

Chapter 2

Appointment Process to Agencies, Boards and Commissions

Executive management

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Main points

What we examined

The purpose of our audit was to examine the process used to appoint members to Manitoba's agencies, boards and commissions (commonly referred to as ABCs). Our audit objectives were: to determine whether adequate information is available to Manitobans regarding the appointment process; and to determine whether appointments to ABCs are made in a timely manner. We specifically examined the appointment process utilized for the 200 ABCs that are part of the Cabinet Committee on ABCs' process (**Appendix A**). We examined all ABC appointments over a three year period, ending July 2011.

Although the various ABCs differ significantly in size, complexity and level of responsibility, they all report to government through a responsible Minister. Final approval for all government appointments ultimately rests with Cabinet, however the process for recruiting and appointing members to each ABC is led by the responsible Minister, who provides their recommendations to Cabinet for appointments to ABCs within their portfolio.

Why it matters

ABCs fulfill a wide variety of public functions in Manitoba and impact the lives of all citizens no matter where they reside in the province. Government relies on ABCs in a variety of ways: to ensure compliance with government regulations and legislation; to provide adjudication on a wide variety of rights-related decisions; to administer large financial assets; to provide knowledgeable and well thought-out advice; to provide oversight and accountability of public sector organizations; and in some cases, to provide direct public goods and services that may have once been provided by a department.

Given the considerable impact that ABCs potentially have on all Manitobans, it is important that the appointment process be well managed and that appointments be timely. Deficiencies and/or delays in the appointment process could significantly impact the effective functioning of the ABCs. It may even discourage committed, qualified individuals from accepting appointments or renewals of their terms.

Citizens who are appointed to Manitoba's ABCs devote their time, expertise and talents to provide service to the entity. In most cases, individuals serve on these ABCs primarily as a public service to the community, due to their commitment and caring to that ABC and the services it provides their fellow citizens. Often, their service to an ABC is done in their leisure time, with no or modest compensation, even though the time and input required for some ABCs is substantial. Given this,

it is important that government value and respect the time and commitment of their appointees, and ensure the appointment/reappointment process allows them sufficient notice to manage their personal and professional affairs accordingly. Sufficient notice regarding new appointments or reappointments is also essential for the ABCs themselves to allow the entities to manage their operations accordingly and prepare briefing materials and orientations for new appointees.

Concerns with respect to the appointment process have been brought to the attention of the OAG in a variety of ways by both current and past members of ABCs. Also, as reported in our 2009 report, *Study of Board Governance in Crown Organizations*, the appointment process was a significant area of concern for both the members and senior management of the 50 Crown organizations that were surveyed. This report is available on our website: www.oag.mb.ca

What we found

Developing a competency-driven appointment process is essential to ensuring qualified members are recruited and retained to serve on Manitoba's ABCs. A competency-driven process is one that not only reflects the diversity and geographic needs of the province, but provides each ABC with the appropriate mix of skills/competencies that are best suited to fulfill its mandate.

Overall, there is a need to improve the timeliness and openness of the appointment process in order to meet modern standards of effective governance. A timely and efficient appointment process is dependent on the focused attention of government Ministers. While understandably Ministers have a number of pressing and critical items vying for their attention, the potential impact of appointment process deficiencies on the effective functioning of the ABC should not be underestimated.

At the onset of our review, there was very limited information on the Government of Manitoba website regarding Manitoba's ABCs and the appointment process. This situation was strengthened in July 2011 with a website link directly from the homepage to improved information on ABCs. Further, the website now allows submissions of applications for consideration to an ABC appointment. This considerably enhances the accessibility and transparency of ABC appointments to Manitobans. Our report notes that there are further enhancements that can be made to the website, including providing a complete list of all ABCs in the province, and information on the administrative process used to make appointments. Further, the site will need ongoing maintenance and a plan to be developed to ensure the information provided on the website remains accurate and up-to-date.

The appointment process as currently conducted is time-consuming and is intended to take approximately 4 months but often takes longer. Recognizing

that in a competency-driven process, it takes time to recruit individuals with the appropriate skills/competencies to serve on ABCs, the process should begin sufficiently in advance to ensure that every attempt is made to meet the term expiry.

There should also be enhanced consultation with the ABCs. As the ABCs are in the best position to know the current skills and characteristics that are represented, and what additional skills would best complement that mix to meet the strategic needs of the entity, the ABC Chair and senior management should provide the Minister's office with a skills/competency matrix well in advance of any vacancies or term expiries.

We believe that all appointments should be kept as current and up-to-date as possible. Our audit found that the timeliness of appointments and reappointments needs improvement, as a quarter of all ABC members (25%) are currently serving with expired terms. About 22% of these have been expired for 3 years or more, with the range of expiries going as far back as 2002. Many pieces of legislation allow members to continue to serve past their expiry date, until "he or she is reappointed, the appointment is revoked or a successor is appointed." However, as Order-in-Council appointments generally set a term expiry date, it is arguably not the intent of this legislative clause that members continue to serve with no end date. Acting on term limits are important because it allows for fresh perspective and renewal in the membership of an ABC over time. Further, by not reviewing the appointments and making reappointments on a regular basis, government is not taking advantage of the opportunity to review the functioning of the ABC and make changes that reflect the ABC's current context. This also limits access and opportunities for other Manitobans to serve on that ABC.

There are 55 ABCs (almost 30%) which do not have staggered terms for appointments. Staggering terms ensures that there is an orderly transition of members on an ABC and that not all members leave the organization at the same time, which would undermine the effective functioning of the ABC. Such practices help to balance the ABC's need for continuity and experience, with the need to refresh the membership and bring on new skills/expertise over time to appropriately reflect the challenges faced by the organization.

Our audit found that there are some members who have served on the same ABC for significant lengths of time. In total there are 308 individuals (20%) who have served their ABC for 10 years or more. Of these, 13 have served over 20 years. While terms of service for members must be long enough to gain experience and cultivate sufficient knowledge to understand the ABC, there must also be sufficient renewal of members to bring new perspectives and experience to the ABC. Serving on the same ABC for an excessively long period of time is not reflective of good governance practices, especially for a deliberative ABC. As government may not wish to lose the valuable expertise gained by an individual

who has served on an ABC for a significant length of time, there should be consideration to appointing the individual to become a member of a different ABC, where their experience and expertise could be well utilized and of great benefit to the new ABC.

This report includes 9 recommendations to Government to improve the ABC appointment process. We also include items for consideration by each ABC which encourages them to take a proactive approach in enhancing their relationship with Government and in assisting the Minister's office in making timely, competency-based appointments to their ABC.

Background

Governments choose to deliver the myriad of public services for which it is responsible in a variety of ways. While some public services are directly delivered by departments, government may also create various Crown entities to deliver services, including Crown corporations and enterprises, government agencies, funding authorities or granting agencies, adjudicative tribunals or regulatory commissions, and advisory committees and boards. In Manitoba, these agencies, boards, and commissions (commonly referred to as "ABCs") fulfill a wide variety of public functions – from the provision of basic utilities, healthcare, social services and recreational/cultural activities, to the protection of our environment and natural resources, to the administration of justice and ensuring compliance with regulatory matters, and even to providing the opportunity for citizens to participate in advising government on localized issues of public concern. As such, Manitoba's ABCs impact the lives of all citizens no matter where they reside in the province.

A Crown entity is defined as: "Any agency, board, commission or other body:

- That is established by government but is not part of a government department;
- That is owned and/or controlled by government;
- That is established by a statute and given delegated authority and responsibility;
- That may or may not be financially self-sufficient; and
- That may or may not derive its revenues from customers or client groups."

OAG December 2002 report,
Performance Reporting in Annual Reports

Although the various ABCs differ significantly in size, complexity and level of responsibility, they all report to government through a responsible Minister. Final approval for all government appointments to the ABC ultimately rests with Cabinet, however the process for recruiting and appointing members to each ABC is led by the responsible Minister, who provides their recommendations to Cabinet for appointments to ABCs within their portfolio. For some ABCs, once the Minister's office has identified potential members, the recommended appointments are vetted by the Cabinet Committee on Agencies, Boards and Commissions (Cabinet Committee on ABCs) prior to being put forward to Cabinet for final approval.

The Cabinet Committee on ABCs vets many, but not all, of the appointments and reappointments to ABCs. As of July 2011, 200 ABCs were listed as going through their process. We were told that the number of ABCs on this list fluctuates as some ABCs are no longer required to go through the process, some ABCs become inactive over time, and new ABCs are created as considered necessary. The breakdown of the number of ABCs by Minister is provided in **Figure 1** (detailed list provided in **Appendix A**; refer to Section 1.2 for discussion regarding completeness of list). The Minister with the most ABCs within their portfolio is the Minister of Health with 44 (representing 22% of all ABCs); the Ministers with the least ABCs are Local Government and Healthy Living, each with 2.

Figure 1: Number of ABCs by Minister/Department

Minister/Department	Number of ABCs
Aboriginal and Northern Affairs	5
Advanced Education and Literacy	10
Agriculture, Food and Rural Initiatives	19
Conservation	13
Culture, Heritage and Tourism	13
Education	6
Entrepreneurship, Training and Trade	6
Family Services and Consumer Affairs	21
Finance	7
Health	44
Healthy Living, Citizenship and Youth	2
Housing and Community Development	3
Infrastructure and Transportation	10
Innovation, Energy and Mines	7
Justice	13
Labour and Immigration	11
Local Government	2
Water Stewardship	8
Total	200

The relevant legislation for each ABC often specifies how the appointment is to be made. Most of the ABC appointments are made by an Order-in-Council (107), although some are made by Ministerial Letter (67) and some have a combination of both (4). An Order in Council (OIC) is a formal, legal document setting out a decision that is made by Cabinet and approved by the Lieutenant Governor. Once signed by the Lieutenant Governor, an OIC becomes a public document. When an OIC is not required by legislation, the appointments are made by a Ministerial Letter. On average in the past three years, 198 new appointments were made by Order-in-Council and Ministerial letter. This ranges annually from 136 to 243 new appointments.

The Cabinet Committee on ABCs is currently composed of 8 Members of the Legislative Assembly (MLAs), two of whom are Ministers. The position of Chair is, and has been traditionally held by, the Minister of Labour and Immigration. The composition of the Cabinet Committee on ABCs changed to its current structure in January 2010. Prior to that, it was composed of 11 members, with 5 MLAs (including 2 Ministers) and 6 other members, external to government. On average, the Cabinet Committee on ABCs holds 7 meetings per year, approximately every 5-6 weeks between September and June. The Cabinet Committee on ABCs reviews

the Minister's recommendations and either concurs with the recommendations or provides alternate suggestions for the Minister to consider. The Cabinet Committee on ABCs also discusses other issues related to ABCs and makes policy decisions regarding ABC appointments.

The Cabinet Committee on ABCs is supported by a Managing Coordinator and one administrative position (the ABC Office). The budget for the administration of the ABC Office is included within the appropriation for the Department of Labour (Figure 2). The ABC Office maintains all records of appointments for the ABCs that go through the Cabinet Committee process. The ABC Office also takes the lead role in any initiatives and projects related to ABCs, including the development and coordination of the information now available on the website. The ABC Office will be responsible for the ongoing management of the website information. As well, the ABC Office is involved in the administration of training and orientation programs for all public sector appointees that is currently being delivered by the Crown Corporations Council.

Figure 2: Annual administration budget of ABC Office

	Actual 2008/09	Actual 2009/10	Actual 2010/11
Salary and benefits	\$ 120,700	\$ 134,200	\$ 125,900
Expenses	7,000	7,100	5,500
Total	\$ 127,700	\$ 141,300	\$ 131,400

Source: ABC Office

At the time of our review, the ABC Office's database contained 1,558 current appointments, composed of 1,282 government appointments, 201 appointments nominated by external organizations, 63 civil servant appointments, and 12 MLA appointments. Some ABCs are comprised of a combination of these types of appointments. Some ABCs are comprised of civil servants only, who serve on the ABC as a function of their full-time public sector position. Appointments that are nominated by external organizations still go through the government's appointment process administratively.

Most of the ABCs have been categorized by the type of function/service they provide: Compliance and regulatory (56); Deliberative (47); Advisory-Research (21); Quasi-judicial (15); Quasi-judicial Appeal Boards (11); and Advisory-Funding (11). Remuneration of ABC members varies depending on the category, and the ABC's level of responsibility, authority, function, required level of expertise and workload. Many ABC appointments are voluntary positions with no remuneration, except for reimbursement of any out-of-pocket expenses incurred on behalf of the ABC. Some ABC appointments are paid an annual stipend, or a *per diem* rate for their attendance at meetings. Civil servants are not generally remunerated for

their service to ABCs. In some cases, legislation permits MLAs to be remunerated at the same rate as other ABC members. We were advised that the remuneration levels for ABCs have not changed since 1987.

Why we undertook the review

Concerns with respect to the appointment process have been brought to the attention of the OAG in a variety of ways by both current and past members of ABCs. These have focused on the timeliness of appointments, the lack of information available, as well as the limited consultation and involvement of ABCs in the process. Issues with respect to the appointment practices have also been raised in an independent review of Regional Health Authorities¹, as well as in a 2009 report by the Manitoba Law Reform Commission².

Also, as reported in our 2009 report, *Study of Board Governance in Crown Organizations*, the appointment process was a significant area of concern for both members and senior management of the 50 Crown organizations that were surveyed³. Almost half of the members told us they are not satisfied overall with the current appointment process. 30% of members and 50% of senior management indicated that it takes too long to fill member vacancies when they arise. In the commentary to our survey, 187 suggestions for improvement were provided by respondents with respect to the appointment process. Key issues raised by both members and senior management included the need to identify and appoint qualified members based on the appropriate skills and competencies; the need for more consultation with the ABC regarding the skills/competencies required; and concern over the lack of timeliness in appointments.

Given the considerable impact that ABCs potentially have on all Manitobans, it is important that the appointment process be well managed and that appointments be timely. Deficiencies or delays in the appointment process could significantly impact the effective functioning of the ABCs, or may even discourage qualified individuals from accepting appointments or renewals of their terms.

1 Report of the Manitoba Regional Health Authority External Review Committee, February 2008. www.gov.mb.ca/health/rha/review.html

2 Manitoba Law Reform Commission, *Improving Administrative Justice in Manitoba: Starting with the Appointments Process*, Report #121, November 2009. www.gov.mb.ca/justice/mlrc/pubs/publications.html

3 www.oag.mb.ca/wp-content/uploads/2011/06/board_gov_survey_report_2009.pdf

Audit scope and approach

The purpose of our audit was to examine the process used to appoint members to Manitoba's ABCs. Our audit objectives were:

1. To determine whether adequate information is available to Manitobans regarding the appointment process.
2. To determine whether appointments to ABCs are made in a timely manner.

We specifically examined the appointment process utilized for the 200 ABCs that are part of the Cabinet Committee on ABCs' process (**Appendix A**). We examined all ABC appointments over a three year period, ending July 2011.

Our field work was substantially completed by September 2011. Our examination was performed in accordance with the value-for-money auditing standards recommended by the Canadian Institute of Chartered Accountants, and accordingly, included such tests and other procedures as we considered necessary in the circumstances.

We received excellent cooperation and assistance from the ABC Office throughout our review. We also conducted interviews with a variety of individuals involved in, or affected by, the appointment process. These included selected Special Assistants and other ministerial staff, selected ABC Chairs and senior management, and organizations such as the Manitoba Council of Administrative Tribunals, RHAM (Regional Health Authorities of Manitoba), and the Manitoba Law Reform Commission. The Director of Civil Legal Services also provided assistance with respect to legislative matters and legal processes. The valuable input and thoughtful commentary on the appointment process by all of the people interviewed was greatly appreciated.

As one aspect of our audit, we reviewed publically available information on the practices utilized by other Canadian jurisdictions, in order to inform our expectations of Manitoba's process. We also reanalyzed the findings of our 2008 survey of all Board members and senior management in 50 Crown organizations within Manitoba, which had asked specific questions related to the appointment process.

We note that, given the wide variety of ABCs, there are specific issues and concerns with the appointment process that are unique to particular ABCs. Our report does not specifically address concerns that are specific to any individual ABC and is intended to be reflective of the widest array of ABCs.

Excluded from our review were Order-in-Council appointments made to fill full-time positions within the civil service and other public organizations, as well as appointments to the judiciary. Also excluded from our review were issues related to the remuneration of ABC members, although a number of concerns were raised

to us during the course of our review with respect to remuneration levels and practices.

We did not assess the relative merit and qualifications of any particular ABC appointment. The public sector appointment process is by its very nature a political process, and partisan considerations are assumed to play some part in the decision-making process. While many similar reviews of appointment processes discuss the influence of partisanship and often seek to eliminate such consideration from the process, our audit focused solely on the administrative aspects of the process. As was noted in the OAG's 2009 governance report, *"the specific choice of individual to fill a board position appropriately rests with the Minister and Government."* Regardless of partisanship considerations, opportunities exist to improve the administrative process in order to make it as transparent and effective as possible to ensure timely appointments are made.

Audit findings and recommendations

1. Website information on ABCs significantly enhanced but further improvements could be made

An appropriate degree of openness should exist regarding the administrative process utilized to appoint Manitobans to serve on public sector ABCs. We expected that such information would be publically available and help facilitate the recruitment process. In order to inform our expectations with respect to the public information available in Manitoba, we reviewed the accessibility and transparency of the ABC appointment process in other Canadian jurisdictions. We expected that Manitoba's practices would align comparably to other Canadian jurisdictions.

1.1 Website recently updated to provide information on listed ABCs and opportunity to apply online

At the onset of our review, very limited information was available on the Government of Manitoba website regarding Manitoba's ABCs and no public information was available regarding the appointment process. This situation was strengthened during the course of our review, and the Government of Manitoba website was updated in July 2011 to provide improved information on ABCs (www.gov.mb.ca/government/abc/index.html). There is now a link entitled "Agencies, Boards and Commissions" directly on the website's homepage. Further, the website allows individual citizens to submit their applications and/or resumes for consideration for an ABC appointment. This considerably enhances the accessibility and transparency of ABC appointments to Manitobans.

We reviewed the websites of each jurisdiction and found that all Canadian jurisdictions other than Newfoundland/Labrador and Saskatchewan⁴ provide public information regarding their ABCs on their website and allow their citizens to apply for ABC appointments. **Appendix B** provides a comparison of key characteristics of each website by jurisdiction.

The new ABC section of Manitoba's website is clear and user-friendly. The information now provided regarding each ABC includes a brief description of the entity; the current list of appointed members; the number of meetings generally held; the time commitment required by members; and the level of remuneration, if

⁴ Note that Saskatchewan does provide public information regarding the appointment process for its Regional Health Authorities.

any. The application process is explained and relatively straightforward, allowing people to submit their application online for future consideration.

There are several aspects found in other jurisdictions' websites that could be considered for addition to Manitoba's website. These include the current members' term expiry dates, the advertisement of upcoming vacancies, and the announcement of successful appointees for positions. Also, the website does not provide a complete list of ABCs on one page, nor does it list the ABCs alphabetically, only by Department. This may make it difficult to find a specific ABC.

We note that one of the challenges in making such information publically available is the requirement to keep it current and accurate on an ongoing basis. As the membership of ABCs is constantly changing, a concerted effort will be required to update information in a timely fashion. Website policies and procedures will need to be established. Further, the submission of applications and resumes from interested citizens may also add an additional administrative burden to the process as currently conducted. Additional administrative resources may need to be considered.

We urge government to develop a plan to ensure the information provided on the website remains accurate and up-to-date, and to continue to improve the website's usefulness through the addition of more information over time. The improvements that have been made to the ABC section of the website should also be publically communicated.

We also encourage all ABCs:

- To review the website information provided for their organization and ensure that it is accurate. ABCs should take the initiative to contact and advise the ABC Office when updates are required to the website information, in order to assist in ensuring the information always remains current and relevant.
- To direct potential members who have valuable skills/competencies for their ABC to forward their resumes through the government's website.

1.2 Complete list of all ABCs not available on website

The website currently lists 192 ABCs, rather than a complete list of all ABCs in the Province. By not providing complete information, it may be misconstrued that these 192 entities are all the ABCs to which government makes appointments. In order to be as transparent and accurate as possible in providing information to Manitobans, it is important that the website provide a complete list of all ABCs to which government makes appointments.

The ABC Office maintains a list of the ABCs to which the Cabinet Committee on ABCs is involved in reviewing the appointments. As of July 2011, 200 ABCs were listed as going through their process. However, as noted previously, the Cabinet Committee on ABCs does not vet all of the ABC appointments, so their list is not a complete picture of all ABCs in Manitoba.

A number of reasons were provided for why particular ABCs are included in the Cabinet Committee on ABCs' process and why some are not. However, there were inconsistencies within each of the reasons provided. For example, we were told that one organization is not on the list because it is an appointment to a federal organization; yet, there are examples of appointments to other federal bodies that are currently on the list. Or that an ABC is not on the list because the appointments are all civil servants; yet there are many ABCs on the list that are also composed of civil servants only. Also similar types of organizations which require appointments are not handled consistently, such as Special Operating Agency advisory boards.

During our review, we requested a complete list of all ABCs to which government makes appointments, including those that do not go through the Cabinet Committee on ABCs' process. We were advised that each Department is responsible for maintaining their own list of ABCs. No central repository of all ABCs exists that provides readily accessible information. In our discussions with Special Assistants, it was noted that even within some Departments information on ABCs is not always maintained centrally but is diffused within the various Departmental Branches, making it sometimes difficult to obtain complete information.

The ABC Office attempted to ascertain the information from each Department in order to accumulate an exact total for our audit. All but one Department provided the information, resulting in the addition of 37 ABCs to the ABC Office's list of 200 (Figure 3). However, we independently identified several other ABCs which were not included, but should be added to the overall total.

Recommendation 1: We recommend that the website include a complete list of all ABCs to which government makes appointments.

Recommendation 2: We recommend that a central repository for all ABCs be established.

Recommendation 3: We recommend that the Cabinet Committee on ABCs define and implement guidelines for the selection of ABCs to be included in their process.

Figure 3: Additional ABCs by Department

Department	Currently Listed ABCs	Additional ABCs ¹	Total
Aboriginal and Northern Affairs	5	0	5
Advanced Education and Literacy	10	2	12
Agriculture, Food and Rural Initiatives	19	1	20
Conservation	13	1	14
Culture, Heritage and Tourism	13	0	13
Education	6	5	11
Entrepreneurship, Training and Trade	6	1	7
Family Services and Consumer Affairs	21	6	27
Finance	7	2	9
Health	44	-	44
Healthy Living, Citizenship and Youth	2	2	4
Housing and Community Development	3	1	4
Infrastructure and Transportation	10	2	12
Innovation, Energy and Mines	7	0	7
Justice	13	0	13
Labour and Immigration	11	11	22
Local Government	2	1	3
Water Stewardship	8	0	8
Executive Council	-	2	2
Total	200	37	237²

¹ Information reported as provided; not verified through audit procedures.

² We note that this total is not a complete number of all ABCs in Manitoba.

1.3 No public information on process used to make appointments

The ABC section of the website does not include a description of the administrative process used by government to make appointments to ABCs. In reviewing other jurisdictions' websites, we noted that many do describe the appointment process used.

In our discussions with ABC Chairs and senior management, most were unaware of the Cabinet Committee on ABCs, the ABC Office, and the process government follows in making appointments. Further, we noted several occasions in Hansard where MLAs expressed uncertainty on the appointment process and asked for further information on appointments. There have also been private members bills brought forward requesting improvements to the transparency of the process through the addition of a legislative committee review process. These bills were never passed.

It is important that the appointment process be clearly communicated to all stakeholders and ABCs, so that they can manage their operations within the time requirements involved. For citizens who put forward their names for consideration, it is also important that they understand the time frame that is generally required to make appointments so that they have realistic expectations and can plan accordingly.

Recommendation 4: We recommend that the website be updated to include a description of the appointment process.

1.3.1 Current appointment process

Our discussions with the ABC Office revealed the following major steps in the appointment process, as it typically occurs for all deliberative, advisory, regulatory, and quasi-judicial ABCs. While there are some variations because of the diverse nature of ABCs, the process outlined below conveys the administrative steps and approvals that need to be taken in most ABC appointments.

There are a number of different people and steps involved in the appointment process. The responsible Minister plays the lead role in the process, with the administrative work for the ABC appointments within the portfolio delegated to ministerial staff (usually the Minister's Special Assistant). Special Assistants have a myriad of duties within the Minister's office, hence finding the time to deal with the appointment process is potentially a challenge. The ABC Office provides training to the Special Assistants, as well as a step by step guide and checklist sheet which outlines the process and the activities for which the Minister's office is responsible.

The process description below begins at the point a vacancy arises in an ABC, and continues to when the OIC or Ministerial letter is signed and the new member is invited to attend their first meeting. For reappointments, the process is slightly more straightforward as a new individual does not need to be identified and recruited, however reappointments still go through the approval process and require an OIC to be prepared and approved.

1. The need for a new appointment is identified, either due to a resignation or a full term expiry.
 - For some ABCs, legislation or by-laws specify the maximum length a member can serve on the ABC. If a member has served the maximum amount, their term is complete and a new appointment is required.
 - Resignations from an ABC can occur for a variety of reasons. If a member chooses to resign or not stand for reappointment, they usually are required to advise the Minister and/or their ABC Chair in writing. In most cases, the Minister's office informs the ABC Office of any such resignations or intentions to not stand for reappointment.
 - When the Minister's office is advised of a resignation or a term expiry, a letter of appreciation is sent to the member for their service to the ABC.
2. The ABC Office monitors the term expiries requiring a reappointment or new appointment and generates a list for each Minister 4 months in advance of the expiry date. These lists are delivered to each Minister's office at the start of every month. The ABC Office also uses this monthly notification system to track the progress of each appointment through the administrative process.
 - As of July 2011, there were 165 outstanding appointments and a further 47 appointments whose terms would be ending within the next 4 months (i.e., by November 2011).
3. The Minister's office completes a form entitled, Vacancy/Reappointment Report, which notes all vacancies and reappointments required for each ABC, and provides the completed form to the ABC Office.
 - The form lists the current member's name and whether they are being reappointed or need to be replaced due to resignation or term expiry.
 - The form also provides an opportunity to specify the expertise/experience that will be required in filling the position. The Minister's office may have discussed the needs with the ABC.
 - If ABCs were to provide the Minister's office with a completed skills matrix of the current and required competencies for their ABC, it would help inform the process at this point. (See **Appendix C** for example)

4. If a new appointment is required, identifying an individual to serve on the ABC is necessary. This is done in a variety of ways. The ABC Office reviews their database containing the resumes/application forms of potential members and puts forward names, including any individuals who fit the expertise/experience requested. The ABC Office will also send an email to all Ministers and government MLAs advising that a vacancy exists on particular ABCs and requesting that any suggested names/resumes for the appointment be forwarded to the ABC Office. The Minister's office also considers individual names from a variety of resources and community contacts. We were advised that the Special Assistants may also have discussions with the ABC Chair or senior management, and potentially other stakeholder groups, to identify potential members.
 - Resumes in the database come from a variety of sources, including any resumes/application forms which are forwarded by interested citizens (usually to a Minister or their local MLA). The ABC Office categorizes the individual's areas of interest, characteristics (including self-declaration for equity groups), and any specific skills/competencies, and inputs the information into the database. This allows the name of the individual to be identified for a position when specific skills/competencies are required.
 - As of July 2011, the database contained 193 resumes of potential members. The ability for individuals to now apply online will likely increase this number.
 - Identifying potential new members can add significant time to the overall appointment process. We were advised that sometimes the search for a suitable candidate is relatively straightforward, but on some ABCs there is a need for individuals with specific technical requirements that can be difficult and time consuming to find. Also it is sometimes difficult to find individuals willing to serve on certain ABCs.
5. The Minister puts forward names to the Cabinet Committee on ABCs for recommendation. The information on these nominees is also provided to the ABC Office for administrative purposes.
 - The ABC Office suggests that 2 names be approved by the Minister at this time, a first choice for recommendation and an alternate choice. Having an approved alternate is useful if the Cabinet Committee on ABCs does not concur with the first nominee.
 - Given the busy agendas of Ministers, there can be potential time delays in the selection of individuals.

6. The Minister's recommendations for new appointments and reappointments are brought forward at the next scheduled meeting of the Cabinet Committee on ABCs. On average, the Cabinet Committee on ABCs holds 7 meetings per year, approximately every 5-6 weeks between September and June.
 - The ABC Office sets the meeting dates well in advance, at a specified time (currently Monday mornings). The scheduled meeting dates are provided to all Minister's offices, as well as the dates that Agenda items are due and when the nomination list is due prior to the meeting date.
 - Prior to the meeting of the Cabinet Committee on ABCs, the ABC Office sends out a notice, asking for Agenda items to be forwarded. The ABC Office prepares the Agenda and provides a meeting package to each Committee member. Each meeting package contains the documents provided by the Minister's office regarding their recommended appointments and the resumes of all individuals.
 - We reviewed the minutes for each meeting of the Cabinet Committee on ABCs in the past 3 years. On average, appointments and reappointments to about 18 ABCs are discussed at each meeting. The Cabinet Committee on ABCs reviews about 200 new appointments and 300 reappointments per year.
7. The Cabinet Committee on ABCs will review the Minister's recommendations and concur or make alternative suggestions for the Minister to consider. In some cases, the Cabinet Committee on ABC requests an alternative nomination be brought forward at a future meeting.
 - We were advised that for those ABCs whose appointments are put forward by external stakeholders and organizations, the Committee always accepts the recommendation and puts it forward for Cabinet approval. As such, the recommended names from these external organizations are on the Committee's Agenda as information items only.
 - After the meeting, the ABC Office prepares the meeting minutes and provides each Minister with an excerpt of all decisions related to their ABCs.
8. If the Cabinet Committee on ABCs does not concur with the Minister's recommendations, the process of identifying an individual to serve on the ABC may need to start again.
 - We were advised that the final decision on the names put forward for Cabinet approval ultimately rests with the responsible Minister. However, if the Minister presented to Cabinet a nominee to which the Cabinet Committee did not provide concurrence, the Chair of the Committee on ABCs would advise Cabinet of the concerns.

- A significant time delay can occur if the process of identifying and recruiting an individual needs to start again (i.e., Step 4).
- 9. If the Cabinet Committee on ABCs has concurred, the Minister's office prepares the documents necessary to now bring the matter forward to Cabinet for approval.
 - A Cabinet Submission document is prepared that puts forward the name of the nominee for approval. Departmental staff prepares this documentation, with the assistance of the Special Assistant. As Cabinet generally meets each Wednesday, submissions are due by 3:00pm the previous Wednesday in order to be placed on Cabinet's Agenda for the next week's meeting.
 - A potential time delay can occur depending on how long it takes to prepare the Cabinet Submission documents.
- 10. At a future Cabinet meeting, the recommended appointments and reappointments are discussed. The responsible Minister takes the lead in putting forward the recommendations, and a discussion may or may not be held on the matter.
 - If the recommendation is approved by Cabinet, the appointment is considered to be passed "in principle".
 - On occasion, there may be urgent or pressing matters on Cabinet's Agenda that will result in the discussion on appointments to be deferred to a future meeting.
- 11. Once approved by Cabinet, the Minister's office will contact the individual to advise they have been selected to serve on the ABC, and to confirm the individual will accept the appointment. If the individual agrees, the appointment process continues. If not, and an alternate nominee has also been approved, the alternate is contacted and asked to serve. If there is no agreement to serve, the process of identifying another potential nominee begins again.
 - If the appointment is rejected at this point, a large time delay occurs. The ABC Office estimated that this would add a minimum of an extra 5 weeks to the process.
- 12. Once the appointment has been accepted, the Order-in-Council (OIC) documents or the Ministerial Letter is prepared.
 - If the appointment is made by Ministerial Letter, the letters of appointment are prepared and signed by the Minister. For these appointments, the process ends at this point, as no further approvals are required. The ABC Office updates their records and database to reflect the new information.

13. The prepared OIC document, as well as a copy of the Cabinet Submission, is forwarded to Civil Legal Services of the Department of Justice. Civil Legal Services ensures the OIC is clear, complete and accurately reflects the relevant legislation. In most cases, the approval by Civil Legal Services is completed within a few days (and can even be done within one day if required). Civil Legal Services signs the OIC and returns it to the Department.
 - The wording of OICs for appointments generally follow a standard template. In some cases, the OIC is prepared by Civil Legal Services if there are complicated issues or new legislation.
14. The OIC now returns to Cabinet for final approval. Hence, it is put on Cabinet's Agenda for the following meeting. At this Cabinet meeting, the OIC is approved and signed by the Minister and the presiding member of Executive Council. We were advised that there is no discussion of the OIC at this point; approval is automatic and sign-off is a routine activity.
 - The process of getting the OIC on Cabinet's Agenda remains the same, in that the Department prepares the documentation needed and submits it by 3:00pm Wednesday for inclusion at the following week's Cabinet meeting.
 - As noted previously, in instances where there are urgent or pressing matters on Cabinet's Agenda, this approval may be deferred to a later meeting.
15. The OIC is brought to the Lieutenant Governor for signature. The OIC comes into effect on the day it is signed by the Lieutenant Governor.
 - Once the OIC is signed, the Minister's office sends the appointee a letter welcoming them to the ABC and advising that the ABC Chair (or senior management) will be in contact with them regarding the next meeting. The ABC Chair is copied on the letter, and provided the new member's contact information. The process ends at this point, and the ABC Office updates their records and database to reflect the new information.

2. Timeliness of appointments and reappointments requires improvement

An appropriate degree of timeliness should exist in the appointment process so that turnover of membership occurs smoothly as terms expire, and ABCs are not functioning without full membership for excessive periods of time. We expected that the appointment process would be managed in a manner that:

- Ensures terms expiries are filled with new appointments by the date of the expiry.
- Ensures unexpected vacancies (such as resignations) are filled to minimize the length of time the ABC is required to function with a vacant position.

2.1 Appointment process is time-consuming and needs to start sooner

Timeliness in the appointment process is important because vacancies can impact the effective functioning of any ABC. For example, an ABC with a limited number of members can experience difficulties in attaining the quorum required to make decisions; as well, ABCs such as adjudicative tribunals that have to be composed of an appropriate mix of individuals may experience difficulty holding a hearing.

Our 2009 report and our interviews with selected ABC Chairs and senior management noted that timeliness of the appointment process is a key concern for many ABCs. Our interviews also noted significant concerns by administrative boards and tribunals with respect to vacancies and the qualifications of members. In our 2009 report, government responded that the ABC Office *"instituted a monthly notification system that provides Minister's offices with 4 months advance notice of upcoming appointment expiry dates."* They further noted that this monthly notification system *"has proved to be an effective tool in keeping board appointments current and providing for a full complement of board members."*

We reviewed the July 2011 notification document and found that significant time lags still exist in some appointments and reappointments. Outstanding appointments were still required at 53 ABCs, even though these appointments had been already discussed by the Cabinet Committee on ABCs. Some of these outstanding appointments had been discussed more than 6 months earlier, with the oldest dating back to over a year. Within these 53 ABCs, there are 230 outstanding appointments/reappointments.

We reviewed the past two years of OIC appointments, dating from August 2009 to July 2011. The 164 OICs captured a total of 251 new appointments and 378 reappointments. Expiry dates for 44% of the appointments were not noted on the OICs. For the remainder, 29% were made by the date of the term expiry and 27% were made past the expiry date. Of the appointments made past the term expiry date, the amount of time ranged from under a month to 72 months (i.e., 6 years). The average amount of time past the term expiry was almost 6 months.

In our review of OICs, we noted examples where it took an excessive period of time (i.e. more than year) to reappoint the exact same members to an ABC. We also noted examples where the opportunity existed to make reappointments in a more timely manner, as new appointments were made to an ABC yet reappointments to the same ABC were not made at the same time.

Given the time delays that are occurring, and recognizing that identifying qualified members to serve on ABCs takes time, the process needs to begin well in advance for appointments and reappointments to be made in time for the expiry date.

Recommendation 5: We recommend that the appointment process begin sufficiently in advance of term expiries to allow all appointments/reappointments to be made in time for the expiry dates.

2.2 Enhanced consultation with ABCs needed for a competency-driven appointment process

Our 2009 report noted concern by about half of all members and senior management that their input regarding member appointments should be sought more often, and that government does not consult enough with the ABC on the required qualifications and skills in appointing new members. However, our report also noted that not all ABCs have taken a proactive approach in providing information to the Minister's office about the qualifications/skills required in new members. Government concurred with this issue, noting: *"The importance of a strong working relationship between Ministers and their boards is recognized, including consultation with respect to the appointment of new members. This allows both parties to exchange ideas and information with respect to skill requirements as well as gender balance, diversity and geographic representation on boards."*

Establishing a good working relationship between the Minister's office, especially the staff delegated responsibility for appointments (usually the Special Assistant), and the ABC Chair or senior management is important and can assist in improving the timeliness of the appointment process. The ABCs can assist the appointment process by advising the Minister's office of any members' intentions to stand for reappointment several months before the term expiry.

A competency-driven process is one that not only reflects the diversity and geographic needs of the province but provides each ABC with the appropriate mix of skills/competencies that are best suited to fulfill its mandate. The ABC is in the best position to know the current mix of skills and characteristics that are represented on the ABC, and know what additional skills and characteristics would best complement that mix given the strategic needs of the entity. ABCs could complete a skills matrix that identifies current competencies, as well as identifies any existing gaps or requirements/preferences for future members (See **Appendix C**). The skills matrix should be provided to the Minister's office well in advance of any vacancies or term expiries, so that the information can be taken into consideration throughout the appointment process.

While ABCs can make suggestions for potential new members, it must be recognized that any such suggestions/nominations are only one consideration in the appointment process, and that their suggestions may not ultimately be selected for appointment. Recognizing the political nature of public sector

appointments, the specific choice of individual to fill the position appropriately rests with the Minister and government of the day.

While there is certainly no onus on the Minister to appoint according to the ABC's preferred skillsets/competencies, the provision of such information to the Minister ensures s/he is aware of any gaps or requirements of the ABC. This may enhance the likelihood of attaining members with such skillsets in a current or future appointment. However, the ABC must always keep in mind that Ministers cannot just recruit to their preferences, as Ministers may need to consider a number of other external factors or policy issues in recruiting an individual for the appointment. Even so, ABCs should continue to provide information to the Minister regarding their needs and requirements in future appointments.

Recommendation 6: We recommend that all Ministers offices contact the ABCs sufficiently in advance of term expiries to discuss the needs and requirements for new appointments/reappointments.

We also encourage all ABCs:

- To foster a good relationship with the Minister's office, and be prepared to provide input and information regarding any upcoming vacancies and term expiries. ABC Chairs should be discussing reappointments with their members several months before their term expiry and provide the Minister's office with information regarding that member's intentions as soon as possible. The completion of a skills/competency matrix for the ABC will provide useful information to the Minister's office as to what skills/competencies are sought in future appointments (See **Appendix C**).

2.3 A quarter of all current ABC members (25%) are serving with expired terms

Timeliness in the reappointment process is also important. In most cases, individuals serve on these ABCs primarily as a public service to the community. Often, their service to an ABC is done in their leisure time, with no or modest compensation, even though the time and input required for some ABCs is substantial. Given this, it is important that government value and respect the time and commitment of their appointees, and ensure the reappointment process allows appointees sufficient notice to manage their personal and professional affairs accordingly. Deficiencies and/or delays in the reappointment process may discourage committed, qualified appointees from accepting renewals of their terms.

Our review of all term expiry dates found that of the 1558 positions currently serving, 392 had expired as of July 2011 (25%). Only about half of all appointments (58%) are serving current terms. Also we found that 239 appointments (15%) are without a set term expiry or in an 'at pleasure' appointment.

Of those who are currently serving in expired terms, 22% have been expired for more than 3 years and 10% have been expired for more than 5 years. The oldest expiries date back to 2002; in other words, individuals have continued to serve on their ABC for almost a decade after their terms expired.

We examined the expiry dates within the 47 ABCs categorized as deliberative. From a total of 435 appointees, 312 are serving current terms (72%), 78 had expired as of July 2011 (18%), and the remaining 48 serve with no expiry or 'at pleasure' (11%). We also examined the expiry dates within the 56 ABCs categorized as compliance-regulatory. From a total of 328 appointees, 211 are serving current terms (64%), 85 had expired as of July 2011 (30%), and the remaining 32 serve with no expiry or 'at pleasure' (10%).

We noted that some of the expired and out-of-date appointments serve on some of the largest Crowns and/or entities with significant financial responsibilities. For example, the terms for all members of the Boards of Directors of Manitoba Public Insurance and the Teachers Retirement Allowances Fund have been expired since 2007, Manitoba Hydro has some members whose expiries date back to 2009, and Manitoba Liquor Control Commission since 2010. Interestingly, we noted that for those ABCs that have specific deadlines for reappointments to occur (such as Community Colleges whose members can only serve 3 months past their term expiry), appointments were generally made within the requirements.

Figure 4 provides the number of expired appointments by Department. The only Department with no appointments that are expired is Housing and Community Development. Departments with a significant number of expired appointments are: Conservation (54), Water Stewardship (47), Culture, Heritage and Tourism (47), Health (45), and Justice (44). However, when you consider these in light of how many appointments overall Departments are required to make, the Departments with the most out-of-date appointments are: Water Stewardship (90% of their total appointments are expired), Justice (75%), Local Government (47%), Conservation (46%), and Infrastructure and Transportation (43%). Departments such as Health (12%) and Family Services and Consumer Affairs (12%), while high in number of expired appointments, are lower when you consider the amount as a percentage of all the appointments they are required to make.

Figure 4: Expired terms by Department

Department	Expired Terms	Number of ABCs	Total Appointees	Percentage: Expired/ Total Appointees
Aboriginal and Northern Affairs	2	5	20	10
Advanced Education and Literacy	5	10	78	6
Agriculture, Food and Rural Initiatives	18	19	81	22
Conservation	54	13	118	46
Culture, Heritage and Tourism	47	13	133	35
Education	7	6	30	23
Entrepreneurship, Training and Trade	7	6	33	21
Family Services and Consumer Affairs	31	21	253	12
Finance	3	7	37	8
Health	45	44	372	12
Healthy Living, Citizenship and Youth	4	2	29	14
Housing and Community Development	-	3	12	-
Infrastructure and Transportation	28	10	65	43
Innovation, Energy and Mines	13	7	43	30
Justice	44	13	59	75
Labour and Immigration	21	11	107	20
Local Government	17	2	36	47
Water Stewardship	47	8	52	90
Total	393	200	1,558	

Many pieces of legislation carry a clause that allows members to serve past their term expiry. It specifies that an appointee *"continues to hold office until he or she is reappointed, the appointment is revoked or a successor is appointed."* As noted by Civil Legal Services, this clause ensures that there is continuance and stability in the organization and that at no time would it not have a legally, properly-constituted board with the authority to make decisions, if for some reason government was unable to appoint new members by the time of the term expiry. It is important that such a clause exist in legislation. However, as OICs generally set a term and some legislation even specifies term limits, it is arguably not the intention of this legislative clause that members serve with no end date. By not reappointing or replacing members in a timely fashion, those members in effect serve in excessively long appointments. Our review noted several examples of ABCs where members have now been serving longer on expired terms than they were ever appointed to serve originally.

Recommendation 7: We recommend that, while legislation permits incumbent appointees to continue past their term expirations, Ministers ensure that all ABC appointments are current and reappointments of term expiries are kept up-to-date.

2.4 Almost 30% of ABCs do not have staggered terms of appointment

Our review noted that 55 of the 200 ABCs do not have staggered terms of appointment. Hence, all members appointed to the ABC expire at the same time. While some of these ABCs are advisory committees, more than half act as the governing body for significant corporations, including the Manitoba Liquor Control Commission, the Manitoba Lotteries Corporation, Manitoba Agricultural Services Corporation, the Centennial Centre Corporation, the Brandon Centennial Auditorium Corporation, the Manitoba Gaming Control Commission, the Hazardous Waste Management Corporation, as well as significant financial bodies such as the Teachers Retirement Allowances Fund, the Public Utilities Board and the Manitoba Securities Commission.

Of the 55 ABCs with no staggered terms, there are 20 ABCs where all members are currently expired and serving past their expiry date.

Staggering terms ensures that there is an orderly transition of ABC members and that not all members leave the organization at the same time, which would undermine the effective functioning of the ABC. Leading practices suggest that there be staggered terms for members, with set term limits for renewal. Such practices help to balance the ABC's need for continuity and experience, with the need to refresh the ABC and bring on new skills/expertise to appropriately reflect the challenges faced by the organization.

Recommendation 8: We recommend that appointments to ABCs have staggered terms, so that there is an orderly transition of new and more experienced members serving the ABC.

2.5 20% of members have served their ABC for over 10 years

The term of service for ABC appointments varies substantially and some legislation specifies term limits (i.e., the maximum amount of years a member may serve and be reappointed to the ABC), but many do not. Leading practices suggest that the terms of service for members must be long enough for members to gain experience and cultivate sufficient knowledge to understand the organization, but also that there be sufficient renewal of members to bring new perspectives and experience to the organization. As the challenges faced by an ABC change and evolve over time, ABCs that lack turnover or have excessively long-serving members can stagnate. The ABC's need for continuity and experience must be balanced with the need to refresh the membership and bring on new skills/expertise to appropriately reflect new challenges faced by the organization.

Maximum term limits exist for a reason. Having term limits ensures that there is fresh perspective and renewal in the membership of an ABC over time. Serving on the same ABC for an excessively long period of time is not in the best interests of an ABC, especially if the ABC is a deliberative body as "permanent" appointments do not reflect good governance practices. Also, it creates a level of uncertainty for an ABC member to be in an expired term for an excessive period of time, which may be perceived as disrespectful to their commitment of time and effort to serve on the ABC.

Our review noted that there are some members who have served on the same ABC for significant lengths of time, going back as far as 1983. In total there are 308 individuals (20%) who have served their ABC for 10 years or more. Of these, 13 have served over 20 years. About half of current ABC members (52%) have served for 5 years or less. No start date was provided for 48 appointees (3%).

For the compliance-regulatory ABCs, terms start as far back as 1988, with 62 appointees having served 10 years or more (19%). For the deliberative ABCs, terms also start back as far as 1988, with 55 appointees having served 10 years or more (13%). Serving on the same ABC for an excessively long period of time is not reflective of good governance practices for a deliberative ABC.

By not reviewing the appointments and making reappointments on a regular basis, government is not taking advantage of the opportunity to review the functioning of the ABC and make changes that reflect the ABC's current context, if required. This also limits access and opportunities for other Manitobans to serve on that ABC. We reviewed when the last time each of the ABCs was before the Cabinet Committee on ABCs, and noted that 15% of ABCs have not been reviewed in longer than 5 years and at least 5 ABCs have not been reviewed in over a decade.

As government may not wish to lose the valuable expertise gained by an individual who has served on an ABC for a significant length of time, there should be

consideration to appointing the individual to become a member of a different ABC, where their experience and expertise could be well utilized and of great benefit to the new ABC. Members could be appointed in progressively more challenging positions as their experience and expertise with public sector ABCs grows. Hence, a Chair of a small ABC who has served their maximum term might be a good candidate for government to consider on an ABC with more significant and financially challenging issues. In this way, good experience/expertise is not lost and fresh perspective/experience is brought to ABCs overall.

Recommendation 9: We recommend that government set term limits, including a maximum term chosen to complement the requirements of the ABC.

Other related observations

Review of other Canadian jurisdictions

We researched leading practices in other Canadian jurisdictions in order to inform our expectations with respect to the appointment process utilized in Manitoba. Across Canada, there are a variety of ways in which appointments to ABCs are made, whether federally, provincially or municipally. Even though the administrative practices utilized by each province's Legislature differ, we looked at how accessible it is for all Canadian citizens to participate in the public sector organizations within their jurisdiction. We highlight below some key differentiating factors in the appointment process utilized federally and by leading provincial jurisdictions.

Review of other Canadian jurisdictions	
Jurisdiction	Appointment process
Canada	• Appointments made to the wide array of federal agencies, boards, commissions and tribunals are referred to as Governor-in-Council (GIC) appointments. GIC appointments are made on the recommendation of the responsible minister and are subject to the Prime Minister's approval before they go forward to the Governor in Council (which is the Cabinet and the Governor General acting in a legal capacity). The website for GIC appointments (www.appointments.gc.ca) was put in place in 2005, and notes the guiding principles for GIC appointments as being "<i>competency-based, professional and transparent</i>." The website lists current opportunities and allows interested individuals to apply online. Appointment vacancies are also advertized in the Canada Gazette. The website also provides conflict of interest policies, remuneration guidelines, as well as policies on expenses. • The Senior Personnel and Special Projects Secretariat within the Privy Council Office is responsible for the administrative aspects of the appointment process, on behalf of the Prime Minister's Office. For appointments to key positions such as Chairs and CEOs/Agency heads, the Privy Council Office also plays a role in reviewing and recommending selection criteria, receiving applications, screening candidates, and conducting interviews and reference checks. • We note that in government's 2005 report, <i>Review of the Governance Framework for Canada's Crown Corporations: Meeting the Expectations of Canadians</i>, specific measures regarding the GIC appointment process were noted, but these have only been partially implemented.

(cont'd.)

Review of other Canadian jurisdictions	
Jurisdiction	Appointment process
	In 2006, with the passing of <i>The Federal Accountability Act</i>, a provision was made for a new Public Appointments Commission within the portfolio of the Prime Minister, and a Public Appointments Commission Secretariat to provide administrative support. This commission's mandate was <i>"to oversee, monitor, review and report on the selection process...to ensure that every such process is widely made public and conducted in a fair, open and transparent manner, and that the appointments are based on merit."</i> We note that to date the Public Appointments Secretariat has not been made functional, as no appointment of commissioners has occurred.
British Columbia	- With the establishment of the Board Resourcing and Development Office (BRDO) within the Office of the Premier, British Columbia became one of the leading jurisdictions in Canada for its transparent and inclusive appointment process. The responsibilities of the BRDO are outlined as: <i>establishing guidelines for all provincial appointments to agencies; ensuring that all provincial appointments are made on the basis of merit following an open, transparent and consistent appointment process; and ensuring that appointees receive appropriate orientation and ongoing professional development with respect to agency governance.</i> The Governing Principles for the appointment process are: merit-based; transparent; consistent; probity; and proportionate. One of the stated goals of the BRDO is to make appointments at least 30 days in advance of the expiry date. - BRDO publishes its Appointment Guidelines online, which uses the same merit-based principles as legislatively required for administrative tribunals, and contemplates a significant role for the ABC in stating its needs and required competencies, identifying potential candidates through nominating committees, and assessing candidates prior to a short-list of qualified candidates in preferred order being provided to the Minister. - BRDO's website (www.fin.gov.bc.ca/brdo/) also explains the appointment process, advertises positions and provides an opportunity to apply online. All candidates who wish to be considered must complete a written candidate profile and declaration that is kept on file. The website announces all appointments made in the previous 30 days and includes detailed information on all ABCs and the qualifications of current members. Links to documents and appointment guidelines are provided. Guidelines for conduct are specified, including conflict of interests, and codes of conduct.

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Review of other Canadian jurisdictions	
Jurisdiction	Appointment process
Ontario	- In 2006, the Ontario government committed to a more open and transparent system for appointments to the province's 630 ABCs and established the Public Appointments Secretariat, whose principles governing the appointment process are: <i>"to ensure that the most qualified men and women having the highest personal and professional integrity serve the public on the Provinces' agencies, boards and commissions."</i> - The Public Appointments Secretariat is housed in the Ministry of Government Services. Its website (www.pas.gov.on.ca) lists all current positions for which applications are being accepted, as well as providing information on each ABC and its compensation. All who apply are required to complete a Personal and Conflict of Interest Disclosure Statement form with their submission. New appointments, complete with biographical details, are announced on the website. The website also provides generic governance tools such as codes of conduct and discussions of good governance principles. - The Ontario Legislature has established a House Standing Committee on Government Agencies, which has the right to review intended appointees who may be requested to appear before the Committee to discuss their qualifications. While the Committee does not have a veto, it reports back on whether it concurs with the appointment. About 10% of all appointments are reviewed by the Standing Committee.
Alberta	- In 2007, a Board Governance Review Task Force made a number of recommendations including that appointments had to be non-partisan, competency-based and made using a transparent and open process. In 2008, the Alberta government adopted the "Public Agencies Governance Framework" which confirms that a <i>"transparent, non-partisan and competence-based processes will be used"</i>. An Agency Governance Secretariat was established to manage the implementation of the Framework and support ministries and agencies throughout the process. The following Principles are specified as now forming the basis of the appointment process: competency; agency engagement; transparency and openness; consistency; timeliness; and diversity. - All agency appointments are now publically advertised and actively recruited on a wide variety of mediums, as well as on the government's website (www.treasuryboard.alberta.ca/AgencyGovernanceSecretariat.cfm). Extensive information is provided on the position profiles and requirements. New policies on orientation, on remuneration, on ethics and conflicts of interest, and on evaluation of members are also provided. Agencies play an active role in the appointments process by ensuring position descriptions and qualifications are set out, screening is conducted and by providing a short list of 'top candidates' (ideally 2-5 for each vacancy) for consideration to the Minister.

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Review of other Canadian jurisdictions	
Jurisdiction	Appointment process
New Brunswick	In 2004/5, New Brunswick published an Appointment Policy whose guiding principles are to ensure an open and transparent process and that appointments are diverse and merit-based. ABCs are required to advise government 180 days in advance of upcoming vacancies, and are encouraged to prepare position profiles and any other selection criteria. The government's website allows citizens to submit applications expressing a general interest in serving on an ABC (www2.gnb.ca/content/gnb/en/corporate/abc.html).
Nova Scotia	- Nova Scotia was the first to revise their appointments policies, and separates the process by type of board –adjudicative boards, defined as quasi-judicial boards that <i>"take evidence, make findings of fact and law, and make decisions affective a person's liberty, security or legal rights"</i>; and non-adjudicative boards, described as those that <i>"make financial, regulatory, business or policy recommendations/decisions that have far reaching implications for Nova Scotians."</i> Applications to adjudicative boards are screened by Departmental Advisory Committees who short list the 3-6 most qualified candidates for each position and provides it to the Minister. For non-adjudicative boards, the screening process is through Departmental Screening Panels established by the Minister, who review the applications but do not rank candidates. All minimally qualified candidates are forwarded to the Minister for consideration. - The Executive Council website lists both types of appointments, along with detailed information about the positions and expected qualifications and other relevant selection criteria (www.gov.ns.ca/exec_council/abc/). No information about current appointees, expiry dates or vacancies is provided, however vacancies for non-adjudicative boards are advertised widely in the bi-annual call for applications to board positions. - Non-adjudicative appointments may be reviewed by an all-party Human Resources Standing Committee of the Legislature, after they are approved by Executive Council. Adjudicative tribunal appointments are not subject to Standing Committee review. Unlike other such Standing Committees, Nova Scotia's has veto power, although it is rarely exercised.

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Review of other Canadian jurisdictions

Jurisdiction	Appointment process
City of Winnipeg	Improvements to the openness and accessibility of the City of Winnipeg's appointment process were announced in 2006. The City of Winnipeg website (www.winnipeg.ca/clerks/docs/boards/boards.stm) lists all boards and commissions to which City Council appoints, in whole or in part. The website also provides online application forms, as well as descriptions of each organization that includes the composition and member requirements for that board/commission. A link is also provided to the organization's website for further information. Each September, the City Clerk's Department initiates an annual selection process to fill citizen member positions to the boards and commissions on which there are imminent or existing vacancies. This includes placing advertisements in local newspapers, and Canadian citizens residing in Winnipeg are requested to apply by a November deadline.

Appointments of public sector officials and other stakeholder representatives

As noted previously, there are 63 civil servant appointments and 12 MLA appointments. With respect to the civil servant appointments, these are often cases where a Deputy Minister or other government official serves on an ABC as a function of their position. Civil servants are not remunerated for these positions. With respect to the 12 MLA appointments, these mostly represent appointments to the Round Table for Sustainable Development. The only exceptions are 2 MLAs who serve on 2 different Crown corporations. We noted that, as opposed to civil servants, some legislation does permit MLAs to be remunerated at the same rate as other ABC members. In such cases, their compensation is disclosed on government's annual *Report of Amounts Paid or Payable to Members of the Assembly*.

With respect to appointments to Crown corporations, many Canadian jurisdictions are discontinuing the practice of appointing public sector officials. As noted in a recent CICA publication, *"Public servants and elected officials, while bringing knowledge of government priorities and processes, may inhibit effective functioning of the board (for example, where the public servant or elected official becomes a 'super director' whom others defer to), and at times, may be in a conflict of interest position (where s/he has to provide advice or make decisions relating to the Crown corporation based on government objectives while, at the same time, participating in board discussions on the same issue where the considerations are only 'the best interests of the corporation.'"*⁵

5 Canadian Institute of Chartered Accountants, *20 Questions Directors Should Ask about Crown Corporation Governance*, 2007. www.cica.ca

In cases where it is deemed a necessity to have a public sector official, either a civil servant or elected official, sit on a Crown corporation, extra caution must be taken. To promote clarity around the role of the public sector official on the Board of Directors, a documented discussion of the implications and potential for conflicts of interest should occur at a Board meeting. A Board policy and protocol should be developed to appropriately manage any potential issues or conflict of interest situations which may arise. As this is not an easy issue for other members to raise, the public sector official should take the onus to be especially clear of their role when they are acting in their capacity as a Board member.

As well, many ABCs have members that are appointed by external stakeholders or who are representatives of specific community stakeholders. However, once being appointed to an ABC, that member is required to act in the best interests of the organization overall and leading governance practices suggest that members that are appointed in this manner should be vigilant in ensuring that representation of their stakeholder group does not conflict with acting in the best interests of the organization. Such members cannot simply represent or advocate on behalf of any one stakeholder, and must conduct themselves in a manner that does not result in any conflict of interest situations. Again, specific policies and protocols should be developed to appropriately manage any potential issues or conflict of interest situations which may arise.

Conflict of interest policies should specify that members in a potential (or even perceived) conflict of interest recuse themselves and not participate in any of the discussions on the issue and abstain from any decisions. Best practices require that members sign conflict of interest declaration forms on an annual basis, not just when they are first appointed. A member's situation can change from year to year, and conflicts that may not have been the case when first appointed may arise over the term of service. Also, revisiting the issue annually ensures clarity and serves as an important reminder of the member's responsibilities with respect to conflicts of interest.

Several Canadian jurisdictions require appointees to complete conflict of interest forms as a condition of their appointment, and make conflict of interest and code of conduct guidelines available on their ABC website.

We encourage government to develop conflict of interest and code of conduct policies and guidelines for members serving on ABCs.

Response of officials and summary of recommendations

The Government thanks the Office of the Auditor General for this report. This is the first time in the history of the province that a review of the agencies, boards and commissions (ABC) process by the Auditor has been undertaken and we welcome and accept all of the recommendations in the report as a means of modernizing and further improving the process that has existed in Manitoba for many decades.

The Government has been working towards a more open and easily accessible ABC process. As the report indicates, the Government has established Manitoba's first website, through Communications Services Manitoba, for agencies, boards and commissions. The site allows Manitobans to obtain information on ABCs and submit an application on-line. Our goal in designing the website was to make it user-friendly, and we currently are the only province that has a direct link into the ABC site from the Government's homepage. We will continue to develop this site.

In 2010 the Government, in co-operation with the Manitoba Crown Corporations Council, established an across government training and board development program. The program requires that all new board members attend an orientation session—this is in addition to the orientation they have traditionally received with respect to their particular board. The program also offers various governance based workshops for board chairs and directors. These sessions have been well received, and will go a long way towards providing board members with resources that will assist them in reaching their full potential as members of public sector boards, providing them with an opportunity to share ideas and expertise with their peers, and to further develop their knowledge on various aspects of board governance. New board members of administrative tribunals are also asked to attend a training session offered by the Manitoba Council of Administrative Tribunals.

The ABC office will review this report with Cabinet Ministers, Special Assistants and Deputy Ministers to ensure there is an understanding of the commitment to implementing the recommendations and improving the ABC appointment process. Our response to the recommendations contained in the report are as follows:

Recommendation 1: We recommend that the website include a complete list of all ABCs to which government makes appointments.

Response: The ABC office has collected a list of all ABCs and will update the website to include any ABCs not currently listed. The ABC office will also be working with staff in departments to standardize the information on these ABCs to ensure consistency across government.

Recommendation 2: We recommend that a central repository for all ABCs be established.

Response: The ABC office will become the central repository for all ABCs. The ABC office has collected information for all ABCs to which departments make appointments and will continue to gather that information so that it can be housed in one central office. The ABC office will work with departments to ensure they are aware the ABC office is the new central repository for ABC appointments and that all information regarding new and existing ABC entities be shared with them.

Recommendation 3: We recommend that the Cabinet Committee on ABCs define and implement guidelines for the selection of ABCs to be included in their process.

Response: The Government agrees that consistency across government in this area is important and the ABC Committee of Cabinet will develop guidelines that apply to all departments.

Recommendation 4: We recommend that the website be updated to include a description of the appointment process.

Response: The website has been updated to include a description of the appointment process. Regular updates to the ABC website will continue to be ongoing.

Recommendation 5: We recommend that the appointment process begin sufficiently in advance of term expiries to allow all appointments/reappointments to be made in time for the expiry dates.

Response: The Government agrees that it is important that appointments and reappointments be kept current, and our goal is to have new appointments and reappointments in place prior to the expiry date. The ABC office will continue to work closely with Cabinet Ministers and Special Assistants to ensure this goal is achieved.

Recommendation 6: We recommend that all Ministers offices contact the ABCs sufficiently in advance of term expiries to discuss the needs and requirements for new appointments/reappointments.

Response: The ABC office has begun providing Minister's offices six months notice, instead of the previous four months, of upcoming expiry dates. This additional two months notice will ensure there is sufficient time for Ministers' offices to contact the ABCs in advance of appointment expiry dates. The ABC office will continue to work with Cabinet Ministers

and Special Assistants to ensure that ABCs are contacted regarding appointments and reappointments.

Recommendation 7: We recommend that, while legislation permits incumbent appointees to continue past their term expirations, Ministers ensure that all ABC appointments are current and reappointments of term expiries are kept up-to-date.

Response: The Government is committed to the goal of having new appointments and reappointments in place prior to terms expiring, allowing appointments to continue past their expiry date only when unavoidable circumstances occur. Since August 1, 2011, over 100 appointments have been brought up to date.

Recommendation 8: We recommend that appointments to ABCs have staggered terms, so that there is an orderly transition of new and more experienced members serving the ABC.

Response: The ABC Committee of Cabinet, as well as all Cabinet Ministers and Special Assistants will be advised that in all cases, term expiry dates for ABCs must be staggered.

Recommendation 9: We recommend that government set term limits which include a maximum years of service, to complement the requirements of the ABC.

Response: The ABC Committee will be asked to consider this issue and develop appropriate guidelines with respect to term limits that will both allow ABC members to develop sufficient knowledge to serve the board well, while also ensuring this is balanced with the need for renewal and opportunity for others to serve. The Government will immediately begin to review the appointments of members that have been in place for 10 years or longer with a view to replacing members as their appointments expire, in order to provide for the renewal of board membership.

Appendix A: Agencies, Boards and Commissions

The Cabinet Committee on Agencies, Boards and Commissions lists the following 200 ABCs as those that are being tracked through their process, as of July 2011. It should be noted that for some ABCs not all members are appointed by government. The ABCs shown in italics do not allow for citizen appointments, and are composed of the following categories of members:

- * *only civil servants*
- ** *civil servants and representatives from designated organizations external to government*
- *** *only representatives from designated organizations external to government*

Note that, as discussed in Section 1.2 of the report, this is not a complete list of all ABCs in the Province.

Agencies, Boards and Commissions tracked by Cabinet Committee on ABCs	
Department	ABC
Aboriginal and Northern Affairs	• Communities Economic Development Fund • Northern Affairs Capital Approval Board • Boxing Commission • Sport Manitoba • Sport Manitoba – Manitoba Games Council
Advanced Education and Literacy	• Assiniboine Community College Board of Governors • Brandon University Board of Governors • College universitaire de Saint-Boniface Board of Governors • Council on Post-Secondary Education • Louis Riel Institute • Private Vocational Institutions Industry Relations Committee • Red River College Board of Governors • University College of the North Governing Council • University of Manitoba Board of Governors • University of Winnipeg Board of Regents

Appointment Process to Agencies, Boards and Commissions

(cont'd.)

Agencies, Boards and Commissions tracked by Cabinet Committee on ABCs	
Department	ABC
Agriculture, Food and Rural Initiatives	• Agricultural Crown Lands Appeal Board • Agricultural Producers' Organization Certification Agency • Agri-Food Research and Development Initiative Program Council (ARDI) • Animal Care Appeal Board • Farm Machinery Board and Equipment Board • Farm Practices Protection Board • <i>Crown Lands Act Stakeholders Committee</i> * • Keystone Centre – Board of Directors • Manitoba Agricultural Services Corporation • Manitoba Agricultural Services Corporation Appeal Tribunal • <i>Manitoba Association of Agricultural Societies Advisory Board</i> ** • Manitoba Farm Lands Ownership Board • Manitoba Farm Products Marketing Council • Manitoba Horse Racing Commission • <i>Manitoba Milk Prices Review Commission</i> * • Manitoba Veterinary Medical Board Peer Review Committee (formerly Veterinary Medical Board) • Manitoba Women's Institute Provincial Board • Prairie Agriculture Machinery Institute Board of Directors • Veterinary Services Commission
Conservation	• Beverly-Quamanirjuaq Caribou Management Board • <i>Geographical Names Board of Canada</i> ** • Certification Advisory Committee • Ecological Reserves Advisory Committee • Endangered Species Advisory Committee • Manitoba Active Transportation Advisory Group • Manitoba Hazardous Waste Management Corporation Board • Manitoba Round Table for Sustainable Development • Manitoba's Clean Environment Commission • <i>Saskeram/Summerberry Wildlife Management Area Advisory Committee</i> ** • Wabanong Nakaygum Okimawin (formerly known as East Side Lake Winnipeg Round Table) • <i>West Region Elk Management Board</i> ** • Whiteshell Advisory Board

Appointment Process to Agencies, Boards and Commissions

(cont'd.)

Agencies, Boards and Commissions tracked by Cabinet Committee on ABCs	
Department	ABC
Culture, Heritage and Tourism	• Brandon Centennial Auditorium Corporation • Centre Culturel Franco-Manitobain • Heritage Grants Advisory Council • Manitoba Arts Council • Manitoba Centennial Centre Corporation • Manitoba Film and Music • Manitoba Film Classification Board • Manitoba Heritage Council • Manitoba Museum • Public Library Advisory Board • Travel Manitoba • Winnipeg Art Gallery • Venture Manitoba Tours - Board of Directors
Education	• Board of References • Certificate Review Committee (CRC) • <i>Collective Agreement Board</i> *** • Dispute Resolution Review Committee • <i>Public Schools Finance Board (PSFB)</i> * • Teachers' Retirement Allowances Fund Board (TRAF)
Entrepreneurship, Training and Trade	• Apprenticeship and Certification Board • Convention Centre Corporation Board of Directors • <i>Manitoba Development Corporation</i> * • Manitoba Opportunity Fund • <i>Manitoba Trade and Investment Corporation</i> * • Taking Charge!
Family Services and Consumer Affairs	• Child Care Staff Qualifications Review Committee • <i>Chiropractic Review Panel</i> *** • General Child and Family Services Authority – Board of Directors • Social Services Appeal Board • Vulnerable Persons Hearing Panel Roster • Companies Office Advisory Board • Deposit Guarantee Corporation of Manitoba • Funeral Board of Manitoba • Insurance Agents' and Adjusters' Licensing Appeal Board • Insurance Councils • Landlord and Tenant Advisory Committee • Manitoba Association of Architects Council • Manitoba Association of Home Economists • Professional Interior Designers Institute Executive Council • Property Registry Advisory Committee • Vital Statistics Agency Advisory Committee • Automobile Injury Compensation Appeal Commission • Manitoba Liquor Control Commission – Board of Commissioners • Manitoba Liquor Control Commission – Licensing Board • Public Utilities Board • Residential Tenancies Commission

Appointment Process to Agencies, Boards and Commissions

(cont'd.)

Agencies, Boards and Commissions tracked by Cabinet Committee on ABCs	
Department	ABC
Finance	• Civil Service Commission Board • Civil Service Superannuation Board • <i>Civil Service Superannuation Board Finance and Audit Committee</i> *** • <i>Civil Service Superannuation Board Investment Committee</i> ** • Crown Corporations Council • Manitoba Hydro- Electric Board • Manitoba Securities Commission
Health	• CancerCare Manitoba • College of Dental Hygienists of Manitoba • College of Dietitians of Manitoba (formerly known as Manitoba Association of Registered Dietitians) • College of Licensed Practical Nurses of Manitoba • College of Medical Laboratory Technologists of Manitoba • College of Occupational Therapists of Manitoba (formerly known as Association of Occupational Therapists of Manitoba) • College of Physicians and Surgeons of Manitoba • College of Physiotherapists of Manitoba • College of Registered Nurses of Manitoba • College of Registered Psychiatric Nurses of Manitoba • Denturist Association of Manitoba Board of Directors • Health Information Privacy Committee • <i>Health Information Standards Council</i> *** • Health Professions Advisory Council • Hearing Aid Board • Manitoba Adolescent Treatment Centre • Manitoba Association of Optometrists • Manitoba Association of Registered Respiratory Therapists • Manitoba Centre for Health Policy and Evaluation • Manitoba Chiropractors Association • Manitoba Dental Association • <i>Manitoba Drug Standards and Therapeutics Committee</i> *** • Manitoba Health Appeal Board • Manitoba Institute for Patient Safety • Manitoba Pharmaceutical Association • Manitoba Speech and Hearing Association • Medical Review Committee • Mental Health Review Board • Provincial Imaging Advisory Committee • <i>Provincial Mental Health Advisory Council</i> ** • Rehabilitation Centre for Children • Sanatorium Board of Manitoba • Seven Oaks General Hospital

Appointment Process to Agencies, Boards and Commissions

(cont'd.)

Agencies, Boards and Commissions tracked by Cabinet Committee on ABCs	
Department	ABC
	REGIONAL HEALTH AUTHORITIES: • Assiniboine Regional Health Authority Inc. • Brandon Regional Health Authority Inc. • Burntwood Regional Health Authority Inc. • Central Regional Health Authority • Churchill Regional Health Authority • Interlake Regional Health Authority • NOR-MAN Regional Health Authority • North Eastman Health Authority • Parkland Regional Health Authority • South Eastman Health/Santé Sud-Est Inc. • Winnipeg Regional Health Authority
Healthy Living, Citizenship and Youth	• Addictions Foundation of Manitoba • Manitoba Council on Aging
Housing and Community Development	• Cooperative Loans and Loans Guarantee Board • Cooperative Promotion Board • Manitoba Community Services Council
Infrastructure and Transportation	• CentrePort Canada Inc. – Board of Directors • Firefighters, Peace Officers, and Workers Memorial Foundations • Land Value Appraisal Commission • Licence Suspension Appeal Board • <i>Manitoba Water Services Board</i> ** • Motor Transport Board and Highway Traffic Board • <i>Special Operating Agency – Advisory Board</i> * • Taxicab Board • Disaster Assistance Appeal Board • Manitoba Lotteries Corporation Board of Directors
Innovation, Energy and Mines	• <i>Economic Innovation and Technology Council</i> * • Industrial Technology Centre – Advisory Board • <i>Manitoba Education, Research and Learning Information Networks (MERLIN)</i> *** • Manitoba Health Research Council • Mining Board • Surface Rights Board • Gaming Control Commission

Appointment Process to Agencies, Boards and Commissions

(cont'd.)

Agencies, Boards and Commissions tracked by Cabinet Committee on ABCs	
Department	ABC
Justice	• Community Notification Advisory Committee • Helen Betty Osborne Memorial Foundation • Judicial Compensation Committee • Judicial Council • Judicial Inquiry Board • Legal Aid Management Council • Manitoba Human Rights Commission – Adjudicators • Manitoba Human Rights Commission – Board of Directors • Manitoba Law Foundation • Manitoba Law Reform Commission • Manitoba Review Board • Manitoba Public Insurance – Board of Directors • Manitoba Public Insurance – Rates Appeal Board
Labour and Immigration	• <i>Advisory Council on Workplace Safety and Health</i> *** (except for Chair, which is generally based on a consensus decision between government and stakeholders) • Arbitration Advisory Sub Committee (LMRC) • <i>Labour Management Review Committee</i> *** (except for Chair, which is generally based on a consensus decision between government and stakeholders) • <i>Manitoba Labour Board</i> *** • Manitoba Pension Commission • Office of the Fire Commissioner – Special Operating Agency Advisory Board • Manitoba Women's Advisory Council • Workers Compensation Act Review Committee • Workers Compensation Board – Appeal Commission • Workers Compensation Board – Board of Directors • Workers Compensation Board – Medical Review Panel
Local Government	• Forks North Portage Partnership (FNPP) Board of Directors • Municipal Board
Water Stewardship	• Conservation District Boards • Conservation Districts Commission • Freshwater Fish Marketing Corporation • Lake Manitoba Stewardship Board • Manitoba Conservation Agreements Board • Manitoba Habitat Heritage Corporation • Manitoba Water Council • <i>Prairie Provinces Water Board</i> *

Appendix B: Review of Canadian jurisdictions website information on ABCs

We reviewed the government websites of all Canadian jurisdictions, including Manitoba's current updated website. We examined the public information available regarding ABCs and the appointment process. The following chart provides a comparison of key characteristics of each website.

Jurisdiction	MB	Can	BC	AB	SK	ON	PQ	NB	NS	PEI	Nfld
Website features											
ABC information on website	✓	✓	✓	✓		✓	✓	✓	✓	✓	
<i>From homepage</i>	✓										
<i>1 level</i>			✓	✓		✓	✓				
<i>More levels</i>		✓							✓	✓	
Provides information on ABCs	✓	✓	✓	✓		✓	✓*	✓*	✓*	✓	
<i>Listed by department</i>	✓	✓	✓	✓		✓					
<i>Listed by alpha</i>		✓	✓	✓		✓					
Appointment process		✓	✓			✓		✓*	✓		
<i>Some information</i>				✓						✓	
Application form	✓	✓ ¹	✓		✓ ²	✓				✓	
<i>Can apply online</i>	✓	✓ ¹	✓			✓		✓	✓*		
<i>Advertises vacancies</i>		✓	✓			✓		✓	✓	✓	
<i>Names new appointee</i>			✓			✓	✓	✓	✓	✓	
FAQs section		✓	✓			✓					
Conflict of interest policy		✓	✓	✓		✓					
Codes of conduct		✓	✓*	✓*		✓					
Governance policies		✓	✓	✓		✓					
* Slight variation but still meets category. 1 Separate application forms exist for each organization, and individuals apply directly to the organization. 2 SK provides application forms for Regional Health Authorities.											

Appendix C: Sample skills/competency matrix

ABCs need members with a variety of qualifications and competencies in order to carry out their mandate. A diverse mix of experience, age, gender and culture can bring valuable perspectives, options, and insights to the ABC. As the challenges faced by an ABC change over time, the composition of members and the expertise which may assist the organization should also evolve over time.

Leading practices suggest that ABCs take a proactive approach in recruitment by maintaining current inventories of member skills and competencies, and identifying any existing gaps or requirements for future membership. The development of a skills/competency matrix such as the sample below can provide useful information to the Minister's office when vacancies arise. This information helps inform the recruitment process, and assists in the Minister's consideration of appropriately qualified candidates.

Recognizing the political nature of public sector appointments, the specific choice of individual to fill the appointment appropriately rests with the Minister and Government. While there is certainly no onus on the Minister to appoint according to the ABC's preferred competencies, the provision of such information to the Minister ensures s/he is aware of any gaps or requirements of the ABC. This may enhance the likelihood of attaining members with such competencies in a future appointment.

The sample that follows provides a generic list of skills, competencies, and characteristics that a member may have. The specific skills and characteristics of members will vary for each ABC, depending on the specific role and mandate of that ABC. Each ABC should develop their own list specific to their needs. We note that a number of Manitoba's ABCs have already developed competency matrices that are specific to their organization, and shared these with us in our interviews.

Competency/Skills	Member #1	Member #2	Member #3	Member #4	Member #5	Member #6	Member #7	Member #8	Member #9	Member #10	Etc. ...
Related Industry/Sector Experience									✓		
Business/Management Experience	✓	✓				✓					
Government/Public Sector Experience		✓	✓				✓				
Accounting/Financial Expertise									✓		
Legal/Regulatory Expertise			✓								
Human Resources Expertise					✓						
Marketing/Communication Expertise				✓			✓				
IT/e-commerce/Social Media Expertise							✓				
Leadership Skills	✓								✓	✓	
Project Management Skills		✓				✓	✓				
Past Board Experience	✓		✓	✓	✓			✓	✓	✓	
Strategic Planning Skills	✓	✓	✓			✓	✓				
Risk Management			✓			✓	✓				
Community Relations/Liaison Skills				✓	✓			✓			
Community Diversity/Geographic Rep.	✓		✓	✓	✓			✓		✓	
Stakeholder Representation				✓		✓			✓		
...etc.											
...etc.											

