

[Chairman: Mr. Stevens]

[12:35 p.m.]

MR. CHAIRMAN: Shall we call the meeting to order, Doug? Chairman, members and ladies, we have some material to go over, what we need to do as follow-up items and particularly, of course, our minutes. I did think we wanted to meet today with Mr. Salmon over the approval list, because we had some questions about them, and I can go back to that. We have a document to hand out. We have two lists, really, that we need to consider, Don's recommendations.

I'd like also to introduce and meet . . . And perhaps after we meet with the Auditor General -- maybe that would give you an opportunity to hear some of our exchange, Marcel. But I'm very pleased to introduce to us all today and to this first meeting where Marcel has been able to attend as the Acting Ombudsman: Marcel Arcand, we wish you all the very best at this trying time for everybody.

MR. ARCAND: Thank you, sir.

MR. CHAIRMAN: We'll have some discussions in a few minutes.

We should also discuss the memorandum from Dr. Carter, the Speaker, regarding the Ombudsman's term of office, and there is a letter from Reid & Cameron regarding the interim audit for the office of the Auditor General. You'd probably like to be here while that's being discussed, Don. So if you can remember the minutes of March 12, they were wonderful, very [inaudible]. Did anybody have any questions? They were circulated March 12. I don't know if there were . . . Can you remind me, Louise, of the time frame of that meeting, and I could maybe tell the members here.

It was a very short meeting, you may recall, where we accepted the recommendations of Mr. Sawyer for the interim Ombudsman. We were going to go over the O.A.G. lists, but we had some questions, Don, and you may have seen these minutes: why certain organizations were being audited by the office of the Auditor General; other organizations use outside firms. And that's probably what we want to talk about today. And that's basically all we did that day. Maybe I could have a motion of approval, if anybody can remember back that to that time. Derek? Thank you, Mr. Fox. All in favour? All in favour. I'll just sign these here right now.

So the next item, then, is meeting with Mr. Salmon. Maybe I could do this to take you back a little bit. We had a meeting in October of '86, and maybe this helps, Don, and then I'd like to turn it over to you. We had some standard things that came to us from time to time, and you presented to us a list of why you are the auditor of organizations -- for example, the Alberta Children's Hospital Research Centre and so on. You gave us some background, and I don't know if you want to have this. You may have that anyway; this was the minutes of that meeting. But, Louise, should we circulate now the material that our committee had difficulty with?

MRS. EMPSON: I don't know if I have enough copies for everybody, because they were circulated prior, and I just made extra copies for this meeting.

MR. CHAIRMAN: Yeah? Is it this one here? Here we are. Just to remind us, Don, maybe you could sort of put us into the picture again on this.

MR. SALMON: Sure. Mr. Chairman, this is one section of the Auditor General's Act, section 12(b), which allows for the Auditor General to be appointed the auditor, on the approval of the select standing committee, of organizations called Crown-controlled organizations or other bodies that the Auditor may have been asked to be the auditor. That list today consists of about 14 organizations, and we have one before you today for approval, which would make it 15.

This list has varied over the years. We are now very confined to basically organizations that we've been auditing in connection with provincial agency areas, where we are automatically the auditor. And because we're the auditor of, say, the hospitals, it's very easy for us to do their charity fund and their benevolent fund. Some of these require separate audits because they are accountable in a different way and they're not part of the organization at the actual audit that we do of the hospital, for instance, and it's just been more convenient.

But those are the kinds that we've brought forward to this committee for approval as auditor. In all cases they approach the office and ask if we will do it because of our connection with the normal audit of the organization, except of course in the case of Sulphur Development, which is winding up. We've been doing it for a number of years. Nothing else is connected outside. That's the only one that's outside of organizations that we are presently auditor of.

MR. CHAIRMAN: So, Don, there are two before us. One is 2-09, which is a new one under 12(b). Is that right?

MR. SALMON: That's right.

MR. CHAIRMAN: And then there's another one, which is an extensive list. I think one of the questions -- I can't remember which member asked, but maybe I can refresh our memories.

MR. SALMON: May I ask what the extensive list is?

MR. CHAIRMAN: Oh, I'm completely wrong. I thought there was an O.A.G. 1-16, which has on it -- one, two, three, four -- a whole bunch of them.

MR. SALMON: Oh. And then we had attached to that the list as presently approved.

MR. CHAIRMAN: I don't have that.

MR. SALMON: It's right in the back.

MR. CHAIRMAN: Oh, is that the one? Oh, I'm sorry. That is the one that is already approved.

MR. SALMON: It's already approved. We're asking to add what we call this organization called the Friends of University Hospitals.

MR. CHAIRMAN: Does everybody have that last page of the O.A.G. 1-16, the very last page, which has the list of the currently approved by this committee organizations that are audited under section 12(b)? That's the Access Charitable Foundation of Alberta, inactive, and so on. Are there any questions about that?

MR. SALMON: It might interest the committee to realize that

we do approximately 200,000 hours of auditing of various organizations, and this whole list comprises less than 1,000 hours, if you want that in perspective.

MR. GOGO: I'm trying to recollect, Mr. Chairman, but I thought it was Grant who had raised the point of private people doing audits. That's what my recollection tells me, and I'd want Grant to renew the argument because I was pretty sympathetic last time to the argument. I'd like to hear it again.

MR. MITCHELL: I guess my argument is: upon what criteria do we base a decision for you to audit or not audit these organizations? I know the one criterion you've used is that you're out there anyway, but when I look at something like, say, the Foothills Hospital Employees' Charity Fund, well, many groups have charity funds, and perhaps they would all like the Auditor General to do a free audit. And I know that many charitable groups have to pay for their own audit, like community leagues do, and so on and so forth. So how do we make that decision where we draw the line?

MR. SALMON: I guess, Mr. Chairman, the case here is that these are very, very small organizations. To have somebody come in and do it might be very awkward and even time consuming from the point of management, because they've got to explain a lot of the things again. Our people are there. In the case of the universities, those particular charities don't take us very many hours. Actually for all 14 of these it's about 950 hours.

MR. CHAIRMAN: Is there a fee for any of these?

MR. SALMON: Yes, there's a fee on four. We charge fees on four.

MR. CHAIRMAN: Maybe you could tell us which four and why there is a fee and why there is not a fee.

MR. SALMON: Okay. The two in the children's hospital are charged fees.

MR. CHAIRMAN: That's the Alberta Children's Hospital Research Centre.

MR. SALMON: Right. And the next one, the Technical Resource Centre Society for Technology and Rehabilitation. There's a fee on the Sulphur, and there's a fee on the University of Alberta Centre for Frontier Engineering Research Institute.

MR. CHAIRMAN: That's five?

MR. SALMON: Four. Two under the children's hospital, the Sulphur Development, and the Centre for Frontier under the University of Alberta.

MR. GOGO: Are there 900 hours? How many hours are we talking?

MR. SALMON: Total?

MR. GOGO: Total.

MR. SALMON: About 950.

MR. GOGO: Of those, it would be 100, 200, 300?

MR. SALMON: Yeah, maybe 300, 400.

MR. GOGO: One hundred dollars an hour?

MR. SALMON: Well, no. We're less than that, but our fees would probably average maybe \$30.

MR. MITCHELL: That's what you'd actually charge, \$30 an hour?

MR. SALMON: Something like that on an average.

MR. MITCHELL: Do you have a CA doing it? Or would you just . . .

MR. SALMON: Well, on average, but we can have a senior student on these kinds of jobs, a CA or a . . .

MR. MITCHELL: What do we pay a senior student?

MR. SALMON: Anywhere between \$18,000 and \$26,000.

MR. MITCHELL: Which is how much per hour?

MR. SALMON: Between \$18 and \$25.

MR. MITCHELL: So we're even subsidizing . . .

MR. SALMON: Well, no, not really. Not subsidizing. Our rates are worked out on the basis of our recovery cost.

MR. MITCHELL: I guess I have a bit of a problem. It just seems to me that there must be other organizations and lots of hospitals that aren't distinguished on any particular criteria from the organizations that the Auditor General's office does do. I don't want to be a scrooge about it, but how do we pick and choose, and how do we really justify it?

MR. SALMON: Well, at one time in the past we had a longer list we were doing of organizations that had gone to the Auditor General and asked if we would do an audit, and we were doing a number of them. We have backed off on a lot of those, and they're now back out to the private sector.

MR. MITCHELL: How did you make the decision to back off on those but keep these?

MR. SALMON: Well, we have felt, in the case of these where they're so connected, that that's strictly the reason. All the others where we were doing audits, we were not directly connected, and we didn't need to be doing them. It was just a case of let's do it for the benefit of management and get it out of the way because it's so small.

MR. CHAIRMAN: All right. Is there some benefit to the government and the people of Alberta to have the Auditor General in fact because there are some, you know, the hospital foundation, the charity . . . Is there some relationship to a concern on behalf of the people of Alberta? Or is it just that it's convenient for the organizations to have you do it?

MR. SALMON: It's mostly convenient, although there is a connection. Many times the people that are actually keeping the accounts are also the same people that are in the hospital or the college. It's all intermeshed if they're the same people. They're not charging them any overhead. There's nothing. It's just strictly in and out. It's charity most of the time, except for those four. Because those four aren't charities, we can charge fees, because they don't match the criteria of the definition which has been approved by the committee for charging fees.

MR. CHAIRMAN: I'm sorry, Fred.

MR. STEWART: Mr. Chairman, to the Auditor General. Is it safe to say, then, that if those ones that you do charge a fee for were to go to outside accountants, their bottom-line cost would be greater than what you are charging?

MR. SALMON: Well, not necessarily, because even a practising firm would probably discount . . . Well, maybe in the case where they're money-making types of things, that's different. But in the charities they're not going to charge anyway, so we haven't charged. It's practice to do it as a service.

MR. STEWART: I was just thinking from the standpoint that having done the basic audits for the institution itself, there may be a cost savings.

MR. SALMON: We probably can do it a lot less. That's true. And we would probably take less time. We already know the controls, and we know what kind of processes they have for receipts and payments going through the organization. They just segregate it off, and we can pick it up from there. So it saves a lot. It involves management not having other auditors coming in on that, which also is time consuming.

MR. CHAIRMAN: Mr. Gogo.

MR. GOGO: I need some help, Mr. Chairman, from you or Fred Stewart. This relates to nonprofit societies in Alberta, the whole question of auditing. Is there not some legislation under way . . .

MR. CHAIRMAN: 50, 51, 52?

MR. GOGO: I've got to be careful what I say because I don't want to share something that I'm privy to when I'm not sure what I'm privy to and what stage it's at. But weren't we taking some steps, Mr. Chairman or Fred, with regard to the whole business of auditing of nonprofit societies in Alberta?

MR. STEWART: Yes, the whole business of the societies and nonprofit corporations has been under review from the standpoint of making it more in tune with the Business Corporations Act and at the same time reducing the requirements for auditing of financial statements, particularly for smaller organizations.

MR. CHAIRMAN: Don, this list you mentioned that's now reduced, and you may have two that you would like to add, but this is really . . .

MR. SALMON: Only one.

MR. CHAIRMAN: One. This is a reduced list from some history. Are we at a point of, "If it ain't broke, don't fix," or . . . You can sense the concern we have, of course. If we were to make a change, what sort of notification would an organization like this need?

MR. SALMON: Well, you'd have to do it within the middle of a year so that they're prepared to could find someone else to do it before their year-end so that they don't have any problem. I think there are some here that we don't have to do, and I think we could've . . . What we've done, for instance, if . . . Let me just explain. We had the Banff Centre out on an agency relationship with our office for a number of years, and on a rotation it's back within the office and the University of Calgary out and so forth. And when we were doing agency at Banff, there were three organizations at Banff that we had been doing before, similar to this kind of thing, that we just let go. We said, "Hey, we don't need to do them; the agent can do them direct." Now when we take the organization back, they immediately want to come right around and have us do it again, because we're in doing the audit just like the agent was doing. So we've done that. That's one of the reasons why the list has changed to some extent, the names have changed. But certainly we do everything we can to keep it short, and we don't want to take anything that's not directly connected. Sulphur will be wound up within a year. That's been around for a long time.

MR. CHAIRMAN: Mr. Fox.

MR. FOX: If I understand Grant's concern correctly, he's worried that we're doing things for some people that we're not for others. Some organizations are benefiting from service either at no cost or at a reduced cost, and other groups aren't benefiting from that. But I'm wondering what your feeling about that is, Don. How do you feel about your office doing these audits? You've answered the questions very well, but I'm still not sure how you feel about your office doing them, and I'd like to know what your assessment is.

MR. SALMON: I have no problem with us doing them, because they are such a small part. I mean when you do a hospital audit or a college, the size of these jobs is so irrelevant to the total that it really doesn't take us any time to finish them up.

I really don't think this is going to benefit practice any. It's too small, and it's no real benefit, because we're still the auditor of the main organization. I think that if it was outside, I certainly would say, "Let's not have us do it." I would certainly agree to that.

MR. MITCHELL: I guess I'm having a fifty-fifty here. If it is true that the costs are in fact -- I mean you're billing back \$30 an hour. You know, I'm working that out to something like \$50,000 a year, the equivalent you're paying somebody to do at \$26, so maybe you do recoup. Well, you're not billing them all out. So it might be costing the province \$40,000 or \$50,000 a year. Who knows?

MR. SALMON: Probably not that much, but yeah, there's probably a small cost.

MR. MITCHELL: So on one hand I have that concern. On the other hand I say, well, what about the sense of the question of fairness? Are there other hospitals that have benevolent funds

or have charity funds, and would they not have a pretty strong case to say, "Well, we should get this done for us too." I'd like to see us helping, but maybe we should be helping everybody, doing it for everybody who qualifies under the Walter C. Mackenzie hospital or under some other hospital. The fact of doing a college, that's one thing, of course, but to do the college foundation you might have to think about the relationship.

MR. CHAIRMAN: Just on Grant's question, Don. If another auditor is doing a different hospital, would that auditor also likely do their interrelated things?

MR. SALMON: Probably, yes.

MR. CHAIRMAN: Does that help, Grant?

MR. SALMON: That's standard practice.

MR. CHAIRMAN: Well, we have a -- not to the list before us, unless we want to review the list -- request to add to the list. But we can certainly review the list too with your help, Don. What would the committee like to do? Would you like to recommend that . . . You should tell us what you're recommending; I'm sorry. I'm putting into your words -- you're recommending we add . . .

MR. SALMON: I guess we're recommending that we add the Friends of the University Hospitals because of the nature of that organization to the University hospital.

MR. CHAIRMAN: So it'd be like underneath the Employee Benevolent Fund?

MR. SALMON: The legal entity is explained and the objective of what it is. It's really service-oriented: comfort to patients, library services, and this kind of thing. It's sort of a gift shop kind of thing at the hospital. Because it's independent of the hospital, they need some type of examination of what's going on, and they're asking us to audit.

MR. CHAIRMAN: Would you be asked to do the Friends of the Cochrane Ranche Historical Society or the Friends of the Tyrrell Museum?

MR. SALMON: No. They might ask us. We'd turn them down because we're not doing the Cochrane Ranche.

MR. CHAIRMAN: It's a government function, isn't it? Like the Tyrrell museum; there's the friends of that museum.

MR. SALMON: No, we never have been approached on any of those concerns.

MR. CHAIRMAN: I'm just trying to figure out how we'd say yes or no.

MR. MITCHELL: Do you audit the Tyrrell museum?

MR. SALMON: No. Well, only as expenditures and revenues through the department but not as a direct audit.

MR. GOGO: I want to be clear. I'm looking at the legal entity. This is not the group that's raising the \$50 million that Mary

LeMessurier was involved in, now Myrna Fyfe. That's not the same group, right? You're talking about some pretty small potatoes here.

MR. SALMON: It is really little.

MR. GOGO: I have no objection.

MR. FOX: Would a motion be appropriate, Mr. Chairman, that we approve the request and recommendation as presented to us by the Auditor General?

MR. CHAIRMAN: And the motion -- do you have that okay, Madam Secretary?

MRS. EMPSON: Uh-huh.

MR. CHAIRMAN: I'm sort of lost in one spot. It's actually recommending two things.

MR. SALMON: One order is to recommend that we become the auditor. The second order is to recommend that no fee be charged.

MR. CHAIRMAN: What is your motion? To recommend that we accept the Auditor General's recommendations, which are two, or do you wish to do it in two motions?

MR. FOX: Well, okay. Let's do them in two motions.

MR. CHAIRMAN: So you're recommending that we accept the Auditor General's request to . . .

MR. FOX: . . . approve list O.A.G. 2-09. I so move.

MR. CHAIRMAN: All in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Any opposed? That's carried.

And now, a motion for the fees to be waived for this particular organization.

MR. GOGO: Well, I guess "exempt" is a better word.

MR. CHAIRMAN: I'm sorry; exempt from being charged a fee.

MR. MITCHELL: How much do you think this will cost? How many hours will this take?

MR. SALMON: I believe it's around 50 hours.

MR. MITCHELL: Fifty hours?

MR. SALMON: Yes.

MR. MITCHELL: Fifty hours at 30 bucks an hour, so that's \$15,000.

MR. SALMON: No, \$1,500.

MR. MITCHELL: That's right.

MR. FOX: Would they be one of the groups that you'd charge, then?

MR. SALMON: No. We haven't been charging these kinds of organizations. It fits the criteria in the past.

MR. CHAIRMAN: Can I have a motion?

MR. GOGO: So moved.

MR. CHAIRMAN: Moved by Mr. Gogo that the organization be exempt from being charged a fee. All in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Any opposed? Carried.

MR. SALMON: Mr. Chairman, I appreciate the comments on this aspect of it because it gives me a little more comfort too as to what your feeling is with respect to 12(b), and I think 12(b) has always been a little bit of a problem. It's a bit of a nuisance in some things, but we certainly want to control it.

MR. CHAIRMAN: I think in fairness to the Auditor General we sort of had a touch of this when we first began. We're a new committee with you, and this was new to us, and we were surprised. When it came just sort of floating by in a letter form, as you would normally expect it to do, we were wondering again why we were into it. So perhaps, Don, with that background, you'll be able to help us in the coming time and on any new ones.

MR. SALMON: Okay, thanks.

MR. CHAIRMAN: Okay. I had the opportunity the other day to have Mr. Marcel Arcand come over and sit down with me and talk to me briefly as chairman, and I offered him the support of our committee in his fascinating period of this appointment. As you recall, with the resignation of the Ombudsman, he recommended Marcel be confirmed by the committee during this period of time. I've warned him that our search committee is progressing, and there may be some weeks. I know that Marcel has had to give up, I believe, a holiday plan, and I just thought it would be an opportunity for any us to meet with Marcel and ask any questions and to offer any support, and you in turn can ask us anything you would like too.

MR. GOGO: Well, welcome, Marcel. I'm familiar with Marcel's work with Social Services over the past years within my community, not so much around the province. I want to ask him: Marcel has there been any change in activity with Brian Sawyer leaving?

MR. ARCAND: As far as the volume of work, sir?

MR. GOGO: Volume of work.

MR. ARCAND: No. I thought Mr. Sawyer would have taken some with him, and when I was speaking this morning, he assured me he didn't. He's got a whole new set of duties, and the phone calls and letters of complaint are not reduced. Usually summertime in the office of the Ombudsman -- and I'm not speaking from a whole lot of years there, Mr. Gogo -- tends to

slack off a little bit, but there is no evidence of that . . .

MR. GOGO: Summer is not until June 21, though.

MR. ARCAND: Well, except that we get about a month of summer here. I'm not sure when it starts.

The workload is at least, I think, as heavy as it was for the investigators in the earlier part of the year. There is no reduction. We had one of the investigators take advantage of the early retirement option, and we've since filled that position. The chap that was Mr. Sawyer's executive assistant left at the same time as Mr. Sawyer did. So we have a number of changes within the manpower of the office, and that always makes a difference as far as orienting new investigators and the like.

As matters presently stand, the one position which was approved in our budget for this present fiscal year by the committee last fall has been offered. The young chap who is taking that job in Calgary will start next Monday, and we'll give him a few weeks of orientation. So that may begin to make a bit of difference. For the other job, which was the executive assistant job, we have decided to await the new Ombudsman. The model for filling that job could vary with the person who is the Ombudsman, so we are just going to leave the position vacant.

MR. GOGO: I'm trying to recall the Ombudsman Act. You as the Ombudsman can initiate a complaint?

MR. ARCAND: Yes, there is the provision in the Act for own-motion investigations.

MR. CHAIRMAN: There are only two things that Marcel can't do.

MR. ARCAND: Yes. One of them is to delegate the authority that has been delegated to me by Brian Sawyer. The second is to submit or -- I can't remember the exact words -- generate a public report. Those two things are restrictions to any person who is acting.

MR. GOGO: The other question I have, Mr. Chairman, I think I should leave to you, and that is the annual meeting of Ombudsmen here in Alberta. I'd like you to, if you would, raise that.

MR. CHAIRMAN: I'll raise that.

MR. FOX: I was wondering, Marcel, who the senior investigator was that retired?

MR. ARCAND: Oh, the chap's name was Jack Ratcliff.

MR. FOX: Okay, because there was someone who Brian was wanting to name as a senior investigator. That was Ed?

MR. ARCAND: What we did was to take one of the investigator positions, and Brian described that as being a senior investigator, which means that the person who is in that job is basically responsible for orienting the new staff, for supervising investigations. That person's name is Ed Chetner. Mr. Chetner and I are having frequent discussions because he's far more experienced as an investigator than I am, and I basically value his advice and his help. So the model that Brian Sawyer put in place is in fact there and working quite well. On the downside,

because there are five other investigators -- actually six if you count the lawyer who does some investigations -- the senior investigator can't carry as full a workload because he now has to supervise the activities of some of the others.

MR. FOX: Right.

MR. ARCAND: So it is working well and it is in place.

MR. FOX: It would be good to point out . . . I think I'm right in saying the fact David Greer and Brian left at the same time is just a coincidence. David, who was the executive assistant, was pursuing other career opportunities, and it happened to coincide with Brian's leaving.

MR. ARCAND: Yes. David was also very much involved in planning the fall conference that you made reference to, and we miss his presence for that reason too. We've just had to pick it up. Alberta is the host for the Ombudsmen conference come September, and obviously we want to do it well. I think it's going well. Could we perhaps talk, Mr. Chairman, about that for a few minutes?

MR. CHAIRMAN: As a matter of fact, I'd asked Marcel to brief me, and I think he think he should brief the committee also. September 13 to 15, which is Sunday to Tuesday night: perhaps you could bring the committee up to date on that. We've budgeted for it and approved that.

MR. ARCAND: The actual program commences on Monday, September 14, and concludes with a formal banquet on Wednesday the 16th. The subjects on the agenda have not been all finalized, but basically what we did was to canvas the other Ombudsmen offices across Canada and invite their suggestions on topics or subjects that they either would like to see on the agenda or would like to basically take the responsibility for.

We've had a lot of interest. There is a subject on here, for example, that the new Ombudsman from British Columbia has asked to present, which has to do with what he calls the systemic approach to investigations. That's basically instead of taking the investigations one after the other, if a problem with a particular system in government seems to be emerging from the number of applications that have been received against a particular department or a particular program, then his approach has been to go to that department and see whether it's possible to basically resolve the thing by making a change which he could suggest rather than by making individual recommendations on individual files.

There are a couple of subjects on here that the Ombudsmen have expressed an interest in discussing, having to do with the Canadian Charter. We have a gentleman by the name of Chris Levy, from the University of Calgary law school, who will be speaking to that item and also a Mr. Bell, from British Columbia. Ontario has an interesting outreach model. As I understand it from the Ombudsman there, they have basically gone out in the province and found people in communities who could act as agents of the Ombudsman's office for purposes of just basically talking with local residents about their concerns as and when they occur. Whether that model is going to work or not is a bit too soon to tell, but Ontario is interested in telling us about that.

MR. CHAIRMAN: I thought we had MLAs.

MR. ARCAND: That's an interesting question to raise, I think, in relation to that one.

The thing that Alberta has put on is basically a group of about two or three items of presentation having to do with what we call disadvantaged citizens. There has been, in the last two annual conferences, a lot of interest on the part of other provinces about child welfare services or about abused and neglected children. I guess a lot of concern is generated through the media. We thought last year that our Children's Guardian model was a particularly good one, and it seems to be very unique to Alberta, so we're taking this opportunity to basically introduce the other Ombudsmen offices to that by having the Children's Guardian, Dr. Herb Sohn, speak to the item.

Another issue that has surfaced in Alberta is the question of advocacy for the mentally ill. The Mental Health Association has a particular position about what the Ombudsman should or shouldn't be doing in this province. We thought we would allow that item to go on the agenda along with a response or a position from the assistant deputy minister, Dr. Bland, who can talk to the whole question, I think, about advocacy and treatment issues which are of concern.

The item which isn't on here -- and I think discussing the matter with you, Mr. Chairman, I'm satisfied should be -- is having to do with the role of the elected officials in relation to the Ombudsman. I think this particular committee in some respects is unique in Canada, and I would like to invite the participation of the select committee in terms of an item on the formal agenda and also in relation to attending the conference generally if any of you have that interest. If it's acceptable to the committee, I'd like to propose that the role of the elected official be placed on the agenda in a formal sense and basically leave it to you to decide how you'd like to approach that. Is that appropriate?

MR. CHAIRMAN: That would be something that might invite a panel from other provinces as well?

MR. ARCAND: Yes. The only other other . . .

MR. CHAIRMAN: There's no other . . .

MR. ARCAND: Well, there are two other provinces that have some formal relationships with the elected officials. One of them is Ontario. I talked with the Ombudsman there, and it doesn't appear as though there are any of the elected officials attending. That may change if Alberta's chairman were to initiate contact. The other province that has that kind of a mechanism as well is New Brunswick. I think we're the only three provinces, Alberta and those two.

MR. CHAIRMAN: Marcel, generally to you, in the past -- and Bob, you would know this perhaps more than any of us -- the committee have attended the conferences as observers in some role. How did you handle that?

DR. ELLIOTT: As I understand it, this meeting you're talking about is similar to the one or identical to the one that was in Vancouver about three or four years ago.

MR. ARCAND: That's correct.

DR. ELLIOTT: This topic was on the agenda then. I don't recall the exact title, but basically this is what it was. It took the

form of a panel, and we were invited to take part in it. Grant Notley and I were there and another member of the committee, Dermis Anderson, I think. As the chairman I sat on the panel and presented the position of how our committee works, the legislation behind it, and so on. Similarly, there was somebody there from Ontario.

Now, the interesting thing about that meeting in Vancouver -- this is a little bit to the side now -- was that the Ontario committee couldn't decide who to bring, so they brought the whole committee, including their legal adviser. This committee in Ontario sits with the legal counsel at all times. The whole kit and kaboodle went out to Vancouver for that meeting. A member of the Ottawa Ombudsman's office sat on that panel also.

MR. CHAIRMAN: And this is quite an extensive group isn't it, Marcel? You have investigatory -- is that the right word? -- officers from a variety of provincial organizations. I know we have to watch our time.

MR. ARCAND: That's correct, Mr. Chairman.

MR. CHAIRMAN: Well, John, I think you had raised it. I think the offer is here. How do the members feel about developing a specific -- there's a slot on the agenda.

MR. GOGO: I feel it's important, Mr. Chairman. I didn't realize we were one of three jurisdictions that have some electability or quasi-elected people involved in the province. I would think it's extremely important, because the role of the Ombudsman really is to interface with the citizen and government. If Marcel can arrange it and if we're hosting it -- I would hope he could -- I would like to see us have a position on the agenda as to the format: you know, whether there'd be a presentation followed by a panel. I don't know what the parameters of the whole conference are. But I would think it would be important.

MR. CHAIRMAN: Possibly, if Alberta is hosting, would you like to see the invitation extended at least to the two who have a committee? If they wish to join us, fine. If they don't, a panel of three?

MR. GOGO: I would think, Mr. Chairman, as the host province, it would be appropriate if you as this committee chairman took the initiative with the other provinces and asked them, again within the parameters of the program, if they were interested in participating. That shouldn't in any way preclude this committee from perhaps making a presentation at the conference.

MR. CHAIRMAN: We might also have in attendance an Ombudsman candidate who hasn't yet left her or his -- if they are currently employed. I think that's how close it's going to be, I would assume, from what our discussions are. We may not have an Ombudsman at that point and are asking Marcel to . . .

MR. GOGO: It's a slightly different topic, Mr. Chairman, but that's why I think we should be grateful to Marcel for carrying on that role through the conference. I don't know whether he requires any guidance from us in that regard, but we should certainly proceed on the basis that we will not have an Ombudsman but make provision if one is chosen by that time.

MR. CHAIRMAN: What about the banquet on the Wednesday

night? Is it anticipated that those of us would be here?

MR. GOGO: The 16th you say, Marcel?

MR. ARCAND: Yes, Wednesday, September 16.

MR. CHAIRMAN: We'll leave it for now, but I would assume at some point we might all like to . . .

MR. GOGO: I would be interested in attending.

MR. CHAIRMAN: Any other questions to Marcel? Is the committee in agreement with that concept?

MR. STEWART: Just as a follow up on that, Mr. Chairman. Considering the fact that we are going to be out of session pretty soon, maybe it would be appropriate to have a subcommittee of our group work with Marcel relative to the development of some sort of a presentation; otherwise we're just going to leave that in limbo.

MR. CHAIRMAN: Fred, were you volunteering?

MR. STEWART: Not exactly, Mr. Chairman.

MR. CHAIRMAN: I was hoping you would. What about John and . . .

DR. ELLIOTT: I think the chairman is stuck with that.

MR. STEWART: May I make a suggestion? The chairman, Mr. Gogo, and Grant.

MR. CHAIRMAN: Grant shook his head.

MR. MITCHELL: I'm definitely in favour of the idea, but the pressures with a four-member caucus are such that I just feel I shouldn't take on anything more. I owe it to my caucus colleagues.

MR. CHAIRMAN: Derek?

MR. FOX: I'm on Privileges and Elections.

MR. CHAIRMAN: All right. John, what did you suggest? Or was it Fred who said me and John and . . .

MR. STEWART: Mr. Mitchell.

MR. CHAIRMAN: Okay. Bob or Glen, we need a volunteer.

MR. G. CLEGG: I think it's important that either one of these two guys fight it out.

MR. CHAIRMAN: That would be a great idea.

MR. G. CLEGG: I'm being serious when I say that.

MR. CHAIRMAN: Actually, we can develop a strategy with Marcel, I'm sure. And then it's a matter of really being there at key times, so it would be great if you could.

MR. GOGO: The only other question I had -- keynote speaker?

Mr. Berger, is it?

MR. ARCAND: We haven't written officially to Mr. Berger yet, but that was the suggestion at this point.

AN HON. MEMBER: Justice Berger?

MR. GOGO: Former. I don't know, Mr. Chairman, whether you want to discuss that or not.

MR. CHAIRMAN: What was his role going to be if he was written to?

MR. ARCAND: Basically the featured speaker at the beginning of the conference.

MR. CHAIRMAN: That's what, an opening evening or morning?

MR. ARCAND: Morning. It would follow the opening ceremonies that we also talked about, basically the welcoming.

MR. FOX: Were you wondering, John, if he ought to be invited?

MR. GOGO: Yeah, I'm curious as to who suggested it. Did the thrust come from Alberta? Did Brian . . .

MR. ARCAND: I honestly don't know the background of that, Mr. Gogo.

MR. STEWART: I thought it would be appropriate, being in Alberta and you being the host, that the keynote speaker might be an Albertan. And we were the leaders in getting the whole role of Ombudsman established, and I think it's an opportunity to sort of take that degree of leadership. Now, as to whom and on what subject, I don't know.

MR. GOGO: How do you feel, Marcel?

MR. ARCAND: I don't really have a sense of the comment that's just been made. It would appear to make sense. The logical person, in the sense of perhaps being the student of the Ombudsman institution and its development over the years, is the former Ombudsman in B.C., who was formerly connected with the University of Calgary. Historically -- and this is not a hard and fast rule but generally speaking -- former Ombudsmen don't participate in the conference of the present Ombudsmen. The Ombudsman from B.C. will be there representing his office in British Columbia. It maybe possible to find somebody else who could do an adequate job of tracking the history of the Ombudsman's development over the last 20 years in Alberta. I just don't know of such a person.

MR. FOX: Is there someone here that's at the International Ombudsman Institute at the University? Isn't there somebody fairly high profile here?

MR. GOGO: Dr. Ivany, I think.

MR. ARCAND: Dr. Ivany, the former Ombudsman for Alberta, is connected with the International Ombudsman Institute. The moderator for our conference is Frank Jones, who is connected

with the University Faculty of Law as well and the International Ombudsman Institute, so we've got some representation here.

MR. CHAIRMAN: If we had a little committee that could sit down and develop up some ideas, that would really be great. Bob, with your experience, and John and Derek, could the three of you sit down and develop a strategy together and consult with me and Marcel? I'd really appreciate it. I know you all have work to do. It would be a matter of sitting down and developing some names.

MR. ARCAND: That would be most helpful from my point of view.

MR. CHAIRMAN: Meekison, the Constitution, anything. You're thinking it has to be somebody that goes over the history of the Ombudsman?

MR. ARCAND: No, I was basically responding, I think, to the comment that was made. Alberta is the first province to have an Ombudsman office, as we all know, and I suppose our history would parallel in many ways what's happening in other provinces. The question is: who can we find to do an adequate job of that?

MR. STEWART: I raised that, Mr. Chairman. I didn't really mean it in the sense of doing a history of the thing. I just think that we showed leadership before, and we should continue to show leadership in that area.

MR. CHAIRMAN: There should be an Albertan who's been involved in this 20-year process, really. Whether it's a newspaper editor or . . . There's got to be some people out there who'd just love to be invited and have an opportunity. Fred, you're caught in this. I know Derek -- not as chairman though -- but as past chairman and deputy speaker, the three of you, could you take a week? Could you meet sometime during the next few days? If we have ideas, could I ask . . . Bob, would you chair that?

DR. ELLIOTT: We'll meet with Marcel?

MR. GOGO: Perhaps Marcel could provide the parameters of what he'd like to see. Perhaps then we could seek out someone who could deliver what he would like to see.

MR. CHAIRMAN: And the others of us could contact you. Bob, if you were to take that on for me, I'd really appreciate it.

DR. ELLIOTT: Will do.

MR. CHAIRMAN: Thank you. So Derek and John and Bob, Bob as Chair. Marcel, will you catch some ideas over in to Bob as to what is needed? Thank you. I'm looking at our time. We will be as helpful as we can.

We've got a memorandum, and we've got a discussion letter. Maybe I should go to the discussion letter first, and that will be with Don Salmon. There's a letter here which was circulated before. I'll just remind you, it's the auditor Reid & Cameron, who have recently attended the office of the Auditor General to commence the internal office audit. There are no significant weaknesses, and "we have forwarded our statement of fees." I don't know if you want to comment on this, Don, or give us ad-

vice on this?

MR. SALMON: Well, as you realize, this is a new auditor. I guess they've only done it once or twice, maybe. But certainly they've been very co-operative with our staff, and we've been very pleased with their audit. So we really have no problems at all with them.

MR. CHAIRMAN: So you have received this recommendation?

MR. SALMON: Right.

MR. CHAIRMAN: And I would assume I pay a fee?

MR. SALMON: You pay the fee, and then I'll pay the fee.

MR. CHAIRMAN: All in favour of receiving the report for information?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Is there anything further, gentlemen, that we need to do with this before us as a committee? We may want to come back to this as we perhaps go through the summer and go through our process with the other committee. This is the report of the Ombudsman prior to his resignation, in which he made some suggestions. The basic suggestion, really, is that he felt: "reconsider the length of the term of appointment of the Ombudsman." I've indicated to the Speaker that we would certainly look at it. The Speaker referred it to us. He felt that a seven-year or 10-year term, nonrenewable, would be a more appropriate term than a five-year appointment with reappointment as an option. I don't know if the committee wants to discuss that today.

MR. GOGO: We've got five minutes, Mr. Chairman. What are the reasons?

MR. CHAIRMAN: I can't see a reason other than the comment here that he said that it may "free the Ombudsman's decisions from any inference" that he or she would be concerned about about the reappointment. I have no judgment, though, as to whether or not that's ever been a concern.

MR. FOX: What freedom does the committee have to . . .

MR. CHAIRMAN: It would have be a report of this committee to the House.

MR. FOX: What freedom would the committee have to jerk the chain of the Ombudsman if it was generally perceived that the person doing the job wasn't?

MR. GOGO: Well, it's called firing.

MR. CHAIRMAN: It's called disciplinary action, I guess.

MR. GOGO: It's called firing and honouring the contract, Mr. Chairman.

MR. CHAIRMAN: There's a clause in the contract.

MR. FOX: You know, I can appreciate Brian's reasons for recommending a longer term, but I'd feel really uneasy with that, although I don't have much experience in personnel administration. Maybe that's a standard sort of thing in similar appointments. Seven years is an awfully long time.

MR. GOGO: My view is four years, and it should be two years before an election, expiring two years after an election. That removes that consideration.

MR. MITCHELL: Does that mean you're not going five years this time?

MR. FOX: Never have.

MR. CHAIRMAN: Well, we've never had an Ombudsman not reappointed, and I've never known of any inference that anybody would ever have. I can't judge that, and this Ombudsman who wrote this was a two-and-a-half year, so it wasn't even a question.

MR. GOGO: Well, I wouldn't mind that coming back for further consideration. I haven't given it any thought. I just heard there was a recommendation.

MR. CHAIRMAN: So we'll put it over and . . .

MR. GOGO: Well, in fairness, I'd like -- and maybe Marcel could do this -- the statutes of the other provinces, what their terms are, and so on. I think, Mr. Chairman, we should have a work sheet as to what other jurisdictions . . .

MR. CHAIRMAN: Could you do that, Marcel, and give that to Louise?

MR. ARCAND: Yes.

MR. CHAIRMAN: That's excellent. Let's have an assessment of the Ombudsman appointments in the other provinces. Okay. I think that's it. Motion for adjournment?

MR. GOGO: So move.

MR. CHAIRMAN: John Gogo. All in favour. We're away.

[The committee adjourned at 1:24 p.m.]

