



Legislative Assembly of Alberta

The 28th Legislature
First Session

Select Special
Conflicts of Interest Act
Review Committee

Office of the Ethics Commissioner

Monday, February 25, 2013
1:01 p.m.

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

Select Special Conflicts of Interest Act Review Committee

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Luan, Jason, Calgary-Hawkwood (PC), Deputy Chair

Blakeman, Laurie, Edmonton-Centre (AL)
Dorward, David C., Edmonton-Gold Bar (PC)
Fenske, Jacquie, Fort Saskatchewan-Vegreville (PC)
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Office of the Ethics Commissioner Participants

Neil R. Wilkinson	Ethics Commissioner
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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1:01 p.m.

Monday, February 25, 2013

[Mr. Allen in the chair]

The Chair: We'll call this to order. Welcome to today's meeting of the Select Special Conflicts of Interest Act Review Committee. I'd like to ask now that members and those joining the committee at the table introduce themselves for the record, starting to my right, and then we'll hear from those that are joining us by teleconference.

Mr. Luan: Thank you, Chair. Jason Luan, MLA, Calgary-Hawkwood.

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

Ms Zhang: Nancy Zhang, legislative research officer.

Mr. Reynolds: Good afternoon. Rob Reynolds, director of inter-parliamentary relations and Law Clerk for the Legislative Assembly.

Mr. Wilson: Jeff Wilson, Calgary-Shaw.

Mr. Saskiw: Shayne Saskiw, Lac La Biche-St. Paul-Two Hills.

Ms Blakeman: Laurie Blakeman. I'm really delighted to welcome each and every one of you to my fabulous constituency of Edmonton-Centre.

Ms Neatby: Good afternoon. Joan Neatby, Justice and Solicitor General.

Mr. Odsen: Good afternoon. Brad Odsen, office of the Ethics Commissioner.

Mr. Wilkinson: Good afternoon. Neil Wilkinson, Ethics Commissioner.

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

Ms Sorensen: Rhonda Sorensen, manager of corporate communications and broadcast services with the Legislative Assembly Office.

Mr. McDonald: Everett McDonald, Grande Prairie-Smoky.

Mr. Dorward: David Dorward, MLA for Edmonton-Gold Bar.

Mr. Young: Steve Young, MLA for Edmonton-Riverview.

Ms Rempel: Jody Rempel, committee clerk, Legislative Assembly Office.

The Chair: Thank you, all, and I am your chair, Mike Allen, MLA for Fort McMurray-Wood Buffalo.

Joining us on the phone?

Ms L. Johnson: Linda Johnson, Calgary-Glenmore.

The Chair: Great. Thank you very much, Ms Johnson.

Before we turn to the business at hand, just a couple of operational items. Of course, the microphone consoles here are operated by the *Hansard* staff. Please keep your cellphones, BlackBerrys, iPhones off the table as they can interfere with the audiofeed. The audio of the committee proceedings is being streamed live on the Internet and recorded by *Alberta Hansard*.

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Moving on, item 2 in our agenda. We have the agenda before us for February 25, 2013. Can I have a motion, please, to move the agenda? Mr. Dorward. Any objections? Any questions? All in favour, then? That appears to have carried unanimously.

The meeting minutes from the last meeting: do we have any errors or omissions to note? If not, then I'll call for a motion to approve the minutes. Mr. Dorward again. All in favour? Opposed?

Ms Blakeman: Abstention. I don't have them with me, so I can't speak to it.

The Chair: I don't think you can abstain. Did you have an opportunity to read them yet, the minutes?

Ms Blakeman: I'm sorry; I don't have them with me on the iPad, so I can't comment or vote, so there we go.

The Chair: I don't think you can abstain. Here's a copy of the minutes for you.

Ms Blakeman: Well, then I'll vote no. Fine.

The Chair: It is carried, not unanimously.

Okay. We'll move on to item 4, then, and that is, of course, a presentation from the office of the Ethics Commissioner. As with our previous presentation from Alberta Justice and Solicitor General we've set aside about an hour for this agenda item, including 30 to 40 minutes of presentation time followed by questions from committee members. Once again I'd like to ask committee members to hold their questions until the end of the presentation.

Also, we'll note for the record that the committee has received a request for investigation summary document from the office of the Ethics Commissioner.

Now, if there's nothing further, Mr. Wilkinson, I'd like to invite you and your staff to proceed with the presentation.

Mr. Wilkinson: Well, thank you very much, Mr. Chair. Hon. members and staff, good afternoon. We are pleased to meet with the Select Special Conflicts of Interest Act Review Committee and want you to know that we do fully support the practice of periodic reviews of legislation under which we operate. The five-year mandated review provides our office with the opportunity to do, really, three things among others but especially to highlight issues that we have encountered in the administration of the act, identify areas in which we think and would suggest the act may be improved, and put forward concerns received by our office from members and senior officials and the public as well.

Members who are elected and officials who serve in senior capacities must have, as you all know – and I think it's worth repeating in this environment – the trust, understanding, and confidence of the public if they are to be allowed to fulfill their responsibilities of office in an efficient manner. This trust and confidence can be gained, retained, and maintained when senior public, elected, and appointed officials demonstrate the highest standard of ethical conduct not only in their public but also in their private lives.

Conflicts of interest can arise in all walks of life. Public officials are also private citizens, and there will be occasions when their private interests come into conflict with their duty. To put the public interest first, such conflicts must be effectively managed and disclosed.

We are here to help. We are here to help members achieve their desire to be compliant with the act. Our mission is to foster and encourage ethical conduct through education, public disclosures, provision of advice, and investigations. We achieve this through our guiding principles as developed by the four members of our office, two of them on either side of me and the very capable Louise Read back at our office.

These guiding principles that I'm going to refer to now are the code to which we adhere. They are as follows: guiding public officials to reflect the values of their legislation in everyday decision-making; serving the Legislature, senior officials, and the public in a nonpartisan manner with impartiality and independence; fostering integrity in a respectful and supportive environment; leading by providing service that is responsive, innovative, dependable, and helpful; and embracing confidentiality as paramount to our trusted relationships.

As I reflect on the original debate on the Conflicts of Interest Act in 1991, members on all sides of the House expressed their strong support for the basic principles included in the Alberta conflicts of interest legislation.

First up, the hon. Ken Rostad, Attorney General, led off the debate on second reading of the act, stating:

There is an indication that the public and also the members want to have a code that would set out rules that we can operate under so that we as members and the public can be assured that we're keeping our duties that we have to the public through our being elected members separate from our private interests.

Next up, Reverend William Roberts, the New Democratic member for Edmonton-Centre, commented:

We need to have this Bill before us to outline clearly what we are about in terms of our public duties and what we [are not] about in terms of how our private interests may be furthered by information and powers and decision-making which we have access to as publicly elected people.

In making his comments to the House, the late Sheldon Chumir, Liberal member for Calgary-Buffalo, observed:

Let me hasten to add that, in my view, by standards in other parts of this country, indeed in the world, we rank very high in the quality of our lives and the honesty of our politicians, and it's indeed a pleasure to live and work in an atmosphere like this. I say that in the sense that our scandals pale by comparison to scandals in other parts in this nation and this world, and I hope that will continue to be the case. Nevertheless, we do have room for improvement. We have to move with the times.

Twenty years later Albertans, we would suggest strongly, are extremely well served by elected and public servants. Some certainly, obviously, are in this room.

1:10

This legislation has proven very effective, demonstrated by the fact that members, senior officials, and political staff members are acting proactively to seek the advice of the commissioner, and as a result, there have been few investigations and fewer wrongdoings. All members come to the House with honourable intentions and serve this great province. They are extremely hard-working, and we believe that they want to do the right thing and to conduct themselves with integrity. We believe societal changes and expectations ought to be considered from time to time and changes made accordingly. This is particularly important in the field of ethics legislation, we submit.

We hope that you will be able to find through our discussions some things that are useful for your consideration, certainly in what we give today and later on in the response to our discussion guide. In both and in our review with you and our discussions we look forward to strengthening the Conflicts of Interest Act. These

recommendations are informed by our own experience; through discussions with members – you, our bosses – senior officials, the public; and from our colleagues across Canada, with whom we are in contact on a regular basis.

I want to inform the committee that we will be providing a formal written submission later this week addressing the questions that have been raised in the discussion guide. You've already heard from Joan Neatby with Alberta Justice and Solicitor General on an overview of the Conflicts of Interest Act. We will also be commenting on the act but specifically addressing areas that deserve consideration.

First of all, let's take a look at obligations of members. These are, we believe, at the core of the legislation. It is prohibited for a member to use his or her public office and powers to further a private interest. This is usually thought of in terms of furthering a pecuniary interest, but it extends further than that. As noted, the act does not define what a private or public interest is but does indicate what factors need to be considered in determining whether any particular interest is a private interest that is being furthered. In our view, sections 2, 3, and 4 as presently worded are working well. We are not recommending any changes in defining a private interest.

The issue of whether the act should be amended to include apparent conflicts of interest has been raised. We are, ladies and gentlemen, not persuaded that this is required or, indeed, appropriate. The former Integrity Commissioner of Ontario, the hon. Gregory T. Evans, QC, stated:

Proof of a breach or complicity in a breach of the Members' Integrity Act must be based on facts rather than conjecture, suspicion, or affinity based on friendship, common interest or political affiliation. A person's reputation, irrespective of his station in life, is important and if it is to be impugned, there must be evidence to support that challenge.

The perception standard of morality which some suggest should be the test applied to politicians would require that a legislator should not engage in conduct which would appear to be improper to a reasonable, non-partisan, fully informed person. The problem,

he goes on to say,

with such an 'appearance standard' is that there are few, if any, reasonable, non-partisan, fully informed persons.

One person's perception of another's conduct is a purely subjective assessment influenced by many factors including the interest of the individual making the assessment. It is not the proper criteria by which the conduct of a legislator should be measured.

We submit that there is a highly subjective element to apparent based on individual values, with a potential of an increase in vexatious and frivolous complaints. The risk of unwarranted damage to the member's reputation and standing in the community far exceeds, in our view, any potential public good that might be achieved through such an amendment. The concern in furthering a private interest is and has to be with the actual conflict of interest.

The commissioner in the last review first had a view that apparent should be put in but later remarked in the final notes that he was pleased that it was not included, and he had changed his mind, that apparent should not be part of the act.

Members come to us questioning if certain actions comply with the act. While the act recognizes members are allowed to normally engage in constituency matters, there are instances where it is not appropriate. One such example is providing reference letters. There are times when it may not be appropriate for a member to write a reference letter for a constituent or local organization. We have recently read in the news federally that you may be at risk of

influencing a decision to be made for the constituent or organization. We assist members by ensuring the appropriate letterhead is used, that they are informed about the entity and the relationship members have with them, and whether the entity is qualified for the approval being sought. Other examples may relate to appearances before tribunals on behalf of a constituent; for example, giving the possibility of interfering in the administration of justice, which is always discouraged. A second example is that you are prohibited from hiring family members to work in constituency offices.

I'll just go to gifts, slide 7 on the screen. Most of the requests we receive for advice relate to gifting. Our experience suggests that members may have some difficulty interpreting this section. There are three tests members need to consider. Is the gift, fee, or benefit regardless of the dollar value a direct or indirect connection with the performance of the member's office? If so, the acceptance of the gift is prohibited. Test 2: does the giving of a gift arise as an incident of protocol or social obligation? If it does not, the acceptance of the gift is prohibited. If the giving of a gift does arise as an incident of protocol or social obligation, if the value is \$400 or less, then the gift can be accepted. If the value exceeds \$400, then the member must consult with and receive the Ethics Commissioner's approval before acceptance of the gift. If approved, the gift will be publicly disclosed on the member's public disclosure.

There are exceptions to this, and these exceptions mean that they do not need to be reported or won't be disclosed on the public disclosure. They are gifts from the Crown, a charitable organization, a member's political party or constituency association, and finally a friend.

Acceptance of gifts regardless of value should be reviewed to consider whether a gift is being offered by someone whose interests could be affected by a decision the member could be called upon to make or whether accepting a gift from a particular donor would place the member under obligation. When we receive a request, we will review the relationship between the donor and the member's duties and determine, one, the donor's official dealings with government; two, future dealings with government, for example upcoming legislation; three, whether they are affected by government programs, policies, or regulations; or finally, if they are a registered lobbyist. If the answer is yes to any of these points, members may be advised to decline the offer.

Fees, gifts, or other benefits that may be approved include travel; registration fees sponsored by other levels of government and conference organizers; fundraising events; tickets to concerts, theatres, or sporting events; food, lodging, or transportation. The committee may wish to review this section for clarity, specifically where there is a perception that any gift under \$400 is not prohibited – I say: not prohibited – even if it is directly or indirectly associated and no exemption applies.

Our office has received comments for and against the threshold limit. The last legislative review resulted, as some of you know, in an increase from \$200 to \$400, and that is, of course, the case now. Across the country the limit varies from \$150 to \$500. There are seven jurisdictions at \$400 or higher. We are comfortable, so you know, with the current limit of over \$400 both for approval and public disclosure.

Now take a look at noncommercial air travel. The act says that members are prohibited from accepting travel on a noncommercial chartered or private aircraft for any purpose. The restriction does not apply if the aircraft is chartered by the Crown or is an aircraft owned or leased by the Crown or if the member is travelling in his or her capacity – I repeat that: in his or her capacity – as an MLA or a minister and the member informs the Ethics Commissioner. In

this instance the uncertainty arises around the words “in his or her capacity.” The committee may want to consider what parameters should be within the member's capacity as required by this section when considering noncommercial aircraft travel.

1:20

Now, most often noncommercial travel occurs when you are travelling to a remote location and you know the only means of travel is by private or corporate aircraft. It should only be considered when commercial travel or Crown aircraft are unavailable. We do not allow flights of convenience. All travel on noncommercial aircraft will be publicly disclosed, but for your sake we prefer members receive prior approval for the flight before being accepted as Transport Canada does not allow reimbursement of flights on noncommercial aircraft.

Let's move now to disclosure statements if I may. Our office is interested in moving towards electronic filing of your private disclosure statements. To achieve administrative efficiencies in compiling data requirements under the act, we will be requesting the authority under section 11(1) to allow members to file a disclosure statement in the form and manner provided by the Ethics Commissioner.

A significant issue on the submission of disclosure statements is the timely reporting across all party lines. A significant amount of effort by the staff is required to ensure these statements are submitted in a timely manner. During the last reporting period – and I want to assure you we have double-checked these numbers – 46 per cent of the statements were outstanding the last day prior to the deadline. If you miss the deadline, you're in breach, and the House will decide your fate. We want prevention, not prosecution. So you, the committee, may want to consider what can be done to alleviate this issue.

Now let's take a look at public disclosure statements. Our office made a presentation to the Standing Committee on Leg. Offices in January 2011. The committee passed a motion referring the issue of electronic availability of members' public disclosure statements to the special committee for review; this committee, in other words. We held discussions with the Clerk of the Assembly and his counsel to explore the established practice and the feasibility of making these documents available online. We are sensitive to the information that is being made available in public but also to the expectations of the public.

Our office is responsible for collecting members' information, preparing the public disclosure statements, and for any updates to these documents. We propose to you removing the requirement of the Clerk of the Legislative Assembly being responsible for making the disclosure statements available to the public by allowing access to the public disclosure on our website and through other appropriate means that are currently being provided by the Clerk, like where somebody comes in in person and wants photocopies and so on, and they don't have the ability to be on a website.

Currently there are six jurisdictions that allow online access to public disclosures: the House of Commons, the Senate, Saskatchewan, Ontario, Quebec, and Nova Scotia. The B.C. commissioner has also recommended online disclosure be considered by his Legislature. We recommend, therefore, online access to public disclosure statements to increase accessibility, openness, and transparency.

Now I move to investments. Section 20 of the act restricts members and the Leader of the Official Opposition from owning publicly traded securities in their name because it allows them to buy and sell shares at their discretion whereas individual securities held in a mutual fund are not in the member's name, and he or she

does not have control of the buy or sell, and therefore there is no breach of the act.

A blind trust may be set up to allow them to retain ownership of these publicly traded securities that are in his or her name. The Ethics Commissioner will approve the trustee and ensure that there is no inappropriate relationship between the member and the trustee. The trustee is given sole power over investment decisions, and the member is precluded from having any knowledge of the specific investments. That then allows the member to participate and vote on matters which would otherwise not be allowed. Blind trusts as defined in the act are working well. Two key components of a blind trust are to provide the trustee sole power over investment decisions and to preclude the member from having any knowledge of the specific investments in the trust at any time after its establishment.

Other investment vehicles may have the same components without requiring formal trust arrangements. An example – and this is an example that has come up, a new type of vehicle that came on the horizon after the last review – is managed funds. Managed funds also have securities in the member's name, therefore prohibited. But similar to a mutual fund the member does not have any influence over the specific investments within the fund, and the fund manager has sole buy and sell discretion.

By incorporating – and this is an ask to you – hold-mail capacity, this investment vehicle would restrict the members from having knowledge of the holdings in their account. This method is currently allowed in jurisdictions as a means of managing investments similar to a blind trust without incurring additional costs. The question would be: would the committee allow members to hold managed accounts if a hold-mail capacity was available, as it is in B.C. and Ontario? Our office requests flexibility in section 1(7), therefore, to allow approval of investments that are managed in the current spirit of blind trust requirements.

Okay. Let's talk about employment restrictions for ministers and the Leader of the Opposition. Section 21(1) restricts members and the Leader of the Official Opposition from engaging in employment or carrying on a business. This does not specifically deal with a possibility of setting up trusts to manage his or her private corporation. That would allow a minister or a leader to be at arm's length from interest in his or her private corporation, thereby allowing them to participate in discussions and vote on issues that relate to that specific corporation.

Currently if the Ethics Commissioner is of the opinion that the business interest does not create or appear to create a conflict between a private interest of a member or leader and the minister's or leader's public duty, section 21(2) of the act allows ministers or leaders to arrange to have their interest in a private corporation managed through trust arrangements. This is not a blind trust, I hasten to add. In such situations the minister or leader is treated as having a private interest in the management trust and will have to manage their interest appropriately. The key is that they are giving away control of day-to-day operation to another person approved by our office.

We would specify how the member is to manage any potential conflicts. We would define the relationship between the member's duties and the private corporation and ensure the obligations under the act are followed; for example, contracts-with-the-Crown restrictions. We would also advise the member or leader to recuse himself or herself from discussions and voting on subject matters that are in conflict with his or her business dealings.

This process is in agreement with the recommendation of the previous legislative review committee. We do not propose any changes in the employment restrictions for ministers and the

Leader of the Official Opposition, which includes placing business in a blind trust arrangement.

Next requests for investigations, self-initiating investigations. In the last legislative review it was noted that all stakeholders were in favour of allowing the Ethics Commissioner to have the authority to self-initiate their own investigations. The committee supported this recommendation, but it was not incorporated into the act.

1:30

Last year the B.C. Conflict of Interest Commissioner made a recommendation for amendments to his standing committee, including a recommendation that the commissioner not be allowed to investigate on his or her own initiative. We agree with the commissioner when he stated the following. The current act, as it is here in Alberta, I add,

is a request driven process, which is initiated by either members, members of the public, the Legislative Assembly or the Executive Council. In the majority of jurisdictions in Canada, commissioners may also initiate an investigation if they have reason to believe that a member has contravened the Act. However, I do not believe that this additional capacity is necessary in British Columbia for the following reasons.

A significant difference between our province and many other jurisdictions (Alberta, New Brunswick, Nunavut, and NWT are the exceptions) . . .

By saying that, he means that Alberta and those other provinces I just listed are the same as B.C.

. . . is that in British Columbia, members of the public can and do request the commissioner's opinion on members' compliance with the Act. Accordingly, this makes it more likely that issues are brought to our attention. I have no reason to believe, given our concerned citizenry and active media, that legitimate questions of members' compliance with the Act are not being brought to the commissioner's attention through the existing access provisions of the Act.

More importantly, I believe that it is preferable for the commissioner's advisory and investigative roles to remain separate and distinct. In my opinion one of the reasons there have been so few formal inquiries conducted under the Act is due to the long-standing focus of the Office on awareness and prevention. Members are generally comfortable consulting freely with the commissioner, in large part because they can rely on the absolute confidentiality of these discussions. The level of confidence might be somewhat diminished if members feel there is a danger that the commissioner could be seen to be wearing both "hats" at the same time.

I.e., what you say can and will be used against you.

As we reflect on the B.C. commissioner's comments, we question the unintended consequences of self-initiated investigations. It raises, in our mind, very real concerns with respect to the ability to interact with members openly and candidly for the purpose of providing advice and could very well have the effect of changing the role of our office from being one that provides guidance to members to one that polices members. If officials become reserved in their conversations with us, this may impair our ability to provide thorough advice. We may lose the trust relationship if we are given the capacity to self-initiate investigations.

Another consideration here is that our section 42 allows us to personally engage members without receiving a complaint regarding their obligations under the act. If formal advice is provided and the member does not comply, then we have the capacity to self-initiate an investigation and report publicly. Therefore, we are not requesting the authority to self-initiate investigations under section 24 of the act.

Now let's look at our next topic, public comments by members. We have experienced some recent concerns related to investigations and how they are being announced in the public prior to the proper notification being received by our office. We are receiving calls from the media and read in *Hansard* that a request for investigation has been forwarded to our office when at that point in time no request has been received. We've had to ask media to provide us with a copy of the correspondence in order to respond.

In fairness, we recommend to this committee that members requesting an investigation refrain from commenting publicly on the request until the commissioner has acknowledged that the request has been received. Now, this does not impede and there's no intention to impede the member from making any public comment but, please, after acknowledgement has been made. A similar recommendation has been submitted by the federal commissioner.

Confidentiality. As per section 26 of the act our office is unable to comment publicly regarding formal advice or active investigations even if information has been released by another party. We recommend that the committee consider incorporating into the Alberta act a section like that recently enacted in Ontario, dealing with advice provided to members, and a section recommended by the federal conflict of interest commissioner, dealing with investigations.

The Ontario legislation now states that "if the member releases only part of the opinion and recommendations, the Commissioner may release part or all of the opinion and recommendations without obtaining the member's consent." The federal conflict of interest commissioner's recommendation states that

the Commissioner be expressly permitted to comment publicly to correct misinformation, or to explain his or her reasons for not pursuing a matter that has been raised in the public domain, where doing so is in the public interest or serves to clarify the mandate of the Office.

The next slide covers postemployment. Last meeting Ms Neatby discussed the postemployment obligations of former members of Executive Council. In Alberta under the Conflicts of Interest Act only ministers and political staff members are subject to employment restrictions. In Nova Scotia it's different; there is also a six-month postemployment restriction on former members.

When we look at the length of time for the cooling-off period, we are in line with most jurisdictions in Canada and have no evidence that there is a need for revision. We feel that the 12-month cooling-off period for former ministers, six months for former political staff members, and none for members is appropriate. Page 14 of the discussion guide outlines how former ministers could be subject to a 23-month cooling-off period. This we don't believe was the original intention of this section. The committee may wish to review section 31(1) for clarity.

Questions have been raised whether the commissioner should have the authority to give exemptions to the cooling-off period. The last legislative review identified conditions under which a former minister could obtain an exemption to the cooling-off period for employment in further service to the Crown. The legislation was amended to allow this to occur. We received comments both for and against this exemption. As will be noted in the cross-jurisdictional report, most jurisdictions across the country do allow former ministers to be employed in furtherance of service to the Crown.

The Fowler memo is the next slide up. In 1993 the former Justice minister, the late Hon. Dick Fowler, issued a memo addressing financial disclosure and conflicts of interest of senior officials. Since that time this has been referred to as the Fowler

memo. Senior officials have complied with the directions contained in this memo since its issuance. It has worked well. It does not, however, have the force of law. It does not in law provide our office with the legislative authority to oversee the financial disclosure provisions for senior officials.

We recommend that provisions governing financial disclosure and potential conflicts of interest of senior officials be incorporated into legislation. Currently we do not have the authority to investigate senior officials. Under section 20 of the Alberta public service Code of Conduct and Ethics an employee may request that our office review a conflict of interest ruling by a deputy head. As with all of our suggestions and recommendations, we will be happy to implement any changes that this committee and the Legislature would put into law.

Slide 21, our last slide, covers general duties and binding advice. We want to conclude our presentation on what we consider to be the single most important part of our act, and that is the provision of advice. This is the personal contact we have with members, political staff members, and senior officials to ensure that there is compliance with the legislation by offering proactive assistance to avoid conflicts of interest or to manage existing conflicts of interest. When a member requests our advice, receives our advice, and follows our advice, then they are immune from prosecution under the act. Prevention, therefore, is our number one objective.

Mr. Chair, that completes our presentation. As we stated at the outset, we will be providing a submission that will address the issues raised in the discussion guide. Now we welcome your questions.

The Chair: Wonderful. Thank you very much for the presentation, Mr. Wilkinson, and for sharing your expertise with us.

We do have a number of committee members who would have questions, I'm assuming. I do have a small list started here, so I'll start with the first member on our list, Ms Blakeman.

Ms Blakeman: Thank you very much for coming today with your staff. I appreciate your making yourself available to us, and I have made note of the specific requests that you are making.

There is a part that I am puzzled by. I'm assuming that it was your office that supplied us with this report by the office of the Ethics Commissioner called request for investigation summary. Was that supplied by your office? Okay. In going through that, I've been trying to find the explanation of investigations that Privacy Commissioners over time have done, to try and learn the lessons: is there something in there that caused the problem or that we should be fixing with legislation? I can't find it, but it's quite possible that I'm not looking in the right place.

1:40

Even when I look at this, it's very interesting that prior to 2006-07, with a couple of exceptions there were always jurisdictional questions in allegations against MLAs, but since '06-07 there's been none, and as I try to look for the stories of what has happened, I'm struggling to find them. I was looking in the annual reports, but I don't find them there. Maybe I should be looking somewhere else. Can you help me with this? There are two questions there. One, why have none of the questions against an MLA been deemed jurisdictional? Prior to that there always was at least one a year. And where do we find the stories of the investigations that have been done previously?

Mr. Wilkinson: Well, the reason for that is that there were none. We get complaints about MLAs like: "Didn't return my phone call. They're being unethical." Complaints like: "The MLAs

aren't listening to me. They didn't do what I said. That's unethical." Complaints from the public like: "You know, my landlord doubled my rent – doubled my rent – this last year at a time when business is not all that good. This is unethical. Would you investigate?" These are the kinds of things we get. If we don't get a jurisdictional complaint, then we do not get a jurisdictional complaint. I'm not sure whether you're thinking that because we didn't list a jurisdictional complaint, that means we're doing or not doing something or that the system is – I'm not sure where you're coming from there.

Ms Blakeman: Well, I'm just surprised. You know, in '06-07 there were three. The two years previous to that there was one each. In '02-03 there were two. In '99-2000 there were four. But since 2006-07 there have been none.

Mr. Wilkinson: Well, Glen Resler, as a matter of fact, has been looking into this because we have had this question before. So I'd turn it over to Glen to make some comments as well.

Mr. Resler: The commissioner is correct that we did not receive any complaints that were jurisdictional under the legislation. So none of the requests that were forwarded fell under the legislation. We do make a general comment in the annual report stating the types of requests that are nonjurisdictional.

Your second question. As far as a summary of the information, each annual report will list, if there is a jurisdictional request, a short summary on each one of those. So for previous years if you looked at the annual report for that, there will be a summary of those investigations.

Ms Blakeman: So the Kevin Taft affair, where there was advice given that he should recuse himself from debate on an ag bill, which he followed: that appears nowhere. Where would I find that? How do I learn that lesson?

Mr. Resler: If it's a request for advice that was received by the office, then we have confidentiality provisions that apply. If it's a public report that is issued, then the information is provided.

Mr. Odsen: If I may, Ms Blakeman, that particular instance that you are referring to was not a request for an investigation. It was a request for advice, which is a very different thing. We don't report on the requests for advice that we receive other than the number of requests for advice that we receive, not the specific advice because, of course, that's the confidentiality thing. That's what the commissioner was referring to, how important the confidentiality around advice is. That's why you're not going to find anything with respect to advice.

Ms Blakeman: Okay.

Mr. Resler: I'd just like to add one point. As far as advice information, in the annual report we do provide general information. We'll list the top 10 items that are requested. As an example, in the 2011-12 annual report we list postemployment, gifts, outside activities, and then give a general description of what that may entail or why there's an increase in the numbers. For example, postemployment: there was an increase in the number of postemployment due to the electoral period. There were departing senior officials, political staff members, and members, so there was an increase in postemployment requests. That's how we'll provide the information.

The Chair: Okay. Thank you, Ms Blakeman.

Mr. Saskiw: Thank you, Ethics Commissioner, for coming here. My first question is with respect to slide 6, which is an indication from your office that you're not persuaded that apparent conflicts of interest be covered under this act. I'm just a bit confused. I see this in other jurisdictions. British Columbia, for example, has that specific definition, that if a member has an apparent conflict of interest after looking at a reasonableness test, there are certain obligations that flow from that. We see in various jurisdictions with judges, lawyers, all sorts of professions that reasonableness is a basic test. I'm not sure why MLAs can't be held to a high standard.

It's also a very basic principle that justice not only be done but a perception that justice be done, and an apparent conflict of interest seems to me to be a relatively low threshold and something that Alberta should lead the way on. I'm just wondering what the reasoning for that is. I know that in the Tupper report they had initially had that in the legislation, and I think that if we would have had that in the legislation, there could have been more instances where complaints would have come forward and been adjudicated. I'd just like to see what the reasoning is for keeping the watered-down provisions in this current act.

Mr. Wilkinson: Sure. I agree with you that it is seductive – there's no question about that – when you look at it on the face. You as a lawyer know that things are far more complex and complicated than that. When you dig into things, things are not quite often as they appear. Our former Ethics Commissioner, Don Hamilton, and his office went through that exercise, and indeed that's what they found, and indeed they changed their mind. In the last review they recommended that apparent – that was one of the recommendations – not be included at all in the act.

We meet, you know, once a year with all the commissioners across the country and talk with them, e-mail them on a regular basis. We're in constant contact. There is only one jurisdiction, and that's B.C., that you mentioned. The others do not have it, do not want it, and it has not been suggested in their legislation. If you look at the B.C. legislation, you'll see that – and you as a lawyer would know – it's got to be a clear conflict of interest before anything could be found under that section the way it's worded, with the word "must" in there.

In discussions with – and you may want to bring him here to talk to you – Paul Fraser, the B.C. Conflict of Interest Commissioner, he has told us, told my colleagues that what this has done, though, is generate a whole bunch of frivolous, vexatious reports, recommendations, particularly from the public, and requests for investigation. It's been a whole lot of work, and not one has been jurisdictional. Not one has applied to that section of the act. He is certainly encouraging us to hold the course from the experience in B.C.

Brad, any comments on that?

Mr. Odsen: I would just add to that that as we noted in quoting from Commissioner Fraser, he is recommending to his Legislative Assembly that that be removed. It's largely around, as noted – I guess it's a twofold kind of thing. Number one is that it does lead to complaints that can only be characterized as trivial and vexatious, a great increase in that. Number two, in his view and in ours, it really impacts the whole issue around trust and confidentiality between members and our office.

1:50

What we're talking about here is: what is the role of the Ethics Commissioner when you're talking to the Ethics Commissioner? Is it the role of somebody that I can be candid and frank with to

get the best possible advice? Or is it the role of somebody that, if I say something, is going to turn around and say: “Oh, wait a minute. That’s a breach of the act. I’m now going to investigate you.” That’s the concern there.

Finally, in any event – and we touched on this, but we didn’t go into it in detail – under section 42(1) of the act the Ethics Commissioner has a responsibility to maintain contact with members about compliance with the act, so if something comes to our attention, we will contact a member to talk to them about it. It may be that following that discussion we will give them advice and direction with respect to what it is that we’re having a conversation about. If they do not then follow our advice and direction, under section 24 we can then initiate an investigation.

So in a sense it’s already kind of there, but it isn’t there in a way that may well be, as has proven to be the case in British Columbia – of course, it would depend, I suppose, on how it might be worded – for all intents and purposes unenforceable. That being the case, as I’m sure many of you will have heard before, laws that are unenforceable are, generally speaking, bad laws. That’s something to keep in mind as well.

Mr. Saskiw: Just another question. I do have subsequent ones, but I’ll let the other members go ahead. This one refers to the one-year cooling-off period. Of course, this has made tremendous media with respect to a former cabinet minister who got an appointment in a department within that one-year cooling-off period and for which an exception was provided by the Ethics Commissioner. You’re recommending that exemptions still be allowed. Our submission is that they be closed.

In this particular fact scenario there was a former cabinet minister who got appointed to the same department with no job description, no open competition, who had a severance that was payable to him. My question is: what are the factors in granting an exception? In my opinion, it was one of the clearest of cases where an exemption should not be granted. I’m wondering what factors the Ethics Commissioner looks at when determining that and whether or not you feel that a list of factors that is not exhaustive should be included in the legislation.

Mr. Wilkinson: Sure. If that’s what you’d like to do, that’s fine with us. It was put in the act specifically to allow this if it was not against the public interest. We went further than that in the submission made to us, which you have. We deemed that it was actually in the public interest. That’s why we said: okay; there’s an exemption here.

As you know, Mr. Saskiw, we only provide advice, right? We have no authority other than to collect information, to get the facts, look at the facts, make an assessment, make a report. It’s all advisory. That’s all we do. Our advice was that the criteria met what the committee wanted and laid out for us to do. But if you wish to eliminate that section in the clause or if you wish to put some other parameters around it, you know, that’s up to you. For us, we’re fine with it, but if you’re not, we’re fine with that, too.

The Chair: Thank you, Mr. Saskiw, and I’ll drop your name again to the bottom of the list here.

Next we have Mr. Wilson.

Mr. Wilson: Thank you, Mr. Chair, and thank you, gentlemen, for the presentation. The provision of advice being the most important piece to what your office does and what it offers to members, I’m wondering if you can comment. If we were to include apparent conflicts of interest as a recommendation moving forward, would this provision of advice not also preclude those apparent conflicts of interest from happening?

Mr. Wilkinson: I’m not sure I understand. Brad might want to answer that. Can you try it on me again? I’ll try. If not, I’ll refer it to Brad. I’m sorry.

Mr. Wilson: Well, sure. Fair enough. You seem opposed to including apparent conflicts of interest in the act. I’m wondering if you can clarify. While looking through the lens of your provision of advice, would that not preclude members from having an apparent conflict of interest if they were to approach you beforehand anyway?

Mr. Wilkinson: I get you. This is what Brad was getting to. I think that’s what you’re saying. Somebody could come to us and because we saw somewhere, heard somewhere that there was a rumour that there was a conflict of interest. Is that what you’re getting at?

Mr. Wilson: Well, I’m not speaking specifically to the self-initiating aspect.

Mr. Wilkinson: I’ll let Brad in on it if you don’t mind.

Mr. Odsen: If I understand you correctly, Mr. Wilson, what you’re asking about is if somebody seeks our advice and we say to them: well, yeah, technically you’re probably not getting into an actual conflict of interest, but you’re awful close to and maybe over the line on what might be deemed to be an apparent conflict of interest, and our advice, therefore, is that you can’t go down that road. Is that your question?

Mr. Wilson: Yes. If that were afforded to your office, why would you not want to include apparent conflicts in the legislation?

Mr. Odsen: I think that the answer goes back to an apparent conflict of interest. As the hon. Gregory Evans pointed out in the quote from him, it’s very much in the eye of the beholder. What one person might consider to be an apparent conflict of interest another person might equally as reasonably not see as an apparent conflict of interest. It starts to become a very difficult sort of thing to do. In our view, it’s actual conflicts of interest that need to be managed and avoided. That’s, again, what the hon. Mr. Evans was referring to.

One of the most if not the most important element of all individuals but surely and especially elected members is their reputation. The danger of a reputation being besmirched, we feel, is so great, with the possible returned public good that might be served by having that term, that it far outweighs its inclusion. I think that’s about all I can say in relation to that.

Mr. Wilson: Thank you.

The Chair: Thank you, Mr. Wilson.

Mr. Dorward: I have two, but I’ll go to the bottom of the list with the second one. My question is about section 7 correlated to slide 10 because slide 10 had “a friend” in there under the gifts, and I was having trouble knowing whether that’s a soft interpretation or whether that’s actually in the act.

Mr. Wilkinson: All right. I could see on the face of it that you might think it’s a soft one. When somebody reports a gift to us and says, “Well, it’s from our friend,” then, of course, we have a checklist to determine whether it’s a friend or not. When you come into the Legislature, no matter which party you’re associated with, you’ll probably find a whole bunch of new friends. Is it one of those friends, or is it a friend from the past, a nonpolitical friend

from the past? Is it a normal exchange of gifts that you as friends would exchange normally, and the gift is obviously not given to curry favour or to obtain influence in any way?

Mr. Dorward: But section 7 doesn't really address this issue, does it? I'm struggling to see.

Mr. Wilkinson: Yeah. Well, if it's a friend and if a friend gives you something that is directly or indirectly associated with your office, with the duties of your office, if a friend gives you gifts and those other things we've outlined, in other words, do you expect your friend to be dealing with government soon? Is there a bill coming up that you may as a member have to respond to? Is your friend currently receiving some kind of government grant or expecting to receive a government grant? All these are the criteria that we would apply.

But if you feel you want to flesh it out more as a committee, you know, to explain that a little further – I must say that we get more questions on that act and on that section of the act. Probably part of the reason is that it's, just like with your question, a little confusing. We have published a brochure, a quick guide, on this, which we hope does add some clarity to it, but in our view it still needs more, and your help would be appreciated.

2:00

Mr. Dorward: Thank you.

The Chair: Thank you, Mr. Dorward.
Ms Notley.

Ms Notley: Thank you. I, too, have many questions, but I'll just ask one, and we'll see how much time we have. I appreciate your comments about the advisory role of the office, but I would perhaps propose back to you that an equally and perhaps more important role of the office is to ensure and preserve public trust in what we do as MLAs in that we do it ethically and that that advisory role needs to be subject to the degree to which the way you operate promotes public trust.

Having said that, I want to talk about another area where the public trust has been somewhat jeopardized lately, and that's with respect to agencies that have a secondary relationship with government. I note that in the 2006 set of recommendations there was, actually, a recommendation that the jurisdiction of the commissioner's office be expanded to look at, at the time, the regional health authorities. Now, of course, we're looking at AHS. It seems to be in the news almost every day with some kind of trust-breaking activity by its senior officials.

If I missed your presentation on this, I apologize, because I was about five minutes late coming in. If you didn't offer up a proposal on this, I would be interested to hear from you on your view of the degree to which the commissioner's office or the legislation and some other office should be engaging in oversight of those senior officials who are in organizations that have an arm's-length relationship with government but which seem to be taking on greater and greater levels of responsibility for implementing legislation and directing the payment and investment of taxpayers' dollars day in, day out throughout the province.

AHS is, actually, only one example. I'm sure you know of many arm's-length organizations. What's the view of your office in terms of how we ensure that integrity and conflict of interest and all those issues are better cared for? I'm of the view that the current legislation that applies, the Public Service Act or whatever, is not adequate.

Mr. Wilkinson: Okay. Well, I'll take a short stab at it, Ms Notley, and then see if my colleagues want to add anything to that. I know that recommendation was there, and the reason we didn't say anything about it is that we feel that that's probably not an option for this office that people would consider. But if this committee does want to consider expanding our role there, then we'd be happy to talk about that. Obviously, if that's what the Legislature decides to do, we will take that on.

I don't know about any other agencies, boards, or commissions I can think of that are outside our act. Now, there are some, you know, that do come to report to us: the AUC, the ERCB. Those do come to us, and we do help them manage their conflicts of interest, and we do review their pecuniary interests, and we do go through a performance standard because they are senior officials.

If you want to expand that to more . . .

Ms Notley: I have a quick question. Do you anticipate that under the new legislation the REDA board will maintain the same relationship with you that ERCB currently has, or don't you know yet?

Mr. Wilkinson: I don't know yet, but maybe either of my colleagues can help you as well.

Mr. Resler: I was just going to mention that the Alberta Public Agencies Governance Act was incorporating our office as far as a level of review, and that is unproclaimed. Without going further than that, we have requested the agencies to remove our name in their agency codes just because we don't have the legislative authority at this time, so we're just awaiting any further comment on that.

Ms Notley: Can I just have one follow-up to what he said? Thank you. Because I had been unaware of the unproclaimed nature of that. What is the extent of the authority there? Would it be the same as what you were looking at with deputy ministers? Is it a lesser level of authority than what, say, would be exercised with respect to a political staffer or a minister?

Mr. Resler: Under the code every agency would have their own code of conduct, and most of them have implemented those already. We would have a review capacity. They would have an internal process similar to what the public service does with their departments, and then there would be a review process for appeals to our office in some of the codes. It all depends on which one we were looking at.

Ms Notley: What's your view to standardizing that process? Like, if we could play around with the legislation, what's your view about standardizing sort of the ethical code across all agencies and giving your office – or anybody's view, not just yours. Sorry. I don't mean to put you on the spot.

Mr. Resler: Yeah. I think the role of the Agency Governance Secretariat is to deal with agencies, boards, and commissions, so that's a question for them.

The Chair: Thank you, Ms Notley. Did you want to go back on this list? You had said you had several. You're there.

We have quite a few more questions coming up. In the interests of trying to stay on our scheduled time, I'll ask just that members maybe try and tighten their questions up a wee bit.

As well, I would like to just acknowledge that we've had Ms Fenske, Fort Saskatchewan-Vegreville, join us.

Ms Blakeman.

Ms Blakeman: Thank you very much. I am interested to hear whether the Ethics Commissioner has an opinion on the fact that we lack a code of conduct for MLAs in Alberta. Period. Aside from the fact that you must attend when the Legislative Assembly is in session or you start getting docked pay after a certain amount of time, there's nothing that guides us in what we're supposed to do. Nothing says that we have to have a constituency office or that we hold certain hours or that we have to meet with constituents or return their phone calls. Nothing. Other provinces do. Could you give us your opinion on that?

Mr. Wilkinson: Sure. We have received complaints in our office, quite a few recently, as a matter of fact, over the last year particularly, regarding conduct of MLAs, but they fall outside of the Conflicts of Interest Act. If there was a code, then that would be a different matter, of course. In the federal jurisdiction there is a code of conduct as well, as you know, a Conflict of Interest Act. I believe a couple of other provinces have a code, but I'm not sure who. If there was a code, should we be the one to administer it? Would the LAO be the one that should administer that rather than us, or should it be another agency? I'm not sure about that, but certainly they exist. Whether they're effective or not, I don't know, but I don't see anybody removing them that has them.

Maybe my colleagues might have some thoughts on codes. None? Okay.

Mr. Odsen: No. I don't either.

Mr. Wilkinson: The comments we're getting are that there's a perception out there, real or not, that needs to be investigated to find out the facts, that codes could be helpful.

Ms Blakeman: Thank you.

Mr. Odsen: If I may, I guess I do have a thought on that. If there is to be a code of conduct, regardless of who is charged, then, with the enforcement of it, they have to be able to do something meaningful to enforce it. Otherwise, as I said before, if it's not something that's enforceable, then it becomes a mockery. It makes a mockery of law, in my view.

Ms Blakeman: Like a guide or like a voluntary . . .

Mr. Odsen: Yes. Exactly.

Ms Blakeman: Okay. Thank you.

The Chair: Okay. Thank you. I will add you back on the list.

Mr. Saskiw: First, just one quick comment and then two quick questions, I guess. The first one is just with respect to public comment by members. You made some comments with respect to your office not being made aware of a complaint or the media being made aware first. I don't know how this would be set up, but of course no member's ability to speak in the Legislature can be hindered. We're free to speak on any matter, and I think that it would be a very bad precedent for us to go down that route in terms of trying to inhibit a member's ability to speak on any topic in the Legislature or outside of the Legislature provided it meets the normal requirements of the law. What would you suggest the process be for that? I understand that you'd want your office to be made aware of a complaint, but sometimes there are simply timing issues. Are there any other jurisdictions that do this?

2:10

Mr. Wilkinson: This is from our act, right?

Mr. Resler: Yes.

Mr. Wilkinson: This is section 6?

Mr. Resler: Subsection (6).

Mr. Wilkinson: Sub (6), that Glen has just given me. "Where a matter has been referred to the Ethics Commissioner under subsection (1), (3) or (4), neither the Legislative Assembly nor a committee of the Assembly shall inquire into the matter."

I guess, though, what you're asking is that, obviously, you're unfettered, and we wouldn't want to do that. It's just for your consideration. The federal commissioner has recommended it to her legislators. She's also gone one step further, that the person who is subject to the alleged allegations also must be notified first before anybody can speak publicly about it. She's gone a little farther than we have.

You know, you've asked us to come and tell you what situations around our office create problems, and that certainly creates a problem when we get calls from the media saying, "We've got a letter," and have been told by some entity or organization or individuals, "We've got a letter." We say: "We haven't got a letter. Sorry." "Well, they said you've got a letter." You know, the insinuation is that we're lying to you. Well, no. We haven't got a letter. So we go to *Hansard* if the *Hansard* is out, or sometimes we've asked the media to send us the letter.

You know, it would be kind of nice in some cases, actually, to do what you've said you've done. Or maybe it's not that. Maybe it's just to have a system in place within an organization that is placing a complaint so that they make sure somebody is delegated with the authority to make sure: "Hey, these folks are going to get calls. Why don't we make sure at the same time as we have our press conference that this letter is delivered?" Something to that effect. If you want to notify the person that is in your crosshairs, so to speak, beforehand, maybe that would be showing a sense of fairness. But we understand totally that it's up to you.

Mr. Saskiw: I have just a second quick question. One of the core terms in the act if you don't use the apparent conflict of interest is the term "improper." Of course, the language is: improperly furthering the private interest of another individual. You know, there's obviously an ongoing investigation by your office on a particular issue, but what I think this committee should hear is what the office's definition of the term "improper" is and whether or not you'd recommend us putting forward a definition in the act to assist your office in creating a test that you can apply to a facts scenario.

Mr. Wilkinson: Sure. If that's what the committee would like. It becomes, I think, rather awkward, though, to nail it down and not give us that kind of flexibility. But that's up to you. We are looking into that. Brad is looking into that, and we'll have more information for you. What I can say now is that the expression "to improperly further another person's private interest" is a flexible one, and that can provide an effective and responsive mechanism to deal with scenarios in relation to use of the office when third-party interests are affected. So it gives us a lot of flexibility.

Nailing it further down, then, if that's something you'd like to do, the only thing is that you just want to be careful that you don't place too many restrictions on the Ethics Commissioner and that maybe, then, some things that should be caught are not.

Brad, any comments?

Mr. Odsen: Well, as the commissioner noted, we're still gathering information on this. I've written to our colleagues across the

country to see whether or not (a) it's in their legislation; (b) if it is, whether or not they've ever had occasion to make use of it in their legislation. It does not appear in some jurisdictions; it does in some others. I haven't had a complete set of responses yet in relation to that issue. As well, of course, we're doing legal research on the jurisprudence around the whole thing.

What I can tell you in relation to that is, of course – and undoubtedly this would be something that you would know in any case – that while there are all kinds of judicial interpretation of that term in contexts other than members' conflict-of-interest legislation, it covers a complete spectrum, from behaviour that's almost impolite all the way to what would amount to in law subjective mens rea, which only applies for the most serious of criminal cases. That's how broad the spectrum is. That in a sense speaks to what the commissioner talked about in terms of the flexibility that goes with the term.

The Chair: Okay. Thank you.

Before we move on, I just want to go quickly into the teleconferencing world and ask Ms Johnson: did you want to be added to the list?

Ms L. Johnson: Yes, I would like to be added to the list.

The Chair: Okay. We'll take you down on the list.

Ms L. Johnson: Thank you.

Mr. Dorward: Well, that last question we had was a very valid one, whether we should have a definition of improper. It feeds nicely into what I was going to comment on and then ask you a question on, Mr. Commissioner. It relates back to slide 3. It seems to me that the public needs to have confidence that you as an officer of the Legislative Assembly do have what bullets 2 and 3 say:

- Serving the legislature, senior officials and the public in a non-partisan manner with impartiality and independence;
- Fostering integrity in a respectful and supportive environment.

Could you comment on how that is met, if you will, in the public eye? In other words, how do they know that you as an officer of the Legislative Assembly are independent? What is the mechanism as an officer of the Legislative Assembly to strengthen Albertans' feeling that you are carrying out those two bullets?

Mr. Wilkinson: Well, all of us here, like you do as members, take an oath. All reasonable people, I think, would expect that you would honour that oath. Everybody in the office of the Ethics Commissioner, obviously including myself, takes an oath. We honour, as you do, and abide by that oath. I don't know if there's much more that I can say about that.

This business is not really about me specifically. It's about the office. The sometime suggestion that there are outside influences, where the past has affected my independence, my ability to be nonpartisan, I can assure you is not the case. These gentlemen make sure of that, and so does Louise back in the office. The oath is a solemn one and is very, very important to us. We all have a job to do, and the job, as Rachel Notley talked about, is to work on your behalf. That mandate that we have, that is in the preliminary part of the act, is extremely important to us. That's our job, right? We work very hard to improve your credibility in the public eye. All right? We look at it as being on your team to improve the credibility of yourselves in the public eye. So if there are suggestions made that this office is not meeting that standard, then I think that hurts all officers of the Legislature and is not fair to

these people on either side of me and Louise back in the office, who just work extremely hard to make sure that that oath is adhered to and that we are totally nonpartisan.

Anybody that we've dealt with and that we've worked with we asked ways we can improve our activities. We're not getting any suggestions that we as a group, we as an office are doing anything that we should not be doing and to keep up the good work.

2:20

Mr. Dorward: Thank you, Mr. Chair.

The Chair: Thank you very much for that explanation. I think it's appropriate to say that I don't believe that there's any member of this committee that would question the integrity of the office of the Ethics Commissioner.

We go on to Mr. Wilson.

Mr. Wilson: Thank you, Mr. Chairman. I just wanted to follow up on Mr. Saskiw's line of questioning around the term "improper." I'm wondering if you could help me understand how the office appreciates the subjective nature of the term "improper" and doesn't want it defined yet does not appreciate the subjective nature of an apparent conflict of interest and wants that defined.

Mr. Odsen: If I may, they're two different issues. The concern around apparent has to do with primarily, as I indicated before, two real issues. One is: what is the apparent public good that may be served by adding that, and what is the unintended consequence that may arise from that, the unintended consequences being (a) somebody's reputation being wrongfully besmirched and (b) that it would in our view have a very real possibility of eroding our ability to have open and candid conversations with members seeking our advice? That's where the element is there. It's not around the fact of it being subjective per se. It's those other things that are the issue. The subjective nature of it is the possibility of somebody's reputation being besmirched or destroyed in that kind of a situation. That's where the subjective element comes in that Justice Evans was talking about.

With respect to improperly we're talking now about a word in relation to a particular kind of activity. We're suggesting that in that instance broad flexibility is appropriate because you can't really foresee all the kinds of circumstances wherein it may or may not apply. The other thing to keep in mind is that implicit in the notion of the use of the word "improper" is the notion that there can be a proper use of office to further another person's private interest. Indeed, that's what happens all the time. Just about any time government makes a decision, somebody's private interest is going to be furthered.

As a member, if a constituent comes to you and says, "I've got a problem; I want you to advocate for me" with either a department of the government or with a minister or something like that and you do, you're furthering that person's private interest, are you not? But that's a proper use of your office, is it not? So there are issues around that, obviously.

That's the kind of thing that we're talking about, that you need to be able to look at both sides of an issue. People's private interests are furthered every day by decisions made by government, by members, by actions taken by government, by members. The starting point, as we noted at the outset, is that people come here honourably with honourable intentions to do their best to serve Albertans. The starting point is that it's a proper use of office unless there is, then, something that really distinguishes what happens, which now takes it into the realm of improper, and we're still working on that.

The Chair: Okay. Thank you very much.
Ms Notley.

Ms Notley: Actually, my questions were about the issue of defining improper. I think we've canvassed the opinions from the office adequately at this point.

The Chair: Thank you.
Ms Blakeman, you had another question?

Ms Blakeman: I have two others, actually, so if you can put me back at the bottom of the list.

The Chair: Actually, Ms Blakeman, in the interest of time just go ahead with both questions.

Ms Blakeman: Okay. The first is picking up on a little bit of a discussion that's already been had. I'm looking at part 5, section 24(6). "Where a matter has been referred to the Ethics Commissioner under subsection (1), (3) or (4), neither the Legislative Assembly nor a committee of the Assembly shall inquire into the matter."

Now, we have a Speaker's ruling that indicates that he uses this as reason to rule that no questions or any additional inquiries may be made in the Assembly, and on occasion the definition of that has been expanded by the Speaker. But you gave a completely different reading of that section. So how much can the freedom of speech be curtailed according to that act? Maybe I have to pull in the representative of the Justice department or perhaps our on-site Parliamentary Counsel here for this one. I don't see that we can be stopped from asking other questions or taking other parliamentary processes to further the inquiry. Comments? Opinions?

Mr. Wilkinson: Well, I think you mentioned that counsel is here, so I would defer to counsel because I don't have any comments at this time.

The Chair: Is that question more about how we would better define section 24(6)?

Ms Blakeman: It's about the application of it. We've got two different applications here.

Mr. Odsen: If I may say one thing, you mentioned the reading of it from the commissioner. That was in response to a question and/or comment about restrictions on speech of the members, right? I believe, if I understood correctly, the commissioner's response was simply to point out that, no, you don't have an entirely unfettered right to free and open expression in the House, at least insofar as that subsection does fetter in some way or another. That's all he was saying.

Ms Blakeman: I think I disagree with you, but I'll wait and read *Hansard*.

Ms L. Johnson: I have a couple of questions. I'll start, and then you can just add me to the bottom of the list, please.

In reference to the comment made that that's the section we get the most questions on, is it the wording of the section or is it how we live our lives today that makes it difficult to understand the section?

Mr. Wilkinson: Where the most difficulty lies is that if a gift is \$400 or under – I think it could be clearer in the act; we think so – there's a perception there that even though that gift is directly or indirectly associated with my office, I can still accept it because

it's under \$400. Now, if it's over \$400, I have to take a look at whether I can accept it or not. It doesn't matter what the dollar value is. As you know, the gift is not acceptable if it's directly or indirectly associated with your office as an MLA. That's the part that seems to create the most confusion.

We've put out a quick guide, you know, trying to do the best we can to do that, but there are so many things going on, so many parts of this act. You people work with it. You deal with it more than we do. We interpret it. When you read this thing, what does it mean to you, and do you think there might be a way that you as MLAs could make it clearer in your own language to help your members have it clear? We don't want to see breaches, of course, of any act. We're here for education and to help you be compliant, as you want to be.

Ms L. Johnson: Okay.

Mr. Wilkinson: Thank you.

Ms L. Johnson: Thank you.

The Chair: Thank you.

I actually just would like to canvass the members really quickly just in case. We're now at 2:30. We have a fair amount of business left on the agenda. Are we going to lose quorum? Do we have members that have to be elsewhere after 3 o'clock? Five.

Okay. What I'm going to ask at this point is if we could just ask for a very quick response on the next two questions, and for any questions after that we'll have to ask for a written response from the office if that is okay with you, Mr. Wilkinson.

2:30

Mr. Wilkinson: Absolutely. Thank you, Mr. Chair.

The Chair: Okay. So Mr. Shayne Saskiw.

Ms Blakeman: I'll just put my objection to that, to your decision, on the record.

The Chair: Okay. Thank you.

Mr. Saskiw: Thank you, Mr. Chair. Just a very quick question. Of course, you've indicated the oath that you take and that you strictly adhere to it. I have done some research on other jurisdictions, and where there is a particularly either egregious circumstance or where it involves the upper echelons of a government, I believe the Ethics Commissioner has the ability to seek the advice or counsel of an outside Ethics Commissioner to come in and do an investigation to ensure that it is even more independent and that there's absolutely no question whatsoever. I'm wondering whether you feel that your office has the ability to call in an out-of-province Ethics Commissioner to do an investigation if you chose to do that.

Mr. Wilkinson: Yes, we do. In B.C.'s case recently it was done because of the close personal association with the investigation of the Premier. Other than that, investigations are taken on by the Ethics Commissioner unless there is that situation that you discuss.

Mr. Saskiw: I guess just the obvious question is: would it be your opinion that if there were an investigation in Alberta like B.C., that involves a Premier, you would prefer to have that investigation done by an out-of-province commissioner?

Mr. Odsen: I'm sorry. That's getting too close to an investigation that's under way. That's not something that we can talk about.

Mr. Saskiw: I didn't ask about any specific investigation.

Mr. Odsen: You talked about the Premier. I'm sorry. If you want to rephrase your question and put it in a way that . . .

Mr. Saskiw: Senior cabinet minister.

Mr. Odsen: So are you suggesting that if it's a senior cabinet minister that is being investigated, the Ethics Commissioner ought not do it and ought to bring in somebody else to do it?

Mr. Saskiw: I made no such suggestion. I was asking a question, and the question was: if an allegation involves – I said the Premier, and the Ethics Commissioner referred to the Premier of B.C.; I will change that to a senior cabinet official. Would it be the Ethics Commissioner's office's opinion that an outside Ethics Commissioner could be brought in to do that investigation?

Mr. Odsen: The answer to that is yes if you have circumstances like that which occurred in British Columbia, where the child of the B.C. Ethics Commissioner worked in the Premier's office. There you're too close. If there's a conflict of interest which is obvious like that, close, then clearly the power is here in the act as it presently stands for the Ethics Commissioner to ask somebody else to do the investigation. Yes.

Mr. Saskiw: Thank you.

The Chair: Thank you.

Mr. Dorward: A quick question on the disclosure, the guidelines of assets and liabilities, \$10,000; source of income, \$5,000. Were there any thoughts on any – I'd just broaden that – financial or disclosure things that we should look at as a committee relative to those numbers or levels at all?

Mr. Wilkinson: We think those numbers and levels work well. Obviously, you'd want to take a look at them subject to what you think might be appropriate, but we're not recommending they be changed.

Mr. Dorward: Thank you.

The Chair: Okay. Ms Johnson, you had another question. If we could table that for a written response.

Ms L. Johnson: I have two, so I'll e-mail them to the clerk.

The Chair: You can e-mail them to the clerk, and then we'll request a written response. Or you could read them into the record, and we can have them.

Ms Blakeman, you had a question.

Ms Blakeman: I really object to that. We don't get these people in front of us again, and I think we should be able to question them and hear their answers. We can discuss the other stuff some other time, but this group is not going to be back in front of us.

Specifically, my question was around transparency on investigations, following up on my very first question. I've now gone through the report that was referenced, and in fact there's no information that's given here other than that, you know, there was a request for five MLAS to be investigated. If you're trying to figure out what happened and to learn the lesson from it, there's absolutely no way to find out. How is that helpful?

I understand the difference around confidentiality – honestly, I do – but as a person in this province that's trying to go, you know,

“What was Multi-Corp?” or whatever example you want to use, particularly since '06-07, I can't get an answer. There's no information available in your report. I need to know what criteria you used to decide or not decide about an investigation, and that information is currently not available to me. Why not?

Mr. Wilkinson: Well, the main criterion is: does it come under our jurisdiction or not?

Ms Blakeman: How did you make that decision, that it was not under your jurisdiction? I can't get that information.

Mr. Wilkinson: Certainly, we talk about it together. We look at the act. Brad, our legal counsel, does a legal review. Sometimes we go outside.

Brad, do you want to make any comments on that?

Mr. Odsen: Is this something to go on the record for a written response? That's my understanding.

The Chair: We could do a written. I guess the point going forward here is that we are seriously at risk of losing our quorum at 3 o'clock. The alternative would be to ask the Ethics Commissioner if he could come back at a later date. However, that could be months away, I'm assuming.

So a real quick response.

Mr. Wilkinson: We are, I believe, subject to your ruling, Mr. Chair, and the committee. I think you've asked us to be here at pretty well every meeting to provide assistance and comment unless you go in camera. We'd be happy to address any issue that you may be discussing at the time and give our opinion and answer any questions. We're here to be of service to you if you want us to be here.

The Chair: We could certainly bring additional questions up at a later date as well.

Ms Blakeman: Maybe you could bring the answer forward the next time.

Mr. Odsen: Yeah. As we indicated, we will be making a further written submission for March 1, and we will want to be on the list to speak to that written submission when written submissions or oral submissions are dealt with. We will be speaking to you again.

The Chair: Okay. Ms Johnson, could I actually just have you read your questions into the record for *Hansard*?

Ms L. Johnson: Sure. Question 1, on the giving of advice: does the staff of the office of the Ethics Commissioner contact the MLA involved if you see suggestions in the media or elsewhere?

The next question was about complaints that you receive about the operations of MLA offices. As a courtesy do you advise the MLA's office as well that there's a situation brewing in their constituency?

That's it.

The Chair: Good. Thank you very much for that.

Well, Mr. Wilkinson and your staff, thank you very much for a most informative presentation. Certainly, there were a lot of very good questions, and we do very much appreciate your expertise and the candid responses that you gave to those. We'll look forward to future involvement throughout the committee process.

Mr. Wilkinson: Thank you.

The Chair: I'm going on to item 5. We have a follow-up from Alberta Justice and Solicitor General. At our last meeting we received a presentation from Ms Neatby, and I'd like to turn the floor over to her to address this follow-up.

Ms Neatby: Okay. Thank you, Mr. Chair. There were a number of questions asked and topics raised during the meeting held on January 28. For most of them I've provided a written response that you have on paper, and you'll get that electronically very shortly.

The first question is whether or not press secretaries are captured within the definition of a former political staff member. They are. They are a subset of executive assistant to a minister as defined in Order in Council 192/98. They come within the definition of a former political staff member, and they are subject to the provisions of the Conflicts of Interest Act that apply to them.

2:40

The second question was whether or not investigation reports are tabled even if no breach is found. The short answer to that is that, yes, they are. There are various sections of the act that are applicable. Section 25(7) provides that where the request for an investigation is made under section 24(1), (3), or (4), the Ethics Commissioner shall report his findings to the Speaker. Section 27(1) provides what a report by the Ethics Commissioner to the Speaker under section 25(7) must set out. It must be concise and may set out the following: the Ethics Commissioner's findings of fact relating to the alleged breach, the Ethics Commissioner's findings as to whether the member breached the act. That would include whether or not they breached the act. Where a breach has been found, the investigation report includes the nature of the breach and the recommended sanction, if any.

Under section 28 when the Speaker receives a report from the Ethics Commissioner, the Speaker shall lay the report before the Assembly. Section 28(2) provides that if the Assembly is not sitting when the Ethics Commissioner reports under 25(7), the Speaker shall make copies of the report available to the public. If sanctions are recommended, the Assembly shall debate and vote on the report within 15 days after the tabling or any other period that is determined by a resolution of the Assembly.

The Chair: Did you . . .

Ms Blakeman: It's specific to this.

The Chair: Is it specific to that point?

Ms Blakeman: Yeah.

The Chair: Then I'll allow a question for this if it's for just that point.

Ms Blakeman: Is there a requirement for the Speaker to distribute it to members and/or make it into a sessional paper so that it's readily available? The language that's used in the references you've made just says that it has to be provided to the Speaker. It doesn't say that the Speaker has to do anything with it.

Ms Neatby: Just let me check the section.

Ms Blakeman: That's for 24 and 25. Sorry. I missed the other one you said. Section 29?

Ms Neatby: Section 28(1) provides that "on receiving a report from the Ethics Commissioner under section 25(7), the Speaker of

the Legislative Assembly shall lay the report before the Legislative Assembly."

Ms Blakeman: Or make copies public. That's subsection (2). I found it as you were reading.

Ms Neatby: Okay. Does that answer your question?

Ms Blakeman: Yeah.

Mr. Reynolds: Just with respect to that point it's been a while since there's been a report, but the Speaker would ensure that all members have a copy of the report as it was available when it was made public. I mean, the Speaker's office would take great lengths to ensure that members have a copy of it.

Ms Blakeman: Okay. Thank you.

The Chair: Thank you.

Please carry on, Ms Neatby.

Ms Neatby: Okay. There was a question about what can be included in investigation reports with respect to former ministers and former political staff. The report can include the findings. What it doesn't include in respect to the former ministers and former political staff members is sanctions. The reason for that is that there's no jurisdiction to sanction former ministers and former political staff.

The next question was: what is the distinction between an investigation and an inquiry, and are there criteria for selecting one process over the other? Under section 25(1) there's provision for the Ethics Commissioner to conduct an investigation with or without an inquiry. So there are basically two situations. The Ethics Commissioner can conduct an investigation without conducting an inquiry, or the Ethics Commissioner can conduct an investigation with an inquiry.

Section 25(2) provides that when the Ethics Commissioner conducts an inquiry under this section, the commissioner has the powers, privileges, and immunities of a commissioner under the Public Inquiries Act, so it is within the Ethics Commissioner's discretion to conduct an investigation or to conduct an investigation and an inquiry. The act doesn't set out any criteria for deciding to conduct an investigation without an inquiry or to conduct an investigation with an inquiry.

Should the Ethics Commissioner choose to conduct an investigation and an inquiry, the Ethics Commissioner will have – I've already said that – all the powers, privileges, and immunities of a commissioner under the Public Service Act. This means that when the Ethics Commissioner conducts an inquiry, he may engage counsel, clerks, reporters, assistants, experts, and qualified persons to assist with the inquiry. The experts and qualified persons that may be hired to assist could also be authorized to inquire into matters within the scope of the inquiry and would also have the powers, privileges, and immunities of a commissioner under the Public Service Act. They would report their findings back to the commissioner.

The Ethics Commissioner, when conducting an inquiry, would have the power of summoning any person as a witness and requiring them to give evidence under oath and also to produce any documents, papers, and things that the commissioner considers to be required.

In addition, the Ethics Commissioner, when conducting an inquiry, would have the same power the Court of Queen's Bench has to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things.

There are a number of aspects that would be similar even if the Ethics Commissioner decides to conduct an investigation with an inquiry or an investigation without an inquiry. In either case the investigation would be conducted in private. In either case if the subject matter of the investigation or inquiry is also the subject matter of an investigation by a law enforcement agency, the Ethics Commissioner would have to immediately suspend an investigation or an inquiry. Neither the investigation nor the inquiry may continue until charges are finally disposed of.

Members, former ministers, or former political staff members are required to co-operate with investigations. In the case of an inquiry members, former ministers, former political staff members, and other persons could be compelled to give evidence on oath and be required to produce documents, records, and things.

It might be reasonable to anticipate that the Ethics Commissioner, in making a determination as to whether to conduct an investigation without an inquiry or an investigation with an inquiry, would consider whether the additional powers afforded to him when an inquiry is conducted are necessary to make his findings.

It may also be reasonable to anticipate that the Ethics Commissioner, when making this determination, might consider whether any guidance on this point comes from section 2 of the Public Inquiries Act.

2. When the Lieutenant Governor in Council considers it expedient and in the public interest to cause an inquiry to be made into and concerning a matter within the jurisdiction of the Legislature and

- (a) connected with the good government of Alberta or the conduct of the public business of Alberta, or
- (b) that the Lieutenant Governor in Council declares by commission to be a matter of public concern,

the Lieutenant Governor in Council may by commission appoint one or more commissioners to make the inquiry and to report on it.

So there might be some guidance to the Ethics Commissioner in making that determination from section 2 of the Public Inquiries Act.

It might also just be a question of: are the additional powers afforded by conducting an inquiry required to come to a resolution of the matter? There may be other criteria that the office of the Ethics Commissioner may have considered or could provide information on.

The next question: on what basis might the Ethics Commissioner exercise his discretion to hold an inquiry in private rather than in public? There's no guidance under section 25(3). It is conducted in public unless the Ethics Commissioner, in the interests of justice, decides that it is to be held in private. So there's no criteria for the exercise of the Ethics Commissioner's discretion to hold the inquiry in private rather than in public. Also, the Ethics Commissioner might have something more to say about that.

The next question is: was there previous committee discussion around the word "improperly" in section 3? Now, this matter was a focus of the sixth recommendation of the Select Special Conflicts of Interest Act Review Committee in their final report in 2006. Now, in the document I circulated, I just cut and pasted that discussion, so I won't go through it here. The wording of section 3 was amended in 2007.

The next question was: is there case law or language in other jurisdictions relating to the use of the word "improperly"? What we found was that there are five Canadian statutes relating to conflict of interest or integrity that use a variation of the phrase "to improperly further another person's private interest." In the

appendix to the document provided, the provisions for Canada, Nunavut, Ontario, P.E.I., and Quebec are attached. We haven't found any case law on this point, similar to what the office of the Ethics Commissioner has indicated. The office of the Ethics Commissioner has indicated that they have contacted their colleagues to identify whether any rulings have been issued in another jurisdiction.

2:50

The next question: are there powers of investigation that are included in pieces of legislation governing other officers of the Legislature that could be considered for inclusion in this act? That's a matter that we're still looking into. We're researching it, and we are developing comparison charts.

The last question: is there anything in the act that guides what must happen to an ongoing investigation in the event that the Ethics Commissioner ceases to be the Ethics Commissioner? There's nothing in the act that speaks to this, but my understanding is that the investigation would continue even if there were a change in who the Ethics Commissioner is.

I hope I've answered your questions, and I hope it's okay that I haven't read to you the provisions from the other provinces dealing with "improperly."

The Chair: Thank you very much for such a detailed response on questions there, Ms Neatby.

Were there any comments or questions from the committee? Okay. I have one from Ms Notley, and then we'll go to Mr. Reynolds.

Ms Notley: Yeah. I think there's an interjurisdictional comparison being worked on right now, right?

The Chair: We're actually going to hit that on the next one, yeah.

Ms Notley: Right. It's in progress, is it not? It's not complete at this point?

The Chair: We're going to get an update on that immediately.

Ms Notley: All I was looking for: on the issue of the inquiry versus the investigation and also the issue of public versus private processes can we find out if there have been any of those, the inquiry, we'll say, in other jurisdictions and what the practice has been on those two issues?

The Chair: So noted.

That's it? No other questions?

Thank you very much, Ms Neatby.

Mr. Reynolds: Joan, one little comment about your comprehensive responses, which were very good. With respect to number 3, where you're answering the question "what can be included in Investigation Reports with respect to former Ministers and former political staff?" in the last sentence you say, "There is no jurisdiction to sanction former Ministers and former Political Staff." Of course, technically that may be true, but people not familiar with the act may be unaware that there are provisions concerning the possibility of prosecutions for former ministers who breached the act who are no longer members.

The act provides that "a former Minister who contravenes this section and who at the time of the contravention is not a Member of the Legislative Assembly is guilty of an offence and liable to a fine not exceeding \$50,000." So while your answer was, of course, correct, I just didn't want there to be the impression left that former ministers or former political staff members were off

the hook, as it were. There's a similar provision with respect to former political staff members with respect to the possibility of prosecutions.

Thank you. That was all, Mr. Chair.

The Chair: Thank you for the expansion of that explanation.

Okay. We're going to move on, then, to item 6, and that is the committee research support. We as a committee had requested a crossjurisdictional survey, so aptly noted there as well by Ms Notley, that was to assist us in our review of the Conflicts of Interest Act.

Dr. Massolin, do you have an update for us there?

Dr. Massolin: Yes, just a quick update. We still have a bit of work left to do on that crossjurisdictional, and we've noted the additional request, so that will be ready in advance of the committee's next meeting.

Thank you.

The Chair: Okay. Thank you very much.

Moving on to the discussion guide, in the last meeting, in January, we agreed that the discussion guide would be circulated among the committee members for comment and then made available on the website following that. After we distributed the document, we didn't receive any comments from any committee members, so we posted that guide on February 5. At this point we'd ask Dr. Massolin to do a quick review of that guide with us.

Dr. Massolin: Yes, a very brief review. I know we're pressed for time, so I'll turn it over to Ms Zhang just to give a very brief overview of the document and to field questions after that.

Thank you.

Ms Zhang: Good afternoon. As requested by the committee, research services prepared a discussion guide for the committee members for their review of the Conflicts of Interest Act. This discussion guide was made available to stakeholders and members of the public, who were invited to make written submissions to the committee. Our office worked with the office of the Ethics Commissioner and the Department of Justice and Solicitor General, as recommended by the committee, to identify issues related to the application and administration of the act.

It's important to note – and we've stated such in the introduction of the guide – that this guide is not an exhaustive list of all the issues related to the act. Rather, it focuses on some of the issues that arose in previous reviews of the act and issues that have emerged since the act came into force. Additional issues are certainly likely to come to light as the committee proceeds with its discussions and as the committee hears from stakeholders.

I'd be happy to answer any questions about the discussion guide if there are any.

The Chair: Good. We did discuss in the last meeting that we would do some public discussion for the record in *Hansard*. Were there any comments on the discussion guide?

Ms Blakeman: It's dense.

The Chair: It's dense meaning thick?

Ms Blakeman: Well, I'm still working my way through it, to be perfectly honest, so I don't have any comments on it.

The Chair: Okay. Well, we certainly have time to absorb all of the content over the next several months.

Thank you very much, Ms Zhang, both for the presentation and for the preparation of the discussion guide.

Great. We'll move on. Item 7, communications update. I'd like to ask Ms Sorensen to give us an update on the communications plan.

Ms Sorensen: Thank you, Mr. Chair. I, too, will keep it very brief. I just want to give the committee a little bit of an outline of where we stand on the media relations. When the discussion guide went up on February 5, we did issue a news release. Since this committee began its work, we've had just about a thousand visits to the website, with over a third of those happening on February 5 when the news release went out.

In terms of social media we've had a little less interest. So I would like to propose something today, and that would be that we would send out a final post reminding people that the submissions are due on Friday. I would ask that any of the members who happen to have accounts are either following us on Twitter or friending us on Facebook so that they can share those same messages and just broaden our reach a little bit. That would be my recommendation for today.

The Chair: Okay. Very good. Of course, that becomes even a little bit more of a bigger request as we're getting close to the deadline for submissions.

Ms Sorensen: Certainly.

The Chair: I'm sorry. Mr. Dorward, you had a question.

Mr. Dorward: Just a quick question. A thousand visits: are they able to provide any feedback or questioning? I mean, they can do the submission. Any other dialogue opportunities there? Are you seeing much?

Ms Sorensen: Yeah. Two kind of different questions. Yes, there is opportunity through the discussion guide to do that, so we will have to wait to see if it results in any submissions. But in terms of direct interaction unless there are e-mails coming to the contacts listed, then none that I'm aware of.

Mr. Dorward: Okay. Thank you.

The Chair: Okay. Well, certainly, as you mentioned – this gets into number 8, written submissions – to date we have received a couple of written submissions, that are posted on the internal website. All submissions will be posted to the committee website publicly once the deadline of March 1 is over. I understand there was another submission that was announced this morning and which I anticipate we'll receive prior to March 1. I guess I would remind committee members that as committee members it's not required that you submit before March 1. We can certainly consider all recommendations of the committee during our deliberations in the future here. So as Rhonda has said, let's get the word out and try to encourage as many people as possible to submit prior to the deadline.

Number 9, review of the timeline. We included this in the briefing materials for the meeting today. It's a draft timeline for the remainder of the review process. This is just for discussion. I thought it would be a useful tool to help us plan ahead for the next few meetings and be most effective in our deliberations. Everyone is getting pretty busy as we're hitting session right away. Do we have any comments, concerns, changes, or additions on the draft timeline from the committee? Seeing none, then I'll assume that it

meets with, I guess, what you were looking for in trying to complete the business here.

We'll move forward. Number 10, other business. Do we have any other business the committee members would like to raise? Great.

Well, we will be canvassing everyone for our next meeting date.

Again, thank you both to Mr. Wilkinson and his office, the office of the Ethics Commissioner, and Ms Neatby for your presentations today.

Mr. Dorward: Eleven seconds.

The Chair: Eleven seconds left in the meeting. Okay.

If I could invite someone to give us a motion for adjournment. Mr. McDonald. All in favour? I don't hear any objections, so I'm going to assume that that passed unanimously.

Thank you very much.

[The committee adjourned at 3 p.m.]

