



Independent Appointments Commission

May 15, 2023

Honourable Robert Fowler
Chair
Review of Statutory Offices of the House of Assembly
3rd Floor, Gosling Building
285 Duckworth Street
St. John's, NL
A1C 1G9

Dear Honourable Robert Fowler:

First, let me thank you and your team for undertaking the important work of the Review of Statutory Offices of the House of Assembly.

The members of the Independent Appointments Commission (IAC) have considered the terms of reference you provided on April 12, 2023, and offer the following comments. These are minimal in scope as the IAC operates differently than most other Statutory Offices of the House of Assembly.

Minimum required competencies for each statutory officer

We believe that those holding the position of member of the IAC ought to have combined skillsets which include comprehension and practice of good governance; understanding of the role and function of the IAC; broad experience in management, boards, governance structures and the public service; thought leadership and wise counsel on matters related to diversity, equity, and inclusion; appreciation for the importance of bringing diversified skillsets to agencies, boards, and commissions; understanding of the regional dynamics and needs of Newfoundlanders and Labradorians; and, above all, impartiality in the judgment of merit-based recommendations to the Government of Newfoundland and Labrador.

Number of statutory offices and whether a statutory officer could fulfill the obligations of more than one statutory role

We are not able to provide an assessment of whether there are offices and officers who could fulfill obligations of more than one statutory role in the House of Assembly. However, we can share that members of the IAC execute on their duties on a volunteer basis per our legislation,

and in a part-time capacity as work is required by Government. We have not contemplated a situation where a member or Chair of IAC may also hold another role simultaneously in a statutory office of the legislature.

Whether each statutory office requires the dedication of a full-time statutory officer, part-time or as-needed

Again, we are not able to speak to offices other than that of the IAC. A full-time officer, in our case a Chair, is not needed full time so long as the IAC continues to be supported by the Public Service Commission in keeping with our legislation. To better achieve the spirit and intent of the legislation, however, the IAC does believe it requires additional human resources and financial support, something it will share in more detail with Mr. David Conway who is currently conducting a review into the IAC Act.

How statutory officers should be recruited, appointed, re-appointed, compensated, disciplined and removed from office

The IAC believes the recruitment of statutory officers should be subject to the legislation governing the IAC, with recommendations made to the Lieutenant Governor in Council (LGIC) for a subsequent vote by the House of Assembly. Re-appointments should be established in relevant legislation, with a statutory review of relevant legislation undertaken every 5 years. Disciplinary action may be considered by the House of Assembly Management Commission or appropriate committee of the legislature.

Management of conflicts between statutory offices and who should investigate alleged misconduct of a statutory officer

The IAC has never encountered a conflict between its work and that of another statutory office. Allegations of misconduct might best be conducted internally at first by the House of Assembly Management Commission with an option for an appeal resulting in an external review.

Whether and how quality assurance and performance of each officer/office should be measured and overseen

To ensure accountability, the work of the IAC is currently presented by the Chair of the Public Service Commission as the Government entity providing support to the IAC. This occurs when the House of Assembly is considering annual budget estimates. The IAC is certainly open to communicating with the House of Assembly directly and to providing an annual report on its work as may be desired. Assessing the performance of officers in Statutory Offices may vary pending whether such officers are in paid or volunteer positions. Nonetheless, members of the volunteer IAC are presumably reviewed on an ongoing basis by virtue of the time limits on their appointments.

Appropriate administrative oversight model

The IAC is not able to provide commentary on this subject, except to offer that the current structure of administrative and policy support provided by the Public Service Commission is adequate given the office was established with a cost-neutral mandate. Financial and human

resource support could be increased to allow the Office to fulfill its obligations under the Act in a more efficient manner. This will be discussed with Mr. David Conway as noted above.

Sharing of physical space and administrative function

The IAC is happy to share physical or administrative functions as may be determined by the House of Assembly. That said, the office is lean on both fronts currently. The IAC has in place administrative support for 10 hours per week, and we occupy a couple of offices (with use of boardrooms as required) at the Public Service Commission Offices at The Metro Place, 261 Kenmount Road in St. John's.

Where reports from statutory offices should be directed

From the IAC's perspective, whether a report is submitted through a Government Minister or directly to a House of Assembly standing committee is acceptable.

We trust this information is helpful in your review and remain open to continued communication during the conduct of your duties.

Regards,

A handwritten signature in cursive script that reads "Karen M. McCarthy". The signature is written in black ink and is positioned below the "Regards," text.

Karen McCarthy
Chair

cc George Joyce, Chair
Public Service Commission