



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Standing Committee
on
Resource Stewardship

Public Interest Disclosure (Whistleblower Protection) Act Review

Wednesday, January 13, 2021
1 p.m.

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Second Session**

Standing Committee on Resource Stewardship

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Ceci, Joe, Calgary-Buffalo (NDP), Deputy Chair

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Singh, Peter, Calgary-East (UCP)
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* substitution for Tanya Fir

** substitution for Pat Rehn

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[Mr. Hanson in the chair]

The Chair: Thank you. I'd like to call this meeting of the Standing Committee on Resource Stewardship to order and welcome everyone in attendance. My name is David Hanson, MLA for Bonnyville-Cold Lake-St. Paul and chair of the committee.

Before we begin, I would just note that in accordance with the recommendations from the chief medical officer of health, attendees at today's meeting are advised to leave the appropriate distance between themselves and other meeting participants. In addition, pursuant to the November 16, 2020, memo from the hon. Speaker Cooper I would remind everyone of the updated committee room protocols that require that outside of individuals with an exemption, those attending a committee meeting in person must wear a mask at all times unless they are speaking.

I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining via Skype. We will begin to my right.

Mr. Dach: Lorne Dach, MLA for Edmonton-McClung.

Mr. Feehan: Richard Feehan, MLA, Edmonton-Rutherford.

Mr. Koenig: Good afternoon. I'm Trafton Koenig with the Parliamentary Counsel office.

Dr. Massolin: Good afternoon. Philip Massolin, clerk of committees and research services.

Ms Rempel: Good afternoon. Jody Rempel, committee clerk.

The Chair: Those on the line?

Member Ceci: Good afternoon. Joe Ceci, vice-chair of the committee, Calgary-Buffalo.

The Chair: I think, folks, that what I'll do is that I'll go through the list.

Mr. van Dijken, are you online?

Mr. van Dijken: MLA for Athabasca-Barrhead-Westlock, Glenn van Dijken.

The Chair: Mr. Singh.

Mr. Singh: Good afternoon. Peter Singh, MLA, Calgary-East.

The Chair: Mr. Smith.

Mr. Smith: Good afternoon. Mark Smith, MLA, Drayton Valley-Devon.

The Chair: Mr. Yaseen.

Mr. Yaseen: Muhammad Yaseen, MLA, Calgary-North.

The Chair: Mr. Reid.

Mr. Reid: Roger Reid, MLA for Livingstone-Macleod, substituting for MLA Fir.

The Chair: Mr. Loewen.

Mr. Loewen: Todd Loewen, MLA, Central Peace-Notley.

The Chair: Ms Ganley.

Ms Ganley: Kathleen Ganley, MLA, Calgary-Mountain View.

The Chair: Mr. Getson.

Mr. Getson: Shane Getson, MLA, Lac Ste. Anne-Parkland.

The Chair: Okay. As well, we have members online from OPIC: Marianne Ryan, Peter Sherstan, and Chris Ewaniuk. Nancy Robert from research is also online. For the record I'll note the following substitutions: Mr. Reid for Ms Fir and Mr. van Dijken for Mr. Rehn.

A few housekeeping items to address before we turn to the business at hand. Please note that the microphones are operated by *Hansard*. Please set your cellphones and other devices to silent for the duration of the meeting. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. The audio- and videostream and transcripts of the meeting can be accessed via the Legislative Assembly website.

We will move on to approval of the agenda. Are there any changes or additions to the draft agenda?

If not, would someone like to make a motion to approve the agenda?

Mr. Reid: I move to approve.

The Chair: Okay. Thank you. Moved by MLA Reid that the agenda for the January 13, 2021, meeting of the Standing Committee on Resource Stewardship be adopted as distributed. All in favour, please say aye. Any opposed, please say no. That motion is carried.

We'll move on to the approval of the minutes. Now, we have the draft minutes of our last meeting. Are there any errors or omissions to note?

If not, would a member like to make a motion to approve the minutes?

Mr. Singh: I would like to move a motion to approve the minutes.

The Chair: All right. Moved by Mr. Singh that the minutes of the October 26, 2020, meeting of the Standing Committee on Resource Stewardship be approved as distributed. All in favour, please say aye. Any opposed? Thank you. That motion is also carried.

We'll move on to section 4, review of the Public Interest Disclosure (Whistleblower Protection) Act, stakeholder and public consultation, written submission summary. Turning now to the committee's review of the Public Interest Disclosure (Whistleblower Protection) Act, I am pleased to advise the committee members that as of the established deadline of November 30, 2020, we had received 24 written submissions from stakeholders and members of the public regarding our review of the Public Interest Disclosure (Whistleblower Protection) Act.

In addition, a late submission was sent in on December 14, 2020, by the Centre for Free Expression, Ryerson University. Before we proceed further, the committee will need to decide whether or not it will accept this late submission and include it in the review process. Does anyone have any thoughts or questions on this? Mr. Feehan.

Mr. Feehan: Thank you. I think that it came in due time, essentially, in that we have it well before we're making any decisions, so I'd like to see it accepted even though it missed the deadline that was originally set up.

The Chair: Thank you, Mr. Feehan.

Is there any further discussion?

Okay. Mr. Feehan, if you'd like to make a motion on that.

Mr. Feehan: I'd make a motion that the submission from – sorry. You'll have to give me the proper, full name.

The Chair: We have some proposed wording for you, sir.

Mr. Feehan: Oh. Thank you. I should know that that always is true.

The Chair: We'll just wait for technology to catch up to 2021 here.

Ms Rempel: Sorry about that, everyone. Some wording that the member may wish to consider would be that

all written submissions received by the Standing Committee on Resource Stewardship by January 12, 2021, in regard to its review of the Public Interest Disclosure (Whistleblower Protection) Act be accepted and included in the review process.

Mr. Feehan: I move as read.

Ms Rempel: Thank you.

The Chair: Having heard the motion, is there any further discussion?

Okay. We will proceed to the vote. All those in favour of the motion, please say aye. Any opposed, please say no.

That motion is carried.

Thank you very much, Mr. Feehan.

Thank you, everyone.

With that decided, I would now like to turn the floor over to Nancy Robert to provide us with a quick overview of the submissions summary document.

Ms Robert: Thank you, Mr. Chair. I hope everybody can hear me all right. Okay. I'll just go ahead and give you a high-level overview of the submissions summary. As the chair indicated, the committee had invited written submissions from stakeholders and members of the public, with a deadline of November 30, and now that you've agreed to accept the late submission, I will say that now 25 submissions have come in.

The submissions were from the hon. Speaker Cooper; from the Public Interest Commissioner; from a number of public entities, including – hang on a moment, please – the Alberta Energy Regulator, MacEwan University, ATB Financial, Alberta Health Services, the Out-of-country Health Services Appeal Panel; the Safety Codes Council; and then also the Alberta Medical Association; the Alberta Insurance Council; the Alberta Professional Planners association; and, as the chair noted, the Centre for Free Expression from Ryerson University; in addition to 13 private citizens.

Of those submissions, seven submitters did not raise any issues or make any recommendations that related to the review, so they are not included in the submissions summary. In addition, two stakeholders – namely, the Safety Codes Council and the Out-of-country Health Services Appeal Panel – wrote letters, but they didn't make any recommendations or raise any issues. They just wrote letters thanking the committee for the invitation, so there was really nothing to summarize about that.

1:10

With respect to the submitters that were included in the summary, the main overview of the issues raised can be categorized in three different areas. One is enhancing the scope of the act, including such things as perhaps expanding the meaning of public agencies as defined in the Public Agencies Governance Act to include all publicly funded entities.

Also, under the category of strengthening protections under the act an example would be protecting whistle-blowers from civil litigation.

Then, finally, there were a lot of issues raised and recommendations made with respect to improving the functioning of the act, you know, giving discretion to the commissioner to decline to investigate matters currently being investigated by law enforcement or subject

to court proceedings and things like perhaps considering referral of matters involving offices of the Legislature and offices of the Members of the Legislative Assembly directly to a committee of the Assembly rather than the commissioner's report being tabled in the Assembly.

Other than that, I will just note that the Public Interest Commissioner's submission was quite substantive. It made 22 recommendations, and they all fell under those three categories that I noted.

The only other thing I will say is that the submission from the Centre for Free Expression prefaced their comments with a request that they be able to perhaps make an oral presentation to the committee. No other submitters made that specific request. Some, obviously, you know, made a note that if you have any questions, they'd be happy to try to answer them or participate in some way at the request of the committee. I just wanted to note that for you.

I think I'll leave it there, and if you have any questions, please don't hesitate to ask.

The Chair: Thank you, Ms Robert.

Are there any questions from the committee?

Hearing none, thank you again, Ms Robert.

We'll move on. Having reviewed the written submissions regarding our review of the Public Interest Disclosure (Whistleblower Protection) Act, the committee may wish to determine whether the written submissions should be made available to the public on the committee's external website. The potential for submissions and the name of the submitters to be made public was included in advertisements noted on the committee website and in stakeholder notifications. If the committee wishes to post the submissions online, it is standard practice to remove personal contact information from the submissions. Other content may also be withheld at the direction of the committee.

I would now like to open the floor to discussion on this issue. Would the committee be interested in making the written submissions available to the public?

Mr. Loewen: Yes. I'd like to make that motion.

The Chair: Okay. I think there was some discussion.

Mr. Dach: I'm happy with making the motion as well, also with having the normal proviso that we redact any identifying information.

The Chair: Okay. Thank you.

Mr. Loewen, is that acceptable to you, or would you like further discussion on it?

Mr. Loewen: Yeah. That's acceptable. I guess I could read it. I move that

the Standing Committee on Resource Stewardship direct that written submissions received as part of the committee's review of the Public Interest Disclosure (Whistleblower Protection) Act be made public with the exception of personal contact information.

The Chair: Perfect.

Is that acceptable to you, Mr. Dach?

Mr. Dach: Yeah.

The Chair: Thank you.

Any further discussion on that motion?

If not, I will put the question. All those in favour of the motion as read, please say aye. Any opposed, please say no.

That motion is carried.

Thank you.

Okay. Turning now to the next steps in our review, we may now wish to consider whether our review would benefit from inviting further input through oral presentations. Does anyone have any suggestions in this regard?

Mr. Getson: Yeah, Mr. Chair. I think I already submitted a motion in advance.

The Chair: Okay, Mr. Getson. I just noticed a hand being raised for some discussion, so I'll go to Mr. Dach just prior to your motion. Thank you.

Mr. Dach: Certainly. Thank you, Mr. Chair. I was hoping that we would ask for oral presentations. I have some suggestions to make as far as individuals that we might ask to come and make oral presentations.

The Chair: We were submitted the motion previously. Are you saying that there are additions to that list?

Mr. Dach: Can I hear the list of those?

The Chair: Okay.

Go ahead, Mr. Getson, if you could, with your motion.

Mr. Getson: Sure. Thanks, Mr. Chair. I'd like to make the motion that

we have the following folks added to the list: Marianne Ryan, office of the Public Interest Commissioner; David Weyant, board chair, Alberta Health Services; Mr. David Hutton, Centre for Free Expression, Ryerson University; Mr. Cameron Hutchinson, SJD, private citizen; and Dr. John T. Huang, MD, FRSC, private citizen. It would be to make these presentations to the committee as part of the review of the Public Interest Disclosure (Whistleblower Protection) Act.

Hopefully, that worked out. I'm still having challenges trying to do meetings through Skype.

The Chair: Okay. Thank you, Mr. Getson.

Does that list suffice?

Mr. Dach: I would like to add one or two more if I may. Unless I misheard, I wanted to add the name of Mr. David Weyant.

The Chair: He's on the list.

Mr. Dach: On the list? All right. Secondly, Shan Rupnarain.

Mr. Getson: Chair, for clarification, who is the individual that Member Feehan was mentioning?

The Chair: Number 17, which is the Alberta Medical Association.

Mr. Getson: Okay. Thanks for the clarification.

Mr. Dach: Okay. I just want to confirm that Mac Hickley was also on the list.

The Chair: Yeah. He's not.

Member, I think that because of the standing order that was sent out, if we want to change the motion that was submitted to the committee, we would have to ask the committee if they would accept an amendment to the motion that was submitted.

Mr. Dach: Well, let's do that. Let's do that.

The Chair: If you would like to propose that.

Mr. Dach: Sure. I propose an amendment to the motion submitted for the committee to approve that

we add the names Shan Rupnarain and Mac Hickley to those that would be asked to make oral presentations.

The Chair: According to the standing order we will have to put it to a vote of the committee members to allow the amendment to go forward.

With that being said, I'll call the question. All those in favour of allowing the amendment to be discussed or go forward, please say aye. Any opposed, please say no. One no. Okay.

That sounds like we're willing to proceed.

Go ahead, Mr. Dach.

Mr. Dach: I'll repeat the motion, then, if I may.

Mr. Getson: Chair, just a question here. If it's my motion, is it an amendment to my motion?

The Chair: That's correct. We will vote on that amendment, and then we will go ahead with your motion. We'll get there. It gets a little complicated.

Just while we're waiting, I'd just like to explain to folks why we put forward this standing order. It's only to deal with substantive motions that are going to be brought to the floor, and it's just to give committee members a chance to review it prior to the meeting so that we don't get, you know, blindsided with something that's substantive and then be required to vote yes or no on something we haven't reviewed. If we could kind of follow that going forward in the future and pay attention to the ones that are submitted so that we can – that's the best time to add to them, if we could go forward that way.

Okay. Mr. Dach, there's the proposed wording. Could you confirm that that covers your amendment?

Mr. Dach: Yes. Those are the two additions.

1:20

The Chair: Thank you.

Any further discussion on Mr. Dach's motion to amend?

Hearing none, we will put it to a vote. All those in favour of the amendment to Mr. Getson's motion, please say aye. Any opposed, please say no. Thank you.

That amendment to the motion is passed.

We will now move on to Mr. Getson's original motion as amended. Is there any further discussion?

Hearing none, on the motion by Mr. Getson as amended, all those in favour, please say aye. Any opposed, please say no.

That motion is carried.

Okay. Thank you very much.

Are there any other issues for discussion before we wrap up today's meeting?

Hearing none – everybody is anxious to get on the snowy roads – the date of the next meeting is at the call of the chair. I will endeavour to give everyone as much notice as possible.

If there's nothing else for the committee's consideration, I'll call for a motion to adjourn.

Mr. Dach: So moved.

The Chair: Moved by Mr. Dach that the January 13, 2021, meeting of the Standing Committee on Resource Stewardship be adjourned. All those in favour, please say aye. Any opposed, please say no.

Thank you, everyone. This meeting is adjourned.

[The committee adjourned at 1:21 p.m.]

