



Legislative Assembly of Alberta

The 28th Legislature
First Session

Select Special
Ethics Commissioner
Search Committee

Wednesday, December 18, 2013
10:06 a.m.

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Select Special Ethics Commissioner Search Committee

Rogers, George, Leduc-Beaumont (PC), Chair
Quadri, Sohail, Edmonton-Mill Woods (PC), Deputy Chair

Blakeman, Laurie, Edmonton-Centre (AL)
Eggen, David, Edmonton-Calder (ND)
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)
Lemke, Ken, Stony Plain (PC)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
Luan, Jason, Calgary-Hawkwood (PC)*
McDonald, Everett, Grande Prairie-Smoky (PC)
Saskiw, Shayne, Lac La Biche-St. Paul-Two Hills (W)

* substitution for Hector Goudreau

Corporate Human Resources Participants

Jean Easton	Consultant, Executive Search
Trish Mills	Director, Executive Search

Support Staff

W.J. David McNeil	Clerk
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Cheryl Scarlett	Director of Human Resources, Information Technology and Broadcast Services
Jody Rempel	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications and Broadcast Services
Jeanette Dotimas	Communications Consultant
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

10:06 a.m. Wednesday, December 18, 2013

[Mr. Rogers in the chair]

The Chair: Good morning, everyone. I'd like to call the first meeting of the Ethics Commissioner Search Committee to order.

I'll start with introductions. I'll start with myself. I'm George Rogers, MLA for Leduc-Beaumont and the chair of this committee. I'll go to my right.

Mrs. Leskiw: Genia Leskiw, MLA, Bonnyville-Cold Lake.

Mr. McDonald: Good morning. Everett McDonald, Grande Prairie-Smoky.

Mr. Eggen: Good morning. I'm David Eggen, MLA for Edmonton-Calder.

Mr. Lemke: Good morning. Ken Lemke, Stony Plain.

The Chair: On the conference call?

Mr. Luan: Good morning. Jason Luan, MLA, Calgary-Hawkwood, sitting in place of MLA Hector Goudreau.

The Chair: Thank you, Mr. Luan.

Mr. Saskiw: Shayne Saskiw, Lac La Biche-St. Paul-Two Hills.

The Chair: Thank you.

Are there others? We're expecting Ms Blakeman, but she hasn't joined us as yet. For the record Mr. Quadri has informed me that he's not feeling very well this morning. He may attempt to join us by teleconference. If so, at such time we will make sure that he's acknowledged.

I'll come over to our staff.

Ms Dotimas: Good morning. My name is Jeanette Dotimas. I'm with LAO communications.

Ms Easton: Jean Easton, executive search, corporate human resources.

Ms Mills: Trish Mills, executive search, corporate human resources.

Mrs. Scarlett: Cheryl Scarlett, director of human resources, information technology, and broadcast services.

Ms Rempel: Jody Rempel, committee clerk.

The Chair: I'd just acknowledge that Ms Shannon Dean, Parliamentary Counsel, is in the room as well providing resources.

Thank you, everyone. As we begin today, I'd just like to remind you all that the rules for order and decorum apply in committee meetings as much as they do in the Assembly. I don't see many here, but I'd just remind any staff entering and exiting the room that they would do so in the least disruptive manner.

I also remind committee members joining us by teleconference that it would be appreciated if you could use the mute function on your telephone when you aren't speaking to minimize any background noise that would be picked up by the *Hansard* recording. If you'd like to ask a question or add to a discussion, please interject at an appropriate time or send Jody an e-mail, and she will make sure that you get on the speakers list.

If there are no other questions at this point – are there any? – then we'll move to the meeting agenda.

Mr. Eggen.

Mr. Eggen: Yeah. Excuse me if I just step out for a minute because I have a caucus meeting next door. I just want to catch one part of it.

The Chair: Fair enough. I understand.

Mr. Eggen: So don't feel like I'm leaving.

The Chair: No. I appreciate that. Certainly, I don't anticipate any portion of this meeting going in camera, so we should be fine.

If someone would like to move the agenda.

Mr. Lemke: So moved.

The Chair: Mr. Lemke moves adoption of the agenda. Any discussion? All in favour? Opposed? That is carried. Thank you very much.

Now, the mandate of this committee is set out in Government Motion 55, a copy of which has been provided for information purposes. Any questions on the mandate of the committee?

Seeing none, we'll move on. Item 4, the approved committee budget estimates for 2013-14. The budget provides funds for this committee, so this is essentially an information item, and that is included in your package. The budget for the search committee is the same as what was provided for the Chief Electoral Officer Search Committee. Again, this is the exact same group, and I thank you for your work on that committee. I look forward to great work on this one. Are there any questions on this item?

Mr. McDonald: Just one, and that was just to know whether the amount that we chose last time, the \$80,000: was it sufficient for the search in the last one? Do we need to adjust that?

The Chair: Can anyone help us with that question? Ms Dean?

Ms Dean: Sure. I can advise that we were well under budget with respect to the last search committee. I'm not sure if all of the expenses have been posted, but I think it was in the neighbourhood of \$50,000 to \$55,000.

Mr. McDonald: So we're quite safe. Okay. That's fine.

The Chair: Suffice it to say that we're a very efficient machine, Mr. McDonald.

Mr. McDonald: No. I realize that. I just want to make sure that we weren't . . .

The Chair: Just so that we're able to do the work.

Mr. McDonald: That's correct.

The Chair: Wonderful. I thank you very much for that.

We move to item 5, committee support. We've already introduced ourselves, and again we'd just like to take a brief moment to provide a little more information on the staff that will be assisting us to fulfill our mandate. We have Cheryl Scarlett. Cheryl is the director of human resources, information technology, and broadcast services. Her colleague Lyndsay Tischer: Lyndsay is not here, but Lyndsay is the manager of human resource services, and they've done a lot of work in preparing the initial draft of the position profile which we're about to review and will work with the team at executive search at the appropriate points throughout our search.

Rob Reynolds is on his way, actually. Rob did inform me that he might be a little bit delayed and would be joining us as soon as he is able. Rob is the Law Clerk and director of interparliamentary

relations. He'll be providing legal advice and other procedural support as needed along with Ms Dean, who we heard from earlier.

Assisting us with our communications and advertising will be Jeanette Dotimas – did I say that correctly? – communications consultant, and Rhonda Sorenson, manager of corporate communications and broadcast services. She wasn't able to join us today.

As always, Dr. David McNeil, Clerk of the Legislative Assembly, will work with us as we near the end of our search and begin negotiations with the candidate of choice.

Finally, to my left, Jody Rempel, our committee clerk, will be providing us administrative or procedural support throughout our search. If you or your staff have any questions throughout this process, please don't hesitate to contact Jody.

In addition, we'll also benefit from the support of corporate human resources, Trish Mills, director of executive search. Jean Easton, executive search consultant, will be assisting us with all aspects of the recruitment process.

I believe that captures everyone. Are there any questions from the committee members? Members online, anything not clear?

If not, then we'll move on to the next item.

Welcome, Ms Blakeman. Did you want to just identify yourself for the record?

Ms Blakeman: Sure. Laurie Blakeman, usually in the fabulous constituency of Edmonton-Centre but not currently, unfortunately.

The Chair: We will look after this fabulous constituency in your absence, Ms Blakeman, to the best of our abilities. We know that will be a tall order, but we'll certainly give it our best.

Ms Blakeman: Thank you.

The Chair: Members, you will have received the draft position profile for the role of Ethics Commissioner. Before we begin our discussions, I'd like to ask Ms Scarlett to give us an overview of the document.

Mrs. Scarlett: Thank you very much. What was provided to you is a draft for your consideration and changes if decided. The draft is similar in nature to the one that was advertised and presented in 2008. It's been tweaked and updated slightly, primarily administrative changes relative to salaries and, with respect to the last page, relative to the knowledge, experience, skills, and abilities expanded as well, just in terms of being consistent with the profiles that we have put out more recently.

10:15

The Chair: Welcome, Mr. Reynolds.

Mr. Reynolds: Thank you.

The Chair: Questions from members of the committee if you've had a chance to review the profile or any major areas you might like highlighted?

Ms Blakeman: I'm assuming that someone caught the small typo in the very first paragraph: "recommendations regarding Members" – and then there's a dash – "compliance with the legislation."

Mrs. Scarlett: Yes. Thank you.

Ms Blakeman: You're welcome.

The Chair: Right. Yeah. That there is no need for that dash is your point, Ms Blakeman?

Ms Blakeman: Yes. I think it's just a typo.

The Chair: Gotcha.

Are there any other questions regarding the profile? Mrs. Leskiw.

Mrs. Leskiw: No. I just wanted a copy of that.

The Chair: You're fine. Okay.

Any questions for Mrs. Scarlett or executive search at this point?

Seeing none – and I'm not hearing from the members on the line as well – I would ask if someone would like to move that our committee adopt the profile as distributed or that we adopt the profile with the noted correction. I would say that that was a friendly amendment, Ms Blakeman, if you're okay with it.

Ms Blakeman: Yes, of course.

The Chair: Are you willing to move that motion, Ms Blakeman?

Ms Blakeman: Certainly. Why don't I move that.

The Chair: Wonderful. We have a motion on the floor, hon. members. Ms Blakeman has moved that the Select Special Ethics Commissioner Search Committee adopt the Ethics Commissioner profile as circulated with the noted correction.

Discussion on the motion? All in favour, please say aye. Any opposed? That motion is carried unanimously.

We'll move to item 7, the draft search timetable and process. With regard to the draft timetable that we have in front of us, I'd like to make some comments before I open the floor for discussion. First of all, this document is a draft that has been prepared for discussion purposes. Even if it is approved by this committee, the timetable remains a guideline, which by necessity has to have some fluidity, which can be adjusted according to our needs. For example, the number of applications received and the number of candidates we choose for additional screening and interviews will have an effect on our schedule. Other factors that are out of our control include session dates, constituency weeks, and the timing of the main estimates.

Nonetheless, I believe a timeline is a useful tool in structuring the process of our search, and I'd like to ask Mrs. Scarlett to run through this document with us, and then we'll open the floor for discussion.

Mrs. Scarlett: Okay. Thank you very much. The intent is that after this meeting – we have recommended that the advertisements commence in the papers the week of January 11 and for the period of approximately the 11th to the 18th. It's not advised that we go forward immediately over the holiday period here in terms of advertising, so that's why commencing the 11th and for that week relative to the communication and advertising proposal, that we're going to talk about later, has been targeted.

That being the case, then, the competition would close at the end of January, and as quickly as we can then corporate human resources will take and commence the screening process to come back to the committee for your next meeting in terms of looking at the applicants. Based on your decisions there then they would be going back and doing the preliminary interviews, again, as quickly as is possible. Again, as the chair mentioned, dependent upon the number that would be interviewed, that will impact when they would be able to come back to the committee. But in terms of putting together the proposed target dates, it has been set in mind in terms of going through the processes as quickly as is possible.

After the preliminary interviews are conducted, then the committee would again meet to review that. That is targeted approximately at about the week of March 17. Further decisions will be made in terms of final interviews and then the committee, again, going forward and directing who reference checks and security screenings will be conducted with to, again, come back targeted at about the week of April 14 for the committee's final review and going forward from there in terms of the committee report being tabled by, hopefully, approximately the week of April 22.

The Chair: Okay. Thank you, Mrs. Scarlett.

Are there any questions or comments regarding the proposed timetable?

Ms Blakeman: I'm just double-checking the timing of the expected spring break. That's not the week of March 24 to 28, correct?

The Chair: Your guess would be as good as ours at this point, Ms Blakeman. I don't have any knowledge specific to the spring schedule that would help us any better than what we're just sort of guessing at this point.

Ms Blakeman: Okay. I'm expecting it to commence the week following March 28, and we would be back at work on I think it's April 6. That's good. Thank you.

The Chair: Yes. That may be, Ms Blakeman, but as I mentioned earlier, once we have some firm dates, we'll have to do some polling and, obviously, work with members of the committee and your schedules to make something work, so please stay tuned.

Other questions? Anyone else in the room?

This is just a draft, and it just gives us a guideline, so I won't ask for a motion because, really, I think we have consensus that this will move as other schedules dictate. Thank you for that.

With that, then, we'll move to item 8, the draft advertising plan and advertisement copy. The draft communications plan has been prepared for our consideration by the LAO communications branch. I'm going to ask Ms Dotimas to address the document, and then we'll open the floor for discussion.

Ms Dotimas: Okay. Thank you, Mr. Chair. With the approval of the search committee communications services in consultation with human resource services and executive search we'll execute a recruitment advertising campaign to assist in the search for Alberta's next Ethics Commissioner. We recommend a national media recruitment strategy that will combine a provincial and national print campaign supplemented by targeted online advertising and e-mail initiatives. All advertising will feature the short ad, which will be the condensed version of the more comprehensive position profile that was presented today. The short advertisement will drive potential applicants to the Leg. Assembly of Alberta website, where the position will be posted. We're recommending advertising, as Mrs. Scarlett mentioned, between January 11, which is a Saturday, and wrapping up on the Saturday following, which is January 18, 2014.

Our recommendation is to advertise the position in national publications as follows. We're looking at the *Globe and Mail* careers section. The *Globe and Mail* has a circulation of 350,000, and the ad will run Saturday, January 11; Wednesday, January 15; and January 18, which is a Saturday as well. The cost for this *Globe and Mail* run will be \$12,536.52 but will also include a posting online on the website eluta.ca, which is a Canadian-based

job search engine. The online ad will be posted until the closing date indicated, which is January 31, 2014.

The second recommendation is to post in the *National Post* careers section, which has a circulation of 160,000, and the ad will also run concurrently on January 11, 15, and 18. The cost for this particular ad in the *Post* will be \$3,997.50.

We're also recommending advertising within the province of Alberta in the *Edmonton Journal* and the *Calgary Herald* on three days as well: January 11, Wednesday the 15th, and Saturday, January 18. This *Journal* and *Herald* package will also include an online posting on workopolis.com until the closing of the competition. This will also include a leaderboard ad, or what they call an online banner ad, on edmontonjournal.com and calgaryherald.com. So the total cost for the *Edmonton Journal* and the *Calgary Herald* will be \$16,282.20.

10:25

Finally, we also recommend advertising in the five other daily publications within the province: *Fort McMurray Today*, *Grande Prairie Daily Herald-Tribune*, *Red Deer Advocate*, *Lethbridge Herald*, and the *Medicine Hat News*. This particular ad will only run once, on Saturday, January 11, and the total cost for these five items will be \$3,205.44.

We are also recommending supplementary advertising that will target specific professional associations in Canada to target potential applicants. We have looked into the Canadian Bar Association, which offers an employment board for all of its members to access at a cost of \$300, and as well the Institute of Public Administration of Canada, or IPAC. They offer a similar job board for members on their website. As well, they offer an e-mail broadcast subscription to 20,000 of their members for a cost of \$500.

The total estimated cost for the print and online advertising campaign we're recommending is \$36,821.66.

As you know from looking at the budget, we have a \$66,000 allocation, so this falls well below that amount. To supplement that we do have print and online media buys, but we're prepared to also target other Ethics Commissioner related online groups such as the Council on Governmental Ethics Laws, better known as COGEL, and the Ethics Practitioners' Association of Canada. In addition, we will have the item posted to the office of the Ethics Commissioner's website. Finally, the full profile will be available on the job section here at the Leg. Assembly website also.

This is the advertising strategy that we are recommending for the search. I thank you for your time.

The Chair: Thank you very much.

I'll open the floor for questions, comments.

Mr. Saskiw: Just wondering: are we going to be going through the substance of the ad, of what's going to be in it?

The Chair: I think we mentioned, but I'll let Ms Dotimas comment in a minute. It was said that it would be a condensed version of the profile, so that would be the essence of the ad, unless you needed more than that. I could get some more details from the staff.

Mr. Saskiw: Well, I guess what I'd like to see is an advertisement that indicates that any applicant cannot have any provincial political activity within Alberta. I'd make a motion in that regard.

The Chair: Mr. Reynolds, if you might want to comment. I don't know just how that fits.

Mr. Reynolds: Well, thank you. It's up to the committee, of course, to decide what they want. I'm not sure, with respect to what Mr. Saskiw is suggesting, whether the person can never have had any political activity. I mean, the sensitivity is that you're not supposed to discriminate based on political beliefs, basically. I don't have the wording of the human rights code in front of me, but that's certainly one of the issues that one looks at in an employment context if one is to ask people about their political leanings. But I'll leave that to the committee.

The Chair: Mr. Saskiw, any other further comments related to that?

Mr. Saskiw: Well, I do know of other jurisdictions where for high-ranking positions the advertisements do include portions where there must be limits on the political activity. I in particular know of federal positions with those types of advertisements. It appears that it's only in Alberta that we don't have them. I guess I'm wondering whether or not there's been research on where you can go. Of course, in certain positions there just cannot be any active or ongoing political activity leading up to an appointment, so I'm just curious as to what the research is on that.

The Chair: Certainly, Mr. Saskiw, and I'll let Mr. Reynolds maybe help me again here. But this position obviously requires impartiality. I think that goes without saying, and whether or not that is spelled out in the ad, that's a given.

I would agree with you in terms of: active political activity certainly must cease if this person or individual were to be successful.

Relative to Mr. Reynolds' points about someone's human rights, if you try to state that they could not have been affiliated or anything like that at any time, I don't know that we would be on solid ground with a statement of that nature.

Mr. Reynolds, any thoughts?

Ms Blakeman: Mr. Chair, can you put me on the list, please?

The Chair: Absolutely, Ms Blakeman. You'll be right after Mr. Reynolds.

Mr. Reynolds: Well, thank you, I think, Mr. Chair. It's a bit of a difficult issue, of course, with any position like that. I know, for instance, from our office that one certainly has to be nonpartisan in performing his or her duties. It's just a bit difficult to say, certainly in an ad, that you can't have belonged to a political party.

I don't know if that's what you're suggesting, Mr. Saskiw. I can tell you that I haven't done any research into what other jurisdictions have done. Certainly, I think it's clear that it's, to use language you may know, a bona fide occupational requirement that the person, obviously, not be participating in political activities when he or she takes the position. Is that what you had in mind?

The Chair: Mr. Saskiw.

Mr. Saskiw: Yes. I mean, I think it's not just being a member of a party; it's past political activity. I don't think there's a human rights issue there. This is an advertisement for a nonpartisan position. Of course, the individual has to be nonpartisan in his or her entirety, but there also has to be a perception that that person will not be partisan, and of course past political activity would impugn the perception of nonpartisanship.

I'm just suggesting that this is a position we're advertising across the country, and hopefully we have someone without past

political activity within the province of Alberta. Preference should be given to candidates that do not have that, and I would hope that our selection committee would examine past political activity since nonpartisanship is a key criterion.

Ms Blakeman: Mr. Chair?

The Chair: Ms Blakeman, I'll get to you in a moment.

Mr. Reynolds, if you'd take a few notes and maybe – go ahead.

Mr. Reynolds: Well, I just had a question, Mr. Saskiw. With respect, I'm not sure whether you're suggesting that the advertisement state that the candidate must never have had any political activity within the province of Alberta. I mean, it's up to the committee. That would be an interesting choice. But, for instance, what happens if someone who was a judge applies, who's obviously been devoid of political activity while he or she has been a judge, but it's conceivable they may have been politically active before they were appointed to the bench? In that case, would you be suggesting that they should be ruled out?

Mr. Saskiw: I'm suggesting we have a discussion on the parameters of it. But you would think that there would be somebody without past political activity that would qualify for this position. Or else we could put a time frame on it, of course, and specify.

The Chair: Okay. Thank you, Mr. Saskiw. I'm going to allow some more discussion here, and then we'll go on.

Before I get to Ms Blakeman, Mrs. Scarlett, I think, wants to offer us just a clarification.

Mrs. Scarlett: Just for a point of clarification and somewhat paralleling information we received from British Columbia. Under skills and abilities in the job profile the last point indicates that we are expecting that the incumbent "demonstrates impartiality and performs duties in the absence of political bias." So we would be expecting as part of the interview process that questions similar to that would be asked by the committee of the applicants in terms of allowing them to comment on how they could demonstrate their impartiality.

10:35

The Chair: Thank you for that, Mrs. Scarlett. That's something I'm certainly hoping the committee will be able to draw out of any potential candidates.

Ms Blakeman: I agree. Unfortunately, the chair's statement about, well, it "goes without saying": it actually hasn't in the past, and I think we need to be clearer about our expectations this time out, probably some sort of time limit saying that preference is given to people that haven't been actively involved in politics in the last three years or five years. You certainly can't go further back than that. I mean, yikes, I was once an ND. You know, you can't look through someone's entire life. But it doesn't go without saying in Alberta, and our experience has not been that. I think we need to be very clear this time out that there is an expectation that the person is not currently politically active.

The Chair: Thank you.

Mr. Lemke: I do have a bit of an issue with this. I think our job is to try to recruit the best person possible for this job, and I believe that if the best candidate happened to have a Liberal membership three years ago, that should not preclude them from . . .

Ms Blakeman: Mr. Lemke, you know that's not going to happen.

Mr. Lemke: Really? I do not know that.

Mr. Saskiw: Let's get real here.

Mr. Lemke: I'm sorry. I have the floor, I believe.

The Chair: Mr. Lemke has the floor.

Mr. Lemke: I do not know that that's going to happen, and I'm a little bit offended to think that you think that it will.

Ms Blakeman: Well, I've sat on these committees for 17 years . . .

Mr. Lemke: Well, God bless you.

Ms Blakeman: . . . and there's never been a Liberal considered, but there have certainly been a number of card-carrying Conservatives.

Mr. Lemke: And the fact is that during that recruitment you were able to ask those people what their political affiliations were?

Ms Blakeman: Oh, yes. I have never been shy about putting that on the record. That didn't stop the committee, however, from nominating people.

Mr. Lemke: I will not support this motion.

The Chair: I have as high hopes for the integrity of this committee as the most recent one we did, hon. members. I hope we don't prejudge any of the outcomes of our work.

At this point I'll go to Mr. Eggen, and then Mrs. Leskiw.

Mr. Eggen: Well, thank you, Mr. Chair. Certainly, this is a concern that's top of mind for me as well, and I just have a couple of things that I wanted to point out. First of all, Cheryl, you mentioned those criteria that you just read off that piece of paper. Sorry. I didn't catch what you were referring to.

Mrs. Scarlett: The job profile.

Mr. Eggen: Right.

The Chair: It's the last bullet.

Mr. Eggen: So we are advertising with this, then, yeah? That is part of the net that we're casting out, so to speak, across the country, with that language that you just read to me? Sorry. Excuse my ignorance.

Mrs. Scarlett: Correct. Just for clarification, we have a draft advertisement as part of the advertising proposal.

Mr. Eggen: Oh. Okay.

Mrs. Scarlett: In that draft advertisement it directs anybody who is interested back to our website. On our website will be the expanded job profile for them to review, which is standard protocol.

Mr. Eggen: Okay. Good. You know, I would suggest that that language is very good, that you had highlighted for us previously, and if we could maybe enhance that somehow or just bring it out to the fore a little bit more when we advertise. I think it sort of covers some of the concerns that have been expressed here already plus my concerns about impartiality and so forth.

My second comment and again perhaps directing it to our Parliamentary Counsel: an idea that occurred to me just yesterday

was in regard to judicial appointments and the process that seems to vet those members that are called to become judges. It seems to work, I mean, more often than not. Not always. More importantly, I think the public's perception of that seems to be fairly sound, right? So we're working on two levels here. We want someone that demonstrates competence as the Ethics Commissioner, but we also want the public to have trust in the impartiality of that person, too. I mean, I'm just wondering if there are any things that we can draw from the appointment of a judge that could help us in our task at hand here today.

Then the third thing – sorry – while I've got the floor here is that I'm wondering if maybe we shouldn't consider making this an appointment for someone who was a judge, right? Sometimes we do do that, I mean, so that you have somebody who was a judge at some point. I just want to put that out there. Should we make that a consideration for this appointment? Would that help us to clear the air?

The Chair: If I may, before I get to Mr. Reynolds. Mr. Eggen, we just approved the profile, and we also identified some of the places that we'll be advertising; for example, COGEL and another one. It spoke to the effect of reaching out to some of those individuals. I mean, if we were going to specify that we wanted someone with experience from the bench, then obviously we'd have to amend the profile, which we haven't done. Your point is well taken, but we're halfway through the process already. That may be something we might seek depending on the applicants that come forward. It may give us an opportunity. But at this point I think it'd be a little late to try to amend the profile to do that.

Mr. Eggen: Sure. No, I understand. I think probably, you know, my comments might help us to direct our attention as people come before us for this job, right?

The Chair: Food for thought as we proceed. Thank you.

Mr. Reynolds: Just briefly, Mr. Eggen, let me preface this by saying that I've never applied for a judicial position and I've never sat on a judicial scrutiny committee, but I believe what occurs is that the committees that are struck are composed of representatives of the minister, the Canadian Bar Association, the Law Society, and judges themselves when they review applicants, at least for federally appointed judges. They review a candidate's resumé. They look at his or her community activities. They do fairly extensive, I think, checks with respect to colleagues, et cetera. I honestly don't know if they look at the partisan issue because after it leaves the committee, which reviews on the basis of qualifications, it then usually goes up to the political level, I believe. I have to look into it and get back to you on that.

With respect to judges applying, I mean, certainly, in some jurisdictions there are retired or former judges who sit as ethics commissioners. In Ontario – I don't know if it's a requirement – the Integrity Commissioner was a former justice, I believe, of the Ontario superior court, and one of B.C.'s former ethics commissioners was a former judge.

I believe, Mr. Chair, what you'd say is that they would just have to apply like anyone else. Certainly, you cannot be a judge and be Ethics Commissioner because judges are prohibited from holding any other jobs while they're judges.

The Chair: Thank you for that.

Mrs. Leskiw: I sat on it when we picked the person in charge of Elections Alberta, and we had unanimous consent for the person that we appointed. I don't see why this committee can't come to

that same type of resolution. When we had the interview, in the last round everyone was impressed with the same person. Hopefully, regardless of which political party we belong to, we're going to have the same type of reaction, that as we go around the table and make our vote, it's going to be unanimous. We picked the best person last time, and with the people on this committee I'm sure we can do it this time, regardless of which political party we belong to.

The Chair: Thank you, hon. member. It, too, is my hope that we will have similar success in this process. But I do know that we have a lot of miles to go before we sleep, so I look forward to the work.

Mr. Saskiw, I'm going to get back to you because you did suggest a motion, and I certainly don't want to stifle any of that opportunity. If you would like to make that motion – I can't presume how the result of the vote will go, but if you choose to make that motion, that is totally up to you.

10:45

Mr. Saskiw: It looks like the advice is that we not put that information in, so I will withdraw that motion.

My second question, though. I would like legal advice on whether or not during the interview process we as MLAs can in fact ask the applicants about their past partisan political activity or whether or not the legal advice is that that would be somehow a violation of their rights. That is fundamental, from my perspective, in this process, that there not only be nonpartisanship but a perception of nonpartisanship. I don't need that answer now, of course, but I plan on asking those questions and would like advice on whether or not that is allowed.

The Chair: I think that's a fair point, Mr. Saskiw.

If Parliamentary Counsel is willing to give us some thoughts, whether it be complete advice at this point or not, I'm certainly willing to have it.

Mr. Reynolds: Well, we're a little ways away from the interview process. I can certainly look into it. My preliminary view, on the record, between *Hansard* and everyone else, is that it would be allowable to ask those questions in the sense that you're a committee of the Assembly. You have certain protections in doing this, and it's a bona fide occupational qualification, arguably.

But I'll look into that and get back to the committee if that's acceptable, Mr. Saskiw.

Mr. Saskiw: Very acceptable. Thank you, Mr. Reynolds.

The Chair: Thank you for that.

Mr. Eggen: So, Mr. Reynolds, the protections that are afforded to us inside the Assembly also extend to committees?

Mr. Reynolds: Absolutely.

Mr. Eggen: Oh. Well, that's great.

The Chair: Wonderful. Thank you.

Mr. Reynolds: Excuse me, Mr. Chair. And to witnesses before the committee, too.

The Chair: Wonderful. Thank you for that.

Are there any other questions or comments from anyone on the line or members here?

Ms Blakeman: Mr. Chair, if I could go on the list following the conclusion of this.

The Chair: Following the conclusion.

We're dealing with item 8, and then the hope here would be that a motion would be moved by the Select Special Ethics Commissioner Search Committee to adopt the revised – Mr. Eggen, you're willing to move that?

Mr. Eggen: I am, sir.

The Chair: Wonderful.

Okay. Mrs. Scarlett, could you clarify? Did we have a small revision?

Mr. Eggen, your suggestion . . .

Mr. Eggen: No. As written.

Ms Rempel: You had made a comment about moving some wording about impartiality into the ad.

Mr. Eggen: Oh, yes. Right. I mean, it's there.

The Chair: Just a suggestion: while you pull your thoughts together, Mr. Eggen, I'm just wondering if the language that pushes the potential applicant to review the profile being clear, something to the effect of the expectations, might be helpful. I'm just wondering because it was referenced that potential applicants are encouraged to review the profile online.

Mrs. Scarlett.

Mrs. Scarlett: Yes. In the draft ad that's attached to the information that you have, at the bottom it says to visit the Assembly committee site, Ethics Commissioner search, for details. Specifically, one of these sentences says that the position profile can be accessed on the Assembly website or by contacting the committee clerk.

Again, we realize that in the printed materials that get posted, they are a more abbreviated version, obviously for cost containment, but in the majority of ads that are put out by organizations, there is an expanded job profile, and you're going to the website to look at all of that information.

The Chair: Okay.

So your motion would be fine as distributed, then, Mr. Eggen?

Mr. Eggen: Yes.

The Chair: Okay. Thank you.

We have a motion on the floor to adopt the advertisement plan as distributed.

All those in favour, please say aye. Any opposed, please say no. That motion is carried unanimously. Thank you very much.

We'll move to item 9.

Ms Blakeman: Mr. Chair?

The Chair: Oh, yes. Ms Blakeman, you had a comment. You had asked to be on after that item.

Ms Blakeman: I did. I'm just wondering if we can have agreement, as we have in previous search committees, that if a member of the committee misses any of the interviews with any of the candidates, then they agree to forfeit their final vote. In other words, it's critical that all members of the committee are present for all of the in-person interviews.

The Chair: I think that's consistent with what we've done, Ms Blakeman, and if you wanted that to be on the record in the form of a motion, I think that would – we haven't done that as a motion. Okay. I'm seeing some . . .

Ms Blakeman: No. We just agreed.

The Chair: Yeah.

Just to look around the room. Mr. Lemke.

Mr. Lemke: Just a question. If, for example, one had to miss an interview and they had somebody sit in for them . . .

Ms Blakeman: No.

Mr. Lemke: I'm sorry?

Would that person continue with the interviews, or do you simply lose your seat at the table if you missed?

The Chair: Okay. If I may, Ms Blakeman, I'll let you respond. You heard Mr. Lemke's question. Maybe just give us your point of view, and we'll discuss this a little more.

Ms Blakeman: Well, where we ran into problems in the past was where exactly that happened. Either somebody missed an interview or they had someone sub in, and then you had one person at the table that didn't have the same information or the same experience as everyone else. It led to a number of problems. So, you know, I think we have done an interview where someone phoned in, but I think we just can't have it that people have different levels of understanding of the range of candidates compared to everyone else on the committee. I think you have to be there or phone in.

Mr. Lemke: Fair enough.

The Chair: Okay. Mr. Lemke is okay with that. Others? Mr. Eggen.

Mr. Eggen: Well, you know, as long as we have quite a firm discussion and agreement on those crucial meetings, where we do have people there, so that we have spaces in our calendars, as long as we have all agreed on that two-day or three-day period – right? – then I think it should be okay.

The Chair: I think we had good success. Again, I'd go back to the most recent example we had. I know that I as your chair will make every effort to try to work with people's calendars. I think this is too important to have anyone drop out of the process, and, frankly, I'm a little selfish. I think we have a very good working group, from past experience – that's all I can go by – so I'm quite anxious to have every member that's a member of this committee be involved right through to the end. That's going to be, certainly, my commitment as your chair, that I will make every effort to work with all of your schedules to keep everyone involved right to the end of the process.

Ms Blakeman: Excellent. Thank you, Mr. Chair.

The Chair: Ms Blakeman, I think you've got consensus that that will be the process that we will adopt.

Ms Blakeman: Good. Thank you.

The Chair: Just a few points. Again, we've just been through this process, so I'll just remind everyone briefly of the importance of respecting the confidentiality of all applicants throughout the search process. Again, briefing materials will be forwarded to committee members in hard copy and are for your eyes only.

Mrs. Leskiw: On that point, Mr. Chair.

The Chair: Go ahead, Mrs. Leskiw.

Mrs. Leskiw: A lot of the people around this table are within the city. When you have a meeting and you deliver the stuff to our Leg. offices and if it happens to be that we're back in our constituency office, we don't get the materials until just before the meeting. There has to be some sort of co-ordination of making sure that, depending on what the Leg. calendar is like – because in previous ones I've been in a situation where I'm back in Bonnyville, but my materials were delivered on a Friday to Edmonton. There is no way. On Monday I'm back here, and the materials: I haven't had a chance even to look at them.

The Chair: I'm just wondering, Ms Rempel, how possible it is that we could send something confidential, if that's doable, to get the information out. Again, this is very important. It's important that people have the materials to review ahead of time, so I'm thinking courier or something. Has that been done before? Could you comment on the possibility?

Ms Rempel: Yes. It is certainly possible to get the confidential information out to a constituency office or a Legislature office. Just for general information our established practice is that we contact each member's office and ask their support staff where we should be delivering the information.

10:55

Mrs. Leskiw: Thank you.

The Chair: We'll co-ordinate and make every effort to get you that material as reasonably as possible.

Just to move towards wrapping up. Again, on meeting attendance we have several members by teleconference today. If you plan on calling in to a meeting, please be sure to let the clerk know in advance.

The standing orders also allow for, again, an official substitute to be designated to participate. Now, we've talked about how once we've moved far enough in the process it gets a little harder. Substitutes are an option, and of course we do have one today.

That's pretty much it. Yes. We've covered the piece about where we are, halfway through, how far we can go.

Any other questions, comments? Anything we're missing?

People have to run. Mr. Lemke, I know you have a group of students here. That's very important. I think we've covered everything.

The next meeting is likely at the call of the chair, hon. members, based on the schedule that we've laid out.

I think I'd just look for a motion to adjourn. Mr. McDonald. Thank you very much. All in favour? Opposed? We are adjourned. Thank you so much.

[The committee adjourned at 10:56 a.m.]

