

[Chairman: Dr. Elliott]

[10:35 a.m.]

MR. CHAIRMAN: I'd like to call the meeting to order and make some general comments about the format of this meeting. It was called as what I would refer to as an organizational meeting, to help us establish some guidelines on where we go from here. I would like to have this meeting terminated by 11:30, if it's at all possible. So we have a little less than an hour.

We have before us our scorecard of where we are. At the bottom, I can add number 11; let's call it, next meeting or meeting dates. Maybe we can get a schedule lined up before we depart. So proceeding down the list, if I'm not being too abusive, number 1 is an item left over from Dr. Ivany of last August, with respect to terms of reference. I see a letter attached here, and I'm assuming that that meets that commitment. Does anybody have a way of assessing that? I believe the thing we were asking for is in his letter of May 18 to me, "terms of reference for the Medical Ethics Committee established by the Alberta College of Physicians and Surgeons". I accept that as meeting that:

The Medical Ethics Committee as established is not looking particularly at the death of Candice Taschuk which seemed to be the implication of your letter.

That was the implication of our letter.

DR. CARTER: Mr. Chairman, I think it meets what we were after. There are just two minor things that should be pointed out. His opening paragraph begins "With reference to your letter of May 9th, 1984 . . ." In actual fact we have been trying to get this since August 16, 1983, as Louise has here. I guess I'm being picky with respect to someone being picky: I don't like the word "relieve" in the last line. But that doesn't matter; that doesn't need to be recorded in the minutes. Given other comments by the Ombudsman, I think it is just continuing gamesmanship.

I think it satisfies what we need.

MR. CHAIRMAN: Thanks, David. Are there any other questions? Agreed? Thank you very much.

Item number 2, Dr. Carter's attendance at the Council on Governmental Ethics Laws in Montgomery. We have his report on that. We've had it for a few days. Has anybody had a chance to relieve their minds?

MR. NOTLEY: On the basis of this, can you accurately forecast the winner of the Democratic nomination and the ultimate victor this fall?

DR. CARTER: Mondale. It was a very difficult, divided convention as to whether they should live dangerously and take Jessie Jackson as the running mate, but a great fear that if they do, some black person will knock off Mondale and then they'll have the first black president. In the meantime, however, Reagan will still make it.

MR. CHAIRMAN: Any other comments?

MR. THOMPSON: That covers the waterfront.

MR. CHAIRMAN: That will look really good on the front page of The Edmonton Journal tomorrow, David.

Item number 3, report on attendance at the International Bar Association conference held in Vienna. That is still outstanding.

Number 4 is the discussion of the International Ombudsman Institute. This is a self-inflicted commitment, and I relate that to number 10. Number 4 and number 10 are the same topic for purposes of our agenda. I would like to recommend that the members of the committee who will be travelling with the Ombudsman in late June and early July somehow make it their business to visit the International Ombudsman Institute with the Ombudsman, or whatever, so that when the members of this committee travel overseas, they will have reasonably good knowledge of our International Ombudsman Institute at the University of Alberta. That's my recommendation. That is why that is on this agenda. I will leave it at that as far as I'm concerned from the Chair. If anybody wants to add to that or make any further comment . . . But that is why it's on the agenda. Unless there is some question or further comment . . .

DR. CARTER: Mr. Chairman, the only additional comment is that when we have our next meeting, hopefully we can meet for a while and then, in the early afternoon, we can either pick up the Ombudsman or one of his staff and go on over there.

MR. NOTLEY: Good idea.

MR. CHAIRMAN: Would you like to look ahead at that date? We're now dropping to number 11, which is fine with me. Let's take a look at that. I did find an empty day on June 7 at 10 o'clock in the morning for a meeting of our committee. Is that a possibility?

MR. NOTLEY: Go ahead, Mr. Chairman. I can't be there that day. There is a little problem with the Boundaries Commission, which is . . .

MR. CHAIRMAN: That is interfering with scheduling, is it?

MR. NOTLEY: I'm sure nobody would want to slow down progress.

DR. CARTER: You're meeting in Edmonton all that day?

MR. NOTLEY: Yes, hopefully. I've indicated to them, because we're hoping we can finish it — we've had problems with bits and pieces of meetings. I'm in on the 6th. Is that bad for you, Bob?

MR. CHAIRMAN: Yes, I'm tied up with forestry all that day. I can come through to June 11; that's a Monday.

DR. CARTER: I'm dead in the water after Friday, the 8th.

MR. NOTLEY: I'm tied up on the 4th, but what about the 5th?

MR. CHAIRMAN: I'm tied up in the morning with Alberta Water Resources, but the afternoon has possibilities if we want a general meeting. Can we reverse this? Can you visit the International Ombudsman thing before lunch, and we can meet here after?

MR. THOMPSON: As I understood it, Mr. Chairman, the total committee isn't going over there, just two or three people.

MR. CHAIRMAN: That is correct, but if we can work it in with one of our committee meetings at the same time . . .

MR. THOMPSON: The 5th is fine by me.

MR. CHAIRMAN: Let's zero in on that. We're looking at an afternoon meeting of the Legislative Offices Committee. At 1:30? What is a good time?

MR. THOMPSON: 1:30 is fine by me.

MR. CHAIRMAN: Is 1:30 a good time for us to meet here as a committee? Then you people who are going on the overseas thing can . . .

MR. NOTLEY: I'm going to be coming up that morning from Calgary, but that's fine. I can get in in time for, say, a 10:30 or 11 o'clock meeting.

MR. CHAIRMAN: Over at the university.

MR. NOTLEY: Sure.

DR. CARTER: We'll try for 11. That should be long enough.

MR. NOTLEY: Okay. I'll put down 11 o'clock.

MR. THOMPSON: And 1:30 for our meeting here.

MR. CHAIRMAN: Yes. I know that that's the day Henry Kroeger will run the Water Resources thing through till about 3 o'clock; I'll bet you anything. That happens to me every time I try to outguess somebody. Normally he shuts it down about noon. I'll try. If I'm a little late, vice-chairman, you'll not mind opening this.

DR. CARTER: Okay. Could I ask if perhaps Louise will be good enough to phone the Ombudsman's office and see if they can set it up that we meet there with the Ombudsman at 11 for an hour, say?

MRS. EMPSON: You're going to meet him at the institute?

DR. CARTER: Please. And get the appropriate directions for us, please. Thank you.

MR. CHAIRMAN: June 5 at 1:30.

MR. THOMPSON: Here?

MRS. EMPSON: I'll have to phone to find out if the room is available. I'll send out a notice.

MR. CHAIRMAN: We're dealing with item number

11. Should we attempt to consider other dates at this time, or would you just let that go for now? It could perhaps be one of things we could work on on June 5. I'll let the other dates slide.

That looks after number 4 and number 10. I'm looking at number 5, discussion concerning a function for the new and departing Ombudsmen. I am looking after that with the Speaker at this point. The recommendation is that we will do nothing for either of them until after the end of August. Dr. Ivany will be in the community — I think my notes say — until the middle of October; in other words, there is a time frame in there when we can set it up. The general trend now is that it is going to be relatively low key, almost a stand-up, sandwich type of thing: low key, low cost, but high class in sincerity. If you'll just let me have another few days on it, we'll deal with it at the next meeting. Louise, that will have to appear on the next agenda, please.

Item number 6, discussion regarding salary increments for the Ombudsman, Chief Electoral Officer, and Auditor General. I have been looking for guidelines involving senior officers. As Mr. Blain pointed out last meeting, these guidelines are not out yet. I have been trying to do some snooping to see if I can outguess these people as to where the guidelines are and when they might be out, and they're going to be coming soon. So for us to operate as a committee, we will have guidelines for senior officers in government. The rumour is that the guidelines will be zero percent. Can we add any further on that at this time? It seems to me that that's something we'll pick up again.

MR. NOTLEY: Yes, let's get the guidelines.

MR. THOMPSON: We will have a problem with the new Ombudsman if they are, Mr. Chairman.

MR. CHAIRMAN: I understand there is a contract arrangement for the new Ombudsman. The minutes tell us that David Carter is going to engineer the preparation of an employment contract for the new Ombudsman. Do you recall that little point, David? That, at this time, takes him out of this discussion.

DR. CARTER: That is in process.

MR. CHAIRMAN: So we're dealing with two officers.

MR. THOMPSON: So scratch Ombudsman out of number 6.

MR. CHAIRMAN: Okay. We should just say "discussion of salary for legislative officers". That will appear on the agenda again next meeting.

MR. BLAIN: Mr. Chairman, when does the present Ombudsman's extension terminate?

MR. CHAIRMAN: The end of August.

MR. BLAIN: If any salary increase is given, you'll have to consider him. He's still on strength.

MR. CHAIRMAN: Good point. We'll have to consider that. The title will still remain as officers of the Legislature. Thanks, Doug.

Item number 7, the approval of May 3 and May 8

committee meetings: we have the minutes for both those. Everybody has read them, and nobody has a problem with them. Does anybody have a comment to make with respect to item number 7, approving those minutes?

MR. THOMPSON: Do you need a motion or just agreement?

MR. CHAIRMAN: Whatever Louise says. I'm very happy with "agreed".

MRS. EMPSON: I'd like a motion.

MR. THOMPSON: Motion to accept.

MR. CHAIRMAN: Those in favour? The motion is carried. Thank you.

DR. CARTER: Would you like a separate motion for each meeting?

MRS. EMPSON: Yes, please.

DR. CARTER: I move that May 8 be adopted as circulated.

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

Item number 8, the Ombudsman's holiday pay. This is a discussion which was raised in the letter, and I made some inquiries again through the system with respect to the guidelines or whatever the rules are concerning senior officials. In my interpretation, the intent of the Ombudsman is in keeping with those guidelines for senior officials. That's all I wanted to report there. Unless somebody wants to do further research and express an opinion on it, that's where the topic rests.

MR. THOMPSON: Do you need a motion?

MR. CHAIRMAN: No, it didn't come to us formally. It just came to us in a statement in a letter, that he was doing this. He showed us a copy of a letter he had sent to his admin. officer, arranging for this payment of vacation time in lieu of taking time off. The question was raised whether or not that was correct. My report back to you is that, after working with the administration people, that is in keeping with the procedures for senior personnel. Is the explanation understandable? Whether you agree with what I said is not the issue, but whether you understand what I said.

MR. THOMPSON: I understand what you said, Mr. Chairman. I just thought that for the minutes, possibly somebody should make a motion that we deal with this on the same basis as other senior public servants.

MR. CHAIRMAN: That's probably not a bad idea, John. Doug, do you have a comment on this question?

MR. BLAIN: I was going to, but I've changed my mind.

DR. CARTER: Mr. Chairman, if we're going to have

any kind of motion — since it adheres to what the policy is, I don't think we need to have a motion to do it. I'm just checking the minutes of May 8. Somewhere in all this, it should be recorded that the statement is that it is 25 days of holiday time in 1983, and an additional 16 in 1984.

MRS. EMPSON: It wasn't raised at the meeting.

DR. CARTER: That's right; it was outside the meeting.

MR. CHAIRMAN: It came in correspondence; it was raised outside the meeting.

MR. THOMPSON: I understand, though, that there was some discrepancy between the Auditor General and the Ombudsman regarding the number of days. Has that been cleared up, Mr. Chairman?

MR. CHAIRMAN: My discussion with the Auditor General — there was no discrepancy with respect to the topic at hand.

DR. CARTER: Mr. Chairman, I could add a brief comment. Since you shared the correspondence with me, as vice-chairman, I did, before Public Accounts, have occasion to speak to the Auditor General. He mentioned that at the management conference in 1983 between the Auditor General and his officials and the officials of the office of the Ombudsman, it was indeed noted that the Ombudsman had not been recording his holiday time. So in 1983 it was brought up and agreed to by the in-house administrative officer with the Ombudsman. I am given to understand that 1983 then does reflect an accurate statement according to the Ombudsman and the Auditor General.

MR. CHAIRMAN: Thank you. I would like to ask Louise a question. Were those two letters circulated to the members? That's where the question comes up. In the second letter, there's a copy of the letter between Dr. Ivany and his administrative officer where he's made arrangements for the carryover pay.

MRS. EMPSON: It wasn't circulated.

MR. CHAIRMAN: That is my fault. What I will do is — members should have a copy of this letter just to show what resulted. May I leave this with you, Louise, to get to the members? Thank you very much.

MR. BLAIN: Mr. Chairman, this may be my morning to waffle, which is something I seldom do. Not having seen the last minutes, I'm afraid I'm not clear on this question of the Ombudsman's holiday pay. Are you being asked to approve his holiday pay?

MR. CHAIRMAN: No we are not.

MR. BLAIN: In any event, I feel that when you are dealing with matters of this nature, you should have something in writing. These are money matters, and even if you're only considering them, you should have something in writing, for the record, from the individual concerned. For example, if I want to carry my holidays forward or if I want to be paid out for

my holiday time — being the humble chap that I am, I recognize that I'm not at the same level of seniority as the Ombudsman, but I have to request that in writing. If the request was made in writing and the matter is being considered by this committee, I think a copy of the request should be included in the committee's records.

MR. CHAIRMAN: As I understand it, what is happening here is that the arrangement the Ombudsman has made is that instead of taking his vacation in 1984 — it's not carryover vacation time; it's his standard 1984 vacation, which he earned by being on the job through '83 . . .

MR. BLAIN: Yes, I understand.

MR. CHAIRMAN: . . . plus the accumulated time in 1984. Because he's going to be terminating his work in '84, there's an additional 19 days. When you add that together, it comes to 41 days that will be coming to him at the end of August 1984. Because he is terminating his position at that point, holiday can be taken as pay. This is apparently standard procedure, as explained to me by five different people, Doug. I can recite . . .

MR. BLAIN: If I may respond, Mr. Chairman, that's correct. But that doesn't change the thrust of my comment. I cited the requirements only as a hypothesis, but anything to do with money — an application to do this must be made in writing. If it's being considered here, I think a copy of that should be included in the committee records.

MR. CHAIRMAN: I touched on that just briefly in my discussion with two people, the Auditor General and the Treasurer. They felt it wasn't important, I gather, because it was such a standard thing. But I would like to have some guidance from other committee members. They too have heard what you have just said. Let's have some input.

MR. THOMPSON: Mr. Chairman, I don't think we ought to slam the door after the horse has gone, as far as I'm concerned. I do think the committee in future should have, at least on record, some indication of how much holiday time is coming, how much has been taken, and where we're at on this. As Doug said, it's a money matter, and we're basically responsible. I take anybody's word but, still and all, I think to do it in the right way — if other people like Doug have to request certain things in writing, why not the legislative officers? I'm not picking on the Ombudsman. I'm saying any legislative officer should make these requests. If he is not taking his holidays, get written permission — or however you want to do it. It probably isn't a big thing; it may never mean anything. But if that's the way the system operates, let's operate within the system.

MR. NOTLEY: So you see this as a note for the future.

MR. THOMPSON: Yes. I don't want to dig up . . .

MR. NOTLEY: No.

MR. THOMPSON: You can't go back on it, and I don't

think it does you any good anyway. But in future, I think the committee should work that way.

MR. CHAIRMAN: Mr. Notley, would you care to comment further on this topic? How do you see it?

MR. THOMPSON: I think John has put it rather well, Mr. Chairman. I think Doug is basically right. My guess is that were we to sort of backtrack at this stage and demand this information, it would be misunderstood. So I think John has properly set forth my view anyway. I agree with him.

MR. CHAIRMAN: Do you agree, David?

DR. CARTER: Yes.

MR. CHAIRMAN: Mr. Blain, having heard that discussion, do you want to comment any further?

MR. BLAIN: No, I'm quite in agreement. I simply felt that if this correspondence was in existence, a copy should be obtained and placed on the committee records.

MR. CHAIRMAN: The letter from the Ombudsman advising us, not requesting, what he is doing is here and will be circulated to members. I'm sorry that wasn't out there earlier, because I thought it was. For some reason, I seem to have a photocopy.

We're down to number 9, which is part of 4 and 10. I'm not sure what I really had in mind there. I was the one who put it on the form, wasn't I, Louise?

MRS. EMPSON: Yes.

MR. CHAIRMAN: With that, I'll ask if there is any further discussion on the items we've dealt with this morning and the items left over for next week.

DR. CARTER: We'll all dash to the rescue, Mr. Chairman, and say with respect to item 9 that arrangements are being made through Louise, and we appreciate all the extra headaches she has solved for us. Mr. Notley, Mr. Miller, and I are going. Arrangements are in place via the Ombudsman's office for the new Ombudsman to travel as well.

MR. CHAIRMAN: Have you any questions you'd like to ask this mobile group?

MR. THOMPSON: No. I wish you well.

DR. CARTER: Thank you.

MR. CHAIRMAN: Any other comments or any other topics one would like to introduce this morning?

MR. THOMPSON: I'm just leafing through this information we got. It said it was noted that the Ombudsman — I hate to keep [inaudible] on the Ombudsman, but he prepaid for tickets out of the '83 budget for the trip to Sweden in '84, or something like that. Is that normal procedure in travel expenditure?

MR. BLAIN: It's permissible.

MR. THOMPSON: I know there's nothing dishonest

about it, except it doesn't reflect accurately the expenses each year.

MR. BLAIN: That's quite true, it doesn't. This question has come up before, not on travel but on other purchases: because we have a surplus this year, can we buy something which will be used next year? Treasury has agreed to that.

MR. THOMPSON: As long as it's an acceptable practice.

MR. BLAIN: Why I said "permissible" rather than "normal" is that most people usually don't have any surplus to do that sort of thing with. They've gone right down to the line.

MR. THOMPSON: I'm not discussing the merits of the practice. I personally don't believe in it. But if it's permissible, I guess I'll live with it.

MR. BLAIN: That's why I say it isn't normal. Cases are judged by the circumstances involved.

MR. THOMPSON: Thanks, Mr. Chairman.

MR. CHAIRMAN: Grant Notley, do you have anything to close down with this morning?

MR. NOTLEY: No.

DR. CARTER: Mr. Chairman, members of the committee, it would appear that the Ombudsman-designate will be in the House today and will be introduced to the Assembly, which I think is appropriate. I've given it some thought in the last couple of days, and I really think the chairman of the Legislative Offices Committee should do the introduction, not the chairman of the search committee.

MR. CHAIRMAN: Is that what you call abdication or turning chicken?

MR. NOTLEY: Our committee is finished, and the other committee continues. You're chairman of the other committee.

MR. CHAIRMAN: I have no problem with that, if that is your wish.

DR. CARTER: It seems to be.

MR. CHAIRMAN: Doug, do you agree with this?

MR. BLAIN: It sounds reasonable to me. As long as I'm not involved, anything sounds reasonable to me.

MR. CHAIRMAN: One question. Doug, I do have a problem with the Orders of the Day, the way they're prepared in this Legislature. What is a Special Guest?

MR. NOTLEY: I'm sure he's a special guest.

DR. CARTER: Right at the beginning.

MR. BLAIN: He's a Visitor. He's number one, Introduction of Visitors.

MR. NOTLEY: Yes, that's what I mean.

MR. BLAIN: Special guests are the school children.

MR. NOTLEY: Right.

MR. CHAIRMAN: The terminology seems to be backwards.

MR. BLAIN: It has always seemed so to me.

MR. CHAIRMAN: Yes. You will draft the . . .

DR. CARTER: A two-liner.

MR. CHAIRMAN: Thank you very much. I can also advise members of the committee that I have been invited out to lunch today to meet the new Ombudsman; I have not yet met him. Dr. Ivany is taking the Ombudsman-elect and me to lunch, so that's where I'll be.

MR. BLAIN: Mr. Chairman, may I be so bold as to ask a critical question on this operation?

MR. CHAIRMAN: You have our unanimous support in this question.

MR. THOMPSON: Even our interest.

MR. BLAIN: Has, or will, the Speaker be forewarned?

DR. CARTER: Yes.

MR. BLAIN: It should be done if he's in the Speaker's gallery.

MR. NOTLEY: He will be in the gallery . . .

DR. CARTER: The Speaker's gallery, yes.

MR. CHAIRMAN: Will this be just about the first thing that will happen in the House this afternoon?

MR. BLAIN: The first item after Prayers.

MR. CHAIRMAN: And I just jump up without any . . . I have been studying Mr. Notley's actions to determine how best to do these things. A few more years and I will have this down pat. I'll be as expert at it as you are.

MR. NOTLEY: If you just have the gall to do it, and hope that Doug or someone doesn't say, hey, this is wrong.

DR. CARTER: Mr. Notley, by his physical departure, is moving the adjournment of the meeting, and I'm willing to second the motion.

MR. CHAIRMAN: Those in favour? Thanks very much, Grant.

[The meeting adjourned at 11:10 a.m.]

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