

**Title: Monday, June 13, 2005 Conflicts of Interest Act Review**

Date: 05/06/13

Time: 10:03 a.m.

[Dr. Brown in the chair]

**The Chair:** Good morning, everyone. I'm going to call the meeting to order. This is the second meeting of the Select Special Conflicts of Interest Act Review Committee, and the first order of business this morning is to allow everyone to introduce themselves. If we could perhaps start down at the end, Louise.

**Mrs. Kamuchik:** Louise Kamuchik. I'm the Clerk Assistant, director of House services.

[The following members introduced themselves: Dr. Brown, Ms DeLong, Mr. Lukaszuk, Mr. Martin, Dr. Miller, Mr. Oberle, Ms Pastoor, and Mr. Rogers]

**Mr. Reynolds:** Rob Reynolds. I'm Senior Parliamentary Counsel.

**Ms Sorensen:** Rhonda Sorensen, communications co-ordinator with the Clerk's office.

**Mr. Elsalhy:** Mo Elsalhy, MLA, Edmonton-McClung, observing.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**Mr. Hamilton:** Don Hamilton. I'm the commissioner.

**Ms South:** Karen South, senior administrator with the Ethics Commissioner's office.

[The following departmental support staff introduced themselves: Ms Croll, Ms Dafoe, and Mr. Neilson]

**The Chair:** Thank you all for coming.

I believe that this time we e-mailed copies of all of the documents for today's meeting. Is everyone well stocked now? Was everyone able to download those with no problem? Is that a satisfactory way to get the documents out to you? Is everyone happy with that?

**Ms Pastoor:** It was just this one, right? Strictly the discussion guide. Is that all that came out?

**The Chair:** No. There was the agenda, the request for proposal, and the minutes of the last meeting. There should have been four documents actually.

**Ms Pastoor:** Okay. Sorry. I've got it.

**The Chair:** So everyone has their materials?

Just to mention, first of all, that lunch is going to be available during the break in the committee room next door.

The first order of business is the approval of the agenda as circulated.

**Mr. Rogers:** So moved, Mr. Chairman.

**The Chair:** Any discussion? All in favour? The motion is carried.

The second order of business is the approval of the June 2, 2005, meeting minutes. They have been circulated. Are there any errors or omissions? Hearing none, can I have a motion that the minutes be approved as circulated?

**Ms Pastoor:** So moved.

**The Chair:** Any discussion? All in favour? The motion is carried.

Just one preliminary matter before we move on to the substantive parts of the agenda. Mr. Shariff had suggested last time that we may prefer to have some discussions in camera for five minutes or so during the meeting. I would just raise that with the committee right now. If it's your desire to do so, perhaps this would be the appropriate time to do it, at the beginning, or we could do it at the end, whichever you prefer.

Ms Pastoor.

**Ms Pastoor:** Yeah. I just wasn't sure, Mr. Chair, exactly why we would do that, like to go in and out of camera.

**The Chair:** Well, I'm not sure what his reasoning was.

Mr. Hamilton, do you have any comments on that?

**Mr. Hamilton:** No. It's up to the committee, you know.

**Ms Pastoor:** Certainly, I wouldn't want to see decisions made in camera.

**The Chair:** Mr. Rogers, do you have any comments?

**Mr. Rogers:** Well, thank you, Mr. Chairman. My thought pattern was somewhere along that line in trying to ascertain – and unfortunately Mr. Shariff is not here today – just what matters we might need to discuss in camera. Now, typically when you go in camera, you're dealing with something of a personal or personnel nature, something that's extremely sensitive.

The mandate of this committee, as I understand it, is to review the current act and look at potential changes, improvements, et cetera, so I guess I'm struggling to try to imagine what matters we might need to discuss in camera. So we'll have to wait.

**The Chair:** Perhaps we will defer till Mr. Shariff is here.

**Ms DeLong:** I know that when I was on the FOIP committee, that was something that became useful at one point. You know, it just might be a good idea to have that available to us, but I can't think of any reason now why it would be.

**Mr. Martin:** Well, I don't think we need to worry about it. We can bring a motion forward at any particular meeting if we see a need. I don't think it has to be an ongoing thing, only if one of the members thought that we should do it, you know.

**The Chair:** Very good. I think that with that discussion, we'll defer any further discussion on in camera portions of the meeting until a later date.

The next order of business, item 3 on your agenda, is Review of the Draft Discussion Guide. This was drafted by Sarah Dafoe in the Justice department, and I want to thank you, Sarah, for the work that you've done on that over the last 60 days or so. I know that you've done a lot of work to get this ready for the committee. It's a super start to provoking discussion and laying out all of the potential topics that the committee may wish to deal with during our deliberations.

I think the appropriate way for us to deal with this is to go through it from front to back. I presume that everyone has had an opportunity to review this thoroughly and also perhaps to review in conjunction with that the previous reports that were rendered, the Wachowich report and the Tupper report.

10:10

**Mrs. Sawchuk:** Karen South worked on it quite a bit too.

**The Chair:** Thank you. It was pointed out to me that Karen South has also done a lot of work on helping to formulate this, so we want to thank them in the commissioner's office for their contributions to drafting the reports.

I think that, as I said, the best way to do it is just to go through it page by page, and we'll start on page 5 with the fundamental principles. I think that we should at the outset perhaps put a caveat in there with respect to the fundamental principles right now. There are some other sections which would impact upon those principles should we decide to go in those directions. I'm thinking particularly of some of the questions with respect to expanding the scope of the act, on page 16, the lobbyist registry and so on. Obviously, those wouldn't be covered under the existing fundamental principles, so it may be something that we would want to revisit at a later date when we get to that point in it.

Having said that, shall we start there at the outset and perhaps get any feedback on the fundamental principles at this point?

**Mr. Rogers:** Mr. Chairman, if I may. You're proposing that we start at page 5. I'm wondering if I may ask a question on 4 just as we start, and it's relative to the consultation. I apologize. I didn't notice where that might have been addressed in the minutes from the last meeting, if that was dealt with. I'm just wondering: who do we expect might be sending us their thoughts? What was intended on the consultation portion?

**The Chair:** There are two principal aspects to the consultation guide. At the last meeting we approved a preliminary list of stakeholders, which are people who would have some inherent interest in the subject of conflicts of interest and ethics in government. The second would be the public at large, which we would hope to engage by posting this on our website and through the advertising and communications campaign that we also had dealt with at the last meeting.

**Mr. Rogers:** That's good enough. Thank you.

**The Chair:** Can we move to the fundamental principles then? Mr. Martin, you had some comments on it.

**Mr. Martin:** Yeah. Just following up from yours. I put down that it might be broader. I think maybe rather than us talking about it, because this is strictly to deal with elected officials, we look at broadening it, and I think, following your suggestion, it might be appropriate rather than discussing it here to come back to this after.

**The Chair:** When we see the scope of the discussions, perhaps.

**Mr. Martin:** Yeah. I'm suggesting that maybe we go through and then come back to that one after we know what other ones we've sort of looked at.

**The Chair:** Thank you.

Mr. Rogers.

**Mr. Rogers:** Thank you, Mr. Chairman. Just referring to Mr. Martin's point, and again I apologize. I hope I don't by some of my thoughts here today regurgitate some of what was discussed at the last meeting. Are we seriously looking at expanding this beyond

elected officials? I'll just give you my thoughts on that. Again, if I was here at the last meeting, I probably would have done a better job of that.

The nature of an elected representative, the world we live in, the fishbowl, as opposed to an appointed official – I believe they're very different because of expectations, lobbying, and a number of other interests that come into play when you're dealing with elected officials. I think it's important that a piece of legislation like this be clear in terms of what our expectations are of people that are elected versus people that are appointed. I think there's a huge difference in the two.

**The Chair:** I take your point, but one thing I just want to point out is that at the outset here what we're doing at this stage is that we are assembling a discussion guide that is going to solicit input from the public. Our objective at this point is to make the discussion guide broad enough so it encompasses the things that we want to engage people in, to get some discourse from the public and from the stakeholders as to, you know, things that we should be doing. We're not making any decisions one way or another at this time, but we are seeking to get some input.

**Mr. Oberle:** With respect to that and the fundamental principles, although I agree with Mr. Martin's point that we should revisit the scope of them later, we should highlight that it either does or it doesn't apply to all elected officials, which in my mind would include councils, school boards, everybody else. That should be highlighted. I think that's a nuance that's not clear in the fundamental principles. We should highlight that and ask if that is appropriate or not and get feedback on that.

**The Chair:** Another thing that occurred to me as I went through it and looked at the overall scope of what the legislation is right now is that primarily we're dealing with conflicts of interest in there. The word "impartiality" is mentioned in the fundamental principles, right there in the last sentence of the third paragraph. It's really something that's not dealt with in a more general sense in terms of impartiality of the members in carrying out their duties, you know, under the legislation itself. It seems to me that that's something that we can perhaps expand on a little bit in those principles. When we get to that point of looking at the restrictions and prohibitions and whatnot, perhaps we can revisit that issue.

Dr. Miller.

**Dr. B. Miller:** Yes. Maybe asking the question: should a statement of positive ethical standards be included somewhere? I think I mentioned last time that I thought that the opening whereas in the preamble is kind of weak. It might be an improvement to say that members are expected to uphold the highest ethical standards. In other words, we're going to set a high standard in terms of political life. Maybe the question could be: should a list or some sort of statement of high ethical standards be included either in the preamble or in the act?

**The Chair:** Well, you raise a very good point. In a more general sense I think that one of the issues that perhaps the committee ought to address is whether or not the principles ought to be embodied in the act. Right now it's a preamble. It's something that's a nice statement of what the objectives of the act are, but it has no legal import. You know, in the Business Corporations Act, for example, there are certain standards of behaviour required of directors which are embodied in the principles of the act so that it has some legal force and import as far as legislation, whereas now it's simply a statement of principles.

So I take your point there, and it may be something. Do you want to make a specific suggestion, Dr. Miller?

**Dr. B. Miller:** Well, I think that in terms of asking questions about fundamental principles, if we could just ask a question about: do our stakeholders think that we should be more specific about the highest ethical standards in the preamble or wherever? It's sort of implied in the question: "Are there any other principles that should be included?" But maybe to give a kind of lead-in for people to respond and say: what other ethical standards should we be including in this?

10:20

**Ms Dafoe:** Just a comment about that. You were sort of getting there towards the end of your statement. My concern throughout the paper was to try and not ask leading questions, to sort of ask more broadly based questions and let people come up with their own suggestions. Now, that being said, if you want to ask the specific question about "What is the high-water mark for ethical standards?" or something like that, we can certainly put that in. But just as a general statement now at the beginning of this review process, what I was trying to do was just to ask the questions and let people generate their own answers.

Certainly, there's going to be an opportunity for every member of this committee to provide their own response because this is going out to all MLAs, so in your own particular response you can make that suggestion. When we're discussing the responses to the consultation, again there's more opportunity for discussion. The tricky part here is going to be drawing the line between asking the question and trying to provide an answer that the committee believes to be an appropriate answer in the question. I think we probably want to avoid that if at all possible.

**The Chair:** Mr. Lukaszuk, do you have a comment?

**Mr. Lukaszuk:** Yes, Mr. Chair. In your comment that the preamble should be embodied in the body of the act, I assume you're not thinking about creating a list of virtues that a politician should have and codifying it.

**The Chair:** No, that's not my idea.

**Mr. Martin:** We're going to use you as the model.

**Mr. Lukaszuk:** We expect you to live up to it.

Mr. Chairman, how do you envision embodying in an act a preamble of such sort?

**The Chair:** Well, I mention it, Mr. Lukaszuk, because it's something that has been suggested in the body of the text I think in the Tupper report, in fact, that it was mentioned in there if I'm not mistaken. It may have been the commissioner's office that mentioned something to that effect as well. I just put it out on the table as a response to Dr. Miller's suggestion that we ought to perhaps look at expanding those particular principles.

Mr. Rogers.

**Mr. Rogers:** Thank you, Mr. Chairman. I guess that I, too, share elements of what was raised by both Dr. Miller and Mr. Lukaszuk. The question of whether or not you're able to embody virtues, as you say, in law I think is certainly something that we should consider quite carefully before we go down that road.

I do like Dr. Miller's suggestion of starting off on a positive note

rather than proceeding on a path that more tends to be punitive rather than stating that we expect the best. I just quickly drafted something that might be helpful. I'm not trying to redraft it right here but just something along the lines of: members are held in the highest regard, and they are expected to dispense their duties in a manner that demonstrates their adherence to dah, dah, dah. So you start off in a very positive light, expecting the best. You expect the best from people, and then, of course, you define what that best should look like later on but starting off in a positive manner rather than saying that if people don't live up to X, they shall be whipped.

**The Chair:** Well, I think paragraphs 1 and 2, actually, the objective is "to ensure" that they do it as to expect it.

Are there any other comments on that?

**Ms Pastoor:** Questions 1 and 2, I think, basically kind of capture the conversation that's gone on so far, but I wondered, without trying to lead the question, if maybe there could be a question 3 there or maybe even 1(a) or something that would say: does the preamble clearly set out the guiding principles? Could we put in something there about: should the preamble become a part of the act? To word that without leading it, I don't know quite how you'd do that. That's sort of what we're talking about.

**Ms Dafoe:** Yeah, that definitely is what we're talking about, I think. You know, honestly, I had thought about putting that question in, but then I had concerns about it being kind of a meaningless question to a lot of people who may not care – "care" is a strong word – or may not understand the import or the difference between what's in a preamble and what's in the act itself. Is it too legalistic a question?

**Ms Pastoor:** Well, those that understand it, they'd answer it. Those that don't understand it, if they care, they'll find out about it, and if they don't care, they won't answer it.

**Ms Dafoe:** That's true.

**Ms Pastoor:** So I think that it has merit in being included.

**The Chair:** In having the standards incorporated into the act: is that what you're saying?

**Ms Pastoor:** Yeah. Like, the principles in the preamble. That's our question, what we've been talking about. So put the question in there, and see what happens.

**The Chair:** Well, I think you may have to explain a little bit by saying that the preamble presently does not constitute part of the legislation per se but that a suggestion has been made that it do so. Some way that we could satisfy that request.

Ms Dafoe, do you have a comment?

**Ms Dafoe:** Yeah. I can put something together. I'm trying to think of how I would word it. I mean, I don't want to get into a legal description of the differences in the preamble versus the body of the act, but I can put something in there about: should the principles be enshrined in the body of the legislation as opposed to the preamble?

**The Chair:** Right. I know that when we did the amendments to the Business Corporations Act, we in fact changed in subtle ways some of the standards to which, you know, the directors can be held in terms of public accountability and confidence and so on. I don't see any impediment to doing it in the legislation. Perhaps that's

something that we could try and incorporate into the discussion guide.

Any other comments on the fundamental principles?

**Ms DeLong:** I'm a little confused here because we seem to be getting a little bit more into the discussion of the answers to these questions rather than what the questions are.

**The Chair:** No. I think Ms Pastoor's comment, which Ms Dafoe is going to take to heart, is whether or not there ought to be an additional question in there to the effect that, you know: would these standards of conduct be expected to be something that would be mandated under the act?

Okay. Can we move on, then, to the scope and interpretation of the act? Obviously, the current act applying only to members, this is something that we may have to revisit if we do decide to recommend expansion of the act towards the end there.

I had, actually, a comment with respect to question 3 there. I had a little bit of an objection to the word "caught," and I suggested that perhaps the word "cover" might be a more appropriate terminology: does it cover all of the parties that ought to be covered? Anyone object to that? There's sort of an implication there that there may be people that need to be caught.

Any other discussion on the scope and interpretation? Questions?

**Mr. Oberle:** Again, not to belabour the point, but we've jumped from elected officials in the fundamental principles to members in the next section, and if the act is going to apply to members, we should change the first two bullets of the preamble because there it applies to elected officials.

Now, municipal government officials have a code of conduct enshrined in the MGA and school boards in the School Act. What's the scope of this act? We should ask people that, or we should decide that ourselves, but it's not clear right now whether it's elected officials or members. We've jumped directly to members here in the second section.

**Ms Dafoe:** Are you suggesting that we should ask the question whether this legislation should be expanded to cover municipal officials as well as provincially elected officials?

**Mr. Oberle:** Well, I think we should make it clear what it does cover, and I guess we could ask whether that was appropriate or not. In the preamble the first bullet refers to elected officials, and then it says, "Members." The first bullet of the preamble, then, is inappropriate because there's nothing in the act that meets that principle other than directly to members. So we should probably make that clear to people, that this act currently applies to Members of the Legislative Assembly, and then you could say that the other elected officials' codes of conduct are covered by other acts. Is that appropriate or not?

I think it's a very big step to broaden this act out, and if you're going to take that step, you should do so with some informed input. That's all I'm suggesting.

10:30

**Mr. Martin:** If you put in municipal, you'll create a lot of interest.

**Mr. Oberle:** That's right. We'll probably get some feedback.

**Dr. B. Miller:** Don't you think that it begins with a general principle or general reference and then moves to the particular? I mean, it's okay to state that elected officials are expected to uphold the highest

ethical standards. Then move to the particular: whereas Members of the Legislative Assembly, et cetera.

**Mr. Oberle:** My point is that typically the preamble of an act wouldn't scope out a principle that's broader than the scope of the act, and that first principle is.

**Ms Dafoe:** It's my understanding – and I believe we talked about this briefly at the last meeting – again, as Dr. Miller said, that the general principle at the very beginning is broad, it gets narrower, and then when you get into the act itself, where it defines "Member," it's speaking specifically about Members of the Legislative Assembly. As I understand it, your concern is with the term "elected officials" in the preamble. If that were changed to speak specifically about Members of the Legislative Assembly, you'd be happier. Is that right?

**Mr. Oberle:** If that's where the act is going to wind up, yes, it should say that. If we're going to broaden this act to include all elected officials, no, it doesn't need to say that.

The preamble to the act should define the scope of the act and the purpose of the act, right? This is well beyond the scope of the act as it's currently written. I'm not suggesting that we restrict it or expand it; I'm just suggesting that they should be consistent.

**The Chair:** Ms Pastoor.

**Ms Pastoor:** Thanks, Mr. Chair. I'm just trying to get this clear, Frank. If we want to expand the act as it stands, we're going to have to ask the questions in such a way that the public would respond in that way. Do they want to keep it narrow, or do they want to keep it open? If we just keep the questions to the scope of the act as it is now, we may not get any of the feedback that would indicate that there would be a desire to expand the act.

**Mr. Reynolds:** I think this point was raised before, and perhaps you mentioned it. Under Fundamental Principles really all it does is repeat the preamble as it exists in the act right now. The first preamble says: "Whereas the ethical conduct of elected officials is expected in democracies." That's what it says now. That's where it comes from.

Obviously, you can change it. You're the committee. You can decide what goes out. But, you know, if you said something like "the preamble currently reads" or something like that, I don't know if that would get around your difficulty or your issue. I don't think there is anything in the act that says that it applies to municipal officials – I mean, I know that there isn't – or school board officials. Certainly, under the scope and interpretation of the act I think that point is made clear, that it applies to Members of the Legislative Assembly.

Perhaps I'm not as sensitive to your concerns as I might be, but as I said, it's just a replication of what the preamble says now, I think.

**The Chair:** Dr. Miller.

**Dr. B. Miller:** Yes. I like the idea that there's some sort of reference to standards outside of ourselves. I mean, we're not so special; we're part of the human race. So the first whereas being a kind of general reference to the ethical conduct that's expected of all of us, no matter who we are, is a fine way of starting, and then go on from there.

**The Chair:** A general comment. It is a more broad and general comment about elected officials being expected to be ethical.

**Dr. B. Miller:** I mean, ethics, ethical conduct is rooted in something outside of ourselves, without being specific about a list of virtues or religious backgrounds or whatever.

**The Chair:** Mr. Rogers.

**Mr. Rogers:** Well, thanks, Mr. Chairman. I, too, agree that, you know, that's a start, where it talks about "Whereas . . . elected officials." I take that as context in terms of that world that we exist in. Then we go down, and we drill down further. How much further, I guess, is probably some question that we're discussing here, in specifying that we are dealing with Members of the Legislative Assembly.

It's really important, first of all, that the mandate of this committee I believe was intended to deal with Members of the Legislative Assembly. It's important that we're clear because the reality is that if you're going to look at elected officials in this province, as Mr. Oberle mentions, you're talking about some potential 5,000 when you start looking at school boards. There are over 300 municipalities times an average of about 10 councillors somewhere, seven for the smaller ones. Some of the larger ones are more than that. So by the time you hit 300 times seven or eight towards 10 and then you add school boards, you're looking at over 5,000 potential people that would be impacted versus 83 in this House.

I think that if we're going to be looking for input from others, which we are, the stakeholders and the general public at large, we need to clear what we're looking for. If it's expected that we're looking for comment on the elected world in this province, it's probably some 5,000-plus members as opposed to 83 in this House.

**The Chair:** Mr. Elsalhy.

**Mr. Elsalhy:** Thank you, Mr. Chairman. To throw a little pebble in Mr. Rogers' pond, when I came here and started observing the proceedings of this committee, I actually hoped that the scope would be expanded and that we not only limit it to the 83 elected Members of the Legislative Assembly, that we would include other elected officials, municipal councillors, school board trustees, and so on, and also top government bureaucrats and civil servants. I was hoping that the scope would expand to cover everybody.

We shouldn't in my humble opinion be intimidated by how many people would be affected by it. For example, if we're discussing, you know, criminal activity punishment, if we're making a law for grand theft auto, or if we're making a law for breaking and entering or so on, we should not be thinking about how many people would be affected by that law. We're setting the law, and then people have to abide by it and try to avoid being caught by it. So in my humble opinion I would like this discussion to hopefully address the expansion of the scope to cover all these other people I talked about.

**The Chair:** Ms Dafoe, do you have any comments regarding the municipal level of government and whatnot and what existing legislation there might be to govern their conduct?

**Ms Dafoe:** I wish I had looked at this before I left my office. I know that the Municipal Government Act is a very large one and contains everything from soup to nuts. I can't for the life of me remember if it specifically addresses the duties of councillors, but it's my understanding that it does.

I'm very concerned about expanding the scope of this review into a realm that's already covered by other pieces of legislation. I know that we're discussing expansion to senior government officials, but

they're senior government officials that have a direct connection to the provincial government and to the Members of the Legislative Assembly and the work of the provincial government. I think that's the tie-in that we need to maintain for this committee. If we look to go beyond into the realm of municipal governments and that sort of thing, I think we're going to certainly need to, well, alert Municipal Affairs, for one thing, that we're talking about going down this road. It's my feeling that this would go beyond the scope of the review as contemplated under section 48 of this act.

**Mr. Oberle:** I wholeheartedly agree with that comment. It was just clarified for me here that there's something lost in the translation from the preamble to these fundamental principles. That first statement, particularly, goes further to talk about maybe municipal officials, where the first statement in the preamble doesn't. The first question we ask is, "Does the preamble clearly set out the guiding principles underlying the Act?" Those fundamental principles are not the preamble. We should recreate the preamble here and then ask that question. Instead of kind of translating them into fundamental principles, just recreate the preamble. Call it preamble, list those bullets, and then ask those questions.

**10:40**

**Ms Dafoe:** So if I changed that first sentence that now says, "The fundamental principles underlying the current Act are set out in the Preamble" and simply said, "The preamble says . . ."

**Mr. Oberle:** Whereas, whereas, whereas.

**Ms Dafoe:** Okay. I could do that.

**The Chair:** Well, yeah, but I think the point that has been made here is that the fundamental principles are embodied in the preamble.

**Mr. Oberle:** But they are this preamble, not this text here.

**The Chair:** I understand that, but that's a legal subtlety that may be lost on the public at large. The terminology of preamble: unless you're an expert in legal interpretation, you wouldn't realize that there's a difference between what's in the preamble and what's in the body of the act. I don't see any problem with the way it's laid out here, Frank, because the fundamental principles are embodied in the preamble. I don't think that subtle difference of calling it a preamble is going to resolve the question.

**Mr. Oberle:** No. All I'm saying is: yes, I agree with you that the fundamental principles are set out in the preamble, but if you want to ask people whether they're appropriate or not you should let them read the preamble, not this translation of the preamble. Let people decide for themselves: does that capture what we want this act to do?

**The Chair:** You want the word "whereas" in there.

**Mr. Oberle:** You're asking, "Does the preamble clearly set out . . ." Well, that's not the preamble there. This is the preamble.

**The Chair:** I understand what you're saying.

**Mr. Martin:** Well, this is the problem of going ahead. If we follow just the preamble, well, all we're talking about are elected officials. That's why we should have gone through the other. Maybe we weren't talking about municipal councillors, but clearly some of the

questions had to deal with policy advisors, government senior civil servants and that, which would change the preamble because they're not elected.

I think the biggest thing that we have to do is keep it broad to begin with. We're not deciding at this point what we're going to do. If some people write in and say that they want municipal councillors on, well, we can let Municipal Affairs take a look at that if it's out of our jurisdiction or whatever. I think we should keep it as broad as possible at this point to let people have their say.

**The Chair:** Mr. Lukaszuk.

**Mr. Lukaszuk:** Thank you, Mr. Chairman. To a point I would concur with Mr. Martin. However, we can only keep it as broad as the mandate of this committee allows us. Before we go any further, I think it's rather counterproductive for us to be discussing the scope of the preamble and the wording of the preamble if we don't have a clear definition on how broadly this committee can stretch. Hence, whether advisable or not – that's another story – is it even within the committee's mandate to include senior unelected officials, municipal school boards, and other orders of government into this act? If it is within the mandate, then perhaps we would have at least some ability to include that into the questionnaire. If it isn't, then maybe we could save ourselves a day of discussion and not even worry about it to begin with.

**The Chair:** Ms DeLong, do you have a comment?

**Ms DeLong:** Not specifically on that.

**The Chair:** Okay. Can we deal with this first?

**Ms DeLong:** We should deal with this first, I think.

**The Chair:** Our Senior Parliamentary Counsel has just stepped out momentarily. I'm going to ask him to deal with this issue because it really is a fundamental issue. As Mr. Lukaszuk has pointed out, we need to clarify what the mandate of the committee is, I think, before we go down that road in terms of municipal government and whatnot. Certainly, my impression as chair, when we embarked on this endeavour, was that we would be dealing with provincial government and possibly provincial government officials, which are now embodied within the code of ethics that applies to the senior civil servants and public servants.

Dr. Miller.

**Dr. B. Miller:** I just would like to ask a question about process and what happens down the road. This committee writes a report, makes recommendations. Now, suppose we did recommend that there be an expansion of its scope to senior civil servants. Would it have to be, then, that Justice would have to bring a bill to the Legislature to make amendments to the act? Is that the way?

**The Chair:** Just to clarify, I think the purpose of our committee is to make recommendations to the amendment of this act. For those of you who were at the initial meeting, we had some preliminary discussions upon what this would entail, and the conclusion was that it would not necessarily simply be applied only to Members of the Legislative Assembly because of the terminology in the act, which says under part 48 of the act that it is to be "a comprehensive review." So a comprehensive review was seen as being more or less an all-encompassing review, which would enable us to look beyond Members of the Legislative Assembly, whether they be cabinet or nongovernment members.

**Ms Dafoe:** I guess that when looking at the section on the review and the mandate of the committee to do the review, in getting back to the simple question about whether municipal councillors, for example, should be included in this act, I would have a problem interpreting the review provision that says that the Conflicts of Interest Act must be reviewed or must undergo a comprehensive review every five years and that then, as a result of that, there be recommendations made about changes to the Municipal Government Act. To me that seems nonsensical.

However, if the committee at the end of the day in the process of review came up with the suggestion that maybe there's something that municipal councillors should be doing that they're not already doing, they can make a recommendation, but I don't suppose that that would be included in the conflicts of interest amending bill. That would just be a recommendation for Municipal Affairs to consider this.

That being said, I'm not sure that the committee wants to spend a lot of time reviewing what municipal councillors are doing under their legislation. It seems to me a bit of a waste of this committee's time, and they should be in fact focusing on the provincial sphere.

**The Chair:** Is this an appropriate time, perhaps, to take a five-minute break? We'll get another coffee, for those of you who want coffee, and then we'll wait for our Senior Parliamentary Counsel to reappear here.

[The committee adjourned from 10:48 a.m. to 10:54 a.m.]

**The Chair:** Okay. We'll call the committee to order again. At the break we were just having a discussion. Mr. Reynolds, for your benefit, we were having a discussion regarding the mandate of the committee as various members understood it, and the issue arose as to whether or not the mandate of the committee might encompass us looking at the issue of municipal officials. I stated my understanding. As I undertook this exercise as chair, my understanding was that it would be dealing with the provincial government per se. Perhaps you could enlighten us with your comments on this, the issue of the mandate of the committee.

**Mr. Reynolds:** Well, thank you. It's always an exciting prospect to, as you say, enlighten people on the committee because you're already quite enlightened, obviously. You're members; you know about this legislation. But thank you for the opportunity to comment nonetheless.

I did at the last meeting, at your invitation, indicate that "comprehensive review" meant a comprehensive review, oddly enough. I don't want to backtrack on that now, but it would seem surprising to me that it would be in the contemplation of the people who passed the motion, which would be the Assembly, that it was going to be a review of the Municipal Government Act. There are provisions in the Municipal Government Act concerning the pecuniary interests of councillors, and I believe there are municipalities that have established a conflict-of-interest bylaw. Certainly, those are issues under the Municipal Government Act. That's, of course, another piece of legislation.

Certainly, there's no mention in section 48 of the Conflicts of Interest Act or the motion about looking at other pieces of legislation, which I think would narrow, perhaps, the scope of the review in any event. I'm sorry, Mr. Chair, but having said that, if there was an overwhelming desire by the committee to go onto this unexpected track, it would be difficult to prevent you.

**The Chair:** Well, thank you.

Any further comments from members?

**Ms Pastoor:** I think my comment would be probably along the lines that perhaps the MGA is a little bit off track. I think that the point of this is to get people's ideas. Now, whether or not we accept them as a committee would be the next question, but I think that we have to be open to every kind of idea that might be out there. That's why we're going to stakeholders and the public. I'm not sure that it's at this point we should be discussing ideas. We should listen to them first and then perhaps categorize them that way.

We want a comprehensive review of this act. Some of these questions are based on the fact that there already have been two reports, that had recommendations that weren't accepted, but I think those recommendations from the past two reports are worth looking at. They do include a level of nonelected public government officials. So I just think that all those questions could come in, and then we'd look at what's being said.

**The Chair:** I don't think that's the issue, with respect, Ms Pastoor. The question of what is in the previous reports I think is embodied in the additional comments, which we'll get to later on in the draft orientation guide. The issue here is whether or not we want to go considerably beyond the ambit of what is in either of the reports, the Wachowich report or the Tupper report, and embark on a whole new endeavour here, which is to look at municipal government. I certainly would speak against embarking on that endeavour as part of the work of this committee because it certainly would entail consultations far beyond what we have undertaken to do here. We'd have to consult with every municipality in the province. Some of them, as Mr. Reynolds has pointed out, already have codes of professional conduct and codes of ethical conduct, and I really would be reluctant to go down that road.

**Ms Pastoor:** I agree with you just as long as the scope is really large within what we consider the mandate in terms of elected and public employees of the government. I agree that the MGA, yes, is off track.

**The Chair:** Mr. Rogers.

**Mr. Rogers:** Well, thank you, Mr. Chairman. I, too, would like to thank our Parliamentary Counsel for sort of trying to help to get us back on track. While I would agree that we shouldn't be trying to limit the debate around this issue or be too prescriptive in what opinions we seek from others, it's important also that we not shotgun. If we are not clear in the context of what opinion we seek, we will get, again, that shotgun type of response.

Also, I believe that you then open up expectations from the people that respond that go way beyond, again, the scope of what we're trying to do here. Frankly, just to remind ourselves, you know, time is everything. I mean, sure, we could talk about this forever and go on and on and on and on. I don't think we have that luxury. I believe that if we're going to try and do something that's meaningful, that will lay down something for the future that would be meaningful and provide good value to our public and a guide for members of this Assembly, that's what we should attempt to do. Let's not kid ourselves that we can make this so broad that, frankly, at the end of the day we have so much that we end up producing nothing.

11:00

**The Chair:** Mr. Lukaszuk, you had a comment.

**Mr. Lukaszuk:** Mr. Chairman, I think he expressed my sentiments relevant to keeping this committee strict to its business as defined by the Legislature.

**Mr. Martin:** You know, I was just saying that I'm an old, old man who's had many worries, most of which never came about. I think that if we concentrate on the questions – and if some people respond beyond that, that's not a big deal – and it falls within our mandate of the provincial government, as you said, I think we'll be all right, but if we wordsmith it forever, we won't be.

**The Chair:** Okay.

Ms DeLong, did you want to comment?

**Ms DeLong:** I think we should vote on this.

**The Chair:** I was going to suggest that perhaps having heard the comments around the table, I don't know whether it's necessary for us to vote on it. I think that what we're dealing with now is the draft text here, and I don't see any need to go beyond what we've done here. You know, unless somebody wants to make a suggestion specifically, then we can put it to a vote. In terms of what's in the draft orientation guide presently, I think that encompasses the scope of what we want to accomplish here. Does anyone object to that process then?

Any other comments? Ms DeLong.

**Ms DeLong:** Yes. I'd like to get back to the fundamental principles in that the way they are stated here is different than what is in the act. In the way they are stated here, it is stated in a much more negative way than what is actually in the act. I liked the idea that was put forward earlier where we say that these are the fundamental principles and then we actually quote from the act. I mean, there is a distinct difference. "Whereas the ethical conduct of elected officials is expected in democracies" is very different from "to ensure elected officials conduct themselves ethically." Those are very different ideas, so I would very much like to see the actual preamble stated in there.

**The Chair:** Ms Dafoe, do you want to make a comment on that?

**Ms Dafoe:** I can do that if that's what the committee likes.

**The Chair:** We'll try and incorporate those comments.

**Ms DeLong:** Good. Thank you.

**The Chair:** Mr. Oberle has made comments to the same effect, I believe, earlier on.

**Mr. Oberle:** Yeah.

**The Chair:** Any other discussion under that section?

Then we'll move on to the obligations under the act, and this is really the meat and potatoes as far as the conduct presently of MLAs. Comments or discussion regarding the content there? Of course, what is iterated on page 6 and the top of page 7 is really a summary of what's embodied in the present act, so I don't think there's too much to quibble about with respect to that. Are there any other comments? Really, it's talking about the status quo, isn't it, Ms Dafoe?

**Ms Dafoe:** I was trying to put it in words that weren't exactly the same as the legislation but to try and convey the idea underlying the legislation.

**The Chair:** To try and make it so that people, the general public, could understand it.

**Ms Dafoe:** Yeah. That was my intention, yes.

**The Chair:** Are there any other questions which might arise under those restrictions and prohibitions that we ought to be asking people to comment on or respond to?

One of the issues that occurred to me as I was going through it – and this is really related to my earlier comments – is relating to the issue of impartiality. These things, by and large, deal with conflicts of interest or self-betterment in a sense. They don't deal, really, with the issue of impartiality or an appearance of bias or things like nepotism or cronyism or things like that. You know, in Chinese society there's a principle called *guanxi*, where mutual favours are exchanged in society. It's a way that they do business, and it seems to me that in our western society, a democratic society, that sort of thing is really not sanctioned in terms of public behaviour. It seems to me that there ought to be perhaps some system of disclosure or whatever where you're dealing with people that, while they may not be spouses or immediate family members or whatever, may be well known to you.

For example, in my former life in the legal field we often found judges or masters in chambers excusing themselves if they knew counsel on a social basis, if they knew them well. For example, people that I practised with or that I socialized with on a regular basis would often excuse themselves because of their relationship to me when I was appearing in court or in chambers. It seems to me that those sorts of principles could well be applied in terms of elected officials in government.

So perhaps we might be thinking a little about some disclosure and perhaps consultations with the Ethics Commissioner in instances where a department was, for example, dealing with somebody who was well known to a minister or whatever. I just throw that out as sort of a something else that is an additional principle that doesn't seem to be embodied in what's in there.

Mr. Lukaszuk.

**Mr. Lukaszuk:** Thank you, Mr. Chairman. Just a word of caution perhaps. I do appreciate the procedures that take place in the courthouse where judges or prosecutors will excuse themselves for reasons of perceived conflict or reasonable apprehension of bias. However, for a seasoned parliamentarian – and, you know, I would not put myself in that category. We have more seasoned parliamentarians; Mr. Martin has served in this House longer than I have. But even over my last five years serving in public life, one makes acquaintances, friends, colleagues with individuals from all types of industry, public service fields, and others. If I was to adhere to the same standard that a judge would in chambers, not to deal with a matter if I have any collegial relations with partners, members of, or directors of a company or a public service, I would right now like to have a standing meeting scheduled with the Ethics Commissioner for every day from now on because I would probably be in conflict daily.

**The Chair:** Mr. Martin.

**Mr. Martin:** Yeah. I think we're getting into the answers in a way, and I agree with both people that because of the nature of politics you are. But I also know what you're driving at: there's a way to ask the question. You know, rather than decide whether we accept it or not, is there a way that you can see to ask that question?

**The Chair:** Well, I guess it's just something I'm throwing out. We've got a lot of restrictions and prohibitions there, and we haven't really asked a lot of questions about them so as to sort of elicit some

responses. I threw that out as a general comment in terms that perhaps we should be asking a question about dealing with people that are well known, whether or not there ought to be not a prohibition but perhaps some disclosure of facts when you're having dealings with people that are well known or close acquaintances of a person. I just throw that out as a possibility to the committee members.

Ms Pastoor.

11:10

**Ms Pastoor:** Thank you, Mr. Chairman. I totally support that conversation. I think it's something that should come up. Perhaps there could be some kind of a wording of conflict by association and discuss it perhaps from that point of view. But I certainly support having that discussion, and I think that Mr. Martin is right: how are we going to word that so that we get at least something back to discuss? It is a problem.

**The Chair:** Do you want to make any suggestions, either Mr. Martin or Ms Pastoor, or do you wish just to leave it to Ms Dafoe to draft, to take those comments to heart and incorporate them?

**Ms Pastoor:** Well, maybe Ms Dafoe could help us with the wording. I don't know if I could come up with the wording. We could work on it and then bring it back, but we'd need help, I think. I think it's worthy of discussion.

**The Chair:** Mr. Rogers, you had a comment.

**Mr. Rogers:** Well, thank you, Mr. Chairman. Again, my comments would be following up on Mr. Lukaszuk's. I speak also from some long experience with the provisions for pecuniary interest under the Municipal Government Act, having served 12 years – well, frankly, before that, five years in municipal administration, where I had to deal with the act on a daily basis, and then serving five years. You know, I think we have to be careful and keep in mind that we focus more on the pecuniary aspects.

The whole idea of association: I really caution us about that road because you could almost chain every one of us to a desk where you couldn't discuss or associate with anyone . . .

**Mr. Martin:** We're not deciding.

**Mr. Rogers:** No, no. Not deciding. But my point is that as we look for, I guess, elements of what this thing might look like, I think you have to keep in mind, ultimately, where there's a benefit or a potential future benefit. I just caution that we don't get too prescriptive in terms of who anyone can associate with.

**The Chair:** I don't want to limit the scope of the discussion here, Mr. Rogers or anyone else, but we are talking about whether we're asking the right questions here. The issue that I raised was related to the fundamental principles, or the preamble as we referred to it, and the expectation that we are to act with integrity and impartiality. The question was relating to impartiality. My comment was simply that the impartiality thing is not really dealt with in the existing principles, and it's something that perhaps we should be looking at.

**Mr. Oberle:** I have a suggestion there. I agree with you. Maybe if you just simply asked: do these restrictions and prohibitions adequately address the principle of impartiality as outlined in the preamble? You could ask that question, and then it's not leading.



**The Chair:** Well, I think that's just hit the nail on the head. I think that's exactly the question that we want to ask.

**An Hon. Member:** Can you repeat it?

**Mr. Oberle:** Do these restrictions and prohibitions adequately address the principle of impartiality as outlined in the preamble?

**Dr. B. Miller:** I think that's fair, but this whole distinction between public and private is very, very hard. I think we're sort of skirting around that. I don't know. I mean, every Legislature has to make distinctions between those two things, public responsibilities and private interests. But I think it's a distinction that's very, very hard to uphold because, as many of you have alluded to, when we are elected, we're supposed to represent the interests of our constituents, and many of those interests are personal interests as well. I think that comes out in the next part in the defining of private interests, where, you know, we shouldn't make this distinction so hard and fast that we deprive the Legislature of the experience and expertise of individual members. It's happened. It happens all the time in the House, that people who have experience in the world of insurance have more to contribute to a bill dealing with insurance than others, and that's really valuable.

So it would be nice to ask the question of the general public about that distinction between public and private, but I don't know how to put the question, and I don't know what kind of answers we'd get.

**The Chair:** Mr. Groeneveld.

**Mr. Groeneveld:** Thank you, Mr. Chairman. It's interesting when I listen to this. I apologize for missing the first meeting, and I apologize for being late. I apologize for the flood too, but that's it.

However, just listening to this particular part of the conversation – remember I'm from the agricultural community. I'm sure the Ethics Commissioner quite often has to slide under the table on some of the issues that come up. I guess we want to be very careful that we don't get it to the point where, you know – how would you say it? – he doesn't have to let things slide by. But it's a whole different ball game, I guess, because of our involvement in the decision-making in the House and how it affects us in so many different ways. So I guess I would be a little careful.

**The Chair:** Well, again, we're not making any decisions on where the committee should go here. We are trying to ascertain whether we're asking the right questions in order to get the feedback that we need from the stakeholders and from the public.

**Mr. Groeneveld:** I'd agree with that, but it all comes down in the final analysis, I guess, to where we're going.

**Dr. B. Miller:** Just another question that could be asked under restrictions and prohibitions. The question here is: "Should a Member be allowed to accept gifts as long as their value is less than \$200 per calendar year?" I mean, in my area honoraria are a consideration. Should a member accept an honorarium for speeches and for consultation and that kind of thing? I know that that comes up in lots of other jurisdictions, especially south of the border. I notice that. It affects me personally because about the only way I could actually receive money outside of my job is to be paid for a speech that I give or a sermon that I give. So far I've refused to take such honoraria.

**An Hon. Member:** God will look after you.

**Dr. B. Miller:** Yeah, right. Keep me in poverty.

**Mr. Hamilton:** Well, it occurs to me that there's a double standard in the House, and that's what you are alluding to. If an MLA goes into cabinet, he has to sell his business. If he runs a farm, he doesn't have to. That's what you're talking about. But I'll bring that up in my last year.

**The Chair:** Any further comments?

**Ms Dafoe:** Just a quick comment in response to Dr. Miller's note about honoraria. The section does actually refer to a fee, gift, or other benefit. So in consultation with Ms South off the record, likely that would be covered under the gifts, fees, or other benefits. Or if it's a regular item that happens every year, for example, it might be included in your income.

**The Chair:** So with those comments to date, then, and the additional question which we've asked Ms Dafoe to incorporate, are there any other suggestions for questions or comments on that section? If not, we'll move on to private interests.

**Mr. Hamilton:** On the question of the \$200?

**The Chair:** Yeah.

*11:20*

**Mr. Hamilton:** When I first came here, people would come and give Karen a piece of paper that said, "I got something for \$400," or "I got a ticket to the Premier's dinner or the leader's dinner." Thirty years ago you paid maybe 20 bucks or 40 bucks; now it's \$200 or \$300. I was trying to make a reasonable amount over the period, and I had the Auditor General tell me how much inflation was for the last 30 years. But when he came back, he said: well, if you go over \$200 or \$300, then you're going to be paying tax to the federal government. So there's no point in raising it.

**The Chair:** Can I ask you a question regarding that? The word "gifts" there: is that tangible gifts only, or would it include things like meals, trips, and things like that, which would be consumables and transportation or accommodation or whatever?

**Mr. Hamilton:** Well, it would be – where are you going on this, and why are you doing this?

**The Chair:** Well, I'm just asking whether or not that's a question that we should be asking.

**Mr. Hamilton:** Yes. Sure. Absolutely. Yeah.

**Mr. Martin:** If it's a private person that was paying your way: is that what you mean?

**The Chair:** So that is already considered as a gift.

**Ms Pastoor:** Or a public department: same thing.

**Mr. Hamilton:** Well, most of the time, though, you go and give a speech, and they give you a little plaque or a picture or whatever.

**The Chair:** Any other comments?

**Dr. B. Miller:** Well, when you ask the question, maybe it should be

not just gifts, but maybe it should include the fee and other benefits somehow, because that gives people more scope to respond. It's not the gifts so much as some of this other – the fee. Of course, “other benefits,” what does that mean?

**Ms Pastoor:** Well, if I go to Spruce Meadows four times a year, how much is that worth?

**Ms DeLong:** No. It's \$5 to go to Spruce Meadows.

**The Chair:** Could we address this perhaps by dealing with the wording there and sort of expanding it to mirror the wording at the top there, which talks about “fee, gift or other benefit”? You see at the top paragraph there. Is that a satisfactory way to deal with this?

Thanks, Mrs. Sawchuk, for that suggestion.

**Ms Pastoor:** Sorry, Mr. Chair. The top bullet on the page actually refers to members' spouses and minor children, except that in the question that's not implied. The question implies just the member. So the question should be expanded as the first bullet reflects.

**The Chair:** Sure.

Other comments?

Can we move on, then, to private interests? Any comments on this section? None?

**Mr. Oberle:** Having argued in the first section against interpretation, could you provide a bit of interpretation here? What does bullet 1 mean, “an interest in a matter that is of general application”? I don't think you could just throw this out to the general public. They don't understand what some of these points mean.

**Ms Dafoe:** Yeah. I made an attempt at describing what general application might mean in the paragraph that follows, that list that begins with “as such.” It doesn't specifically say that this would fall under number 1, but it does say: “For example, a Member who is a farmer or rancher can participate in a debate on agricultural policy, and a Member who is a teacher or professor can discuss educational issues.”

**The Chair:** And everybody pays taxes. I mean, that's the obvious example every time we deal with a tax bill.

Any other comments?

Great. We can move on to Disqualifying Offices. Any comments on the text or the questions asked here?

Ms Pastoor.

**Ms Pastoor:** Yes, thank you. Just a question, if I might, on the first paragraph under Disqualifying Offices: “Generally, Members are not prohibited from carrying on a business or profession,” and then it says that they probably shouldn't take on additional employment. But I'm just thinking of people – and I'm thinking of myself as a nurse – that really should do a few shifts to keep up your registration. That kind of thing I think would be allowed but perhaps should be clarified.

**The Chair:** Well, no, they are not prohibited. Right now you can carry on as a nurse, and I can carry on as lawyer. There is nothing prohibiting us from doing so.

**Mr. Rogers:** As a private member.

**Ms Dafoe:** As a minister there are restrictions. The next sentence

talks about members of Executive Council with additional employment. There are restrictions on ministers, but on private MLAs, generally speaking, there is no prohibition.

**Ms Pastoor:** Okay. I just wanted to get that clarified because I know that for people with registrations it's important.

**Mr. Rogers:** Mr. Chairman, sorry. If I may, just following up on Bridget's point, is it important that we would have some provision in here that recognizes that there is life after this building and for someone like a nurse or – I don't know – a doctor, for example Dr. Oberg . . .

**Ms Pastoor:** A pharmacist.

**Mr. Rogers:** . . . a pharmacist, whether there would be some need to allow these individuals to do something?

**An Hon. Member:** They are allowed.

**Mr. Rogers:** As Executive Council though. I'm just wondering about cabinet ministers, how we address that. Are those people provided for? I mean, I may be a cabinet minister today, but tomorrow I'm back on the street. If I lose my ability to carry on my profession when I get out of here, I'm starting from scratch again.

**Mr. Martin:** Well, they have, I think. Down in your area Dr. Hill went back after, didn't he? So there are ways to upgrade.

**Mr. Rogers:** There are some professions that may allow you a leave of absence, and if that's available – I just think that it's important that as we encourage people to serve their public, there be some provisions that don't take away their livelihood when they leave this place.

**Mr. Martin:** You're asking a question, saying . . .

**Mr. Rogers:** Do we need some provision here, particularly where it deals with cabinet members, or Executive Council? Private members for the most part are okay.

**Mr. Martin:** So you're suggesting that there should be another question about cabinet ministers?

**Mr. Rogers:** Or a provision or something where we deal with putting some provision in here that does not . . .

**The Chair:** Another disqualifying office question are you referring to?

**Mr. Rogers:** Well, it's disqualifying, but do we need something that does not disqualify those people?

**Mr. Martin:** That's the question that you have to ask if you want to put that in there, right?

**Mr. Rogers:** However we word it. We may need to flip it to get the answer we're looking for.

**Ms South:** The act does allow a minister to ask the Ethics Commissioner for permission to carry on a certain activity, and the commissioner can approve it if there's no conflict between what the minister will be doing and his public duty. That has been taken into consideration by ministers who have a need to maintain their credentials.

**Ms Pastoor:** Thank you. That was mainly for criteria, and I know we're doing questions, but thank you.

**The Chair:** Are there other questions or comments? Mr. Reynolds.

**Mr. Reynolds:** Sorry. Just to follow up on Mr. Rogers' point, are you anticipating a question like: does the act adequately address the need for members to continue to maintain professional or occupational standards while a member or a cabinet minister so that the person can return to his or her previous occupation?

**Mr. Rogers:** Fair enough because that's what we're trying to do here.

**Ms Pastoor:** Yeah. I think that's fair.

**Mr. Reynolds:** Yeah. I was just wondering if that captures . . .

**Mr. Rogers:** I think that would be a fair question.

**The Chair:** Dr. Miller.

*11:30*

**Dr. B. Miller:** Yeah. That's an excellent question, actually. As a matter of fact, for some of us we can't shed our previous identification even if we tried. It's a reverend forever, or irreverent reverend.

**The Chair:** Ms Dafoe, are you content? Have you been able to gather the thrust of those comments?

**Ms Dafoe:** I plan to talk to Mr. Reynolds and get his wording. Yes.

**The Chair:** Anything further? Sorry. Ms DeLong.

**Ms DeLong:** Yeah. There's something very odd right in the act under the list of disqualifying offices. One of them is Members of the Legislative Assembly, it actually says here. Now, possibly it means members of other Legislative Assemblies.

**Ms South:** I believe the line below it should be indented. It's the "Members of the Legislative Assembly Pension Plan Board."

**Ms DeLong:** Ah. Okay. So it's just how it's printed that is the mistake.

**Ms South:** Yeah.

**Ms DeLong:** Okay. Thank you.

**The Chair:** Does that exist anymore?

**Ms South:** Yes, because there are some members who have pensions.

**The Chair:** Mr. Reynolds.

**Mr. Reynolds:** Yes. The MLA Pension Plan Act still exists.

**The Chair:** For old members.

**Mr. Reynolds:** For members who served prior to a certain date who are receiving a pension. If a member was elected before 1989, that

person would be, subject to the requirements, receiving a pension. The act also prevents members who were elected in 1989 and after from receiving a pension.

But I think there is a board, yes.

**The Chair:** Further comments? Can we move on, then, to the section on blind trusts? I had one question here that perhaps Mr. Hamilton or Ms South could address. That is relating to the issue of private corporation stocks or securities. Is there any provision there? I mean, obviously if shares in a private corporation are held in a blind trust, it doesn't matter whether it's blind or not blind because you know exactly what's going on there. Do you have any comments on that?

**Ms South:** Our act doesn't contain anything that permits that kind of a trust; it refers only to putting publicly traded securities into a blind trust. There are other jurisdictions that have what are commonly called management trusts, and they do allow a member to put a private corporation into an agreement where somebody else is managing the day-to-day operations of the private corporation. It goes further in those jurisdictions to allow members to participate in those issues where the management trust is in place.

**The Chair:** Is it something that's been raised as an issue at all?

**Ms South:** We have had a number of members ask us if they could put their private corporation into a blind trust – as you say, you can't call it a blind trust because you know exactly what it is – but we don't have that mechanism in the act.

**The Chair:** So right now, at the present, the status quo is that you would have to divest yourself of any private corporation interests, then?

**Ms South:** No. For the most part a minister cannot be involved in the day-to-day operations of the corporation, but they don't necessarily have to divest.

**The Chair:** Mr. Hamilton, do you have any comments on that? I mean, obviously there could be difficulties there if you did hold a private corporation, whether it was a trucking company or a warehouse distributing company or something that might be affected in some way by provincial legislation. What's the impact on somebody who gets elected and does have a business which is held in a private corporation?

**Mr. Hamilton:** He has to sell it.

**The Chair:** If he becomes a minister, then he would have to sell the business.

**Ms South:** No.

**Mr. Hamilton:** Isn't that right?

**Ms South:** No. We have ministers who have private corporations. By and large they're inactive, but they don't necessarily have them struck off corporate registry.

**The Chair:** I'm thinking of the other Mr. Martin in his shipping interests. I mean, it became a huge public issue, and I think he ended up selling his interest in the company to his sons.

**Ms South:** But he maintained his interest in CSL throughout his term as Minister of Finance.

**An Hon. Member:** Only on becoming Prime Minister did he sell.

**Mr. Martin:** Yeah. And I don't think he had to necessarily; he did it for the public perception.

**Ms South:** He had a trust arrangement in place, and he had certain people who were acting as trustees.

**Mr. Martin:** To come back to your question, it was my understanding that he could go in at certain times and discuss it with the Ethics Commissioner. I didn't understand it, but there were times that he was involved in the management of the company even though it was in a supposed blind trust, right? How does that work?

**Mr. Hamilton:** The question is: is it blind?

**Ms Dafoe:** Certainly, the way I'm reading the act right now is if there's a minister or anybody with an interest in a private corporation and a decision is being made in the Assembly, he would have to make his . . .

**Mr. Hamilton:** He needs to declare it.

**Ms Dafoe:** Yeah. He would have to declare it and withdraw himself unless exempted by the Ethics Commissioner. I mean, it's not like they can participate.

**Ms Pastoor:** Well, following on your thinking, I'd really like to see question 12 in there, but I just don't know how to exactly word it, something about: if you have private trusts, how would they be handled? Or something along that line because I think a question should be asked.

**Ms Dafoe:** There is a question. Question 8, Ms South kindly pointed out to me, does talk about management of private corporations and should there be a provision to allow a trust to be established for management of private corporations. I could perhaps move that down under Blind Trusts if it more properly belongs there.

**Ms Pastoor:** Well, after our discussion now I think maybe it might be appropriate to move it to there.

**The Chair:** Any comments on that suggestion? Is everybody agreeable to that?

**Ms Pastoor:** Just a comment. Again, we're speaking only of members whereas before we had discussed relations: spouses or adult interdependents and minor children and all that sort of stuff. Should it go beyond a member, some of these trusts and set-ups? Should the question include that?

**The Chair:** That's the question that's more generally asked later on, I think.

**Ms Pastoor:** Okay. Well, that's fine. I didn't know if we needed to specifically put it in each or if it's overall understood that we're discussing members and a certain circle around them, those who fit in that circle.

**The Chair:** That's a good point. Perhaps one way to deal with that

would be to bring the question that is near the end there on expanding the scope of the act up to the front so that people would understand at the outset that when we talk about "member" in the questions, it might involve the expanded scope of the act.

**Ms Pastoor:** That's a good idea. Yeah.

**The Chair:** Maybe that's one way to deal with that.

**Ms Pastoor:** It would put the context, I think, clearer to begin with when they go to the other questions. Okay.

**Ms Dafoe:** Was there a recommendation for a change there? I'm sorry; I was in a discussion myself.

**The Chair:** Well, Ms Pastoor was concerned with the fact – and I think it's a legitimate point – that where we refer to "member" throughout in the questions here, it might sort of circumscribe this whole idea of expanding the act. If we were to put the idea of expanding the act up front and then put a little proviso or a clause in there that said, you know, that we're dealing with members presently and all the questions that we are asking here are dealing with members, but it's understood that if we should expand the act, perhaps we'd also be by reference talking about these other offices or whatever.

*11:40*

**Mr. Lukaszuk:** Are we not then going back to what we just started this meeting with? Have we not made a decision whether we are expanding this act to other offices or not? Is this within the mandate of the committee?

**The Chair:** No. As I understood, the discussion at the outset was dealing with whether we should deal with the Alberta government as opposed to municipal governments as a separate level of government. I think the consensus of the committee, as I understood it and the way that the draft orientation guide is now set up, is that we have decided to leave it with Alberta government and leave the rest of it to another day or another committee.

**Mr. Lukaszuk:** Okay. Thank you.

**Dr. B. Miller:** I thought of that question before when you made reference – just after Scope and Interpretation of the Act it is referred to page 16. Maybe that's where the clarification comment should be made: that we're coming back to the topic, but in the meantime in dealing with all these other questions, one should keep in mind the scope, that it's not just members, it's members and their families.

**The Chair:** Are you suggesting that we would put that reference in again in various places so that people would be alerted to the fact that page 16 is coming up?

**Dr. B. Miller:** I don't know. Maybe just a clarifying comment after that comment.

**The Chair:** Ms Dafoe.

**Ms Dafoe:** Yeah. There's a reference right now on the top of page 6 that says: "There have been suggestions that the Act should be expanded to apply to persons other than Members. This issue is discussed further under the section entitled Additional Questions," and then it refers to page 16.

In addition to that, one of the questions on page 18 is “Are there any other public figures that ought to be subject to conflict of interest provisions?” That’s a very general question about who else should be caught and by what kind of provisions. So there are a couple of catch-alls there, but I could put a comment in, as Dr. Miller suggested, at the top of page 6 that says: In the meantime, when reviewing these questions, you may want to consider whether they should be expanded to apply to other individuals or persons.

**The Chair:** Dr. Miller, do you want to make a suggestion there?

**Dr. B. Miller:** No. That’s fine.

**The Chair:** Any other comments? Mr. Reynolds.

**Mr. Reynolds:** I just have one brief comment. There’s a level of questions or concerns that have appeared to people who have some daily contact with this act, apart from members, of course. Maybe these have occurred to members. Some of them are perhaps not important enough to be elevated to a public discussion document because they’re so technical that the public would not necessarily warm up to these.

One of these issues is one I believe the commissioner has raised before: who pays for the establishment of a blind trust when a member or a minister has to establish one? I believe that was in one of your documents. Perhaps I’m wrong. It is an issue in the sense that right now, I think, it’s not clear who would necessarily pay for that. There are other issues that are of a more technical degree that I’ll get into perhaps at the conclusion of our discussion just to make sure that you’re aware of them.

I just want to raise that. I don’t know whether it’s something that’s, as I said, necessary for the public discussion document.

**The Chair:** Is that a question that we should be asking, then? Mr. Rogers.

**Mr. Rogers:** Well, just to respond to that, Mr. Chairman. I think it is a valid question, now, whether or not that’s out in the general public consultation. Again, there’s a certain amount of sacrifice by members who serve this province, and I think that’s a very valid point. I’m not necessarily suggesting that we’re going to have the answer at this table, but it’s a very valid point. I have no idea what it costs to run a trust or to set up a trust like that, but I would imagine that there’s a cost, and the valid question is: should that be at the cost of the member? Are you going to pay to serve here? If you are, a lot of people would consider: is it enough that I’m already making a sacrifice to be here by typically, you know, the suggestion that many of us would be worth X more in the private sector than what we get by way of a salary here that you would turn around and then have to pay – I don’t know – for argument’s sake, \$20,000 for somebody to manage your affairs or probably a lot more? I think that’s a very valid question.

**Ms South:** The act does allow members to seek reimbursement for costs associated with completion of the disclosure statements or the establishment and administration of their blind trusts. That section was put in after the Tupper report. To date nobody has sought reimbursement of costs. At the time that it was put into the act, we did have a meeting with various people, and a procedure was described on how it would be handled. It’s probably not identified in any Leg. Assembly documents for members, but there was a process set up.

**The Chair:** Any other comments?

**Ms DeLong:** Just regarding blind trusts, my understanding is that people don’t even use blind trusts unless they’re part of Executive Council. I’m not sure whether it also applies to the Leader of the Opposition, but generally members don’t set up blind trusts. I just wondered whether we should sort of make that clear in here that it’s a requirement of being part of Executive Council.

**Ms South:** It is required if ministers wish to retain publicly traded securities, that they would set up a blind trust. We have had at least one private member do so.

**Ms DeLong:** But it’s not a requirement.

**Ms South:** It’s not a requirement.

**Ms DeLong:** You know, it’s sort of implied here, the way it’s in here, that it’s just sort of everybody who’s an MLA has to have a blind trust. I just wondered whether we should make that a little more clear here.

**Mr. Martin:** Or you could ask a question about who should be covered under a blind trust to clarify it.

**The Chair:** Ms Dafoe, any comments on Ms DeLong’s suggestion?

**Ms Dafoe:** We could either ask the question or we could make it more clear in the body, whichever you’d prefer. Ask the question, “Should this be required of members as well?” or we could simply expand a bit in the body preceding, whichever is the preference of the committee.

**Ms DeLong:** I just thought it should be a little – because all of a sudden we just sort of jump into blind trusts as a topic. You know, if somebody was reading this, I believe they would just assume that they’re a requirement.

**The Chair:** Just for clarification are you suggesting that we ask the question of whether or not these should be compulsory?

**Ms DeLong:** I’d just like to see something that blind trusts are compulsory for Executive Council members, and I don’t know if there’s anybody else. It’s just Executive Council?

**Ms Dafoe:** And the Leader of the Opposition, I believe.

**Mr. Oberle:** You just clarified that in the opening paragraph of that section on blind trusts, so I think the question is then appropriate.

**Ms DeLong:** Right. Yes. The question, I think, is wide enough the way it is now.

**The Chair:** Very good.

Then, Ms Dafoe, you’ll incorporate those comments into the draft?

**Ms Dafoe:** Absolutely.

11:50

**Mr. Rogers:** Mr. Chairman, if I may. Should we add on to that that if they’re required, some discussion about who should bear the cost? Ms South has said that we have enough coverage in the legislation already that offers the option for people seeking reimbursement.

**Ms South:** People can seek reimbursement, and there is a procedure. Perhaps we can give you that information.

**The Chair:** Any other comment? Mr. Martin, did you have anything further?

Can we move on, then, to the next section, which is sanctions? We'll see whether we can get through that before lunch. There are lots of questions posed here.

Ms Pastoor.

**Ms Pastoor:** Thanks, Mr. Chair. I see that the Ethics Commissioner can recommend, but never do I ever find out what happens after the recommendation. Like, it just kind of sits there. To me there isn't a clear sanction following the recommendation.

**An Hon. Member:** Enforcement.

**Ms Pastoor:** Yeah. Enforcement. You can recommend until the cows come home if there's no enforcement, if there's nothing to follow up on it. I don't really see that here. I've lost you.

**The Chair:** You're referring to the Ethics Commissioner's powers to impose the sanction, you mean?

**Ms Pastoor:** Yeah. Under Sanctions it says, "The Ethics Commissioner can recommend any one of the following sanctions." But it's just a recommendation. I don't see the enforcement. I don't see the mechanism for the enforcement.

**The Chair:** Well, I think I can answer that, and perhaps Mr. Reynolds can supplement my comments. My understanding of the reason that it is structured like that has to do with parliamentary privilege and the fact that the Legislative Assembly has to deal with the privileges of its own members. While the Ethics Commissioner can deal with it, it really is in the end analysis up to us as Members of the Legislative Assembly to enforce those provisions. I think that's the answer.

**Ms Pastoor:** I understand that. I just don't understand how they're enforced through the Legislative Assembly.

**Mr. Reynolds:** Well, under section 28 of the act it talks about tabling of the report. Certainly, this is another aspect that you may want to consider, or it may be another something that's perhaps beneath the radar with respect to public attention. But 28(3) says, "The Legislative Assembly shall deal with," which is odd wording, "a report of the Ethics Commissioner within 60 days after the tabling of the report, or any other period that is determined by a resolution of the Legislative Assembly."

Then if you go down to section 29, it talks about what the Assembly can do, which is to

- (a) impose the sanction recommended by the Ethics Commissioner or . . .
- (b) impose no sanction.

So the chair is quite right. It is a decision of the Assembly with respect to the sanctions that are to be levied against a member.

I mean, obviously the committee can look at whether the range of sanctions is adequate or whether they meet the demands of what could be there, but essentially it's up to the Assembly to levy those sanctions. For instance, let's say you went, theoretically – and this has never happened. I mean, if the Ethics Commissioner recommended that a member leave his or her seat, or whatever, be vacated, and let's say the member didn't want to do that, it's within the

Assembly's powers to expel a member. I mean, that's not something the Ethics Commissioner can do, but it's something the Assembly can do.

**Ms Dafoe:** There is further discussion about the Ethics Commissioner and what happens to the report from the Ethics Commissioner on page 15 and, more importantly, the top of 16. I'm wondering now as a result of your question, though, Ms Pastoor, if maybe I should move this section on sanctions somewhere closer to that part so it's all together.

**Ms Pastoor:** Yeah. I think that would be a good idea because they follow a little closer. It would make more sense to someone that was coming in from the cold, so to speak, to follow the thinking on it.

**The Chair:** Is there a general agreement, then, with that suggestion?

**Ms DeLong:** In terms of process, are we going to look at these questions now or look at them later?

**The Chair:** Well, I think that's on the floor right now, the issue of the questions. Yes, very much so.

**Ms DeLong:** So in terms of our process right now, are we looking at questions 12, 13, 14, and 15 at this time?

**The Chair:** Yes.

**Ms DeLong:** Okay.

**The Chair:** Do you have some comments on the questions?

**Ms DeLong:** No. I just wanted to know whether we were skipping ahead.

**Mr. Martin:** It's probably in here, but are there guidelines for the Ethics Commissioner? When you're in court, for example, there are degrees of seriousness and the rest of it. I'm just wondering. Is there that sort of thing, or is it just a how I feel that day sort of thing: have I pissed off the Ethics Commissioner?

**The Chair:** It's a finely tuned gradation of sanctions.

**Mr. Martin:** Yeah. Are there any particular guidelines, or is it just that individually the Ethics Commissioner sits down and decides how serious it is without sort of guidelines?

**Mr. Hamilton:** Well, I haven't had any, so I don't know.

**Ms South:** There aren't any guidelines, but a lot of it is based on the evidence that's presented to the commissioner. In a lot of our decisions where there has been a breach, the commissioner concluded that the breach was inadvertent or committed in good faith and so recommended no sanction. There was only one instance where a sanction would have been recommended but became moot.

Additionally, the commissioner has made recommendations beyond a sanction, and that is, for example, that a certain procedure be put in place; for example, the coverage for members for lawsuits, the risk management fund. The Legislative Assembly itself did incorporate wording in some of their documents to cover that information that previously was not as accessible to members.

**The Chair:** Any other comments on the scope of the questions that are being asked or otherwise?

**Dr. B. Miller:** Well, I'd just concur with putting this whole section after, on page 16, at the very end, before the additional questions. I think that's where it belongs. I mean, dealing with sanctions makes you think about the investigation process, so we need some sort of outlining of that. The question I have about that is that the Ethics Commissioner can recommend any of these sanctions through the Speaker of the House. What's the role of the Speaker in that respect?

**Mr. Hamilton:** The officers of the Leg. report to the Speaker, not to the government.

**Dr. B. Miller:** So if the Speaker disagrees with your recommendation, he can't change it?

**Mr. Hamilton:** He has to take it to the members.

**The Chair:** It's the Legislative Assembly collectively that has the power.

**Dr. B. Miller:** So your report would be tabled in the Legislature apart from the Speaker or through the Speaker, or how does that work?

**The Chair:** Mr. Reynolds.

**Mr. Reynolds:** Well, yeah. Same answer. Under 28(1) the Speaker just tables the report. The Speaker would have no interest in getting involved. Once the report is made, I think you would find that what has happened is that, particularly with this Speaker, any such report goes out to members almost immediately anyway. If the Assembly is sitting, it will be tabled then. He'll lay it before the Assembly.

The only other role that it gets into with respect to the Speaker is that there's a provision in the act that you shouldn't inquire as to matters that have been referred to the Ethics Commissioner, and that's a bit of a song and dance because the Speaker doesn't necessarily know. So sometimes, obviously, he attempts to find out if there is a complaint, you know, or see if he is notified as to one, and that relates to whether he can raise questions in the House. But that's the only other time, really, that the Speaker would get involved in anything.

**12:00**

**Ms Pastoor:** I just want to get this clear in my head because that was sort of my question too. So with any report that is written for any reason at all that should be tabled in the House, if that person is not an elected Member of the Legislative Assembly, they therefore have to table their reports through the Speaker because they don't have the right to table in the House. Is that correct?

**Mr. Reynolds:** Are you referring to the Ethics Commissioner?

**Ms Pastoor:** Well, let's use that as an example, but I was just thinking anyone that had made a report. The Ethics Commissioner cannot physically table a report in the House because he's not a member of the House. Therefore, it goes through the Speaker. That's the only way you get it in?

**Mr. Reynolds:** Yes, yes. Occasionally there are, but I think that with the officers of the Legislature – the Ethics Commissioner, the Ombudsman, the Information and Privacy Commissioner, the Chief Electoral Officer, and the Auditor General – you'll find that there is specific legislation that refers to who it is that has to table when they

have a report. I mean, sometimes it's the Speaker. In this case, it's the Speaker. Sometimes it's the chair of the Standing Committee on Legislative Offices that tables various reports. But, generally speaking, I think it's laid out in the respective statutes as to who tables what. If that's of any assistance.

With respect to the people beyond the officers, I can't say. I mean, with respect to the government, you know, often it says that the minister must table or the chair of a committee must table. The Speaker's responsibility extends with respect to the five officers generally, the Legislative Assembly officers.

**Ms Pastoor:** Right. No, that's fine. I understand that. I just, obviously, hadn't read that in my Standing Orders or whichever book I was supposed to have read, so thank you.

**The Chair:** Other questions or comments?

Are members of the committee content, then, with the questions that we've posed here, with those further suggestions and moving the other section up? Mr. Rogers.

**Mr. Rogers:** Yes. As you were saying, we move the other section so it flows together.

**The Chair:** So if there are no other comments on that section, I think we'll take a break for lunch now and come back, and then we'll start on disclosure and reporting requirements, page 11.

[The committee adjourned from 12:03 p.m. to 12:36 p.m.]

**The Chair:** Welcome back. We'll resume on page 11, the section entitled Disclosure and Reporting Requirements (Part 3). This first page, I think, is mainly just summary information, Ms Dafoe. Correct?

**Ms Dafoe:** Yes, that's right. In a previous iteration of this I had interspersed questions under each of the titles but then decided it would be more sensible to put them all together at the end. Yes, this is general information on page 11.

**The Chair:** There are five questions posed on page 12 relating to the public disclosure. Are those the correct questions to be asking? Any questions or comments?

**Ms Dafoe:** I see that in question 20 I probably need to fiddle with the wording a little bit. It refers to "the above items," and the above items are quite a long ways away. I'll improve that.

**The Chair:** In question 18 I don't know about the siblings or cousins there, whether that's something that we want to ask or not. Does anybody have any comments on it? [interjection] First cousins? That would be about 600 for me.

**Ms DeLong:** In terms of siblings or cousins, actually, I would say that what would come before siblings or cousins would be adult children.

**The Chair:** Do you want to leave siblings or cousins in there?

**Ms Pastoor:** Leave siblings.

**Mr. Rogers:** Siblings; I don't think cousins. Siblings and adult children.

**The Chair:** Well, this is not an issue of impartiality or anything, Ms Pastoor. It's really dealing with public disclosure. I know that I couldn't compel my brother to disclose his assets. They're not only far greater than mine, but they're far more private.

**Ms Pastoor:** If they were tied up with yours, they should be.

**The Chair:** Well, then, they would show up on mine.

**Ms Pastoor:** I think what they were trying to get at was if they were tied up somehow.

**The Chair:** Yeah. I don't know whether it's appropriate to even ask the question.

**Mr. Rogers:** If you have joint interests, then that's disclosed.

**Ms Dafoe:** So I'll change that to be a reference to adult children and remove the other two?

**An Hon. Member:** Even then, is that fair?

**The Chair:** Well, I'm just questioning whether or not it's appropriate to even ask the question. Siblings and cousins, I think, are really beyond the scope of what we, you know, have the power or the capacity to deal with. As I said, I mean, I don't have any control over my brother's assets or any control over whether or not he could disclose them. I suppose the legislation could force him to disclose them if his brother is elected to the Legislative Assembly, but I see it as being pretty awkward.

**Mr. Martin:** Why don't you just take "the Member's extended family," cut out "siblings or cousins," and keep the "Where should the line be drawn?"

**The Chair:** Okay. Anyone else amenable to that suggestion?

**Mr. Lukaszuk:** Mr. Chairman, if you throw that question out there, I hate to venture, but I think what the answer will be – you know, chances are that people will want to cast the net as wide as possible. I think it should only be limited to the realm of interdependence. So if you are in an interdependent relationship, be it a minor child or a spouse or partner, it is reasonable to request disclosures. But, you know, the Assembly has no authority, unless it obtains a court order, to obtain disclosures from my brother, my parents, or my children if they're adult. It would be inappropriate.

Bear in mind at the same time that if you're trying to get anyone running for elected office, this is a good way of eliminating another half.

**Dr. B. Miller:** Well, I think that what we're interested in is getting public input regardless of what we might find. I mean, obviously public expectations have changed through the years, so I would like to know what kind of net they are throwing out there and how far they want to extend it. We're not going to measure or say, okay, so many people want it to go this far, and so many people that far. We're going to make up our own minds. But it would be nice to get input. So I like the question, "Where should the line be drawn?"

**The Chair:** Mr. Groeneveld.

**Mr. Groeneveld:** Well, thank you, Mr. Chairman. Adult children don't fit the category for me either. For gosh sakes, my children are

in business for themselves and running in this world, and I don't think there's any way the net should be cast in their direction.

**Mr. Martin:** Again, we're answering the questions. All we're doing is doing the questions here. We don't need to answer them and go that way.

**The Chair:** Ms DeLong and then Mr. Oberle.

**Ms DeLong:** Okay. I can see how we might want to ask that question, but I think that if we do ask the question, we do have to point out that an individual has no way of even knowing whether they're getting the right answer from their children or their sister or their brother. I mean, they're not in the same household. I just don't see how a person can be responsible.

**Ms Dafoe:** So they could ask the question but not be . . .

**Ms DeLong:** If you do ask the question, I think that we have to point out the whole sort of legal situation and physical situation, that the member can't actually be responsible for the answers.

**The Chair:** Just before Mr. Oberle I want to make a distinction here that we're not talking about whether or not there might be ethical difficulties in dealing with an adult child or a cousin or a sibling. We're talking about disclosure here, disclosure of the assets of that individual. I think there's a distinction there. We don't want to get confused. There may be ethical problems with dealing with family members, but in terms of the disclosure issue whether or not we should be asking this question, I think, is what we need to discuss.

**Mr. Oberle:** I would suggest that we should only ask the question if based on the feedback we receive, we'd be willing to go there and actually change it, and I wouldn't be. If we have joint interests with an adult child or a brother or a sister, then we have to disclose those in our statements. Beyond that, to get another adult to disclose their assets I don't think is appropriate.

**Mr. Lukaszuk:** I would concur. You know, I appreciate that some members may want to ask the question just to find out how far the public would like us to disclose, but the fact of the matter is that one ought not to ask questions unless he is able to deal with all possible answers. In this case, we're not able to deal with all possible answers. If the public requests that we do compel now our extended family or perhaps even next-door neighbours, who could be your dearest friends for the last 25 years, are we prepared to deal with it? If we right off the bat know that we're not because it's not legally and practically sound, then why ask the question in the first place?

12:45

**The Chair:** Mr. Rogers.

**Mr. Rogers:** Thank you, Mr. Chairman. I'm thinking that if we stop the question at "Should disclosure requirements be expanded beyond a member's immediate family?" it allows you to get some input. We may not like the input, but it allows you to get some more input. Also, if some of that input basically goes beyond where the laws provide, then obviously you can't deal with that.

**Mr. Oberle:** It's already restricted. It does not extend to the member's immediate family now in that adult children or parents or brothers and sisters are not included already. Just saying "beyond the immediate family" is misleading. It doesn't go that far now and can't go that far.



**Ms Pastoor:** I think that partly what this is trying to get at is what you referred to a long time ago about nepotism and cronyism. I'm not sure that disclosure requirements are perhaps the right words because I don't think people care how much; I think they care: how did they get it?

**The Chair:** Say that again.

**Ms Pastoor:** I don't think that people necessarily care how much your brother is worth. Did your brother get it as a result of being your brother? That is part of the question of nepotism, cronyism. I think that's what this partly is getting at. I don't think anybody cares how much; it's how they got it.

**Mr. Oberle:** Well, it's just back to the chair's point that we're dealing with disclosure here, not conduct. I don't think it's right to repress disclosure. How a member conducts himself in relation to his adult children or his brother is a different issue.

**Mr. Lukaszuk:** Mr. Chairman, in order for anybody to profit out of a member being a member in a material manner, there must be two partners to action. One of them must always be the member because party B cannot be of any benefit if party A, being the member, is not acting in a manner that's unbecoming of a member. Party A always discloses, because he has to disclose, being a member, so any allegations or allusions that party B may have to disclose because the member may be involved just simply doesn't stand to reason if the member is disclosing his business interests with anybody else. So it's not how much or how. The member discloses all that.

**Mr. Rogers:** I don't want to beat this to death, Mr. Chairman, but I think we may solve this one, if we think that this question is worth asking, by just putting in a short in-brackets definition. When we say, "Beyond the member's immediate family (i.e., member, spouse, and dependent children)," we make it very clear. That's all that we can ask as of this point.

**Ms DeLong:** I'd like to get a comment from the Ethics Commissioner on this one.

**Mr. Hamilton:** The disclosures have no numbers on them, and you're talking about wanting to have a brother and cousins. That doesn't seem to be very smart to me. Sometimes, three or four times, new members that got elected and brought their wives with them were really ticked off because they had to change their banking, and they didn't like that very much. So I don't understand why you would go beyond the family. I don't see that.

**Mr. Oberle:** If you don't want to go beyond the family, then you shouldn't ask the question. If you're not prepared to deal with that input, then don't ask the question.

**Mr. Martin:** Well, yeah. I think it's probably not a very relevant question. I'm wondering if we can think of a reason why we'd want to go beyond the family. I mean, I can't think of it off the top of my head. As you point out, we're just talking about disclosure now, not nepotism, so the question probably is somewhat irrelevant. I'm trying to think of the answer to the question, and I can't.

**The Chair:** Well, is there any need to have the question there at all then? Is the consensus of the committee, then, that we would delete that?

**Ms Pastoor:** I'd like to leave it back to what George had suggested: just put the period at the end of "family."

**Mr. Martin:** That's already there.

**Ms Pastoor:** No, no. Then drop the rest.

**The Chair:** Well, again, what is an extended family if it's not something other than what you've already defined as spouse?

**Ms Pastoor:** Okay. Then put it as it is through the rest of it. Put it as the rest of it says. What does it say? Spouses and interdependent partner and minor children.

**The Chair:** Okay. We've got another suggestion, so I think we need a way to resolve this.

**Mr. Martin:** I think that's already part of the disclosure, isn't it? That's, in fact, the reality now. By asking the question, then they'll say: well, maybe this person. I mean, if we don't think the question is relevant, if we ask what is already there, then we're looking to expand it regardless, right?

**Mr. Lukaszuk:** Mr. Chair, I'd like to put a motion forward that question 18 be struck from page 12.

**The Chair:** Discussion?

**Ms DeLong:** I second it.

**The Chair:** We don't need to second it.

**Ms DeLong:** Oh, we don't have to second it? Okay. I think we've said it.

**The Chair:** Okay. Then we have a motion. Any further discussion on the motion? All in favour of deleting question 18, then, please signify by raising your hands. Anyone opposed? The motion is carried.

Now, any other suggestions for deletions, additions, or whatever? Are there any other questions that we should be asking here that we're not asking as far as feedback? Again, bear in mind that what we're trying to do is to encourage comments on the scope of the existing act and any possible amendments.

Mr. Hamilton, do you have anything further?

**Mr. Hamilton:** On this one?

**The Chair:** Well, on this series of questions relating to public disclosure.

**Mr. Hamilton:** No.

**The Chair:** Anyone else?

Can we move on, then, to the special rules for Executive Council and the Leader of the Official Opposition?

**Mr. Lukaszuk:** Mr. Chairman, when it references the Leader of the Opposition, does it refer only to Her Majesty's Loyal Opposition or to all the opposition parties?

**The Chair:** Just to the Leader of the Official Opposition, I believe, Mr. Lukaszuk.

**Mr. Lukaszuk:** Thank you.

**The Chair:** Is the committee content, then, with the questions that have been asked here?

**Ms DeLong:** It's just that I notice this number 22. The discussion beforehand is about Executive Council and the Leader of the Opposition, yet 22 is sort of something else. Question 22 is about members. Have we got that in the wrong place?

**Ms Daffoe:** It should be a reference to members of Executive Council. I think it's just a mistake on my part.

**Ms DeLong:** Oh, okay.

12:55

**The Chair:** I wonder if the public at large would better recognize that if we said: cabinet. Would that make more sense than Executive Council? They may not be familiar with the term.

**Ms Daffoe:** Sure. Yeah, you're right. I can make that change throughout the document.

**The Chair:** I think it's just a more commonly known term. Is everybody agreeable to that?

Mr. Oberle, you've got another question?

**Mr. Oberle:** A question: are agricultural pursuits specifically exempted under the act, or are they conducted by way of permission of the Ethics Commissioner?

**Mr. Hamilton:** Say the question again.

**Mr. Oberle:** It says that "neither a Minister nor the Leader of the Opposition can engage in employment or carry on a business," with an exception for social clubs, religious organizations. What about conducting an agricultural business? Is that exempted or done so with the permission of the Ethics Commissioner?

**Mr. Hamilton:** They do it.

**Mr. Oberle:** It's not specifically exempted in the act?

**Mr. Hamilton:** No.

**The Chair:** Do you want to ask the question: should farmers and ranchers be included?

**Mr. Oberle:** No. I guess I don't.

**Mr. Groeneveld:** Is the question being asked because we never make any money, so we belong in there with the other social clubs and organizations?

**Ms Pastoor:** It still brings up the question of a double standard.

**Mr. Groeneveld:** I know. Well, yes. Frank, maybe you should explain. You've lost me just a little bit on that.

**Mr. Oberle:** Well, a minister can own a farm but can't hold other employment and conduct other business. For a member it doesn't matter; as a member you can continue in private business, right?

**The Chair:** Well, he can with the indulgence of the commissioner, in any event. He can carry on another business, Frank, if it's okay with the commissioner and if there's no perception of conflict involved in the carrying on of that business. Am I correct?

**Mr. Hamilton:** Unless it's a company doing business with the government.

**Mr. Lukaszuk:** So the question to the commissioner: do those in Executive Council who do farm, own farms, and manage farms ask the commissioner for permission as well?

**Mr. Hamilton:** No.

**Mr. Lukaszuk:** That's just assumed.

**Mr. Hamilton:** It's been there forever. If you go way back, most of the MLAs were farmers.

**Ms Pastoor:** So it's never been looked at?

**Mr. Hamilton:** I don't know. I haven't been here forever. As I told you this morning, it's a double standard, but I don't think you want to try to change it at this time.

**The Chair:** Say again?

**Mr. Hamilton:** I don't think you should try to change that at this time.

**Mr. Rogers:** Mr. Chairman, question 22 kind of makes me a little queasy, to be honest. It almost smacks of Big Brother. Again, I don't know about some of the discussion: let's ask these questions and hear what people think. Boy, I'm not so sure I want to hear what people think on that one. Religious organizations, social clubs, anything that's not of a corporate nature: I'd be very cautious about a question like that.

**Mr. Groeneveld:** I concur. This is a whole different category. I don't see how it fits with what we're trying to get at at all. What's the reasoning here?

**Mr. Rogers:** Or, at least, let's discuss the reason for this.

**The Chair:** Ms Pastoor, you have a comment on this?

**Ms Pastoor:** No. I just say that we shouldn't be afraid of what the public says.

**Mr. Martin:** Well, I expect that the reason they put it in – whether it's valid or not is another thing. We're all members of political parties. That one doesn't make much sense. I suppose they figure that if a social club or religious organization got some money, for some reason there was undue influence. That's the only reason I can think of: because you were a director of that particular organization. I think that's what probably is being driven at.

**Mr. Rogers:** As a response, Mr. Chairman, again, I expect a certain amount of integrity from people that put themselves to serve at this level, that if you are involved in a particular organization and, you know, something comes for a vote, you would abstain. You would say, "Look, I'm a director of the Boys and Girls Club of wherever, and I don't think it's appropriate that I would vote on this grant of

\$250,000.” But this broad question as far as what my religious beliefs might be or if I’m the president of the Jamaica Association of Northern Alberta, what that has to do with my role in government, I just don’t like the tone of that question.

**Mr. Lukaszuk:** Now that Mr. Rogers brings it up, I tend to concur with his sentiments, particularly as it relates to religious affiliations. If I choose to disclose publicly in my campaign literature that I’m a member of one church or one religion or another, then that’s fine. That’s my choice. But should I have to disclose to the Ethics Commissioner what religious organizations I belong to? How relevant, again, how material is it? Is it material information that would affect my ability to perform my duties as a member of the Legislature? The answer probably would be no. The only time, I guess, that it would become material is if that organization were to apply for some government considerations and I sat on the board. But then at the same time, I’m not materially benefiting from it either. It’s a third party that benefits.

**The Chair:** Well, you would assume that you would be caught by the disclosure requirements there. If you were a member of the Lions Club and the Lions Club was applying for a government grant, I presume that you would have to exclude yourself or excuse yourself from the deliberations at that point and declare it to the commissioner in accordance with the usual practice.

Maybe Mr. Hamilton would like to comment on things like service organizations and so on.

**Mr. Hamilton:** Well, if somebody gets elected or appointed to some job in the government and then they belong to a fundraiser of some kind, you know, if you take that out, you have some names of organizations, and you’ve got something at least to ask: does this fit? And we have had in the last two years people who got appointed to something and they were a big fundraiser for the Salvation Army or whatever. It’s not a really big deal, I don’t think, but there should be something in there.

**Mr. Martin:** Can we make it broader – I think that it’s probably the specifics that we’re talking about – like saying: are there any other restrictions that should be imposed on cabinet? If there are some legitimate things we could look at rather than being specific here, you know, or whoever we decide is in this category eventually, but just keep it very broad. Then if there’s something that does pop up, we can look at it.

**The Chair:** Mr. Rogers.

**Mr. Rogers:** Thank you, Mr. Chairman. Again, just to be clear, I would prefer if this question was not asked at all. But if the majority of the committee felt that there was a need to ask something along this vein, I think it might be something like, following Ray’s point, “Are there other organization memberships that may require disclosure” or something to that effect, “that could materially affect the member’s ability to carry out his duties?” And then you would leave that open to some things that may come forward.

*1:05*

I’ll give you another example. There are organizations in this country that are categorized by different people, different organizations, even different countries, for example, as terrorist organizations, but in the mind of the people that belong to those organizations, they’re very legitimate social organizations that have a purpose, that are charitable, and a number of other adjectives like

that. If a member were forced to disclose that he was a member of one of those bodies, then that could taint the public’s opinion of that individual maybe in a fashion that’s quite unfair. So I really caution how we go down this road if we go down this road at all.

**Ms Dafoe:** I just wanted to make a point to make sure that we’re all on the same page here because I’m thinking that there might be a misperception. The act says right now that a minister is in breach of the act if he or she holds an office or directorship. That’s the general rule. Then the exception is that that rule does not apply if it’s a social club, religious organization, or political party. So if the minister holds an office or directorship of any of those three organizations, that’s not a breach of the act. Now, I’m not sure that that was clear.

**The Chair:** Dr. Miller.

**Dr. B. Miller:** Yeah. So the question should be: are there any other organizations that should be included as exemptions?

**Mr. Martin:** I’d say that we make it even broader than that. Why does it have to be an organization? Maybe there’s something that we’re missing, and it doesn’t even have to be specific to organizations. I don’t know.

**Ms Dafoe:** So the suggestion of general wording about any other restrictions may be the best way to go.

**The Chair:** Again, we’re back to the issue: is this a question that you want to ask?

**Mr. Oberle:** I think we’re accepting of those exemptions. The question should be then: are there other exemptions?

**Mr. Martin:** Keep it, I think, very broad. I’m not sure you even have to go to the organizations, you know, because when we look at it, even though it’s there, people are going to look at that and the mind sort of goes in that direction. So I really stress that we just keep it very broad. Is there something we’re missing here? That’s all we’re asking.

**The Chair:** Just delete the existing question, you’re suggesting, and put in a more general, open-ended question?

**Mr. Oberle:** That would be my suggestion.

**The Chair:** Do you want to make a specific suggestion?

**Dr. B. Miller:** No, I don’t. I just wanted to make the observation that it’s kind of odd that the act does include those specific references, “social clubs, religious organizations or political parties,” without making it more broad in general at that point to be able to include other possibilities. That’s kind of strange. I’d have to go back and see why that occurred in the first place.

**Mr. Martin:** I hear it was the United Church they were after.

**Dr. B. Miller:** Well, I wanted to know whether I could be MLA and be moderator of the United Church of Canada.

**The Chair:** Does someone want to make a specific suggestion there?

Ms Dafoe, are you comfortable with that, or would you like some more specificity in the suggestion the committee has made there?

**Ms Dafoe:** I believe I understand what the committee is saying. Actually, it was my intention; that's what I was trying to get at with this wording. Obviously, I need some help with the wording. I was trying to see if there are other groups that it should be all right for a minister to be a director or hold an office of. I was trying to see if that list should be expanded, but clearly it's evident that that did not come across. So I need help with the wording. Perhaps if I tried something like: "A minister may hold an office or directorship in a social club, religious organization, or political party. Is there anything else that should be added to this list?"

**The Chair:** Yeah. I think that's good.

**Ms Dafoe:** Okay.

**The Chair:** Any disagreement with that suggestion?

**Mr. Martin:** Well, again, I worry about putting those words out because it puts in mind: oh, what other things are there?

**Mr. Oberle:** Well, I would suggest that if we get feedback that there are significant other exemptions out there, then we would probably reword that entire clause, delete those three and find some other wording for it. But for now, just to clarify what the minister can belong to and see if that needs to be expanded.

**The Chair:** Is the committee agreed, then, with that suggestion? Can we then move on? Before we leave that, are there any other questions that need to be asked?

**Ms DeLong:** I just thought that perhaps we should discuss this; that is, should we add a specific clause saying that farms are excluded from businesses? I mean, should we actually say it? Essentially, a farm is a business. There is no farmer who would say that it isn't.

**The Chair:** I think Mr. Hamilton is admonishing us not to proceed in that direction.

**Ms DeLong:** What I'm saying is: should the question be worded in the opposite? Okay? Should we be adding the exclusion of farms from the definition of a business?

**An Hon. Member:** Because they don't make any money?

**Ms DeLong:** For whatever reason. I mean, should we be entrenching it in the act that a farm is not a business?

**Mr. Hamilton:** No.

**Mr. Groeneveld:** I concur with the Ethics Commissioner. I wouldn't raise the issue at this time specifically. I think we open the can of worms, and then it's sitting there, type of thing. I understand what you're getting at, Alana. I suggest that Alana is trying to be proactive instead of reactive to this, and I understand that. It's not necessarily because I'm a farmer that I'm making this point.

Just going back to the whole issue, seeing as I have the mike, I wouldn't even name the three in the last question. I know we're beyond that, but why would you specify on three issues?

**The Chair:** I think the reason that Ms Dafoe was suggesting we put it in there is because that is the status quo, and we want to put them forward by way of an example of what's there and say: do you want to go further?

Ms DeLong, did you have another question?

**Ms DeLong:** No. It's just that I'm thinking that the farm does definitely come under 21(1)(b). If it is the practice, perhaps it should be in the legislation.

**The Chair:** Any comments on that suggestion? Does the committee want to proceed on that?

**Mr. Oberle:** I don't know that we need to proceed in this document to ask a question about it, but we may want to enshrine that in the legislation as a recommendation for change. I don't know. I guess we could discuss that later. I don't know whether we should ask the question.

**Ms Pastoor:** The question being that the farm is not a business?

**Ms DeLong:** No. The question is whether it should be in the legislation.

**Mr. Oberle:** Should farms be exempt?

**Ms DeLong:** Should they be specifically exempted from the legislation?

**Ms Pastoor:** Yeah. They're businessmen. Farmers are businessmen.

**The Chair:** Do we want to ask the question? That's the issue.

**Mr. Hamilton:** We're going to try to get some changes. We'd like to do a whole lot of things, but maybe we won't get that far. If you get something like that, they'll pitch it out, I think.

There are some really important issues, two or three, that are going to make the government better, I think – that's the way I approach it – maybe two or three big things that we can change in the act.

**The Chair:** Other comments?

**Mr. Reynolds:** This is a very, very minor point after the larger discussion we've had. I was just wondering as a matter of clarity on page 12 – it says, "If a Minister or the Leader of the Opposition" – if we could say Leader of the Official Opposition because I believe that's who this section covers. There was some concern raised that it could be any opposition leader as opposed to just the Official Opposition.

**Ms Pastoor:** Is that not question 21? Should it not apply to all leaders?

1:15

**Mr. Reynolds:** Yes.

**Ms Pastoor:** And it doesn't right now.

**Mr. Reynolds:** Yes, yes, yes. I just meant in the commentary that goes along under Special Rules for Executive Council and the

Leader of Her Majesty's Loyal Opposition. Just put in "Official Opposition" when you refer to it.

**The Chair:** The committee has agreed with that suggestion then? Ms Dafoe, you've made note of that?

**Ms Dafoe:** Yes.

**The Chair:** Any other comments before we move on, then, to Former Ministers? We're up to page 13; we have to get to about 20.

Page 13, Former Ministers. Again, the top part deals with the status quo. Ms Dafoe, do you want to make any comments on this? Perhaps, Mr. Hamilton, do you want to talk about that Information Bulletin 5, that's put in there, and whether you want anything done by this committee in reference to that?

**Mr. Hamilton:** No. Not now.

**Ms Dafoe:** The excerpt under Information Bulletin 5 is taken straight from the Ethics Commissioner's bulletin, which is available on their website. I believe it's fairly self-explanatory.

**The Chair:** Comments?

Okay. The questions then, 23 to 26. Any suggestions for modification, removal, addition? Mr. Rogers.

**Mr. Rogers:** Thank you, Mr. Chairman. I'm just wondering about number 25, where we look at, "Under what circumstances would an exemption be appropriate?" and whether we could talk about some of those opportunities. I look at the difference there between a private member, who would not have this restriction, and a minister. I'm just wondering where the fairness comes in, recognizing that a minister, obviously, has a lot of responsibilities and an ability to impact people, corporations, et cetera, and a private member wouldn't. I'm looking at a legitimate opportunity for this former minister that would have to be forgone and wondering just how much latitude might or ought to be given to the commissioner, if it's totally in the purview of the commissioner to provide some relief in this area. I just thought it would make for some good discussion.

**The Chair:** So are you suggesting that we shouldn't ask the question or that the question should be expanded? I mean, it really does deal with that right now.

**Mr. Rogers:** Yeah. So we're saying: under what circumstances? Yes, I guess this does that. It allows for that discussion. If there are others, obviously, that are not in this room that have some good reasons, that would be considered. Yeah, I think it's a very valid question.

**The Chair:** Any other questions, concerns regarding that set of questions?

**Mr. Oberle:** If you could find some other word than "cooling-off." It just sounds funny; I don't know why. A prohibition period or a restriction period or something like that, a waiting period. I don't know. Cooling-off just sounds funny.

**Ms Dafoe:** Yeah. Certainly, we could do that. It's a word that's used in this sphere quite often. The media are very familiar with it. It's used in other jurisdictions. But if you'd like me to use a different term, I can do so.

**The Chair:** Postemployment restrictions are really what it's talking about.

**Mr. Oberle:** Sure. That's exactly what it is.

**Mr. Martin:** Remember that this is not for us; it's for the public. What do they understand by postemployment? Cooling-off period I think they understand because it's been used.

**Mr. Hamilton:** I gather that through this process we're going to bring our own paper, too, to the committee, right? So in that, we will be proposing 12 months, not six. Just so you know that.

**The Chair:** Regarding the terminology, though, do you have any suggestions there? It's been suggested that it's not the best term. It may not convey the meaning that we wish to convey, which is that there are certain restrictions, postemployment restrictions. Is there a different phrase?

**Mr. Hamilton:** From cooling-off, you mean? Get lost; we're here? I don't know.

**Mr. Martin:** Well, again, I think people understand the term. In any discussion you have about this anywhere in Canada, usually they talk about a cooling-off period. I think that if you start to get too fancy with the words, you'll lose people. Again, I stress that it's not a document for us. It's a document that should go out to the public in terms that they understand.

**The Chair:** Are we content, then, with the way it is? Any other suggestions then?

Okay. We'll proceed then. This is Former Ministers, again, part 6, that it applies to presently. So no other comments?

We'll move on to the Office of the Ethics Commissioner section at the bottom of page 14. Okay. Pages 14 and 15 are mainly information, background materials, and up to the top of page 16, and I take it that the office of the commissioner has had some input into that and is happy with the explanations that have been given.

I guess we should move on, then, to the questions. Are these the questions that we want to ask?

**Ms Pastoor:** Could I get a clarification? To go back to page 15, the second paragraph under part 5: "cannot conduct an investigation without first getting a request." From whom? From anyone? Okay.

**Mr. Hamilton:** In writing and signed.

**Ms Pastoor:** Okay.

**The Chair:** Mr. Rogers.

**Mr. Rogers:** Thank you, Mr. Chairman. I'd just like to explore that aspect for a bit, and I'm thinking of the Ethics Commissioner in terms of an officer of the Legislature. So, conversely, could I as a private citizen make a request of the Auditor General as another officer of the Legislative Assembly to hold an investigation? That is currently the practice? I just want to make sure that we don't have rules for the Ethics Commissioner that are not consistent with other legislative officers. That's the only point I wanted to raise.

**Mr. Reynolds:** Of course, I don't happen to have the legislation in front of me, but why would that prevent me from giving an opinion?

I think it's just the nature of the acts, of course, that make it different. I mean, certainly with the Ombudsman it's not a complaint against another member, but the Ombudsman functions on complaints, so obviously members of the public.

Anyone can make a complaint to the Ethics Commissioner.

The Information and Privacy Commissioner, of course, operates based on complaints from anyone who's been denied access to information or has privacy issues with information.

With the Auditor General I'm actually not sure. I mean, certainly there are provisions in the Auditor General Act with respect to, I believe, the Assembly or a minister or a member of Executive Council requesting a special audit. Well, as was pointed out, a member of the public probably could request it, but I'm not sure that that would actually commence something.

The only thing I was going to mention – and I guess that probably this is a point that all members are aware of. I think, if I'm not mistaken, that under some conflicts of interest or ethics legislation only another member can make a complaint, whereas here the legislation is broader. I don't know how that would affect the question, but it's something that members may wish to consider.

1:25

**Mr. Rogers:** Just to follow up then, Mr. Chairman, I'm satisfied. Obviously, if each piece of legislation for each office spells it out and as long as those provisions are followed, then I think we're fine. Thank you.

**The Chair:** Any other suggestions for additions, amendments, deletions?

**Mr. Martin:** I just have a question. I probably should know this. With question 29 is there a limitation period now?

**Ms South:** No.

**Mr. Martin:** Okay. Well, I'm not saying that the question shouldn't be there, but when does the limitation period start? That would be a very hard thing to determine: when the offence happened or the request or whatever. Anyhow, that's something to be worked out through the question.

**Mr. Oberle:** I have a question with respect to 28. Is there a Legislature that functions in that way where the Legislature is bound by the Ethics Commissioner's finding and must impose the sanction?

**Ms South:** There are variations on what they can and cannot do. Ours allows the Assembly to substitute a different sanction; some of the other jurisdictions do not allow that.

**Mr. Oberle:** Yeah. This question, to me, falls under the category of one of those questions we don't want to ask. I think the Legislature is ultimately responsible for imposing sanctions. If they deviated from the Ethics Commissioner's recommendations, clearly they would do so at their own peril, but they are responsible for the discipline of their members.

**The Chair:** Again, this is another issue that touches on the parliamentary privilege thing. Mr. Reynolds, not to put you on the spot again, but do you have any thoughts on this issue of the interplay, I guess, between the delegated officer of the Legislative Assembly and the Legislative Assembly itself in terms of the sanction process?

**Mr. Reynolds:** You're talking about sections 28 and 29 mainly?

**The Chair:** Question 28, yeah.

**Mr. Reynolds:** I think this is an issue where it would be very useful if the committee addressed its mind to it collectively or individually. I'm not sure whether this would be something that would be useful to have in the public document because I'm not entirely sure how conversant the general public may be with the process. But I think there is an issue here. The issue is, obviously, that you have the Assembly, which has its inherent jurisdiction, and generally speaking, the court doesn't tell the Assembly how to run its business. What goes on within the walls of the Assembly stays within the walls of the Assembly, subject of course to a few exceptions that we won't get into.

The other thing is that, you know, the courts have their jurisdiction, and generally speaking, the courts' jurisdiction is to apply or interpret statutes and compel people to do things. This is one of those sections where you actually do have a bit of, well, a potential conflict with the Conflicts of Interest Act. You know, do you go to court to try and get the Assembly to do something? Well, the parliamentarian in me would say: well, no, you can't. I mean, a court can't tell the Assembly what to do. But by the same token it's in a statute. It's one of those areas that is of concern with any of these officers of the Legislature where you have their duties, if you will, or their prescribed statutory regime interfering to an extent with what the Assembly can decide in the sense that if the Assembly decides to do or not do something, you know, can that decision or that proceeding be reviewed in court? You would say not, but when you read this act, you think: hmm, well, can we take this to court or not? As I say, that's something that would be useful, I think, for committee members to wrap their minds around.

With respect to the specific provision, 28(3), I mean, there may be other ways that the committee could find of dealing with this, but once again I'm not sure whether it would be all that useful to have it in the public discussion document. For instance, as we were discussing over lunch, you know, the phrase "shall deal with" is perhaps not a term of art in terms of "The Legislative Assembly shall deal with a report of the Ethics Commissioner." What does that mean? You know, that is something that I think the committee could usefully address at some point.

**The Chair:** It doesn't necessarily mean debate or a motion or whatever, does it? "Deal with" is a general – well, it could mean anything.

**Mr. Oberle:** But clause 29 addresses that, which is that they may accept or reject the findings of the Ethics Commissioner or substitute its own findings . . .

- (a) impose the sanction recommended by the Ethics Commissioner or any other sanction . . . or
- (b) impose no sanction.

All they have to do is address the recommendations, like they do with any other committee. Ultimately it's the decision of the Assembly.

**The Chair:** Mr. Lukaszuk.

**Mr. Lukaszuk:** Thank you. I would concur. All five officers of the Assembly are servants of the Assembly. As such, they table their reports before the Assembly, and then the Assembly within its own capacity makes a determination on whether they want to execute the recommendations or not.

Similar to the example that our senior counsel gave us, we have a historic tradition of keeping the judiciary branch and the legislative

branch apart from each other, and one tries not to influence the other as far as practical. I don't see how one would compel the Assembly to execute a report. You can't file a writ mandamus or anything of such nature with the Assembly to compel it to act on a report, and as well the Assembly cannot compel the judicial system to execute its statutes in the manner that the Assembly may think that they were to be executed. I think the system now hinges on goodwill between the two and its own judicial and legislative independence.

**The Chair:** Of course, the power of the commissioner is one that's of persuasion because by virtue of this report being tabled and being public, it would be therefore incumbent upon the Legislative Assembly to deal with it in an appropriate manner or face the consequences.

Other comments? Mr. Rogers.

**Mr. Rogers:** Thanks, Mr. Chairman. Mr. Lukaszuk covered my points I thought very well. The key point, I think, in a lot of what he said is that the Legislature's ultimate authority can't be delegated away, the fact that the way these offices are set up, they are delegated to do a certain act, being conduct a study and come back with a report, which ultimately falls back at the feet of the Legislature to make its own decision. A lot of what we're talking about here I believe comes back to that: the Legislature's ultimate ability to make its decision.

**The Chair:** Before we proceed any further on this discussion, I'd like somebody to make a proposal. Mr. Lukaszuk, having made that suggestion, perhaps you'd like to make it in a more concrete way so that, you know, we can deal with it and debate it. Is there something that you want to do with question 28, then, specifically in order to address your concern?

**Mr. Lukaszuk:** Well, I think that question 28 is a moot point because the Assembly does have enshrined in tradition, if not in law, its independence and its ability to deal with or not to deal with. Hence, again, I believe that question 28 is superfluous, and I can put a motion forward that  
question 28 be struck.

1:35

**The Chair:** Okay. Now we can move on with the discussion. Ms Pastoor, you have some comments on that?

**Ms Pastoor:** Yeah. I guess that if I was an officer of the court, I would really have to question what I was doing when, in fact, any bureaucrat could do my work. To me it looks like just a job if all they're going to do is present it without the Legislature having to accept it.

**The Chair:** You mean an officer of the Assembly?

**Ms Pastoor:** Of the Assembly. I'm sorry. Okay. We can start that one again. No wonder you were looking at me rather strangely. I'm sorry.

Do you know what I'm saying? Almost any bureaucrat could present a study of whatever to the Legislature to be accepted one way or the other, so I'm not sure what the point of the extra officers in the Legislature is if they can't give something that would be accepted.

Like, the Ethics Commissioner presents something to the Legislature, and then the Legislature says yea or nay to that report. Why couldn't any bureaucrat do that? What is the power of the Ethics

Commissioner or the other ones, the Auditor General? You know, like, what is their power if it's just presenting something? I'm not sure how they exist.

**Mr. Martin:** Well, the Legislature has to have powers as an elected body. I'll tell you that if the Ethics Commissioner comes out with a report and the Legislative committee totally ignores it or does something, he has through the media, through the public, everywhere else – as somebody said: you ignore this at your own peril. When one of the officers of the Legislature says something, the Legislature is, I would think, 95 per cent of the time going to follow it.

I think the point that Mr. Lukaszuk is making is that the Legislature still has to be supreme and have that right to say no at a certain time. Then there are the political implications. It's a lot of power that people have if they come out with a report to the public, and the Legislature can't ignore that.

**The Chair:** Mr. Reynolds.

**Mr. Reynolds:** Okay. Just a quick point. I'm just focusing on the point I had before. One is that the Ethics Commissioner is a bit different than other officers of the Legislature in the sense that he or she reports directly on the activities of members.

For instance, when you've got the FOIP commissioner, the Information and Privacy Commissioner, he or she can make certain decisions about the release of information that are binding, and that goes to the court if – you know, that could be judicially reviewed because they're acting as a tribunal, so they are subject to the principles of administrative law, if you will. I'm sorry if I'm getting overly technical here.

When you look at the Ethics Commissioner, I mean, there have been a couple of cases in Canada. In the Northwest Territories there was a report prepared by the ethics commissioner or the conflicts commissioner, whatever it's called in the N.W.T. The former Premier tried to have the report stopped. I realize that this is on *Hansard*, so I hope that I've got the facts of the case right. In any event, basically the court held that there was no jurisdiction in the court to stop the report because the report was between the ethics commissioner and the Assembly, so it was covered to an extent by parliamentary privilege. While the court may have intervened in – I don't want to say a garden-variety tribunal, but I guess I just did. They may have some jurisdiction there; not so much with the ethics commissioner.

Of course, there was another case out of B.C. – the name escapes me right now – where it held that the ethics commissioner is cloaked in parliamentary privilege when conducting his or her investigations.

So the Ethics Commissioner is in a bit of a different situation than the other officers of the Legislature whereas, you know, you can judicially review, like, the decisions of the Information and Privacy Commissioner or to an extent the Chief Electoral Officer.

**The Chair:** Anyone else?

**Mr. Hamilton:** I'm different as well because I'm part-time.

**Mr. Reynolds:** You're different in so many ways. [laughter] And special.

**Mr. Hamilton:** I know. I asked the committee to define that. Well, nobody could do it. Anyway, that's where I am.

**Ms Pastoor:** Mr. Chair, thank you very much. It may have been a

little bit deeper conversation, but I appreciate the extra verbiage around my trying to understand who's who. I appreciate it.

**The Chair:** Okay. We do have a motion on the floor, and that is that we should delete question 28. Any other discussion before we vote on the motion?

All in favour, then, of Mr. Lukaszuk's motion to delete question 28? Anyone opposed? That motion is carried.

Now, any other comments? I believe that someone had a question regarding question 29. Was it Dr. Miller?

**Dr. B. Miller:** It wasn't me that raised it. Mr. Martin raised it, I think. I would like to see some limitation period. It's interesting that we just passed an amendment to the Police Act, where we specifically have times determined for investigations, so maybe there should be some. Maybe the question should be clarified: should there be a limitation period for the investigation? I'm not sure about the wording: "after which the Ethics Commissioner would be prevented from investigating." Rather: should there be a limitation time period for the investigation, after which the Ethics Commissioner releases his report? I don't like the prevention here. I don't know what that's trying to say.

**Ms Dafoe:** I believe what I was aiming for with that is that if a certain period of time has passed after an event – and I'm not sure what that event would be, but let's say, for argument's sake, after someone is no longer a member. Should there be a limitation period saying that two years after a person is no longer a member, the Ethics Commissioner can no longer investigate alleged breaches of the act?

**The Chair:** You want a limitation.

Mr. Lukaszuk, I think you had a hand up first.

**Mr. Lukaszuk:** Thank you. I think it's a valid question. I personally don't think there should be a limitation. If I'm in tune with the public, I think the public will tell us the same thing, that there shouldn't be a limit. I'm not sure to what limitation on the police that the member refers to. There are no limits on criminal investigations, for example, if there was misconduct that became apparent later. Perhaps there should be a limit from the date when the commissioner became aware of misconduct up until when he decides to start an investigation and sanctions but not a limit from the date of occurrence to when he learns of it.

**The Chair:** Or perhaps some combination of the two, Mr. Lukaszuk. The Limitations Act of Alberta provides two days from the date of discovery, but there is also an ultimate limitation in the act which – is it 15 years, Rob? I think that after 15 years it's totally dead, no matter whether it's been unearthed or not. Generally speaking, it's two years from the date of discovery, with an ultimate limitation down the road. So that's a possibility.

Mr. Rogers, you had your hand up next.

**Mr. Rogers:** Thank you, Mr. Chairman. I'll just offer some thoughts, and maybe we can have a little more discussion on the points that I'll raise.

I believe this legislation is intended to review the actions of members. The point I'm trying to make is that I think that once you cease to be a member, if there's a question of questionable acts, if it's of that significance, then it may become a matter for the police. I just raise that for thought. I mean, we have members that serve one term; we have members that serve three, four, five, and many more

terms. I would suggest that as long as you are a member, if there is a matter that's questionable that could be dealt with by the Ethics Commissioner, that matter could be dealt with because this deals with the conduct of members.

So I raise that. As long as you're a member, the fact that it's topical, that for argument's sake it happened seven years later, the fact that it's raised and it becomes a point of conversation, I see no reason why it couldn't be investigated. But after you have left this building, I really don't see the point because I can't see how the Legislature could sanction a member that's no longer here, other than maybe a criminal matter. So I raise that for some discussion.

1:45

**Mr. Martin:** Well, again, I think we're into the debate about the limitations. Let's just, if we can, get the question there so we can figure out. I think his points are probably valid, but that's a discussion that I think we will hold down the way. So is the question proper or not?

**The Chair:** Yeah. Exactly right. Is the question that we're asking the right question? I think that all the discussion is that it is something that's a live issue and that perhaps it's worth asking.

**Mr. Groeneveld:** I understand your point, and I know that Mr. Martin will say that I'm getting into the debate again, but if the question is not right, that's what we're debating, right? So you have to talk about the debate. What Dr. Miller said there makes some sense, the wording of this, that the prevention from investigating doesn't make sense.

To me, when a person leaves this House and someone has made an allegation and a threat, so to speak, there has to be a certain length of time that he has to move forward, that someone doesn't have to go away and live under that cloud forever and a day type thing. So to me the question isn't quite worded the way it should be.

**Ms South:** Just to be clear, the request for investigation must be respecting an alleged breach of the act by a member, so a former member we wouldn't even consider.

**The Chair:** Any other discussion then?

The consensus is that we leave that question. The question is an appropriate one to ask.

Any further questions that we should be asking, then, under this rubric of investigations and reports?

Can we move on, then, to the additional questions? This is where things get interesting, the additional questions and the lobbyist registry. Any suggestions, questions? Do you want an opportunity to review that for a minute?

**Mr. Rogers:** They seem to be valid questions.

**The Chair:** Mrs. Sawchuk has just pointed out that there's a typographical error in the middle of the page, where it says "Under the Code of Conduct and Ethics for the Public Service of Alberta," the second line in there, it should be "amended from time to time." The word "time" is missing out of there.

Mr. Martin.

**Mr. Martin:** Yeah. Just in question 31, the preamble. Question 30 sort of flows from the preamble, as I read it, and then 31 – I'm not sure what we're talking about because they seem to be talking about standing policy committees, and then we're looking at "What criteria



should be considered when determining the agencies whose chairs . . .” Is this beyond SPC, then, and what sort of agencies are we looking at? I’m not sure that the two follow.

**The Chair:** So we should maybe have a little bit of a preamble in there as to what we’re referring to when we’re talking about agencies, then, perhaps.

**Mr. Martin:** Yeah. I’m not sure what we mean there.

**Ms Dafoe:** Yeah. There’s a reference at the bottom of page 16 to a very vague term: “important provincial agencies.” I think that’s what I was hoping to refer to, but I can work on clarifying it.

**Mr. Martin:** I just don’t know what they are.

**Ms Dafoe:** Yeah. Neither do I.

**Mr. Martin:** Okay. I mean, if that’s going out, we’d have to at least have either one of them: either not have the question or have a little more explanation about who those agencies are.

**The Chair:** Can perhaps the Ethics Commissioner’s office expand on what we might be referring to there?

**Ms South:** I’m assuming it would be agencies such as AADAC and the Premier’s Council on the Status of Persons with Disabilities and those kinds of things, Seniors Advisory Council, I think, various appointments such as that.

**Mr. Martin:** Well, if we could maybe just expand that a little bit.

**The Chair:** Just have a few examples, perhaps, in there.

**Mr. Martin:** Yeah.

**Dr. B. Miller:** You mean the boards, utilities board, all those things?

**An Hon. Member:** No.

**Dr. B. Miller:** Well, explain to me, someone who knows, what kinds of ethics codes that those kinds of boards are accountable to. Or do they have any? I mean, this is coming up more and more across the country when such boards appoint chairs immediately from various corporations and so on. There’s even the suggestion that there should be ombudsmen who look at that kind of thing. So we’re not talking about that. We’re not talking about those kind of boards. The boards mentioned here – the Law Enforcement Review Board, the Labour Relations Board – we’re not talking about those.

**The Chair:** If we elaborate on the preamble verbiage, are we agreed, then, that that question is an appropriate question to ask?

Are there any other questions on that particular section there, 30, 31, that need to be added or not?

**Ms South:** I’d like to just answer Dr. Miller’s question. Some of the people that serve on some of those boards – for example, the Labour Relations Board or AEUB – may be covered by the code of conduct for the public service. Some of them are senior officials who file disclosure statements with our office. We’re certainly very familiar with the code of conduct that the AEUB has put into place for itself, its board members, and its own staff, that goes beyond whatever the code of conduct for the public service says. So there are codes of

conduct that exist in addition to the code of conduct for the public service.

**Dr. B. Miller:** Well, maybe this doesn’t pertain to – or does it? I think that whole area should be investigated by us, by the committee because I think this is a change in the public expectation in regard to the ethics of boards and the appointments of people who obviously have a conflict of interest. The concern about it is happening more and more across the country, so I would hope that we would look at that somehow.

**The Chair:** Do you have a specific suggestion?

**Dr. B. Miller:** No, I don’t.

**The Chair:** Or are you happy with the question that’s being asked there then?

**Dr. B. Miller:** Well, maybe that could be a question here. Should standards of ethics be applied to boards?

**The Chair:** I think you’d have to be a little more specific than that.

**Dr. B. Miller:** Yeah. Exactly.

**The Chair:** It could be a corporate board. It could be a community board.

**Dr. B. Miller:** No. I’m thinking especially the boards listed even under our act as disqualifying offices, which includes most of the boards that have some connection with the province: hospital boards, labour relations boards, law enforcement appeal board.

**Ms Pastoor:** If we inserted in 31 “when determining the agencies whose ‘appointed’ chairs ought to be subject,” would that cover it? That’s part of the conversation that’s going across the country: anyone that is appointed, like the appointed chairs for whomever. Then you wouldn’t have to list the big long list. If they’re appointed, then what criteria?

1:55

**The Chair:** I’m not following there exactly. Are you suggesting things like the chairs of educational institutions, for example, which are . . .

**Ms Pastoor:** If it’s a government appointment, there are ethics that should be applied.

**Mr. Oberle:** I agree, but I think that there are. I think that that would take this act way beyond the scope of where we want to go with it. I’ve never sat on a board or committee that dealt with any kind of money or in any way had the potential for a conflict of interest that didn’t have its own code of ethics and code of conduct enshrined within it. Any committee or board that the government appoints external people to certainly does. So I don’t think we need to go there.

If you’re requiring full public disclosure for every board member, then you’re really restricting your membership, I suggest.

**The Chair:** It’s particularly volunteer boards like universities or colleges or whatever. I mean, they’re volunteer positions. Obviously, in their capacity in that institution they’re trying to promote the interests of that institution by its very nature.

**Ms Dafoe:** Also, from a practical point of view a number of the provincial agencies, as we've said, have codes of conduct and ethics. I'm not sure practically speaking that this committee would have the time or ability to review those codes that exist and determine if they're appropriate because many of them are specific to the work that the agencies do. I don't know how many of them are out there, but there may be very many.

The committee may choose to make recommendations, generally speaking, that agencies consider putting in place a code of conduct to govern their membership that may include these general principles or may want to discuss these general approaches, but to replace what a board or agency may have in place with a more general code of conduct and ethics may end up in us missing the mark for what's relevant to each board and agency.

**Ms DeLong:** I find this section a little bit confusing because we start out talking about extending the cooling-off period to also apply to chairs of standing policy committees. Then right after that, the next one, is quite unclear to me. Are we looking at making a cooling-off period for the agencies, or are we just saying that the agencies should be under conflict of interest? I just find that confusing, so I think we need to somehow clean that up.

**The Chair:** Are you suggesting that we would separate those questions by some further sort of a preamble to set up the question as a separate subject matter, or how best to deal with that, Alana?

**Ms DeLong:** Well, I'd say that there are two things that we're looking at. We're looking at essentially saying that there are people that should be included in the rigour that Executive Council and the Leader of the Opposition are included in. One question is: do we include more people in that group? Then a totally separate question is: who else should be covered under conflict of interest? We somehow have to make that more clear.

**Ms Dafoe:** I'm just trying to reconstruct what I was thinking when I put this part together. I believe what I was aiming at with both 30 and 31 was specifically expanding the act with respect to cooling-off periods because members that are chairs of these agencies are already filing disclosure statements pursuant to the other provisions of the act. So I think that I was thinking specifically of cooling-off periods. Chairs of agencies that are provincially appointed, should they be subject to cooling-off provisions?

**Ms DeLong:** It just needs to be more clear, I guess.

**Ms Dafoe:** Yeah.

**Mr. Oberle:** It might help for me if you combined those two questions and had one sort of superquestion 30, which is: "Should MLAs or senior government officials who chair standing policy committees or who chair or supervise an agency of the government of Alberta be subject to cooling-off periods? What criteria should be considered when determining the agencies whose chairs ought to be subject to these additional restrictions?" That's kind of one question.

**The Chair:** Good suggestion.

**Mr. Oberle:** Yeah. Tie them together, but I would add: MLAs and senior government officials. To me, 31 suggests that you're talking about all boards. There are several hundred, and I don't think you want to go there. You're talking about MLAs and senior government officials.

**Ms Dafoe:** I do address senior government officials in 32 after a little bit of discussion about what kind of codes of conduct there already are for senior government officials. Is that acceptable, to leave the reference down there, do you think? I could repeat the question that is now question 30, the long form of that question, but put it under the description of what governs senior government officials right now.

**The Chair:** Thirty-two is really relating to that, Frank, I think is what she's getting at.

**Mr. Oberle:** Yeah. Maybe you could leave 30 and 31 there just specific to MLAs and then expand those ones. Yeah, that would work.

Just the way it's worded there, 31 stand-alone sounds like we're talking about all boards, and I don't think that was the intent.

**The Chair:** Mr. Groeneveld.

**Mr. Groeneveld:** Thank you, Mr. Chairman. I think Frank is fixing it up. I think we put ourselves on a bit of a slippery slope here when we start talking about important provincial agencies. Then we start reaching back like we were earlier in the meeting to expand it into virtually everyone that's employed with the provincial government type of thing. So I think Frank is bringing the right idea forward there. I don't think we want to reach back like we just got away from an hour or two ago.

**The Chair:** Ms Pastoor.

**Ms Pastoor:** Yeah. I agree with not going too broad. I certainly want to expand it. But what is the definition of senior public servant?

**The Chair:** Well, if you look at the Tupper report, which everybody has thoroughly studied since the last meeting, I'm sure, it talks about senior policy officials, I believe is the terminology. I guess the phraseology that we want to use is dependent on what the scope of what you're trying to achieve is. But if you look at the Tupper report, he makes a definition and a recommendation that senior policy officials be included in the legislation, and he goes on to define what those senior policy officials are in terms of their impact on policy. I guess it's undefined at this point, but you know it's up to the committee at some point down the road to come up with that definition if we want to expand the act.

The question right now, again, back to the fundamentals of what we're doing here, is to see whether or not we're asking the right questions. Is this satisfactory in order to elicit some response?

**Mr. Hamilton:** I think you should just leave it senior officials because when you start defining that, you might have a problem where to cut it off. Senior officials: that's what they do in B.C., and they don't define it.

**Ms Dafoe:** I don't want to put the cart before the horse and start talking about what the committee might want to do except to say that I believe the Tupper report recommended that there be an identification of what policy officials might be doing but leave the specific identification of who is a public policy official up to the individual ministries to determine, I think, by regulation or by OC. So it wouldn't be up to this committee to figure out who in each department is a policy official but, in fact, to set out some guidelines to help determine who is the policy official and then leave it up to the government to implement.

2:05

**The Chair:** Well, we're really down to the second set of questions then, at 32 and 33, aren't we now? We're into the meat of it.

Further comments on this whole section on expanding the scope of the act?

**Mr. Martin:** I'm more interested in 34, 35.

**The Chair:** Anything further?

**Ms Dafoe:** I'm just going to ask for clarification on 32, 33. Was the decision with respect to those to delete them as is or to use the wording from our new question 30 and just refer to senior public servants instead of MLAs?

**The Chair:** Well, I will defer to the individual that made the suggestion. I think it was Mr. Oberle.

**Mr. Oberle:** Well, if you change 30, 31, I think you could leave 32, 33 as they are.

**Ms Dafoe:** All right.

**The Chair:** Further comments? Are we okay, then, with 32, 33 down at the bottom of that? Then we're on top of page 18 there regarding the Capital health authority and Calgary health region, et cetera.

**Ms DeLong:** I'd just like a little more discussion in terms of adding just general MLAs to the cooling-off period. I think that MLAs go through quite a shock when they're no longer an MLA, and it's difficult enough for them to get on their feet again without being told that they are in forced retirement for six months. I don't know whether we should even be asking the question.

**The Chair:** Well, where are we asking that question?

**Ms DeLong:** Well, that's what was suggested, wasn't it? Or did I misunderstand?

**Mr. Oberle:** Just the ones that chair standing policy committees.

**Ms DeLong:** Oh, okay. No, that's fine. Okay.

**An Hon. Member:** Are you with us?

**Ms DeLong:** I'm with you.

**The Chair:** Okay. So we're back to the issues of the regional health authorities, et cetera, at the top of page 18. Any comments or questions, suggestions? Ms Dafoe, do you want to comment on that one?

**Ms Dafoe:** Just a comment on question 35 in light of the discussion we had right at the beginning of today's meeting about municipal elected officials. I'm suggesting that under 35 I add the word "provincial" before "public figures" just to keep some sort of reign.

**The Chair:** I think that's a good suggestion. Any comments on that particular point?

**Mr. Martin:** Yeah. As follow-up for our discussion yesterday on the bus, let's be honest: the problems that have come to the public

have been out of the Premier's office. Public figures: I'm not sure how they flow into that and what the term for the person is, but I think people would be expecting us to look at that. I think that when we looked at the Tupper report, it said policy officials. Now I don't know if that captured it, but certainly I think that's a group that we have to take a look at. Are they policy people? What are they? Certainly, they have more access to power and influence than MLAs do.

**The Chair:** Any comments?

**Mr. Rogers:** Mr. Chairman, I think 35 should rightfully cover it. "Are there any other provincial public figures . . ." You'd cast the net, and if it's appropriate that some of those individuals be covered, then so be it.

**Mr. Martin:** You could well be right. I'm just wondering if that's the right term for it.

**The Chair:** Ms Pastoor.

**Ms Pastoor:** Yeah. I'm not sure that it's exactly the right term because they only become a public figure when they become a controversy. If they aren't a controversy, how do you capture them? How do you cover them? Public figure is such a broad . . .

**Mr. Rogers:** Well, Mr. Chairman, I would suggest to you that these people are on the payroll. Public figures are on the payroll. That's my – unless someone smarter around the table could . . .

**Ms Pastoor:** Provincial public payroll then?

**Mr. Rogers:** I think that goes without saying. If you're on the provincial payroll, you are considered a public figure.

**Ms Pastoor:** But that's not what it says. I'd like it to say what you said.

**Mr. Rogers:** Okay. I guess I look for some assistance from others.

**The Chair:** Further comments?

**Dr. B. Miller:** My previous comments about boards surely are relevant to questions 34 and 35. I mean, what senior management people are appointed to resource boards or chair boards, like the utilities board or whatever? So the same process that's being recommended by the Auditor General for the Capital health authority is relevant to boards. They may indeed need to have a third-party review of their practices or their appointments or involvements.

**The Chair:** You're referring to ones that are sort of a quasi-judicial thing, like the Energy and Utilities Board or something like that?

**Dr. B. Miller:** Yes. I mean, there are so many: all the ones mentioned on the back page of the act. There are hundreds of them. Maybe not hundreds. The Energy Resources Conservation Board, the Fatality Review Board: all of those.

**Mr. Lukaszuk:** Mr. Chairman, maybe the senior counsel can help us out. Don't all those boards operate under provincial statutes, which would have considerations of such within them? Plus they are subject to the Auditor General's reviews as well. I'm not sure if it

wouldn't be redundant to include them now under this review. I believe it's outside of the scope again.

**The Chair:** Mr. Reynolds, do you want to comment? We can come back to you in a minute.

**Mr. Reynolds:** Come back. Sure.

**The Chair:** Okay.

**Mr. Oberle:** I wonder if 34 and 35 are consistent with the Auditor General's recommendations. What he's recommending is that the Capital health authority have their own conflict-of-interest process and disclosure requirements. It's not recommending that the act apply to them. What we should be asking is whether that's a reasonable recommendation and whether that should apply to other public boards as well.

**The Chair:** All right. Comments on that point, Mr. Oberle's point?

**Ms Pastoor:** I'm not altogether sure that I understand why all the health authorities weren't mentioned.

**The Chair:** It wasn't meant to be applied exclusively. It's just because the Auditor General referred to them.

**Mr. Oberle:** Maybe we shouldn't ask whether it's a reasonable recommendation just with respect to those two boards. You could ask: "Is it reasonable that health authorities . . ." Then: "Should that apply to all public boards?"

**Dr. B. Miller:** That would satisfy my question.

**Mr. Hamilton:** It's Karen and me – that's the staff – and a receptionist, and it's a part-time job. Now, if you start getting a long list like that, you're going to have to get some money somewhere. Okay?

**Mr. Oberle:** That's why I suggest a distinction here. We shouldn't be asking if the act should apply to those boards. We should be asking whether this recommendation is reasonable, which is that they should have their own conflict-of-interest provisions, and under whatever legislation establishes that board, the minister should require that. We shouldn't be extending the act to those boards because of the reasons you stated, and quite reasonably. It'll be bigger than the government shortly.

**The Chair:** Mr. Lukaszuk.

**Mr. Lukaszuk:** Thank you, Mr. Chair. I think we're starting to lose a little bit of focus over here.

**Mr. Martin:** Just on that side.

2:15

**Mr. Lukaszuk:** Speaking for myself perhaps.

The only reason for the existence of the Ethics Commissioner is that he is an officer of the Legislative Assembly charged with the authority of overseeing the ethical, or lack thereof, behaviour of Members of the Legislative Assembly. When his office was created, I imagine that was the sole purpose. Because of the fact, stemming from our earlier government, that the Legislative Assembly is the

supreme body within the province, there is no authority that can really monitor the behaviour of elected members and sanction them accordingly. So we had to create within our own means an officer who reports to us as a group as members and who monitors us. Hence, his staffing is so limited because that's all that is required, perhaps, to monitor just 83 MLAs. Maybe it is and maybe it isn't. Maybe they need some more staffing. That's another story.

The office was never created to start monitoring public officials, public servants, boards, committees, and associations throughout the province. All those boards and other committees and public servants work under their respective jurisdictions, and they have their own measures in place. This is not an all-encompassing ethical review office for all operations within the province. It's only for Members of the Legislative Assembly. If MLAs outside of this committee feel that there are boards or associations out there that need that kind of supervision, then there is need for another office that will deal with just boards and associations, but not this Ethics Commissioner.

I suggest, Mr. Chairman, that we start focusing on MLAs and not anybody or any agency outside of it.

**Mr. Hamilton:** Well, you're partially right.

**Mr. Lukaszuk:** Well, that's not bad.

**Mr. Hamilton:** We do all the 83 MLAs. We do all the deputies and all of the board members that are permanent board members. We have about 150, 125 people, so it's just a little more than what you said.

**Mr. Martin:** Well, we don't want to make it so broad that we can't deal with it, but clearly one of the mandates that we have to look at is: should there be an increase in some way with certain people that do have access to information? While it was set up – even I remember when it was set up – to do certain things, now we're asking: should we do a little more? I think it comes down to what is a little more if you can get it, as I say, so broad that there's no way we can do it? We talked about the cynicism that's out there. There are certain key things that the public will at least ask us to look at, and that's what we're doing here, I think.

**The Chair:** Ms Pastoor. You had a comment?

**Ms Pastoor:** Well, yes, because the heading is Additional Questions: Expanding the Scope of the Act. So, yes, clearly I think we are discussing going beyond MLAs.

**The Chair:** Other questions or comments now on the part up to 35? We're dealing with the expanded scope of the act and other possible applications. Remember that we're just asking questions at this time. We're not going to get into a debate of whether we should go there or not go there, but we're trying to ask the right questions. Anything further?

Seeing no hands, then, I'll move on.

**Mr. Rogers:** Sorry, Mr. Chairman. One quick point about number 35. "Are there any other public figures that ought to be subject to conflict of interest provisions?"

**The Chair:** Provincial: that's what that reads now.

**Mr. Rogers:** Right.

Does that suggest that there are no provisions for some of those

public officials right now? We touched on that earlier. We talked about different parts of the public service that have different regulations, so to speak. I'm wondering, just by the wording there, would that tend to suggest to our public, the wider world, that we have no . . .

**The Chair:** Well, it might suggest that, but that's certainly not the case.

**Ms Dafoe:** It might suggest that, and perhaps what I can do is add a paragraph in before the questions that says . . .

**Mr. Rogers:** Additional.

**Ms Dafoe:** . . . additional conflicts, provisions may exist in other regulations or codes.

**Mr. Rogers:** Something like that.

**Ms Dafoe:** Sure.

**Mr. Rogers:** Thank you.

**The Chair:** Anything further on those points?

Then we'll move on to the last and most exciting section of the discussion paper, which is the lobbyist registry, and perhaps one of the more controversial ones, I suppose. Mr. Rogers, do you want to start off with this section?

**Mr. Rogers:** Thank you. I would start off by just asking – I don't know who around the table might be able to help me, but I believe something like this exists for the federal government. I'm wondering, without lobbyist registry 101 or for the benefit of us all, that we might get just a brief synopsis of what this looks like at the federal level if we're even going to discuss whether or not one belongs here.

**The Chair:** I believe it was included as an appendix.

**Mr. Rogers:** Okay. I didn't read that part. You've caught me, Mr. Chairman. That's the only part I didn't read.

**The Chair:** There is the federal government. Ontario, Quebec, Nova Scotia, Newfoundland, and British Columbia all have lobbyist registries, Mr. Rogers, if you read your materials on page 18.

**Mr. Rogers:** Right. My point is they exist, but what do they look like?

**The Chair:** Well, I believe the Ethics Commissioner's office has put together a little bit of a chart. Was that not circulated as an appendix? Yeah. It was circulated as an appendix to the materials that were given out at the first meeting.

**Mr. Rogers:** Oh, those materials. Right. I'll get back to those.

**The Chair:** If you want to refer to that, it sort of gives broad details of what is encompassed in all of the various jurisdictions. Clearly, this is a bit of a catch-up thing in terms of where we're at. There are five jurisdictions that do have this legislation.

Mr. Oberle.

**Mr. Oberle:** Thank you, Mr. Chair. Well, I suppose we're going to have a fascinating debate on lobbyist registration. I'd be very

curious to know the answers to these questions from our stakeholder groups. The only suggestion I would have is that instead of the second sentence, "what benefits would be reaped?" I would say, "what benefits would a registry provide?" I would like to know the answers to those questions from a stakeholder group before I decide on what benefits a lobbyist registry would provide in Alberta and whether it's worth the cost.

**The Chair:** I think that's a good suggestion. Any other comments on that? What we all want to know is, you know, how the lobbyist registry will help to promote ethical government. I'm sure that we'll get into some lively discussions about that, but the question right now is: are we eliciting the right responses by the questions that we're asking here again?

Any other suggestions there on the lobbyist registry? Questions? Is there anything else that we need to ask regarding that? I think it kind of covers the waterfront there.

**Mr. Rogers:** Just quickly, Mr. Chairman. Maybe this would be getting too far, but should we ask about penalties if people think we should have a registry, or is that phase 2? If we have enough suggestions that say we should have a registry, then we would have a process, whether we're part of it or not, that would determine how we would build that. Part of building that would be – for example, I just think of the Gomery inquiry recently where one of the questions to one of the witnesses was: did you register? The individual said no, and apparently there's a fine for nonregistry.

**The Chair:** Mr. Rogers, with respect, I think that that is part of the second phase of this thing. I think right now we're trying to ask the right questions in order to get information to the committee and solicit opinions. If we should decide that this is something that we want to proceed with, then we can start talking about what our recommendations would be in terms of what needs to be incorporated into the legislation.

**Mr. Rogers:** Fair enough.

**Mr. Oberle:** I have one sort of editorial suggestion. On page 4, the last paragraph, the two-sentence paragraph there, about "will consider your input," could you just clip that and put an expanded version of that at the end of this after question 37, which would be: "thank you for your input and consideration"? Then maybe just expand it a bit to explain the process after we get the input, in, you know, four or five sentences kind of thing.

2:25

**Mr. Hamilton:** We will be bringing forth a paper on what we think we should do, so that's going to be answered by us, maybe not to your satisfaction.

**The Chair:** Right. Thank you.

**Mr. Hamilton:** Excuse me. We're going to get you with the people coming out from Ontario in September.

**The Chair:** Right.

Now, I just mention, for the benefit of members that weren't here last time, that it's called the CCOIN – is it? – conference of information . . .

**Ms South:** Canadian Conflict of Interest Network.

**The Chair:** Conflict of Interest Network.

We are trying to arrange a meeting. In fact, I think that the plan is that we would have sort of a round-table discussion, an opportunity. We're going to try and tee that up with the Speaker's office so that we can do it over in maybe the Confederation Room or somewhere over there. That we would have sort of a round-table discussion. Then we would follow that up with some kind of a reception and some opportunities for informal one-on-one discussion with some of the commissioners that were coming early to the conference. We'll leave it at that.

Now, before I leave this, I'd like to ask if there are any other comments regarding the appendices or the further information sections or anything else. Ms DeLong.

**Ms DeLong:** Yes. I do believe that there is something missing basically from this discussion guide, and that is an open-ended question asking how the Conflicts of Interest Act can be used to improve the public's perception or trust in government. I think that we need to ask that open question in here somewhere.

**The Chair:** That's a good suggestion. Are there any comments on that?

**Mr. Lukaszuk:** It's not the act that causes the problem; it's the politicians. I'm not sure if you're going to find the answer in the act.

**Ms DeLong:** Well, we've had conflicts of interest acts, you know, over the last while, and it hasn't improved the public's perception, so I just would like that open question put in there.

**The Chair:** Okay.

Now, any other comments?

**Mr. Martin:** I think it's broader than government. I mean, what we're really talking about are politicians and politics generally rather than the government, right?

**Ms DeLong:** Though we are sort of also looking at government in that we are looking at officially including public servants, so I meant government by . . .

**Ms Pastoor:** And it's implied: people.

**Ms DeLong:** Yes.

**The Chair:** What I'd like to do now: I'd like to propose a way that we could move forward with this thing because we have made a number of suggestions for revisions. Ms Dafoe has been diligently copying down all of our suggestions and trying to incorporate the consensus of the committee into the revisions of this document, which is really the starting point for the discussion, and it is just that. I mean, it's something that's meant to elicit discussion.

With that in mind, what I would like to do is have someone make a motion that the committee would delegate the approval of the draft discussion guide, with the revisions that we've discussed here today, to the chair and the vice-chair of the committee so that we can proceed with the promulgation of the thing on the website and incorporate some of the ideas in the advertising campaign and so on. Would somebody be prepared to put that motion?

**Mr. Oberle:** I'd be pleased to make that motion.

**The Chair:** Do we have the wording okay, Madam Clerk?

**Mrs. Sawchuk:** Yes. Mr. Chair, I guess we could say: moved by Mr. Oberle that the Select Special Conflicts of Interest Act Review Committee approve the draft discussion guide as revised.

**The Chair:** No. The wording that I had proposed was to delegate to the chair and vice-chair the approval of the revised discussion guide in accordance with the recommendations of today's meeting.

Does that encapsulate what you wanted?

**Mr. Oberle:** Yeah.

**Mrs. Sawchuk:** Yeah. Okay. That's fine.

**Ms Pastoor:** Sorry. Why wouldn't the final copy, not draft, just be e-mailed to us all?

**The Chair:** You mean between now and when we're going to put the website up? The timeline that we had approved last time was to get it up by the 20th, which is only a week away, and I'm thinking that Ms Dafoe and her help, Rob, may require a few days to do that. So it doesn't give us a lot of time to accomplish that, to get that done. You know, it's important to get this up and distributed so we can get our website up and running. That's sort of the timeline, Ms Pastoor. We had allowed a week in there in which to get it up and running.

**Ms Pastoor:** Yes, I know.

**The Chair:** I have no objection to circulating the thing as soon as it's ready to the members of the committee if you want.

**Ms Pastoor:** Yes. Circulate it, and then you guys can . . .

**The Chair:** But I would ask that you send your suggestions through me and copy Ms Dafoe with them so that I'm aware as chair of any possible suggestions so that we can fit in with the nature of the motion.

Any further discussion?

**Ms DeLong:** Yeah. That's fine with me as long as we as a committee do get to see it. You know, at least give us a day or two to have a look at it and get our comments in to you.

**The Chair:** Yeah. Well, either to me or the vice-chair.

**Mr. Oberle:** At least, by this motion they still have the authority to proceed without our comments if we don't get them in.

**Ms Pastoor:** It's just that sometimes you talk about something, but when you actually see it in writing, it isn't quite what you thought it was or should be or whatever.

**The Chair:** Yeah. And I think we have to be a little bit tolerant of, you know, some latitude given the fact that this is a discussion guide. We're not encapsulating, you know, what the whole work of the committee is. I mean, this is something that is meant to elicit responses.

**Ms Pastoor:** It's a tool. I understand.

**The Chair:** What I'm saying is that I don't think it has to be exactly precise as to everything that, you know, we've tried to incorporate into it.

Any other discussion on that before we vote on that motion by Mr. Oberle? Can I call the question then? All in favour of that motion? Any opposed? It's carried unanimously.

Now, I know it's getting late in the day here. It's been a long meeting, but we have a couple of other issues arising out of the previous meeting. One of them is the draft request for proposal for a contract writer, and that request for proposal was circulated with the materials. Are there any comments on that document as it was circulated?

Ms Pastoor.

**Ms Pastoor:** Thank you, Mr. Chair. Just to Ms Sorensen. On page 2, "sent to Vendors." How many are you planning on sending it to?  
2:35

**Ms Sorensen:** I've spoken to the Writers' Guild of Alberta as well as the society of technical writers for Alberta, both of which have agreed to distribute this through their memberships.

**Ms Pastoor:** Good. Thank you.

**The Chair:** Any other comments?

**Mr. Oberle:** Based on the receipt of a number of proposals, what's the selection process?

**The Chair:** Well, it's up to the committee, I guess.

**Mr. Oberle:** With due respect, I foresee a lengthy selection process here. Are we going to shortlist it and have an essay contest? You know, I'm just concerned about the selection process. Let's not get bogged down.

**The Chair:** I can tell you that I hope it's not the chair's duty to do it.

**Ms Sorensen:** I think that depending on the number of submissions we receive, we could go through it and come forward to the committee. It would most likely be an e-mail over the summer with a recommendation of, say, three to five of the top choices.

**The Chair:** Are you suggesting that we can defer that?

**Ms Sorensen:** I would suggest that you could defer it to the staff. Of course, all of them would be made available to you if you want to review them.

**The Chair:** First things first. I think we need to approve this document that's just been circulated, so I'd like to call for a motion to proceed that

the committee approve the request for proposal as distributed.  
Could I have someone make that motion?

**Mr. Rogers:** So moved, Mr. Chairman.

**The Chair:** Any discussion? Can I call the question? All in favour, please? Any opposed? That's carried.

Do we need a motion with respect to the procedure for engaging somebody, or do you want to just wait until the fall and deal with it?

**Mr. Lukaszuk:** Could we delegate that authority to the chair and the vice-chair and have you decide on who the successful competitor is?

**Ms Pastoor:** Or just create a committee within the committee.

**The Chair:** If there's somebody that has some expertise in technical writing or whatever – Ms Pastoor, it sounds like you have an interest.

**Ms Pastoor:** Well, I'm not a technical writer, but I've certainly gone through the process of RFPs to figure out if they do what you want.

**Mr. Oberle:** I think Mr. Lukaszuk is onto something. I think we should delegate it to the staff to make a recommendation for final approval by the chair and the vice-chair.

**The Chair:** Well, Ms Dafoe, you've been intimately involved in this writing from day one. Can I make a suggestion that Mrs. Sawchuk and Ms Dafoe be empowered to make a recommendation to the chair?

**An Hon. Member:** And Rhonda?

**The Chair:** Yeah. Okay. Sorry. Ms Sorensen. That's three of them. Three ladies. Would somebody like to make that motion?

**Mr. Oberle:** I'll make that recommendation.

**Ms Pastoor:** I'd like the recommendation to come to the committee and not to the chair.

**The Chair:** The appointment?

**Ms Pastoor:** Yeah. When they come up with their three, those three come to the committee. I mean, we don't have to go through 20 of them, but I think that as a committee we should at least review three.

**Mr. Lukaszuk:** Do we have a motion that we're discussing?

**The Chair:** Yes.

**Mr. Lukaszuk:** So I can't introduce another motion, can I?

**The Chair:** You can introduce an amendment.

**Mr. Lukaszuk:** I would like to amend the motion. Upon receipt of submission the chair and the vice-chair of this committee be granted the authority to select a winning contender and assign the contract to the winner.

**The Chair:** So you're still giving me the latitude to get the recommendation of the staff. I mean, it's the same thing.

**Mr. Lukaszuk:** But not to involve this committee.

**The Chair:** No, no. Quite frankly, with all due respect, the chair has no expertise in this whatsoever, and I don't know any technical writers. I'm going to have to rely on the staff to give me some indication of who is qualified to do the job and perhaps, you know, who has some expertise that we can rely on.

**Mr. Rogers:** So upon your satisfaction you will move forward. However you get that satisfaction, power to you.

**Mr. Oberle:** I think that amendment is basically consistent with the motion asking the staff to make a recommendation to you for final approval.

**Mr. Lukaszuk:** I'll withdraw my amendment.

**The Chair:** So Mr. Oberle's motion is the one we're going to vote on here then. All in favour? Any opposed? The motion is carried.

Now, the draft advertisement and list of dailies. The committee had requested some further information on the relative costs. Ms Sorensen, would you like to deal with this issue?

**Ms Sorensen:** Sure. We really don't have a lot of flexibility in terms of the weekly advertising because it just goes when it goes.

As for the dailies, I did speak to all of the publications not only concerning their costs but how they reflect their readership. Given that, I have tried to come up with some recommendations for each of the individual papers based on the highest readership for the most effective cost. Some of that means that we would be advertising during the week if the readership is higher, and some would be on the weekend even though the cost may be a little bit higher. The size of the ad itself doesn't really make a huge difference in the cost because there are not a lot of lines that you're working with. So, for example, with the *Journal*, which is probably the most expensive, you're looking at a \$300 difference, depending on if you advertise during the week or on the weekend.

Essentially, Mr. Chairman, the recommendations are in the far right-hand column.

**Ms DeLong:** Neil, maybe you can help me out with this one. I notice that one of the most expensive ones is something from Calgary.

**The Chair:** *Fast Forward?*

**Ms DeLong:** Yes. I don't know whether you see that as something that has a wide readership.

**The Chair:** I'd never even heard of it.

**Ms DeLong:** Neither had I. Well, I'm sort of familiar.

**The Chair:** Well, a caveat there. I might have seen it once in a bagel shop.

**Ms Sorensen:** Are you talking about the weeklies? The weeklies are all of the publications that are part of the Alberta Weekly Newspapers Association. We can pick and choose whichever ones we want.

**The Chair:** Why don't we delete that?

**Ms Sorensen:** Okay.

**Ms Pastoor:** What are you talking about? I'm sorry.

**The Chair:** The *Fast Forward Weekly* in Calgary, on the top of the first page, a third of the way down. It's one of those free publications, I assume.

**Mr. Oberle:** Based on that comment, wouldn't *See Magazine* in Edmonton fall under the same category if you're hitting the dailies?

**The Chair:** Which one?

**Mr. Oberle:** *See Magazine*, top of the second page, in Edmonton.

**The Chair:** Yeah. Once we're in the dailies, I don't see any need to go beyond that. That's another \$500, so we save \$1,000.

**Ms Sorensen:** You're suggesting that we don't do the weeklies?

**Mr. Oberle:** Don't do the weeklies in the major centres that have dailies.

**Ms Sorensen:** Oh, so take out the *Edmonton Examiner* and whatnot?

**The Chair:** I agree. It's redundant to go into the weeklies in the bigger centres if we're in the daily newspapers.

**Mr. Oberle:** The *Edmonton Examiner* isn't on this list, but *See Magazine* is. Strike it.

**Dr. B. Miller:** Actually, MLAs in Edmonton are more likely to advertise themselves in the *Examiner* than in the dailies. So readers are used to seeing something about us, either reports or little ads.

**The Chair:** Well, then, maybe the MLAs could be impressed with the necessity of including it in their weekly columns.

Ms Sorensen, you had a comment on that?

2:45

**Ms Sorensen:** Just that the *Edmonton Examiner* isn't on here because it's not a part of the Alberta Weekly Newspapers Association, and this document reflects only the publications that are part of that association.

**The Chair:** We get a break because we go with everybody in that association or something?

**Ms Sorensen:** It's a newspaper association that makes them adhere to certain standards of publication.

**The Chair:** Well, I can tell you that it's with some trepidation – you know, that's a lot of money to expend. I'm quite apprehensive about how much feedback we're going to get from the general public, I can tell you, based on how many people are going to be interested in conflicts of interest that are out there at large. I mean, the stakeholders are where we're going to get most of the feedback from in any event. If there's some redundancy in this list, I would like to see it eliminated myself.

**Mr. Oberle:** Mr. Chairman, I would move that we strike the weeklies in areas that are covered by dailies: Edmonton, Calgary, and any others if there are.

**The Chair:** Any comments on that point, Mr. Rogers?

**Mr. Rogers:** Yes, Mr. Chairman, if I may. Just a thought. Our staff probably have a lot more experience in dealing with these. The readership in these larger centres is quite different. You know, with the readership of *See Magazine*, maybe a good chunk of that readership doesn't read the *Journal*, for example. So just for some discussion, it depends on how broad we want this coverage to be. We can certainly satisfy the requirement to be seen to be getting out to as much of our public as possible by going in these major dailies in the big centres, but the reality is that they have different readership in some of these smaller newsstand magazines, the *Examiner* and so on. So I would suggest that depending on what we really want to do with the coverage, this would decide whether we stick



with the big dailies alone or we go with this broader coverage, as was suggested by the staff, because there is a different readership.

**Ms DeLong:** George, I think you're misunderstanding in that I believe that when we've made comments about not having the weeklies, it would only be the weeklies that are in the actual cities. You know, I guess that if I see that we've got it in both the *Calgary Herald* and the *Calgary Sun*, which cover Calgary very well, I think it would be redundant to spend another \$500 for another newspaper. That's all.

**Ms Sorensen:** I just want it to be clear. If the decision is made to take the weeklies out of the cities, is that including the cities in the metro area who are also covered by that circulation, such as Spruce Grove, Stony Plain, Leduc, that sort of thing? Or are you just specifically saying to take out the actual metropolitan weeklies?

**The Chair:** Mr. Oberle, would you like to clarify your motion?

**Mr. Oberle:** I think you have to restrict it to the main metropolitan weeklies because some of those outliers are more popular in the rural communities. While I understand Mr. Rogers' point, I'd also point out that this is advertised on the web as well. So I think that if you peel out those major metropolitan weeklies, it sort of covers it.

**Ms Sorensen:** Just to be clear again, the only way that will drive people to the web is through the advertising campaign. Just so everybody is aware of that.

**Mr. Oberle:** No, not actually. There are people that visit the government site and look for bulletins.

**Ms Sorensen:** This would be an Assembly site specifically set up for this committee.

**Mr. Oberle:** But it would be a link off the government page, off the news bulletins, right?

**Ms Sorensen:** Off the Assembly site, not the government site.

**Mr. Oberle:** Okay.

**The Chair:** Ms Dafoe, is there any way that we can get some kind of a link there to direct people to it?

**Ms Dafoe:** I imagine there could be a link put on the Justice website. They often have what consultation processes we are undertaking now. I'm not sure I could say that we could get it on the home page of the government of Alberta, but if someone were to go to the Department of Justice site, I could probably see that we'd get a link put in there.

**The Chair:** Well, anything would help.

So we have the motion. Any further discussion on that? I think we've had a good discussion on that.

Can we vote on the question then? All in favour of the motion to delete the weekly coverage in the metropolitan areas where there is daily newspaper advertisement?

**Mr. Groeneveld:** Mr. Chairman, just before we go to that. There are some real duplications. Wainwright has three papers in there, and St. Albert has three papers. I mean, I think we have to reflect on some of these costs for what we're covering.

**The Chair:** Well, we can come back to that, Mr. Groeneveld, but can we deal with this one first, which is really dealing with the larger centres that have dailies?

**Mr. Groeneveld:** Well, if we can come back to that, fine, but that's why I brought it up. If we can't come back to it, I think it's something that should be looked at.

**The Chair:** Well, if you're talking about Wainwright having three weekly papers or whatever, then we can come back to that issue, but what we're talking about now is to prevent the overlap between the dailies and the weeklies.

**Mr. Groeneveld:** I understand that. I just was afraid you wouldn't let us come back to that and we were done. Okay?

**The Chair:** Now, Mr. Rogers, you had another comment.

**Mr. Rogers:** Thank you, Mr. Chairman. I really don't want to beat this to death. We have to be careful when we say "metropolitan." For example, Leduc is covered very well by the *Edmonton Journal*, but not everybody reads it. We have the *Leduc Representative*, which I believe is on this here, so if we say "metropolitan," where we skip the weeklies, by that definition the staff would not advertise in the *Leduc Representative*. I'm being very serious. This is not about my paper or anything like that. My point is that if we're serious about getting the broadest coverage, we may want to spend \$2,000 more. That's all.

**The Chair:** Okay. I think Mr. Oberle clarified his motion to that effect, that we are talking about the cities proper as part of this.

**Mr. Rogers:** Well, I think you need to say that then, Mr. Chairman. If you want to say "Edmonton and Calgary," then that's clear, but if you say "metropolitan . . ."

**The Chair:** The city of Calgary, the city of Edmonton.

**Mr. Oberle:** Any city in Alberta that has its own daily.

**The Chair:** Okay. With that clarification, do you want to restate it just for the record?

**Mr. Oberle:** I move that  
we strike the advertisements in weekly newspapers in any city in Alberta that has its own daily newspaper.

**The Chair:** I call the question. All in favour? Anyone opposed? Carried.

Now we can deal with Mr. Groeneveld's issue.

**Mr. Groeneveld:** Thank you, Mr. Chairman. I just think that maybe we're overspending in some of these areas.

**The Chair:** As I said, I share that concern given the fact that we may not get a lot of response. It's a lot of money to get a little response.

**Mr. Groeneveld:** Yes.

**The Chair:** What were you going to suggest?

**Mr. Groeneveld:** Well, I don't know the exact population, but

maybe we could draw the line there. I suspect that Wainwright doesn't have an awful lot of people. I don't want to pick on Wainwright particularly, but it just jumps out at you here.

**The Chair:** Are you suggesting that we just go with the biggest circulation?

**Mr. Groeneveld:** Well, that would make sense to me. Any with duplication in it perhaps, depending on the size, I guess, of the town.

**Ms Sorensen:** I was going to say that you might want to consider the size. For example, I just saw one where there are two papers, each having a circulation of 14,000. I don't know if you want to cut that many people out.

**Ms Pastoor:** It could be the same 14,000.

**Ms Sorensen:** It could be. I mean, it's up to the committee if they want to just go with the high circulation for areas where there's more than one paper.

**The Chair:** So does somebody want to make a motion to that effect? Alana?

**Ms DeLong:** Yeah. I'll make a motion that whenever it covers the same area, we go with the one that has the higher circulation. For instance, I notice that with Lloydminster we've got the same one going out twice. One goes out on Sunday, and one goes out on Wednesday, yet it's in here twice.

**Ms Sorensen:** Sorry. I should have explained that. Some of the publications are biweeklies, which means that they go out twice within a week. It's similar to the dailies. You're choosing the rate based on the readership. So if you guys would prefer to go where there's a higher readership, then we can do that.

**Ms DeLong:** Yeah. Okay. Just so long as we don't send it out twice.

**Mr. Oberle:** I notice on quick review of this that the papers in Manning, High Level, La Crête, and Fort Vermilion are not on this list, which is about two-thirds of the population of my constituency. I also notice that Grimshaw is not on this list, which is a significant chunk of the Dunvegan-Central Peace constituency.

**Ms Sorensen:** We can certainly go through Alberta. Like I said before, this is the Alberta Weekly Newspapers Association, so it's the association that covers the weekly newspapers in Alberta. There are certainly many, many, many other newspapers that we can also include and do research on.

2:55

**The Chair:** We have a motion, Ms DeLong's motion, to eliminate some of the redundancies there. Mr. Groeneveld, you have a comment on it?

**Mr. Groeneveld:** I'll refute my own argument a bit. It's been called to my attention that we will get some feedback by choosing one paper over another.

**Ms Sorensen:** Yes, we will. Absolutely.

**Mr. Groeneveld:** So maybe I won't vote.

**Mr. Rogers:** Mr. Chairman, if I may. Can't we give the staff enough latitude on this one without microtuning? Do we need to do that? I'm sure we're not going to come back and slaughter them after if they miss one.

**The Chair:** Do you want to vote on this motion then? I'd call the question. The motion is that

where there is more than one weekly newspaper in any specific centre, we eliminate any redundancies and go with the higher circulation newspaper.

As I understand it, is that correct, Ms DeLong?

**Ms DeLong:** Well, we seem to be missing some places and doubling up on others. So maybe we could ask them to just have a look and see where we can maybe optimize things a little bit more.

**Ms Sorensen:** Okay. That will take some time because there are probably triple the number of newspapers that we've got represented here. The Alberta Weekly Newspapers Association essentially tells you that they're giving you Alberta-wide coverage. However, it doesn't hit all the little areas where you might have a readership of 500 here or there. But we can certainly look at that if that's the wish of the committee.

**The Chair:** Mr. Rogers.

**Mr. Rogers:** Thank you, Mr. Chairman. I might try this motion: that we give the staff the latitude to eliminate . . .

**The Chair:** Well, we already have a motion on the floor.

**Mr. Rogers:** Oh, we have a motion on the floor. Okay. I'll just give a suggestion, then, that somewhere out of this we allow the staff to use their discretion to eliminate obvious duplication and to add other areas that were obviously missed.

**The Chair:** Would the addition of papers come out of the reduced budget from eliminating the cities, or would it come out of the global budget that we now have?

**Ms DeLong:** Let's keep the budget the same.

**The Chair:** Alana, do you still want to proceed, then, with your motion?

**Ms DeLong:** Yeah. Let's just optimize it a little bit, keep the same budget, and see what you can do to avoid duplication and to add the pieces that are missing.

**The Chair:** Okay. Mr. Rogers, do you want to put the motion?

**Mr. Rogers:** Mr. Oberle's motion, I believe, is still on the floor. Or was that Alana's? Oh, that was Alana's. Well, it sounds like a good combination of the two motions then.

**The Chair:** I think that what she's doing is in effect deferring to your idea.

**Ms DeLong:** I'm amending my own motion.

**The Chair:** Okay. So can you rephrase the revised motion, Ms DeLong?

**Ms DeLong:** Yes.

And give the staff the latitude to optimize it, to avoid duplication where possible, and add areas that have been missed, within the same budget.

**Ms Sorensen:** Can I just ask one question?

**The Chair:** Ms Sorensen, you need clarification on that?

**Ms Sorensen:** I guess I'm just looking for a little bit of criteria. Are you looking for a circulation number that would qualify a newspaper as an area to spend money in? I guess that's what I'm not too sure about.

**The Chair:** Well, I think Mr. Oberle's comment earlier was that there were some larger centres than what are in here that may have been overlooked, and I think, if I understand Ms DeLong's motion, it is to keep within the existing budget of \$24,063. Correct?

**Ms DeLong:** Yes.

**The Chair:** With that comment, can we call the question? All in favour? Anyone opposed? It's carried.

**Ms Pastoor:** Mr. Chair, could I just ask a question for clarification. You spoke about the website, and, Frank, you intimated that lots of people check government websites. Okay. I'm wondering if, when that website is established, there is a way that we can count the hits on it.

**Ms Sorensen:** There is a way that we can count hits, although I would caution the committee that hits really don't tell you much of anything.

**Ms Pastoor:** I understand that.

**Ms Sorensen:** You might want to look at visits, which are a little harder to determine. Hits basically include anybody who might accidentally hit on that. For example, if you open it 10 times in one day, that's 10 hits. It really doesn't give you any information in terms of who's looking at it. If the committee thinks that it would be useful to look at those statistics, that would be fine. If not, I think you're going to get your answer through the submissions to the committee in terms of how successful the campaign is.

**Ms Pastoor:** Is it difficult to do visits? Is it difficult to set it up when you're setting up the site?

**Ms Sorensen:** There could be a cost associated. I would have to talk to our webmaster to determine if that is something we're already set up to handle or if that's something additional that we would have to invest in.

**Ms Pastoor:** I just think it would be interesting to see how this stuff is getting out for future. Like, really, how effective are newspapers versus the website? I mean, I know a lot of seniors who wouldn't even attempt to look at a website.

**Ms Dafoe:** You could always ask the question in the consultation document itself: how did you learn about this review?

**Ms Pastoor:** Okay. Yeah, that would – yeah.

**The Chair:** Everybody, in your materials you should have gotten a copy of this home page. It was behind the request for proposal. Ms Sorensen, do you have any further comments on that?

Ms Dafoe?

**Ms Dafoe:** Sorry. I've got a quick question about the website address because in the – is it a capital C-O-I-Review, or is it a small c-o-i-review?

**Ms Sorensen:** We had this discussion in the office the other day as well. It really doesn't matter. It doesn't matter if you type it in as a capital, which would be the appropriate way to write an acronym; however, generally if you do lowercase in an e-mail, that's what people are used to doing, and it will go through either way. We did test it.

**Ms Dafoe:** All right. So it's safe to leave it in the consultation document as – I think it's capital C-O-I-R and then small everything else?

**Ms Sorensen:** Yes.

**The Chair:** Any other comments, Ms Sorensen?

**Ms Sorensen:** Just essentially that this is a template that we developed when we did the Health Information Act to follow the basics of what's going to be included on the web page.

**The Chair:** Okay.

Any other business today? Any other issues, questions that members wish to raise?

Oh, sorry. We have an advertisement. I guess Ms Sorensen would like some feedback. Is this the proposed template for the newspaper advertisement?

**Ms Sorensen:** Yeah. That's what would go in. Now, just based on the discussions that we had today in terms of massaging some of the wording on the fundamental principles, that might need to change once those amendments are made with what we discussed today.

**The Chair:** Well, except that I would hate to see you put in a newspaper advertisement with the whereases and things like that.

**Ms Sorensen:** No. But if we could make sure that they're reflective of one another.

**The Chair:** Yeah. I agree.

**Ms DeLong:** It's just that the last bullet there is in the negative. Is it possible to express that in the positive?

**Ms Sorensen:** Uh-huh.

**Ms Dafoe:** There's in the first bullet "to foster public confidence and trust in" likely "elected officials," without the word "their" beforehand.

**Dr. B. Miller:** The last bullet is way too wordy.

**Ms Sorensen:** Yeah.

3:05

**The Chair:** Any other suggestions, comments? Looks good, a very attractive ad.

Shall we move on to the date of the next meeting? I guess the issue is: do we want to have a meeting sometime during the summer, or should we wait? The deadline for submissions that we proposed is September 5. Does the committee want to wait until that period expires before we get into some of the meaty issues, or would you like to meet in July?

**Some Hon. Members:** September.

**Mr. Lukaszuk:** We should meet more often during the summer though.

**The Chair:** Yeah. Are you serious?

**Mr. Lukaszuk:** No. September is good.

**Mrs. Sawchuk:** If you have 50 submissions in by the middle of August, you don't want to be leaving it.

**The Chair:** Well, Mrs. Sawchuk has made a good point, and that is that if we do get a number of submissions – and remember that this is going to go out to our stakeholders as well – during the summer, we may not want to wait until September to deal with all of them. So perhaps the most appropriate way is if you could delegate to the

chair the opportunity to call a meeting if necessary over the summer if we get a deluge of submissions. If there is fairly light response to it, then perhaps we can wait until September and convene a meeting then. Would that be agreeable? Okay. If you're prepared to proceed on that basis.

Do we need a motion, Rob, to do that? No. Okay.

**Ms DeLong:** I have a meeting scheduled, conflict of interest, on September 8. Is that still on?

**The Chair:** That was a tentative date that we had reserved, I think.

**Ms Pastoor:** Did we have September 9 for that meeting in the evening?

**Mrs. Sawchuk:** No. September 8 is the meeting in the evening.

**Ms Pastoor:** Sorry. I thought it was the 9th.

**The Chair:** Okay. I'll call for a motion to adjourn then. Mr. Rogers. All in favour? It's carried. Thank you.

[The committee adjourned at 3:07 p.m.]