



Legislative Assembly of Alberta

The 31st Legislature  
First Session

Select Special  
Conflicts of Interest Act  
Review Committee

Wednesday, December 11, 2024  
9 a.m.

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**Legislative Assembly of Alberta  
The 31st Legislature  
First Session**

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

Getson, Shane C., Lac Ste. Anne-Parkland (UC), Chair  
Long, Martin M., West Yellowhead (UC), Deputy Chair  
Hunter, Grant R. Taber-Warner (UC), Acting Deputy Chair

Arcand-Paul, Brooks, Edmonton-West Henday (NDP)  
Ellingson, Court, Calgary-Foothills (NDP)  
Ip, Nathan, Edmonton-South West (NDP)  
Lunty, Brandon G., Leduc-Beaumont (UC)\*  
Lovely, Jacqueline, Camrose (UC)  
Petrovic, Chelsae, Livingstone-Macleod (UC)\*\*  
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UC)  
Sabir, Irfan, Calgary-Bhullar-McCall (NDP)  
Wiebe, Ron, Grande Prairie-Wapiti (UC)\*\*\*  
Wright, Justin, Cypress-Medicine Hat (UC)

\* substitution for Justin Wright

\*\* substitution for Jackie Lovely

\*\*\* substitution for Martin Long

**Ministry of Justice Participant**

Mark Ammann	Barrister and Solicitor, Justice and Public Safety and Emergency Services Legal Team
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Shannon Dean, KC	Clerk
Trafton Koenig	Law Clerk
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Nancy Robert	Clerk of <i>Journals</i> and Committees
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Jody Rempel	Committee Clerk
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Christina Steenbergen	Supervisor of Communications Services
Amanda LeBlanc	Managing Editor of <i>Alberta Hansard</i>

**9 a.m. Wednesday, December 11, 2024**

[Mr. Getson in the chair]

**The Chair:** Good morning, folks. It's 9 o'clock, and I'd like to call the meeting to order for the Select Special Conflicts of Interest Act Review Committee meeting.

I'm Shane Getson, MLA, Lac Ste. Anne-Parkland, and I get to chair this today. I'd like to ask all members that are with us here, starting to my right, to go around the table, introduce themselves, and then we'll go to the folks on the phone.

**Mr. Hunter:** MLA Grant Hunter for Taber-Warner.

**Mr. Rowswell:** MLA Garth Rowswell, Vermilion-Lloydminster-Wainwright.

**Mr. Wiebe:** MLA Ron Wiebe, Grande Prairie-Wapiti.

**Mr. Lundy:** Morning, everyone. MLA Brandon Lundy, Leduc-Beaumont.

**Mr. Ellingson:** I guess I'm the next one. Morning, everyone. Court Ellingson, Calgary-Foothills. Sorry; I was used to PAC, where there's, like, a long line of people here.

**Mr. Sabir:** Irfan Sabir, MLA, Calgary-Bhullar-McCall.

**Dr. McGraw:** Hello, everyone. Rachel McGraw, research officer.

**Mr. Koenig:** Trafton Koenig, Law Clerk.

**Ms Robert:** Good morning. Nancy Robert, clerk of *Journals* and committees.

**Mr. Roth:** Good morning. Aaron Roth, committee clerk.

**The Chair:** Perfect. Now we'll go online for those that are there.

**Mrs. Petrovic:** Good morning. Chelsae Petrovic, MLA for Livingstone-Macleod.

**Member Arcand-Paul:** Good morning. MLA Arcand-Paul, Edmonton-West Henday. Sorry I can't go on camera. I'm driving.

**Mr. Ip:** Good morning, everyone. Nathan Ip, MLA for Edmonton-South West. I'm on my way. I should be there shortly.

**The Chair:** Perfect. Well, gentlemen, I can appreciate it. I was about 15 minutes later than I usually am as well. Please do take your time out there today and drive careful. Lots of folks learning to drive today, apparently.

We do have some substitutions today. Mr. Lundy will be in for Mr. Wright from 9 a.m. until 2:15 – thank you for that – and Ms Armstrong-Homeniuk for Mr. Wright from 2:15 until 3:45, Mr. Wiebe for Mr. Long. Mr. Hunter is acting deputy chair, and Ms Petrovic for Ms Lovely from 9 a.m. to 9:45.

A few housekeeping items I'd like to address before we turn to the business at hand. Microphones are operated by *Hansard*, so we can keep our hands off those. Appreciate that. Committee proceedings are live streamed on TV and the Internet and broadcast to Assembly TV online. The audio- and videostream, transcripts of meetings can be accessed on the Legislative Assembly website. Those participating by videoconference are encouraged to turn on your camera when speaking and mute your microphone when not speaking. Members participating virtually who wish to be placed on the speakers list are asked to exchange an e-mail with the

committee clerk or, if you can use the function, throw your hand up on screen. We can see that most times. Again, members in the room looking to get on the speakers list, you know the rules by now. Throw your hand up so you can catch the chair's attention here live in person. Put your cellphone to the least disturbing mode that you have as possible so we're not disturbing the meeting. Any other items, actions?

We have approval of the agenda. Are there any changes to the draft agenda? If not, I would love to have someone make a motion to approve the agenda.

**Mr. Hunter:** So moved, Chair.

**The Chair:** MLA Hunter. All in favour? None opposed? Good. All in favour online? Any opposed? Motion carried.

Now we have the minutes we're taking care of next. We have the draft minutes of the meeting June 17. Are there any errors or omissions to note? If not, would a member like to move those as well? MLA Rowswell. I would assume it would be that we're accepting the approval of the minutes as distributed as amended on the 17th. All those in favour, please say aye. Any opposed? On the line, all those in favour, please say aye. Any opposed? Hearing none, motion carried.

Now we're on to the fun part, the review of the Conflicts of Interest Act. Hon. members, there was a late submission. On July 25, 2024, the committee received a written submission in relation to the committee's review of the Conflicts of Interest Act. The submission was received well past the committee's established deadline of April 8. For the submission to be received as part of the committee's review, committee members will need to decide whether or not to accept it. I'll open the floor. Again, this was a very late submission, a couple of months late. I would leave it to you guys. MLA Rowswell.

**Mr. Rowswell:** Yeah. You know, we've had a thorough review process of about a year and received many submissions from many stakeholders, so we won't be accepting late submissions. Like you said, this one's been late by over a month, and the committee had already agreed that the consultation process had stopped, so I think we should not accept it.

**The Chair:** Appreciate that.

Any further discussion? I guess we'll just move on.

Issues and proposals document. Members, at the committee's June 17, 2024, meeting the committee directed the Legislative Assembly Office to prepare a summary of issues and proposals identified in written submissions and oral presentations provided in relation to the committee's review of the Conflicts of Interest Act. This document was posted to the committee's internal website for members to review. At this time I'd like to invite Dr. Rachel McGraw . . .

I said that correctly?

**Dr. McGraw:** Yes. Thank you.

**The Chair:** Good. There's a first time for everything. Thank you. . . . research officer of the Legislative Assembly Office, to provide an overview of the document. Doctor, the floor is yours.

**Dr. McGraw:** Thank you, Mr. Chair and to the committee as well. Good morning, everybody. In this brief presentation I'll lay out the structure of the issues and proposals document and how to use it. I realize some members may be already familiar with issues and proposals documents, so this may be a bit of review for some of you, but I hope all members will benefit from the overview, as the

document is intended to assist the committee as you move into your deliberations.

As you likely know, the document is a summary of the issues and proposed amendments to the Conflicts of Interest Act brought to the attention of the committee by stakeholders and members of the public during the committee review process. The purpose of the document is to assist the committee as you engage in deliberations to make recommendations regarding the Conflicts of Interest Act.

Please note that the issues and proposals document is not a comprehensive or exhaustive summary of all the opinions and comments made by stakeholders and private citizens in their submissions. For the full text of the written submissions please consult the internal committee website, and you may also wish to consult the summary of written submissions prepared by research services on April 12, 2024, and the transcript of the committee's meeting on April 25, 2024. For a full text of the oral submissions please consult the transcript of the committee's meeting on June 17, 2024.

The structure of the issues and proposals document is as follows. Section 1 is an introduction. Section 2 suggests how to use the document. Section 3 is an executive summary of the issues and proposed amendments. The substantive section of the document is section 4, which presents the summary of issues and proposed amendments found in the written submissions and oral presentations of stakeholders and private citizens made to the committee.

The committee received 12 written submissions from identified stakeholders and a private citizen. The committee also heard six oral submissions during its review. Complete names, titles, affiliations, and the abbreviations used in the issues and proposals document to identify the submitters are listed in section 5 for written submissions and section 6 for oral submissions.

The core of the document, as noted, is section 4, issues and proposals. This section is composed of a series of tables that detail the specific issues and proposed amendments offered to the committee during the review process. Members can see the section starting on page 5 of the document. You can see that there's a set of tables that are made up of four columns. The first column, titled Issue, is a short statement identifying the specific issue. The second column, proposals, outlines what suggestions, comments, or proposed amendments submitters have offered to the committee. The third column, notes, offers the committee additional notes or comments such as submitter's rationale, suggested rewording of the provisions, crossjurisdictional information, or other information that may be relevant for the committee as you deliberate. The fourth column, relevant sections, contains a transcription of the relevant sections of the act for reference and context.

The issues and proposed amendments are grouped into 13 tables, which are organized thematically. The tables are generally presented in the same order as the relevant sections of the act itself. The 13 tables are titled Organization of the Act, Consistency, and Definitions; table 2 is Public Confidence, Accountability, and Transparency; 3, Direct Associates; 4, Gifts and Benefits Provisions; 5, Travel on Noncommercial Aircraft; 6, Contracts with the Crown; 7, Disclosure Statements; 8, Financial Matters; 9, Employment and Postemployment Provisions; 10, Investigations of the Ethics Commissioner; 11, Administrative Penalties; 12, Codes of Conduct; and 13, finally, Other Recommendations.

**9:10**

I will just end by reiterating that the document is intended to facilitate the committee's work. I just want to clarify that the committee, of course, has discretion over whether or not to consider the issues and proposals brought forward by stakeholders and members of the public in their submissions and also that the

committee has discretion over what order to consider the proposals. The committee may also consider other issues related to the Conflicts of Interest Act that were not brought up in the submissions.

That concludes the presentation, and I'll be happy to answer any questions about the document the committee may have. Thank you, Mr. Chair.

**The Chair:** I appreciate that.

Are there any questions, comments, concerns for our good doctor here? Once, twice, sold. Excellent. Thank you very much for that.

Members, now we've arrived at the stage of our review of the Conflicts of Interest Act where members may deliberate on the information the committee has received and propose any recommendations in relation to the act that they wish to include in the committee's report to the Assembly. I'll remind the committee members that Mr. Josh de Groot of the office of the Ethics Commissioner and Mr. Mark Ammann – and if I messed that up, I apologize – so the two gents in the back row over there . . .

**Mr. Ammann:** Perfect.

**The Chair:** Awesome. Thank you.

. . . they're both here to help with our deliberations. They're here to act as technical advisers; they're not as stakeholders. In this role and capacity they've already had a chance as stakeholders to submit their recommendations. They're here to literally assist the committee with any technical questions we may have. Any questions on that? Pretty clear? Okay. Cool.

Hon. members, now we get to go to the part: are there any further motions, comments? Where are we out here? Sorry; I lost my place. I'm sorry, guys; this day has just been a cluster starting out. Hopefully, folks at home can appreciate that, too. At this time I'd like to open the floor to any comments, questions, concerns, or motions from members. Does anyone have any motions you might want to consider? MLA Ellingson.

**Mr. Ellingson:** Yes. I would like to make a motion that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to enable the Ethics Commissioner to initiate an investigation at the discretion of the Ethics Commissioner.

**The Chair:** Do we have that one up online? Excellent.

If you would just confirm, MLA, that we have on the screen there what you've read.

**Mr. Ellingson:** Correct.

**The Chair:** Excellent. Now we'll open it up for rationale or reasons and then if there's any deliberation.

**Mr. Ellingson:** Yeah. Thank you. I'm drawing from the submission that the committee had previously received from the office of the previous Ethics Commissioner, Marguerite Trussler. I'm looking at her recommendation 4. We can see that there are several recommendations that she has submitted.

Looking at recommendation 4, she believes that the Conflicts of Interest Act had been previously revised, amended to suspend investigations from the Ethics Commissioner during election periods. She was saying that, you know, doing so would delay investigations, suggests that investigations of those members would not be proceeded with, and the recommendations are that it is the purview of the Ethics Commissioner to undertake those investigations, so she's providing the advice that that be a provision in the Conflicts of Interest Act.

**The Chair:** Okay. We'll open it up to the floor for any comments, questions. MLA Rowswell.

**Mr. Rowswell:** I think the motion might be unnecessary. I think that in Bill 8 of 2023 there was an amendment passed to deal with this specific issue, so I think we'd be voting against this motion.

**The Chair:** Any further comments, questions? Seeing none, I am prepared to call the question. Oh. Go ahead, MLA Sabir.

**Mr. Sabir:** Member Rowswell, a question for him: can you explain which amendment you're referring to in 2023? I do think that it's an important motion, and I guess that we can all agree that Albertans deserve and want to have a government that is honest, that is ethical, and to that end the commissioner plays an important role. Commissioners should have those powers, that where they see some unethical behaviour, they should be able to investigate on their own initiative.

**The Chair:** Okay.

**Mr. Hunter:** I just wanted to say that in section 25(1) of the Conflicts of Interest Act, it already states that the Ethics Commissioner may initiate an investigation if the commissioner has reason to believe that an individual has acted or is acting in contravention of advice, recommendations or directions or any conditions of any approval given by the Ethics Commissioner. I believe that this motion is unnecessary as the Ethics Commissioner in section 25(1) already has that ability.

**The Chair:** MLA Rowswell, you had your hand up. Or did he take the words right out of your mouth? Okay.

Any further deliberation? Okay. I'll call the question. All those in favour of the motion as presented, please say aye. Any opposed, please say no. And then to the folks online, those in favour, please say aye. Any opposed, please say no.

I believe the noes have it.

Any other motions that members would like to propose? MLA Ip.

**Mr. Ip:** Thank you, Mr. Chair. I would like to propose a motion that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to prohibit a member from using the member's office to influence or seek to influence decisions made by any other person for the purpose of furthering that member's private interests.

I think this motion speaks to, really, the foundational concept of trust in government and, frankly, the very foundational mandate of this committee and the Conflicts of Interest Act. Currently what we see in the act is that it is a very sort of limited scope from which something can be considered to be advancing a member's private interest, and I think the vast majority of Albertans would not agree with that narrow definition.

We have to ensure that Albertans have broad trust in the activities of this government, of all members, frankly. This is as much for the protection of private members as it is to prevent any sort of undue influence. Frankly, the optics of undue influence can in fact be very damaging to this institution, so I think that this motion will allow a broad latitude to prohibit any such activities in the future.

**The Chair:** Thank you for that, MLA Ip.

**Mr. Hunter:** Mr. Chair, I don't see the reason why we should do this. There are already scenarios captured in the act. There are provisions in place to make sure members are not using their

position to further their own private interests. That's very clearly articulated. I mean, I've been doing this now for almost 10 years; I know that there's another member that's also done that, been in here for 10 years. I know that it's a new member. But there are already robust provisions within the act to address the issues that the member just brought up, and I don't see any reason why we should vote yes.

I will not be voting yes, in favour of this.

9:20

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

**Mr. Sabir:** I think I can try, and I can provide some good reasons that might change Member Hunter's position too. There is one provision that deals with influence, and that includes members if they influence a Crown decision. We have seen over and over that there are many instances where members are able to influence a decision to further their interests, but they are not covered by the current conflicts of interest provision. The outgoing commissioner has recommended that and publicly commented on that.

That would be situations like when the former Minister of Justice Kaycee Madu got a traffic ticket, called the office of the chief of police in Edmonton, that wouldn't be caught by this provision. But we can all agree that that's not the right thing to do. So this amendment, essentially, will capture instances like that, where private members are using their office, using their position to influence a decision that furthers their private interests. That's clearly, I guess, targeted at capturing those instances where members are using their office to further their private interests.

It's an important amendment, and I think that we have the opportunity to make that recommendation and get this one right.

**The Chair:** Okay. Any other further conversation or discussion? Go ahead.

**Mr. Ellingson:** Yeah. I'd like to add further that in the submission from the previous Ethics Commissioner she points out that the current Conflicts of Interest Act has provisions only on influence of decisions by or behalf of the Crown. She's noting that the federal act, the Ontario act, the British Columbia act, and the Saskatchewan act all make reference to influences on a decision of another person. What she's suggesting is that there are kind of like gaps in what is covered in referencing only the Crown and not referencing another person. She places it as a high priority that we look at these other acts as good practice and that we should consider this amendment to the Conflicts of Interest Act.

**The Chair:** Okay. Any further discussion?

**Mr. Hunter:** Look, in terms of Mr. Sabir's comment, you know, the act already prohibits members from furthering their private interests. In the case that he was referencing, with Mr. Madu, who is a good friend, a person that I know very well: I think he was already sanctioned for that, reprimanded for that, so that proves that it's actually working. So I'm not sure why we have to do this. I will still be voting no.

**The Chair:** Okay. Well, with that, without going into a bunch of other things outside of here, I'm prepared to call the question. We do have, I believe, 20 some-odd ones to get through today, so, gentlemen, you've got lots of time to debate on a number of items. With that, I'm going to put this one to the question, and then we can get on to the next one here, and hopefully, we'll have more fulsome debate and conversations here to go forward.

With that, all those in favour of the motion, please say aye. All those opposed, please say no. Online, those in favour, please say aye. Those opposed, please say no. Okay.

The motion is defeated.

**Mr. Sabir:** Recorded vote, please.

**The Chair:** A recorded vote has been called. The process with this is that the clerk will go around. Raise your hands if you're in favour of it in the room, and the clerk will call your name. Then we'll do the same for the opposed. All those in favour of the motion?

**Mr. Roth:** Member Ip, hon. Mr. Sabir, Member Ellingson.

**The Chair:** And those opposed in the room?

**Mr. Roth:** Hon. Mr. Hunter, Mr. Rowswell, Mr. Wiebe, Mr. Lundy.

**The Chair:** In favour online, please indicate so. Opposed online, please indicate so.

**Mr. Roth:** Mrs. Petrovic.

Mr. Chair, total for the motion, three; total against, five.

**The Chair:** Okay.

The motion is defeated and so ordered,

I guess, as the Speaker might say.

Next, are there any other motions that members may have for the Conflicts of Interest Act that they would like to bring forward at this time?

**Mr. Sabir:** Just one second. One second; my computer screen got stuck.

**The Chair:** Sure. No worries. I still think we should get elevator music in the background for all of these deliberations anyway.

**Mr. Sabir:** The motion is that

the Select Special Conflicts of Interest Act Review Committee recommend that the government introduce a bill that would, if enacted, repeal the amendment made to the Conflicts of Interest Act by the Justice Statutes Amendment Act, 2023.

**The Chair:** We have it up on the screen there now if you just want to take a look, make sure that's what you have.

**Mr. Sabir:** I think the reason for this is fairly simple. If we look at jurisdictions across Canada, no other province has gift limits at where these changes put Alberta's gift limit at. All other jurisdictions have somewhere between \$200 to \$250. The second thing is that those changes also created a lot of loopholes in terms of fees, in terms of getting skybox tickets that were part of, I guess, public discourse lately as well. That didn't serve members well. That didn't serve even the government well. I think the changes that were made were out of line with all other jurisdictions, and if this committee would recommend that we repeal those changes, that will bring Alberta in line with all other jurisdictions and make our gift provisions better and stronger.

**The Chair:** Okay. We'll open up the floor for debate. MLA Rowswell.

**Mr. Rowswell:** Yeah. As the members opposite are aware, event attendance and acceptance of gifts is often an incident of protocol or part of the social obligations of our roles. Alberta requires that a member disclose gifts over \$250 and must comply with instructions that the Ethics Commissioner provides with respect to the matter,

including whether or not to keep the gift. In comparison, and to provide some context, B.C., Ontario, and the federal government all require disclosure but no approval from the Ethics Commissioner.

The amendments made to the rules last fall were important to update the monetary limits on gifts to reflect current realities. The original price limits were set many years ago and had not kept pace with inflation and the rising costs of goods. It just made it more real to what it is today.

**The Chair:** Anyone else wishing to comment or debate? Just raise your hand, and I'll give you – there we go. MLA Ellingson.

**Mr. Ellingson:** Yeah. I think that, you know, suggesting that all of the gifts that are being accepted are a matter of protocol is maybe a bit false, and we may need to bolster the Conflicts of Interest Act to catch some things and revert to those previous amendments that were made.

I mean, I think that we have all come to learn that the skybox tickets that were accepted from the business that was providing the Turkish Tylenol deal were perhaps not a matter of protocol, and if we had not previously made those amendments to the act, there would have been a different path forward for those kinds of tickets. We believe in disclosure and approval and justification for events and tickets. We think that that's an example where there was no justification, so we'd like to revert to the way the Conflicts of Interest Act was previous to those amendments made.

9:30

**The Chair:** Thank you for that.

Just a couple of housekeeping items. MLA Lovely has joined us. If I could get you to read your name into the record here as well.

**Ms Lovely:** Good morning, everyone. MLA Jackie Lovely from the Camrose constituency.

**The Chair:** And now that we have the substitutions that we're, you know, subbing on and off the ice, so to speak – pardon the parlance – MLA Petrovic is out for the voting, but she can still listen. MLA Lovely now has the vote, so we're clear.

We'll open up for further deliberation on this motion.

Seeing none, I am ready to put it to question. All those in favour of the motion as proposed, please say aye. Any opposed, please say no. Okay. I think the noes have it. Online can't vote.

**Mr. Roth:** Oh, right.

**The Chair:** Gotcha, Clerk. You tried to trick. That was a good test. Thanks. The clerk is testing me here today after the slow start I had this morning.

Motion defeated.

**Mr. Ellingson:** I request a recorded vote.

**The Chair:** Sure. A recorded vote has been requested. The clerk will call your names. Please raise your hand in the room if you're in favour of the motion.

**Mr. Roth:** Member Ip, hon. Mr. Sabir, Member Ellingson, Member Arcand-Paul.

**The Chair:** Those opposed, please raise your hand.

**Mr. Roth:** Hon. Mr. Hunter, Mr. Rowswell, Mr. Wiebe, Mr. Lundy, Ms Lovely.

Mr. Chair, total for the motion, four; total against, five.

**The Chair:** Okay.

That motion is defeated and recorded.

Any other motions members would like to bring forward? MLA Arcand-Paul.

**Member Arcand-Paul:** Thank you, Mr. Speaker. Mr. Chair; sorry.

**The Chair:** Gave me a promotion.

**Member Arcand-Paul:** I move motion 3. We should have it up on the screen.

**The Chair:** If you just want to read it, we'll make sure the clerk gets it and then just verify.

**Member Arcand-Paul:** Sure. Yeah. I move that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to prohibit a member from taking part in a decision in the course of carrying out the functions of the member's office if there is a reasonable perception that the member's ability to take part in the decision must have been affected by a private interest of the member or a person directly associated with the member, including the member's spouse, adult interdependent partner, or minor child.

**The Chair:** And if you just want to take a look at what's on the screen and confirm that that's what you just read.

**Member Arcand-Paul:** That is correct.

**The Chair:** Excellent. With that, deliberation and reason for your argument is open to you, sir.

**Member Arcand-Paul:** Thank you. Albertans put us in this position and expect us to do things in the best interests of Albertans, and when we might have a direct or potentially arm's-length interest in a business or in a decision that might affect some benefit for an associate, direct associate, or even for the member directly, we need to have clarity in the Conflicts of Interest Act to reflect this.

We can think of some modern examples. We, unfortunately, got a late submission as well via e-mail where this was raised by an Albertan, a private citizen, and I speak specifically of a minister in which there was some private interest that might have coloured the ability to make decisions in the Legislature. When we make decisions in that space, in the House, we should be doing so without any direct corresponding benefit to our own direct associates or to ourselves personally. So an amendment for this would ensure that Albertans can trust that every MLA acts in the public interest.

And this is for all members. This is not specific to ministers. It's for all members. I would want to make sure that I am doing my job properly, that is in the best interests of my constituents and all Albertans, so that way they have trust in the systems that we have built and that we carry out every single day. It would strengthen the act to help ensure that, being able to provide that assurance to Albertans and certainly for members to understand their responsibilities to their constituents and to all Albertans.

It's already the case for public service and public agencies. It makes sense to afford this understanding for members as well, for all MLAs in this House. Thank you, Mr. Chair.

**The Chair:** Thank you, MLA.

We'll open it up for any deliberation.

**Mr. Hunter:** So the select special Conflicts of Interest Act already – sorry. This committee is questioning or going through these issues, but I guess the question I have is that it says, “a reasonable

perception.” I mean, look, you're either guilty or you're not guilty, and remember that you're not guilty until proven guilty. This is important. This is part of the rule of law. This member is actually a lawyer, from what I understand. He knows that.

Unfortunately, what happens in being in politics is that someone will – and I've seen this happen from the opposition. They'll throw something out there, and if the media picks it up, then that person is guilty by virtue of just what's been said in the media, and the perception out there is that they're guilty without going through due process. I think that this is not really what we're – well, it isn't what's set up in our system of having due process and making sure that someone is guilty when they are found guilty, not by when someone says that they're guilty. The reasonable perception: I think that that's flawed, and I don't see any reason why we should be in favour of this.

Section 2(1) in the act already states that a member may not “take part in a decision in the course of carrying out the Member's office or powers knowing that the decision might further a private interest of the Member, a person directly associated with the Member or the Member's minor or adult child.” It's already in there. We have provisions within that in section 2(1). I don't see any reason why we should change this at this point.

**The Chair:** Okay. I'll open it up to the floor for either MLA Arcand-Paul, if you wanted to respond, or MLA Sabir. It's up to you.

**Mr. Sabir:** Thank you, Mr. Chair. It's interesting to hear the arguments made by MLA Hunter, which have nothing to do with this provision. I think as lawyers we are governed by the Law Society of Alberta, and that's a pretty common standard there, that if you have a conflict or a potential conflict, you cannot act in those circumstances. These are standards that do apply like in certain professions, including the legal profession, and having that standard for MLAs is not that high of a bar.

We do talk about people losing trust in politics, people losing trust in the institution of democracy, so this is our opportunity to put rules in place, put safeguards, guardrails in place where people can trust their MLA without question that there are those kind of guardrails that would not even leave a reasonable perception of conflict when they are acting, and they will act in the best interests of their constituents and not to further their own personal benefit or that of family members.

MLA Hunter has quoted section 3 again. Section 3 is specifically about members participating or influencing “a decision . . . made by or on behalf of the Crown.” That was the section that Premier was found in breach of when she tried to influence the decision of the Crown that was the criminal prosecution of Artur Pawlowski. She was found offside that provision. That's a very narrow provision that only deals with when you are influencing the decision of the Crown.

This one is that in your own dealings as an MLA – and it will broadly apply – you are not doing anything where Albertans have any perception that you are furthering the interests of a family member or a direct associate, so it has a much broader application. I think if we want to restore and strengthen Albertans' trust in the institution of democracy and in their representatives, that's a very common-sense provision to have in this act.

**The Chair:** In hearing both arguments, I think it's the perception part of it.

MLA Hunter, did you want to respond to that?

**Mr. Hunter:** Yeah. No. I think he was referring to a different section than I was referring to. I will correct him in that I was

referring to section 2(1). If you could just look at the act, that is what I was referring to. Specifically, it says, “knowing that the decision might further a private interest of the Member, a person directly associated with the Member or the Member’s minor or adult child.”

9:40

I don’t think he’s really addressed that issue that I just stated, that that’s already in the act. So I don’t know if I’ve actually heard an argument from him stating that it’s not in there, but he said that we need to strengthen it. I don’t know how you get more strengthened than that. I think that other than saying “reasonable perception,” which, again, is dangerous language, in my opinion, because you’re either guilty or not guilty – I don’t see how this is strengthening it, but anyways.

**The Chair:** Any other further questions, comments?

If not, we’ll put it to the question. All those in favour of the motion, please indicate so by saying aye. Any opposed, please say no. Okay.

I think the noes have it on this one.

Are there any other motions members would like to bring forward? MLA Hunter.

**Mr. Hunter:** Thank you, Mr. Chair. I move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to remove from the application of the act the following individuals: (a) staff of the Premier’s office except senior staff, (b) staff of ministers’ offices except chiefs of staff, (c) deputy ministers and other designated office holders, and (d) senior officials and members and employees of public agencies.

**The Chair:** Just confirm that what we have up on the screen is what you’ve intended and read.

**Mr. Hunter:** That’s correct, Mr. Chair.

**The Chair:** Okay. With that, we’ll open it up to you for arguments.

**Mr. Hunter:** The rationale for this is that Alberta is the only province that includes public service senior officials in the same act as elected officials and political staff. The Public Service Act governs staff in the Alberta public service, including deputy ministers, who serve in an impartial and nonpartisan fashion. This expectation is found in the Code of Conduct and Ethics for the Alberta Public Service.

The current approach in the Conflicts of Interest Act is not consistent with the distinction and the separation that exists between the public service and elected officials and political staff. The role of political staff and elected officials is also significantly different from the role of staff on agencies, boards, and commissions, which are governed by the Alberta Public Agencies Governance Act, or APAGA.

**The Chair:** That would open up the floor for further conversations, discussion.

**Mr. Sabir:** I think, Mr. Chair, it’s a deeply, deeply concerning motion. What this motion is suggesting to do is exempt some of those individuals, staff people who hold a considerable influence on government’s decision-making. I don’t think that this is serving public interest. If some other jurisdiction is not doing it, that’s not the reason for us to water down our Conflicts of Interest Act. That’s kind of a pattern of behaviour that we are seeing in this government, that they are exempting communication between political staff and

ministers, and now they are exempting even staff of the Premier except for senior staff.

What does that even mean with senior staff? Anybody working in the Premier’s office is senior staff, is an experienced individual. When we were in government, like, everybody working in the Premier’s staff had an important role; they were well qualified. Similarly, in the ministers’ offices it’s only a staff of eight to 10 people, and all of them as a team are running the entire office. They are all senior staff. They all have influence. I think exempting this will water down our Conflicts of Interest Act, and I think no member should be supporting this amendment, that is completely out of line and out of touch.

**The Chair:** Any further conversation, discussion on the matter? MLA Arcand-Paul.

**Member Arcand-Paul:** Thank you, Mr. Chair. Just upon quick review of the Conflicts of Interest Act, I think we would be creating some major disarray with respect to the operation of the act if we remove this specific staff. We’ve seen over the course of the last year the government making decisions in which potential benefits to the offices of the Premier and ministers were coloured in the public eye about what was happening, particularly around hockey tickets. I am increasingly concerned, as are many Albertans, about the ethics of the Premier’s and the ministers’ offices to remove such, and to make this potential motion and approve it, we are sending a very strong message to Albertans that we are above our own ethics responsibilities. I think that is a slippery slope.

The current act as it is drafted captures these concerns. It makes sure that these offices are operating without undue influence, and I would not want to see Albertans be looking at us with skepticism. To move this motion and to approve it will send a very strong message to our constituents that our offices, and particularly the offices of the Premier and the ministers, are beyond reproach, that they are not able to be considered under a conflict of interest. I would make sure that we do not vote in favour of this motion because of those reasons.

Like I said multiple times this morning already, we have a job to Albertans to make sure that we are making the right decisions and not being influenced at all. To allow nonsenior staff in the Premier’s office or in ministers’ offices to escape scrutiny under this act is concerning. If the members opposite and the motion mover could propose perhaps some assurances to Albertans that those acts in which they reference – namely, the Public Service Act and the others that the member opposite proposed – I think that those amendments must come first before we take these specific staff members out of the act.

So I would not be in favour of this motion, and I am certain that most Albertans would be concerned about this given the transactions that have occurred in the last year.

Thank you.

**The Chair:** Thank you for that.

**Mr. Hunter:** Just for clarity, and the member did mention this, again, the Public Service Act governs staff in the Alberta public service, including deputy ministers, who serve in an impartial and nonpartisan fashion. I mean, if we are questioning that, we could question it when the NDP were in office as well. I just think that it’s, again, a very slippery slope if you are questioning the professionalism that we would expect all of the public servants to follow.

Then again, I’m not sure how we can move forward. The truth is that they do have a code of conduct and ethics that they adhere to,



and I think that what is happening with the Ethics Commissioner's responsibility: that was specifically designed for elected officials, and then we've moved it into, you know, staffing that really falls under a different act, and the responsibility is under a different act.

Again, I think that this is reasonable, and I would be recommending to all members to vote in favour of it.

**The Chair:** MLA Ellingson.

**Mr. Ellingson:** Yeah. I'd just like to clarify that staff in the Premier's office and the ministers' offices are not deputy ministers or assistant deputy ministers. They're not in the public service, so they wouldn't be covered by the Public Service Act that you're referring to.

The motion that is on the floor here is pretty sweeping and broad to wipe these people from the act entirely. I looked at 23.4 of the Conflicts of Interest Act, just as an example. "A member of the Premier's and Ministers' staff breaches this Act if he or she uses or communicates information not available to the general public that was gained by the member in the course of carrying out [their] office." So this is kind of, like, not necessarily using their influence over a government policy that may be in their interests but taking information that is available to them through their work to benefit themselves and their own personal decisions.

9:50

This motion that we have before us would wipe this part of the Conflicts of Interest Act. I think that, again, sure, we could stand up and say: all of the people who work for us are above reproach, and of course they're not going to do something like this. But the reality is that maybe here in Alberta, maybe in other jurisdictions, these things have happened, which is why we put it in the Conflicts of Interest Act in the first place. So to make this sweeping motion to wipe these people from the act when they're not covered by the Public Service Act, I think that Albertans would call into question why we're making these decisions. I think Albertans would ask why any staff member in any office of a minister or a Premier would be challenged by being covered by the Conflicts of Interest Act. I think Albertans would want to know that anybody who's taking any of these jobs wants to be able to prove that they are above reproach, and so they'll look at a clause in the Conflicts of Interest Act and say: I'm totally okay with that; I'm going to live by that. Why would we need to wipe it clean? I strongly speak against the motion from Member Hunter.

**The Chair:** MLA Ip?

**Mr. Ip:** Thank you, Mr. Chair. I certainly want to echo the comments of my colleagues, but I also want to emphasize that not only is it shortsighted and a mistake to weaken the current Conflicts of Interest Act, frankly, by removing these provisions; I think it's also important to consider that the very fact that these specific categories are in the current Conflicts of Interest Act serves an important function in the sense that it actually protects the institution and the office of the Premier.

All of us in this room recall that just a couple of, two or three premiers ago, there was a specific Premier that was accused of awarding a contract, a government contract, a lucrative government contract, to a firm run by her husband. We know just from recent memory that, whatever the details might be, those kinds of optics and those sorts of situations present themselves. It's incredibly important for the protection of the Premier's office and the institution of the of the premiership to ensure that these safeguards are in place, to ensure that Albertans have full trust in the dealings of the Premier's office and their political staff.

**The Chair:** Perfect. So with that, we'll call the question. Those in favour of the motion, please indicate by saying aye. Any opposed, please say no.

I think the ayes have it.

**Mr. Sabir:** Recorded vote.

**The Chair:** Recorded vote has been requested. Those in the room, please indicate so by raising your hand in favour of the motion.

**Mr. Roth:** Hon. Mr. Hunter, Mr. Rowswell, Mr. Wiebe, Mr. Lundy, Ms Lovely.

**The Chair:** And those opposed in the room, please raise your hand.

**Mr. Roth:** Mr. Ip, hon. Mr. Sabir, Mr. Ellingson, Member Arcand-Paul.

Mr. Chair, total for the motion, five; total against, four.

**The Chair:** Okay.

Motion is approved and carried.

And so ordered, as the Speaker may say.

Any other motions that members wish to bring forward? MLA Hunter.

**Mr. Hunter:** Thank you, Mr. Chair. I move that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to clarify that the chief of staff in the office of the Premier is responsible for (a) investigating any alleged breach of code of conduct by a member of the Premier's or minister's staff other than the chief of staff, and (b) implementing any associated disciplinary action.

**The Chair:** And can you just confirm that what you have read is on the screen?

**Mr. Hunter:** That is correct.

**The Chair:** Excellent. I will open it up to you then for your arguments for the motion, sir.

**Mr. Hunter:** These proposed changes will clarify that the Premier's chief of staff is intended to be primarily responsible for the investigations of violations in the Premier's and ministers' offices. This motion ensures that the different roles and responsibilities of the people involved are clear. Currently there is an overlap in some of the investigative authorities under the act. Section 23.41(1) of the act establishes that "the Lieutenant Governor in Council may establish a code of conduct for the Premier's and Ministers' staff" and makes clear that any staff who contravenes this code of conduct breaches part 4.2 of the Conflicts of Interest Act.

The code of conduct was established in 2020, with amendments in 2023. However, based on the plain reading of this section 24 of the act, the Ethics Commissioner would appear to have responsibility for investigating breaches of the code of conduct. In contrast, the code of conduct itself established that the Premier's chief of staff is responsible for its administration with respect to members of the Premier's staff and ministers' chiefs of staff and responsible for issuing supplementary instructions. In addition, each ministers' chief of staff is responsible for administering the code of conduct for their respective minister's staff. Alternatively, the Ethics Commissioner is responsible for administering the code and issuing supplementary instructions for the Premier's chief of staff.

**The Chair:** Perfect. We'll open up the floor for deliberations. Once? Twice? MLA Sabir. There we go.

**Mr. Sabir:** That's pretty interesting. Remove all these people from the Ethics Commissioner's reach and then put the Premier's chief of staff, Rob Anderson or some person in that office, in charge of investigating. I'm sure MLA Hunter must be wanting us in Alberta to believe that that's the best way to go about investigating ethical breaches in the Premier's office.

I'm pretty sure that the UCP won't be in government forever. In 2027 that will be the first opportunity. After that the same MLAs will be opposing those kinds of things as communist, dictatorial, authoritarian, and whatnot.

**The Chair:** Well, those are pretty harsh words, and I'd presuppose anyone in the room. But please continue with your arguments and make your point.

**Mr. Sabir:** Thank you. Those will be the words they will be using for these kinds of measures. I think that is in no way, shape, or manner acceptable, what they are doing. The motion was proposed by MLA Hunter, so I will refer to him. That MLA is just wanting to help with this government motion, to remove everything of accountability from the Premier's office, from the ministers' offices.

**Mr. Hunter:** Point of order, Mr. Chair.

**The Chair:** A point of order has been called.

**Mr. Hunter:** Point of order under 23(i). The member opposite is falsely implying that I have alternative motives. Like, let's just keep it to what I said versus, you know, his broad comments that have really no place in our debate. Let's focus on the motion at hand and not start bringing in other languages. Certainly, going to (j), can cause disorder in the committee as well. So point of order under 23(i) and (j).

**The Chair:** Thank you.  
Any response?

**Mr. Sabir:** I do not believe it's a point of order. That's literally what this motion is saying, that we recommend the Premier's chief of staff investigate staff in the Premier's office. I don't know how it's a point of order. It's not even a matter of debate. This will create disorder and chaos in the entire province if this motion is passed. It's not a point of order.

**The Chair:** The Chair is ready to rule at this point no point of order. I do take the tone of what people are saying here, and if we could keep it more to the point, less iteration, I guess, and more to the point, if you can, with some of the speculative items. The chair did already mention, while you were making your comments, that some of that could be a little inflammatory for the meeting, so please try to keep it within the rails. As much as we can, folks, keep it to the org chart as opposed to the people naming it, notwithstanding the member. You can reference the member making the motion in the room, but try to keep within the rails and not speculate on what the intents are. I think that would probably help with the note here.

With that, I see MLA Arcand-Paul with your hand up, if you'd wish to comment.

10:00

**Mr. Sabir:** I was still in the middle . . .

**The Chair:** I'll go to him and give you a cooling off so you can consider the chair's comments, and we'll come back to you.

**Member Arcand-Paul:** Thank you, Mr. Chair. While my colleague cools off here, I will speak to the inconsistency in the previous motion that we just voted, what His Majesty's Loyal Opposition voted against. I am very curious why we are now in a position to clarify that the chief of staff is responsible for investigating any alleged breach of code of conduct for an act that does not apply to this staff now. I don't get the rationale behind this. Both motions together read as if they negate the other. I am quite concerned about what this might mean, particularly if the act does not apply, that inconsistency.

As you know, legislative drafting is an important part of putting these motions together, and if we are going to be making these amendments to legislation, well, there's a giant gap there now that we're creating. So for what purpose is this motion other than to demonstrate and to signal to Albertans that the offices of the Premier and the offices of ministers are exempt from any scrutiny whatsoever? I don't think that that is proper. I think that we need to be very clear with respect to the responsibilities of offices, and if an investigation is conducted, well, I think we have to revisit the last motion we just voted on.

**Mr. Hunter:** Well, again, like, the member just finished saying that we're going to strip the ability to have any kind of investigation on these issues. That's not true. It's not what we said. I didn't say that at all. In fact, I said that section 23.41 of the act establishes that "the Lieutenant Governor in Council may establish a code of conduct for the Premier's and Ministers' staff." So, you know, there's not going to be a gap; in fact, we're actually saying that we're trying to identify that there's an overlap in the investigative authorities under the act.

This is what we're trying to address right here, Mr. Chair, that this is addressing the overlap, because there is already within the act "the Lieutenant Governor in Council may establish a code of conduct for the Premier's and Ministers' staff," so it's already established in there. We're not changing anything there. We're just establishing roles and responsibilities, and that's all that's happening here.

**The Chair:** Okay. Thanks for that, MLA.

Now, just so everyone is advised of that – and MLA Arcand-Paul did make a point about the legality of it or one cancelling the other – we do have technical support at the table through our legal group – if I called you the wrong thing, I apologize to our legal counsel at the table – to help guide us through some of those technical questions as well. That is afforded to everyone.

MLA Ellingson, I saw your hand.

MLA Sabir, I was letting you cool your jets for a bit. If you want to continue with the deliberations, I can throw you back on.

**Mr. Ellingson:** Thank you, Mr. Chair. I'd like to make two points. One is just kind of like a direct response to what we just heard from MLA Hunter. Section 23.41(1): "the Lieutenant Governor in Council may." Let's focus on the word "may." If this argument is going to be made to justify the two motions that we just voted on or are voting on right now, then I think we need to put forward another motion to say that that word "may" is changed to the word "must" so that there is a code of conduct.

**The Chair:** Just so that the chair understands, are you suggesting you would like to move an amending motion to the one currently at hand?

**Mr. Ellingson:** Yes, but wording it would be tricky because the wording refers specifically to a piece of the Conflicts of Interest Act, but the motion doesn't refer to a specific section of the Conflicts of Interest Act.

**The Chair:** We've got an option here. We can vote on the motion at hand, which I think is where the chair is probably going to guide everyone towards, and you could reintroduce, potentially, a new motion from the floor if the committee was willing to accept that.

**Mr. Ellingson:** Okay. Yeah. Yes. We can move that forward when this discussion and vote is complete. Then I'll ask the committee's permission to submit a new motion.

**The Chair:** Maybe what I might suggest is – again, we have a motion in flight, so that's where we'll go – potentially, that if we took a biological break in a little while, it might give you an opportunity to work on that before you bring it to the floor. If you were doing that, just for your consideration, it might give you a little time to craft it.

**Mr. Ellingson:** Okay. Thank you.

I did have one other point to be made about kind of, like, to talk about it – and I'll put this to the government – I think we need to question: what is the government's intent with these two motions? I know we're here to discuss the Conflicts of Interest Act and the motions in front of us, but I think we can't deny that there's a relationship to legislation that was just passed in the previous sitting that made changes to FOIP. With those changes we now have . . .

**The Chair:** I'll just cut in here a bit, because you're starting to go pretty wide. Again, the motion is at hand. Talking about other things in legislation that's passed in the House that isn't specific to this, it's a different . . .

**Mr. Ellingson:** So I'll just . . .

**The Chair:** Let me finish, please.

We're going to start to stray into no-man's-land here pretty quick. What I would propose – and the other one, too, with perfect clarity: everyone here at the table is a private member. This committee has its own scope of work. The government does government things. You can speculate and ask questions, but it would be disproportionate to expect these members as private members to inform you or advise what government is doing because that's where we have the big House across the way.

With that, I'll give you time to bring it back in course, close your closing remarks, and then the chair is getting ready to move on this motion so we can carry on.

**Mr. Ellingson:** I'll close and bring it back. We're with these two motions. One, we just voted on that we're exempting staff. Now we're voting on a motion saying that it's the chief of staff that governs those decisions. Just a quick tie-back: those FOIP changes that if you've tied an e-mail to those very same staff, now the public can't investigate or ask questions. So we really are kind of wiping the slate clean from any ability to investigate or know if there's a conflict.

**The Chair:** Okay. With that, I'm prepared to call the question, get back to the next one. I'm prepared to call the question.

I don't know that there would be a ton more that you would offer that the other three colleagues haven't at this point. Do you have anything else that's new that hasn't been said? Okay.

**Mr. Sabir:** I was cut off in the middle as well.

**The Chair:** Do you have any other comments? Please go ahead.

**Mr. Sabir:** Again, the mover of the motion was saying that we are not changing anything. It's a fundamental change, removing the Ethics Commissioner's ability to investigate and putting the Premier's most trusted person, the Premier's chief of staff, to investigate. That's cronyism. That's not what, I guess, we are here to do. That will damage the reputation of our government institution of democracy, and I urge all members to think about it, whether you want to put the Premier's chief of staff in charge of investigations.

**The Chair:** Okay. Now, keep it tight because I think a lot of things have been said and the chair would really like to get to those other 17 that we still have out there. Please go ahead, MLA Ip.

**Mr. Ip:** The thing I want to add to this debate is that what MLA Hunter is proposing as a safeguard, that being the Lieutenant Governor in Council may, of course, et cetera, et cetera, et cetera, is in my view an unprecedented move to in fact compel a nonpartisan, nonpolitical entity to now wade into potentially political affairs of both the Premier's office and her cabinet ministers. I think that is a mistake. I think that flies against parliamentary tradition, and that alone should raise red flags. And I question whether it's within sort of constitutional convention to have such a provision.

**The Chair:** Okay. Thank you for that.

I am calling the question at this point. All those in favour of the motion, please say aye. Any opposed, please say no.

10:10

**Mr. Sabir:** Recorded vote.

**The Chair:** You even said that before the chair called, so you're presupposing.

I believe it was passed. I believe it was carried,

but we will do the recorded vote as the member has requested. All those in favour, please indicate so by raising your hands.

**Mr. Roth:** Hon. Mr. Hunter, Mr. Rowswell, Mr. Wiebe, Mr. Lundy, Ms Lovely.

**The Chair:** Those opposed, please indicate so by raising your hands.

**Mr. Roth:** Mr. Ip, hon. Mr. Sabir, Mr. Ellingson, Member Arcand-Paul.

Mr. Chair, total for the motion, five; total against, four.

**The Chair:** Excellent. Thank you.

Motion carried.

Are there any other motions that'll be brought by members?

**Mr. Hunter:** Mr. Chair, I move that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to

- (a) exclude certain types of securities, including market index funds and arm's-length mutual funds, from the restriction on holding publicly traded securities by a minister;
- (b) simplify the information required to be included in the disclosure statement; and
- (c) permit members to confirm with the Ethics Commissioner on an annual basis that there are no material changes in the information contained in their

most recent disclosure statements as an alternative to submitting a new disclosure statement and meeting annually with the Ethics Commissioner.

**The Chair:** Okay. Please carry on with the argument for your motion after you've read it and made sure it's okay on the screen there.

**Mr. Hunter:** Yeah. That's correct, Mr. Chair.

**The Chair:** Okay. Please carry on.

**Mr. Hunter:** Currently Alberta has very stringent rules on what a minister is allowed to hold compared to other jurisdictions. In Alberta individuals who are subject to financial restrictions can only hold publicly traded securities in a blind trust or in an investment arrangement approved by the Ethics Commissioner. In Quebec, Ontario, and Manitoba blind trust provisions for ministers do not apply when they hold open-ended mutual funds. In Ontario such investments are not required to be disclosed to the Ethics Commissioner. In Nova Scotia ministers may hold mutual funds and assets that don't constitute a risk of a conflict of interest. As we learned from Dr. Morck, blind trusts are costly and complicated. These proposed changes would bring Alberta's restrictions in line with other jurisdictions while still ensuring that the legislation has the necessary tools in place to ensure our government's transparency and integrity.

On the disclosure form the former Ethics Commissioner mentioned that the late disclosures had been an issue in recent years. As members are aware, this process can be burdensome. This is why the process should be simplified. Each year filling out the form starts from scratch, from putting your name on the form to everything that hasn't changed in the last 10 years and that is not likely to change.

**The Chair:** Thank you.

Now we'll open it up to the floor for comments, debate.

Seeing none, all those in favour of the motion, please say aye. Any opposed, please say no.

Motion carried.

We'll open the floor up again for any other motions for members.

**Mr. Rowswell:** I'd like to move that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to strengthen principles of procedural fairness as follows:

- (a) establish a statutory right of a person who is the subject of an investigation to be provided with a copy of the complaint to which the investigation relates, retain legal counsel with respect to the investigation, and permit that legal counsel to attend any proceeding that is part of that investigation and record any interview or meeting with the Ethics Commissioner;
- (b) prohibit the Ethics Commissioner from requiring an individual to produce documents that are
  - (i) not directly relevant to the investigation or
  - (ii) subject to any type of legal privilege, including solicitor-client privilege, or any kind of confidence, including cabinet confidence;
- (c) provide the subject of an investigation a statutory right to dispute the findings or recommendations of the Ethics Commissioner prior to the Ethics Commissioner reporting in respect of the investigation to the Speaker of the Legislative Assembly.

**The Chair:** Okay. If you can just confirm that what we have on the screen is what you read and intended.

**Mr. Rowswell:** Yeah. Good.

**The Chair:** Okay. With that, any further arguments for your motion?

**Mr. Rowswell:** Yeah. The proposed amendments aim to ensure that individuals who are subjects of investigation have their rights protected and that the investigation process is more transparent. Currently there is no clause in the act that states that an individual has the right to legal counsel during an investigation. Now, the former commissioner stated that she would usually allow for legal counsel to be present throughout. This motion just makes that clear.

In addition, in Quebec and the House of Commons the commissioner sends a copy of the investigation request to the member named in such a request. We are asking for the same.

When it comes to Senators and MPs at the federal level and in B.C., Saskatchewan, Manitoba, and Ontario, they all require the Ethics Commissioner to give reasonable notice to the member of the allegations.

Finally, the proposed changes would clarify that the Ethics Commissioner cannot compel documents that are irrelevant to the investigation, are subject to legal privilege such as solicitor-client privilege or cabinet confidence. This is crucial to protect the legal rights of individuals, including their right to confidential communications with their lawyers and other protected information.

**The Chair:** Thank you.

We'll open that to the floor for debate, questions. MLA Ellingson.

**Mr. Ellingson:** Yeah. Thank you, Mr. Chair. I think I just have a couple of questions maybe referring back to what we heard from the previous Ethics Commissioner in this regard. One, it was kind of made a point to us earlier that the investigation of the Ethics Commissioner is not a legal investigation. The courts are not brought into play with the investigation of the Ethics Commissioner. It's not a legal action. I think that she had been suggesting that you don't necessarily need legal counsel on your side when the work that is being undertaken is not a legal action in and of itself. I think that kind of question there of, like, legal counsel would come later, right? Like, if after the Ethics Commissioner's work it moved into something that was litigious, then you would be securing legal counsel.

I think the other thing that was made to us is that finding someone in breach of the Conflicts of Interest Act also has no penalty attached to it. Again, is there need for legal counsel or statutory right to dispute when there's no penalty attached to the assessment?

I think those are my questions. Why would we need to introduce this when the investigation that's being undertaken is not litigious and there is no penalty?

**The Chair:** I'll open it up for any other further comments. MLA Sabir.

**Mr. Sabir:** Thank you. I will speak to the second part of this motion, that "[prohibits] the Ethics Commissioner from requiring an individual to produce documents that are not directly relevant to the investigation." It's not a very good legal drafting. Who will determine what's relevant to the investigation and what's not? There may be some other political consideration behind it, but I

guess from an investigation standpoint, that doesn't make any sense. That's interference in the work of an independent office of the Legislature.

Again: "subject to any type of legal privilege, including solicitor-client privilege or any kind of confidence including cabinet confidence." Cabinet confidences are not defined in this act. The definition we heard from this government that may likely apply now is that government was even protecting factual background information as cabinet confidences. Not just deliberations; cabinet confidences.

This amendment is not well written. It's very vague, and I think it's interfering with the investigative function of the Ethics Commissioner. I urge all members to vote against this motion.

**The Chair:** Any other comments?

Okay. I'm prepared to call the question. All those in favour of the motion, please say aye. Any opposed, please say no.

Motion carried.

Are there other motions? MLA Rowswell.

10:20

**Mr. Rowswell:** I'd like to move that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to clarify that a breach of the act by a member must only be based on a specific decision or action by that member.

**The Chair:** Let's get that on the screen for you, MLA Rowswell, just to confirm. Does that look as you've read it and intended?

**Mr. Rowswell:** Yep.

**The Chair:** Perfect. Well, continue on with your argument, sir, if there is any.

**Mr. Rowswell:** Okay. The law is the law. It should never be subjective. If laws are open to subjective interpretation, this creates confusion and uncertainty, making it difficult for people to understand what is allowed and what is not. The Conflicts of Interest Act sets the rules that elected officials and political staff need to follow, and if they are doing something they're not supposed to, then they have broken the law. It needs to be as black and white as that, not open to subjective interpretation.

**The Chair:** Okay. I'll open it up to the floor for debate.

**Mr. Sabir:** Frankly, Chair, I'm still not sure what this amendment is trying to do, that "the Conflicts of Interest Act be amended to clarify that a breach of the act by a member must only be based on a specific decision or action by that member." I personally think that's how it works, and most decisions that I can think of were based on a specific decision or action of a member, whoever was investigated and found offside of the Conflicts of Interest Act, be that Premier Smith's recent decision that the Ethics Commissioner gave, be that the minister of municipalities, Ric McIver, where there was a decision against him. So I think it's redundant. That's the basic principle of law, that the act will apply to a specific member's specific action. It's not needed. A friendly suggestion that the member may want to redraw this. In any event, it's redundant.

I will vote against it.

**The Chair:** MLA Arcand-Paul.

**Member Arcand-Paul:** Thank you, Mr. Chair. This is something already contemplated by the act under section 2. I think it is redundant. I would echo my colleague's sentiments. I would ask

perhaps the moving member to clarify what – I guess the only difference I can see here is a specific decision. Quite vague, to be quite blunt. I would maybe request that this be withdrawn because the act already contemplates this.

**The Chair:** Any other further comments?

**Mr. Ellingson:** Just to reinforce the redundancy. We previously debated a motion where the members across the table didn't agree with the use of reasonable perception, arguing at that time that the act already stepped into place if something that could be proven happened. If you were going to make that argument then, why put forward this motion now?

**The Chair:** Any other further comments?

Seeing none, I'm prepared to call the question. Those in favour of the motion as presented, please say aye. Any opposed, please say no.

Motion carried.

Any other motions that'll be coming forward? MLA Rowswell.

Just for edification here, folks, if it's okay, at 10:30 we'll take a 10-minute break just for a comfort break, if that works for everybody.

Okay. We'll carry on. We'll soldier on.

**Mr. Rowswell:** Okay. I'd like to move that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to require the Ethics Commissioner to inform any individual who is involved in an investigation of (a) the identity of the person being investigated and (b) the specific allegations made against the person being investigated.

**The Chair:** Yeah. We'll get that up on the screen and then just confirm.

**Mr. Rowswell:** Okay. Yeah.

**The Chair:** Okay. Please carry on, sir.

**Mr. Rowswell:** Yeah. When someone is under investigation for a legal matter, they are usually made aware of the allegations they are under investigation for. This should be the same for investigations under the Conflicts of Interest Act. In Quebec and the House of Commons the commissioner sends a copy of the investigation request to the member named in the request. We're asking for the same thing.

**The Chair:** Perfect.

We'll open up the floor. MLA Ellingson.

**Mr. Ellingson:** Thank you, Mr. Chair. Okay. I'm going to ask the members from the other side. The committee just passed a motion that said that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to strengthen principles of procedural fairness as follows ... [that] a person ... be provided with a copy of the complaint to which the investigation relates.

Does that not make that person aware of their investigation?

**The Chair:** Okay. I'll open it up for any other questions, comments.

**Mr. Sabir:** Mr. Chair, the way it's drafted is very confusing. It says that the "Conflicts of Interest Act be amended to require the Ethics Commissioner to inform any individual who is involved in an investigation of the identity of the person being investigated." What

that really means, if a member wants to say the identity of the complainant – that doesn't make sense as it reads. You can, I guess, put that on hold, consult with your team, and bring it back after the break, because the way it's drafted is very confusing, and – I don't know – it doesn't make any sense to me, especially the first provision. The second is fine, the specific allegation made against the person being investigated. Sure; if I'm the person who is getting investigated, I should get a copy of the case against me. But the first one I don't think makes any sense. What do you think?

**Member Arcand-Paul:** If I may?

**The Chair:** Yeah. Sure. Go ahead.

**Member Arcand-Paul:** I guess this question would go to Parliamentary Counsel, then. With respect to the way that this is very broad, informing any individual involved in an investigation that includes witnesses, my concern would be that the identity of the person being investigated would be disclosed and the personal privacy of such would be under concern. I would turn it to Parliamentary Counsel for clarity on that point. I worry that the rules of procedural fairness might be offended with respect to this motion.

**The Chair:** I'll turn it over to Parliamentary Counsel for comment in a technical capacity, I guess, in this regard.

**Mr. Koenig:** Yeah. I mean, I'm happy to make some comments, maybe just starting off a bit more broadly with these recommendations. Typically when these recommendations are made, they're generally not to be read in a way that creates conflicts with each other. So if there's a way of reading them where they relate to each other or are sort of moving in a consistent direction, that is how they are to be read. Typically you're not reading them in a manner that will cause direct conflict or is nonsensical or creating contrary results. I'll just provide that as a general comment. Typically these motions, when the committee makes its decisions, those recommendations should be read in a manner that is consistent with each other so that the decisions of the committee, the recommendations, can be understood as sort of a package.

In terms of the specific question that's being asked, I can't really – like, it is somewhat of a technical question in terms of what the impact of this would be, so I can't really provide an opinion on whether this would sort of impact, you know, the fairness of the process or whether it might have a negative impact on the privacy of somebody involved in an investigation. I think that's probably a question for the committee to decide, if that's something that they feel is or is not the case. Or they may wish to ask for more technical advice.

What I would say is that it's up to the committee to decide. If the committee comes to the conclusion that this is overly broad or impacts the rights of individuals, then it may be defeated. If they feel that that isn't the case, they may wish to carry it. But it's entirely up to the committee.

**The Chair:** Okay.

With that, we're at 10:30 here. What we'll do is just park this for 10 minutes. We'll leave the motion as it is. I'll allow the government members to take a look at if there's anything else they would consider based on the last conversation, and we'll see everybody back here in 10 minutes.

[The committee adjourned from 10:30 a.m. to 10:41 a.m.]

**The Chair:** Okay, we're good to go. Welcome back, folks. Thanks to everybody for getting here within that 10-minute time period. Really appreciate that.

Currently, main motion ID10 is on the floor and was being debated and had some good comments back and forth. With that, we'll open it up for further discussion and carry on with the conversation.

MLA Rowswell.

**Mr. Rowswell:** Yeah. We've had some conversations, and I think we need to make it clearer as to who it relates to. The intent of this, I think, is relative to the witnesses, but then we need to understand that there's confidentiality there as well.

We're going to withdraw it for now and bring it back later with that provision in it to make it clearer what we're trying to accomplish.

**The Chair:** And just to be clear, and to confer with the clerks and everybody to my left, who always get excited when we do something different, the intent of the MLA is to withdraw this motion from the floor. It's my understanding that we need unanimous consent on this from the committee, so that's what the chair would be really looking for. I'm looking to see if there's any other flinching at the table. We aren't. The chair has got it right at this time as well.

Hearing the motion from the hon. member to remove this one from the floor, I'm looking for unanimous consent for the withdrawal. All those in favour, please say aye. Anyone opposed? I saw everyone's mouth move and everyone said it together.

Motion carried.

Okay. Excellent. Withdrawn.

Are there additional motions to be brought to the committee's consideration? MLA Rowswell.

**Mr. Rowswell:** Okay. I would like to move that the Select Special Conflict of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended in section 25(5) to remove the reference to "a justice of the Court of King's Bench".

The act states that to investigate the commissioner has the power of a justice of the Court of King's Bench such as to summon people and compelling people to provide oral or written evidence and documents. However, the subject of an investigation does not have the protection that a defendant would, for example, in a judicial process. During the review the department of Justice explained that while the Ethics Commissioner has the power to summon individuals . . .

**The Chair:** Can I just get you, Member, before you carry on, just to confirm that this is what you're moving?

**Mr. Rowswell:** Oh, I'm sorry. Okay.

**The Chair:** Nope, no worries.

**Mr. Rowswell:** Fair enough. Yes, that's what it is.

**The Chair:** Okay. Please carry on then, sir.

**Mr. Rowswell:** Sorry, everybody. Okay, I'll start there again.

During the review the department of Justice explained that while the Ethics Commissioner has the power to summon individuals to give evidence, compel them to produce documents or other items, and administer oaths and receive information, the act does not grant the Ethics Commissioner other powers of a King's Bench justice,

despite the reference. The reference can be confusing, so I propose that we remove that.

**The Chair:** Okay. With that, we'll open up for comments and deliberation.

MLA Sabir.

**Mr. Sabir:** Thank you, Chair. Again, a deeply concerning motion that's essentially interfering with the Ethics Commissioner's ability to investigate properly. I think that these provisions have served us very well in the past. I think the intent of the motion, to me, is that they are just trying to water down the power of the Ethics Commissioner. As I said earlier, the Ethics Commissioner plays a very important role in maintaining the trust and confidence in the institution of democracy. They do need to have powers to be able to compel witnesses to give oral or written evidence and produce any documents that they find relevant to the investigation.

So it's not that this provision somehow is making the Ethics Commissioner equivalent to a judge of Court of King's Bench; it's just giving them certain specific powers, that they be able to compel evidence, they be able to compel documents relevant to investigation. Pretty reasonable provisions. If anything, that would water down the commissioner's power to do its job properly. It's deeply troubling, and I urge all members: do not wash accountability and the investigative role of the Ethics Commissioner in this manner. That will hurt our democracy and our institutions.

**The Chair:** I've got MLA Hunter, and then MLA Arcand-Paul.

**Mr. Hunter:** Yeah. I just wanted to clarify what Member Sabir said. The commissioner will and still has the power to summon individuals to give evidence, compel them to produce documents or other items, and administer oaths and receive information. The act does not grant the Ethics Commissioner the power of the other powers, and this is what this is trying to clarify. It's not saying that the Ethics Commissioner will not have those powers to summon individuals to give evidence.

He stated that, and we are saying that in this situation other powers that a King's Bench justice has – this is why the reference to a King's Bench justice would be pulled out, so that there is no misunderstanding about their powers, the Ethics Commissioner's powers.

**The Chair:** MLA Arcand-Paul.

**Member Arcand-Paul:** Thank you, Mr. Chair. One question I do have in clarifying is about the enforcement of this. Particularly, the reason for this language, to my knowledge, is to provide some clarity as to the rights of the Ethics Commissioner, particularly around summoning, enforcing, and compelling. Those are in the legislation – they are drafted in – but with the removal of the reference to the justice of the Court of King's Bench, there's then a lack of clarity on enforcement and disciplinary action following the ability of an Ethics Commissioner to do those things.

I would ask for some clarity from the member opposite as to why we wouldn't also allow the Ethics Commissioner to have those abilities, particularly when there might be some members that might not respond to these inquiries from the Ethics Commissioner. I think the responsibility of the Ethics Commissioner should be upheld, and I think watering this down by removing this reference removes more powers from the Ethics Commissioner that they should rightfully still hold.

**The Chair:** Any other members?

**Mr. Rowswell:** I'd just like some technical help here from Justice as to – like, in our view, we're not taking powers away. If we can get Justice to clarify, because we talked about this in previous meetings, the powers of the Ethics Commissioner relative to the Court of King's Bench justice.

**The Chair:** If you could approach, if that works. Thank you. Then just read your name into the record here to make sure we are all . . .

**Mr. Ammann:** Yes. Absolutely. Hi, everyone. My name is Mark Ammann. I'm a barrister and solicitor with the justice and public service and emergency services legal team. In terms of the 25(5) as it's currently worded right now, all that indicates is that the Ethics Commissioner may, when they're compelling evidence, have the same powers in respect of a King's Bench justice. If that reference is removed, then I suppose the link between those two is broken and, you know, the ability to compel witnesses could be retained in (1) and (2), but they sort of would leave open the consequences in that respect.

**The Chair:** Okay. Any further follow-ups on that?

**Mr. Sabir:** The way it's drafted, it just takes out 25(5). Everything in 25(5) is only giving three specific powers the same as the justice of King's Bench: one, compel witness; two, compel relevant documents; and three, be able to administer oaths. It's not, I guess, a broad, broad section. It's very specific so that they can do their investigative function with authority and with some powers in hand when they find witnesses not co-operative, when people are ducking accountability. Removing that takes everything away, and it's clearly watering down the commissioner's investigative role.

*10:50*

**The Chair:** Any other further comments? MLA Ellingson.

**Mr. Ellingson:** Yeah. I just think that my colleague MLA Brooks Arcand-Paul made a really good point, which I think was backed up by Mr. Ammann, that there may be some follow-on consequences to the summoning if that reference to Court of King's Bench is removed. I think that, in hearing what Member Sabir was saying, there's no reference here to any other powers of the Court of King's Bench. There's no confusion here that by including the reference to Court of King's Bench, that's giving the Ethics Commissioner, like, all the powers of a Court of King's Bench. That's not here. There's no reason to remove those words if that's the fear and justification.

**The Chair:** Any other further comments or advice or requirement for the gentleman from Justice at the table, for Mark Ammann?

Okay. Thank you for helping us with that, sir.

**Mr. Hunter:** I just wanted to say that the members in past arguments are contradicting what they're saying here. I think that Member Ellingson stated that this is not a judicial appointment or this is not a judicial process, yet he's arguing for the same kind of language that you have with a justice on Court of King's Bench. I think that he's arguing two different things here. Again, let's be clear that the Ethics Commissioner is not a justice of the Court of King's Bench. Clarifying that is important so that if there are other points in there, other powers, they are not exacted by the Ethics Commissioner.

**The Chair:** With that, are there any other questions? Arcand-Paul.

**Member Arcand-Paul:** Thank you. I don't think the concern is the confusion of whether the commissioner is a judge on the Court of

King's Bench. I think the concern here is the powers of the Ethics Commissioner. I think removing the ability to make these inquiries and do certain things under the act are linking it to the powers of a Court of King's Bench. I don't think that this is a confusion of judicial process; I don't think we're creating a court here. I think what we need to have a conversation of and be very serious about is the ability of the Ethics Commissioner to do these things.

We heard from Justice their statement about removing that link and removing those certain things that are ascribed under the understanding of what a Court of King's Bench judge does. So I would caution us at this table and the members opposite to really consider whether this would be of any benefit. Realistically, we are just providing clarity under the act, and removing that clarity would fetter the rights and the abilities of the Ethics Commissioner to do those requirements under the act, to make the relevant inquiries, and to compel certain people, witnesses or the members themselves, to make testimonies in front of the Ethics Commissioner.

**The Chair:** Okay. With that, any other comments, questions?

Okay. I'm prepared to call the question. All those in favour of the motion, please say aye. Any opposed, please say no.

Motion carried.

**Mr. Sabir:** Recorded vote.

**The Chair:** A recorded vote has been requested. Those in favour of the motion in the room, please indicate so by raising your hand.

**Mr. Roth:** Hon. Mr. Hunter, Mr. Rowswell, Mr. Wiebe, Mr. Lunty, Ms Lovely.

**The Chair:** And those opposed, please raise your hand by indicating so.

**Mr. Roth:** Mr. Ip, hon. Mr. Sabir, Mr. Ellingson, Member Arcand-Paul.

Mr. Chair, total for the motion, five; total against, four.

**The Chair:**

Motion carried.

It's awfully handy not having somebody online. It's good to be able to eyeball everybody here, so thanks for being able to make the effort to come in today on a snowy day.

Any other motions from the floor?

**Mr. Hunter:** Mr. Chair, I move that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to require the Ethics Commissioner to provide a reasonable amount of time for an individual to meet with the Ethics Commissioner as part of an investigation.

**The Chair:** We'll just get that on the screen. Please confirm that it's what you intended and read.

**Mr. Hunter:** That is correct, sir.

**The Chair:** Excellent. Please carry on, sir.

**Mr. Hunter:** Providing reasonable time to meet as part of an investigation aligns with the principle of due process, which is fundamental to the legal system. This change would require the Ethics Commissioner to provide a reasonable amount of time for individuals to meet, ensuring they are not rushed into a meeting which they are not prepared for or feel pressured to provide answers

or sign documents without understanding the implications or consulting legal counsel.

**The Chair:** Is that it?

**Mr. Hunter:** That's it.

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

MLA Sabir.

**Mr. Sabir:** Thank you, Mr. Chair. Again, it's quite concerning to see all these amendments. I was part of all these presentations. I have gone through the submissions, and not one of them has recommended the kinds of things that we are hearing from members opposite. This is just again interfering with the commissioner's investigative process in the name of providing a reasonable amount of time. I think they just want to kind of put in provisions that can create loopholes, delay investigations, that don't strengthen the act in any way, shape, or manner. We didn't hear anything close to that from any of our presenters.

I don't think that it's a well-thought-out amendment or proposal or that it will help us strengthen it in any way, shape, or manner. We should reject these amendments. They are not based on the submissions or the reality of Albertans, what they expect from their government.

**The Chair:** MLA Arcand-Paul.

**Member Arcand-Paul:** Thank you, Mr. Chair. Just going off of what the other side was concerned about with my motion around reasonableness, I think that I would bring this up again, particularly on reasonableness. It is a legal standard. It is something that we need to assess in each instance. What I would like to see is some certainty, a defined time frame, particularly with this motion, and maybe perhaps we could support it if there was a defined time frame.

That reasonable amount of time is not clear. This is particularly concerning if maybe, like, there's potentially an election looming. We would want to make sure that those inquiries are being done and not left in some lofty waiting period where an election looms and Albertans need certainty to make that important decision when it comes to casting their ballot. For us, I think that if a reasonable amendment – I apologize for that use of the word there. A good amendment would include some distinct time frame with respect to that one little provision, and then perhaps we could support that.

**The Chair:** Any other questions, comments?

Okay. Seeing none, the chair will call the question. All those in favour of the motion as written and proposed, please say aye. Any opposed, please say no.

Motion carried.

Further amendments. Any other amendments from members? Motions, I should say, not amendments.

**Mr. Hunter:** Mr. Chair, I move that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to allow former ministers and former members of the Premier's and ministers' staff to accept employment with a department of the government or the Legislative Assembly Office.

**The Chair:** Let's get that on the screen so you can confirm.

**Mr. Hunter:** That's correct.



**The Chair:** Please carry on, sir.

**Mr. Hunter:** This recommendation is in line with the former Ethics Commissioner's recommendation C6 to clarify the postemployment provisions in the act. The current provisions create difficulty when certain individuals want to move within government from GOA to caucus or through an open competition or to return to a previous role within the GOA. This motion would help improve the retention of expertise, which enables the government to retain experienced staff who have a deep understanding of public policy, government operations, and the legislative process.

11:00

**The Chair:** Thank you.

I have MLA Arcand-Paul as the first on the speaking list.

**Member Arcand-Paul:** Thank you, Mr. Chair. This one: I'm glad to see that the members opposite are actually implementing some commissioner recommendations. If this is implemented, it would be helpful to see clear rules that guarantee an open, fair competition.

I think my colleague MLA Sabir would like to make some comments on this, so I'll defer to him.

**The Chair:** Indeed, now that he's raised his hand and caught his attention, he does. Go ahead, MLA Sabir.

**Mr. Sabir:** I do understand that it's something that was noted by the commissioner. I'm not against former members and former ministers seeking employment opportunities – I will be one of them in due course – but there need to be proper guardrails. We don't want the politicization of civil service to become a place for insider appointments.

The other concern is that those jobs should be open to all Albertans. Like, we saw the recent appointment of Prime Minister Stephen Harper on the board of AIMCo government agency. It was not open to anybody else. That was just straight favouritism and against the wishes of Albertans.

**The Chair:** MLA Sabir, you're a great orator, you're a great debater, and you know you're straying out of the line here a bit. Bring it back to the motion here. To set the record straight, yes, the government is still allowed to make appointments of different members. This is talking about the exit and the period between the two. Also, for the record former Prime Minister Harper isn't accepting any wages for it. We heard a lot of this conversation, debate in the House, and if we could keep it germane here today, I would really appreciate that, sir.

**Mr. Sabir:** Again, you didn't have to, Chair, give clarification on behalf of the former Prime Minister.

The reason I was making that reference was that it was relevant. You didn't even let me finish. It's relevant because I'm making the argument that we need to see clear merit-based criteria and rules, that these appointments, these jobs are open to all Albertans. As I said, I'm in favour of those people getting employment, but we need to have some criteria. We don't want the public service filled with political insiders. That's the comment I was making. I think this, as my many colleagues would say in debates on motions in provincial council, motion does not go far enough. This needs to have some guardrails. This needs to have some built-in message to the Legislature that we want to see rules that guarantee an open and fair competition.

With that, I will not support this.

**The Chair:** Any other further comments, questions on the motion?

The chair is prepared to call the question. All those in favour, please say aye. Any opposed, please say no.

Motion carried.

**Mr. Wiebe:** Good morning, everyone. I move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to restructure the act to make it easier to read and interpret.

**The Chair:** We do have a motion on the floor. Just ensure that that's what we have there, sir.

**Mr. Wiebe:** Okay.

**The Chair:** Okay. Please carry on.

**Mr. Wiebe:** The act has an extremely complex numbering structure due to a series of significant amendments over the years. The amendments over the years have also resulted in language that is inconsistent and difficult to interpret. This makes the act difficult for many to understand and follow.

**The Chair:** MLA Arcand-Paul.

**Member Arcand-Paul:** Thank you, Mr. Chair. Every single professor in law school for me would thank the member opposite for putting this forward, so I thank you. I support this motion. Providing clear and plain language for Albertans is important, particularly in understanding the act, so I have no issues supporting this motion.

**The Chair:** Excellent. Thank you.

Any other further comment? MLA Sabir, would you like to comment?

**Mr. Sabir:** I think it's a very important motion. Since 2000 there has been a conscious effort in the legal community, the justice community as well that laws should be drafted in ways that are understandable to people who they relate to, decisions should be written in ways that people could understand who they relate to and not use archaic language and all that. Notwithstanding those efforts – this is an archaic word again – those things are challenging, and any effort that can be put into making legislation more readable and understandable is always a good thing.

Thank you, Member, for this thoughtful motion.

**The Chair:** Any other comments, questions?

We'll call the question. All those in favour of the motion, please say aye. Any opposed, please say no.

Motion carried.

I should kind of call a standing vote on that one, show that everyone is in agreement.

Any other motions? MLA Lovely, I see you have your hand up.

**Ms Lovely:** Thank you so much, Chair. I'd like to move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to clarify what constitutes a private interest rather than what does not constitute a private interest.

**The Chair:** We'll just get that on the screen, and then if you can confirm, MLA Lovely, and then carry on.

**Ms Lovely:** Yeah.

All right. The rationale is that this motion is in line with the former commissioner's recommendation C5 to clarify the definition of private interest. The act currently defines what a private interest

is not. A clear positive definition would make it easier to interpret the act.

**The Chair:** With that, we'll open up for comments and debate. Anyone from the floor? MLA Sabir.

**Mr. Sabir:** Thank you again. That's a pretty reasonable motion. I do appreciate that that's based on Commissioner Trussler's recommendation. I think it's important to have clear language around those things. With that, I think we will be able to support this motion as well.

**The Chair:** MLA Arcand-Paul.

**Member Arcand-Paul:** Thank you, Mr. Chair. I also would support this motion. I just would like to make sure that we are being very clear that the former commissioner also highlighted that the current definition is too narrow and that there are too many potential close associates of a member, such as siblings, parents, and parents-in-law, who are not captured within the scope. I just wanted to make those comments.

Thank you to the member opposite for making that motion. I would support it.

**The Chair:** Excellent.

To the floor for any other comments, questions, debate?

Excellent. Seeing none, prepared to call the question. All those in favour of the motion, please say aye. Any opposed, please say no.

Motion carried.

Are there other motions? MLA Wiebe.

**Mr. Wiebe:** Yeah. I'd like to move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act may be amended to make the record retention period in sections 23.63 and 47(2) two years.

**The Chair:** Get that on the screen, and if you can confirm that it's what you have read and intended, and then please carry on with your arguments.

**Mr. Wiebe:** Correct.

Okay. The record retention requirements should be aligned throughout the act. The former Ethics Commissioner explained that it is sufficient for their office to retain all records listed in these sections for two years after the individual has left their role as a member or as a member of the Premier's or ministerial staff. Some sections require a two-year retention while others three years. These requirements should be updated to be consistent.

**The Chair:** With that, I'll open up the floor for any other conversations, debate, arguments. MLA Arcand-Paul.

**Member Arcand-Paul:** Thank you, Mr. Chair. I know the current act itself reads as three years. I just want to put on the record that under the Law Society rules the retention of records is for six years for legal files. GAAP rules under accounting require it for, I believe, seven years as well. So if we're going to be retaining records, I think we have to keep that in mind, generally accepted principles. I understand that the current act, as it is drafted – not to put in more lawyers at the table, but that is just what is accepted under reasonable professional standards. I would support this as well, but I want to put that on the record.

11:10

**The Chair:** Okay. We've got MLA Sabir.

**Mr. Sabir:** It can be supported, but the technical thing is that, on one hand, you are authorizing the commissioner to destroy those records, but if we are also authorizing legal counsel to be present, counsel will be bound not by this act but by the rules of the Law Society of Alberta, so they will have to retain those records.

**The Chair:** Perfect. With that, any other further debate?

Seeing none, I'll call the question. All those in favour of the motion as presented, please say aye. Any opposed, please say no.

Motion carried.

Now we're on a roll.

Any other motions? MLA Wiebe.

**Mr. Wiebe:** Yeah. I move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to remove the requirement to submit a return to the Ethics Commissioner by a person described in section 15(3) of the act.

**The Chair:** Excellent. We'll get that on the screen for everyone here as well. Just confirm that that is what you intended, and then you're good to go on your supporting arguments.

**Mr. Wiebe:** Okay. Yes. It's good.

This recommendation is in line with the former Ethics Commissioner recommendation D4: "Section 15(3) requires former Members to provide a final Direct Associates report within 30 days [of] ceasing to be a Member. These reporting requirements do not seem to have any purpose."

**The Chair:** We'll open it up to debate, conversations from the floor, questions, comments.

Seeing none, I'm prepared to call the question. Oh.

**Mr. Ellingson:** I was just going to say that . . .

**The Chair:** You were slow on the draw. We got you, though. Good thing I've got the clerk to my left here to give me a kick.

**Mr. Ellingson:** Just to say that, I mean, also in support of these recommendations. I think it's also considering that if you cease to be a member of the Legislative Assembly, it seems to be not necessary that you're submitting your disclosures.

**The Chair:** Perfect.

Last call for any other questions, comments, concerns? Oh, Arcand-Paul. Over to you, MLA.

**Mr. Ellingson:** Now you get the legal interpretation.

**Member Arcand-Paul:** Yeah. Just for clarity's sake, subsection (b) under 15(3)(b), where it states: "if that person again becomes a Member in the succeeding general election or by-election . . . that person shall, within 60 days after . . . becoming a Member, furnish a return to the Ethics Commissioner." Can we get some clarity to keep that portion in? I think that that would create a new standard for a new member or a returning member, so I think we need to keep that language maybe in there. I would turn to the members opposite or even some of our technical support here for that clarity if that is something that we are not going to remove.

**The Chair:** Just to confirm, you're looking for technical clarity either from the table on that item . . .

**Member Arcand-Paul:** Yes, or the members opposite.

**The Chair:** Or the members opposite.

With that, I'd put it back to the floor to the members opposite if that was the clarity item. No?

And then we'll go to the table. Trafton, any comment on that?

**Mr. Koenig:** No. I don't think I would want to weigh on this. I'm not sure exactly what the intent is. I guess what I would just provide to the committee to consider is that if there is some discussion around this motion, if there's not an amendment that's going to be made, I believe that discussion is often included as background information in the final report, so if there's a will of the committee to provide some commentary, I think research services can likely make sure that's noted in the committee's report. I'll offer that, but I think that's all I have.

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

And having heard that?

**Mr. Rowswell:** We're good to go.

**The Chair:** Okay. With that, there is the ability to have the background information. Those services could be provided in our report, just for that clarity's sake that you just said. Okay.

With that, prepared to call the question. All those in favour, please say aye. Any opposed, please say no.

Motion carried.

Any other motions? MLA Lundy.

**Mr. Lundy:** Thank you, Chair. I move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to require the Ethics Commissioner to provide the information described in section 25(4) to the Speaker of the Legislative Assembly on commencing an investigation.

**The Chair:** Let's get that on the screen to confirm that it's what you intended and read and then please carry on.

**Mr. Lundy:** Sure. Yeah. This change would require that the Ethics Commissioner disclose to the Speaker that an investigation has been commenced. This change would facilitate the Speaker's management of Assembly business since the Speaker would be able to direct the Assembly to avoid debate on matters to ensure that section 24(6) of the act, which states that "where a matter has been referred to the Ethics Commissioner under subsection (1), (3) or (4), neither the Legislative Assembly nor a committee of the Assembly shall inquire into the matter," is fulfilled.

**The Chair:** Okay.

With that, we'll open up the floor for discussion. Questions, comments, concerns? MLA Sabir.

**Mr. Sabir:** Thank you. I think just a clarifying question. Then I will make some comments. The commissioner already has that obligation in 25(4). It says that "the Ethics Commissioner may inform the Speaker." What exactly are you trying to achieve through this motion?

**The Chair:** MLA Lundy, go ahead.

**Mr. Lundy:** I think the intent is to strengthen this a little bit, make it more of an obligation than a suggestion. I think we're just trying to firm that up a little bit.

Thank you.

**Mr. Sabir:** I think that we do have that provision there which says that the commissioner may inform the Speaker of the fact of the

investigation. Again, it's an independent officer of the Legislature, and they should have some discretion on how they conduct investigations. There could be some investigations more sensitive than others, and that's why the legislation as it's drafted uses that discretionary language. I think that the Speaker of the current Legislature has recommended something on these lines, but I do not think that it's needed. I think that the office of the Ethics Commissioner is independent in their investigative function. They should remain so.

I ask members to vote against this motion.

**The Chair:** Any other questions, comments, concerns? Once, twice? Arcand-Paul, are you sure? Okay. Good. I saw you twitch that time.

I am prepared to call the question. All those in favour of the motion, please say aye. Any opposed, please say no.

Motion carried.

We're on a roll, folks.

Are there any other motions? MLA Hunter.

**Mr. Hunter:** Mr. Chair, I move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to prohibit a member from commenting on a request made to the Ethics Commissioner to investigate a matter prior to the Ethics Commissioner completing an investigation, if any.

**The Chair:** We'll just get that on the screen and confirm that is what you read and intended.

**Mr. Hunter:** It is.

**The Chair:** Please proceed, sir.

**Mr. Hunter:** This recommendation is in line with the former Ethics Commissioner recommendation C10.

When members publicly state that they will be sending or have sent a request for investigation to the Ethics Commissioner, the allegation that is made becomes the only information in the public realm and subject to public scrutiny. This issue can be addressed by restricting members from making any public comments about a request for investigation until the Ethics Commissioner finalizes an investigation.

**The Chair:** We'll put that to the floor for conversation, questions, comments, debate?

**Mr. Sabir:** Thank you, Mr. Chair.

**The Chair:** You've got to raise your hand next time, not just a suave move. We're getting pretty loose here; I've got to know for sure.

**Mr. Sabir:** I thought you caught on to the communication.

**The Chair:** Body language is everything.

**Mr. Sabir:** This is also quite a troubling kind of motion by the member who often stands for freedom of speech and expression and all those things, including those who were blocking the Coutts border . . .

**The Chair:** MLA Sabir, you know better than that. Please carry on, but let's not get too personal here or on other matters.

**Mr. Sabir:** Thank you, Chair.

Essentially what this motion is doing is that – if as a member I am writing to the Ethics Commissioner to investigate something, it's my prerogative whether I want to disclose it or not that I have written to the Ethics Commissioner. This suggestion is that no one should be able to discuss that. Why?

**11:20**

That's, I think, a breach of freedom of expression and a members' ability to say what they have already done, completely out of line with any other jurisdiction, not in line with anything that was submitted to the committee. That just, I think, again, may protect government, which doesn't have a very good record on these kinds of things, but it's not a good suggestion. I don't think we should be recommending anything like that. If somebody is making a complaint to an Ethics Commissioner, they can decide what they want to do. The Ethics Commissioner has an obligation not to confirm or deny it – that's section 26, I believe – so nobody will find out from the Ethics Commissioner. People have every right, Albertans have every right, MLAs have every right that when they make a complaint, they should say so.

**The Chair:** MLA Arcand-Paul, sorry, then MLA Hunter. Arcand-Paul was just ahead of you there.

**Member Arcand-Paul:** Thank you, Mr. Chair. I'm heartened to see that the recommendation from the former commissioner has been included in an amended form. The commissioner recommended that we restrict members from commenting on a request for investigation until the Ethics Commissioner has confirmed whether an investigation is being undertaken. The way it's presently drafted is "completing an investigation," which restricts the ability for a member to speak about that investigation being undertaken.

If we were to support this, I think that we would go to the genesis of this motion, particularly around the former commissioner's recommendation, because in the discussion within the written submissions, I think, it was very clear that the allegation being made becomes the only information in the public realm, but it goes down to whether an investigation is being undertaken, not, rather, the way it's currently drafted, which is completion. We're talking about semantics here, but if we're making changes to the Conflicts of Interest Act, semantics do matter. We should be very clear to Albertans that the former commissioner, the recommendation was that it's whether an investigation is being undertaken, not the completion of the investigation.

Thank you, Mr. Chair

**The Chair:** Thank you. MLA Hunter.

**Mr. Hunter:** Yeah. I just wanted to clarify that for the members to say that this process isn't politicized is frankly shocking to me because they've politicized – I'm not saying these members, but members from the opposition have politicized these things. That's why there's a specific area in the act that says any salacious and, you know, without merit accusations don't come forward.

Again, there's got to be due process, and there's got to be a situation where someone is not guilty until they're found guilty, and what happens far too often, I'm sorry to say, is that these things will be politicized. It's important for that due process to happen so that someone, their reputation is not dragged through the mud without that due process when we believe in due process in this country.

This, I think, is the reason why the former Ethics Commissioner made the recommendation, and I've talked to her about this specifically, to be able to actually rectify that issue. The work has to happen. You've got to have evidence, and you've got to have

back and forth, and that has to happen. Someone can make that accusation; the Ethics Commissioner has to look at it, but at that point, in the public eye, if they've got the big blow horn of the media and the media can just say that they are under investigation. Well, most people would say, "Oh, my goodness; these guys must be bad," but they don't find out later on until after the investigation that they were not doing something wrong, because that's usually buried. Nobody wants to read that kind of article.

I just think that this takes the politicization out of the whole process. I think this is very reasonable, and I hope that all members will vote in favour of this.

**The Chair:** Open up the floor again. Any other questions, comments, concerns?

Seeing none, we'll call the question. All those in favour of the motion as presented, please say aye. Any opposed, please say no.

Motion carried.

Any other motions? MLA Hunter.

**Mr. Hunter:** Mr. Chair, I move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to clarify that with respect to a minister, the management of residential rental properties does not constitute carrying on a business for the purpose of section 21.

That is correct, sir.

**The Chair:** Okay. Please proceed.

**Mr. Hunter:** This recommendation is aligned with the former Ethics Commissioner's recommendation C16.

Managing ... rental properties is technically considered to be carrying on a business [under the act] but would normally not result in a conflict of interest. As the Act is currently drafted, unwarranted expenses are incurred to transfer the residential properties or to place the residential properties in a blind or management trust to comply with the Act.

Now, I will just add a little more colour to this. There are some ministers that we have that this is affecting, but in the event that there was a change in government, I do know that there are also members from the opposite benches that would probably also benefit from us making this change. Rental properties: this is a way of being able to create wealth. This is something that we shouldn't be – it's different than investments in terms of stocks because, you know, you could certainly see where there would be a conflict of interest there, but for rental properties I don't see any reason why we can't pull that out.

**The Chair:** I'll open up the floor. MLA Ellingson.

**Mr. Ellingson:** Thank you, Mr. Chair. Speaking from one of those members opposite, if I did become a minister that would apply because I do own rental properties.

The Ethics Commissioner's report did talk about how many rental properties. This motion doesn't put a limit. I think the previous Ethics Commissioner was saying: yes, if it's a few rental properties. But the motion doesn't specifically mention those few rental properties. So I think maybe the motion could be improved to reflect what is in the report. The report suggests managing up to four. Perhaps the members opposite or the committee might consider, like, an amendment to this motion to include that suggestion of up to four, or maybe there's a discussion on what the committee feels is not constituting running a business and what is.

**The Chair:** We'll open it up to discussion. MLA Hunter.

**Mr. Hunter:** I don't think we can make an amendment to it, from what I understand.

**Ms Robert:** With the consent of the committee.

**The Chair:** With the consent of the committee.

**Mr. Hunter:** I think that in this situation, you know, I'm not sure whether or not four was – like, what kind of evidence she said, why we need to have four or three or six or whatever, I don't know whether or not there's an answer to that. I don't know. But in this situation I don't think we have to be as prescriptive. I think that the rental property is very different than other investments in businesses that could be construed as a conflict of interest. I'm not in favour of being prescriptive on this one.

**The Chair:** Well, do we want to do MLA Ellingson, then Sabir? I think this is kind of going back and forth to our conversation.

**Mr. Ellingson:** Yeah. I guess I'll just throw in that I do think that the size or the number of properties would have influence on whether or not it's a conflict of interest or not. I think that when we are considering, like, carrying on a business and placing a business in trust – I'm not going to presume to know how many rental properties other people may own – I'm just going to throw out there that if you own 20 or 30 or 50 rental properties, I think this would be considered to be carrying on a business and that you should be placing it in trust.

**The Chair:** Then, MLA Sabir.

**Mr. Sabir:** Thank you, Chair. I do echo what MLA Ellingson said, that carrying on a business: like, those are the kind of phrases that are also used in tax code. It's one thing that you have three or four properties that you rent out – you built it over time – but it's quite different that you have, for instance, 10 per cent of the market share of rental properties.

*11:30*

There are landlords in Alberta, two or three of them, not 10 per cent, that have a significant share. So to exempt members and ministers from the requirement of putting their properties in blind trust is completely a different thing than exempting those property owners altogether.

This one is far too broad, and I do want to seek the floor's permission to introduce a friendly amendment, where I will put the limit at five properties. If the commissioner said four, I would put it maybe one above.

**The Chair:** Yeah. Not that the chair is going to enter debate, but he, too, looked at the recommendations of the commissioner and didn't find any substantive information on the rationale. It was just a number, so I would put that back to the floor for this conversation. I think it's germane to the motion. I'll let this continue for a bit more. Anything else to add or questions, comments, on this?

I'll just put it back for conversation first, and if there is indeed an amendment being moved formally, then we have to address that. Open for debate on the conversation of having no versus the four that were recommended versus potentially another number. Any comment, concerns?

**Mr. Sabir:** Chair, just for clarification, I sought the committee's permission to introduce an amendment.

**The Chair:** Oh, I apologize. I thought it was part of your argument. So you are seeking at this time to an amendment to the number of – please repeat back on the record.

**Mr. Sabir:** I provided what I want to add in terms of language, that I want to add a specific number, but I think I need permission of the committee, if I'm not wrong, to introduce that amendment.

**The Chair:** Just for clarity – I'm getting a little bit of contradictory items here while we're having conversations. For the chair's edification you are looking to seek approval for an amendment to be moved from the floor to this motion, and the number you're looking to present is five for clarity.

**Mr. Sabir:** Yeah.

**The Chair:** Okay.

**Mr. Hunter:** Mr. Chair . . .

**The Chair:** Yeah. MLA Hunter.

**Mr. Hunter:** Just for clarity here: what he's asking for is unanimous consent, isn't he? Or the majority?

**Ms Robert:** No, it's majority.

**Mr. Hunter:** Okay. I'm just trying to understand that.

**Mr. Sabir:** If you were in favour of the amendment.

**Mr. Hunter:** Okay.

So is he actually bringing forward the motion?

**Mr. Sabir:** There are two.

**The Chair:** It would be at the request from the committee for a majority to allow an amendment to be brought to the floor on this motion.

**Mr. Hunter:** Okay.

**Ms Robert:** So . . .

**The Chair:** Oh. Please go ahead for clarity, in case the chair needs some, which usually is the case.

**Ms Robert:** Okay. There's a rule that the chair has imposed under Standing Order 52.041 that motions and amendments: notice needs to be provided for them. This motion: notice was provided for it. Someone wants to move an amendment; notice was not provided for that amendment. So a member is seeking the approval of this committee, which is just majority approval, to waive notice, and if that approval is given, the member will then move the amendment. Does that make sense?

**The Chair:** Correct. That's what I thought.

**Ms Robert:** Okay.

**Mr. Koenig:** And can I just add one . . .

**The Chair:** Absolutely. Please do.

**Mr. Koenig:** I just want to clarify so that I understand and so all committee members understand what they're being asked to waive notice for. It would be an amendment that would add the words after the management of "up to five residential rental properties," if I'm

understanding that correctly. That would be the amendment you're seeking consent to move.

**Mr. Sabir:** Yeah. I want to make it a friendly amendment. That's why I'm presenting it – that's fine, too.

**The Chair:** Yeah. We just have to get the first part of not having it on notice. Typically, what we've done in other committees that the chair has chaired . . .

**Mr. Sabir:** Yeah. At this point that's the motion.

**The Chair:** Correct.

Then for clarity, so that people understand what the amendment would be that you're bringing forward, we've got both of those in context now. Otherwise, you could bring something completely different and then we have to debate that.

Okay. Having heard that, I'm willing to put it to discussion on allowing it to come forward. MLA Wiebe.

**Mr. Wiebe:** Yeah. I don't know what – we need clarity on what five properties are. Is the property a building with a number of units? What is five properties?

**The Chair:** Yeah. And, for clarity, this is where it gets a little bit goofy. The clarity is at this point that it's a two-part process. It's almost like bringing the first reading of the House, for commonality's sake here. We're simply having discussion on the merit of it, not being on notice prior to, and allowing it to come in. If that is accepted by the committee, then you can debate and have the conversation on the substance of the actual amendment itself. So the only question open for conversation now would be the rationale, the reason for bringing it forward at this time, not the actual amendment itself. Seeking permission to bring an amendment that wasn't put on notice prior would be the open conversation we're having.

Okay. MLA Ellingson. We were doing so good on time. Just trying to do something friendly in here.

**Mr. Ellingson:** I will just note that this committee does have precedent, bringing motions forward without prior notice, and that consent was granted by the committee.

**The Chair:** Okay, and that was germane. That's how you do it, folks at home there following along.

Any other questions on the merit of bringing forward this amendment from the floor that was put on notice?

Seeing none, I'll ask the question then. All in favour of allowing the amendment to come forward to the committee, please say aye. All those opposed, please say no. Okay.

That's defeated.

Then we're back on the main motion. Is there any other debate on the motion itself?

Seeing none, I'll call the question. All those in favour as written and presented, please say aye. Any opposed, please say no.

Motion carried.

Additional motions to be brought forward by members? MLA Rowswell.

**Mr. Rowswell:** I would like to move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to require a member to request the approval of the Ethics Commissioner before accepting an offer of travel on a noncommercial chartered or private aircraft.

This proposed change would ensure that members seek the Ethics Commissioner's advice prior to taking any flight on a noncommercial aircraft.

Oh, I'm sorry; I did it again. That looks right.

**The Chair:** That looks right? Okay. Did you want to carry on in your argument? The reason, rationale?

**Mr. Rowswell:** Yeah. I was just saying that it would give everyone clarity to seek approval of the Ethics Commissioner.

**The Chair:** MLA Arcand-Paul.

**Member Arcand-Paul:** Thank you, Mr. Chair. I am proud to announce that I support this motion as well. I think we've seen in Alberta history the use of such methods of transportation, and providing this clarity to Albertans is a good thing. So I would gladly support this motion.

**The Chair:** Any other members wishing to speak? MLA Sabir.

**Mr. Sabir:** Thank you, Mr. Chair. Personally, I've been a member for almost 10 years now, or at least in my 10th year, and I haven't travelled on even a commercial aircraft between Calgary and Edmonton. I didn't hear it coming in any submissions, but again, as the member said, that's fine. We can support that as long as there is some process in place to seek approval.

**The Chair:** And I know the chair can't enter debate, but as the only pilot in the room and, I think, in the Assembly, when I fly I'm allowed to use my own aircraft. My concern on this one honestly is that I'm going to be talking to those guys lots because the folks in my community, it's like me catching a ride with one of my buddies in his car. So we'll have to work that out of how that works because, again, if I have to go every single time that I go to catch a ride with one of my friends in an air tour or something of the likes, it gets pretty bonkers for everybody. So the chair would be seeking that out later, if this was the will of the committee to pass this, of how that impacts his life. So we'll figure that one out.

**Mr. Sabir:** I hope that's not the motivation.

**The Chair:** No, because if I were voting, I'd probably be voting against, quite honestly, in that case.

With that, are there any other further conversations or debate? Okay. Having heard the motion, all those in favour, please say aye. Any opposed, please say no.

Motion carried.

Any other motions? MLA Ellingson.

**Mr. Ellingson:** Yes, Mr. Chair. I'd like to cycle back in time to prior to the biobreak and seek permission from the committee to introduce a motion from the floor.

11:40

**The Chair:** With that, similar to the amendment conversation we had, we're only looking for the committee's approval and conversation on bringing a motion forward from the floor without prior written notice.

MLA Hunter.

**Mr. Hunter:** Is it just a motion, or motions?

**The Chair:** It would be a single motion at a time. If there is anything coming from the floor, given the item that the clerk so

eloquently – 10 point, 2 point, 5 point, I don't know. It was the prior motion or notice of motion.

Having heard that, I would put it for discussion here. It would be: are we willing, as a committee, to allow something that wasn't previously put on notice to come forward? That's the question. And similar to the smart-aleck comment I made to your hon. member to your right, you have to kind of tell us what it's about before everyone gets into the bag here. Give us an indication of what that is, but the first part of the conversation is only for allowing something that wasn't put on notice to come to the floor.

**Mr. Ellingson:** Yeah, sure. I'm not required, but I'll provide. This is just the conversation earlier with respect to a code of conduct and how the Conflicts of Interest Act does mention that the Lieutenant Governor may create a code of conduct for staff of the Premier and ministers' offices. This motion is just to double down on that and say that if this is an argument that's being made to substantiate previous motions 5 and 6, this would make motions 5 and 6 be able to stand on their legs.

**The Chair:** What we're going to do, just to make sure that everyone's comfortable with it is we'll get, I believe, what you've just described up on the screen as best as we can just so everyone is aware of what you're proposing to bring forward.

All right. So have a look at that, MLA Ellingson. Is that consistent?

**Mr. Ellingson:** Yeah.

**The Chair:** Okay. So two parts here, folks. Are you willing to allow MLA Ellingson to move from the floor? That's the question. Okay. I'll ask the question. All those in favour of allowing MLA Ellingson to move this motion from the floor without prior consent or prior notice, please say aye. Any opposed?

Motion carried.

Please proceed with reading your motion into the record, sir.

**Mr. Ellingson:** Thank you, Mr. Chair. I'd like to move that the Select Special Conflicts of Interest Act Committee recommend that section 23.41(1) require the Lieutenant Governor in Council to establish a code of conduct applicable to the Premier's office and ministers' office.

**The Chair:** Okay. And a rationale for that?

**Mr. Ellingson:** Yeah. So the rationale is that in the previously committee-approved motions 5 and 6, especially in motion 6, it said that the chief of staff would be responsible for investigating an alleged breach of the code of conduct, referring back to the Conflicts of Interest Act. The Conflicts of Interest Act currently says that the Lieutenant Governor "may" create a code of conduct. So if there is no code of conduct in place, then the motion 6 earlier would be a challenge. I'm suggesting that we require that that code of conduct be in place, and that allows motion 6 to be able to move forward.

**The Chair:** Excellent. Having heard that, MLA Hunter.

**Mr. Hunter:** I just wanted to clarify. The motion says, "Lieutenant Governor in Council," which means cabinet. He knows that. I hope he knows that.

**Mr. Ellingson:** I just checked. It said, I think, "Lieutenant Governor."

**Mr. Hunter:** Lieutenant Governor in Council, not Lieutenant Governor.

**Mr. Ellingson:** Oh, okay. Yeah.

**Mr. Hunter:** So the Lieutenant Governor will not be doing this.

**Mr. Ellingson:** Okay. The Lieutenant Governor in Council. Correct. Yeah.

**Mr. Hunter:** Which is cabinet. I just wanted to make sure you understood this.

**Mr. Ellingson:** Yeah. Sorry. Correct.

**Mr. Hunter:** Okay. All right. There is already a code of conduct in place, Mr. Chair, so I don't believe that this is needed. The Lieutenant Governor in Council – in other words, cabinet – does have a code of conduct already in place in order to be able to address these issues.

**The Chair:** Did you want to follow up, then, MLA Ellingson?

**Mr. Ellingson:** I guess I will just say that if we pass this motion, you would not be able to at some future point remove a code of conduct if it is in place. The current Conflicts of Interest Act, I think, would allow a code of conduct to be removed. This would not allow it to be removed.

**Mr. Hunter:** One more point here. Minister Sabir – or he used to be Minister Sabir. It's why he is considered as hon. Irfan Sabir. I was also a minister. He is well aware, as I am, that when you have to recuse yourself from these things, that is standard practice. That has to happen. That is part of the code of conduct, and that happens on a regular basis, just so you know.

I think that this is not needed because it is already the standard practice and already in the code of conduct. Again, I don't believe that – the member has not been a minister, so he wouldn't know that, but I do want to let him know that that is how the process works.

**The Chair:** I'll open it up for further discussion.

Okay. With that, I'll call the question. All in favour of the motion as presented, please say aye. Any opposed, please say no.

The motion is defeated.

Any other surprises from the crowd?

**Mr. Hunter:** Sorry to bring some more surprises between us and lunch, but I've got one more here. A couple more, actually. I move that

the Select Special Conflicts of Interest Act Review Committee permit the following motion to be moved without prior notice having been given pursuant to Standing Order 52.041.

You want me to tell you what it is that I'm doing?

**The Chair:** Yeah. Tell us what it is, what you're up to.

**Mr. Hunter:** All right. I move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to provide increased procedural fairness for the subject of an investigation, including the right to appeal interim decisions of the Ethics Commissioner, with respect to how an investigation is conducted.

**The Chair:** Let's see if we are able to get that on the screen. To be clear again, folks, it's two parts. The first part is the acceptance of the committee by majority to allow this to be from the floor without prior approval. And if it's accepted at that point, then the debate turns to the motion at hand itself, which will be reread into the

record. I'm getting a nod from Trafton. He's finally got the training wheels off me a little bit, so I'll see what I can do here.

It's just on the screen now there. MLA Hunter, does that look accurate for you?

**Mr. Hunter:** Yes.

**The Chair:** Okay. I'll open it up for conversations, questions, concerns, debate, et cetera, on the ability to bring this from the floor without prior notice. MLA Sabir.

**Mr. Sabir:** Thank you. It would have been better if we had some understanding of why we want to subject interim decisions of the Ethics Commissioner to appeal because we do have a . . .

11:50

**The Chair:** Again, Member, it's not in the substance of the motion yet. It's just talking about the motion itself, of allowing it to come in. Then we can get into that portion.

**Mr. Sabir:** Okay. I won't be supporting this. It's not needed.

**The Chair:** Okay.

Any other debate? MLA Ellingson. Again, it's on similar to what we just did with yours.

**Mr. Ellingson:** Yeah. For sure. Thank you, Mr. Chair. Appreciating that I did just bring a motion and got consent from committee to bring it from the floor – but that motion was based, like, on the fly from arguments that we heard in debate from other motions – this is not that case. This is a motion that could have been presented in advance for the committee, for us to have had the opportunity to read it and debate it, like, think of what our debating arguments would be. There's no reason for this not to have been submitted in advance. I don't think that we should accept it.

**The Chair:** Any other comments?

Okay. I'll call the question, and again it's to allow this to come to the floor without prior notice. All those in favour, please say aye. Any opposed, please say no. Okay.

That motion is carried.

Now, MLA Hunter, you're on the substance of your motion, to be able to read it into the record and then present, and then we'll open it up for arguments and debate.

**Mr. Hunter:** Sure. Thank you, Mr. Chair. Investigations into conflicts of interest can have serious personal and professional consequences. This motion ensures that individuals are treated fairly throughout the process.

**The Chair:** Excellent. And I'll get you to read into the record that you are moving this motion.

**Mr. Hunter:** Sorry; I apologize. Moved by myself that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended to provide increased procedural fairness for the subject of an investigation, including the right to appeal interim decisions of the Ethics Commissioner with respect to how an investigation is conducted.

**The Chair:** Okay. Then if you're interested or inclined, you can give your arguments.

**Mr. Hunter:** Okay. Do you want me to start from the beginning?

**The Chair:** No. Whatever you want to make your case.

**Mr. Hunter:** I'll just start where I was at there.

The ability to appeal interim decisions could give the subject of an investigation a process that allows for corrections if something seems unfair or improperly handled. Allowing appeals ensures that the process is more transparent and holds the Ethics Commissioner accountable. Including the right to appeal decisions during the investigation is part of due process and would make sure that investigations under the Conflicts of Interest Act are not only thorough but also fair for all parties involved.

**The Chair:** Okay.

With that, we'll open up the floor for comments, questions, concerns, and debate. MLA Arcand-Paul. See, he raised his hand; he gets my attention.

**Member Arcand-Paul:** Thank you, Mr. Chair. There are already some roots under the current act under subsection (10) of 25, particularly that "the Ethics Commissioner may refuse to investigate or may cease an investigation if the Ethics Commissioner is of the opinion that" the request is "frivolous or vexatious" or there are "insufficient grounds to warrant an investigation or the continuation of an investigation." Those would be, understandably, the only grounds on which an investigation would be appealed, to my knowledge.

I would worry that including this type of language in the Conflicts of Interest Act would allow members to escape scrutiny under the Ethics Commissioner. I don't think that that is proper. I think that we should have the ability under the current draft to make those inquiries and say, "Well, Mr. Ethics Commissioner or Mrs. Ethics Commissioner," as the time may come, "you can cease to continue an investigation under the current act."

This motion: although I don't understand why the member opposite wanted to bring this last minute, I would worry that the disclosure and the ability for the Ethics Commissioner to investigate will be hampered by this motion. I would be very cautious about supporting this; I don't think I would support this in its current draft. But I would urge us to really consider what the rights are of the Ethics Commissioner under the current act and preventing our ability to make those changes to these specific sections that I reference, specifically 25(10). We would want have more clarity and, I think, more of an assessment on this motion before moving forward.

**The Chair:** Any other members wishing to speak? MLA Sabir.

**Mr. Sabir:** Thank you. I think when we kind of look at these motions, like, in the totality of discussion that we've had since this morning, on one hand the government members have recommended that the Ethics Commissioner is not a judge. He should not be able to compel witnesses. He should not be able to compel evidence. He should not be able to administer an oath. At the same time, we want to kind of subject the Ethics Commissioner's office decision, even an interim decision, to more appeals and essentially creating more delays. I don't think that is helpful. It will just, I guess, create more avenues for delays and questioning the Ethics Commissioner's decision.

The Ethics Commissioner has a very limited role, important but limited, in that they are responsible for this Conflicts of Interest Act primarily and to make sure that government members of the Legislature and senior staff, those in the positions of power and influence, are conducting themselves in an ethical manner. So it's not a court of law in the technical meaning of that term.

All these motions are watering down the Ethics Commissioner's power, the Ethics Commissioner's oversight function and creating more hurdles, creating more avenues to challenge the Ethics



Commissioner. If we implement all these motions – I won't prejudge what the Legislature will decide – then we will not have any functional office of the Ethics Commissioner. Maybe we should think about it.

We are a democratic province, and we should have strong ethical rules and functional, conventional offices to implement those. It is deeply disappointing to see those kinds of motions. I urge all members to oppose this.

**The Chair:** MLA Hunter, and then MLA Ellingson.

**Mr. Hunter:** Before the vote I will just make one last comment, and that is that on, I believe, every agencies, boards, and commissions there is an appeals process. So for the member to say that we shouldn't have an appeals process here, I guess my question is: should we not have an appeals process on every other agencies, boards, and commissions?

**The Chair:** Okay.

Then MLA Ellingson.

**Mr. Ellingson:** Thank you, Mr. Chair. I think my comment will build on MLA Hunter's comment, that the appeals process is for a decision that has been made. An interim decision is simply whether or not an investigation would proceed or not. The appeals process that I think that you might be referring to that we need to have is on the completion of an investigation, that then you could appeal. But an interim decision is simply whether or not you would proceed.

In a previous motion brought forward and passed, it was to clarify that a breach of the act by a member must only be based on a specific decision or action by that member. So if that hurdle is already being passed for an interim decision, I guess I would be challenged as to, like, why we would be having an appeal at that time. I think if we were making an argument about an appeal, it's after the investigation has taken place. Interim decision is before there's been an investigation. As my colleague MLA Sabir was saying, if we bring forward something like this, we are completely eroding any ability for the office of the Ethics Commissioner to do any of their work.

**The Chair:** Any other further arguments?

The chair is prepared to call the question. All those in favour, please say aye. Any opposed, please say no.

Motion carried.

With that, we're right a noon. Members will take a 45-minute break, and we'll return for proceedings after that.

[The committee adjourned from 12 p.m. to 12:46 p.m.]

**The Chair:** Welcome back, folks. It's 12:45 according to my watch. It might be different on yours, but we're just getting settled in here. With that, members, we are continuing with our proceedings.

I'll put the question to the floor. Are there any motions to present to the committee?

**Mr. Hunter:** Mr. Chair, I move that

the Select Special Conflicts of Interest Act Review Committee permit the following motion to be moved without prior notice having been given pursuant to Standing Order 52.041.

**The Chair:** Okay. With that, just so all members are clear, similar to prior to the break, this was not put on notice with the one-week notice. The first part of the question is asking if we'd allow it to come without that notice period.

The second part, if that's proceeded with, then we'll get to the motion itself. Just let us know what the item is so that we can carry on with that. Please proceed.

**Mr. Hunter:** Sure. The motion reads as follows, Mr. Chair: moved by myself that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended in sections 23.1 and 23.7 by (a) reducing the applicable restriction period to six months and (b) prohibiting subsequent employment only if that employment is directly connected with an ongoing matter with which the former minister or former member of the Premier's or ministers' staff directly acted or advised.

**The Chair:** Can we throw that on the screen, Clerk? It never fails to amaze me how quick you can type.

Just have a look and see if that's what the intent was.

**Mr. Hunter:** That is correct.

**The Chair:** Okay. With that, I'll put it open for conversation, debate, of allowing something to come to the floor that hasn't been previously put on notice. Any debate?

**Mr. Sabir:** At this point I think we are just talking about whether it should proceed or not.

**The Chair:** Correct.

**Mr. Sabir:** I would say no, the reason being that we had more than enough time to think through these changes, to review submissions and make those motions. That process itself was important because these are technical changes. They gave us the opportunity to review them, research them, if needed, consult with somebody. I think putting us through that without any technical advice or anything is a disservice.

With that, I would say that we should not allow motions from the floor.

**The Chair:** Okay. Any other further comments on this?

**Mr. Ip:** Further to MLA Sabir's comments, I think, for the purposes of ensuring fair debate in this committee, we should really only consider emergent or emerging issues when motions of this nature are presented. In this particular case this is not an emergent issue. Clearly, it's been thought through, and I think that the purposes of having a notice for particular motions is to ensure that all members have the opportunity to prepare and to think about the motions. This, I think, contravenes the spirit of that, and it is not an emergent issue.

I will not support it.

**The Chair:** Thank you.

Any other further debate?

Okay. Hearing none, I am prepared to call the question. All those in favour of allowing the motion to come to the floor without previous notice, please say aye. Any opposed, please say no.

Motion carried.

MLA Hunter, please proceed with reading your motion into the record.

**Mr. Hunter:** Okay. Mr. Chair, I move that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended in sections 23.1 and 23.7 by

(a) reducing the applicable restriction period to six months and

- (b) prohibiting subsequent employment only if that employment is directly connected with an ongoing matter with which the former minister or former member of the Premier's or ministers' staff directly acted or advised.

**The Chair:** Okay. Please carry on with your arguments or supporting information.

**Mr. Hunter:** This change is in line with the employment restrictions in jurisdictions like Nova Scotia. The current restrictions serve as a deterrent to skilled, qualified, and competent individuals from applying for government positions. The proposed changes would allow for more flexibility in the employment for former ministers and political staff while still maintaining safeguards against undue influence. The proposed change to limit the restriction to employment directly connected to a file or to the specific issues someone worked on: we would ensure that the restriction is fair and not overly broad or unnecessarily limiting while still protecting against potential conflicts or undue influence.

Under the current system restrictions often prohibit individuals from taking up roles in the public or private sector that may be of significant value to both the individual and society as a whole. This long period of time can restrict career mobility and limit the ability of talented professionals to use their expertise in other roles, particularly for younger professionals with limited experience outside government. By reducing the restriction period to six months and focusing employment prohibitions only on direct conflicts of interest, the motion will allow former ministers and political staff to transition into new roles more effectively.

This change is in line with the employment restrictions and jurisdictions such as Nova Scotia, as I said earlier, and I will just add a little bit more colour to this. In 2019, in the election when the NDP lost their position as the governing party, there were many ministers that lost their jobs in that election. A person who I consider a friend, Marg McCuaid-Boyd, under those restrictions was not able to find work. She's now doing some really good work that I think is helpful to our society as a whole, but this would make it more in line with – you know, you wouldn't have to take off so much time. There would be a cooling-off period but not as much time, and I think that that would have been helpful for her and some of the other ministers as well that have – you know, I disagreed with some of their positions on things, but they certainly had a lot to offer still to society. There were some fairly young ministers that were in there that lost their job as a minister, but they should not lose their ability to provide for Albertans because of these restrictions.

That is the rationale for this, and I hope that all members will support it.

**The Chair:** Okay. I'll open the floor to discussion. MLA Sabir.

**Mr. Sabir:** Thank you, Mr. Chair. I think I will be speaking against this, and I will explain the reason for that. A recommendation is contained in former Commissioner Trussler's submission, and she wasn't concerned about this period change. Rather, she was recommending that restriction exist for ministers for 12 months and there are no restrictions for MLAs after. She was recommending that during the course of employment they do get considerable influence, contacts, so there should be a six-month restriction. What this provision is doing – I'm not sure what it's exactly doing, but this is not implementing Commissioner Trussler's recommendation. Nothing can be further from that recommendation. I think that if the member wants to take time and revise it to make it what the commissioner is recommending, we are open to considering it, but

as it's drafted, I think we should be voting against it, and I will urge members to do so.

**The Chair:** Okay. Open up the floor for further debate.

Seeing none, I'll call the question. All those in favour of the motion as presented, please say aye. Any opposed, please say no.

Motion carried.

I hesitate to ask, but – oh, there's another one. Okay. MLA Rowswell.

12:55

**Mr. Rowswell:** Okay. I move that

the Select Special Conflicts of Interest Act Review Committee permit the following motion to be moved without prior notice having been given pursuant to Standing Order 52.041.

The motion will read as follows: move that the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended as follows: (a) require the Ethics Commissioner to inform an individual who is involved in an investigation of (i) the identity of the person being investigated and (ii) the specific allegations made against the person being investigated; and (b) require an individual referred to in clause (a) to keep confidential any information provided to that individual in respect of the identity of the person being investigated and the specific allegations made against the person being investigated.

**The Chair:** Okay. Thank you for that. That one sounds vaguely familiar from a little earlier today.

Open that one up for discussion here on, again, allowing this one to be moved from the floor without prior notice.

**Mr. Sabir:** I think similar arguments will apply, that we had ample time to put together these motions, and just hearing the draft motion: pretty prescriptive and not enough time to analyze everything that's proposed off the cuff. With that, I think I would say that we should not allow motions from the floor and reject this proposal.

**The Chair:** Any other further discussion? Okay.

I'll call the question. All those in favour of allowing this motion to come from the floor, please say aye. Any opposed, please say no.

Motion carried.

If you could read it back into the record here now that the motion is actually on the table. Please proceed, MLA Rowswell.

**Mr. Rowswell:** Okay. I move that

the Select Special Conflicts of Interest Act Review Committee recommend that the Conflicts of Interest Act be amended as follows:

- (a) require the Ethics Commissioner to inform any individual who is involved in an investigation of
  - (i) the identity of the person being investigated and
  - (ii) specific allegations made against the person being investigated; and
- (b) require the individual referred to in clause (a) to keep confidential any information provided to that individual in respect of the identity of the person being investigated and the specific allegations made against the person being investigated.

**The Chair:** Okay. We'll open up for any conversations there or discussion. Yeah. Please carry on.

**Mr. Rowswell:** Yeah. I just wanted to introduce an updated version. It's important that if a witness is called, they are aware of what they're being called about, but as the members opposite

mentioned, we need to protect the confidentiality of the process and the person who is subject to the investigation. So the first one was about the subject. This kind of allows the witness to get the information before they're questioned and to protect the confidentiality, again, of everyone involved.

**The Chair:** Okay. With that, any further discussion? MLA Arcand-Paul.

**Member Arcand-Paul:** Thank you, Mr. Chair. I appreciate the clarity being sought in this amendment to the earlier motion that was proposed. I guess keeping the information confidential also runs a risk of that – I still am not convinced that the confidentiality is going to be followed by potential witnesses that are related in this investigation. The way it's presently drafted – and my concerns earlier today were related to the informing of any individual involved in the investigation. The language is very broad, to provide the identity of the member, because it is member. I guess it could be senior staff within the ministers' and the Premier's office.

**An Hon. Member:** Not anymore.

**Member Arcand-Paul:** Oh, not anymore? Yeah. Sorry; I guess that has changed.

My concern is still valid. I don't see that this clarification does what it's intending to do, which is to keep that information confidential, but I guess I digress because my concern still stands.

**The Chair:** Any other further conversation, discussion on this?

Seeing none . . .

**Mr. Sabir:** I think . . .

**The Chair:** Are you putting your hand up?

**Mr. Sabir:** There are those privacy concerns, and from a simple, like, legal drafting standpoint, this motion, I guess, runs afoul of the spirit of the motion that Member Ron Wiebe presented, that legislation and motions be drafted in a way that are understandable. Again, when I read, "require the Ethics Commissioner to inform any individual who is involved in an investigation of . . . the identity of the person being investigated," that's way too broad. That's way too much into the weeds of the business of investigation. The Ethics Commissioner should determine what's better.

We already have motions that, if passed, will ensure that there is procedural fairness, that there are certain safeguards in place. I don't think that we need to be that prescriptive when it comes to the Ethics Commissioner's investigative function. These motions are not well researched, not well thought out, and should be turned down.

**The Chair:** We'll open the floor for any further discussion.

Seeing none, I'll call the question. All those in favour of the motion, please say aye. Any opposed, please say no.

Motion carried.

Anything else members want to bring forward? Going once; twice.

Excellent. Hon. members, the committee has now conducted its deliberations and reached the stage of its review where the considerations are prepared in the report to the Assembly. I would like to call upon Ms Robert, the clerk of *Journals* and committees, to discuss the process of drafting the report in the Assembly and explain about the minority reports.

Ms Robert, the floor is yours.

**Ms Robert:** Thank you, Mr. Chair. Yeah. I'll just quickly go over it, particularly for the benefit of members who have not been through this process before. At the end of a committee's review, once it has conducted its deliberations, moved its motions for recommendations, a committee will typically direct the Legislative Assembly Office to put together a draft report that would be eventually tabled by the chair in the Assembly if the Assembly is sitting, and if not, then filed intersessionally. There's a process for that.

The content of these reports will typically include the activities of the committee, the type of consultation work the committee undertook. It will also include an executive summary with all recommendations that were agreed to by the committee. Then in the main body of the report each of the recommendations will be described with the context around the decision that was made at the committee room table in order to give a really broad sense of how the committee came to a particular decision. That's sort of the main body of the report. Then each of the people and organizations that made submissions, either written or orally, to the committee are listed at the end of the report. That's basically the content of it.

In Alberta minority reports are permitted to be appended to reports. The chair perhaps would have some advice on what the timing of that might be. I think this report needs to be filed by January 15. Is that right, Mr. Clerk? Yes.

The report will need to be drafted and presented to the committee for review, and then once it is finalized and approved, time needs to be given for a minority report if anybody wanted to submit one, and then that would be just attached to the back of the report, and then the entire thing would just be filed by the chair of the committee.

That's the basic process. I'm happy to answer any questions anyone might have about it. Thanks.

**The Chair:** I'll open it up.

1:05

**Mr. Sabir:** I think it's more a process kind of question. We do strongly disagree with certain motions, and we may not disagree with everything that the committee has done. Is it possible to share the committee draft of the report with us before we can make a determination of which we should include in a minority decision?

**The Chair:** Please proceed.

**Ms Robert:** Thank you, Mr. Chair. Yes. I think that that logically makes the most sense. In order to disagree with the report, you need to see the report. I think it's just a matter of sorting out timelines given that January 15 is the hard date.

**The Chair:** Let's maybe work through that, the chicken-and-the-egg scenario on that. If we were to walk through a tentative timeline, supposing that the committee agreed to the report to go ahead, as we're talking about here in the agenda, how long would it take for your team to put that together? Being cognizant of a certain time of year that we're in with the Christmas season, I want to make sure you guys aren't working through it again this year.

**Ms Robert:** Yeah. The office, I believe, closes on the 24th and is back open on the 2nd of January. I haven't had a chance to talk to the researcher about this, but I would think a couple of weeks.

**The Chair:** So that would put us at the week of, let's say, well, the first week in January, correct? Would that give you enough time?

**Ms Robert:** If we had it out the first week of January, then there would be two weeks left or one and a half weeks left before the report would have to be filed.

**The Chair:** If we gave it to anyone, all the committee members, to look at it for that week, knowing the hard date is the 15th . . .

**Mr. Sabir:** For us one week should be enough.

**Ms Robert:** Enough? Okay.

**The Chair:** Okay. Does that work, then?

**Ms Robert:** Does that basic timeline work for everyone? Okay.

**The Chair:** Good. Any other further questions?

All right. Moving right along here. I need to call for a motion that the Select Special Conflicts of Interest Act Review Committee direct the Legislative Assembly Office to prepare a final draft report on the committee's review of the Conflicts of Interest Act and authorize the chair to approve the final draft report of the committee after the committee members have had an opportunity to review and provide comments on the draft report.

Is anyone prepared to move that?

**Mr. Rowswell:** So moved.

**The Chair:** All in favour – ah, do you want a discussion? Oh, do you want to talk about it anymore? Do you want to talk about that?

**Mr. Sabir:** I think – just a quick comment, Chair – that that motion, I guess, is taking into account what Nancy just said, right?

**The Chair:** Correct. That's the intent.

**Mr. Sabir:** Okay.

**The Chair:** Any more discussion?

Okay. I'll put it to call the question. All in favour, please say aye. Any opposed, please say no. See, I even asked for them to say no even though everybody said aye.

Motion carried.

Approval of final minutes. Hon. members, this may be the final meeting of this committee. Thank you, everybody, for your attention and participation. The practice is similar to special committees that have been authorized by the chair to approve the final set of meeting minutes for the record of the Assembly after members have an opportunity to review them.

I would like to open the floor to comments, questions, or motions on this matter. That essentially means we don't all have to get together to do it. Once you read the meeting minutes, if you're going to give the chair authorization, once the committee has approved of them, then I can take care of the administrative work with the clerks from there on without having to come back together again. I'll open that up to comments.

Excellent. If there is anyone who would like to move to that effect, that

the Select Special Conflicts of Interest Act Review Committee authorize the chair to approve the draft meeting minutes of the December 11, 2024, meeting of the committee after they've been circulated to the committee members for review.

Excellent.

**Mr. Hunter:** So moved.

**The Chair:** So moved.

Any discussion?

All in favour, please say aye. Any opposed, please say no.

Motion carried.

Any other business?

Date of the next meeting: we don't have one.

**An Hon. Member:** It's not tomorrow.

**The Chair:** Not tomorrow. Yeah.

Everyone, you worked really hard for this. All I do want to say is: thank you for everyone's efforts in doing this and really keeping this thing on track and on time. We just saved ourselves from having to come back tomorrow, so gold stars for everybody. I'd also like to thank all the committee members, obviously, all the staff that have helped us out through this process, answering our questions, the clerks and the table for keeping the chair within the guardrails when required. Moreover, I wish all of you a very Merry Christmas. Travel safe, God bless, and take some well-deserved time off.

With that, I would love to ask for some adjournment here.

**Mr. Wiebe:** So moved.

**The Chair:** MLA Wiebe so moved. All in favour? Any opposed? Motion carried.

Take care folks.

[The committee adjourned at 1:10 p.m.]







