

Title: Monday, May 1, 2006**COI Review**

Date: 06/05/01

Time: 8:11 a.m.

[Dr. Brown in the chair]

The Chair: Good morning. We'll call the meeting to order. Does everyone have a copy of the agenda and the minutes from the February 16, 2006, meeting before them? Yes.

Before we start, could we have everyone identify themselves for the record? We'll start with you, Dr. Miller.

[The following members introduced themselves: Dr. Brown, Mr. Elsalhy, Mr. Groeneveld, Mr. Martin, Dr. Miller, and Dr. Morton]

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

Ms Croll: Sandra Croll, from the Personnel Administration Office.

Mr. Hamilton: Don Hamilton, Ethics Commissioner.

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

Ms Dafoe: Sarah Dafoe, with Alberta Justice.

Mr. Reynolds: Rob Reynolds, Senior Parliamentary Counsel of the Legislative Assembly.

Ms Mackenzie: Nancy Mackenzie, writer.

The Chair: Okay. Could we have first of all the approval of the agenda as circulated? Moved by Mr. Groeneveld. All in favour? Any opposed? That's carried.

The next item of business is the approval of the minutes of February 16, 2006. Could I have a motion that the minutes of the February 16, 2006, meeting be adopted as circulated? Dr. Miller. All in favour? That's carried.

Now, everyone has in front of them this rather voluminous report dated April 25, 2006. What I'm proposing to do this morning is to go through first of all the actual wording of the recommendations and, after we finish the actual recommendations, to seek a motion to adopt those recommendations as we have circulated them. I want to make it clear at the outset that we're not going to revisit the recommendations in detail. We're not going to try and second-guess ourselves here. What we're going to do is to go through any changes of the recommendations from the previous approval of the committee.

You'll recall that we had circulated before the last meeting some discussions regarding the rewording of recommendations, you know, to make them clearer, to remove ambiguities, to avoid some duplication, and so on. What I would propose to do is to go through each of the recommendations now and point out the ones that we have actually changed.

If we start on recommendation – well, this might be a little bit more difficult than I thought it was because of the fact that we've changed all the numbering on these recommendations now. So, Karen, do we have any way to track them on the new numbers?

Mrs. Sawchuk: We do have that.

Ms Dafoe: Mr. Chair, I have tracked what the old numbers are for each as well, so I can help.

The Chair: Okay.

So going through, recommendation 1 is that “the government should establish a lobbyist registry in Alberta.” Any change there?

I think what we should do, maybe, is just to take a few minutes and try and put together a table of concordance here because this is going to get confusing.

Mrs. Sawchuk: Mr. Chairman, everything was done in order of the draft recommendations dated November 17. So this is what's different. This all follows November 17.

The Chair: I know. That's my problem.

Thanks. Ms Dafoe has actually done a table of concordance here. That's exactly what we need. Thanks, Sarah.

Okay. So the new recommendation 1 is the old 36, and I guess we still need to go through and figure out where 36 is.

Mrs. Sawchuk: It's the same.

The Chair: It's the same. Okay. So there's no change there.

Mr. Reynolds: Mr. Chair. Sorry. I just had one point. Is it that the government should establish a lobbyist registry in Alberta, or is it that there should be one established? I point that out because if you want a bill or an act to do that, then it wouldn't be the government establishing the lobbyist registry; it would be the Assembly or the Legislature. Saying that you want the government to establish one indicates, perhaps, that you want it to be done either in a regulation or by an administrative measure. I can't speak for what the intention of the committee was on that point.

Mr. Martin: It seems to me that it's a legislative committee, so it should be the Legislature, I think.

The Chair: I agree. So the suggestion there is that a lobbyist registry should be established in Alberta. Mr. Reynolds, is that your suggested rewording?

Mr. Reynolds: Well, it would either be that the government introduce legislation to establish a lobbyist registry in Alberta or that the Legislative Assembly consider legislation to establish a lobbyist registry. Typically, it's that the government introduce legislation to establish a lobbyist registry, which is the wording of most motions, et cetera, in the House, but that's up to the committee.

The Chair: We would replace the word “should” with “introduce legislation to.”

Dr. Morton: We'd keep “should.” “Should introduce legislation to.”

The Chair: Right. Sorry. Yes. “The government should introduce legislation to establish a lobbyist registry in Alberta.” Is that what we're trying to achieve here? I think it's the intention of everyone.

Mr. Groeneveld: Or is it the word “government” that's the hang-up?

Dr. Morton: Once you say “introduce legislation,” that covers it.

The Chair: Okay. So the proposed revision would read as follows:
The government should introduce legislation to establish a lobbyist registry in Alberta.

Could I have a motion?

Dr. Morton: So moved.

The Chair: All in favour? Carried unanimously.

The new section 2 is old 28. Mrs. Sawchuk is advising me that it's the same. There have been no alterations there.

Number 3 in the new draft is the old 27, and there are no changes there.

Sarah.

8:20

Ms Dafoe: Just for clarity, there are a couple of very minor changes. I don't know if you want them pointed out on the record or not. They're very minor, just word changes. There were references to cabinet ministers as opposed to ministers; also, in the second bullet it says: regarding a transaction to which the government is a "party." Originally, that was: regarding a transaction to which the government is a "part." Those are the only changes that were different.

The Chair: Well, party clearly was the intention. That was a typographical error that was corrected there, right?

Ms Dafoe: I'm just pointing out the differences.

The Chair: The point about cabinet ministers: it doesn't really invoke any change?

Ms Dafoe: I don't think so.

The Chair: Can I have a motion, then, that the word "minister," where it appears on those two occasions in there, be changed to "cabinet minister"?

Mr. Martin: So moved.

The Chair: All in favour? That's carried.

Moving on to the new recommendation 4, that's the old 29. There have been no changes in that one.

Ms Dafoe: Oh, hold it. There has been one small change.

The Chair: In 4?

Ms Dafoe: Yes. Just the removal of one word. The word is "two" circumstances as opposed to just "circumstances." That's found in the second line. It says, "between (a) and (b) to an 'and' to describe the circumstances." It used to say: the two circumstances.

If you'd like me to stop pointing these out, I will. It's not really particularly meaningful.

The Chair: The two circumstances?

Ms Dafoe: It used to say, "the two circumstances."

The Chair: T-w-o?

Ms Dafoe: T-w-o. Yes.

The Chair: No. I think it's better the way it is. I mean, it's clearer. There's only one circumstance, but there are two components to it.

Ms Dafoe: I recognize that you don't want to revisit the content of a recommendation, but on this one I just want to make sure that the committee is clear that the existing legislation gives the Ethics

Commissioner a broad discretion under subsection (b) that allows the Ethics Commissioner to exempt a minister from 31(3) in any circumstance that the Ethics Commissioner considers proper. By adding the word "and" and removing the word "or," what is being done is that the Ethics Commissioner's discretion is being limited quite considerably, such that the Ethics Commissioner will only be able to give an exemption to a minister if (a) is met as well. Whereas it was broad before, it's been narrowed quite considerably, and I want to make sure that the committee is aware that that's the impact of the recommendation.

The Chair: That was the intention that I heard. Any discussion on that point? That was that it should be open to public competition in addition to the propriety of the actual appointment. I think that was the intention.

Okay, we'll move on to the new 5, which is the old 34.

Mrs. Sawchuk: This one changed from November 17 on a motion by Thomas Lukaszuk at the last meeting, so that the wording that's here is new.

The Chair: Okay. So we've already approved the change that is embodied in this from the original draft at our last meeting. Do you have any comments?

Mr. Reynolds: Just a small point here with respect to 5. Just the way it's written here, I wasn't sure whether you meant Leader of the Official Opposition's staff, or do you mean oppositions, as in two or more? If you mean just the Official Opposition, then it should just say: Leader of the Official Opposition's staff. Is that what you mean?

The Chair: Well, I think that this is a matter of a fine point of grammar that you pointed out, but it does lead to some ambiguity. I think that Ms Mackenzie's got it correct there. I think it is "the Leader's." The words "of the Official Opposition" are adjectives of the word leader, but "Leader's" is the proper possessive form.

Mr. Reynolds: But that's not how we refer to it. So you're saying that you're just referring to one opposition party. Then it would be Leader of the Official Opposition's staff. Only one opposition party, I mean.

The Chair: Plural possessive. It means that the apostrophe would be after the "s".

Mr. Reynolds: Leader of the Official Opposition's staff – opposition, apostrophe, s.

The Chair: Yeah. That's better. It's like rums and coke or rum and cokes. Where do you put the possessive and the apostrophe?

Mr. Reynolds: Well, we're just here to offer advice.

The Chair: Well, I'm not sure which is grammatically correct, to be honest with you.

Mr. Reynolds: Well, I am. It's Leader of the Official Opposition's staff.

The Chair: Okay. Will we accept, then, the suggestion by Mr. Reynolds that we put the "s" after "Opposition" for clarity in 5? So the "s" will be moved from "Leader" to "Opposition." Can I have a motion to that effect?

Dr. Morton: Let the record show that Professor Morton agreed.

The Chair: All in favour? Carried.

New 6 is the same numbering by coincidence. It has not changed.

Number 7 is the old 4. Now, there is one slight change in the wording of this recommendation, and that is the addition – Ms Dafoe this was your suggestion, I believe, to add the words “his or her own.” Or was it Mr. Reynolds’? Ms Mackenzie, do you have any indication on that? Does it read okay to everyone the way it is now?

Ms Dafoe: My only comment is that using inside information to further his or her own interest is already covered by section 4, so that’s a little bit redundant. In fact, I’m not clear on what the difference is between “information not available to the general public,” which is the essence of this recommendation, versus the previous one which was: “use inside information.” In my view, I would say that recommendation 7 is subsumed into recommendation 6 and could be eliminated altogether.

The Chair: Yeah. I had that note in my margin here as well, that there was a redundancy in the two. Is there any utility in having the additional one, recommendation 7, in there? It is slightly more specific. It talks about the section number.

8:30

Ms Dafoe: Mr. Chair, I would recommend that if you keep 7, then in 6 you eliminate the reference to inside information just so it doesn’t seem like you’re addressing the same thing with two different sets of words. You know, they’re in essence addressing the same thing. You don’t want to create confusion by having two separate recommendations with different wording.

The Chair: You’re suggesting that we just drop 7 now?

Ms Dafoe: I am.

The Chair: Any discussion on that point? There’s additional verbiage in there about not being available to the general public. So it really refines the concept of what inside information is, I guess. So it is a slightly different nuance. What is inside information, I mean?

Mr. Lukaszuk, do you have any comment on that?

Mr. Lukaszuk: Thank you, yes. That verbiage leaves a pretty wide open definition, doesn’t it? There is a whole plethora of information that comes across any member’s desk that may not necessarily be available to the general public but of zero material value, perhaps. That speaks for 90 per cent of the information. I wonder if we could somehow better define it: material information. I’m not sure. This is a pretty wide description of it.

Mr. Martin: Well, if it’s useless information that you’re talking about, it couldn’t improperly further his or her own or the private interest of any other person, could it?

The Chair: So that argues in favour of just eliminating that.

Mr. Martin: That’s right.

Mr. Lukaszuk: It could be useless to you now but be of value to others later yet not be available to a wider audience. I’m not sure.

The Chair: Well, the verbiage that has been added are the words

“his or her own.” Basically, now, since we’re discussing that, do we want to keep that recommendation 7 at all? I guess that’s the issue. Then we need to talk about the wording if we want to keep it.

Mr. Elsalhy.

Mr. Elsalhy: Thank you, Mr. Chair. I think it’s the issue of redundancy. Like, “insider information” or “information that is not available to the general public” is mentioned in two recommendations, 6 and 7. Can we keep recommendation 6, talking about improper influence, remove “inside information” from recommendation 6 and just leave it in recommendation 7 because it mentions section 4? So one section is dedicated to improper influence and the other section is dedicated to insider information.

The Chair: That’s another solution that will remove the redundancy.

Mr. Elsalhy: Okay. I so move, Mr. Chair.

The Chair: Well, okay. For the record could you clarify that, and then just restate it so that we’re clear?

Mr. Elsalhy: Sure. Recommendation 6 will then be:

The Act should be amended to provide that no Member should improperly use his or her influence in a manner that would advance his or her own private interest or that would improperly or inappropriately further the private interests of any other person.

The Chair: Deleting the words, “or use inside information in a manner.”

Mr. Elsalhy: Yes, from that particular one. Then recommendation 7 would stay the way it’s written today.

The Chair: Any discussion on that proposal? Okay. All in favour? Anyone opposed? That’s carried unanimously. Thank you.

Next is recommendation 8, and that is the old 2. There’s no change, right?

Ms Dafoe: Are you looking for clarity for where this motion came from?

The Chair: I think we want to know whether it has been changed from the time that we originally adopted it. As I said, I’m not going to revisit the ones that we haven’t tweaked in the process here.

Ms Dafoe: Then I can tell you what happened with this one. This is a recommendation that the technical support team was asked to come back with wording on, and that wording was provided to the committee in this memo from the chair. So the committee hasn’t actually on the record adopted it.

The Chair: That’s right. Okay. So there have been some additional suggestions for changes by Ms Dafoe, and that was to rephrase the last part of the sentence: be extended to prohibit advancement of interests of a member’s adult child unless such . . . Correct? Really, the intention has not been changed, but it’s clearer.

Ms Dafoe: I’m not sure that that recommendation came from me. Sorry. I can’t tell you where the last clause came from.

The Chair: I’m looking at your recommendation from . . .

Ms Dafoe: Oh. Okay. Well, you’re looking at old recommendation 2, right?

The Chair: It says: recommendation was agreed, although I would rephrase the last part of the sentence.

Ms Dafoe: All right. My apologies.

The Chair: Now, Ms Dafoe, actually this is the one where you recommended that the words “unless such interests are general application” be deleted. You may want to explain to the committee why you had made that recommendation.

Ms Dafoe: I’m trying to refresh my memory.

Mr. Reynolds: I think this was pointed out at the last meeting in a different context. When one looks at the definition of private interest in the definitions section of the act, which is 1(1)(g), it says:

“Private interest” does not include the following:

- (i) an interest in a matter
 - (A) that is of general application.

So as soon as you say private interest, you’re automatically reading into that that it does not include an interest of general application. So if you say, “a private interest that is not of general application,” it’s redundant because by definition a private interest does not include an interest that is of general application. I think, Mr. Chair, that might be the thinking as to why that last part was suggested to be taken out.

The Chair: In other words, it’s just a redundancy.

Mr. Reynolds: Exactly.

The Chair: But probably to somebody who is reading the report, it would make it a little clearer if they weren’t intimately conversant with the definitions of the act. I don’t see any harm in leaving it in there really. Do you see any difficulty there? Are we creating any ambiguity of any sort?

Ms Dafoe, it was your suggestion, so I leave any further comments to you.

8:40

Ms Dafoe: I don’t see a difficulty with leaving it in.

The Chair: What I’m asking is: is there any harm in leaving it in there? Is there any ambiguity?

Ms Dafoe: I don’t see any harm in leaving it in.

The Chair: So section 8 is not changed then.

New section 9. Ms DeLong.

Ms DeLong: Yes. Just a little bit of a concern there. Since we’ve got “unless such interests are of general application” in 8, and it’s not in 6 and not in 7, does that create any ambiguity? We talk about private interests in 6. We talk about private interests in 7, and then in 8 we add, you know, that clause: “unless such interests are of general application.” So in a way it does add ambiguity.

Mr. Reynolds: Sorry, Mr. Chair. I was trying recreate Sarah’s thinking, but I guess that I didn’t do it too well. In 8 the recommendation, actually, to the keen eye doesn’t say private interests, but in 6 and 7 it does. So maybe that would be the reason for that.

Ms DeLong: Oh, okay.

Mr. Reynolds: I was trying to help Sarah, but I didn’t do it very well.

The Chair: We’ll move on then to the new section 9, which is the old recommendation 5. That appears not to have changed.

The new recommendation 10, defining direct associates, hasn’t changed either.

New recommendation 11 is old 15. No change there.

Recommendation 12. I think that the change here was just with the first two phrases in there. “Section 2 of the Act, dealing with conflicts of interest” was added there just so that we would know what the recommendation was referencing it back to so that somebody who was reading these recommendations for the first time would be oriented as to what the recommendation was. The remainder of it, “should be amended so that the prohibition . . . adult children,” that was the previous recommendation there.

Ms DeLong: I sort of recall that it was “the known private interests” of a member’s adult children. Since the member’s adult children are not going to be filing financial statements the same way as the member and his spouse do, my understanding is that we had to say, “the known private interests” of a member’s adult children. That’s sort of what I recall.

The Chair: That’s the old 8, actually, that section dealing with the adult children. I’ll just read you what it said originally in the last draft. It said:

Section 2 of the Act should be expanded to add that a Member must declare his or her interest and withdraw from participation in decision-making if that decision would advance the known private interests of the Member’s adult child.

Mr. Lukaszuk: Mr. Chairman, wouldn’t this section be redundant in view of section 6? Why would we go out of our way just to name adult children? It would beg the question: why not the nephews and nieces? Section 6 says, “any other person.” That would include adult children, wouldn’t it?

The Chair: Yeah. There is certainly some redundancy there. Do you want to just delete it?

Mr. Lukaszuk: I would make a motion that

section 12 be struck as section 6 covers any other person, which would include adult children.

The Chair: Discussion on that proposal? Mr. Elsally.

Mr. Elsally: Thank you, Mr. Chair. I’m not necessarily disagreeing with Thomas, but recommendation 6 is talking about using influence, a member using “his or her influence.” Recommendation 12 is talking about participation in a decision. So I don’t think that they’re redundant.

The Chair: Okay.

Dr. Morton, do you agree?

Dr. Morton: I think Mo is right on that.

The Chair: Section 2 is the one that requires you to withdraw from decisions which affect you or your spouse or your minor child right now. I guess the suggestion is to expand that to an adult child as well.

Dr. Morton: I remember the discussion on adding known private interests. Of course, it would be quite possible not to know private interests. I guess my question to a lawyer is: does that create too large an exception or too large a loophole, or doesn’t it make any difference?

Ms Dafoe: If you compare it to information required of spouses or adult interdependent partners or minor children, there is an obligation on the member to ask the question and at least make reasonable attempts to get the information. The wording of this recommendation, as I read it, doesn't put that obligation on the member to ask. It's just that if they happen to know that the adult child has these private interests, then they're obliged to withdraw themselves from the decision-making.

Dr. Morton: I think that's a sound distinction and would accept it. I think that keeping the adjective "known" in front of "private" is a better wording.

The Chair: Do you want to make a motion specifically?

Dr. Morton: Yeah. I would move that section 12 be amended to insert the adjective "known" in front of "private."

The Chair: Can you be more specific? It's in there twice.

Dr. Morton: I would move that the adjective "known" be inserted in front of "private interests of a Member's adult children."

The Chair: Discussion on that suggestion? Okay. Can I call for the question? All in favour? Anyone opposed? So that's unanimous then.

Mr. Lukaszuk.

Mr. Lukaszuk: Thank you. That's a good amendment, and it solves the problem.

Just a question for our lawyers. Obviously, this legislation is drafted for members who would not disclose it voluntarily, and you would hope that all would. But if they don't, what test is applied whether a member knows or doesn't know?

Mr. Reynolds: Well, that's a very interesting question and, I'm sure, one that the chair can jump in on. I'm sure that you'll all be intrigued by this. I think it gets back to the subjective versus objective test. Subjective is what you know; objective is what you should know. So if there was a problem here, someone, the Ethics Commissioner for instance, would basically say, "Did you know that your child was a major shareholder in X corporation that you just decided on?" or something like that, and either you did or you didn't know. If that's in there, the known private interest, I would imagine it would mean known to the member. If you leave it out, it becomes more objective, I guess, and someone speculating as to whether it's reasonable if you should have known. I don't know how much the Ethics Commissioner would get into the what you should have known test. When I read that, I thought that it's subjective versus objective, if that clarifies that at all.

8:50

Mr. Lukaszuk: It does. Thank you.

The Chair: Is everyone okay then?

New recommendation 13 is the old 10. I don't think we've changed this since the last one.

Ms Dafoe, you have a comment on it?

Ms Dafoe: I have a couple of comments on this one. There are a couple of typos, which I'll get to in a moment. I'm hoping that maybe at this meeting or by the next meeting we can clarify a few questions that I think aren't quite clear in this recommendation.

The Chair: Well, this is the time to do it. Right now. Now or never.

Ms Dafoe: All right. I'll point them out, and then I'll sit back and try and figure out how to fix them, I guess, and maybe make some suggestions. Right now I just have the questions, not a suggestion as to how to fix it.

The first is with respect to the last clause in this recommendation. It talks about: noncash gifts and benefits accepted from the same source are \$400 or less in any calendar year. I'm not clear. Are the gifts from political parties or the items from political parties subject to the same \$400 cap, or is it just regular gifts?

The Chair: In fact, I think what it's intended to do – if you see the semicolon and then the word "provided," I think it's meant to be integral to the preceding paragraph. It restricts the preceding paragraph, which talks only about noncash gifts or benefits accepted as "an incident of protocol or of the social obligations [accompanying] the responsibilities of the Member's office or as a Member of a political party." Clearly, I think the restriction was meant to apply to those specific instances only.

Ms Dafoe: So the \$400 cap applies to the items mentioned in the paragraph above. Do I have that correct?

The Chair: That was my understanding of it.

Ms Dafoe: Does that mean that the \$200 cap that's currently in section 7(2)(a) stays at \$200, or does that also move up to \$400 for other kinds of gifts and benefits received?

The Chair: Let's look at the act. Are you talking about 7(2) in the present act? Clearly, that applies only to incidents of protocol or social obligations as well. There's an absolute prohibition on receiving gifts of any kind unless they fall within the parameters of being incidents of protocol or social obligation. Clearly, that's not changed. We're not suggesting that that be changed.

Ms Dafoe: Yeah, I recognize that, but I'm wondering if under sub (a) the cap of \$200 is changing to \$400 as well. It's clear from the recommendation that there's a cap of \$400 for gifts and items from political parties and constituency associations. That cap is \$400. Is the cap for other kinds of gifts also \$400? I'm not sure that that's clear in this recommendation.

The Chair: So you're saying: if there's an incident of protocol or social obligation that's not related to a party.

Ms Dafoe: That's right. The other kinds of gifts and/or benefits under 7(2).

The Chair: Well, clearly, there are two categories that are iterated in the new recommendation 13. One is related to political parties. The other is related to responsibilities or position as an MLA. So I think that unless it falls within either of those two parameters, you're out of the box.

Mr. Hamilton, would you agree with that?

Mr. Hamilton: Yes.

The Chair: Mr. Reynolds, do you have any comments?

Mr. Reynolds: I'm just not clear as to – and this is a question I

believe that we discussed sometime during the recommendations – whether in fact the \$400 limit applies to gifts from political parties, noncash gifts, and – how to put this? – tickets to events that a member is required to attend. When the Ethics Commissioner first raised this, he said that the problem was, I recall – and I’m not trying to put words in your mouth here – that you get tickets to fundraising events, and there may be more than one and it’s over \$400. If the intention is to exempt out noncash gifts from political parties for events, then maybe that could be brought out in the recommendation so that it’s clearer.

The Chair: Well, okay.
Mr. Lukaszuk.

Mr. Lukaszuk: Thank you, Mr. Chairman. I would agree with Mr. Reynolds. My recollection is that it was to exempt tickets to charitable events where a member is required to attend and noncash gifts from a political party. I clearly remember making a comment that, you know, very often I would personally exceed in admission tickets to fundraiser dinners for not-for-profit charities in a day what that limit is. All members get invited to many dinners where we’re there to either bring greetings on behalf of government, the Legislature, and/or enhance their fundraising ability. I think the intention of the committee was to exclude those.

The Chair: So the \$400 limit would not apply to the political parties?

Mr. Lukaszuk: And charities.

Ms DeLong: Actually, that ties into my recollection of what it was we were trying to accomplish in this: that there was a total exemption regarding the political parties and the charities and that there was a \$400 limit on other things.

The Chair: If we added an additional proviso to this recommendation after the third paragraph to provide that tickets to charitable events or to political events which are seen as an incident of protocol would be further exempted, is that sort of what would accomplish this goal?

Ms DeLong: I believe that the paragraphs are in the wrong order. First of all, there’s the \$400. The third paragraph should actually be the second paragraph, and the second paragraph should be a further exemption.

The Chair: Just hold it then. You’re going to get us confused here because the third paragraph is an exception to the general proposition of paragraph 2, so we need to have it following it. It refines the definition of paragraph 2, so we can’t change the order.

What I’m suggesting is that if you want to put a further proviso in there or an exception to the general rule, you could also say: tickets to charitable events or to political events which are accepted as an incident of protocol. I think what Mr. Lukaszuk is saying is that the ticket price may end up being over \$400 in a year, but if it’s seen to the member that it’s something they feel obliged to appear at as a Member of the Legislative Assembly, he wishes to see some exemption in there.

Mr. Hamilton, can you give us any comments?

9:00

Mr. Hamilton: I think it should be \$400 across the board. I’ll give you an example. Some of the members were invited to go to a

hockey game. That’s \$400, but it’s not a charitable thing. They’re invited to go there. You know, it used to be \$200. It should be \$400 across the board.

The Chair: I guess my question would be, as Mr. Lukaszuk has suggested, that it would be charitable or political. If it didn’t fall into those, would there be instances where that would sort of offend the sensibilities of ethics?

Mr. Hamilton: Yeah. You could have two categories.

Mr. Lukaszuk: I would agree with our Ethics Commissioner. Going to a hockey game should definitely fall within that \$400 parameter.

Mr. Chairman, let me give you an example. I’d say that I get invited at least half a dozen times to University of Alberta fundraisers for various faculties thereof, where they have fundraising dinners where tickets usually are between \$100 and \$200 per plate. Multiply that by six, you know, and I’m at \$1,200 in a year. I’m there on behalf of government, delivering greetings or delivering a speech. If I wasn’t there in that capacity, I never would have purchased those tickets because I’m not particularly affiliated with any of those faculties. I’m there because that’s part of my job. Now, it would be a detriment, I think, to many societies and associations if we would have to stop at \$400 and not attend any more of those events or have to declare them as some sort of income, which it is not because one gives of his time rather than receives anything out of attending those dinners.

The Chair: Further comments?

Mr. Reynolds: I know that we’re looking at the report later, after the recommendations, but if I could make one exception. Page 20 of the draft report discusses this recommendation in the paragraph preceding Assessing the Dollar Value. It says:

The Committee concurred with the Ethics Commissioner’s recommendation with respect to excluding certain types of items: political or constituency events, and tickets to charitable fundraising events where Members may attend as a matter of protocol or as an incident of their duties as Members of the Legislative Assembly.

That seems to suggest that those were to be excluded from the consideration of the \$400 limit.

The Chair: Any further comments?

Dr. Morton: I think that the comment that was just made is accurate. To accommodate that, you could revise recommendation 13, take the third paragraph and have it just follow the first component of the second paragraph, which is “an incident of protocol,” and then take the next two elements, social obligations and political parties, and just say that they’re exempt altogether. Would that not capture the intent here?

The Chair: You’re suggesting that political parties is a specific exemption and not charities and political?

Dr. Morton: Well, no. In the second paragraph it looks to me like there are three different categories for noncash gifts: incident of protocol or social obligations or political stuff. As I understood what Mr. Reynolds just said, if you look at the notes, for the second two, social obligations and political stuff, there was intended to be no cap. So what you want to do is pull those two out of that second paragraph, have the third paragraph with the \$400 limit apply to the first

component, which is incident of protocol, and then state that the second and third components, social obligations and political stuff, are exempted altogether. At least, that's my understanding of the last couple of minutes of discussion.

The Chair: Well, I'm not sure what the distinction between protocol and social obligations is. Personally, I think that's a fine line to draw. What you really have is an incident of protocol or social obligations that normally accompany either the office or your political affiliation.

Dr. Morton: Okay. So it's just two categories there, not three.

The Chair: Just two. Right. The second category is the social obligation, which is either as an MLA or as a board member in your riding association or as a candidate.

Dr. Morton: Right. Okay.

Mr. Lukaszuk: The problem we have, Mr. Chairman, is that we have matters of protocol or social obligations. I think the problem would be solved if you said: matters of protocol and social obligations. I agree with you; they're one and the same. If we substitute the "or" with "and."

The Chair: Well, I think the difficulty is, as Mr. Hamilton has pointed out, that we don't want to get away from the narrow interpretation of the fact where you're dealing with something that is of no material value to you other than your attendance there and perhaps a meal and a free drink. That could be quite a considerable number, I suppose. But if you get away from that concept, I think that, clearly, we want to stay within the \$400. I think we'd all agree with that. The issue is whether or not we can tease out the exception here, which is for political reasons or for MLA reasons that you're appearing. You're given a ticket to an event, right? I think there are ways to restrict it to that if we put a narrow additional exception in there.

Mr. Reynolds: Just one point, Mr. Chair. I realize that you want to get these recommendations drafted as well as we can at this meeting. For your consideration I was just wondering: given, you know, the limited time you have here at this meeting and how valuable it is to everyone, could we – Sarah and I and the other technical staff, as it were – come back next meeting with a recommendation that we believe captures the discussion that we've just had? We could just redraft it, and we'll have it out to you before the next meeting, probably by the end of this week.

The Chair: I agree. I think that's agreeable, and perhaps maybe we could even circulate it and get some consensus in advance of the meeting.

Mr. Reynolds: Yes, of course.

The Chair: Is everyone agreeable to that then? I think we could parse out these words for the next half-hour. Can we move on? Okay.

New recommendation 14 is the old number 11, and Mrs. Sawchuk is indicating to me that that has not changed.

Mr. Hamilton: Could I speak to 14?

The Chair: Yes. Certainly.

9:10

Mr. Hamilton: I'm not comfortable with the last two words. It will be weaseled. It would be very easy to not talk to us.

The Chair: Okay. So if we added the additional words: and provided that disclosure of the same is made in any event.

Mr. Hamilton: This is 14.

The Chair: Yeah. Is your concern, Mr. Hamilton, that the disclosure would not be made at all or that it would not be made in advance to get permission?

Mr. Hamilton: Or both. I mean, why don't you just take those two words out?

The Chair: Well, as I recall the discussion of that, the concern was in an emergency situation, like the floods that we had last year, if someone couldn't get a hold of the commissioner in advance to take their helicopter flight over the flood-ravaged areas of the Highwood constituency.

Mr. Hamilton: I understand that. But the other side of it is: oh, I couldn't get a hold of him.

Ms DeLong: I just wondered whether you were willing to take calls at 3 in the morning.

Mr. Hamilton: That's not the point.

The Chair: Mr. Elsalhy.

Mr. Elsalhy: Thank you, Mr. Chairman. I remember this. We talked about the flooding, that it has to be reacted to and the member might not have time to consult with the Ethics Commissioner or properly inform the Ethics Commissioner before taking such a flight. However, I think the agreement in the room was to try to inform the Ethics Commissioner and to disclose it to him as quickly as possible, as quickly as was convenient.

The Chair: Wherever practical.

Mr. Elsalhy: Wherever practical. So I think the practical component is not whether to disclose it or inform him, but it's basically the time frame, you know, as to how much time after the flight was taken.

The Chair: We have there now that before accepting, the Ethics Commissioner should be consulted "wherever practical." Now, Mr. Hamilton's concern is that those are weasel words in there and that we need to tighten it up.

Mr. Elsalhy: Yes. So maybe we should further clarify it by saying that he has to be notified within a reasonable time frame regardless.

The Chair: That's one component of it, but I think Mr. Hamilton's concern is about seeking permission in advance.

Ms DeLong: Say it is a weekend. What if before the travel an e-mail was sent notifying the Ethics Commissioner? Would that suffice? In other words, you send off the e-mail before you take the flight, and that way it gives the Ethics Commissioner the chance to say no, if he wants to work weekends.

The Chair: Let me respond to that. The difficulty in accepting a flight is that you can't give it back once it's accepted, unlike a gift where you'd have to give the gift or the item back if you didn't get the permission of the Ethics Commissioner. In the case of a flight once it's taken, it's gone. One could argue that it's easier to get forgiveness than consent. I guess that's the concern.

Mr. Lukaszuk.

Mr. Lukaszuk: Thank you, Mr. Chairman. I think that where the issue lies is: where is that flight going and why? You know, if a member was to accept a flight from some corporation to Miami for the weekend to play golf, we obviously would have a problem with it. If you were to try to clear it with the Ethics Commissioner up front, he would say no, and if you were to disclose it later, he would chastise the member for it, and rightfully so. If we're talking about a member of the Legislature in the course of his duties flying over a flooded area or some fires in the forest or whatever it is within Alberta, if that's the flight we're talking about, I don't see why one would be contacting the Ethics Commissioner to begin with. It's not for any benefit to the member. It's part of your service.

I think the fallacy lies in the fact that we perceive that there is some benefit to being 20,000 feet in the air. What difference does it make whether you're driving or flying if this is in the course of your duties? This is not a pleasure flight to begin with. So maybe there should be a distinction of what the purpose of the flight is. This province has to be run. We're not going to wait till Monday morning and let flooding go on or fires burn on and not have decisions made or members be able to commute.

The Chair: Can I suggest a possible solution to this? Could we put a provision in there saying that before accepting any air travel outside of the province of Alberta, the commissioner should be consulted and his permission obtained in advance of such flight, period?

Mr. Hamilton: That would be fine.

The Chair: And that for any travel within the province of Alberta the Ethics Commissioner should be consulted by the member wherever practical before taking the flight. Would that solve the problem?

Mr. Hamilton: It's better.

The Chair: Just give me a moment here. I'm going to try and write this out.

Mr. Lukaszuk: Mr. Chairman, I agree that perhaps all flights should be disclosed to the Ethics Commissioner if he insists on it, and I don't think there is any member who would have an issue. But let me give you a hypothetical scenario which very well may play itself out within the next few months. The government of British Columbia and the government of Alberta and the federal government are in a joint venture of building a port in the north part of British Columbia, north of Vancouver. What if the proprietors, whoever is building that port, decide that it's imperative that several members from Alberta and British Columbia and federal MPs fly there and take a look at something where a decision needs to be made? Perhaps because we're in session, it has to be done on a Friday night or perhaps on the weekend. What do we do? Do we not proceed and wait until Monday morning to clear it with the Ethics Commissioner?

The Chair: Well, hopefully you're going to get more than two days' notice of the necessity to travel outside the province. If we're talking about disasters, we're talking about disasters within the province – right? – the need to get somewhere within the province. My suggestion, putting in the distinction of inside and outside the province, was simply for that reason. I can't see us wanting to be concerned about a disaster in B.C. or whatever.

Dr. Morton: Well, I'm not sure the inside/outside captures it because we have a lot of policy issues that arise that are contingent with neighbouring provinces or even states. The chronic wasting disease with the deer spills over into Saskatchewan; the pine beetles spills over into B.C. I assume that some other environmental issues on air and water would be transboundary. So I'm not sure the issue is inside and outside of Alberta. It seems to me that it's rather the question of whether it's prior or post notice to the Ethics Commissioner, and it's a question of circumstance. As I understand Mr. Hamilton, he thinks that "wherever practical" is just sort of way too broad and could be subject to abuse. If we had some alternative wording that was tighter, such as "unless the urgency of the matter precludes prior consultation," that might still allow the inside/outside travel, but it addresses the urgency.

9:20

The Chair: Well, nobody is saying that you can't travel outside of the province. My suggestion was that if you're going outside the province, you should seek and obtain the approval of the Ethics Commissioner, period.

Dr. Morton: I'd say that you should seek the approval of the Ethics Commissioner regardless except when it's not reasonable to, when the urgency of the circumstances preclude prior consultation.

The Chair: Can you foresee a circumstance where you would need to go out of the province with such urgency that you wouldn't have the opportunity to seek permission?

Mr. Lukaszuk: A wildfire between B.C. and Alberta on a weekend.

Mr. Groeneveld: At least, you got from floods to fire while I was gone.

Mr. Martin: I'm disappointed that you only moved one while I was gone.

The Chair: We're at loggerheads here. We're not going anywhere.

Mr. Reynolds: Ms Dafoe, I think, had something.

Ms Dafoe: It's just that we do have to remember that this is just dealing with private air carriers or air carriers owned by private institutions, and what's trying to be avoided is the appearance that there's some sort of favouritism or that there's an opportunity for lobbying given to a private company. It's not going to restrict the use of government airplanes. If there's government business, like in Mr. Lukaszuk's example, presumably the government aircraft would be available to fly those who are necessary to the site.

The Chair: It certainly doesn't apply to ministers using government aircraft or anything like that or where the government is paying for it, in fact, when chartering an aircraft either, I guess.

Dr. B. Miller: Mr. Chairman, I'm really comfortable just taking out

the “wherever practical.” Just leave it. I mean, the Ethics Commissioner should be consulted on such air travel, period. Just leave it. Then a person can report later or beforehand, but he should be consulted. If it’s a private carrier, there should be a consultation. Just leave it there.

Dr. Morton: Would you say consulted or informed? Consulted tends to connote prior, informed after.

Dr. B. Miller: Right.

Ms DeLong: What about informed prior rather than consulted? That way, you have the responsibility to get the message out there beforehand.

The Chair: The issue is not just informed. It’s to see whether or not it’s improper, whether there’s an impropriety to it, whether it could be seen to be improper. That’s the issue.

Mr. Martin: I think we could do just: should be consulted by the member. If it was such an emergency and so important that he had to report after, I’m sure that the Ethics Commissioner would use some common sense on it. We’re getting hung up trying to figure out every possible permutation and combination. I’d say just “consulted by the member,” period.

The Chair: Remove the words “wherever practical”?

Mr. Groeneveld: The word “should” is still going to be there.

The Chair: Instead of “shall”?

Mr. Groeneveld: Yeah.

Mr. Reynolds: Mrs. Sawchuk was kind enough to actually come up with the recommendation at the December 16 meeting which provides that

a member does not breach the act if they accept a flight on a private carrier for the purpose of fulfilling the member’s duties to the province provided, where practicable, they seek and obtain the Ethics Commissioner’s prior approval and provided that disclosure of the same is made in any event.

The motion that was passed on December 16 had the requirement to seek and obtain the Ethics Commissioner’s prior approval where practicable.

Mr. Elsalhy: I can hear where Mr. Hamilton is coming from. You know, a member might come back to him and say, “Well, it wasn’t practical,” or “I didn’t have time to consult with you or ask your direction.” So something that they could do internally within the Ethics Commissioner’s department is that in our disclosure they can ask, “When was that trip offered?” or “When were you invited to or asked to be on that flight?” That could be a question in part of that disclosure procedure, and that would stipulate whether the member genuinely didn’t have time to seek direction from the Ethics Commissioner or whether he was just playing maliciously. A question would be: “When were you invited? How much notice did you get? How far ahead did you know?” All that stuff.

Mr. Lukaszuk: Just as a matter curiosity, Mr. Ethics Commissioner, is there anyone who takes over your role when you’re absent; let’s say, on vacation or absences from your office? I hope you do take vacations.

Mr. Hamilton: No, I don’t.

Mr. Lukaszuk: Is anybody covering off?

Mr. Hamilton: It’s a part-time job.

Mr. Lukaszuk: Okay. So you’re available 12 months a year.

Mr. Hamilton: Well, I go away, but I keep in touch with the office.

Ms DeLong: Do you carry a BlackBerry?

Mr. Hamilton: No. I’ve got a cell phone.

Let me just tell you about a couple of things. There was a member who was going to go to look at the forest in his constituency. The lumber company took him around in a helicopter, and I said that it was okay. The same guy went to a conference in Vancouver. One of the companies was going to the same conference, and they were going out on their plane. The member said, “Should I go with them?” They were going to go in the morning. They could go to the meeting and come back that night. I said, “I don’t think you should do that.” So he had to fly out commercial and then have a hotel and then come back the next day, but I think that was the right thing to do. All I’m asking you is that they have to talk to me. Otherwise, they’d say: “Oh, yeah. Gee, I’m sorry.” It doesn’t happen a lot.

The Chair: Let me try and bring this thing along here just to see whether or not we have a consensus. I’m going to suggest Dr. Miller’s suggestion as modified by Mr. Groeneveld to see if we can get a consensus on this. That would be that the last sentence in recommendation 14 would read as follows: before accepting such air travel, the Ethics Commissioner shall be consulted by the member.

Ms DeLong: This is just my reading of shall and should, but shall is a definite mandatory; should is whenever practical.

The Chair: That’s what Mr. Groeneveld’s point was when he made the suggestion.

Ms DeLong: So it’s “shall” but keep in the words “whenever practical”?

The Chair: No. We leave those words in.

9:30

Ms DeLong: So we’re not only taking out the “wherever practical,” but we’re also changing it from “should” to “shall.”

The Chair: This is the suggestion by Dr. Miller and Mr. Groeneveld.

Further discussion?

Dr. Morton: With the understanding that if there were some sort of emergency and the consultation happened after rather than before, the all-knowledgeable Ethics Commissioner would do due justice.

Some Hon. Members: Sure.

Dr. Morton: Okay.

The Chair: Well, can we have a vote on that? The last sentence would read:

Before accepting such air travel the Ethics Commissioner shall be consulted by the member.

All in favour? Anyone opposed? That's carried.

Okay. Moving on to number 15. The new number 15 is the old number 20.

Mrs. Sawchuk: It's the same.

The Chair: No change there. Thank you.
New number 16 is old 21.

Mrs. Sawchuk: It's the same.

The Chair: No change there.
New recommendation 17 is the old 22.

Mrs. Sawchuk: The same.

The Chair: No change there.
New number 18 is the old number 23. No change there.
New number 19 is the old number 24. No change.
New number 20 is the old number 26.

Mr. Reynolds: Mr. Chair, just going back to number 17 for a second. Sorry. You know, we're just whipping along here.

Mr. Martin: We'd like to get through it this century.

Mr. Reynolds: I know, Mr. Martin, that you want to get it right.

Mr. Martin: Legalese, eh?

Mr. Reynolds: In number 17, as I recall, the issue that came up around that was that there is a report that is prepared by the Provincial Treasurer listing all the Crown monies that go to a member. I'm just trying to recall if this was the subject on which you wrote the Provincial Treasurer, or the Minister of Finance as she now is? Was this it?

I guess the point is: it's already in the act that this has to be disclosed by the Crown, and there's an obligation on Crown agencies to report any monies that go to MLAs. Do you still want to have that disclosed to the Ethics Commissioner? Is that what the committee was intending?

Mr. Elsalhy: Mr. Chair.

The Chair: You had made a previous recommendation, Mr. Elsalhy?

Mr. Elsalhy: I think so, but I was also reacting to what Mr. Reynolds said. He's right with regard to the member, but how about the spouse or the children? The legislative report from the Minister of Finance doesn't cover that.

Ms DeLong: It does, Mr. Elsalhy.

Mr. Elsalhy: It does?

Mr. Reynolds: Yeah.

Mr. Elsalhy: So the report that is filed annually from the Minister of Finance includes spouse and children?

Ms Dafoe: Persons directly associated, so that doesn't include minor children.

Mr. Reynolds: It doesn't?

Ms Dafoe: No, directly associated only includes spouse.

Mr. Reynolds: Of course, if a member enters into a contract with the Crown or has a certain benefit from the Crown that they don't disclose, that's a breach of the act anyway, isn't it?

The Chair: Mr. Reynolds, have you got a specific suggestion on that one?

Mr. Reynolds: I'm just wondering, you know: isn't this what you wrote the Provincial Treasurer about?

The Chair: I don't think we got anything substantive back on that issue is my recollection.

Mr. Reynolds: Just as long as the committee is aware that that's the case because if you accept a benefit from the Crown here, except for the certain limited exemptions, it's already a breach of the act, section 9.

The Chair: It's completely redundant, you're saying.

Mr. Reynolds: Well, I couldn't capture what it was trying to be. If you disclose that you received a benefit from the Crown, I'm not entirely sure how it matters. If you take a benefit from the Crown or a person, it is a disqualifying offence under the act. You've got the Provincial Treasurer's report in case you don't report it.

The Chair: My recollection on that one was that they were talking about specific entitlement programs, so programs where you would apply for a specific benefit or something like that. Mr. Hamilton, you may be able to help me out on this one, but my recollection was that we were talking about programs that were available where you might apply if you were a farmer getting assistance or something.

Mr. Reynolds: Well, I was just trying to get at what the mischief was behind why you needed this recommendation.

The Chair: As I recall, I think the mischief that was being addressed there was a concern that a member might be getting a benefit under a program. They should let the Ethics Commissioner know, disclose to the Ethics Commissioner if they were receiving some other kind of outside government benefit other than as an MLA. If I were getting the undertaker's subsidy, for example, I would disclose that. If I owned an undertaking company, I might be getting some kind of benefit. That's what my recollection was, that it was addressed to specific programs.

Is there any difficulty with it, then, as it exists?

Mr. Reynolds: Whether you disclose it or not I'm not entirely sure. You disclosed it already. They ask for your income. If you disclose it, it's either a breach of the act or it isn't. Okay. There's no difference to what is in section 9, payments from the Crown, with respect to what they breach the act by receiving. That's fine if the intention is just to disclose it to the Ethics Commissioner unless, of course, it's of general application, whatever that is. You'd be in breach of the act or not anyway, wouldn't you?

Ms DeLong: My understanding is that you have to declare all of this anyway. There are no exceptions to having to disclose this anyway. It has to be declared anyway.

The Chair: Mr. Reynolds is suggesting that it's redundant because of section 9 of the present act.

Mr. Reynolds: Well, no. I thought MLAs have disclosed this anyway right now.

Ms DeLong: Any income has to be disclosed anyway.

Mr. Reynolds: There's no harm in leaving it in, I guess. It's just that I'm not entirely sure what the committee was trying to get at.

The Chair: You're suggesting that it's already subsumed in section 9 of the act, right?

Mr. Reynolds: Well, section 9 in the disclosures part of the act. I think that section 9 says it's a breach of the act if you accept money except for these purposes. Anyway, just as long as the committee is aware of that, that's fine.

9:40

The Chair: Do you want to suggest we delete it, then, as redundant?

Ms DeLong: Yeah.

Dr. B. Miller: Except for the reference to minor children.

Ms DeLong: No, because you have to declare minor children too.

Dr. B. Miller: You do?

The Chair: Yeah, that's part of direct associate.

Mr. Reynolds: If they're a dependant.

The Chair: Dependent children.

Mr. Reynolds: I was just trying to get at what the mischief was behind the recommendation.

The Chair: Without going back through the transcript, I'm not totally clear.

Mr. Reynolds: Okay. Well, fine, then.

Ms DeLong: I move that we remove 17.

Mr. Reynolds: Well, what I was going to suggest is that we could go back and look at the mischief because we didn't have time before this meeting to see what it was, if any of you . . .

The Chair: Discussion? We have got a motion on the floor. Any discussion? Reverend Miller.

Dr. B. Miller: Well, personally, I couldn't vote on that without going back and reviewing the big book – I didn't even bring it – on what the discussion was all about.

The Chair: Any other discussion? I'll call the question then. All in favour of the motion to delete number 17? Okay, that's defeated.

So I think we were at number 20 before we went back to 17, correct?

Ms Dafoe: Just a quick comment about the second bullet under number 20, that says, "acting as a director of a non-profit organization." There was a correction made to that. It should be, "a director or officer of a non-profit organization." That was actually a change made to the motion on the record that was just missed. Yeah, the original motion, it's on . . .

The Chair: Number 20 is the old 26, right?

Ms Dafoe: Yeah. I can refer you to the *Hansard* reference if that would be helpful.

The Chair: Ms Dafoe has pointed out that in the second bullet under recommendation 20 the minutes had previously alluded to the addition of the words "or officer" after "director," so "a director or officer of a non-profit organization if that group solicits funding."

Mr. Groeneveld: It just makes it more consistent with the bullet above, so I see no problem there.

The Chair: Mr. Groeneveld, would you care to make a motion to that effect?

Mr. Groeneveld: Certainly. I will make that motion for you that we insert "or officer" in the second bullet of recommendation 20 to make it consistent with the first bullet.

The Chair: Just for the record I'm going to read recommendation 20 as amended. It would state as follows:

The Act should be amended to prohibit a Minister and the Leader of the Official Opposition from:

- soliciting funds on behalf of any charitable organization of which he or she is a director or officer
- acting as a director or officer of a non-profit organization if that group solicits funding from the government.

All in favour of that motion as modified? That's carried unanimously.

The next recommendation is 21, which is the old recommendation 1. No change there.

Next, recommendation 22 is the old 8. No modification there.

Next, recommendation 23 is the old 12, and there's no change to the recommendation there.

Next, recommendation 24, and that is the old 13. Did we make a wording change there?

Ms Dafoe: Quite a significant wording change. I believe that the substance is the same though.

The Chair: Ms Dafoe, do you want to just point that out to the committee?

Ms Dafoe: Certainly. The original motion said that we not incorporate the guidelines into the act but, rather, that we make the recommendation that there be policy guidelines given for the establishment of disqualifying offices, which should follow the recommendations on page 5 with the exception of number 14. Now, those references are the references to the document that was provided by the Ethics Commissioner's office outlining some suggestions for what should and should not be disqualifying offices. I believe it's amended as appendix C to this current report.

The Chair: We're not suggesting that those are exclusive or anything. We're just suggesting that those are some of the . . .

Ms Dafoe: Policy guidelines. Yeah.

The Chair: Well, I think the recommendation itself is of a general nature, just saying that they should be provided. The original recommendation was simply that there be policy guidelines with respect to what the disqualifying offices should be. So is there a suggestion that this could be modified?

Ms Dafoe: My only comment was that the wording was different, but I believe that the substance is the same.

The Chair: Any difficulty then?

So recommendation 24 reads: "Criteria for the agencies that should be identified for inclusion in the list of disqualifying offices should be provided as policy guidelines." Everyone agreed?

Hon. Members: Agreed.

The Chair: Anyone opposed? That's carried.

Moving on to new recommendation 25; this is the old 14. No change there.

Recommendation 26 is the old 16, and there's no change there.

Recommendation 27 is the old 17, and no change there.

Recommendation 28 is the old 30.

Ms Dafoe: Only a quick comment in that there's reference in the first line to a "court judge." I would recommend that the word "court" be removed and just make it a reference to a judge.

The Chair: All agreed to that recommendation?

Hon. Members: Agreed.

The Chair: Any other comments on the wording of 28? If not, I'm going to read it into the record, and then we can vote on it.

Section 31(5) should be amended to allow a judge to impose one or both of the following penalties on a former Minister:

- a requirement that a former Minister make restitution or compensation to any party who has suffered a loss, or to the Crown for any pecuniary gain which the former Minister has realized in any transaction to which the violation relates
- a fine that can be imposed on a former Minister who contravenes Part 6 of the Act and who at the time of the contravention is not a Member of the Legislative Assembly, and that there be an increase to the amount of the maximum fine from \$20,000 to \$50,000.

All in favour of that recommendation, then, as reworded? Anyone opposed? That's carried.

9:50

Next, the new recommendation 29 corresponds to the old recommendation 31. There's no change to that one.

The new recommendation 30 corresponds to the old recommendation 32. There is no change there.

The new recommendation 31 corresponds to the old recommendation 33. There is no change on that one.

New recommendation 32 corresponds to . . . [interjection] Sorry?

Mr. Reynolds: I'm sorry to interrupt. You were in mid-sentence there.

The Chair: Did you want to comment on recommendation 32?

Mr. Reynolds: Yes. I think that it's just a little confusing.

The Chair: Okay. That's the old 35.

Mr. Reynolds: The old 35 I think talked before or after about "policy officials," and I think that it's removed from that now. So when it refers to "the new Act should ensure that the Ethics Commissioner has the authority to conduct independent, third-party reviews," one reading this might think: oh, they're proposing a new Ethics Commissioner's act or something like that. I was thinking that it could be a bit more specific: legislation concerning policy officials should ensure that the Ethics Commissioner has the authority to conduct. That was one issue.

The other issue perhaps is just not clear in our minds. Was it to be the Ethics Commissioner or the Public Service Commissioner who conducts the third-party reviews?

The Chair: I get the gist of your point, that we weren't saying that the policy officials necessarily had to be under this act.

Mr. Reynolds: Right. The point is that the other recommendation, which of course I can't put my finger on at the moment, suggests that there be legislation about policy officials. That could be an amendment to an existing act. We don't know. It could be a new piece of legislation. It might be an amendment to the Conflicts of Interest Act. I'm not sure. I don't think the committee was that specific. It was just that there be legislation concerning policy officials wherever that was housed.

When it says, "the new Act," I believe that could be a little confusing in the sense that what I think this means to say is that when that legislation concerning policy officials is brought in, there should be a provision that the Ethics Commissioner or whoever has the authority to conduct independent third-party reviews of the complaints.

Ms Dafoe: May I suggest that we just say: legislation should ensure? Rather than "the new Act should ensure," just say: legislation should ensure.

The Chair: Mr. Reynolds, does that get at the first part of your concern? In recommendation 32 you would delete the words "the new Act" and insert "legislation."

Mr. Reynolds: Ms Dafoe was just telling me another option.

Yes: legislation should ensure. Fine. I don't think that presents a problem.

The Chair: You had a further concern, Ms Dafoe?

Ms Dafoe: It seems to me that it was on this recommendation where we had a discussion about whether the Ethics Commissioner would be the appropriate person to in fact do the reviews. Currently, as I understand it, the Public Service Commissioner would be involved in reviews involving any of the GOA staff. Perhaps Sandra might have something to say to that.

The Chair: So we could put in the words: or the Public Service Commissioner.

Ms Croll: Well, I do have some comments. Do you want my comments now?

The Chair: Yes.

Ms Croll: To me this seems to be a little bit of a vestige of some-

thing that we already dropped. The only expansion of conflict principles to policy officials that remains is the cooling-off period, so it doesn't seem to have the context for me now that it had originally. I'm not sure what the Ethics Commissioner or the Public Service Commissioner would be doing in the new act when the only reference to policy officials that remains is with respect to the cooling-off period. So I'm not sure that 32 still has any meaning.

Mr. Martin: Well, if there was something happening in that period of time.

Ms Croll: To me that's a long way, and that's just the way I'm reading it from the expansion of conflict principles to policy officials because we're not creating new legislation for policy officials other than the cooling-off period. My understanding was that the code of conduct that covers the policy officials is remaining other than the fact that a cooling-off period is needed. So if that's what the Ethics Commissioner or the Public Service Commissioner is enforcing, I think it needs to be a bit clearer.

The Chair: Ms Dafoe.

Ms Dafoe: Yes. I was reviewing recommendation 5 in light of Sandra's comments and noticed that the last sentence says, "The above-noted restrictions may be subject to exemptions granted by the Ethics Commissioner or an appropriate official, similar to the procedure for exemptions for Ministers." So perhaps this entire recommendation is redundant, as Sandra seems to be suggesting. Perhaps that sentence is broad enough to encompass the changes that were suggested to the rules regarding senior policy officials.

The Chair: You're just suggesting the addition of the words "or an appropriate official" there?

Ms Dafoe: Or the removal of 32 altogether because it's probably covered already by the last sentence of recommendation 5.

The Chair: Do you think that to add it in would then be redundant?

Ms Dafoe: Not exactly redundant, but as Sandra pointed out, recommendation 32 seems to be a vestige of where the committee was going some time ago, before they made some modifications at the last meeting.

The Chair: Yes. That's a good point.

Does somebody want to make a suggestion?

Ms Dafoe: I would recommend removing recommendation 32.

The Chair: Deleting it in its entirety?

Ms Dafoe: Yes.

The Chair: Discussion on that point? Mr. Hamilton.

Mr. Hamilton: No problem.

The Chair: No problem?

Mr. Hamilton: No.

Mr. Martin: Just for my clarity. That talks about the exemption. Where is it that we put policy officials under the cooling-off period? I can't remember that.

Mrs. Sawchuk: Number 5.

Mr. Martin: Okay. Yeah. All right.

Ms DeLong: I'm sorry, but I don't recall why it was that we just decided to make it apply just to the cooling-off period rather than the whole gamut of gifts and disclosure.

The Chair: It's already covered. They have their own code of conduct.

Ms DeLong: Okay. And there's already an organization that looks after that.

The Chair: Would somebody like to make that a formal motion, then, that new recommendation 32 be deleted?

10:00

Ms DeLong: Yeah. I move that we remove 32.

The Chair: Any further discussion on that point?

Then I'll call the question. All in favour? Anyone opposed? It's carried.

New recommendation 33. Mr. Rogers, for your benefit the April 25 draft report: we're going through the actual wording of the recommendations that are in the executive summary. We're up to recommendation 33.

This is a new one. This was coming out of further discussion at a previous meeting. It was at the last meeting a motion by Mr. Martin that the Ethics Commissioner have "the authority to conduct independent third-party reviews as requested by Regional Health Authorities." That was carried. Any discussion on that? I think it's already been done. To that extent, I don't think there's anything to be done on it.

We'll move on to item 34, corresponding to the old number 37. Yes, there was a change on this wording. It presently states that "the Act should be amended to state that if a Member obtains legal representation during the course of an inquiry, the cost of legal representation will be reimbursed by the Legislative Assembly." I think, Mr. Hamilton, that was originally a suggestion from your office, if I'm not mistaken. Was it? It's essentially unchanged from the old recommendation 37, as I see it.

Mr. Reynolds: I was wondering on this, and I was just trying to remember the discussion. Even with the reference in the briefing material to the Northwest Territories, I'm not sure that they say that all the legal costs will be paid for by the Legislative Assembly. Doesn't it go to their Members' Services Committee first, where there's some decision made? Or should this at least be the recommendation of the – I mean, we're trying to find the discussion on this. This is pretty open-ended. [interjection] Are we still on 34?

Mrs. Sawchuk: Yeah.

Mr. Reynolds: Oh, sorry. I thought we were on 35. Sorry. Go ahead. I thought we are on 35.

The Chair: We are.

Mr. Reynolds: Karen just said that we're on 34.

The Chair: All right. Let's go back to 34 then. That's corresponding to the old 37, right? This was the matter of the records destruc-

tion. I think that the consensus of the committee was that two years after the departure from the Assembly was the appropriate time at which the disclosure – Mr. Hamilton’s concern was about the overlapping and redundancy and the fact that there had to be an unambiguous period at which time the records could be destroyed.

I’m going to read recommendation 34 into the record, then, since there was a change made there.

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.

Could I have a motion to accept that recommendation?

Mr. Rogers: So moved.

The Chair: All in favour? Any opposed? That’s carried.

The next recommendation, new recommendation 35, corresponds to old recommendation 38. Any change on that one?

Mr. Reynolds: That’s what I was talking about, recommendation 35, that there’s no limit.

The Chair: Well, we’ve been around the bend on this one, and I think that was the recommendation. I don’t think there’s any change to this one, actually.

Mr. Reynolds: There’s no recommendation from the Ethics Commissioner; there’s nothing. They’re just paid by the Legislative Assembly, no matter whether the commissioner recommends it.

The Chair: I think that it’s up to the drafters of the legislation to finesse the wording of that. There may be more appropriate criteria applied to it at some point, such as: if you successfully defend it. I don’t know. I think this is just a general recommendation, anyway. We’re not writing the legislation, Mr. Reynolds. I guess that’s the point I’m making.

Mr. Reynolds: No, but if it’s the recommendation that it be this open-ended, presumably, that’s what it’s taken to mean. I’m just hesitating mainly because the committee is recommending absolutely no constraints on the payment of funds.

The Chair: I understand that, but today I’m not trying to go back and revisit these things. We could go on ad infinitum second-guessing ourselves. This recommendation has not been changed from the previous drafting.

Mr. Reynolds: We’re just trying to make sure – it’s our job to make sure – that the recommendations are in accordance with the committee’s intention, and that’s why we’re intervening.

The Chair: Yeah. I understand that.

Mr. Rogers: Mr. Chairman, in reading through this, the reference to the Northwest Territories says “reasonable costs.” I’m just wondering if we might not add those words into this recommendation. That would partly answer Mr. Reynolds’ thoughts.

Mr. Lukaszuk: I would agree with Mr. Reynolds. Our role here is to give some clear direction to the drafters. Otherwise, why be here in the first place if we’re going to let them make those decisions for us?

Ms DeLong: I was thinking that because we do have two different organizations here, one that is the privacy and one that is the legislative authority for paying legal bills, then perhaps the “will” should be changed to “should.” In other words: the cost of legal representation should be reimbursed by the Legislative Assembly. In other words, this act is saying that it should be, and then it goes to – what is the organization that actually pays out that money?

The Chair: The LAO.

Ms DeLong: But there’s a committee that approves it.

The Chair: Members’ Services.

Mr. Groeneveld: I was just wondering, Mr. Chairman, if Mr. Reynolds has a recommendation that perhaps we could work to rather than our coming up with something.

Mr. Reynolds: Certainly, Mr. Rogers’ suggestion about reasonable legal costs I think is helpful. The other consideration is whether it need even specify that it should be the Legislative Assembly. If you say the Legislative Assembly, did you want to say in the recommendation, “the Ethics Commissioner”? Inserting “reasonable costs” would be, I think, a good amendment.

10:10

The Chair: Mr. Rogers, do you want to make a specific motion on that?

Mr. Rogers: Well, I don’t know whether we need to add “on the recommendation of the Ethics Commissioner,” but I think that putting the onus on the Legislative Assembly – we know that there’s a mechanism, Members’ Services, and so on – reminds us that all of this is on behalf of the people, the fact that someone is brought into question as a result of their service to the people, and the Legislative Assembly represents the people. So, to me, adding the word “reasonable” and leaving “the Legislative Assembly” should suffice. Again, I would defer to more competent legal minds if it needs a little more than that.

The Chair: Reasonable, I’d say, has certain implications in terms of taxable costs, I guess, as well.

Mr. Groeneveld: Exactly, Mr. Chairman. I would sooner go with, “on the recommendation of the commissioner” and make it definitive so that we know where we’re at. Reasonable: when you start using those types of words, what’s reasonable?

Mr. Lukaszuk: All legal costs are subject to taxation, Mr. Chairman, and that’s what determines what is and isn’t reasonable. So there is a mechanism in the province to figure out what is and isn’t reasonable.

The Chair: As you know, Mr. Lukaszuk, there is a taxation of costs on the basis of solicitor and his own client, which means that no matter whatever the lawyer charges, it should be taxed. There are also other criteria. There’s solicitor/client, which is the next level below that. So there are lots of different ways to define what are taxable costs. There’s the party/party cost. There’s the solicitor/client cost. There are costs as between a solicitor and his own client, which means no matter how outrageous the bill is, it would still be taxable. Anyway, let’s not get into the nuances of that.

I think that we’ve got two suggestions here in front of us right

now. One is to insert the word “reasonable,” suggested by Mr. Rogers. Mr. Groeneveld has suggested also that it be based upon the recommendation of the Ethics Commissioner. I’d like somebody to propose a specific recommendation. So Mr. Lukaszuk, do you want to articulate that for us?

Mr. Lukaszuk: Well, I have a question first. If you have an inquiry by the Ethics Commissioner against a member, I would hesitate to want to have that very same commissioner making the decision of what the reasonable spending would be for me to defend myself against his inquiry.

Mr. Hamilton: Sounds reasonable to me.

Mr. Lukaszuk: There must be an independent body assessing what is and isn’t reasonable cost, whether it’s the Members’ Services Committee or whether it’s the Speaker of the Legislative Assembly or the process of taxation within the court system. You can’t have the inquirer examining the costs.

Ms Dafoe: I think that the motion could be worded in such way that it makes it clear that the Ethics Commissioner simply recommends that they either pay the bills or don’t pay the bills, and the question of what’s a reasonable bill would still be determined.

The Chair: That doesn’t get to Mr. Lukaszuk’s point, though, I mean, as to adjudication of whether or not the bill should be paid. It should be by an outside party, I think he’s suggesting.

Mr. Martin: Let’s just put “reasonable” in.

Dr. Morton: I’d speak against inserting “reasonable” because I can see where somebody is acquitted but perhaps runs up a big legal bill. If he’s acquitted, those costs should be paid. Or I can see if somebody’s convicted of an ethics breach, there will be political pressure to pay less of his legal bills even if they’re reasonable to begin with. The more we discuss this, the more I think the current wording is preferable.

The Chair: Well, Mr. Lukaszuk’s point is that if there’s going to be somebody adjudicating on it, then it should be somebody other than the Ethics Commissioner.

I need a motion on the wording here since we did modify it previously.

Dr. Morton: Why don’t I make a motion that we adopt it as currently written, and if that’s defeated, then we can go on to add either one of the two modifications.

The Chair: For the record do you want to read in the recommendation?

Dr. Morton: I move that recommendation 35 be adopted as currently written.

The Chair: Which is that

the Act should be amended to state that if a Member obtains legal representation during the course of an inquiry, the cost of legal representation will be reimbursed by the Legislative Assembly.

That doesn’t get to Mr. Reynolds’ initial concerns.

Mr. Reynolds: That’s fine. It’s the committee’s decision. If they find the word “reasonable” is too onerous, that’s fine.

The Chair: It’s a carte blanche now, and all Mr. Reynolds has suggested is that there may want to be some exercise of discretion there.

All in favour of the recommendation as worded? Anyone opposed? It’s carried unanimously.

Okay. New recommendation 36. It corresponds to the old number 39. Is there any change in that?

Mrs. Sawchuk: No.

The Chair: There’s no change on that one, so we’ll move on. The next recommendation is number 37.

Mrs. Sawchuk: We changed the wording at the last meeting.

The Chair: Okay. This new recommendation 37 was discussed at the last meeting. Mrs. Sawchuk has just pointed out to me that there was a motion by Mr. Oberle that it 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.

So that is reflected in the motion as it’s reworded here.

Ms DeLong: I just wanted some clarification. Sitting means, like, the spring sitting, or does it mean . . .

Mr. Reynolds: Yes. It means the spring sitting or the fall sitting as opposed to a session. A session runs from the time of the commencement of the session to prorogation, which is generally a year. So a sitting is just, as you said, the fall or the spring.

Ms DeLong: Okay. Good.

Mr. Lukaszuk: Just a question for clarification to Mr. Reynolds. How would that play itself out in practicality in the order of precedent of what’s debated, particularly at a time when you may have a budget in front of the Assembly, where the timeliness of passing it is of paramount importance to ongoing governance of the province? Would that become the matter of precedent, and all other government business would be postponed until the matter is resolved? Is that how it would work?

Mr. Reynolds: Well, I’m not sure that it would work that way. It’s up to the Government House Leader. I mean, the reason that you have these as a government motion is so that the government can schedule the debate on it. What this recommendation says to me is that the Government House Leader has to schedule the debate, but that debate has to take place before the end of the sitting. Where he or she works it in is up to them. Fifteen days after the report is tabled: well, my math isn’t too good, but 15 days in ours would be three and a half weeks. So sometime within a three-and-a-half-week period they have to schedule debate on something, and this is only when sanctions are recommended.

10:20

The Chair: Any further discussion? If not, I’m going to read that motion in its entirety since I don’t think it was read in its entirety at the last meeting. Recommendation 37 would read:

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.

May I have a motion to accept that recommendation as I've just read it? Dr. Morton. All in favour? Any opposed? That's carried unanimously.

Now the recommendations for no change. I'm going to propose that we do these en masse. I presume that everybody has read all of these over the weekend. I would propose that we would simply append recommendations 38 through 52 as an appendix to the minutes of the meeting to avoid having to read all of them into the record. Could I have a motion, then, that recommendations 38 through 52, which are recommendations for no change, be adopted as outlined in the draft report?

Mr. Rogers: So moved.

The Chair: Mr. Rogers. All in favour of the recommendations for no change? Do you want a minute to review them again?

Ms DeLong: Yes.

The Chair: Okay. We'll just hold off on the vote then. It appears that one or two members haven't had an opportunity to studiously review these over the weekend.

Any discussion before we call the question?

Ms DeLong: "The Act should not be amended to impose sanctions on a Member after a Member has left office."

The Chair: What number are you referring to?

Ms DeLong: Number 49.

The Chair: The discussion on that, you might recall, was related to the issue of cooling-off periods. There was a suggestion that some cooling-off periods might be extended beyond the cabinet and the Official Opposition leader, but that was rejected.

Ms DeLong: So that's a private member rather than a minister.

The Chair: Yes.

Ms DeLong: Yes. Agreed. Okay.

The Chair: Are we ready for the question? All in favour then? Anyone opposed? That's carried.

Now, we've got about 15 minutes left until the scheduled end of this meeting. I didn't receive any written suggestions for changes to the draft text. What we've tried to do in the recommendations here is to put some of the rationale behind the committee's recommendations in each of these instances, which would include the comparison with other jurisdictions, reference to significant submissions that were made in respect of each of those particular recommendations, and any outside references that we thought were material to the arguments for and against. We need to have this thing tabled before the Legislature adjourns. I'm proposing to have the final report . . . Sorry. Mr. Reynolds, you've got an issue with that?

Mr. Reynolds: Well, of course, it's not a complaint, but it's June 2, isn't it? I don't have the motion in front of me, but doesn't it say a year after deliberations begin, after the commencement of the review? And the review was commenced on June 2. I'm not trying to discourage you from tabling it, but it can be provided to the Clerk.

Karen, I don't have the motion in front of me, but it can be provided to the Clerk and copies distributed to members if the

committee reports at any time the Assembly isn't sitting. I believe that's in the motion.

Mrs. Sawchuk: Yes. You can table it with the Clerk and distribute a copy to each MLA.

Mr. Reynolds: So if the concern was that if you don't present it when the House is sitting, it'll stay locked up in a box till the next sitting, that's not going to happen. When it's done, it's given to the Clerk or the Speaker, and it's distributed to all members and made public that way. If it doesn't come in before the end of the sitting, it can still be made public, but the drop-dead date, so to speak, is June 2.

The Chair: The drop-dead date means that we have to have it absolutely finalized and submitted by that date. I think it's probably preferable if we can table it while the Legislature is still in session, but we only have one more meeting of this committee scheduled in the month of May, and that's May 9.

It's my hope and expectation that we would be able to approve the report at that time and then get it printed and get it ready for tabling, so what I'm going to suggest is that in the interval between now and May 9, each of you have an opportunity to go through the draft report and particularly – I'm not going to go back on the recommendations now – with respect to the actual text of the report make editorial comments and whatnot through the chair, and we will bring some of those recommendations back to the meeting, on May 9, for discussion. We've got a long meeting scheduled then, and at that point we should be able to either accept the new document as it is or go with whatever suggestions for changes are made at that time and then have it wrapped up at the next meeting. That's my hope.

Mr. Martin: There was just one question. Had we not decided – or maybe there was no request – that we'd give the people that made submissions an opportunity? Has that been done?

The Chair: No, not to my knowledge. The issue is: do we want to submit the draft report with the changes to the recommendations that we've made today?

Mr. Martin: I don't think we have time now.

The Chair: We've got eight days. We could probably get it out, you know, by tomorrow, Nancy. There are not that many changes, just to the recommendations.

Ms Mackenzie: No, there aren't that many changes.

Mr. Martin: It might be a good PR move to the people that took the time to make submissions on this.

The Chair: Yeah. I don't think there's any inhibition to doing that.

Ms Dafoe: I apologize for not getting my comments on the report to you before today's meeting. I do have a number of comments. Some are small, but some are a little bit larger. There's a two- or three-page section that's a word-for-word copy of something earlier in the report. I'm just wondering: at this stage sending out this draft might be premature. I know that there's a time limit.

The Chair: It's almost nonproductive to send it out after the next meeting if we're going to finalize the report. If we're going to send it out in draft form, I think we would have to do it after today if you

genuinely want to get some feedback on the draft report with an opportunity to possibly make a change. I can't envision a lot of changes happening in the recommendations because we've discussed those.

10:30

Ms Dafoe: What about sending out just the recommendations without the commentary? Is that a possibility?

The Chair: You'd suggest that we send just the recommendations?

Ms Dafoe: Yeah. Or would they have any meaning to the audience?

The Chair: I think that's a reasonable compromise.

Mr. Rogers: How broad would this distribution be, Mr. Chairman?

The Chair: Well, there are only 20 different stakeholders that submitted submissions.

Mr. Martin: If they're interested, we send out the recommendations. If they have some questions, I'm sure that they will call for more detail if they have that much interest in it. But at least we've made an attempt for the people that took the time, you know, to involve themselves in the process to get the last kick at the cat, so to speak.

The Chair: We'd sort of send out the executive summary version of it with all of the recommendations then. Would that be agreeable?

Hon. Members: Agreed.

Mrs. Sawchuk: Comments in by when, Mr. Chairman? By next Tuesday's meeting?

The Chair: Well, our next meeting is Tuesday. If we got their comments by Monday of next week, that would be all right.

Mr. Rogers: Just a caution, Mr. Chairman. You know, it's not that we don't want input at this point, but I'm just wondering how realistic it is, depending on how much comment we get, that we would be able to reasonably go through those. I'm just thinking that if you give the expectations to these folks that we're still going to be

able to do a lot with their comments at this point, we may create too much expectation that we can't meet in the short time we have left. That's only a caution.

The Chair: I don't think there's any guarantee that we would change it, but if there is something there that we've overlooked, or perhaps there's a legitimate argument that's to be made, we'd look at it.

Mr. Rogers: Fair enough.

The Chair: So are we agreed, then, that we'll send out the recommendations as approved by the committee to this point?

Ms DeLong: I would think that if we were going to send out anything, we should send out something that's a little bit more readable, I guess. To me, that's our current report. I mean, it's just an e-mail.

The Chair: Any other comments?

Dr. B. Miller: Well, it'll take a few days to do that. I mean, there are some revisions. We took out recommendation 32.

The Chair: Well, with Ms Mackenzie's efficiency, I think it will probably be done by tomorrow. It's very minor wordings to the recommendations.

So can I have a consensus or a straw vote from the committee? Do you wish to send the whole report or just the recommendations? All in favour of recommendations only? Okay. So that's the way we'll proceed then.

Any other business before we adjourn? The next meeting is May 9, same time.

Thank you all for coming early Monday morning.

Dr. Morton: Are we getting a revised version, then, in the next 72 hours?

The Chair: Yes. We'll get those out to you ASAP.

A motion to adjourn. Mr. Lukaszuk. All in favour? Carried.

[The committee adjourned at 10:34 a.m.]

