

[Chairman: Dr. Elliott]

[12:11 p.m.]

Ledgerwood.

MR. CHAIRMAN: Can we declare this meeting open. What do we have for vehicles, and who will be going to see the Chief Electoral Officer as soon as we're through our lunch? Do you have a car?

MR. CHAIRMAN: Okay. We won't discuss too many things before you're back.

MR. MILLER: No, I don't. My car is at the apartment.

MR. MILLER: The returning officer's resigning is a bit of a shocker.

Mr. Chairman, I should report that David Carter will be coming, but he had to go to a funeral and will be a little late.

MR. CHAIRMAN: Yes, that puts a slightly different dimension on things, doesn't it?

MR. CHAIRMAN: Okay.

MR. PURDY: We'll have to strike a committee of the House this spring to find a new one.

MR. HIEBERT: I have a vehicle.

MR. HIEBERT: Is he taking something else?

MR. CHAIRMAN: You'll want to go from the visit to his office straight back to your job, of course. You're not coming back this way.

MR. CHAIRMAN: Bob, there's one of the questions we might ask.

MR. HIEBERT: I can return people here.

MR. MILLER: "Pursuant to section so-and-so, I hereby tender my resignation."

MRS. EMPSON: The backseat of my car is full of dog hair.

MR. CHAIRMAN: Has the Treasurer been notified of that resignation so we can alter the budget to find another \$50,000 for a search-and-select?

MR. CHAIRMAN: That's the way the backseat of a car should be. That's what cars are for.

MR. BUBBA: Not to my knowledge, but I expect we'll have to . . .

MR. HIEBERT: How many of us will there be?

MR. CHAIRMAN: Would you kindly take that on?

MRS. EMPSON: Five with Dr. Carter.

MR. BUBBA: I'll do that.

MR. HIEBERT: Do you have a car?

MR. HIEBERT: When did that come out?

MR. PURDY: I have a funeral to go to.

MR. PURDY: I got the phone call on Friday, I guess it was.

MR. HIEBERT: We have a car; we can manage.

MR. HIEBERT: That's unusual.

MR. CHAIRMAN: With Carter we'll be five.

MR. PURDY: Nobody else from the committee is coming? Anderson isn't going to be here?

MR. CHAIRMAN: Anybody who hasn't seen that letter can have it.

MRS. EMPSON: No. He just got back from Mexico and is still in Calgary.

MR. MILLER: That's not a bad job: work once every four years.

MR. CHAIRMAN: John Thompson will not be here. I'm going to find a sandwich. Somebody else can do the talking.

MR. PURDY: The odd by-election.

MRS. EMPSON: If you'll excuse me, I'll call Mr.

MR. CHAIRMAN: For what it's worth, Mrs. Empson, we'll just pass that letter around. Members present have a copy.

Let's find out what kind of trouble we're in. If you don't mind participating in a meeting where the chairman has half his mouth full of sandwich and the other half full of whatever else he can find, can we start with item 1 at the top of our scorecard? Number 1, report on attendance at the International Bar Association conference held in Vienna. I have it here in my hand. I would like to leave it with the secretary and have it attached to the minutes. I don't see anything in here that requires comment at this time. If there is, it will surface at the next meeting. That looks after item 1.

Item 2, report on findings -- monitoring by Standing Committee on Legislative . . . I have here a letter that was prepared last August by Doug Blain. I thought that letter had gone out, but maybe it has not.

MRS. EMPSON: Yes, it did go out, but I think it's been awhile since we looked at it.

MR. CHAIRMAN: Okay. The letter was appendix 5 at the time we sent it out with one set of minutes. The letter is dated August 30. Doug Blain did make a review, and he also made a statement of recommendation. If we could, Louise, I would like to see this letter reattached to these minutes so we can bring it up for review next time. Does that sound reasonable, gentlemen?

MR. MILLER: Mr. Chairman, we've never received that, have we?

MR. CHAIRMAN: Yes, it was attached as appendix 5 to meetings sometime after August 30. Which set of meetings, I'm not sure.

MR. MILLER: I don't recall it.

MR. CHAIRMAN: This is why I think it's good enough that we [inaudible]. In this work I'm finding that -- an old boss of mine used to say, "There's nothing as old as yesterday's newspaper." Sometimes, if we have it right in front of us, [inaudible]. If Louise doesn't mind attaching it again, because some of us might not find it.

MRS. EMPSON: I have extra copies here, if you'd like to have them now rather than wait for the minutes, and I will attach it to the minutes as well.

MR. CHAIRMAN: This goes with that Alex Weir letter. These are brochures on the International Bar Association. So that will be attached to that.

Doug gave a summary here of what is happening with the various provinces and how they handle the various officers. If you don't mind, could we put it back on the agenda and leave it in your package for the next meeting so we can spend a minute on it? It's going to be part and parcel of a review of where we left off when we asked for this information. That's why it's staying on the agenda as item 2. Does anybody have any objection to that suggestion?

MR. MILLER: This will be brought up a week from today, I presume.

MR. CHAIRMAN: That's what I would like to try to do, if that makes sense. I'm assuming that there are things that are going to require our attention that have a higher priority than this topic. If we have time and we can come back to it, we will.

Item 3, October 30, 1984: we set aside one day for the committee to visit the Chief Electoral Officer, the Auditor General, and the Ombudsman. We now have two of these dates set: today with the Chief Electoral Officer, and a week from today we'll be meeting with the Auditor General. We left the date of the third function for review at this time. Was there some discussion about people being away in late January and early February? I remember something about that.

MR. PURDY: I was one of them.

MR. CHAIRMAN: How can we zero in on this now? Or shall we wait until David arrives and have his input too?

MR. MILLER: I think so.

MR. PURDY: Sure. I suggest, because I will probably have to leave before David gets here, that I won't be back until February 18, but I will be available that day if you decide to have a meeting.

MR. CHAIRMAN: Are we assuming that Mondays work well for us? Is that what we're suggesting? If it is, I'm looking forward to March 4 as a Monday that is open. Otherwise,

we would be picking a middle-of-the-week thing.

MR. MILLER: Mr. Chairman, you're going from January 28 to our next meeting being March 4.

MR. CHAIRMAN: That's right. If we stick to Mondays, that is what I have here. There are no other days in January on my calendar.

MR. HIEBERT: Is that the one with the Ombudsman?

MR. MILLER: We haven't got that settled. Well, I guess that would be.

MR. HIEBERT: What would be the 4th? Would that be the Ombudsman?

MR. CHAIRMAN: Yes, the Ombudsman meeting would be on the 4th.

MR. HIEBERT: It's okay with me.

MR. PURDY: It's okay with me too.

MR. MILLER: Bill, if we ran into a snag and had to visit the Ombudsman while you were away, would that cause you any great concern?

MR. PURDY: No, it wouldn't, Bud. I'm going to miss the one on the 28th with the Auditor General, anyway.

MR. MILLER: That's right.

MR. PURDY: I'll be seeing the Ombudsman in Calgary. He's the dinner speaker at the Canadian Men's Club on February 20. I'll be down there, and I'm supposed to go to that meeting.

MR. CHAIRMAN: I see blocks of time on my calendar in the middle of February. February 6, 13, 14, 15, and 28: these are all Wednesdays, Thursdays, and Fridays.

MR. PURDY: I could do it on the 15th. I come back to Edmonton on February 14.

MR. CHAIRMAN: So there are a couple of choices, Louise. We have February 15 and March 4, a Friday and a Monday. We'll wait till David comes and see what we can work out with

those. Is that acceptable for now?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you very much.

We'll slide on to number 4, then, for now: to investigate the feasibility of marrying salary anniversary dates for the Chief Electoral Officer and the Auditor General. Bob tells us that we have a memo on file with that recommendation. I apologize; I'm unable to retrieve that information from the back of my mind at this moment. If you have a comment on it, Bob, please carry on.

MR. BUBBA: Basically the results of my study seem to indicate that these anniversary dates have been set at various times by the committee and the predecessor committee as well. It has more or less been a loose arrangement, done strictly for the nonce, as it were. Inasmuch as the committee has done it in the past, it can change those dates now or in the future. There doesn't appear to be anything that limits the committee in acting in terms of establishing when these anniversary dates are or that they are different or that they are the same. In one case the Auditor General's anniversary date was changed as the result of a review of it. That's in the first paragraph under section 6 of my memo. So if the committee wishes to change those dates, it's entirely within its purview to do so.

The anniversary date for the Ombudsman has recently been changed to September 1, with the appointment of the new one.

MR. CHAIRMAN: So we have a new date for the Ombudsman because of the time at which that appointment was made.

MR. BUBBA: Exactly.

MR. CHAIRMAN: One question I have on this has to do with the Auditor General. Do you recall from your notes, did the Auditor General's dates slide along for some reason or another where, just as an example to make my point, it would appear that he has been working on something like 16-month years instead of 12-month years and that he possibly lost out on a salary adjustment because of the change in dates? Has that revealed itself in your research?

MR. BUBBA: No. What I found was that the anniversary date was originally April 1, but it was changed in June of that year by a motion of the Standing Committee on Legislative Offices as part of its review of the salary of that position.

MR. CHAIRMAN: What year was that, Bob?

MR. BUBBA: In 1978 and 1982. The minutes were for the meeting of February 17, 1982.

MR. CHAIRMAN: That was when it was changed?

MR. BUBBA: That's right.

MR. CHAIRMAN: So we haven't changed it, then.

MR. BUBBA: Yes, the committee did change it.

MR. PURDY: Not our committee.

MR. BUBBA: Not this committee but the committee.

MR. CHAIRMAN: Yes, I understand.

MR. BUBBA: From what I'm able to find, it's been very much a nonce thing. As I say, I've checked into it, and inasmuch as the committee has done it in the past, it can change it in the future.

MR. CHAIRMAN: The question was raised because we felt there was some concern about the fact that they weren't synchronized. I wonder if somebody can help me now. What was the nature of our concern? Did we feel there was a complication, that it was cumbersome, that somebody was being gypped, that it was hard to keep track of or awkward for us to handle? What was the concern?

MR. MILLER: If I recall correctly, Mr. Chairman, we were looking at January 1, whereas the government generally has April 1 as the date when adjustments are made. But I wasn't under the impression when we hired the Ombudsman that the anniversary date for his salary was September. I appreciate that we made the contract in September, but I wasn't aware that that was to be the anniversary date.

MR. BUBBA: I got that impression, somehow. I can check into it again and get back to you on it.

MR. MILLER: Maybe some of the other members could correct me on that.

MR. HIEBERT: My recollection is that we wanted some consistent date at which time the committee would review the salaries of all three so that the necessary adjustments could be made with regard to budgets and so on, and that rather than having to deal with it at three disjoint periods of time, why couldn't we have a set anniversary date? It would appear that the anniversary dates revolve around when the appointment occurs, and I think those two dates should be divorced. When a person assumes a position, you accept the salary and conditions as of that moment, but the review of that salary and the anniversary date could be consistent at a particular time in the year and it could be consistent for all three.

MR. MILLER: I'd agree with that.

MR. HIEBERT: That is my recollection of the discussion.

MR. CHAIRMAN: Now that David is present and has heard the discussion, he will give his interpretation of what he recalls of the discussion up to our request to review the anniversary dates of the three officers and why they were [inaudible]. Were we looking for a change? David, can you pick it up from there on such short notice?

DR. CARTER: I'm just here to listen to the combined words of wisdom of the committee.

MR. PURDY: Mr. Chairman, I have to excuse myself. I have an hour and a half's drive to get out there.

MR. CHAIRMAN: You just dash off whenever you have to go.

DR. CARTER: What did Bill recollect of it?

MR. PURDY: What Al had to say.

MR. CHAIRMAN: I concur in what you said, Al. I feel it was primarily to simplify our

housekeeping and our chores, and give some continuity to the whole thing.

MR. HIEBERT: I also recollect that we ran into a period of time when we were jammed with regard to when we had to get it done relative to getting it into budget.

MR. MILLER: That's right.

MR. HIEBERT: The calendar year, January 1, was suggested because it would force us to address the issue at about the time budgetary considerations are being made.

MR. CHAIRMAN: Bob, did you have an opportunity to review this assignment relative to the minutes of the meeting that brought it up?

MR. BUBBA: I'm sorry; I didn't.

MR. CHAIRMAN: Okay.

DR. CARTER: How does the fact that we have the Ombudsman on a contract throw everything out of sync?

MR. CHAIRMAN: Thank you, David. The question was raised whether or not there is some commitment datewise with respect to that contract. Bob is implying that maybe there is an annual review built in that I couldn't challenge or call, and Bud said that just because he was brought on stream on a certain date doesn't mean that that date marks his anniversary for purposes of salary review. Can you give us any further clarification on that?

DR. CARTER: We'd have to pull a copy of the contract to see what it says.

MR. CHAIRMAN: Can we turn that back to you, Bob?

MR. BUBBA: In terms of whether that is in fact his anniversary date?

DR. CARTER: I think it's more whether we have any latitude at all to change his salary over the five-year period. It may be that it's been written in such a way that he's stuck with it for five years. I doubt it, but that's our first question.

MR. CHAIRMAN: The terms of the contract might be fixed for the full term.

MR. BUBBA: Okay.

MR. MILLER: The concern we had, David, was September 1; we would rather have it January 1 for budgetary purposes.

MR. CHAIRMAN: It sounds to me like we're turning number 4 back to Bob to help refresh our memories. It's not that you didn't do your assignment; it's just that we haven't done ours. I guess we're asking for more guidance.

MR. BUBBA: Okay.

MR. CHAIRMAN: You can see the nature of the committee with which you have to work, Bob, so you might have to put up with this sort of thing once in a while.

MR. BUBBA: That's all right. That's what I'm here for.

MR. CHAIRMAN: No, it isn't. The chairman will do his homework.

DR. CARTER: Would you like to support me in a motion to move the chairman out of order for his recent comments?

MR. HIEBERT: I didn't even listen to him.

MR. MILLER: That's even worse.

MR. CHAIRMAN: What I said was: would you please look at number 5 and that Dr. Carter was to speak on the employment contract of the new Ombudsman. That's where we are.

DR. CARTER: I guess we're now on to item 6, Mr. Chairman.

MR. CHAIRMAN: Very well.

DR. CARTER: I apologize.

MR. CHAIRMAN: We're going to assume that we're lumping 4 and 5 together, and that will come back to us as a package. Number 6: we asked Bob to investigate the possibility of having the chairman of the Legislative Offices Committee table the annual report of its three

officers. Would that cause any turmoil?

MR. BUBBA: I had Parliamentary Counsel look into that matter, and he wrote you on November 1 indicating the reasons the report of the Ombudsman is tabled in the Assembly by the Speaker rather than by the chairman of the committee. The long and short of it is that while the Acts covering the Auditor General and the Chief Electoral Officer require that their reports be submitted to the chairman of this committee for tabling in the Assembly, the Ombudsman Act provides that he "make a report to the Legislature on the exercise of his functions under this Act"; therefore the rationale for the Speaker tabling that. Mike indicates in his memo that he recognizes the inconsistency and that he has pointed it out. Apparently the reason it has not been addressed is that the Act has not come under review for amendment. But it is a matter that could be considered the next time the Ombudsman Act does come under review for amendment, and the reporting matter could be changed. As matters currently stand, it is being done as the Act requires.

MR. CHAIRMAN: I'm sorry, Bob; I didn't think the Ombudsman Act was the one that was out of step. I thought it was the Chief Electoral Officer's Act. For some reason or other the Chief Electoral Officer sees fit to file his report directly with the Speaker. Am I not right?

MR. BUBBA: It's in the second paragraph.

The Auditor General Act provides in section 19(4) that the annual report is presented by the Auditor General to the Chairman of the Committee who lays it before the Assembly. The Election Act in section 4(5) provides that the Chief Electoral Officer sends reports after each election or by-election to the Select Standing Committee who cause it to be laid before the Legislative Assembly.

Section 27 of the Ombudsman Act provides in subsection (1) that "The Ombudsman shall in each year make a report to the Legislature on the exercise of his functions under this Act." There is no provision in the case of that Act for the Ombudsman to report to the Committee or its Chairman and,

therefore, the report has been submitted to the Chief Officer of the Legislative Assembly who is, of course, the Speaker.

So it's the Ombudsman that's out of step, not the other two. The other two are covered by their Acts.

MR. CHAIRMAN: Isn't that interesting. Any comment from members?

DR. CARTER: I guess that's where we're stuck until there's a review of the Ombudsman Act. I'm sure you'll continue in your persuasive way to make sure the Chief Electoral Officer and the Auditor General give you their reports before they hit the Legislature.

MR. CHAIRMAN: We were concerned about things like the annual report. This doesn't specify annual reports; these are reports relative to elections, by-elections, and that sort of thing. If I remember correctly, the thing that raised the question was that the Chief Electoral Officer's reports were not coming to us for tabling; they were going somewhere else. I thought that was what raised the question in the first place. We'd had no objection to what was happening; we just wanted clarification on why there were differences. I want to point that out. We're still trying to find out our responsibilities as a committee. If we have responsibilities, we want to make sure we meet them. It's not our wish to take somebody else's work away from them; nor do we want our work done by somebody else, if we're supposed to be doing it. So we were looking for clarification on that. I'm going to ask you to keep that one kind of high on your files, Bob. You and I will be reviewing it more to see if there is some recommendation the chairman might make to the committee.

Can we consider number 6 received, then, for the purposes of this discussion today? It will come again.

Number 7: ask Bob to investigate whether the budget estimates for the committee, which include estimates for the Auditor General search committee, should be incorporated with the Leg. Offices Committee budget. We have a second one added to that with this resignation on our table today. Bob, do you have a comment on that?

MR. BUBBA: Yes. I'm just trying to find it. I discussed that matter with the Clerk of the Legislative Assembly, and he advised that it is proper for the budget to proceed with budgeting for that item in its budget.

MR. CHAIRMAN: For the committee to include that in its budget?

MR. BUBBA: That's right.

MR. CHAIRMAN: That brings us up to January 21, 1985, when we have before us this other resignation. Early in the meeting I asked Bob to check with his superiors and the Treasurer to see if anybody had any special instructions for us with respect to rearranging the budget relative to another search. If we're asked to put something in our budget to cover that, then I'm assuming that we will. I'm also assuming that that type of search thing will be generated outside this committee. Anybody want to comment on that? We do not consider ourselves the people who originate or generate a search-and-select. That's done from someplace else where the committee is appointed.

MR. MILLER: Mr. Chairman, I think this would be the appropriate committee to do it, since we are the ones to whom they report. Although we might not be able to initiate it, I think a recommendation that members from this committee sit on it would be appropriate.

MR. CHAIRMAN: I think we're zeroing in on the same thing, Bud. If the committee that does the search were made up of members of this committee, I would agree with you that that would be an appropriate selection of people who are familiar with the assignment. Does that call for any other comment at this time, then?

DR. CARTER: What was our budget that was put in for the search committee for the Auditor General?

MRS. EMPSON: \$50,000.

DR. CARTER: Fifty? Thank you.

In terms of this other turn of events, perhaps the chairman and vice-chairman should be instructed to have a little consultation with the appropriate persons and make a suggestion that

indeed the search committee be made from the ranks of this committee, as in the case of the Ombudsman, and hope that it meets with favourable comment. I think it's something we just have to leave and check back, if not at the next meeting, as soon as we can after that. It certainly worked well the last time. The difficulty this time around is that -- well, only one member of the opposition sits on the committee, and if it's made up from the ranks of this committee, he should be invited to attend.

MR. CHAIRMAN: We have a suggestion that the chairman and vice-chairman proceed to review our position.

MR. MILLER: I make that a motion.

MR. CHAIRMAN: Thank you, Bud. Any question on the motion? Those in favour? That motion carried.

MR. HIEBERT: Just an interpretation of the motion. You as chairman will be reporting back to the committee as to the direction this will take.

MR. CHAIRMAN: Absolutely.

MR. HIEBERT: Then we will consider the ramifications with the budget if the decision goes in a certain way. Am I correct in my understanding?

MR. CHAIRMAN: We will definitely be reporting back as to what we find out, what our responsibilities are, and that includes the impact on our budget.

DR. CARTER: I'm sure it's too late to get it into this year's. We'd have to go to special warrant.

MR. CHAIRMAN: The other thing for clarification on that motion too, Al: I'm assuming that both officers will be reviewed. That was intended in the motion.

MR. HIEBERT: Yes.

MR. CHAIRMAN: Can we go on to the next item? Number 8: voting by the Chief Electoral Officer while sitting on the Electoral

Boundaries Commission.

MR. BUBBA: The voting power of the Chief Electoral Officer on that commission is statutory.

MR. CHAIRMAN: Any comment?

MR. MILLER: Since when? When was that passed? Do you have any idea?

MR. CHAIRMAN: 1905.

MR. BUBBA: That's the current Act.

MR. MILLER: I think you might be right.

MR. CHAIRMAN: I keep forgetting that everything I say goes on that crazy tape.

MR. MILLER: The reason I ask that question, Mr. Chairman, is that the Chief Electoral Office is fairly new, is it not?

DR. CARTER: 1977?

MR. MILLER: Wasn't it somebody within the Legislature? What was his title at that time? Do you recall, Louise?

MRS. EMPSON: I think it had to do with the Clerk, though I'm not positive.

MR. MILLER: Was it the Clerk who did it?

MRS. EMPSON: Either the Clerk or Clerk Assistant.

MR. BUBBA: That's correct. Those functions were handled in the office of the Clerk up to that time. It was around 1977. My memory is unclear on it, but it was about that time. The particular section of the Act reads:

The Lieutenant Governor in Council shall, from time to time as required by this Act, appoint an Electoral ... Commission consisting of

- (a) a judge or retired judge of ... Queen's Bench, the Supreme Court or the District Court, to be chosen by the Lieutenant Governor in Council,
- (b) one person (not a member of the Legislative Assembly or an employee of the Government) nominated by the

Speaker of the Legislative Assembly after consultation with the President of the Executive Council and the Leader of Her Majesty's loyal opposition,

(c) 1 member of the Legislative Assembly nominated by the Leader of Her Majesty's loyal opposition,

(d) 3 members of the Legislative Assembly chosen from the Government party by the Lieutenant Governor in Council, and

(e) the Chief Electoral Officer, one of whom shall be appointed chairman.

DR. CARTER: And then what does it say about his voting?

MR. BUBBA: It's silent on his voting.

DR. CARTER: Therefore he doesn't vote.

MR. BUBBA: It's silent on anyone's voting power on that commission.

MR. CHAIRMAN: No one is identified as having voting or nonvoting privileges.

MR. BUBBA: That's right.

MR. CHAIRMAN: They're all identified as members.

DR. CARTER: That raises two things: number one, a letter should go to the minister responsible for that Act, pointing out that the Act is silent on who gets to vote; the second part is whether or not we on this committee believe that the Chief Electoral Officer should have a vote on that commission.

MR. CHAIRMAN: Were you putting it in the form of a motion, Dr. Carter, or were your reasons discussion?

DR. CARTER: In view of what Bob has just read, I think that's a case where you as chairman should consult — who is it in this case? Does it come under Bill Payne?

MR. MILLER: Bill Payne.

DR. CARTER: To determine if in their most recent experience they really believe that voting should be spelled out within the Act.



MR. CHAIRMAN: What do you consider our position, David, with respect to this committee? Do you think we would like clarification on it and therefore it's appropriate for the chairman to meet with Bill Payne, review it, and report back to the committee as to the nature of the discussion?

DR. CARTER: I think that's the first step and the only step we can take at this stage. If they decide they're going to leave it unclear . . .

MR. CHAIRMAN: At least we will have made our point, in that we see an unclear area there that we think should be identified, and we've identified it by bringing it to his attention. Would correspondence be acceptable?

DR. CARTER: I move that the chairman send a letter to the minister responsible for the Electoral Boundaries Commission Act and ask if the government intends to clarify the position on voting on the commission when it meets.

MR. CHAIRMAN: Thank you. Any further comment on that motion? Those in favour of the motion? That motion is carried. Any further question on item 8?

We're on number 9: discussion — officers' respective annual conferences for the calendar year. We have some information before us which is a product of that request. This is the information we have at this point. You will recall that at the last meeting I recommended that at the earliest possible date we should get these dates lined up in our calendars and attempt to make commitments with respect to members' participation or attendance at these various meetings. We could get these dates worked into our personal calendars and protected and looked after. Any comment on what you see before you? We have three of them.

DR. CARTER: Is there not also another meeting, Public Accounts, with the Auditor General, that you have gone to in the last two summers?

MR. CHAIRMAN: The Public Accounts meeting coincides by design with the Conference of Legislative Auditors. They overlap on about two program items, but they also overlap regularly on the hospitality items, such as the

opening sessions and the provincial government banquet and that sort of thing.

DR. CARTER: So they're meeting in Whitehorse.

MR. CHAIRMAN: They're meeting in Whitehorse this summer. Quite a delegation attends from the public accounts committees from the various provinces. From Alberta last year we had Ray Martin and Ron Moore. There could have been another, but I don't recall.

MRS. EMPSON: Mr. Blain went.

MR. CHAIRMAN: Mr. Blain, yes.

DR. CARTER: Mr. whom?

MR. CHAIRMAN: Doug Blain was there in his capacity with Public Accounts.

DR. CARTER: Right.

MR. MILLER: Were you there on behalf of our committee?

MR. CHAIRMAN: Yes, I was, but not at Public Accounts. I was part of the Conference of Legislative Auditors.

MR. MILLER: Right.

MR. CHAIRMAN: The group is thrown together, and what it amounts to is that they basically meet at the same place and time in different rooms.

Any comments on this page Louise has prepared for us? We have it. By the looks of it I would say the first action is going to be sometime in June in Quebec City, July in Whitehorse, December in Ottawa or Toronto, and again in December in Chicago. Do you recall if there are there any gaps in that, Louise?

MRS. EMPSON: No.

MR. CHAIRMAN: We've got the Ombudsmen, the Legislative Auditors, the Auditing Foundation, and Government Ethics Laws. That looks after our three officers.

MR. MILLER: Which one looks after the Chief

Electoral Officer?

MR. CHAIRMAN: The one in Chicago, Ethics Laws.

DR. CARTER: The only comment I'd like to make, Mr. Chairman, is that when it comes time for the Canadian Comprehensive Auditing Foundation, we send only one. That's what we did this last year, except that one of us went down to speak. That's how we handled that.

MR. CHAIRMAN: Two people went but on two different assignments. One was representing us, and one accepted an invitation on behalf of the foundation.

DR. CARTER: Right. It's fairly technical.

MR. MILLER: It's very technical and quite expensive.

DR. CARTER: Yes, the registration fee was out to lunch.

MR. MILLER: \$375 or something like that.

MR. HIEBERT: Auditors would never do that, would they?

DR. CARTER: Generally speaking, yes.

MR. HIEBERT: All-inclusive.

MR. MILLER: Yes. Of course, when you're a CA, you're in a special bracket.

DR. CARTER: With those others I think we should think in terms of sending at least two. I think we budgeted to send two. We might think in terms of sending three to the Ombudsmen conference. We could do like Ontario: send the whole committee plus support staff.

MR. CHAIRMAN: That way we'd have a built-in interpreter for Quebec City. Can we have this item identified for the next meeting too? I'd like to have some more thought put into it. In the meantime if anybody has any personal requests or wishes, be prepared to state them at the next meeting, a week today.

We're on to item 10. Dr. Carter and Mr. Miller were going to report on attendance at the Canadian Comprehensive Auditing

Foundation. Do you want to leave that for another time, in view of the fact . . .

DR. CARTER: We're quite happy to -- in view of which, sir?

MR. CHAIRMAN: Well, I would like to take this one minute just to assess our position on the clock. If we're going to the Chief Electoral Officer's shop, does somebody have a firm idea as to when we should be leaving? Louise?

MRS. EMPSON: Maybe by 1:30.

MR. CHAIRMAN: We should be out of here by 1:30. We were down to your car, Al. Does that change things since Dr. Carter has arrived?

MR. HIEBERT: No.

MR. CHAIRMAN: Will we let him ride with us in your car?

MR. HIEBERT: We have room in the trunk.

MR. CHAIRMAN: Thank you.

DR. CARTER: Take over my vintage vehicle.

MR. CHAIRMAN: Do you have your vintage vehicle here with you too, David?

DR. CARTER: Yes.

MR. CHAIRMAN: Well, there you go.

We're back to number 10. If you people wish to deal with the topic now and get it off the list, I will certainly recommend it.

DR. CARTER: Mr. Chairman, I think we should. We are extensively prepared for this, so I'm giving you over to the person who's going to deliver the report, Mr. Miller.

MR. CHAIRMAN: These Anglican priests -- you don't know what guff they're going to come up with.

DR. CARTER: Could you get the chairman's remarks there out of the transcript?

MR. MILLER: Mr. Chairman, I was glad that I was able to go to this conference along with Dr. Carter, particularly in view of the fact that Dr.

Carter was able to take part in the discussions. I would report that in my point of view he did an excellent job.

To start with, Doug Rogers, our Auditor in Alberta, is highly respected by government auditors all across Canada. He brings a lot of common sense to the table, and they certainly draw on his vast experience. We probably have the best system of auditing in Canada.

I think there's a tendency on behalf of auditors to try to expand their positions. As a legislator I have a concern about how deeply they want to go into everything. They not only want to look at the figures but they also want to do an appraisal of the pros and cons of where the money is being spent. This caused me some concern. I think we should be aware that although the people who are doing the auditing are good at the numbers aspect, lots of times their expertise is somewhat lacking if they start going in too deep as to the pros and cons of what is happening.

David and I tried to attend most of the meetings. Sometimes they split into sections. We were there as legislators, looking at what auditors are doing and what effect they have on the Legislature as such. As I said, it was a great experience, and I am glad I was able to go to it. I think everybody should go once. I'm not too sure if I would go again. It gave me an insight as to what they're doing in the rest of Canada. It was highly technical in some aspects, and from that point of view there were times when it was kind of over my head.

David, would you like to give them — that was the introduction to what you're going to say.

DR. CARTER: That's the report. As Bud pointed out, a lot of the sessions were very technical. That was fine, but with it being comprehensive auditing, as Bud pointed out, they really do want to enlarge their mandate. They really want to take on the supervisory functions of the performance of what really happens to the dollar that they're tracking. So they want to be two things: they want to be the court of last resort, to be certain that the dollars were spent as they were destined to be spent; then they want to be auditors general in terms of inspectors general, wanting to evaluate the program to make sure it was an efficient use of the dollar, which is fair enough, but that isn't what they've been set up to do. If

there's going to be a policy change by any level of government that would direct that, that's one thing, but that hasn't occurred within our jurisdiction.

The other thing is that a lot of people from industry were there. That's one of the reasons why they tend to keep having the conference in Ottawa, Montreal, or Toronto. In a follow-up document to the conference, a questionnaire which I filled out last week, they said they want to keep running it between these three cities because that's where the bulk of the registrants come from. Again that's fair enough, but as western Canadians I think that sometime in their existence they could move it out to Edmonton, Calgary, Vancouver, or Winnipeg. But the preponderance of the registrants at the conference really were from business.

We had an interesting thing happen. At the session where we were scheduled to speak, in that hour we were supposed to have a representative from the federal government talking about the use of financial reporting documents to the federal Parliament, whether you were a government member or a member of the opposition. No one showed up. So there I was on the dog and pony show, and Bud, thank goodness, came up to the front. So there we were. The people who had come to that session expecting a federal perspective and one provincial perspective then had to deal with us in terms of just one provincial perspective. But that worked out very well in terms of the presentation, because I had a little more latitude to go on and talk a bit about the role of our committee and how we related but also to reflect upon the documents as they come to us as members of the Legislature and as government members and as committee members. In the question and answer period we had just two questions or perhaps three. It was good to have Bud there with his experience on Executive Council to be able to reflect from having been a cabinet minister, the way the document flow there is generated or rejected. I think it was very useful, and we got good comments back.

MR. CHAIRMAN: This was definitely a Canadian function.

DR. CARTER: Yes.

MR. CHAIRMAN: Do you know if this thing is

linked to international organizations?

DR. CARTER: There were a few people from overseas.

MR. MILLER: There was the odd one, but it's basically Canadian.

MR. CHAIRMAN: When you said "industry people", that was the natural makeup, the total mix of government and industry, and they're all thrown together.

MR. MILLER: Many of these people do work for governments. Although they're in private sector, they're doing a lot of government auditing. David, wouldn't you say that in many cases they were there for a lobbying aspect as well as taking part in the course?

DR. CARTER: Yes, and they were there mainly because of Bill C-85, which changes a lot of procedures for them. That contributed to the fact that there was very heavy attendance. There were a couple of speakers from the bureaucracy in the federal government, and at one stage I almost had to hold Bud down from going up and giving the guy a thump.

MR. CHAIRMAN: Where were you going to thump him, Bud?

DR. CARTER: In the left eye and the right eye. It was interesting. One speaker in particular was really foolish. He was letting it show that he was not happy with his -- it was somewhat similar to the Edmonton Journal saying that since the people of Alberta didn't have enough sense to elect an opposition, they would become the opposition. This guy in the bureaucracy was saying, "Well, since the rest of Canada was stupid enough to elect this government with such a large majority, it doesn't affect us bureaucrats very much." It was an interesting naked statement.

MR. HIEBERT: Didn't anybody from the private sector take him on?

MR. MILLER: No. You see, these people wield a lot of weight down there in hiring outside auditing firms.

MR. HIEBERT: So you'd better keep your

mouth shut.

MR. MILLER: Yes. Mr. Chairman, I think we should stress one point a little stronger. David mentioned it. When the federal government man wasn't there, David was able to carry this session for the full hour, which was a little scary, but David was up to the task. He was well prepared when he got up to make his remarks.

MR. HIEBERT: Did you allow for questions within that hour?

MR. MILLER: Yes.

MR. HIEBERT: Let me ask this question, Mr. Chairman. Was the absence of the Members of Parliament unusual in that they had shown in previous years? Was the recent government changeover a factor?

DR. CARTER: I don't know. One of the parliamentary secretaries in the federal government was one of the keynote speakers. But he was the only one I bumped into. It just seemed to be more a real breakdown of conference organization.

MR. HIEBERT: I have a second question. When auditors start getting into the whole area of tracking dollars and then looking at the qualitative aspect of whether the dollars are well spent, do they ever examine the implications with regard to how many dollars that would take and how expansive that would be? Did it relate to the concept that it would expand the auditors' involvement and thereby generate more activity for the private sector to become involved in a job-creation program?

MR. MILLER: Dollars weren't regarded as important in that aspect.

DR. CARTER: They're there to watchdog other people's dollars, not their own.

MR. MILLER: Yes. I've found that with auditors. If it costs them \$10 to save you a dime, they're quite happy.

MR. HIEBERT: That was really the thrust of the whole thing, then.

DR. CARTER: Yes, of a number of them.

MR. HIEBERT: That's not unusual. The accountants and the business managers, whether they be in private business or so on, like to be very important in the decision-making process.

DR. CARTER: It was an interesting experience. But next time when you get us on the hook for speaking, you're going.

MR. CHAIRMAN: No problem. Two or three things came to my mind while I was listening to the report. One brings me right back to Alberta. I was wondering if any of you people have had anybody mention to you the problems they have in their departments with respect to the audit? Some of the deputy ministers feel they're exposed to too much review and auditing and more review. This comes at them constantly from different angles. Perhaps it's different in different departments, but it sounded to me like the Treasury Department has some way of checking out these various departments, programs, or branches, and then along comes the Auditor General and he does the same thing. Sometimes these people feel a little bit as though they've been inundated with auditors during the course of the year. Reference was made to it, and it came to me as though they expected us to do something about it. I asked for a letter. I haven't seen the letter, so I guess it won't come.

DR. CARTER: I think you're right in terms of the way you've set it out. Treasury persons are the ones who are bugging the accountants or whatever in the other departments. It's appropriate that you have to follow correct procedures, but Treasury is the one that's really calling the shot to make sure the government's house is indeed in order. When the provincial Auditor General comes in, he makes doubly certain that the house is in order. I think a lot of the concern or feeling of being bugged -- in the sense of nagged rather than electronic bugging -- is that the nagging is coming from the Treasury people. That's certainly what I experience in terms of the social services department: that it's Treasury bugging them and they in turn bugging ... In terms of this committee I think there's not too much we can suggest about it. As government members we hope that the house is indeed in order, and we

can't in any way call off the watchdog watching the watchdogs.

MR. CHAIRMAN: Any further comment on number 10, then? Thank you very much for the report, gentlemen.

We'll go on to number 11. We had a committee item from December 17: consideration of a memorandum received from the Auditor General regarding a proposal to extend normal working hours. We've all had that letter. Does it generate any discussion or questions at this time? Would you like to have an opportunity to have it added to the package once more and bring it up a week from today, have it identified again?

MR. MILLER: I had a chance to read it, Mr. Chairman, and I thought it was an excellent suggestion. I think you have to have a certain amount of flexibility, and it seems to me that the Auditor General has the right approach to get this done.

MR. HIEBERT: Mr. Chairman, I read it too. I suggest that if clearance is given, it be given with the understanding that it be reviewed after one year to weigh the pluses and minuses of the experience. When you make a decision like that, often it's assumed that it will be carved in stone and will stay that way. A review always brings it back up, and then one can really assess how effective it has been. If we consider it, we should make sure we put that proviso with it so there are no misunderstandings.

MR. CHAIRMAN: You've raised an interesting point in your discussion, Al; that is, "if we consider it." In the fewest possible words, I understand that the Auditor General is responsible for the way in which he runs his shop. A small problem or question came up through the committee, we expressed this concern to him, and he saw fit to make changes. I don't think he is waiting for us to approve or not approve his proposal; he is advising us that this is what he is doing in response to the fact that he had received this concern from outside his shop. Does that change what you said in any way? Or we'll write a letter to him encouraging him to give us a few comments in 12 months' time or to report to us an annual review on this.

MR. HIEBERT: However you want to word this; it relates to this other letter. I don't think we're telling them what to do or interfering, but on the other hand there is a spill-off impact on other areas of government. Whenever one group does something, someone on the other side of the fence immediately says, "Well, why can't we do it?" If one does it with the sensitivity that it will be reassessed to make sure it is the most effective manner for that particular office to operate in, great. It's not giving them a clear mandate to consider going that way forever.

MR. CHAIRMAN: I've noticed a general nod of agreement with the suggestion that we ask the Auditor General to review this in 12 months' time and advise us as to how it is going. If it's acceptable to the committee, I will see that a letter goes to the Auditor General with our comments on it, thanking him for the effort he has taken to make this correction. Did you notice that by making the changes, there's a considerable saving in man-hours on that total assignment? And he still thinks he can get the work done.

That looks after item 11, which is the last one on the list. May I please refer again to item 1, report on attendance at the International Bar Association? Item 1 relates to number 9, discussion -- officers' respective annual conferences for the calendar year. With your minutes there will be attached a copy of this letter from number 1, Alex Weir's report. In that letter he tells us that the International Bar Association is meeting in New York in 1986. I had a rather lengthy discussion with Alex Weir about our committee, about our interest in what our various officers do from day to day and year to year, and how we would like to have information about these international meetings. He made reference to that discussion in that letter and has provided us with brochures about the International Bar Association bicentennial, or whatever it is, that's coming up in 1986. That will come back into the minutes again when we talk about our future plans. Alex Weir was quite excited about the fact that we might even consider having a committee member join him on an International Bar Association program.

While I'm talking about Mr. Weir, under new business I wish to distribute a letter which came to me and was not with the file. We'll give it to

the file now. Does that require any comment at this point, gentlemen?

MR. MILLER: It does from me, Mr. Chairman. If he's working for Social Services and Community Health, I presume that we would have somebody take his place in the Ombudsman's shop. I think it would be to our advantage to have the man who is working for us attend rather than Alex Weir.

MR. CHAIRMAN: To attend what, Mr. Miller?

MR. MILLER: This conference in New York from the 18th to the 23rd, 1986.

DR. CARTER: I agree with what Bud has said. I don't see any commitment whatsoever to sending Alex Weir to the Conference of the International Bar Association.

MR. CHAIRMAN: Maybe the Department of Social Services and Community Health will send him. His involvement with the International Bar Association is not necessarily Ombudsman, but Ombudsman is a component of the International Bar Association. Maybe health and social services is also a component of the International Bar Association; I don't know. This letter is later than the other one that is coming to you in the minutes, which gives his report as requested on item 1 on our agenda. This letter came separately.

MR. HIEBERT: Still on that point, Mr. Chairman. If you read the last paragraph . . .

MR. CHAIRMAN: "Best personal regards"?

MR. HIEBERT: . . . it says,

I . . . expect to be in a position to honour the commitment I made to you earlier regarding the potential participation by representatives of the Committee . . .

If we read "representatives of the committee" correctly, that means this committee. I think I would have to agree with the comments that our representative should fall out of the office of the Ombudsman and that if he were to participate as a member of that Bar Association, it should come through the department of social services and his minister. It should have nothing to do with the Ombudsman committee per se.

DR. CARTER: Mr. Chairman, I'd also like to remind the committee that at the time this issue was first raised, which takes us back a good number of months, I for one really didn't feel there should be any representative from the Ombudsman's office at the International Bar Association.

MR. CHAIRMAN: Louise, can I ask you to pull from your file that letter with respect to his report on the International Bar Association that I handed you earlier in the meeting, please? International Bar Association Ombudsman Forum -- the chairman is Alex B. Weir on the letterhead. So it indicates an international assignment. I'm not sure he isn't in the middle of it now and will be chairman up to and including the New York commitment, the biennial conference. I just point that out as part of the . . .

DR. CARTER: Thank you. That's the first time we've even had the letterhead read to us, since he didn't accede to our request over the course of the last year.

MR. CHAIRMAN: This is the only time he's ever used it, when he reported on this meeting. His other letters have all come on Ombudsman letterhead. You'll see this one in your correspondence package, which is the report I'm now reading.

DR. CARTER: Have any requests come to you, Mr. Chairman, about overseas travel for any of our three legislative officers?

MR. CHAIRMAN: They have not. I don't recall. Louise, have you seen anything in your files to answer that question?

MRS. EMPSON: There's nothing.

MR. CHAIRMAN: Thank you.

MR. MILLER: I'm sorry, Mr. Chairman; I want to bring up new business.

MR. CHAIRMAN: That's fair enough; we'll accept it as new business.

MR. MILLER: What is our position regarding the international Ombudsman office at the university? Have we had a request for funding

for this year?

MR. CHAIRMAN: There are two questions; the second question, have we had a request for funding? I'm not aware of any request for funding. I don't know why we would even receive a request for funding, Bud. Have I missed something in your question?

MR. MILLER: No. I think we provide them with -- what is it? -- \$50,000 a year.

MR. CHAIRMAN: Out of what budget?

DR. CARTER: Advanced Education.

MR. CHAIRMAN: I'm talking about this committee, though.

MR. MILLER: I'm sorry.

DR. CARTER: What we're doing is clarifying.

MR. CHAIRMAN: This committee hasn't received a request for funding nor would it be in a position to provide funding for anything anywhere, would it? You're lucky we pay expense accounts, David. The second thing is: what is our relationship?

MR. MILLER: The way it was before, the Alberta Ombudsman was a director but they had no permanent secretary as such. I was under the impression that Dr. Ivany was given the position of being more or less secretary-manager of the international office at the university until the end of December 1984. Is that correct?

MR. CHAIRMAN: Something like that. I can't confirm.

MR. MILLER: Is he continuing in that position?

MR. CHAIRMAN: I have no idea. Which brings us back to your first question: is there a relationship between this committee and the international Ombudsman organization at the university? My answer to that is no, as far as I understand. We were exposed to that topic because the incumbent at the time was doing the second job on the side, just like we have with Alex Weir, who is chairman of the International Bar Association Ombudsman

Forum.

MR. MILLER: Can we find that out?

MR. CHAIRMAN: Would you like to make a specific request now or after the meeting?

MR. HIEBERT: Bud wants to know how you do this.

MR. CHAIRMAN: Or is it this way?

DR. CARTER: I think it's only appropriate, Mr. Chairman, that the committee make some inquiries, because it involves funds of the Legislature. I'd also like to add that I've heard the previous Ombudsman is still at the University of Alberta. I don't know if it continues into January, but it would seem so, because I understand that he has called a meeting in Australia for all the directors of the International Ombudsman Institute to view the site for the International Ombudsmen Conference, which will take place in 1987. So if funds are being misused, mismanaged in that way, he had better be cut off.

MR. CHAIRMAN: Bob, can you assist in guiding us here? Will we be coming back through you and your department to determine how the budget of our Ombudsman was used relative to the international Ombudsman position at the university?

MR. BUBBA: I think that probably would better go as a direct request from the committee to the office of the Ombudsman.

MR. CHAIRMAN: Thank you. That's what I need; I want your guidance on it. We'd be quite prepared to do that.

MR. BUBBA: Because the committee does receive and approve that budget.

DR. CARTER: I think we'll find, Mr. Chairman, that it is probably wrapped up somehow in Advanced Education funding to the University of Alberta.

MR. CHAIRMAN: For our Ombudsman from the budget, David?

DR. CARTER: I think it's under Dick Johnston's

budget. So perhaps you could check on that before the letter to the Ombudsman, because it may be that we have to deal through another department.

MR. HIEBERT: There would be no harm in doing it through the Ombudsman so that it registers a signal. Then if we have to go the alternate route, through the Minister of Advanced Education, we do it with full knowledge that it's within his department.

MR. CHAIRMAN: By what section, subsection, and paragraph does this committee approach the Department of Advanced Education for information about functions at the University of Alberta?

DR. CARTER: There is a route, Mr. Chairman. You could examine the legislation, and one of us could make a phone call in the meantime. I don't know. You're the chairman; tell us.

MR. CHAIRMAN: You'll be surprised. Members of the committee, we'll be reporting back to you with information that will blow your mind.

MR. MILLER: Is that on tape?

MR. CHAIRMAN: I've given up on the tape; I've stopped worrying about it.

Are there any other questions on that topic or any other new items? Have we our expense accounts signed?

The next item of business will be to adjourn this meeting and reconvene wherever the automobile or automobiles are.

MR. HIEBERT: I so move.

MR. CHAIRMAN: Thank you very much.

[The committee adjourned at 1:30 p.m.]