

[Chairman: Dr. Elliott]

[10:07]

MR. CHAIRMAN: We are now legal; we are four.

DR. CARTER: Sorry to be late.

MR. CHAIRMAN: No problem at all. Grant and I walked in just barely ahead of you, David, so don't feel bad. There are three of us who are sorry we're late.

I have notices from Bud Miller and Bill Purdy that they will not be able to attend — Bill Purdy definitely; Bud maybe. I have no notices from anybody else. So if there is no objection, we'll call this meeting to order. I have two items from the Chair. First of all, I'll ask if we have minutes to approve this morning.

MRS. EMPSON: No. They're typed, but I haven't given them to you yet.

MR. CHAIRMAN: Okay. Before I jump into what I have, let's just take a minute to review where we've been in this last while. As chairman, I have been very reluctant to be pushy about holding meetings of this committee when so many members were also involved in the Ombudsman search and select exercise. So we have not had a lot of activity at this table since we became legal again with the start of this spring sitting.

It might be useful for just a few minutes to find out what loose ends are hanging out there. This morning I was going to take a look at our travel plans for the summer as committee members relative to the travel plans of our officers, and I can get into that in a minute. The other thing I was — I made a dandy job of photocopying a bunch of stuff to bring this morning, but it looks like I didn't. Louise has a scorecard of things that are unfinished and are follow-up items. Dr. Ivany is to send the chairman the terms of reference for the Le Riche commission appointed following the death of baby Taschuk. There are no terms of reference yet for that one. From January 17, 1984, the Ombudsman was to report on their attendance at the International Bar Association Conference held in Vienna, as well as attendance at the International Ombudsman Institute Conference, including any other out-of-province travel. That was not included in all their 1983 travel. We have that report, and the thing that was deficient was the dates of the months; we had the days. We went back and got those dates. We don't have a report on the International Bar Association Conference, as far as I recall.

At the January 31, 1984, committee, there was discussion of the International Ombudsman Institute. We were thinking about having a visit to the Institute or having someone come in and discuss it in some detail. I'm not sure that the International Ombudsman Institute is necessarily a function of this committee, other than that it's a point of interest because our incumbent had such a major role to play in it as executive director of the International Ombudsman Institute, Law Centre, University of Alberta. Because of that involvement, we felt quite closely associated with the Ombudsman Institute. There are two or three items.

There's a question about what we as a committee

have to do with respect to the new Ombudsman being assigned, whether we have any particular function as a committee. Somebody is going to have to spell that out for me. Another item that has come up is what do we as a committee of the Legislature do with respect to organizing or forming a hospitality function, if you could call it that, to welcome the new Ombudsman and to say thank you to the outgoing Ombudsman. There has been a minimum amount of discussion on that topic. I've had some with the Speaker and with the people responsible for protocol. No decision has been made. I had a couple of very casual suggestions, such as a luncheon or something like that, where Dr. Ivany and his family would be present. A small token of appreciation — a presentation, plaque, book, something like this — might be considered.

Having said all those things, I can ask again: does the transcript of all this discussion end up in the Ombudsman's office tomorrow?

That's just running casually through several topics. John, how do you see things? Do you see things hanging out there that we should get on the list?

MR. THOMPSON: No, I was wanting to talk on some of the things you brought up. Surely the meeting is public; the transcript is public. If the Ombudsman wants to read our deliberations, he certainly is allowed to do so.

MR. CHAIRMAN: Okay.

MR. THOMPSON: I'd like to make a motion, if it's in order, that we write a letter to the Ombudsman and ask him for justification for the delay in the terms of reference we asked him for — what was it? — four months ago.

MR. CHAIRMAN: August 16 originally.

MR. THOMPSON: To me, that's a very simple request.

MR. CHAIRMAN: We had a response, John. The response was that they hadn't held their first meeting and until they had and had defined their own limits, there wouldn't be terms of reference. It was just left at that. I don't know whether they've had their meeting since.

MR. THOMPSON: I still think we should write a letter asking why. If there's a good reason, fine.

MR. CHAIRMAN: Ask if there's anything new on it. That sounds fair. We have a motion. Any question on the motion? Those in favour? That motion is carried. Anything else, John?

MR. THOMPSON: Not right now. I'll think of something, I'm sure.

MR. CHAIRMAN: Grant, have you anything you want to add to this little list of things while we're sort of clearing our thinking on some of the things we have ahead of us?

MR. NOTLEY: No, I think that's fine. Push ahead on

the list you have there.

MR. CHAIRMAN: David, do you want to add to the list?

DR. CARTER: Not at the moment, thanks.

MR. CHAIRMAN: That's a pretty casual way to build an agenda, because I have only two items to — not necessarily for this meeting either.

DR. CARTER: It's part of the style of the committee.

MR. CHAIRMAN: I don't assume full responsibility for building agendas. I believe everybody here can have a turn at it, so you've had your turn right now.

The main reason for calling the meeting this morning is to do with travel plans for the summer for members of this committee. I diligently photocopied the things I need. I'm going to whip down to 202 and bring them up in about one minute, and then we'll all have a copy of the travel plans.

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MR. CHAIRMAN: After that brief recess, we'll pick up on the topic of travel. I have before each of you a copy that has been made available to us before. Each of us now has a copy of our travel. It's identified as appendix 6, and the other one is for my budget. The announcement I wish to make this morning is that because of some very personal reasons, I am unable to take in the Sweden-Finland deal. That throws a new complexion on things. I have a backup person in the form of Bud Miller who was identified somewhere along the way, not necessarily at this meeting. I have not advised anybody of this until this morning, so this is one thing I wanted to talk about.

We have the June 24 to 28 meeting in Sweden and June 29 to July 1 in Finland, and I was wondering who we still have on the list. David, you're still on the list for that one?

DR. CARTER: Yes.

MR. CHAIRMAN: Grant, are you still on the list for that?

MR. NOTLEY: I always fail to bring my calendar along when I should. My problem is — I would have to depart early on the morning of the 24th, which would be the Sunday. I gather the first thing is just a reception.

DR. CARTER: The first day, yes.

MR. CHAIRMAN: That's not necessarily a problem, is it? That's something you can cope with.

MR. NOTLEY: Yes.

MR. CHAIRMAN: My registration and everything is in and complete and in place. There would be a substitution in name only. Bud did imply to me that if a substitution were required, he was in a standby position. I have not yet mentioned this to him; I was assuming he would be here this morning. I wanted that to go through the committee first. If it's

acceptable, that's all I have for a suggestion. Does anybody else have any other suggestions?

Then I think we should take a look at the other items on that list and see if we have some suggestions as to how we might get members of our committee to participate in attending these meetings and reporting back to us on the activities of our various officers. David, do you want to take it from there? Do you have some thoughts on that?

DR. CARTER: First I have to apologize to the committee. Because of the other committee, I still haven't done my report on Montgomery, but I will do so. The next thing is that I really think that you, Mr. Chairman, should be going to that legislative auditors' conference in Prince Edward Island in July. Does that fit with your time schedule?

MR. CHAIRMAN: Yes it does. That's available.

DR. CARTER: I make such a motion, that the chairman go to the Prince Edward Island conference.

SOME HON. MEMBERS: Agreed.

MR. CHAIRMAN: I heard enough "agreed"s that I declare that motion carried.

DR. CARTER: John Thompson, are you able to go to that Winnipeg one for us?

MR. THOMPSON: Not really. I'm not much of a traveller. I'll leave that to other people. Of all the things on this list, the only one I would have the slightest interest in is the Seattle area, on governmental ethics and law. Even that is a minimal interest.

DR. CARTER: We were thinking of sending two to that one, come the fall. You've just signed on to be one of them. That's good.

Mr. Chairman, with respect to the July dates of the 17th and 19th, I suggest we might investigate the possibility of Mr. Hiebert, Mr. Purdy, Mr. Anderson, and Dr. Buck.

MR. NOTLEY: I think Walter is going to the parliamentary — when is that? August.

DR. CARTER: Where is that?

MR. NOTLEY: In P.E.I. or Nova Scotia or someplace.

MR. CHAIRMAN: While you're going through names, David, do you have something further for the Seattle one?

DR. CARTER: I'll leave it as John being the one who is going at this moment. We can readjust later in the year. We decided the July, Prince Edward Island; the Stockholm-Helsinki; and I think we're going to have to have another meeting, if not before the end of session, right at the end of it. In the meantime we can do some checking with these other people to see who is available with respect to the Winnipeg one in particular.

MR. CHAIRMAN: John, any comment on that?

MR. THOMPSON: No.

MR. CHAIRMAN: Grant, do you have anything further to add to that?

MR. NOTLEY: No, that's fine.

MR. CHAIRMAN: The only other thing that is of importance to me this morning is to determine how soon we should call the next meeting. I prefer to do it right after the sitting, if that makes sense. Our attendance is — I don't know if it's going to get any better; people not at committee meetings, and that sort of thing.

DR. CARTER: When are we getting out, Grant?

MR. NOTLEY: I don't know. You guys set the agenda, and we respond to it.

MR. CHAIRMAN: Somebody told me this morning that it's going to be early June. I said, hey, we did that last year, after a long, hard spring of it, so [inaudible] earlier than that this year.

MR. NOTLEY: I would think the first week in June would be reasonable — we're dealing with the Child Welfare Act tonight — unless you have some curves you're going to throw on legislation, David.

MR. THOMPSON: Real clinkers waiting.

MR. NOTLEY: If there are some clinkers waiting, then it could be a little longer. But May 30, June 1.

MR. CHAIRMAN: I'll hold back the clinkers if you promise we'll get out of here May 30.

MR. THOMPSON: I really think we ought to leave it to your discretion, Mr. Chairman. Obviously we are struggling to have a full committee meeting while the House is sitting, and we should more or less delay some of these decisions until we have more than a bare quorum. Why don't you get a feeling for it and contact the people. There is no use our setting a date now without the rest of the people here, because they may be tied up. Three or four people can't decide arbitrarily, because we'd end up with us four again possibly.

DR. CARTER: Is that all right with respect to the salary problem?

MR. CHAIRMAN: It will only be a couple of weeks before we meet again anyway. We as a committee have not made a decision with respect to the current salaries of our three officers. We might think in our own minds that we know what we're going to do about it, but as a committee we have not made a decision. It's not on record.

MR. THOMPSON: We haven't legally made a decision.

MR. CHAIRMAN: It's not on the file. But it's an item we have to deal with. I guess I should have mentioned that on the little scorecard of items to be dealt with. That's a good point, and I'd ask Mr. Blain: do you have anything from your observation of

items that still requires our attention that we could build into the agenda for the next meeting?

MR. BLAIN: Mr. Chairman, a question which you will presumably consider at the next meeting is hospitality for the incoming and outgoing Ombudsmen. The other thing I had in mind was the salaries. As yet we have no salary guidelines for management and the senior group. It might be advisable to consider that before you make a decision on salaries.

MR. CHAIRMAN: All right. Is it possible that would be out in the next two weeks?

MR. BLAIN: The general anniversary for management and above salaries, other than Executive Council, is June 1. It's not always out immediately on June 1, but guidelines for increase, if any, should be out in that area. I spoke with the Treasury officer who advises the Legislative Assembly office on the subject, and that was the information he gave me.

MR. CHAIRMAN: On the topic of salaries, we were having a very casual discussion before the meeting started. I would ask now that the minutes, when we get them, show for purposes of record the fact that, for example, the Auditor General's salary runs from January 1 to December 31. So as we approach June, he is six months without a decision from us as to whether or not there is an impact on his salary and, similarly, the same time frame with respect to the other two officers, when their anniversaries come due — just as a reminder. It's all in the records, I know, and we were very familiar with it last year.

Any other items we should build into our agenda?

DR. CARTER: Having listened intently to your proposed agenda, I suggest that perhaps you and I could meet with the Ombudsman and go over and visit the International Ombudsman Institute on a casual basis. That way we have some kind of handle on how that does or does not relate to the committee. It's my understanding from a conversation with the present Ombudsman that he is going to propose that the incoming Ombudsman be made a director of the Institute, but that doesn't mean the executive director of the Institute. If committee members agree with that, I offer that as one thing that might be done before the end of session.

MR. THOMPSON: I think that's a good way to handle it, for these reasons. I don't know where we would be sitting if we went over as an official committee. I suppose we would be welcomed all right. From my point of view, I think we should operate more or less at arm's length from that group but still let them know that we have a general interest in what is going on over there. I think that is probably the best way to handle it, so I agree with David.

MR. BLAIN: Mr. Chairman, I am sometimes reluctant to proffer advice, but I've listened to your comments on the Ombudsman Institute for several meetings. This really isn't advice; it's a suggestion. I wonder if it mightn't be to your advantage — and I see no reason why this shouldn't happen — if you couldn't secure a copy of the constitution of that

Institute. Being familiar with that could very well inform you as to its makeup and operations.

MR. CHAIRMAN: Thank you.

MR. BLAIN: That's not advice; it's a suggestion.

MR. CHAIRMAN: That will be helpful to a question I had in the back of my mind when David brought up the suggestion he understands could be coming, that the incoming Ombudsman become a director. My reaction, David, for purposes of clarifying the topic, in the bluntest form is: is it any of our business at this table? That question might be asked, and I would like to bring it out. How closely do we as a committee monitor and control and supervise the activities of any one of our officers with respect to their professional or extracurricular activities?

DR. CARTER: Mr. Chairman, I think the point is that in the last almost two years, we're taking a much more active role in their operation. We've visited the sites that pertain to their offices. This is the only site pertaining to one of the officers of the Legislature which we have not visited on any basis. I think it's more just trying to keep ourselves apprised of what it is.

In addition, the three members of the committee who are going to the International Ombudsman Institute — if some international Ombudsman asks us something about the International Ombudsman Institute papers, when some of them travel from all over the world to come to look at it, it would be kind of nice for at least one of us to say, oh yes, we've been there and have looked around.

MR. CHAIRMAN: For our knowledge involvement, I think it's important that we have some information about it. I was referring specifically to whether or not the Ombudsman would be appointed as a director of the International Ombudsman Institute.

DR. CARTER: That's just an information thing.

MR. CHAIRMAN: I see.

DR. CARTER: One other thing with respect to the new Ombudsman. There has been exceedingly good press generated, certainly in Calgary. There has been good press in Edmonton as well. Last week, on Friday — on Saturday in the Calgary Herald, there was an editorial that was very positive. There was also a column that was very positive, and on Saturday they ran almost a full page documenting the police chief's career in Calgary. The two or three stories which were in the print media in Calgary on the day the announcement was made started out by saying it was with surprise and regret that the city learned. So the city of Calgary is in a fair amount of shock over the appointment, but there is also very positive reaction to the appointment.

I want to follow-up to that that somewhere in this, either in the contract — the contract is being drafted or refined, because we're taking it to a contract basis rather than a salary plus benefits package. Since the search committee no longer exists, the details of this would have to come back here. I think it's only fair that somewhere in all of that, some one of us — either you or me — needs to be involved with Michael

Clegg and with David McNeil in personnel services to help facilitate the finalization of the contract, which I assume would also include some kind of coverage for relocation expenses.

MR. THOMPSON: On that point, Mr. Chairman, I assume — maybe I'm right and maybe I'm wrong — that this is an either/or thing and is more or less a standard contract. Are you suggesting that this is a special contract that is being set up to accommodate the applicant?

DR. CARTER: No. My understanding, and I would have to check with David McNeil, is that there is one basic type of contract. Then there are minor points which are negotiable. Primarily it's just the relocation expenses.

MR. THOMPSON: My concern is that this would be handled the same way as any other government contract, that we're not going to deviate to any degree from the standard contract.

MR. NOTLEY: Bearing that in mind, I move that we ask David Carter to offer his assistance to whoever on behalf of the committee.

MR. CHAIRMAN: Thank you. That solves a problem as far as I'm concerned. Are there any comments on the motion? Those in favour? Passed. That breaches that gap as to what has been done by the other committee and where we pick up, and then with the new assignment. David and his advisers will get that information.

I'm going to change the topic. Are we through with that one? I want to make reference to the meeting we held very quickly the other day, on very short notice, to accommodate a problem the Auditor General had with respect to staffing and a member of his staff leaving. He sent back a very warm thank you to all of us for meeting with him on such short notice to do whatever it was we had to do to make that particular change in staff follow through. The staff member did leave. The necessary cheques, severance pay and that sort of thing, were put into action, and everything turned out very well as far as his office was concerned. He appreciated the fast action we took. I just pass that on.

Are there any other items?

DR. CARTER: Mr. Chairman, may we as a committee assume that you will follow up your questioning of the Speaker, the protocol officer, the Premier, and/or a combination of all or some, with respect to this good-bye and hello with respect to the Ombudsmen.

MR. CHAIRMAN: I have no problem with that at all. I can make some additional inquiries and give a little more detailed report at the time of the next meeting, which I hope will be very close to the termination of the House activities. The only thing I've had to this point is that I did discuss it with the Speaker one day, on a one-on-one basis, for guidance as chairman of this committee. The Speaker said that the problem belongs in the Premier's office. I went there and they said no, the problem belongs in the Speaker's office. Then I found myself in the presence of a Mr. Sherwood. Is he our ...

MR. BLAIN: He is the deputy to the Chief of Protocol.

MR. NOTLEY: Could I suggest — I know it might be difficult, although if we're just going to have a luncheon I'm not sure how much time that's going to take. I'm just thinking out loud. As I understand it, Randall is not going to spend a lot of time in the summer. He's going to be back just for a little while, and the rest of it is holidays; I don't know where he is going to go. Unless we decide to do something in the fall — but if not, whatever we do probably should be done before people scatter all over the place for summer vacations.

MR. CHAIRMAN: The topic of time was discussed very briefly with the Speaker and with Graham Sherwood. The suggestion was probably an autumn function when life settles down again. Even though our present Ombudsman will be out of office by a few weeks at that time, it's not serious and we can use the same function for the two things. A luncheon, or even a dinner — these are just little things that were dropped along the way in the discussion just as things to think about. The Speaker went so far as to say that the Ombudsman, being the representative of the people as he is, there should not be some very, very excessively elaborate thing. That's why he mentioned the luncheon arrangement. The protocol people say that if we come to any conclusion at all as to what we think we would like to do, if we turn it over to them, they will look after it and dress it up in a very appropriate manner. That's really about as far as my discussion has gone.

The only other thing that was left unfinished was the question that came up: what was done when the present Ombudsman came on force? What kind of a welcome deal or whatever? I was asked by somebody to ask him. So I did, by just a short memo, to say what he might [inaudible]. I don't have a response to that yet. I just plain told him that we have to do something and we would like to have his comments as to how a new Ombudsman might be appropriately received.

MR. THOMPSON: As I understand it, there's a little buck passing going on here. But in the eventuality that nobody wants to carry the ball, is there any way that this committee itself, on a small basis, would be allowed to set up a luncheon for the two officers?

MR. CHAIRMAN: The only place I found support, John, was that everybody agreed that something should and will be done. So I don't think we have any problem out there if we go ahead and do something. If we take the ball and run with it, nobody is going to . . .

MR. NOTLEY: Doug would be in a better position, but I would think the Premier's office is probably right that it is the Speaker, because the Ombudsman is the servant of the entire Legislature, not just of Executive Council.

MR. CHAIRMAN: Yes he is.

MR. NOTLEY: Therefore it should be the Speaker on behalf of all members that hosts whatever we do.

MR. CHAIRMAN: That's right.

MR. BLAIN: I'm inclined to agree with you, Grant, but you see, these three officers are officers of the Legislature. They only report to the Legislative Assembly through the Speaker. He has no responsibility for their activities. This business of being an officer of the Legislature as opposed to an officer of the Assembly — it's a very fine line but is still a clear distinction. So the Assembly isn't really responsible for them, although they report to the Assembly, which appears to be a paradox but isn't really. I can understand one saying no, it should be Executive Council, and the other saying no, it should be the Speaker. It obviously can't be the Lieutenant Governor. It's the Lieutenant Governor that appoints him but on the recommendation of the Assembly. The Assembly can't appoint any of these people. It can only recommend that they be appointed. I rather suspect that there would be no opposition to this, but I suspect that the funding would probably wind up coming from this committee. We haven't budgeted for anything like that of course, because I wasn't aware of it at the time the budget was constructed. But if we can — it depends on the magnitude of the function you propose. I say without much hesitation that if you put it in the hands of the protocol people, it might escalate somewhat because they are more accustomed to dealing at a state level, so to speak.

MR. THOMPSON: If you leave it to this committee, it's going to be very, very simple.

MR. BLAIN: For example, when you first raised this point I made one or two casual inquiries about this in discussion — this has really got nothing to do with the minutes, Madam Secretary, or with the record. I made one or two casual inquiries. You had mentioned the possibility of a dinner at Government House, which for catering would come to \$42 a plate. So if you involve very many people, you would be getting into a substantial sum of money. I'm not saying don't do it. I'm just giving you this information. Of course there would be no charge for Government House, but there is the question of bar service and all the other associated things that go with that type of operation.

MR. CHAIRMAN: We're getting very close to the end of this morning's meeting. I think most of the items will be on the next agenda, and I've taken your instruction to do some more research on this so I will have something more to offer. David, you have a question?

DR. CARTER: I just want to put in a quick plug that if we make sure we combine the two, saying good-bye and saying hello, irrespective of what happened to the previous one or any of our present officers, there should indeed be a swearing-in ceremony of some kind so they don't just sort of walk into the office one day as Ombudsman or Electoral Officer.

MR. CHAIRMAN: Send them to Charlene to sign a form.

I think we're ready to shut it down.

MR. THOMPSON: I move that we adjourn.

MR. CHAIRMAN: Okay. Thanks very much everybody.

[The meeting adjourned at 10:50 a.m.]