

Title: Monday, September 19, 2005 Conflicts of Interest Act Review

Date: 05/09/19

Time: 9:05 a.m.

[Dr. Brown in the chair]

The Chair: Well, good morning, ladies and gentlemen. I think that in the interests of getting on with it, we'll begin. There are at least two further members that have indicated that they're on their way; they are presently coming from the airport. But I think we can at least get through the preliminaries.

First of all, I'd like to begin by having everyone identify themselves for the record, and maybe we'll start over on the left-hand side.

[The following members introduced themselves: Dr. Brown, Mr. Groeneveld, Mr. Lukaszuk, Mr. Martin, Mr. Rogers, and Mr. Shariff]

Ms Sorensen: Rhonda Sorensen, communications co-ordinator with the office of the Clerk.

Mrs. Kamuchik: Louise Kamuchik, Clerk Assistant, director of House Services.

Mr. Elsalhy: Mo Elsalhy, Edmonton-McClung.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

Mr. Hamilton: Don Hamilton, commissioner.

Ms South: Karen South, office of the Ethics Commissioner.

Ms Dafoe: Sarah Dafoe, Alberta Justice.

Mr. Reynolds: Rob Reynolds, Senior Parliamentary Counsel of the Legislative Assembly. Good morning.

The Chair: Thank you all for being here this morning.

The members' meeting packages were delivered last Wednesday, and they were also sent electronically. Is there anyone that's lacking any of the materials? We do have extra copies.

I'd also ask that members take the time to make sure they have reviewed the two previous reports, the Tupper report and the executive summary of the Wachowich report, which is extremely lengthy and is somewhat dated. Those were also included in the orientation materials. If there is anyone that needs a copy of those materials, they can still obtain them from Mrs. Sawchuk.

First, I would just like to mention that we did have a meeting with the ethics commissioners, and I thought it was very well received and worth while. Mr. Hamilton and Ms South, I want to thank you for your part in arranging that meeting with the ethics commissioners. I think there was some useful information and some useful feedback to the committee. Those of you who were at that meeting I think found it useful to get some perspective of what other jurisdictions are doing and what they perceive as some of the benefits of some of the processes that we have before us in this process.

I'd like to move on now to the minutes of the June 13 meeting. They were sent out. Has everyone had an opportunity to review those minutes?

Mr. Rogers: I'd move adoption, Mr. Chairman.

The Chair: Okay. Mr. Rogers moves adoption. Any discussion?

Errors or omissions? Hearing none, all in favour? Anyone opposed? That motion is carried.

I'll move on now to the submissions that were received since the June meeting. We have compiled a list of the submissions, and everyone should have a little list like this. There were 18 different submissions that were supplied to the committee as a result of our discussion paper. You should also have copies of each of those submissions, and in addition you should have a couple of other documents. One is the review summary, if you want to put it that way, which summarizes the various questions which each of the submissions replied to. I asked that that be prepared. Rather than going through it submission by submission, I thought the best way to proceed would be for us to go through chronologically in order of the questions and then see who had responded to each of the questions and take those submissions into account as we went through the various questions.

The other thing that we have is some information papers. They are marked as information papers 1, 2, and 3. Sarah, you were responsible for preparing those, I believe. Those are some help with respect to some of the preliminary questions that we'd asked in the discussion guide.

So with that in mind, my proposal for proceeding this morning would be for us to go through the discussion guide, starting at the beginning and then working our way through the various submissions that were made in response to each one of the questions. Does anyone have a problem with proceeding in that manner? Okay.

Does everyone have their discussion guide at hand? The beginning of the discussion guide talks about the fundamental principles of the current act, and we posed some questions regarding those fundamental principles, the first one being whether or not the preamble clearly sets out the guiding principles that underlie the act. At that juncture, I'm going to open up the floor to discussion regarding question 1, whether anyone has anything to contribute regarding that particular question.

Mr. Rogers: Just a point, Mr. Chairman. I realize we're dealing with the specific wording of this preamble, but the reality is that a preamble sort of sets a tone. It tells one what to expect in any given document, like a preface to a book or something like that. You know, at some point I guess the thought I would have is: at what point do you keep rolling all preambles into the document? All a preamble is is just something that sort of gives the reader a bit of an idea of what you should expect in any given piece of written material. So just a comment I would give regarding what we do with a preamble. If we roll this preamble into the act, then it would suggest that you might need to write another preamble.

The Chair: Are you suggesting that we make it into a purpose statement then?

Mr. Rogers: Well, I think that's what a preamble really should be because it gives the reader an expectation of what you're going to find inside a given document, book, journal, what have you.

The Chair: Well, as Ms Dafoe's summary indicates, there are some subtle differences between a preamble and a purpose statement, something that's embedded in the legislation itself, and I think that is question 3 there. So if you want to consider all three of those questions at the same time, that's fine with the chair, but let's just open up the floor to other discussion regarding that issue.

Mr. Shariff: Mr. Chairman, since Mr. Hamilton is here, I was just curious to know about a response from his office that suggested that

we “express the fundamental principles in a more positive manner.” I’m just curious: what is it that you saw in here that needed to be changed positively?

Mr. Hamilton: Those were comments that were sent to us.

Mr. Shariff: Oh, okay. Overall I’m satisfied the way it is. I don’t have much of a concern. Thank you.

9:15

The Chair: I think that the point of question 2 that the Ethics Commissioner has made is some acknowledgement within the statement of principles that Members of the Legislative Assembly do bring certain outside interests and expertise to the position, and we have to have a balancing of the private members’ knowledge and expertise.

Also, I found it interesting that during the Ethics Commissioner’s discussion reference was made to the fact that there is a place for healthy interchange between the private sector and government, and I note that Ontario and Nunavut both acknowledge the sort of balancing of those various attributes in the legislation. So I don’t know whether it’s something that the committee is interested in pursuing, but I think that it helps to give some kind of perspective in interpreting the act, recognizing that a member may be a farmer or a lawyer or a doctor and have certain outside expertise to bring to the table.

So does anyone have any issues with that, or are we content to leave the preamble as a preamble rather than interpreting it more strictly within the body of the legislation?

Mr. Groeneveld: I don’t think it necessarily has to go into the body of the legislation. I wouldn’t see it that way.

The Chair: Mr. Hamilton, do you have any input on that, or are you happy with having the statement of principles in the preamble the way it is?

Mr. Hamilton: I think so. But we gave you other jurisdictions; that’s what that page is.

The Chair: Ms Dafoe, do you have any comments that you wish to add to the issue of the preamble and the statement of principles and so on, whether it should be part of the body of the legislation?

Ms Dafoe: I think you’ve covered it quite well. As noted in the information paper, the preamble isn’t actually a substantive part of the legislation. I think Mr. Rogers pointed it out well. He said that it’s a way to sort of get your mind around what the legislation is trying to do; it’s more ideological. If you move it into the act itself, there’s a more strict, binding nature to the provisions.

I think that the provisions that are in the act already sort of cover most of the field as it is. As was pointed out in the Ethics Commissioner’s submission, Ontario does have that part of their preamble that recognizes that members’ experience and knowledge have a value. That may be something that, as the meetings continue, may seem more and more important. You may want to visit that later on.

But in terms of whether it needs to move out of the preamble, I think that’s a decision for the committee. I don’t think that substantively it makes that much of a difference.

The Chair: Any other comments regarding the preamble?

Mr. Shariff: Just for the record, I agree with George. I don’t think

that it needs to be part of the act, and maybe it should be left as a preamble.

Mr. Martin: Well, yeah, in the act I suppose it’s supposed to be enforced, but I don’t know how you’d enforce – this is more of a broad statement – public confidence and trust. So I think that’s what the purpose of the act is. That says it. I think that to try to put it in the body would be pointless.

The Chair: Okay. I gather that there’s consensus, then, regarding the form of the preamble that we now have.

So is there any other discussion, then, regarding any of the first three questions, bearing in mind the submissions that have been made?

Mr. Groeneveld: I suppose we’re actually talking about two different stories here. We’re saying that the preamble shouldn’t be moved into the act, but I guess we’re not necessarily saying that the preamble is – are we happy with the preamble the way it is? Are we going to get to that?

The Chair: Okay. Let’s just say that there is consensus on question 3, then, and the answer is no. I gather that there’s no one dissenting on that point.

Let’s just open up the floor, then, to question 2, whether there are any other principles that ought to be articulated in the preamble.

Mr. Shariff: Mr. Chairman, if down the road we are going to deal with senior bureaucrats, then I’m wondering whether that needs to be part of the preamble because at this stage the preamble is dealing with elected officials.

Mr. Martin: We’d have to review it and come back then.

The Chair: Yeah. I think that’s something that we should come back to in the event that the committee decides that those other parties ought to be governed by the act.

Are there any other thoughts, then, from the other jurisdictions that members wish to have incorporated in our legislation? There are some pretty high ideals articulated in some of those other statements and preambles. Those are listed in Information Paper 1, which I’m sure everybody has had a chance to review thoroughly.

Dr. Morton: I had a question about the federal conflict-of-interest legislation. It uses the term “public office holders.” Does that mean elected members, or is it broader than that?

The Chair: I believe that it’s broader than that. Mr. Hamilton, would you clarify that for us? The federal legislation, if I recall the discussion with the Ethics Commissioner, also applies to deputy ministers. That was my recollection.

Dr. Morton: This is on page 2 of Information Paper 1. There are two summaries of the federal legislation there, and it uses the term “public office holders.” So it’s not just elected members but also deputy ministers, chiefs of staff.

The Chair: Yeah. My recollection from Dr. Shapiro’s discussion with us was that the deputy ministers are covered but that assistant deputy ministers are not. So there was a cut-off at that senior level.

Dr. Morton: That’s probably not immediately relevant to the preamble issue, but it obviously gets relevant later.

The Chair: Mr. Lukaszuk.

Mr. Lukaszuk: Yes, Mr. Chair. As far as I recall, Dr. Shapiro further indicated that appointed chairs of commissions and committees are also covered by it, and he indicated that the number is in excess of 1,300 or so appointed members.

The Chair: Is that something, then, that the committee would be content to come back to when we get to the point of meeting on the broad coverage of the act, and then we can amend the preamble accordingly if the decision is to proceed that way?

Some Hon. Members: Agreed.

The Chair: Are there any other principles? Mr. Elsalhy.

Mr. Elsalhy: Thank you, Mr. Chair. Would now be the time to maybe suggest that the preamble can be revisited, or can we make additions to it now or suggestions?

The Chair: Absolutely. That's where we're at in terms of question 2: are there any other principles that should be included in the preamble?

Mr. Elsalhy: Being a guest of the committee, can I participate in the discussion? Is that allowed?

The Chair: Absolutely. As a member you're free to participate in the discussions. You just don't have a vote when it comes time to vote.

9:25

Mr. Elsalhy: Thank you. Would the committee entertain the idea of maybe broadening the preamble to highlight the fact that not all conflicts of interest are of the financial nature, that it could be an ethical decision that might affect, you know, the spending or the policy direction of the government? Can we broaden it so it's highlighted that it's not only financial conflict of interest, that it could be other things too? That's one suggestion.

The other thing is, again, in that statement of purpose or in the redone preamble if we can say that members do have a positive duty to one, two, three, and four. So it reinforces it to try to maybe solicit some more trust from the public. You know, they have misconceptions and negative feelings about politicians and elected officers and appointed officers. So can we say that "members are expected to" and then list one, two, or three as positive duties?

The Chair: That's a fair comment. I'm not sure whether it's specifically addressed to the issue of the preamble, though, because the preamble right now states in broad terms that the members are expected to perform their duties of office and arrange their private affairs in a manner that promotes public confidence and trust in the integrity of each Member, that maintains the Assembly's dignity and that justifies the respect in which society holds the Assembly and its Members.

So perhaps what you're suggesting is more appropriately dealt with further down the line when we talk about part 2, which now deals with what is a conflict of interest and what has to flow from that perception of a conflict of interest. So perhaps we could broaden it when we get to part 2 of the act.

Mr. Elsalhy: Sure. That's fair.

The Chair: That's a good comment though.

Any other discussion, then, before we leave question 2?

Mr. Rogers: A point, Mr. Chairman. Certainly with all due respect to Mr. Elsalhy, I think, you know, that we have to be cautious. Anyone that holds these offices is certainly expected to be of the highest character. But in terms of trying to legislate, you can't legislate morality. You know, the conflicts of interest refer to matters that might accrue a benefit, a material benefit, to a member around these tables or individuals that might be associated by being family members or other close associates, that certainly can be defined in a legal sense. So I would just caution that we be careful that we don't attempt or at least be seen to be trying to legislate morality because I think that's certainly beyond our abilities here and I don't think what we were tasked to do.

The Chair: I take your point, but I think it's a fine point. While one can't legislate morality, one can certainly legislate codes of conduct or expectations or standards. That's why we have a Criminal Code. Although we can't tell people not to commit crimes, we can tell people that it is a crime when they do certain acts.

So I think that our job here is to make sure that we have a defined set of standards so that members and public officials have some expectation, that they have a good knowledge and base to know what is expected of them in terms of conduct. So I take your point, but I do think that the whole purpose of this legislation is to set certain standards and guidelines.

Mr. Martin: Well, I'm not sure; maybe you can explain. The bulk of this, obviously, has to do with the possibility of unfair financial advantage as a gain. That's the purpose. So I'm not sure exactly what you mean about other conflicts that could occur. I don't know if you could give us an example so we have a little better idea of what you're talking about.

Mr. Elsalhy: Conflict of interest is not only limited to financial gain. I can be on this committee and vote a certain way which might affect my profession. Maybe I don't stand to gain as a person, but I can make a decision that might affect the practice of pharmacy. Or a teacher who is on the committee might make a decision that might affect how learning or the profession of teaching is affected. So you can stand to gain indirectly. It doesn't have to be the technicality of, you know, how much money I made because I voted a certain way or how much money I made because somebody lobbied me to vote a certain way. I can stand to gain indirectly. Associates of mine can stand to gain indirectly.

It doesn't have to be financial only. I think we can expand it. Every decision, every word we utter affects a certain aspect of people's lives, be it our constituents, be it our families, be it associates in the same field we practice, and so on. So I don't think it's an unfair request to consider expanding the definition of a conflict of interest to include things that are not monetary or financial.

The Chair: Mr. Elsalhy, I think one of the issues, perhaps, if I can try and capture that, is the issue of impartiality, which is addressed in part of the preamble, in the third paragraph of the preamble in the existing act. While impartiality is mentioned in the preamble, it really is not articulated in the body of the act in any specific way. Is that the sum of what you're driving at?

Mr. Elsalhy: Yeah. Absolutely.

Mr. Lukaszuk: Mr. Chairman, I think we're entering uncharted and very dangerous territories over here. I think the principle of this act and the very purpose of this act is to ascertain that elected members, appointed members, or however far we wish to extend this act, don't place themselves in the position of conflict whereby they can accrue some form of personal and material gain, tangible gain, gain that can be pointed out and where the mens rea of trying to avail oneself with material gain can be proven.

If you start to venture into areas of nonmaterial, nonfinancial gain, you're entering a territory which cannot be established and definitely cannot be substantiated. If we were to follow the Member for Edmonton-McClung's suggestion, we would find ourselves in conflict a number of times per day because we vote on issues where we affect policies of all aspects of all citizens' lives. I would never be able to vote on anything that pertains to education, health care, social services. You name it. I would have to disqualify myself from every vote because either I or my partner or my family or a relative or a dear friend could be somehow involved with that aspect of life.

However, I don't think that that's what this act is intending to do. I think the act clearly speaks to the fact that there ought to be some form of tangible, material, not necessarily financial but material, gain.

The Chair: Mr. Lukaszuk, if I can just comment briefly on your statement. That is the reason why I suggested earlier in our meeting that perhaps we should have something like the Ontario Members' Integrity Act, which says that

the Assembly as a whole can represent the people of Ontario most effectively if its members have experience and knowledge in relation to many aspects of life . . . and if they can continue to be active in their own communities, whether in business, in the practice of a profession or otherwise.

I didn't hear any support around the committee for that idea, but I take your point, and I think it's a very valid one. I think it's a balancing act. As the ethics commissioners stated, there is certainly worth in having a balance between private interests and the public service. We presently don't have any such statement as part of our preamble or as part of our statement of principles. If you're suggesting that maybe we should have, I'd certainly be receptive to having something like that put in there.

Mr. Lukaszuk: Well, Mr. Chairman, I think it's a matter worth considering. All of us around this table come from professional backgrounds. The Member for Edmonton-McClung is a pharmacist, I'm a teacher, and we have a social worker, and that is what makes us good legislators. That is what allows us to bring to the table in the Legislature some actual not only academic but practical experience and allows us to make decisions that are hopefully more accurate.

If the chair is entertaining having a discussion on this topic, I definitely would like to participate. I see a lot of merit in the Ontario approach to this act.

9:35

Mr. Shariff: We're still dealing with preambles, so it's appropriate to bring it forward.

The Chair: So, Mr. Lukaszuk, just to get back to the point of question 2, "Are there any other principles that should be included?" are you suggesting that we ought to incorporate a statement similar to item 1 in the Ontario integrity act preamble?

Mr. Lukaszuk: I do. The reason I think we should at least entertain

doing that is the fact that we do acknowledge the fact that it is more and more difficult luring, for lack of a better term, individuals into the profession of politics, particularly individuals who have already established themselves in the community in various professions. If our act would promote that one as a Member of the Legislative Assembly continues to be active in the community, in the life of the community – and to me life of a community not only means voluntary but also professional – but at the same time sets clear limitations on what could possibly, then, constitute conflict, I would have no issue with that at all.

You know, our legal profession is actually quite good at governing itself that way. You have legal counsel or, even better, the bench. They are members of the legal community. They partake in certain activities but definitely know when to exclude themselves from meetings or associations where a conflict could possibly arise. I don't see why we as politicians could not govern ourselves in the same manner as the legal profession would.

The Chair: Mr. Rogers.

Mr. Rogers: Thank you, Mr. Chairman. I, too, would speak in favour of maybe considering the Ontario provisions. Again, speaking to the point of the Member for Edmonton-McClung and regarding any decisions that we might make as members and legislators that may affect, for example – and I would use the example of the teaching profession. Let's say we were dealing with an issue that would affect the pension of the teaching profession and me as a member of that teaching profession.

Now, I go back to my experience in municipal politics where there is a provision in the Municipal Government Act that states that if you have a pecuniary interest, because of the fact of being a member of that profession even though you're not actively practising while you're sitting in the House, the potential is that something that affects your pension will definitely accrue a benefit to you. It behooves that member to stand up at the start of those discussions, declare a potential conflict, and excuse him- or herself from the deliberations. I think we have those provisions. I believe that we have enough experience in this type of area.

If it's not expressly clear in this particular piece of legislation, then I think that's something that we could consider dealing with. There are options like that. Thank you.

The Chair: I'm just going to stop here for a moment and try and focus the discussion a little bit more narrowly. What I'm hearing is that there is some broad need to balance these issues, and rather than having simply sanctions, we should have some statement in there that there is a balance involved.

I'm going to ask members to look at Information Paper 1 and look at the Ontario Members' Integrity Act items 1 and 2. Those are the ones that specifically put something on the other side of the pendulum. Rather than simply sanctions as to what you cannot do, they attempt to state some sort of balance in terms of what is expected of the member. Is there some desire to incorporate something along those lines of items 1 and 2 in the Ontario Members' Integrity Act preamble?

Mr. Shariff, do you want to comment on that?

Mr. Shariff: Well, Mr. Chairman, the way I understand the discussion that has just happened is that two different issues have come forward. What Mr. Elsalhy was talking about was conflict that had interest other than financial gains, and what Mr. Lukaszuk is proposing is an inclusion of the Ontario model which allows members to continue to participate in business or a profession.

Let me throw out this idea here. I'm trying to blend the two to see where it comes from. We had a major crisis in Alberta on the BSE issue. We had a program that benefited people who raise cattle. If we were to ask all farmers to get out of that discussion process, that would probably eliminate 50 per cent of our members in this Assembly, but that decision was very important because those people had to participate to let us know what is happening in their profession. The point I'm trying to make is that we have to have a balance, that there is some common good for society that we have to deliberate on. At the end of the day there may be some decisions we make that will benefit personally because I do know from disclosure statements there were Members of the Legislative Assembly who did get cheques from the government of Alberta as a result of the BSE or any other agricultural issue that existed.

I think we need to deal with both of them separately, rather than mix them up. I see the merit of what Mr. Lukaszuk is saying, but I also understand the difficulties of: how do you interpret certain values? I don't even know how the Ethics Commissioner is going to deal with it, because there will be allegations on a constant basis that you made a decision that would impact a certain profession and that there is a perceived conflict of interest. I have no idea how the Ethics Commissioner or his office will deal with it, but maybe we should deal with both of them of separately.

The Chair: Mr. Lukaszuk.

Mr. Lukaszuk: Thank you. That's a great point, Mr. Shariff. If we were to adopt my proposal that we allow members to continue in their business, then a rule would have to be adopted that allows those members to participate in the discussion on a given subject. Using your example, indeed I would want at the table the expertise of ranchers bringing information to the table. But when it comes to voting time, then they would have to exclude themselves from the vote. The reason we want them to be in business is so they can bring that experience to the table. However, at voting time they would want to remove themselves from a potential conflict and then excuse themselves.

The Chair: Mr. Elsalhy.

Mr. Elsalhy: Thank you, Mr. Chairman. I want to clarify that I am in no way suggesting that elected members cannot participate in any discussion on any subject that is being discussed in the Assembly.

What I'm saying is that – and I'll give you an example of my own – when I joined the Legislative Assembly, I had a meeting with the Ethics Commissioner, and we talked about what I did and, you know, my life prior to becoming an elected person. It was agreed upon that I would relinquish my managerial licence as a pharmacist and that I would continue to practice just as a staff pharmacist. The rationale behind that decision was that I don't want to put myself in a conflict of interest if we're discussing the health budget or if we're discussing bills that are related to health care and so on. I took that as a friendly suggestion. I listened, I agreed to it, and I implemented it. In that same week I relinquished my managerial licence. I continue to practice, and I don't draw a salary. I actually practice as a volunteer, just to keep my hands wet, if you want.

I'm not suggesting that people cannot participate in any discussions, that they cannot participate in budget debates, bill debates, motions; totally unlike this. What I'm saying is – and there's that point about perceived conflict, too, which I think is going to be discussed a bit later – it's not only limited to drawing a benefit or a tangible financial gain, as the honourable member suggested. I think it's basically pardoning yourself from a discussion if you think that

the public or the Ethics Commissioner or somebody in the Legislature might view it the wrong way. That's an excellent example, and people do this on their own accord. They don't need to be reminded.

How about enforcing it so that our clients, our voters, our constituents would view us with a bit higher regard? The esteem and regard for politicians is really low, and we want to just encourage them to either seek office or to respect people who hold office. By saying members are expected to act with the utmost integrity and to have impartiality and neutrality, I think it's a fair statement. It doesn't, you know, give the wrong message. It actually enforces a positive message, that people are expected to act with integrity, impartiality, and neutrality.

That's basically it – you can vote; you can participate in any discussion you want – having that in the preamble or in the act saying that we are all expected to act in that way.

9:45

Mr. Martin: Well, I'm going to go back to the Ontario one. You wanted to specify that. I frankly don't know what the purpose of that would be. I always worry that the more things you put down in a preamble or that, often you don't know where that's going to take you. I think it should be self-evident that most voters understand that we all have different backgrounds and come from different sources, and they still expect us to operate in the Legislature. I think that when we put this in, we can sometimes create problems for ourselves with some unforeseen interpretation of what that means. I can live with it, but at first blush I don't see a particular need for that. I'd be interested to know how that's helped or hindered or whatever in Ontario, you know. But once you start adding words to things without knowing where they're going, I think you can create some problems.

Mr. Shariff: On the point that Mr. Martin is making, here we have a classical example. Mr. Elsalhy has interpreted, based on advice, not being asked to, to give up his managerial licence and to not draw a salary. There are other members of this Assembly that continue performing their business and receiving an income from it as well as being Members of the Legislative Assembly. I think this would probably help as clarity that it's kosher to continue being in your profession, in your business and being a Member of the Legislative Assembly at the same time. So I see some merits in having a clarity that then gives us permission to continue doing what we do if we so choose. There may be members who may opt not to do it, and that's their own personal decision then.

The Chair: Mr. Groeneveld.

Mr. Groeneveld: Yes. Thank you, Mr. Chairman. You know, I have to agree with what Mr. Martin is saying there. I think that we're just going to cause ourselves some problems by implementing this.

As far as the integrity part of this goes, to me it's already in here. That goes along, but when you start legislating integrity or trying to put more teeth into it, I certainly wouldn't want to be the Ethics Commissioner when somebody complains: I don't like what that person is thinking or what that person is saying. There is freedom of speech in this world, but to me I think we've got to be very careful when we start adding in stuff like this.

The Chair: Mr. Oberle.

Mr. Oberle: Thank you, Mr. Chair. I guess I'll just jump into the discussion here in that it seems to me there is some lack of clarity.

We're not trying to legislate ethics or morality here; we're trying to define what it is. I think I support the chair in that regard, that maybe that's useful, because I see some confusion here.

I'm a professional forester, and I maintain my designation even though I'm now an MLA. I most certainly intend to influence my profession. That's one of the reasons I came here. If it's not crystal clear to everybody, including the general public, that that's not only an allowable thing but an honourable thing, then maybe we should define it that way. The only measure that I see of where I as an MLA have perhaps crossed the line is back to: is there some financial benefit that I've gained from my influence? But beyond that, I think it's my duty to influence my profession here.

The Chair: Well, for what it's worth, I believe that it would be worth while to put something like the Ontario integrity act preamble into ours because I do think it gives some kind of an indication that there is a balance there and that, as Mr. Oberle has said, we do bring certain attributes to this position from our past life or from our qualifications or professions.

Is there any other input on this? I think we should try and see whether there is a consensus of the committee that we need something in there or that it would be worth while to put it in. So can we have a show of hands as to who would be interested in incorporating something along the line of the Ontario Members' Integrity Act, sections 1 and 2, that are articulated in the information paper? Who would not favour that? Two. Well, there's sort of a majority there, and Mr. Lukaszuk, who has just absented himself from the room, having put the proposal, I will assume that he's in favour of it as well. I think that there's some consensus.

Of the two individuals that did not favour that, Mr. Martin, you indicated that you wouldn't have a particular problem with it then.

Mr. Martin: Well, no. It's not something to go to the wall about, obviously. My concern is that when you put that in, it may encourage people to take more risks than they would with their previous business, and I think that sort of goes against the purpose. I mean, we don't know how it's operated in Ontario, whether it's been beneficial or not. It's a concern, but, as I said, it's not the major part of the legislation that's going to make or break it.

The Chair: Can I just ask perhaps the Ethics Commissioner or Ms South whether or not in their view this would assist them in the process of interpretation of whether or not there was, in fact, a conflict of interest?

Mr. Hamilton: Well, in the document that you have, we say that we are not advocating or against the placement of a preamble.

The Chair: By that, you mean whether it's in the text or not.

Mr. Hamilton: Whether it is or not, yeah.

The Chair: As far as the issue of reference to outside interests or experience and knowledge in other aspects of life, do you have any particular input on that, on whether or not something along the lines of the Ontario preamble should be incorporated?

Ms South: Certainly, I think that in speeches that the commissioner, the predecessor and this current commissioner, have made over the years, there's been a comment that members do bring an expertise and knowledge from their backgrounds and an explanation of why it may not be a conflict of interest for them to participate in certain issues. So it's been part of our education effort, if you like. I've

certainly not heard of anything from Ontario that that's been an issue. I think that because the preamble isn't a section that anybody would be in breach of, it's not likely to have come up in any of their investigation reports. I can check with Ontario on that one.

Mr. Reynolds: Mr. Chair, without getting into the issue of whether it's a good idea or a bad idea – obviously, that's up to the committee – I mean, I think this issue really focuses on one of the fundamental perceptions of conflict of interest in the sense that historically I think the perception has always been that if someone is a lawyer, a teacher, a pharmacist, a social worker, they would bring that ability to the Legislative Assembly in order to inform the discussion and help shape the issues in the sense of having an informed perspective to bring on the law-making process. Certainly, one might think that that's a tradition that people look to. I mean, for instance, perhaps people might know – and I'm sure they do – that Mr. Oberle is a registered forester, and that would be a perspective that they would appreciate being represented in the Legislature. Mr. Elsalhy was a pharmacist. Perhaps people want informed discussion of that. It's just an interesting thing in terms of looking at politics.

Now, the perception is that it might be a conflict if you know something about an area, whereas it used to be considered I think a benefit that someone could bring that expertise to the table. Certainly, it's an interesting perspective, and I think that just the discussion here demonstrates, perhaps, the need for that point to be expressed in the preamble at least to clarify to people, if this is where you're going, Mr. Chair, that just because someone has experience in an area doesn't necessarily mean that it's a conflict. If that's the point, then I imagine that that would be a guide to, for instance, the Ethics Commissioner because typically the courts don't look at this legislation yet. In any event, I imagine that's who it would be directed to and, of course, to the public to know that there's a recognition that because someone has experience, it doesn't necessarily mean they're in a conflict.

Thank you. That's all I wanted to say.

Mr. Oberle: I think it might be useful to actually state that, whereas I doubt the average Albertan would care whether I was a professional forester or not or participating in discussions or not. I would bet that a large segment of the population would be concerned if a former oil industry executive was participating in energy discussions. At least, it would potentially raise a flag when there should be a clear reason for that flag to be raised or not to be raised. We certainly need the expertise from the energy industry and every other profession around the table. There are times when it's desirable to have that, and maybe we should state that. Again, back to the chair's suggestion.

9:55

Dr. Morton: As a general rule of thumb I would say that if Ontario does it, we shouldn't do it, but this might be one of those rare exceptions.

I still think we could improve on their language here. There's ambiguity between the first and second statement there. The first statement talks about "communities" and seems to mean sort of vocational or business or professional communities, whereas the second statement talks about "members' duty to represent their constituents." The common-sense meaning of constituent isn't the business or vocational or professional background you come from. It's the people that have elected you. So it seems to me that those two are somewhat at odds.

I've indicated already that I support adding this. I would suggest a rephrasing of the second statement, though, to make two changes.

First, “representing.” Representing could mean speaking on behalf of or voting. A couple of people have already indicated that there’s a big difference between speaking on behalf of a policy that affects your vocation or profession and voting on it, and “representing” blurs that distinction, so we might want to use language like “articulating” or “explaining.” Then instead of using “constituents’ interests,” I think we should talk about communities’ interests because using “communities” has the continuity with the word “communities” that’s used in the preceding section. I still support adding these two but would suggest those rewordings in the second statement.

The Chair: Well, just one comment on that. The issue of the wording of “constituents” could mean something that was geographically peculiar. For example, let’s take the widening of 16th Avenue in Calgary. I mean, advocating on behalf of that obviously is something that we would expect a member to do. Similarly, there may be groups or individual constituents even who have difficulties dealing with a board or a government agency or something, and it’s certainly expected that private members are going to be advocating on behalf of them as well.

I think the word “constituents” really does add something to it, and there may be ways that we can embellish that or add to it, Dr. Morton. Your suggestion is that it should be something other than “constituents,” and perhaps it could be something in addition to “constituents.” I guess that is what I’m saying.

Mr. Groeneveld: Mr. Chairman, of course, you realize what I do in life as a business, and Mr. Shariff brought up the BSE situation. Agriculture, of course, is a little different breed of cat in our Assembly, as the commissioner will well verify, I’m sure. I guess I don’t want to go anywhere that’s going to jeopardize where agriculture is at, how directly tied it is to the decisions in the House. Financially there is the direct tie, almost immediate. I guess we’ve been turning our heads and saying, “Okay, that’s the way we live in Alberta,” but as rural Alberta shrinks and urban Alberta grows, I don’t want to have any wording in here that’s going to squeeze us, with somebody getting the idea: hey, we can stop this now. I guess that’s why I just worry.

As Mr. Martin said, perhaps we could clear up the wording just a little bit on this and make it a little more specific.

The Chair: Well, I think that, if anything, this gives the balance. Mr. Groeneveld, I think, if anything, it would assist the commissioner interpreting it, saying that farmers are expected to have, you know, certain interests which they bring to the table. So I think perhaps you’re viewing it in a way that’s contrary to the intention of the Ontario Members’ Integrity Act, which is to put some balance in there. Right now it’s just saying that you should be impartial, which it says in part 3 of our preamble, and it’s also saying that you ought to be avoiding any conflicts of interest, with certain exceptions.

So I think that what I hear the committee members saying that they want to achieve here is that something ought to be in there as a statement of balance. I think that Mr. Reynolds made that point very well when he talked about how we bring different professions and backgrounds to the table. So you as a farmer would bring your perspective to the table, and this is simply saying that we expect you to do so absolutely.

Mr. Groeneveld: But I also hear in there that you can discuss this, but when the time comes to vote, scat.

Mr. Rogers: Mr. Chairman, that was a suggestion. I mean, we haven’t made a decision on that.

Mr. Oberle: I just want to clarify what I said earlier. Although I agree with Dr. Morton, we could add some clarity here. I don’t like the distinction between voting and participating in the discussion. As a forester here I’m going to push for changes which I think will improve my profession, and I fully intend to vote on those even though I myself am a professional forester. The line comes if there’s a potential for some personal gain, at which point I shouldn’t be participating in the discussion either.

The Chair: You can’t. That’s already in there.

Mr. Oberle: That’s already clear in our legislation. At the municipal level – a couple of other members brought up the municipal discussion – you have to exclude yourself from the discussion. You have to vacate your chair. You can sit across the table and appear as a private citizen and explain your point of view, but you’re not participating as a council member, and you’re out the door when the discussion carries on and when the vote takes place. And it’s the same here.

Dr. Morton: I thought you just said, Mr. Chair, that ranchers should participate in the discussion of BSE and BSE aid even though clearly they’re going to be materially affected, in fact were materially affected. So that’s inconsistent with what Mr. Oberle just said.

The Chair: The prohibition in the act now – part 2 of the act right now clearly deals with the issue of when a conflict of interest arises, what’s to be done in terms of a declaration. You have to make a report to the Ethics Commissioner, and so on. But that is quite separate from what we’re trying to focus on. I want to bring us back to this idea that the preamble here is a preamble. It’s the statement of principles, and what we’re trying to get to the bottom of here is whether it’s worth while to put something in those statements of principles in the preamble that states that we as Members of the Legislative Assembly are also citizens who have certain attributes and backgrounds and professions and interests which are valuable to bring to the table.

I want to try and focus the discussion back again, not to get into whether we should be voting on things or not voting on things but back to the preamble here.

Mr. Martin: Now, again, I just come back. I think it’s self-evident that we bring different backgrounds, hopefully, that are useful to the people of Alberta. Just the discussion we’re having about adding words: you see, that’s my point, that it broadens, and people don’t understand. The more words you put into a preamble, the rest of it creates confusion. But as I said, I’ll live with whatever.

The Chair: I take your point, but I think there is a general consensus, if not unanimity, that the members want something in there along those lines. Am I correct in that regard? Does somebody want to make a proposal?

Mr. Shariff: Mr. Chairman, I’d make a proposal that the committee consider including the first two principles that are articulated in the Ontario model and adapt them to a language and format that is acceptable to this committee that reflects the interests of Alberta.

10:05

The Chair: Could I propose, then, that either you or Mr. Lukaszuk, who made the initial suggestion, come back to the next meeting with some wording for this particular discussion?

Mr. Shariff: Mr. Chairman, I believe that we sitting around here are probably making concepts of principles, but we do have technical people who have the expertise to come back with the language that meets the needs of the act and that can be interpreted by the Ethics Commissioner in a very clear sense.

Ms Dafoe: Another option would be to set forth the concepts that the committee supports without necessarily wordsmithing because there are professional drafters who do this for a living. I'm not one of them, but I could certainly come forward with some principles to include in the report that the committee puts forward, if that's acceptable.

The Chair: Mr. Shariff, were you suggesting that those general principles would revolve around principles 1 and 2 in the Ontario integrity act?

Mr. Shariff: Yes. Correct.

Mr. Rogers: Mr. Chairman, if I may just add to that, and my colleague can correct me if I'm offbeat. We don't necessarily have to come back with 1 and 2. From what I'm hearing him say, we can come back with something that embodies the essence of what is contained in those two. It may just become a 1 or an (a) or whatever.

The Chair: And that's in fact what I was suggesting.

Okay. Any other discussion on the first three questions, then, before we move on to the next part of the act?

Mr. Shariff: Mr. Chairman, with a general understanding that we will revisit this after we have completed all the other discussion because we may want to include some points in here.

The Chair: Exactly.

So the next section is the scope and interpretation of the act. Now, the first part of this deals with the issue of who is directly associated with the act. Right now direct associates of the member consist of the "spouse or adult interdependent partner," "a corporation [of which] the Member is a director or senior officer," "a private corporation" which is a for-profit corporation in which the member owns shares – that is, a private corporation in which the member has any shares – "a partnership having not more than 20 partners," and "a person or group of persons acting as the agent of the Member."

I believe, Mr. Hamilton, that you commented on that last one regarding the definition of what an agent is, and I think we can come back to that in a minute here. This is a list of who are directly associated with the member right now, and I think there is some indication that there may be some shortcomings in terms of what's included in that. So now I'm going to open up the floor for discussion of direct associates because what we're talking about here is whether or not a member uses his position to benefit any of those direct associates, whether there are conflicts involved in making decisions that affect those direct associates and the like. Who wants to lead off the discussion here?

Dr. Morton: Mr. Chairman, the submission of the office of the Ethics Commissioner identifies a potential loophole, that's explained in their submission, which I think everybody has in front of them. I won't read it out loud; I've read it already. It's for a private corporation that is an affiliate or associated with another private corporation, sort of an arm's-length or secondary relationship. If the Ethics Commissioner thinks that's a loophole, then it seems to me that that's one that this committee should plug.

The Chair: Ms Dafoe, do you want to jump in on that?

Ms Dafoe: I was just going to point out that in Manitoba there's a provision that talks about subsidiaries of direct associates of a member being included as a direct associate, so something similar may help plug that loophole.

The Chair: I'm just wondering whether or not we might benefit from some of the definitions in the securities legislation or the business corporations legislation which deal with those types of things in terms of non arm's-length relationships. In other words, if there's a subsidiary and whatnot of a corporation, then obviously it ought to be encompassed within the definition. If there are indirect interests in other corporations, then I think that, similarly, they would be caught by that.

Mr. Reynolds, would you have any input on that? I think those pieces of legislation deal with those types of concepts, if I'm not mistaken. My recollection is that they talk about, you know, that whole issue of non arm's-length and related – I think the word is "related" – corporations in terms of the Securities Act.

Mr. Reynolds: Yes, I think they might. In my preparation I didn't look at the Securities Act or the Business Corporations Act, but I know that Ms Dafoe has looked at similar sort of legislation. I'm sure the committee members are aware – I believe the Auditor General in his submission referred to the 20-partner rule just on this subject. I'd be pleased to look at this and get back to the committee, if it's convenient, at a later date, but I don't have that information right now, Mr. Chair.

The Chair: Can I just ask the committee then: is there general agreement that the Ethics Commissioner's suggestion ought to be followed up on and that we should do what we can to remedy that apparent loophole?

Some Hon. Members: Agreed.

The Chair: Now, what about other related parties?

Mr. Shariff: Not about the other related parties, but I just wanted to get a sense of the 20 rule because somebody, if they were in a potential conflict situation and could influence partnership, could include a 21st member, who could be a direct associate, either a child, a minor, or an adult, to overcome this. I'm just curious. Where does this 20 rule come in, and how does it impact a partnership? Does anybody know around this table?

The Chair: Could you just restate that?

Mr. Shariff: Sorry. If you look at page 5 in regard to partnership, "a partnership having not more than 20 partners," item (d). Out of curiosity I'm wanting to know: is this a standard rule in other legislation? Where does this come from?

The Chair: No. I don't think there's any rhyme or reason to the issue.

Ms South: Just an historical comment. All of the sections relating to direct associates came to the Conflicts of Interest Act from the Legislative Assembly Act, and those provisions were put into that legislation in the 1980s. I have no knowledge of what the 20 . . .

The Chair: I see a shortcoming in that. I mean, I can't see any

rationale as to why it should be cut off at 20. I mean, nowadays law firms or chartered accountants firms or anything similar to that or even some of the medical partnerships maybe have 100 people in there, but I still don't think it would be proper to benefit one's partners if you're in a situation like that. I think it's nonsensical.

Mr. Rogers, any comment on that?

Mr. Rogers: Just a thought, Mr. Chairman. I mean, I have no knowledge of these various acts, but I'm just wondering. When you look at a partnership of 20, it sounds to me like you have much more of a close-knit relationship. You start getting into some of these larger, you know, chartered accounting, legal firms, and so on, with hundreds of partners, at what point do you get away from that close benefit rather than something that, you know, could just be a large corporation, out of your control so to speak? Just for some thought.

10:15

Mr. Martin: Well, a partnership is different than a corporation. I mean, the acts are different.

The Chair: Well, remember that we're not dealing with a prohibition on the partnership dealing with government. We're dealing with the issue of whether or not a member has to excuse himself from those discussions. If there's a contract with, for example, a legal firm, then should it matter whether there are 21 partners or 19? I really don't see the issue.

Mr. Shariff: So then, Mr. Chairman, would we consider entertaining that we remove that reference to 20?

The Chair: Just say "a partnership" then?

Mr. Shariff: A partnership, yeah, regardless of the numbers. It could be five or 50 or more.

The Chair: Discussion on that point?

Mr. Groeneveld: Just the point that you made here then, Karen.

The Chair: Mr. Hamilton?

Mr. Hamilton: All right.

The Chair: Mr. Martin?

Mr. Martin: No. That's fine.

The Chair: Okay.

Mr. Groeneveld: We would have the ability to do that then? Just what Karen said, as this came from the Legislature, is there a legality there someplace?

Mr. Shariff: Well, we are in the process of reviewing.

The Chair: That's what we're doing. We're reviewing the legislation.

Mr. Groeneveld: All right. Why have a number in there at all?

The Chair: Is there a consensus, then, on the issue of deleting the words "having not more than 20 partners"? All agreed? Okay. That's very good.

We'll move on, then, to the other definitions of who a person is directly associated with. Remember that this relates back again to the application of part 2 of the act. In other words, things like contracts: under the present act if my brother has a contract with the Crown, he's not covered, right? He's a direct family member, but under our present act he's not directly associated with me. It's only a spouse or . . .

Mr. Shariff: A minor child or dependent adult.

Ms Dafoe: Just for clarity, the definition of direct associate is the spouse or the adult interdependent partner, and it doesn't include a minor child, but generally speaking those provisions later on that provide the restrictions mention direct associate or minor child.

The Chair: That's only for disclosure, is it?

Ms Dafoe: Minor children are included in a lot of things actually. If there's going to be a decision furthering the private interests of a minor child, it has to be disclosed, if the member tries to influence or seek to influence a decision that would benefit the minor child, and so on and so forth. There are all sorts of rules regarding that in part 2. But, yes, in terms of disclosure is that your question?

The Chair: Well, I guess we're talking in general about all the obligations under part 2. There's a prohibition under section 8, for example, of contracts. My brother is free to contract; I'm not. That probably is as it should be. But there may be other provisions in there. Well, I'm opening it up to discussion whether or not the words "directly associated with" are now comprehensive enough to cover what we need to get at.

Mr. Shariff: I'm just wondering whether there is merit to including minor children because in this day and age people do hold corporations in the name of children as well. Is there a need for us to consider that?

The Chair: Well, I guess just to try and focus information here, let's take a look at the provisions of sections 3 and 4 of the act, the use of influence. That is only covering the member or a person directly associated with the member or the member's minor child. Is that comprehensive enough to get at what we need?

Mr. Shariff: Currently a minor child is not a direct associate, so if somebody wanted to circumvent the provisions of this act, could they transfer a corporation into their minor child's name and therefore not have to worry about the affiliation as a direct associate? I'm just wondering whether this is a provision that needs to be considered. I'm not sure about it myself.

The Chair: Well, in each of those sections under part 2, though, some of them include the minor child; some of them don't. Presently none of them include immediate family members such as parents or siblings. Maybe there are some of those sections – I don't know. I'll accept suggestions from committee members, but maybe the way that we should approach this is by going through those particular sections in the act and seeing whether or not we think that they ought to apply to a broader category of people rather than looking at the definition, because direct associates is only one of the subsets that's included under those sections in part 2.

Ms Dafoe: Just for clarity in part 2 sections 2, 3, 4, 6, and 7 all mention both direct associates and minor child. It's sections 8 and

9 that refer only to a person directly associated with the member. Those don't refer to minor child.

The Chair: That's the one with the contracts.

Ms Dafoe: That's the one with the contracts and payments from the Crown, yeah.

The Chair: Presumably one wouldn't want to prohibit one's siblings or parents from doing business with the Crown. I mean, I guess that's the theory behind that. But one might want to prohibit one from using an influence on those types of things. I think that's really the way that the act is broken down there in terms of what the obligations are.

Mr. Shariff.

Mr. Shariff: Yeah. Let me just give you a very concrete example. The last time I went before the Ethics Commissioner I asked this question. It had come to my attention that there were certain constituencies that were hiring minor children as staff, so I was just seeking clarification. I was told that because they are not direct associates, MLAs could hire their children but could not hire their spouse to work in that same capacity. That's where this impacts, you know, the interpretation of "direct associate." Now, this could be then transferred into many other different business arenas, and – I don't have any minor children now – I could maybe operate a business out of a minor child's name in a corporation setting.

Ms South: Can I just clarify something? It was not minor children that were working. It was adult children.

Mr. Shariff: Oh, adult children. Oh, okay. Sorry. My mistake then.

Mr. Hamilton: In two cases. In both cases.

Mr. Shariff: Okay.

The Chair: Mr. Rogers, do you have a point you wish to make?

Mr. Rogers: Yes, Mr. Chairman. I'm just wondering. I hearken back to Mr. Martin's points earlier. I realize that we're trying to make this, I guess, more relevant. What I would hope is that when this is all over, the act is more relevant in terms of what it's intended to do, but I really wonder about trying to look at this idea that we want to make sure that someone doesn't, you know, set up a corporation in the name of their kids and so on. I don't know how typical it is that a scenario like that might happen.

Frankly, I always go back to the integrity of the individual and the fact that if someone is going to that extent of trouble to do that, I believe that they're already casting enough shadows on themselves that there will be other problems that may affect how long they stay in this role, in the roles that we all hold here today. So I don't know if that's something that we need to focus on.

10:25

Mr. Shariff: No. I need to clarify – I think Karen just did – that it was adult children. So really the issue that I'm raising doesn't therefore . . .

Mr. Rogers: It's a different matter.

Mr. Shariff: Yeah.

Mr. Rogers: I just raised that, Mr. Chairman, with regard to minor children.

The Chair: Well, let me try and focus this thing. Maybe I could just throw out an example to see whether or not the committee reacts in any way. Suppose that my brother owns land outside of Fort McMurray – okay? – and there are certain decisions that are going to be made by the government as to the development of that area or a highway going through or something like that. Would it be appropriate for me to give insider information to my brother about a new highway that was going to go through on the outside of Fort McMurray? Well, I think not.

Presently the act wouldn't cover that. Section 4 talks about the use of insider information "to further . . . a private interest of the Member, a person directly associated with the Member or the Member's minor child." My brother is not included. My father is not included, my mother. So is that appropriate? What we're trying to discuss here is whether or not the act is broad enough as it's presently worded to capture those situations.

Mr. Oberle: I see your difficulty with regard to your brother. But to use another example, while it's not proper that your brother should benefit from that, neither is it proper that your best friend should benefit from that. In fact, you might have a closer relationship, even financially, with your best friend than you do with your brother. That's the difficulty we're in here. I don't think you can extend it that way without reasonably stopping it. You shouldn't be disclosing insider information, for example, to anybody, really.

The Chair: Well, sections 3 and 4, then, ought they to be more general instead of trying, you know, to articulate who's going to be covered by sections 3 and 4 of the act?

Mr. Rogers: Mr. Chairman, again, I think you've partly answered your own question. I don't know how we can possibly cover every opportunity like that. I still believe that you have to place a certain amount of onus on the individual. I think those are very valid examples that you raise, but I don't know how we can write this legislation to cover all of those possibilities. I really don't.

The Chair: Well, Mr. Rogers, we do it right now. If you look at sections 3 and 4 of the Conflicts of Interest Act, it is done now. The issue is: is it done properly? The definition there now, being a minor child, a person directly associated, or the member himself: is that an appropriate definition? Maybe we shouldn't be in the business of defining that. Maybe it should be more general. That's what we're trying to discuss right now.

Ms Dafoe: I just wanted to point out that theoretically it's possible. If you'll note on page 2 of your information paper, it talks about other Canadian jurisdictions, and it mentions Ontario as well as New Brunswick, P.E.I., and Nunavut. They word their provisions generally to prevent a member "from acting in a manner that would advance his or her own private interests, or that would inappropriately further the private interests of any other person."

The Chair: That's a broad, general definition rather than to try and articulate who this is. As Mr. Oberle points out, the best friend would be caught by that kind of a definition.

Mr. Oberle, do you want to jump in there?

Mr. Oberle: No.

Mr. Rogers: Well, Mr. Chairman, just going back to this again. Mr. Martin is my dearest friend in the entire world, but we have no business relationship. We have never been in partnership together in any business. We don't own stocks of the same venture or something like that. There is nothing financially that ties us together. Are you telling me that that section covers a relationship between myself and Mr. Martin as my best friend?

The Chair: What section?

Mr. Rogers: I'm not quoting. You quoted earlier "associate." You mentioned associate. I think it's section 2. So I'm just wondering. In a scenario like that, as Mr. Oberle mentioned, a best friend, because there is no financial link between me and my good friend, how would the act cover that? I don't think it does or could.

The Chair: It doesn't presently cover it at all.

Mr. Rogers: And I don't think it could.

The Chair: As Ms Dafoe just said, there are other instances where legislation does not try to circumscribe who that individual might be and to define it. The issue, I think, before us is: are we content with the definitions, those three articulated parties that we have there now, the member, the minor children, and the direct associates as defined in the act? Are we content with that, or do we want to go to something more general, or do we wish to expand upon who these direct associates are?

Mr. Oberle: I think you need some balance between the two. At some level you have to define a direct associate or something because you have to define who is subject to disclosure requirements, for example. But at some level you could go to a more general thing. The act could never govern whether you're allowed to have Mr. Martin as a friend or not, but it should be able to govern whether or not you could release insider information to Mr. Martin. Whether or not you have a financial relationship with him is irrelevant at that point, right?

So at some level you could say: "These people are direct associates. They're required to disclose those sorts of things." At the other level the act, rather than trying to define who you can do things with, should be defining what you as a member can do regardless of whom in the general public.

The Chair: Mr. Groeneveld?

Mr. Groeneveld: Yeah. I'm a little different than Mr. Rogers; I have no ND friends.

Mr. Martin: You're hurting me.

Mr. Groeneveld: No. All kidding aside, I consider Ray a good friend.

You know, to me you're the man under the gun. You're making the disclosure. What else are we trying to cover here?

Mr. Rogers: As the member?

Mr. Groeneveld: Yes. You're the one that's disclosing the information here, and we've already covered you, right?

The Chair: Yeah, but what we're trying to do is to articulate a set of standards by which that person is going to be judged, I guess, at

the end of the day. We're viewing this legislation as it is now, and despite what Mr. Rogers says, there's already a definition there. It may not be a very good definition, it may not be exhaustive, and there may be no easy way to make sure that it's clear and cut and dried, but it's there right now, and we have to deal with whether or not we want to make it more general. Do we want to leave the definitions of direct associates as they are, or do we want to go to something more general, as some of the other acts have done?

I'm going to bring this thing back to try to focus this information and try to talk a little bit about – Mr. Martin, I'll let you have your point here first.

Mr. Martin: Well, I think the definitions that we have to be very narrow. Then I can't see where there would be a problem having a very narrow definition of what's self-evident, it seems to me, and a broader one to cover it. The broader one you'll probably never use, but it might be there where somebody did take advantage: with my good friends across the way, you know, I leaked all the information I have over to them, and they made a fortune. So a broad definition keeps the possibility there in terms of the act that somebody might have done something wrong, but the narrow definition, very narrow, on the other I think makes sense.

Ms DeLong: Well, I was just going to make the point that when I have a big function, I invite 200 of my closest friends to it, my closest personal friends. Most MLAs have an awful lot of friends. I mean, that's what we do. We relate to people as people. This is a people business. You know, this is something where your whole life is relating to people. Where would you put the cut-off as to which of our friends are our closest friends? There's no way that you could possibly define that. So I just don't see where we could go with it.

10:35

The Chair: Well, Ms Dafoe has suggested that other legislation defines it in terms of an improper use, and that gets to the point that Mr. Oberle made about your close friend. You know, we presently haven't addressed the issue where I might disclose confidential information and benefit my brother. I mean, right now it's perfectly permissible under the act. It may be morally incorrect for me, but there's nothing in the Conflicts of Interest Act that would enable the Ethics Commissioner to jump in there and say: "No. You've done something wrong." Really, that's what it boils down to.

Mr. Hamilton: But it's the member that's in trouble; it's not your brother.

The Chair: That's right. It's my conduct in giving the information that's incorrect. I mean, he's not governed by the act.

Mr. Hamilton: No, but you are if you do that.

The Chair: I am, but right now it doesn't say that.

Mr. Hamilton: I know you wouldn't do it, but somebody else might.

The Chair: Mr. Rogers, you had a point there.

Mr. Rogers: A quick point, Mr. Chairman. I think we're rolling a couple of different things together here. The whole idea of associate is one issue: who is an associate and whether we broaden that definition or not. But the point you raised about disclosure, if it's not sufficiently covered, then maybe that's something we should

consider on its own merits. Certainly, I agree with you: the fact that I would disclose something to my good friend Ray that all of a sudden makes him \$5 million through a land deal I think is something that's reasonable that a member of this House should be called on. If that's not adequately covered, we should look at that on its own as an item but not certainly in the context of associates because there's no financial link between us. You can't call us associates as it sits right now.

Ms Dafoe: I think Mr. Rogers just took my point.

Mr. Rogers: Oh, I'm sorry.

Ms Dafoe: That's all right.

We do need to be clear. There's a difference between the definition of who is directly associated with a member, and that's important when it comes to questions about what's disclosed to the Ethics Commissioner's office and that sort of thing. Then separate from that are the prohibitions on what a member can do and how a member has to act, what they can do with insider information and what they can't. The prohibitions can be expanded beyond direct associates, but I think we need to maintain a definition of direct associates that's manageable so that the member isn't suddenly responsible for trying to get financial information about his brother and his sister or her aunt or her adult children, that sort of thing.

The Chair: Okay. I think it might be useful to the committee if instead of just talking about these things in abstract terms, we look at part 2 of the act and then decide whether or not those definitions are correct in that context. For example, under section 2 we're talking about taking part in decisions which affect the private interests of the direct associates. Would it be correct for me to take part in a decision which affected my brother's business, for example? Right now it's not addressed under section 2.

Does everyone have their act with them? Okay. I'm going to suggest that we just take a short break here, and maybe we could make a few copies of part 2 because really it's part 2 that talks about using influence, using insider information, and participating in discussions. Those are the things that talk about the person directly associated. To talk about direct associates without talking about, you know, what the context is – I don't think it's useful. So let's take a 10-minute break, and we can get a coffee and come back.

[The committee adjourned from 10:40 a.m. to 10:53 a.m.]

The Chair: Okay. Ladies and gentlemen, can we call the meeting back to order? We are dealing with question 4 in the discussion guide, and the discussion has been focusing around whether or not the words "direct associates" and so on are appropriate.

That brings us to the issues under part 2 of the act, and I suggested that maybe one way of focusing the conversation would be to bring the specific issues under each one of those sections under part 2 into focus here. Can we go through those sections fairly quickly and, then, just see whether or not the definitions as presently constituted are adequate?

The first part of section 2 of the act talks about taking part in decisions which might further private interests "of the Member, a person directly associated with the Member or the Member's" child. Remember the way that "directly associated" is defined in the act. It talks about the spouse and the private corporation and corporations in which the person is a director or an officer.

So if somebody would like to comment on that? Is that definition there appropriate, or should it be broader? As Ms Dafoe has

suggested from some of the other legislation, maybe we don't want to define it. Maybe it should be a broader thing that just talks about an inappropriate relationship or whatever.

Mr. Martin: Could she read that again?

Ms Dafoe: I have my words, and then I have Ontario's words. I'll give you Ontario's words. They're probably more reliable.

An Hon. Member: You've got to give us both.

Ms Dafoe: You want both?

Mr. Martin: Sure.

Ms Dafoe: My summary says:

In Ontario, New Brunswick, Prince Edward Island, Nunavut, and to a limited extent Nova Scotia, legislative provisions are worded generally with the goal of preventing a Member from acting in a manner that would advance his or her own private interests, or that would inappropriately further the private interests of any other person.

- [Ontario] doesn't define "associate" or identify who specifically is a direct associate of a member, but speaks generally about the improper advancement of any other person's private interest. For example:
 - a Member is prohibited from taking part in a decision if there's an opportunity to improperly further another person's private interest . . .
 - a Member can't use his or her office or powers to influence or seek to influence a decision of the Crown that would improperly further another person's private interest . . .
 - a Member can't use or communicate information that he or she gained in the course of carrying out his or her office, but is not available to the general public, to improperly further a private interest of another person . . .

This is all set out for you if you want to actually look at the words. They're in Information Paper 2 on pages 2 and 3.

The Chair: Mr. Lukaszuk, do you want to kick off?

Mr. Lukaszuk: Just a question: is it to improperly benefit another person or simply benefit another person? If it's simply benefit another person, then I think we need to look back at it because we often want to benefit another person by our actions as members.

Ms Dafoe: The wording is "improper advancement." That's the wording used in Ontario: "improper advancement of [another] person's private interest."

Ms DeLong: Do they have a definition of what's improper?

Ms Dafoe: I'll check. I don't think so. There's no definition of "improper."

The Chair: That's really the conundrum there.

Mr. Lukaszuk: That's what the act is.

The Chair: Who's going to decide what's improper? Is it improper if it's your brother but not your best friend, as Mr. Oberle has described it? I mean, do we want to get into those definitions?

Ms DeLong: Pretty well all the work we do is trying to benefit our

constituents. So, yeah, I agree; the problem comes with the definition of “improper.” There’s not even a guideline.

The Chair: Well, looking back at section 2 here now. Let’s try and focus it in on that specific section because we’re talking about taking part in a decision-making process. What would you expect of a member in terms of abstaining from decision-making? Right now it says that if it’s going to further my interest as a member or my spouse’s or my private corporation’s or my minor child, then I can’t be involved. But it doesn’t talk about adult child. It doesn’t talk about sibling. It doesn’t talk about parent or anything else. Is it adequate the way it is? I guess that’s the question that confronts us.

Mr. Oberle: Well, I think it might be useful to admit that at some level we can’t adequately define that. Maybe what we should do is have a very narrow definition of who a direct associate is, and the parts of the act that relate to that direct associate should also be very narrow. Perhaps the current definition is useful as a starting point. Those are the people that are required to disclose, as in when I run for MLA, this is me, this is my family, these are the financial interests we hold, all of that. But the section of the act that deals with those direct associates should also be very narrow in that you’re required to disclose those sorts of things.

11:00

Then things like insider information under part 2 of the act, section 4, relate to the use of insider information in regard to a direct associate of a member or the member’s minor child. Well, why would we fall back on the definition of direct associate in that case? It’s improper to use insider information with anybody. So let’s move that part out of that section so that you have a very narrow definition of who is a direct associate and a very narrow definition around what you can or can’t do with direct associates. The rest of it falls outside the act, what you can do in general. You can’t disclose insider information to anybody.

The Chair: That’s why I was suggesting we go through it section by section rather than trying to define who a direct associate was.

So with respect to section 4, Mr. Oberle, then, would you like to make a proposal with respect to the wording there? Do you want to add the words “or any other improper person” or whatever that verbiage was from Ms Dafoe? Or do you want to just substitute that?

Mr. Oberle: I think section 4 should go in another section of the act that applies to persons in general. I think the wording that Ms Dafoe forwarded is useful in that regard.

The Chair: So a blanket prohibition on using insider information to benefit anyone in an improper manner, so to speak. Is that sort of the idea?

Mr. Oberle: Yeah. And perhaps there are other sections there as well that that would apply to, but certainly insider information should be a blanket prohibition, not just to your immediately direct associate.

Ms Dafoe: You’re recommending that we just change section 4 so that insider information can’t be used by the member to advance anyone’s interest. Period.

Mr. Oberle: Right.

Ms Dafoe: Thank you.

The Chair: Others wishing to participate?

Ms DeLong: If we were to take those out, then we would have to add the word “improper” to both of those. But I have a question regarding insider information. Is there not other legislation which restricts the release of insider information from the government?

The Chair: Well, in the context of the securities legislation, for example, that’s certainly the case. Securities legislation, I suppose, would apply to everyone, but it wouldn’t apply to, for example, decisions made in this committee or any other committee of the Legislature because we are separate and apart and immune from those types of things for discussions. Am I right there, Mr. Reynolds? I mean, a discussion within the precepts of a particular committee of the Legislative Assembly is subject to privilege.

Mr. Reynolds: Yes. While all committees of the Assembly do tremendous work, most of the deliberations are in public, so I doubt if there would be much insider information from a committee of the Assembly. Perhaps there would be. I would think that insider information would be – I regret I don’t know who was using this example; oh, you were, Mr. Chair – information gleaned with respect to an expropriation or something like that. I would think that that would usually be obtained with reference to a department or a cabinet meeting of some sort. But that would I think be insider information. I’m not sure what statute you’re referring to that would restrict that information.

Ms DeLong: Well, my understanding is that there’s an enormous penalty if you leak the budget, if you leak information from the budget. Now, that was just my impressions. Maybe I’m wrong.

The Chair: It’s an old wives’ tale.

Mr. Reynolds: Well, certainly in terms of privilege that’s been held not to be a breach of privilege, while it may be wrong. I mean it could, I would imagine, harm a member’s career perhaps, but I don’t think there’s any prohibition that I’m aware of.

The Chair: No criminal sanctions or anything like that.

Ms DeLong: I think there is.

Mr. Reynolds: No. I mean, unless you took the information and started making money on that, then there may be a criminal prohibition. But I don’t believe that that’s what you were talking about there.

The Chair: Okay. We’ve dealt with section 4. Can we maybe work backwards from 4?

Let me go to 3. This is the one involving use of “influence or to seek to influence a decision” which furthers the interests of the member or the person directly associated with the member, which, remember again, is the minor child, the spouse, a private corporation, or a public corporation in which you’re a director or officer. Is that comprehensive enough the way it stands there in terms of using influence to affect a decision?

Mr. Martin: Well, I would argue. I agree with Mr. Oberle about insider information. I think the way this is worded, influence is a bad thing too. What they’re talking about here is influence peddling,

basically, and I think that that should be broad in that sense too, the same as 4, that it shouldn't be done. Period. It's not for a constituency because Constituency Matters is 5: "A Member does not breach this Act if the activity is one in which a Member of the Legislative Assembly normally engages on behalf of constituents." So that's covered.

Mr. Oberle: I think I could agree if the definition of constituent was clearer. I may be acting on behalf of the professional foresters' organization, for example, who are not headquartered in my constituency. So that's difficult. I'll just point out the example you used with your brother. Although you could say that that falls under Influence, section 3, really it falls under Insider Information, section 4, where you're going to disclose some insider information to your brother for his gain. By broadening that section 4, that would take care of a lot of the concerns in section 3.

The Chair: Anyone else?

So then Mr. Martin's suggestion. Are the rest of the committee members agreeable to that, that we want to broaden it along the lines of what we suggested in section 4?

Mr. Reynolds: It would be an interesting situation, certainly, with respect to the situation that Mr. Oberle referred to with respect to his foresters if that wasn't deemed to be included in the definition of constituents. When I read the act, I would have thought that it related more to constituents, meaning people in your constituency. I would think that you would then be running afoul certainly if you expanded the definition of influence. Yes.

The Chair: Is it maybe better left the way it is with the specific definition of direct associates?

Mr. Lukaszuk: Is there any guidance for us from other legislation defining the term constituent? I would argue that the term constituent means any Albertan. The term constituent is not defined by the electoral process as who elects one to the Legislature. But particularly for members of the Legislature who sit on committees that affect policy throughout the province, you would consider all Albertans to be your constituents; wouldn't you?

11:10

Mr. Oberle: Yes. And in that regard, under section 3 there, if you broaden that, then as long as the member could argue, "Well, they're my constituents," it negates that point. Virtually any decision we make here is designed to further somebody's personal interest. I think that there's a lot of difficulty in broadening 3, but by broadening 4, you take care of a lot of the concerns there, I think.

The Chair: That's on insider information that's not generally available to the public. I mean, that's the key. It has to be something that is not in the public domain.

Ms Dafoe: There is also a problem – and this may apply to other provisions – that if you broaden it too far, then suddenly there's an onus put on the member to try and find out what the interests of these other people might be that he or she may be furthering. With insider information, it seems fairly clear what insider information is, that really it's information that should stay inside. But once you get into other matters, it certainly becomes more fuzzy, and it would mean that the Ethics Commissioner may be called in after the fact to look at some action of a member when they didn't realize their brother had an interest in a photocopy shop or whatever.

Mr. Martin: Well, there's one other way you could do this to make it broader. You could look at 5: "normally engages." I understand the worry about it being too narrow, but "normally engages on behalf of constituents" in Alberta; you know, just put "in Alberta." Then it's a broader definition.

Mr. Shariff: Mr. Chairman, I'm getting a little concerned with the general discussion that's happening right now. I think the act should be very clear for interpretation purposes, and when we increase the scope that impacts people who are not clearly defined, I think we leave a lot to subjectivity. I see some problems coming down the road if we open it too much. We should only open it if we can clearly define what that openness means and how it impacts those people. I'm just cautioning: let's be very, very careful when we start opening the scope to too many people.

Mr. Lukaszuk: If we do go in that direction – I agree with Mr. Oberle; I think that expanding section 4 is the way to go – the term "intentionally" ought to be somehow included to avoid the circumstances that counsel has indicated. A member would have to intentionally use given influence or information to benefit another party. If he has done it unintentionally, not knowing that his brother, quote, unquote, has an interest in a photocopy shop, that can constitute a misdemeanor.

The Chair: Well, back to number 3 then. I'm not clear. We've got differing views on number 3. Is there a desire by the committee to broaden the definition of who is a direct associate within the context of using influence, then, or are we content with the fact that it's related only to the spouse, the minor child, the private corporation, and the public corporation of which you're a director?

Mr. Martin: I disagree. Why it's in here, I think, is the worry about influence peddling, if I can be negative interpreting it. Otherwise, it wouldn't be here. I think it's wrong to use that sort of influence, if you have it, for the same reasons. I agree that the insider information is probably the most serious matter, but I think that we can cover it.

I also understand Mr. Oberle's concern, you know, if you just say that it's narrow to our constituents. I take it as Alberta being our constituents when we're here. If people are improperly, if I can use that word, trying to use influence to get some sort of deal done for whomever, I think that's wrong, and I think the public would see it as wrong.

The Chair: Do you want to make a specific suggestion, Mr. Martin, in terms of who that section would apply to, on the wording?

Mr. Martin: Yeah. I would word it the same way as 4, but I would also add, to make it clearer in 5, that our constituents include all Albertans, constituents in Alberta. I think that solves the problem that Mr. Oberle is talking about. I think it's a serious matter if there is some influence being used in an improper way.

Mr. Oberle: I agree, and you could incorporate the word "improper" into section 3. The difficulty is: how do you define improper influence? It's very difficult. I'm hearing that we're sort of in agreement on 4. With 3 it would have to be, and it's almost implicit that it's improper because section 5 says that you can conduct your normal business with constituents, so 3 could only refer to improper influence. How do you define improper influence?

Mr. Groeneveld: If we could take that one step further, then we would have to define influence as well.

The Chair: Well, I think influence in the context of this means to try to affect a decision, clearly. I think we're talking about a breach here: if you try to affect it and it directly furthers the private interest of your direct associates.

Mr. Shariff: Mr. Chairman, I'm just trying to get clarity in my mind. If I look back at my role as a member of the Alberta Legislature, the inside information that truly exists that can benefit someone I think only exists within the cabinet. I am not so sure if what I know is not general knowledge within either government members or caucus.

An Hon. Member: Sometimes you read it in the paper.

Mr. Shariff: Well, yeah, and sometimes I read it in the paper.

The Chair: Just to point out, this part 2 of the act encompasses all the members, not just the private members. It also includes the cabinet.

Mr. Oberle: Well, as a government member I would hope I would be privy to some insider information in discussions that take place in standing policy committees or in the caucus about future government direction, for example. Many of the opposition members would be in the same situation in that much of the proposed legislative change is vetted with opposition critics, for example. So there is a potential there. Granted, much of the actual, what's-going-to-happen-tomorrow financial information is vested in the cabinet, but it's not restricted to them.

I think that for the use of insider information the definition is real clear: it's not available to the general public. You may or may not have that information, but if you do, you can't disclose it. So section 4 works for me.

My problem with section 3 and the discussion about whether it's improper influence or not. As a government member my attempt to influence a decision would be by taking part in discussions at caucus or SPC level, or maybe I'll saunter down to a minister's office and have a discussion with him. So how would you define "improper" in that regard? After my voice exceeds a certain number of decibels? Because it's impossible to define, really.

Mr. Lukaszuk: I think we're trying to split hairs over here. I'd be very surprised if any person around this table does not know what improper is or does not know himself that he's about to do something improper or has done something improper. I think that by the very virtue of the fact that we got elected to this Assembly, that means that there are some 30,000 people out there thinking that we have at least the moral code, the moral understanding of knowing what is right and what is wrong.

In the cases where one may have done something that may turn out to be questionable and his judgment may have erred or he has acted against his or her better judgment, that's why we have an Ethics Commissioner, who can then review it and make a ruling on it.

But to define the term "proper" simply can't be done because you can't predict ever in any circumstance what will come before a member. Each member knows darn well when he's doing something proper or improper, and if he doesn't, the Ethics Commissioner will tell him.

11:20

The Chair: Mr. Lukaszuk, do you want to make any suggestions regarding the present wording or any amendments or changes to it?

Mr. Lukaszuk: Well, I would suggest that part 3 remain the same, whereas I don't think we need to expand the scope beyond the nuclear family of dependent children and a spouse or a life partner. However, in 4 we may say: insider information and influence that is improperly used, and the term "improper" is subject to, first, self-interpretation and then, finally, to the interpretation of the Ethics Commissioner.

The Chair: I think we've got that part. So you're suggesting that section 3 of the act as it exists is okay now.

Mr. Lukaszuk: Oh, definitely.

The Chair: Further discussion on that point?

Mr. Oberle: There is a point there that it's not kosher, if you will, to use any influence on behalf of a family member or direct associate. Obviously, you're going to use influence on behalf of other Albertans or constituents or whatever the term. But the use of improper influence: maybe you could put improper influence in section 4, then, and leave 3 alone.

The Chair: You could add that onto the specific definition there as it is and make it an additional phrase in there.

Mr. Oberle: Could be.

Dr. Morton: Mr. Chair, I'm in favour of the current wording. I spent all summer trying to influence decisions affecting people affected by the flood down in Foothills-Rocky View. If it was broadened out, then it seems to me that it would put me in conflict with the broader language.

Mr. Martin: It's covered in 5.

The Chair: Mr. Martin, you're saying that section 5 already has an exception to the general rules in the proceedings.

Mr. Martin: Yeah.

Dr. Morton: Mr. Chair, if I could, I would say that I also have advocated on behalf of groups that don't live in Foothills-Rocky View with respect to other policy goals that wouldn't be covered by number 5 if constituency is understood as just falling within the geographical boundary of your district.

Ms DeLong: My constituents are Calgary-Bow. I mean, those are my constituents even though I try to think, you know, pan-Alberta. I try to think of my constituents in the context of all of Alberta and think of what's best for all of Alberta. I think that it's pretty clear that my constituents are the constituents of Calgary-Bow and that if we are going to make these other changes to 3 or 4, either one, then we've got to be very clear first of all in the wording to 5.

The Chair: Mr. Elsalhy.

Mr. Elsalhy: Thank you, Mr. Chairman. I'll just throw another little pebble in your pond. The hon. Member for Edmonton-Beverly-Clareview was on the record criticizing a certain incident when a certain parcel of land was given at below retail value. He described it as influence, and he said that that wasn't acceptable. So that's a decision that maybe did not bear an immediate financial gain for the member, but it was identified that the recipient was a campaign

donor. So can we not expand the definition in sections 3 and 4 to include people who have indirect financial influence on the member, be it a supporter or a campaign donor?

Mr. Lukaszuk: Well, first of all, in reference to Ms DeLong's comments I must disagree. Clearly, we are Members of the Alberta Legislative Assembly, representing all Albertans. Our area of interest for purposes of being re-elected is to service your own. Obviously, for political reasons you would. However, your responsibility is to represent all Albertans.

Now is a prime example. Being one of the three government members for all of Edmonton, I routinely through my constituency office deal with constituents' problems who do not live in my riding but do reside in the Edmonton area, and I consider that to be part of my responsibility. So to define your responsibilities only to your constituency would be wrong. Members of the opposition who don't have members sitting in all their ridings try to effect change in other ridings as well. Why would they if that was not their constituency? So I think the definition is incorrect.

Now, with respect to donations under the Election Act all members of the Assembly, successful and unsuccessful candidates, have to disclose where they have received donations from. It's mandated. Now, to say that one could not influence a decision on behalf of a corporation that has somehow donated to a campaign would basically exclude a member from getting involved in any case. I can tell you that in all parties members receive donations. Very often all parties receive donations from the same companies. The companies donate to all parties. Would we no longer be able to involve ourselves in deliberations and decision-making for those companies? Impossible. Most companies donate to political parties. That's just the way the process works.

Ms DeLong: In terms of who constituents are, all I'm doing is trying to identify what we mean by the word "constituents." If this had been worded, "A Member does not breach this Act if the activity is one in which a Member of the Legislative Assembly normally engages on behalf of Albertans" – okay? – that's a totally different meaning to "constituents." I mean, if they meant Albertans . . .

Mr. Shariff: Let's change it.

Ms DeLong: Okay. I'm totally open to that. I'm just concerned that we deal with number 5 before we make changes to 3 and 4.

The Chair: Okay. That's a fair comment. Let's go to number 5, and maybe we can deal with the issue of constituent.

Mr. Rogers: Mr. Chairman, I agree. One is not exclusive of the other. We represent Albertans, and we've got defined constituency boundaries, but they're Albertans. I don't see my constituents, the people of Leduc-Beaumont-Devon, being exclusive of Albertans.

The Chair: To try and deal with it in a broader context, as Dr. Morton has said, there might be a constituency which has a particular interest, a special-interest group or something that may be advocated for on behalf of a professional group or a charitable group. It could be any number of things. These are exceptions to, you know, the preceding: the use of influence and so on. I think that if you want to make an exception there, you'd better make it broad enough to cover what you want to cover.

Ms DeLong: I move that we change the wording in number 5 to change the word "constituents" to "Albertans."

Some Hon. Members: Agreed.

Mr. Oberle: I agree with that, that we change it to "Albertans," but that requires that we should change the order of those, and 5 should be where 3 is. Following what would be the new 3 then, which is that you're not in breach of this act if you do what you would normally do on behalf of Albertans, then the next clause would say: notwithstanding that, then section 3 on influence, which is that you cannot use influence as it would benefit direct associates or family members as we've defined it. Right? And you can't broaden that. You can't on the one hand say that it's okay to use influence for all Albertans and then on the other hand say that you can't use influence with this broad category.

If you want to talk about the broad category, then you have to say improper influence, but any influence as it relates to direct associates or family members. So notwithstanding that Albertans clause, you are still in breach of the act if you use influence on behalf of a direct associate or a family member. Then we can have section 4, which deals with insider information and could deal with improper influence.

The Chair: Mr. Martin, does that get at your desire to have this broadened?

Mr. Martin: Sure. I can live with that. Yeah, I think that if we put in "insider," then it's clear we mean improper, and that's all I'm talking about.

11:30

Dr. Morton: Chair, if you make that amendment to section 5, "on behalf of all Albertans," doesn't that broaden the discretion, then, of the MLAs? I think it does. You're actually weakening the conflict of interest legislation by saying that.

The Chair: Well, Mr. Oberle's suggestion was that you do that and then you say: notwithstanding that, there are certain instances in which you could not use your influence and you could not provide insider information. He wants to strengthen it within that by giving a general proposition that you could represent your constituents or Albertans.

Dr. Morton: So, Chair, my question is: how does that improve on the present wording then?

Mr. Oberle: If I may, for me it adds some clarity, and it actually strengthens it quite a bit, particularly in clause 4, where you define the use of insider information. If the committee agrees, the addition of "improper influence" applies to everyone, not just the member's family or direct associates. So in one way it strengthens it, but it also clarifies that we are here to influence on behalf of all Albertans.

Mr. Martin: It seems to me that that covers what you were talking about. You're not representing various groups or whatever. That's your job. That's not improper. We're talking about improper use of influence in section 4.

Mr. Oberle: Not in 4. You're talking about the use of influence in 3 with respect to your family, your direct associates, and in 4 you're talking about the use of insider information. You could either add also the use of improper influence or add another clause on improper influence.

Mr. Shariff: Mr. Chairman, I think that for us we should be setting

some direction, and then let's have the technical people come back with the wording because I don't think I'm in a position to be able to say that 5 should be converted to number 3 or 3(a) or 3(b) or 3(c). Let's talk about principles and general concepts, and then maybe at the next meeting the draft can come before us, and we can look at what the legal people have to say about what we were trying to say.

The Chair: I just want to make sure that Ms Dafoe and Mr. Reynolds are clear on the consensus that I think is emerging here. I think I understand what we're getting at here. We want to incorporate the concept of improper influence into this thing. We want to at the same time have an articulation of the fact that you do not breach the act if you're representing constituents or Albertans or some subset thereof in the normal course of your duties as an MLA and that we want to have a broader definition of use of insider information, which is not generally available to the public. I think those are the three points that I heard emerging out of this discussion.

Anybody else like to add anything?

Mr. Reynolds: First of all, I'd just like to say that I appreciate Mr. Shariff's comments in the sense that I think it's important, in my experience, that committees such as this get to the principle that they want established in the legislation or the document or whatever it is they're looking at. I mean, if there's agreement as to principle, that's very important, and then you can look at drafts later or something like that. It's sort of boggling when, you know, you're taking the first look at something and then people are discussing principles and people are also discussing whether it should be "and" or "or," something like that. I think it's very helpful for the decision-makers, such as yourself, to do that and then haggle over the drafts later.

Ms Dafoe may have a comment on the specifics of what it is you've just been discussing.

Ms Dafoe: Well, my only comment would be that I do agree with Rob and Mr. Shariff that enunciating the principles is very important, but drafting by committee can eat up a lot of time and make a lot of people unhappy. So what I would recommend is that we can come forward with a summary of the principles that the committee is in favour of or at least what we thought we heard. The committee can correct us if we're wrong or whatever. But in terms of getting into the legislative drafting, I think it's unnecessary, and it's also very onerous.

The Chair: Well, I don't think we're trying to do that. I think I heard the committee sort of agreeing with the three points that I've made which summarize this thing. So if you're happy with that, I think we'll move on, then, to the next point.

Mr. Shariff: Mr. Chairman, before we move on to the next point, can I just generally come back to a process that we are applying? I thought we were also going to look at some of the feedback that has come back, but what is happening is that we are now just discussing our personal opinions about different changes. I would like us somehow to make sure that the feedback we have received is also discussed so that we understand, you know, how we make our decisions.

The Chair: Well, hopefully we're doing that as we go along. The little summary page here is organized by question, and we are proceeding through here with the organization by question. If there are some specific points – I know that we've come back to the Ethics

Commissioner's submissions on several points here – if there are other submissions which are contradictory or in addition, then certainly we want to incorporate them. That's the purpose of this chart, and hopefully we are referring back, as Mr. Shariff said, to those points.

Before we break for lunch, I want to just see if we can finish off here with respect to this whole idea of the definitions and back up to the last point here, to section 2 of the existing act. This is the one involving taking part in decisions in the course of carrying them out. This is where a matter comes up that involves that member or where they have to declare the interest and withdraw from the meeting without voting or participating.

Dr. Morton: Where is that again, Neil?

The Chair: Section 2 of the act, Obligations of Members.

Dr. Morton: Part 2, section 2, on page 7?

The Chair: That's correct.

This, again, involves the "Member's minor child or a person directly associated" where there are private interests. Is that section adequately defined? Are we content with that, or do we want to open that up as well, as we've done with sections 3 and 4?

Mr. Shariff: Sorry, Mr. Chairman. I'm just asking for clarification for number 2 now. Help me in this feedback that we have received. Which pointers are then incorporated under 2?

The Chair: Question 4.

Mr. Shariff: Question 4. Okay. Good. Thanks.

Mr. Reynolds: I'm reluctant to bog the committee down with this level of detail. Nonetheless, having said that, I will. There's a little – I wouldn't necessarily call it a problem – issue that sometimes arises in the Assembly. For instance, when you read section 2, about the process that occurs if a member thinks that he or she is in a conflict, under subsection (2) he or she must stand up and declare it and leave. So that's fine.

There's no provision, let's say, for a member to send a note to the Clerk saying, "I will not be present at the debate on the Frog Growers' Act because I believe I have a conflict" or whatever or "have been advised by the commissioner." If a member, if you follow this, let's say wasn't there for second reading of the Frog Growers' Act, there would be no record that he or she was there or was not if he or she wasn't there at the beginning.

11:40

Now, Karen is pointing out that there is not an inference to be gained, and that's absolutely right. If you're not there, then certainly it's fine because there's no inference to be gained that you were there. But occasionally it comes up, and people say, "Well, was the member there?" and there's no way to tell because unless there's a division, there's no record kept of who's there during a debate. I mean, at best you could have the Sergeant-at-Arms give you a list later on saying who was there that day, but that doesn't mean that you know who was there for a particular debate.

So the issue has arisen whether you want to give any consideration to a member providing the Clerk with a note saying that he or she would not be there for a debate on some issue, but they wouldn't have to stand up and say it. I haven't talked to Louise about this, but that note would appear in the Votes and Proceedings for the day; you know, the records of the Assembly as opposed to *Hansard*.

Ms DeLong: I think it gets further complicated, though, because we don't know exactly what's going to be on the schedule. Sometimes we're there in the House for part of the time and not actually in the House, and it's possible for things to actually come forward in the House and we don't even know that they've come forward in the House. We weren't there, yet there's sort of no record of us not being there. So in terms of setting up some method to be able to handle the whole problem, I don't see that there is a way. Whoever is doing all the scheduling is not going to tell us: oh, this came up for discussion today while you were out. But there's no record that you were not there.

For instance, if you're there in the afternoon and then you go back to your office for a meeting, there is no record kept that you're no longer there, and during that afternoon the schedule could have changed or, you know, maybe you weren't even aware that there was a possibility that something could come up that would affect one of your interests. There would be no record, and there would be no way for you to even know that it had come up.

So I think that what we have right now, where you're not allowed to discuss it, where you're not allowed to give a speech – and then the only other thing is if there's a division, I guess. Again, you know, every time there's a vote, there's not a roll call taken.

Mr. Reynolds: Yes. I'm just bringing it to your attention. I'm not suggesting for a moment that the substantive part be changed, that members participate in debate in which they have a direct interest or for which the commissioner has advised might be a conflict. I'm not suggesting that for a moment. All I'm talking about is the procedure for identifying, when you do have a conflict, whether a member should be required to be there at the beginning to say, "I'm absenting myself from this debate" or whether a member should be allowed to write a note to the Clerk that would appear in the Votes and Proceedings. That was my point. That's all.

Mr. Martin: Well, I'll be there for the frog growers' debate.

Mr. Reynolds: Well, whatever it is, yeah.

The Chair: Can I just ask the committee? We do have lunch available now. Do you want to have a break now, or do you want to just plow on? Can we just get a consensus on whether we should break, then, or just continue?

Mr. Shariff: Why don't we get a short break but bring our food here and continue the meeting?

The Chair: Okay.

Mr. Oberle, you had a point to make?

Mr. Oberle: Just on that same last point. Mr. Reynolds, I think the point is that even if you had a procedure by which the member could supply a note to the Clerk, you could still draw no inference from that in that I might have appeared for question period and be marked as present for the day, but I've left for my office, and I don't even know that this next topic is up for debate, so I haven't supplied a note to the Clerk. That doesn't mean that I was present. You still couldn't draw the inference, so it's still of limited utility.

The Chair: Well, I think the objective would be to have a mechanism whereby you could show that you were not present, did not participate in the debate, and you presently don't have that.

Mr. Oberle: The point is that if I don't know that it's coming up for

debate because I'm not in the House that day – the schedule could have changed. Then I can't supply that note, so you still can't draw the inference that I was there.

The Chair: If you're not present, you won't show up as being present.

Mr. Oberle: I would have been there for question period, which means I would have been marked present.

The Chair: I get your point.

Mr. Shariff: I think earlier on we did discuss that we valued the input of diversity that exists around the table. People come from different businesses so they can come and contribute to the discussion. The only time I think we are expected not to be involved is: if there is a personal interest, then not to have a vote or participate in the vote. The only way that could happen is if there is a count at every vote. Then you can record who was and who wasn't there for the vote. To make a contribution to a healthy discussion, I don't know whether we should be excluding people.

Mr. Rogers: Mr. Chairman, you know, we're here almost on an honour system. Once you're elected, there's no requirement that I know of that you attend any meeting. Now, it's wise that we do, and we do. We can't write something that's going to babysit people, and maybe that's tough language to use, but the reality is that we're all people that make decisions that are in our interests and in the interests of the people that we represent.

If it is crucial enough – and again I go back to my municipal days – if it's that's close to you, it's important that you show up the first time this is on the Order Paper and state: I declare a conflict, and I'm excluding myself from further discussions on this matter. Period. It's dealt with and you walk away. It's a decision that the member makes personally. The act allows you to do that. If you decide just not to show up, then there's nothing on the record. You're either just away because you're usually away or this is not your day to be around or you're busy doing other things. But if you make a point of standing up at the beginning of the process and say, "Mr. Speaker, I have a conflict on this matter; I'm walking," end of story, you're on the record. If you choose to come back in at some point and be a part of the discussions, then you run the risk of a sanction.

I think we have to accept that people are going to make good decisions. We can't write provisions that are going to take into account every possible way to hold people's hands.

Mr. Reynolds: I'm certainly not trying to say what the committee should do or not do. I just wanted to make sure that it was addressed by the committee because it's an issue that has arisen in recent sessions. That's all.

The Chair: Okay. We'll take a five-minute break. Then I guess we're going to bring our lunch back in here. Is that agreeable?

Mr. Oberle: I'm going to absent myself if that's okay with the chair. I really have to run. My apologies.

[The committee adjourned from 11:49 a.m. to 11:58 a.m.]

The Chair: Okay. Can we just sort of between bites come back to the point of this section 2 of the act as it relates to question 4? Remember that we're dealing with the issue of whether or not the list of parties is appropriate, who is directly associated. Just to finish

this off, back to section 2 of the act, which talks about taking part in decisions and declaring the interest and withdrawing from the meeting without voting and so on.

As you are aware, there have been a number of suggestions in the submissions that the definition of “direct associate” ought to be broadened. In the Municipal Government Act, for example, the direct associate includes siblings and children and parents; in other words, all of the immediate family members.

Ms DeLong, you have a suggestion in respect to section 2, the direct associates?

Ms DeLong: Yeah. Due to the problems with being able to report your brother’s and your sister’s and your mother’s and your father’s and your grown children’s financial interests, I think that we should. I mean, it’s essentially an impossible task as a member to be responsible for the financial interests of your extended families or even your brothers and sisters. So I think we should just keep it as it is.

The Chair: In other words, just have private corporation apply to your spouse and minor children?

Ms DeLong: Yeah. Essentially keep it the way it is.

I do have another suggestion from the Ethics Commissioner that I’d like to follow up on that sort of applies to this but doesn’t apply to exactly who your direct associate is. In other words, I think we should keep the direct associate definition there as it is.

The Chair: Well, as far as the disclosure thing goes, I guess that if you wanted to broaden it, you could. I mean, you may not know what your brother’s or your parents’ or your grown-up children’s financial interests are, but you could get around that by saying that if you knowingly participate in a decision which is going to affect their pecuniary interests, you could be therefore required to absent yourself from any decisions in those instances. That’s the way to get around it, I suppose, if it was a concern.

Mr. Shariff: You could have a separate line. Your definition of direct associate remains the same, but you could have another line that deals with the matter that you just described.

The Chair: Yes. That’s certainly possible to do.

Ms DeLong: Does that work? My question: as long as that’s workable, I can see that as . . .

The Chair: You certainly can’t make them disclose and whatnot, and that really puts you in a position where you may inadvertently do something that may benefit somebody who’s not in the present definition of direct associate but may be an immediate family member.

Ms Dafoe: Just for my clarification. You would leave the standard for minor children, direct associates, spouses, and adult interdependent partners the same. That wouldn’t change, but for any other sibling or parent or adult child it would be if it was a known private interest.

The Chair: That would answer some of these submissions that we’ve had which are suggesting that the Municipal Government Act definition of direct associate would be more closely followed, I think. It’s sort of a compromise situation because it gets around Ms

DeLong’s concern about not knowing what those interests are and not requiring them to disclose.

Is everybody agreed with that, then, as a concept? Mr. Lukaszuk, you had a comment on that point.

Mr. Lukaszuk: Just a brief comment. I think it’s imperative that the term “intent” be there throughout the entire act. As you’ve rightfully pointed out, Mr. Chairman, you could inadvertently benefit someone who you have no idea has interests, but if the term “intent” is there, then it takes care of all the possibilities. You have to intentionally do that. You have to know, and you have to knowingly do it. In the absence of that, you can’t be held accountable.

The Chair: Everybody agreed on that point then? Ms Dafoe, you’re clear on the point that was made?

Ms Dafoe: I believe so, yeah. We’re adding an additional bit that would require a member to declare their interest and withdraw from participation if there is a known private interest.

The Chair: Would knowingly advance the interests of an immediate family member.

Ms Dafoe: Yes. So in immediate family member you’re including adult children, siblings of the member and the member’s spouse?

12:05

The Chair: Well, I don’t know if the Municipal Government Act talks about the member’s spouse’s siblings. I don’t think so.

Mr. Lukaszuk: Mr. Chairman, we did not include adult children, did we?

The Chair: Well, no. The Municipal Government Act does.

Mr. Lukaszuk: Yes. But we’re not proposing that we include it in ours, are we?

The Chair: If we knowingly advance. So that meets your concern about, you know, inadvertently doing something like that.

Ms Dafoe: Just for clarification. The Municipal Government Act refers to family as including the spouse or adult interdependent partner, children, parents of the councillor and the councillor’s spouse or adult interdependent partner. So it doesn’t include siblings, and by children I’m not sure, actually.

The Chair: It means adult or minor children, obviously, because it doesn’t say.

Ms Dafoe: Unless there’s a definition in the MGA that says that a child is a minor child. It does not include siblings, but it does include parents of the councillor’s spouse or adult interdependent partner. So we want to have something similar to the MGA. Is that right?

The Chair: Well, I think that’s the consensus of the committee. Is anybody in dissent from that definition? Okay. I think there’s consensus there that that’s an appropriate definition, but it has to be knowingly. Once you go beyond your spouse or your minor children, which presumably you know about, there has to be some knowledge there before it would be prohibited.

Mr. Groeneveld: If you don't know about it, you've got other problems as well.

The Chair: If you don't know what your wife has got, George, is that what you're saying?

Mr. Groeneveld: It's not my wife; it's that old girlfriend from way back.

The Chair: Okay. Let's move on then. I think that sort of covers off question 4.

Ms DeLong.

Ms DeLong: Yes. I don't know whether it was already dealt with, but in the Ethics Commissioner's report in terms of the answers, he pointed out a loophole that I think we should look at trying to close.

The Chair: We did that.

Ms DeLong: We did that already?

The Chair: We have. It's been done.

Ms DeLong: Oh, okay. You guys worked so hard before I got here.

The Chair: We could read your mind.

Now, moving on to question 5: "Are there any other terms in the Act that ought to be defined?" We've already mentioned the recommendation from the Ethics Commissioner that the member's agent ought to be defined. I think that should be fairly straightforward. Take it out of *Black's Law Dictionary* or something like that.

Ms Dafoe: The law of agency is fairly broad. Trying to find a definition that would be suitable could be quite tricky. I mean, agency is a legal relationship that's different from employment and different from a relationship that one might have with an independent contractor. With an agency relationship you have the agent taking broad direction from the principal, but they're not subject to daily supervision like they would if they were an employee, in contrast with someone who's an independent contractor who really sets their own rules and enters into some sort of agreement with the principal but does it their own way.

The Chair: Well, I think what we're trying to get at here is clearly an agent in the sense of someone who is acting with the express or implied direction or consent of a principal and who is acting to further the interests of the principal. I mean, very simply put, I think clearly you can't have a straw man acting as your agent and get away with some kind of a conflict of interest. I wouldn't have a problem defining that. I think the concept that we're trying to get at is fairly simple. You just can't have somebody acting on your behalf to benefit yourself and escape the provisions of the act. Any other comments on that point?

Were there any other submissions regarding question 5? Let's look on the chart here. Numbers 9, 13, and 15. Some of them just say that they're okay.

Ms DeLong: The Auditor General's report is the one we need to look at. So number 15.

The Chair: The Auditor General makes the point that "'trivial' is not defined, and there is no guidance on what constitutes a trivial interest."

Mr. Shariff: Where in the act is trivial?

The Chair: That's the one regarding gifting, if I remember correctly, isn't it?

Mr. Shariff: Not with number 5 then.

The Chair: Okay. Where is trivial?

Ms Dafoe: The definition of private interest in section 1(1)(g) says, "'Private interest' does not include the following," and included in there is "an interest that is trivial." Section 1(1)(g).

The Chair: Is that something that we want to get into?

Mr. Reynolds: As a term of statutory interpretation, generally speaking, when you have a definition in a statute, it's somehow different or at variance or embellishes what the standard term is used for. Like, if you have a dictionary definition, you know, you use it sometimes. Sometimes you want to define dog in a different way than what you conceive to be a dog, and you'd put that in the statute. But if you're using common terms, usually you don't define them in the statute. You know, rain means precipitation falling from the sky. You wouldn't necessarily do that.

If you think that trivial is uncertain – I mean, obviously it is certainly subjective. I would imagine that that's left to the Ethics Commissioner based on precedents where the term "trivial" has been used. But I would say that as a canon of statutory interpretation and drafting, you don't define terms that are already well known and if you're not using them in a way different than you'd use them in common speech.

The Chair: Is everybody happy with the term, then, the way it is? To mean little or no worth or whatever, trivial?

Ms DeLong: So what is your definition of trivial? Do you look at it as a dollar figure or as a percentage of net worth?

12:15

Mr. Hamilton: Well, sometimes both. I can't tell you. I mean, it's just a judgment . . .

Ms DeLong: Okay.

Mr. Hamilton: . . . and then Karen tells me what the answer is.

Mr. Shariff: You know, Mr. Chairman, quite frankly, if I were a judge, which I probably never will be because I'm not a lawyer, this would be very simply interpreted as something that is insignificant, that really makes no difference. So I think that the value judgment that would be applied by the Ethics Commissioner would be sufficient, in my opinion. I don't really think we need to define "trivial," quite frankly.

Mr. Martin: I don't know how you would.

Mr. Shariff: I don't know how you would. Yeah. Right.

The Chair: Are we agreed, then, that it's okay? Ms DeLong?

Ms DeLong: Agreed.

Hon. Members: Agreed.

The Chair: Okay. Are there any other submissions that refer to different terminology?

Mr. Groeneveld: We're happy with "trivial."

The Chair: I don't see anything else substantive in the submissions. So are there any other suggestions from members?

If not, we'll move on to question 6. This is the one which again deals with scope and interpretation.

Mr. Shariff: Mr. Chairman, I think that there was a recommendation from the Auditor General, if I'm not mistaken, that was talking about a cumulative yearly aggregate amount of \$2,000. Yeah, there it is: "It is appropriate to accept gifts as an incident of protocol. Increase the amount to an aggregate amount of \$2,000 per annum, with the total value in each instant not to exceed a specified amount." I don't know. I don't really get any gifts. I can't even recall when I've had to disclose \$200.

Mr. Martin: Got any cups lately?

Mr. Shariff: Yeah, but nothing like \$200.

So what's the general experience, colleagues? Do we find ourselves in a lot of situations where we get over \$200 items?

The Chair: Well, I think that the commissioner has made a very good suggestion, and that's regarding the constituency associations. If you did get something, it would probably be from your constituency association, some recognition or whatever, and he's suggesting that that should be some sort of an exemption there.

Mr. Lukaszuk: At times members receive tickets to fundraising dinners, and some of them can be expensive, yet the group that profits from it wants government representation at the dinner. I'll give you an example. There's a dinner called the Mad Hatter's where the ticket is \$500 per person to get in.

An Hon. Member: Per couple.

Mr. Lukaszuk: No. Per person.

The benefit is to a very worthy not-for-profit organization, and the organization wants government representation to deliver greetings or whatnot. So they very often would compliment the ticket just to get a member to show up. I'm not sure if that's the case with opposition members, but government members find that it happens from time to time. I'm not sure if it on average exceeds \$2,000 a year or not, but those instances occur where the actual retail value of the item is much, much lower, but it's inflated because of the fact that it's a fundraiser.

The Chair: Mr. Hamilton, you had a point on this, and then I'll get to Ms DeLong.

Mr. Hamilton: About a year ago I decided that we should move that up to about \$400 or \$500. Ten years ago you could go to a dinner for 50 bucks. Now \$250. So I asked the Auditor General to look into this from the last 15 years. They came back and said that there's a problem because, yeah, you could move it up to \$500, but when you go over \$300, you've got to send money to the feds. So it wasn't worth moving it up because of the tax.

The Chair: Ms DeLong.

Ms DeLong: That surprised me. I do think it should be brought up, but \$2,000 seems a little bit high to me.

The Chair: Cumulatively?

Ms DeLong: Over the year, yes.

I think of things like I turned down going to the Grey Cup – was it last year or the year before? – because when you looked at the value of the tickets plus the value of the dinner, we were over \$200. I know that organizations do come to us for funding, and then if I had gone to the dinner and the Grey Cup, you know, essentially I would have had to absent myself from any sort of discussions about that. So, you know, I just had to turn it down; otherwise, I couldn't represent them at all anymore. So I think that \$200 is too low; I think \$2,000 is too high.

But I don't understand this. I thought that there were no taxes on gifts.

Ms Dafoe: Just for clarification purposes again, I think that what the Auditor General was recommending was that the maximum amount of all gifts together in a single year cannot exceed \$2,000. Right now the act says that you cannot accept from a single source in a calendar year gifts exceeding \$200. So you can accept a gift from me for \$200, and you can accept a gift from Karen in that same year for \$200, all the way down the table until you end up with gifts amounting to \$4,000 or \$5,000. And I think what the Auditor General is recommending is that that be capped, that the total of all gifts that you accept in a calendar year be capped.

Mr. Shariff: Mr. Chairman, if we are going down that path of setting up a \$2,000 limit, or whatever the limit is, then I'd like members to think this through. When we are invited in our capacity as a member of the Alberta Legislature to attend an event – and that could happen to leaders of political parties or ministers or the Premier or ourselves – and you put that cumulative dollar value to a charity event that they want us to participate in because our participation translates into more tickets being sold, and you are only going because you are an elected person, I'm not so sure that \$2,000 really – it might become a hindrance for leaders of parties or ministers when you put a cumulative number of events that they go to throughout the year, especially if you apply the retail value of the event at which they have been asked to come and bring greetings. So per event I can see, but cumulatively \$2,000 would not be enough for some Members of the Legislative Assembly; for others it might be.

Mr. Lukaszuk: I would agree with Mr. Shariff. Mr. Chairman, just last Saturday, two days ago, I attended four events. I believe the cheapest ticket to those events was \$100; the other ones were in excess of \$100. They were fundraisers, and they were dinners celebrating Alberta's centennial. Just in one day I have used up \$400 if we were to put a cap on \$2,000.

Now, I enjoyed being there, but I was there in my capacity as a member of the Legislature on behalf of government, bringing greetings on behalf of the Premier, and receiving plaques and giving out plaques on behalf of the Premier. I construe that to be part of my job, hardly a gift. It's much appreciated that I'm invited, but I would not consider that to be a gift, yet under the rules I would have to declare that, and \$400 out of \$2,000 would have been eaten up in just one Saturday.

I agree with Mr. Shariff. It should be per donation, per donor, if it exceeds perhaps \$250.

12:25

Mr. Martin: I guess I'm wondering if there is a taxable benefit, to come back to your question. That seems to be what they were saying, that at a certain point, if you claim this, then it's a taxable benefit.

The Chair: Ms Dafoe, do you have a comment on that point?

Ms Dafoe: Let me start out by saying that I'm not a tax expert, but as I understand it, the administrative position of the Canada Revenue Agency is that there can be two tax-free noncash gifts per year for special occasions, not exceeding \$500 a year. On top of that, there can be two tax-free, noncash gifts per year to recognize achievements. Now, those rules apply in an employer/employee relationship. There are no cases out there that involve Members of the Legislative Assembly, but there is an indication that the same rules might be applicable. I think the amount might be up to \$500 now rather than \$300, which may have been the case when the Auditor General looked at it for Mr. Hamilton.

The Chair: Mr. Rogers.

Mr. Rogers: Thank you, Mr. Chairman. I would like to suggest that we look at this in two components, keeping in mind that we can't override any Revenue Canada rules where they apply to us as Members of the Legislative Assembly. I would support the point in the submission by the Ethics Commissioner suggesting that we remove tickets to fundraising events. I would take out the term "political" because as Mr. Lukaszuk mentioned, we attend a number of events that aren't necessarily political. There's no need to go through again the whole thing of fundraising and how inflated those prices are.

I would suggest that we look at excluding altogether tickets to fundraising events, period, and possibly looking at an aggregate number of \$2,000. Maybe if we had something in there. There's a difference between a gift: you know, somebody hands you a picture of Wayne Gretzky that's framed with his rookie card and all that, that may have some value to it versus being invited to be part of the crowd, and you stand up at the Grant MacEwan's Mad Hatter's Ball and you get introduced as MLA George Rogers, capital region chair, et cetera, et cetera.

For the most part, we're attending those events because – I mean, George Rogers, private citizen, would most likely not be invited to most of those events. It's George Rogers, Member of the Legislative Assembly, that gets invited to these events. As my colleague Mr. Lukaszuk mentioned earlier, we run the risk of diminishing the opportunity for us as members to attend these events, which I believe adds great value to these events and to the community at large. If it wasn't important, we wouldn't even be invited to these events.

So I would suggest that we potentially look at this in two areas and take Mr. Hamilton's suggestion or the suggestion from the office that we exclude not just political fundraisers but fundraisers altogether. The PM's dinner, for example: 500 bucks in some cases.

An Hon. Member: Did you go?

Mr. Rogers: I did.

Ms DeLong: I think we need to focus our minds a little bit more when it comes to this total amount for a year. The whole purpose of putting a limit on this is to ensure that we are not tugged in one way or another by the size of the gifts that we're getting. Now, putting

a total through the year. You know, if we get a \$5 gift and a \$5 gift and a \$5 gift a thousand times, then we're not being tugged in one particular direction at all. So putting a limit on the total gifts from everybody has no effect, I guess, on what a person's interests would be. So, you know, I just don't see why we're discussing at all.

An Hon. Member: Would you say that \$2,000 is too much?

Ms DeLong: No. I thought that the \$2,000 applied to one particular donation or one particular organization that was giving a gift.

The Chair: The discussion that we're having here I think is a valid one in terms of going to a fundraising dinner is not getting anything material. You're going to go there and have a meal, but aside from that, you don't get anything out of it. They may have a number of \$500. Or, as Mr. Lukaszuk said, he was to four of them that were all over \$100, but it doesn't mean that he got \$400 worth of value out of going to those events. So I think we have to make a distinction between things that are material objects with monetary value after they're used as opposed to something that's consumable, like a meal.

Mr. Hamilton: I think we should take tickets out of it. Sometimes you're going to your party's dinner and you're going to work there, and other people might be in a constituency where some group wants the MLA to be there. I think that's doing your work, and I don't think you should be taxed on it or even into the mix. Now, if you're given a watch or given something like that, then that's different.

The Chair: Or to take the other extreme, as Ms DeLong said, if somebody said to me, "We're going to give you tickets and an airfare to Montreal to watch the Grey Cup," that's a different issue.

Ms DeLong: No. It was the Grey Cup here in Edmonton that I was referring to.

The Chair: But it could have been some other city, presumably.

Ms DeLong: Oh, yeah. Well, then it would also be questionable, I think.

The Chair: Mr. Groeneveld.

Mr. Groeneveld: Thank you, Mr. Chair. I agree exactly with what the commissioner is saying and my colleagues here. The value we get out of these things is no more than the value of that meal that we're eating. It doesn't matter what the price of the ticket for the event is because that isn't accruing anything to us.

The Chair: It's an obligation.

Mr. Groeneveld: Yes, it is. And you're right: sometimes it's rubber chicken.

Mr. Martin: Well, in looking here, it didn't talk about dinners and those things, that I'm aware of, in section 7. Right? Are we just interpreting that that's what it means? It doesn't say that in the act right now. It doesn't say it in the act.

The Chair: Well, I think Mr. Hamilton is telling us that his office is not interested in getting a filing every time somebody has a dinner that's worth \$250, that may have a nominal value of 200 bucks, but which does really not enrich the member at all. Am I stating that correctly, Mr. Hamilton?

Mr. Hamilton: Yeah. That's right.

Mr. Groeneveld: Mr. Chairman, I think we're on the same page. What can we do to help you to move this forward?

The Chair: Well, I think the direction that we want to give Ms Dafoe is that we're agreed that we want to follow the Ethics Commissioner's recommendations here with respect to excluding certain types of items: political or constituency events, fundraising tickets where we don't pay for them and receive no benefit.

The review of the dollar amount that the Ethics Commissioner has suggested: do we want to deal with that specifically?

Ms DeLong: Well, maybe we've solved it by handling the ticket thing. You know, maybe we're fine then. I mean, an actual gift that's \$200 would be extreme. You know, it would be really extreme if you actually received a gift that was \$200 that wasn't a ticket.

12:35

The Chair: Okay. So if it were a watch or something. What we're saying is that perhaps we just want to tweak the definition of what the gift is, I think, if it's something that's of material value as opposed to a consumable. Am I correct there?

Mr. Rogers: Mr. Chairman, if I may. Again, I would speak very much in favour of some kind of a number or something if we're going to do that or if we go to a per item. Just as an example, I went to a golf tournament this year, and I got a poker set. Everybody got one; it wasn't just me. Somebody mentioned that that thing could be worth 200 bucks or something like that. Now, it may be a \$200 poker set, but I can assure you that its value is probably two bucks to me. I don't play poker, and I don't see where this is going to be a great enhancement to my life.

The Chair: Well, you have to declare it now, though, as it is.

Mr. Rogers: Well, if that's what it is, yeah, but that's my point. That's why I'm suggesting that we have some kind of a limit, whether it's a reasonable limit on the individual item or an aggregate, and leave it at that. As long as you declare within that, then so be it. But \$200, you know, I think is low.

The Chair: Further comments?

Ms Dafoe: Could you clarify for me, please? The exclusions were tickets to political or constituency events and also fundraising events?

The Chair: That's right.

Mr. Rogers: Should we call it tickets for attendance, Mr. Chairman, at various events?

The Chair: Yeah. The commissioner's recommendation was a political fundraising event, but I think the suggestion was made for perhaps charitable fundraisers or whatever, that we should broaden it a little bit from political.

Mr. Hamilton: If you have a game like the hockey game in the football stadium, you got tickets for that, and that's okay. But on the other side, if you're getting hockey tickets to the Oilers every second game or whatever, then that's not on.

The Chair: So we have to put a number on it then.

Mr. Hamilton: Yeah. Maybe we'll think about that a little bit more and come back.

Mr. Rogers: If I may, Mr. Chairman. You know, I agree with you, Mr. Hamilton. Certainly, if somebody is going to give you a season ticket or half a season, that's a different thing, but if you're invited to one event, maybe two over a season, I think that there's a difference there, a clear difference. That's what I would think our process should reflect.

The Chair: Does somebody want to make a suggestion as to how?

Mr. Shariff: Mr. Hamilton has just made a suggestion that he understands the concept that we're discussing and that he'll come back with a recommendation at the next meeting.

Mr. Hamilton: I'll get Karen to figure out some kind of a formula.

The Chair: Maybe you could work with Ms Dafoe. I think she's got some of the idea down there. But I think that we're on board in terms of accepting your recommendations there.

Ms Dafoe: Again, for my clarification, was there a recommendation to eliminate the monetary limits?

Mr. Shariff: No.

Ms Dafoe: That's maintained.

The Chair: I think the suggestion was made – and I don't think we've resolved it yet – that we ought to have some discussion of what the appropriate level of that was and whether there should be a cumulative total through the year.

Ms DeLong: Could we decide on a few of these things right now?

The Chair: Yeah. I think that's what we want to do. We want to give Ms Dafoe some direction, and she can do the drafting and make a suggestion in a more concrete way. But I think we have to figure out what the principles are that we want to be governed by.

Mr. Shariff: I'd make a recommendation, then, that somebody should review the amount pertaining to Revenue Canada. If it is \$300, \$400, fine, or whatever the amount is, that we set that as a limit per event and that they should not be accumulative yearly amounts.

Ms DeLong: I'd agree with Shiraz.

The Chair: The commissioner's office also has made a comment regarding air flights on private carriers that are not, strictly speaking, incidents of social obligation or protocol. He gave the example of air tours or helicopter tours over emergency situations or where flights are provided by private corporations. I think those are reasonable exceptions as well.

Mr. Shariff: Mr. Chairman, I'm wondering why it is even considered as an exception. That is our job. We are members of the Alberta Legislature. If there is a disaster, a flood somewhere, and we go and review it, why is that even thought of as a gift to us?

The Chair: Well, we're saying that it shouldn't be. I mean, that's what the commissioner suggested. You've got to make sure that it's clear there, that you don't have to declare that as some sort of a benefit from a corporation. If CN, for example, took the minister over Lake Wabamun to look at the oil spill, is that a benefit? I don't think so.

Mr. Hamilton: Well, you know what has happened. The government used to pay if they went on somebody's jet, and then the feds said that you can't do that because you don't have a licence to fly in those planes; you have to charter.

When the floods were going on in southern Alberta and the Premier was in New York and TransAlta, I think, was there – when they got back, Rod Love came over and talked to me and said: This is what happened. I said: Well, yeah, that's a legitimate thing because he had to be there. So we forgave him.

Ms Dafoe: The provision as it exists now, the starting point is that members shall not receive gifts. The exception, which is the part that has the monetary limit on it, is for incidents of protocol. So I think one of the things the committee has to consider is whether accepting a flight from a private corporation to fly up to Fort McMurray to look at the oil sands is an incident of protocol and compare that to if there's a circumstance where the member considers it to be doing their duty or performing their office, should they be accepting payment from a third party to get them up there? Is that a gift or is it an incident of protocol? If it's their job to be up there, why is somebody else paying for it? That's one of the questions.

One thing is interesting, though, from Nunavut. They make an exception for transportation and accommodation in circumstances where to do so, to accept payment or reimbursement, is unlikely to affect the member's performance of his or her duties of office. So they have some wiggle room in there. Presumably, they would get their Integrity Commissioner involved in determining whether it's okay to accept reimbursement in such a case.

Ontario is another sort of related issue. Ontario's legislation notes that a member cannot for personal use use promotional awards or points from airlines, hotels, or commercial enterprises as a result of official travel for which the member has been reimbursed. So official travel. I guess that if the member is travelling somewhere for official business, perhaps that should be something that's reimbursed by their political party or by the Leg. Assembly, but if it's incident of protocol, that's where you get into the amount with a monetary limit.

Those are my comments.

12:45

The Chair: Well, to take the extreme, I guess that flying up to look at a disaster site is not the same thing as flying out to some place, having a hotel and accommodation for three days on a long weekend or something. So necessarily you're going to have to cut off at some point.

Mr. Hamilton: There's a solution. The government should buy more planes and make one a jet. [laughter]

The Chair: We're going to quote you on that. Mr. Martin might have something to say about that.

Okay. I think we've dealt with your recommendations then.

Mr. Hamilton, do you have anything else that you want to add in terms of question 6? I think we've dealt with each of those recommendations where we were going to look at the taxable benefits

under the federal income tax. We don't want an annual dollar amount. We're going to exclude the political fundraisers and other fundraising tickets.

We haven't touched the disclosure limit of \$200 for material gifts. Mr. Rogers, do you have any input on that?

Mr. Rogers: Oh, I had a point earlier. It was just about the flying. Again, it was mentioned that in many cases these corporations can't charge you for a flight anyway. So, again, unless it's where you're clearly going off, as you mentioned, for a vacation, if it's in the process of your duties, I don't think it should be an issue at all. If you're going off to whether it be Fort Mac or wherever, if it's in the process of your duties, I think that should be the distinction: if it's in the process of your duties versus going off to fish at – I don't know – Baie-Comeau or someplace like that.

Mr. Lukaszuk: Mr. Chair, you know, this is an interesting topic because as a member gets elected to the Legislature, this is probably the only profession where there is no job description whatsoever. You get an office and a phone, and off you go on your own. By virtue of your personality and by virtue of how involved you want to be in the governance of the province, you draft your own job description. Some of us like to learn more so that we can make better informed decisions or provide better informed advice, and those members would be active and get involved in many things, such as seeing Suncor and Syncrude to see for yourself what it looks like and what this thing is really all about. Some members may choose not to; nor would they ever be required to.

Now, the question is: is it part of your duty? For example, when I was working on the Blood Samples Act, police and fire department and emergency responders wanted me to see first-hand what it is that they do from all angles. I rode in ambulances, I flew on Air-1, and I took ride-alongs with police officers. Those things have an actual value because a ride-along in a helicopter, I know, auctions off for a few thousand dollars to some charities.

Now, did I receive a gift of that value, or was it part of my duty? At that time I felt that it was part of my duty, but there's really no description of what it is, so I'm not sure if we can somehow script that into legislation and outline what is and what isn't part of the member's duty. Nor is there any document that outlines what is or isn't a member's duty.

The Chair: Okay. I think we've given some direction, then, to Ms Dafoe and Mr. Reynolds on those points. I hope it's not too cloudy.

We're nearing the end of our allotted time of 1 p.m. for today. We've made some progress on a number of those questions that were put in the discussion guide, and I think we ought to leave it there.

One of the items of business arising from the previous meeting that I'd just like to deal with briefly is the issue of a contract writer. We received four submissions in response to the request for proposal which we sent out in June, and all of those proposals exceeded the initial maximum of \$20,000 that the committee had set. Mrs. Sawchuk, Ms Sorensen, and Ms Dafoe had gone through those applicants. They were then requested to revise their submissions in accordance with what the committee had wanted because some of them were extravagantly over the budget that we had set. I think it was the desire and the wish and the feeling of the committee that we ought to engage the writers when we are starting to get to the point of developing concrete proposals on all these various parts of the act and so on.

We don't have them here today, and we don't intend to have them here until such time as the committee feels that it would be useful to

get them in to start to synthesize some of the things. I have selected, based on the reviews of the people that I mentioned, Mrs. Sawchuk, Ms Sorensen, and Ms Dafoe, one of the names, and it's a lady by the name of Nancy Mackenzie. I just picked her on the basis of her qualifications. So she will be engaged to help us with the writing of the report, and we'll request her to attend at such time. It's not on the basis of an overall contract price, but it will be based on an hourly rate up to the upset amount of the \$20,000, which the committee had given as a guideline.

Now, just a couple of other items before we break. We had talked earlier in the process about the possibility of inviting people to come and give submissions at our meetings, and I want to throw the floor open to the committee. We've got submissions from – what is it? – 18 different entities right now. I just want to sort of get a feeling for whether the committee thinks it would be useful to invite certain people to appear before the committee on those specific points or not. Mr. Lukaszuk, I see you indicating no, that you don't think it would be worth while.

Mr. Lukaszuk: Have any of them requested that they be able to supplement their written submissions verbally? If they are satisfied that their written submissions are sufficient to convey their thoughts to us, unless something really arises from a submission, we may not have to do that.

The Chair: Any other comments?

Mr. Martin: That's an interesting question: whether they had requested it. Sometimes the process is important to be seen to be public, and that's something to consider. I think people feel that they've been more involved in the process if they have, you know, a public meeting. That would be the major thing, I think, that their submissions were treated with respect and that we wanted to hear from them, if we did go that route.

The Chair: Well, I suppose there's one way of dealing with that. We could invite the identified stakeholders to appear at one of our future meetings, if they so wished, to supplement the submissions that they'd already given.

Mr. Martin: Most of them probably wouldn't. A couple might do it.

The Chair: Yeah. There may be none that would, but at least the offer has been made that they could.

12:55

Ms Dafoe: Are you speaking of the ones that have responded to us in writing, to just ask them if they want to appear, or are you suggesting that we invite everyone that we sent the package to?

The Chair: No, no. I'm talking about those stakeholders. I think there were – what? – 60 or 80 or them or whatever.

Ms DeLong: The ones that responded.

The Chair: Only the ones that responded. Is that the consensus then?

Mr. Groeneveld: Mr. Chairman, how would you conduct this type of submission? Would these people just come and read off what they have already submitted, or is this going to be debatable while they're there? How would you see that going forward?

The Chair: I think the suggestion was whether or not, if they wanted to supplement what they'd already given us, they could come and make a presentation to us. I mean, obviously with the Ethics Commissioner we don't need that because he's here and he's an active participant in our committee, but there are a number of the other people, and most of them had relatively small comments on various parts of the thing. I think they've made their position quite clear in writing, so I can't see many of them taking us up on the offer to appear in front of the committee.

Ms DeLong.

Ms DeLong: Yeah. As long as it's just sent out to the ones who already have responded, and just ask if they feel it's necessary to come and present. Then we will give them a slot.

The Chair: Is that agreed then?

Some Hon. Members: Agreed.

Mr. Hamilton: You might want to have another one or two meetings to work through the written ones before you, and then you might feel you want to have some of those people come.

Mr. Shariff: Mr. Chairman, I think they have already provided us a submission in writing. So maybe once we have our concepts and all the principles all sorted out and the technicians have had the chance to put the drafts together, that may be an appropriate time for a feedback perspective, when they can come.

The Chair: That's a good point, and that is what we actually originally built into our timeline. We were going to come up with a draft of the recommendations and then seek further input from the stakeholders at that point. So maybe that's the appropriate time to get them involved. Is that agreeable, then, to the committee members?

Ms Sorensen, you want to make a comment regarding the website and the use of it. I think Ms Sorensen would like to report to us on how people are utilizing the website and so on.

Ms Sorensen: Yes. Thank you, Mr. Chairman. At the last meeting it was requested by the committee that we provide some sort of report on the success of the website. These pages will break down exactly where people are entering the site, exiting the site, what areas of the site are being accessed. It's really pretty self-explanatory. If there are areas that the committee wants me to analyze further, I'd be happy to do that as well.

The Chair: Any questions on that?

Ms South: One of the other commissioners had asked whether any of the submissions that the committee received would be put on the website.

Ms Sorensen: I'm not sure if that would be a FOIP issue, but if the committee wants the submissions put up there, they can certainly be put up there.

Ms Dafoe: There was a note put in the consultation guide that the submissions may be made publicly available.

The Chair: It says that?

Mrs. Sawchuk: In the discussion guide we do make reference to the fact that submissions are filed with the Legislature Library, and the committee's records, once minutes are adopted, are available to the public. So they shouldn't submit anything that they don't want readily accessible by the public. We could always post the submission summaries.

The Chair: I think it's a good idea. It shows transparency and that we've received them.

Ms Dafoe: I would prefer to post the submissions themselves rather than the summaries because the summaries are something that I've put together, and it would probably be best to have their own words there rather than what I understand their words to be because it's possible that I could have made errors.

The Chair: Yeah.

Mr. Shariff: Mr. Chairman, a question on this.
Ms Sorensen, it's a beautiful package.

Ms Sorensen: Thank you.

Mr. Shariff: But what does it mean to me?

Ms Sorensen: What does it mean to you?

Mr. Shariff: Yeah. If you can just highlight: what does this mean?

Ms Sorensen: Okay. Well, basically, the thing that I'd be looking for would be to see the success of other communication strategies. So, for example, I'd be looking to see what happened on the website after we did our advertising campaign. I would be looking to see if people actually went to the website and did that. And if you look, you will notice that, yes, there was a definite spike in the number of hits.

Now, a lot of these stats are very subjective because I could hit on the page 10 times a day. That could count as 10 hits even though I might just be going on to look at one little thing. So it really doesn't tell you anything. The things you should be looking for are the number of visits, people who are on there for an extended period of time, and people who hit on more than one page.

The other thing it tells you is what people are looking at when they are on there, how they're accessing the site. So a lot of people are accessing the site through the Assembly's main page. Some people are going right to the COI review, and that kind of tells me that they most likely got that from the packages that were sent out or the advertising because that has the actual address on it.

There's so much information that you can extract from this. It really depends on what you're looking to find out. If there are specific things that you would like me to analyze, I can certainly provide that to you.

The Chair: And the fact that 375 of the discussion guides were downloaded by somebody interested enough, you know, to put them on their hard drive or print them out or something.

Ms Sorensen: Downloaded, yeah.

Mr. Shariff: In a nutshell, the effort translated into a meaningful dialogue.

Ms Sorensen: Absolutely.

Mr. Shariff: Okay. Good. That's all I wanted to hear.

The Chair: Now, the last item on our agenda, the issue of the meetings. We've got a lot of work to do here to get through this. I would suggest that we try and schedule a number of meetings before we get into any fall session so that we can make some substantive progress. I'm going to suggest that the next time we meet we schedule an entire day to start working through the questions. After we get through the questions, then I suggest that we go back and take some of the recommendations that are coming forward from Legislative Counsel and Justice. We will try then to refine those ideas and incorporate them into our recommendations.

So looking ahead, then, the next meeting date. Mr. Shariff, any suggestions as vice-chair?

Mr. Shariff: Any time after the middle of October.

The Chair: The middle of October? That's a month away.

Mr. Shariff: I'm just going to be gone until October 10. That's why.

The Chair: Is this day of the week, Monday, a good day in general, Monday and Tuesday?

Mr. Martin: Yeah. I mean, I don't know my schedule.

Ms DeLong: It bumps into SPCs on Mondays and Tuesdays.

The Chair: Yes, it does.

An Hon. Member: Yeah, if you're doing a whole day.

Ms DeLong: Yeah. So, you know, Thursdays for sure are okay rather than bumping into SPCs, and Wednesday is a little better. So I'd say Wednesday or Thursday, preferably Thursday, except for the 20th.

The Chair: Well, I think that maybe we'll follow the process that we've used up until now. We'll suggest some dates, and we'll try and get a consensus. There are going to be people that for one reason or another can't make it. In conjunction with Mrs. Sawchuk I'll send out some alternate dates, and you can let me know whether they work for you. Okay?

A motion to adjourn?

Mr. Martin: So moved.

The Chair: All in favour? Carried.

[The committee adjourned at 1:05 p.m.]