal. I would like to think that there could be at least three of us, if we can arrange it. I did take the liberty of speaking to Grant a couple of days ago to see if he would be one of us, anyway, and I hoped there would be one other.

Bill, I didn't get a chance to speak to you about this. I was wondering if you might
...

MR. PURDY: No. David had talked to me about it, and I have a fairly important meeting next Tuesday. Then I've got to go to Calgary on Thursday night to be at the Canada/Alberta Safety Council. So I'm out. I'd like to participate, but I don't have any room on the calendar for two months.

MR. CHAIRMAN: That meeting goes from Monday morning to Thursday noon, which is rather a lengthy one, but it's a working job all the way through: 12th, 13th, 14th, 15th.

Grant, you said you'd be available for a couple of days. Was it the first two or the last two?

MR. NOTLEY: The last two.

MR. CHAIRMAN: You're going to be tied up for the first two. So you'll be able to join

us, then, somewhere on the 13th or Wednesday the 14th.

MR. NOTLEY: Yes.

MR. CHAIRMAN: Okay.

MR. NOTLEY: But Monday and Tuesday — as it turned out I could now go on Monday; a heritage trust fund meeting's been cancelled. But we do have a meeting on Tuesday, and I kept another meeting that evening, so I could come up first thing on Wednesday morning.

MR. CHAIRMAN: Okay. You could still come up, with your plans to join this conference on Wednesday the 14th.

MR. NOTLEY: I could, presupposing that the committee would agree. There are problems, because I can't be there for two days. So if someone else would like to go, I would not want to stand in the place of someone who would be there for the four full days. But I would be prepared to go for the two days.

MR. CHAIRMAN: Let's have some discussion, then. I've discussed it with Dave, so I know his position. Bill, you've told us you're out. Al?

MR. HIEBERT: I'll go if I'm required, okay? But I think I'm at a crucial time, and my suggestion would be: is it possible for one of the subcommittee members to go?

MR. PURDY: What's Dennis Anderson doing?

MR. CHAIRMAN: I haven't spoken to him, so I don't know. Dennis is not able to be with us today until later on. He called in this morning that he was tied up this morning with something.

DR. CARTER: Mr. Chairman, maybe we can move authorization of up to three members to go: yourself, Mr. Notley, and you could canvass the rest of the committee.

MR. CHAIRMAN: Very good. We'll take that as a motion. Any further comment on that motion? Those in favor? Opposed? Very good. We as a committee have established that there's an opportunity for three. Does that fit all right from your point of view, from what you know of our operation and the thing in Vancouver?

MR. BLAIN: Whatever the committee does fits with my . . .

MR. CHAIRMAN: It's our job to get right up to the jailhouse door; it's your job to keep us from going through.

AN HON. MEMBER: Or staying.

MR. BLAIN: You may rely upon for me.

MR. CHAIRMAN: Thank you.

MR. BLAIN: Mr. Chairman, I must caveat that by saying, not to the extent where I'll substitute.

MR. CHAIRMAN: Okay. Yes, I have a question here.

MR. MILLER: Who goes with the Ombudsman? When he goes on these, does he go alone and represent his division, or does he take some people from his staff with him?

MR. CHAIRMAN: If I have ever heard, I have forgotten. Right now, I don't know.

MR. MILLER: I see.

MR. CHAIRMAN: In this instance, I wouldn't have an answer to that one.

MR. MILLER: No problem.

MR. CHAIRMAN: He will be in later on today; we'll find out.

MR. BLAIN: It is customary for one to be supported by an adviser.

MR. CHAIRMAN: I would be surprised if he appeared at that one by himself, but I have no recent . . .

All right. Where are we now? Are we on to that last one? September 6: committee authority permitting investigators to investigate for Alberta Ombudsman. Is our subcommittee prepared to speak to that one?

DR. CARTER: Mr. Chairman, at our last meeting, when we went first to the Ombudsman's office and followed that up with visiting the Chief Electoral Officer's office, just before we left the Ombudsman mentioned that he hoped we would soon sign the letter which gives him the authority to delegate the investigatory powers to some of his investigators. Again, I think that's just something that hasn't been done because of the agendas of the committee. It occurs in the draft of that August 16 set of minutes, which I was to check out but didn't get to until this morning. So that's where it arises, and I think there again we could just have a simple motion to give that approval. But is there a letter, a form, which has come?

MRS. EMPSON: I think there's a letter.

MR. CHAIRMAN: Any questions? John?

MR. THOMPSON: No. I move that we authorize a delegation in this area.

MR. CHAIRMAN: Thank you. Any questions on that motion? Those in favor? Very good, gentlemen. I accept that motion as carried.

Louise, that gets us to the bottom of that little list of yours.

AN HON. MEMBER: What is this?

MR. CHAIRMAN: This is a letter we're going to talk about next. I'm sorry we're a little thin here. We'll have to share in places. We'll get copies made for your files afterwards, if you wish. This is a letter that David picked up from the Chief Electoral Officer and supplied us with the copy. He supplied me with one copy; I supplied copies for the meeting and didn't make enough of them. So you know where the slippage is there.

David, would you lead us through this one from the Chief Electoral Officer, please?

DR. CARTER: When we looked over the Chief Electoral Officer's premises, I asked him if he would send this kind of memorandum over to us. The background is this. In Public Accounts, for example, the chairman of Public Accounts goes with the Auditor General

once a year to the national meeting of auditors general, and I believe that this year the vice-chairman of that committee went as well. In terms of the way our committee is presently structured, I think we really are taking hold of it better than in our previous existence. I see Grant nodding his head up and down. That's good. Not only have we gone to tour the three offices of the people related to us, I think part of it also means we have better communication with Bud Miller and myself having gone over to meet with the Auditor General for two fairly lengthy sessions. That seems to be paying off in terms of communication.

So I hope that when these three officers go on these conferences, we as a committee can see our way clear to send one or perhaps two members along. That way we have a better understanding and appreciation of what our personnel are involved with. I think from a costing point of view that this committee of the Legislature probably has as low a budget as any of them, certainly if you want to compare it to Heritage Savings Trust Fund or something else; I could be wrong. But I think the bottom line is the matter of communication and having appreciation of what those three officers are dealing with. Perhaps Mr. Blain might make a comment about my economic spinoff.

MR. BLAIN: No, not really. It's difficult to establish a budget for a committee unless I know what the committee is doing. Of course, my knowledge so far is limited to your meetings which are being held here. Money will certainly be made available for the purposes you've taken decisions on this morning, for your travel to the Ombudsman's conference, as it was for your travel to the council of Public Accounts. There is no really set budget at the moment. Expenses are just met as they arise. But when I have advance information, I can develop a budget for the committee. It hasn't been a problem so far.

DR. CARTER: That's a good point, because I had to stop to think that we'd never had a budget.

MR. BLAIN: Perhaps I'm just refreshing your memory. What happens is that we put in a bulk figure for committees in the estimates and then develop budgets from that and meet expenditures as the requirements for committees arise. Then if we overrun — due to lack of advance knowledge, we frequently do overrun — it's a matter of putting in a special warrant to pick up the extra. That is one area in which special warrants are never any problem because the Assembly striking the committees realizes the work is to be done and it must be paid for.

MR. CHAIRMAN: You would encourage the committees to probably do as much advanced planning as possible actually?

MR. BLAIN: It would be helpful, and also for audit purposes it would be — proper isn't the word I want, but you know what I mean — appropriate. It would look better on the books that way.

DR. CARTER: Mr. Chairman, then we just need to point out that the 1983 annual conference of Canadian chief electoral officers has already been held in Halifax. The event occurs in the third week of July of each calendar year, I gather. The '84 one would be the third week of July in Winnipeg, and the '85 would be Quebec City the third week of July as well.

Now you notice in paragraph two, the council on governmental ethics laws — I gather this one is supposed to be fairly valuable in his estimation as well. You see that in the second paragraph of section B, he mentions that Canadian election officers of Ottawa plus the chief electoral officers of Ontario, Quebec, Saskatchewan, and Alberta are members of the council, and go. If members would like to see it, I have a copy of the

council newsletter indicating the sort of things that are there. Should we decide we want to send one or two persons to that one, in Montgomery, Alabama, the date is December '83. That gives you a 1983 date. Again, with this one we have a 1984 date, which would be December, and that's to be in Seattle, Washington.

MR. HIEBERT: Mr. Chairman, if I could, in light of the remarks Doug made, maybe it would be a good idea in the long term to assess what conferences the three officers attend — in other words the Chief Electoral Officer, the Ombudsman, and the Auditor General — and then take a look at when these conferences are held. It would appear from the electoral officer's letter that the Canadian one is held in the third week of July, the governmental ethics law one is held in the first week of December — and get a total assessment of what all three officers are doing in terms of attending conferences, and then have this committee look at what kind of representation they would like to send, incorporate it into the budgetary process, and deal with it in a manner whereby we do have representation.

The time line might be such that we cannot comply with some of these in the long-term view, and maybe we could deal with those on a contingency basis and address those on a singular basis. But I would suggest that we look at the total picture, the timing and so on, so we can give the appropriate representation.

MR. THOMPSON: Mr. Chairman, apparently this is something that we're looking at in depth here. I think that any time we send a member of the committee to a conference, we should have a report, either oral or written, back to the committee so the other members have some idea of his observations and feelings on the conference too. I think it's justified to do something like that.

SOME HON. MEMBERS: Good point.

MR. CHAIRMAN: Any other comment on this discussion?

MR. BLAIN: This is perhaps an academic comment or a comment for your consideration, but Mr. Thompson touches upon the point I was thinking of. I myself have attended a number of these chief electoral officers' conferences in the days when the Clerk was the Chief Electoral Officer and I was the deputy Chief Electoral Officer. Far be it from me to put any inhibitions on the committee, but by the nature of the conference and the number of people attending, I suggest that you give serious consideration to how many people should attend from here. Why I say that is this: if a proper report is made, one representative will get as much out of it as sending three or four or the whole committee. Again, if you want to send the whole committee, I don't argue with that. But I point this out to you perhaps for the benefit of your own time management.

MR. CHAIRMAN: Any other input?

MR. HIEBERT: For instance, my thought was that when we look at the total plan, Mr. Chairman, we might agree to send two from the committee to a Canadian conference and maybe one to an outside. There should be some rationale as to how we develop the idea.

MR. CHAIRMAN: That might fit with some instances. Some conferences might require more participation than that. We could play it conference by conference perhaps.

MR. NOTLEY: But if we have an inventory of which conferences there are and when, we're in a position to sort of make some reasonable evaluation of that.

MR. CHAIRMAN: Going back just a minute, the topic we're on now is not only management of time but also to give some lead with budget requirements. Do other committees devote some time to the business of preparing a budget to give notice of their financial requirements?

MR. BLAIN: Not really, because it hasn't been a problem. The money is always available. It's better if we can lay it out in advance. But, as I say, what happens is that I put in \$100,000 — we used to put in \$25,000 as a token figure, which would be gone like that. I felt that \$100,000 was a more realistic token. I break it down in the appropriate expenditures, again for all committees. If a committee is struck, as often happens, subsequent to the estimates being constructed — the last example is, of course, the workers' compensation committee — then we develop a budget for that committee which is charged against the overall figure.

What I'm saying is this: if I had some advance notice from committees that they were going to do things like this, I could be even more realistic and say, well, I know I'm going to use \$100,000 anyway, but I also know what I'm going to do with this committee, so I can make it \$150,000.

MR. CHAIRMAN: My reason for asking is simply this: I would like to think that we as a committee would first determine our responsibilities and things which we feel we must do in order to do our job as a committee, as we understand it. The second thing is to do the planning that's required so we can take advantage of our own time requirements on an individual member basis, so we can cover these various functions, report back, and thus do our job better using the members available.

MR. BLAIN: One of the problems about developing budgets for individual committees is that until the last couple of years, the committee system in this Assembly was more or less in an embryo stage. As you know, there are a number of standing committees which seldom, if ever, have anything referred to them, but that's changing. I think the committee system is becoming more developed, and more matters are being referred to them. So up to this point, budgeting for individual committees has not been a serious problem. I don't think it will ever be a serious problem, but it hasn't been practical.

MR. CHAIRMAN: I'd like to make a recommendation that we, either through Doug's staff or as a subcommittee of ourselves, prepare an inventory of what is coming up or a listing of something. What would be the most appropriate way here, Doug? Is this something we could ask your staff to do, contact those three offices and find out what meetings are coming up? Is that a fair request? I need your guidance now, otherwise we will turn it back to . . .

MR. BLAIN: Yes, I think that would be a reasonable approach. It would also, I think, be of assistance both to the committee and to us, because we'd both know what was going on at the same time.

MR. CHAIRMAN: Thank you. Then the request as I understand it would be that we would like to get a list of the committees and conferences that are being planned by the three offices we are responsible for, so we can see them displayed and better figure out where we fit into the plan. How does that fit?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you.

MR. MILLER: In the past, Doug, has it been with these three officers, and knowing that

there are numerous conferences going on in different parts of the world — do they make their own decisions as to whether they're to attend a conference or not? Or is it the decision of this board as to whether they go?

MR. BLAIN: No, they have to this point made their own decisions. They're all at deputy minister level and are competent to make these decisions.

MR. MILLER: Mr. Chairman, the question arises in my mind with the potential number of conferences, that they make the decision as to which ones they want to attend and we in turn relate whether or not members of this committee want to attend the same conferences. Would that be the way it works?

MR. CHAIRMAN: I don't know. You're suggesting that there could be meetings they don't attend but we might want to?

MR. MILLER: Yes.

MR. NOTLEY: Well, let's get the inventory of what meetings and conferences would be relevant in those fields, and then we're in a position to follow through.

MR. CHAIRMAN: Agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: As you can see, we're doing a considerable number of housekeeping things here this morning.

MR. BLAIN: I was just thinking about Mr. Miller's comment. Could I perhaps carry my reply one step further? In relation to who decides who shall attend which conferences, do the officers themselves decide — and I may be going a, b, c, which isn't necessary. But what happens is that when the estimates are constructed, the officers' budget for attendance at these committees. Once their estimates are approved by the Assembly, that's the authority for them to attend. If, for example — and this is extremely unlikely — the Assembly should say: all right, Mr. Auditor General, you want to go to a conference in Ottawa, you want to go to a conference in Vancouver, and you want to go to one at Westminster; we'll go along with Ottawa and Vancouver, but we will not go along with Westminster. Then the authority would be there for him to go to Ottawa and Vancouver. But approval of his estimates is the authority for him or any of the three to attend these conferences.

MR. MILLER: I see.

MR. CHAIRMAN: Gentlemen, the Ombudsman will be joining us at twelve o'clock as I understand it. I have two items relative to his visit with us. One is that he wishes to bring Mr. Alex Weir, the solicitor to the Ombudsman, with him to assist in answering whatever questions and discussion we might have, on the understanding that if we have discussion which we would like to have with the Ombudsman with Mr. Weir excluded, that of course will be arranged. So I don't want anybody to feel that the Ombudsman and I have something cooked up here by Mr. Weir coming. He's here for our assistance, to get better answers to any questions or to assist the Ombudsman in answering questions that we might ask.

MRS. EMPSON: Dr. Elliott, Mr. Wyatt will also be coming this morning.

MR. CHAIRMAN: Who's that?

MRS. EMPSON: Mr. Wyatt, the Ombudsman's assistant, will also be coming.

MR. CHAIRMAN: The other thing that's happened with respect to the Ombudsman and your chairman in the last few weeks is that he did contact me for my opinion on his participation or responding to an invitation to be a member of the special committee of the College of Physicians and Surgeons dealing with that hospital death. As chairman I told him that if he felt there was no conflict and if he stood prepared to reverse his decision if something came up to our committee table here suggesting there was a problem, that he would be prepared to reverse his decision to participate, I had no problem with him going ahead on the invitation. So he is a member of that committee, and that's the amount of discussion that has taken place between him and this committee. I bring that to your attention because he might want to refer to that, and that's what's taken place.

Are there any other questions or comments from around the table relative to the Ombudsman meeting with us today? I do not have an elaborate agenda or topics that we're going to discuss with him. He's here as part of this information exchange and for us to have an opportunity to ask him questions about his work.

DR. CARTER: The only comment I'd make is that if during the course of the meeting with the Ombudsman some of us would rather just have the Ombudsman here by himself, we ask one or both of his people to leave. That's just kind of a normal procedure.

MR. CHAIRMAN: That's our privilege. Any other comment about the Ombudsman's visit today? He will be visiting with us from twelve until two o'clock.

DR. CARTER: Is everyone able to be here until two?

MR. NOTLEY: I'm going to have to slip away a little early.

MR. CHAIRMAN: We might all be finished by one o'clock, I don't know.

MR. NOTLEY: If we could finish by one, that would be great.

MR. CHAIRMAN: I agree. Any other question or comment about our topic? The hearing done, shall we take a five-minute break and invite . . .

MR. PURDY: Could we look at another meeting date, Mr. Chairman?

MR. CHAIRMAN: Oh, there's a good point. Quickly, can we pick another meeting date?

DR. CARTER: Tuesday, the 11th, or Friday, the 14th?

MR. HEIBERT: That sounds good. After the weekend?

MR. NOTLEY: October 11?

DR. CARTER: Yes, sorry. Tuesday, October 11, the day after thanksgiving, or Friday, the 14th.

MR. CHAIRMAN: I prefer Friday morning. Does that fit with anybody else?

MR. NOTLEY: Which Friday?

MR. CHAIRMAN: October 14. Is that bad or good?

DR. CARTER: It's okay by me.

MR. PURDY: I'm coming back from holidays that morning.

MR. NOTLEY: The 14th is fine with me.

MR. HEIBERT: The 14th is okay with me.

MR. CHAIRMAN: I have NADC meetings on the 11th. A morning meeting? Nine o'clock?

MRS. EMPSON: What was it again?

MR. CHAIRMAN: We have established our next meeting at nine o'clock on the morning of October 14.

(The meeting recessed from 12 to 12:20 p.m.)

MR. CHAIRMAN: Gentlemen, while we don't have Doug with us — he slipped out for a minute — if it's all right with the rest of you, I think we'll start this portion of our committee meeting. First of all to our Ombudsman and to members of his staff, Alex Weir and Bob Wyatt, we say welcome to our committee table. Thank you for making yourselves available to come and be with us. We don't have a long meeting planned, even though we have a time frame; we have to be out of here by a certain time. We're just going to go through whatever discussion falls and get onto other things as soon as convenient.

This morning in the committee, we discussed a couple of items. I just mention them so it might lead into other discussion. We talked about the Vancouver meeting next week. This committee this morning approved three members to attend the meeting in Vancouver. I am going for sure. Grant Notley is going to join us for the Wednesday and Thursday portion, and we're still looking for a third person to take part in that Vancouver meeting.

By the way, Louise, if I remember correctly I think in talking to the B.C. Ombudsman, I told her there would be at least two of us for the purposes of hotel reservations. We might want to get clarification on that as early as we possibly can, I suppose. Can we leave that with you?

So this is announcing to the members of the committee: if anybody wants to get in on that third slot, please do so immediately so we can advise the people in Vancouver with the reservations. The other thing we'll need, of course, is air travel reservations. I share that with you, Mr. Ombudsman, for some of the things that happened this morning.

The other thing we talked about this morning too, just so it won't come as a surprise to you, is future meetings like the Vancouver one that would be of interest to members of our committee, not only with your office but with the other offices, so we can help prepare our own time plan and perhaps supply some estimates to Doug for purposes of budget.

Our committee is trying to establish a new approach to life, in making it look like we not only know what we're doing but that we're enjoying what we're doing. We'd like to better plan and become involved: things like our visit to your offices and participating in your meetings whenever and wherever we can. The more lead time we get, of course, the better our planning will be. So the request will be coming to you formally for some information on future meetings.

One of the questions that did come up, though: are there many meetings we might want to at least know about that you wouldn't necessarily be attending? Are there many of those? That was one of the questions that came up this morning, and we had no answer to that.

DR. IVANY: Well, there is usually a Canadian Ombudsman conference each year. This is the first year they've invited members — there are only two select standing committees in Canada, one is Ontario and the other is here. So they have made that invitation open this year. They may well continue that in future years. Generally the Canadian Ombudsman conference is sometime in September or early October each year, so you might keep that in mind. Of course, the international conference is held every four years, and that is next year. The dates for that are June 25 to 29 in Stockholm. That preempts the Canadian conference next year; there won't be a Canadian conference. Canadians will meet in Stockholm during part of that conference. Those dates are the important ones. Basically, other than that we really don't have any conferences or meetings that I can think of.

Occasionally there's a seminar, but generally it's likely to be here in Edmonton in the sense that the institute would be responsible for it. We did one on Workers' Compensation Board complaints about two years ago, and we simply hosted it here in Edmonton, at the university. If there's a need that arises either out of the conference or out of some contact with one of the ombudsmen and we feel that we can be helpful to one another, we would normally convene a seminar. But there's nothing in the works at the moment on that.

MR. CHAIRMAN: You'll have an opportunity to reply formally to a request for this information, and it will be through Doug's office. The only other thing I have to contribute at this moment is that the nature of our discussion this morning, if there are portions of the discussion that people have in the back of their mind that they consider rather confidential and it would be appropriate that we not have members of the Ombudsman's staff other than the Ombudsman himself, that has been arranged. That was understood.

DR. IVANY: Yes. They disappear, just like that.

MR. CHAIRMAN: The second last thing I want to do is cause any embarrassment to anybody, and the very last thing I want to do is cause any embarrassment to myself. So I like to lay out the ground rules first so that nobody will be surprised.

That was another piece of business we did this morning. We have a motion granting a letter of authority for delegation of authority. That was made official this morning, but I don't know how retroactive that is. Anyway, we have that motion this morning, too.

DR. IVANY: Did you have a form?

MR. CHAIRMAN: No, we did not. But if you have the form, that's fine.

DR. IVANY: We brought one with us just in case.

MR. CHAIRMAN: We can sign it now without a quavering hand.

DR. IVANY: Now we're legal; well, nearly legal. Illegal is a sick bird.

MR. CHAIRMAN: With that, I think what I would like to do is throw the ball to your end for a minute, if you have anything you want to contribute to the meeting at this time. Then I'll chair a meeting and take questions or comments from wherever they arise.

DR. IVANY: I certainly didn't come to make a presentation at all. The delegation of authority was uppermost in my mind, and that has been taken care of. The red book has a number of things in it. If you want to raise anything in there, we'll try to address that. Some of the issues we have in there have already been addressed.

Other than that, I can give you some statistics which might be helpful. We thought we would run these off for information purposes. We've been trying to evaluate the tours, and we've done some statistics on the '83 tour which might be interesting.

MR. CHAIRMAN: The idea of getting you talking . . .

DR. IVANY: You can eat your pie. I've had mine, so it's only fair.

I think we may have covered, Dr. Elliott, the operation of the office when the members of the committee met in the office a few weeks ago, unless you want to expand on that and what's in the book. I think we went over some of the operational matters during the time that you were with us.

The relationship between the Ombudsman and the select standing committee, I think, has also been gone over fairly well. Again, you may have something to add to what we've already said or written here.

We could talk about jurisdiction or non-jurisdiction complaints, mental health hospitals, referrals to ministers, and so on. The salary issue has already been dealt with. The International Ombudsman Institute: I can certainly elaborate on anything you want to know there. The third international conference we've talked about together and basically, at the moment, we have no agenda.

Incidentally, did you get an agenda from Karl Friedman for Vancouver? I haven't got one yet.

MR. CHAIRMAN: I have not.

DR. IVANY: I guess we go on faith.

MR. CHAIRMAN: Does that help an Ombudsman, to have faith?

DR. IVANY: It doesn't hurt. I was looking for David.

MR. NOTLEY: A necessary prerequisite for the post.

DR. CARTER: Have faith, I'm still around.

DR. IVANY: At the drop of a hat, I thought we'd get a sermon.

DR. CARTER: That's more in your line than mine.

MR. CHAIRMAN: In answer to that last question, I lied almost. I have a tentative program.

DR. IVANY: Yes, I saw one about a month or six weeks ago.

MR. CHAIRMAN: That's right.

MR. WEIR: Forget that document.

DR. IVANY: That's out. I gather everything's been changed.

MR. CHAIRMAN: I almost didn't lie then.

DR. IVANY: No, I don't think so.

MR. CHAIRMAN: Okay, thank you. The only thing we can believe in is that the dates are still there.

AN HON. MEMBER: We hope.

DR. IVANY: It's in the same location. You may have looked at page 27 and forward in the table of contents dealing with legislative amendments which we have addressed over a period of time and put in here for information. These are some things in the Act that would be useful to discuss, I believe.

MR. NOTLEY: Could I ask you, Randall, in your review of complaints statistics for the full year '82 of 3,022, 491 investigations conducted or processed, what percentage do you find in fact are justified?

DR. IVANY: Over the last 10 years, we've run anywhere from as low as 28 to as high as 35 . . .

MR. NOTLEY: Cases.

DR. IVANY: Justified — percentage.

MR. NOTLEY: Of these investigations.

DR. IVANY: Of the investigated complaints, yes.

MR. NOTLEY: I would take it that most of these oral and written complaints are not investigated. They are essentially just people on the wrong track.

DR. IVANY: Yes. It means in many cases that a lot of information is given to the complainants. That 3,022 would also include complaints outside our jurisdiction. That means we would make referrals to federal people, municipalities, and a variety of other areas. The oral complaints, which are the largest number, also mean a fair amount of time. We keep a record of every telephone call, every oral complaint that comes in. The person who is handling that may be able to give a great deal of information to the complainant. Sometimes it involves letters going out to them as well. We get a lot of problems brought to our door that certainly are not within our jurisdiction, but people just don't know where to go.

MR. HIEBERT: On that very point, if about 35 per cent of the contacts are legitimate and the others are ruled out for whatever reason, it would strike me when I read the statistical sheet that there might be a better word used in the statistics, because "complaints" conjures up in my mind that it's legitimate and constitutes a gross problem. My suggestion would be that maybe a word like "contact" might be better than "complaint", so the statistics do not give that kind of impression. In other words, when a contact is made with the Ombudsman's office, it may be frivolous, it might not be. It's a contact, it's not a complaint as such. I am only suggesting how this can be perceived in the wrong way when you see it in this form.

DR. IVANY: It's a problem of some sort that they bring to us. In most cases, I guess it's a complaint they have against somebody. It may not be against the provincial

government. It's a contact certainly; it's a problem. To me, we don't know whether the complaint is a justified one until we do an investigation on it, generally speaking. If it's outside our jurisdiction, we really have no way of telling one way or the other.

It's worth thinking about certainly, insofar as the word itself is concerned. I agree; it does indicate that the individual or group has a grievance, I suppose, which may or may not be justified.

MR. PURDY: Just to follow that along, Mr. Chairman, when does an oral complaint become a written complaint?

DR. IVANY: Sometimes never.

MR. PURDY: How do you differentiate then between the two?

DR. IVANY: If the matter is outside the jurisdiction, it's very simple.

MR. PURDY: Right.

DR. IVANY: We simply say that we do not have jurisdiction. I think the attitude basically is that having talked to the person on the telephone, and if they feel that strongly that the matter has to be pursued, we will simply say to them: write. Some people will and a lot of people won't. We find this on the tours, for instance. People who have made oral complaints to the office will drop in when we are on a tour and talk to us about it, but they have never bothered writing a letter.

Of the 981 written complaints that we had last year, I wouldn't be able to tell you how many started out as an oral complaint, but some of them did. We encourage people to put it on paper, and of course the Act says that we have to have a written complaint if they want it looked at.

But very often, on the telephone or if they drop in to the office, which also may be taken down as an oral complaint, we have the opportunity of talking the matter out with them and sometimes determining that there really isn't a problem there or that the reason it was done was because it was legislation or policy, and we would not pursue that. It's obviously not a large percentage. I suppose a percentage of writtens become orals.

If there is something that we feel should be taken further and looked at, we will certainly encourage them to write, Bill. If there isn't, we try to give them as much information on the phone as possible or we will write to them and refer them to whatever agency, government, or whatever should be contacted and try to tell them who to contact.

MR. PURDY: A supplementary, Mr. Chairman. How long does it take your office, on the average, to do a legitimate complaint?

DR. IVANY: To do an investigation?

MR. PURDY: To conduct the investigation and complete the file.

DR. IVANY: It's hard to give you an average. Some can take two or three days, two or three weeks, or months. I think we have one file open in the office that's about three years at the moment, that we just keep going back on. It's not the department's problem but basically the complainant's, who has changed his position on a number of occasions. But generally I think that most files in our office are not open more than a two- or three-month period. Many of them are closed in a lot less time than that.

MR. PURDY: Thank you.

DR. IVANY: As of the end of August, I think we had 158 files open that we were working on in the office.

MR. MILLER: Dr. Ivany, I was wondering about your area of jurisdiction. Certainly you're going to have more contacts when you go throughout the province to various centres. I don't know whether you solicit people to come forward with problems; I haven't seen your ad in the papers. My constituency is Lloydminster, and I appreciate that you did alert me to the fact that you were going to be there. Unfortunately, I couldn't be there at the same time.

My concern is that you had some people that made complaints from the Saskatchewan side of Lloydminster with regard to their frontage tax for water and sewer. According to the press reports, you told them that you were prepared to look into it and make some recommendations to the proper authorities. I was wondering if this wasn't going a little bit further than your job intended you to go.

DR. IVANY: I think in the situation in Lloydminster there were some problems that arose from the Saskatchewan side, and I know we made at least one referral to the Saskatchewan Ombudsman. We brought one matter to the attention of the minister. I did interview those people. We noted that it was a matter that was not within our jurisdiction. I didn't see the press report, so I don't know what was in it. We certainly wrote to them. I know that in the incidents involving Alberta, we drew something to the attention of the minister in one case. The tax measure certainly was not within our jurisdiction, and I don't think we said that.

MR. MILLER: Well, it was a municipal matter.

DR. IVANY: It was a municipal matter.

MR. MILLER: I was wondering why you wouldn't just tell the people when they came forward that it was a municipal matter and for them to discuss it with city council.

DR. IVANY: I think we did tell them that it was a municipal matter. You were there, Alex.

MR. WEIR: Yes. In addition, after we told them that this was purely a local municipal matter, they indicated that the Saskatchewan government had already been contacted and they hadn't received a reply at that stage. They understood that there was a good possibility that the Saskatchewan government had some direct involvement. So it was at that point that Dr. Ivany indicated to the delegation — and it was a large delegation, I might add — that he would bring their concerns to the attention of the minister but there would be no investigation, because their complaint at that point had only been really against Lloydminster.

DR. IVANY: The city of Lloydminster.

MR. WEIR: The city, yes.

MR. MILLER: But Dr. Ivany was prepared to contact the minister in Saskatchewan.

MR. WEIR: No, no, the minister here; to advise the minister here.

DR. IVANY: There were two issues on our tour that we had a delegation in Lloydminster.

MR. MILLER: Dr. Ivany, I'm referring specifically to the complaint from the Saskatchewan side of Lloydminster.

DR. IVANY: There was one complaint that came in from the Saskatchewan side, that I referred to the Ombudsman in Saskatchewan.

MR. MILLER: This was the citizens' committee.

DR. IVANY: Yes.

MR. WEIR: And they indicated that it was going to go straight through.

DR. IVANY: They had already been in contact with the government in Regina. And I said, if you've been in contact with the government in Regina, your course of action, if you have a problem with that and you haven't had a reply — it was a delay issue, as I recall — is to contact the Ombudsman in Saskatchewan.

MR. WEIR: I'm trying to remember what percentage of the people in Lloydminster they said would be involved, but they emphasized that it was going to affect certainly the majority of the municipal taxpayers. They suggested to us the possibility that the government of Saskatchewan could intervene and direct a municipal government to do something if there was a mistake.

DR. IVANY: The Minister of Consumer . . .

MR. WEIR: Consumer and Corporate Affairs here.

DR. IVANY: . . . and Corporate Affairs.

MR. WEIR: But he was in another department, another ministry, in Saskatchewan.

DR. IVANY: Yes.

MR. WEIR: So basically it was to allow the minister here to be aware of the situation and the fact that his counterpart in Saskatchewan had already been contacted.

DR. IVANY: I can send you a copy of the letter that we sent to the minister. Basically, it was a letter for his information and that's all. Certainly we never said that we would do an investigation on it.

MR. MILLER: I didn't say an investigation.

DR. IVANY: No.

MR. MILLER: I said you were going to carry it forward.

DR. IVANY: Only to that extent. We often, on a complaint or on a tour, will advise the minister concerned of an issue that has been brought to our attention, for his information. We have done it a number of times simply because we feel that he should be aware of the situation. That's all.

I think in one instance there — whether it was the Saskatchewan one or the other one, I'd have to look it up — we suggested to them that they might have legal counsel. Again, we're not in competition with lawyers, and we simply said to them, a lawyer may

be able to help you in this situation. That's advice that we give.

MR. MILLER: My basic concern is that it was outside Alberta. Where does it stop?

DR. IVANY: Over time we have had a number of referrals brought to our attention from other ombudsmen — certainly from Dave Tickell in Saskatchewan — and I have made referrals to them. I have made referrals to British Columbia, Newfoundland, Nova Scotia, Ontario, and Saskatchewan in the last year on matters that have been brought to my attention that have nothing to do with us. I simply say, contact the ombudsman in your province; they are the ones to deal with it.

When you have a delegation that is in for information — and I certainly made it quite clear to the Saskatchewan people that (a) as far as I could see, it was a municipal problem, and (b) it was in the province of Saskatchewan and they had to deal with it through whatever means they had available to them there.

MR. WEIR: But it was only because they insisted that the Alberta government had some role to play, because some of the people were living in the province of Alberta, that Dr. Ivany agreed to refer it to the minister.

DR. IVANY: The taxation problem we were dealing with, that had been brought to us, was not solely Saskatchewan; it was Saskatchewan and Alberta. I know that other problems that were brought were Saskatchewan, and we run into this on the border. I know David Tickell did a tour last year in Lloydminster and sent us about five letters with referrals at that time.

MR. CHAIRMAN: Bud, does that help you?

MR. MILLER: Yes, for now.

DR. CARTER: Mr. Chairman, this issue was raised when we were over to visit the Ombudsman's office, the matter of touring throughout the province. I wonder, Dr. Ivany, if you would be good enough to send us a list of the communities you've visited and also if we could have copies — I think you mentioned that you place an advertisement. Was there also some mention about a press release?

DR. IVANY: Generally a press release, an advert, a letter to the member of the constituency. In most cases, when we're there I do an interview with the local radio, television, and printed media. You want copies of the press release, the ad . . .

DR. CARTER: The press release, the ad, and the list of the 22 communities, just so that we know those areas.

DR. IVANY: You want the ones that we've just done?

DR. CARTER: Please.

DR. IVANY: Sure.

MR. CHAIRMAN: I have a copy of the Grande Prairie one.

DR. IVANY: It was the same ad throughout. It is the same one we run in weekly and daily newspapers. Then, of course, the press release goes to radio and television as well, if there's a television station. Basically, I think it says that the Ombudsman will be in a certain location from two o'clock to five o'clock, or whatever, on such and such a day.

We'll get that one.

MR. CHAIRMAN: David, do you have some more?

DR. CARTER: Mr. Chairman, on a topic other than this.

MR. CHAIRMAN: Are you on the same topic?

MR. HIEBERT: Yes, on the tours.

MR. CHAIRMAN: John was ahead of you. John, are you on the same topic or a different topic?

MR. THOMPSON: I'll defer to Al, but I'm still talking about the tours.

MR. CHAIRMAN: Okay. Al, would you go ahead.

MR. HIEBERT: Mr. Chairman, to Dr. Ivany. Since I represent an urban constituency, maybe there isn't the same kind of concern as there is in other areas of the province. But it would appear to me that by doing the tours it could be a self-fulfilling type of thing, whereby there is a difference between soliciting responses as opposed to people or groups of people initiating on their own. I would like to know what the disposition of the contacts is, in terms of your experience, where you've gone on tour as opposed to people independently being in touch with your office.

The reason I say this is that it's akin maybe to parents in a home asking their youngsters to list all the complaints that they may have to one or the other, as opposed to leaving it undone and leaving that fine balance, understanding human nature the way it is. I am wondering if you have some observations to make with regard to the tour and how that in fact can produce this kind of dilemma.

DR. IVANY: In the first seven years of the office, there were no tours done; in other words, they started after I came in as Ombudsman. When I was being interviewed for the position, this was raised as a possibility: what did I think about getting out into the province? I said I thought it was a good idea, and I certainly didn't object to doing that. The Premier also raised it with me, as did the Speaker, both of whom said they thought this was a good idea.

Over time, some members have felt that it's a means of drumming up business, I suppose. Others have referred people to me. If they know that I'm going into an area, they've referred people to come in and talk to us. I think it's as low-key as we can make it. To go without announcing that we were going wouldn't be of much value because nobody would know that I was there. So we've used the media as a means of doing that. We don't go beyond that point and solicit complaints.

What we have found is that a lot of people, particularly in rural areas, are quite prepared to come and discuss a problem. They don't even know sometimes whether it's a complaint or whether it isn't. I have had said to me time and time again: I don't write letters very well, and it would be hard for me to express myself in a letter; I'm glad you came so we can talk about this.

I would guess that probably half of the people that I see on a tour would never write a letter to the office. That's just a guess off the top of my head. But certainly the people who come in and talk have many times said, well, I just couldn't write but I'll come and talk to you. I don't know what category you place that in. To me, it's the Ombudsman being available to the public, and that's all. I'm not out in the streets hauling them in.

MR. WEIR: That has nothing to do, by the way, with the educational level of the people coming forward. On our first tour down to Lethbridge, we were quite surprised that one of our first complainants was a retired school teacher who had a complaint against the Teachers' Retirement Fund for years, and he shook Dr. Ivany's hand and said, I'm so glad you have finally come to Lethbridge. I remember how surprised we were. But he just felt that it was something that should happen.

DR. CARTER: Mr. Chairman, I think this goes back to the point that was made earlier by Mr. Hiebert. When you talk about oral complaints, change the name. Some of them are complaints. You can talk about oral inquiries or whatever. It projects a false image as to the number of things that are coming at you. I know you're not terribly interested in my giving you comparisons from the Social Care Facilities Review Committee, but . . .

DR. IVANY: Of course I am.

DR. CARTER: . . . but if I started to list what comes across the phone that won't be followed up by a letter, I could produce a different set of stats all right. I'm not against your going to meet with the people. But if I've got a legitimate complaint to you, I'm going to put that in writing or else it raises a whole series of issues about my credibility and the credibility of my complaint, because maybe my complaint is nothing more than I've just got to bitch to get it off my chest.

DR. IVANY: This is a matter that might well be raised, if we get an opportunity, at the Canadian conference, because every Ombudsman I know in the world uses the word "complaint". I don't particularly like the word. I have no difficulty, Mr. Chairman and gentlemen, calling it oral inquiries and having the word "complaint" used — because it becomes a complaint once it's been written to us and we do an investigation of it. But, Alex, I can see no major problem with changing that word. If it gives a truer picture, fine. I don't really mind.

MR. CHAIRMAN: Just hitch-hiking on this for a minute. Do you provide assistance to a person in getting his concern on paper?

DR. IVANY: Yes, if necessary.

MR. WEIR: We even provide interpreters.

DR. IVANY: We have had people who were, I guess, basically illiterate, who couldn't write, who would come in or call us. We will arrange an interview with the person and write the complaint out for him sometimes — not very often, but certainly sometimes that has happened.

MR. CHAIRMAN: I am interested in this topic from a personal point of view, because as a relatively new MLA I had an immense amount of contact with people in the first six or eight months. I couldn't cope, and one of the ways I dealt with it was: that's an interesting topic; if you'll just write a letter to me, I'll sure see what I can do with it. I cut my work in half, you know, with that approach to life.

DR. IVANY: Yes, we say that. But sometimes a person will simply phone the office and say either, look, I can't write or I can't formulate a letter to register what I want to say. I will simply say, we will have one of the investigators, the next time they're in your area, come in and see you and arrange an interview with you.

MR. CHAIRMAN: In your case, you're reducing your workload; in my case, I just lost the next election.

John, did we get around to accommodating you yet?

MR. THOMPSON: Not yet, Mr. Chairman.

MR.. CHAIRMAN: Is now a good time?

MR. THOMPSON: I think so, because it's still on these interesting statistics that Dr. Ivany distributed here. I know you've got a breakdown, but to refresh my memory what is the percentage of urban versus rural, Calgary versus Edmonton, and that type of thing?

DR. IVANY: I think we can give you that from last year's annual report.

MR. THOMPSON: I'm sure you can.

DR. IVANY: No, we can't? We can give you some idea of what . . . This might help. What I've done is broken it down into constituencies. It's in the blue section, page 18. That was last year's statistics.

MR. THOMPSON: Except there is nothing here about the cities.

DR. IVANY: At the bottom, sir.

MR. THOMPSON: Oh, let me get it here.

DR. IVANY: It's broken down into correctional institutions and then up here: Edmonton, Red Deer, Calgary, Medicine Hat, and Lethbridge.

MR. THOMPSON: Oh yes.

DR. IVANY: We'll have to add — what's the newest city? Leduc?

MR. THOMPSON: I was really interested because it looks like to me — and this is just an off-the-cuff assessment — that the availability of offices does, to some degree, generate these complaints. It's the same thing with the oral bit; you know, if you can just grab the phone. I know 32 cents is 32 cents, but I have real problems with someone like your school teacher, that you used as an example, who had a legitimate complaint for years and he wasn't concerned enough to bother putting it down, sending it in, and trying to follow it up, until somebody comes by his door.

I would like a comment on how many of these oral complaints versus written complaints you feel are really major ones. I know you've said there are some, but on a percentage basis, the availability for a person to unburden his soul to you instead of writing it out.

DR. IVANY: I guess that's part of the psychology involved. You can add to that the fact that they can reach us without any charge, because they can come through the RITE line. I am sure this happens within government departments as well, that they phone up and, as you say, unburden their soul. It depends, in talking to the individual, in trying to decide whether we would advise people to write to us or whether we simply say to them, look, this is not a matter that we can deal with, it's not a matter that really warrants an investigation from what I can tell on the telephone.

Obviously if you look at this year, so far to the end of August we've had 1,546 oral calls or drop-ins at either the Calgary or Edmonton office. We have just over half of

that that have come in written complaints. Some of those would be orals.

MR. WYATT: Those numbers are exclusive.

DR. IVANY: Those numbers are exclusive, okay. But it could have started perhaps as an oral and then followed up later on by a letter.

I think part of the job is listening sometimes. I know that there are people who will call up and simply say, I want to talk to the Ombudsman, I don't want to talk to anybody else. I get on the phone, and I can spend an hour just listening to somebody and not do very much talking. But I think that's why we're there, too, because that does eliminate a certain amount of frustration. If we can take the correctional institutions as an example, I know that often an investigator will go into the correctional institution and somebody is just ready to blow. He will sit down with them and spend half an hour or an hour. It does calm the situation. I think it's part of the job.

MR. THOMPSON: I believe it is, too, of course. That's part of the MLA's job. We get a lot of the same things you get. Basically, when it comes down to it, a lot of the time if you'll just listen, that's about all you need.

DR. IVANY: And it may well be there's not a complaint there, but a frustration. Most of my staff can detect that when they're talking to people; certainly the investigators do. It's a matter of talking it out and allaying some fears, perhaps. Then it's a lot of things they feel have potential for problems. The potential is far worse than the actual situation itself.

MR. CHAIRMAN: Is that it, John?

MR. THOMPSON: That's fine, thank you.

MR. CHAIRMAN: I don't see a hand up, so I'm going to interrupt here for a minute. I'd like to talk generally about the increase in complaints on the long sheet here, the second last column; for example, oral complaints 12 per cent up, written complaints 24 per cent.

DR. IVANY: That's over last year.

MR. CHAIRMAN: Up to this date.

DR. IVANY: Up to this date, through August 31.

MR. CHAIRMAN: I was wondering if you have an explanation. For example, is it because you're making yourself more available in the communities throughout Alberta? Is it the economic times? Is it social pressures? Do you have an observation there?

DR. IVANY: As a matter of fact, we did a fast run on this on the weekend, just to see what difference the tour has made this year. If you look at the tour sheet, you'll see that during the tours we received 118 enquiries and complaints. Some of them were written. Forty-seven of those were registered outside our jurisdiction, so we wrote 47 of those off right away. We had 71 complaints against government departments and agencies. Of those, we declined 31.

MR. CHAIRMAN: What does "declined" mean?

DR. IVANY: It means we will not do an investigation on them, for a variety of reasons. They may have a number of appeals available to them. There may be a lawyer involved,

and it's a matter that's going to court. It may be a number of things, but we did not start an investigation. In fact, of the 118 complaints we received while we were on tours, we ordered investigations on 40. We filtered out 71 of those.

So the tours themselves, at least this past summer, did not account for the increase. The increase basically is people coming to us, by telephone, walking in, or writing in, when we're up that percentage of 12 on oral complaints, and written complaints were up 24.2 per cent.

I don't know what the reasons are. It goes up and down. If you look at page 15 of the annual report, if you have it. In 1976 — we did a 14-month period that year — we had an all-time high in written complaints, and then it decreased. It went down to a low in 1980, and then it started to go up in '81. It went back up in '82, and obviously it's going to be up significantly again this year.

MR. CHAIRMAN: Associated it with the economy of the community.

DR. IVANY: I think there's certainly some. That can be used as part of an excuse, but not the whole excuse. It just goes up and down. I don't know any office where we have a satisfactory explanation of why it goes up and down; it just happens.

MR. CHAIRMAN: Following up, then. Do you have a standard procedure for dealing with the complaints that are outside your jurisdiction: municipalities, federal and private matters, courts, universities, hospitals. Can you just identify them and turn them back, basically?

DR. IVANY: Private matters are the most difficult. Obviously, not very much can be done. For instance, we sometimes get a complaint that somebody bought a used car, and the thing fell apart on the way home or something. Other than saying, you can go to the dealer, you can go to Consumer and Corporate Affairs — we will try to identify somebody they can contact in Consumer and Corporate Affairs. We get a number of complaints about banks and things like that. We simply say, you can contact so and so, or write a letter to the manager, or whatever. We try to tell them that that's basically all that can be done.

When it comes to municipal government, usually we will write to the person and say: this is the procedure you should adopt; you can contact so and so. We'll give them the address and phone number, and provide that kind of assistance. The federal government: the same thing. We've referred people to committees: the hospital facility review committee, and the other one. We certainly encourage them to write or to go to those people who are available to them.

If we receive a letter where a person — for instance, an inmate in an institution may write to us and not have raised the complaint with the director of the institution. We'll simply get back to him and say: this is a matter that can be solved internally, and I suggest that you talk to the director. We give him the name and tell him to make an appointment to see the director of the institution.

People can go through numerous appeals in Social Services, the Workers' Compensation Board, and those areas. If they haven't gone through the appeal system, we tell them they have to go through the appeal system and that ultimately, if they're not satisfied, they can come back to the Ombudsman.

So we try to take some action on every one of them to assist them.

MR. CHAIRMAN: Do you have any idea how many of your files are opened because of an MLA referring a constituent? Is it a few, a lot, occasionally?

DR. IVANY: Occasionally.

MR. CHAIRMAN: Occasionally?

DR. IVANY: Yes. I think it's increasing. In the last few years, we've had more referrals from members of the Legislature. We've had some referrals from ministers.

MR. CHAIRMAN: Does this cause your office any problem?

DR. IVANY: None at all. No, we're quite happy to respond in that way. When we do, we simply make contact with the complainant and keep the member of the Legislature or the minister advised at all times as to what's happening. When we close the file, they'll get a copy of the closing correspondence.

MR. CHAIRMAN: How are we making out? Does anybody have another?

MR. MILLER: Dr. Ivany, I read your report on Grant Lee Phillips at the Ponoka hospital. I also read your annual report where you talk about the Chinese effort to cure bureaucracy. This seems to be promising, compared to what we have.

I congratulate you on the amount of depth you put into bringing out the whole historical aspect of Grant Lee Phillips. I felt that the people who had worked with Grant over the years actually had done a tremendous job. We had an individual here who was extremely difficult. I noted that when he went to visit his aunt in Ontario, he even clobbered her.

But in your report, you say Grant Lee Phillips was a victim of our society. I look on myself as being part of society, and I read what had been done for this boy ever since he was placed in the government's care. I wonder why you would make a statement like that, because I felt we did a tremendous job of trying to handle a very difficult case.

DR. IVANY: I also pointed out that the people where Grant Phillips had been over time had certainly taken a great deal of care with him, but I think we have a problem in our society with people like that. Generally speaking, perhaps we do not recognize the difficulties some of these people have to go through. One of the problems with Grant Lee Phillips was that he went from home to home to home, from institution to home. There was no permanency in his abode, if you like, and that took its toll. We've dealt a lot with foster care and with institutions having to do with children in care. Certainly one of the problems is this lack of belonging, the lack of permanency that we have.

I don't know how we address it, but it's a societal problem. It's a problem that crops up time and time again, where there just does not seem to be an answer. A kid like that, who is shuffled about back and forth, is going to suffer in the long run, and that's the societal problem; a victim of a situation that I don't know anybody has any particular control over. None the less, it's a problem society has not come to deal with.

I really tried to be fair in dealing with Grant Lee Phillips, because he was a very difficult kid. He was a difficult kid from six years of age. But again, because of the family situation he came from, the family background, and the fact that he was shuffled around so much, is a matter I see repeated time and time again in our society, and we just haven't come up with the answers for it.

I'm not pointing the finger at any individual or any department. I'm simply saying we have a problem we haven't addressed, by and large. A kid runs into great difficulty when he has no sense of belonging in any area he is, and he has no sense of permanency, family, or anything at all. At some stage, if we're going to help the Grant Lee Phillips in our society, we're going to have to address the problem that exists there. I think it's a societal problem.

I don't know whether you want to add anything to that, Alex. We wrestled with the wording in that report, as we do with all of them, and the psychiatrist we were dealing with here would certainly agree.

MR. WEIR: The death itself, by its very nature, indicated a failure somewhere along the line, yet it wasn't in the government.

DR. IVANY: Well, it wasn't an individual failure. The people he was with did everything in their power to help him. Unfortunately, because they couldn't cope with him in the long run, he was shuffled back and forth. I can cite 50 instances of the same kind of thing that's going on all the time and, in my view, that does make it a societal problem that needs addressing.

MR. CHAIRMAN: Bud, are you through?

MR. MILLER: Yes.

MR. HIEBERT: Mr. Chairman, we have certain legislative committees dealing with the overseeing of certain government agencies or institutions. I would like to know what the working relationship is. Is it completely independent from those committees when you're dealing with the same institution? What happens when there are different conclusions, for whatever reason? Do you see this becoming a concern in the future? Or is there a way of alleviating this in terms of how this can be interpreted in the public?

DR. IVANY: I'm not entirely sure what you mean by "committees". For instance, are you talking about a committee like David heads?

MR. HIEBERT: Yes. They have a particular role to play in overseeing what's happening. What happens if, in fact, your office becomes involved? Do you see that becoming an increasing source of difficulty for your office? Do you have any suggestions to make? What is the working relationship when you get to that point?

DR. IVANY: As I noted earlier, one of the first things we do if somebody comes to us with a problem is refer it to the committee, because I see the committee being the ones who really should take the initiative in a given complaint. I've referred complaints to both committees to deal with.

It may well be — we have had two instances now where we've gone in on a complaint after the committee has looked at it. In both cases, we basically agreed that the committee had done the right thing but suggested some thoughts for them to consider, perhaps with regard to the operation, as to what might have been done that wasn't done — Dennis, I think in your case, I wrote to you; you may want to comment on that — but certainly recognizing that the committee had done the job. In Dennis's instance, we suggested that a contact might have been made that hadn't been made.

I don't foresee a problem. I don't think we get into it that often. We certainly haven't had that many complaints come to us after the committee has been involved, and I don't anticipate that we will. The committee should certainly have the first go at it. It's not the Ombudsman's job, in my view, to go in and do work the committee has been appointed to do.

MR. HIEBERT: Is there a process whereby you get in touch with the committee chairman so that it will not become an open media event? How is this handled?

DR. IVANY: We certainly won't give it to the media. Normally, we contact the chairman involved; we write to the chairman. It won't ever be brought to the media by our intention.

MR. WEIR: The Social Care Facilities Review Committee report was a public report.

DR. IVANY: There was a public report, that was in the media before we got it.

MR. ANDERSON: Mr. Chairman, just on that point . . .

MR. CHAIRMAN: Is it the same point? Okay. Very good, then.

MR. ANDERSON: With respect to the specific instance with my committee, I certainly had no difficulty with the suggestions made, nor did I really have a concern with the investigation in that specific instance. I guess it brought to mind a philosophical question in terms of when do we start investigating the investigators, and whose jurisdiction does that become? Do we stand a chance down the road if it becomes known generally that one can complain about the end result of our findings elsewhere? Where does the process stop? We haven't had a problem in that regard; it's been the one case and, with the suggestions made, I think we've reached most of those conclusions ourselves, with the benefit of hindsight. None the less, I felt it was helpful to some degree to have an outside view of it. But I do question in the long term, if that became an ongoing problem, whether or not we have a system that's operating effectively.

DR. IVANY: As it stands right now, if a complaint is made to me I have little alternative but to investigate it. The Human Rights Commission is another situation. Some years ago — I think it was six or seven years ago — I made a suggestion, I think to the Legislature, to the McCrimmon committee at that time, which was doing the update of the Act, that the Human Rights Commission might be withdrawn from our jurisdiction. They deemed that that wasn't a thing they wanted to do, so I still have it within my jurisdiction. I get very few complaints about the Human Rights Commission, but I do get some. In those instances where we have a complaint about the Human Rights Commission, and I very often refer — certainly if somebody feels that they've been discriminated against in government or in some other way, I will simply say to them: that's a human rights matter; take it to the Human Rights Commission; it's not something that I would normally investigate. I suppose I can investigate it, but because we have a Human Rights Commission I really feel that it's their job to do the investigation.

Mr. Chairman, the answer to the question basically is to provide legislation that takes the committees out of my jurisdiction.

MR. WYATT: Mr. Chairman, I believe Dr. Ivany wrote to you some months ago in connection with a complaint we had against a commission of inquiry which was held back in the early '70s. The definition of "agency" now contained in the Financial Administration Act which applies to the Ombudsman Act is such that a commission of inquiry, a judge sitting as a commissioner, comes within the jurisdiction of the Ombudsman. In that case, we made clear to the complainant that we didn't think that was an appropriate role for the Ombudsman. But as the legislation now stands, the Ombudsman does have jurisdiction, and that's as a result of the way the term "provincial agency" is defined within the Act.

DR. IVANY: Incidentally, in both the investigations we've done on the investigation, I went to the Attorney General and said: do we have jurisdiction; are you going to challenge me? In both cases he said no.

MR. ANDERSON: Mr. Chairman, just as a follow-up to Dr. Ivany, do you see any problems evolving as a result of possibly removing those areas from your jurisdiction?

DR. IVANY: I wouldn't oppose it. If the Legislature deems it right to remove them, I certainly have no difficulty with that.

DR. CARTER: Could we be clear on what we're talking about when we say "those areas"? Do you mean the Social Care Facilities Review Committee and the Health Facilities Review Committee.

MR. ANDERSON: I'd extend that further: the Human Rights Commission certainly.

DR. IVANY: Again, I have already said that as far as I'm concerned — you know, it has to stop somewhere, and I don't think we should go on investigating investigations. I've got lots of work to do without doing that. But as it stands at the moment, I have nothing under which I can decline it.

MR. CHAIRMAN: David, are you still on that?

DR. CARTER: Yes. I think for clarification — first, I appreciate the fact that you sent over a copy of your article that's going to The Parliamentarian. In it, I'm not entirely comfortable with the two references to the Health Facilities Review Committee and the Social Care Facilities Review Committee, but you and I could talk about that privately.

I think for clarification we need to point out that there have been at least three incidents, because we have to add Nordegg, the juvenile facility, where you and I had a considerable difference of opinion.

DR. IVANY: Right.

DR. CARTER: We also had considerable difference of evidence, and in that case the committee was right, not the Ombudsman. So I don't — I mean, that is reasonably accurate, but it doesn't include one other incident, and I don't want the other incident to be included. But for the purposes of discussion here, let's make certain there were three incidents, and not just two.

I guess that in terms of dealing with your office, for clarification again, perhaps you would share with committee members how reports are brought together, such as the one that Bud Miller referred to. It's a cinch that you haven't got time to sit down and write the report yourself. I mean, you might write substantial portions thereof, but I think we have to realize that it's probably an amalgam of the three of you at that end of the table, depending on the issue.

DR. IVANY: And the investigator involved.

DR. CARTER: And the investigator.

DR. IVANY: Yes.

DR. CARTER: Which then allows some room for some other kinds of things to come into what the report says.

DR. IVANY: We normally go through a number of drafts of the report, and I am involved from the very beginning we start to write the report. I don't think that there is basically any factual thing in the report that is there without my knowledge. We normally do these reports on a — well, certainly they can't be done within office hours, so they're done generally on weekends or evenings. The writing of the report, strange as it may seem, is basically my writing of the report. But certainly with the aid of the investigator who's involved, or more than one investigator in some of the special reports, and certainly with Bob and Alex — Alex is always in on the report because of the legal aspects of it.

DR. CARTER: Okay. I'm a touch surprised by that, because when we first looked at your report on the Social Care Facilities Review Committee together — and maybe there were some other circumstances, but there seemed to be areas there that had been really written by that investigator. Well, to stop the mystery, at that time you were not feeling anywhere near 100 per cent.

DR. IVANY: Yes.

DR. CARTER: I wonder if that was a special case where she then had more input in the writing of the report than would normally be the case.

DR. IVANY: I don't think so. The first draft of the report was prepared while I was still recuperating; there's no question about that. I think we went through at least two, maybe three, drafts of that report with you and your chairman. And I think you also had the report for some time before it was ever . . . As a matter of fact, if I recall correctly, wasn't that report delayed for a period of time? We didn't issue it when it was ready. It was issued — was it the election?

DR. CARTER: No. We had . . .

DR. IVANY: There was one report, I know that . . .

DR. CARTER: It was issued in September '82.

DR. IVANY: Yes. I don't recall why it was delayed, but I know that we held it.

DR. CARTER: Because I was busy fighting a nomination. No, I think it was delayed because we had some time to do some consultative work on it . . .

DR. IVANY: Yes.

DR. CARTER: . . . to double check some of the information that was there.

But the point is, just to say that how a report comes together is of interest to this committee.

DR. IVANY: I am generally — I am always involved with the report from the very beginning through to the end of it. Certainly phrases will be introduced and, God knows, we change them from time to time. Normally I will make sure that the department involved, the persons involved, are cognizant of whatever is in that report before it's ever issued. That's not necessarily true of the annual report, because the annual report is a conglomeration of many things. But in any special report there is always consultation, and the people involved will see the report. I can remember the report on foster care. We had deputy ministers in. We went over it on a number of occasions to make certain that the facts that were there were the facts that we agreed on.

DR. CARTER: Again, Mr. Chairman, that's one of the things that I wanted to be drawn out.

MR. CHAIRMAN: Are you through, David?

DR. CARTER: I've got another issue, but if someone else . . .

MR. CHAIRMAN: Bud, did you have your hand up?

MR. MILLER: No.

MR. CHAIRMAN: Back to you, David.

DR. CARTER: I guess my next topic, while I'll address it through you, Mr. Chairman, to the Ombudsman, perhaps more appropriately goes to Mr. Weir. It's with respect to jurisdictions; and, to narrow it down, to Alberta Hospital, Edmonton, and Alberta Hospital, Ponoka.

I wonder if you'd be good enough to sort of educate the committee as to this tug of war which is going on about whether you really do have the right to be in the hospital on a monthly visit or whether you must have a complaint in order to be there. I understand that you intend to be in the hospital sometime in the next three or four days and the hospital is denying you access, and that this matter has been going on for five months.

DR. IVANY: One of the things we're charged with is to make inspections, if you like. We do it in correctional institutions. We have made one inspection of Ponoka. We had suggested that the investigator — he's normally in the hospital once a month anyway. I had suggested that I personally might go twice a year. We consulted with the committee and agreed that I would go once a year.

DR. CARTER: Excuse me. Which committee? The board?

DR. IVANY: I'm sorry; the board.

I made a half-day inspection of Ponoka early on this year. We haven't gone to Oliver because after some legal consultation, I guess — Alex, you were involved with that, and you can reply to it — the chairman of the board suggested that we perhaps didn't have jurisdiction. Again, we're in a situation where the boards have not been removed from my jurisdiction, and we have both written and oral assurance from the former minister that that would be the case.

Now I was going to go to Oliver in the early part of September. Two or three days before we were to go, I got another letter from Mrs. Jackshaw, and again I delayed it but said that I would come before the end of December. She wanted to make sure we didn't come before the board met sometime this month. I said all right, but we've now been delayed three times, I think, on this matter. It's not unusual. It's something that has been a matter of course over the years. From my experience and reading of the Act, I don't need a complaint to go into an institution.

Alex, you may want to address the legal aspect of it.

MR. WEIR: Immediately prior to our first intended inspection, Mrs. Jackshaw phoned. On that occasion, it so happened Dr. Ivany was — I'm not sure whether you were in Calgary, but it doesn't matter — out of the office. I took the call. She pointed out that the board had received a legal opinion saying that the Ombudsman lacked jurisdiction to make the inspection. But she seemed to be more concerned with the fact that the board was a brand new board. They were feeling their way along. They thought the presence of the Ombudsman along with the other people who are regularly going out to the hospital would create, as she put it, morale problems. Well, I explained the experience of the inspection down in Ponoka and that there was really no problem there.

Anyway, from there I met with the board solicitor, and I thought we had reached what was a satisfactory compromise. He maintained his position that the Ombudsman lacked authority to conduct an inspection unless there was an actual investigation under way relating to the inspection. I indicated to him that I thought his opinion was wrong in law and was certainly far different from the experience of the international ombudsman community. Ombudsmen are making inspections all over the world with what I feel is

comparable legislation that we have here. When we concluded our meeting, Mr. Feehan, who is with the Milner & Steer group, indicated to me that he thought the compromise was quite satisfactory; namely, he would not withdraw his legal opinion, but he would present to the board the suggestion that the Ombudsman carry through with the inspection. Then if there were some problems later, they would reserve the right to challenge the Ombudsman's authority later; in other words, if there were the type of problems Mrs. Jackshaw said she was concerned about when she first talked with me.

But that's not what ultimately happened. The letter from Mrs. Jackshaw asked for a further postponement, and I presume for the meeting it will be held in the middle of this month. So I'm not quite sure whether . . . Well, it would appear that Mrs. Jackshaw certainly is not prepared to accept the advice of the lawyer, which I understand is going to be forthcoming along those lines, as the position of the board; she wants the board to make that decision. But whether the board makes that decision or not, I don't know. Personally, I can't understand the opinion, because I think the legal opinion and legal advice the board has received is certainly not the letter of the Ombudsman Act and certainly not the spirit of the Ombudsman Act. Having worked with the Clement committee that helped recommend that phraseology to the Assembly, I'm quite surprised that the board has received that legal advice. But there is a stalemate at the moment.

DR. CARTER: It's my understanding that they have received legal advice from more than one quarter which supports their position against yours.

You mention that you have one of your investigators in there fairly regularly? Is he following up on a complaint that's already there?

DR. IVANY: Yes, we normally have half a dozen complaints going from the hospitals.

MR. CHAIRMAN: Is that what you meant when you said he's normally there once a month?

DR. IVANY: Yes. It may be six weeks if we have a complaint going. If we have a new complaint, we'll go and interview the complainant, their family, or somebody involved from the hospital. But that's not an inspection of any sort; that is simply there on a matter of business.

MR. WEIR: Or it could be one of the major investigations that we've had.

DR. CARTER: And which one of your investigators is that?

DR. IVANY: We're about to change. I rotate the investigators every two years. There'll be a change October 1. It will be John Reid after October 1. Right now it's Floyd Taylor.

MR. ANDERSON: On that same point, because Ponoka and Oliver are now under the jurisdiction of the committee I chair, we've been into both places twice since Christmas, the last time in Ponoka for two days with four people about two weeks ago. We haven't had any communication. You and I discussed it briefly at the last visit of this committee to your premises, but we haven't had any communication at all, that I'm aware of at least, with your office on Ponoka or Oliver. I would think that a much more, if not formal, regular kind of arrangement there would be much more beneficial.

Again, we're kind of in this issue of joint jurisdiction, which is somewhat complicating. We haven't had complaints of any number. We haven't had any complaints of an individual nature since we've taken those, but we've had some concerns about one of the institutions in particular and have spent a great deal of time with both of them. But we'd be interested in the individual complaints, because I think they would add to our

what I think is now a good overall knowledge of the institution.

In fact, my whole committee spent a day in Oliver, as well, about a month and a half ago. I think the committee in general is fairly knowledgeable. Certainly four of us are quite knowledgeable now, at least as knowledgeable as you can get with a couple of days in institutions of that size.

DR. IVANY: Just looking at the annual report, last year we had eight from Oliver and four that we investigated from Ponoka. We may have had a lot more and didn't investigate them, but there were 12 total for the year. I haven't broken them down for this year as yet.

MR. ANDERSON: That's interesting. I would have almost assumed the reverse order there, given the difficulty of the respective institutions.

DR. IVANY: If we looked at the year before, it might be.

MR. CHAIRMAN: Committee members, how are we doing? We are rapidly approaching our shutting down time. Is there any thought or topic left untouched? How about you at your end of the table, Mr. Ombudsman? Do you have anything further to follow up? I'm not shutting it down. I'm just making sure that we've covered the waterfront here.

DR. IVANY: I have nothing else to raise, Mr. Chairman. The book will remain with you. If something arises from that, you can certainly discuss it and bring it to my attention.

Certainly once we've heard back from Alberta Hospital, Edmonton, perhaps you and I can get together and discuss where we go from here.

MR. ANDERSON: I would welcome that.

DR. IVANY: Good.

MR. ANDERSON: There are quite a number of issues there that it would be helpful to co-operate on.

MR. CHAIRMAN: I have found this particular meeting, from a personal point of view, just another link in the knowledge chain. I really appreciate the opportunity to have you come and share with us.

DR. IVANY: Thank you, sir. Any time.

MR. CHAIRMAN: With that, I will declare this part of the committee meeting adjourned. We will stay for a few more minutes to get onto another piece of business, and we'll thank our visitors. I feel a little bit gypped, in that I was unable to get in on that last coffee break in your office.

DR. IVANY: Well, we'll still keep the coffee pot boiling.

MR. CHAIRMAN: I hope it's not the same coffee.

MR. WEIR: Actually, we have a cup in the freezer for you.

MR. CHAIRMAN: Touche. That makes us even.

That seemed to terminate rather quickly. Was it quick to the point of being rude, or did your chairman push them out or what?

DR. CARTER: No, we were asking questions for information, and I think we . . .

MR. CHAIRMAN: When the questions and answers stopped coming, it seemed like it was time to move on. The clock dictated that.

It's about eight minutes till two o'clock. I would like to ask now if anyone wants to contribute to a fast wrap up, a post-mortem, suggestions, or agenda for the next meeting, which we've established a time for. Did we have the time of the next meeting established when you arrived? October 14 at nine o'clock is the suggested time. That's a Friday.

MR. HEIBERT: Mr. Chairman, if you're ready to entertain a motion for adjournment, I'm happy.

DR. CARTER: I think there's one other letter. Was that for distribution?

MR. CHAIRMAN: That was for distribution. You have it right there. I reviewed that with the Ombudsman on his arrival. He and I knew it was here in quantity, and I said that if he wanted to make reference to it and move it on, that was fine. He didn't, so we have it here now.

DR. CARTER: Well, maybe the committee just wants to take it and read it over before the next meeting.

MR. ANDERSON: Mr. Chairman, maybe I could make one point just before we leave. It follows from our discussion with Dr. Ivany. On a future agenda, maybe not necessarily the next one, especially since I'll be in Fort McMurray that day, I think we should have a discussion of possible amendments to the legislation regarding the Ombudsman's area of jurisdiction. I would just like that to be noted on the record as a future possible topic.

MR. CHAIRMAN: That's fine. We'll leave that with Louise. There again, other topics that we might want to bring up from time to time, we can certainly get them out. You would rather we not have it on October 14, though. Is that what you're saying?

MR. ANDERSON: Only because I won't be here, by the looks of it. I have to be in Fort McMurray that day.

MR. CHAIRMAN: All right. We can accommodate that. David, we've handed this thing out now. I would perhaps ask Louise if she'd identify the people who are not present and get a copy to them. Is that all right? Would you mind?

MRS. EMPSON: Yes, I'll do that.

MR. CHAIRMAN: Mr. Blain, you notice I assume certain privileges and take certain . . . When I get to the end of my tether, you will let me know, won't you?

MR. BLAIN: Maybe.

MR. CHAIRMAN: David, did you have anything else you wanted to offer with respect to this letter, or any questions?

DR. CARTER: No, I think we can just follow that up later. The next meeting is primarily a housekeeping meeting, first of all with the Auditor General and then a report back from this ombudsmen's conference and anything else that's come up in the

meantime.

MR. ANDERSON: What date is that?

MR. CHAIRMAN: October 14 is our next meeting. One of the things we touched on before you came in, Dennis, was this ombudsmen's meeting in Vancouver next week. This committee has approved a motion for three people to go. I'll be one, Grant Notley will be there for part of the meeting, and there's still an opportunity for a third person. I just pass it on, because that wasn't discussed after you arrived. So anybody that can get in on that, advise Louise at an early time.

MR. ANDERSON: What are the dates on that?

DR. CARTER: Pack your bag; it's Sunday.

MR. CHAIRMAN: We'll be leaving on Sunday of this week. I accept the suggestion for adjourning the meeting, then. Is that acceptable?

HON. MEMBERS: Agreed.

(The meeting adjourned at 1:50 p.m.)