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# Appointment of Officers by the Alberta Legislative Assembly

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by Diane Shumyla

*In every jurisdiction certain public officials (the Chief Electoral Officer, the Auditor General, Information and Privacy Commissioners, Ethics Commissioners and Ombudsmen) report to the Legislative Assembly rather than to a Minister of the Crown. The list varies from one province to another but little has been written about the process by which such officials are recruited and the role of the legislature in the appointment process. This article looks at the situation in Alberta.*

In Alberta, Officers of the Legislative Assembly report through the Select Standing Committee on Legislative Offices. The origin of this committee goes back to November 1977 when the *Auditor General Act* was adopted. Douglas (Bill) Rogers, then Provincial Auditor, who was appointed as Auditor General on April 1, 1978, suggested the need for a mechanism to ensure the independence of the Auditor General from the government was preserved. As Auditor General he was responsible to the Legislative Assembly, as they were his client, and he would report annually to them.

Although some were skeptical of having an Officer report through an all-party committee, nevertheless a Committee consisting of 9 members was established on March 20, 1978 as the Select Standing Committee on the Office of the Auditor General. In May 1978 the name of the Committee was changed to "Standing Committee on the Offices of the Auditor General and Ombudsman" and in November 1980 it adopted its present name.

The function of the Committee is authorized by various acts including the *Auditor General Act*, *Conflicts of Interest Act*, the *Freedom of Information and Protection of Privacy Act*, the *Ombudsman Act*, the *Election Act*, the *Election Finances and Contributions Disclosure Act*, and the *Electoral Divisions Act*.

At the beginning of each session, members including the Chair and Deputy Chair are appointed to the Select Standing Committee on Legislative Offices. The membership reflects the composition of the House. The mandate of the Committee is to review and approve the Officers' annual budgets and to conduct salary reviews for the Officers.

The Committee can entertain Officers' requests regarding proposed changes to legislation, and forward the recommendation to the appropriate ministry, however it is important to note that the Committee does not have the mandate to approve changes to legislation. No reports to the Assembly are required by the Committee, although annual reports were presented in 1981, 1982, 1983, 1985, and 1986.

## Special Search Committees

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A Special Search Committee is struck by a motion in the House as required following the retirement, resignation or non-renewal of the term of an Officer. A search committee is comprised of some or all of the members of the Legislative Offices Committee.

The motion to establish a Search Committee is made in the Legislative Assembly and, once struck the Search Committee establishes a tentative timetable and procedures to be used. It decides whether to use the resources of Executive Search, Personnel Administration Office, Department of Human Resources and Employment; and whether to hire a private consulting firm. It sometimes opts to involve another organization (e.g. Institute of Chartered Accountants of Alberta) in the search.

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The Search Committee establishes its own budget, approves a position profile and proposes advertisements for daily and weekly newspapers and/or periodicals and the Internet. When the competition closes, resumes are received and acknowledged. Applications and resumes are screened by the Personnel Administration Office, and a screening report is prepared for the Search Committee who identify candidates to be invited to preliminary interviews by the Personnel Administration Office. The Search Committee conducts final interviews and following reference checks, successful candidates are notified.

The Search Committee proposes appointments of successful candidates to the Legislative Assembly after the recommendation is ratified by the Standing Committee on Legislative Offices.

### **Example of a Recent Search and Appointment**

On March 9, 1998 the Alberta Legislative Assembly passed the following motion appointing a Search Committee for the purpose of inviting applications for the position of Chief Electoral Officer and to recommend to the Assembly the applicant considered most suitable for appointment to that position.

- (1) A Select Special Chief Electoral Officer Search Committee of the Legislative Assembly of Alberta be appointed consisting of the following members: Mr. Langevin, Chairman Ms. Barrett, Mr. Friedel, Mr. Jacques, Mr. Sapers
- (2) The Chairman and members of the Committee shall be paid in accordance with the schedule of category A committees provided in Members' Services Committee Order 10/89.
- (3) Reasonable disbursements by the Committee for advertising, staff assistance, equipment and supplies, rent, travel, and other expenditures necessary for the effective conduct of its responsibilities shall be paid subject to the approval of the Chairman.
- (4) In carrying out its responsibilities, the Committee may, with the concurrence of the head of the department, utilize the services of members of the public service employed in that department or the staff employed by the Assembly.
- (5) The Committee may, without leave of the Assembly, sit during a period when the Assembly is adjourned.
- (6) When its work has been completed, the Committee shall report to the Assembly if it is then sitting. During a period when the Assembly is adjourned, the Committee may release its report by depositing a copy with the Clerk and forwarding a copy to each Member of the Assembly.

The Committee held its first meeting on March 27, 1998. With the assistance of Ms. Alayne Stewart, Man-

ager, Executive Search, Personnel Administration Office, the advertising campaign, position profile, and screening guidelines were developed.

Newspaper advertisements were placed in several newspapers including: the *Calgary Herald*, *Calgary Sun*, *Edmonton Journal*, *Edmonton Sun*, *Fort McMurray Today*, *Grande Prairie Daily Herald Tribune*, *Lethbridge-Herald*, *Medicine Hat News* and *Red Deer Advocate* with a competition closing date of May 15, 1998. The position was also advertised in *The Bulletin* and posted on the Internet under the Alberta Government home page job opportunities.

The Committee received a total of 65 applications from across Canada, with 56 applications coming from Albertans, and 9 from candidates residing in other jurisdictions. All candidates received letters acknowledging their applications, and candidates to be interviewed received position profiles. Forty-seven applications were received from male candidates, and eighteen were received from female candidates. On June 3, 1998, the Committee reviewed the resumes and selected candidates for preliminary interviews. Executive Search had provided the committee with comprehensive write-ups on each candidate, which were discussed with the committee.

Upon the recommendation of the Search Committee, Executive Search conducted preliminary interviews with fourteen candidates, two of whom withdrew following the preliminary interviews. The committee then selected five candidates for final interviews which were conducted on August 24, 1998.

After interviews were completed, the Committee unanimously agreed that Olaf Brian Fjeldheim be recommended to the Legislative Assembly as the fourth Chief Electoral Officer of Alberta.

### **Recommending a Candidate to the Assembly**

When the House is in session the Committee tables a report. Following a motion to concur in the report, an Order-in-Council is then approved by the Lieutenant Governor-in-Council (Cabinet) and finally a swearing-in ceremony is arranged by the Office of the Speaker.

If the House is not in session the Search Committee releases its report through the Clerk with a copy given to the Speaker and all MLAs. The recommendation from the Search Committee is also sent to the Standing Committee on Legislative Offices which tables its report in the Legislative Assembly within 30 days of the next session.