
Legislative Assembly of Alberta

The 29th Legislature
First Session

# Select Special Ethics and Accountability Committee

Public Interest Disclosure (Whistleblower Protection) Act Review

Wednesday, January 27, 2016
9 a.m.

Transcript No. 29-1-4

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

## Select Special Ethics and Accountability Committee

Gray, Christina, Edmonton-Mill Woods (ND), Chair
Payne, Brandy, Calgary-Acadia (ND), Deputy Chair

Anderson, Wayne, Highwood (W)
Clark, Greg, Calgary-Elbow (AP)
Connolly, Michael R.D., Calgary-Hawkwood (ND)*
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (ND)
Cyr, Scott J., Bonnyville-Cold Lake (W)
Hanson, David B., Lac La Biche-St. Paul-Two Hills (W)**
Jansen, Sandra, Calgary-North West (PC)
Loyola, Rod, Edmonton-Ellerslie (ND)
McLean, Stephanie V., Calgary-Varsity (ND)
Miller, Barb, Red Deer-South (ND)
Miranda, Ricardo, Calgary-Cross (ND)
Nielsen, Christian E., Edmonton-Decore (ND)
Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (W)
Renaud, Marie F., St. Albert (ND)
Starke, Dr. Richard, Vermilion-Lloydminster (PC)
Swann, Dr. David, Calgary-Mountain View (AL)
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* substitution for Stephanie McLean
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| Peter Hourihan | Ombudsman, Public Interest Commissioner |
| Sandy Hermiston | General Counsel |
| Ted Miles | Director |

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**9 a.m. Wednesday, January 27, 2016**

[Ms Gray in the chair]

**The Chair:** Good morning, everyone. I'd like to call the meeting of the Select Special Ethics and Accountability Committee to order. Welcome to members and staff in attendance.

To begin, I'm going to ask that members and those joining the committee around the table introduce themselves for the record, and then I'll address the members on the phone. I'll begin to my right.

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

**Loyola:** Rod Loyola, MLA for Edmonton-Ellerslie.

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

**Mr. Cyr:** Scott Cyr, MLA for Bonnyville-Cold Lake.

**Mr. Hanson:** David Hanson, MLA for Lac La Biche-St. Paul-Two Hills.

**Ms Hermiston:** Sandy Hermiston, counsel for the PIC.

**Mr. Hourihan:** Peter Hourihan, Public Interest Commissioner.

**Mr. Miles:** Ted Miles. I'm the director for the office of the Public Interest Commissioner.

**Ms Dotimas:** Jeanette Dotimas, communications consultant for the LAO.

**Ms Sorensen:** Rhonda Sorensen, manager of corporate communications and broadcast services for the LAO.

**Dr. Amato:** Sarah Amato, research officer.

**Ms Robert:** Good morning. Nancy Robert, research officer.

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

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

**Ms Renaud:** Marie Renaud, MLA, St. Albert.

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

**The Chair:** I'm Christina Gray, MLA for Edmonton-Mill Woods and chair of the committee.

On the phone we have quite a few people. If I could have those on the phone introduce themselves.

**Dr. Swann:** David Swann, Calgary-Mountain View.

**Mr. Nixon:** Jason Nixon, Rimbey-Rocky Mountain House-Sundre.

**Miranda:** Ricardo Miranda, Calgary-Cross.

**Ms Payne:** Brandy Payne, Calgary-Acadia.

**Mr. Connolly:** Michael Connolly, Calgary-Hawkwood, substituting for Stephanie McLean.

**Mr. W. Anderson:** Wayne Anderson, MLA, Highwood.

**Mr. Clark:** Greg Clark, MLA, Calgary-Elbow.

**The Chair:** Thank you. I believe that's everybody on the phone.

For those who are on the phone, during the meeting, if you would like to be added to the speakers list, you're welcome to speak up, but you're also welcome to message me on Lync – I'll try to keep an eye on that as well – if that's easier for you.

For the record Mr. Connolly is an official substitute for Ms McLean; Mr. Hanson is an official substitute for Mr. van Dijken.

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

The first item on our agenda for today is the approval of the agenda. Does anyone have any changes to make? Seeing none, would a member please move a motion to approve our agenda? Moved by Member Cortes-Vargas that the agenda for the January 27, 2016, meeting of the Select Special Ethics and Accountability Committee be adopted as distributed. All in favour? Opposed? Seeing none, that motion is carried.

**Dr. Swann:** I'm just wondering if I could add a couple of small elements if we have time at the end.

**The Chair:** Under other business, Dr. Swann?

**Dr. Swann:** Under other business, yeah, if that's all right.

**The Chair:** Okay. Under other business, Dr. Swann.

**Dr. Swann:** The oath of office and code of conduct.

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

**Dr. Swann:** Thank you.

**The Chair:** Our next item on the agenda is the minutes from our last meeting. Are there any errors or omissions to note? Okay. Seeing none, would a member move adoption of the minutes, please? Member Loyola moves that the minutes of the December 18, 2015, meeting of the Select Special Ethics and Accountability Committee be adopted as circulated. Is there a comment on the phone? Okay. Hearing none, all those in favour? Opposed? That motion is carried.

The first major item on our agenda today is the recommendations from our Public Interest Commissioner. Committee members will recall that one of the first things we did when we began our review was invite the legislative officers responsible for overseeing the legislation within our mandate to provide us with a background briefing on that legislation. The Public Interest Commissioner and his staff met with us at that time to discuss the Public Interest Disclosure (Whistleblower Protection) Act. They have also now provided us with a document outlining their recommended changes to the legislation based on their experience to date. This document was distributed to committee members in December. At this point I would like to invite Mr. Hourihan and his staff to give us a brief overview of the document, and then I will open the floor to questions.

**Office of the Public Interest Commissioner**

**Mr. Hourihan:** Thank you. Over the past two and a half years we've been developing as an office, and we've been monitoring the act in respect of possible recommendations or issues that have arisen. You've said that you've received the document that I sent

in, so that's good. I'm looking forward to discussing those recommendations and clarifying any issues. So I'll be fairly brief and give you a quick overview and summary of the recommendations, and then we can jump right into that, but feel free to interrupt at any time.

We broke the recommendations into two categories, recommended and those for consideration. The distinction is really merely one of degree. Some of the recommendations are quite widespread, some are administrative in nature, and other ones are raised as you may wish to consider them or not, where I did not particularly offer an opinion per se. As you also know, I included a commentary in several of the recommendations that were in the *Hansard* from the debates prior to the act coming into force as many of the issues were raised and it was only three years ago. I've also read the input from the entities which provided some commentary, and I'm prepared to clarify those aspects as well insofar as they relate to what our recommendations cover.

My recommended amendments are presented in chronological order of sections of the act as opposed to a priority. That said, the first recommendation is a fairly important one. The first one is contracted entities. The act, in my opinion, should be expanded to include contracted or delegated services of government. Entities receiving significant government funding or publicly funded by way of a levy or a service are the responsibility of government and should have the requisite inclusion. Just some bigger areas that this would include would be long-term care facilities, the child and family services area, and licensing. There are several thousand contracted and delegated services of government on an ongoing basis, and they ought to be included, in my mind. What matters is that the act should include those who carry out activities of the government.

**The Chair:** Mr. Hourihan, I apologize for interrupting. May I just remind those on the phone to please mute their lines. We are hearing something coming in.

I apologize. Please continue.

**Mr. Hourihan:** No problem.

The second recommendation that I've got in the report is direct disclosure. We feel that there should be an enhanced opportunity to come directly to my office to make a disclosure under the whistle-blower act. People are encouraged to raise matters internally, and world research would suggest that that's where most people want to raise their issues. When I say research globally, it comes out of Australia and the United Kingdom in a few of their reports where they suggest that. That said, many will not want to do that, and we don't feel that it should be a requirement to do so. Currently there are ways to come to our office within the act. They can do it simultaneously. They can report directly to a designated or a chief officer and then come directly to us. Others can do it anonymously and that sort of thing. So there are ways to get to us, but it would probably be a simpler and better system if they could come directly.

**The Chair:** Mr. Hourihan, I apologize. I'm going to repeat: could everyone on the phone please mute their lines? It's star six to mute your line. Thank you.

Please continue.

**Mr. Hourihan:** Okay. I guess that related to that is disclosure to a supervisor. Insofar as there should be direct disclosure to our office, somebody should be permitted to disclose to their supervisor. It's sort of a common-sense approach in that most activities would occur in that manner in an organization. An employee should be permitted to go to their supervisor when they have concerns. Indeed, I think they would anyway, and they may have the most trust in the supervisor. However, it wouldn't be a requirement, and it shouldn't be confused with a requirement to go through your supervisor. It would just be an option.

***9:10***

This is an interesting one. We've encountered opposition to this when someone has gone to their supervisor, and what's been suggested to us by the people opposing it has been that the act does not provide protection unless the whistle-blower goes to a designated or a chief officer. That can be a bit problematic. Sometimes they might not know the designated officer, and it might be a challenge of the organization to provide proper education and awareness of the act. But it seems also that it would be contrary to common sense and contrary to the spirit of the legislation. So clarity here may be beneficial.

The next recommendation I had was on compelling information. Section 18 gives me the ability to require anyone to provide information and to produce records or other things. The language in the section is seen by many to be less than an authority and something which is not clear. We've had some opposition in this. Some Justice lawyers have decided and advised us that as far as they're concerned, they feel this is optional and that they don't feel they're compelled to provide information. I would like to also note that some of the lawyers feel that it's government authority, that it's they who can determine the relevance of information that's provided to us, whereas I'm firmly of the opinion that our office determines relevance. I'm hoping that that's a consequence or something because the act is so new and that it's just a conversation and continued conversations that have to take place. However, we raise it at this time because of the review going on. The Ombudsman Act has similar language. However, it does provide the ability for me as the Ombudsman to summon and examine under oath.

The next one is on reporting when a chief or a designated officer is involved. Section 23 directs where a report must go when a chief or a designated officer is involved. However, it doesn't indicate what is required of the person who receives the report. The act should include a clause to indicate that the recipient must provide information on what steps are being taken to remedy the issue. I'd just say, too, that with some of my recommendations, depending on what happens with the legislative review, if there are some things that compel other information or as we go to input from other stakeholders, these could be affected by that.

The next one is the appointing of an acting commissioner. This is one of those administrative ones. Section 41 authorizes the Lieutenant Governor to appoint an acting commissioner. However, this does not contemplate someone acting during routine periods of vacation or sick leave or normal short-term absences that I might be on. A clause for the commissioner to simply be able to delegate powers similar to the Ombudsman Act would be beneficial. That would of course not include the power to delegate. FOIP has a similar section authorizing delegation.

The next one is privilege and protection from giving evidence. A provision exempting the commissioner and my staff from giving evidence in any other proceeding should be added to this act, as far as I'm concerned. All information gathered in the course of our duties should be protected by legislative privilege, similar to the Ombudsman Act in section 25 of that act. FOIP also has a protection in their section 58. This is for protection so that we can do the job we have to do. It's also protection for the people that come to us that have to have the safety and security of being able to come forward and disclose.

Records management. There should be a provision to deal with the records of the office consistent with other legislative offices. This has been left out of the act, and there's nothing in our act currently. Other offices are required – it's fairly simple – to obtain approval for record retention and disposition from the Standing Committee on Legislative Offices.

Next is: simplify timelines. The timelines are definitely a struggle in the act. We have five days to acknowledge receipt of a complaint. That one's fairly simple to achieve. You can do that upon receipt of one. It doesn't take any analysis or a lot of work. However, then we have a total of 10 days to determine if we will investigate. Then we have 110 days in total. So in the first 10 days we have to acknowledge it and review it to see if we're going to investigate it. Quite frankly, a lot of them are much more involved than that to decide whether or not we're going to do a full investigation. I've interpreted it to be that if I'm going to look into things, that's part of an investigation. If I decide to discontinue later because there's a lack of information or evidence and that sort of thing, then certainly we can discontinue it. So I can get past that 10 days and I can offer a preliminary review within that 10 days, but if these timelines were relaxed a little bit, it would be much easier.

For example, if we get a complaint today in the mail, we can respond to that complaint today. Then we have to have a look at the information, get a hold of the complainant, presuming we can fairly quickly get any unanswered questions from that point and perspective, then go out to the authority and ask for information.

Of course, the authority gets it, and they have to do some work to get it to us. I should say that 9 times out of 10, probably 10 times out of 10 they can't get back to us in 10 days for us to be able to give an answer on an investigation. In fact, the entity has more questions about what's going on, especially now because the act is new, and hopefully that will lessen over time. However, it's really hard to get it in within the 10 days.

Then when you couple it with most places that, when they get something of this nature, want it to go through their legal unit or legal branch, and of course that can almost never take place within 10 days: to get it there, have them look at it, and get it back to us with some comments so we can make a preliminary comment as to whether or not we'll investigate. So we do all that within the first 110 days, if indeed we can get it done in 110 days, but relaxing of the timelines would be beneficial.

I must say that I do like the notion of tight timelines because it certainly keeps our feet to the fire, if you will, and organizations' as well. I have the ability in the act to extend those timelines for a chief or a designated officer, and I have the ability to extend it for myself. So I do like tight timelines, but relaxation would be helpful.

Next is the series of recommendations I have in the report that says "for consideration." The first one is the definition of wrongdoing. This has received a lot of debate, and there's been a lot of concern about this prior to the act coming in and since. The act is somewhat vague on the definition. Generally people don't feel it goes far enough. Indeed, because the word "wrongdoing" is used, most people believe that anything that's not going right, because it's wrong, is therefore a wrongdoing. Of course, the act stipulates that a wrongdoing under the act is much more severe or serious or significant than that, and it's not just a simple wrong. So there could be some benefit to clarifying some of the definition with what a wrongdoing includes.

There's no inclusion of things such as codes of conduct, whether or not they're included, immoral or unethical behaviour. It only addresses gross mismanagement of funds or assets, not people or policies. We can't sort of extrapolate that a mismanagement of assets is like if someone mismanages an employee significantly. We can't interpret it that way. That's for money or assets. The act could and would be helpful if it included significant breaches of these things.

Just one example that I know others have placed on the table – and I will as well – is to consider harassment and bullying. On the one hand, our office ought not to be the human resource police for government, and most of that should be left internally to the human resource policies of corporate human resources and the departments and the entities themselves. However, for significant breaches it maybe ought to go to the whistle-blowing side, and it ought to be considered as a wrongdoing.

The next one is exemptions, and this is one that's also received a lot of attention. There was a lot of concern about the fact that I have the power to exempt anyone or any entity from the act. I'm not as concerned about that as others may be. I don't mean anything by that other than I don't intend to exempt anyone from the act, and I can't contemplate a situation where that would happen except for when a small organization, who has just very few employees, comes to us, which is clarified in the regulation, and asks to receive dispensation from having to come up with all the policies and processes in place that any large department or organization would have to come to. I exempt them from those portions of the act, which only means that they have to now – any employees from that particular entity or group of entities can come directly to our office if they have any complaints. We manage all the investigation protocols, policies, and those kinds of things. It's called an exemption under the act, but I would prefer to call that an exception, frankly, where I'm just giving them some leniency on those sets. But I cannot contemplate where I would provide an exemption.

However, that said, there is a lot of concern that my exemption power is too significant, so I throw that out there as an opportunity for you to consider taking that out of the act.

***9:20***

Next is: should references to good faith be removed? That's been raised, and we've looked at that. There is a requirement for a complainant to act in good faith in the act. That makes good sense. We take that at face value for the most part. Unless it jumps right out at us, we consider good faith. There's no requirement, interestingly enough, for an entity to act in good faith. But motives should not matter, and all the indicators are that the motive of a person blowing the whistle ought not matter. Our office presumes good faith, as I said, and if we find it's not made in good faith, then the person is subject to the penalties or subject to discontinuation and those types of things. That's not particularly hard to handle, but good faith specifically articulated in the act sends a bad message to potential whistle-blowers.

Next: should the act clarify the inclusion of ministers and/or MLAs? Now, I would say that the act interprets that it does include ministers. It suggests ministers are within the act. Section 22(5) directs me or the commissioner to make a report to the chief officer of Executive Counsel "in the case of a minister." Section 23 has a similar phrase that says, "in the case of a minister's office," which suggests to us that the interpretation is such that it does include ministers. However, clarity would be helpful. The Government Organization Act defines departments as being "administered by Ministers," and that can be interpreted, too, to apply to them as they're responsible for the administration of the department. But this is one of those areas where clarity, again, wouldn't be a bad thing. Similarly with MLAs consideration could be given: should it include employees in those offices?

Next is own-motion investigations, and I take that phrase out of the own-motion capability they have in the Ombudsman Act. It's a fairly common term used across the country, I suppose. Own-

motion investigations, which are more systemic in nature, are not permitted in the whistle-blower act. Committees can order investigations, and that's helpful, but sometimes information comes to us in a variety of forms. I want to make it clear that the main approach that we have is to address individual complaints that come to our office, and that always will be the case. That will always be our main focus. But sometimes things become very public and we don't get complaints.

A couple of higher profile examples in Alberta that did result in a complaint. I suppose that in terms of our investigation we were lucky that one came in, that it didn't just sort of sit back with the person not wanting to come forward. If you consider that someone is a bit nervous to come forward to begin with, if something goes public, they quite often say, "Oh, good; now I don't have to speak up," whereas they might have a lot of very good information to provide. One example is the shredding file that we had recently, where we did the co-investigation with the Privacy Commissioner. We actually did get a very narrow complaint in there, but it came in a bit after the fact, and this is when a lot of attention is being given in the media and in the public to the notion that there's a lot of shredding going on, and a lot of people are looking at offices like mine, saying: well, why aren't they doing anything? In reality it's because we can't until we get a complaint.

The AHS computers, the purchase and deployment of AHS computers about a year and a half ago is another one. A complaint did come, not to my office. It came to other people, and I reached out and asked them to seek an opportunity to come and complain to our office, which did take place. It was forwarded to me so then we could have a look at it. If we could have the ability to look into investigations on my own motion, that would be beneficial.

Consider another example: if government didn't wish for a matter to become investigated and no committee would order one. That's a situation where Albertans would want the ability of my office to be able to go in and have a look. Like I said, it would enable us to look at systemic matters. We would certainly have a protocol in place, as we do in the Ombudsman's office. I wouldn't just do it on a whim, and it certainly wouldn't be directed until we exhausted other opportunities to look into things and had reasons why we would want to look into it.

The last one I have in the paper is remedies. The act has no provision for remedies. There has been a lot of debate concerning this in Alberta prior to the act coming in, since the act has been in place. I see other stakeholders have commented on that, and indeed around the world, in different areas, it's been a conversation and debate. Reward programs have received good and bad reviews. Most often they're related to securities and fraud type of matters, in the United States most prevalently. There's a lot of research out there, but suffice it to say that the debate is alive and well, and there hasn't been anybody settled on what it ought to be that's gaining the balance of submissions in that regard.

People who are reprised against receive no compensation to make them whole again, and that's been a significant concern, not relating it to a reward but relating it to helping make somebody whole again or compensating them for expenses that they have undergone, whether that might involve lost income, cost of legal fees, psychological assistance, which can be quite common, those types of things. So you may want to have consideration as to whether or not you want to have some sort of remedy placed into the act, but I didn't make any significant or prescriptive proposal in that regard.

So that's a summary of the recommendations that we have made, and it might be best now to just turn to questions if you like.

**The Chair:** Thank you very much for the presentation and thank you for your submission. It was very, very informative.

I'll open the floor to questions. I see Member Loyola to begin. A reminder to those on the phone: if you'd like to message me on Lync, that will work, or feel free to unmute and just let us know you'd like to be added to the speakers list.

Please, Member Loyola.

**Loyola:** Okay. Well, first of all, thank you, Mr. Hourihan, for your presentation. I really enjoyed reading through your recommendations. I wanted to ask if you could please elaborate on the issue of direct disclosure. From the experience that you've had over the last three years, what are some of the barriers that people wishing to disclose in the public service would need to disclose to you directly? So what are some of the barriers that perhaps are existing within the act right now? If you could elaborate on that, please.

**Mr. Hourihan:** The intent of the act is that everybody should report first or disclose first internally. There are opportunities to disclose directly to me under section 10 under certain circumstances. They're all listed in 10(a) through (i). Basically, if no procedures have been established back at the entity, folks can come to us. If the procedures are there but they're inadequate, if somebody made a disclosure in accordance with the procedures and an investigation has not been completed by the entity, if they made a disclosure and the matter wasn't resolved within the time periods – if it wasn't satisfactory, there's an area in there where, if it's not satisfactory to the whistleblower, they can come to us directly. There's another section in the act – I just forget – 13 or something around there, where they can come to me simultaneous to the designated officer. So there are opportunities in there where they can.

People can come anonymously as well. The notion of anonymous complaints sits well with some people and doesn't sit particularly well with others. It sits with our office as sort of a matter of fact. If we get an anonymous complaint, we look at it and we say: there could be a variety of reasons why they're anonymous. I sort of look at it and say: I'm seized with the information now, so I ought to look into it and give it the attention that it deserves. The problem is that if it's truly anonymous, I don't have anybody to talk to in order to clarify certain things. I have nobody to report back to, nobody to understand more clearly. But there is the opportunity to do that.

But the research around the world and other jurisdictions suggest, as do stakeholders, that it would be much simpler if they were just allowed to come to our entity, to give people the opportunity. We certainly encourage people to go internally if that's their wish.

Ted?

**Mr. Miles:** I'd just maybe add from a personal experience. We have had whistle-blowers come to us fearing that if they went internally, they'd never get an independent investigation or a fair shake. We hear that, and what we have to do is try and fit what they're saying and find a reason why we can take it rather than referring it back to their internal designated officer. We often go through section 10. We refer to the one section that says that if you fear reprisal, you may disclose to the commissioner in the first instance.

In speaking to those whistle-blowers, we have to almost lead them to that conclusion, if you know what I mean. Do you feel threatened? Why wouldn't you go to your designated officer? And the light will go on, and they go, "Yes." And we go: "Oh, okay. We can take that investigation then."

It doesn't feel like it's as clean as if someone has the ability under law to be able to just come to us when they feel that the best place

for the response to their concern is the independent office. That would be my thought.

***9:30***

**Loyola:** Very insightful. Thank you.

**The Chair:** Mr. Hanson.

**Mr. Hanson:** Thank you very much. I, too, found it very interesting reading when trying to prep myself as a stand-in on the committee, replacing Mr. van Dijken. It was quite interesting.

On page 3 of your document you want to extend that to include contractors. I was wondering if it was the intent to extend that, or is there existing provision for extending that to contractors, through a municipality or a ministry, on construction projects that are publicly funded for infrastructure projects?

**Mr. Hourihan:** No. There is no jurisdiction for contractor-delegated people or services whatsoever.

**Mr. Hanson:** Is it a possibility that we could extend that? You know, I've had people approach me with issues, but of course their fear of being taken off a bid list or something else if they bring something up is a concern.

**Mr. Hourihan:** Well, that's the big concern that people have. If you have a typical contractor – I mean, right now, just for discussion purposes, if a person comes in, if they see things that are not right, they're in no different a situation than an employee as a full-time employee of some government entity. They have information which they feel ought to be provided to somebody, and their livelihood in this case ought to be protected if they do so. So, yeah, they're not particularly in any different situation than an employee is, and that's why there are a lot of voices that suggest that this ought to be included in the act.

**Mr. Hanson:** Okay. So the intent of this, of page 3, is to extend it to them?

**Mr. Hourihan:** Extend it to those. Yeah.

**Mr. Hanson:** Perfect.

**The Chair:** Thank you.

**Cortes-Vargas:** Mine, actually, is a good follow-up to that one because it's from the recommendation on page 3, but I'm on page 5, where you look at the other jurisdictions. You mention that in no other jurisdiction is that extended, but then in the following sentence there's an explanation of reprisals that exist in other provinces. I was unclear as to the intent of including that information.

**Mr. Hourihan:** Just to provide information to you that we are aware of from around the country.

**Cortes-Vargas:** And the relationship between those jurisdictions that include it with the contracting element.

**Mr. Hourihan:** Yeah. There are just a couple, the federal government and Manitoba, that provide protection from reprisal, but just specifically related to reprisals, if that happens, so if somebody loses their job, I guess, for coming forward. But there is no disclosure protection. I don't really have a comment as to why they have a differentiation there, but it is a fact that no other Canadian jurisdiction extends the disclosure of wrongdoing to contracted service providers. I know that we do have a working group, if you will, around the country, and we are, you know, unanimous in our thoughts in terms, from our perspective, that it ought to be included, but it's not in others.

**Cortes-Vargas:** Okay. Thank you.

**Mr. Clark:** The last two commenters have beat me to the punch on my questions here, but I guess that maybe I'll just continue down that same path. I mean, you know, I read through this particular recommendation, and I said: "Well, of course we ought to do this. I mean, why would this not be included?" My assumption, as I read through pages 3 and 4, was that Alberta was perhaps lagging the rest of the country in this particular area and that we needed to catch up with the rest of Canada. It is surprising and curious that no other jurisdiction does the same thing.

I know you've just said that you don't have any sense as to why that may be, but can you offer any comments at all, perhaps, on unintended consequences or concerns that you've heard raised around this issue in other jurisdictions? It seems to be an obvious thing to include, but I guess I'm curious why it is that no one else has included it. Any commentary on perhaps some downside to including this that we may not be aware of?

**Mr. Hourihan:** I don't have any downside to it, and from conversations I've had with counterparts across the country, we don't see any reason why it ought not be included. I'm trying to understand what the perspective would be as to why not. If it's everything similar to providing a government service, then the whole spirit and object of this is to make sure that information gets forwarded so that better services are provided and people are listened to and that sort of thing.

I don't understand. I guess the only thing that I've been able to come to in my own mind is that if there's a notion that privatization is something that's wanted from a policy perspective, then I suppose there's the argument to be made that if we're privatizing something, we ought not have all the oversight over top of it. So just in broad strokes, I would say that maybe that's the reasoning, but I don't have any good sense of that. That's just my own opinion.

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

**Cortes-Vargas:** For this one I'm on page 14. It's about privilege and protection from giving evidence. You comment on giving that evidence and being able to protect that under the legislation. In this one you relate your rationale to the other jurisdictions that do have this. I'm wondering. In those other jurisdictions that do include this, what are the outcomes that you are seeing that you are not seeing in those things? What is some of the evidence?

**Mr. Miles:** I'll maybe give an example of the situation that we currently are facing. We're undertaking a whistle-blowing investigation that is also simultaneously before the civil courts with a civil lawsuit. My investigator is out there unearthing all kinds of information and things and is going to be compiling a report to be tabled. The concern that I have for him is: at the end of this could he be subpoenaed by either side of the civil litigation to give evidence on things that he unearthed in his report or his report tabled to become part of the civil litigation?

**Cortes-Vargas:** Right. So that was a "could" in this situation. In the jurisdictions that do have this, is that not something that they have to think about? Like, is the outcome better?

**Ms Hermiston:** At this point, we don't have any examples to say that they've used that in order to shield themselves from being

compelled. I'm not aware of any examples, but that's certainly the purpose of it.

When it's in the act, often all you have to do is point to the section, and the problem goes away.

**Mr. Hourihan:** The corollary to this privilege and protection for whistle-blowers who come forward – that's a question that they ask: "If I tell you, does this all get released? Who else finds out about this?" Confidentiality can be extremely important for people who fear loss of job and those kinds of things, so that sort of complements that.

**Cortes-Vargas:** Thank you.

**The Chair:** Mr. Cyr.

**Mr. Cyr:** Thank you. I appreciate your being here today. I found that this was very informative. I really appreciate all the time that you guys have spent compiling this.

My question revolves around page 3, the contracted entities. My concern: how is it that you're going to go into a corporation that is a third party that's outside or at arm's length from the government and be able to enforce anything on that corporation?

Secondly, if there is a whistle-blower concern outside of Alberta, how does that work? A lot of these are multijurisdictional entities. I can only see that there's going to be some confusion in this area.

**Mr. Hourihan:** Well, the contractors may be within or outside of Alberta. It would be more on what the government activity is as opposed to the contractor activity. The contractor activity would be dealt with by the government entity if it's not in accordance with the contract and those kinds of things. They would deal with that from a contractual relationship. We would deal more with the contractors who come in who have a complaint about the service.

Let's just take one that was out in the public, the procurement of computers. Not to beat up on that one, that came from an employee. That's an area where you certainly wouldn't hire a lot of contractors to come in and do the work. If the contractor came in and was the person who saw all of the things that they felt were wrong, they would have the ability, then, to report to us, and they would be protected insofar as the government eliminating their job or reprising against them, not the company that they work for.

**Mr. Cyr:** So we're not going to be going inside of these companies at all. It would be protecting, say, SNC-Lavalin or Carillion if they've got a concern. Could this be used maliciously? Is this where good faith comes in?

***9:40***

**Mr. Hourihan:** Well, anything, I suppose, could be used maliciously. Yeah, I guess good faith would come in there. I mean, to go back to what I said about having good faith in there, that's certainly always going to be an issue for us if we see it. We presume good faith until there's not. Yes, it would certainly be part of it.

Yeah, it would be something like an SNC or a large corporation like that, too. If they all of a sudden find out that they're looking at things, let's say, submitting contract bids but not getting any and they find out that it's because of something that's not being done properly, you know, that people are monkeying with the contracting procurements, they wouldn't be able to come to us currently.

**Mr. Cyr:** So going to long-term care, then – let's go off infrastructure – if you get a whistle-blower saying that that private entity isn't fulfilling its commitments inside of that company, are we protecting that person inside of that company? I guess the question is, really, that for some of our long-term care providers there's no protection for the workers inside those companies?

**Mr. Hourihan:** Correct.

**Mr. Cyr:** Okay. So the only complaint that could be brought forward is that company bringing a complaint against another company doing long-term care. I'm asking this because I'm curious.

**Mr. Hourihan:** Right. Well, we have no jurisdiction to go in and look at the entity to see if they are breaching the rules, you know, that the complainant or the whistle-blower is coming forward on. Now, if we did have the ability to do, if they blew the whistle on it and we did have the jurisdiction to go in and have a look, then we would go in and have a look and advise the government what they ought to do to fix that. But I wouldn't have any jurisdiction unless the act was inclusive of private interests. I wouldn't have any jurisdiction on the private side or the private company.

**Mr. Cyr:** And we're not asking for that in this recommendation.

**Mr. Hourihan:** No, not in there. There have been other stakeholders, certainly, before the act came into place – the organization FAIR, for example, and others – who did talk about how it should be inclusive of, you know, the private and public sectors, all-inclusive. However, that's not what I'm saying on page 3 in my report. I just dealt with contracted and delegated services of government.

**Mr. Cyr:** Okay. So the company can be a whistle-blower against an AHS worker or employee? I'm trying to flush out exactly how this works.

**Mr. Hourihan:** I suppose there's a way right now for them to do it if they do it anonymously because we can accept anonymous complaints, but otherwise, no, it would be private. If somebody calls up and says that they're a contractor for a care facility in, you know, whatever location and they're recognizing that this is not going right and this is wrong, that the care is not proper, et cetera, the food is not proper, whatever, then we have to politely say, "We have no jurisdiction, so we can't look into that."

**Mr. Cyr:** Well, thank you. You've done a very good job of answering.

**The Chair:** Thank you.

Are there any other questions for our presenters? From those on the phone, perhaps?

Okay. Seeing none, hearing none, thank you very much, Mr. Hourihan and your team, for joining us here and sharing more information and your expertise with us as we review your recommendations.

**Dr. Swann:** Sorry. I was muted there.

**The Chair:** Oh. Dr. Swann, please go ahead.

**Dr. Swann:** Sorry. I was muted, talking away to myself there.

**The Chair:** Please continue.

**Dr. Swann:** Thanks very much. Thanks very much for the presentation. It sounds like there's some overlap of your role with the advocates: the child advocate, the mental health advocate, the one other that I can think of, the Health Advocate, I guess. Do you share information of complaints, concerns, wrongdoing with those

advocates, and how would you decide who should take primary responsibility if there is?

**Mr. Hourihan:** Specifically, I have no examples where I have spoken with the Child and Youth Advocate or the Health Advocate. The Seniors' Advocate is not really in place just yet. The mental health advocate: I haven't dealt with that either. I have no specific examples to refer back to. I can advise you that from an Ombudsman perspective – and I clarify this every time I say it – my office as Ombudsman is co-located with the Public Interest Commissioner, but we're two separate offices but for a few of the corporate positions that do both roles. We keep things operationally quite separate.

I do deal with those organizations on, I'll say, a regular basis. Two or three times a year we speak with one another, without incidents driving the discussion, to just talk about consistency and clarity in roles and that sort of thing. What I would say on this as an example of perspective: I would, yes, reach out there. I would have to be cautious, as I always have to be, as do they, in terms of confidentiality and that sort of thing. If it's part of a formal investigation, I can certainly obtain information, but I would have to be careful going back to them with what information I had. I would do so in such a fashion as to make sure that there is consistency and that where there is overlap, we can help each other out.

I do have the ability in the public interest disclosure act to seek any opportunity I can to resolve a complaint and do what I need to do to do an investigation, so I could reach out to entities like the advocates and ask them to provide some assistance in whatever perspective I determined.

**Dr. Swann:** Thank you.

I appreciated your comments about contracted services. I, too, believe that that should be part and parcel of the role and subject to the whistle-blower legislation. You didn't mention specifically physicians and medical students and residents, but I assume that would include them.

**Mr. Hourihan:** Yes. To answer in a short answer, yes. Largely, many physicians and other health practitioners are covered in the act specifically because under this act they're deemed to be employees, but that is restricted to a very significant group of doctors, as I understand, in the province although there are some that are not because they're contracted and don't fit within the tight definition. So, yes, it would include those ones that are not already under the jurisdiction.

**Dr. Swann:** Most physicians consider themselves private operators, and it's an ambiguous relationship, I think. Most of them are not employees of the health system, but as I understand what you just said, this would include all physicians who use public facilities to carry out some of their work, even if it's only some of their work and most of their work might be done out of their private offices. Could you clarify that?

**Mr. Hourihan:** Yes. I would include that under the contract, provided it was a contracted, delegated service of government. If it's totally private and meant to be private and totally outside of the public-sector concept of health, then I suppose that's up for discussion because it would be private. Otherwise, it ought to be included.

**Dr. Swann:** So that includes I would say 99 per cent of physicians, and certainly the medical students that are involved are largely involved in educational and health care institutions.

Finally, just shifting and looking at the numbers of people who have disclosed and given that this is only a couple of years in operation, have you had feedback from individuals who either did or did not raise issues with your office about their satisfaction with the process or their reasons for not disclosing to your office, and have you included that in some of your comments here?

**Mr. Miles:** I can speak about a couple of the whistle-blowers that we've had that we have taken from first contact with our office through to reports where Mr. Hourihan has found wrongdoing in departments, and I know that in those cases those whistle-blowers have indicated that they've been very satisfied. Their identity was not exposed to their home department. We were able to keep that completely confidential. In those circumstances we felt that the system is working quite well to protect their identity and to protect their integrity and confidentiality.

***9:50***

**Mr. Hourihan:** I'll just continue. That said, those ones that were extremely satisfied at the end of the day were also curious, at a minimum, as to how it would be in terms of their confidentiality, and they were very careful as they went throughout it. One went through an interesting metamorphosis, where there was a lot of concern about confidentiality throughout. When it became more public and there was not any loss of confidentiality, they actually were looking at the potential as to whether or not they then wanted to identify, to bring it fully into the public on their own accord, because they felt that the investigation and the relationship and the process were very well done. Now, that said, we only have a few.

We do have complainants that have significant concerns about how confidential this is going to be: what happens with this information when I give it to you? We get concerns from government entities on that as well through investigations. We try and walk them through and talk them through what we can and cannot do. You know, there are some situations – make no mistake – where people would say to us: but if this information gets out, I'm the only one that knows it, so my identity will be compromised. Those are situations where we have to look at it and encourage them to do what they feel is best for themselves, and we will not breach that confidentiality if they don't want us to.

**Dr. Swann:** Thank you.

I just have one more recommendation for the committee to consider. Clearly, your office would not hear from those people who don't trust the system, who don't trust this legislation. I think it would be appropriate for this committee to recommend, at least periodically, doing a survey of public employees to assess the level of confidence and trust they have in the whistle-blower legislation in order to try and assess what we otherwise can't assess, and that is: how many people fail to disclose because they do not believe either in the process or in their protection? That's more a recommendation to the committee. I don't think we have made any effort yet to assess the level of confidence in whistle-blower legislation in Alberta. Am I correct?

**Mr. Hourihan:** That's correct, and certainly from my office we've not done that at this point. We may consider doing that in the future, but as you say, it may not be particularly productive if we do it if people don't want to come to us to begin with.

I would just add to that. That's one of the things that I look at when we get anonymous complaints, and I guess I feel strongly about it. We don't get that many, but I believe that if we were getting a lot of anonymous complaints, that would suggest, at least on one level, that maybe people are afraid to come to us with name in hand.

**Dr. Swann:** Thanks very much.

**The Chair:** Thank you.

We really appreciate your time and your feedback here today. Thank you again for joining us.

**Mr. Hourihan:** Thank you for the opportunity to come. This is certainly, obviously, important to us, and we want to make sure that we bring things forward as we can. Just to sort of summarize the report, I didn't want to try and push, in too many perspectives, certain recommendations that I feel are important although I'll say that, but I wanted to try and provide a very objective overview of what's there. Certainly, I know you'll call our office, but if the committee needs anything, with preparation time or without preparation time, please feel free to call us. We're here and capable and ready to talk to you or provide any information that we have for you any time.

**The Chair:** Thank you very much. I know we will take you up on that.

We are now going to move on to considering the written submissions that we've received from identified stakeholders. Committee members will recall that we sent notices to identified stakeholders for the Public Interest Disclosure (Whistleblower Protection) Act back in November. We received 20 submissions, very high-quality submissions, from those stakeholders, and those written submissions and, potentially, oral presentations from those stakeholders are what we'll be discussing today.

**Mr. Hourihan:** Is this something you would like us to stay here for or that you don't mind that we stay for, or would you prefer we leave?

**The Chair:** We don't mind if you stay. If you need to be elsewhere, that's fine as well.

I was saying that the call for submissions is still open to the public. I want to be very clear that we are reviewing these 20 stakeholder submissions, but this is not the totality of all submissions on the whistle-blower act that we will be receiving. This is an opportunity for us to have some of those early discussions about whistle-blowers, but it is not the complete discussion on this topic.

Focusing on the 20 submissions that were provided by the stakeholders, a summary of the written submissions was prepared for us by Dr. Amato. I would like to invite Dr. Amato to walk us through that summary, and then I'll open the floor to questions.

**Dr. Amato:** Good morning. I believe you have the document, which is the summary of written submissions from the 20 stakeholders that were just referred to. I'll just say a couple of things about it, and then I'm very happy to answer questions.

This is a summary of those 20 submissions, grouped together by issue. It's not entirely comprehensive. To see the original stakeholder submissions, they are posted on the committee website for your reference. Of the 20 submissions several were received from agencies, boards, and commissions, from several university faculty associations, several unions, the office of the Auditor General, and a school board association, among others. Of those 20 submissions, just so that you know, 10 said – and they're referred to in the document – that they would be pleased to appear before the committee to answer questions about those submissions.

I took the approach of grouping the submissions by topic, and I'll just draw to your attention five particular issues that were raised in the submissions. The first was on expanding the scope or the application of the act. A number of submissions spoke about expanding the scope of whistle-blower legislation to cover the private sector and also about extending it, as was just discussed, to contractors and service providers.

The second major issue that was brought up was, in fact, clarification of the definition of wrongdoing. Here there was specific attention to clarification of the issue of the threshold of what constitutes a substantial and specific danger and also of the term "gross mismanagement." Then, thirdly, there was also a discussion of broadening the definition of wrongdoing as well.

The third major issue had to do with disclosures. Here there were concerns raised about protecting confidentiality and the implications of that, direct disclosure to the Public Interest Commissioner, and also public disclosures and expanding the range of authorities to whom disclosures might be made.

The fourth issue had to do with reprisals, and here there were two major issues. One was sort of on proof of reprisal and the issue of reverse onus, on putting more onus on the employer to prove that a reprisal did not take place. Then, secondly, there was a lot of discussion on the issue of compensation and remedies to make employees against whom reprisals had been taken whole.

The fifth general issue that was raised had to do with investigations. Here there was discussion about avenues for recourse to appeals of the decisions of the Public Interest Commissioner, the ability of the Public Interest Commissioner to compel action from organizations, and thirdly, the issue of timelines.

So those are the five, I would say, general comments that were made. I know I went through that really quickly, so I'm very happy to answer any questions.

Thank you.

***10:00***

**The Chair:** Thank you, Dr. Amato. I will be opening the floor to questions. I do want to say that I thought your research summary was excellent and made it a very good way of looking at all of the feedback and where there were commonalities between the submissions. So thank you.

I'd like to open the floor for questions to Dr. Amato about this summary of the 20 stakeholders. Hearing no questions, are there on the phone, perhaps?

I think, Dr. Amato, this speaks to the clarity of your document.

There may be a question.

**Mr. Hanson:** Is this the time to submit additions to the list of . . .

**The Chair:** Of stakeholders? Not yet.

**Mr. Hanson:** Okay. Thank you.

**The Chair:** Dr. Amato.

**Dr. Amato:** I was just thinking there was one thing I didn't say for people who may or may not have read the document. Service Alberta, of course, responded on behalf of all government ministries, so that's just really important to note, that there is together in that submission – that's a significant stakeholder, and there's a lot there just to note. I apologize for not saying that right at the beginning.

**The Chair:** That's fair. Thank you, and thank you again very much for the work done on this summary document.

Seeing no questions for Dr. Amato, what we will do now is discuss – we have the 20 stakeholder submissions as well as the summary of those stakeholder submissions. Our next item on the agenda is determining whether the committee wishes to invite any

particular stakeholders, whether or not they provided a written submission, to make an oral presentation to the committee. This is an opportunity for us to ask questions. I do want to clarify that all of these stakeholder submissions and those that will be submitted by the public are going to be considered and reflected upon by the committee. This is our opportunity to ask questions if we have questions.

I also would like to mention that we're talking about our 20 stakeholder submissions, which is a limited or targeted group of participants today, but that does not limit our options for future consultation nor does it dictate our review process for the other pieces of legislation included in our mandate. The discussion is: based on what we have right now, do we want to invite anyone for oral presentations to the committee? Does anyone have any thoughts on this?

Ms Renaud.

**Ms Renaud:** Thank you. I would love to invite the Auditor General's office to come and just to expand on their comments and to be able to answer questions for us.

**The Chair:** Okay. I will make note of that.

**Ms Miller:** As Dr. Amato said, Service Alberta represented a very large group of people, and I think that would be a good one to invite for an oral presentation.

**The Chair:** All right. On the phone, any discussion about having received these 20 stakeholder submissions, if there are stakeholders we'd like to invite to discuss further?

**Mr. Nielsen:** Well, just going through the list here, in the interest of trying to keep things, I guess, as expedient as possible, I think the AFL might be the best organization. Their membership represents very diverse work atmospheres and businesses and whatnot, so I think they'd probably be able to provide a more condensed view for us to hear from.

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

So we have three potential witnesses, or invitees, guests, to invite. The Auditor General, Service Alberta and through Service Alberta all of the government of Alberta, and the AFL represent a few different opinions. My understanding is that we have questions for some of these stakeholders.

For those on the phone? Okay.

So we have three of our stakeholders that we'd like to invite. The committee members were asked to save the date of February 11, anticipating that we would at this meeting have some of our stakeholders we'd like to invite back for oral presentations. So I'd like to request that a member move that

> the Select Special Ethics and Accountability Committee invite the following stakeholders to make an oral presentation to the committee on Thursday, February 11, as part of the review of the Public Interest Disclosure (Whistleblower Protection) Act, being the Auditor General, Service Alberta, and the Alberta Federation of Labour.

Moved by Mr. Nielsen. All in favour? All opposed? That motion is carried, and I will just for clarity repeat again that this is not the only time that we will have presentations regarding whistle-blowers necessarily. We will have the opportunity to review all public feedback and to bring this back for discussion again if needed based on the discussions we have. Thank you, everyone.

Our next item on the agenda is a communications update. As committee members are aware, we are currently in the midst of a province-wide awareness campaign to solicit written submissions from Albertans as part of our review process, so I'd like to ask our communications staff to give us an update on what's been happening with the campaign. Ms Sorensen and Ms Dotimas.

**Ms Sorensen:** Thank you, Madam Chair. I'm just going to provide a brief overview of where we're at in the campaign, and if you have any further questions or want further information, either myself or my colleague, Ms Dotimas, will be able to answer.

The campaigns for the daily newspapers are complete, and we are just entering the last of the weekly campaign. The digital advertising is also under way. It's a two-week campaign, so it will be ending, I guess, at the end of this week already. It's January 30. Time flies.

Media relations: the news release went out on the 18th, and we've had some direct inquiries from various media, and I believe that the chair has answered some media questions. The committee web page and the web features are up, and the social media campaign is well under way, gaining some interest from the public. The two strategies that we are still working on are the constituency newsletter article, that members can put into their constituency newsletters, and the e-card, that can be further disseminated to interested parties.

That's pretty much the report, Madam Chair.

**The Chair:** Thank you very much, and I apologize; I think I might have missed it. The items that we can distribute through newsletters and whatnot: those are all available on OurHouse?

**Ms Sorensen:** Those are currently being produced, and we'll let you know as soon as they're ready.

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

In the meantime I know that I have retweeted the Legislative Assembly announcement. I invite everyone to retweet and to Facebook. Speak to your constituents. Invite friends and family to pay attention to this very important legislative review.

Are there any questions for our communications team? Okay. Seeing none. Thank you very much.

Our next item is the stakeholders list discussion. Based on our conversations at the last meeting we asked the research staff to put together a stakeholders list focusing on the Conflicts of Interest Act and the election legislations, which could be used to augment our provincial advertising campaign. So these are the stakeholders who we will send targeted letters to to invite them for input as part of the public input process. To keep things simple, I'd like to ask Ms Robert to take us quickly through both documents, and then I'll open up the floor for questions and discussion.

***10:10***

**Ms Robert:** Sure. Thanks very much, Madam Chair. Okay. We've prepared two draft stakeholder lists, one for the Conflicts of Interest Act review and one for the review of all the election-related statutes and, of course, Bill 203. I'll go over the Conflicts of Interest Act review prospective stakeholders first, and of course this is a draft list that the committee can certainly add to.

I'll just quickly go over it. We've included the ethics commissioners from around the country. We've included advocacy groups and ethics associations, research institutes, and academics. Those were chosen based on their work with respect to ethics-related issues.

The Members of the Legislative Assembly of Alberta, obviously excepting the members of this committee, are included as stakeholders. Senior public servants: that's section 6. That includes members of the Premier's and ministers' staff. There are approximately 80 of those. It includes 25 government of Alberta

deputy ministers and associate deputy ministers, and it also includes about 18 people who are considered designated office holders under the Public Service Act. Of course, those people are subject to conflict-of-interest rules under the Public Service Act. The Ethics Commissioner is responsible for overseeing that aspect, though. That's why they've been included.

We've also included what I think is the complete list of agencies, boards, and commissions in Alberta because there certainly has been interest in examining whether or not senior executives from those boards and chairs from those boards and agencies and commissions should be subject to some conflict provisions. Finally, we included the Alberta Association of Former MLAs. So that's the conflicts of interest prospective list.

With respect to the elections legislation and Bill 203 I know it doesn't seem that long, but there are approximately 1,200 people or organizations included on this list. It includes registered political parties in Alberta, constituency associations, registered candidates from the last provincial election and the by-election that was held in September. It includes the returning officers and election clerks that are currently appointed in Alberta. It includes registered third-party advertisers. I'll just note that after consultation with the Chief Electoral Officer one more registered third party will be added to the list, and that's the Alberta Medical Association.

Now, with respect to research and advocacy organizations and academics, those people or organizations were chosen based on whether they had done research and/or published documents with respect to civic engagement, electoral reform, the electoral process, that type of thing. That's how they were targeted.

The government of Alberta. The Deputy Minister of Executive Council was included on the list, and the reason is because of any issues that might be raised with respect to the contents of Bill 203, Election (Restrictions on Government Advertising) Amendment Act, 2015. Approximately 80 aboriginal organizations were included on the list. Alberta's 61 school boards were included on the list. The reason for this is that the Chief Electoral Officer is seeking to have the Election Act amended so that election days, polling days, are school holidays to facilitate the use of school gymnasiums as voting places. Of course, the school boards would be affected by that if they have to plan their calendars to have days off, like noninstructional days, on election days.

We've also included a temporary residences section, and that includes correctional service facilities, 22 postsecondary institutions in Alberta that provide students' residence facilities, emergency shelters, shelter associations, and temporary housing organizations. The reason for that is that the Chief Electoral Officer is recommending that sections of the Election Act be amended to allow for enumeration and mobile polling at these places, and these are the organizations that would be affected by that.

Finally, we've included a set of associations, societies, and institutes with respect to persons with disabilities. The reason for that is that the Chief Electoral Officer is recommending that the Election Act be amended by adding a section to allow for alternative voting processes, including the use of accessible voting equipment during the advance voting process. That's why they have been included.

That's basically everything. If anyone has any questions, I'd be happy to try to answer them.

**The Chair:** Thank you very much.

Once the committee has approved these stakeholder lists, we will send out invitations as quickly as possible because the public invitation for input is currently open. In the past we passed a motion approving the stakeholders list with any additions that anyone made within a certain time period. I'd like to open the floor for discussion, but I'd also like to suggest that we might want to do the same thing here and allow all parties an opportunity to add onto the list. Are there any discussions? Okay.

Seeing no discussion, what I'd like to suggest is that a member move that

> the Select Special Ethics and Accountability Committee authorize the chair to approve a final stakeholders list for the review of the Conflicts of Interest Act and for the review of the Election Act and the Election Finances and Contributions Disclosure Act, once the committee members have all had two days to suggest additions, and that the chair then invite written submissions from those stakeholders.

The last time we did, I believe, a week. In this case we've shortened it down to two days so that we can get these out maybe at the end of this week, early next, while the public input invitation is open and active.

Is there any discussion about that motion that I have suggested? I'll pause for a moment for those on the phone. Okay. May I ask a member to make that motion? Ms Miller. All those in favour? Opposed? That motion is carried.

Please submit to the clerk any additions to the stakeholders list that you may have. As the chair I'll give that a quick review before it goes out, and we'll make sure that those invitations go out to all stakeholders as soon as possible.

I will also send an e-mail note to Dr. Swann, who I believe is not on the phone anymore, as well as to Dr. Starke and Ms Jansen, who I've noted are not on the call, so that they have an opportunity and they are aware of the two days and can submit that.

As we've reminded in the past, this does not exclude members from notifying stakeholders or tweeting or otherwise informing people.

Any final comments?

Okay. We are on to other business. I believe Dr. Swann is no longer with us. He mentioned two items: oath of office and code of conduct for MLAs. I will reach out to Dr. Swann for maybe clarity around these items and potentially adding them to our agenda for the next meeting to give him an opportunity to speak to those two. In the meantime, members can reflect on what they might think of those topics.

Are there any other items for discussion?

Okay. Date of the next meeting. We've already done some polling and have decided that the morning of February 11 is going to be our next meeting. This is when we will have our three invited guests come and speak to us at further length on the whistle-blower legislation. I'll have the committee clerk notify everyone when the details have been determined.

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

Thank you, everyone. I'm really enjoying 2016 meetings. That was excellent.

Oh, I apologize. All those in favour of the motion to adjourn? Opposed? That motion is carried. Thank you.

[The committee adjourned at 10:20 a.m.]

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