



Legislative Assembly of Alberta

The 28th Legislature  
First Session

Select Special  
Conflicts of Interest Act  
Review Committee

Tuesday, December 11, 2012  
2:31 p.m.

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**Legislative Assembly of Alberta  
The 28th Legislature  
First Session**

**Select Special Conflicts of Interest Act Review Committee**

Allen, Mike, Fort McMurray-Wood Buffalo (PC), Chair  
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\* substitution for Everett McDonald

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Brad Odsen, QC	Registrar, Lobbyists Act, and General Counsel
Glen Resler	Chief Administrative Officer

**Ministry of Justice and Solicitor General Participant**

Joan Neatby	Solicitor, Legislative Reform
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2:31 p.m.

Tuesday, December 11, 2012

[Mr. Allen in the chair]

**The Chair:** Good afternoon. I'm going to call this meeting to order. Welcome to today's meeting, everybody. It's our second meeting of the Select Special Conflicts of Interest Act Review Committee.

I'm going to start by asking the members that are here at the table and those that are joining the committee to introduce themselves for the record, and then we'll hear from the members who are joining us via teleconference. We'll start on my right here.

**Mr. Luan:** Thank you, Mr. Chair. Jason Luan, MLA, Calgary-Hawkwood. I'm the deputy chair of this committee.

**Dr. Massolin:** Good afternoon. Philip Massolin, manager of research services.

**Ms Sorensen:** Rhonda Sorensen, manager of corporate communications and broadcast services.

**Mr. Reynolds:** Good afternoon. And what better way to spend the festive season? I'm Rob Reynolds. I'm the Law Clerk and director of interparliamentary relations.

**Ms Neatby:** And I have to come after Rob? I'm Joan Neatby. I'm with Alberta Justice and Solicitor General.

**Mr. Resler:** Glen Resler, office of the Ethics Commissioner.

**Mr. Wilkinson:** Mr. Chair and members, Neil Wilkinson, Ethics Commissioner.

**Mr. Odsen:** Good afternoon. Brad Odsen, general counsel to the office of the Ethics Commissioner.

**Mr. Jeneroux:** Matt Jeneroux, MLA, Edmonton-South West, substituting for Everett McDonald.

**Mrs. Dacyshyn:** Corinne Dacyshyn, committee clerk.

**The Chair:** Okay. Then joining us by teleconference – if I could actually just name those whom I think I heard join in. We had Ms Johnson?

**Ms L. Johnson:** Yes.

**The Chair:** Mr. Wilson?

**Mr. Wilson:** Yes. Good afternoon.

**The Chair:** Good afternoon, Jeff.  
Mr. Saskiw?

**Mr. Saskiw:** Yes.

**The Chair:** And I understand Ms Fenske is also joining us although she's not there yet.

I guess we can also recognize that Mr. Mason has just arrived. Mr. Mason, of course, is substituting for Ms Notley today.

**Mr. Mason:** That's correct. Yeah.

**The Chair:** Welcome, everybody.

As well, just a little bit of housekeeping to get out of the way here. The microphone consoles in front of you are operated by *Hansard* staff. We also ask that you keep your cellphones and BlackBerrys off the table because they can interfere with the audiofeed. Audio of the committee proceedings is streamed live on the Internet and recorded by *Alberta Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

Did we just have someone else join us via teleconference? Sorry. I heard a beep online there.

Well, we acknowledge that Ms Fenske has just joined us at the committee table. Welcome.

Okay. Now, you have a draft agenda that was circulated for everybody's review. As well, when we get to item 5, which is other business, I would like to briefly discuss the presentations that we're going to be receiving from the Alberta Justice and Solicitor General's office and the office of the Ethics Commissioner.

Does anybody have any additions or amendments to the agenda?

Hearing none, then I'll ask for a motion that the December 11, 2012, agenda of this Select Special Conflicts of Interest Act Review Committee be adopted.

**Mr. Mason:** So moved.

**The Chair:** Moved by Mr. Mason. All in favour? Any questions? Then the motion is carried unanimously.

Moving on to the approval of the meeting minutes, you have that. That was circulated as well and posted online on the committee website. Are there any errors or omissions to note? Hearing none, then I will ask for a motion to approve the minutes. Anybody? Moved by Mr. Luan that the minutes of the November 27, 2012, meeting of the Select Special Conflicts of Interest Act Review Committee be adopted as circulated. Great.

Now on to item 4. These are our committee document requests. In response to requests made at the last meeting of the committee, we've received two stakeholders' lists. The first is a copy of the stakeholders that were identified during the last review of this act, and the second is a current list that was provided by the LAO research services.

Dr. Massolin, do you have any comments to make before we proceed to review these lists and discuss contacting stakeholders?

**Dr. Massolin:** Yes. Thank you, Mr. Chair. Just a few brief comments. I just wanted to indicate that this list is based in part on the 2005-2006 stakeholder list, with the notable exception that this list does not include those stakeholders who would have spoken to issues pertaining to the proposed lobbyists' legislation because, of course, that has happened, as Mr. Odsen and the Ethics Commissioner's office can attest to. So there is nothing like that on this list. The stakeholders have been categorized as well.

One other thing I'd like to do, Mr. Chair, is to flag for the committee an item on page 13. Specifically, you can see under 7.0, Other Stakeholders, that the second item there is Financial Investment Advisers, and there are no advisers identified for that, the reason being that I just wanted to seek the committee's advice as to whether or not stakeholders should be identified there.

That's it. Thank you.

**The Chair:** Very good. I guess just a comment from the chair that having reviewed this, I really appreciate the work that has gone into this from research and the way it's categorized. It's very simple to go through.

I'm going to just open up the floor to anybody who has any comments or recommendations that they would like to see added or a change to this list.

Yes. We've got Bradley.

**Mr. Odsen:** Thank you, Mr. Chair. We haven't seen the list, so we have no idea who's on it or might be missing, in our view, or that sort of thing. I'm wondering if it's possible for us to get a copy of it.

**The Chair:** Absolutely. In fact, I'd be happy to send a copy that we have here down to you right now.

**Dr. Massolin:** Can I say that you're on it?

**Mr. Odsen:** Oh, good, I think.

**The Chair:** Actually, under the table of contents item 1.0 is Ethics, Conflicts of Interest, and Integrity Commissioners, so you are listed there. Do you have a copy now? I'd be happy to provide another copy.

Can I assume that our guests that are from the Ethics Commissioner's office and Justice and Solicitor General should have access to the committee website and these documents?

**Dr. Massolin:** Or at least the committee documents. Yeah, we'll make those available through the committee clerk, I think. Yes. Thank you, Mr. Chair.

**The Chair:** Okay. Those are currently available on the committee website as well. For anyone else who doesn't have these documents, we'll make sure that they're available to anybody who wishes to review them.

I guess that having just passed that out, we'll wait a couple of minutes.

I'd just acknowledge that Ms Blakeman has just arrived from the beautiful . . .

**Ms Blakeman:** Fabulous.

**The Chair:** . . . fabulous riding of Edmonton-Centre. Welcome, Ms Blakeman.

**Ms Blakeman:** Thank you.

**The Chair:** Okay. For your benefit, we're just reviewing the list of recommended stakeholders that was circulated.

**Ms Blakeman:** Yes. I have suggestions.

**The Chair:** Okay, Ms Blakeman. You have the floor.

**Ms Blakeman:** Okay. I would suggest that we add the Consumers' Association of Alberta. I know they've done a couple of good studies on conflicts in the pharmacy area and in electricity, so they've got a good grasp of the concept of ethics and conflicts of interest, and I find them to do good work generally. There is also a city of Edmonton conflict or ethics officer and a city of Calgary ethics or conflict officer, and they have pretty good rules. In some cases they're tougher than ours, so we might want to look at theirs as well. That was it.

2:40

**The Chair:** Good points. Do we have any discussion on the potential of those three additions?

Seeing none, then I'm going to suggest that we add those to the list. That will be an amended list that we're going to approve.

**Mr. Resler:** Possible stakeholders that are impacted with regard to postemployment would be the deputy ministers, ministers, so members, and also the Public Service Commissioner.

**The Chair:** I believe we actually have added all 87 members to the list, which would cover that.

**Mr. Resler:** Okay.

**Ms Blakeman:** All 87 of us: one line.

**Mr. Resler:** The Public Service Commissioner would be one, but he is a senior official. Political staff members are also affected.

**The Chair:** Political staff members is one that I heard. Senior officials.

**Dr. Massolin:** That's already on the list at 6.0.

**The Chair:** Sorry. I gave my list up, so I don't have that in front of me right now.

Political staff members are under there? Okay. We have senior officials covered. Members of the Legislative Assembly of Alberta would include all ministers, so it would just be an additional political staff category. Deputy ministers, as suggested, are under senior government officials.

**Mr. Resler:** That's covered.

**The Chair:** I now have another list.

Thank you for that, Ms Blakeman and Mr. Resler. Those are good suggestions.

Any other comments regarding this list? Boy, we're a quiet group today.

Well, then I'm going to suggest that we move forward. We do have a motion prepared that

the Select Special Conflicts of Interest Act Review Committee approve the list of prospective stakeholders as revised with the proviso that the committee may add to it at a later date if so desired.

Do I have a mover for that? Mr. Mason. Thank you. All in favour? I'm going to say that that motion has been carried unanimously. Those of you on the phone, I'm going to assume that if I don't hear anything, you are in favour. Having heard nothing there as well, we'll move on.

**Mr. Wilson:** A good assumption, Mike.

**The Chair:** Thank you. Thank you very much.

Okay. That was item (a) we approved there.

Item (b), committee research services. If we can move into that. I'm going to ask Dr. Massolin to take this as well.

**Dr. Massolin:** Yes. Thank you again, Mr. Chair. There are a few items here that I just wanted to seek, again, the committee's guidance on, the first of which has to do with a summary of the submissions that we receive from the stakeholders. Typically what my group does is prepare a summary of those submissions. Of course, the committee members will get those full submissions as soon as they're available, and they will be posted on the internal committee website. What we do is summarize those submissions and then post that submission summary as well. So I'm seeking committee guidance on that issue, on whether or not you want it.

Maybe I'll just go to the next item and talk about all these, and then you can go to the motions. The other item is the direction given to my group, again, to prepare a discussion guide. Now, the discussion guide, I guess, has two purposes. The main purpose is to identify some issues that stand out, some of the salient issues, for the committee members for the discussions that are going to happen from this point forward until the review ends. The last review had used that discussion guide as well as kind of a consultation guide for stakeholders. So there were some embedded questions in there to guide stakeholders as to what questions they could answer in terms of providing a more effective written response to the committee. So I'm just seeking the committee's views on that, whether or not the discussion guide can serve that dual purpose for the committee and also for the stakeholders. In which case, if the committee is amenable to that, then this guide would be posted and made public, so the stakeholders would be able to access it and use it for that purpose.

The final thing is a crossjurisdictional survey. I think this was brought up at the last committee meeting by Mr. Wilkinson. We've done crossjurisdictional comparisons with other legislation for other review committees, most recently the Lobbyists Act review committee, where – and I think you're all very familiar with this – the key sections or the key issues from legislation not only in Alberta but other Canadian jurisdictions were highlighted and put into a nice big table for the committee's review at a later date. So we're prepared to research and write such a document upon the committee's direction.

Thank you.

**The Chair:** Okay. Thank you very much, Dr. Massolin.

I'm going to split this up into the three points. We had the submission summary, the discussion guide, and crossjurisdictional survey. Based on Dr. Massolin's recommendations there, is there any discussion, first of all, on the submission summary?

Hearing none, then we'll move on to the discussion guide. From what I understand, he's looking for direction primarily as to whether we want to restrict that to the committee, or if it would be for the committee and for sharing with all stakeholders in advance.

Ms Blakeman, you have a comment there.

**Ms Blakeman:** I think it's really important that anyone looking at our process from the outside can understand how we came to make certain decisions or participate in certain processes or not participate. I really do insist that we publicize and post for the public any processes that we're going to use so everyone can tell. We need to be careful that when we ask for submissions, it is made very clear to them that their submission will be posted on the public website and that there's no redacting, there's no keeping any of it back. It's just not fair to the public for us to take something in secret or in private and use it as part of our decision-making process. We can't be transparent if other people can't see all of the information that we use.

We've done that in, I think, almost every review now after we had a few bumps on the first one. I think it's important that we do that and that people understand that whatever they give us is going to be public, that it's going to be posted. If they don't want it posted, don't give it to us.

**The Chair:** Thank you, Ms Blakeman.

I'd like to acknowledge, too, that we've just been joined at the table by Mr. Dorward and Mr. Young, who, I understand, were just handing out teddy bears at the Stollery hospital. Welcome. I'm sure there was probably the odd bit of baby kissing going on as well.

**Mr. Dorward:** On my behalf, not Steve's.

**The Chair:** Okay. Do we have any other comments regarding the discussion guide? For the benefit of those who just joined us, Dr. Massolin was looking for direction as to whether we would make that discussion guide available to just the committee or to the committee and all stakeholders as well, make it a public document. So far the only comments we've had here are that we should make this a public document and make it available for all to see. I can say that the chair is in agreement with that.

I'm not seeing any other hands rushing to go up, so we'll move on to item (iii), which is the crossjurisdictional survey. That, in particular, I guess, is a matter of having some best practices or a crossjurisdictional study being done. I do see a hand go up from Ms Blakeman.

**Ms Blakeman:** I'm trying to think of what we would be comparing. I mean, there are some points where I would argue there's stronger legislation or stronger examples of legislation than what we have, and in other cases we might be able to argue that ours is stronger. What are we going to base a crossjurisdictional study on exactly? I think we either have to give him the points or get some idea of what we're looking at. I also want to know if we have an expert here. Is that you?

2:50

**Ms Neatby:** I'm not yet an expert, but I will become one as we go forward.

**Ms Blakeman:** Okay. Are you with Justice or ethics?

**Ms Neatby:** I'm with Justice and Solicitor General.

**Ms Blakeman:** Okay. Maybe when we're finished this, Chair, we could have a discussion about how we think recommendations are going to come forward because that's always the nitty-gritty of what we're doing here. I'm not clear where they're coming from or whether we're expected to do them and what that process might look like.

Thank you.

**The Chair:** Okay.

**Mr. Saskiw:** It's Shayne here. I'd like to speak at some point.

**The Chair:** Okay. You know what, Mr. Saskiw, I'll ask you to speak next, and then we'll ask Dr. Massolin to respond to these points.

**Mr. Saskiw:** Sure. Just in response to Ms Blakeman's comments, I would suggest a crossjurisdictional review on some of the key points in the legislation; for example, the definition of a conflict of interest. If you look to British Columbia, they have much stronger legislation, which includes even providing an opportunity to a friend as part of the conflict legislation. Also, B.C. has much, much stronger rules on who is considered to be potentially in a conflict. I think that should be a pretty straightforward analysis when you're looking at your current legislation, to just look at all the legislation in every other province.

**The Chair:** Okay. Thank you, Mr. Saskiw.  
We do have one more. Mr. Mason.

**Mr. Mason:** Thanks. I'm going to respectfully disagree with my colleague. I think it would be very useful to have sort of side-by-side comparisons of our legislation with legislation in other

Canadian jurisdictions. I think that's a very good information base for the discussion in the committee, so I would support what Dr. Massolin is suggesting.

**The Chair:** Okay. There may be some value right now in having Dr. Massolin respond, because I think it's more a matter of having a better understanding of what the format of that report would look like.

**Dr. Massolin:** Yeah. It's basically identifying those sections of our act and how they compare to other jurisdictions, things like the length of the cooling-off period, as one example, and the penalties that are imposed, how those compare. It's not necessarily to say that the committee would want to act on each of the issues or any of the issues but just an information background. I mean, there are comparisons to be made, and obviously the more salient are the ones that we would highlight for sure. Some of them are sort of a housekeeping or boilerplate nature; we wouldn't go into that. There are certain jurisdictions that do things differently, and we could also call attention to those sorts of things as well.

**The Chair:** Ms Blakeman, you also had one other question there regarding the format of the committee, how we would bring forward recommendations. I'm going to just throw out there as a suggestion for discussion that that would be handled perhaps after our second presentation by Mr. Wilkinson and his office of the Ethics Commissioner in order for us to I guess have a chance to review both the discussion guide and this crossjurisdictional survey and recommendations of both the office of the Ethics Commissioner and the Solicitor General and Justice. We could then perhaps at that time come up with our recommendations as to how the committee is going to bring forward recommended changes or not.

**Ms Blakeman:** Sure. Where do the stakeholders fit in that process?

**The Chair:** That's part of our process with the submissions summary and the discussion guide. I have a series of motions that are prepared that are going to direct our research team and communications as to how we want to proceed there. We can discuss each of those as I bring them forward. They're all prepared here now, but we met with the committee clerk and our staff just in advance to go over these motions. I think what we're going to do is wait until we have the communications plan discussed, and then we'll in an orderly fashion present those motions so that they're not in conflict with each other.

Mr. Odsen.

**Mr. Odsen:** Just a very quick question for Dr. Massolin: are you covering in your comparative survey anything beyond Canada or contemplating that?

**Dr. Massolin:** Well, we hadn't contemplated that, but we could. I mean, it's a possibility, yeah.

**Mr. Odsen:** I mean, it could turn into a never-ending kind of thing, but I guess from, perhaps, one possible comparison, Australia is a federation, like Canada, based on the common law, and it has only six states plus the national state. It might be worth at least a sort of cursory look at those to see whether there might be anything there. I simply raise that as one possibility.

**Dr. Massolin:** Yeah. If the committee would like that, we could do that.

**Ms Blakeman:** I love those COGEL conferences because, boy, if anybody can manage to do it wrong, it would be the U.S., God bless them. Truly, the ones that have had the biggest scandals now have the strongest legislation. If we're going to go outside of Edmonton, I would recommend that we look at Texas and Pennsylvania. They've got some good stuff, Texas in particular.

**Mr. Mason:** And they have guns.

**The Chair:** We're not going to get into a debate on whether we should carry side arms or not, though.

The Canadian jurisdictions, of course, and some of the other recommendations within the Commonwealth are also very good. I would suggest that it could be very time consuming if we were to direct the research to go all over the world. So if there was a specific area in the world, other than Australia, where we know that there are known, strong examples of a conflicts of interest act, we'd probably want to have a little bit more of a focus there.

**Ms Blakeman:** I would still look at Texas.

**The Chair:** Texas as a state?

**Ms Blakeman:** Yeah.

**The Chair:** Would that present too much of a challenge, to at least add one more state from the U.S. of A.?

**Dr. Massolin:** Sure. Texas and Australia it is.

**The Chair:** Texas and Australia have been added to the list.

**Mr. Young:** My concern is that if we're not doing a full environmental scan, then we're cherry-picking. I'm not going to disagree with Ms Blakeman, but if the purpose is for information, we should do a full environmental scan. Then we get into the challenge, to your point, of: where does it end? Like, are we going to do the U.S. and Australia? Then do we include England? Otherwise, we go down the road of: we'll pick Texas and not pick the other numerous states that there are there. I think that would distort the purpose of what an environmental scan or a crossjurisdictional comparison is intended for, which is information across the whole spectrum of strong and weak and good and bad and everything in between as we consider our own legislation.

**Ms Blakeman:** That's what we sort of decided to do, just take those two.

**Mr. Young:** So are we just going to do Texas and not the other 50 states?

**Ms Blakeman:** Yeah.

**Mr. Young:** Well, what do the other 50 states say?

**Ms Blakeman:** We're just looking for a black sheep to put it up against.

**Mr. Young:** I don't know what they say.

**Ms Blakeman:** Okay. Well, if you don't want to do it, that's fine. I'm going to do the work anyway. So then I'll know, but you won't.

**Mr. Young:** Well, why don't we have a debate between you and me?

**The Chair:** I'll suggest that we have the one U.S. state and Australia, based on discussion. I mean, there are probably going to be a lot of good examples of conflicts of interest acts around the world, and individuals can certainly do their own research and make recommendations or bring ideas forward for the committee to discuss and debate that are separate from what the research team is bringing forward in this crossjurisdictional survey. It would be up to individual committee members to do their own research there.

In respect to our research team we do have to have this review completed by November of next year. We certainly don't want to open up something that's going to take a year to complete for just research alone.

Mr. Mason.

3:00

**Mr. Mason:** Thanks very much. I think that in this regard we ought to be guided by the staff of the office of the conflict commissioner. Perhaps I could suggest, taking into account some suggestions that have been made here, that if Dr. Massolin wanted to consult with that office in terms of additional jurisdictions that might be of interest or use to the committee, they could prepare that based on the time constraints and capacities of the office to do that work.

**The Chair:** I believe that at the last meeting, Mr. Mason, we did pass a motion that allowed us to use the office of the Ethics Commissioner as a resource to this committee, and Dr. Massolin would certainly be interfacing with them.

**Mr. Mason:** I personally would like to see if there are some good examples of legislation that might offer a different perspective that is useful, more useful than a complete scan of the entire horizon and spending a lot of time looking at really weak legislation or legislation that doesn't offer any new ideas to us. My preference would be to leave it a little bit open ended and have the office of the Ethics Commissioner work with Dr. Massolin and make some recommendations as to what might be useful for the committee.

**The Chair:** We have in fact also requested some recommendations from the office of the Ethics Commissioner, and he'll be making his presentation in the middle of February, at that time.

Did you have anything to add there, Mr. Wilkinson?

**Mr. Wilkinson:** Yes. We will be making a presentation, but we'd be more than happy to work with Dr. Massolin in any areas that he wishes. We worked with him when we did the Lobbyists Act review, and we really enjoyed that relationship and the excellent work that he did. We're happy to help him in any way that you see fit.

**The Chair:** I think we can keep in mind there, too – I had this discussion once with Mr. Wilkinson where we discussed the difference between best practice and other practice. So this could be open to many different thoughts under the review.

Is there any other discussion from those dialing in on teleconference?

**Ms L. Johnson:** No. I'm good. Thank you.

**The Chair:** Okay. I'm going to move on here, and I'll ask Rhonda to move to the communications plan. For those of you who have just dialed in, the communications plan was just e-mailed out prior to the meeting, at 2 o'clock, if you haven't seen it already.

**Mr. Wilson:** I've got it. Thank you, Chair.

**Ms L. Johnson:** Yeah. I have mine as well.

**The Chair:** Great. Thank you very much.  
Please go ahead, Rhonda.

**Ms Sorensen:** Thank you, Mr. Chair. As you'll note, the proposed communications plan at this point is fairly open ended based on the discussion and direction from the November 27 meeting. Because the committee has just begun its review process, we're focusing mainly on utilizing existing tools to create awareness of the review, and we may then later expand upon the strategies to disseminate specific information that may come forward through the committee's review of the submissions, the discussion guide, or the crossjurisdictional survey should those be adopted later.

Right now we would just be proposing to use the committee website to post relevant documentation as directed by the committee. We would use social media such as our Facebook and Twitter accounts to direct traffic to those committee sites and to those documents and, of course, put out news releases, also letting the public and the media know what is happening during the review process. At this point, although the committee did discuss at the last meeting that advertising was not something they wanted to pursue, we are leaving it in as a possible strategy should something be identified throughout the one-year process that the committee feels may warrant advertising or further strategies.

So we really have left it fairly open ended. At this point there will be no direct cost to the committee by implementing any of the suggested strategies.

**The Chair:** Great. And that's the one item in our budget that we do have some funds available for.

Do we have any comments from anybody?

**Mr. Mason:** I was not present at the last meeting, Mr. Chairman, but I had looked at the budget and did see that there was \$59,000 allocated for advertising, so I'm a little surprised that we're not going to, you know, use that. I'm perhaps hopelessly old-fashioned, but I think the odd little newspaper advertisement or something in the newspapers of record, at least in the cities, might generate some public interest. Is the committee seeking to solicit submissions from the public? Is that an objective that we have?

**The Chair:** Absolutely. We will be requesting submissions from the public.

**Mr. Mason:** Well, I mean, the other item in the budget is hosting, and I'd hate to see all \$59,000 go into hosting.

**The Chair:** We did discuss at the last meeting as well that in the past there were sessions held outside of this committee room that were found to be ineffective, so the committee had decided that we didn't really want to travel or go out but that we would invite written and oral submissions.

Rhonda, any comments on the traditional media advertising?

**Ms Sorensen:** Based on the previous review – and, really, the stakeholders list is what garnered the most interest from the last review and probably will again give you the most relevant submissions for this review as well. We would hope to get the public submissions via the website and social media, attracting them to what is happening. In terms of advertising that is kind of why we left it open ended. It may very well be that the committee does choose to put out the invitation through advertising. If the committee wishes, we can certainly come up with some strategies for dailies and weeklies and/or a combination of any of those. At

the previous meeting we held, though, it was kind of decided that perhaps advertising dollars weren't necessary at this stage of the game.

**The Chair:** Yeah. Hence, that would be covered under the additional strategies, the last piece on here. Perhaps the committee may want to wait until we've had a chance to get through the process in the next couple of months to determine whether we want to look at print media for advertising and see what kind of submissions we get from the stakeholders list. We do have some motions for that.

Any other thoughts there from the committee? Yes, Ms Fenske.

**Ms Fenske:** Thank you, Chair. Just to comment on Mr. Mason's comment, we don't have to spend that money. I think that's what we talked about. It's there, but we do need to be careful and make sure we make the best use of those dollars.

Would you as chair be willing to hold a press conference and do a bit of a circuit on some of the talk shows prior to us getting into the meat of this to encourage people to make their presentations known and that this is our timeline?

**The Chair:** Absolutely. I think, there again, that's probably covered under media relations here, item 3, under strategy, that there is an ability to utilize the media – print, visual, and radio – in getting the word out without spending the budget. It becomes a news item as opposed to an advertisement. I don't know. Maybe I'll call on my background as a small businessperson. I've found that quite often you'll get a better response in the news media than you will in the advertising portion. I know this is recorded in *Hansard*, so I've got to be careful with some of my advertisers that I work with, but just throwing that out there.

**Ms Fenske:** I would encourage you to do that and do it before – I don't want it to be politicized in some fashion before you actually get out there. I want us to be able to be there as an all-party committee to ask for that information.

The other thing I would request is perhaps an e-mail looking for comments from our municipalities and our school boards because they certainly deal with some of these issues that we do. They may have some things that they'd like to contribute. I don't think that it would be very costly to just sort of send something out directly to them.

**The Chair:** They would then be a member of our stakeholders list.

**Ms Fenske:** I suppose they could, eventually. I mean, we now have Edmonton and Calgary listed. They may find ways of getting that information to us or through the MLAs that represent different groups, but I would like them to be made very aware that this is happening and that their input is welcome. Now, do we need to put them on our stakeholders list if they're not choosing to come forward?

3:10

**The Chair:** Rhonda, could you comment on that? I mean, it could be a notification by e-mail. Do we want to even have just an e-mail list of stakeholders?

**Ms Sorensen:** Mr. Chair, just to comment on a couple of points there in terms of the media relations, the talk shows and the press conferences, we'll certainly put that out there. I guess the one difference between that route and advertising is that one guarantees that your message is getting out, and with the other

you're kind of relying on the interest of the media. So we can't guarantee that we will get you on every show that we'd like to, but we can certainly try.

In terms of the schools and municipalities I guess I would put that back to the committee to try and determine whether or not that is something that we want to put on the stakeholders list as a direct communication to them or if it's more informal than that.

**Ms Fenske:** I'm just thinking of once. Just get it out there, and let them know what we're doing.

**Ms Sorensen:** Okay. Perhaps I can discuss offline with Dr. Massolin afterwards in terms of what is going out to the stakeholders and if we can use that same information to send out to municipalities and schools, perhaps in a more informal e-mail than what's going out under your letterhead.

**The Chair:** I think what Ms Fenske is suggesting is that it would just be an informal, for-your-information-only type as opposed to a full-blown stakeholder.

Mr. Luan.

**Mr. Luan:** That's okay. I was just going to comment on that. You mentioned it already.

**The Chair:** Okay. We're thinking alike, then.

Offline would be great, and then we'll just report back to the committee as to what we're looking at doing there.

**Ms Sorensen:** Certainly.

**The Chair:** Okay. Any other comments?

Well, thank you very much for that presentation, Rhonda, and for preparing that.

We're going to move forward. I'll bring up some of these motions that we have prepared. The motion for the communications plan would be next. I'm looking for a motion from someone that

the Select Special Conflicts of Interest Act Review Committee approve the communications plan according to directions provided at the December 11, 2012, committee meeting.

Mr. Jeneroux. Any discussion?

Hearing none, then I'll call for the vote. All in favour? Anyone opposed? Mr. Mason, we're going to say that it is carried with one opposed.

Next I'd like to have a motion that

the Select Special Conflicts of Interest Act Review Committee authorize the chair to approve a letter to stakeholders inviting written submissions regarding the Conflicts of Interest Act.

If someone could make that motion. Mr. Jeneroux. All in favour? Opposed? That is carried unanimously.

The next motion. We did these in order to make sense, so there was no question as to what we were trying to achieve. It's a motion that

the Select Special Conflicts of Interest Act Review Committee invite written or written and oral submissions from identified stakeholders and the public to be received by a specific date.

I'm going to throw out a date here based on our time schedule but also based on our presentations that we have coming forward from Justice and the Solicitor General's office plus the office of the Ethics Commissioner. We have some tentative dates that we're going to discuss at the end, but mid-February was the availability of the office of the Ethics Commissioner, and we were tentatively looking at the 21st of February for that. So I'm going to suggest



that we want to have a date identified of Friday, March 1, to have our written and oral submissions from stakeholders and the public. Any discussion on that?

**Mr. Mason:** I have one question. When you described the submissions, you described them as written or written and oral. Does that mean that a strictly oral presentation is not going to be accepted?

**The Chair:** I would think we can call for written and oral. That way a written request would be coming in for people that want to request to appear in front of the committee, and they would then appear with their request and present it orally.

**Dr. Massolin:** Maybe I can lend assistance here, just to offer that a standard procedure in this sort of area is just for the committee to receive written submissions first and then to decide upon whether or not they wish oral submissions from the same presenters to follow up on that written submission potentially, so it's kind of a two-stage process. The stakeholder letter could be written to that effect, that they may be called before the committee if the committee so directs, something to that effect.

**The Chair:** So it would be up to the committee to decide who would be called to present oral questions?

**Mr. Mason:** But based just on having received written submissions from everyone. Is that correct?

**The Chair:** Based on written submissions coming in, yes.

**Ms Blakeman:** Sometimes they do the written submission and they ask to be able to appear, so they've sort of flagged for us that they want to be in on it. That happens as well.

**The Chair:** Yeah. If they've flagged to come in and would like to present orally to the committee, then I think it would still be appropriate for the committee to determine who they would like to hear from.

No other comments? Then could I have someone make that motion? Mr. Luan. All in favour? Any opposed? That motion is carried unanimously.

The next motion is that

the Select Special Conflicts of Interest Act Review Committee direct Legislative Assembly Office research services to prepare a summary of written submissions for review by the committee.

Could I have someone make that motion? Mr. Mason. Any comments? I'll call for the vote, then. All in favour? Any opposed? That is carried unanimously.

Our next motion is the final in this series, a motion that the Select Special Conflicts of Interest Act Review Committee direct Legislative Assembly Office research services to prepare a crossjurisdictional survey for review at the next committee meeting. We've already had that discussion as to how that would proceed.

Dr. Massolin.

**Dr. Massolin:** Sorry. It says, "at the next committee meeting." Perhaps can we say "at a subsequent committee meeting"?

**The Chair:** We can. We haven't actually had that motion moved yet, so we don't need to amend it. It would be that the Select Special Conflicts of Interest Act Review Committee direct Legislative Assembly Office research services to prepare

a crossjurisdictional survey for review at a subsequent committee meeting.

Any comments there? Then I'll call for the vote. All in favour? Any opposed?

We didn't have anyone move that. My mistake.

**Mr. Dorward:** I moved it. My mike just didn't go on.

**The Chair:** Oh. Mr. Dorward had moved that motion. Thank you for that movement. We took a vote, and it is carried unanimously.

Boy, we're making it through the business here quite well. Next, item 5, we've got other business. As noted at the beginning of the meeting, I just want to quickly discuss how this committee will prepare and respond to the upcoming presentations both from Alberta Justice and Solicitor General and the office of the Ethics Commissioner.

I know many of us have questions. Many of us have thoughts about what we would like to have addressed as part of these presentations. In order for our presenters to be best prepared for what the committee is looking for, I'm going to suggest and request that if any of you have any specific questions that you would like to see addressed in those two presentations, you provide those questions in advance via the committee clerk. We'd like to have that in 10 business days prior to the presentation dates.

I think that's just in order for us to ensure that we have a most effective meeting. We have a limited amount of time available to us in these meetings, and it would avoid the potential of asking a question that either office may not be prepared for, whether it's statistical or needs a more detailed answer. If we can get those in in advance, then perhaps it would assist our presenters as well.

3:20

Then we will move on to, of course, oral questions of the committee to the presenters. It'll be in the standard format, and we can raise questions as a committee. I'm going to suggest that we adopt a speaking schedule similar to some of the other standing committees such as the Standing Committee on Public Accounts. I will have a quick chat with each of the caucus members from this committee in regard to a process that's similar, where we would have, based on our membership of the committee, 50 per cent of the time allocated to the PC caucus, 25 per cent of the time frame allocated to the Wildrose caucus, and then the balance of 25 per cent allocated to both the NDP and Liberal caucuses.

Was there any discussion on that?

**Ms Blakeman:** Well, I'm going to disagree with that. My experience – and this is the fourth or fifth one of these I've sat on – is that there are differing levels of participation from different people, and it seemed to work best to let those that were really interested move ahead with their questions. We keep hearing about how these all-party committees are all party and are going to be vigorous. That's a real stomping down of the opposition, the other opposition parties, in my estimation. I mean, it basically has minimized my contribution to this whole process, saying that I'm going to somehow get 12 per cent of the time if that. I really find it very antidemocratic, quite frankly, and against what these committees were supposed to be about. So I'm not going to approve that at all.

**The Chair:** Okay. Noted.

**Mr. Mason:** Mr. Chairman, in my view, that motion could give rise to a question of privilege. Every member of this committee is equal and has every right to ask the questions as they see fit, and

to constrain them in such a way is unprecedented in my experience working on these committees. The only place where that system is used is in the budget committees, and it is in order to ensure that the opposition has a significant amount of time to ask its questions. That steps on the very principle of equality of members in this committee, and I would urge the committee to reject it.

**The Chair:** Okay. I will make a point. I wasn't actually looking for a motion on this particular item today. It was just a thought and an idea we were putting out there.

Mr. Dorward.

**Mr. Dorward:** Yeah. You alluded to Public Accounts. We have healthy debate at Public Accounts, very nonpartisan. In fact, there are times when we in the PC caucus will have the same kind of question, and there have also been times when we've let other individuals in other caucuses continue with the line of questioning or pick it up, in fact, which has been good.

Ms Blakeman, I can make the same argument about the five or six other colleagues here. I, quite frankly, am going to be diving into the numbers quite a bit, and I don't think I'm going to get support from my side to be able to spend the amount of time that I have in my time. In fact, if you want to look at the math, you're going to have more time than I will in raw numbers if you wanted to strictly go by the number of people on the committee.

**Ms Blakeman:** I just don't think we should be block-booking time based on a party affiliation. I think that's incredibly inappropriate.

**The Chair:** I think perhaps offline I'd like to have a chat with each of the caucus representatives.

**Ms Blakeman:** No. That should be on the book. I'm sorry. This is important, and it needs to be on the record.

**The Chair:** This would not be a motion that we're bringing forward just yet. This is just some thoughts. It's a matter of: how can we come up with something that everyone can agree on? There again, of the 11-member committee, we have seven members of the PC caucus, two members from the Wildrose caucus, and one each from the NDP and Liberal caucuses. I'd be cautious to ensure that we don't have any thoughts that we were limiting the time available to Liberal and NDP or Wildrose caucuses because we have a dominating number of PC caucus members. Can we give it some thought as to what we think would be the best way to go and submit those, and we'll come up with a motion at the next meeting?

**Ms Blakeman:** Well, I'd like to know: what was the problem previously? Are there recorded complaints of how the previous act review committees operated? Is there anything recorded in *Hansard*? Have there been specific written complaints that have received by any of the clerks? I'm very curious to know why there is a need to now allocate time based on party affiliation as compared to just work done on the committee.

I know this has come in with the recent election, but as much as Mr. Dorward feels that it has been an inclusive process, what I'm hearing from people that I know on that committee is that it's being used to control and squelch the voice of members that are not the governing party. It's inappropriate, and I think it's a problem as far as member privilege as well.

**The Chair:** Do we have any comments from anybody dialing in by teleconference?

**Mr. Wilson:** I would tend to agree with both Laurie and Mr. Mason on this. I feel that the organic discussion that can come from us as a committee, from a bipartisan nature or tripartisan or quad, however you want to say it, I think would be more valuable for the entire committee than to allocate whose turn it is or which caucus's turn it is. I don't see any value to that.

**The Chair:** Okay.

**Mr. Dorward:** Well, all I can say is that I think we're trying to seek some kind of equality. We're all MLAs, and if we take the questioning time and divide it by the number of MLAs on the committee, you're going to find that the time that that comes out to is less than what has been proposed by the chair. I think that the chair is simply requesting some kind of guidance so that he can be able to allocate the time according to some kind of fair system when he has, as probably what's going to happen, a number of MLAs that want to speak to issues. I think he's just trying to seek some direction here.

**Ms Blakeman:** I'm curious as to how it wasn't fair before.

**Mr. Dorward:** Well, I can't answer because I've never been on one. I just think it's logical to go this direction.

**Ms Blakeman:** I guess that's why I'm curious.

**Mr. Dorward:** From my perspective – and we haven't talked about it – I don't think there's anything nefarious here. I've told the chair that I plan on diving into these issues as well as speaking to them, so that's as equal an opportunity to speak as any of the MLAs here, I think.

**Ms Blakeman:** Well, generally, when you have a change in format as dramatic as this is, there would be a reason for it. That's why I'm asking you why. What was so wrong before in the way it was managed that it would need to be as tightly orchestrated as what I'm hearing under consideration. I'm looking about the room, and nobody is able to answer if there was a problem before. I'm hearing there wasn't. So why would we be looking to change it?

**The Chair:** Well, there has been, I guess, some discussion. There's been some advice from committee clerks. There have been some examples used in standing committees or just thoughts that were thrown out there. Rob is shaking his head. I guess I'm not going to say advice, but examples of what was out there were discussed, and I was just throwing that out as a suggestion. Again, I'm not looking for a motion today, but we can discuss how this would best work for the members of the committee. I'm open, and maybe I could suggest that each caucus could present or send through the committee clerk some thoughts as to how they would like to see those questions addressed.

**Ms Blakeman:** How would that be any different than the discussion we've just had?

**The Chair:** It's on the record. I just haven't prepared a motion.

**Mr. Mason:** Mr. Chairman, in a previous political life on Edmonton city council I did a lot of committee work, and we did a lot of hearings from people. The questioning was always allowed, you know, and sort of taken in rotation between members.

Members that had more questions to ask would take more slots if they were available, and people that didn't have questions to ask would defer so that other members could ask the questions. It seems to me that we really need to make sure that this is based on an equality of members, and I understand that that might mean that if all the Conservative members are asking lots of questions, the opposition gets fewer. But the principle is that each member is equal, and I would very much urge the committee to stick to that.

**The Chair:** So are you suggesting, I guess, that we would divide whatever time there is for questions by 11 and allot that time to each member?

3:30

**Mr. Mason:** No. I think you would just go in rotation by taking a list of people who wish to ask questions, go in rotation until the time is finished. I mean, how much time are you planning to allocate to each one?

**The Chair:** Well, it depends on the meeting.

Mr. Luan.

**Mr. Luan:** Yeah. If I can comment on this, you know, it's very interesting for me to listen to all the different points of view presented. I had the opportunity to go to other committees that did this kind of rotation. Here's my thought. I think the intent is the same. We're trying to figure out a process that has a rotation, that has a fair share so that different views can be brought to the table for our collective benefit to hear. The point I'm thinking of: if we don't have anything, if we just go on with whatever we want to talk about, you'll have an issue. If you have a structure that you stick to no matter what, you have some pros and cons.

Part of my thought, if I can just suggest it through our hon. chair here, is that we could use this as a tryout for a period of time to see if that works. Perhaps, if it does bring some tension to this committee, then we can discuss that. I'm aware of at least two other standing policy committees that I'm involved in where they do this. The first time I was sitting there I questioned the same thing, you know, why the heck we are doing it this way?

**Ms Blakeman:** This is a special select committee. It's not a standing policy committee. There are different purposes and different endgames.

**Mr. Luan:** Well, I'll call them legislative committees. How about that?

**Ms Blakeman:** They're for very different purposes, and even legislatively they turn up with different rules.

**Mr. Luan:** Granted. What I'm saying is that there are pros and cons to different approaches on this. So I'm proposing an idea for the chair to consider, that we try this or not try this and give it a period of time. Then we evaluate. If there are some tensions, if people feel like their ideas are not being put on the table, then it's an issue. If not, perhaps we'll just carry on that way.

**Ms Blakeman:** Well, again, I ask you the same question. What was outlined by Mr. Mason is exactly the way previous act review committees operated. There wasn't a tension. No one has complained either orally on the record or in writing. So there wasn't a problem with it. As a matter of fact the structure that did exist was to rotate back and forth between government and opposition – one government question, one opposition question; one government

question, one opposition question – and the opposition rotated between the opposition parties. That was the extent of the structure. In some of the committees they didn't even go for that.

No one here has been successful in giving us a compelling reason for why we would now have to put quite a restrictive structure in place, as far as I'm concerned. You keep trying to go back to it, saying that this is somehow going to solve a problem, and none of you have been able to tell us what the problem is.

**Mr. Dorward:** I'm not sure if I heard a problem, Mr. Chair. I just heard a suggestion from you. I never heard of any problem. I don't think there's a big difference between what the chair just said and what you just said, quite frankly. I just think that if there's a question, whether it's – I mean, I can go on for a long time about accounting stuff, especially in that act, because I had to deal with it, and it was frustrating. I could take a question and talk for a long, long time about that, and if I happen to be the first, well, I could chew up probably 20 minutes myself, which wouldn't be good. I suppose Mr. Mason . . .

**Ms Blakeman:** Okay. That's the first thing I've heard. Then why do you put a time allocation on it?

**Mr. Dorward:** Ms Blakeman, may I finish first?

**Ms Blakeman:** Yes, of course.

**Mr. Dorward:** Thank you very much. And I'm sure that Mr. Mason or yourself could come on with a long question. I don't think that's, you know, appropriate. So I think he's just saying that everybody has to take the time and be respectful of the overall time and get time in there somewhere. I don't think there's a problem, actually, flipping back and forth. Overall, I think he's just trying to say that he has to have a mechanism to find out who's spending the most time. I think that's what it's all about.

Thank you.

**The Chair:** I think that, regardless, we're going to be limited when we get there. I don't want to draw this out into a big, long debate because we're past our allotted time for the meeting, and I know people have other meetings to go to. I'll review the *Hansard* afterwards, and perhaps I can prepare a motion for the next meeting prior to the presentation.

I understand what you're saying, Ms Blakeman and Mr. Mason. I think it's a matter where we do want to find what is fair for all. I guess my thoughts were just based on my experience. I'm a brand new MLA, so my experience with the Public Accounts has been that it's been a very effective process for ensuring that everybody gets their questions in. I mean, 64 per cent of this committee is made up of our caucus, so we thought that by suggesting 50 per cent time allocation – because we will be limited. If we have a one-hour meeting and you have a 20 minute presentation, that gives us 40 minutes for questions in order to allot the time properly. So it was to make sure that everybody did have that. If you're suggesting that we rotate that way and perhaps go government and then opposition, we do have three different opposition parties represented here.

**Mr. Mason:** If I can just comment with regard to the way it's done in Public Accounts, it's not allocated according to time. It alternates between government and opposition members. You're allowed, basically, a question and a supplemental, and the chair tries to control the times of the . . .

**The Chair:** We do have the deputy chair here, and it actually is allocated by time, depending on how much time is left in the meeting.

**Mr. Mason:** The deputy chair of Public Accounts is who?

**The Chair:** Mr. Dorward.

**Mr. Mason:** Yes. Okay. Well, I sat on that for years and years and years, and you were allowed a question and a supplemental. The chair keeps an eye on the length of the answer. It's the answer that takes up the time, not the question.

**Mr. Dorward:** That may have been the way it used to be. I feel we're much more effective now in the things that we do in our line of questioning. Indeed, the chair did describe it correctly. That's what we do now.

**The Chair:** We do as a committee as well. We have the opportunity and the option for anyone who has questions that they didn't have an opportunity to ask. We can also allot time at the end of the meeting to have those questions tabled for a written response at a later date.

**Mr. Mason:** Well, they've changed it then.

**The Chair:** Yeah. It's been changed as of this term.

**Mr. Mason:** It just keeps getting better and better, doesn't it?

**The Chair:** Sorry. While we're having a sidebar conversation there, what I was going to suggest is that we could have the opportunity there for members that didn't get an opportunity to ask a question to table it at the end of the meeting. We can have time allocated at the end and allow for a written response to the committee at a later date. Would that be acceptable? We can ensure that all questions are then addressed.

**Ms Blakeman:** I think that if your problem is time, then I understand the argument, and I think we should look at a structure that did base it on time – for example, you know, a minute or 45 seconds to ask the question and a minute and a half to answer it – if that's the concern. But basing the time allocation on a political affiliation is not appropriate, in my opinion. You will have

different levels of participation from people on the committee. So, no, I won't accept your proposal if it means accepting the rest of it, which is apportioning by political party.

**Mr. Young:** Well, if what you are proposing is anything better than this conversation that's been dominated by the member opposite here – I think a structure is in place, whatever we can agree upon. It's not just about you; it's about 11 people on this committee that can come up with something that's reasonable, and everybody can get their voice heard. So I look forward to your motion that you will bring forward, and we can discuss that.

**The Chair:** I will review the *Hansard* and this discussion and bring forward a motion at the next meeting. I'm sure I can discuss this with the committee clerk as well to see if we can have that motion distributed in advance with the agenda so that we don't carry this on forever. This could be a topic of discussion for some time.

Are there any other items that anyone would like to discuss?

**Ms Blakeman:** Next meeting?

**The Chair:** Yeah. We do have some recommended next meetings. We've canvassed committee members for their availability. The next committee meetings will be scheduled as follows. On Monday, January 28, from 10 a.m. till 12 noon we'll have a presentation from officials with Alberta Justice and Solicitor General. The next one would be on Thursday, February 21, from 4:30 p.m. to 6:30 p.m., when we'll hear from the office of the Ethics Commissioner. Just a reminder to all members that if you're unable to attend in person, you may do so by teleconference or you may appoint another member as an official substitute to attend on your behalf. If you have any questions about this, please do not hesitate to send your questions through the committee clerk.

Having brought that out, I would like to invite a motion to adjourn.

**Ms L. Johnson:** So moved.

**The Chair:** Ms Johnson. Thank you very much. All in favour? I'm going to say that that passed unanimously. Thank you all.

[The committee adjourned at 3:40 p.m.]



