

12:26 p.m.

[Mr. Langevin in the chair]

THE CHAIRMAN: I'll call the meeting to order. We're already a few minutes late. We don't have that much time; we have session at 1:30. First of all, I'd like to welcome you all to the first meeting of this Select Special Ombudsman Search Committee. Also, I want to thank you for accepting to serve on this committee. I know it's going to be quite a challenge and interesting, and I'm pleased to have you all.

Now going to the agenda for today's meeting. You all received your information. I'd like to ask if there are any additions to or omissions from the agenda. If not, I'd like to have a motion to approve the agenda as circulated.

MRS. FRITZ: Thank you, Mr. Chairman. I'll move that.

THE CHAIRMAN: Okay. We have a motion by Yvonne. All those in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Thank you very much.

The second item we have on the agenda: I think it's important that we have a deputy chair just in case I am absent at times, so we don't hold up the meetings for one person only. The motion in the House that appointed us as members of this committee did not appoint a deputy chair of the committee.

MRS. FRITZ: I'd like to make a motion that Mary O'Neill be deputy chair.

THE CHAIRMAN: Thank you. Mary, would you be prepared to accept that?

MRS. O'NEILL: Yes.

THE CHAIRMAN: Are there any further nominations? All those in favour of the nomination?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Thank you very much. It's carried.

Item 4, Mandate of the Committee. I don't know if you all had a chance to read this. Under tab 4 there's a copy of the motion that was made by the House leader. It spells out exactly the mandate of our committee. Are there any questions on that mandate?

MRS. FRITZ: I move that we receive that for information.

THE CHAIRMAN: Okay. Thank you. We accept that as information.

Item 5, Timetable and Procedures for Ombudsman Search. There were questions about how soon we had to do that or what the planning was, and Diane put together, I guess with the help of Shirley, a timetable for us. If you'd like to have a look at that, I'll ask Shirley Howe maybe to give us a little bit more information on this time schedule.

MRS. HOWE: Thank you. This is a tentative schedule, and it's just intended to give you an idea of the time frame based on approval of

our ad and position profile today and moving forward to have this ad included in the media by May 31. If we're able to reach that deadline, then we'll proceed with gathering the applications over the next month. Historically this position has been held open for one month, so that would take us to the end of June. We at PAO would then do the screening and prepare a screening report for the committee that would include a summary of all the applicants and a suggested rating. We would also provide you with all of the résumés and cover letters from applicants as well.

So at some time, then, in early August potentially the search committee could again meet, look at the screening report, and agree on who you would suggest we do preliminary interviews with. Historically we have done I think around 20 to 30 preliminary interviews, so we based our time schedule on about 20 interviews going through August. At that time, we would prepare interview reports on each of the candidates, and those would be brought back to this committee to review and agree on who would be selected for final interviews. Then this committee would do final interviews, and that would take us probably into early September.

THE CHAIRMAN: Thank you. I apologize; I should have introduced Shirley Howe at the opening of the meeting. I don't know if you all know Shirley, but Shirley is the manager of the personnel administration office here in the government, and she will be working with this committee on this project. I think you all know Diane. Shirley, you've met all the members of the committee? Thank you.

Are there any questions? Yes, Howard.

MR. SAPERS: I have one question, really, just for my own information. When you're doing a search of this nature, is there a standard listing of newspapers that you advertise in and the frequency, or does it vary job by job, and if so, have you decided where you're going to be advertising for this one?

MRS. HOWE: It varies job by job, and, no, we have not decided that. That is actually your decision.

MR. SAPERS: About where the ads are placed?

MRS. HOWE: That's right.

MRS. SHUMYLA: We have that under item 8 on our agenda.

THE CHAIRMAN: That'll come up in a few minutes.

Any other questions on our proposed timetable here?

MRS. O'NEILL: Yes, Mr. Chairman. Just with regard to the timetable, I haven't got a calendar to tell me when the Labour Day weekend is, but my request was going to be if we could avoid that.

THE CHAIRMAN: Okay. Can somebody help us with that?

MRS. HOWE: Labour Day is actually the 1st of September.

MRS. O'NEILL: So the 4th is . . .

MRS. HOWE: The 4th is a Thursday.

MRS. O'NEILL: So the 29th of August is what day of the week? I'm sorry.

MRS. HOWE: It's a Friday. These are tentative dates, so I guess

they could be . . .

MRS. O'NEILL: My request would be: could we at this point try to avoid the Friday before Labour Day, especially since we're working through the summer?

THE CHAIRMAN: I think, Mary, that we're flexible with this timetable. It's presented as a rough sketch here to get us going. What's important is that we start the advertisement and all that. If we have to adjust the dates by one day or two or a few days on one side or the other, I don't think there'd be any problem.

MRS. O'NEILL: Howard just pointed out to me that August 8 to 29 is not our involvement anyway.

THE CHAIRMAN: No. That's right.

MRS. O'NEILL: And the 4th is sufficiently after. Thank you.

THE CHAIRMAN: Okay. That satisfies you?

MRS. O'NEILL: I finally found a holiday weekend in the whole of 1997, and I'm guarding it judiciously, I'll tell you.

MRS. FRITZ: My comments were the same. I know the importance of following through with a commitment and what you've laid out here for a time schedule, but I can tell you that in August I will be away with my family, and the commitment to interviewing – I can see that the preliminaries are finished on the 29th, but prior to that, we meet on August 7 to review the screening reports, et cetera. So if we could either make that earlier? I don't know, based on the advertising, if you can up some of what you're doing here in May. But I wanted to let you know that, Mr. Chairman.

THE CHAIRMAN: So you would not be available in August? No?

MRS. FRITZ: No.

THE CHAIRMAN: It's a little tight probably to move that up if we start advertising.

MRS. HOWE: It would be possible. Again, these are very tentative dates, so it very much depends on the number of candidates we get and how many preliminary interviews we need to do. If the timing would be better at the end of July for this committee to meet, we could just target to meet at the end of July. It's really up to the committee.

12:36

MRS. SHUMYLA: I was just going to add that as long as we get the ad in so that the résumés come back, I can always work with the chairman and the members as to a suitable date.

THE CHAIRMAN: We'll try to accommodate any problem that members have with certain dates so that we can work that out.

MRS. FRITZ: Thank you, Mr. Chairman.

THE CHAIRMAN: Hopefully we won't leave anybody out if we don't truly have to.

Any further questions on our proposed schedule, understanding that they are tentative dates at this time and they will be adjusted as need be?

Okay. I will move on to item 6, under tab 6 in your binders. We

have about six pages here, and I'll ask Shirley again maybe to walk us through this document.

MRS. HOWE: Is this the position profile?

THE CHAIRMAN: Yes, the position profile.

MRS. HOWE: Okay. What I've done just for ease of reference is put in italics the changes that we've suggested for this competition since the last competition. So a lot of the information in terms of the responsibilities of the Ombudsman and so on have remained the same.

The other thing I would highlight is that we have included an area on issues and challenges that is new, and from the last time we have combined what used to be a separate profile on the person and a profile of the position into one document that is shared with everyone. So unless you'd like me to go through this in more detail, I'd be happy to answer any questions, or if you have some suggestions of wording changes that you would like to see, then I can include those.

MR. HIERATH: Are we talking about the advertisement for qualifications, or are we talking about the profile that we are using in interviewing potential people that are applying for the Ombudsman?

MRS. HOWE: The profile provides more detailed information from the ad. A lot of the information from the ad is included in the profile. The profile gives more information, and it is the basis for the committee to look at the kinds of qualities that we are looking for in the particular position and person and is used as a basis for screening as well. The information in the profile provides the screening criteria.

THE CHAIRMAN: Shirley, this would also be a public document. If a candidate wants to find out more about the job before he applies, he could phone and ask to have this profile?

MRS. HOWE: Actually, our process would be – and Diane would be doing this – to send an acknowledgement letter to each candidate along with a copy of the profile. So each candidate would get this in advance of even our screening meeting.

THE CHAIRMAN: Well, I had a chance to read through this thing, and I don't have any question or any comments at this time. Howard?

MR. SAPERS: The only thing I have is a real petty little – just at the bottom of page 4 and at the top of page 5 is the same sentence. That's all. I mean, I thought it was a really good sentence, but I wasn't sure it should be in there twice.

THE CHAIRMAN: We want to make sure that the candidates realize it's important.

MR. SAPERS: Do you not have that on your copy?

THE CHAIRMAN: Yes, I have. I have the same.

MRS. HOWE: I'll correct that. I don't have it on mine. Thank you for pointing that out.

MRS. O'NEILL: Are we discussing this now, Mr. Chairman?

THE CHAIRMAN: Yes, now's the time.

MRS. O'NEILL: I'm on page 6, item 3, academic preparation. I find it too vague. There's no preference for any particular educational background, but there must be an educational background. So I don't know where to go from there, but I raise that at this point.

THE CHAIRMAN: Okay. This is not the first time we have hired an Ombudsman, so this was used in the past.

MRS. HOWE: Yes. And, again, not having been involved in the previous ones, my assumption around why it is worded like this is that the intent was that Canadians of any particular background who have significant recognition in their area of expertise can possibly qualify for this job and that there may be Canadians who do not have a graduate degree or other specific qualifications that would be just as competent to become Ombudsman as someone who has those educational requirements. I think that that has been the historical rationale. However, we can change this. If you'd like to see something more specific there in terms of, you know, a degree is desirable, that kind of language, we can include that.

THE CHAIRMAN: Well, I would not like it to be changed to be so restrictive that it would exclude possibly some good candidates. Probably a lot of life experience and what they've done in their previous careers are probably as important as them having a certain degree. How do we tie a degree to this job? It's not like if you hire an accountant, you want a certified accountant or if you hire somebody in the medical field, you want a doctor. We don't have a degree that fits exactly in this field, so how would we regulate that?

MRS. HOWE: We could put "desirable," and that still allows people who don't have degrees to apply.

THE CHAIRMAN: We could do that.

MRS. HOWE: It's an option for the committee.

MRS. O'NEILL: I'm still in the process of thinking this through, so I haven't come with a proposal here. I guess what I am looking more for is someone who has had sufficient education – you can make it a small e – in ethical discernment, not just legislative but in moral education. Someone who, for want of a better word at this point, has, say, taken courses, is able to weigh values. We're dealing basically with someone investigative, but an Ombudsman is going to have to make decisions as to whether something is right or wrong in a broad category, so they have to have some kind of background in that sense.

I throw it out for discussion. Maybe we'll arrive back at this and this is quite sufficient, but it seems to me that you do want someone who at least is educated in the process, whether it even is as an elder in a native community, who has had that kind of education. Do you know what I mean?

MRS. HOWE: I do. I guess I think that that's what the chairman referred to as life experience, and it tends to be the kind of thing that we would gather from a preliminary interview.

THE CHAIRMAN: If you look at page 4, under the heading "the person" and if you read starting at number 1 on that page and continuing on to the middle of page 5, it gives a pretty broad overview there of what the qualifications would be without describing certain degrees that you might have in education.

MRS. O'NEILL: If need be, then, under personal qualities, I guess I would add something there rather than under academic preparation. I'm not trying to exclude someone who doesn't have – I'm not talking degrees when I'm talking academic preparation necessarily. Maybe I'm the only one who has this concern.

THE CHAIRMAN: Diane was just mentioning to me that when people apply, they will apply from seeing the ad that will appear in the news advertisement before they see this document. If you look under tab 7 – I don't know if that will satisfy your concerns – there are 10 points of reference there that talk about their qualifications.

MRS. O'NEILL: Actually, the fourth bullet is really touching more on an understanding of the distinction between natural justice and legal justice. As long as there's that sensitivity. I'm new to this, but my concern is that we're not looking for a megapoliceman; right?

THE CHAIRMAN: No.

MRS. O'NEILL: Although the skills of a policeman or an investigator would be very much appreciated, I think we're looking in this role for something that is complementary to that.

THE CHAIRMAN: That's something that as we do our interviews, we'll have to keep in mind. It's a big help if a person has certain qualifications, certain experience, certain knowledge in that field. I'm sure that all the applicants, in order to prepare a good summary for themselves, will make sure that we know of their qualifications – their education, their degrees, or whatever they may possess – that would qualify them or enhance their chance of being selected. So they will definitely come through with that and then we can evaluate from that.

MR. HIERATH: Then one of the things, Mr. Chairman, if I may. If you turn over to the next page under tab 7, the 1989 advertisement – not to say that we would use this absolutely – in that advertisement for an Ombudsman for Alberta in 1989, in I think the third paragraph it says: "The demands of this position require attributes that go beyond a specific discipline or academic achievement." I think that says it all.

MRS. O'NEILL: If I can go back. Are we still on that, or are we back at the other part?

THE CHAIRMAN: Well, we still have to decide if we're happy with item 6, the position profile. Now, taking into consideration what we pointed out in item 7 and then the 1989 advertisement, would you be satisfied with what we have for the profile then?

Yes, Yvonne.

MRS. FRITZ: Thank you, Mr. Chairman. I think that Mary raises a valid point. My question is whether or not we'd be happier – under experience in resolving conflicts, under working knowledge they do need knowledge of administrative law and familiarity with investigative procedures as well as knowledge of administration, financing, human resources, and management practices. Is there a way to incorporate that within item 3, academic preparation? It may not be formal education that you are looking for. You may be looking for something that's informal. But I think the point is valid. It looks pretty blank here to say that there isn't anything particular that you need in any way, when before that you are saying that you do, whether it's informal or whatever. If those can be listed under that statement in some way.

MRS. HOWE: Perhaps then we'd take out academic preparation and include desirable preparation.

MRS. FRITZ: I think so. Yes. It's a valid point that Mary has raised, because you have that incorporated within your document but not specifically.

MRS. HOWE: Then with the emphasis on the academic I think the intent was: would you screen somebody in or out based on their particular academic accreditation? And what we are saying is: no, we probably wouldn't, because these other things that go above and beyond would be more important.

MRS. FRITZ: Yes. As Ron said, you've nicely worded it here, you know, under tab 7, with the 1989 advertisements. So it is in here.

MRS. HOWE: Okay. I can do that.

MRS. O'NEILL: So we're taking out the word "academic."

MRS. HOWE: I'll replace it with "desirable," and I'll include the language . . .

THE CHAIRMAN: That Yvonne just mentioned here. Will that be okay?

MR. SAPERS: It seems that the statements under personal qualities – I guess when I read this, I just saw it a different way. I didn't see it as saying that there shouldn't be academic preparation. I saw it simply as declaring a statement that we don't care whether you're a lawyer or an engineer or whatever. I don't know. I was comfortable with the additions under personal qualities talking about, you know, the issues that we've been discussing. If you change it, I think it's just now going to beg the questions: well, okay; are you looking for any particular kind of academic background? It's very clear here: no, "there is no preference." It does suggest to me that we'd be looking for some academic preparation somewhere along the line, but this is just saying that it doesn't matter what it is.

THE CHAIRMAN: It doesn't say that you should not have any; it says that we won't put preference on one over the other.

MR. HIERATH: Well, that being said, Mr. Chairman, I think maybe I'll make a motion to approve the draft position profile as presented.

THE CHAIRMAN: Okay. I have a motion. Any discussion on the motion? Would you like to add something there?

MRS. O'NEILL: I was happier with the compromise. Academic preparation, I understand, where you're saying there's no – in other words, do we even need to highlight it then?

MRS. HOWE: We don't. We can take it out.

MR. HIERATH: I would sooner take it out completely.

MRS. O'NEILL: I guess my preference would be to take it out.

MR. HIERATH: That's fine. I'll make a motion.

THE CHAIRMAN: You'll agree to withdraw your motion?

MR. HIERATH: Yeah. Well, I will make a motion that we accept the draft position profile with item 3 on page 6

removed.

THE CHAIRMAN: Okay. Ron has withdrawn his motion that we accept it as is. The motion on the table now is that we accept it with the withdrawal of item 3 on page 6. All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Carried. Thank you very much.

Now, under tab 7 we have the advertisement draft. The first page, the white page, is what our support staff have proposed. The 1989 and 1987 copies are here just to give you some background information on how it was done in previous years. Shirley, you went through that and you drafted this one. Do you want to point out the highlights or the main changes?

MRS. HOWE: Sure. Again the changes are in italics. So you can see that there aren't a lot of changes. These changes, I should mention as well, were ones that I did discuss with the former Ombudsman. So I did get his input in terms of what changes he thought might be important in attracting someone to the position. So we've highlighted "significant recognition in their chosen fields," and then there are a number of other qualities that have been added in the bullets in terms of what is desirable for the Ombudsman to possess.

THE CHAIRMAN: Okay. This is quite clear now. Like you say, they're italicized. They stand out, so we know exactly what the changes are.

MRS. FRITZ: So these are incorporated, then, in your new advertisement; are they? Is that what you're saying?

MRS. HOWE: Yes.

MRS. FRITZ: But the italics are . . .

MRS. HOWE: The new changes.

MRS. FRITZ: So this is what you would put in where the 1989 advertisements – you would put this into that. I see.

MRS. HOWE: Yes. This would be the new ad with the regular type being the same language as the previous ad.

12:56

MRS. FRITZ: So are all of these measurable, like self-confidence? With somebody that you're interviewing, you're going to measure their self-confidence, if they feel they're self-confident and they apply?

MRS. HOWE: They're judgments. They're indicators and judgments, and they are also things that we would check in our references as being important.

THE CHAIRMAN: A comment, Howard?

MR. SAPERS: Thanks. My question I guess is similar. The inclusion of the words "significant recognition." You know, I'm perfectly happy with the text. I just don't know how you'd make that particular judgment. Obviously, I'm going to apply thinking whatever it is is significant, if I'm going to apply for the job. I don't know if that adds anything to it; that's all.

MRS. FRITZ: Where is that, Howard?

MR. SAPERS: It's right at the top of the page.

MRS. HOWE: That's a very good point. I think the discussion around inclusion of "significant" was that potentially some candidates might, when seeing that upfront . . .

MR. SAPERS: It would demonstrate a lack of self-confidence if they didn't apply.

MRS. HOWE: They might not apply if they felt that they were significant in an area that was fairly narrow in terms of the other things that then follow in the ad.

THE CHAIRMAN: Mary, you have a comment?

MRS. O'NEILL: My concern is the last bullet, "a reputation as an independent thinker." I seem to have sat on a number of admission committees and a number of search committees lately, and that has not, in my mind, sent out a good hook for people. I don't know. In my old age I don't like it, and it's never proved to be an effective thing. You get the counter to what you really want. You don't get a team player. You get someone who goes off on a tangent. A reputation as an independent thinker: it takes a degree of sophistication and understanding how you want someone with that skill, which I applaud, in a position of leadership.

MR. SAPERS: I agree with Mary, that sometimes you have to be careful what you ask for. But on the other hand, I was happy to see that one included, because I think it's very symbolic. There's always a certain amount of cynicism around Leg. offices: you know, how independent are they of government? I think that putting right in the ad that the Leg. Assembly is seeking an independent thinker for a position like the Ombudsman – I mean, obviously we want an independent thinker. So maybe it's a little redundant, but I think it's also symbolic, and I was pleased to see it there.

THE CHAIRMAN: Thank you.  
Yvonne, you had a comment?

MRS. FRITZ: Thank you. It's just to go back to – and I think, Mr. Chairman, if you're going to go through each word change, then perhaps you want us to comment at that time. I don't know how you're going to handle this.

I know, for example, the first, "Canadians who have earned respect and significant recognition in their chosen fields," et cetera: that, to me, sounds quite elitist, that you have to be significantly recognized or you do not apply for this job. There are many people who are well recognized in a variety of ways and in different cultures and within different communities, not simply the community that they live in, you know, when they say "the community at large." I wouldn't support the change to have the word "significant" in there.

I don't know if you want us to comment on each, Mr. Chairman.

THE CHAIRMAN: Well, I didn't know how many changes we might have. So maybe what we should do, if it's possible, is resolve one at a time, because we'll be probably jumping from . . .

MRS. FRITZ: Okay.

THE CHAIRMAN: So let's talk about "significant" then.

MRS. FRITZ: Those are my comments. I wouldn't support adding these. It just seems elitist to me.

MR. HIERATH: I agree.

MRS. O'NEILL: I tend to, yes.

THE CHAIRMAN: You tend to.

MR. SAPERS: You heard my thoughts, Mr. Chairman.

THE CHAIRMAN: Well, Ron, I guess there seems to be a majority of support. So we don't need a motion for every one if we have an understanding. Okay. We'll take it out.

Are we happy with the second paragraph? There are two words there, "Commissions" and "professionals."

MRS. O'NEILL: Sorry. You asked a question; I didn't hear it.

THE CHAIRMAN: The second paragraph. We're going to look at these paragraph by paragraph. So in the second paragraph the word "Commissions" stands out there and "professionals." Are we happy with these two words?

HON. MEMBERS: Agreed.

MRS. O'NEILL: So now under that jurisdiction comes the Human Rights Commission and all of the others? The second line: "through the administrative actions or decisions of Departments, Agencies, Commissions." We're now adding commissions? Is this new to the portfolio?

MR. HIERATH: Do you know the answer to that, Diane?

MRS. SHUMYLA: That's something that you probably have to check into, because boards and agencies are something that the Ombudsman wanted added to the portfolio that wasn't in it. But that was boards and agencies, so I'm not sure how "Commissions" fits in with that.

MR. HIERATH: I'm not either, and I was the past chairman.

MRS. O'NEILL: I would think that there is a particular line of reporting. I don't know.

MRS. HOWE: This was the former Ombudsman's recommendation.

MRS. O'NEILL: But are those the commissions that are included?

MR. HIERATH: Not that I know of.

THE CHAIRMAN: The commissions would be commissions of the government, like the Racing Commission.

MRS. SHUMYLA: We could check with the Ombudsman's office, but we wouldn't get an answer right now.

MR. HIERATH: Right. But I don't think he has the authority to investigate those.

THE CHAIRMAN: The commissions?

MR. HIERATH: Right.

MR. SAPERS: They're under the Financial Administration Act. The Alberta Gaming and Liquor Commission is, and so is the Racing Commission, I believe.

MR. HIERATH: But the Human Rights Commission isn't.

MR. SAPERS: It's not under the Financial Administration Act. Well, maybe the way to deal with this is to just add a tag at the end of the sentence: which is consistent with the mandate. Because there are some commissions that would and some that maybe wouldn't, so maybe just qualify and say: consistent with the scope of responsibilities under legislation.

MRS. HOWE: Which is in the first sentence there, just under the Ombudsman Act. So it would flow.

MRS. O'NEILL: We're adding the word now, so we're flagging it.

MRS. FRITZ: It's actually a red flag that's being raised, too, for some, you know, commissions. But the Human Rights Commission, some people will read this and say: oh, we can go to the Ombudsman now. You know, understanding the human rights area, that that's true.

THE CHAIRMAN: Maybe we should just take it out, because it stands out in the first sentence: "The Ombudsman is charged with the responsibility, under the Ombudsman Act." They have to do whatever is under the Act, so there's maybe no need to have the word in.

Do we agree to delete it? A consensus? Yes? Okay.

MR. HIERATH: The word "professionals" is fine there.

HON. MEMBERS: Agreed.

THE CHAIRMAN: Okay. Let's move down to the third bullet: "self-confidence."

MRS. FRITZ: Do you standardly put that in your advertisements or whatever, that somebody must be self-confident to apply for a position? Then you're able to see that through however they interview. "Oh, they're self-confident, so we'll hire them."

MRS. HOWE: It's not standard. The language that we would put in each of our ads would be based on whatever the group would like to see as a highlight in the particular individual that they want to hire. So the message is to those individuals out there: these are the kinds of qualities we're looking for. So they vary based on what the need is. You know, we can include this or not.

MRS. FRITZ: I'll not spend a lot of time on it, Mr. Chairman, but I don't think I'd support self-confidence being added. I think it's sufficient as long as they're mature and have common sense and they're fair and of sound judgment.

1:06

THE CHAIRMAN: Okay. We have one opinion.

MRS. O'NEILL: I would concur with Yvonne simply because self-confidence still has a connotation in many people's minds of being arrogant. It's not a similar statement, but it still connotes too much arrogance and all the rest of it.

THE CHAIRMAN: The bullet was quite strong before with all the

other adjectives that we had, I guess.

MRS. FRITZ: Right.

MRS. O'NEILL: You'll find the self-confidence. It will be very evident very quickly in the true sense.

THE CHAIRMAN: Any comments? Okay. Well, we'll take it out then.

The next one down is "strong verbal, written and public communication skills." That's at the sixth bullet. Before we only had "strong communication skills."

MR. HIERATH: That looks okay.

MRS. FRITZ: That strengthens it.

THE CHAIRMAN: It strengthens it. Okay. Thank you.

The seventh bullet: "a working knowledge of administrative law" instead of just "knowledge of law."

MR. HIERATH: "Administrative" is the change.

MRS. FRITZ: And "working." They have to have worked in the field in some way. I find that really interesting. That's what it says to me. It says to me that I have to have a working knowledge of admin law. I have to have been working in this field in some way, whether it's in a volunteer capacity or somehow learned about this. I may be reading it wrong. What is a working knowledge?

MRS. HOWE: It's somewhat stronger than a general knowledge. At the end of the day we'd still be defining that based on what the candidate's particular background was and how they did in their interview.

MR. HIERATH: Well, I personally don't see any big problem with the old one, with "knowledge of law and familiarity with investigatory procedures." I don't see too much problem with that wording.

MRS. FRITZ: I agree.

THE CHAIRMAN: Okay. We have a couple of agreements here. Mary, what is your opinion?

MRS. O'NEILL: I'm not trying to stall this, but I'm quite warm to this because it eliminates your theoreticians. It gets to anybody who has worked where you've had to deal with what administration can and cannot do. I mean, that can be interpreted very, very broadly, but I find that quite a defining attribute for this particular job.

THE CHAIRMAN: Do you have any comments, Howard?

MR. SAPERS: Well, I think adding the word "administrative" to qualify the kind of legal knowledge that we're looking for is helpful, but I understand your point. It also tends to narrow the search, or it begins to suggest maybe a kind of training or requirement that we've just decided we're not specifically casting about for. There are lots of people with a working knowledge of administrative law. I would suggest that anybody who's ever served in the Legislative Assembly anywhere in the country would have a working knowledge of administrative law, and certainly you wouldn't have to be a lawyer. Knowing what the Ombudsman does, narrowing down the definition of the kind of legal knowledge he could have I think is helpful.

MR. HIERATH: In fact, if you turn to the next page, the old ad read: "a practical knowledge of law and familiarity with investigatory procedures." So a practical knowledge of law. Now we're going to change it to "a working knowledge of administrative law." I find the old one a lot less narrowing of our focus. This one does more than the old one.

MRS. FRITZ: I agree.

THE CHAIRMAN: I prefer the old one also.

MR. SAPERS: Well, then I'll make that unanimous.

THE CHAIRMAN: Okay.

The next bullet: "team building and team leadership skills."

MRS. FRITZ: I think that's pretty standard, that you look for team leading, team building, and working in a team approach so you're not isolated. Is it?

MRS. HOWE: Yes.

MRS. FRITZ: I'm fine with that.

THE CHAIRMAN: Okay. So we seem to agree on that one.

The last one: "a reputation as an independent thinker." We started on that discussion, but we didn't reach a decision.

MR. HIERATH: I don't think there's much need for it.

THE CHAIRMAN: You would like to strike it out?

MR. HIERATH: Sure.

MRS. FRITZ: I agree.

MR. SAPERS: On this one I'm afraid I can't make it unanimous. I mean, I hear it a lot – and I'm sure we all have – that people think that whether it be the Ethics Commissioner or the Ombudsman, they're just an arm of government anyway. I do think it has some symbolic – in fact, I've had discussions with Harley about this issue, not specifically about the wording in an ad but just about the reputation and the aura around legislative officers. I think it's very important. Maybe those aren't precisely the right words, although I'm happy with them, but I think it's important just to state that in the ad and make it very public.

THE CHAIRMAN: I tend to like it also, but I guess the majority rules here. We have three that say maybe we should drop it.

MR. SAPERS: Unless I persuaded anybody.

MR. HIERATH: Not me. I don't think it's necessary myself.

MRS. FRITZ: Maybe it is the wording. For somebody to have a reputation as an independent thinker – I find it really interesting how you're going to measure that as well when they come in, especially when you get into checking your references. I mean, I can remember very clearly some of the high-profile positions that we were on the search committee for and what some of their people that they worked with said. It was outrageous. They may be an independent thinker, but they didn't have that reputation in that way. Maybe it's the wording then, Howard; I don't know. I don't know how you'd measure that, the reputation as an independent thinker.

MR. SAPERS: Would it help if it was grafted onto "team building" and maybe make one bullet that incorporates an ability for independent thought? In some cases the Ombudsman can initiate investigations, so you want somebody who's not going to be afraid to take the initiative, be a bit of a risk-taker if the situation warrants it. I think it's important.

MRS. FRITZ: Maybe that'll come out when we do the review that one time. I know where you're coming from with it, but right now I'd like to see it left out.

THE CHAIRMAN: Okay. I guess we'll have to leave it out.

We'd better have a motion, then, to adopt the advertisement with the proposed changes.

MRS. FRITZ: I'll make that motion, Mr. Chairman, that we adopt the advertisement with the changes.

THE CHAIRMAN: Okay. We have a motion. All those in favour of the motion?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Thank you.

Now, item 8 is the advertisement for the position. We have some proposals here that were put together. On the first page we have what we cover as Alberta advertisement, and that covers the main papers in our province. Then we have the *Globe and Mail*, a cost to do that separately. Then if you turn the page, you'll have a national advertisement program, which would include some of the majors across the country. There are some prices here that were used back in 1989. This was \$18,000 then. If you look at an increase, that cost is probably up to some \$20,000 now.

MR. HIERATH: Mr. Chairman, I assume that this sheet, page 1, the Alberta newspapers, probably includes all of the daily newspapers in Alberta.

MRS. HOWE: It does.

MR. HIERATH: Not to say if someone read one of the newspapers while visiting Alberta and applied that we would necessarily exclude them, but I think that advertising in the daily newspapers in Alberta would be sufficient.

THE CHAIRMAN: Okay. We have a motion. I had a suggestion from a member of another committee. Pam Barrett suggested to me – and she's not part of this committee; it's just a suggestion – that she would like to see us advertise in Alberta. She had a proposal that we put it on the Internet also, which is not a cost to the committee or to the government. The Internet seems to be the buzzword these days. There are a lot of people who are using it.

MRS. O'NEILL: The Legislative Assembly Internet?

THE CHAIRMAN: Yes. I don't know how that's done. You probably have a handle on that.

MRS. HOWE: We would be able to put it on the Internet. The ad would be able to go out.

MR. SAPERS: Is there already an electronic version of *The Bulletin* or not?

MRS. HOWE: A number of the ads that are currently in *The Bulletin* are now on the Internet. You have to decide, though, whether or not you want them to go on the Internet or not.

MR. SAPERS: Mr. Chairman, did Ron make a motion?

MR. HIERATH: No, I didn't quite.

THE CHAIRMAN: Well, you had a motion that we advertise in Alberta.

MR. HIERATH: Is that what I was going to say and didn't quite finish it? Okay. Well, I will make a motion that we advertise in all the daily newspapers in the province and that certainly, if there is no cost, the Internet probably is an added avenue to advertise in.

1:16

THE CHAIRMAN: Thank you. Any discussion on the motion?

MR. SAPERS: I was happy to see that there were going to be some ads taken out in the *Globe*. I take that as advice from executive search when I see it proposed here. I know we've done that in the past. So if the motion would exclude advertising in the *Globe*, then I would speak against it.

I also have a question. The last time that I had to place some national ads, it seemed to me that the *Globe* had very low circulation in some parts of Canada. In the Atlantic region, for example, where it would make sense to also advertise if you wanted national exposure, there were some markets in those major dailies aside from the *Globe*. So I'm wondering if you're aware of that and what advice you'd have for us if we wanted to make sure we had good national exposure for the position.

MRS. HOWE: I'm not aware of the exact circulation coverage of the *Globe*. It just has been kind of our past practice that if there is a requirement for our client to want to have national exposure, the *Globe and Mail* has been the generally accepted one because it's Canada's newspaper.

MR. HIERATH: Oh, in some people's eyes it is. In some other people's eyes it isn't Canada's newspaper.

MRS. HOWE: Including the *Globe and Mail* here and the cost of that is not advice from us. It's an option. If you wanted to look at one other way of getting some national coverage, the *Globe and Mail* might be a good option. However, if you decide that advertising in Alberta along with, you know, the Internet – and the Internet certainly is global – you do not need to go with the *Globe and Mail*. It's really your choice.

MRS. FRITZ: When we advertised for the Auditor, did we advertise in the *Globe*?

MR. HIERATH: Yes.

MRS. HOWE: I believe we did.

MRS. FRITZ: When you do searches, do you not advertise outside of Alberta?

MRS. HOWE: Each one is a separate decision. A lot of it depends on whether or not you feel that the Alberta market has a sufficient group of candidates so that you could likely pick someone of the calibre you would like. So that's one of the considerations. The other is reaching perhaps other Albertans even across Canada who

may be in other jobs, those kinds of things.

MR. SAPERS: I feel very strongly that because of the kind of office the Ombudsman's office is, because of the kind of neutrality that we'll be looking for, all of the other attributes that we've spent most of the meeting talking about, I think it's very important to cast the net widely for that individual and not restrict ourselves to an Alberta search. We may very well find an absolutely ideal candidate from Alberta, as we have in the past, and I'm very open to that. But again, I just think it's very important that this not be restricted to Alberta-only advertising.

MR. HIERATH: Well, I think that it's a waste of money to advertise in the *Globe and Mail*. My recollection of what I had heard about the last search for the Ombudsman is that there were 260 applicants. I think there's no need to advertise outside of Alberta. Because this position has a wide variety of skills that we're looking for and not specific, I think we will in the end no doubt hire someone that knows about the Alberta Legislature and the issues in Alberta. So I think it's a waste of money to spend \$6,400 to advertise in the *Globe and Mail*. I would sooner see us advertise in the *Vancouver Sun* and maybe the *Evening Telegram* in St. John's, Newfoundland. I haven't got a whole lot of interest in advertising in the *Globe and Mail*.

THE CHAIRMAN: Thank you, Ron.

Mary, you had your hand up.

MRS. O'NEILL: Well, I feel that if we're going to do the Internet, I would like to put it on the Internet. That will reach those who are interested. It's amazing the number who pick the ads off the bulletin boards for people from across this country. I would support advertising in Alberta and not in the *Globe and Mail*.

THE CHAIRMAN: Thank you. That's also my opinion, and I believe that using the Net along with these advertisements will have a wide scope of coverage, and I have no doubt that we'll be doing justice to our search.

We have a motion on that. Ron's motion is that we advertise in Alberta plus we put it on the Internet and that applicants from outside the province be accepted the same as Albertans.

MRS. FRITZ: Well, just in speaking to the motion, I support the motion. Yes, we should advertise in Alberta and on the Net, but I also support that we advertise in the *Globe*. I think that's important to do as well. You know, your comments were that if we don't think we have qualified people in Alberta, then we advertise in the *Globe*. I don't think that's quite true. Other search committees I have met with over the years have indicated that that's standard. That's something that lets other people across the country and Albertans as well know that the position is available. I support the motion. We should advertise in Alberta, and we should advertise on the Internet.

THE CHAIRMAN: Okay. We'll call the vote on the motion. If you vote for the motion, then you don't vote for advertising in the *Globe*.

MRS. FRITZ: Right. But I support the motion.

THE CHAIRMAN: Okay. Those in favour of the motion? Against? The motion is carried.

MR. SAPERS: Mr. Chairman, I move a motion that we also advertise in the *Globe and Mail*.

THE CHAIRMAN: You want to make a motion that we advertise in



the *Globe*? Okay.

MR. SAPERS: Well, I don't want to speak for Yvonne, but I think that was the point she was making.

THE CHAIRMAN: Okay. We have a motion that we also advertise in the *Globe and Mail*.

MR. SAPERS: Do we need some advice at this point?

MRS. HOWE: I'd just like to make a comment, if I may. I want to respond to clarify that I did not mean that we only advertise in the *Globe* if we don't feel we have good candidates in Alberta. I'm sorry if that's what it sounded like. That's not true. That's one of the factors in terms of looking at the scope of the search and might be consistent with the Auditor General being advertised nationally.

I guess the other thing would be in terms of looking at the senior level of the position. Again, people tend to look at national advertising the more senior the level.

MRS. FRITZ: I appreciate that, because people will be reading *Hansard*.

THE CHAIRMAN: Okay. Those in favour of the motion? Those opposed to the motion? The motion is defeated.

Okay. We're going to have to go in a minute. Under tab 9 we have a proposed budget.

MRS. SHUMYLA: I just want to add that that proposed budget, however, includes advertising in the *Globe and Mail*, so we could reduce it by the amount of that ad.

THE CHAIRMAN: I see under advertising \$13,000. So we could reduce that by \$6,400.

MRS. FRITZ: I'll move the budget with the change in the advertising cost for the *Globe* being deleted.

THE CHAIRMAN: Thank you. Those in favour of the motion?

MR. SAPERS: I'm sorry; I know we're pressed for time. I'm just wondering about the travel. Whose travel is that? Is that for the candidates' travel, or is it for committee travel?

MRS. SHUMYLA: That's for committee members coming back and forth to meetings, based on six meetings.

MR. SAPERS: Okay. I'm in favour.

THE CHAIRMAN: Okay. The date of the next meeting; we'll set it. Thank you all.

MRS. O'NEILL: You will set it and let us know?

THE CHAIRMAN: Yes.

MRS. O'NEILL: Okay. Thank you.

[The committee adjourned at 1:26 p.m.]

