

[Chairman: Dr. Elliott]

[1:17 p.m.]

MR. CHAIRMAN: Can we declare the meeting open, please. Item number one: does anybody have any particular comment they wish to make at this moment in this meeting on the document in front of you, other than leaving it to come up later in the normal manner? All right, it will come up as an agenda item later on, actually under item No. 6 on our follow-up items today.

The first thing I would like to ask is your approval of the minutes of the meeting of January 17.

MR. PURDY: So moved.

MR. CHAIRMAN: Thank you. I hate to ask this. Do we have a seconder?

MR. PURDY: You don't need a seconder.

MR. CHAIRMAN: Thank you. Any comment, any question on the motion? Those in favor of the motion? That motion is carried.

Item No. 2 on — I'm sorry, I'm playing games with the agenda here. The other thing I wanted out of the way right now too is this: there has been at least one occasion in the past when as chairman of this committee I would come to Edmonton one day earlier and work with the incumbents in these legislative offices — like the Ombudsman, the Auditor General, and so on — and work with staff preparing the documents required for the meetings. I exercised all the muscle I could find, and I would enter two days for purposes of the per diem. I find out that the rule says we are covered if we sit in a meeting like this. If the chairman wants to do something extra special and try to charge for one other day, it can be done only by motion at this table. The last meeting was on January 17, the minutes we just approved. I have recorded my expense claim for January 16. Does anybody have a problem making a motion that this be accepted?

DR. CARTER: I move that you should be paid for that day.

MR. CHAIRMAN: Thank you very much. Any question on that motion? Those in favor? The motion is carried.

DR. CARTER: I'd like to make the comment that I agree that a legal position should be held, but there should be absolutely no question that the chairman be able to carry out jobs like that.

MR. CHAIRMAN: We'll have Mr. Blain comment on that. I understand the extra days have to be by motion from this table.

MR. BLAIN: There is no question for any member of the committee if he's working on behalf of the committee on an assignment for the committee. But other than committee meetings, it's only to satisfy the Auditor that we have to have a motion to cover each instance.

DR. CARTER: Well, no. I'm sorry, I think that this committee has the right to say that we empower the

chairman to do that and that we trust his discretion.

MR. BLAIN: This committee has that right, but it doesn't have the right to deviate from the Legislative Assembly Act.

DR. CARTER: You mean we can't act like the Ombudsman. Fine then; if you'd like to just bring the thing forward every time we have a meeting, we'll give you a motion.

MR. CHAIRMAN: Thank you, David. That was the way it was explained to me. If I see fit to bring it forth, I will do so without any hesitation.

DR. CARTER: I hope, Mr. Chairman, that that legal necessity will not deter you in your enthusiasm for carrying out the responsibilities of your job.

MR. CHAIRMAN: Thank you. I've tested the water, and I now know the temperature. So I can react accordingly, can't I? There's been no problem at this end, none at all.

MR. BLAIN: It's simply a matter of routine administration.

MR. PURDY: Okay. Mr. Chairman, I guess the meeting Dr. Elliott was sanctioned to go to in the States would be covered.

MR. BLAIN: That was covered by the resolution sending him to the meeting.

MR. PURDY: Okay, that's good.

MR. CHAIRMAN: We have that authority — the same when I was in Vancouver or in Toronto last year. These things are covered. But if I come into my office here from Grande Prairie and work a day on this topic with members of the Legislature, that requires a separate motion.

Being selfish, I looked after a couple of items that I wanted to look after. Can we refer to our follow-up items and deal with them now one at a time. Item No. 1: to send the chairman the terms of reference for the report of that commission. That commission has not yet had its first meeting as far as I know, so that deals with item No. 1.

MR. MILLER: Mr. Chairman, in that regard, is Dr. Ivany still a member of that commission?

MR. CHAIRMAN: As far as I know he is, Bud. I have no reason to think otherwise. Why would you ask? Maybe it's none of my business.

MR. MILLER: I think I brought it up before when Dr. Ivany was here. I believe I asked if he was, in view of the fact that it might be a conflict of interest in his position of Ombudsman. At that time I think it was generally agreed that there would be no conflict, but that was why we asked for this to be presented. I'm going by memory, Mr. Chairman, and I might not be totally correct on that.

DR. CARTER: Mr. Chairman, to follow up on what Bud has been saying, I think the question all along has

been: is Mr. Ivany there because he was himself or because he was the Ombudsman? After his term concludes, will they want him there as a private individual or as past holder of the office, or will they then want to approach the new Ombudsman? I guess that's a question we just leave out there until such time as we happen to receive these requested terms of reference.

MR. CHAIRMAN: I'm like Bud Miller; I'm working on memory now. When that appointment was made, I was advised for information only in case I had any question. The only question I asked was the question that came up here: was there a conflict of interest or any concern from his office? The answer was no. I believe we have that in a letter. Maybe before we meet again we'll be able to find the letter, between my file and Louise's file. Or if I have to, I'll go back to the Ombudsman and ask for another copy. I think it's in a letter. That was not the question that originally put this thing on the agenda table, though, was it, Bud?

MR. MILLER: I thought it was.

DR. CARTER: It's related, because we're not prepared to take the opinion of the Ombudsman's office that he's not in conflict of interest as being necessarily accurate. It may well be.

MR. CHAIRMAN: Any further comment on that one at this time?

MR. BLAIN: If I may please be permitted . . .

MR. CHAIRMAN: Please do, Doug.

MR. BLAIN: If there's doubt in the committee's mind as to whether a conflict exists, it would seem to me that the simple solution is to refer it to Parliamentary Counsel and get a legal opinion.

DR. CARTER: But there again, Mr. Chairman, we're caught. We don't have the terms of reference. When we receive the terms of reference, then I think Mr. Blain's comment, to submit it to Parliamentary Counsel, is wise counsel. I guess it's still on your agenda for whenever you meet with the Ombudsman.

MR. CHAIRMAN: Any further comments? Item No. 1 will stay on the agenda for further follow-up.

Item No. 2: the attendance at various conferences. We've compiled that information on the various conferences that are coming up in the 1984-85 fiscal year. We were to determine what our involvement or participation would be and consider possible budgets. I have not followed that topic myself. I didn't agree to particularly at this time, but I'm just letting you know I've done nothing else with it. Has anybody else done anything with that particular topic?

MR. BLAIN: On the basis of your instructions and the information I've received on the conferences, I have budgeted for the necessary attendance, and it has been included in the new year committee budget. Unfortunately I don't have a copy of that with me, because it's being finalized at the moment. The whole package is being finalized at the moment

by Charlene. But I'll be glad to send you each a copy of it in the next day or so.

MR. CHAIRMAN: What kind of attendance figure did you use, Doug? Two members for each or one?

MR. BLAIN: Two.

MR. CHAIRMAN: Two members for each. There's an update report on that. Any other question?

MR. PURDY: That was for the total budget, Mr. Chairman, or just the budget for travel?

MR. CHAIRMAN: Our involvement in conferences, I think.

MR. BLAIN: I've done the budget for the whole committee, but I'm speaking now of Code 200, the travel aspect.

MR. PURDY: Right.

MR. CHAIRMAN: Sticking to travel for one more minute, is there any other question on the travel part of it and what our natural follow-up would be? I think we should start to look ahead and see what personal involvements are going to be considered. David, do you have a comment on this?

DR. CARTER: As I recall, Mr. Chairman, I think there's enough lead time that we can deal with the rest of the conferences for this year at our next meeting, with the exception of the Ombudsman conference in Sweden and Finland. I think we should hold that particular conference item to later in the day when Mr. Notley has arrived.

MR. CHAIRMAN: Thank you. I heard another interesting comment here that Doug offered. Doug stated he has prepared our budget for this committee, and he has it in the final stages. He has offered to send us copies of it for our review. Would you please comment on that? Bud, you heard what was said there. Does that sound like a good plan?

MR. MILLER: Yes. How far along is it, Doug? Are these finalized figures, or are they figures that will be presented to the . . .

MR. BLAIN: I had to meet the budget deadline. I trusted that you would endorse me after the fact.

MR. CHAIRMAN: That's a wise assumption, isn't it?

MR. BLAIN: Just a minute; I'll see if I can lay my hands on it.

MR. CHAIRMAN: No, it's okay.

MR. BLAIN: Anyway, I can tell you now that I based the budget for the attendance exactly on the information that was given to me. I think we calculated three for the Ombudsman conference. But I've had so much going on for the last three months that I'm sorry, I'm not prepared to rely on my memory.

MR. CHAIRMAN: That's close enough for now,

though, Doug. Did anybody else have any comment on this?

DR. CARTER: When will we see what the budget is?

MR. CHAIRMAN: You say that when you get a final answer, you'll mail us a copy.

MR. BLAIN: I will be able to give you a copy in the next couple of days.

MR. CHAIRMAN: That's not causing any push now?

MR. BLAIN: No. If you give me five minutes, I might be able to get something for you now.

DR. CARTER: Mr. Chairman, could we just adjourn for five minutes then? I should run another errand as well.

MR. CHAIRMAN: Fine.

[The meeting recessed at 1:30 p.m. and resumed at 1:41 p.m.]

MR. CHAIRMAN: Okay, we are all back here after a short recess. The short recess is declared over. Doug Blain was to find some comments on the question about the budget for this committee.

MR. BLAIN: Right. I have the information on conferences with which I was provided. Montgomery is a dead issue; it's done. July for the Auditor General: I don't know where Louise got this information from, but she told me that you wouldn't be going on that one. July '84 for the Chief Electoral Officer: I had no information on that, so I haven't budgeted for anything. But I can put that in. I have no information as to how many members are going — I assume two — or how long the conference is. It's in Winnipeg. So that's open to question at the moment. Sweden and Finland I have budgeted for. Seattle: I have no information on who's going or how long it would be, so I haven't budgeted for that. But we can adjust that before the thing is finalized. Quebec City, 1985: that's in another fiscal year, which doesn't apply to this budget. The Auditor General, 1985: the same thing. The 1985 Canadian Ombudsman Conference: the same thing; that will be in next year's budget.

So at the moment, what's budgeted for under travel is \$12,455.50, which covers travel to committee meetings. For anybody who should use their car, I've allowed \$820 for eight meetings. This is based on past performance, meetings held out of session and meetings held in session.

Three committee members to attend the International Ombudsman Conference in Helsinki and Stockholm for one week: return air fare at \$2,478.50 is \$7,435.50 for the three; hotel and meals at \$200 a day times three times seven is \$4,200. That's the travel element at the moment, which we can adjust.

The next item is professional, technical, and labor services. I've budgeted \$11,000 for the Auditor General's office, which this committee is responsible for paying. It was \$10,000 last year, but it may very well be increased.

Lunch and coffee and so on for committee meetings: I've allowed \$560.

Estimated expense allowance at the \$75 a day, I've grouped that in with daily indemnity: nine members at \$100 a day times eight is \$7,200, and three members at \$100 a day times seven — that's for the overseas travel — is \$2,100, which comes to a total of \$9,300.

So the total estimate at the present moment for this committee is \$33,315.50.

MR. PURDY: Mr. Chairman, Doug made a comment earlier regarding automobile travel, and he stated expenses for when the House was not in session or when it was. As I understand it, we can't claim when the Legislature is called.

MR. BLAIN: That's right. What I was saying is that at this point it is built on that basis, allowing for the... You see, I looked at the last three years' meetings, and I took how many meetings were held in session, for which there were no charges or minimal charges, and how many meetings were held out of session.

MR. PURDY: Thank you.

MR. MILLER: Mr. Chairman, to Doug: did you include in this budget the expenses of the select committee to select an Ombudsman?

MR. BLAIN: No. That will be in a budget for that committee, because the chairman has said to me that he wants this work finished by April 1. Those funds were provided by special warrant. By the way, the special warrant hasn't been approved — I haven't got the order in council yet — but the application for the special warrant has been approved.

DR. CARTER: Remind me to ask you about that one in the next committee, please.

MR. CHAIRMAN: Mr. Notley, I received your note; thank you for letting us know.

MR. NOTLEY: Sorry to be late.

MR. CHAIRMAN: That can happen to us. Just a very brief catch-up here: we're on item No. 2; we're talking about the attendance at various conferences and the involvement in the future as far as this committee is concerned. Mr. Blain has been giving us a rundown of the budget he has prepared for us with the information he had from what we had gathered earlier from the various officers. This is what we were talking about now. A question, David?

DR. CARTER: Mr. Chairman, I realize that this is really about the first time the committee has dealt with a budget. So perhaps in terms of the successive fiscal year, this fall we could start looking at this together as a committee and not have to be so totally reliant upon one person that has to sort of scramble to pick up all the eggs for our basket. Okay? So if we could just sort of have that there in the minutes.

MR. CHAIRMAN: Thank you. Any other comment on this last comment? All right, just before we broke for that two-minute recess, Doug Blain told us that he would be able to supply each of us with a copy of the budget he has prepared from the discussions we

have had and that we can look forward to receiving a copy of this in the next week or so.

MR. BLAIN: Yes, you can. But on the two conferences which I haven't covered here, I'd like some idea. My only problem at the moment is — as I understand it, the attendance at the CEO's conference in Winnipeg and Seattle would be two committee members.

MR. MILLER: It seems to me there was one other conference in Prince Edward Island for this coming year, and I forget what it was for.

MR. CHAIRMAN: It was the Auditor General.

MR. BLAIN: It's the Council on Public Accounts, and Public Accounts send the chairman and the vice-chairman and the Clerk of Committees to that one.

MR. MILLER: Oh, I see.

MR. BLAIN: The Auditor General also attends, and the auditors general hold their meeting simultaneously with the council meeting. I have no indication that anyone from this committee intended to attend that.

DR. CARTER: Can I see that sheet for a minute, please — I think it looks like my scratch from over here — just to refresh my memory. Thank you.

MR. CHAIRMAN: That meeting you asked about, Mr. Miller, is the one I attended with the Auditor General in Toronto last year at the same time that the Public Accounts were meeting. The two meetings were like this: separate and sometimes together and so on. I felt that it was very useful to me, and I would like to think that we would have contact again with the national organization of auditors general.

MR. MILLER: I am a bit confused, Mr. Chairman. You say that these people are selected not from this committee but from the Legislature.

DR. CARTER: From Public Accounts.

MR. MILLER: Public Accounts.

MR. CHAIRMAN: The two meetings are happening at the same time.

MR. BLAIN: The Auditor General actually attends that meeting in his relationship to the Public Accounts Committee, and you were invited to attend as chairman of this committee.

MR. CHAIRMAN: That is correct. Perhaps the participation there is restricted to the chairman as a courtesy or by historical record or whatever; I'm not sure. You did not include that?

MR. BLAIN: No, because I had no indication of that.

DR. CARTER: My recollection, subject to correction by other committee members, was that we were probably going to opt for sending one person to these various conferences with the exception of the International Conference of Ombudsmen, unless the

committee chose that it was going to send two. We're certainly not going to do the Ontario bit, where the whole committee sort of goes all over the place. I would think we should be sending someone to this July conference of the Auditor General and we keep that option open. If we take as a general principle that we're going to send one person, then according to what you were saying earlier with respect to sending two to each place, Mr. Blain, there's enough room in the budget to deal with that. And as you point out quite appropriately, the three conferences we have knowledge of at the moment in 1985 are another fiscal year entirely.

So what we have here is Auditor General in July. We have to do some more checking about the Prince Edward Island thing or this one in July, because your information was that we weren't going to send someone there. My recollection, Mr. Chairman, was that one of these conferences with the Auditor General was such a closed shop, technical thing that you were going to check as to whether it was appropriate for someone to go or not.

MR. BLAIN: I'm glad you mentioned that, because when Louise gave me this message, she said that because this was a very technical conference — the expression she used — she had been told that no one from this committee would go. So I can only assume that this must have been in conversation when I wasn't present.

MR. CHAIRMAN: This is the one where the chairman was invited last year.

DR. CARTER: So we'll do some more checking on that. That would be one conference. The July conference in Winnipeg with the Chief Electoral Officer: we should indeed send one. There's no information on the Seattle thing in December other than that it's about a three-day conference. There again I think we should send at least one, perhaps two.

MR. BLAIN: I can build that in, and I'll tell Charlene to just hold off until I give her the revised figure.

DR. CARTER: Okay. If you have a day on that, perhaps the chairman can double-check with the Auditor General so we're absolutely clear about these two conferences of his.

MR. BLAIN: Okay. I'll make a telephone call right now to be sure that doesn't go any further until I give you that.

DR. CARTER: I think what we're really bumping into here is the fact that the committee is being much more responsible about its relationship with those three officers, so we know what is going on. Then we can send someone there to see what's happening, as well as build up the relationship with the officer.

MR. CHAIRMAN: I think your recollection is correct in that for budget purposes, we wanted to put ourselves in a position where we could have at least one member get to any of these meetings, if we so desired, at any given time. It's on that basis that Doug has prepared this budget. The only real issue in the budget of course is the travel; the other thing is

the coffee and doughnuts for our meetings. So I don't feel badly about his proceeding on the basis of information he has had.

But I think it's also correct that we perhaps become a little more actively involved. Your chairman will take that as notice for this fall when we start to prepare next year's budget. We will see a budget displayed in the next few days, and that will give us something upon which to work for another year.

I'm sorry, Bud. We'll take your question now.

MR. MILLER: I was wondering if it was in order at this time to select the members to go to the international conference so that there would be enough time for arrangements for the respective individuals to give consideration as to the possibility of their going. If that were in order, I would like to suggest three individuals from this committee to go. In so doing I feel that the chairman, vice-chairman, and Mr. Notley should be the three members to go to that conference.

MR. CHAIRMAN: Thank you. That was the way my thinking was too. We were working on that last week, trying to get three names in there. Any further comment on that?

MR. MILLER: Just that if we're going to send members, now is the time we have to let it be known so accommodation, registration — the preliminaries — can take place. I think it's an important conference, one from which our members will be able to bring back a lot of information. Since we have the head office of the Institute of the Ombudsman in Edmonton, plus the fact that we are in the midst of selecting a new Ombudsman, I think a good representation at this time would be appropriate. Part of our group being over there would maybe give the new Ombudsman as well as the old Ombudsman some moral support.

MR. CHAIRMAN: Thank you, Bud. Relative to that motion, I have to advise the committee that I have polled the members of the committee on this and that was in full agreement with what you just said. I would get any application forms from the Ombudsman and distribute them to the three members you've identified. The application forms have not yet been filed with the Ombudsman. But we are rapidly running out of time, so your motion to finalize and confirm all this is very appropriate.

Any further comment on that?

MR. NOTLEY: Mr. Chairman, I appreciate being added to the three, and I would like to go. However, I cannot give you a definite yes today. I promised my colleague that we'd discuss it. He's on this cross-Canada investigation of various compensation schemes and won't be back until, I think, February 10 or 11. So I would have to sort of leave a yes or a no until after I see him.

MR. CHAIRMAN: Would it cause you a problem to file the application form for the reservation on the understanding that a cancellation is completely acceptable?

MR. NOTLEY: Sure. The only thing I would want to

make clear is that because there is some uncertainty on whether I can go, there may be other members that in fact should be canvassed. I don't want to be a sort of prima donna and leave out someone else who might otherwise be able to go.

MR. CHAIRMAN: All right. In that event, a substitution would probably be acceptable too. If you make the decision that you're unable to make it, we will have to make a substitution or go with two instead of three.

Any other comment on this motion?

DR. CARTER: Mr. Chairman, through you to Grant. From that, I take it that you agree that three should go because of the circumstances of our being in transition between the two Ombudsmen. Whoever the third would be if you can't go, then we're still okay.

MR. NOTLEY: It might be that you have other people in mind. Have you discussed this with the committee?

MR. CHAIRMAN: Actually, we haven't. I zeroed in on three names right from the very early stage of discussion on this with the Ombudsman. Again, using whatever privileges a Chair has, I said the chairman, the vice-chairman, and a member from the other party.

MR. MILLER: The beauty of sending Grant is that there are a lot of socialists over there.

MR. CHAIRMAN: He could keep us under control, you mean?

DR. CARTER: That would be a situation where he would represent the majority.

MR. NOTLEY: I must confess that I would like to go, but I had made a commitment to my colleague that we would discuss all these issues and various travel plans. I can't do that until he gets back.

MR. CHAIRMAN: I'm repeating myself, but I have no problem with your statement. I would encourage you to go along with us and file a reservation. If a cancellation or substitution seems to be an important thing at the time, we'll deal with it then.

MR. NOTLEY: What are those dates again, Bob, just so I have them?

MR. CHAIRMAN: The last two days of June and the first day of July. That's very rough. Maybe it's the last three days in June. David, do you have anything closer than that?

MR. MILLER: I think it's about a week, Grant.

MR. NOTLEY: Yes, the seminar in Helsinki June 25 to 29, and June 29 to July 1.

MR. CHAIRMAN: Six days.

MR. MILLER: And a day going and a day coming back.

DR. CARTER: Easy. And a day wipeout. Mr. Chairman, I hope Grant can come on the trip. If he can't go, perhaps we should have some mechanism as to who the third person would be. Maybe we could leave it with you as the Chairman to canvass . . .

MR. NOTLEY: As a secondary motion, I move that in the event I am not able to go, the Chairman be delegated the authority to choose another member of the committee.

MR. CHAIRMAN: Thank you. We will accept discussion on that motion and then come back to yours, Bud, because we still have yours unfinished on the table.

Any further question or comment on this last motion?

DR. CARTER: Perhaps we could deal with Bud's motion first and then come to that.

MR. CHAIRMAN: All right, now that we know Grant's position. Bud's motion was that he identified three people to go. Any further question? Those in favor? Carried.

DR. CARTER: So it's two, and two abstentions.

MR. NOTLEY: It's unbecoming for us to vote on it.

DR. CARTER: It still carries.

MR. CHAIRMAN: The chairman still has in front of him a motion from Mr. Notley with respect to how to handle a possible cancellation from any of our identified participants. Those in favor of that motion? That motion is carried.

Does anybody have any further question on where we are now with that business of attendance at various conferences?

MR. BLAIN: I'd just like to make sure I have this tied down, if I could, obviously for money purposes. I'm sorry I'm not clear on this. Is it agreed that someone will go to the Auditor General's conference in July?

DR. CARTER: The chairman is going to get back to you on that one in the next day, because he has to check with the Auditor General.

MR. BLAIN: Right. It's agreed that one or two will go to Winnipeg in July for the CEO's conference?

DR. CARTER: One, meaning me.

MR. BLAIN: Okay. And it's agreed that someone will go to Seattle — one?

DR. CARTER: It's possible that that might be two.

MR. BLAIN: All right. Suppose I budget for two. The worst that could happen is if the money isn't spent, it'll go back into . . .

DR. CARTER: Right.

MR. BLAIN: I'm working to a deadline to finalize the budget. But if I hear this tomorrow, that's fine. In addition to the calculations I've made and reported to

you, which totalled \$33,000, this will mean approximately an additional \$5,000.

MR. MILLER: On top of this figure of \$33,300?

MR. BLAIN: Yes. Perhaps a little under \$5,000, but in that neighborhood.

DR. CARTER: You mentioned that in the \$33,300 figure, you were budgeting for sending two to every one of the conferences we identified.

MR. BLAIN: No, I've only budgeted for the Helsinki conference because of my lack of information on the other ones. That's why I said that I'm now waiting to finalize it. So in round figures, you'd come to about \$38,000 for these.

These estimates went past the Members' Services Committee, whose view was that each committee was responsible for its own estimates. Consequently, if any questions are asked in the House, it will be up to the chairman to defend them.

DR. CARTER: One other comment, Mr. Chairman, is that the members of the search committee for the new Ombudsman have been very good about meeting the same day as this committee; therefore, that cuts the honorariums in half.

MR. CHAIRMAN: I was going to try to be humorous again, but I find that the tape doesn't really carry the full tilt of my humor. The tape doesn't reflect the glint in one's eye when one tries to be funny, and it comes back to haunt one.

MR. BLAIN: I hope that no one takes advantage of that and charges against the search committee today.

DR. CARTER: The chairman might have arthritis of the hand and be unable to sign the paper.

MR. CHAIRMAN: Doug, did you make your point okay on the budget?

MR. BLAIN: Yes, thanks very much.

MR. CHAIRMAN: Thank you very much.

I'm on item 3 of our follow-up items: further discussion regarding Ombudsman's jurisdiction. I have nothing further on that. Does anybody have anything? I wonder if that is not going to end up falling between the boards and come out with the new Ombudsman, the new duties, and that sort of thing.

DR. CARTER: Mr. Chairman, I'm sure committee members remember that this was the item raised by Mr. Anderson, that sometime we should discuss extending the role, the jurisdiction, to municipal authorities. We have chosen not to deal with the issue. The fact that we're in transition — I think it would be inappropriate for us to be dealing with it, aside from the amount of time that all hon. members lack. So I move that we just delete this from our follow-up items.

MR. CHAIRMAN: Does anybody have any other interpretation of what that meant, with respect to the Ombudsman's jurisdiction? Any comment on the

motion? We have a motion that we consider item 3 be deleted from the follow-up items list and dispose of it now. Is there any further comment on the motion? Those in favor? Thank you. That looks after item 3.

Item 4: approval of the minutes. That's where your chairman started, and we did. I'm sorry. If I may be serious for a minute, what about the comment on the transcript? Is this where we look after it? I will make my funny comment now about it.

Earlier in the meeting today, Doug Blain said that he went ahead and prepared a budget on the assumption that we would agree. With half a smile, I said . . .

MR. BLAIN: In the hope.

MR. CHAIRMAN: . . . that sure is a lot of wishful thinking. When somebody reads that on the tape a year from now, they're going to wonder. So I shall try to watch my tongue, with your help.

Item 5: budget items for the Electoral Boundaries Commission. Where did we leave that item? Does anybody recall?

MR. PURDY: Mr. Chairman, when we met on January 17, I asked a question of the Chief Electoral Officer. I felt that he answered it satisfactorily. However, there was still a bit of concern — and I'm going from memory now — about where his particular expenses would come from. Would they come from his office or under the particular order in council that deals with the boundaries commission? I guess that's why that's back now.

As far as I'm concerned, I think any budgetary items would be done through the order in council and would have to come through Executive Council for payment.

MR. BLAIN: No, it can't be.

MR. PURDY: Am I wrong?

MR. BLAIN: Executive Council can't pay this, because Executive Council can only spend government money. The Electoral Boundaries Commission may not be a government operation. Doug, could you sign off for a minute.

[The committee met in camera for 18 minutes]

MR. CHAIRMAN: I draw your attention to item 5 of our follow-up items. The topic is the budget estimates of the Electoral Boundaries Commission. I'd ask for a motion for guidance there. Mr. Notley, I think you had some nice, clean recommendations.

MR. NOTLEY: Could I move that this committee authorize a change in the Chief Electoral Officer's budget to coincide with the authorized budget of the Electoral Boundaries Commission, as determined by the commission, and that we authorize the chairman of the committee to make that change unless the budget is unreasonable.

MR. CHAIRMAN: We can certainly get that word out to the members, to get a feel whether or not it's unreasonable.

We have the motion. Any question on the motion? Those in favor? That motion is carried. That looks after item No. 5.

Item No. 6 deals with our January 17 meeting, the report on attendance at the International Bar Association Conference in Vienna. It involves our attendance at the International Ombudsman Conference, as well as any other out-of-province travel. I draw your attention to the handout that the Ombudsman supplied to us on his travel, which we requested at our last meeting. This information came to my desk late last week when I was in my constituency. I requested that it be held until this morning when I got back, and we would hand it out here. So everybody is getting it at the same time.

Mr. Miller, I think you were as interested as anybody in asking for this particular appraisal of the travel expenditures in the past year. Do you want to lead the discussion on this?

MR. MILLER: Has everybody had a chance to read the report from the Ombudsman?

MR. CHAIRMAN: You're right. I haven't given everybody a chance yet.

MR. MILLER: Mr. Chairman, since you mentioned my name, and reading at the bottom of page 2, I think the Ombudsman was overly sensitive when he referred to "obvious disapproval from some members of the Committee". I believe that was because I in fact questioned the sending of four members, the Ombudsman and three of his staff, to the international conference to be held in Sweden. In viewing the numerous trips that have been made out of the province — if you want to relate to it, the Ombudsman was out to Victoria in April, to Stockholm and London in April, to Ottawa and Toronto in May, to Victoria and Ottawa in September, and to Israel in October. I believe I expressed my opinion that it seemed to me there was a lot of out-of-country travel — certainly, it is a worthy endeavor to go to other countries. However, I felt that the prime consideration was the job that's being done here in Alberta.

I see in the letter from the Ombudsman that instead of four members going to the international conference, he's suggesting that there just be three. I am disappointed that he didn't mention the three who would be going. I presume they're himself and two other members. One would probably be his executive assistant, and I don't know who the third would be. I appreciate the work that these people are doing. However, to me the out-of-province travel seems to be quite extensive, and I express that.

DR. CARTER: Just on that point, I think John Thompson also raised some other questions that day. I appreciate the fact that we have this information before us, especially the out-of-province trip routine. But I note that there's no listing of dates as to just how long they were out of the province on those things.

The committee does indeed appreciate the involvement with the International Ombudsman Institute, plus the fact that the papers for the international institute are at the University of Alberta. So that is not in question. But on a

technical point, what are the dates?

There are a number of other items as we work through the document. I'd like to ask you, Mr. Chairman, since you've been the chairman of the committee: on page 2, second paragraph, he says, "I have always made a practice of notifying the Chairman of the Committee of my intention to be away from the office for any period of time". Is that indeed the case?

MR. CHAIRMAN: To the best of my knowledge it is, Dr. Carter. Either or both the Ombudsman and Mr. Wyatt would contact me at any time that travel was coming up. As I say, to the best of my knowledge I knew every time they were out of province. That was as much a courtesy as anything else. It was not necessarily to conform with any preset rules, as I understood it. It was just something that he and I established.

DR. CARTER: At the bottom of the same page, where he says "considering the expressions of obvious disapproval from some members of the Committee", from being present I don't think that's an accurate assumption to make. Perhaps a reading of the minutes or the transcript may lead one to believe otherwise. But I really felt that we had two members of the committee who just simply asked questions. If asking a question is disapproval — maybe sometimes it is, but I really didn't feel that that was what was going on there. It was a request for information.

If anybody else would like to respond — I know I have some other serious concerns with page 3.

MR. CHAIRMAN: I responded to your question about the communication that the chairman and the Ombudsman have. I can also respond to Mr. Miller's question about who would not be going from the staff. I cannot remember the last name. It was the gentleman who sat on this side, his accountant — Joe?

MR. BLAIN: Mr. Pennett.

MR. CHAIRMAN: Mr. Pennett has chosen not to go. That's why it has gone from four to three. That is only in discussion on the telephone. That was a decision they made in their operation over there, following our last meeting. If those names switch, then that's something beyond my understanding at this time.

MR. MILLER: Mr. Chairman, in regard to Dr. Carter's comment regarding the bottom of page 2, I refer the committee to the page 13 of the transcript where Mr. Thompson raised the question of travel expenses. If you go to the right-hand column, a third of the way down, you'll see where Mr. Thompson asked two specific questions relative to travel both within and without the province. I suggest that at no time was there obvious disapproval; I think it was just a statement of fact.

MR. CHAIRMAN: As chairman I would like to ask one question relative to the total package before us. I would like to have clarification as to where we are going with this discussion. It seems to me that the Ombudsman came here with information on his budget. We had questions about his budget, including

questions the answers to which came back to us in this form. I hear questions around the table saying that maybe these answers aren't quite acceptable — that's not quite true; it's just an implication I'm getting that the answers aren't quite acceptable. I'm wondering what level of importance or effort we put on this document at this time and for what purpose. Is it to get further information to assess the budget submitted on January 17, before we give final approval? We have two things happening. We have a budget for the coming year, and we have a response to the question: what did you do last year in terms of travel?

David, I think I'm zeroing in on your question about last year's out-of-province expenditures. It's identified only by month and year. You've asked the question about dates. I guess I'm trying to zero in on the question of what significance your request for more detail as to dates has in our budget year, because this is now almost historical.

Would anyone care to comment if they consider it a fair question? Mr. Notley also had his hand up to comment on this.

DR. CARTER: Just at this point, Mr. Chairman, I understand we're dealing with item 6, not item 7 on our follow-up items.

MR. CHAIRMAN: Yes, we're dealing with item 6.

DR. CARTER: So we haven't got to the budget thing yet.

MR. CHAIRMAN: That's right.

DR. CARTER: I don't foresee stalling any of the budget things.

MR. CHAIRMAN: All I said, David, was that this discussion came out of the presentation of the budget. But it is item No. 6 on this follow-up item. You are correct.

DR. CARTER: It's in that light that I agree with your revision of your own wording. I'm not viewing this report with any disapproval. I'm just asking that we request the Ombudsman office to give us the precise dates that they were away. That's a question.

MR. CHAIRMAN: You made the observation that the dates are not there. Do I understand you're saying now that we ask the Ombudsman to supply those dates? Thank you.

DR. CARTER: I think your term was that it wasn't acceptable. I find it acceptable. I'm just asking for additional information with respect to the last number of pages.

MR. CHAIRMAN: Without those dates in it, it's a document on file that's incomplete in many respects. On that point I guess I agree with you, because it's an incomplete record, especially when we asked for it. Does anybody else want to comment on this particular discussion? Grant, I'm still coming back to you.

MR. PURDY: I just have one question. I'm puzzled. Dr. Carter has asked for the dates. I look at the



Stockholm trip, and at the commencement of his letter he says that the travel expenses are paid for by "their respective offices". But he only shows \$324. You can't fly to Stockholm and London for \$324.

MR. CHAIRMAN: You've got two different meetings now. In the letter — you're talking about 1984?

MR. PURDY: What I'm saying is that in his letter to us dated January 24, he says that "travel expenses paid by their respective offices", meaning the office of the Ombudsman paid for travel out of the province. Then he shows on the attachment, April 1983, the Stockholm/London conference where expenses were only \$324. It's \$2,000 and something to fly to Stockholm return.

DR. CARTER: Oh, I see: "Accommodation expenses in connection with travel required for attendance at Institute meetings are paid by the Institute."

MR. PURDY: There's a contradiction there. I would ask the chairman to clarify that in his next conversation with the Ombudsman.

MR. CHAIRMAN: I think I see what you're talking about, Bill. If I don't, I'll come back to you on it. Is it understood that I will be pursuing Bill's question with the Ombudsman for clarification on that point? Those are the two items I will be getting: what appears to be a contradiction in that third paragraph.

MR. NOTLEY: There may be a good explanation, but we're just requesting it. It could well be that this consultative committee, for example, is slightly different from the Institute in terms of how they pay. It's a simple request for reconciliation of what seems to be an inconsistency.

MR. CHAIRMAN: Mr. Notley, you had your hand up several minutes ago, and I kind of ignored you. Did we cover your point?

MR. NOTLEY: I just think we have to deal with his concern on page 3, with respect to the issue of his going to the conference. I was out of the province for a few days, so I'm not aware of what this controversy is.

DR. CARTER: The controversy is his overreacting to a headline. I'll try to get my gal to get you a copy of the exact story. It deals with me, obviously. I was interviewed by one of the fellows from the Journal as to what was happening with the search committee. At the same time, that person slipped in another question — which was really what it was about — about the resignation of the Deputy Minister of Social Services and Community Health. I refused to comment on that, but we did have a lengthy discussion about the search committee for the Ombudsman. I had a phone call three days later from the same reporter saying, oh, it's very unprofessional of me, but I lost my notes. So we went back through the business of the Ombudsman.

They then carried a story, which was carried coast to coast on the wire service, and that was fine. It was about how many applicants we have and what we're looking for — that kind of thing.

Two days later someone from the Sun phoned, and

he was upset that he hadn't got the story. That kind of stuff goes on. In the process of the discussion, we went through it all. He mentioned that Dr. Ivarny's term was to the end of April, that the Legislature passed a special motion to grant an extension, and one of the reasons for granting the extension was to enable him to legitimately attend the international conference. The headline that then came out — and the person who wrote the story didn't write the headline, as is often the case — was "Trip Tory Gift to Ombudsman?".

He and I had a discussion about that, and he was saying he will resign right now because of the economic conditions and he wasn't going to be seen as receiving a gift — similar to what we have here in this letter — to which I said: we've known each other long enough; I suggest you take a deep breath and go home for the weekend; that would not be an appropriate course of action, because anyone who knows the Legislature knows that the committee is not a Tory party even though it has a majority.

So this one page of this letter is a reaction to that, and members have to judge whether it's reaction or overreaction. I did not say this was a gift. In both interviews, where I kept notes, I did say that it was appropriate for him to go because of the work he had done.

To back up here, in response to the letter, he did indeed ask to be extended so he could attend the conference. Through this committee, and through the Attorney General and his line of communication to the cabinet, we have been able to extend that courtesy. Again, I think it was a legitimate courtesy.

So number one, what is he reacting to? He asked for; he received. Why is he then getting this perturbed when the story is reported accurately but the headline... Because every hon. member here has to deal with that whenever it occurs. You have to deal with it a heck of a lot more than we do.

Then I had this rather rude phone call demanding that I write a letter to The Edmonton Sun and apologize. No, sir, I will not do that. There is no need to do it. All that will do is keep stirring it around, and he and the office will suffer.

So there we are. That really deals with the top paragraph on the page.

The second paragraph — I agreed with him that what had happened is in large measure inappropriate. As of our conversation, of whatever the date was, about that article in the Sun, he had not received a formal letter from the Attorney General or whomever to say that he was being extended to the end of August. That is legally precise, but he was told. It's my understanding that our chairman had discussion with him to say that it was going to be extended to the end of August. I myself had conversation with him to say that it would be to the end of August. But — you see, here's where we get into the semantics — that's not good enough. And legally it isn't good enough. But he has been told, and he was told long before any of this stuff came up.

I can't be here to apologize on behalf of the Attorney General and his work schedule or that he was away on holidays, let alone any other issue that may or may not be out there. But I do know that there was a verbal conversation between the Attorney General and the Ombudsman which gave the understanding that the extension would be until the

end of August.

Personally, whether as vice-chairman of this committee or chairman of the other committee, I can't do anything more than that. On at least two occasions, I have communicated to the Attorney General that the formal letter should have been written. I think that's all I can do on that score on behalf of this or the other committee.

MR. CHAIRMAN: David, I remind the committee that some of this was taking place last fall, at a time when I too lost a week with some ill health. You chaired a meeting at one time, and so on. One of the unanswered questions at that time — this committee did not have the responsibility to extend the Ombudsman a letter, did we?

DR. CARTER: No.

MR. CHAIRMAN: I didn't think we had. Does anybody . . .

DR. CARTER: No, we didn't. That was the precise point Grant raised, which he was entirely correct on: we would probably have to change the legislation.

MR. NOTLEY: Mr. Chairman, we obviously agree that he should go to this conference, so there's no question about that. I think a simple, straightforward letter — certainly not goading, not defensive — should come from the chairman indicating that the extension of the term was a decision of the Legislature, representing both sides of the Legislature, and the understanding was that it would include the trip to Stockholm because of the experience he will bring to that conference and the work he has done for Alberta. It is not a gift from one side or the other, but is the view of the entire Legislative Assembly — a simple straightforward letter, the simpler the better.

MR. CHAIRMAN: Thanks very much. This is a recommendation to the Chair from the committee. It's not a motion necessarily.

MR. NOTLEY: That would be a recommendation.

MR. CHAIRMAN: Any disagreement on that?

DR. CARTER: That's very statesmanlike.

MR. CHAIRMAN: Any other comment on the document from the Ombudsman?

DR. CARTER: Mr. Chairman, some information was supplied at the last meeting. There would have to be some follow-up by the Chair, in discussion with the Ombudsman later on, as to the continuation of his relationship with the International Ombudsman Institute at the university. But that's a discussion for you to have with him later in the spring.

MR. CHAIRMAN: I have a question concerning that topic. Is the Ombudsman's involvement with the foundation, or whatever the organization is at the university, an extension of this committee or part of this committee in any way with respect to his duties? I'm talking about the International

Ombudsman Institute. David, is it our privilege to even comment on it? We acknowledge it as one of the activities in which he is involved, but is it within our responsibility to make comment, guidance, criticize, commend, or anything else with respect to that activity?

DR. CARTER: Mr. Chairman, I really think it's another one of those areas which shows what happens when the committee works hard. We start discovering that there are some other areas out there that haven't been examined, which have ramifications for the Legislature as well as for the Ombudsman. I think that is one of the items we as a committee need to do some more homework on. If we press it too hard at this time, just asking questions for clarification, it will be regarded in a very negative way. I don't want that to reflect negatively on the committee with either the present or the new Ombudsman. I really think it's a thing we have to do some more work on. We may well decide that it is inappropriate for us to be there at all. We have to look; that's all.

MR. MILLER: Mr. Chairman, I agree with Dr. Carter. I think this is a matter we have to look at. Perhaps we should leave it on as an item to be discussed later.

MR. CHAIRMAN: Identifying it as the International Ombudsman Institute? That's your topic?

MR. MILLER: Yes. I'm not sure what the institute actually does, what its format is, or how active it is. It might be in order for this committee to make a trip over to the university to visit the institute and get a better understanding of the role they are playing throughout the world.

MR. CHAIRMAN: As chairman of this committee, I have received an invitation from the Ombudsman to do exactly that. I have done nothing about it yet, either as an individual or on behalf of the committee.

DR. CARTER: Mr. Chairman, could I ask that the transcript cease for a moment, please?

[The committee met in camera for 11 minutes]

MR. CHAIRMAN: Item No. 7, approval of 1984-85 budget estimates of the office of the Ombudsman. We've had this since January 17. Does anybody have any further comment? We chose not to finalize it on that day until we had this discussion today. Do you feel any more comfortable about approving the Ombudsman's estimates?

MR. PURDY: Mr. Chairman, just one question since I missed his presentation of the 17th and haven't had an opportunity to review the transcript. You have item No. 8, consideration of the purchase of a new computer for the office of the Ombudsman. Is that included in the 1984-85 budget?

MR. CHAIRMAN: He included that as a B item, meaning that he's throwing it in but doesn't want to have the budget held up because of it. That's why we separated it for purposes of discussion. Number 7, approving the budget, in my opinion would be the A

budget. Let's talk about that.

DR. CARTER: Just one quick question on that. The budget figure for the computer was \$20,000. By not sending one person to Sweden, how much roughly do you think that saves — \$1,000?

MR. BLAIN: It would save more than that.

MR. NOTLEY: For the sake of discussion, I move approval of the 1984-85 budget estimates as presented by the Ombudsman. That's the A budget; we can deal with the computer separately.

MR. CHAIRMAN: Thank you. We have the motion. Questions and discussion?

DR. CARTER: My only question on that motion is that the budget as submitted to us last time — would he include a figure that he's now deleting of about \$3,000 whatever? So would it be appropriate to approve the budget minus one . . .

MR. BLAIN: As amended by the deletion.

MR. NOTLEY: Okay, as amended by the deletion outlined in the Ombudsman's letter of January 24.

MR. CHAIRMAN: That's all in the one motion. Any other comment? Those in favor of the motion? The motion is carried.

We're down to item No. 8, the leftover item concerning the purchase of the computer. I have not studied that topic since the January 17 meeting, so I have not a great deal to contribute to the discussion. I hope somebody else can pick it up.

DR. CARTER: In the minutes, it's on page 113.84.

MR. NOTLEY: May I ask Doug if he has any recommendations? You're much closer to the ins and outs of office procedures.

MR. BLAIN: Mr. Chairman, I listened to this presentation at the last meeting, and it certainly was convincing. I may have misunderstood, but I thought they were to send back the formal B budget application to this meeting for consideration, in which they'd have to give all the relevant details for the purchase of this equipment.

MR. CHAIRMAN: Justifications and so on.

MR. BLAIN: I would have some difficulty in approving this application on the basis of what's here in front of us in the minutes. This is background information. Listening to what they had to say at the last meeting — and I read this and the minute — I think the committee would be safe in authorizing the Ombudsman to make application for a B budget for this purchase.

DR. CARTER: Who do they make the application to?

MR. BLAIN: They make it to this committee.

DR. CARTER: In the minute, after the discussion it

says:

Mr. Miller stated the committee would accept Dr. Ivany's proposal for consideration and get back to him with a decision.

Dr. Ivany replied this would be fine, adding however that although he did not wish to rush the Committee, he would appreciate being able to meet the deadline should the Committee's decision be favorable.

So he's talking about the computer as well. What's the deadline?

MR. BLAIN: I can only assume that he's talking about the deadline for submission of the estimates, which is drawing nigh.

DR. CARTER: Mr. Chairman, I'm quite willing to agree that their statement here is accurate, that it would indeed help reduce the workload by 50 per cent. They've had a survey by Public Works, Supply and Services that the word processor they have at the moment is inadequate and, they also have here, they could also have the addition of a confidentiality factor within the program. All of that would be admirable. I'm certain it's only a matter of time before that equipment should be in place. Having said all that, I'm mystified why they just didn't put it in the budget, period.

MR. CHAIRMAN: Maybe he couldn't do it and stay within the guidelines.

MR. PURDY: Mr. Chairman, I have some concerns about passing a B budget item right now. As a member of Members' Services, we had a B budget item from the Library for a computer. We turned that down. We said it wasn't warranted at this time. They put forth the same arguments that it would cut down staff and cut their workload and so on. We in the committee said no, we can't afford it at this time, and you'll have to bring it back next year under an A budget item.

DR. CARTER: There's the other aspect too, I suppose. Are we putting something in place that the new Ombudsman doesn't want? I don't know.

MR. PURDY: He also talked about the Northern Alberta Development Council having one. They may not have had another one previous to that. My motion would be that we not accept the B budget proposal of the Ombudsman but that he may present it in the '85-86 budget as an A item.

DR. CARTER: And it be given consideration.

MR. CHAIRMAN: So we would encourage him to do it as an A item on the basis of the information put before us. I feel quite sympathetic towards the cause, towards the proposal to have it, but I find that I'm inclined to agree with you, that we — put forth next year. I shouldn't be commenting on that. Any other comment on this motion? Those in favor of the motion? That motion is carried.

MR. NOTLEY: May I suggest that in the wording of it, our wording reflect that this committee would like

to be consistent with the precedent set by the Members' Services Committee with respect to certain requests for computers to that committee and that we would follow the same policy.

MR. CHAIRMAN: Is it assumed that the chairman will be writing a letter extending that motion to the Ombudsman? Again, you got some of those nice words that Mr. Notley just left with us.

That completes the follow-up items as they were presented to us at the beginning of the meeting. Are there any other items that this committee should deal with at this time?

DR. CARTER: A question. Maybe I can't see it. Did we indeed give a formal motion for approval of the budget of the Auditor General? I see it here for the Chief Electoral Officer. I thought we did. No, it's not there, unless we did it at the very end. Page 111.84, we . . .

MR. NOTLEY: The very last sentence, David, on 113.84: Mr. Thompson moved that the 1984-85 budget estimates for the Auditor General be accepted as submitted.

DR. CARTER: That's right. Thank you, I was looking in the wrong place.

MR. CHAIRMAN: I hear no other item of business. Can we have a motion to adjourn the meeting?

MR. NOTLEY: I so move.

MR. CHAIRMAN: Next meeting at the call of the Chair.

HON. MEMBERS: Agreed.

[The meeting adjourned at 3:31 p.m.]