

[Chairman: Dr. Elliott]

[9:07 a.m.]

MR. CHAIRMAN: Very well, we'll call the meeting to order. For introductory comments, I would say that there is not a fixed agenda as such. I chose to use this meeting as a review of some of the items that need to be tidied up, to bring us up to date, and then an opportunity to sit and visit for awhile about where we as a committee have been and where we are going. I don't want to make it a big production. I just thought we should summarize our activities to this point and make any comments that we should have on record for the future.

With that, I see we have some handouts before us, some follow-up items. Can we make reference first to the Legislative Offices Committee, follow-up items? I am looking at this for the first time, so if anybody feels familiar with it and wants to lead us through it . . .

David, some of these are items that you were working closely with. Are these not cleaned off?

DR. CARTER: I thought that items 2, 3, 4, 5, and 6 had been cleaned up.

MR. CHAIRMAN: That's what I was wondering.

DR. CARTER: I think the first one was as well. You will recall that at our last meeting we spent a certain amount of time in committee giving approval to these things.

MR. CHAIRMAN: Yes, we did.

DR. CARTER: I don't have the minutes with me.

MR. NOTLEY: I have the sixth meeting, Mr. Chairman.

MR. CHAIRMAN: The September 6 minutes.

MR. NOTLEY: Yes. It says: the list of deferred items was dealt with, with items 1, 3, 4, 5, 7, and 8 being deferred to a fall meeting of the committee; items 2 and 6 had been dealt with earlier in the meeting.

DR. CARTER: Okay. Again, the ones to be dealt with today are one . . .

MR. NOTLEY: Yes, David: the list of deferred items was dealt with, with items 1, 3, 4, 5, 7, and 8 being deferred. That's strange because eight is just approval of minutes.

DR. CARTER: It may be that we are now working from a new follow-up list.

MR. CHAIRMAN: Where the numbering was different.

MR. NOTLEY: Yes, that's exactly what it is.

DR. CARTER: My understanding, Mr. Chairman, is that item 1 was still pending, for the final close-off figures.

MR. CHAIRMAN: Okay, so we will leave item 1 as a follow-up item with no action today.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Item No. 2.

DR. CARTER: I find myself mystified by this, because it was my understanding that at our last meeting we dealt with all of these items that were outstanding, organizations exempt from being charged a fee. Mr. Chairman, I will undertake to talk to the Auditor General about those items, so that would take us through items 2, 3, 4, 5, and 6.

MR. CHAIRMAN: Thanks, David.

DR. CARTER: But I feel certain that most of that's done.

MR. CHAIRMAN: If I have any information on No. 7, I am not aware of it. No. 7 will be left with Elliott. If there is something that my secretary downstairs can tell me or that Mr. Wark can tell me, I will distribute it, to look after No. 7.

MR. MILLER: Mr. Chairman, I had an idea that we received some of that information before we discussed salaries, but it could have been a verbal presentation made by Mr. Wark.

Do you remember, Dennis?

MR. ANDERSON: I think we did. We've had some sort of comparisons.

MR. MILLER: There were some figures.

MR. ANDERSON: Whether it was a complete list — I can't remember seeing it.

MR. MILLER: I don't think it was complete, but there were some figures presented to us

MR. ANDERSON: I thought there was a list.

MR. CHAIRMAN: Can we leave it that I will sort out number 7 and distribute it by mail?

HON. MEMBERS: Agreed.

DR. CARTER: That item was raised, I gather, during our tour of the Chief Electoral Officer's offices on August 26. Yet in looking at the minutes of that meeting, which have not been distributed, there is no mention of that. It may well be that we raised it verbally, and it's up to him to follow through.

Item 8, Mr. Chairman: the minutes have been distributed. I was confused. What it needed was my signature, since I was acting in your regard at that meeting in the Chief Electoral Officer's place of employment.

I move that we approve the minutes of August 16 with respect to the committee's visit to the office of the Chief Electoral Officer.

MR. CHAIRMAN: We have a motion. Since we have two sets of minutes there, we will take them separately. We have a motion for the August 16 minutes. Any questions? Those in favor? That motion is carried.

How about the minutes of the September 6 meeting, which we have to approve and sign this morning? I'll move those minutes. Any questions? Those in favor?

DR. CARTER: I'm in favor, Mr. Chairman, but I'm not aware that the chairman can move it.

MR. ANDERSON: I was just wondering the same thing.

MR. CHAIRMAN: I was wondering about that, too, after I did it.

MR. ANDERSON: I'll do that, Mr. Chairman.

MR. CHAIRMAN: Thank you very much. You're getting me off the hook.

DR. CARTER: With unanimous consent of the committee.

MR. NOTLEY: Yes, unanimous consent. I think so.

MR. CHAIRMAN: Whenever I have been chairman, I usually reserved that privilege unto myself. If I wanted to make a motion, I did. Thank you very much. That motion was passed.

Item No. 9, terms of reference.

Mr. Hiebert, have a coffee and join us. We are just getting started into the unfinished business.

MR. HIEBERT: Thank you.

MR. NOTLEY: On number 9, do we have the terms of reference? Have we received anything from Dr. le Riche?

MR. CHAIRMAN: Not that I know of. I have gone through everything on my desk once in the last 24 hours — Irene is missing from our office, and we have a substitute down there this week — but I have not come across that. I will put on that: Elliott to check.

MR. NOTLEY: Yes, I think that would do.

DR. CARTER: We were to get that material from the Ombudsman's office, were we not?

MR. CHAIRMAN: That's what I recall, yes.

DR. CARTER: I think it would be inappropriate for us to be dealing with Dr. le Riche.

MR. CHAIRMAN: I will just check with Irene downstairs first and from there, with the Ombudsman's office.

MR. MILLER: Mr. Chairman, has that inquiry started, do you know?

MR. CHAIRMAN: I don't know the details of that.

Number 10, list of communities visited. Did we not get that at the last meeting?

MR. MILLER: That's when we asked the question I think.

MR. CHAIRMAN: That's when we asked the question. All right, I have that information. I have a letter from the Ombudsman. I would like to read it, and then I will have it distributed with the record. The letter is addressed to me as chairman. It says:

At the meeting of the Select Standing Committee held on September 6, members of the Committee requested certain information relating to the tours undertaken by Dr. Ivany

during this past summer.

In Dr. Ivany's absence, and upon his direction, I am pleased to enclose several documents.

The first document is a list of the communities visited during this series of tours.

The second document is a copy of an advertisement that was placed in the Grande Prairie Herald Tribune announcing Dr. Ivany's visit to the community. The same ad, with a change only in the location at which Dr. Ivany could be found, was placed in weekly and daily newspapers with circulation in the areas which were visited.

The third document is a copy of a news release which was sent out to newspapers, radio and television stations, in the area to be visited. The information as to dates and location was varied with each visit.

The final document is a copy of the background article which we sent with the news release.

As Dr. Ivany advised the Committee at the September 6 meeting, letters were also sent to the Member of the Legislative Assembly whose constituency was being visited. I have taken the liberty of enclosing a copy of the letter which Dr. Ivany sent to you in connection with his visit to your constituency.

Of course referring to Grande Prairie.

Should you or the other members of the Committee require additional information about the tours, we will be pleased to provide it.

So this, gentlemen, is the document that was referred to in number 6. I have it. Does anybody have any recommendation as to how to dispose of this now? Does anybody want to take a further look at it right now?

DR. CARTER: Mr. Chairman, I would really like to have copies made for all members who are present and copies sent to members who are not present, so we could review it.

MR. CHAIRMAN: Thank you.

DR. CARTER: Perhaps at the appropriate time, we could have — actually, can we have it taken out and have somebody else run it off and bring the copies back, please? Can we stop for a cup of coffee and put that into the works?

MR. CHAIRMAN: Thank you very much. We will need 12 copies.

Had I been in my office earlier, gentlemen, that would probably have been done.

DR. CARTER: We appreciate that your secretary is away too.

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MR. CHAIRMAN: Does anybody have any objection if we continue then with the discussion of the ombudsmen's conference? It's one of the pieces of unfinished business that we have

HON. MEMBERS: Agreed.

MR. CHAIRMAN: We did get to the ombudsmen's conference in Vancouver. There were three of us there for the week of September 12. That's what each of us got as a handout. I didn't have all of that copied. I want you to know that three of us in the organization have that, and it gives the details of what was involved.

DR. CARTER: And all three of you have it cover to cover?

MR. CHAIRMAN: Oh yes.

MR. ANDERSON: Actually there's a slight correction, Mr. Chairman. Mr. Notley and I registered late, and I don't think either of us have it.

MR. NOTLEY: Yes, that's right, we don't have it. They had run out of material.

MR. ANDERSON: We shared yours.

MR. CHAIRMAN: That's right. I'm glad I made the issue of it then. So you will know it's here. If anybody has any desire, pass it along.

We have two handouts in this regard. I am a little embarrassed the way I handled mine, Grant, because I wrote a little blurb for my MLA report on the topic and I chose to photocopy it. This is the comic book for the morning. Every committee has to have a chuckle once a week and a belly laugh once a month; this is your belly laugh for today.

This very briefly, in a polite way, gives an indication of what I saw in Vancouver.

I would make two observations on the report. Number one, in my opinion, there was quite a bit of emphasis placed on the fact that Canada does not have an ombudsman as such. Quite a few people made light of that and seemed to generally have the same opinion, that Canada is in need of an ombudsman, as opposed to the various offices that they have at present.

The other thing that I observed, which I didn't put in this of course, is that the structure of the Ontario committee as opposed to the Alberta committee — not the structure of the committee, the mandate or the way in which they operate, is quite a bit different than the way we have been operating traditionally. The Ontario committee chooses to almost audit or look over the shoulder of their Ombudsman on a day-to-day basis, which makes it different from our operation. Maybe for them it is important; I don't know.

Grant, I would ask you to distribute your observations now. I think you and I had a couple of similar observations.

MR. NOTLEY: In your MLA report, Mr. Chairman, I think you covered basically the perimeters of the conference, people who were there from other parts of the country. I was only there for two days, but I just want to sort of zero in on what I thought were two issues that at least made an impression on me.

The first was the question of the role of the committees. We have the two examples, the Ontario committee and the Alberta committee. Since we are developing a slightly higher profile this year, I think it's important to sort of assess how far we want to go. I wouldn't want to see us trying to go as far as the Ontario committee. I'm not sure I can speak for Dennis, but I think all three of us had the same view, that the Ontario committee had really gone beyond the bounds of reason, had become almost a make-work committee for MLAs, and of all things had the ability to check into, as a court of final appeal, the Ombudsman's decisions. I think there's a real danger there, because you tend to politicize the role of the ombudsman when you've got MLAs looking over his shoulder.

Just one other minor point before getting into the appointment of the ombudsman. I

thought it was useful. Some of the workshops were very technical, but since we're all ombudsmen in a minor way, some of that information was useful.

The other area, Mr. Chairman, was the question of the appointment of ombudsmen. This is something I picked up more from corridor talk and discussing it with people than from anything else. I think we have a problem in Canada as to how we deal with the issue of appointment of ombudsmen or, more particularly, reappointment. It's fairly obvious that the B.C. Ombudsman is not going to be reappointed.

DR. CARTER: The B.C. one?

MR. NOTLEY: The B.C. one. That was widely . . .

MR. CHAIRMAN: I got the same corridor talk too, Grant.

MR. NOTLEY: I guess the issue is, how do we deal with the matter of reappointment? One of the things I raise here is that perhaps we should look at a single longer term. It may well be that if an ombudsman is going to do his job properly, he's going to have to tramp on not only a minister's toes but political toes and may not be able to be reappointed. So perhaps we should be looking at a slightly longer term. I leave that as something that, in mulling over the conference afterwards, I thought about. But I think the question of appointment and reappointment — especially reappointment — is important and obviously very relevant to us, since we're heading into that stage now as far as the incumbent is concerned.

MR. HIEBERT: But could not one raise the converse argument: if you did have someone in the office and a change might be desirable, depending on a variety of reasons, you would be locked in? That argument can go two ways, can it not?

MR. NOTLEY: Yes, except that if you had someone who is obviously not competent, then the Legislature can, with cause, remove that person, in the same way that Parliament removed James Coyne, for example, in 1959-60. It's not a pleasant responsibility and it's thorny for the politicians, but it was decided at that time that notwithstanding the tenure of the Governor of the Bank of Canada, he be fired. And he was fired. It put an enormous responsibility on the legislators.

Frankly, there may be other ways of dealing with the reappointment question. It struck me that one of the problems that an ombudsman invariably gets into if he's going to do his job properly is that he not only runs afoul of minor bureaucrats — because nobody worries if he tramps on the toes of an administrative officer way down the level — but at some point he's going to tramp on the toes of very key figures in any administration. I'm not talking just about the political figures but key administrative figures. It seems to me that there is a problem there. Either we have to rise to it and say, okay, he's been a tough ombudsman but he's done the job well and therefore he merits reappointment, or we have to look at some method of protecting the office so that there is a designated term and at the end of the term . . . It's like the President of the United States. After two terms, that's it; you're out; you can't be there anymore. You maintain the independence of the office. I think that's the concern I came away with: how we maintain the independence of the office. That's why I don't like this idea of the legislative committee looking over the shoulder of the ombudsman and being the court of appeal. I think that would be a completely ridiculous arrangement. We'd be politicizing the office. So I don't come here with a brief saying, this is the only thing. I'm just saying that we have to begin to look at how the method of appointment or reappointment is undertaken right across the country. That was my sense of the issue.

In Ontario, for example — in talking to some of the Ontario people, it's obvious that politics are a very major factor in who is going to be appointed ombudsman. Not partisan

politics, in the sense of NDP versus Liberal or Conservative, but the politics of: we want this guy for such and such a reason, because we've got a very politicized committee looking over the shoulder. I just wonder where John Q. Citizen fits into that situation where we have that kind of choice that will be made in Ontario.

We've had not a bad record in this province, by contrast. In the case of both your government and the old Social Credit government, the two ombudsmen have from time to time made recommendations that have been extremely unpopular, and the government has lived with them, I would say to the credit of both administrations. But the question is, is that going to continue forever? I think that's the prevalent situation.

MR. CHAIRMAN: Grant, would you also share with us your observations on how the B.C. Ombudsman operates? Did you get a feel from what you heard?

MR. NOTLEY: I think it's fair to say that the B.C. Ombudsman obviously operates in a much more aggressive way than our Ombudsman does.

MR. CHAIRMAN: I would agree.

MR. NOTLEY: I don't think there's any doubt about that. He's got a separate, much larger office. I was impressed with the loyalty he had from some of his staff people, though, in talking to them about him, because I'd heard all sorts of things about this B.C. Ombudsman being brash to the point of being irresponsible. But he seems to have the loyalty of the staff members. He's a person who deals from the vantage point of taking an individual case, and then following that wherever it leads him. But it's certainly a much more aggressive stand, Bob, a much more public role than our Ombudsman has taken.

MR. CHAIRMAN: I don't know how much time we're going to spend on this, but we'll wrap it up shortly unless there are questions.

I heard some criticism about the B.C. Ombudsman office, that he was trying to turn this particular conference into an international convention of international ombudsmen as opposed to having it just as a Canadian conference of Canadian ombudsmen, because a tremendous number of international faces appeared there and were speakers on the program too. This was offered as a criticism more than once in some of the coffee breaks I was in. So I'm not sure. I'm only relating some of things that occurred. Does that wrap it up?

MR. NOTLEY: The only other thing I can say is that I think the one role the committee has to keep a close eye on is the role of the budget, so the ombudsman's office, which is set up to protect the citizen against excesses of bureaucracy, doesn't become a bureaucracy itself. That is a very dangerous tendency, and Ontario is a classic example of that. I mean, it is an empire within an empire there, in the ombudsman's office. In terms of our mandate, I think we have to keep a close watch on that trend.

MR. CHAIRMAN: A further comment on the Ontario committee. As Grant pointed out in his report, they did appear en masse. It was decided the whole committee would move out. That is another approach to how a committee operates, I suppose. Whether we send a delegation or representation to report back to the committee or whether we move the whole committee to some of these meetings is a decision that is made at different committee levels.

Dennis, did you want to make any comments on some of the observations you had there?

MR. ANDERSON: Thank you, Mr. Chairman. With respect to the tone of the

conference, I think certainly a hidden goal of it was to put pressure on the federal government to have a federal ombudsman, as you've already suggested. I was interested in and really lacked knowledge as to the variety of ombudsmen forms that we have nationally. There was an information commissioner and a privacy commissioner. Of course, we have a penitentiaries ombudsman. I'm not sure if they call that person an ombudsman anymore; they did a few years ago. And there are several other ombudsman-like functions.

MR. CHAIRMAN: Official languages.

MR. ANDERSON: Yes, official languages.

MR. CHAIRMAN: That fit in there somewhere too, didn't it?

MR. ANDERSON: A large percentage of those were at the conference and participated in outlining their positions.

I certainly concur in the opinions regarding the Ontario committee. I spent a delightful afternoon with one of the Ontario committee members. He indicated that they spent upwards of 40 days in committee last year just looking at appeals and other functions of the ombudsman's office and that this year it looked like considerably more than that. I agree with Mr. Notley entirely. I wouldn't want to see this committee get into that and feel that to some extent, they've usurped the purpose of an ombudsman in Ontario. That's making a judgment about that jurisdiction, where circumstances may differ entirely. But for ours, I wouldn't want to see that same type of system evolve.

In talking to the various ombudsmen from around the country, it was interesting for me to get a feel for the variety of powers, authorities, and ways of operation. For example, the New Brunswick Ombudsman, with whom I had supper one night, talked about his jurisdiction over local municipalities and was quite convinced that that was the way all ombudsmen should operate. On the other hand, I talked to two others who felt the opposite. The way they operated was quite different too. We've already talked about British Columbia, and they have a different way of investigating; apparently all of it is done by telephone. They have a considerably larger staff than here, I think about three times the staff size of Alberta.

DR. CARTER: This is Ontario?

MR. ANDERSON: No, British Columbia. Ontario has well over 100 people, where we have — what? — 17. They have a very large one. On the other hand, there are a couple of provinces with considerably smaller. I believe Manitoba had only six or seven people altogether. So there's quite a variety of staff sizes and quite a variety of functions. In terms of staff size versus our population, we're probably about average in the country. But the functions differ. It's very hard to compare ombudsmen at this point. There's no sort of standard ombudsman format in each province. Each province has evolved legislation.

It's interesting too, the types of individuals who have been appointed, speaking of appointments. In New Brunswick they have a tradition of appointing a judge from the court. They pay him the salary of a judge, and they expect him to operate on that basis. He seems to be quite legalistic in his approach to judgments. Other provinces have appointed different sorts of individuals, with B.C.'s being a professor who others say has followed the cases out of his jurisdiction in many cases. But they operate far differently. The same is true throughout the world. At each supper or luncheon, we got a speech from people from Holland or Australia — not an Australian ombudsman per se — about the functions in that part of the world. They all differ considerably, so in that sense it was an enlightening experience.



There is no standard role of an ombudsman. They all have the basic function of looking at citizen complaints but varying jurisdictions, varying types of individuals appointed, various criteria used in appointing them, and various terms of office. In all of those things, including reporting to the Legislature, there are various ways of doing that: everything from the Ontario committee, which is the only other committee in the country that they report through, through to the Speaker, through direct reporting to the Assembly. Budget control is dealt with differently as well right throughout. The Speaker actively participates in one jurisdiction, and in another it's an automatic almost stamping by the Legislature as a whole of a budget that's presented. In others it's scrutinized thoroughly. So in that sense, again, there are no standard Canadian methods of dealing with the role of the ombudsman.

I'm not sure I agree with Grant's 10-year term. I'd have to think about that. I kind of like the flexibility of a five-year term. I agree with the goal of the independence of the office of an ombudsman. My comments related to the Ontario committee are the same in that regard.

Mr. Chairman, I guess that's about all I can think of.

MR. CHAIRMAN: Okay. Unless there are questions, maybe that covers our visit to Vancouver.

DR. CARTER: I don't think today is really our time to be getting into the issue of tenure per se. But I for one appreciate the comments of the three of you. I'd just like to underline the fact that from what I've listened to, there's no way I want to become part of that Ontario approach.

But it raised one question in my mind with respect to British Columbia that none of you have touched on. Who does the British Columbia Ombudsman report through? The Speaker?

MR. ANDERSON: I believe it's the Legislature directly. There's certainly no committee.

MR. NOTLEY: No, there is not a committee. There was a committee to select him, I believe, but I don't think there's a permanent committee, David.

DR. CARTER: Do you know what length of term his appointment was for?

MR. ANDERSON: It was five years.

MR. NOTLEY: Seven, wasn't it?

MR. CHAIRMAN: I think it was seven. He's getting into his last year to year-and-a-half now.

MR. NOTLEY: As far as the budget was concerned, I think the budgetary process is exclusively a government decision there, because there had been a slight cut in the budget but they were rather surprised at how small the cut had been, considering the other moves. So I don't believe there's any formalized committee such as we have.

MR. HIEBERT: A question, Mr. Chairman. In looking at the Ontario model, is the prime concern you had the size of the committee, in that it was a make-believe kind of project and they were spinning their wheels on budgetary matters and items like that, that were very mundane? Or is it that they were overseeing as a quasi-body the decisions that were being made by the ombudsman? What do you consider to be critical on that?

MR. NOTLEY: I believe a committee of the Legislature should in fact have a fairly close

role over the budget, because I think one of our jobs is to make sure the Ombudsman's office doesn't itself become a huge, uncontrolled bureaucracy. But the work of the Ombudsman in deciding whether or not Grant Notley or Al Hiebert as individuals have a case — that's a job for the Ombudsman, not for politicians to second guess.

Basically, Al, my concern was that we would get into a situation like Ontario, where the committee was gradually taking on more and more of this sort of second guessing authority. In the process you had almost an adversarial relationship — wouldn't that be a fair comment? — between the Ombudsman and the committee.

MR. CHAIRMAN: I would support that, yes.

MR. NOTLEY: For example, the committee came along — I couldn't believe it — with their own counsel. That was really quite incredible. As if they needed a legal counsel to advise them on this matter. We almost found that not only had the Ontario Ombudsman's office grown to the point where it was an empire unto itself but you had this committee with a sort of counteroperation on the side. I would just be very much opposed to our getting into a situation where we are second guessing decisions of the Ombudsman. I think that would destroy all credibility.

MR. HIEBERT: Were you able to ask any direct questions of the political members of that committee, as to how they rationalized their situation with regard to the supposed independence of the Ombudsman's office?

MR. ANDERSON: Yes, I had a fairly lengthy discussion on that. The feeling they had was that there should always be an appeal mechanism for everything and that they were the appeal mechanism for the Ombudsman, so you as a citizen had a right to eventual access to your elected officials to carry out that function. My point of view is different. I feel that we initiate a lot of those cases. He would just be returning them to us if we went that route. But that was their feeling, that they had a sort of ultimate political responsibility to review cases that citizens didn't agree with or that companies or organizations didn't agree with. I think it gets a bit incestuous at that point.

MR. HIEBERT: Thanks.

MR. CHAIRMAN: David, did you have a question?

DR. CARTER: I have one other question about the B.C. situation. Does the Ombudsman have one office in Victoria and one in Vancouver?

MR. CHAIRMAN: Yes, and a staff in both.

MR. MILLER: Never having sat on this committee before, I have the impression that this year we've been much more active than in past years. I think it's been for the good. I've appreciated the time, and I've mentioned before about having been able to sit down with the Auditor General. From your report here, Grant — and you tend to suggest that there is a role for this committee to play — I'm wondering whether or not we should more or less structure some sort of regular meeting with the Ombudsman, the Auditor General, and Mr. Wark, the Electoral Officer.

MR. CHAIRMAN: Before you answer that, Grant, I was going to ask — I'd like to review our Vancouver meeting, and then cut it off. Then I'd like to build a bit of a structure to some of the topics we need to talk about. If we do nothing else this morning, maybe we'll just build a bit of an agenda for our next meeting. You're touching on that now, so if I could beg your patience, if you agree with that. That question is an excellent one, and

it's leading into my next proposal for a committee topic.

Are there any other questions relating specifically to the visit we had to Vancouver? Okay. You know that the agenda, with some of the papers, is in my office. You're certainly welcome to have them.

With that, I would suggest that we go to the document that was just duplicated for us this morning, the letter from the Ombudsman with reference to his meetings. This was a piece of information that was requested and has come to us. We have the list of the tours, the advertisements placed in the various papers, the press release, and the letter that went to the MLA in each jurisdiction. This is in response to a request for information. Does anybody wish to comment on it now, or would you prefer to just take it and review it for comment later? Any guidance for the Chair, please.

DR. CARTER: Mr. Chairman, I'm appreciative of the fact that the Ombudsman's office sent the material over, because it certainly is helpful to see the various locations they went on their tour. I would like some time to be able to read through it. One of the things that strikes me is that it would also be interesting to know how many persons made representation to them in the various locations. Maybe they've kept that information this year, and perhaps they haven't. It's also good to have the advertisements and the news release. But from the background material, it's quite obvious that we need a little more time to sort of walk our way through that.

My next comment would relate to your comment about where we have been and where we are going with the committee. I think one of the things is that when we've adopted the minutes, from time to time we really need to see if there's any business arising from the minutes or any further questions on that. One that relates to this is that I wasn't entirely clear from our last meeting, nor am I clear from the minutes, as to the answer we received from the Ombudsman in response to Mr. Miller's question about when the Ombudsman's tour was in Lloydminster and there was representation made from some Saskatchewan residents. What really did happen? Did the Ombudsman undertake to contact the Ombudsman in Saskatchewan or what? I don't seem to have a clear answer on that from my perusal of the minutes. I just raise that as one of the issues.

MR. CHAIRMAN: Thank you, David. This business of unfinished business from the minutes: I have been using the staff's guidelines here for us to follow. If some questions were left unidentified, we'll certainly go back and dig them up, David. Do you want to flag and record that question on what action was taken at the Lloydminster meeting with respect to inquiries that came from the Saskatchewan side?

DR. CARTER: Yes, please. Mr. Chairman, I don't want to have anything appear to be any kind of criticism of the fine staff help we've been receiving. The documentation we have been receiving deals with the technical information things and jobs done or not done, and that's been very helpful for the committee.

MR. CHAIRMAN: I have one expression of opinion on the document from the Ombudsman. Would you agree that we accept this, this morning, for study? And I take full responsibility for the fact that you didn't have it before the meeting.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you very much. The other thing I have this morning is that I was asked just yesterday or the day before if the Ombudsman is available this week. I refer you to the letter of August 16 from the Ombudsman, which I think went to each of you. On page 2, at the bottom, he said he would be going overseas to Jerusalem, Paris, Copenhagen, and London from October 14 to November 1, 1983. I think that letter was transmitted to the members in the August meeting we had.

Another item I have here this morning is the 1983-84 calendar of conferences. This is in response to the question raised at our last meeting. Our staff put this together for us, made the inquiries, and we will be attaching these to the minutes. There are only six of them; I can read them off briefly for your guidance this morning.

AN HON. MEMBER: We have a copy of that.

MR. CHAIRMAN: Oh, I'm sorry.

DR. CARTER: Mr. Chairman, the only deficiency on it is that we don't have the dates of four of them: November '83, December '83, December '84, and June '84. It may well be that the June and December dates for '84 have not yet been permanently established, but I am quite certain that the November and December dates for this year have to be fixed by now. The first one is under the Auditor General, and the second is under the Chief Electoral Officer. Perhaps we could get some specific dates on those, please.

MRS. DAVIDSON: May I comment on that?

MR. CHAIRMAN: Yes.

MRS. DAVIDSON: Louise informed me that the meeting in November from the Auditor General's office would be something this committee would not find interesting to attend. There was no date given for that, because it is strictly on auditing procedures. The December one, there was no date supplied with the information we received, but we are checking for an exact date on it.

DR. CARTER: Thank you.

MR. CHAIRMAN: Thanks very much. Any other comment then on those conference locations?

MR. HIEBERT: Mr. Chairman, as a result of our discussion at the last meeting and the experience the members had going to the Vancouver conference, have we come to any resolution with regard to participation by committee members at any of these conferences?

MR. CHAIRMAN: That is building up our next "where are we going from here" question.

MR. HIEBERT: So it will be a forthcoming matter?

MR. CHAIRMAN: Yes, and I think we should identify those topics this morning and build an agenda for our next meeting. That is what this information is leading up to. What I am doing at this end of the table is cleaning up the paper in front of me, and we will then get into that next topic: where do we go from here? That cleans up what I have at this end.

Is there any other unfinished business before us that people want to bring to this table this morning relative to historical matters or items that have been handled to this point?

DR. CARTER: For the information of the whole committee, Mr. Chairman, further to our last meeting on September 6, our discussion with the Ombudsman, and in particular our discussion with his legal counsel, Mr. Weir, concerning the matter of visits to Alberta Hospital, Oliver, the committee should be aware of the fact that as I intimated at that time, while Mr. Weir said he had an opinion, which was primarily his own legal opinion —

that they had the right to be in the hospital on an ongoing monitoring basis, other than being there for a specific complaint investigation — it was mentioned that that was being challenged by the board of the hospital. At that time I mentioned that there were other legal opinions which were contrary to that of the Ombudsman's legal counsel. I am given to understand that the matter is heating up considerably, and it may well go to some kind of court challenge. I don't think there is anything to cause us undue alarm, but I think it is only fair that all of us as a committee are aware of that.

MR. CHAIRMAN: Thank you. Any questions or comment on that topic?

MR. ANDERSON: Mr. Chairman, only that we touched briefly on the topic of jurisdiction with the Ombudsman when he was here and whether there should be changes to that jurisdiction. We talked about having a further conversation on it. I'll just note that again for future plans.

MR. CHAIRMAN: Any other leftover business items to this point?

I would like to change the direction of our meeting this morning and invite you to join into a little discussion about briefly assessing our activities to this point and how we might direct our course in the future. Some of the topics we might want to consider is one thing; the other is how far we want to go in discussing those topics this morning or whether we will use them as agenda items for our next meeting.

We are getting close to the end of a calendar year. We are heading into the fall sittings. As chairman I feel that I would like to have a little appraisal system or an assessment of us and our activities, if you think that's fair. Some questions like: will we, as a committee, be sending representation to other meetings in Canada or around the world? Will we act like the Ontario group and go en masse if that kind of money is available, or whatever? Those are some of the questions that I would like to see. The other question is on annual visits to the offices of our officers. I would like to see that discussed. I hope it will become something that will be quite regular, because I think our officers really appreciated having us visit their place of work. They felt all of a sudden that they belonged or were part of the system.

I am going to open it to discussion. I would ask if you could generally keep the discussion on the basis of the topics for future work rather than getting into a deep philosophical approach to it. So where would you like to start?

Dennis, do you want to start?

MR. ANDERSON: Mr. Chairman, maybe I'll just make a few general comments in accordance with the direction you've just given. I agree with Mr. Miller that the activity of the committee this year has been, from what I understand, much greater than in the past. I think the activity has not been wasted time. I agree with the visits to the offices. I believe we have to meet yearly with the various officers. In terms of the visits, I found the visit to Vancouver very helpful. While we have to be fairly cognizant of the economic restraints we're now facing, with that caveat, I think we should consider future visits. I wouldn't think the whole committee, as Ontario's, would be money well spent; perhaps two people, or something in that neighborhood, to relevant conferences would be helpful. It certainly opened my eyes about the role of the ombudsman and how we fit into that in the province. I think that's important for us with the other officers as well.

In terms of other activity, I don't know how much more active we want to be. I think our prime function should be to know what our officers are doing: to make sure we fulfil our responsibility in terms of being responsible for them but not to interfere with them, and generally make sure that we're knowledgeable as to those offices. I agree with Mr. Notley that the budget review is part of that.

MR. CHAIRMAN: Thank you. Al, do you want to add to that this morning?

MR. HIEBERT: Mr. Chairman, the only thing I would add is that I would be supportive of what Bud Miller alluded to prior in the meeting; that is, we should have a regular meeting with officers so we're not only responding when there might be a concern or an issue that just highlights the point that we're only responding to that but rather we should establish on an ongoing basis a rapport whereby we can handle it when things are going nicely as well as when things are in rough water. That bridges the gap of communication, and I think that would be a very useful approach futuristically.

MR. CHAIRMAN: In going through this exercise, I am assuming that we do not have a list somewhere in the file of things that we will or will not do. I have never checked that out, but I am assuming that somebody hasn't already dictated the parameters.

MR. NOTLEY: Apart from the budget and the salaries.

MR. CHAIRMAN: I beg your pardon?

MR. NOTLEY: The budget and the salaries have been traditional responsibilities.

MR. CHAIRMAN: Yes. Thanks, Al. Is there anything else?

MR. NOTLEY: Budget and salaries are traditional responsibilities. I agree completely with Dennis and Al in terms of Bud's suggestion of a regular meeting. I think that's an excellent suggestion.

In terms of these conferences, I certainly found the ombudsmen's conference useful. I think we should be reasonably cautious, especially if we're talking about international conferences, because they are pretty costly. I would tend to agree with Dennis' caveat there.

MR. CHAIRMAN: Very good. Any comment about the activities of the committee to this point, Grant? Have we been excessively busy? Have we been making work for ourselves?

MR. NOTLEY: I think we're doing fine. We don't want to get involved, as I said, in a make-work committee where we're second-guessing the legislative officers, because I don't think that's our role.

MR. CHAIRMAN: That's right. Thank you.

Bud, would you pursue your topic now on some of the things you think we should be looking at in the future?

MR. MILLER: I think it's been pretty well covered now, Bob.

MR. CHAIRMAN: Very good. David, would you sum up, please?

DR. CARTER: No, I'm not going to sum up for us. I want to add my reflective notes on this. Grant and I are the only ones who have come from the previous committee. I think I detect from Grant's comments and his participation that he, like I, feels this committee is more cohesive in many ways. It's certainly one that's not only much more willing to deal in communication with our legislative offices but also more willing to get down to solve whatever issue or problem — let's get it done — mainly because we feel that's a much fairer approach for the whole committee to have, with the legislative offices in particular.

Certainly one item which is unanimous in agreement and doesn't need much discussion is doing the yearly visits to their turf. That way their staff realizes that we're not a nebulous group. It then allows us to open some other lines of communication. I think that's been very beneficial, probably with all three officers. But in particular, it's been most beneficial to date with the Auditor General. Again, that's because we've been working on a time line. We've had to sort of catch up on a lot of things which were left undone last year due to things like the election and then that hiatus between election time and the first sitting of the Legislature, because we cannot exist as a committee until we have that first sitting.

[Portion of meeting in camera]

In the matter of budget provisions, while we have the right to deal with the legislative offices, and we will continue to exercise that responsibility, I think we also have to sit down sometime and try to figure out what are our own budget projections as a committee. As others have commented, the fact that we've had reports from three of you who went to the ombudsmen's conference in Vancouver, and I found those to be quite useful — I really think we should be attending more of these conferences. I think we have unanimous agreement on that. That, in turn, means we need to sit down with Mr. Blain to work out what, for the projected year — and one of the reasons we asked for that information was so we could have a better idea for the Legislative Assembly office to be able to do its own projections. I am sure they must have a fairly high contingency factor of some type, because some of the special legislative committees that get appointed all of a sudden have to have some kind of funding available. I am just not certain whether that sometimes also means that special warrants have to be issued in order to cover those kinds of situations.

AN HON. MEMBER: Yes, it does.

DR. CARTER: As a committee I think we have been circumspect with respect to the costing. I don't think any of us are here to say we're going to run up horrendous bills either. Certainly the previous existence of the committee, if anything, was parsimonious, and I think probably overly so.

Mr. Chairman, my general feeling about the workings of the committee is that it has really been first class.

MR. CHAIRMAN: Thank you very much. The points that I had have all been touched on. I have built a bit of an agenda of six points. I would only ask for one thing this morning; that is, can we get an expression of when we should hold our next meeting and how frequently we might hold meetings between now and the end of the calendar or fiscal year? Do we feel that we've had enough contact with each of our officers that we can carry through for, say, three months?

MR. ANDERSON: Mr. Chairman, on that topic my personal feeling would be that unless there is something of an emergent nature, we not meet during session. I think there are enough meetings during session that we don't require this one.

MR. CHAIRMAN: Thank you.

MR. HIEBERT: Just on that point, when we are in session, we can be very responsive to calling a meeting because of our availability. We all know our time line within the session. I agree that we will have enough meetings at that time. I like the approach we have taken whereby we have always set the next meeting, and we tend to go along on a short-term basis setting these meetings. I see no reason why we should discontinue that

practice. To actually set the second Tuesday of every month, I think just makes it too artificial and inconvenient for most of us.

MR. MILLER: I would like to raise a question on not having the dates put in as to the November and December conferences. The reason given by Louise was that she thought the Canadian Comprehensive Auditing Foundation was technical, and it would be of no interest to this committee.

MRS. DAVIDSON: That was the Auditor General's opinion, yes.

MR. MILLER: It might be correct, but I think that decision should be left up to this committee. Secondly, if there happened to be somebody on this committee who was an accountant, I would certainly have made the point that I would hope that person could attend, so he could come back and report to this committee. It was a great learning experience for me to be able to sit down with the Auditor General and discuss how they did their auditing, who they audited and who they didn't. I don't think our education on that aspect is finished, because the way the auditing is done and the amount of it is very important. I don't think we'll be going, but that decision should be left to the committee. I would just make that observation, Mr. Chairman.

MR. NOTLEY: That raises the question, Mr. Chairman, of whether we should have a quick meeting, even though we don't want to have it during the session, if we are going to deal with November and December conferences. Perhaps when we get the dates, we are going to have to leave it to the discretion of the Chair to call a meeting.

DR. CARTER: That picks up one of the items I had written down here: perhaps the routing is that we leave it to the discretion of the Chair. For example, we may well need to have another meeting, if I discover in my conversation with the Auditor General's office that there are still some of these approvals to be signed. Then again, we can do that through the committee. There may well be other emergent issues that we may have to get around to dealing with.

MR. CHAIRMAN: I made a note here to myself that as your chairman, I will be checking with the Auditor General and the Chief Electoral Officer with respect to those first two items and will get clarification as to the details. Then I will come back and perhaps call a short meeting to review them with you and determine our position.

DR. CARTER: The other thing, in that last letter from the Ombudsman to you, as I recall, there was an issue raised about the matter of . . .

MR. CHAIRMAN: This is the one you all have. I brought my copy with me.

DR. CARTER: You're just better organized than the rest of us.

MR. CHAIRMAN: It's only by accident that I have it, because it was tangled up in the pile. I file by pile, David.

DR. CARTER: If I might quote from this letter of August 16 from the Ombudsman to you:

Sometime this fall I must sit down with you to discuss the future of the Office of the Ombudsman in Alberta, and what part I will have in that. Presently I have commitments with regard to the International Ombudsman Conference in Stockholm, June 1984, and I am largely responsible for the



organization of the seminar following that conference in Finland. While these commitments have been made I recognize also that my term of office expires at the end of April 1984 and it may well be that I shall not be in office when the International Ombudsman Conference and seminar are held. I would want to discuss with you at least the possibility of an extension of my term to the end of 1984 so that the plans that have been made can be carried out with the least inconvenience to the international body.

With due regard to that correspondence, that's an issue we're probably going to have to deal with sometime this fall. If there is not to be a reappointment, then we are going to have as much lead time as we can grace ourselves with in order to do that.

MR. NOTLEY: We would probably have to get an amendment to the Act to extend the term, would we not, David?

DR. CARTER: That's a very interesting point. In that regard, I think we'd better do some checking. I think we really have something here which demands consideration of the committee this fall. We can't wait until after session . . .

MR. NOTLEY: I agree with you.

DR. CARTER: . . . to have at least preliminary discussion on where things are and maybe even action. It's only fair to give as much lead time to the Ombudsman with respect to his plans, whether he stays or goes. From this, he seems to be assuming that he's going.

MR. HIEBERT: Do you think the reappointment question has to be addressed simultaneously with the extension, or can we deal with the extension separately?

DR. CARTER: I honestly haven't given it that much thought.

MR. NOTLEY: We have to decide first of all on the extension, because that may involve legislative amendment, which probably should occur this fall if we can do it.

The other thing on the reappointment process is, I am not sure we have the mandate to be the committee to search for the Ombudsman; indeed, I am sure we haven't. Normally there is a special committee struck by the Legislature. It may be this committee, but that would have to be a resolution of the Legislature.

MR. CHAIRMAN: That's not a decision we make here.

MR. NOTLEY: It's not a decision we can make. The Legislature has to make that decision.

DR. CARTER: I think that's absolutely correct. But given the kind of relationship with the office and all the rest of it, I hope that the committee might be struck from this particular committee, if that is the course of action.

MR. HIEBERT: Start raising the questions with regard to that item in his letter: is that what you're saying?

DR. CARTER: Yes.

MR. NOTLEY: The question I have, Mr. Chairman, is: when is he getting back? He is

away until . . .

MR. CHAIRMAN: November 1 is what I have.

MR. NOTLEY: Could I suggest that at the discretion of the Chair — because we presume that the Legislature will be sitting until at least early November — you call a meeting shortly thereafter and that you or the vice-chairman get in touch with the Ombudsman when he returns? I think there should be a discussion with him right after he gets back, and then you should be mandated to call a meeting, even though it is inconvenient. The issue is important enough that it can't be left dangling.

MR. CHAIRMAN: That's fine. I will do that.

MR. HIEBERT: He's back when, Mr. Chairman?

MR. CHAIRMAN: November 1. That is what I have in the letter here.

A member of this committee — and for the life of me, I can't remember who — asked me if there had been any dialogue between the Ombudsman and me with respect to that paragraph in his letter. The answer to the question is no — and I don't know who asked me — there has been no further discussion since this letter was received. This is the only comment that I have ever received from him with respect to his term of office and that general topic.

Do I understand this discussion correctly then: as soon as the Ombudsman returns, I will be contacting him with a view to reviewing that last paragraph in his letter and calling a meeting of this committee to determine our position with respect to that?

DR. CARTER: We will have a meeting, Mr. Chairman, because we might have some other issues or items to be dealt with. We will call on the Chair to have a meeting. Let's not, in the minutes, lock ourselves into just that topic.

MR. CHAIRMAN: No, that's right. Fair enough.

MR. ANDERSON: But prior to that we will determine what process would be required if we decided to proceed with a one-year or six-month extension.

MR. NOTLEY: Yes, I think that's right. If we could leave it with the chairman to perhaps check out whether there would need to be any legislative change. It may be that there is a provision in the Act that would allow us to recommend an extension. I doubt it though. I think we'd probably have to amend the Act, but Mike Clegg could probably advise us on that.

MR. CHAIRMAN: Thank you very much. Is there anything left for this morning? I feel that I have my guidance as to what I'm going to be doing in the short term as your chairman. If any of you feel that we have something of importance that must be looked after, please contact me.

MR. ANDERSON: I move that we adjourn, Mr. Chairman.

MR. CHAIRMAN: I wasn't sure whether I had that privilege. I was about to adjourn the meeting.

Thank you.

[The meeting adjourned at 10:29 a.m.]