



Legislative Assembly of Alberta

The 28th Legislature  
First Session

Select Special  
Conflicts of Interest Act  
Review Committee

Thursday, October 24, 2013  
11:04 a.m.

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

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

Allen, Mike, Fort McMurray-Wood Buffalo (Ind), Chair  
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)  
Johnson, Linda, Calgary-Glenmore (PC)  
McDonald, Everett, Grande Prairie-Smoky (PC)  
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Saskiw, Shayne, Lac La Biche-St. Paul-Two Hills (W)  
Wilson, Jeff, Calgary-Shaw (W)  
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**Office of the Ethics Commissioner Participants**

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

**Ministry of Justice and Solicitor General Participant**

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| Joan Neatby | Solicitor, Legislative Reform |
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**11:04 a.m. Thursday, October 24, 2013**

[Mr. Luan in the chair]

**The Deputy Chair:** Good morning, everybody. It's four minutes after 11, so I'm going to call the meeting to order. If I can have everybody take your seat, we're going to start the meeting.

My name is Jason Luan, MLA for Calgary-Hawkwood. I'm the deputy chair of this committee. I'm pleased to welcome you all to today's meeting of the Select Special Conflicts of Interest Act Review Committee. I'd like to ask members and those joining the committee at the table to introduce themselves for the record, and then we'll go to the phone after that. If I may start from my right hand.

**Mr. Young:** Well, it's a pleasure to be at your right hand. Steve Young, MLA for Edmonton-Riverview.

**Ms L. Johnson:** Good morning. Linda Johnson, MLA, Calgary-Glenmore.

**Mr. Wilson:** Jeff Wilson, MLA, Calgary-Shaw.

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

**Ms Notley:** Rachel Notley, Edmonton-Strathcona.

**Ms Blakeman:** Hi. Laurie Blakeman, and I'd like to welcome each and every one of you to my fabulous constituency of Edmonton-Centre.

**Ms Neatby:** Joan Neatby, Justice and Solicitor General.

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

**Mr. Odsen:** Brad Odsen, office of the Ethics Commissioner.

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

**Ms Fenske:** Jacquie Fenske, MLA, Fort Saskatchewan-Vegreville.

**Mr. Reynolds:** Rob Reynolds, Law Clerk and director of interparliamentary relations.

**Ms Robert:** Good morning. Nancy Robert, research officer.

**Ms Leonard:** Sarah Leonard, legal research officer.

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

**Ms Rempel:** Good morning. Jody Rempel, committee clerk.

**The Deputy Chair:** Thank you, everybody.

On the phone, please state your name and your constituency.

**Mr. McDonald:** Good morning. Everett McDonald, Grande Prairie-Smoky.

**The Deputy Chair:** Thank you and welcome, Mr. McDonald.

Before we turn to the business at hand, a few operational items. The microphone consoles are operated by the *Hansard* staff. Please keep your cellphones and BlackBerrys off the table as they may interfere with the audiofeed. Audio of the committee proceedings is streamed live on the Internet and recorded by *Alberta Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

Now, you have a copy of the agenda as proposed in front of you. Does anyone have any changes to make to the proposed agenda? I see none. I'd like to make a note to hon. members that depending on the time of the meeting today, there might be a few housekeeping items under other business, but we'll see how our meeting goes on that.

So with that, may I have a member . . .

**Ms Blakeman:** I'm sorry, Mr. Chair. Would you be able to share with us what those housekeeping items might be?

**The Deputy Chair:** It's in regard to if we are able to finish the approval, amendments, everything, then perhaps we can discuss the final procedures of signing off for the minutes and other stuff. My understanding is that it's a pretty standard procedure for a committee like this when we wrap up.

**Ms Blakeman:** I appreciate that. It's just that the agenda is an opportunity for us to see it in advance and think about things in advance. So thank you for that.

**The Deputy Chair:** You're welcome.

**Ms Fenske:** So moved.

**The Deputy Chair:** Thank you. Ms Fenske moved to accept the agenda. I'm going to ask all in favour of the agenda, please raise your hand. On the phone please say yes if you support the agenda. Thank you. So all agreed. That is carried.

Next on the agenda is approval of meeting minutes. Are there any errors or omissions to note? I hear none. I'll call for a motion to approve the minutes.

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

**The Deputy Chair:** Ms Johnson moved. I'm going to call the question. All of those who agree with the minutes, please raise your hand. On the phone, please state your opinion. Thank you. Carried.

Next on the agenda is discussion of the Conflicts of Interest Act final report. A copy of the draft report was distributed early this week, so I hope everyone had a chance to go through it. As noted at our last meeting, the format of the report is fairly standard. The report summarizes the work we have put in since last November and reflects the many motions and decisions this committee has reached over the past few months regarding our recommendations for the act.

To begin our review of this report, I would like to ask Dr. Massolin to give us a quick overview of the document, and then I will open the floor for questions and comments from the committee members.

**11:10**

**Dr. Massolin:** Thank you, Mr. Chair. I'll be quick on this because there's not a whole lot to say and we're going to get into the substance of the report soon enough. As you indicated, the draft final report was prepared by research services for the committee in order to reflect the committee activities to date. You will see that there's an executive summary, which extracts the draft recommendations, and you see other information that surrounds that, including the committee mandate and introductions, acknowledgements, and so on.

The main section, of course, is the committee recommendations, which are divided, I'll point out, into two sections. The first is the proposed recommendations for change to the Conflicts of Interest Act, and then there's another section, 6.10, where the committee

approved motions and resolutions for no change to the act. So that's how it's organized, and then there are a few appendices there reflecting, again, committee activities.

That's my overview, Mr. Chair, and perhaps I can pass it on to Ms Leonard to start off with a few issues for clarification. In the course of writing the report we discovered in conjunction with the offices of the Ethics Commissioner and Solicitor General and the office of the Department of Justice as well, who provided some feedback, that there are some recommendations in this report that kind of need some clarification from the committee so we can get the exact recommendation written that would be appropriate to reflect the committee's will.

With that, I'll pass it on to Sarah Leonard to start us off on that process.

**The Deputy Chair:** If I can just double-check, if I understand and follow you, some of the clarifications you're looking for are pretty much technical in nature. Because the intent of the committee is to make this direction, you need some technical procedures to have that clear.

**Dr. Massolin:** Yes. That's exactly right, Mr. Chair. Just to put it in the right words, to be absolutely crystal clear as to what the meaning is.

**The Deputy Chair:** Gotcha. Okay. Thank you.

With that, please proceed.

**Ms Leonard:** Thank you. Our first issue that needs clarification has to do with recommendation 6, and this is on page 15. It involves the recommendation about compensation for the costs of transferring mortgages or other accounts from ATB to other financial institutions. The committee passed a motion – it was kind of strangely worded – saying, “That if the Committee decides that compensation should be made to Members for the cost of transferring . . .” but the act doesn't currently entitle members to be reimbursed for these costs, and the first part of the motion requires the committee to decide whether or not to allow it.

The Ethics Commissioner recommended that section 19 be amended to allow the reimbursement of these costs, but the committee didn't address the issue specifically, and there may have been some assumption that the act already entitles members to this kind of reimbursement. So we just need to make clear that this is what the committee intended.

**The Deputy Chair:** Thank you. It's a good question to clarify.

**Ms Blakeman:** There might be one other piece here, and that's committee. Which committee are we referencing? The way it's written here, that committee would be making the decision that compensation should be made to a member. So could we spell that out? I'm assuming it's the Legislative Offices Committee.

**Ms Leonard:** I think the wording was that if this committee decides whether or not to amend the act so that compensation is made, not deciding the specific compensation but deciding the general idea of whether compensation should be given to members in the first place.

**Ms Blakeman:** Okay. I just want it clear. If we use the word “committee,” let's be clear about which committee is making the decision, because we have allocated it power.

**The Deputy Chair:** So it's this one we're talking about?

**Ms Blakeman:** Possibly.

**Dr. Massolin:** Sorry, Mr. Chair. That's exactly why we're asking for clarification. This motion was passed as is, and there's confusion there, isn't there? So that's why.

**Ms Blakeman:** Okay. All right.

**The Deputy Chair:** Okay. Ms Fenske?

**Ms Fenske:** Thank you. It's my understanding that we are giving – it would be my preference that we say to the Ethics Commissioner: “This is all right to do. You are the person that is requesting that the transfer take place. So, yes, go ahead. You don't have to go back and ask whether or not that can happen.”

**The Deputy Chair:** Okay. Thank you.

Any questions on that? Ready for the question?

Ms Fenske, I'm taking it that you're making a motion to clarify that. Yes? Maybe I'll let you talk about it.

**Ms Fenske:** Yes. The clarification would be that should a member be asked to transfer their mortgage, those transfer costs would be reimbursed by the Ethics Commissioner.

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

With that motion on the floor, those who agree with that, please raise your hand. Okay. On the phone, say yes or no, depending on where you stand. Those who are opposed to that, please raise your hand. So 5 to 4. Motion carried. The decision was made. Thank you.

Moving on to the next one, Ms Leonard.

**Ms Leonard:** Thank you, Mr. Chair. The next one is recommendation 7. This is on page 16. It recommended that section 1(7) “be amended to give the Ethics Commissioner the ability to approve investment arrangements.” This is just a technical change. It should actually be section 20 that should be amended, which is the restrictions on holding publicly traded securities, rather than 1(7), which is the definition of a blind trust. So I just need clarification on that.

**The Deputy Chair:** Sorry. Which page is this one on, again?

**Ms Leonard:** Page 16, recommendation 7. We're just saying: change 1(7) to section 20.

**The Deputy Chair:** Can you sort of go over that again? I think many of us are trying to find the section.

**Ms Leonard:** Section 1(7) is the definition of a blind trust. Section 20 is the restrictions on how ministers can hold publicly traded securities. It was just that the wrong section is in the recommendation, essentially.

**The Deputy Chair:** If we are going to put in the right section, which one are you recommending?

**Ms Leonard:** Section 20 is the right section.

**The Deputy Chair:** Okay. Any questions? Everybody agreed on that? Pretty technical.

**Ms Notley:** Well, I'll just take this opportunity to renew my objection to this in totality. I'm not in favour of it, but certainly if the majority wants to go ahead with doing what some of us were not in favour of, then, yes. Presumably, you want to change the section.

**The Deputy Chair:** Okay. Thank you.

Anybody else have a question? Okay. It appears to me that this is purely a technical correction. Those who are agreed, please raise your hand. On the phone, state your opinion. Those who are against this change, raise your hand. So 7 to 2. Carried. So that is clarified.

**Ms Leonard:** Okay. The next one is recommendation 19, and this is on page 23. This is also just kind of a technical thing to change the wording of the last part of the recommendation. After (b) it says: “in any other circumstance where the Ethics Commissioner is of the opinion that the public interest served by the release of such information significantly outweighs the confidentiality provisions of the Act.” We’re just thinking about changing the wording to: significantly outweighs the need to maintain confidentiality. It doesn’t change the substance of the recommendation. It just makes it more technically correct.

**Ms L. Johnson:** Say that again, slowly.

**Ms Leonard:** Sorry. I’m talking really fast.

**Ms L. Johnson:** It’s the second paragraph we’re looking at?

**Ms Leonard:** The second part of the recommendation after (b), changing “the confidentiality provisions of the Act” to “the need to maintain confidentiality,” if that makes sense, which it probably doesn’t.

**The Deputy Chair:** If we are going to make it clear, can you give us some hint? I’m still kind of lost.

**Ms Leonard:** We’re just changing the wording to: significantly outweighs the need to maintain confidentiality.

11:20

**Ms L. Johnson:** So you’re adding the words: need to maintain.

**Ms Leonard:** And taking out “provisions of the Act.”

**The Deputy Chair:** Okay. That will help clarify the language. Any questions? Yes. Go ahead.

**Mr. Wilson:** Thank you, Mr. Chair. I’m just wondering if Mr. Odsen could please just clarify what the confidentiality provisions will be, assuming that this recommendation is passed, just to get an understanding of what the difference is that we’re talking about. We have as a committee granted your office more authority to disclose.

**Mr. Odsen:** Thank you, Mr. Wilson. That’s a fair question. To be honest with you, I don’t see that the change that’s being proposed makes any difference whatsoever.

**Mr. Wilson:** Okay. Fair enough. Thank you.

**The Deputy Chair:** Thank you. Any further questions?

**Ms Notley:** I’m sorry. You know, I remember some of this discussion, but I’m wondering if someone can give me some background on the second piece of this: “in any other circumstance where the Ethics Commissioner is of the opinion that the public interest served by the release . . . significantly outweighs the confidentiality provisions of the Act.” I’d like an example of where that would come into play because I don’t remember that discussion. I

could see that being quite a problem, depending on the partisanism sometimes of the person under investigation.

**The Deputy Chair:** Okay. I do have Mr. Young with a response.

**Mr. Young:** I recall from our conversations that if the person or the subject of the matter is publicly providing misinformation to the public or misrepresenting about an investigation, then the commissioner could correct the information. A rough example of where this provision might be used is to correct information that’s being put forth into the public realm.

**Ms Notley:** That’s why (a) makes sense – and I recall that discussion – but (b) is very different. In the recommendation that’s why I have a concern about that. You have to have a lot of faith in the office because there are certainly no criteria for how that discretion would be exercised.

**The Deputy Chair:** Okay. Anyone else wish to express their opinion on this one? Mr. Wilson, go ahead.

**Mr. Wilson:** Thank you. I do recall having this discussion at the last meeting that we had. It was fairly brief, and there was a vote held, and, you know, it was passed.

**Ms Notley:** Okay. I was just looking for some history on it.

**Mr. Wilson:** It was something that was proposed by the office of the Ethics Commissioner as something that they would like to see in order to give themselves the opportunity to correct, as Mr. Young suggested, misinformation. But I wholeheartedly agree with you that there are no provisions as to what they deem as something that is in the public interest, and it made me uncomfortable. I voted against it at the time, and I still don’t necessarily support it, but the committee did.

**The Deputy Chair:** Okay. We have had a few people who spoke about this.

**Mr. Young:** I’d like to make a motion that we change 19(b) to “in any other circumstance where the Ethics Commissioner is of the opinion that the public interest served by the release of such information significantly outweighs the need to maintain confidentiality.”

**The Deputy Chair:** That’s clear. That’s very clear to me. Any further questions?

**Ms Blakeman:** Just wait.

**The Deputy Chair:** You’re still thinking? Okay.

**Ms Blakeman:** No, I’m not thinking. I’m moving closer to the microphone.

This is a change, and I would certainly appreciate the advice of the research staff and any lawyers around here. I think that changes it because when we talk about confidentiality provisions of the act, that’s anything that’s found in the whole act about confidentiality. When we change it to, say, “served by the release of such information significantly outweighs the need to maintain confidentiality,” that is very specific. That’s very specific. We’ve gone from a broad application of confidentiality in all the confidentiality provisions – I’m doing little air quotes – to a very, I would say, narrow application because it seems to apply just to this. Given that we have also allowed this act to override the freedom of information and protection of privacy provisions that

would usually apply, I have a problem with changing this. I think it changes it in a larger way.

**The Deputy Chair:** Thank you.

**Dr. Massolin:** Mr. Chair, I just wanted to point out that this is a technical change, and we consulted with Ms Neatby about this. Perhaps Ms Neatby could just explain to the committee the reasons for the wording change.

**Ms Neatby:** Yeah. I'd be happy to do that. When I looked at this draft report, I looked at it from the perspective of drafting. Should the government decide to act on the committee's recommendations, it makes more sense to say that the commissioner can exercise discretion when, in his opinion, the public interest served by the release outweighs the need to maintain confidentiality. He'd still have to consider the confidentiality provisions within the act. We're not taking away from that. We would just be giving the Ethics Commissioner the ability to exercise discretion when the public interest is served.

**Ms Blakeman:** So you're giving the commissioner the ability to exercise discretion specific to section 26?

**Ms Neatby:** Yes.

**The Deputy Chair:** Mr. Saskiw.

**Mr. Saskiw:** Yeah. I guess I disagree with that interpretation. I think that the current wording states that the Ethics Commissioner would look at the confidentiality provisions of this act. That's very clear; it's concise. I agree with Ms Blakeman when she mentions, I think, that this would water it down.

The current proposed amendment to amend section (b) states that he'd have to weigh the need for confidentiality. What does that specifically mean? If it doesn't specifically refer to the act, that could be confidentiality on a general basis. If I'm having a meeting with a constituent, I tell them that our conversation is confidential. That's one thing or whatever. But the way it's currently worded, it specifically refers to this act and the powers therein, and if you change it, I think the people that are going to have to draft the amendments to the legislation would potentially be confused on what confidentiality they're referring to, whether it's in this act, whether it's common confidentiality, or whatever. I think the wording as it stands sufficiently meets the intent even though I disagree with the intent to begin with.

**The Deputy Chair:** Okay. Thank you.

**Mr. Dorward:** Now that I've had a chance to listen, could we just go back to the root of why this came up today?

**The Deputy Chair:** Pardon me?

**Mr. Dorward:** What is the root of why we are discussing this now? [interjection] Yeah, I understand that, but I want to know, then, why you think the problem is there. I apologize. I listened to the answer more than I did the problem.

**Ms Neatby:** Yeah. It's a wording thing. How can a public interest outweigh a provision of an act? When you're talking about exercising discretion, you would normally talk about it in terms of the public interest served outweighing a restriction that is contained in the act, but you would look at it in terms of: is the public interest served by release? Does it outweigh the requirement to maintain confidentiality as set out in the act?

**Mr. Dorward:** Is it as strong having the words "outweighs the need to maintain confidentiality as described in the act" if we added those words at the end there?

**Ms Neatby:** That would be fine.

**Mr. Dorward:** That would get away from Mr. Saskiw's issue relative to what kind of confidentiality we're talking about there. I'm just suggesting that. Does that help any?

**11:30**

**Ms Blakeman:** My concern is that I don't want to lose that word "provisions" or the intent behind it, so if there's a way to work that out, I'm happy to hear it, but I'm not keen on moving to what I think is less coverage of the confidentiality provisions.

**Mr. Dorward:** Mr. Chair, we don't want to ignore you up there. We're having a healthy conversation.

**The Deputy Chair:** Yeah. Mr. Dorward, go ahead.

**Mr. Dorward:** Does the following wording satisfy the issue that was raised: significantly outweighs the need to maintain the confidentiality provisions of the act?

**Ms Neatby:** That would be essentially the same as what we've got now, but I think that when we get to drafting it, it would likely be drafted in a way that it's clear that the commissioner can exercise discretion when the public interest certify release outweighs the requirement to maintain confidentiality in accordance with the act. It's like an exception to the actual rules set out in the act.

**The Deputy Chair:** That's interesting. I hear the words "make an exception." Maybe that's where it needs to be highlighted.

**Mr. Dorward:** I'm prepared to accept the motion as it is on the table.

**The Deputy Chair:** Okay. All right. Any other thoughts? Any other questions on that one? Go ahead.

**Mr. Wilson:** Can you reread the motion, please?

**The Deputy Chair:** Okay. Read the motion again.

**Mr. Young:** I move that we change 19 at part (b) to: in any other circumstance where the Ethics Commissioner is of the opinion that the public interest served by the release of such information significantly outweighs the need to maintain confidentiality.

**The Deputy Chair:** Okay. Very clear. Any further questions? You have one more question?

**Mr. Wilson:** Yes, please. Thank you, Mr. Chair. There were words that you added in your last statement: "as outlined in the act"?

**Ms Neatby:** I'm not sure I remember exactly.

**Mr. Wilson:** In accordance with the act?

**Ms Neatby:** In accordance with the act.

**Mr. Wilson:** Would you accept a friendly to include that, Mr. Young?

**Mr. Young:** Yes.

**The Deputy Chair:** Good. A friendly amendment. Okay. With that friendly amendment, any further questions?

**Mr. Young:** Do you want me to reread it?

**The Deputy Chair:** Yeah. Reread it with the friendly amendment.

**Mr. Young:** I move that we change 19 at part (b) to: in any other circumstance where the Ethics Commissioner is of the opinion that the public interest served by the release of such information significantly outweighs the need to maintain confidentiality in accordance with the act.

**Ms L. Johnson:** Which act?

**The Deputy Chair:** The act.

**Ms L. Johnson:** Just making sure.

**Mr. Young:** I have no more friendliness.

**The Deputy Chair:** Okay. All right. From now on it's no more. With that, those who support it, please raise your hand. On the phone, state your opinion. Those who are against it, please raise your hand. Okay. That motion is carried. Thank you very much. That clarifies.

Any further clarifications? One more?

**Ms Leonard:** There are two more items.

**The Deputy Chair:** Two more. Okay. Let's move on.

**Ms Leonard:** The next one is recommendation 29, and this is on pages 28 and 29, coincidentally, of the report. This involves section 2, participating in voting in meetings. The committee essentially made two recommendations. It rejected the recommendation that section 2 stay the same, but the motion also rejected the recommendation that it be changed, and from the transcript it looked like the committee was recommending that section 2 not be changed, but it wasn't clear. I just need some clarification on this issue.

**The Deputy Chair:** Okay.

**Ms Notley:** My recollection on that one was that we did ultimately decide that if we were going to put a bar to these people engaging in the discussions because of potential conflicts of interest or being in that position, engaging in discussion versus voting was not sufficiently different, and that changing the act to allow them to engage in discussions on decisions relating to things in which they had a private interest would be a bad thing. Certainly, that's my position, but I'm pretty sure that ultimately everyone realized that it would pretty much be taking the heart out of section 2 if we were to change it as had been recommended by one submission.

**The Deputy Chair:** Okay. Thank you. Anyone else?

**Mr. Saskiw:** Well, I think that clearly when someone is participating in a discussion even with respect to their private interests, the act should be prohibiting it. We saw this, obviously, with a recent ruling where an individual member had a meeting lobbying for certain changes that would have directly affected his private interests. There was found to be a violation of the act, but no sanctions. Whatever gives more teeth to this: that's the recommendation that I would support. Quite frankly, decisions like that,

where somebody is found not to be guilty when they're having discussions on their private interests with senior officials, don't make any sense to me.

**The Deputy Chair:** Okay. Thank you. Any other comments? Okay.

**Mr. Dorward:** Well, as I understand it, we're not making any changes to section 2. Is that correct? That's my thought.

**Ms Blakeman:** Yeah. That's my memory of it. We decided to leave it as it is and not change it.

**The Deputy Chair:** Okay. Gotcha. There seems to be some consensus here. I see lots of heads nodding. We don't need a motion? Okay. No change on this. Just leave it as is. Thank you very much.

Are you okay with that, Mr. McDonald, on the phone?

**Mr. McDonald:** I'm fine. Thank you.

**The Deputy Chair:** Okay. Thank you very much. All agreed? No change. Let's move on to the next one.

**Ms Leonard:** Okay. This is the final issue that needs clarification. It's recommendation 42 on page 35. Recommendation 42 says essentially that section 27(2) isn't to be amended to allow the Ethics Commissioner to impose sanctions, but that appears to potentially be at odds with recommendation 18, which was to amend section 27(2) to allow the commissioner to levy administrative fines. It's just a suggestion that the wording of 42 be changed to say something along the lines of section 27(2) not being amended to enable the Ethics Commissioner to impose sanctions on members for breaches of the act apart from the proposed administrative fine scheme in recommendation 18.

**The Deputy Chair:** Okay. Any questions from the members of the committee?

**Ms Notley:** Well, it's always hard to distinguish between discussing what it was that the committee decided and discussing what it was that you thought the committee should decide, so I apologize if I move into the latter. I, of course, am concerned about 18 because it allows the commissioner to impose a very token fine in lieu of continuing the current record of having never imposed a sanction in 20 years. I don't really think that's the solution to not ever having imposed a sanction in 20 years, so I have a concern with 18. That being said, if the majority of the members supported 18, then obviously 42 is contradictory.

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

**Ms Blakeman:** Part of my concern around this is that over a period of time the effect of admonition for members in the Assembly has been moved away from. There was a time when having a point of privilege called on you was significant, and much negotiation went on behind the scenes to try to smooth the way for people to come out of it. Now we don't have any ministerial responsibility. We have stepped away from ever removing anyone from cabinet, no matter what they did.

**11:40**

Here is an opportunity to actually give a sanction, and it's being watered down as well. I guess what I'm saying is: we need to up our game. There are things that used to be regarded as dire consequences of something that now are either not done or have

been watered down to have less meaning, so I think it's important that the sanctions exist and possibly get increased.

**The Deputy Chair:** Okay. Thank you.

Anyone else wish to comment? Mr. Wilson.

**Mr. Wilson:** Thank you, Mr. Chair. I guess we're talking about two different things, right? We're talking about: if there's a failure to disclose within the time frame, we had agreed that the Ethics Commissioner could put forward an administrative penalty to the member for that only. In the act that recommendation suggests that would be reprimanded, not necessarily a sanction. I'd love to open up the sanction argument again, you know. We could probably talk about it for a good hour or two. I'm just trying to understand if your issue is with the wording around reprimand versus sanction.

**Ms Neatby:** I'm trying to think of how to make it clear.

**Mr. Wilson:** I understand that the difference between what you're trying to get at and . . .

**The Deputy Chair:** Ms Neatby.

**Ms Neatby:** Again, when I read the draft report, I was looking at it from the perspective of drafting and clarity in terms of what the committee means. Many would see recommendation 18, where the Ethics Commissioner could impose an administrative fine, as actually being a sanction. Saying here in 42 that the act not be amended to enable the Ethics Commissioner to impose sanctions might be seen as inconsistent with recommendation 18, which is to authorize the Ethics Commissioner to impose an administrative fine. So I propose this change just to make it clear that the committee did intend to authorize the Ethics Commissioner to have the ability to impose administrative fines.

**Ms Notley:** I'm just curious. Again, I'm sorry. Why did we need 18 given that we've already got "and may also recommend the alternative of a lesser sanction"? It's already in the act.

**Mr. Dorward:** You're thinking dump 42, in other words?

**Ms Notley:** No. I'm not talking about 42; I'm talking about 18. In 18, which appears in this report, it suggests that 27(2) be amended to enable the Ethics Commissioner to levy administrative fines of up to \$500 for technical breaches of the act. But 27(2) currently says that "The Ethics Commissioner may recommend any of the following sanctions . . . and may also recommend the alternative of a lesser sanction." So why do we need this thing with a \$500 limit? I don't understand what we're doing.

**The Deputy Chair:** You have a good question. I think I saw Mr. Reynolds raise his hand. Can you clarify this?

**Mr. Reynolds:** Well, I can attempt to clarify it. I look to my colleagues from the Ethics Commissioner's office. I believe the distinction is that 18 would permit the Ethics Commissioner to levy what's termed an administrative penalty of up to \$500 whereas section 27 refers to recommendations to the Assembly, which are in the Ethics Commissioner's power to recommend. So whether there was a fine or administrative penalty, however you want to term it, levied, would be up to the Assembly. As I read it, 18 gives some limited discretion to the Ethics Commissioner, him or herself, to levy that fine. I'm looking to my colleagues to see if they are in agreement.

**Mr. Odsen:** That's correct. That is the difference.

**The Deputy Chair:** Thank you. Very helpful.

**Ms Notley:** Would 18, then, just for clarification, allow the commissioner's office to levy an administrative fine while continuing to not recommend sanctions?

**Mr. Odsen:** I think that's a different sort of circumstance.

**Ms Notley:** Well, I don't think it's clear. It's not clear from the wording of recommendation 18 because we don't get the specific wording, right? So it could be possible that 27(2) would be amended with 27(2.1), which would say: notwithstanding subsection (2), the Ethics Commissioner may levy an administrative fine of up to \$500. So it would seem possible, then, that the Ethics Commissioner could levy a fine, but it would not be considered a recommendation for sanction in the act, which, of course, then would keep it from the oversight of the Assembly.

**The Deputy Chair:** Thank you.

Ms Neatby.

**Ms Neatby:** Yeah. In other administrative penalty schemes that have been adopted by government in legislation it is a choice. So the provisions generally make it clear that you cannot impose an administrative penalty and also recommend or impose, if you have the power to impose, higher sanctions. Usually the scheme sets out what sections and offences can be subject to an administrative penalty, and generally speaking they are of a more minor nature.

**Ms Notley:** But we don't in this section 18 yet have the specific breaches that are set out.

**Ms Neatby:** That's correct.

**Ms Notley:** That's concerning to me.

**The Deputy Chair:** Okay. Thank you.

Anybody else wish to raise a comment about this issue?

Okay. So how do we move forward, then, with the question on the floor? I invite somebody to think of a solution forward.

**Mr. Dorward:** Would the solution be that in item 42 we simply state with an additional sentence, "other than the comment in number 18," or something like that?

**Mr. Odsen:** I believe Ms Leonard, when she first was explaining this, gave an example of what would be needed or what could be done to make the change.

**The Deputy Chair:** Okay.

**Mr. Young:** I'd be willing to make the recommendation – and I'll read it, and I ask for clarification to make sure I've got it correctly – that section 27(2) not be amended to enable the Ethics Commissioner to impose sanctions on members for a breach of the act apart from the administrative fine scheme.

**The Deputy Chair:** Thank you.

**Ms Leonard:** In recommendation 18?

**Mr. Young:** In recommendation 18.

**The Deputy Chair:** That sounds like a motion. Let's get some consensus. Anybody else have a question on that one?

**Ms Blakeman:** If I could just hear the wording again, please.

**The Deputy Chair:** One more time? Okay. Let's do that.

**Mr. Young:** Okay. That section 27(2) not be amended to enable the Ethics Commissioner to impose sanctions on members for breaches of the act apart from the administrative fine scheme in recommendation 18.

**The Deputy Chair:** So that will connect the two together and also clearly draw where the difference is. Any further questions? Does the committee agree?

**Ms Blakeman:** The issue, Mr. Chairperson, is whether – once it leaves this committee, we have no more control over it. So how do we give the best direction to the people that are drafting it? What you're hearing is a concern that we won't have any more influence over it, and if it comes out differently than what we understand, we have no power to change it. It's done.

**The Deputy Chair:** So you're saying: let's make it as clear as possible here, and then we don't need to have that concern.

**Ms L. Johnson:** For clarification, our report is a recommendation to the Legislature, so it's not immediately going to a department for drafting, correct? Okay. Thank you.

**Ms Notley:** We should still assume that someone's listening to the committee. I don't think we should make decisions on the basis that no one is quite listening to the committee.

**Ms L. Johnson:** That was not the intent of my observation.

11:50

**Ms Notley:** Would it be possible to unpack item 18 a little bit and reference in particular section 14, which was the example that was given by the commissioner's office, so that we don't find ourselves in a situation where, for instance, we have repeated breaches of section 3, and then the commissioner turns around and imposes a \$500 fee, and then we say: "Oh, gee, too bad. Sorry. We can't do anything else about it because the commissioner decided to fine Joe Blow \$500 for, you know, giving himself a \$100,000 contract"?

**The Deputy Chair:** Let's hear from our supporting staff on how to help us clarify.

**Mr. Resler:** If the committee wishes, we could come back with a proposal as far as what sections would be subject to administrative fines, to clarify.

**The Deputy Chair:** All right. Thank you.

I appreciate all of the suggestions, but we do have a motion on the floor right now. So let's deal with this first, and then let's see if we can move anywhere from there onward.

Pardon me again, Mr. Young. Can you repeat the motion? Let's get a question on the floor.

**Mr. Young:** Sure. I love practising my oration. That section 27(2) not be amended to enable the Ethics Commissioner to impose sanctions on members for breaches of the act apart from the administrative fine scheme in recommendation 18.

**The Deputy Chair:** On that one I'd like to call the question. For those who support that motion – sorry. Ms Notley, you have a point to make?

**Ms Notley:** Well, the commissioner's office just suggested that they might be willing to come back with some clarity on that, so I'm not exactly sure why we would go ahead and vote something without clarity when they just indicated a willingness to come back with clarity.

**The Deputy Chair:** Okay. Just give me one second here. I think Mr. Reynolds raised his hand earlier. Do you still want to comment?

**Mr. Reynolds:** No. Thank you, Mr. Chair. I'll allow Mr. Odsen, I believe, if I may, to answer in my place.

**The Deputy Chair:** Go ahead, Mr. Odsen.

**Mr. Odsen:** Thank you, Mr. Chair. Hopefully, we can help to resolve this issue. Recommendation 18 – coincidentally, if you look at section 18 of the act, failure to file:

A Member breaches this Act if the Member does not file a disclosure statement, an amending disclosure statement or a return within the time provided by section 11 or 15, as the case may be, or if the Member knowingly gives false or misleading information in a statement or return.

I think probably what the drafter would end up doing is adding to section 18 a statement that the Ethics Commissioner then has the discretion under section 18, for specific breaches as set out there, of imposing an administrative penalty up to a maximum of \$500. That's where it would go, and that's what it would be specifically with reference to and only with reference to those things. So the section 3 concern, for example, would not be something that would be caught by that. Section 2 would not be caught by that. Section 4 would not be caught by that. The postemployment stuff would not be caught by that.

**The Deputy Chair:** Okay. Thank you.

Does that help with the motion that Mr. Young put forward? Do we need a friendly amendment on that?

**Mr. Young:** If I may?

**The Deputy Chair:** Go ahead, Mr. Young.

**Mr. Young:** I think my motion is still valid. The information that you want to provide is clarification around what that fine scheme is and what is within it. So we don't need to wait for clarification on the motion; we need to have supplemental clarification on what that fine scheme includes from the Ethics Commissioner.

**The Deputy Chair:** Gotcha. Thank you. That's very helpful.

Ms Notley?

**Ms Notley:** Yes. I don't know that the motion as framed necessarily encapsulates what Mr. Odsen has said, so that's why I would like to see a motion actually encapsulate what Mr. Odsen has said. My concern is that – I think that's helpful, but now I look at section 18, and I think it is absolutely appropriate where the member simply fails to file a statement or amending statement within the timelines. That's fine. Absolutely. But "knowingly gives false or misleading information"? Uh-uh. No-no. That's a major breach.

If there is a way to address this where we make it very clear that what we're recommending is that the office have the ability to impose an administrative penalty for failure to file in time, that's great. And if we can get a motion that says that, then I'm good to go. If we're passing a motion which can be interpreted to suggest that we're going to allow the commissioner to give a maximum

fine of \$500 for knowingly giving false information, then that's a different thing altogether.

**Ms Blakeman:** As a technical breach.

**Ms Notley:** As a technical breach. That's not a technical breach, folks. That's a major breach.

**The Deputy Chair:** Ms Blakeman, anything further to add?

**Ms Blakeman:** Yeah. This is bad. I mean, the beginning, yes; the end, no. We can't say that it's a technical breach and \$500 fine for lying on your disclosure statement.

**The Deputy Chair:** I have had a suggestion made to me. Let's see if it makes sense to our committee members. We can address the motion that already was put on the floor by Mr. Young for recommendation 42, and then when we finish this one, I can invite somebody else to talk about item 18 and to further clarify the specific provisions there, so that will capture all of the discussion that we've had. If that's okay, we'll proceed with that. I see some heads nodding. Okay. Thank you very much.

On that note, let's do one at a time. For the motion already put on the floor and repeated three times – I'm not going to ask you to do it again – if you are supportive, please raise your hand. On the phone, please state your opinion. For those who are against it, please raise your hand. Okay. So that motion is carried.

That clarified recommendation 42. Now I'm going to invite discussion for item 18.

**Ms Blakeman:** Well, I would put a motion on the floor to amend recommendation 18 from the committee: that section 27(2) be amended to enable the Ethics Commissioner to levy administrative fines of up to \$500 for technical breaches for not filing a disclosure statement, an amending disclosure statement, or a return within the time provided by section 11 or 15.

**The Deputy Chair:** All right. Any questions on this one?

**Mr. Young:** Quid pro quo. If you could just repeat that for me.

**Ms Blakeman:** This is a motion to amend the committee's recommendation 18. That

section 27(2) be amended to enable the Ethics Commissioner to levy administrative fines of up to \$500 for technical breaches of the act arising from a failure to file a disclosure statement, an amending disclosure statement, or a return within the time provided by section 11 or 15.

In other words, the second half of that I'm lifting straight out of the act.

**The Deputy Chair:** Okay. I see some heads nodding around the table. Any further questions?

**Mr. Young:** It's my understanding that your intent was to add in that "knowing" piece.

**Some Hon. Members:** She wants to take it out.

**Mr. Young:** Oh, okay. Thank you.

**The Deputy Chair:** Okay. That was clear.

On that change, for those who support that one, please raise your hand. On the phone, please state your position. Carried. Thank you very much.

I think it's lunchtime now. Can I ask committee members that we take 20 minutes, 30 minutes – Ms Notley.

**Ms Notley:** I just have a quick question.

**The Deputy Chair:** Yep.

**Ms Notley:** I'd like to get into the sort of – I assume, after we're finished dealing with these clarifications, that we'll get into a more substantive discussion of the report, and I was just looking for some guidance as to how many more clarification requests were forthcoming.

12:00

**The Deputy Chair:** My understanding is that this is it.

**Ms Notley:** Okay. So then we can consider the report?

**The Deputy Chair:** That's right.

As you know, those clarifications are mostly technical, just making sure that we're not contradicting one section to another and enabling the intent to be carried through, except the last one has some vigorous clarification. All the previous ones are pretty straightforward. So with that, that concludes the modification of the draft report you have in front of you.

**Some Hon. Members:** No.

**The Deputy Chair:** No? More clarification.

We'll have our lunch, and we'll come back to that. How is that? Okay. Thirty minutes for lunch, so come back at 12:30. Thank you.

[The committee adjourned from 12:01 p.m. to 12:34 p.m.]

**The Deputy Chair:** Good afternoon, everybody. It's a few minutes past 12:30 now, so I'd like to call the meeting back to order.

Before we broke for lunch, we'd just finished the technical clarifications from our fantastic staff, so that addressed that part of the need. Now I'm going to ask committee members if there are any further comments or questions with regard to the draft.

Ms Blakeman.

**Ms Blakeman:** Thanks very much, Mr. Chair. My question is around why the discussion of senior officials is not referenced in the recommendations for no change. Now I've got all the documents open over here.

There were two motions that were moved, appearing on page 36 of the minutes from September 13. They do appear here. But the final one does not, and there was an extended conversation about senior officials being included or not being included and what agency they worked for, et cetera. I think it's a particularly important point.

The original recommendations appeared on page 23 of the summary of issues and recommendations; they appeared as recommendations 129 and 130. When we looked at the deferred issues later, there's no reference to the numbers, I think partly because it was a very general discussion, but it's hard to convince you all that we missed something when I can't give you the through line on everything. I think it's important that we do note that there really was no significant change in who is included as a senior official. We adopted the Fowler memo, but the Fowler memo is quite specific and narrow and really only talks about disclosure, not about postemployment. Factually, I think that's an issue that needs to show up here.

**The Deputy Chair:** Okay. We have Dr. Massolin.

**Dr. Massolin:** Yes. Mr. Chair, I think the answer to the question as to why this is not there is as simple as saying that the standard

for inclusion into the report is simply that either the change is made to the act as agreed to by the committee or that motions were moved and passed by the committee. I believe – and somebody correct me, please, if I’m wrong – that on this one the committee actually defeated the motion to which Ms Blakeman refers.

**The Deputy Chair:** That’s my recollection. If I recall, there were three sections of that motion that we discussed.

**Ms Blakeman:** Yeah.

**The Deputy Chair:** We carried forward the first two, and the last one was regarding the question on the table. After I believe an hour of debate the vote taken decided to leave as is.

**Mr. Resler:** Number 24 deals with the Fowler memo that you mentioned.

**The Deputy Chair:** Accepted.

**Mr. Resler:** Number 25 talks about the cooling-off provisions for the Alberta public service postemployment restriction regulation, which is applicable to senior officials.

**The Deputy Chair:** That’s my understanding, too. The way I look at it is that we made some progress, but up to the Fowler memo is where the comfort of the committee seemed to arise. With anything after that, we were just going around and around for so long.

**Ms Notley:** The majority of the committee. Let’s be very clear. I’d prefer you to say “the majority of the committee” because there is certainly not consensus, so we need to be clear about that.

**The Deputy Chair:** The majority. That’s right. That’s correct. Any further questions of clarification on this? Ms Blakeman.

**Ms Blakeman:** Yeah. Well, maybe it’s because what I’m looking at in the minutes is not what I’m looking at under the senior officials section unless these are backwards somehow.

I’m sorry. Let me be clear. This is not a criticism, by the way, of any of the research staff, whom I feel blessed to be able to work with. I’m just trying to be really clear. This, as you’ve probably noticed, is my personal bee in my bonnet about the conflicts of interest: not including those senior officials from those Crown agencies.

We have the motion that the Select Special Conflicts of Interest Act Review Committee “recommend that the provisions of the Fowler Memo, dated February 3, 1993, be incorporated into the Conflicts of Interest Act” – that’s the motion – and a second motion, that the committee “recommend that the postemployment restrictions applicable to senior officials found in the public service regulations be incorporated into the Conflicts of Interest Act.”

**Ms L. Johnson:** Which minutes are you looking at?

**Ms Blakeman:** September 13, page 36.

When I look at the recommendations for senior officials, it says that “the obligations and restrictions in the Fowler memo as they apply to Deputy Ministers and senior officials be incorporated into the Act” and that “the cooling-off provisions applicable to the senior officials currently covered [under] the Alberta Public Service Post-Employment Restrictions Regulation be incorporated into the Act.” The second one does cover it. I wonder about the first one.

I’m sorry. Would you mind repeating your criteria – I’m going to do a double negative here – for not including recommendations for no change?

**12:40**

**Dr. Massolin:** Well, no, it’s not that we didn’t include recommendations for no change. Those recommendations were included if the committee carried that motion. What we didn’t include are the defeated motions and the substance thereof.

**Ms Notley:** Right. I think I added to this confusion somewhat because I was chatting about it with Ms Blakeman beforehand and saying, “Oh, there’s a whole list of things that aren’t in here,” which then, of course, I realized is because we’re only including the things that were rejected by a majority of the committee as opposed to . . .

**Ms Rempel:** Accepted.

**Ms Notley:** No. We’re also including things that were rejected by a majority of the committee.

Okay. It made sense, and now it doesn’t. It did make sense. I guess the recommendations that came to the committee from submitters that the majority of the committee rejected are in there, but recommendations that came from other committee members that the majority of the committee rejected didn’t get included. Was that what happened?

**Dr. Massolin:** I can try to clarify it. The resolutions that are contained within this report almost exclusively, with a few exceptions, came about because there was some consensus. Most of them came about as a result of motions that were carried. There were motions moved that, of course, were not carried, that were defeated, and those motions were not included because they’re not reflective of a committee decision.

**Ms Notley:** I do get what you’re saying, and I understand the rationale, but I’m a little worried that after the fact it really comes down to how the motion was phrased. So what could have happened is that there could have been a motion that was phrased “that the committee not move forward on A, B, and C,” and then the majority of the committee would have voted in favour of that, and “that we not move forward on A, B, and C” gets included. But it could just as easily have been the case that the motion would have been that we do move forward on A, B, and C and that the majority of the committee voted it down, and then it’s not included.

I understand the rationale for why you’re doing it that way, but the problem is that because not all of us were maybe totally clear that those were the criteria for inclusion into the committee report, motions could have been formulated in different ways to at least have it included in the report. Do you see what I mean, or am I confusing it? It’s possible that I’m confusing it.

**Dr. Massolin:** May I respond?

**The Deputy Chair:** Dr. Massolin, please.

**Dr. Massolin:** Yeah. I don’t think you’re confusing it.

**Ms Notley:** It’s just confusing.

**Dr. Massolin:** Yes, it’s just confusing. A good way of putting it.

I think I did mention last time, when I was outlining the format of the report, that this is the way it would sort of be parsed. Again, you know, to reiterate it, it makes sense from the perspective that

this is the report of the committee. You know, if you were to include some of things that you're suggesting that were not approved by the committee, then it wouldn't be that way. That's just a standard principle of this approach, and that's why we did it this way.

**The Deputy Chair:** Thank you.  
Mr. Wilson.

**Mr. Wilson:** Thank you, Mr. Chairman. I'm wondering if Dr. Massolin could comment on whether or not it would be appropriate to include an appendix to this report that covered some of the hotly contested items that took up hours of debate in here. I apologize that I... [interjection] Sorry. Was there something you needed to add?

**Mr. Dorward:** Yeah. Mr. Chair, anybody can add into the minority report those kinds of things.

**Mr. Wilson:** Okay.

**The Deputy Chair:** Mr. Wilson, carry on.

**Mr. Wilson:** Thank you. I'm wondering if there's a way in which that could be at least a part of this. I see you're referencing standing orders, so perhaps I'll allow you to respond before I continue.

**The Deputy Chair:** Thank you.  
Dr. Massolin.

**Dr. Massolin:** Thank you, Mr. Chair. To Mr. Wilson's point: of course, it's a committee decision as to what's included in the report. You know, it's not for me to say. We're working on behalf of the committee. I mean, I'm sure you know that. So that's the first point.

The second point is, as I think was referenced, Standing Order 68(2). "The report of a committee is the report as determined by the committee as a whole or the majority of it but shall include any minority reports concerning the report or parts of it."

Thank you.

**The Deputy Chair:** Thank you very much. That's very clear. Thank you.

**Ms Blakeman:** I think that's where I have an issue, and thanks for allowing the discussion to go on this far. My concern, having sat on a number of these review committees that are reviewing specific acts, is that once it's done and you move on, people don't reference all of the work that was done by the committee. They go and look at the final report, and that's it. When we don't include things that we decided to not approve, it gives a very skewed idea of what we spent our time doing in the committee. I've noticed in the past that when I say, "Well, yes, but we talked about that in such-and-such review committee," people go: "No. That's not in the report. That's not anywhere."

What I would prefer to see is just a listing of the defeated motions as an appendix in the back of the report because I think that gives a clearer idea of both what the committee looked at and decided to go with and looked at and decided not to go with and gives a clearer understanding of what we actually worked on, and it's particularly important when that's all people look at in the future. They don't go back to *Hansard* or to any of these other documents that we've been working on. So I think that it's important that we make a record of those issues and that they be available in the report.

**The Deputy Chair:** Ms Notley.

**Ms Notley:** Yeah. I mean, ultimately, it comes down to a bit of a question of resources and resource use because – let's face it – what happens here is that the opposition caucuses disagree with significant portions of this report and, of course, you know, the sort of adage, "Well, off you go; you write yourself a minority report," means that we end up using our resources to write the minority report whereas LAO resources go to replicating the decision of the government members. And let's be clear. There have been very consistent voting patterns throughout this committee, and that's what it comes down to.

The other thing that happens – because I was trying to get my head around, you know, the way in which the criteria applied, and I absolutely understand why the LAO staff would have done it that way. I do. But if I was in a position of not wanting to have to write a minority report, what I would do is that I would end up making motions that the committee not support the broadening of the application of the act to senior public officials. I would make those motions, anticipating, for instance, that the government members would support that motion. I would do that for the sole purpose of getting that issue reflected in the report, which would be a very odd thing to do because that's not a motion that I want to actually be successful. It's a motion that I want to be unsuccessful. But the only way to get the fact that that was something that we spent four hours talking about over the course of the deliberations into the report is for me to actually make the motion, that I expect the government members will support, and that I get it in.

That's a really backwards way for us to operate on this committee in order to get access to the resources of the LAO staff in terms of them assisting in reflecting the minority view of the committee in the report. [interjection] What's that? Oh, right. I see what you're saying. Yeah.

**The Deputy Chair:** Are you done, Ms Notley?

**Ms Notley:** Yes, I'm finished.

12:50

**The Deputy Chair:** Okay. Thank you.

Anybody else wish to make comment on this?

**Ms Notley:** Well, do you want to respond to that? I think that's kind of a problem. That is a process problem that as chair you should give some thought to.

**The Deputy Chair:** I want to give the option to the committee members.

Anybody else want to add to that before I say it?

**Ms Blakeman:** I would move a motion that  
the report include as an appendix the list of defeated motions  
the committee considered during its review of the act.

**The Deputy Chair:** Okay. With that motion, anyone else wish to make a comment on that? Mr. Saskiw.

**Mr. Saskiw:** Yeah. I would just speak in favour of this motion. I think it's something that's pretty easily done. It's all a matter of public record, and it makes sense.

**The Deputy Chair:** Okay. Let me see if I can capture the discussion. The discussion was first raised to our staff, asking why the defeated motion was in there. What I'm hearing is that, according to the norm or the tradition, the report only reflects the committee as a whole, and if people don't agree with that one, you have an

opportunity to submit a minority report to reflect your different opinion on that. So that was the tradition. Then I hear the concerns that that takes some of the opposition's limited resources to write the minority report, and therefore you wish to do it this way by listing the defeated motions. You also raised questions about how people can go on *Hansard* to look at how each of those things are all debated.

So those are the points put on the table.

**Mr. Wilson:** I would just clarify that research services also suggested that they serve at the will of this committee, so if this committee determines that an appendix be created by research, then that would be part of it.

**The Deputy Chair:** Good point.

**Mr. Wilson:** Your paraphrasing of research was somewhat questionable, so I just wanted to clarify.

**The Deputy Chair:** In order to show the committee's will for this, a motion and vote need to take place.

**Mr. Wilson:** Which has been put forward.

**The Deputy Chair:** That's the motion put on the floor so far. Okay. So I'm following exactly what you're saying.

Anybody else want to comment on this before I take the vote? Ms Johnson, and Mr. Dorward to follow.

**Ms L. Johnson:** Okay. My question is more about parliamentary tradition that committee reports – for how many years? – in provincial Legislatures and federal Legislatures have been set up in this format. It's not a discussion of resources. It's the parliamentary traditions of the institution that we're a part of.

**The Deputy Chair:** Thank you.

**Mr. Dorward:** Well, if anybody wants to react to that, we can go there first.

**Ms Blakeman:** I appreciate that issue being brought forward by the previous member, but in fact these very committees, including, for example, the policy field committees, are creatures that were created in 2006. Select special committees are created by what's in legislation and how often they should meet. So saying that there's a particular tradition in how a report is written is not reflecting the reality of the movement in this Legislative Assembly.

You know, there is no consistent way to do it. These reports have changed quite a bit in the way they've been presented as we have different staff and increasing staff that are available to assist the committees. Every report looks different as it grows given the sophistication of the committees that are looking at it. So there is no standard form that the member can refer to. They have reflected the committees as the committees have met. We're moving towards a standardization of similar front piece and similar font – that kind of thing is all starting to happen now – but there is no long precedence of reports looking a particular way or having certain things in it or not in it. That has changed much over the last 10 years.

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

On that question of whether or not there is a standard and how we refer to that standard, I'm just wondering if I can look to Dr. Massolin to help the committee to see if the standing orders do prescribe one way or another.

**Dr. Massolin:** Yeah. I would just sort of submit to the committee that what maybe the committee should look at first is, again, that standing order I read out, 68(2), with respect to the fact that the report is determined by the committee as a whole or the majority, and then there's a minority, so, I mean, within those bounds, right? The report should be determined within those bounds.

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

**Mr. Saskiw:** The standing orders state that the report should be the report of the majority, and in this case the suggestion of this motion is that the majority is asking for there to be a report of all those motions that were voted against by the majority, so I think it's completely within the standing orders. I don't think research is saying that this motion is contrary to standing orders at all.

The comment by Ms Johnson about it being contrary to parliamentary tradition: I think committees have the will to determine how the report is structured, and that is the parliamentary tradition.

**The Deputy Chair:** Thank you.

**Mr. Dorward:** Well, Mr. Chair, I have a suggestion to make, but I would like to review it with my colleagues. Is it possible to take a five-minute break? I have a suggestion to make that might help us move this through.

**Ms Notley:** But there's a motion on the floor.

**Mr. Dorward:** Well, just say no, then.

**The Deputy Chair:** Let me get this. You are thinking of some kind of a friendly amendment, so you wish to have a conversation.

**Mr. Dorward:** Yeah. I haven't had a chance to talk to my colleagues about it, and I'd like to do that.

**The Deputy Chair:** Okay. If I'm following the spirit, we're talking about a friendly amendment to get a solution on the table. Is there anybody opposed to that?

**Ms Blakeman:** Just the language that you've used, Mr. Chair. We don't know what his suggestion is going to be, whether it's friendly or whether it's an amendment. The point is that there's been a request for a recess. Will you grant it or not?

**The Deputy Chair:** That's my sort of wanting to read the pulse of the committee. If you're so agreeable to that, I'm happy to grant that, and then we revisit this with the hope that we can get a solution on the table.

**Ms Blakeman:** That would be nice.

**The Deputy Chair:** Okay. Thank you.

Let's take a five-minute recess, so we'll come back at 1:02. Thank you very much.

[The committee adjourned from 12:57 p.m. to 1:04 p.m.]

**The Deputy Chair:** Okay. Thank you, hon. committee members. If I can call all of us back to the meeting again.

On the phone, Mr. McDonald, are you able to hear us now?

**Mr. McDonald:** I sure can. Thank you, Mr. Chair.

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

I want to applaud Mr. Dorward. He really had a great intent in trying to find a middle ground to make a friendly motion. I'm

going to let Mr. Dorward share a bit of the discussion on what you want to bring forward.

**Mr. Dorward:** Well, yeah, we had a chit-chat, and I think that we think that the minority report will cover it off. I don't have any amendment or anything if that's what you're trying to extract from me.

**The Deputy Chair:** I do want to acknowledge that Mr. Dorward did try to convince the rest of his colleagues to agree with his middle-ground thinking, but unfortunately others have different views. Thanks for trying, though; that is what I want to say.

Yes, Mr. Wilson.

**Mr. Wilson:** Thank you. I'm wondering if any of those other members may share with the committee their reasons for not wanting to co-operate with Mr. Dorward's apparent friendly amendment.

**The Deputy Chair:** Let me phrase this differently, because I don't want to bring that conversation to this meeting. All I'm trying to do is give you a heads-up. Here is the question on the floor. There was a motion made by Ms Blakeman. The request is to add another list, defeated motions, into the main report. There are pros and cons of going this way. Perhaps I will ask our committee members: beyond what's been shared so far, does anybody else wish to further add to the discussion so far?

**Mr. Wilson:** I'll ask one other way. Is there anyone who is a member of the PC Party who can explain the cons to this motion before voting against it?

**The Deputy Chair:** No. I don't like the question you're proposing there. What I've heard as chair is that different people have already expressed where they stand on this issue. Perhaps the question is: does anybody have new information, new ideas that they wish to add to the debate so far?

**Ms Blakeman:** Well, I'll speak to close, then.

**The Deputy Chair:** Okay.

**Ms Blakeman:** I'll speak to close the debate on the motion. I will be saddened but not surprised if the members of the government that sit on this committee choose to defeat my motion to have the defeated motions of the consideration of the committee appear as an appendix in the main report. All of this information is available publicly. It's just much harder to get. You know, I do express a lack of understanding as to why certain members would not want it to be readily available or easily available when it is a matter of public record. I just wanted the report to better reflect the entire debate and conversation that went on around various issues.

I would encourage everyone to support the motion. It's merely a matter of putting what we already know into the report without making people dig through *Hansards* and minutes of committees and things like that on websites that may be hard to find in five or 10 years.

I encourage everyone to support the motion, and I call the question.

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

**Ms Blakeman:** Could we get a recorded vote?

**The Deputy Chair:** A recorded vote? Okay.

As we go around on this, on the motion put forward by Ms Blakeman, state your name. Let's go from my left this time.

**Ms Fenske:** Are you asking who is supporting this? That was your question?

**The Deputy Chair:** We'll go around the table. Just state your opinion.

**Ms Fenske:** I do not support the motion.

**Mr. Dorward:** No.

**Ms Blakeman:** Yes.

**Ms Notley:** Yes.

**Mr. Saskiw:** Yes.

**Mr. Wilson:** Yes.

**Ms L. Johnson:** No.

**Mr. Young:** No.

**The Deputy Chair:** On the phone?

**Mr. McDonald:** No.

**The Deputy Chair:** Okay. That's 5 to 4. Motion lost.

Anybody else wish to further discuss this, or is something else going on? Ms Notley.

**Ms Notley:** Thank you. I assume we're kind of going back to the major discussion of the report now?

**The Deputy Chair:** Yeah.

*1:10*

**Ms Notley:** Okay. So we're going to sort of the substance of the report at this point. I have a couple of motions that I would like the committee to consider as it relates to what ultimately is included in this report.

One of the reasons I'm bringing up these two issues that perhaps, in a way, haven't come up before is because since the last time we met, we've had – and I say this in quotation marks – the benefit of seeing the way in which the commissioner's office has interpreted the act as it applies to a certain set of facts to which we have been subjected as members of the public and also members of the Assembly as a result of actions taken by one of our colleagues. That interpretation and that decision that was rendered by the commissioner's office worries me, troubles me greatly. I think that if those interpretations are allowed to stand, we essentially reach the conclusion that, for all intents and purposes, it is almost impossible to breach this act and that it is effectively the case that we do not have a rigorous conflict-of-interest legislative scheme in Alberta.

When I talk about that, I talk in particular about how the term "private interest" has been interpreted in the decision of the commissioner. Yes, I know that we have turned our mind to this once already, but we turned our mind more in relation to the question: does political activity amount to private interest in addition to pecuniary interest, which is what is typically seen? However, we have not turned our mind, really, in an effective way to the issue of how we define broad class. Unfortunately, because of the way the commissioner's office chose to interpret the definition of broad class, if somebody uses their position to pursue a distinctly private interest that happens to also benefit another person, we now are in a position of them being included in a broad class and that activity being condoned by the commissioner.

Essentially, what that means is that it is not possible for a law of this Assembly to be passed without it applying to more than one person. There are private bills. There is a very sort of limited use of the concept of a private bill, but government bills always apply to more than one person. Unfortunately, the way the commissioner's office has interpreted the language around private interest in the two most recent decisions means that we are now in a situation where a member can lobby to change a law that would distinctly and significantly benefit them or a direct associate based on their business and that if it happens to benefit others, that's A-okay.

To me, that is not what conflict-of-interest legislation is about. I think it flies in the face of the common-sense understanding on the part of the public of what conflict-of-interest legislation is about. Because that decision has been made, as I said at the beginning of these comments, I believe we're at a point where, for all intents and purposes, we don't have conflict-of-interest legislation. We can now have somebody advocate for laws or regulations that would benefit their particular drilling company, and if it benefits somebody else's, then this is fine. That just goes against the spirit and the intent of this act.

I actually have an amendment that I brought and am prepared to distribute, but before I do that, what I want to say is that this amendment basically comes from the guide to defining private interest that the commissioner's office itself has published. What I've attempted to do is inject into the proposed amendment an obligation of the commissioner to follow the guide that they have published in lieu of publishing the interpretation bulletin, which the Speaker recommended should have been published a couple of years ago.

It's not perfect, but it is an attempt to put some substance back into our conflict-of-interest legislation. Otherwise, really, if we don't fix private interest and the way it currently is read so that additional decisions like the ones that were just made can continue to be made, then all of this discussion is artificial and, frankly, fictional because we don't have an act which we can count on to be enforced.

So I'd like to distribute my draft, and then once it's distributed, I'll read it into the record.

**The Deputy Chair:** Okay. We'll take a few seconds to have the copies distributed.

**Mr. Dorward:** Did Mr. McDonald get it?

**Ms Notley:** No. But it's a good question.

**The Deputy Chair:** Okay. Mr. McDonald, our leg. staff are going to e-mail you a copy of this.

**Mr. McDonald:** Okay. Thank you very much. That would be perfect.

**The Deputy Chair:** Just to be fair to Mr. McDonald, I'd like to take a few more seconds.

Ms Notley, while we're waiting, can you read your motion into the record?

**Ms Notley:** Absolutely. What the motion does is amend the definition of private interest as follows:

"private interest" does not include . . .

(i) an interest in a matter

(A) that is of general application,

Then it changes (B), which refers to "a broad class of the public," eliminates that, and replaces it with what was (C), which reads:

(C) that concerns the remuneration and benefits of a Member;

and then

(ii) an interest that is trivial;

(iii) an interest of a Member relating to publicly-traded securities in the Member's blind trust;

And then it adds a new subsection, (iv).

(iv) an interest that affects a person as one of a broad class of the public, except where

(A) the Member, a person directly associated with the Member, or the Member's minor or adult child, gains a direct benefit exceeding other members of the class, or where

(B) the activities of the Member are so closely linked to the interest of the person that it gives rise to the perception of a conflict of interest, unless the matter has previously been raised by other members of that class;

Now, what this is trying to do is go through the deliberation that occurred with the decision that was just issued. We had a situation where we had a member who was the subject of a number of different legal disputes where he had financial issues at stake that centred on the rules around builders' liens and the way in which they could be applied. At the same time – I could be wrong – I believe there were six different disputes under way associated with liabilities that might accrue to that member as a result of the rules associated with builders' liens. He was actively lobbying senior officials of government and ministers and ministers' staff on the issue of builders' liens.

When the commission looked at it, they decided, "Well, this issue affects all builders if the law passes," which is true. It does. There's a broad class of people that it would affect. It would affect other builders. Not every other builder had six legal actions under way in which they had significant potential of financial liabilities associated with the interpretation of the legislation around builders' liens, but certainly builders' liens are of interest to those other ones.

**1:20**

They also looked at whether other members of that class had raised the same concerns around builders' liens and actually didn't find much evidence of a consistent sort of association-wide lobby on the issue of builders' liens. But notwithstanding that fact, it was then determined that this was not a private interest under the act and that the member had not breached the act, which, as I say, is deeply troubling to many Albertans.

This amendment is an attempt to limit the way we interpret the term "broad class" so that we're not in a situation where all a person has to do is point to another person that might be marginally affected by the changes they are lobbying for in order to gain the exemption from section 2 or section 3, because section 2 and section 3 are the heart and soul of this legislation. They are the key elements that protect Albertans from people who they elect using that authority to improperly change the laws for their own benefits. It's sections 2 and 3; they're really the heart and soul. But sections 2 and 3 don't apply if it's not deemed to be a private interest, and the current interpretation of a broad class of people that exempts MLAs from the coverage of "private interest" is so broad as to render both sections 2 and 3 meaningless. This is why I would urge members to adopt my attempt at fixing this huge problem.

**The Deputy Chair:** Okay.

**Ms L. Johnson:** I have a question, Ms Notley. For clarification, the last phrase, "unless the matter has previously been raised by

other members of that class”: so if you’re the first person that has identified a problem and you happen to be an MLA, you can’t bring it up?

**Ms Notley:** If it relates to something that you have business in, yeah. If it’s an issue that is really a huge problem to your constituents – you may recall, one of the rationales for why “broad class of persons” exists in the legislation right now is that you need to be able to represent the concerns of your constituents, whether they be your geographic constituents or your constituents because you’ve got a particular interest in a broad issue, whether it be construction or environmentalism or labour issues or oil and gas, you know. Those are also legitimate constituents. If it happens to have a very obvious and direct and immediate financial impact on a business which you are continuing to run and nobody else has raised it, then yeah. I think we’re at a point where we need to ensure that a level of discretion is exercised in a way that gets us past the smell test, and right now it doesn’t.

**Ms L. Johnson:** But other parts of the legislation cover if you’re still running the business.

**Ms Notley:** No.

**Ms L. Johnson:** Yes. With the blind trust.

**Ms Notley:** That’s for an executive member, but not for an MLA.

**Ms L. Johnson:** We spent a whole day on this, June 19. I’m just getting the *Hansard* printed now.

**Ms Notley:** We did not have an understanding – I’ve read the *Hansard*, too, just to be clear – and we had not had an interpretation based on the set of facts that we received last week, and that has raised some very serious concerns.

**The Deputy Chair:** Okay. Thank you.

That’s the value of clarifying questions. Clearly, there are different interpretations, but that’s okay.

Anybody else wish to comment? Mr. Saskiw.

**Mr. Saskiw:** Yeah. I’ll just briefly comment on why I support this amendment, and it goes to the interpretation that was given by the Ethics Commissioner recently. It’s at a point where, say, an MLA owns shares of a private company, and then he or she lobbies to have changes to legislation that would directly benefit that company, but for some reason it also benefits a small list of other companies. That is, according to the Ethics Commissioner’s recent interpretation, completely allowed. I think most Albertans and the people that I’ve talked to think there’s something wrong here.

I do think this amendment does provide the ability in certain circumstances for an individual to advocate, so I think it’s fixing what I think is a pretty gaping loophole in our existing legislation, and I hope that other members would support this. It seems like a reasonable amendment to the legislation.

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

**Ms Blakeman:** I think we all agree that we’re in a unique position here, being able to influence or actively change public policy – it’s, in fact, why we’re elected – to represent people, and to debate different proposals for government to implement which we believe will make the lives of Albertans better. I came into politics because I was an advocate for public policy change, and I continue to be one. Certainly, my constituents expect me to do that,

but they do not expect me to be able to advocate for something which I solely or one or two people benefit from.

In implementing this legislation, we now get an opportunity to see where we have not supplied tight enough wording to allow the Ethics Commissioner or that office to be able to follow the legislation. So I think this is an opportunity to fix this. We’ve now seen a ruling that came out in which – I mean, it’s fairly well known – an individual was advocating for a particular change to legislation that would benefit them very much. When others in that particular class were asked repeatedly to step forward and indicate their support for this, it was very weak support, and that was noted in the Ethics Commissioner’s report on this particular investigation.

It’s no surprise to anyone that politicians are consistently rated as less reliable and with less integrity than used car salespeople.

**Ms L. Johnson:** Hey, I used to work in that business.

**Ms Blakeman:** This is not a statement against anyone in particular, but it’s an issue that we deal with here, and that is the credibility of elected officials. I take that seriously even if my colleagues don’t. There’s muttering out there, so I’m sure there will be statements following. I think this is part of it. These are the rules that we are supposed to be abiding by and by which we can be held accountable by someone that we’ve put in place to look at this and make sure we’re abiding by it, and we haven’t given them very clear instructions. This is the opportunity to fix this, because we’ve now had the test of the legislation on a very particular thing, and the test failed.

Yes, I support this legislation. I think it’s really important. I am very distressed by the amount of free-for-all dissing of any elected official that goes on on a minute-by-minute basis out in the public sphere. If we can’t present very strong legislation to show our conflict of interest, how do we expect the public to take that seriously?

Thank you.

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

I do have three other members who wish to speak, so I’d appreciate a little bit of preciseness. Mr. Wilson.

**Mr. Wilson:** Thank you. I will be relatively brief, Mr. Chairman. I think, as the other members have laid out quite clearly, you know, in light of the Sandhu ruling, that tougher conflict of interest laws are needed now more than ever.

**The Deputy Chair:** If I can ask you not to reference people’s names because they are not here to defend themselves. Just state your case; don’t reference their name.

**Mr. Wilson:** It’s a public report. With respect, Mr. Chair – the Member for Edmonton-Manning, if that satisfies your request – I’m not trying to be vexatious in any way, shape, or form. I think it’s well-known, public information. There were two reports given by the Ethics Commissioner’s office just last week in relation to one individual who is a Member of this Legislative Assembly.

What we found and my certain feedback that I received from constituents of all political stripes is that the legislation needs teeth. Currently they do not exist. There are not enough teeth in this legislation, as I believe was exemplified in that report. I would remind all members, especially those who sit on the government side of the House, what your Premier said: if what we are doing doesn’t pass the highest levels of scrutiny, we shouldn’t be doing it. Quite clearly, you have an opportunity to raise the bar here right now in this room with this amendment, and I would highly

encourage you to reflect on the words of your leader and do just that.

Thank you.

**The Deputy Chair:** Thank you.

Ms Fenske.

1:30

**Ms Fenske:** Thank you. I'm not going to speak to the comments that were made already, but I would like to speak to the motion and why I would not support it. One of the reasons why I would not support it is the fact that we're trying to bring back two issues that have already been debated at great length. With respect to the adult child, if we look at number 30, "That the provisions that apply to adult and minor children of Members not be changed," that's trying to incorporate that again, and we've already discussed that at length.

If you look at our recommendations for no change, number 27, okay, the word is slightly different, but the meaning is very similar: "That the concept of apparent conflict of interest." I see the word "perception" to be very similar, so I will not be supporting this.

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

Just a reminder to the rest of the committee members that according to parliamentary tradition once we've made a decision, unless we rescind that motion and decision, we cannot reopen the debate about that same subject again.

Thank you very much for that.

Ms Johnson.

**Ms L. Johnson:** Thank you, Mr. Chair. I'm going to begin with the number of hours we've spent on this and, because we've spent a lot of hours, say that we don't spend any more time on it. You know, my recollection of June 19 is of the day when we talked about broad class, because I brought up the issue of my children who work in the oil and gas industry, my adult children who work in environmental consulting. I was reminded by my colleagues on this side of the table today that that was a broad class, so I should not have to worry about it being a perceived conflict of interest. That's the opening comment.

The other aspect I'd like to remind the committee of and why I will not be supporting this motion is that when we look at sections 27 through to 29, the Ethics Commissioner makes a report, it gets laid before the Assembly, and then the Assembly has an opportunity to take further action. If we're not happy, we have a public forum there of 87 MLAs in a very public building space with media coverage, where they don't have to dig in *Hansard* and all the other criticisms we've heard today about people doing homework, where the discussion can continue. We ask the Ethics Commissioner to act on behalf of the Assembly.

We have a full document where we discussed over a hundred recommendations. We're at – what?— number 44 in the final list today, and we want to move forward. The discussion can continue. It's not going to end today. I'm absolutely convinced of that. So, Mr. Chair, I will be voting against this motion.

**The Deputy Chair:** Thank you. I really appreciate that passionate expression of your views.

**Ms L. Johnson:** You always get passion when you have me at the table.

**The Deputy Chair:** You know, it's good to have passion at the table. That's why we're elected. Thank you very much.

Do I have anybody else?

**Mr. Wilson:** I would just point out to this committee, Mr. Chairman, that it is incumbent upon us to take all matters into consideration and the timing of considerations. Yes, we talked about this back in June. Back in June we didn't understand necessarily how the interpretation of this section of the act would be taken by the Ethics Commissioner's office. Once this report is finished and this is passed back to the Legislature, it's five years before we're mandated as a Legislature to reconsider this act, so I think that it's incumbent upon us today to take the information that we have today and apply it to our recommendations today.

Thank you.

**The Deputy Chair:** Thank you.

We have Ms Notley.

**Ms Notley:** Well, I was just going to close debate if we're at that point.

**The Deputy Chair:** Yes, please.

**Ms Notley:** Okay. Well, first of all, I thank the Member for Calgary-Glenmore for her comments, and I look forward to her support on the motion that I'm going to be bringing forward next based on those comments.

That being said, on this particular motion I just want to say this. You know, when the decision came down last week from the commissioner's office – we all walk around our constituencies; we all spend time in our constituencies – I was shocked at the number of people who actually came up to me and said: "Are you kidding me? This MLA did A, B, and C, and that's okay?" I mean, people were appalled.

Now, the fact of the matter is that, just through serendipity here because of the timing of what this committee is doing and how that related to the decision made from the commissioner's office, we have a unique chance to fix a decision that, I would argue, has seriously undermined the credibility of the act that we are in the course of reviewing right now, the office of the commissioner, and the members of this Assembly. All three take a credibility hit because of that decision. Right now we can fix it in good faith. We can give guidance to the commissioner's office so that we don't have that kind of situation arise again. If we choose not to fix it or if the majority of this committee chooses not to fix it, then we are clearly sending a message to Albertans about behaviour that we think is just A-okay, and I would argue that that is not a message that we should be sending. I urge you to support this motion.

**The Deputy Chair:** Okay. Thank you very much for that motion on the floor.

**Mr. Saskiw:** A recorded vote.

**The Deputy Chair:** I have a request on the floor for a recorded vote, so we'll do that.

On that motion on the floor, please state your opinion and your name.

**Mr. Young:** No.

**Ms L. Johnson:** No.

**Mr. Wilson:** Yes.

**Mr. Saskiw:** Yes.

**Ms Notley:** Yes.

**Ms Blakeman:** Yes.

**Mr. Dorward:** No.

**Ms Fenske:** No.

**The Deputy Chair:** On the phone, please state your opinion and your name.

**Mr. McDonald:** No.

**The Deputy Chair:** So 5 to 4. That motion is lost.

**Ms Notley:** Okay. I have another motion, which I referenced in relation to the comments made by the Member for Calgary-Glenmore, again arising from my rather taken-aback reaction to the decision made by the commissioner. I went back to the act to have a look at what remedial outcomes there were for me as a member of the Assembly, being somewhat concerned about this situation.

It was interesting. I also did that in the context of the discussion that we had last time, where I was advocating very strongly for a judicial review provision in the act to ensure that where decisions were made outside of the actual terms of the legislation, we could embrace judicial review or access judicial review. Interestingly, in the second decision – actually, it was also the decision around private interest – the commissioner’s decision actually misquoted the legislation and then implied an inappropriate standard.

That being said, the committee has already decided that we do not want to have a provision for judicial review. There were impassioned arguments about how that would impinge upon our privileges as members of the Assembly because as members of the Assembly this is a creation of our Assembly, and we should be in charge of it, and we shouldn’t limit the prerogative of the commissioner by giving judges authority.

That being said, as I said, I went to look at the legislation, and interestingly, contrary to what was suggested by the Member for Calgary-Glenmore, section 28(3) of the legislation – and I’m going to quote it – says:

If in the report from the Ethics Commissioner the Ethics Commissioner has found that a Member or former Minister has breached this Act and the Ethics Commissioner has recommended a sanction, the Legislative Assembly shall debate and vote on their report within 15 days,

blah, blah, blah.

All great, so you’d think – and I’m sure that’s what the member was reading – but here’s the little interesting fact. In the last 20 years there have been 25 investigations by the commissioner’s office. There have been 10 occasions where it has been found that the member investigated breached the act. There have been zero sanctions recommended. So the outcome is that not once has an investigative report by the Ethics Commissioner been put before the Assembly for debate. It has been tabled, but it has not been allowed to be debated because of this other piece that says: and a sanction recommended. Interestingly, not only does that shut down the very process that the Member for Calgary-Glenmore told us we would have the opportunity to engage in and not only has it shut it down in all of the last 10 occasions where a member of the Assembly has been found in breach of the conflict-of-interest legislation, but it also, I would argue, undermines and contradicts the intentions of the act.

*1:40*

If you go on to section 29 of the act, it outlines the authority of the Legislative Assembly. It says that “the Legislative Assembly may accept or reject the findings” – the findings; just the findings, not the sanctions – “of the Ethics Commissioner or substitute its own findings” and may determine if there is a breach and then impose the sanction recommended by the Ethics Commissioner or impose no sanction. Then it goes on to talk about other powers of the Legislative Assembly.

The problem is that we can’t do that because there’s no forum for us to do that. The only way that we get to debate this damned thing is if there’s actually a sanction recommended. To review, even though we found 10 breaches and most recently we found six breaches – six separate breaches, I believe – there were no sanctions recommended.

What I’ve got here is an amendment that would fix that, and it would allow the process which the Member for Calgary-Glenmore so enthusiastically told us we would get to engage in to proceed. That is simply to amend section 28(3) to remove the phrase “and the Ethics Commissioner has recommended a sanction.” So what it would read as instead is:

- (3) If in the report from the Ethics Commissioner the Ethics Commissioner has found that a Member or former Minister has breached this Act, the Legislative Assembly shall debate and vote on the report within 15 days after the tabling of the report, or any other period that is determined by a resolution of the Legislative Assembly.

It removes that provision that we only get to debate it if a sanction has been imposed, and it allows us to debate it if a breach has been found but no sanction imposed, which would, I think, be in line with the intent of the act.

I have to say, Mr. Chair, that I was quite shocked when our researchers – the way this came up was that I was looking to find what process we needed to use to make sure we had a chance to debate it. I said, “Well, go look at other times when there have been breaches; how was that addressed?” and they did. They went back and found that there was never any debate. It was just tabled. Then we went back to the act and went: “Oh, yeah. It was just tabled. Even though there were 10 different occasions with breaches, there were never any sanctions ordered.” So there was never any debate, and I would suggest that that is a gross oversight in the act.

**The Deputy Chair:** Thank you.

Ms Johnson, you have some questions?

**Ms L. Johnson:** Well, I have to start by saying that I am not a lawyer, so I’m not going to speak as a lawyer. If the committee will indulge me in terms of what my constituents are asking me to discuss right now in my constituency, I had a town hall last Saturday, and we were talking about education, health care, and seniors’ care. This report: for two hours I was at an open forum, where all of my constituents were invited, and this matter did not come up. The questions were on other matters.

I will go to section 29 of the act. The amendment before us is for section 28, but section 29 of the act is: “The Legislative Assembly may accept or reject . . . or substitute its own findings” and act from there. So we have the authority of MLAs within the Legislature to take actions if we are unhappy with what the Ethics Commissioner has reported. I continue to support the legislation as we’ve worked through this document and will continue to disagree with the hon. member, with all due respect.

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

I have a question to our supporting staff. Hopefully, I'm not putting you on the spot, but if I read this motion on the floor, striking out that the Ethics Commissioner has the authority to do a sanction, does that contravene the motion we've already passed, that we've already decided? I just want a point of clarification on that. No? So we're good? Okay. Thank you. That's important.

Okay. Mr. Saskiw.

**Mr. Saskiw:** Yeah. I'm just going to speak in favour of this. It was interesting when the report came out. I take it that you may have done a town hall, but I bet that if you would have provided the facts of the Ethics Commissioner's ruling and then looked at the outcome of it, your constituents may have gotten some interest in this.

The one issue here, of course: breaching the act is very serious. In this particular case, the Ethics Commissioner found six serious breaches of the act. I think that's something that should be debated in the Legislature. The Ethics Commissioner even stated that they were, I think, serious breaches.

There were some alleviating factors like self-disclosing to the Ethics Commissioner and so forth, but here I don't know why PC MLAs would not want to have the opportunity for the report to be debated when there are serious breaches of the ethics act. I mean, if someone breaches an act, let's debate it and see what the ramifications should be. I just fail to see why they wouldn't want to vote in favour of this.

Again, I believe if the Ethics Commissioner finds a material breach of the ethics legislation, that the Assembly should have the opportunity to debate those particular breaches to determine what sanctions should be applied. Thank you.

**The Deputy Chair:** Okay. Thank you.

Mr. Wilson, followed by Ms Notley.

**Mr. Wilson:** Thank you, Mr. Chairman. I would just echo Mr. Saskiw's comments. I think this is eminently reasonable. We've talked at this committee table quite often about the parliamentary privilege that exists through this legislation and that the office of the Ethics Commissioner is really that of counsellor and/or one who recommends sanctions. I really think that if you look through the act and you get into section 29, it becomes very clear that a debate in the Legislative Assembly would be able to either impose a sanction or impose no sanction. If it rests only at the Ethics Commissioner's desk as to whether or not this happens or does not happen, I feel that we're missing an opportunity here where we can actually allow the members that are governed by this act to hold ourselves to account. That's not to say that every time the Ethics Commissioner finds a breach, there will be sanctions, but it goes before the Legislative Assembly in order to at least discuss it.

I think that's the power of the parliamentary privilege that we have and that that should rest with the Legislative Assembly. I will definitely be supporting this motion. Thank you.

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

I just want to double-check. Did I miss you, Ms Blakeman?

**Ms Blakeman:** Yeah.

**The Deputy Chair:** Ms Notley, are you okay if I let Ms Blakeman . . .

**Ms Notley:** Sure.

**The Deputy Chair:** Thank you.

**Ms Blakeman:** Well, what we have here is a difference between what is possible under legislation and the actuality of it. We are ignoring the actuality of any possible implementation of being able to debate this particular motion on the floor because the way the standing orders have evolved, it is not possible for a member of the public through their MLA or a member of the opposition to get a motion on the floor without the approval of government MLAs. In actuality it's impossible without that approval of government MLAs.

We can't send an issue to be considered under the policy field committees. We can't get a motion on the floor for debate aside from an emergency debate under Standing Order 30. We would not be able to ask for a resolution of the Legislative Assembly under what's currently provided without the approval of the government caucus. So although it is possible under this legislation for debate to continue on and to use that as an excuse to curtail the debate now by saying that we can debate it later, the actuality of that is that, no, it won't be debated later unless the government members are going to support it.

We can't even do, you know, a private member's motion because those depend entirely on luck. Literally, names of private members are put into a hat and drawn, and that is the order you proceed in. It's not based on the best motion or the first one put in. It's based on what order your name is drawn out of a hat. Currently because the government chooses not to move forward into a second session of the Legislative Assembly, we are still dealing with private motions that were put into the hat in the spring of 2012. So there is no opportunity for a private member to put a motion on the floor to be debated at all outside of emergency debates.

*1:50*

To be relying on the legislation which allows for it completely disregards the actual situation that we deal with on a day-by-day basis. That's what this particular motion is trying to deal with, the ability to actually have it debated on the floor because there is no other way to do it right now without the permission and active support of government members.

If I might put Parliamentary Counsel on the spot, maybe he could explain how we could possibly exercise our rights under section 29 appearing on page 31 of the Conflicts of Interest Act given . . .

**Ms Notley:** The absence of a sanction.

**Ms Blakeman:** Yeah. How would we do the effects of that sanction under this section? I don't think it's possible in the absence of what's been put forward by the member.

**The Deputy Chair:** Okay. Thank you.

Mr. Reynolds, if you're ready, I can let you speak, but you don't have to.

**Mr. Reynolds:** Mr. Chair, with the greatest of respect to Ms Blakeman, if I could just have a minute. But please move along. I don't want to delay the meeting in any way.

**The Deputy Chair:** Okay. Ms Notley.

**Ms Notley:** All right, then. Well, I guess just while Mr. Reynolds is looking up the question – what I was going to actually do was ask him a question – maybe I could clarify the question that I would like to have answered. Section 29(1) says that “the Legislative Assembly may accept or reject the findings of the Ethics Commissioner or substitute its own findings.” Section 28(3) sets

out the provision that they “shall debate and vote on the report within 15 days” where a sanction has occurred. My question to you is: where no sanction has occurred, what is the process through the House that allows members of the Assembly to exercise their rights under section 29(1) of the act?

**The Deputy Chair:** Okay. Thank you.

I have one more committee member who wishes to speak. Can I proceed? Then we’ll go back to Mr. Reynolds.

**Mr. Dorward:** The first motion that was proposed: I sat here and wondered if we should be discussing it in the context of having spent 20 hours, asked for submissions both written and verbal and debated for 20 hours on all of those things. I listened and heard that as a result of a ruling, there was some added information that – I don’t get the sense with this one.

So, Mr. Chair, I’m asking you: why are we going through 28(3) again at this point in time?

**The Deputy Chair:** You’re questioning why we are debating a decision that’s already been made?

**Mr. Dorward:** No. I’m questioning why we’re discussing one that could have been discussed.

**The Deputy Chair:** Okay. So the question is: why are we going this route here? [interjections] If I can get the committee’s attention on this again. It’s a good question on the floor. I’m going to delay a little bit how I respond to that. I want to get Mr. Reynolds on the floor to help us with some of the clarification of our current procedure.

**Mr. Reynolds:** Thank you very much, Mr. Chair. I was trying to get a copy of the wording of the act before it was amended in 2007, largely in response to the committee’s report of May 2006. I believe that was the committee chaired by Dr. Brown.

**Ms L. Johnson:** I may have it in my office, but don’t vote while I’m gone.

**Mr. Reynolds:** Yeah. I’m trying to get it, and unfortunately I couldn’t connect with the previous version. The act was amended in 2007. The previous wording was that the Assembly shall deal with the Ethics Commissioner’s report, I believe, and it was amended to put in the provisions that the Assembly would deal with it where a breach had been found and a sanction recommended. I believe that is the current wording of section 28(3). I imagine if one were to take an interpretive approach, that the Legislature amended the legislation for a reason, and the reason was that they wouldn’t be required to debate every report, only those reports where there was a breach and a sanction recommended. If I were to interpret section 29, I would say that it’s meaning is that if there had been a sanction recommended by the commissioner . . .

**Ms Notley:** That’s not what it says.

**Mr. Reynolds:** Sorry. I know Ms Notley would like to intervene. I’ll certainly cede the floor to her if she’d like to speak now.

**The Deputy Chair:** It’s yours, so finish what you want to say.

**Mr. Reynolds:** Thank you. What I would say would be that it allows the Assembly to substitute its own findings and to impose a sanction or impose no sanction. I think it’s clear there. If there was

a sanction recommended, it could turn around and pose no sanction. That’s how I would read that.

Thank you.

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

From what I’m following in the conversation – I just want to check the pulse of the committee – a valid point made. Because of the composition of members of the committee and the House, even if in the current legislation it gives you the opportunity to make a motion to ask for debate, if because as a member per se you are unable to put it on the floor, isn’t that the same case even here? If you are wanting something different and you cannot convey your idea so that the majority of the committee members will support it one way or another, it’s not going to go anywhere anyway despite giving everyone the opportunity to express what you want to do. That’s just my kind of curiosity. If you can move along that point.

**Ms Notley:** I actually have a question I’d like to ask.

**The Deputy Chair:** Okay. Go ahead.

**Ms Notley:** Just to follow up on the question that I’d asked previously. I did hear what counsel said, but I didn’t actually get the answer to the question that I had. Notwithstanding sort of his desire to tell us that we should read section 29 as only being applicable where sanctions exist, the section itself says that “the Legislative Assembly may accept or reject the findings of the Ethics Commissioner or substitute its own findings and may if it determines that there is a breach” do some other stuff. I would suggest that the section gives the Assembly the ability to accept or reject the findings of the Ethics Commissioner or substitute its own findings, and that relates solely to findings. In any event – let’s just say for the moment that that is there – is your answer that that’s what it means, so no, the combination of sections 28 or 29 means that the Assembly has no right and no ability to debate findings notwithstanding the language that’s there?

My other question was: how would we do it if there are no findings or if there’s no sanction? What is the legislative process, or is there one? What’s the procedural process in the House? Or are you saying that with no sanctions, there’s no ability to get it before the House? Which is fine, too, if that’s your interpretation, but then it goes back to the point made by the Member for Calgary-Glenmore and her enthusiastic anticipation of our ability to debate this report going forward.

I just want to make sure that the committee members understand what this legislation means.

2:00

**The Deputy Chair:** Okay. Mr. Reynolds, feel free to comment.

**Mr. Reynolds:** Well, first of all, let me say in response to Ms Notley’s comments that I certainly did not mean to in any way insult you when I said that the provision – you know, I was interpreting the provision, and I don’t think I said: read the act yourself. I certainly wouldn’t be that insulting to members, I don’t think.

**Ms Notley:** I didn’t say that you did. I just need to clarify. I’m not quite sure what you heard, but I need to be clear. I didn’t say either of those two things.

**The Deputy Chair:** Okay. Ms Notley, let’s have Mr. Reynolds finish.

**Mr. Reynolds:** Well, I certainly just didn't want to be seen as causing offence to you or any other members.

Secondly, the first question was about sections 28 and 29. Once again, I'll just lay out a principle of statutory interpretation that the acts are to be read together as a whole, as sort of the internal context of the act. Typically, you know, you would read the sections together, and if one read 28 and 29 together, it would appear that certainly if there was a report that found a breach and recommended sanctions, that would have to be debated and voted on within 15 days of the tabling. What I see is that that's where 29 would come in with respect to what the Assembly could do under the act with respect to the report.

Now, your question is, as I understand: what is the mechanism if the report does not fit within those parameters?

**Ms Notley:** Yeah. If the answer is that there's no mechanism, then that just helps move the debate about my motion along. There have been different opinions about the impact of 29 as the legislation currently sits. So if the answer is that there is no mechanism, then we can move on and proceed with the understanding that without my amendment going forward, there is no opportunity for this to be debated in the Legislature.

**Mr. Reynolds:** Well, there is no mechanism in the legislation. Typically, I mean, you'd have to go to, well, other means to have this considered by the Assembly. I mean, I think the understanding here is that there would be a motion placed on the Order Paper if a report by the Ethics Commissioner met the criteria in section 28(3). If it didn't, then there would be no requirement, I would say, to put a motion on the Order Paper.

Ms Notley, not to delay things. Not to delay things, Mr. Chair. I was just looking at my colleagues from the Ethics Commissioner's office to see if, in fact, they were agreeing with that.

**The Deputy Chair:** Please feel free to comment.

**Mr. Reynolds:** I won't take silence for consent.

**Mr. Odsen:** How the act is applied in the Legislative Assembly is, of course, the jurisdiction of the Law Clerk and not our office. It does seem to me that the interpretation that Mr. Reynolds is putting forward is the one that I would come up with as well, using the same principles that he has referred to of statutory interpretation.

**The Deputy Chair:** Okay. Thank you. So there is some consistency there.

I have had Mr. Young and Ms Johnson waiting for a while, so I am going to give you the floor. Mr. Young, please.

**Mr. Young:** I call the question.

**The Deputy Chair:** Call the question. Okay.

Ms Johnson, that's yours, too?

**Ms L. Johnson:** Yeah. That was going to be my comment, too.

**The Deputy Chair:** Okay.

Very quickly, Ms Notley.

**Ms Notley:** Okay. Again, as I said, I think that that was a somewhat extended but helpful conversation because what we now know is clear. In the absence of accepting this amendment, this report will not ever be debated or discussed in the Legislature. Given the previous comments from people about how that's something that's worth doing, I am sure I can count on members

from across the board in supporting this amendment to ensure that this report will be discussed.

**The Deputy Chair:** Thank you, Ms Notley.

On the motion put forward by Ms Notley, those who support it, I'd ask you to raise your hand.

**Mr. Wilson:** We'll do a recorded vote.

**The Deputy Chair:** Record again?

**Mr. Wilson:** Oh, sure.

**The Deputy Chair:** Okay. Recorded vote.

State your position. We'll start from my right.

**Mr. Young:** No.

**Ms L. Johnson:** No.

**Mr. Wilson:** Yes.

**Mr. Saskiw:** Yes.

**Ms Notley:** Yes.

**Ms Blakeman:** Still in the fabulous constituency of Edmonton-Centre, yes.

**Mr. Dorward:** No.

**Ms Fenske:** No.

**The Deputy Chair:** On the phone, please state your position.

**Mr. McDonald:** No.

**The Deputy Chair:** Five to 4. Defeated.

Any other comments regarding the draft report? I hear none.

Now, before I close that one, I do want to take a moment to say that I'm very thankful for the work that the LAO staff are doing. We've gone through a long process of debating over 140 recommendations and suggestions on the table, and to be able to very accurately capture that and summarize that in a succinct report does take some time and also takes some skill. I want to commend you for doing that. With regard to the five minor technical clarifications today, I think we've gone through that very nicely. Thank you for that. Here we conclude our vigorous debate and passionate suggestions about this.

Now, before I move to the next item on the agenda, there's a little technical piece of it. For the revisions, those minor changes we did, there are two options that we can proceed with. I'm just going to ask this question so we can have a sense of what is the will of the committee. One is that we schedule another meeting and just look at the revisions again. The other is, I believe, another practice that committees normally do. If there are minor changes, just authorize the chair to sign off on it and give everybody a copy of it before that happens, so that way we don't have to come back to meet again. Those are the options. Members of the committee, what's your will? How do you wish to proceed on that? Anybody want to give me some thoughts?

There are a few other housekeeping items that we need discuss, too, approving minutes and so on and so forth, so let's do one at a time.

About approving the report, Ms Johnson.

**Ms L. Johnson:** Do you need a motion?

**The Deputy Chair:** Yeah.

**Ms L. Johnson:** That we have the chair release the report after today's technical amendments have been made.

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

**Ms Blakeman:** Given the proceedings of today and with the encouragement of my hon. colleagues opposite, I will be preparing a minority report to be included. That does take a certain amount of time, but I will forward it as soon as possible, hopefully by tomorrow, the latest by Monday, for inclusion in the published copy.

**The Deputy Chair:** Thank you. Thank you for raising that idea to the table, too.

Just as information for the rest of the committee members, if you so wish to submit a minor report, please let the research staff know as soon as possible, but no later than one week from today because they have to incorporate that into the appendix of the final report. Otherwise, it will hold back the whole process.

**Ms Blakeman:** Excuse me. It's minority report, not minor report.

2:10

**The Deputy Chair:** Minority report. Thank you.

We do have a motion on the floor by Ms Johnson in terms of authorizing the chair to sign off on the revision after today's meeting. Any further questions or discussion about that one? I hear none.

So on that motion, those who support it, I'd ask you to raise your hand. On the phone, state your position. Thank you. Those who are against, raise your hand. Five to 4. Motion carried. That will be the decision. Thank you.

On the report Dr. Massolin has some clarification for us. Go ahead.

**Dr. Massolin:** Well, I don't really have a clarification. I just wanted to say that, of course, we'll incorporate the changes that were agreed to during this committee meeting. I just maybe wanted to clarify what you said, Mr. Chair. Did you say that the minority report would be due in one week?

**The Deputy Chair:** Yes.

**Dr. Massolin:** Okay. That's all I wanted to know. Thank you very much.

**The Deputy Chair:** If you miss that timeline, we won't be able to incorporate that into the report. Send that report to Jody Rempel. Thank you very much. That's one housekeeping item.

Another one is approving today's meeting minutes. Similarly, can you authorize the chair to read that and approve that rather than call another meeting? Ms Blakeman.

**Ms Blakeman:** Thanks. Can't we just circulate those by e-mail and allow anyone with a revision to get back to you?

**The Deputy Chair:** Okay. Let's do it that way. We'll circulate the minutes to the committee members. We'll put a date on when to get it back, and then I will sign off on it after I see all of you confirm.

Okay. With that, it sounds like a motion needs to be put forward. Mr. Young.

**Mr. Young:** Following the circulation of the minutes I move that the committee approve that the chair is able to sign off on the minutes of today.

**The Deputy Chair:** Thank you very much. Those who support that, raise your hand. On the phone? Thank you very much. So that one is carried unanimously. Thanks.

The last housekeeping item that we need to talk about is the process of communication when we finish this report. If you can brief the committee on your suggestion on how we're going to do the communication piece.

**Ms Sorensen:** Certainly, Mr. Chair. Thank you. As you all recall, I'm sure, many, many months ago you approved a communications plan which just suggested that we would put forward a news release at the end of the committee's work outlining the work of the committee and the conclusions of that committee as well as postings on Facebook and Twitter leading people to the news release. We would be recommending that we carry forward with that.

**The Deputy Chair:** Okay. Any questions on that one?

**Ms Blakeman:** I'm sorry, is this is going to follow along exactly as we talked about it months ago? I noticed that there's been a change in the way media releases are being written and the way they're being distributed, so I just want to make sure that I actually know the deal here. So this will be presented in a nonpartisan way and circulated to everyone possible?

**Ms Sorensen:** Absolutely. We could do it that way, in that we could put it on the internal committee website, and members can take a look at it before we distribute it.

I'm not sure what you mean about how they've been different, though.

**Ms Blakeman:** Well, I'm just trying to make sure that we're not going to fall into the new protocol that's being demonstrated by the government press secretaries, where it doesn't get distributed to opposition and it has a very partisan feel to it. So we're going to do this the way we've always done it?

**Ms Sorensen:** This will absolutely be a release of the Assembly, the nonpartisan committee.

**Ms Blakeman:** Thank you. Perfect.

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

Any other questions?

Okay. With that, I'm going to conclude that item. We'll proceed with the communication plan as presented.

I believe those are all the items I can think of under the housekeeping items. Anybody else have any questions? I hear none.

I do want to take a moment to officially say on the record as the deputy chair and acting chair that I want to thank a whole bunch of people that got us through a very challenging but very vigorous, meaningful process to today. First, my hat is off to my hon. committee members for your enthusiasm, passion, and great ideas. On many occasions you inspired others; we had unanimous decisions. On other occasions we got into very deep debate, going for hours, but couldn't reach a decision. That's the beauty of democracy. There's nothing wrong with that. Actually, I am a big fan of diversity and learning and understanding all the different pro and con approaches. Thank you so much for the hard work you've been doing. We've gone through 144 recommendations. I must admit that as the chair at the time when I was thinking of

managing the meeting, I never dreamed that we were going to debate every one of them, but we did. So you've done good work, and I want to thank you for that.

The second group of people I really want to thank is the staff from the office of the Ethics Commissioner. [applause] That's very appropriate. Let's give them a round of applause first. You've looked through the act, and you brought practical knowledge and experience along with your opinions when we asked questions and so forth. I certainly concur that with your support it made much of the debate more meaningful. Thank you for your time and everything that you put forward. Thank you. Let's give them another round of applause.

The third group I want to thank is our staff on behalf of Alberta Justice and Solicitor General. Jean has been sitting patiently with us through every meeting. I know sometimes we can be passionate about wanting to do something and didn't know or were not aware of the technical piece. One has to be congruent with other procedures so that we don't make things as agreed to and then come back because we couldn't do it. Thank you so much for providing that extra eye and the support.

Of course, I mentioned our fabulous, if I can borrow that word from Ms Blakeman, staff from the LAO. To my left, Jody: thank you so much for helping your inexperienced chair to manage a very interesting process. I certainly learned quite a bit from your expertise. Thank you so much.

Dr. Massolin always has a smile, always presents facts and nonbiased opinions. I really appreciate that.

Of course, Ms Leonard. Thanks. You've been trying to group some of the complex issues and helped us move along. I certainly noticed those efforts. Thank you so much for your contribution.

Of course, Ms Robert. Thank you. It's so nice to have all of you around me. Your support is undoubtedly a very huge addition to the team approach here. Thanks for your patience, your knowledge, and your contribution.

Our Parliamentary Counsel. I must say, Mr. Reynolds, that there were so many times that we put you on the spot. Sometimes the

spot was not that enjoyable, but you always came back with very calm, factual information and advice for us. I certainly can say that, from my point of view, your knowledge, expertise, and experience in this have given us so much that we can work on. I really appreciate that. Thank you so much.

**Mr. Dorward:** How about the food?

**The Deputy Chair:** Okay. The food.

Our supporting staff, our pages, our assistants: thank you so much.

2:20

**Mr. Young:** And the media.

**The Deputy Chair:** And the media.

**Ms L. Johnson:** And *Hansard*.

**The Deputy Chair:** *Hansard*. Absolutely.

**Mr. Reynolds:** Mr. Chair, before you adjourn, I'd just like to say – and I'll try and speak for the LAO staff – that it's been a real pleasure to assist and work with this committee. For me, personally, this is the second time I've been on a review of this act. It's been different from the first one, but it's been very interesting. It's been intellectually challenging. It's been a very dynamic process, and I think we were all very pleased to be part of this and working with all the members of the committee. Thank you very much.

**The Deputy Chair:** Thank you. It's very kind of you to say that.

With that, I need a member to move to adjourn the meeting. Mr. Young. All in favour? All right. Motion carried.

Thank you very much.

[The committee adjourned at 2:21 p.m.]





