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of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

31 Elizabeth II

Chairman
Mr. Andy Anstett
Constituency of Springfield



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	NDP
CORRIN, Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virten	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Gérard	Radisson	NDP
LYON, Q.C., Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Thursday, 4 March, 1982

Time — 10:00 a.m.

CHAIRMAN — Mr. Andy Anstett (Springfield)

MR. CLERK, Mr. Jack Reeves: Gentlemen, it's five after ten, I believe you want to start with the meeting.

The first order of business, of course, will be the election of your Chairman. Do I have any nominations?

MR. PETER FOX (Concordia): I move that the Member for Springfield be the Chairman, Mr. Chairman.

MR. CLERK: The Member for Springfield has been nominated. Are there any further nominations? Hearing none I would ask Mr. Anstett to take the Chair.

MR. CHAIRMAN: Our first item of business, gentlemen, is to set a quorum. The rules provide that a majority of the members shall constitute a quorum unless the Committee otherwise directs. What is your will and pleasure? Majority of 11 being 6? Is that agreed? (Agreed) So ordered.

With regard to the business before the Committee, the motion establishing the Standing Committees of the House included as an addendum to it, because of some uncertainty with regard to the statute, with the agreement of the two House Leaders, that this Committee would be the Special Committee referred to under The Ombudsman's Act, as well as being Privileges and Elections which is also referred to under the Act. My understanding of the purpose of this meeting is to consider the question of the appointment of the Ombudsman. Perhaps I should allow the Attorney-General to address that question.

MR. PENNER (Fort Rouge): Thank you Mr. Chairman.

I'm glad that we've cleared up what I'm now advised was an oversight when the amendment was introduced in 1980, and it was intended that it be Privileges and Elections. There wasn't a consequent change in the legislation to remove the former provision, that it be a Special Committee, and I think we're properly seized of the issue. In a sense it's up for grabs, that is, we, I think should decide as a Committee what we think to be the appropriate procedure for advertising, interviewing, and recommending, recognizing that it is the prerogative ultimately of the Executive Council, but it's on the recommendation of the Committee, and this Committee will play the key role.

In making a recommendation, it's my hope, as I'm sure it's the hope of all of you, that in fact we end up with a consensus. I think that's just going to take some work on our part and some care.

Perhaps we could begin by talking about advertising for the position. That begs, in a sense, a previous question as to the kind of person we are looking for and the qualifications. Whether we want to talk about that first before we talk about advertising, and why don't — I perhaps suggest to you, Mr. Chairman, maybe that is the best way, to talk first briefly about the kind of person that we're looking for.

Do we want someone who is a Manitoban neces-

sarily, is one question? What kind of experience and background are we looking for? Then in the context of that kind of free and open discussion, then look at the question of how to advertise and select.

MR. CHAIRMAN: Mr. Sherman.

MR. L.R. (Bud) SHERMAN (Fort Garry): Thank you, Mr. Chairman. Just a question, Mr. Chairman, have any draft ads been prepared, is there any concept for the advertising message that has been developed or is it the responsibility of the Committee this morning to construct and design that concept?

MR. CHAIRMAN: Mr. Sherman, if I can speak to that. An ad had been drafted, hoping to get preliminary approval, because it was felt that we should wait until the committee was established. I have asked the Clerk to have copies of that ad available for all members. I don't know if we want to proceed looking at the ad at this point, or wish to follow Mr. Penner's suggestion that we discuss qualifications first. Is it agreeable that we distribute the ad then?

MR. SHERMAN: Yes. A supplementary, Mr. Chairman, I don't think that the fact that a proposed ad has been drafted, compromises the position of the committee at all. My suggestion was going to be, it could be a starting point for exploring the kinds of qualifications that we are looking for.

MR. CHAIRMAN: Mr. Sherman, what I had done was spoken to the Clerk, who in consultation with the retiring Ombudsman, has drafted this ad, so it has been a contribution of those two individuals that you see in front of you now.

Mr. Graham.

MR. HARRY GRAHAM (Virden): Mr. Chairman, before we get into the actual looking at the qualifications of a man, I would like to ask the Honourable Attorney-General if there are any plans to change The Ombudsman's Act in any significant manner in the foreseeable future?

MR. PENNER: No, not in any specific sense, although to assist the Committee, I should point out one possibility, and it is only at this stage obviously a possibility.

One of the models that I am looking at with respect to freedom of information would have the Ombudsman play a significant role in the process, that where there would be an application for information that was turned down, one possibility is to have as the next recourse a reference to the Ombudsman. That is about all I can say, Harry, in answer to your question.

MR. GRAHAM: The reason I raised the question is that there has been in the past numerous questions that have come to the attention of the Ombudsman in which he was not qualified to act, and I am dealing specifically with The City of Winnipeg. The Ombudsman can act with any other municipal corporation

except the City of Winnipeg. I know there has been talks in the past about whether or not the City should have their own separate Ombudsman, because they do have a lot of problems that do require that type of service, or whether we should have a Provincial Ombudsman that should handle all the problems.

I was just wondering if the Honourable Attorney-General was aware of that. There had been some suggestions from the City in previous meetings of City Council that perhaps the province should be providing that service.

MR. PENNER: Yes, Mr. Chairman, I am aware of some of the discussions which has taken place. In fact, in some of the briefing material I have from the City of Winnipeg that issue has been raised. I am not here purporting to take a government position so to speak, in a sense, personally at this stage but it may be of some assistance. I'm not favourably disposed to the Provincial Ombudsman or Ombudsperson, perhaps, being involved with the problems in the City of Winnipeg.

The City of Winnipeg is a huge entity, institutionally speaking. I would like to see our own Ombudsman, perhaps, play a somewhat more activist role. Certainly, if our Ombudsman plays any kind of a role with respect to freedom of information, I think that person is going to have his or her work cut out for him.

I would hope that the City of Winnipeg ultimately does go the Ombudsman route, but I would think it should do it on its own. I can see certainly the reason why the Provincial Ombudsman services, in a sense, the other municipalities because it would be very difficult for them to retain an Ombudsman on their own. That is not the case with the City of Winnipeg.

MR. GRAHAM: One of the reasons that has been put forward in the past is that one of the main objectives of government is to serve people and when people have trouble in that service, the Ombudsman is the office that usually people go to when they have trouble with government service, and the citizenry of the Province of Manitoba are not as familiar with the activities of government as members around this table. The people do tend to get frustrated when they find the door is continually closed in their face and they're not able to get satisfaction or redress for their grievances. I'm sure many people, if they know the Ombudsman is there, they say, well, there he is, I've got a problem, it's with the City of Winnipeg, but why he can't he address the problem? They don't really care whether there's a different city government or a provincial government. There's a man who has been appointed to address the problems of the people of Manitoba in their dealings with government.

MR. CHAIRMAN: If I may take the liberty, Mr. Graham, I'm not sure that the matter that's been referred to this Committee deals with proposals for amendments to The Ombudsman's Act.

Now, I can see the case you're making probably as well relates to the kind of person we may wish to select for this position, but perhaps we may want to direct ourselves more to the matter that has been referred to us, the question of recruiting and selecting an Ombudsman.

MR. GRAHAM: It's not my intention to argue with the Chairman of the Committee, but I think that if there is any possibility of any changes, I think the Committee should take it into consideration when they're advertising for a position that is going to be held for the next six years. We have to take some of those things into consideration when you're dealing with the qualifications of the person, depending on the workload that is available to him and the scope of his activities. So I think it does have a bearing when you starting to talk about the qualifications of a person that you're attempting to hire for, not just for this year but for the next six years.

MR. CHAIRMAN: Mr. Fox.

MR. FOX: Yes, Mr. Chairman, I was going to suggest that the amendments that may be necessary for a future date can be discussed at another time and probably more expeditiously when we are concentrating on that at that time.

I believe the parameters that we should be looking at, and what our job is at the present time, is to make a decision in respect to an Ombudsman, the parameters within which he or she will work, and I'm certain that it will more than likely encompass anyone who would, if at a later date it was so designated, have to take care of the City of Winnipeg as an Ombudsman. That person's qualification, I'm sure, would grow with whatever responsibilities were assigned to that person.

I do recall when we made the appointment for the first Ombudsman, I was on that particular committee, we were groping our way but we made the parameters wide enough so that we would take care of as many contingencies or as many as possible of the contingencies that could arise. We didn't foresee everything, but I think the act and the person we picked were quite adequate. In fact, I think, I'd like to say at this time, that the person that was chosen has done a very very commendable job and I'm sure that will come up later in the debates in the Legislature at the appropriate time.

So, if we are to consider amendments I think we should consider them at some other time and concentrate on creating the parameters and getting the advertisement out, so that we can then have a choice of the people that we will have a look at and interview them and determine whether they have the capacity to eventually fulfill other eventualities that may arise.

MR. CHAIRMAN: Mr. Santos.

MR. CONRAD SANTOS (Burrows): Thank you, Mr. Chairman.

Certainly when we are looking for qualifications we base that on the duties and responsibilities to be assumed. There should be correspondence between qualification requirements of the job and the qualification of the man and to do that certainly in the last six years we have learned something about how the office operates. If we are contemplating some kind of a change, which will probably come about as a result of a new legislation like The Freedom of Information Act, naturally the office of the Ombudsman will change somewhat. In the situation where there was no Freedom of Information Act, he may have been doing

certain types of activities consistent with that context, but with another context, certainly his office and his duties will expand and I'm afraid the workload will be more; and therefore we should have a look again at the duties and the responsibilities.

MR. CHAIRMAN: Mr. Penner.

MR. PENNER: Well, I think there are two points that we have to consider; one is the timeline, the Act says that when the office of the Ombudsman is vacant the Lieutenant-Governor-in-Council shall appoint an acting Ombudsman, so I suppose that if it takes us longer rather than shorter, that's what will happen.

My own preference would be for us to fill that position as soon as possible with the person who will in fact be the Ombudsman for the next six years, and that if we were to wait for things to happen which may never happen, which are speculative, I don't know, no one knows; how can anyone state at this time whether or not we will even have a freedom of information bill, that depends on the Assembly ultimately, or what form it will take.

But, let me make a general comment. It seems to me that the qualifications remain the same and the duties may become onerous, that if this person were, for example, to be the Ombudsperson for the City as well as the Province, to have to deal with the question of the action of an official of a department in refusing information and contend with that, the duties would not be that dissimilar from what duties are now, they would be somewhat more onerous.

I would hope that one of the things we bear in mind is the fact that it is likely that the workload will increase, and we want to find someone who is capable of carrying a fairly heavy workload. But subject only to that, I think we want the kind of person that we have confidence in, in whom we can have confidence, who is able to act between the citizen and government in terms of complaints that cannot otherwise be addressed through other processes.

MR. CHAIRMAN: Mr. Ransom.

MR. A. BRIAN RANSOM (Turtle Mountain): Mr. Chairman, irrespective of anything that has been said about qualifications, the advertisement itself doesn't in any way deal with qualifications and so I think we can proceed with deciding upon an advertisement and give thought later to the type of activity that the Ombudsman might be subsequently involved with.

With respect to the advertisement itself, and further to a point that you raised earlier, I think that it would be highly desirable that the Ombudsman would be a Manitoban. Now, I am not sure what kinds of problems that creates these days in trying to say that we want a person from Manitoba, but I would suggest that to begin with we simply place our ad within Manitoba.

MR. CHAIRMAN: Mr. Fox.

MR. FOX: Apropos to that, I note the comment by the Attorney-General about human rights. I think that the final selection will be by this Committee, so therefore I don't think we have to cross every "t" and dot every "i" and put ourselves someplace out on the fence about

human rights or any other issue. The parameters will have to be determined by us when we get the applications and see whether people fall within those parameters. Otherwise, I don't know how else you can proceed because there is no committee that I am aware of that can come up with all of the points that they want to have when they are selecting a particular person. There is something that will be overlooked and we just have to proceed on the assumption that we will make a wise decision when we have a number of applications before us.

MR. CHAIRMAN: Gentlemen, if I may, for purposes of expediting the business of the Committee, could we possibly agree as to how we wish to proceed to consider this business before us.

We are talking about, where we advertise, what will be in the ad, consideration later on. Perhaps we can handle these items one at a time and deal first of all with the ad, then with the deadline, and then with where we advertise, and address each of these questions individually.

Mr. Penner was next.

MR. PENNER: Well, I was going to address the point raised by Mr. Ransom, but I am willing to wait on that if you have invited us to consider the contents of the ad.

First, I am quite willing to do that and let me raise a question with respect to the contents, which otherwise don't appear to raise a problem and that is, what if anything should be said in the ad about remuneration? Some signals should go so that those, who may not be familiar, have an indication of what the range is, and I'm not sure, Mr. Clerk, perhaps you have that information, or Mr. Chairperson?

MR. CHAIRMAN: Mr. Penner, the suggestion that was made in consultation with Mr. Ransom and yourself earlier, was that the phrase immediately above the words "Applications with resume to be submitted to," be inserted as follows: "Salary is in the range of \$43,576 - \$52,660 (Senior Officer 3- negotiable). That was the suggestion that was made.

Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I think there is probably a complete paragraph that may well be missing from the proposed ad as drafted. I think the Attorney-General's point is very well taken that the salary range should be specified. You've already advised the Committee that consideration has been accommodated.

I think there should be reference to the fact that this appointment is a six-year appointment or is an appointment for a six-year term, so that the applicant knows what he or she is pursuing in the way of permanence.

There should certainly be a deadline date specified, and I agree with my colleague, Mr. Ransom, that if there is some way it can be done without risking violation of The Human Rights Act that there should be a strong suggestion that preference will be shown to those with an experience of life, affairs, and activities in the Province of Manitoba. That does not rule out somebody that now lives in Nova Scotia, but who has some knowledge of the Manitoba dynamics.

I think there should be a signal or two with respect to the interest in orientation of the person who is interested in applying for the position, such as an experience or knowledge, or knowledge of/or interest in regulations and in individual positions of citizenship, bureaucracy relations between citizens and government, that kind of thing.

So I think there's a paragraph, and I'm not proposing that we should attempt to draft it at this meeting this morning, but I think there's a paragraph that should be inserted, that should encompass some of those considerations so as to indicate more clearly to those applicants who may or may not be interested depending on how they read the ad, what it is we're looking for, and more importantly what it is that they're getting into, and what it is that will be expected of them.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, I note that you had brought forward a suggestion on the salary range. I believe it is not the — according to the Act, does it fall within the jurisdiction of this Committee to set the salary? I believe that the legislation is very clear on that matter and the salary is set by the Executive Council, not by the Committee at all.

MR. CHAIRMAN: In answer to you, Mr. Graham, the salary that I quoted was the present salary and classification of the position and that is why the word "negotiable" was added so that the Committee would feel free to make recommendations to Executive Council on that matter.

Mr. Penner.

MR. PENNER: Yes, Mr. Chairman, with respect then to the three questions which are floating; one, salary — I think that it is good to signal a range but to put "negotiable." It's quite likely in today's market that when we find the person we really want, we're going to be paying more than \$53,000.00. I think we should recognize that as a possibility and that's why "negotiable" gives us the leverage and the Executive Council will, once the person is selected, fix a salary in accordance with the Act, so that the two approaches are not in contradiction.

I agree with the Honourable Member for Fort Garry that we, perhaps, should add a paragraph and use words and then we don't have to draft here like "knowledge of the operations of Manitoba Government institutions preferable" — things of that kind or "desirable," the type of thing that one usually sees rather than putting it as a *sine qua non*. It's a desirable sort of thing to have if you're going to apply.

Again I agree further with a point made by Mr. Sherman; namely, that we may find people who have that kind of background anywhere in Canada and that seems to me to invite us to advertise not only in Manitoba papers but in one or two of the national papers, The Globe and Mail, certainly where it can reach some of the other people that we might want to have apply, people who are working, let's say, in the Federal Government but who come from Manitoba and have a background in Manitoba political life and knowledge of Manitoba political institutions.

MR. CHAIRMAN: Mr. Santos.

MR. SANTOS: I have drawn up a sentence that may satisfy the suggestion of the MLA from Fort Garry.

It reads, "The Ombudsman shall be expected to possess adequate familiarity with the relationship of citizens and bureaucracy, particularly in the context of public affairs in the Province of Manitoba."

MR. PENNER: Well, if you will perhaps pass that suggestion on and, perhaps, I agree you can't draft in Committee; maybe Mr. Ransom and I can meet taking the suggestions of the Committee at some point in the next day or so and come up with a consensus.

MR. CHAIRMAN: Can I ask if the Committee is agreed that the ad as circulated with an amendment to provide for a statement with regard to salary and an additional sentence or sentences to make reference to six years knowledge of Manitoba and relations between citizens and government may be finalized between the House Leaders as the ad we will use. Agreed? (Agreed)

Is the ad at that point satisfactory to members? —(Interjection)— I was going to ask that as the next question. What would you wish? If the ad is satisfactory, can we then proceed to a deadline date.

Mr. Graham.

MR. GRAHAM: Mr. Chairman, before we make it, or it leaves the impression that agreement was unanimous, I have to register my concern about having the salary mentioned. If it was a majority agreement, I just want it recorded that I have some reservations about mentioning the salary.

MR. CHAIRMAN: Mr. Penner.

MR. PENNER: Well, I'm not uptight about that. There is the alternative of saying "salary negotiable" and that wouldn't bother me if there was a Committee consensus about that. I suppose . . .

MR. SHERMAN: They are not going to apply for it though if your idea of negotiable is \$20,000 a year.

MR. PENNER: That's the problem and the thought was that by mentioning an existing range, we give an idea of some bottom level and if we say "negotiable," there is a signal that that is precisely what that is and that is just the bottom line in a sense. We want to encourage applications, not discourage them.

MR. CHAIRMAN: Mr. Fox.

MR. FOX: Are you saying that we just put in the bottom line and not the top line.

MR. CHAIRMAN: Mr. Penner.

MR. PENNER: No, no, no, no, no. I mean that the range the range itself is the bottom line. I can go with what we've proposed up to this point — salary in the range of, negotiable, salary in the range of \$43,000 - \$52,000, negotiable.

MR. FOX: You're not going to negotiate downwards,

you're going to negotiate upwards.

MR. CHAIRMAN: Mr. Fox.

MR. FOX: I am saying you are not going to negotiate downwards, you're going to negotiate upwards, so therefore you're \$53,000 becomes your bottom limit for negotiations.

I would be prepared to put the "negotiable" in there if we started with a bottom limit and determine whatever we start with, but if you put in top and bottom, then your top one becomes your negotiating start and I think we're defeating our purpose.

MR. CHAIRMAN: Mr. Santos.

MR. SANTOS: The range implies a floor and a ceiling, so if we follow the suggestion from Peter, we need only to put the floor, but having a classification of Senior Officer III is a warning that there is a ceiling.

MR. CHAIRMAN: Mr. Ransom.

MR. RANSOM: Why don't you just say, Mr. Chairman, salary negotiable, incumbent salary such and such.

MR. CHAIRMAN: Mr. Penner.

MR. PENNER: Yes, that's a good approach. That, perhaps, is the best approach. That is, "salary negotiable" and then in brackets or however it's done, "the incumbent is presently in the position of . . ."

MR. FOX: Senior Officer III. Okay, no numbers.

MR. CHAIRMAN: The suggestion is as Mr. Penner has stated. Is there any further discussion?
Mr. Ransom.

MR. RANSOM: Well, I hate to prolong this, but Mr. Fox said no numbers. In this day of freedom of information, surely there's nothing wrong with saying how much the present person is getting paid.

MR. CHAIRMAN: If we are going to have your comments in the transcript, I would appreciate it if members would wait for me to recognize them. I realize we want to have an easy exchange but the recorder will have difficulty if he does not know to turn your mike on.
Mr. Graham.

MR. GRAHAM: Mr. Chairman, the reason I had some concern about mentioning salary, we may very well prevent some very well qualified people from applying if they knew that there was just, say a top of \$52,000 on it. We want the best people available to be encouraged to apply.

MR. CHAIRMAN: Is the suggestion made by Messrs. Ransom and Penner acceptable then? "Salary negotiable, present incumbent Senior Officer III" and the range? Agreed? (Agreed)

Can we move then, gentlemen? I take it we have a consensus on the ad. Can we move to the question of a deadline date? Are there any recommendations?
Mr. Graham.

MR. GRAHAM: Mr. Chairman, I don't believe that was the suggestion of Mr. Ransom. I thought he said, salary negotiable and at present incumbent is receiving X number of dollars.

MR. CHAIRMAN: I may not have had the wording exactly right.
Mr. Penner.

MR. PENNER: Well, on the deadline, let's just look at the process. We have to get final agreement on the wording of the ad itself; that won't take more than a couple of days. By the time you get it out to your papers and get it advertised, one would think at least twice, perhaps more — that can be discussed — we're well into the middle of the month. The time line, in terms of inviting replies should be adequate so that persons can consider and it can be brought to the attention one way or another, should not probably be less than two weeks, perhaps longer — given the state of the mails — three weeks. We would then have to consider, we're about the end of March by the time we, perhaps the first week in April by the time we get all of the applications. The committee would have to have a system of processing and getting it down to the number of people we would want to interview. We would have to set up a system of interviews and, following the interviews, leave time for the committee to hassle the matter until we could come hopefully to some consensus.

In terms then of the deadline date of the ad itself, I would suggest that it be the 1st of April, that applications to be received by the 1st of April, that we just suggest that for the purposes of discussion.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, we're talking about a pretty senior position. You're talking about people that those that apply, we hope, are people that are presently employed. They would probably want a little longer to think about it. I would suggest probably the middle of April or even the end of April would be a proper time. It's a pretty serious position and I think you have to give a person an opportunity of serious consideration.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I'd like to ask the Attorney-General to consider a deadline date of April 15 for applications; not the least of my reasons being that we want presumably to consider the applications and the format for organizing the interview process and within a very few days we will be going into the Estimates process in the House and certainly for the initial while, at least, I would think there would be some fairly heavy commitment on the parts of some of us.

Mr. Graham's point also, I think, deserves consideration. I recognize the desirability of getting on with it, but I don't think it would be unreasonable to say April 15.

MR. CHAIRMAN: I take it from Mr. Penner's gesture that April 15 is acceptable. Is there any further debate

with regard to the deadline date? That April 15 is agreed as the deadline for the receipt of applications? (Agreed)

The next item under the process that I suggested would be to discuss the advertising format and where we wish to place ads and the frequency of those ads. Are there any recommendations with regard to that matter? I had asked the Clerk to check with the Advertising Audit Office which normally does this type of advertising and the suggestion from them was that we advertise in the Winnipeg Free Press, the Winnipeg Sun, the Brandon Sun and the Toronto Globe and Mail on a two-insertion basis and Mr. Ransom, in addition to that, suggested that we also advertise in the Manitoba weekly papers. Do we have any discussion on that question? Is that suggestion agreeable if there is no . . .

Mr. Penner.

MR. PENNER: Well, just on the weeklies, the Manitoba weeklies, how many of them are there? It seems to me that there's a very large number, is there not?

MR. SHERMAN: Approximately 80.

MR. PENNER: Eighty. I think that's going to involve us in significant expense for very little. It seems to me that between the Free Press, the Sun, the Brandon Sun, and the Globe and Mail that it's hardly likely, plus the publicity that the whole thing is going to receive in any event, that anyone of significance who is interested is going to miss.

MR. CHAIRMAN: Mr. Ransom.

MR. RANSOM: Well, Mr. Chairman, I hardly think that an expenditure of a few hundred dollars to see that all the citizens in Manitoba have a chance to see the ad would be out of line and surely is not planning more than the two column ad, a few inches long, and that on an average in a rural newspaper probably would run at maybe \$35 or \$40 an insertion.

MR. CHAIRMAN: I'm advised, gentlemen, by the Clerk that the cost of an insertion in the size that would be appropriate for this ad would run in the range of \$2,000 to \$3,000 to cover all of the rural papers. Twenty-two hundred dollars the Clerk advises is the cost the last time that something like this was done.

MR. PENNER: What last time was that?

MR. GRAHAM: Mr. Chairman, I believe that government either collectively or by department has advertised probably 20 or 30 times per year in the weekly newspapers; they have never seemed to worry about the cost of it before. I don't think a matter of this importance should be missed by the citizenry of Manitoba, especially when we find that if the Ombudsman is going to be dealing not with problems in the City of Winnipeg but primarily problems outside of the City of Winnipeg and the dealings with government.

MR. PENNER: Of course if there is any concern and there is some, it's been expressed that we may miss

some people by not advertising in the Manitoba weeklies, then let's do it.

MR. CHAIRMAN: The suggestion then that appears to have agreement is that we make — I heard reference to two insertions in the Winnipeg Free Press, the Winnipeg Sun, the Brandon Sun, the Toronto Globe and Mail and the newspapers that comprise the Manitoba Weekly Newspaper's Association, which I think is 80 or 90, the Clerk advises.

Mr. Ransom.

MR. RANSOM: I would have no objection even if it only appeared once in the weeklies because that's something that people tend to look at a little more closely than you do a daily.

MR. CHAIRMAN: Is that agreeable? One insertion in the weekly newspapers, two insertions in the four daily newspapers that were referred to.

Mr. Graham.

MR. GRAHAM: Mr. Chairman, with respect to the two insertions in the national papers, I think we should maybe consider whether it would be more advantageous to have them in consecutive weeks or whether you want a week in between. If we ran them in, say the second week in March and the end of March, whether there be two weeks or one week in between.

MR. CHAIRMAN: Mr. Penner.

MR. PENNER: Why don't we leave that up to the advertising people? I don't know what the answer to that question is. I'm sure they do.

MR. CHAIRMAN: Is that agreed? (Agreed)

We have then, I believe, concluded the discussion of the ad to be placed subject to the two House Leaders agreeing on an inserted paragraph?

What is your will and pleasure with regard to further discussion on the process for the appointment?

Mr. Penner.

MR. PENNER: Is there anything we think can be gained by discussing it further today? Why don't we have for the next, say, ten minutes a preliminary round to just get some ideas on the table that we can discuss later as to the process, what we will do with the applications when we receive them. Will there be any initial screening done by, say, people in the Civil Service although it's not a Civil Service appointment? I would think perhaps not; I think this Committee should have a look at every application and decide at that stage of some preliminary criteria for screening and beginning to work down towards a short list.

That's just a preliminary thought for discussion.

MR. CHAIRMAN: Further discussion on that point?

Mr. Sherman.

MR. SHERMAN: Mr. Chairman, I would like to suggest that if nothing else that the redrafted ad be circulated to the Committee. It's not, I think, necessary that the Committee have to meet formally again unless someone has any particular objections in which case

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they can go to either the Government House Leader or the House Leader of the Opposition, both of whom are members of this Committee, but I do think the redrafted ad should be drawn and circulated to all members of the Committee.

I'm not against a further meeting to discuss procedures and mechanics, but I think it might be a little bit redundant. What we want to do is advertise on the basis of a message with which we're all going to be in concert and then wait for the applications to come in, and as they start coming in, no doubt, you as Chairman or the Government House Leader will schedule a meeting of the Committee to discuss the process by which we're going to go through those applications and the subsequent process of scheduling interviews. I don't, at this stage, at first blush, see that anything else is necessary, but I'm certainly amenable to the will and disposition of the Committee, obviously.

MR. CHAIRMAN: Mr. Fox.

MR. FOX: Well, Mr. Chairman, since we're going along so amiably, I would like to suggest that I have a lot of confidence in both House Leaders that they do at least a preliminary culling of the applications, because we may get 40 or 50 and I see no necessity of this Committee going through 40 or 50. Maybe they could bring it down to a dozen or so by consensus and then the Committee could look at the remainder and start to get down to a final decision. That's just a suggestion.

MR. CHAIRMAN: If I may, as Chairman, offer one comment on how this procedure was followed in another Legislature. The Alberta Legislature in 1977 had a Select Committee of the House to select an Officer of the Legislature and in that instance a professional recruitment officer from the Civil Service Commission was requested by the Committee to provide the kind of advice on screening and provide for the payment of accounts and processing of accounts for people who were requested to travel to the Committee meetings to be interviewed, and was the liaison person between applicants; otherwise, all applicants will end up calling the Chairman for information about the progress of the Committee.

Mr. Penner.

MR. PENNER: I have no objection to utilizing the services of experts in the field, but I'm not so sure it's entirely necessary in this instance. One process with which I'm familiar would be as follows, that when we have the applications, and I expect there may be considerably more than forty but, whatever number, there'll be a substantial number, that every member of the Committee should receive a complete list of those who have applied. The House Leaders can meet and do a preliminary and see if there's a consensus on the number of persons they think are those that should be discussed to begin with by the Committee but, any member of the Committee — and that can be circulated to the Committee — but any member of the Committee should be free to say, well I think I would like to add X or Y on the preliminary list for discussion. Then you have your preliminary discussion on the basis of criteria that are developed as we're doing that

and look to the shorter list for interview through that process.

I think I would worry about, whether it was myself or anyone else, having the responsibility of saying to the Committee, "Well, these are the ones that you will consider and no others." I think the way in which it can be done, everyone gets the full list, brief description and the suggestion of those that we should be discussing in Committee. Any member of the Committee can ask for an add-on. At that point, the resumes of those that we're going to discuss are distributed.

MR. CHAIRMAN: Mr. Ransom.

MR. RANSOM: I think that's generally acceptable, Mr. Chairman, this is necessarily going to involve a lot of judgment. It's not possible to establish hard fast guidelines that say that a person that has those qualifications is capable of being Ombudsman or not, so it is going to involve some judgment and I think the process that Mr. Penner has outlined is one that we can proceed with on a preliminary basis.

I think also that your statement about the procedure that was followed in Alberta perhaps warrants some attention here, because there will be some administrative details that are going to have to be taken care of and I don't imagine that you want to receive all the calls or be responsible for handling them.

MR. CHAIRMAN: Thank you, Mr. Ransom.

I'm also concerned that with the House in Session, we don't want to place that burden on the Clerk of the House either.

Mr. Graham.

MR. GRAHAM: Mr. Chairman, I think it would be desirable also that as applications are received that a letter should go to that applicant from the Clerk of our Committee advising him that we have received his application, that it is a Committee of the Legislature, and it may take some time for that Committee to process all the applications, so the person that has applied will understand that it may be three or four or five weeks before we get down to a final decision.

MR. CHAIRMAN: Mr. Graham, I certainly concur in your suggestion.

If I can advise the Committee, Mr. Reeves has just advised me that he is willing to offer the services of Mrs. Carmen DePape, the Clerk of Committees, to assist the Committee in looking after those administrative details in terms of letters of reply, handling of accounts, so we will not have to go elsewhere for those services, if that's agreeable. Agreed?

MR. SHERMAN: In other words, Mr. Chairman, Mrs. Carmen DePape has just volunteered for the job.

MR. CHAIRMAN: Well, I think Mr. Reeves has just volunteered Carmen.

Is there any further discussion then with regard to process? I have one point which, if I may as Chairman, raise. Because this is a personnel matter of some sensitivity, the Committee may want to address itself as to whether future meetings should be held in camera.

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MR. PENNER: At the time when we're actually dealing with selection, I think that would be appropriate but until such time, not necessary.

MR. CHAIRMAN: Any further discussion?

I will entertain a motion to adjourn this meeting of the Committee.

MR. SANTOS: I move this meeting adjourn.

MR. CHAIRMAN: Mr. Santos. Agreed? (Agreed)
Thank you, gentlemen.