



Legislative Assembly of Alberta

The 29th Legislature
Second Session

Select Special
Ethics and Accountability
Committee

Public Interest Disclosure (Whistleblower Protection) Act Review

Friday, April 15, 2016
9 a.m.

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**Legislative Assembly of Alberta
The 29th Legislature
Second Session**

Select Special Ethics and Accountability Committee

Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND), Chair
Miller, Barb, Red Deer-South (ND), Deputy Chair

Anderson, Wayne, Highwood (W)
Carson, Jonathon, Edmonton-Meadowlark (ND)*
Clark, Greg, Calgary-Elbow (AP)
Connolly, Michael R.D., Calgary-Hawkwood (ND)
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (ND)
Cyr, Scott J., Bonnyville-Cold Lake (W)
Drever, Deborah, Calgary-Bow (ND)
Jansen, Sandra, Calgary-North West (PC)
Loyola, Rod, Edmonton-Ellerslie (ND)
Nielsen, Christian E., Edmonton-Decore (ND)
Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (W)
Renaud, Marie F., St. Albert (ND)
Starke, Dr. Richard, Vermilion-Lloydminster (PC)
Sucha, Graham, Calgary-Shaw (ND)
Swann, Dr. David, Calgary-Mountain View (AL)
van Dijken, Glenn, Barrhead-Morinville-Westlock (W)
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* substitution for Marie Renaud

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9 a.m.

Friday, April 15, 2016

[Mrs. Littlewood in the chair]

The Chair: I would like at this time to call the meeting of the Select Special Ethics and Accountability Committee to order. Welcome to members and staff in attendance.

To begin, I'd like to ask the members and those joining the committee at the table to introduce themselves for the record, and then I'll address members on the phone. I'll begin to my right.

Ms Miller: Barb Miller, MLA, Red Deer-South.

Cortes-Vargas: Estefania Cortes-Vargas, MLA for Strathcona-Sherwood Park.

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie.

Mr. Connolly: Michael Connolly, MLA for Calgary-Hawkwood.

Ms Drever: Deborah Drever, MLA for Calgary-Bow.

Mr. Nielsen: Chris Nielsen, MLA, Edmonton-Decore.

Mr. Carson: Jon Carson, MLA, Edmonton-Meadowlark.

Mr. Sucha: Graham Sucha, MLA, Calgary-Shaw.

Dr. Starke: Richard Starke, MLA, Vermilion-Lloydminster.

Mr. Clark: Good morning. Greg Clark, MLA, Calgary-Elbow.

Mr. van Dijken: Glenn van Dijken, MLA, Barrhead-Morinville-Westlock.

Mr. Yao: Tany Yao, Fort McMurray-Wood Buffalo. I'm subbing in for Jason Nixon.

Ms Dean: Shannon Dean, Senior Parliamentary Counsel and director of House services.

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

Dr. Amato: Sarah Amato, research officer.

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

Ms Rempel: Jody Rempel, committee clerk.

The Chair: For the record Mr. Carson is an official substitute for Ms Renaud, and Mr. Yao is the official substitute for Mr. Nixon. Do we have anyone on the phone?

Ms Jansen: Sandra Jansen, Calgary-North West.

Mr. W. Anderson: Wayne Anderson, Highwood.

Mr. Cyr: Scott Cyr, Bonnyville-Cold Lake.

The Chair: Thank you very much.

Just a few housekeeping items to address before we turn to the business at hand. A reminder, again, that the microphone consoles are operated by the *Hansard* staff, so there is no need for members to touch them. Please keep cellphones, iPhones, and BlackBerrys off the table as these may interfere with the audiofeed. Audio of committee proceedings is streamed live on the Internet and

recorded by *Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

Up next we have the approval of the agenda. Does anyone have any questions or any changes to make to the agenda?

Seeing none, would a member like to move a motion to approve the agenda? Moved by Dr. Starke that the agenda for the April 15, 2016, meeting of the Select Special Ethics and Accountability Committee be adopted as distributed. All in favour? Opposed? Carried. Thank you.

Good morning, Dr. Swann.

Dr. Swann: Good morning. Sorry; I'm a bit late.

The Chair: No problem.

Next are the minutes from our last meeting. Are there any errors or omissions to note with the draft minutes? Okay. If not, would a member move adoption of the minutes? Thank you. Moved by Member Cortes-Vargas that the minutes of the February 11, 2016, meeting of the Select Special Ethics and Accountability Committee be adopted as circulated. All in favour? Opposed? Carried. Thank you.

Just a quick note before we move on. I'd like to remind committee members that the Auditor General has provided a written response to questions raised at the February meeting, and it is available to committee members on our internal website.

We'll move on to late submissions. Based on the strategy approved by the committee in December, the deadline for sending in written submissions for our review was advertised as being February 26, 2016. Due to the large volume of stakeholder notifications sent out after the February 11, 2016, committee meeting, the deadline given to the group of participants was moved to March 4, 2016. However, seven written submissions were received after the deadline but early enough to be addressed in the written submissions summary document that was prepared by the Legislative Assembly Office.

Is it the will of the committee that these submissions still be accepted and included in the review process? Is there anyone that would like to speak to that?

Mr. van Dijken: I guess that if we feel that the submissions have been submitted in the spirit of consultation, accepting them, I believe, would probably be in order.

The Chair: Thank you.

Did you want to make the motion?

Mr. van Dijken: Sure. I'd move that.

The Chair: Moved by MLA van Dijken that all written submissions received by the Select Special Ethics and Accountability Committee by March 31, 2016, be accepted and included in the review process unless otherwise directed by the committee.

All in favour? Opposed? On the phones? Carried. Thank you.

Irregular submissions. There were 11 submissions that went to the committee. Submissions 1 through 4 were set aside because they didn't have names, and we tried to get those names. The subject matter of 4 through 10 could be considered outside of the committee's mandate, and submission 11 was late. The submission that was prepared by the LAO had been prepared. So in the spirit of having the summary being written with all that was considered on the record at the time, we'll call the question, I guess.

If anyone wants to include any of these submissions in the review, there's discussion. Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. I guess I'm just wondering if anyone in the LAO could maybe answer: are there any implications if we exclude them?

Dr. Massolin: Madam Chair, would you like me to speak to that?

The Chair: Sure.

Dr. Massolin: I think that that's exactly the decision that's before the committee, whether or not you just simply want to include them or exclude them from the review. The implications if you exclude them are that you simply don't consider them for your deliberation process, your report writing and, as I think has been described by the chair, that these are not really relevant and/or inflammatory or incomplete in some way and perhaps therefore don't apply.

Mr. Nielsen: Thank you.

The Chair: Any comments or questions?

Okay. I'll ask: who would like to move that we exclude the written submissions that are described here? Moved by Mr. Nielsen that

the Select Special Ethics and Accountability Committee exclude miscellaneous written submissions 1 through 11 from the review process.

All in favour? Opposed? On the phones? Carried. Thank you.

The committee has already made the first 20 submissions received from identified stakeholders regarding the Public Interest Disclosure (Whistleblower Protection) Act available to the public through our website. Does anyone have any thoughts on whether the other submissions we have received should be made available in a similar fashion? I will open it up to the committee.

9:10

Dr. Starke: Madam Chair, I believe that the additional late submissions we approved today should be publicly released. But those irregular submissions, that we're decided not to consider: clearly, they're not part of the review process, and therefore they should not be released. I would so move, that the late submissions that were earlier approved also be released publicly.

The Chair: Thank you, Dr. Starke.

Ms Rempel: Just as a quick clarification, right now only the first 20, that were received in December, are available. We have all the ones that did come in on time during the month of February as well as the handful that you've decided to accept. None of those are currently available to the public.

Dr. Starke: Well, then, Madam Chair, I'll amend my motion to include all submissions that have been received and accepted by the committee.

Ms Rempel: Again, just another note for everyone's information. We often do exclude personal contact information such as private individuals' phone numbers or addresses, e-mails, that sort of thing. Otherwise, if that's the will of the committee . . .

The Chair: Any other discussion?

Mr. van Dijken: When we made a release for request for consultations, was there any verbiage with regard to the information that would be made public?

The Chair: I believe there was, but I'll refer it to Jody.

Ms Rempel: Yes. That's mentioned in the advertisements that run in the paper, it's on the website, and for the identified stakeholders that received the letters, there was also a notice indicating that both their name and their submissions may be made available to the public.

Mr. van Dijken: I guess I would concur with Member Starke that we release what's been accepted by the committee.

The Chair: Okay. Moved by Dr. Starke that

all of the written submissions received by the Select Special Ethics and Accountability Committee by March 31, 2016, be posted to the external committee website, with the exception of personal contact information.

All in favour? All opposed? On the phones? Carried. Thank you.

Moving on to the summary of written submissions from the public, in addition to the 20 submissions received regarding PIDA, in December we also received an additional 13 written submissions in response to our awareness campaign in January and February. Our research staff have compiled this information in a summary document for our reference. I'd like to ask Dr. Massolin and his staff to give us a quick overview of this document, and then I will open the floor to questions.

Dr. Massolin: This is my favourite part. I get to pass it to Dr. Amato.

Dr. Amato: I am just speaking to the summary of submissions document, that everyone should have. It looks like this. The document summarizes the submissions that came in. It provides brief background information where applicable and then summarizes the submission.

For the sake of maybe adding to the summary, I'll summarize four points that were made in the document. These four points received the attention of three or more submissions. I should say that generally every single one of the submissions spoke in very general terms about the need to strengthen PIDA in some way.

In particular, they drew attention to four areas. First, expanding the scope of PIDA to include the private sector and service providers to government: that's one area. The second area is direct disclosure to the Public Interest Commissioner. The third is remedies for employees who suffer reprisals as a consequence of their whistle-blowing. Then, fourthly, there was a request for more detailed discussion in reports concluding the investigations by the Public Interest Commissioner of wrongdoings committed.

That generally summarizes the submissions. Thank you.

The Chair: Thank you very much for your work.

I will open the floor to questions, discussion.

Ms Drever: Were there any major similarities or differences in the stakeholder and public consultation submissions?

Dr. Amato: Yes. Generally I would say, in the first three points of the areas that I just made. I think the difference between the stakeholder submissions and the public submissions is that many of the stakeholder submissions spoke to very specific provisions in the act whereas the public submissions didn't. In general there was certainly reference to the first three points. Expanding the scope of PIDA to the private sector: that was something that I had addressed at that first meeting. There were a lot of submissions on that. There was much discussion about direct disclosure, and there was also much discussion about remedies for employees who suffer reprisals. Those are also significant areas of overlap.

Ms Drever: Thank you.

The Chair: Any questions on the phone?

Dr. Swann: Can you comment any further about issues around workplace bullying and harassment and the extent to which . . .

Dr. Amato: Sure. There was only one . . .

Dr. Swann: Go ahead. I'm listening.

Dr. Amato: I'm sorry. I just jumped in.

There was only one public submission that addressed that issue and did indeed advocate for expanding the definition of wrongdoing to include harassment and bullying. It was addressed in the public submissions but by only one member of the public.

Dr. Swann: Do we have any sense of whether other provincial whistle-blower protection legislation has included in any way the issues of bullying and harassment?

Dr. Amato: Yes. I believe that in my crossjurisdictional document I mentioned that Nunavut does that, and it's explicitly included in their definition of wrongdoing.

Dr. Swann: It strikes me that we should have a little discussion around that because I've certainly had, especially in the last six months or perhaps the last eight months since completing the mental health and addictions review, a lot of people come to me, particularly as an MLA or because I was involved in that commission, concerned about how to deal with it if the wrongdoing is coming from the top or close to the top. There doesn't appear to be any way currently to deal with it apart from taking the person to court, which is obviously very, very difficult, to get any kind of redress. Often the individual ends up getting fired just because there is this problem in their relationship which is not being addressed because the person doing the bullying either has a lot of power in the organization or is able to counter, to contradict the evidence, so that if it's brought forward at all to senior management, it gets brushed aside.

I'm wondering how the other committee members feel about trying to come to grips with workplace bullying and whether they've had significant concerns raised with them.

The Chair: Okay. Thank you very much, Dr. Swann.

I think that those are really good points, that have been brought up by a number of stakeholders, so perhaps this is something that we can discuss further during the deliberations.

Dr. Swann: Yeah. Thank you.

The Chair: Okay. Thank you.

Any other questions or comments? MLA Connolly.

Mr. Connolly: Thanks. Just quickly, did the submissions mention any crossjurisdictional or international legislation that we could tap into?

Dr. Amato: I don't believe these submissions did. Certainly, the stakeholder submissions did in the first round.

Mr. Connolly: Excellent.

Dr. Amato: I believe that some of the stakeholder submissions in the first round made reference, for example, to the United Kingdom. I think that's usually the one that's referenced, and there the phrasing of "wrongdoing" is different than it is in Canadian jurisdictions.

9:20

Mr. Connolly: Right. Thanks.

Dr. Amato: You're welcome.

The Chair: Okay. Great. Moving on to point (b), decisions about additional presentations. With regard to our review of PIDA this committee has already received written submissions from both identified stakeholders and the public, and we have received presentations and input from the Public Interest Commissioner, who is responsible for administering this act, and from the Auditor General as well as from the Alberta Federation of Labour and the government ministries. Does the committee wish to pursue anything further at this time with regard to presentations?

Mr. van Dijken: I guess my question would be, referring back to what Dr. Swann brought up: during deliberations will we have an opportunity for other presentations on best practices and that type of input? Is this the type of presentation that we're referring to here, or is that at a different point?

The Chair: The presentations would be what would lend themselves to the deliberations, so we would be asking for you to – if we had another meeting with regard to oral presentations, where we can question them about what they provided, then we would be inviting them forward at that time.

Ms Rempel: Just one thing to throw out there as well as far as deliberations and questions during that period. It would be normal to have access to the Public Interest Commissioner and his staff as well as, of course, our research staff and lawyers during that process, so you can certainly tap into that information quickly at that time as well.

The Chair: Thank you.

Is there anyone else? On the phone? Member Cortes-Vargas.

Cortes-Vargas: Yeah. I just wanted to ask the LAO. If we haven't heard already from three stakeholders in person and have received many written submissions, if we are inviting more presentations, what would you recommend as criteria to use to make those decisions?

The Chair: Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. Just to remind the committee that the committee has already heard, of course, from three stakeholders: the Auditor General, Service Alberta, and . . .

Ms Rempel: And they were on behalf of all the ministries.

Dr. Massolin: On behalf of the government of Alberta. The third one is escaping me.

An Hon. Member: The AFL.

Dr. Massolin: The Alberta Federation of Labour. Thank you.

That doesn't preclude, of course, additional stakeholders, but I would imagine that there could be other issues. The point I want to make here is that the committee should consider whether or not those presentations plus the written feedback that you've received sort of completes the information-gathering portion of the committee's review and therefore you're willing to move on to the next phase, which is the deliberation and report-writing phase, which is usually a meeting or two or three depending on how that goes, and at which, as Jody has mentioned, you'll have resources at

the table right there, including the Public Interest Commissioner and his staff, to answer questions. Or do you need further information?

Perhaps, not to put Dr. Amato on the spot, there might be other stakeholders that you'd like to hear or not. I'll pass it to her in case there are suggestions.

Thank you.

Dr. Amato: Well, some of that I would echo. I mean, I think that in terms of the stakeholders it's up to the committee to decide if any of those submissions require further illumination that the committee would like to hear. In terms of the public submissions none jump out at me, and also none indicated explicitly that they would like to come forward to speak to the committee, with the exception of one that came in late and was not summarized in my document. That's the Alberta Civil Liberties Research Centre. They did not say that they wanted to come forward, but they said that they are willing to answer questions should the committee have any follow-up questions for their submission. That is an excellent submission, I would say. Just to say that I did take a look at it, and it's in line with the stakeholder submissions that we received and that were summarized in the first document. It touches on many of the points raised by other stakeholders, so it's just very much in line with that.

The Chair: Thank you.

At this point I have some information to share with the committee regarding another potential source of information. In order to be able to discuss this option, I would ask that the committee consider moving in camera and that we invite Parliamentary Counsel and the manager of research services to remain with us. So I will need a motion to move in camera.

Mr. Clark: So moved.

The Chair: Moved by MLA Clark that the Select Special Ethics and Accountability Committee move in camera. All in favour? All opposed? Okay. Thank you.

[The committee met in camera from 9:26 a.m. to 9:50 a.m.]

The Chair: All right. We are back on the record.

Is there anyone who wishes to make a motion at this time?

Cortes-Vargas: I would like to make a motion.

The Chair: All right, Member Cortes-Vargas.

Cortes-Vargas: I move that

the Select Special Ethics and Accountability Committee invite a self-identified stakeholder to make a written submission to the committee as part of its review of the Public Interest Disclosure (Whistleblower Protection) Act with the understanding that the committee will keep the written submission and the identity of its author confidential but that the submission may be discussed on the record during the committee's deliberations.

The Chair: All in favour? All opposed? So carried. Thank you.

As we discuss the next steps in our review process, I'd like to stay focused on PIDA for the moment. Unlike the other acts included in our mandate, there is specific legislation that indicates PIDA must receive a comprehensive review within a one-year time frame. We are farther along in our review of this act than we are with the others, and some of you have suggested that it could be beneficial to focus our efforts on completing the review of this legislation and then turning our attention to the remaining acts within our mandate.

Does anyone have further thoughts on this? I'll open it up for discussion.

Mr. Sucha: Just out of curiosity, how long would it take the LAO to draft an issues document in regard to this?

The Chair: Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. I don't think it would take too long. I mean, if you give us a week, I think that would be satisfactory.

The Chair: Thank you.

Mr. Sucha: Just a follow-up question: how many deliberations meetings have we traditionally had over these in the past?

The Chair: I'm sorry. Would you repeat the question?

Mr. Sucha: How many deliberations meetings do we traditionally have over these documents?

The Chair: Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. I can speak to that. The answer is that it depends, of course. It really depends on what the committee wants to undertake in terms of the issues and the recommendations. I mean, you know, if there are a multitude of issues, 50-plus recommendations, which can happen but is rare, that might take several meetings. If it's just a few issues that you can get through – and depending on the nature of the issues, how big they are, if they're contentious at all, if there's a lot of discussion, that can take a number of meetings. I would say that typically – and here's the answer, finally – it's just a meeting or two for the deliberations and then a meeting to instruct us in terms of preparing a draft report.

Thank you, Madam Chair.

The Chair: Okay. Thank you.

Mr. Sucha: If I may follow up, Madam Chair.

The Chair: Go ahead.

Mr. Sucha: Just for my own knowledge, because I'm newer to the committee, can you give me a general overview of the process?

The Chair: Dr. Massolin.

Dr. Massolin: Yes. Thank you, Madam Chair. Certainly. The reason why we've indicated the focus issues document is that that was basically a summary of the key issues that the stakeholders, the public, including the officer of the Legislature as well, the Public Interest Commissioner, brought up before the committee. Those will be summarized, put in a document, and possible potential recommendations or suggestions from the committee. The purpose of that document, as the name implies, is to provide a guide, at least, to the committee. But please bear in mind, Madam Chair and committee members, that, of course, this is only a guide. We're not driving the process in any way, shape, or form. We're just reflecting what the committee has heard. It's very important, I think, that the committee come up with their own recommendations. We're just drafting the report and assisting the committee in that endeavour.

Thank you.

The Chair: Okay. Thank you.

Is there anyone on the phone that would like to put any questions to the floor? Okay. Thank you.

I will again turn the floor over to Dr. Massolin to discuss the preparation of a focus issues document.

Dr. Massolin: Yes. As was mentioned, I think we can have that document ready pretty expeditiously, and for the most part there's not a need to prepare it too far in advance for the committee because it will be a working document at the next meeting. Of course, you have the other stakeholder written submission to consider as well in that time, following which I think the committee should be prepared to give us direction for a draft report, which, of course, the committee will see and make comments on and ultimately approve.

Thank you.

The Chair: Okay. Thank you.

Would someone like to move that

the Select Special Ethics and Accountability Committee direct research staff to prepare a focus issues document based on the submissions and information received to date regarding the Public Interest Disclosure (Whistleblower Protection) Act.

Dr. Starke: So moved, Madam Chair.

The Chair: Thank you, Dr. Starke.

All in favour? All opposed? Carried. Thank you.

It is my understanding that these issues documents have often been used in the past as a tool to assist the committee in organizing its deliberations and in giving staff directions for drafting a report. Again, I would like to ask Dr. Massolin to provide us with some additional information on the report-drafting stage of the review.

Dr. Massolin: Thank you, Madam Chair. I think I've said all that I need to say, but are there any questions, perhaps, at this stage?

Thank you.

The Chair: All right. On to other business. At our last meeting Dr. Swann provided a document for our consideration which included proposed changes to the oath of allegiance. During discussions we were advised by Parliamentary Counsel that the oath is prescribed by both the Constitution and the Legislative Assembly Act. Dr. Swann had put forward a motion requesting additional information on the feasibility of amending the oath of allegiance. Debate on the matter had adjourned; however, I believe Parliamentary Counsel has some additional comments to make on this matter.

Ms Dean.

Ms Dean: Yeah. Thank you, Madam Chair. In terms of the question that was posed by Dr. Swann in his motion, I believe the advice has already been given to the committee in the sense that the oath of allegiance is something prescribed in the Legislative Assembly Act and in the Constitution Act, 1867. So the feasibility of amending it is pretty remote. I mean, I'll just offer this. I believe that the oath of allegiance is something that's beyond the scope of review with respect to the mandate of this committee.

The Chair: Thank you.

Is there any discussion on the floor regarding that? Any on the phone?

Dr. Swann: Well, I'd be interested to hear if others are interested in seeing an extension to that oath of allegiance. It's out of date, in my view, and at some point surely we're going to have to address the question of an oath of allegiance that has no bearing for Alberta and Albertans. It refers more to the national and, in this case, to the monarchy, which at some point we're going to have to address. If

not in this committee, I'm not sure where it would be addressed. I'd be interested to hear if anybody else around the table has any interest or concerns about it.

The Chair: Thank you.

MLA Clark.

Mr. Clark: Thank you, Madam Chair. You know, Dr. Swann and I have had conversations about this previously, brief conversations, and have certainly given this some thought. You know, with the utmost respect to Dr. Swann, I think that this sets out to solve a problem we don't have. Going beyond even the strict legal challenge that we would have in actually updating the oath of allegiance and going beyond the fact that it's probably beyond the scope of this committee, I think there are other ways of accomplishing this.

Certainly, you know, the Alberta Party is a big proponent of a lot of what's talked about in here. I do think there is an opportunity, especially with so many of us around the table and in the Assembly as new members, to refresh and redefine the role of the MLA through our actions and our words and how we represent our constituents. But I think that is accomplished through some of the documents that you have put out there, and perhaps it's an opportunity for each of us to share some of that with our constituents.

I'm frankly not sure that's something we need to codify as part of the oath of allegiance process, even if it's an appendix. I'm not sure that that would be appropriate or helpful. I also think that we or a different committee or another group would have a difficult time agreeing on the specifics, especially the preamble to the code of conduct. I think there's some fairly specific language in there that may be of relevance to this time but may evolve and change over the years. Again, I think it would be challenging to future-proof that sort of document. Certainly, a different group of legislators, not us, could end up making political hay with what that says and what it doesn't say. I guess I'd worry that we end up actually going the other direction, that we end up starting partisan fights rather than solving them.

So I guess I worry that we've opened a can of worms here that perhaps is not as helpful, Dr. Swann, as I know you intend it to be. I worry that it actually perhaps creates problems rather than solves them.

10:00

The Chair: Okay. Thank you very much.

I appreciate the members bringing their thoughts about this forward. I know that it's important to you, Dr. Swann. However, I think that given the input from Shannon Dean it's something that is perhaps out of the scope of this committee at this time.

Cortes-Vargas: I was just wondering what the implications are of defeating this motion, if there are any other residual implications for that.

The Chair: I think the discussion has probably . . .

Ms Dean: Well, it's up to the will of the committee. I'm just suggesting that the substance of the oath of allegiance specifically, not necessarily the code of conduct but the oath of allegiance, is something that's outside the parameters of this committee's mandate.

The Chair: Thank you.

Ms Dean: The committee can vote on it if they want to.

The Chair: Okay.

Go ahead, Member Loyola.

Loyola: I'm just wondering: because the scope of this is outside of what this committee has really been convened to review, can we just simply rule it out of order?

The Chair: Ms Dean.

Ms Dean: Yes, Madam Chair. You can do that.

The Chair: Dr. Swann, hearing the information from the floor and given what Ms Dean has provided, would you like to perhaps withdraw it?

Dr. Swann: No, I don't think I'd like to withdraw it. It's certainly up to the committee to decide whether it's out of order or whether it can be referred to some other committee.

I think the important point for us to have discussed is maybe twofold. One, does the oath of allegiance reflect best what we think we're here to do? Secondly, in the absence of any code of conduct how does the public hold us accountable for doing our jobs except every four years during a vote? I think the second aspect that I submitted, this code of conduct, is an attempt to try and get some common understanding of our roles and responsibilities and to give the public, more importantly, something to be able to assess whether we're doing our jobs or not and to therefore hold us accountable.

It's certainly up to the committee to decide whether it's in scope or out of scope for this committee, but I don't intend to withdraw it.

The Chair: Okay. Thank you very much, Dr. Swann.

I will put it to a question, then. I will have the motion read out by Ms Rempel.

Ms Rempel: Thank you, Madam Chair. From the minutes, that were approved earlier today, it was moved by Dr. Swann that the Select Special Ethics and Accountability Committee request that Parliamentary Counsel provide further advice on the feasibility of amending the oath of allegiance.

The Chair: All those in favour, say aye. All those opposed? Okay. I think that motion has been defeated.

Regarding the date of our next meeting many of you have agreed that it would be valuable for this committee to continue meeting over the next few weeks while the main estimates are under consideration by the legislative policy committees. As you're all aware, the standing orders prohibit other committees during this time unless otherwise ordered by the Assembly. However, if this is still the will of the committee, I would be happy to approach the Government House Leader to have the appropriate motion put forward in the House.

I will open up the floor for discussion on dates for the next meeting and perhaps meeting during estimates.

Dr. Starke: Madam Chair, you and I discussed this briefly a few days ago, and I do think that in order to move the committee's work forward, it's prudent for us to meet while we are in session. Certainly, I think the estimates process does allow for a certain amount of flexibility for members to meet. Speaking on behalf of the third party, it is challenging for us because of the number of committee meetings and our individual critic responsibilities.

Mr. Clark: You've got it easy.

Dr. Starke: I can't imagine what it's like for my colleague. I mean, the good thing is that you have unanimity. That's a good thing.

Kidding aside, I would suggest that we do seriously look at the possibility of meeting on either Tuesday or Wednesday evenings – the evenings are open and free – or, you know, alternatively, early in the morning. Again, that runs you into estimates because estimates start by 9 a.m. But the evenings are free, and I think that a great deal of progress could be made with selected evenings for the committee to meet and to get through some of the work that we need to get done.

The Chair: Thank you very much.

I just want to say really quickly that I really appreciate the spirit of co-operation that I've been met with from all members. We did discuss the possibility of meeting in the evenings while everyone is mostly still in Edmonton or during constituency week. Of course, I echo what you're saying. I think other people as well as Albertans really want to see this moving forward. Yeah, absolutely, we'll be looking for the most convenient time. I think I saw a couple of slots of time that we would be able to have polled through Ms Rempel for making our next meeting.

Is there any other discussion on it? MLA Cortes-Vargas.

Cortes-Vargas: Yeah. I think as long as, you know, everyone is in agreement – and that's what I'm hearing – and that we discuss the date so that it's amenable to the members that have a significant amount of work during estimates and committees to be at. As long as we keep that conversation going, being able to meet might put things in process while we're in estimates. I'm just happy to move a motion in that regard if necessary.

The Chair: Okay. Thank you. Yes.

I just wanted to reiterate that, you know, with the helpful working relationship that I think we've been building, we've been able to actually have these two separate committee meetings and focus on PIDA for this meeting and then be able to focus on the other ones at the next meeting. That has given us the opportunity to have perhaps a more succinct next meeting. I really appreciate everyone's help.

Moved by MLA Cortes-Vargas that

the Select Special Ethics and Accountability Committee request that it be exempted from the provisions of Standing Order 59.01(11) and that it be allowed to meet during consideration of main estimates and that the chair transmit this request to the Government House Leader with copies to all House leaders.

All in favour? Opposed? That motion is carried.

Once we know if we are able to meet during the period of the main estimates that are under consideration, then I will have the committee clerk begin polling committee members for potential meeting dates.

I have also asked that a potential timeline be prepared for information. Things may change as we go through the next steps of our review, but I thought that this would be a useful planning tool for all committee members so that we can have an idea of what our lives are going to look like over the next few months.

Cortes-Vargas: I was just waiting for you to finish to say that I'm glad that that motion was unanimous, and I move that we adjourn the meeting.

The Chair: Is there anything else? Anyone else?

All in favour? Opposed? Motion carried.

Thank you, everyone, for your help. Have a great day.

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

