Title: Thursday, February 16, 2006 COI Review Committee
Date: 06/02/16
Time: 8:42 a.m.
[Dr. Brown in the chair]

The Chair: Good morning, everyone, and welcome to this meeting of the Select Special Conflicts of Interest Act Review Committee. For the first order of business this morning could we have everyone introduce themselves, starting down at Nancy, at the end there, please.

Ms Mackenzie: Nancy Mackenzie, writer.

Mr. Reynolds: Rob Reynolds, Senior Parliamentary Counsel, currently eating breakfast.

Ms Dafoe: Sarah Dafoe with Alberta Justice.

Ms South: Karen South, office of the Ethics Commissioner.

Ms Croll: Sandra Croll with the Personnel Administration Office, representing the Public Service Commissioner.

[The following members introduced themselves: Dr. Brown, Mr. Elsalhy, Mr. Lukaszuk, Mr. Martin, Mr. Oberle, and Mr. Shariff]

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

Mr. Elsalhy: If I can take this opportunity to congratulate the chair on his appointment to Queen's Counsel.

The Chair: Thanks.

The first order of business is to approve the agenda as circulated. Could I have a motion to that effect? Tom. All in favour? That's carried.

The next order of business. We have two sets of minutes to approve, one from November 23, 2005. Could I have a motion that the minutes of the November 23, 2005, meeting of the committee be adopted as circulated? Mr. Elsalhy. Any discussion, errors, or omissions? All in favour? That's carried.

The second set of minutes is the December 16 minutes. They have been circulated. Has everyone had an opportunity to go through those minutes? Any errors or omissions? Could I have a motion, then, to approve the minutes as circulated? Mr. Elsalhy again. All in favour? That's carried.

At the last meeting in December we had gotten up to recommendation 33, I believe, and we decided that we wanted to defer the discussion of recommendation 34, which is the one dealing with the suggestion that the government introduce new legislation governing the conduct of public servants. We agreed to bring it forward at this meeting, and Sandra Croll has kindly agreed to speak to this item and to answer any questions that we have. We do have a submission that has been made by Human Resources and Employment, and I think we should circulate that again just so that we can refresh our memories on what the submission was.

I think that where we ended the discussion last time was that we had some concerns about the fact that we weren't sure of the implications of putting in wording that would cover everyone down to the director level, and we were uncertain about how many people that covered and whether it would be advisable to spread the recommendation too thinly. So, Sandra, would you like to lead us in some discussion on that submission?

Ms Croll: Sure. The submission that Minister Cardinal submitted is actually, basically, in his role also as the minister responsible for the personnel administration office, the office of the Public Service Commissioner. In the submission he walks through a lot of history around what happened when the act was formed and we were asked to review the code of conduct for public servants back in '96. That review was done parallel to the review of the act.

What happened at that time was that there was a new code of conduct and ethics, or more properly a revamped code of conduct and ethics, that was developed for public servants. Taking into account a lot of the same principles of the day that were being articulated in the Conflict of Interest Act, the change at that time also in terms of the governance was that it moved from being a policy to a regulation under the Public Service Act, which is the enabling act for the public service. It includes the mandate of the public service and the governance around how the departments operate from that perspective.

There were a number of meetings that took place at the time by former Public Service Commissioner Jim Dixon with the Ethics Commissioner of the day, Bob Clark, where they came to agreements on the way that we had constructed the revised code. There was some satisfaction with that. A lot of the things that have been discussed with this group were issues with respect to that code as well in terms of some of the things that were tightened up or revised or added in to make it stronger.

From the point of view of the submission, the history is outlined. The minister takes the view on behalf of the Public Service Commissioner and many of the senior officials that the difference between elected officials and those in an employment relationship is distinct. The preference is to keep it that way, and that's obviously up for consideration with respect to how far the committee needs to go with respect to their desire to entrench a lot of the principles and add more principles into legislation.

I guess that the more difficult issue is determining the particular group that seems to need to be captured in something like a new piece of legislation. Some of the words that this committee has used are not descriptive words that have a definition in the public service, so I would have to try to determine who it is that you are actually speaking of. Some of the words do, and I can let you know who those are and what the numbers are and determine whether, in fact, we're actually targeting the group that this committee desires to target.

I know that when I went through some of the drafts, there were about six different definitions being used: senior officials, senior public servants, just to name a few, as well as going back to the kinds of groups that Mr. Tupper seemed to be articulating in his submission of the day, which again is very broad. You know there probably needs to be some discussion about who you believe those people are, and I can let you know if that's an accurate capturing of those in the public service that would be fulfilling the kinds of roles that he talked about.

8:50

So that's really the background. I know that the deputy minister group, who forms the bulk of senior officials, a large part of the senior officials group as they're defined, have an interest in this, obviously, as do most public servants, depending on their level. I guess I'll leave it to the committee to ask the kinds of questions that they feel that they need to get the recommendation that they feel has to come out of this committee with respect to those in the employment relationships.

The Chair: Well, let me start off by asking you whether in your view the code of conduct and ethics that we presently have is

substantive enough. Does it have enough sanctions and teeth that it would render unnecessary our recommendation that there be an additional piece of legislation? In other words, our initial thought was that we wanted to see it embedded in legislation. Can I just have your response to that?

Ms Croll: Sure. I've basically been one of the prime advisers on the code of conduct and ethics for the public service in my role as part of what I do since the review was undertaken back in '96. I know that the Public Service Commissioner and her office are of the view that it has been a very strong code and has worked very well. It does have disciplinary sanctions. I mean, obviously, as with most disciplinary sanctions you're only using them in extreme cases, but we have used them. We've used sanctions all the way up to and including dismissal for people that have violated the code. In most cases people that go awry of the code do it unknowingly or don't do it from a point of view of intent.

The areas that we strengthened in the code, in particular the disclosure obligations – probably one of the strengths of the revised code was that the disclosure obligations became more significant and broader. They actually demanded a wider disclosure with respect to conflict of interest for public servants.

We have not had any significant transgressions that I can think of with respect to the code that have really been in the media spotlight or anything of that kind of amplitude that would say that there was a groundswell of support within the public service or from any of our other interested parties saying: you people need to fix this. Every employee that commences with the public service as part of their orientation package gets a copy of the code of conduct and ethics, and they also do sign an oath, which is an oath that's mandated under the Public Service Act.

We take the code very seriously. The code is actually administered by each deputy head within their own department for the staff that report to them, so we have every deputy overseeing the ethics within the group that they manage. So it's sort of taken right down to that level. The office of the Public Service Commissioner acts as an adviser, and we basically give advice and support to the departments when they're looking at whether they have someone that may be in a position of conflict. The deputy ministers themselves: their code of conduct and ethics is actually administered by the deputy head of Executive Council.

The Chair: If I can just sort of try to recap what we were aiming at back in November, I believe that the paramount concern of the committee was: what happens after the senior policy officials leave their employment? Of course, the code of conduct and ethics is primarily directed and any sanctions would only be operative when they were still employed.

So I guess the question is whether or not this addresses the issue of what happens when someone leaves with their insider information and their contacts and so on. Do you have any comments on the whole idea of the cooling-off period as it applies to senior officials, and if so, what types of individuals and what categories would have that type of information that we should be concerned about?

Ms Croll: Well, that's one of the issues. Depending on how departments operate, I mean, it would seem likely that it is your top people but not exclusively. In some of the departments the way policy is developed or where they're assisting in the development of policy and have a lot of access to information with respect to that – I mean, it goes quite a ways down the organization in a department like Energy. If you're talking about people that know things that others wouldn't know, it goes six, seven levels down an organization, and that's why every employee, top to bottom, signs the oath of confidentiality, because everyone that's a public servant at some point in their career – some every day – will have access to confidential or inside information, information that's not available to the general public.

That's why we have the disclosure obligations. If you're involved in a decision or anything significant where you have any kind of a personal conflict, you have to disclose that and, potentially, remove yourself from being involved in that.

The development of policy, once it comes down from the elected level, can go quite far down in an organization, depending on where you work and what you do. It's certainly not just the senior level in terms of when you're talking about inside information. You know, it would probably be just about everybody at some point in their career.

With respect to the cooling-off period I think the concerns that were articulated back when we reviewed our code and are coming out this time are to look at the difference between those in an employment relationship and those that are elected and the fact that people move from job to job, particularly in this robust economy. We want to attract the best. More restrictions that you put on people with respect to making the public service an attractive place to come is a concern in that people simply will not elect to come here, particularly at the senior levels where, potentially, they have a lot of choices.

That's one of the concerns about it. That was the argument that was made when we revised the code in '96 in that it was something that was looked at and researched and argued against, and at that point it was successful. But the concern really is around putting those kinds of restrictions on people that may not anymore be career public servants, which was the practice in the past. It wasn't a big issue. Now we like to attract people from the private sector. We like people moving around, and that's sort of part of the public service philosophy.

The Chair: Sandra, there is a provision in there that prohibits divulging trade secrets and – what is it called? – trade knowledge and intellectual property.

Ms Croll: Yeah, that was an addition that we put in there during the last review. It never existed before, and we put that in for the reasons that I've spoken about.

We know people come and go. We want people to come and go, but we don't want them taking our knowledge with them. We want it to work a little bit like restrictive covenants with respect to how the private sector operates, and it was one of, I think, three brand new clauses that we put in.

The Chair: My question is that that's a pretty narrow restriction, that really talks more about the idea of products and technology and whatnot. I think that as a committee what we're concerned with more than that are the broader political aspects of divulging policies and information that may be useful to somebody outside of government and, you know, taking some improper advantage of that.

9:00

In your explanation you alluded to the fact that they signed some sort of a document which covers additional restrictions. Can you elaborate a little bit on what that might be in terms of, you know, what they might do after they leave? Is there something that's in a contract at a senior level that would address those issues?

Ms Croll: Well, there really isn't anything that actually makes that declaration up front. The oath that they sign is that any information that they see or manage in the course of their employment they do not release. Does that carry outside the boundaries of when they leave the public service? I mean, it doesn't specifically say that. I don't believe we've had significant instances where people have left the public service and believed that, you know, it's open season for anything they may have seen in the course of their duty that was confidential at the time that somehow isn't confidential anymore.

I think that what the deputies and particularly the Public Service Commissioner are thinking is: what is the problem we're trying to address here? Where has this gotten off the rails? What are we trying to correct, you know, that our code hasn't stood the test of time with?

Mr. Lukaszuk: In that vein, attracting quality employees to public service and then holding on to them, I'm not buying the argument that entrenching the conflict of interest or a code of conduct into legislation would have much bearing on it. I think the problem of attracting quality individuals into the public service is much deeper than that. As a matter of fact, one would hope that a strong code of ethics would attract individuals because, after all, we're looking at individuals with utmost integrity to join our public service, and that shouldn't be a deterrent.

Ms Croll: Just on that point: that comment was just with respect to the cooling-off period. I would agree with you that a strong code of conduct and ethics does give you the quality of people that you want. That comment was just in respect to the cooling-off period, that if I hire you, I have the ability to restrict your right to work in some capacity for some portion after you choose to leave us.

Mr. Lukaszuk: Since you have such a good code of conduct and ethics manual, that you implement to all of our public servants, why would you not want this manual now entrenched in legislation, which would not necessarily make it any stronger; it would just implement it into legislation? Second of all, why would you not want some aspects of it enforceable following your relationship with that employee when he no longer is an employee of public service? This code, as I listen to you, loses all of its teeth the moment your employee/employer relationship severs, yet many aspects, particularly with the matter of influence or proprietary information, could continue to be of benefit to that employee even after the relationship has severed.

Ms Croll: Well, I guess theoretically it could. Experientially that simply hasn't been the case.

One of the reasons that we see this code of conduct and ethics as different from what a legislated code of conduct would do is the way it's written. This is very much written as, sort of, in the spirit of behaviour. It's written as a benchmark for ethical behaviour. It's not proscriptive. It doesn't have a lot of sanctions. It's really written from a code point of view in terms of this is how public servants and our leaders should benchmark themselves.

The way legislation is written it's a lot more, sort of, dictatorial, and that's not what we had intended for the code of conduct and ethics. So one of the real differences, I think, is that the tone of it and the spirit of it as sort of a behavioural template would really change, and it would be, you know, another piece of legislation that people would have to make sure they're abiding by. I mean, maybe the difference is subtle, but that is the difference in terms of the writing of this. It was very carefully done in plain language so people could recognize the kinds of behaviours that they should be demonstrating as public servants.

Mr. Shariff: If I can just get a clarification once again. If I understand your argument correctly, you have no difficulty with the bulk of the contents because you believe that they are covered under the code of conduct. The sticky point is the cooling-off period.

Ms Croll: Well, that would be something that would be new. Again, I think it can be argued, or it should at least be discussed, that a cooling-off period for elected officials and those in an employment relationship – you know, there is a fundamental difference there in terms of people that are in an employment relationship versus those that have been elected to serve.

When you read it, a lot of the principles of the code of conduct and ethics around disclosure, impartiality, integrity, recusal, those kinds of things, sure, are all in there. They're just set out in a different way. They're set out, you know, for every public servant to read and try to establish a behavioural code around and particularly those in leadership roles so that they can model that behaviour.

Mr. Shariff: So with that explanation, if the basic principles that are proposed are acceptable – and your belief is that they are covered, by and large, under the code of conduct – if we, as we recommend, entrench this under legislation, strengthen the public service in that format, there would probably not be as much resistance. The sticky point and the resistance may come in the cooling-off period. Correct?

Ms Croll: Well, certainly, yeah. If you're talking about the form, I mean, the disclosure obligations are there. We strengthened it back in '96 when we did the review. We made it a regulation under the Public Service Act, so it does have some legislative weight. We've got sanctions in there, you know, for disciplinary action which have stood up.

Certainly the new elements, I agree, would probably create the most stir or cause the most attention. They certainly did when we did the review. There is a strong feeling amongst the public servants that that's not something that's suitable, particularly for the environment now with respect to trying to attract and retain the best quality candidates, that the more restrictions you put on them, the less likely you are to get all the people that you hope would be attracted to the public service.

Mr. Shariff: Mr. Chairman, therefore, I just wish to express that it's our role to make recommendations that will improve the system, and it's traditional that change is difficult for many people to accept, and there may be resistance. I think that in principle we are just trying to enshrine this through legislation. I do understand that there is one sticky issue about a cooling-off period, and maybe we can have more discussion on that, but I think we're on the right track.

Mr. Martin: Well, just to talk specifically about the cooling-off period because I think that's absolutely crucial in terms of perception to the public, I would remind people that the top people, certainly, in ministers' offices – and I don't know where it goes down to, but the deputy ministers, assistant deputy ministers probably have a lot more information and contacts than MLAs do. If a bureaucracy has been there long enough, they probably have more information than the cabinet ministers because they get shifted.

I don't think we're asking a lot in the cooling-off period. I think the recommendation now is a year. You look at what's happening federally; they're talking about five years. In my own opinion, that's probably too long. But, again, it's the perception. It's not only information – that information may go down – but it's contacts.

That's what the public looks at: does somebody have an inside track because of who they know, along with the information? I would argue that access to people is just as important. If all of a sudden a person can be there in government one day and a consultant dealing with the government the next, it leads to, I believe, the cynicism that we're trying to get away from.

9:10

I really think this idea that employed and elected people, when we work within government at that level, should all be accountable at the highest sort of standard. So I would argue that that's been part of the perception. You know, when one person was in the Premier's office, and the next day they were a consultant, that's what leads to some of the cynicism.

Now, where you draw the line is a good question. I'm not sure of that in my own mind, how far you want to go down. I don't think that what we want to do is have a broad thing that goes through all the public service. How could you enforce it? But I think it has to be that at least at the top level they fall in the same category as elected members.

Dr. Morton: This is the discussion of whether or not the same restrictions that apply to ministers should apply to senior civil servants?

The Chair: Nope.

Dr. Morton: I have a question about what the nature of that restriction is. I brought it up with you privately a week or two ago, and I was looking at it last night again. If I could go to number 27 on the document, the draft recommendations. Under 27 it reads that "former Cabinet Ministers shall not make representations to government during the cooling-off period." Does that simply restrict representation as in lobbying, written or verbal contact with government, or does it restrict all employment? If it just restricts representations, meaning contact either written or verbal, then it still leaves open the possibility of employment in some other fashion, does it not? If it does, then the restriction is not that restrictive.

The Chair: If we could, Ted, could we come back to that issue if we want to rehash some of the draft recommendations?

Dr. Morton: I'm happy to come back to it, but it's relevant. What we're asking here, though, is whether this restriction should also be made applicable to civil servants, no?

The Chair: Yeah. I mean, the field is open now for discussion as to what the committee is trying to achieve here. Just before you came in, Sandra indicated that the code of conduct and ethics covered most of what we were trying to achieve, but what we were focusing on was the cooling-off period because this is only applicable when policy officials are actually employed.

Dr. Morton: So my question is: does the cooling-off period restrict you to all employment, or does it just restrict you from working as a lobbyist?

The Chair: Well, presently the cooling-off period for ministers applies with respect to a department with which they had, quote, significant dealings in the past year. So a Minister of Energy, for example, obviously would not be able to deal with or contract with his old department in that cooling-off period but conceivably could deal with the department of agriculture. We're not saying that they couldn't deal with government. The mischief is the perception that a minister would use inside information or inside contacts. As Ray has said, that would be perceived as being unfair and taking unfair advantage of their former position.

Dr. Morton: I understand that. But if I become a Minister of Energy and then after I leave being Minister of Energy and go to work for – let's see who's rich these days – a wealthy oil company, am I restricted from working for them period, or am I just restricted from working for them in any capacity that involves contact with government?

The Chair: I think the latter.

Dr. Morton: Yeah. All I'm saying is that that's not a terribly restrictive restriction.

The Chair: Well, that's the status quo, Ted. We can talk about, you know, the changes. We previously talked about increasing the cooling-off period. We didn't talk about the actual need of that, and I think that's an item that's still on the table.

Dr. Morton: As you know, I'm in favour of increasing the cooling-off period, and I'm in favour of applying it to civil servants as well, but one of the reasons I'm in favour of it is because I don't think it's that onerous, which was the point I was trying to make.

Mr. Oberle: Well, I want to point out that it is more onerous, or you could view it as being more onerous. If our objective is to attract high-quality individuals, probably experts in their field, into the public service, then by very definition the kind of people we want to attract are people that are good at fostering relationships in industry and in government and work regularly across that boundary as an expert in their field. In that particular case, a subsequent restriction on their employment would strike at the very heart of where their talent and their expertise lie, and I think it is restrictive. If we do intend to go there, you know, if you're going to restrict somebody's employment, then you're probably liable for some form of compensation for that period because you're cutting these people right out of the heart of their career.

At some level I think we're applying a solution to the wrong problem maybe or maybe to a place where there is no problem but certainly to the wrong problem. What our intent would be here is to go after improper behaviour, not all behaviour. We're in effect operating from the assumption that anybody that's employed in one of those roles after they leave the public service is going to be bad and that therefore we have to restrict them when, in actual fact, what we should be chasing is a way to get at improper behaviour.

The Chair: Sarah.

Ms Dafoe: Thank you, Mr. Chair. I was just hoping to point out for Dr. Morton's use the Conflicts of Interest Act now with respect to cooling-off periods for former ministers. They are prevented in section 31(1)(b) from accepting "employment with a person or entity, or appointment to the board of directors or equivalent body of an entity, with which the former Minister had significant official dealings during the former Minister's last year of service." It's not specifically with respect to government dealings. It's just the . . .

Dr. Morton: Employment period.

Ms Dafoe: The employment period.

There's also a provision that says that they can't act on a commercial basis in connection with any ongoing matter in connection with something they were dealing with previously where they directly acted for or advised a department of the public service. So it is fairly broad. I should note also, though, that under subsection (3)(b) the Ethics Commissioner does have the authorization to provide an exemption to that rule.

Dr. Morton: Right.

The Chair: Mr. Elsalhy and then Mr. Oberle.

Mr. Elsalhy: Thank you, Mr. Chair. I have a different question, which I'll raise at the end, but back to this point. We can clarify the language, and we can say that the cooling-off period just talks about lobbying and representations to government and that it doesn't apply to them seeking re-employment with the government. So if somebody leaves the Department of Energy and they have a job open that they can apply to in a different department, Agriculture or Education, then they can go there. We've heard of, you know, people as high as deputy ministers changing ministries and being shuffled from one to the next, so we're not restricting them from seeking re-employment after they leave, six months after or 10 years after. They can come back any time as long as they fit these qualifications. It's the lobbying part. We can just say, like we did with ministers – and it's not any elected official; it's only cabinet ministers. This is similar. These guys have information. They have access to contacts and previewed information. So we can just put it in the language that it's applicable to lobbying but not to re-employment.

9:20

The other issue. Mr. Shariff mentioned resistance to any changes we make here. My definition is that we're doing something that we feel is good or right, not how saleable it is or how we minimize resistance from the people who are affected by it, like we did with cabinet ministers. There might be some resistance from one or two, but most of them would adhere to it with no problem, and they don't see it as onerous or difficult: perception, image, you know, reducing cynicism, reducing people who are not happy with government, who are not happy with elected officials.

Attracting quality civil servants will not be affected if we say that, you know, deputy ministers and department heads have to abide by this new piece of legislation because it's expected of them. If they come in and they say, "Well, it might affect my re-employment chances six months after I leave," they're thinking too far ahead. They should worry about their job now and not worry about after they leave and they're trying to come back.

[Mr. Shariff in the chair]

My last question is about disclosure. In your code of conduct on page 5, section 7, under Disclosure employees have to disclose to their deputy head or designate, which is fine. I don't have any trouble with this, but what if the deputy head himself has conflict? Who does he disclose to?

Ms Croll: To the Deputy Minister of Executive Council.

Mr. Elsalhy: Okay. And if that guy has a conflict, who does he report it to?

Ms Croll: I would assume that he reports to the Premier.

Mr. Elsalhy: So there is a hierarchy. There is a chain of command.

Ms Croll: Sure. Yeah.

Just with respect to the cooling-off period, I don't want to lose sight of: the cooling-off period restricts your employment. While you work for government, it restricts your employment with the private sector. I mean, that's the issue. It's not about coming back to government. It's basically saying that if you worked, as Mr. Oberle pointed out, as an energy official and you worked with a number of companies, you can't work for any of those companies, theoretically, for 12 months if that's where your skill set is. I mean, really the concern is: you now work for government; you can't work for a whole variety of other organizations that have dealings with government.

Mr. Elsalhy: We can clarify this in the language and say: you can work for them as long as you're not a lobbyist talking to the government's ear.

Mr. Oberle: With respect, I don't think the issue is whether or not they come back and lobby the government afterwards. One of the potential issues here is the fact that having had a relationship with this company during their tenure with the government, they might have been influenced knowing that they have employment with that company after they leave government. That's one of the reasons for the cooling-off period. I think you're trying to attack with the wrong tool here.

[Dr. Brown in the chair]

As Ms Dafoe pointed out, the Minister of Energy cannot effectively accept employment with a private-sector energy company upon his leaving office, and that is severely restrictive. But it's quite possible that the Minister of Energy is not an industrial expert in energy or have a long employment history. The person you're trying to attract from the private sector to come in at the deputy minister level or some other position in the public service might have spent his entire career – in fact, it might be favourable – in the energy industry. You're trying to apply a provision that restricts his ability to do so once he leaves here, but he can go ahead and work for Agriculture if he wants. I doubt that he's going to find that attractive, and I highly doubt that telling him that he's thinking too far ahead, that he shouldn't worry about what happens when he leaves here is going to satisfy him in any way.

Chances are he's here for one term. If the government were to change or if the minister were to change, maybe he's going to be here for two to four years, and that's a very significant consideration. If you're going to restrict him from practising where his talents lie, but he can come back and work for Agriculture, I highly doubt that he's going to find that attractive.

The Chair: Mr. Martin.

Mr. Martin: Yeah. Well, let's remember what we're attempting to do here. We talked about at the beginning the perception that's out there in the public, not only in Alberta but across the country. One of the reasons, I think, that Mr. Harper is pushing his ethics package and going far beyond what we're talking about is that that cynicism is out there. I would suggest to you that if we say, when we look at the list here that we have, that for people in the ministers' offices and assistant deputy ministers and ministers, people that have that access, "Well, there's no cooling-off period for them," I think that does add to the cynicism.

I mean, I would argue that I think that five years, that they're talking about federally, is far too long, but I don't think that a year, with severance packages and all the rest of it, is going to take them out of the market. That's a decision that they can make when they go in. For us, this committee, that's trying to deal with the ethics and trying to deal with the cynicism in the public, if we leave this open for this group of people – and I'm prepared to look at just a smaller group at the top, you know, rather than make it onerous – if we allow them sort of carte blanche and cabinet ministers and MLAs are covered, I think we're adding to that cynicism.

I think we should follow what we said. We thought it was a good idea at the time. Maybe we need to look at a little more detail: who is covered. I think that's partly what I heard. Because that information can go right down, I don't think we want to do that. We couldn't begin to even police it. I think it sends a message that we are serious in terms of being above board, if you like, and I think that it would be a major omission if we didn't do this.

The Chair: Mr. Oberle, do you have a comment on that point?

Mr. Oberle: Well, I do. I agree that the perception may be out there, and I agree that we should do what we can to educate people and change the perception, but to restrict somebody's livelihood because of a perception is a very serious consideration. I would like to know who is going to compensate the people that we are restricting from employment in their chosen field, in their field of expertise, quite possibly the only field they'll be employable in. I think we're making a mistake. It's not the fact that they're employed that we're trying to chase here. It's the fact that they may do something wrong, and we should address that behaviour, not the fact that they're employed.

The Chair: Well, I think that it's a balancing act here, and what we need to do is focus in on what the correct balance is. You're balancing the ability to attract quality personnel, the ability of an individual to sustain themselves with employment which may, as you point out, be in a particular field, a narrow field of endeavour. You're trying to balance that on the one hand with the other issue, which is that we don't want the perception or the reality to be that somebody is taking unfair advantage of their former position.

I mean, Prime Minister Harper has indicated that he's going to have a five-year cooling-off period, which I think most of us would agree is a little bit over the top because it's restricting somebody for five years. So the issue is: at what point does one's connection with one's old employment sort of get outweighed by the necessity to be able to have alternate employment and a source of income? Whether that's 12 months, 24 months, six months, or whatever, I think that's the issue that we need to deal with.

If there's another part of the equation, it's what happens in that transition period. The fact that there is a transition allowance for MLAs or for cabinet ministers, for that matter, of three months per year of service: we've rationalized that in terms of saying that we would recommend that it be increased from six months to 12 months for cabinet ministers. Maybe what we should be focusing on is what sort of transition allowance or what sort of termination allowance there is to compensate someone if they are, as Frank has pointed out, in that narrow field of endeavour. Maybe they should be compensated for the fact that they cannot seek employment in a 12-month period after they leave. That would prevent them from arguing that they're being unduly disadvantaged or that we're not able to attract the quality people. Maybe I'd just throw that out as a comment.

Dr. Morton, you're next.

9:30

Dr. Morton: Thank you. Frank's point is correct, and it hadn't occurred to me before that the backgrounds of MLAs, cabinet ministers are quite different from career civil servants, whose livelihood more often than not does depend upon developing policy expertise over a career. To cut them off as harshly or as absolutely as an MLA or cabinet minister, who typically does not have policy expertise and whose ability to earn income has not been based on developing policy expertise in that area, is quite different.

It could weigh on either a shorter duration of the cooling-off period, what you call balance. A shorter duration might make sense for senior civil servants or possibly some sort of compensation for not being able to be employed for that period, but do we have any authority over it? This committee doesn't have any authority over compensation issues, does it?

The Chair: No, we don't. What we're doing is making recommendations. I think that if we said that having recommended some sort of a cooling-off period for these senior policy officials, if we could also recommend that some recognition of their pecuniary situation in the transition period would also be part of the equation and part of the package, clearly it would be in our power to do that.

Dr. Morton: Thank you for clarifying. If that's the case, I would agree with you. That would be an appropriate recommendation.

The Chair: Mr. Elsalhy.

Mr. Elsalhy: Thank you, Mr. Chair. I actually agree with Mr. Oberle, but maybe my definition of a cooling-off period is different than his. When we discussed it with regard to cabinet ministers, a cooling-off period in my understanding applies to when they're trying to come back and talk to government or lobby government. I don't think that definition restricts them from going out into the job market and seeking . . .

Mr. Oberle: Ms Dafoe just pointed out it does.

Mr. Elsalhy: Okay. Can we reword it so it actually basically caters to that opinion and to mine as well?

Mr. Oberle: Mr. Chair, I would be very much in favour of that. I'm a professional forester, with a career in forestry. Without commenting on my own abilities, I would say that maybe an MLA who is a professional forester might make a good forestry minister at some point. If that were ever to happen in my case, I would have to seriously consider that, because I couldn't work in forestry after that, and that's my lifelong field. A doctor could never be a minister of health in this province and then work again afterwards if we don't change that wording. I'd be very much in favour of that.

Mr. Martin: Is that true?

Ms Dafoe: Shall I read the section again?

The Chair: Yeah, I think so. What section is it?

Ms Dafoe: This is section 31(1)(b).

> Except in accordance with subsection (3),

which is primarily allowing the Ethics Commissioner to make an exemption,

> a former Minister shall not, for a period of 6 months after ceasing to be a member of the Executive Council . . .

(b) accept employment with a person or entity, or appointment to the board of directors or equivalent body of an entity, with which the former Minister had significant official dealings during the former Minister's last year of service as a Minister.

The Chair: Well, that's a board of directors. That doesn't say that you couldn't be the president of Imperial Oil if you're not on the board.

Ms Dafoe: No. It says: "accept employment with a person or entity, or appointment to the board of directors or equivalent body." So it's employment with or appointment to.

The Chair: Okay. All right.

Mr. Martin: I mean, a doctor could still be a doctor in private practice.

Mr. Oberle: Well, in the case of a forester, for example, there isn't a forestry company in Alberta or the College of Alberta Professional Foresters that hasn't had significant dealings with the government over a four-year period. So as a professional forester that made minister of forests, there's no way you could accept employment. Now, if you couldn't accept employment to do lobbying, as Mr. Elsalhy points out, that's maybe fair, but in my case it would be totally restrictive. There's no way that you could go through a four-year term without meeting with all of the forestry companies, the Alberta Forest Products Association, the professional foresters, the forest technicians association, all of those. There's no way you could go through a four-year term.

Mr. Elsalhy: So the idea of balance then. We don't want to restrict their potential employability after they leave because that's not fair, pure and simple. What we're trying to do is restrict them from using that prior knowledge in something that might present us with a conflict situation. Maybe we should recommend rewording, clarifying this section, that a case like was just presented by Mr. Oberle would not apply. Maybe restrict it to lobbying activities or, you know, making presentations on behalf of a third party.

The Chair: Well, as Ms Dafoe has pointed out, there's already a saving position in there that the commissioner could approve, you know, taking a position as long as the perception wasn't there that it's improper.

Mr. Shariff: Just to remind colleagues. You know, when we were talking about this whole review, I believe we reconfirmed a concept, if I'm not mistaken from the Ontario model, that recognized people's ability to practise their professions.

To address the concern that Mr. Oberle has raised, currently I think that even a minister of agriculture can practise agriculture and be able to continue to be an agriculturalist after. So, you know, with that ability to go through the Ethics Commissioner and get permission to continue to practise in your profession, I don't think the Ethics Commissioner would prevent a person from returning to their own profession.

Mr. Oberle: With respect, if I was a professional forester operating in the private sector and I had an offer to come and be deputy minister or a senior official in the department, would I sign an employment contract based on the probability that the commissioner is not going to restrict my employment subsequently but knowing that there's a code that does restrict it? Absolutely not. Why would I do that? Unless I had it in writing beforehand that I would not be restricted or that I would be compensated for the period where I might be restricted, there's no way I would accept a two-year employment contract.

The Chair: Mr. Lukaszuk.

Mr. Lukaszuk: Thank you, Mr. Chair. As I'm listening to this conversation, I think that all of us are on the same page. Mr. Oberle definitely has me convinced. I think the balance is that we all agree that there ought to be some restrictions where individuals cannot use their undue influence in the private sector or vice versa. At the same time, we agree that we have to treat our public servants with utmost respect and dignity and that we have to be able to attract the best that there are.

To strike this balance is to offer some form of compensation for the time of their restriction. I think everybody around the table seems to agree on that, and perhaps that's what the committee's recommendation should be. Now, whether we want to get into the minutia of arguing what that restriction period should be and what the compensation should be, I'm not sure if we are best equipped to do that. But this balance would allow us to attract the best, allow individuals to enter into contracts knowing that they will be compensated for the time of restrictions and then resume their professional employment in the field having been properly compensated.

The Chair: Any other comments on that? I think that at some point we need to wrestle with that issue unless you want to leave it as a general recommendation. I think you need to address the issue of the application of the cooling-off period, who we're recommending that it should apply to, and what the period is at a minimum. I think that part of that equation, as Mr. Oberle points out, given the fact that you're going to be somewhat restricted in some cases at least from getting gainful employment, would be to address the issue of some sort of transition allowance.

Where do we go forward from here? I'd like to sort of throw this out to the committee to make a recommendation that we could put in some concrete form here.

Mr. Shariff: I think, Mr. Chairman, generally the understanding is that people agree that we should modify this a little bit, that should we apply the concept of a cooling-off period, there be some form of compensation for that period. That seems to be a general understanding, right?

Mr. Oberle: I would add another to that. There should be a consideration of compensation. There should also be a consideration of whether a cooling-off should apply to employment in general or employment as a lobbyist, as Mr. Elsalhy pointed out.

9:40

Mr. Martin: Well, I think there are two ways you can go. One is to talk about the compensation. The other – and I'm not sure how you do it – is to relook at the wording, if it is broad enough. You used the example of a doctor that couldn't set up a practice. Either we go back and look at the language closer, to mean what we want it to mean – but I don't think you can do both. You can't sort of broaden it and then give a severance package at the same time. It's one or the other, I think, that we have to look at. I'm not sure if you can do the wording closely enough to mean what it was talking about. I'm not sure. I'm not a wordsmith. But clearly he means that it's not taken in the broad context of employment but more your possible

influence with government is taken away over that. So it's an either/or sort of situation, I think.

The Chair: Ms South, do you have any comments from the Ethics Commissioner's office to add? I think this was something that had the recommendation of the Ethics Commissioner. What would you envision that we should be achieving, in your submission?

Ms South: Certainly, the commissioner is supportive of applying postemployment to senior officials. I'll just make a couple of comments and note that the current act does not prevent a professional from returning to a profession. We did do one investigation several years ago with a former Minister of Justice accepting employment with a law firm, and he was found not to have breached the postemployment provisions. He had not sought advice from the commissioner before doing so. All of that was in the public report that was issued. It does not prevent you; it prevents you from accepting employment where you've had significant official dealings.

Mr. Oberle: Can I ask a question on that? Did that particular law firm have significant dealings with the minister during his term?

Ms South: That was the focus of our investigation. Yes, that law firm did receive monies from the Department of Justice, but it related to motor vehicle accident claims. The minister had had no involvement on those issues, so we determined that he had not had significant official dealings with that law firm.

Mr. Oberle: In the case of the forestry profession I highly doubt that the commissioner would find the same. The minister is directly involved in the day-to-day decisions that affect that business and all of the forestry businesses in Alberta. I highly doubt the commissioner would find the same. I firmly believe that I would be restricted from employment in the forest industry, and I think it should be considered.

Ms South: It may be. That would certainly be a case where a minister would want to seek the advice of the commissioner before making a decision on whether or not certain employment could be accepted. There are some people not covered by the current code. Exempt ministerial staff would be certain people, and those have been a focus of postemployment questions, so that might be something that you want to keep in mind.

With respect to the federal code, they do very specifically address prohibited activities for public office holders. Of the two that they specifically list, one is switching sides on an issue. So where you're actively involved in something before you leave, you can't take employment to then work on the other side, which gives advantage to that particular person who might be applying for a program or grant or something. The other is that you can't give advice using information that was not publicly accessible, which I think, you know, based on the oath of office that you take now, you can't use anyways.

It also has a very lengthy list of factors that the Ethics Commissioner can consider in providing a waiver of the postemployment provisions, and they're fairly broad: circumstances under which termination occurred, general employment prospects, significance of the information that they had access to before they left, the desirability of rapid transfer of knowledge and skills from the government to the private sector, the degree to which the new employer might gain unfair commercial advantage, the authority and influence possessed by the former public office holder, the disposition of other cases. It might be worth considering whether or not to include something about: if it is the government's interest in having secondment arrangements, that also be a factor that be considered, that if it is important to the government to bring in people from the private sector for a short term, that also be a factor.

The Chair: Further comments?

Mr. Lukaszuk: Just briefly. I think we still continue to be on track with the transition allowance, but one thing that needs to be looked at is the current wording of the act that says employment and/or appointment because employment is not equal to appointment. I think it varies with what position within the industry one assumes.

You know, if Mr. Oberle accepts an executive or advisory position in a large forestry corporation, obviously there would be a conflict, but if he was to accept a position of noninfluence in a labour capacity in the forestry industry, then I don't believe there would be a conflict at all. So perhaps the word "employment," "accepting employment," is where the issue is. It really varies with what type of employment.

Mr. Oberle: So you're saying that I should go tree planting when we're finished here.

Mr. Lukaszuk: I don't advise that. I've done that.

The Minister of Education in our case, for example, who happens to be an educator, a teacher, could go back into a classroom and teach, and I don't think there would be any conflict, but if he was to accept an executive position with a private school which was seeking funding from the government of Alberta, now, there would be a conflict. So accepting employment is just a broad term which perhaps should be more narrowly defined.

The Chair: Well, remember that we're not talking about ministers at this point.

Mr. Lukaszuk: Or a senior bureaucrat for that matter. It doesn't matter.

Mr. Martin: I hate to put this off again, but I think there are two things that we could do that perhaps could solve all our problems. One is to take a look at the wording for employment as it now stands to see if we can make that a little clearer but also come back and list the things, as they have done, that the Ethics Commissioner could look into about an exemption. I think that's what they're talking about, that we could also put that in, and with the two things maybe we could solve the problem. I'm not sure we can do it right here, right now.

The Chair: Can I suggest that we take a 10-minute break? Then maybe we could craft some sort of a resolution to see if we can find a way forward here.

Ms Croll: Can I just make a comment before we break? We still need to look at the numbers. I mean, particularly in light of one of the potential recommendations that you're going to pay for these people, the numbers become, I would think, even more important with respect to, you know, if you're going to pay 1,400 people versus 10.

Mr. Martin: Who the policy officials really are.

Ms Croll: Yeah. It's more prudent to have that discussion if they're going to compensate them. I would think that would be of interest to someone in terms of what the costs would be.

The Chair: Okay. Let's take a 10-minute break and have coffee.

[The committee adjourned from 9:49 a.m. to 10:03 a.m.]

The Chair: Can we just go back on the record now? Tom, you've got a proposal?

Mr. Lukaszuk: Sure. While in recess, Mr. Chair, along with the committee members who have been drafting a proposed recommendation – and this is just proposed at this time, so maybe we can refine it. It reads as follows:

> The committee urges the government to draft legislation to implement a cooling-off period for select senior policy officials while taking into account an appropriate transition allowance to compensate such officials for the time period of their restriction. This legislation is not to be applicable to seconded positions of industry experts.

The Chair: Mr. Elsalhy.

Mr. Elsalhy: Thank you, Mr. Chair. I like the draft that Mr. Lukaszuk has suggested. I would urge him or urge the committee to maybe consider stipulating how far down or how deep because when we say, "select senior policy officials," then we leave it very flexible, very open. We need to stipulate how far down or how deep. Deputy ministers only? Deputy ministers and ADMs? Deputy ministers, ADMs, department heads? We have to determine how far. Then, also, the idea of including political aides in that definition like, you know, people who might not fall under the civil service act.

Mr. Shariff: We do have that clarified, don't we?

Mr. Elsalhy: As part of the Tupper recommendations.

So, you know, somebody like the Premier's chief of staff would fall under there.

Mr. Shariff: So you're suggesting that we add "as defined in the Tupper report" as part of the motion?

Mr. Elsalhy: Yes.

The Chair: Any other comments or reaction to Mr. Lukaszuk's suggestion?

Mr. Oberle: I think that the recommendation is useful. I would like to see added to that, however, the ability to have the commissioner review situations, the same as the exemptions quoted by Ms Dafoe earlier. Other than that, I think it's a useful suggestion.

The Chair: Mr. Lukaszuk, could you perhaps modify that to include the concept of the commissioner's exemption?

Mr. Lukaszuk: Well, we could add a sentence saying that the above ought to be subject to the Ethics Commissioner's interpretation and his ability for exemptions.

Mr. Shariff: And the Tupper report?

Mr. Lukaszuk: I'm not clear of the scope of the Tupper report, what positions were included in there.

Mr. Shariff: Senior policy officials "as defined in the Tupper report."

Mr. Lukaszuk: But I'm not certain what the Tupper report defines as "senior policy."

Ms Dafoe: Just a quick question. You might want to consider, rather than having a reference to the Ethics Commissioner and keeping in mind that we're dealing with cooling-off periods for government officials, that perhaps it should be the Public Service Commissioner instead.

Dr. Morton: Do we want to include in our recommendation the distinction between all employment versus lobby?

Mr. Lukaszuk: I guess I would suggest that that's where the Ethics Commissioner comes in. Again, going back to my example of the Education minister wanting to go back into the classroom, I think that he would approach the Ethics Commissioner, and I imagine that the Ethics Commissioner would waive this particular piece of legislation. So I think it would be subject to the Ethics Commissioner's interpretation.

Dr. Morton: But on that point Frank pointed out that somebody might take the employment if it wasn't crystal clear that he or she could go back to employment if it depended upon a judgment made by the head of the civil service or the Ethics Commissioner. I mean, we might want to get in writing the distinction between employment per se versus government lobby.

The Chair: Is that something that could be dealt with in advance depending upon the sensitivity of the position that they were being seconded to, or routed to, something that could be dealt with, in other words, in a contractual sense at the outset rather than after the fact, that distinction that you're trying to get at?

Dr. Morton: It could be, but whether it would be or not, given human nature – if we want to make sure that it's dealt with, then we should put it in writing.

Mr. Reynolds: I just wanted to assist Mr. Lukaszuk with the Tupper report, which states:

> A new group of officials is proposed as the basis for a revised policy for appointed officials. The group will be called "policy officials." In addition to the obligations imposed by the Code of Ethics and Conduct for the Public Service, "policy officials" will be subject to obligations and restrictions outlined in the Integrity in Government and Politics Act,

which was never enacted as such. In any event,

> "policy officials" means all present "senior officials," all assistant deputy ministers, executive assistants, senior staff in the Office of the Leader of the Opposition and a further group who, in the view of their Minister and the Premier, wield enough policy or administrative influence to be included.

10:10

Mr. Martin: Well, two things. I thought that Mr. Oberle's suggestion was to cover some of what Dr. Morton was talking about, to lay out what the feds do, certain things that the Ethics Commissioner or the Public Service Commissioner, whoever, should take into account on this. I thought that's what you were driving at. Is that correct? I think it makes absolute good sense that that's laid out ahead.

The other thing is that when we're talking about severance packages, I'm still not sure – and I think this is what Mr. Reynolds

is driving at – who we're talking about. Are we talking about – I think you used the figure of 1,400 people. I don't think we mean that, but I think we have to be a little more specific if we're going to be recommending transition allowances, and I think we've got to be a little more specific about what triggers that. Does it mean getting fired? You know, whatever the case. You maybe never get fired from the civil service; I don't know. Do you know what I'm saying? Or do we just make a broad recommendation that we look at it rather than trying to be more specific? I think we should look at that.

The Chair: If you recall, Mr. Reynolds has given us the definition as it appeared in the Tupper report in terms of what the interpretation of policy officials was. I think it's open to the committee if they want to approach that with some more precision. They certainly can do that, and maybe Mr. Lukaszuk could consider that with his drafting skills.

Mr. Lukaszuk: Mr. Chair, you're very good at hanging me out there on a plank on this one.

I think the Tupper definition is a little bit too wide. I'm looking at the opposition. You know, luckily I've never had the privilege of finding out what policy-wielding ability the opposition has. What I have in mind is a much smaller, select group of people who are privy to very privileged information. I agree that we can go as deep as we want to and continue to be able to justify why individuals should be included, but that would defeat the purpose of the legislation. I think it should be a small select group of people who have the ability to wield influence outside the scope of their practice within government.

Mr. Oberle: I agree with Mr. Lukaszuk. It should be a small, select group of people that are right at the core, or the centre, but whatever the group looks like, the compensation has to be tied to that group. We can't consider compensation for just a few individuals but a restriction for a wider body of individuals. If you're going to restrict them, they have to be compensated.

Mr. Reynolds: Would it be fair to say that perhaps something could be included in just the text of the report? Now, I realize that we're not drafting the report here as we sit, but it seems to me that the committee would like to recommend something just for whatever group of policy officials you decide to include, that their compensation should be adjusted to reflect the restrictions on postemployment opportunities and that depending on the circumstances of their departure, they do not typically receive any form of transition allowance as do members. It seems to me that that seems to wrap up what you're trying to get at if I understand it correctly.

The Chair: That's a good suggestion. So compensation should be adjusted to reflect the reduced postemployment opportunities. I think that sort of summarizes the concern part.

I think, Mr. Reynolds, if I can summarize here, your suggestion is that we ought to incorporate that concept of postemployment opportunities being reflected in the adjusted compensation and, at the same time, that we may want to articulate in the actual discussion which follows the recommendation what policy officials might be included in that group. Is that what you're getting at?

Mr. Reynolds: Yes, something like that. Certainly with respect to the compensation issue, yes, and of course to reflect the discussion leading to whatever decisions you reach about the level of policy officials you want to include.

The Chair: Anyone else? Ms Croll.

Ms Croll: Yeah. I guess that if I got a sense of the kinds of positions that you were thinking of restricting, at least I could give you some ballpark numbers so that you could determine your comfort level with that. So would that be helpful? I mean, what is the thinking around who you would see in this pool of people?

Mr. Martin: What's the position below assistant deputy minister?

Ms Croll: Executive director.

Mr. Elsalhy: How many of those do we have?

Ms Croll: We have 333.

Mr. Oberle: If you consider the government staff, the Premier's staff, the executive assistants to ministers, and then the deputy ministers and the assistant deputy ministers, roughly how may people are we talking about?

Ms Croll: Senior officials, which are your deputy ministers and your heads of major boards and agencies: there are 49.

Mr. Oberle: How many? I'm sorry.

Ms Croll: Forty-nine, and assistant deputy ministers would be approximately 96. That's in the classification. I mean, not all of them have a title of assistant deputy minister, but they're in the classification that encompasses assistant deputy ministers. Some of them may be more specialists, but there are 96 in the level right below the deputy minister classification. So 96 plus 49.

Mr. Oberle: So that combined with the Premier's and ministerial staff, executive assistants, chiefs of staff, that kind of thing, would be what? Another 50 maybe?

Ms Croll: I think it might be between 50 and 75. I don't have that number.

Mr. Oberle: So we're looking at 200 to 250 people at that level.

Ms South: Senior officials that file disclosure statements with us right now are about 75 to 80, which includes all of the deputy ministers, the chairs of the various boards, the full-time board members. But it also includes the Premier's chief of staff, director of communications, and a few more people in the Premier's office that are already captured under senior official.

Mr. Oberle: So it doesn't just include the ADM level of a hundred and some, 145.

Mr. Martin: What about the cabinet ministers' executive assistants then?

Ms Croll: There might be 20.

The Chair: Well, senior officials, then, captures everybody except the ministerial chief of staff and the assistant deputy ministers that we've talked about.

Ms Croll: The EAs aren't included.

Ms South: None of the ministerial staff are included.

The Chair: Right. Yeah. That's what I'm saying.

Ms South: Certain positions in the Premier's office are captured.

Ms Croll: But none of the more supportive positions, and I would think there might be about 50 of those. Plus most of the deputies also have EAs, and some of the ADMs have EAs as well.

The Chair: Is that helpful, Ms South?

Ms South: Just one other comment. In the draft recommendations report there is an inconsistency where it says that "this stand-alone legislation should not be applicable to board chairs." There are certain board chairs that are senior officials, so they are captured by the term "senior official."

The Chair: Okay. Is it the will of the committee to specify in some detail who we wish to be included in this recommendation, first of all? Or is it sufficient to lay out some discussion? How do we go forward from here? If we're going to lay it out with some precision, we need to consider these issues of senior officials, assistant deputy ministers, and ministerial staff, I guess, those types of things, you know, and how broad it is and so on.

10:20

Mr. Martin: Well, I guess this is a report. We're not dotting the i's and crossing the t's. Can we say that we recommend looking into the numbers? Perhaps we can say that we figure it was too broad with the Tupper report – because, you know, I don't know how you'd enforce it to begin with – but that we look at the numbers and the possibility that a compensation package be our recommendation. Or do we need to be more specific?

Mr. Oberle: You could say that – I don't know – senior policy officials would include at least key Premier and ministerial staff and the deputy minister level and certain board chairs and then a further definition to be worked out later.

The Chair: Do you want to recommend that as part of the actual recommendation then, Mr. Oberle?

Mr. Oberle: Sure. Yeah. We can tack that on.

The Chair: So can you just restate, Mr. Lukaszuk, what you've got there?

Mr. Lukaszuk: Then we can amend it.

The Chair: Then we can perhaps add on.

Mr. Lukaszuk:

> The committee urges the government to draft legislation to implement a cooling-off period for select senior policy officials while taking into account an appropriate transition allowance to reflect compensation for such officials for the period of time of the restriction. This legislation is not to be applicable to seconded positions of industry experts.

Mr. Oberle: To that I would add that the committee believes that select senior policy officials would at least include key individuals on the Premier's staff, ministerial staff, certain board chairs, and the deputy minister level within the civil service.

Mr. Elsalhy: And the office of the Leader of the Opposition as well.

The Chair: Can you capture that, Tom?

Mr. Oberle: Okay. The office of the Leader of the Opposition as well.

The Chair: Mr. Reynolds, did you have . . .

Mr. Reynolds: Did I have . . .

The Chair: Mr. Lukaszuk is pointing at you.

Mr. Lukaszuk: At the cringe on your face.

Mr. Reynolds: Well, Mr. Chair, I wasn't sure which direction the committee was going. It seemed that Mr. Oberle and Mr. Martin were suggesting some sort of discussion or commentary in the report, as you had perhaps mentioned. I was just wondering how that stacked up against Mr. Lukaszuk's motion, which seemed to be more direct, less of a discussion nature in the report. Certainly my earlier comments about, you know, the compensation could be amended to reflect that the lack of postemployment opportunities was more, really, of a discussion point. Perhaps it's not that different, but it didn't seem to fit within Mr. Lukaszuk's current wording.

The Chair: Well, I think the focus ought to be on the reduced employment opportunities afterwards.

Mr. Reynolds: Yes, of course.

The Chair: In some instances that could be taken care of in advance in terms of the employment contract. I mean, there might be a severance built into the contract. So for us to say that we should compensate them because they're having a cooling-off period, there might be an element of redundancy there.

Mr. Martin: Well, I think that's the case. If we lay out – and I think we should do that – similar to what the federal government has done, that these are exceptions. If a person falls in those exceptions, they don't automatically get it. That's, I think, what you're driving at, that it sounds like a transitional allowance is almost automatic, and that we make it in a broader sense because if they fall into those, they may not suffer any particular financial setback because the Ethics Commissioner or the public commissioner ends up dealing with it and says: well, it's okay. But when you say a transitional allowance, I think we tend to think of that as being sort of automatic. So I think the broader terms would be what you're talking about.

Mr. Reynolds: Well, yes. The only reason I came up with transition allowance was to contrast it to the situation faced by members or ministers, that the chair had referred to. Whereas ministers or members get a transition allowance, obviously public servants don't.

The Chair: Mr. Lukaszuk, have you successfully captured Mr. Oberle's suggestions?

Mr. Lukaszuk: Yeah, give me a minute. Maybe you want to recess for a few minutes.

The Chair: Sure.

Any other comments from Ms Dafoe?

Ms Dafoe: Mine is in the form of a question. Perhaps it's not my place to raise it, but I'm a little confused as to why there is the exception for seconded positions from industry. If there's also going to be a way to reimburse them or an allowance for a transition, why does there need to be an exception for seconded positions?

Mr. Oberle: I think, typically, a seconded position would come in below deputy minister. It would be somebody that you would attract from a company for, say, a period of a year, and they will be going back to that company. So there needs to be an exception there.

Also, typically, a person that comes into the government, I believe, under the terms of such an arrangement would have a pretty ironclad contract about what information they have access to and what they can disclose and everything else. Plus the department itself, I think, would take precautions about exposing them to certain kinds of information. They have to not only accept employment in their field; they're actually going back to the same company that they came from. So it would be very ironclad in the contract about, you know, whether they were allowed to have any dealings with that company while they were in the government. Typically, those people are brought in for policy advice and policy development, not front line anyway, but they have to be able to go back to their company.

Ms Dafoe: That's very helpful. Thank you.

The Chair: Ms Croll.

Ms Croll: Thank you, Mr. Chair. Are we clear on who is enforcing it? Like, who's going to seek these people out to determine if they are violating it or not? Is that going back to the Ethics Commissioner under this legislation. Who is policing this, so to speak?

The Chair: The Public Service Commissioner.

Ms Croll: Well, yeah. I would be remiss to agree on her behalf that she's prepared to take that on, but I can certainly let her know that that's what's being recommended.

Mr. Martin: Well, if it's legislation, I don't think she has a choice. It's just a recommendation at this point.

The Chair: Okay. I'm going to suggest we take a five-minute break, and we'll see if we can come up with a compromise recommendation here. So we'll adjourn for five minutes.

[The committee adjourned from 10:28 a.m. to 10:42 a.m.]

The Chair: Okay. We'll call the committee back to order. Thanks to the subcommittee on drafting for working overtime.

Mr. Lukaszuk, do you have a compromise proposal ready for our consideration?

Mr. Lukaszuk: Well, as the co-chair of the subcommittee on drafting I propose the following:

> The committee urges the government to introduce legislation to implement a cooling-off period for select senior policy officials, which includes senior Premier's office staff, ministerial senior staff, deputy ministers, Leader's of the Official Opposition staff, and chairs of select boards, while taking into consideration appropriate adjustments in compensation to reflect such restrictions in postemployment opportunities. The above-noted recommendations must be subject to exemptions granted by the Ethics Commissioner or appropriate official.

Mr. Elsalhy: May be subject to.

Mr. Lukaszuk: Okay. You say that it must be subject or may be subject?

Mr. Elsalhy: May be.

Mr. Lukaszuk: Okay. May be subject. So let me rephrase the last sentence.

Mr. Oberle: The recommendation isn't subject to this exemption. This recommendation should include the possibility of exemptions, right?

Mr. Lukaszuk: Okay. That's right. That's the intention.

The Chair: Does that capture sort of the flavour of everyone's concerns?

Dr. Morton: Can I hear it one more time?

Mr. Lukaszuk:

> The committee urges the government to introduce legislation to implement a cooling-off period for select senior policy officials, which includes senior Premier's office staff, ministerial senior staff, deputy ministers, Leader's of the Official Opposition staff, and chairs of select boards while taking into consideration appropriate adjustments in compensation to reflect such restrictions in postemployment opportunities. The above-noted legislation may be subject to exemptions granted by the Ethics Commissioner or appropriate official.

Mr. Oberle: I would just suggest that rather than "may be subject" or "must be subject," I would say: the above legislation must include the possibility of. I think it fits right in there with exemptions.

Dr. Morton: Isn't that the same as "may"? You said, "Must include the possibility of," which I think is what "may" means.

Mr. Oberle: If you say "must be subject to," to me that means that, okay, we're going to include all this, but everybody is exempt. If you say "may be subject to," then it says to me that, well, maybe nobody will be exempt. I was just looking for something that said it.

Dr. Morton: "May" means: must be subject to the possibility of. One word instead of seven words.

Mr. Shariff: I agree with Ted.

Mr. Oberle: Okay.

Mr. Lukaszuk: "May be subject to." Yeah.

The Chair: Do you want to read the last sentence again?

Mr. Lukaszuk: Okay

> The committee urges the government to introduce legislation to implement a cooling-off period for select senior policy officials, which includes senior Premier's office staff, ministerial senior staff, deputy ministers, Leader's of the Official Opposition staff, and chairs of select boards, while taking into consideration appropriate adjustments in compensation to reflect such restrictions in postemployment opportunities. The above-noted legislation may be subject to exemptions granted by the Ethics Commissioner or appropriate official.

The Chair: Everyone agreed? Anyone dissenting?

Mr. Elsalhy: One clarification. Three times Mr. Lukaszuk read the suggested recommendation, and he referred to Leaders of the Official Opposition, but I think there's only one.

Mr. Lukaszuk: No. Leader apostrophe s.

Mr. Elsalhy: Okay. So move the apostrophe before the word "staff."

Mr. Lukaszuk: There's only one, Her Majesty's Loyal Opposition.

The Chair: The leader's staff, he meant to say.

Mr. Lukaszuk: The leader's staff. It's leader apostrophe s.

Mr. Martin: It's already in there.

Mr. Elsalhy: Okay.

The Chair: Would somebody like to make a motion to that effect? Mr. Lukaszuk?

Mr. Lukaszuk: Since I read it 55 times, I might as well make it my motion. Sure.

The Chair: Any further discussion? We'll call the question then. All agreed on the motion as put?

Hon. Members: Agreed.

The Chair: Anyone opposed? It looks like it's unanimous. So it took some time, but we achieved some unanimity.

Let's move on to the next question. The preliminary wording of this was:

> The new Act should ensure the Ethics Commissioner has the authority to conduct independent third-party reviews of complaints and advise as necessary, given the expansion of conflicts principles to "policy officials."

Mr. Oberle: I agree with this except that there should be a bit of a fence put around here in that he should be able to dismiss frivolous or vexatious complaints.

Mr. Shariff: That's what he does.

Mr. Martin: He can now.

Mr. Oberle: Okay. The investigation should not be mandatory. Other than that, I agree with it.

The Chair: Well, we're just saying here that he has the authority, so it doesn't compel him.

Any further discussion? Okay. All in favour of 35 as presented?

Hon. Members: Agreed.

The Chair: Anyone opposed? It's unanimous.

Ms Dafoe: We'd had a brief discussion about discussion paper question 34 about the regional health authorities. Would now be the time to discuss that?

The Chair: Sure.

Ms Dafoe: Shall I just jump right in?

The Chair: Yeah.

Ms Dafoe: I don't mean to backtrack, but there was a specific question in the discussion paper about whether the act should be expanded to apply to other people, such as those involved with regional health authorities. So I thought that it might be something that the committee would want to address directly, and perhaps I can give a little bit of history about where that question came from, if that's all right.

The Chair: Sure.

10:50

Ms Dafoe: It originated in an annual report of the Auditor General from 2000-2001, where he recommended that the Calgary health region and the Capital health authority enhance their conflict-of-interest processes, and ultimately that was done. All regional health authorities have their own bylaws that set out codes of conduct for employees of the RHA, and the Auditor General noted in a report of 2003-2004 that that part of his recommendation had been implemented to his satisfaction.

But he did note also that there is no process for third-party review either by an Ethics Commissioner or by another impartial body. Subsequently the office of the Auditor General in his submission to this committee noted that there should be an independent third-party review available upon request by RHAs, and in his opinion the Ethics Commissioner's office would be suited for that task. It's my understanding that the Ethics Commissioner's office has agreed that an outside, independent third-party review of complaints would be beneficial, and the office of the Ethics Commissioner has offered to take on that role.

The Chair: So we're not suggesting that we should get into dictating the ethical standards or whatever of the health authorities, but merely you're suggesting that there might be some role for the Ethics Commissioner to be the final arbiter or an adviser or something of that nature.

Ms Dafoe: That's correct.

The Chair: Does the committee want to proceed with that suggestion?

Mr. Martin: Well, yeah, if the Auditor General is doing it and the Ethics Commissioner thinks they have the capability of doing it. Would that be another recommendation, a different one then? How does this fit into 34 then?

Ms Dafoe: It fits into discussion guide question 34 rather than point 34, that you were just dealing with with respect to the expansion of the code. In my view it would be suitable to be a separate recommendation.

Mr. Oberle: Was it the intention that that only apply to health regions? Why wouldn't it apply to any designated authority? What's the difference between a health region and a school board, for example?

Ms Dafoe: What I can tell you is that the Auditor General pointed specifically at the regional health authorities. I don't know what his view is on school boards. So the intention is to address the hole that was identified by the Auditor General.

Mr. Oberle: Okay.

Mr. Martin: Well, I'd move that we make the Auditor General's suggestion as a recommendation.

The Chair: Okay. Do you want to articulate that into a concrete resolution?

Mr. Martin: No.

Ms Dafoe: Do you want me to make this into a motion?

Mr. Martin: Yes, please.

Ms Dafoe: There should be an independent third-party review available. No. Sorry. Perhaps I could have a moment to try and draft something.

Mr. Reynolds is suggesting that perhaps a slightly different angle would be appropriate, such that the Ethics Commissioner be enabled to undertake additional duties as an arbiter of ethical issues, in this case including assistance to RHAs in their application of their own codes of conduct.

The Chair: I'm not quite clear on what we're recommending. Are we recommending that he'd be available as a resource or an adviser to assist in the application of their code of ethics or that he'd be some sort of a judge? You know, we need to clarify what we're recommending.

Ms Dafoe: The Auditor General was looking for an independent third-party review available on request by the RHAs. So the recommendation, then, could be that the Ethics Commissioner be enabled to take on the role of an independent third-party reviewer available upon request by the RHAs.

The Chair: Okay. Would somebody like to articulate that?

Mr. Shariff: No, I don't want to articulate it, but I'm just wondering as I read number 35: can that not be incorporated therein, and do we need to highlight RHA specifically? Could it not be inclusive of all delegated authorities? Should they also require that?

Ms Dafoe: Just for my clarification, you're talking about draft recommendation 35?

Mr. Shariff: Number 35. That's correct.

The Chair: We've excluded the health authorities from that.

Mr. Shariff: But what I'm saying is – and I'm just looking at the wording – can that not be incorporated into number 35 so that we don't have a separate recommendation, include "as well as" and then put that wording in there?

Ms Dafoe: There is a reference in recommendation 35 to "the expansion of conflicts principles to 'policy officials'." Given recommendation 34, perhaps that last part is going to be removed from recommendation 35.

The Chair: I don't see a problem in having it as a stand-alone recommendation. I mean, it's fairly narrow in its scope. Why not just do it? Does somebody want to make a recommendation on the wording of that recommendation?

Mr. Martin: Well, I think that we have to decide – I'm not sure if we want to open it. It's been specifically asked by the Auditor General to deal with the health regions. I don't know what we'd be opening up for the Ethics Commissioner in a broad sense because I don't know how many other groups we'd be talking about. Maybe they'd spend all their time being the referee. So I think that we probably should at this stage just deal with the Auditor General's recommendation.

The Chair: I agree. Do you want to make a recommendation?

Mr. Martin: Can we go on and maybe just give them a couple of minutes here? I think it's fairly specific.

The Chair: Okay. Ms Dafoe, do you have suggested wording for us?

Ms Dafoe: How about this? That

> the Ethics Commissioner have the authority to conduct independent third-party reviews as requested by regional health authorities.

The Chair: Is that agreeable? Well, somebody should make that motion.

Mr. Reynolds: Yes. Somebody on the committee should move it.

Mr. Martin: I'll make that motion.

11:00

The Chair: Any further discussion? All in favour? Okay. That motion is carried.

Okay, moving on to the easy one, number 36. "Should Alberta create a lobbyist registry?" The draft recommendation is that "the government should establish a lobbyist registry in Alberta."

Mr. Oberle: I've never been convinced of the usefulness of a lobbyist registry, and I think we heard from some of the other provinces. Ontario, for example, has a really efficient lobbyist registry that nobody accesses information from.

Having just excluded everybody that we'd be concerned about lobbying from holding that sort of employment – ministers, senior civil servants, board chairs, everything else – to what end would we now establish a lobbyist registry? It makes no sense whatsoever to me now. I don't understand the purpose of it, and I don't see how we can justify the cost of it.

Mr. Martin: Au contraire. There are still lobbyists that aren't hired by government, and I think you'll see again in Ottawa that they're even moving in the opposite direction in terms of stricter standards.

The lobbyist registry, again, is not set up to necessarily catch people, although you can. It is to set a tone of how we should operate in terms of government and how lobbyists should be treated. I think everyplace else is doing it. We have enough examples of where it works. I'm glad that in Ontario there haven't been major problems. I think that's good. But maybe the fact that they have the lobbyist registry there has forced people to act in a certain way.

This committee would be reckless, I think, not to recognize that the public is expecting this, again to come back to the tone of how

we conduct business. So I think we should move ahead with this. We had this discussion before, and as a committee we agreed, and I think we should move on.

Mr. Lukaszuk: I would concur. I think the decision has already been made. The only proviso that I would add is that we need to clearly define what constitutes a lobbyist. As long as we clearly define what constitutes a lobbyist, I have no issue with a lobbyist registry, as previously recommended by the committee. So perhaps we should spend some time now defining what constitutes a lobbyist so that we don't have an endless list of potential lobbyists.

The Chair: Mr. Elsalhy.

Mr. Elsalhy: Thank you, Mr. Chair. To briefly respond to Mr. Oberle's question, yes, we have a cooling-off period, and yes, we included a whole bunch of people in that list of people who are prohibited from doing this, but then after the cooling-off period, you know, six months after, a year after, they might become lobbyists, and at that time they have to be on that lobbyist registry so that people on the outside can tell who has the government's ear at any one point and what they're talking about and the business that's being discussed.

If somebody is trying to win a contract for a private firm and he makes a presentation to a minister or a deputy minister or the policy committee, then the public has access to this information at any one point, especially when people are paid to lobby on behalf of a private interest. If people are lobbying for a charity, for example, or stuff like that, then maybe they should be excluded, as Mr. Lukaszuk is trying to define who qualifies for that definition of a lobbyist. Maybe we should exclude people advocating on behalf of a charity or a nonprofit cause, but if somebody is advocating on behalf of a private interest or a private company or corporation, then definitely yes. So I support it.

Dr. Morton: I still support this. The mantra of the Gomery commission was: follow the money. You can't follow the money unless you know who the players are. I think Canadians understand this now, and I think Albertans expect us to be leaders, not followers, in terms of transparency in the transactions of government. We all know that lobbyists are important players in the policy-making process, so I think this is the right policy for the times.

Mr. Shariff: I concur. I have already spoken on this subject.

Dr. B. Miller: Yeah. I agree with this recommendation, and the details are left for the future, right? I found it curious in talking to Dr. Shapiro, the federal government Ethics Commissioner, that the lobbyist registry wasn't located in his office but somewhere else, and I'm not sure why. But those kinds of details are left for the future. So in principle I, of course, support this.

The Chair: Mr. Lukaszuk, do you have anything further to add?

Mr. Lukaszuk: No. I would just refer to *Hansard,* to my previous comments, as long as we define the scope of lobbyists.

The Chair: For the record. You know, when I entered into this exercise as chair of this committee, I certainly was a skeptic with respect to the utility of a lobbyist registry, but as I've learned more about it, I would agree with Dr. Morton's comments that it's one of the very useful tools, I think, in terms of creating transparency and openness and knowing who is doing what with respect to this whole lobbying exercise. I was going to say "to whom."

The issue, you know, is connecting the dots, as Ted mentioned, and knowing that someone is lobbying may be useful in terms of information, in connecting those individuals with who is doing business with government, who's contributing to political campaigns, who's doing all sorts of other things. I've been convinced over the period of our committee's work that this is something that would be a useful tool, and I think it's something that the public really expects us to do. I think there's a public expectation that we're going to move on this, and I'm supportive of it. Any further discussion?

I think the basic recommendation is that

> we should establish a lobbyist registry.

Can we have a vote on that? All in favour? Opposed? That's carried.

Now, the issue of the detail I think is one that we need to address, and I think the issue that we as a committee should deal with is whether or not we want to get into the minutia of the details of who is a lobbyist, what the lobbyist registry should look like, what it should contain and whatnot versus perhaps putting some of that in the discussion which follows the recommendation that we establish a lobbyist registry.

With respect, there's a huge amount of detail in terms of the questions that we've asked and whatnot. We've got some feedback on them. It would be my recommendation that we articulate what some of those issues are and what some of the possibilities are but that we not – I think we could spend a day or two alone debating the issues of who should be considered a lobbyist, for example, and I'm not sure to what end. We're making a recommendation. I think it's a very strong recommendation, and I'm just wondering whether or not the committee wishes to get into that type of detail.

Mr. Martin: We have all the discussion papers, and we have them all for where we already have registries and the rest of it. It would be up to somebody to sort through what's relevant. It's a recommendation that we establish it, and a group would be looking at what would be relevant here from what's done in other places, and that would be up to them.

11:10

The Chair: Further comments? I guess the consensus of the committee, then, is that we've said it all in terms of our recommendation.

We'll move on to the next recommendation, which is 37. This is to do with records management, is it not? This states that

> the Act should be amended to require the Ethics Commissioner to retain records:
> - of current Members for 10 years from the date of record creation
> - of former Members for two years after the Member's departure from the Assembly, after which the records shall be destroyed.

Is there any issue there?

Ms South: My reading of it is that we can start destroying portions of a member's file if it's 10 years or older. That causes us concern because, as you know, we only have you fill out a full form once, and we can't destroy that form.

The Chair: I can see your point. A suggested clarification on that?

Ms South: We don't have any issue with retaining a complete file until a year or two after a member leaves. In making the other changes that you have recommended to the act, we are prepared to retain them for two years and then destroy it two years after a member leaves, and that would be sufficient, I think.

The Chair: So what you're concerned about, if I can restate it, is that at year 11 you don't want to have to go back into the file and determine what was created in the first year and expunge that portion of the file and at year 12 take out the next year's materials and so on. I can see that that would be problematic.

Mr. Shariff: Where did this come from in the first place?

Ms South: It is used in a couple of other jurisdictions.

Mr. Reynolds: I just want to point out a practical problem that I may have indicated before but just to refresh anyone's memory in case they forgot. The Clerk's office, which somehow became the Parliamentary Counsel office, actually holds the members' disclosure statements for public review. So when these are updated or issued, the media come up to our office and look at the members' disclosure statements, and that's right in the act, that the Clerk shall retain these or shall make these available. The point is: how long do we make them available? The issue comes up when a member leaves office.

Quite frankly, the view from the Ethics Commissioner was, I believe, that they shouldn't be available. Our view is that that's not necessarily the case. I mean, how do you say to someone: "Well, this was publicly available yesterday but not today. You can't know what they did." Of course, there's no one better to speak on this issue than members.

As I interpret this provision and this recommendation, it would be that the records of former members would be available for two years after they leave office, at which point they would be destroyed. So, obviously, they would no longer be available, if that's my understanding. Of course, if someone continues to be a member, then obviously their records are available.

The Chair: Well, Ms South, can you give us some assistance on what would be manageable in terms of this thing? Obviously, we've created a bit of a management problem there for you if that recommendation stays as it is. What's the best way to tackle it from a practical standpoint then?

Ms South: What we do right now is we have file cabinets that have the current members' files. When a member leaves, we transfer it to an inactive file cabinet. Currently, after one year we destroy their records relating to the disclosure statements. We will retain certain information with respect to advice that we've given or investigations involving that member. What we destroy is the public disclosure information. We would have no problem retaining the complete, whole file for a member for two years after the member leaves public office.

The Chair: So if we combine those two bullets in the recommendation there to include the concept of members and former members for two years after departure, then that would encompass what you're suggesting we should be doing?

Ms South: It is sufficient for our purposes. Rob has raised a different question in relation to public disclosure statements that are available in the Clerk's office, which is under a different section, and the records management as well.

The Chair: Mr. Reynolds, do you have a comment on that?

Mr. Reynolds: Well, it's related in the sense that they have the disclosure statements, and it's how long you retain them. I mean, the public disclosure statements and how long they'd be publicly available are what we're talking about. It's not covered, I don't believe, anywhere else. So it was just an opportunity perhaps to get some guidance on that under the act because it would certainly be appreciated, to correct the interpretation of it.

The Chair: Well, if we deleted the words "for 10 years from the date of record creation," would that solve the problem that Ms South has addressed to us? In other words, the Ethics Commissioner would retain records of current members and of former members for two years.

Ms South: There are two sections of the act involved here. Section 47 deals specifically with records management, and section 17 deals with the Clerk retaining members' public disclosure statements. It's section 17 that probably needs some guidance for the Clerk on how long the Clerk is required to retain those public disclosure statements.

Mr. Martin: Well, if we do what we're talking about for current members and up to two years for former members, wouldn't that solve both problems?

Mr. Oberle: In your suggestion, Chair, can't you just add that they shall maintain and make publicly available?

The Chair: Well, I don't think they do that now.

Mr. Oberle: Your suggestion is that once a member leaves, you don't make his statements publicly available anymore?

Mr. Reynolds: No. I didn't say that.

Mr. Oberle: Well, I think that for the period of time that we maintain the records, they probably should be publicly available.

Mr. Reynolds: Yes. Thank you for that.

Mr. Oberle: So why don't we say, "maintain and make publicly available for a period of two years after departure for current and former members"? That would clarify it, wouldn't it?

The Chair: Ms South, is that the status quo now? Are those disclosures made available to the public on an ongoing basis? Let's say that you've been in office for 10 years. Would you be able to go back nine, 10 years to look at those disclosures?

Ms South: We have them in our office, yes. I don't know if they have them in the Clerk's office.

The Chair: But are they publicly available? That's the issue that Mr. Oberle is raising.

Ms South: The act says that they're publicly available in the Clerk's office, not from our office. But the Clerk's office, if they do not have older records, will refer people to our office, and we do provide them. We do not provide them for former members.

The Chair: Okay. So the status quo is that they are available on an ongoing basis for members. The only thing that's not covered is former members for a period of two years, correct?

Ms South: That's right.

The Chair: So, then, Mr. Oberle's suggested amendment is to retain and make publicly available. Is that agreeable to you?

Mr. Reynolds, do you have a comment?

Mr. Reynolds: The decision of the committee would be appreciated. I mean, the issue really gets into how long you keep them and make them publicly available. When does someone's privacy rights, as it were, exist, or should it always be made public if you filled in a disclosure statement once upon a time? If you set a date of two years, it's two years.

Mr. Oberle: If you're not going to make them publicly available, I would question why you'd maintain them anyway. This isn't going to impact former members in any way because by the time this gets through, the two-year period will have passed anyway, so their records won't be suddenly publicly available if they weren't before or maintained if they weren't before. I think: make them maintained and publicly available for everybody for a period of two years.

Mr. Shariff: These reports are tabled in the Legislature. They are public. No?

Ms South: No.

Mr. Oberle: Not the disclosure statements.

Mr. Shariff: The disclosures are not?

Ms South: No. You're talking about the direct associates' returns, the Treasurer's report that goes with it.

Mr. Shariff: Yeah.

Ms South: No. These are the public disclosure statements that we send as a draft in the fall, that you get to look at, and then it is filed with the Clerk's office.

Mr. Shariff: So they're not tabled in the House?

Mr. Oberle: No.

11:20

Dr. B. Miller: But 17(b) and (c) talk about making them available for examination to anybody who wishes to examine them, so the question is only the two years.

Mr. Reynolds: Yes.

Dr. B. Miller: That's the only thing that we have to worry about.

The Chair: Is it the will of the committee, then, to incorporate the additional wording that Mr. Oberle suggested? Okay. So the amended recommendation would read as follows: the act should be amended to require the Ethics Commissioner to retain and make publicly available records of current members and of former members for two years after the member's departure from the Assembly, after which the records shall be destroyed.

Ms South: With respect to public disclosure statements, they are publicly available in the Clerk's office. Our office does not make them publicly available.

The Chair: So what you're having a problem with is the conjunctivity between the Ethics Commissioner and making them publicly available, right?

Ms South: Uh-huh.

Mr. Shariff: Bruce is indicating that there is the public availability already.

The Chair: So we maybe don't need to address it then.

Dr. B. Miller: The public availability reference is just to the Clerk of the Legislative Assembly, not to the Ethics Commissioner.

The Chair: The status quo is that they are publicly available through the Clerk's office, so why do we need to address it then?

Ms Dafoe: But for how long?

The Chair: We've done that. That's part of the recommendation.

Ms Dafoe: That part of the recommendation refers to the Ethics Commissioner retaining documents for two years. There are two different bodies.

Mr. Reynolds: There are two different things.

The Chair: Correct.

Ms Dafoe: The Clerk needs to keep them for two years; the Ethics Commissioner needs to keep them for two years.

The Chair: The Ethics Commissioner is going to keep them as long as they're a member plus two years after departure. That's the way we've got it, right? We've eliminated "for 10 years from the date of record creation," as I understand it, because it's problematic.

So can we restate this? Is everyone agreed, then, that we don't need to add the additional verbiage there on making publicly available because that is the status quo?

Mr. Reynolds: No. The two years would be helpful.

The Chair: No, no. The timing is okay, but Mr. Oberle had suggested that we wanted to add something in there to state that the commissioner would make them publicly available. Ms South is saying: no, we don't want to do that through our office.

Let me restate a proposed wording here.

> The act should be amended to require the Ethics Commissioner to retain records (a) of current members and (b) of former members for two years after the member's departure from the Assembly, after which the record shall be destroyed

Agreed? Everyone agreed on that wording?

Ms Dafoe: Sorry. Can I just ask a question? Is there also going to be a subsequent recommendation that clarifies that the Clerk needs to keep records and make them publicly available for two years?

Mr. Shariff: That's already there.

Mr. Oberle: We just need to say all of that plus "make them publicly available." Then whether it's the Clerk or the Ethics Commissioner, whatever, it's clear. They're going to be there, and they're going to be publicly available. I don't care who serves them out.

Mr. Reynolds: That's good. We can get the intention from that.

Mr. Shariff: Bruce, you're right that it is already included. The public disclosure is currently included in the act.

Dr. B. Miller: Yeah, for the Clerk of the Assembly but not the two years.

Mr. Shariff: Not the two years. Oh, I see.

Dr. B. Miller: So that's why I'm saying that.

The Chair: Okay. Well, can we add an additional sentence after the recommendation, that such records should be made publicly available? We won't say that it's the Ethics Commissioner that does it.

Mr. Reynolds: For two years after the member leaves office.

The Chair: Well, yeah, that's implicit because of the retention of the records. We're saying such records should be made publicly available.

Mr. Shariff: Through the office of the Clerk.

Mr. Reynolds: Yes. Great. Thanks.

The Chair: Okay. I'm going to restate it so that everybody's clear. The proposal is: we recommend that

> the act should be amended to require the Ethics Commissioner to retain records of current members and of former members for two years after the member's departure from the Assembly, after which the records shall be destroyed. Such records should be publicly available.

An Hon. Member: After they're destroyed?

The Chair: During the period of retention.

Mr. Reynolds: I'm sorry, Mr. Chair. It may have been my misunderstanding, but when you read that last bit, I thought it sounded like they're destroyed after two years but that they should be publicly available. I know that wasn't your intention.

Mr. Shariff: There's a period there, after "destroyed."

Dr. Morton: "Such records" refers back to the last mention of records, which was destruction of records, so that's what sounds confusing.

The Chair: Well, the records are consistent throughout there. It says, "to retain records of current members and of former members for two years after the member's departure from the Assembly, after which the records shall be destroyed." Period. "Such records should be publicly available."

An Hon. Member: During the period of retention.

The Chair: During the period of retention.

Ms South: Well, no. There has to be a distinction between the records which are held in our office, which are the complete file, and the records that are – the public disclosure statements shall be retained and available publicly for two years.

Ms Dafoe: You don't want everything in the Ethics Commissioner's office to be publicly available. You only want the public disclosure statements to be publicly available.

Mr. Shariff: Well, let's put in a new sentence then.

The Chair: Okay. "The public disclosure records should be made publicly available during the period of their retention."

Ms South: Yes.

Mr. Shariff: Okay, Rob? Fine?

Mr. Reynolds: Great. Thank you. Yes. Seriously, it helps a lot.

The Chair: Okay. I'm going to just restate that last sentence. "The public disclosure records should be made publicly available during the period of their retention."

Dr. Morton: Is the proper term "public disclosure record" or "public disclosure statement"?

Ms South: Statements.

The Chair: Statements? Okay.

Mr. Oberle: It should probably say, "a member's public disclosure statements should be publicly available during the period," whatever the rest of your sentence was.

The Chair: Good comment. Okay. I'm going to restate the whole thing because it'll help the record. The proposal is as follows:

> The act should be amended to require the Ethics Commissioner to retain records of current members and of former members for two years after the member's departure from the Assembly, after which the records shall be destroyed. A member's public disclosure statements should be made publicly available during the period of their retention.

All agreed? Anyone opposed? Carried.

The next recommendation is 38: "The Act should be amended to state that if a Member obtains legal representation during the course of an inquiry," and that's presumably an inquiry initiated or conducted by the Ethics Commissioner's office, "the cost of legal representation will be reimbursed by the Legislative Assembly." Any discussion on that? Mr. Reynolds is furrowing his brow.

Mr. Reynolds: That's fine. It's not your concern necessarily. I guess that would be for the minutiae about, you know, the structure for paying these accounts. But that's fine.

11:30

Mr. Shariff: But, you know, inquiries could result from somebody else filing a complaint, and if you need legal representation to clarify it, I think somebody has to bear the costs.

Mr. Reynolds: Yes. Please don't misunderstand; I'm not disagreeing with the principle at all. I was just more thinking of the practicalities of implementing it. But I think that's our concern, isn't it?

Mr. Shariff: Well, then, maybe we should include a statement that if there's a deficit, take the money out and have a pay cut from the parliamentary secretary's paycheque.

Mr. Reynolds: I don't think that's an option I'd be putting forward.

The Chair: Okay. All in favour of the recommendation as previously worded? That's carried.

The next recommendation is number 39, that

> the Act should be amended to state that the Ethics Commissioner may suspend an inquiry if he or she learns of a related ongoing police investigation or criminal charges.

All agreed?

Mr. Oberle: Just a question/clarification to the lawyer: wouldn't it be more proper to remove the words "or criminal charges" and say, "or related court action"? Does it have to be criminal charges?

The Chair: I would think so. I'm not sure that a civil action would, you know, necessarily cause that to be suspended.

Any comments from our Parliamentary Counsel on that?

Mr. Reynolds: No. I agree with you, Mr. Chair.

The Chair: All agreed on that recommendation as worded?

Hon. Members: Agreed.

The Chair: That's carried.

Recommendation 40 is that "the Act should be amended to specify that the Assembly should debate any sanctions recommended by the Ethics Commissioner within 60 days from the date the sanctions are tabled in the Legislative Assembly."

Now, Mr. Reynolds, I think you had instigated some comments on that relating to clarifying what that procedure would be.

Mr. Reynolds: Okay. Well, the present procedure is laid out in section 28(3) of the Conflicts of Interest Act, which states that "the Legislative Assembly shall deal with a report of the Ethics Commissioner within 60 days after the tabling of the report, or any other period that is determined by a resolution of the Legislative Assembly." There have been a few concerns about interpretation of that section, how it's been acted on. I understand the committee to have said in its previous discussions that only those reports of the Ethics Commissioner that recommend sanctions should be debated by the Assembly, and that where the Ethics Commissioner has, for want of a better word, cleared a member, there is no need to debate that report. So part of this is just wording, that they would debate any report of the Ethics Commissioner that contained or recommended sanctions, I believe, is what was suggested.

The other thing was whether you still wanted the 60 days after the tabling of the report because, of course, 60 days after tabling would likely take you into the next session. Often that would be the case.

The Chair: So you're saying that the 60 days would not be meaningful if you were between sessions.

Mr. Reynolds: Well, assuming that we ended after the long weekend in May or at the long weekend in May, just to give an example, and if anyone tabled it after the end of March, you may debate it in the fall if you came back. Certainly, if something was tabled in the fall, you likely wouldn't debate it. I mean, this 60 days seems like a longer period of time than most other acts provide, if I'm not mistaken.

The Chair: Mr. Elsalhy.

Mr. Elsalhy: Yes. Mr. Reynolds actually captured what I was going to say because we don't sit enough as it is. So let's say it was tabled towards the end of May. What happens when we have the summer hiatus?

Mr. Reynolds: I didn't say that.

Mr. Elsalhy: No. I know, but that's my opinion anyway.

Maybe put a provision in there that it would be discussed in the next legislative sitting. You don't want to just leave it as this. Don't say 60 days, but just say that it has to be dealt with or reviewed or discussed in the next legislative sitting. So if it comes in the fall, fine. If it comes the next spring, then fine too.

Mr. Oberle: If you say that it's discussed in the next session, then you could conceivably leave it for a year before it gets discussed, with sanctions hanging over a member's head. Probably the way to deal with it would be that it must be debated in the Assembly within 20 sitting days of the Assembly or however many days you want, but specify the number of sitting days that the Legislature has before it has to deal with it. The way it is, with the 60 days, almost automatically means the recall of the Legislature to deal with that report.

Mr. Lukaszuk: Well, if the recommendation is suspension of a member, then it becomes a very important matter for the province because all of a sudden you have a constituency without representation in the House, so usage of a word such as "forthwith" would not be overbearing. I think the importance of the matter would prevail and justify forthwith.

From a more pragmatic position, you know, you may have put yourself in a position where you have sanctions upon you, and you have to wait for six, seven, or eight months to have them heard and cleared. That puts a member in a very disadvantageous position. He may be ultimately cleared by the Legislature, but in the public's eye and in the media's eye the matters would be regurgitated so often that the ultimate clearance would make little difference in his future abilities as a member. On a scale from 60 days to a scale of forthwith, I would be hedging more on the forthwith side of the spectrum.

Mr. Shariff: It says: within 60 days. It's not saying 60 days. The recommendation is that it be dealt with within 60 days. It could be dealt with the same day. It could be dealt with the next day, the next week.

Mr. Lukaszuk: What if the House is not sitting?

The Chair: Mr. Elsalhy?

Mr. Elsalhy: Okay. Well, this is a question for legal counsel then: if we dictate it like this and then the Legislature is served with a notice of sanction against a member, can we expect that this is interpreted in such a way that the Speaker would have to reconvene even for one day?

Mr. Reynolds: Well, no. Sorry. No.

The Chair: Can I make a comment on that first? I mean, Mr. Lukaszuk has posited the nuclear option there, I guess, which is the ultimate sanction of, you know, suspending the member or whatever. I think there are all sorts of lesser sanctions that might not warrant calling the Legislature back, so let's not look at the ultimate scenario in terms of trying to articulate what the recommendation is.

Mr. Reynolds: The triggering event is the tabling in the Assembly. Obviously it can't be tabled in the Assembly until the Assembly is sitting.

Mr. Martin: Can I make a recommendation on a change here? I'm saying that this act should be amended to specify that the Assembly should debate any sanctions recommended by the Ethics Commissioner as soon as possible after the sanctions are tabled in the Legislative Assembly.

Mr. Reynolds: Did you want to tack on something about "but no later than"?

Mr. Martin: I think as soon as possible seems pretty specific, but I don't care.

Mr. Reynolds: Well, it's up to the committee.

The Chair: Legal counsel I think is telling us that as soon as possible means that it might not be a priority and that it might get put off, so having some ultimate limitation date in there might also be useful to put with that.

Mr. Oberle: Is there a problem from your perspective in using the word "forthwith," that it has to be debated forthwith? Doesn't that mean immediately?

11:40

The Chair: That means that it pre-empts something.

Mr. Reynolds: Yes. In fact, there are a couple of layers there. Forthwith: no, there's not a problem. I would say "but not later than" just to be sure. The other thing is that typically now we tend to say immediately instead of forthwith because we're responsive to concerns of people about plain English when drafting.

Mr. Oberle: Okay.

Mr. Reynolds: Once again – how to put this? – the experience with this section is sometimes due to a number of issues in interpretation. The time limits: there's some issue about whether they're observed. If you want this report to be debated by the Assembly, I would imagine that it would be safer to put in a limit as to "not later than," and if you tied it to sitting days, then that would perhaps be clearer because then, obviously, it would only apply when the Assembly is sitting. I've probably said enough on that.

The Chair: Would somebody like to resolve this conundrum or make a recommendation?

Mr. Oberle: Well, in light of Rob's comments, perhaps it should be, then, that the act should be amended to specify that the Assembly should debate any report of the Ethics Commissioner that contains sanctions within I'll propose 15 sitting days of the Legislature from the date that the report was tabled in the Legislature.

Mr. Shariff: What I was going to suggest – and, Frank, you might want to consider this as a compromise – is to include the concept of forthwith and the limitation of the timeline "but before the conclusion of the session." The session cannot conclude without having dealt with this matter, so that we don't find a situation where the Ethics Commissioner tables a report or gives a report to the Speaker the day before we are trying to conclude and then have that sit on the Order Paper and die.

Mr. Oberle: Yeah, I agree with that.

Mr. Shariff: So deal with it forthwith but no later than the conclusion of the session.

Mr. Reynolds: Sorry. Just one point of clarification. Did you mean session or sitting?

Mr. Shariff: Sitting of the Legislative Assembly. Then this way we know that within that year of the sitting it will have to be dealt with. Whether it's spring or fall, it will have to be dealt with.

Mr. Oberle: That's useful.

Mr. Shariff: Would it work?

The Chair: Does somebody want to grasp that?

Mr. Shariff: We have two wonderful lawyers here in this House.

Mr. Elsalhy: Three.

Mr. Shariff: Who's the third one? Oh yeah, three. We want some legal advice for wording.

The Chair: You mean the sitting in which it's tabled?

Mr. Shariff: Sitting of the legislative session, right? Or is that the correct word?

Mr. Reynolds: No later than that sitting of the Assembly. No later than the conclusion of that sitting of the Assembly.

The Chair: Okay. I can try and articulate the two recommendations that we have, and Frank can correct me if I'm wrong here. The revised proposal is that the act should be amended to specify that the Assembly should debate any report of the Ethics Commissioner that contains sanctions within 15 sitting days from the date the sanctions are tabled in the Legislative Assembly . . .

Mr. Oberle: From the date the report is tabled in the Legislative Assembly.

The Chair: . . . the report is tabled in the Legislative Assembly provided that such debate shall occur not later than the end of sitting of the Assembly.

Mr. Elsalhy: Must occur prior to.

Mr. Reynolds: I would say yes, prior to the adjournment of that sitting of the Assembly. You'll see this again.

Mr. Shariff: But you've captured the intent. You know what we're trying to say.

Mr. Reynolds: Yes. Exactly. Thank you.

The Chair: Well, let me try and restate it.

> The act should be amended to specify that the Assembly should debate any report of the Ethics Commissioner that contains sanctions within 15 sitting days from the date the report is tabled in the Legislative Assembly, provided that such debate shall occur prior to the adjournment of that sitting of the Assembly.

All agreed on that? Anyone opposed? It's carried.

Now, we're getting very close to 12 o'clock. We do have some

additional discussion to take place, and I don't think we can get through it all today.

Since the last meeting in December there have been a number of discussions regarding some of the wording that we have already agreed to as a committee. I would say that what we're trying to do in terms of these recommendations – some of them have been made by Mr. Reynolds, Ms Dafoe, Ms South, and myself. They were just recommendations in terms of clarifying the intention of the committee. In some cases there are some ambiguities in what we've already suggested. In some cases it just makes the recommendations read a little bit better and so on.

What's the will of the committee? Do you want to embark on that now? We've only got about 15 minutes to go.

Mr. Shariff: I don't think we'll be able to accomplish that in that amount of time.

The Chair: We'll circulate those now, and if you can let us have some feedback, if you agree with the changes in the recommendations. The recommendations in these cases are all put in bold as to what the suggested rewording is. Let me have your comments between now and the next meeting, and we'll consider them at that time.

Now, where we go from here. When we have finalized these recommendations, we have one more process to go through, and that is to build the body of the report itself. A lot of work has already been done on that. Nancy Mackenzie, Rob Reynolds, Sarah, Karen South, and myself have been working on it.

We've been working on trying to capture some of the flavour of the discussions that went on in terms of supporting the actual recommendations. We've been putting in some substantive content in terms of what other jurisdictions are doing, in terms of what the submissions were that were made to the committee. In other words, following each one of the recommendations, there would be a discussion as to why the committee is making the recommendation. We hope to bring a draft of that back in front of the committee at the next meeting as well.

So those two little things: just tweaking some of the recommendations and then dealing with the actual body of the report. Any comments or questions regarding where we're going from here?

Mr. Shariff: What about that one step of sending the draft to all those people who provided input and giving them the opportunity to come before us?

The Chair: Well, I'm open to suggestions.

Mr. Shariff: We had indicated that that would happen.

The Chair: Yeah. Well, the process that we internally had decided upon is that we would send out the recommendations and ask for comments before we finalized the report, and I think we should still probably do that. This issue is: at what point do we want to do that? Do you want to wait until we tweak these recommendations, or do you want send them out now in the draft form that we have?

11:50

Mr. Oberle: Would the normal process not be that we'd just simply submit recommendations and that the minister responsible for the legislation would get stakeholder involvement prior to that?

Mr. Shariff: I think that in the first letter that we sent out to the stakeholders, we had indicated that once we complete the draft process, we will provide them with that draft of our report, and if they choose to come before us and make a submission, even that opportunity will be provided.

The Chair: I don't think that we made that commitment.

Mr. Shariff: I think we did.

The Chair: Well, we can look it up. I've got all the correspondence there.

Anyway, if it's the will of the committee to do it, then we'll just do it.

Mr. Shariff: No. Let's make sure. Is that what we've committed to? If we did, then we follow through; if not, we have an alternate plan.

Mr. Oberle: Yeah, I agree. If we committed to it, let's follow through on it.

Mr. Lukaszuk: The minister can't solicit input. He's bound by this report. He can present to us, but he can't contribute to it.

Mr. Oberle: The minister is bound to accept these recommendations?

Mr. Lukaszuk: No. The minister cannot be instrumental in drafting the report. The minister can present to the committee. It's a very distinct function between the legislative and the government functions.

The Chair: Well, if it were there, it would be in the discussion paper, I would say, or the letter that accompanied the request for feedback.

Internally we had discussed circulating the draft recommendations to those parties who had made submissions but not to, you know, hundreds of stakeholders that we'd identified that never bothered to respond.

Mr. Shariff: Yeah. That's right.

The Chair: So what's the will of the committee then? Shall we go ahead and do that? If we've conveyed that to them, we will obviously go ahead and do that?

Mr. Oberle: Yes.

The Chair: Okay. That's agreeable then.

Mr. Oberle: I just question whether we have conveyed that to them. It doesn't say that in the consultation section of the discussion guide for sure, but if we have, we'll follow through.

Mrs. Sawchuk: But that wouldn't occur, Mr. Chairman, until all the changes are made, right? It will be the final draft recommendations. Is that what the committee is saying?

Mr. Martin: I'd make a suggestion that we don't need to meet about this, that we set a deadline for all of us to go through it, and that if we have some problems, we e-mail you. I don't think we'll necessarily need a meeting, but we do all this on a certain deadline. When you get it, then you can send it out to the groups after that.

The Chair: Okay. The suggestion is that we'll have one more meeting. Then we'll finalize the recommendations.

Mr. Martin: Well, I'm not even sure that we need a meeting to do it.

Mr. Shariff: To see the final draft, we have to have a meeting.

The Chair: If there are any contentious issues, then we can deal with them.

Mr. Martin: Yeah.

The Chair: Okay.

Mr. Oberle: Just a process question here. That we have approved and read into the record certain recommendations that will not be reflected in our final report unless we get together and approve these recommended changes is my concern. We've already approved, for example, recommendation 1. If somewhere in the background we agreed to changes to recommendation 1, it will look awfully curious that the minutes reflect a recommendation that's different than we send out in our final report. We have to get together, debate these, and approve changes to them.

Mr. Martin: Okay. Fair enough.

The Chair: Okay. That's a good point.
Any other business?

Dr. Morton: What is our time frame for completion and submission of the report?

The Chair: Well, I guess it depends on how hard and fast we work. I can tell you that we're well along on drafting the body of the report, and we've had some tremendous input from Nancy, Rob, Sarah, Karen. You know, we're not waiting until all the recommendations are finished to do that. We're trying to fill in some of the text of it, but we were waiting until we got through the recommendations to circulate it, I think in the near future. I would say that we should be completely done with this process by the end of April. That's my expectation anyway.

Mr. Oberle: I just wanted to ask the members of the opposition parties that are here. On the government side we have no committee meetings or SPCs or anything on Thursday mornings other than caucus. In session caucus usually doesn't start until 11. We would probably have a window here if the other members were available on Thursday mornings. We can get through this. We don't have a great deal left.

Mr. Shariff: On Thursdays sometimes we do have it at 9 o'clock.

Mr. Oberle: But not always. We could work with our whip to arrange a time.

Dr. B. Miller: Our caucus is 9:30 to 11.

The Chair: Every day?

Dr. B. Miller: Monday to Thursday, yeah.

Mr. Martin: There are the breaks coming up too.

Mr. Lukaszuk: How about during legislative breaks, the spring session and Easter?

Mr. Shariff: Good luck.

Mr. Lukaszuk: Okay. I tried.

The Chair: What about an evening meeting?

Mr. Oberle: I'm open to anything. Let's make every effort to get this done.

The Chair: Yeah, we really want to get it wrapped up here.

Mr. Shariff: Let's pick out an evening during session, if need be maybe two evenings.

The Chair: A Wednesday evening?

Mr. Shariff: A Wednesday evening. Sure.

Mrs. Sawchuk: Not in February. You're talking March already, right?

Mr. Shariff: Yeah.

The Chair: The first week in March then?

Mr. Martin: Who knows? I mean, we don't even know what's coming up.

The Chair: Okay. Well, we'll canvass the members again and try to achieve a consensus on a good time.
So can I have a motion to adjourn? Oh, sorry.

Mrs. Mackenzie: I just want to make the point that my contract expires on February 28, so you might want to extend it.

The Chair: Okay. Mrs. Sawchuck, do you have a comment?

Mrs. Sawchuk: The committee made a very specific motion with respect to the contract writer: costs not to exceed $20,000. We're only at approximately the halfway mark, just a little bit past that. That's with billings to date. So we've got dollars still available. Parliamentary Counsel had confirmed that the contract end date could be revised.

The Chair: We don't need this committee to be involved with that, though, do we?

Mrs. Sawchuk: Rob, do you need that? No? It's an administrative function. Okay.

Mr. Reynolds: Well, of course, you know, if there was a motion, sure. I mean, if that's the will of the committee to extend, sure. We can take the direction from the chair.

Mr. Shariff: I think the will of the committee was very clear: that we need a professional writer. We had talked about a budget. Now, in terms of the actual timelines, whether it's the end of February or April or March or November, I think, Chair, we can delegate that decision to you.

The Chair: Okay. All agreed?
All in favour of adjourning? Carried.

[The committee adjourned at 12 noon]