

Legislative Assembly of Alberta

The 31st Legislature First Session

Select Special
Ethics Commissioner and Chief Electoral Officer
Search Committee

Tuesday, December 19, 2023 9 a.m.

Transcript No. 31-1-1

Legislative Assembly of Alberta The 31st Legislature First Session

Select Special Ethics Commissioner and Chief Electoral Officer Search Committee

Yao, Tany, Fort McMurray-Wood Buffalo (UC), Chair van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC), Deputy Chair

Dach, Lorne, Edmonton-McClung (NDP) Dyck, Nolan B., Grande Prairie (UC)

Irwin, Janis, Edmonton-Highlands-Norwood (NDP) Petrovic, Chelsae, Livingstone-Macleod (UC)

Pitt, Angela D., Airdrie-East (UC)

Sabir, Irfan, Calgary-Bhullar-McCall (NDP)

Stephan, Jason, Red Deer-South (UC)

Wright, Peggy K., Edmonton-Beverly-Clareview (NDP)

Public Service Commission Participants

Julie Barron Executive Search Consultant, Executive Search

Trish Mills Director, Executive Search

Support Staff

Shannon Dean, KC Clerk
Teri Cherkewich Law Clerk

Trafton Koenig Senior Parliamentary Counsel Nancy Robert Clerk of *Journals* and Committees

Jody Rempel Committee Clerk

Rhonda Sorensen Manager of Corporate Communications
Christina Steenbergen Supervisor of Communications Services

Lyndsay TischerDirector of Human ResourcesJanet SchwegelDirector of Parliamentary ProgramsAmanda LeBlancDeputy Editor of Alberta Hansard

9 a.m.

Tuesday, December 19, 2023

[Mr. Yao in the chair]

The Chair: All right, then, everybody. Good morning. I'd like to welcome members, staff, and guests to this meeting of the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee.

My name is Tany Yao, the MLA for Fort McMurray-Wood Buffalo and chair of this committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, starting on my right.

Mr. van Dijken: It's Glenn van Dijken, the MLA for Athabasca-Barrhead-Westlock.

Mrs. Petrovic: Chelsae Petrovic, MLA for Livingstone-Macleod.

Mr. Dyck: Nolan Dyck, MLA for Grande Prairie.

Ms Pitt: Angela Pitt, MLA, Airdrie-East.

Mr. Stephan: Jason Stephan, MLA, Red Deer-South.

Ms Wright: Peggy Wright, MLA, Edmonton-Beverly-Clareview.

Mr. Dach: Lorne Dach, MLA, Edmonton-McClung.

Member Irwin: Janis Irwin, Edmonton-Highlands-Norwood.

Ms Barron: Julie Barron, executive search, Public Service Commission.

Ms Mills: Trish Mills, executive search in the Public Service Commission.

Ms Tischer: Good morning. I'm Lyndsay Tischer, director of human resources for the Legislative Assembly Office.

Ms Steenbergen: Christina Steenbergen, supervisor of communications for the LAO.

Ms Robert: Good morning, everyone. Nancy Robert, clerk of *Journals* and committees.

Ms Rempel: Good morning. Jody Rempel, committee clerk.

The Chair: Perfect.

A few housekeeping items before we turn to the business at hand. Please note that the microphones are operated by *Hansard*, so members don't need to turn them on or off. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Please set your cellphones and other devices to silent for the duration of the meeting.

Before proceeding further, as this is the first meeting of this committee, I'd like to discuss remote participation in committee meetings. As many of you know, section 6 of the Legislative Assembly Act permits participation in a committee meeting by means of telephone or other communication facilities that permit all members participating in the meeting to hear each other if all members of the committee consent. Our committee meeting rooms are equipped to facilitate meeting participation by telephone and videoconference. If this is something we want to permit, then this committee may wish to pass a motion, which needs to be passed unanimously, to approve remote participation by members for the duration of our mandate. I'd note that such a motion would not preclude the committee from determining that in-person attendance

at specific meetings is required. In those cases a motion would be considered at the end of a particular meeting requesting the attendance in person of the members at a subsequent meeting.

With that, would a member like to move the following motion, that will magically appear?

Mr. Sabir: So moved.

The Chair: Irfan, you're currently dead to us right now until we pass this motion.

Mr. Sabir: That's why I was rushing to move it.

The Chair: Now, I believe Mr. van Dijken had his hand up first. Please, if you want to read that out, sir.

Mr. van Dijken: I'd make a motion that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee consent, for the purpose of section 6 of the Legislative Assembly Act, to remote participation by any member in the committee's meetings held at the designated committee meeting rooms in the Queen Elizabeth II Building during the 31st Legislature unless the committee carries a motion in advance of a meeting that remote participation of members is not permitted at that meeting.

The Chair: With that, any comments, questions, queries?

If not, all in favour of this motion? All opposed?

The motion is carried unanimously.

With that, members participating remotely should ensure they are prepared to speak or vote when called upon, and videoconference participants are encouraged to have their cameras on if possible when speaking.

Members participating remotely may now introduce themselves. With that, the Member for Calgary-Bhullar-McCall.

Mr. Sabir: Irfan Sabir, MLA, Calgary-Bhullar-McCall.

The Chair: Thank you very much for that.

Ms Sorensen.

Ms Sorensen: Rhonda Sorensen, manager of communications services. I'm sorry I wasn't able to join you today; a flat tire prevented me from being there.

The Chair: All right. Car issues. Got you.

Well, with that settled, I'd like to draw everyone's attention to the draft meeting agenda. Would anyone like to propose any amendments? Would a member move a motion to approve the agenda if there are no concerns?

Okay. With that, Mr. Glenn van Dijken moves the motion that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the proposed agenda as distributed for its December 19, 2023, meeting.

I'll only ask the question once: is anyone opposed to this?

Ms Robert: It's not a unanimous thing.

The Chair: Got you.

All right. First off, is everyone in favour of the said motion? Anyone opposed to the motion? The motion is carried. Thank you so much for that.

All right. Search committee orientation. Like the standing committees of the Assembly, the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee operates according to instructions from the Assembly, by rules provided in standing orders, and by established practice. In this case

the mandate of the committee is provided in Government Motion 15, which was agreed to by the Assembly on December 5, 2023. Our job is to look for the best candidates to fill the positions of Ethics Commissioner and Chief Electoral Officer and then make our recommendations to the Assembly. Once we've made our recommendations, our mandate is complete. Are there any questions regarding the committee's mandate? All right.

Although we have already introduced ourselves for the record, I'd like to take a moment to provide committee members with some additional information about those joining us at the table and about the support available to us during the search process. From the Public Service Commission I'd like to welcome Trish Mills, the director of executive search services, and Julie Barron, executive search consultant. The team in executive search have generously agreed to provide us with professional support for the duration of our mandate. Trish and her team have assisted many of the search committees over the years, and I know that some of the members on this committee have had the opportunity to work with them both on previous searches and would attest to the high-quality work that they do.

Of course, we also have significant support from the Legislative Assembly Office, including Shannon Dean, the Clerk of the Legislative Assembly; Teri Cherkewich, Law Clerk; Lyndsay Tischer, director of human resources; Rhonda Sorensen, Christina Steenbergen, and their colleagues in communications services; and, of course, there are all those other people that are working hard behind the scenes, including venue services, information technology and broadcast services, Legislative Assembly security services, and *Hansard*.

As most of us are new to the search process, I'd like to review some of the practices that have been adopted by previous search committees and consider whether they should be adopted by this committee. It is important to have this conversation now, not only for the benefit of committee members but so that potential applicants are aware of how their personal information will be handled

First of all, I'd like to address the issue of substitutions. The standing orders allow for an official substitute to be designated to participate in a committee meeting. However, in order to ensure continuity and fairness for all candidates during the recruitment process, the members of the previous search committees have agreed amongst themselves not to appoint substitutes once the selection process begins. The process has worked well for previous search committees, but I'll leave it to the discretion of this committee as to whether we will plan to take a similar approach. Does anyone have any thoughts on this practice?

Member Irwin: Just letting you know you've got another MLA joining.

The Chair: Ah. Absolutely. Ms Johnson, could you introduce yourself there for the record, please? Jennifer, Lacombe-Ponoka, are you able to introduce yourself for us, please? We'll catch up with her later on there.

Does anyone have any concerns or thoughts on the practice of no substitutions? Any concerns? Questions?

Member Irwin: Can I just clarify, then? So it means that, like, if I have an MLA sub for me next time, that person will be - I won't be able to have another sub moving forward. Is that correct?

The Chair: Please.

Ms Rempel: Thank you, Mr. Chair. For previous committees that have chosen to adopt this practice, yes, essentially after today's

meeting committee members agree amongst themselves not to appoint substitutes. If there's a reason that a substitute needs to be appointed, then the practice has been that that substitution is essentially permanent for the remainder of the process.

Mr. Dach: Mr. Chair, if indeed somebody is ill or and misses an appointment and some circumstances prevail, then that spot is forfeited. So nobody can replace that person, correct?

9:10

The Chair: Go ahead, Mr. Stephan.

Mr. Stephan: Yeah. As I understand it – and correct me if I'm wrong – the purpose of this process is that in respect of a person being interviewed or evaluated as to whether or not they're the appropriate candidate, you have to participate in all of the interviews and all the selection matters, you know, in terms of reaching that ultimate decision. But as long as there's a member that participates in all of that process, that's the concern, is it not?

Let's say that I get hit by a car going home and die and someone gets substituted in my place. As long as they participate in the entire process, they are a legitimate substitute, correct? That's the value that we're trying to have here, correct? That's the purpose of the rule, that you can't sort of participate in half the interviews and be able to make a decision on who the proper person is. You have to be participating in all of them. Is that correct?

Ms Rempel: That is the decision that previous search committees have made. You know, I don't think that the intention of this agreement is to cause a big problem if there's been a tragedy of some kind, that sort of thing, but, yes, after today's meeting the selection process will be happening. Yes. I think the reason why previous committees have chosen to go that route is so that there's consistency both amongst committee members and so that potential applicants also know that they will be evaluated as consistently as possible.

Mr. Dach: To clarify my question, which wasn't answered yet, if indeed a committee member must miss a meeting for whatever circumstance, then the committee will operate with one person less, correct?

Ms Rempel: That could be the result. I don't know that that's ever occurred. Usually, of course, as you know, you can appoint a substitute right up until a meeting starts. Again, I don't think the intention has ever been to have the committee short-handed, et cetera, when there's an unavoidable situation. It's just to, as much as is reasonably possible – we have had committee members who have not, for whatever reason, participated in all of the interviews at the end, and they have stepped aside for the remainder of the process.

Mr. Dach: To be clear, we have said in previous discussion that after this meeting there will be no substitutions, so I'm not understanding the comment you just made.

Ms Rempel: It's an agreement among committee members. However, the standing orders do allow for substitutions, so I'm sure, you know, if there was something that came up that simply had to be handled that way, you would work it out with your colleagues.

Mr. Dach: If it's under exceptional circumstances, it might be reverting to the standing orders, then.

Ms Rempel: Yeah.

The Chair: Any other thoughts on this? Again, really, this is like a gentlemen's agreement, if you will. There's no motion on this. It's just something that has been past precedent, and we'd like to continue that to respect the confidentiality of the people that are applying.

Ms Pitt: Do we need a motion?

The Chair: No, we do not. As long as everyone is in agreement and is aware of that situation, that's great.

Sorry. On the phones, there, Irfan, did you have any concerns or comments before we continue on?

Mr. Sabir: No, Mr. Chair. I think we are good. As MLA Stephan was saying, it's only for the purpose of continuity, that one person is present for all interviews, so I think that's fair. As much as reasonably possible we will make sure that we are able to participate.

The Chair: Thank you so much for that.

Jennifer Johnson, were you able to overcome your technical difficulties yet? That's okay. We'll see if you can join us a little bit later on. You might have to restart your computer and stuff like that. Let's just move on.

Later in the process we will have to address the issue of interview attendance and participation. Again, this is something that has been addressed by previous search committees. In previous search committees there has been agreement among committee members that only members who participate in all candidate interviews in their entirety should participate in the final candidate selection. Again, does anyone have any thoughts on this? If not, we'll just continue to move forward.

Finally, I would note that for consistency it is customary that all candidates be interviewed in the same manner. When the time comes, the committee may choose to interview candidates in person or by videoconference. If the committee does decide to conduct inperson interviews, the established practice is for these meetings to be held off-site in order to maintain the privacy of applicants.

As for the confidentiality of documents and proceedings, I hope everyone can respect the importance of maintaining the privacy of all applicants during the search process and afterwards. To safeguard the privacy of potential candidates, I would anticipate that the majority of our meetings will be conducted in camera and that any materials containing the personal information of candidates will be made available to committee members only as secured PDF documents. There is no special training required to use these documents. If you encounter any difficulties, please let the committee clerk know.

Does anyone have any questions about this process?

Mr. Sabir: Chair, if I may.

The Chair: Yes, sir. Go ahead, Mr. Sabir.

Mr. Sabir: Like, I do understand that documents have only been made available in the past to members, but we always have some LAO staff here, and technically all caucus staff are LAO as well. With the agreement of the members, I do want to move a motion to designate one support staff from each side that can help us prepare for these meetings – sometimes if you need to print something and things like that. They are certainly bound by confidentiality as well. Just like we trust LAO staff being here, we can also designate and trust the staff to help us prepare for these meetings.

Do you want me to move the motion now?

The Chair: Yes. Go ahead, please.

Mr. Sabir: Okay. I have draft language as well. The Member for Calgary-Bhullar-McCall to move that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee authorize each caucus to designate one staff member to be granted access to protected documents on the internal site to support the work of committee members.

The Chair: I should note that this motion was put on notice, so we were aware of this.

Does anyone have any concerns or questions about this motion at this time? Mr. van Dijken.

Mr. van Dijken: Yeah. I guess my only question is if this has been done in the past, or is this setting possibly a new precedent? Do we have any concerns with regard to applicants being made aware of this practice going forward?

The Chair: Ms Rempel.

Ms Rempel: Thank you, Mr. Chair. This would be a new practice. Normally it is only committee members who are provided the applications, but beyond that, of course, that's a decision for the committee to make. You know, if you choose to go this route, you would be making that decision on the record, so applicants would have notice in that sense.

The Chair: Any other concerns, questions, comments?

With that, on the motion to grant access to protected documents to one designate from each caucus, all in favour? All opposed? With that,

that motion is passed.

We are setting a new precedent.

Mr. Sabir: Thank you.

The Chair: Thank you for that, Mr. Sabir.

A draft timeline was posted for the information of committee members. As many of you know, the contract of the current Ethics Commissioner and the contract of the Chief Electoral Officer expire shortly before the end of May 2024. There's provision in the applicable legislation for acting appointments or brief contract extensions, which the Standing Committee on Legislative Offices can deal with if required. However, I hope that this committee will be able to complete the recruitment process and make recommendations to the Assembly before the spring session has concluded. The Assembly will need time to consider our recommendations, and should it choose to accept them, the appropriate government motions will need to be agreed to. If this process is not completed in the spring, the appointment of the new officers cannot be completed until the fall session. There are a number of things that may require some flexibility in the schedule, but it's still a useful tool for planning purposes.

9:20

Does anyone have any questions about this document? Online? No questions. Perfect.

All right. Moving on to the decision items before the committee today, members should have copies of two position profiles. Before opening the floor for discussion, I'll quickly remind everyone that the salary ranges for the officers, as set by the Standing Committee on Legislative Offices, are reviewed annually. The committee has also determined that the position of the Ethics Commissioner is a .8 full-time equivalent. Should a future commissioner wish to change this, they would make a case to that committee. In addition, there's

legislation in place that provides for the mandate of every officer in the Legislature. It is not the mandate of this committee to determine the roles and responsibilities of either the Ethics Commissioner or the Chief Electoral Officer. When we are considering position profiles, we are determining whether or not the profile accurately reflects the relevant legislation and highlights what we may be looking for in a candidate.

We'll deal with each profile separately, but are there any general questions at this time?

Mr. Dyck: I just . . .

Mr. Sabir: I think . . .

The Chair: Mr. Dyck first, please.

Mr. Dyck: Excellent. On the actual profile here of the Ethics Commissioner, I'm just curious on the educational side. This might just be a question for our LAO staff. "A degree in a related discipline (such as law or public administration)": are those the only two degrees, or is it still open to interpretation past that for education for this individual?

The Chair: Sorry. Can you hold that question there? I think that's a question that you want to have just a little bit later here.

Mr. Dyck: Yeah. Sure. Sorry; jumped ahead.

The Chair: Yeah. Sorry.

Online, Mr. Sabir, did you have a question about the – a general question?

Mr. Sabir: Mr. Chair, I was going to suggest that if executive search staff can just walk us through, like, high-level requirements – what's included, what's required – that will help our committee members to have . . .

The Chair: Absolutely. They will be doing just that.

With that, why don't we just move on here. Again, the position profile for the Ethics Commissioner. At this point I would ask committee members to focus specifically on the position profile for the Ethics Commissioner. Before we begin our discussion, I'd like to invite Ms Tischer to give us an overview of the document and the various considerations taken into account when drafting it.

Ms Tischer, the floor is yours.

Ms Tischer: Good morning. You're all familiar with what a position profile is supposed to do. It is supposed to capture the responsibilities, the impact of the role and lay out what the desired candidate's attributes and experience are. It's the foundation for the executive search actions that will follow.

When we take a look at new position profiles or updated position profiles, there are a number of steps that we take. One is reviewing the existing profiles. For interest's sake, the Ethics Commissioner profile hadn't been updated since 2013, and the Chief Electoral Officer hadn't been updated since 2009. There are a lot of changes to the environment and some legislation that occurred since that time. Reviews were conducted in terms of the other officer profiles to ensure – as you've seen, there is a standard format, tone, and some sections that are standard across the officer profiles.

What we look at when we're building the profiles are the acts. Everything, the roles and responsibilities, are drawn directly from the acts or the legislation themselves, but we also take a look at the annual reports and business plans to get an idea of how that is being enacted through each of the officers and their

staff as well. We do collect crossjurisdictional information if there are like positions across the country as well.

So that leads us to the Ethics Commissioner profile that is in front of you today. I won't go through line by line, but, as suggested, I'll just go through highlights of the sections. As you can see, there is a standard opening or approach which is across all of the profiles. That is just an umbrella statement that is for somebody who is interested in the role to get a better idea of what the role of the Ethics Commissioner is and what the Ethics Commissioner does.

Then we go into a position summary, which captures the high points of the role. That is section A. Section B is pretty standard across all of the officer profiles, and that's the relationship to the Legislative Assembly. The authorities vary for each of the positions, but they are what guide, in this case, the Ethics Commissioner. Some are the acts which, again, the role is derived from, and some are more administrative in nature, that guide, you know, in terms of financial administration and those types of things.

The major responsibilities. You'll see that there are specialized responsibilities in here that are linked to legislation, but then there's also a second part, which is executive management and leadership responsibilities, that you'd be looking for somebody to come in and be able to carry those out in this role.

Section E outlines the financial and human resource management, in this case, of the Ethics Commissioner. You'll note that the office is fairly small in operation, with four FTEs and an operating budget of just about \$1 million, but it is a very specialized role. Section F is contacts and professional associations, and section G, terms and conditions. Again, I want to reiterate what the chair has drawn your attention to, that under the Conflicts of Interest Act the Ethics Commissioner may be appointed on either a full- or part-time basis and is currently 80 per cent of full-time.

The last area of the profile is really painting the picture of the person you're trying to attract and the candidates that are going to be most suitable. In an executive role such as this, you're looking for the people leadership, business management, financial responsibilities, and decision-making in, you know, high-consequence environments. But there's also more to this role, which, you know, you're going to be looking for: demonstrated knowledge of law and adjudication experience; if not directly related law experience, then you're going to be looking for somebody who has got a lot of interpretation experience; experience in interpreting legislation, regulations, and policies; also, excellent analytical and investigative skills. Of course, what's key to any of the officers, and outlined in the positions or the position profiles, is the demonstrated ability to act with impartiality. These are impartial roles.

So that's the Ethics Commissioner in a nutshell. To go back to MLA Dyck's question, what is outlined for education is a degree in a related discipline. A couple of the feeder streams could be law or public administration, but that does not say that those are the only streams of background or education that someone could be bringing into this; that's of course supplemented by their professional experience that they would have.

Mr. Dyck: Excellent. Thank you.

The Chair: Any other concerns or questions? Online, we have Mr. Sabir. Go ahead.

Mr. Sabir: Thank you, Chair, and thank you, Ms Tischer, for that excellent overview. I think, as you indicated, these profiles have not been updated since 2009 and since 2013, and I'm pretty sure that since then a lot of things have changed. The province has changed. The province's demographic has changed. In the past there had

been some discussion to include an understanding of truth and reconciliation, Indigenous communities, and the diversity of the province as a competency and, to some extent, later on questions around that, too: what do candidates, I guess, bring in terms of knowledge and experience on Indigenous issues or diverse populations of Alberta?

If the committee is agreeable, we can include something along those lines in these profiles and later on in the questions so that whatever candidates we are searching for, we are also looking for candidates who have a solid understanding of Indigenous issues and the diversity of our province and the environment they will be operating in.

The Chair: At this time we don't have any motions on file to change this, so if you would like to make such a motion, please go ahead. You're going to need the consent of the committee first here.

Mr. Sabir: Yes.

The Chair: Just let me go through the process here. All right. I'll ask the members in the room here if Mr. Sabir has permission to propose his amendment.

9:30

Ms Rempel: Just for clarity, Mr. Chair, I just want to confirm that Mr. Sabir is wanting to move the motion to get consent to put that motion on the floor. Is that correct?

Mr. Sabir: Yes.

Ms Rempel: All right. Excellent. Thank you.

The Chair: All in favour of allowing Mr. Sabir to propose a motion, please say aye. Anyone opposed?

Motion carried.

All right. With that, Mr. Sabir, please go ahead with your motion.

Mr. Sabir: Chair, thanks. Thank you, members. I don't have a draft motion, but with the help of the LAO staff here I would like to have something which basically says that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee include understanding of Indigenous communities and diversity of the province as a skill and competency for candidates applying for the positions. And however you can beautify this motion is fine with me.

The Chair: First, can you see the monitor, Mr. Sabir?

Mr. Sabir: Yes, I can.

The Chair: Yeah. Do you want to read that out now and see if that's what you wish to communicate?

Mr. Sabir: Yeah. I think that captures the idea that whoever is applying, I do want them to have some understanding, some experience of Indigenous issues and the diversity of the province. Those words capture that, but I am open to any suggestions from any members and colleagues.

The Chair: Thank you very much. With that, I have, first up ...

Ms Robert: He needs to read it into the record.

The Chair: Ah. Can you please read that officially into the record, Mr. Sabir?

Mr. Sabir: Yeah. I can't see the full screen. Just a second.

The Chair: Or if you're all right with it, we'll read it on this end.

Ms Rempel: Thank you, Mr. Chair. Of course, the member is welcome to interrupt me if this doesn't reflect his intention, but currently the motion reads that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee amend the position profile for the Ethics Commissioner to include an understanding of Indigenous communities and diversity of the province as a skill and competency for candidates applying for the position.

Mr. Sabir: Yes.

The Chair: Perfect.

With that, let's go to questions. We have, first up, Mr. Glenn van Dijken.

Mr. van Dijken: Yeah. Thank you, Chair. I guess my first take on this would be that I'm not sure where we stop drawing the line. We are looking for candidates that are able to fit the role of Ethics Commissioner, and if we start identifying all the different individual communities within the province, I believe that we're narrowing it down to a point where we potentially have limited access for ethics commissioners. I understand the intent or the hope that Member Sabir has, but I also believe that the search committee does have the ability to decipher, based on the competencies that the candidates put forward, which candidate will best fit the role for all aspects of our province and the diversity within our province. So I would suggest that this might be a motion that is narrowing down things unnecessarily.

The Chair: Thank you for that. Next up I have Mrs. Petrovic.

Mrs. Petrovic: Thank you, Chair. Yeah. I just have to say that as I read this motion as it stands, I don't think I can support it. I don't believe that a skill and competency is something that is measurable. As we read the position summary, the summary is to "[promote] an understanding of obligations of Members of the Legislative Assembly, Designated Office Holders, Designated Senior Officials and political staff under the Acts," so as this motion stands, I don't see it to necessarily be part of this position. Although I think his intention is, you know, well meant, as it stands, I don't foresee this as something I can support just as it narrows down what we're actually looking for and the whole point of what the Ethics Commissioner is.

Thank you, Chair.

The Chair: Thank you very much for that.

Mr. Dach.

Mr. Dach: Thank you. I wouldn't say that this motion narrows anything down, Mr. Chair. It actually opens things up and makes it very clear that it's 2023, that truth and reconciliation is part of what we do in this province and in this country, and that we want to make it clear as a committee that an understanding of Indigenous communities and diversity in our province is absolutely necessary for these important positions if you wish to occupy them. So I think it's incumbent upon us as a committee to reflect the state of thinking in our province that Indigenous communities and the diversity of the province and the role of Indigenous people in our province needs to be elevated and reflected in those people who are in leadership positions in the province.

I strongly support this and certainly wouldn't want to be in a position publicly of opposing it. I certainly support the motion.

The Chair: Mr. Stephan.

Mr. Stephan: Thank you, Mr. Chair. An understanding of Indigenous communities and diversity of the province is a good thing. I think everyone here acknowledges and recognizes that. The job of the Ethics Commissioner, from what I've observed: one of their key stewardships, among others – and we look at the list of authorities – is, for example, interpreting and applying the Conflicts of Interest Act. That act applies regardless and in the same way whether an individual is Indigenous or not. I'd like to ask Mr. Sabir to articulate how it would apply differently if someone was Indigenous or not Indigenous. I need to understand why what he is proposing is necessary.

There are many very good things, you know, characteristics that we can all have. None of us possess all good things. This is implying the Conflicts of Interest Act – whether an individual is Indigenous or not Indigenous, I'd like to understand why the Conflicts of Interest Act applies differently. Could you articulate that, Mr. Sabir? I'd like to understand why you're proposing this.

Mr. Sabir: Chair, if I may.

The Chair: Go ahead, Mr. Sabir.

Mr. Sabir: The first thing is that by adding that understanding of Indigenous communities, issues, and diversity of the province, I'm not saying that the candidate be Indigenous or the candidate be from one particular community. All I am saying is that in 2023 our province looks much different than how it looked when these position profiles were first created. Now, we had a report from the Truth and Reconciliation Commission that we have a positive obligation to have people in positions of power who can further the cause of reconciliation. For instance, in this case it's the Ethics Commissioner; the next position is the Chief Electoral Officer.

So participation in elections by these Indigenous communities, by diverse communities, by communities I represent is important. And for somebody in these positions, if they have some basic understanding, some relevant background experience with Indigenous communities, with diverse communities in the province, I think they will bring that experience to these positions, and they will make policies, they will operate in a more inclusive way. That's not taking away anything that's already been mentioned in the position profile. It's just including another skill, another competency for the candidates. I think that will bring value to these positions.

9:40

The Chair: Thank you for that, Mr. Sabir.

Mr. Stephan had a follow-up question, and then we have Ms Pitt and Mrs. Petrovic as well.

Mr. Stephan: Yeah. Member Sabir, I appreciate, again, your sentiments. You didn't answer my question. My question is: how would the Conflicts of Interest Act be applied differently? In the list of authorities I don't see recommendations on the truth and reconciliation as one of the relevant authorities that the Ethics Commissioner applies. Certainly, that is within the purview and scope of, say, a minister of Indigenous affairs. There are certain roles and duties in the Legislature where that would be a very relevant authority.

I'm just wondering again – you know, when we look at the list of competencies of the Ethics Commissioner, if we had an excellent Ethics Commissioner candidate who satisfied the list of competencies but based on just their limit of experience didn't have a deep understanding of Indigenous communities, I would not want to see them excluded from consideration. I'm troubled by this

proposal. I have difficulty in understanding from Mr. Sabir why this is a necessary condition, and I'm not going to support this.

Thank you.

The Chair: Ms Pitt.

Ms Pitt: Thank you, Mr. Chair. Actually, Mr. Stephan sort of encapsulated my thoughts on this. My first thought: is this actually necessary, or is this something that the committee can have a discussion on with prospective candidates, when they come in, more appropriately? I think you can actually have a proper conversation about diversity and inclusion and all the things with the candidates that come in, and I actually think that's probably our responsibility as members of this committee when we're interviewing candidates. There are a number of other different questions that I think we're going to ask them, and you're going to have a more fulsome answer in that discussion.

I'm concerned this actually is no longer inclusive, as Mr. Stephan alluded to as well, and that it is not being applied fairly across the board for all candidates. Yeah. It's 2023: I understand that. I think everybody understands that. And we're certainly going to have that discussion with the candidates in the room as they come in, but I think we're going in the wrong direction with this motion. While the intent is great, there's another way to achieve this goal.

Thank you, Mr. Chair.

The Chair: Thank you so much for that.

Mrs. Petrovic.

Mrs. Petrovic: Thank you, Mr. Chair. As we were talking about this, Member Stephan I think hit the nail on the head with this. It's not necessarily when we look at a skill set or a position summary for this. This, to me – as Alberta diversifies, I think we could look at multiculturalism a little bit differently. Is this something that would be better in the knowledge or experience, not necessarily requirements, but if you have a way of having any sort of experience or something that could be put on the application as we go forward as one of those questions. It's not just necessarily truth and reconciliation questions but that multiculturalism question. You know, I don't think that it necessarily needs to be in a skill set, but I think that it's something we can look for in the knowledge or experience as we pick a candidate but not as something that would be a yes or a no for a candidate.

Thank you.

The Chair: Thank you so much for that. Member Irwin.

Member Irwin: Thank you, Chair. I want to echo some of the comments of my colleagues, including Member Dach, who talked about just how critical it is at a time of truth and reconciliation that we expect people in high-profile roles like this to have a strong understanding of Indigenous communities and diversity of the province.

I'll point to a Globe and Mail article from earlier this month that talks about, you know, the Premier being unsure, with direction from the Ethics Commissioner, around whether she could keep ribbon skirts as gifts. I mean, that's one example where it would be really appropriate for an Ethics Commissioner to have a good understanding of what is meant by a ribbon skirt. What is the symbolic meaning of a ribbon skirt, and how should an Ethics Commissioner engage with Indigenous communities when we're talking about gifting and so on? There's just one example where I think it's quite reasonable to have folks in these roles have a strong understanding of Indigenous competencies.

The Chair: Ms Pitt.

Ms Pitt: Thank you. Member Irwin, I appreciate your comments, and I think that adds some relevancy to the conversation, but it opens up a number of different questions. Why aren't we including other groups in this motion; LGBTQ, for example? I think that it's also an example as to how this is no longer an inclusive motion because it's not actually inclusive of all groups in which we're trying to create competency in the candidate that we're trying to find.

The other question I have is that in my interactions with the Ethics Commissioner as a member, in my financial disclosure documents that are provided to the Ethics Commissioner, I've never seen an opportunity to have a conversation that would include Indigenous communities competency in our conversation, and I'm not sure that our use of time together would include some education or conversation in that regard. That's probably not the place. There are other places, absolutely, for sure, but I don't support this anymore.

The Chair: Mr. Dach.

Mr. Dach: Thank you, Mr. Chair. I'm just wondering if indeed staffers can answer the question about some issues that came up just recently. In the interviews, I'm wondering if it's normal to ask about competencies or knowledge that isn't part of the profile. In the past has that taken place? Is that an area of discussion we can delve into? Has it been delved into in the past?

The Chair: Can anyone at the table answer that? Please. Go ahead.

Ms Mills: I would recommend that the questions be focused on the competencies required, the competency, skills, and knowledge that are identified in the profile as required, because that's the document that the candidates are also using to prepare themselves and assess their own interests and their backgrounds related to these roles.

Mr. Dach: A follow-up?

The Chair: Go ahead, Mr. Dach.

Mr. Dach: Following that answer, Mr. Chair, I would think that the members who just spoke about the possibility of us being able to bring up these competencies in understanding of Indigenous communities and diversities would be potentially ruled out of order because they're not reflected in the published information that the candidates would be reading. So that's all more reason, in my view, to make sure we do include these competencies as a part of the published information and include Indigenous communities and diversity understanding as part of the realm that we wish candidates who are applying for these positions to be aware that they're expected to have a competency in.

Ms Pitt: Just a thought. Perhaps we vote down this motion, go back to the original motion. But I would suggest, and I think this is going to be part of the committee process, that we have a number of questions that we ask the candidates, and we include this as a question for the candidates and a number of other different things that we think are important for a candidate in this position in 2023, and move on.

The Chair: Thank you.

If we have no further comments or questions on this, let's take a vote. The vote is to support the motion as presented on the screen. Can I get a vote for all in favour, please? Please say aye. On the phones or on the monitor? All opposed?

The motion is defeated.

Mr. Sabir: Chair, can we get a recorded vote on this one?

The Chair: All right. A recorded vote has been requested. Those in the room who are in favour of the motion, please raise your hands. Those in the room who are opposed to the motion . . .

Ms Rempel: Just let me – I have to read their names, please.

The Chair: Oh. Sorry. Go ahead.

Ms Rempel: Thank you, Mr. Chair. I'm sorry. Those in the room voting in favour of the motion? I see Ms Wright, Mr. Dach, and Member Irwin.

The Chair: All right. Those in the room who are opposed to the motion, please raise your hands.

Ms Rempel: Thank you, Mr. Chair. I see Mr. van Dijken, Mrs. Petrovic, Mr. Dyck, Ms Pitt, and Mr. Stephan.

The Chair: All right. For those members participating remotely, please turn on your cameras and microphones if you wish to vote. When the committee clerk calls your name, please indicate whether you're in favour of or against the motion.

Ms Rempel: Thank you, Mr. Chair. I see the hon. Mr. Sabir.

Mr. Sabir: In favour.

The Chair: Okay. Have all committee members who wish to vote done so? I believe so.

Ms Rempel: Thank you, Mr. Chair. I have four in favour of the motion, and five against.

The Chair: So

that motion is defeated.

Thank you very much for that.

With that, we will move on to the final motion regarding the Ethics Commissioner as distributed. Does anyone wish to read that out?

Mr. van Dijken: I've got a question before we move on. Currently the Ethics Commissioner's position is .8, and I believe I heard earlier on in the description that the Ethics Commissioner made that determination. Or was I inaccurate in that? I guess, who makes that determination, and how will we be advertising that going forward?

The Chair: Please go ahead.

Ms Rempel: Thank you, Mr. Chair. For all of the officers it's the Standing Committee on Legislative Offices that sets the salary range. It is also that committee that determines in this instance that the position is 80 per cent full-time. Previously it has been 70 per cent. When an officer has thought that needed to change, they have made their case to that committee, and that committee makes the decision. I believe there is a notice in the ad and also the profile that it's an 80 per cent full-time position at this time.

The Chair: Mr. Stephan.

Mr. Stephan: Sure. I have a question about the profile. Is that

The Chair: Yeah. This is the time for that.

Mr. Stephan: Okay. It lists a number of authorities in section C of the profile. I'm just wondering: is the Ethics Commissioner specifically noted in each of those legislative authorities and the scope of his or her stewardship defined? For example, in the Freedom of Information and Protection of Privacy Act, I assume that the Ethics Commissioner is specifically listed as having a job in it and the scope of her or his authority defined. Is that correct or wrong?

Ms Tischer: There are a number of acts. The Conflicts of Interest Act, as an example, specifically states the role of the Ethics Commissioner. There are a number of these – the Financial Administration Act, the FOIP Act, the Legislative Assembly Act, the public interest disclosure act, and the Public Service Act – where that role is not specifically stated. They are linked to the governance of employee groups and administrative components. As an example, you had brought up the – sorry. Which act specifically did you bring up?

Mr. Stephan: Well, I was asking about all of them.

Ms Tischer: Okay. So those acts – as an example, the Financial Administration Act doesn't explicitly state what the Ethics Commissioner role is, but it states what the role or what the responsibilities of stewardship of public funds would be. What are eligible expenses, what aren't eligible expenses, what is the mileage rate: you know, those types of things. There are a number of these acts that govern the administrative or corporate services components like they do for the Legislative Assembly Office. So the Public Service Act outlines how you can recruit employees, how public severance would be. The public interest disclosure act is the whistleblower act, so if there were any wrongdoings, what the process would be in that. They're the administrative components that govern the office running, so in terms of the role of this individual as an executive leader, it gives the structure of the rules that they must follow.

Mr. Stephan: Is this a new – like, of course the Conflicts of Interest Act understands the scope and stewardship of the Ethics Commissioner to ensure that there isn't a conflict of interest with a member in terms of a private interest furtherance. Adding in authorities that don't specifically define or refer to the Ethics Commissioner and the scope of his or her duty in respect of that piece of legislation: is that something that is new in terms of the job description? You'd mentioned that this had been updated. Is that something that has been now inserted that wasn't there before?

Ms Tischer: No. It's been in the last three – four, actually. Since 2017 it's been a component of the position profiles because, again, while it's not a specific role for the Ethics Commissioner, as the Ethics Commissioner it governs that role in terms of the financial responsibility in the running of that office. As an executive manager, those are rules that they must follow.

Mr. Stephan: Oh. In terms of his or her own office as the Ethics Commissioner?

Ms Tischer: Correct. Yes. That's what I'm meaning by the administrative components of those acts.

Mr. Stephan: So which ones are administrative and which are actually his or her job? Like, the Conflicts of Interest Act is actually him or her acting, and the other acts that you're referring to, then, are ones that govern his or her operation of the office of the Ethics Commissioner. Is that what I'm understanding?

Ms Tischer: Absolutely. Those that govern the office would be the Financial Administration Act, the FOIP Act, the Legislative Assembly Act, the public interest disclosure act, the Public Service Act. Those that are where the Ethics Commissioner is specifically named are the code of conduct and ethics, the Conflicts of Interest Act, and the Lobbyists Act. So that's the differentiation between the operational administrative side and the acts that govern the specific role of the Ethics Commissioner.

Mr. Stephan: Okay. You didn't list a couple of other authorities that are there.

Ms Tischer: Okay. The Premier's and minister's staff employment orders: those are stated specifically for the role of the Ethics Commissioner. What else did I miss in there?

Mr. Stephan: The Public Sector Compensation Transparency Act.

Ms Tischer: Okay. That is an administrative – so that basically is the sunshine list for staff over a certain threshold.

Mr. Stephan: Sunshine list.

Ms Tischer: Yeah.

Mr. Stephan: Yeah. I like the sunshine list. I wish it was a lot smaller. Sorry.

Ms Pitt: Because there weren't so many on the list.

Mr. Stephan: Yeah. I just wish it was not as big.

Okay. That actually helps. I was kind of confused when we had all these authorities, and I didn't appreciate that some of the statutes are basically acts that the Ethics Commissioner has to be aware of in fulfilling, you know, leading and conducting his or her office. Is that correct?

Ms Tischer: Absolutely.

Mr. Stephan: And then the ones in which that office actually has a role that's specified in the legislation are the ones that you've listed. That helps me out. Thank you. Appreciate that.

The Chair: Any other questions, concerns, comments?

With that, did anyone want to read out the motion? Anyone wish to move that? Please go ahead.

Mrs. Petrovic: Thank you. I move that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the position profile for the Ethics Commissioner as distributed.

The Chair: All right. With that, can I get a vote for all in favour of the motion as stated by Mrs. Petrovic? All in favour, please say aye. All opposed? Online, can I get all in favour of the motion as expressed by Mrs. Petrovic?

That motion is carried.

Thank you so much for that.

With that, next we will go to the Chief Electoral Officer. Up next we have the position profile for the Chief Electoral Officer. Ms Tischer, could you please take us through this document.

10:00

Ms Tischer: All right. The formatting should look familiar at this point, but it is specific to the Chief Electoral Officer. The position summary looks different because of the different role. This is the first time that I've done two of these concurrently in a meeting, so there

will be a little bit of redundancy. The relationship to the Assembly is the same as what you've seen previously, but it is for the Chief Electoral Officer. The authorities: there are a number of pieces of legislation that are specific to the Chief Electoral Officer, and there are some that are specific to the administration of the office of, in this case, Elections Alberta. Those are listed in section C.

Section D, which is major responsibilities, unfolds a bit differently in this profile as it starts with the executive management piece and then outlines key responsibilities that are linked to different pieces of legislation. It looks a little bit different than it did for the Ethics Commissioner just because of the number and different pieces of legislation that this role is involved with.

Section E outlines the financial and human resource management, and what you'll note here is that there is an operating budget that is dependent on the election cycle. What you'll also note is that the number of employees changes significantly during the election cycle times, where there are, you know, ongoing staff and then there are temporary staff. That is unique to this role.

Section F is contacts and professional associations.

Terms and conditions are very similar except that each legislative officer has some different conditions in terms of the appointment. This is a role where there are specific terms in that area.

Let me wrap it up with the outline of what skills, abilities, and background the most suitable candidate would have. Again, you're looking for somebody with that executive leadership capacity, but more related to the role itself, what's outlined in here:

- Understanding of financial management practices and procedures to include financial statements, budgets and audit techniques...
- Strong ability to interpret, apply and understand electoral law, processes and administration...
- Working knowledge of complex information management and technology processes . . .
- Demonstrated general knowledge of Alberta's geography and population distribution patterns

and experience in interpreting legislation, regulations, and policies. Of course, key to any of the officers and what's noted in the profiles is a demonstrated ability to act with impartiality.

All of that is captured in seven, eight pages.

The Chair: Thank you so much for that presentation.

With that, do we have any comments, questions, concerns?

Mr. Sabir: Chair, if I may.

The Chair: Go ahead, Mr. Sabir.

Mr. Sabir: Thank you, Mr. Chair. Again, I have looked at this profile, and I can see that even some of the competencies listed are for some geographic understanding. If the committee will allow me and consent to it – I will seek consent – I will make a similar motion, but this time there are many stronger reasons that we have a candidate who not only understands the geography of our province but, again, our Indigenous communities and the diversity of the province in all its forms. Participation makes our democracy stronger, and having somebody who understands our province – its diversity, its Indigenous communities, its composition – will certainly bring much more credibility to this position and much more, I guess, relevance to this position. So if the committee will allow me,

I'm seeking their consent to move that motion.

The Chair: The question is to allow Mr. Sabir to provide a motion. Can I get a vote? All in favour of this, please say yes. All opposed? That motion is defeated.

Thank you very much.

Back to questions, concerns on the position profile as stated by Ms Tischer.

Mr. van Dijken: I'd like to make a motion. I move that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the position profile for the Chief Electoral Officer as distributed.

The Chair: Thank you very much for that.

With that, the motion is on the screen. Mr. Sabir, I trust that you can see that. Do we have any concerns, questions, or comments on this? I see none. Online, Mr. Sabir, do you have any concerns, questions, comments?

Mr. Sabir: No. I'm good.

The Chair: Perfect. Thank you so much for that.

With that, can I get a vote on this? All in favour of the motion as stated by Mr. van Dijken? All opposed? Online, Mr. Sabir? All in favour of? Opposed?

That motion is carried.

Thank you so much for that, everybody.

With that, we will now move on to the draft communications plan. An advertising copy has been distributed for consideration. The plan addresses both searches where appropriate and also identifies initiatives specific to each position.

I'd ask Ms Sorensen to address this document, and then I'll open the floor to discussion. Oh, sorry.

Ms Steenbergen: That's okay. Good morning. It might be easier for me to do it since I'm here.

Thank you, Mr. Chair. Good morning, everybody. We have drafted this ad campaign based on previous searches that we have done that have been successful. If you've had a chance to look at it, you can see that, obviously, some things have changed in the past 10 years for this committee, but our social media and our Assembly website will obviously be used to post ads so that we can push people to the ad on our Assembly website.

Obviously, communications will draft a media advisory letting them know that we are starting the search, and we will provide one once the positions have been filled. We will also post on the website of Elections Alberta and several professional associations. Some of these associations we actually haven't received costs from yet for posting, but they should be relatively low in cost. But we can certainly confirm those. Other ones include the Ethics Practitioners' Association of Canada, the National Network of Elections Offices, the Canadian Bar Association – you'll see there's a small cost to that one – the Institute of Public Administration of Canada, and also our LinkedIn site as well, which does have a small cost associated with that.

The major costs for this are obviously going to come with print media. We do have small ads set to go for Postmedia. That will include print in the *Edmonton Journal*, the *Calgary Herald*, the *National Post*, and it will include 30 days on working.com. You will see that the prices for that one are a little bit more significant, but it will reach a significant number of people. Then the other one is the *Globe and Mail*, which obviously is going to be a little bit more expensive because it has a bigger reach. You will see that it includes the website for the *Globe and Mail*, premium positioning on eluta.ca, which is a higher version of Indeed, if you will.

Obviously, on X we can no longer run the campaigns, but we can still post the ads from the Legislative Assembly. The *Globe and Mail* will also reach more than 100 Canadian regional and occupational fields. I do believe that the draft ads have been posted, and that is what they will look like. We will have colour versions available for our online X feed and others.

But that is pretty much it.

The Chair: Thank you for that.

The first question goes to Mr. Dach.

10:10

Mr. Dach: Thank you for that presentation. I would seek to gain the committee's support for me to make a small amendment to the draft communications plan to include advertising the Ethics Commissioner and Chief Electoral Officer positions with the Indigenous Professional Association of Canada.

The Chair: As that motion is on notice, you do not need consent, so please go ahead with that.

Mr. Dach: Sure. I move that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee amend the draft communications plan to include advertising the Ethics Commissioner and Chief Electoral Officer positions with the Indigenous Professional Association of Canada.

The Chair: Thank you so much for that.

Any questions, comments, queries? Go ahead, Mr. Dach.

Mr. Dach: Thank you. In the past, Mr. Chair, other postings have been advertised on this site, and it was pretty low cost, around \$275. In order to increase representation in the public sector, we really should be advertising to actively recruit diverse populations, with Indigenous and First Nations being one of the top areas to consider, and advertising is one way to do that. I hope all members support this amendment.

The Chair: Mr. Stephan.

Mr. Stephan: My question was just about the cost. I don't have, really, any other questions.

Thanks.

The Chair: Thank you so much for that.

Any other concerns, questions, comments on this motion that is on notice? Go ahead, Mr. Dyck.

Mr. Dyck: Thank you, Chair. Yeah, I'll vote in favour of this. I do believe that whenever we can add multiculturalism to our opportunities, it's a great thing. I think that this showcases just that we are equal, bringing equality to every single person here in Alberta. We want to be able to showcase that and bring those points here. I'll vote in favour of this motion.

The Chair: Thank you so much for that.

Any other concerns, questions, comments?

If not, we will proceed with a vote on this motion that is on notice. All in favour, please say aye. All opposed? Online, all in favour? Thank you for that.

That motion is carried.

Thank you so much for that, everybody.

Back to the communications plan and advertisement copy, are there any other concerns, questions? Mr. Dach, go ahead.

Mr. Dach: I'd just simply move that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the communications plan and advertising copy as amended.

The Chair: That is also a motion on notice. With that, any concerns, questions?

If not, we can proceed with the vote on that. All in favour of the motion as stated by Mr. Dach, please say aye. All opposed? Online, all in favour, please say aye. Thank you so much for that.

That motion has passed.

That said, we are on to other business. Are there any other items for discussion under other business? I see none at this time.

The next meeting will be in February at the call of the chair. We will send out a bit of a poll to all our members to make sure that we can all agree on that.

With that, would a member like to move to adjourn?

Mr. Dyck: I move to adjourn this meeting.

The Chair: All right. It is moved by Mr. Dyck that the December 19, 2023, meeting of the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee be adjourned. All in favour, please say aye. All opposed? Online? Good enough for me. That is carried.

Thank you so much, everyone. Have a Merry Christmas and a Happy New Year.

[The committee adjourned at 10:14 a.m.]