

[Chairman: Dr. Carter]

[3 p.m.]

MR. CHAIRMAN: Thank you, Mr. Miller, for showing up to make a quorum, and staff support systems for being here. David, thank you for coming along. We are going to have to update some other people. It may be that they got confused with their notices for the meeting that's happening at 3:30.

Very briefly, Bud, would you like to give a sort of quick resume of what we did when we went to the west coast?

MR. MILLER: Yes, thank you, Mr. Chairman. I did make a few notes, and they are very brief. Our trip to Vancouver and Victoria was very fruitful as far as the amount of information we got. I will start out by saying that when we arrived on Friday morning, arrangements had been made so that we met with Glen Bell, who is the solicitor for the Ombudsman and manages the Vancouver office. The Ombudsman's main office is located in Victoria; however, he spends two days a week in the Vancouver office. The office in Vancouver handles all the Vancouver complaints as well as those of the lower mainland.

It should be noted that there has been a steady increase in the number of complaints being filed, and that number is now close to 12,000. However, the largest number is in the field of the government insurance corporation.

The Ombudsman himself likes to see and approve all the letters being sent out. This is done basically so he is assured that replies from both offices are similar under similar circumstances. The Vancouver offices are very accessible and are at street level so that the handicapped or senior citizens have no problem gaining entry.

We met in the morning in the Ombudsman's office. Then we went out and had lunch together, following which we went back to the office for further discussions. On Saturday, the chairman and I reviewed the Ombudsman Act and some of the reports that were submitted by the Ombudsman to the Legislature. On Sunday, in Victoria, we had dinner with Mrs. and Dr. Karl A. Friedmann, the Ombudsman. I would have to say that we were very impressed by how dedicated and hardworking Mr. Friedmann is in his position. He is certainly a dedicated individual. Then on Monday we met again in the morning with Dr. Friedmann to discuss his role as Ombudsman and how the B.C. Act differs from the Alberta Act. It should be noted that the term of the Ombudsman in B.C. is for six years, versus five years for the Ombudsman in Alberta. Dr. Friedmann was the unanimous choice of the selection committee when he was appointed.

It should also be noted that a case involving the BCDC and the Ombudsman's office is currently pending before the Supreme Court of Canada, the results of which could well restrict the activities of the Ombudsman's office, and this was a concern to the Ombudsman. The B.C. legislation also allows the Ombudsman to undertake and instigate investigations if he feels they are necessary. As well, he can go into institutions without having a specific complaint, but just to conduct an inspection or an investigation.

Following the meeting with Dr. Friedmann, we met with Gary Shumka, the Attorney General's executive assistant, who introduced us to Ted Hughes. Mr. Hughes was formerly a judge in Saskatoon. He went to B.C. and is presently employed by the British Columbia government. Basically, Mr. Hughes' work is liaison between the Ombudsman and the bureaucracy, as well as providing legal advice to the government.

Following the meeting and lunch with Mr. Hughes and Mr. Shumka, we met with Garde Gardom, Minister of Intergovernmental Relations. It is interesting to note that he was the Attorney General when the Ombudsman was selected and that he carried the necessary legislation through the House. He generally was of the opinion that the legislation and the Ombudsman are working quite well in British Columbia.

Mr. Chairman, that's a brief overview of our trip out there.

MR. CHAIRMAN: Thank you, Bud. I guess for the purposes of the minutes, we should show that we now have a complete set of Ombudsman reports for British Columbia for 1980, '81, '82. In addition we have a complete set of the public reports, as well as the special reports of the B.C. Ombudsman. I think members of the committee will find those useful to scan; there's no way you can expect to read through all of that in the lifetime of the committee.

The other thing that was helpful about the trip is that it helped us very much to get into perspective what some of the overt and subtle differences are between the Ombudsman offices practised in British Columbia as compared to Alberta. One of the things in particular that I was interested in is how they would run the operation split in half between the two major cities, because I think that's one of the areas we need to examine in this province as we work towards finding a new Ombudsman. We can make additional comments on that another time when we have a full committee and some more time to work at it.

Would you be good enough to move the adoption of the minutes as circulated?

MR. MILLER: I so move.

MR. CHAIRMAN: Any disagreement? Seeing none, all in favor? Carried unanimously.

I met with David at the end of session, and we were able to bounce some ideas off each other with respect to the present search. David had been involved in the search for the Chief Electoral Officer. It is in that brief perspective that I asked him to meet with our Ombudsman to see if there was any other input with regard to the proposed advertisement. Then I had David go out and do all this work which is before us.

Would you like to comment on the document that is there, please?

MR. McNEIL: What I have on the first page is what I suggest we talk about today. The first item is the proposed staffing process. I've outlined a series of activities, some of which have already occurred. I've put some proposed dates here; nothing concrete, but I thought I would put them down just to give the committee an idea of what time might be involved. Meet with selection committee chairman to discuss approach: that's done.

One of my staff and I met with the Ombudsman and three of his staff last week, and spent about an hour and a half getting information from Dr. Ivany and the group on their perceptions of the role and responsibilities of the Ombudsman. After that meeting, we sat down and developed position and person profiles and a draft advertisement for the committee, which are in here.

I think the objective of today's meeting is to go over the advertisement as well as the profiles and come to some conclusion as to what should be in the advertisement and where it should appear, as well as agreeing with or modifying the proposed profiles. Between now and the end of the year, we would finalize the information package for applicants, which would consist of the position profile, the description of the position, and maybe some other information that we would have for them.

I would recommend that the advertising be done the first week in January. I checked that out with our ad agency and they support that recommendation, given the problem with readership over the holiday period and the difficulty with mail as well. Between the 9th and the 31st: receipt, acknowledgement, and preliminary screening of applicants by committee support staff — which we can talk about in further detail if you want to go into that — similar to what we did with the Chief Electoral Officer. I was involved in prescreening the applications, putting them in categories, and then delivering them to the committee and saying, here's who we think are the strongest candidates, the marginal

candidates, and the ones who don't appear to be acceptable.

Probably a couple of screening meetings to review those applications and the tentative categorizations that have been made; then, if we follow the same process as with the Chief Electoral Officer, some preliminary interviews with the strongest candidates for the purpose of getting more information on them and also making a preliminary judgment as to what their strengths and weaknesses might be, so that when the committee sees them they will have a better information base, besides a resume, on which to make a final judgment.

A meeting to review the results of the preliminary interviews and then, based on those conclusions drawn from that meeting or those meetings, final interviewees identified and interviews scheduled; then, with probably the top few candidates, the reference checking, possibly criminal record checks, credit checks, and academic record checks. Finally — I didn't put a date on it — a final decision meeting.

What is in your package is also a copy of the final report from the Chief Electoral Officer competition. I believe it's loose in there. It gives an idea of the process that was conducted for that particular search.

MR. CHAIRMAN: Do you want to just continue through, David, and then I will come back to this.

MR. McNEIL: Maybe the best place to start is to go to the advertisement. That is probably the key element that you deal with first.

MR. CHAIRMAN: Before that, though, thanks for having the books put together with the tab system. Who did them all? You did? Dear sweet lady, thank you. The legislation, the job description, the person profile, the advertisement, the approach procedures, and acknowledgement letters. That's great.

MR. McNEIL: Just to summarize, we put together this job description based on our discussions with Dr. Ivany and his staff and the review of the legislation. What this represents is a summary from the information we gathered of what the key elements and responsibilities of the job are, as well as a briefer description of the person, characteristics that we identified as the ideal candidate for the position.

The purpose of this particular document is that it be sent to all applicants, in a form similar to what we used with the Chief Electoral Officer. You might want to take a look at that. This is the package we used for the Chief Electoral Officer.

MR. MILLER: Was this the same job description that was used to advertise for the first Ombudsman?

MR. McNEIL: We couldn't find any of that. This is something we developed.

MR. MILLER: Because I have a bit of concern with — and it's probably at cross-purposes with what the Ombudsman thinks his role is.

MR. McNEIL: That's why I say this is a draft. I'm sure this is something that the committee wants to review and have their input on. This is just the first go at it.

MR. CHAIRMAN: Bud, we had this put together so we would have a working document to be able to tackle, individually and collectively as a committee, the background, that for the purposes of today's meeting we have this general overview of what is in the working documents, with a view to making any changes to the advertisement that we

might deem necessary. Then we can okay the advertisement, the advertising procedure, and get on with that. In the meantime, we have time to rework this material before it goes to any applicant.

MR. McNEIL: So we wouldn't need this until probably the middle of January. I thought it would be useful to have it right away so you could go at it.

MR. CHAIRMAN: I agree with you. I want some more time to work through that.

MR. MILLER: Yes.

MR. McNEIL: You will see that at the end, it also gives a brief summary of the kind of person, in terms of their personal qualifications, their technical/managerial qualifications, their managerial skills, and academic preparation.

MR. CHAIRMAN: That's pages 8 and 9.

MR. McNEIL: Pages 8, 9, 10, and 11.

MR. CHAIRMAN: This is what you developed after you had your discussion with the Ombudsman and his staff.

MR. McNEIL: Right, and after reviewing the legislation, the reports, and the information he provided us with. It's strictly based on that one and a half hour interview and what other information was available.

Just one question regarding the organization chart. The way it has been presented in some other organization chart manuals in the past, the Ombudsman reporting to the Speaker, I noticed in the latest organization chart manual that they have the Ombudsman reporting directly to the Select Standing Committee on Legislative Offices. I want to ask that question in terms of how it should be described. That's not a question that needs to be answered today, but I thought I would raise that point.

MR. CHAIRMAN: It's one of the questions of relationship which we came up against, were reminded of with each other on a previous weekend when we were at the west coast. The diagram without the select standing committee is correct for the original arrangement; then the other got added. Now we have to go back and do some analysis as to whether or not that supplants his access to the Speaker — a question to be raised in the minutes.

MR. McNEIL: The next, the person profile, is really a more detailed definition of the ideal candidate. Again, this is a draft based on some of the information that was provided in the advertisement run in 1973, as well as some of the discussions that you and I had, Dr. Carter, and also some of the information the Ombudsman provided, as well as information from a federal report I got from the Ombudsman's office that made mention very briefly of some of the characteristics that an Ombudsman should possess. Based on this person profile, the advertisement was drafted. The ad is right after the recruitment proposal. The recruitment proposal is saying, similar to what was done with Chief Electoral Officer, that the ad be placed in the major dailies in Canada, as well as major Alberta dailies and weeklies. This is what was used with the Chief Electoral Officer. When you look at the cost estimate, you may want to discuss that. I thought I would generate the costs on that total package of papers and get your reaction.

The other approach to recruiting candidates would be for individual members or the

support staff of the committee to make direct contact, either by telephone or the mail, of certain key individuals in the province whom committee members or other members of the Assembly might identify.

MR. CHAIRMAN: So in this section after the advertisement, the overall comments — on the next page we have the first draft of the ad, which is very much parallel to the Ombudsman ad of 1973, on about page 4. You also added to it that the appointment is for a five-year term and may be reappointed; salary dependent on qualifications and experience, rather than putting in a salary line like we did 10 years ago.

Are there any other major differences, additions, or deletions?

MR. McNEIL: No, other than in the second paragraph. I didn't quote the Act there; I made it a little simpler. I simplified the statement. I didn't use terms like "unjust", oppressive or improperly discriminatory". I basically just focussed on the complaints and responding to complaints from citizens.

MR. CHAIRMAN: The other addition is at the bottom. We had the suggestion from the Member for Edmonton Gold Bar, Al Hiebert, that we should give some thought to adding the names of committee members. That will allow other people access to these committee members if they so desire, for clarification or other information.

MR. MILLER: Mr. Chairman, maybe it's a stupid question, but would Ombudsman be classed as a sexist advertisement? Would somebody come forward and want it to be changed to Ombudsperson or some stupid thing like that?

MR. McNEIL: Actually we discussed that with Dr. Ivany. He said that there is no such word as Ombudsperson. In translation from the Swedish, it translates into Ombudsman. That's a generic term.

MR. BLAIN: This entire proceeding is under the Ombudsman Act.

MR. McNEIL: But that's a good point. We raised that with Dr. Ivany just in case it came up. I could see somebody raising it.

MR. MILLER: Yes.

MR. CHAIRMAN: You might also notice in that section that we ask to have some extra emphasis given to inviting female candidates. Let the record be shown that I avoided the word "solicitation".

MR. McNEIL: I suggested in my note that we get a list of various provincial women's groups and send a copy of the profile that we develop to the heads of those various groups, indicating that this competition is now running.

MR. BLAIN: That's a sexist approach. Are you going to do the same thing for men's groups?

MR. MILLER: That's why we call you Esquire.

MR. CHAIRMAN: On the proposed ad, we should make an addition towards the bottom of the page. We haven't put a deadline, because that will hamper us, so we worded it this way. But we had better put "by early spring 1984" so there is no misunderstanding.

MR. McNEIL: Do you want to go over the ad in detail, Dr. Carter?

MR. CHAIRMAN: I am going to have to go to the committee for comments to come back to us rather than deal with it today. But in general form, you have structured it to be quite similar to the previous, one and improved on it. So I think it has a general acceptance until we have a chance individually to go through it. Any comments can come back to the Chair; put that in the minutes. The chairman would like the comments by December 22.

MR. MILLER: David, have you got copies of the ads that were used by B.C. and Ontario, for example?

MR. McNEIL: No I don't.

MR. MILLER: I was wondering if there would be any merit in just more or less having ideas in case we missed something. It looks good to me, actually.

MR. CHAIRMAN: David, would you take us through the next section.

MR. McNEIL: The next section is based on the recommendation, which is really the same advertising recommendation that was used for the Chief Electoral Officer. That is the major daily and weekly newspapers in Alberta, and there are something like 100 of those; national dailies, including the Globe and Mail, the Winnipeg Free Press, and so on; and Alberta Report, the Western Weekly Law Report, and the Ontario Law Report. The total media campaign, based on that recommendation, is \$25,757.11, broken down, as you can see on the first page, in the various categories. There is another \$1,700 for production costs; in other words, what it costs to make prints of the ad to send to each newspapers so they have it.

MR. BLAIN: That's a very good price for that coverage. I recently had experience in advertising with a committee, and it cost us a lot more than that.

MR. McNEIL: That's not a great big ad; it would probably be a little bigger than the ad that was run. It would probably be about the size of this page.

MR. BLAIN: That was about the ad we ran, so that is a very good price. That is also considering you are holding back a 10 per cent reserve for potential increases.

MR. CHAIRMAN: Grant, if I might quickly update you on where we are. Dr. David McNeil is with us from Personnel Administration and was part of the Chief Electoral Officer process that you were involved with.

MR. NOTLEY: Indeed, I remember that from '77, was it?

MR. McNEIL: Yes, '77.

MR. CHAIRMAN: The documentation before you has been compiled by Peggy and others. We have gone through the minutes. The agenda gives you the overview of where we have been, and we have now gone through the section with respect to the person profile and the job description. I held a meeting with David about 10 days ago, and we worked through some of the general material. Then I asked him to meet with the

Ombudsman. So they met with the Ombudsman and staff persons there to help do some development and refining of the job description as well as the ad.

We can come back to the job description aspect another day as a committee, and I intend that we will, rather than going through all of that today.

MR. NOTLEY: Right.

MR. CHAIRMAN: But it gives us some working material to sort of plough through in the next week or so before the advertisement goes out.

We are now back at the section on the advertisement. On that first page you see the headings, the general comments. This time around we are going to do some additional targeting with respect to female candidates. On the next two pages we have the reworked Ombudsman ad. For comparison purposes, two pages later you have the ad of the 1973 search. The basic changes are that we have reworked the second paragraph so it doesn't read quite as abrasively — "alleged to be contrary to law, unreasonable, unjust, oppressive or improperly discriminatory".

Then down towards the bottom of the ad, it mentions the five-year term and "may be reappointed". We are not listing the salary at this time. Previously they put it in at \$30,000, or whatever. But we are going to put "dependent on qualifications and experience", so we have a little latitude. We are not going to do a deadline, in the sense of saying it's going to be March 1, but this paragraph here will give the overall view that we want to get it done as quickly as possible, and we will add "1984" behind "spring".

On the suggestion of Al Hiebert, we are going to add the names of all the selection committee. That way, if people out there want to make direct access to the committee, they may do so, even though they can do it the other way around. It's out there that they know that you're working on this, in addition to the three thousand other things you're doing. That's the general thing.

We are just over to the next section, with the heading of Intergroup. David has just been taking us through this overview of the number of newspapers in Alberta, the weeklies, some of the national dailies, and the other publications, and being able to put the ad out. Then we have various media sources listed after that. So that's where we are at the moment.

MR. NOTLEY: I guess that's the budget, David — \$25,000?

MR. McNEIL: That's what their estimate is for the placements we recommended, and that recommendation is based on the same approach that was used for the Chief Electoral Officer, where there was a strong emphasis especially on the Alberta weeklies. So some of the smaller newspapers in the province were used for advertising, as well as the major dailies.

MR. NOTLEY: Then the national — they will be listed here, will they?

MR. CHAIRMAN: Yes. After you get to the Lamont Elk Island Triangle, section C has Victoria, Regina, Winnipeg, Toronto, Montreal, Halifax, Fredericton, Vancouver, Saskatoon, Ottawa, Hamilton, Financial Post and Financial Times.

MR. NOTLEY: I see we have eight provinces. Would there be any merit in taking out small ads in St. John's and Charlottetown, so that in fact we have ads in every one of the 10 provinces.

MR. CHAIRMAN: Good, yes. In that respect, we should also add the two territories.

MR. NOTLEY: Yes, Whitehorse and Yellowknife.

MR. CHAIRMAN: That was a motion by Mr. Notley, which met with universal acceptance.

You might flip back to the beginning of the document, committee members, where we have the dates. In the time line there, halfway down the page, you see "Advertising", January 5 to the 7. That's what we would still be trying to aim at. David, perhaps you would like to comment once again as to why that is a better time to advertise than between now and Christmas, please.

MR. McNEIL: I guess there are two reasons. Between now and the new year, the mail system is notoriously slow, plus the readership of papers during that period of time is low. If people saw an ad next week, a lot of people would not have the time they need to put a resume together and send it off, whereas early in the new year it shouldn't be a problem.

MR. NOTLEY: Yes.

MR. CHAIRMAN: That immediately makes me think of one other thing on that ad. Where we say we want to have the appointment in place by spring of '84, do we want to add the fact that the new terms becomes effective September 1? How do you feel about that one? If you were to scan an ad and think about submitting an application for it — if you thought that the job was going to become vacant on March 15 you might apply now, but it might change your whole life situation. You might not apply if you thought if it was going to be for September 1, and vice versa.

MR. MILLER: Mr. Chairman, I was under the impression that some thought was being given to the appointment being made earlier than that so that the new Ombudsman could possibly attend the conference in Sweden.

MR. CHAIRMAN: The new Ombudsman will go, if he or she is able to go, that last week of June. But they won't officially be the new Ombudsman until September 1 because of the extension granted to the present Ombudsman until the end of August. We can't have two ombudsmen.

MR. NOTLEY: So you are saying that it would be fairer in the ad to say "commence duties on September 1"?

MR. CHAIRMAN: I am just raising it.

MR. NOTLEY: I think that's reasonable. It's an Act of the Legislature that has extended the term of the Ombudsman to September 1, so it is probably reasonable that we put that in.

MR. McNEIL: The only thing that that may do is cause people to slow down.

MR. NOTLEY: As long as the deadline for applications is clear within the appointment process.

MR. CHAIRMAN: That might be the way, that we just leave it the way it is. Then when we get applicants, we are going to do the follow-up brochure.

MR. McNEIL: We can put in the brochure that the Ombudsman would start September 1.

MR. NOTLEY: Yes, then that screens itself if people, for one reason or other, change their mind because of that extra three or four months. Mind you, I can't think that serious applicants would.

MR. CHAIRMAN: Okay, we will cover it that way, in the follow-up document.

Gentlemen, realizing that we were supposed to start another meeting five minutes ago, and realizing also that we should set a date when we as a committee can meet again — hopefully in early January — may the chair assume that we have general agreement on what we have discussed today and the general proposed time line?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you. If we might consult our date books then, is there any chance of getting together on Thursday in the first week of January, which I think makes it the 5th?

MR. NOTLEY: What were you thinking of, Mr. Chairman? In the morning or the . . .

MR. CHAIRMAN: At your convenience.

MR. NOTLEY: I don't suppose there would be any possibility of having a meeting in Calgary, would there?

MR. CHAIRMAN: It would be new and innovative. It would be fine by my wife.

MR. NOTLEY: The irony is that I am in Calgary that day, as it turns out. Any time during the day in Calgary would be fine if it could be fitted in.

MR. CHAIRMAN: Bud, can you make it into Calgary?

MR. MILLER: Yes.

MR. CHAIRMAN: We have John Thompson, who is Cardston. That might be easier for John. Then there is Al from here; he could come down.

MR. MILLER: Mr. Chairman, awaiting the schedule, the advertisement that is going in between the 5th and the 7th, I was wondering if we didn't want our meeting before the ad went out.

MR. CHAIRMAN: Like next week?

MR. McNEIL: The other problem may be the production of this document. It may take a couple of weeks to do it. We don't have to have it in this form necessarily.

MR. CHAIRMAN: But we don't need that while the ad is going out, do we?

MR. McNEIL: No, but in terms of when people send in their applications, we want to send that back as quickly as possible after we receive them.

MR. CHAIRMAN: Okay. Thursday, December 22.

MR. NOTLEY: That would be fine with me.

MR. MILLER: I'm okay then.

MR. CHAIRMAN: Here. That's when it is. What's your preference, morning?

MR. NOTLEY: Whatever. I'm in the evening before, so I'm fine. Whatever is most convenient for the other members, David, would be fine.

MR. MILLER: I'm easy, Grant; whenever it suits you.

MR. BLAIN: We will be minus a secretary on that occasion, but difficult as it is, we will manage.

MR. NOTLEY: Would it be easier for Al at a given time after — is he out of school at that point, the 22nd?

MR. CHAIRMAN: May we strike one o'clock as being an acceptable time and go from there? Okay. One o'clock, December 22.

MR. MILLER: Mr. Chairman, I was wondering if we shouldn't keep the 5th as a backup date in case there are other things we want to discuss. If Grant is making out his calendar and if it is going to be Calgary, we could more or less be thinking on that aspect, if needed.

MR. CHAIRMAN: Okay, tentative.

MR. NOTLEY: Yes, that would be fine with me.

MR. CHAIRMAN: So that might be one of the times that we can work on things and David wouldn't have to join us that day. The chair entertains a motion to adjourn.

MR. NOTLEY: So moved.

MR. CHAIRMAN: Thank you. All those in favor, please say aye. Carried. Thank you very much.

The meeting adjourned at 3:42 p.m.