



Legislative Assembly of Alberta

The 29th Legislature
Fourth Session

Standing Committee
on
Resource Stewardship

Conflicts of Interest Act Review

Monday, June 18, 2018
9 a.m.

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Fourth Session**

Standing Committee on Resource Stewardship

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Drysdale, Wayne, Grande Prairie-Wapiti (UCP), Deputy Chair

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* substitution for Erin Babcock

Office of the Ethics Commissioner Participants

Margaret Trussler, QC	Ethics Commissioner
Kent Ziegler	Chief Administrative Officer

Support Staff

Robert H. Reynolds, QC	Clerk
Shannon Dean	Law Clerk and Director of House Services
Stephanie LeBlanc	Senior Parliamentary Counsel
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Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
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Standing Committee on Resource Stewardship

Participant

Ministry of Justice and Solicitor General
Corinne Carlson, Barrister and Solicitor, Legislative Reform

9 a.m. Monday, June 18, 2018

[Loyola in the chair]

The Chair: I would like to call the meeting to order. Welcome to members, staff, and guests in attendance for this meeting of the Standing Committee on Resource Stewardship.

My name is Rod Loyola, MLA for Edmonton-Ellerslie and chair of this committee. I would ask that members and those joining the committee at the table introduce themselves for the record, and then I'll call on those joining via teleconference. We'll start here on my right.

Mr. Drysdale: Good morning. Wayne Drysdale, MLA for Grande Prairie-Wapiti.

Ms Carlson: Corinne Carlson with Justice and Solicitor General.

Ms Trussler: Marguerite Trussler, Ethics Commissioner.

Mr. Ziegler: Kent Ziegler, chief administrative officer, office of the Ethics Commissioner.

Mr. Dach: Good morning. Lorne Dach, MLA, Edmonton-McClung.

Mr. Dang: Good morning. Thomas Dang, Edmonton-South West.

Mr. Kleinsteuber: Good morning. Jamie Kleinsteuber, the MLA for Calgary-Northern Hills.

Ms Kazim: Good morning. Anam Kazim, MLA for Calgary-Glenmore.

Mr. Rosendahl: Good morning. Eric Rosendahl, West Yellowhead.

Mr. Nielsen: Good morning, everyone. Chris Nielsen, MLA for Edmonton-Decore.

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

Dr. Massolin: Hello. Philip Massolin, manager of research and committee services.

Ms Dean: Good morning. Shannon Dean, Law Clerk and director of House services.

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

The Chair: I'll now go on to the phones. I'll start off with Mr. Clark.

Mr. Clark: Good morning. Greg Clark, MLA, Calgary-Elbow.

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

Mr. Loewen: Todd Loewen, MLA, Grande Prairie-Smoky.

Mr. Panda: Good morning. Prasad Panda, Calgary-Foothills.

Mrs. Schreiner: Good morning. Kim Schreiner, MLA, Red Deer-North.

The Chair: Okay. I'd like to note for the record the following substitution: Mr. Dach for Ms Babcock.

A few housekeeping items to address before we turn to the business at hand. Please note that the microphones are operated by *Hansard*. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Please set your cellphones and other devices to silent for the duration of the meeting.

A draft agenda for this meeting was distributed. Does anyone wish to propose any amendments?

If not, would a member be willing to move a motion to approve the agenda?

Mr. Nielsen: So moved, Mr. Chair.

The Chair: Thank you, Mr. Nielsen.

Just a reminder to those on the phone that my practice is for those on the phone, if you're in favour of the motion, to say aye at that time rather than to go "Opposed?" and then ask the people on the phone.

All in favour of the motion? Any opposed to the motion? Okay. Thank you. That motion is carried.

We have the minutes from our last meeting. Are there any errors or omissions to note?

If not, would a member move adoption of the minutes, please?

Mr. Rosendahl: So moved.

The Chair: Thank you, Mr. Rosendahl. All in favour of the motion? Any opposed to the motion? Thank you. That motion is carried.

As we begin the deliberation stage in our review of the Conflicts of Interest Act, I would like to note for the record that the Information and Privacy Commissioner submitted a letter, dated May 10, 2018, in response to some of the questions raised throughout the review process.

I would also note that representatives from the Ministry of Justice and Solicitor General and the office of the Ethics Commissioner have joined us today to provide us with technical support throughout our deliberations. As chair I would like to take a moment on behalf of the committee to thank both of these organizations for their previous contributions to our review as stakeholders and now for the continuing support as subject matter experts. Your time and efforts are greatly appreciated.

As directed by the committee, research services has gone through all the input received through the submission and presentation process and put together an issues and proposals document for our consideration. This document was provided to the committee on May 18, 2018.

At this point I would like to turn the floor over to Ms Robert to provide us with an overview of this document. Ms Robert.

Ms Robert: Thank you, Mr. Chair. Okay. I'm just going to give you a quick overview of the way that this document is organized and, basically, what is contained in it. The document contains the most salient issues and recommendations brought to the committee's attention through stakeholder input and public input as well. I'll just say at the outset, of course, that the document is intended to assist committee members as they go through their deliberations with respect to the review of this act. They can use the document whatever way they wish. They can pick and choose the recommendations they wish to address. They also, of course, can bring forward items that are not part of the issues and recommendations document. It's just supposed to be a document to help assist you.

The document is organized by issue, and if you look at the table of contents, many of the issues are set out individually the way that they are in the act. For instance, you know, there's a section with respect to gift restrictions or travel on noncommercial aircraft, et cetera, et cetera. It's organized that way so that the committee can sort of have a look at all of the recommendations that have been made about a particular issue, which should help you determine which ones you wish to go forward with.

I'll just quickly point out, especially with respect to gift restrictions, that most gift restrictions issues are set out in section 4,

but you'll note that in section 1(d) there are also issues and recommendations with respect to the standardization of gift restrictions. So I've made a note saying: see also section 4 with respect to gift restrictions. I've tried to make notes like that throughout the document to help guide the committee along in its deliberations.

The only other thing I will point out is that section 11 relates to public agencies and the newly added conflict-of-interest restrictions that have been added to the act with respect to public agencies. They're all by themselves in section 11.

I will also point out for the committee that added to the end of this document, in the appendix, is the order in council that designates certain senior officials. The committee may recall that when it held oral presentations, organizations like ATB and MacEwan University were here, and a lot of the things they talked about were on who is going to be identified as a designated senior official because, of course, those offices have extra prohibitions and restrictions put upon them or that they have to abide by. At that time I don't think the order in council had been made, but it has now been made, so the committee can see in the appendix, starting on page 30, those offices that have been identified as designated senior officials.

I think that's everything I had to say, but I'd be happy to try to answer any questions.

The Chair: Thank you, Ms Robert.

Any questions for Ms Robert at this point?

Okay. Seeing or hearing none, as we begin our deliberations, it may be useful to first determine how we would like to organize our discussion. Does anybody have any thoughts on this? Mr. Dach.

Mr. Dach: Thank you, Chair. I'd suggest that we might consider taking larger chunks in at a time and perhaps going section by section as we proceed, rather than breaking it into small items, and see if we can proceed that way. That's my proposal.

The Chair: Just, then, to be clear, it is to use the sections that Ms Robert has summarized in the summary and then kind of go at it section by section.

Mr. Dach: Right.

The Chair: Okay.

Mr. Nielsen: Maybe if I could expand on what Mr. Dach said: within those sections, if we could maybe highlight some of our priorities within those areas. I know that from the Ethics and Accountability Committee we found that that was a little bit more efficient in terms of the committee's time, and in that way, we can just dive right in after that.

The Chair: Okay. Mr. Drysdale.

9:10

Mr. Drysdale: Yeah. Just to confirm, I think that research has done an excellent job of summarizing it, and if we just use this summary and go through the topics that she summarized rather than going line by line through the whole thing – I think she did a really great job of putting this summary together, and we can just use that.

The Chair: Okay. That sounds good.

As we begin our deliberations today, I would like to make a few comments regarding motions. First of all, I will advise committee members joining us by teleconference that we have screens set up in the room to display draft motions for members on the phone. For members on the phone, if you wish to view the text on these screens,

please go to the meeting motions section on the internal committee website and ensure you update your screen regularly.

Also, for all committee members, when putting forward a proposal for consideration, I would encourage you to let the committee discuss a draft proposal first before anyone moves a specific motion. This process has worked well in the past and can help ensure that all committee members understand the intent of a proposed motion and that the final wording of the motion is clear. When you do propose a draft motion, all committee members are asked to provide a copy to the committee clerk or to be prepared to repeat the motion as necessary until it is available on the screen. We will read the final wording of all motions into the record prior to voting on them.

Finally, I would note that motions are required only when the committee is recommending a change to the Conflicts of Interest Act. Motions are not needed if the committee is of the opinion that no change be made to a particular portion of the legislation.

Does anybody have any questions at this point?

Hearing none – good – we'll go into deliberations. Who would like to take the lead? Mr. Kleinsteuber.

Mr. Kleinsteuber: Well, thank you, Chair. Just to kick things off, I think we should probably approach the first point, then, in the issues document, section 1. Of (a), (b), (c), and (d), we took interest in 1(a) specifically. One of the motions that we suggested in this case was, if we're ready for it . . .

The Chair: Yeah. Please.

Mr. Kleinsteuber: Okay. I move that the Standing Committee on Resource Stewardship recommend that the provision in part 2 . . .

The Chair: One second, Mr. Kleinsteuber. Just remember that our committee clerk needs to type everything out. If you could just kind of follow along as you're reading it out so you can see where she's at, if that's not too much to ask.

Mr. Kleinsteuber: Sure.

The Chair: And take it slow.

Mr. Kleinsteuber: I move that the Standing Committee on Resource Stewardship recommend that the provision in part 2 of the Public Service Act pertaining to deputy ministers and other designated office holders be consolidated into the Conflicts of Interest Act.

As per the issue, I guess, if I may comment a little bit.

The Chair: Yeah. Please go ahead, Mr. Kleinsteuber.

Mr. Kleinsteuber: It's as per the issue. We agreed in this case with the Ethics Commissioner, or at least I did, and we believe that it makes it easier for the public to access. Just to kind of sum up with a quote from the Ethics Commissioner here in the issues document itself, we thought that it was "better aligned, more easily understood, and more easily administered" if it were in that capacity.

The Chair: Okay. Any discussion on the motion proposed by Mr. Kleinsteuber? Yes, Mr. Dach.

Mr. Dach: I'm just looking at the wording. I think the word "provision" should be pluralized.

Ms Rempel: Thank you. I'm just working on fixing up the abbreviations and so on. Yes. Thanks.

The Chair: Okay. Any further discussion on the motion presented by Mr. Kleinsteuber?

Okay. Seeing and hearing none, I will ask Jody to please read out the proposed motion.

Ms Rempel: Thank you, Mr. Chair. The proposed motion by Mr. Kleinsteuber is that

the Standing Committee on Resource Stewardship recommend that the provisions in part 2 of the Public Service Act pertaining to deputy ministers and other designated office holders be consolidated into the Conflicts of Interest Act.

The Chair: Okay. All in favour of the motion?

I'm jumping ahead. Sorry. Mr. Kleinsteuber, I just want to make sure that what's on the screen accurately reflects the motion that you presented, sir.

Mr. Kleinsteuber: Yes, Chair. That's correct.

The Chair: Thank you.

All in favour of the motion, including those on the phone? Anybody opposed to the motion?

That motion is carried.

Thank you.

Okay. Moving on.

Mr. Rosendahl: Here, Mr. Chair.

The Chair: Yes. Please go ahead, Mr. Rosendahl.

Mr. Rosendahl: Yes. I'd like to talk about section 2. The priority item in section 2 that we're looking at is, of course, 2(a). I would like to propose a motion on 2(a) if I may.

The Chair: Please go ahead, Mr. Rosendahl.

Mr. Rosendahl: I move that

the Standing Committee on Resource Stewardship recommend that section 6(2) of the Conflicts of Interest Act be amended to limit the restriction on members being Crown employees to only those members who are appointed to Executive Council.

That's the motion.

The Chair: Excellent. Okay. Any discussion on this motion? Mr. Nielsen, please go ahead.

Mr. Nielsen: Thank you, Mr. Chair. I guess I'd just like to speak in favour of this motion. I think we've seen some restrictions on people's abilities just based on where they've been working. I think this will help in limiting some of those barriers to folks that may be looking to seek political office, you know, not letting absolute complete free rein rule here, but it does, I think, remove some of the barriers that maybe some members have faced in the past.

The Chair: Thank you, Mr. Nielsen.

Any others caring to comment on the motion proposed by Mr. Rosendahl?

Mr. Clark: Mr. Chair, if you could add me to the list, please.

The Chair: Yes. Please go ahead, Mr. Clark.

Mr. Clark: Thank you, Mr. Chair. I'm looking at the issues document here on page 6, 2(a). I was just curious – and apologies because I was on the committee and then off the committee again and now back on, fortunately for me but maybe not for all of you. I recall that Mr. Fraser, I think, had made a submission to this end as we look at 2(a) in the issues summary. Can anyone let me know if the proposed motion by Mr. Rosendahl covers off, in your opinion, the concerns raised by Mr. Fraser?

The Chair: I'm seeing nodding of heads in here.

Mr. Nielsen, would you like to speak to it?

Mr. Nielsen: Yeah. I think Mr. Clark, you know, has a good question. I believe the motion does cover that off, again, not letting absolute free rein apply here, but it does remove some of the barriers that I think Mr. Fraser was alluding to, coming from a sector of work for those seeking public office.

The Chair: That's fantastic. Alberta Party and NDP working together. Look at that.

Mr. Clark: Careful, Mr. Chair. *Hansard* is forever.

The Chair: Sorry, Mr. Clark. Do you have any additional comments or questions you'd like to make?

9:20

Mr. Clark: No. Just to say that I think that this is a welcome change. I think there is a distinction between private members of the Assembly and members of Executive Council, so I do think this is a welcome change. I'm sure Mr. Fraser will be happy to hear about it as well.

The Chair: Okay. Mr. Hanson, did you want to speak to it? Did I hear you chime in? Okay; maybe not.

Does anybody else want to – Mr. Drysdale, please go ahead.

Mr. Drysdale: Just so it's clear, I think I get it. I mean, I agree with it. They don't have to resign unless they're appointed to cabinet, and then they automatically have to resign. I'm not quite sure what the difference is there. I mean, I don't know if I would support that because you could be an MLA for two years and not have to resign, and then all of a sudden because you're appointed, you're forced to resign. I don't know the difference there between a minister or an MLA as far as protecting their jobs.

Mr. Nielsen: If I may, Chair.

The Chair: Sure. Please go ahead, Mr. Nielsen.

Mr. Nielsen: Again, good question. I think that once you're appointed to Executive Council, that puts you in a position of being able to make, I guess, decisions that, should at some point in time you no longer be a member, could be influencing things to your gain. I think this would eliminate that potential. A person on Executive Council has a little bit more influence than, say, a private member does.

The Chair: Just to be clear – Ms Dean, please correct me if I'm wrong – my understanding is that in Mr. Fraser's proposal he was saying that currently as soon as you're an elected MLA, you do have to resign, and we're making the provision so that that would not have to be the case, but if he were appointed to Executive Council, then he would have to. Is that correct, Ms Dean?

Ms Dean: That's my understanding, but perhaps the Ethics Commissioner can confirm her interpretation.

The Chair: Sure. Thank you.

Please go ahead.

Ms Trussler: I'll just find it here. Yes. That's what would happen, that you could still maintain that position and be an MLA. The only difficulty is that there might be some problem with someone still working in that position in government and then also sitting as an MLA. How this arose was that people were trying to take leaves of

absence from their positions. A leave of absence means you're still employed, and that's why they couldn't take the leave of absence. You need to think of the policy consideration if someone is still working in the department and sitting as an MLA. It might be better if it read that they could take a leave of absence as opposed to resigning their positions because I don't think you'd want someone still working in a government department while they were sitting as an MLA, but there's probably no issue with them taking a leave of absence.

The other thing you might have to worry about is the various codes of conduct. I think that pretty well all the codes of conduct, including the public service code of conduct, say, for example, that "employees who are elected to federal or provincial office shall resign their employment effective the day of election." So you can't just make this change in the act; you're going to have to make some direction as well that the codes of conduct be brought into line.

The Chair: Well, just as a point of clarification, this would be a recommendation that the committee would be making. Then if it were to carry forward, I'm sure that the ministry would make sure that all the i's are dotted and t's are crossed moving forward on the recommendation.

Mr. Nielsen: Just a quick question to the Ethics Commissioner, Chair.

Are you aware of any, I guess, elected MLAs in the past that continued to perform their job duties?

Ms Trussler: Well, the act didn't let them, so there weren't any.

Mr. Nielsen: Okay.

Ms Trussler: But the problem arose because some people who, when they were particularly working for AHS when they were elected, wanted just to take a leave of absence. Many companies do allow you to take a leave of absence for a period of time. Initially I thought there was no problem with it, but something was bothering me, so we did some research, and there is Supreme Court of Canada authority that says that if you take a leave of absence, you're still employed. That's where the issue arose, that you should still be able to take a leave of absence even if you're elected, but you really shouldn't be able to continue to work in your ministry if you're elected an MLA, although with AHS some MLAs may want to still put in some shifts every month or every couple of months because a lot of those are professional people, and they need to keep their qualifications. For example, there have been people – Dr. Sherman in the past worked as a doctor, did some emergency shifts each month to keep up his medical qualifications. That's another thing that you have to consider in terms of the rules just to make sure that it works.

The Chair: Okay. I have a speakers list going. I'm just going to check with those on the phone. Does anybody on the phone want to interject and ask a question?

Hearing none, we're going to go to Mr. Drysdale, followed by Mr. Dang.

Mr. Drysdale: I assume that in the past – I know that there were a couple of ones, and Dr. Sherman was one. They got special permission to do that, I would assume, so you could do that, keep up your professional career. But I think it gets a little confusing because if you're a member of the government caucus, it's different than being a member of the opposition. The government caucus does have influence. I'm not going to drag this out. I'm okay with it. Plus, what happens if you resign from Executive Council? Then

can you – you can be in and out of Executive Council, but is your job held when you're out? You know, just some confusion there. I'm not sure how it would be handled. Just some questions, but I'm not going to drag it out. It's just a little confusing, maybe.

The Chair: Okay. Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. Just for my ease of mind and a little bit of clarity, I'm just a little bit confused now about how Dr. Sherman's arrangement, I guess, was. Could maybe there just be clarity of people who have done this in the past, if you're indicating that that was or could have been an event against the Conflicts of Interest Act, how that procedurally worked, I guess?

Ms Trussler: Under the employment restrictions for ministers it said that for the purposes of this section "maintaining qualifications in a profession or occupation as required by the profession does not constitute carrying on a business," so anyone who was a minister could still continue to keep up professional qualifications. I think there were no restrictions on MLAs to keep up their professional qualifications. Where it became a problem was the MLAs that worked for government entities because of section 6(2) of the act. So you've always been able to keep working if you wanted to if you were an MLA. You can't as a minister. They had that provision in for ministers. It's a question of whether – but you weren't allowed to keep working if you worked for the government.

The policy issue is: do you want someone who's a sitting MLA also to be able to work for the government in a department, or if they're a sitting MLA, is there no problem with them taking a leave of absence? There are two issues: do they still want to work, or do you want to give them a leave of absence? I think the provision that they were deemed not to be employed anymore was a little harsh.

The Chair: You know, I'm going to ask Ms Robert. I just think that it would be great to have the specific concern that Mr. Fraser had. In summarizing the document, do you remember or does anybody else?

Okay. Ms Dean, if you wouldn't mind speaking to it, that would be great.

Ms Dean: By a letter dated March 4, 2016, Mr. Fraser focused in on the definition of "Crown" and how AHS was caught by the definition of a Crown. I believe that was through an amendment in 2015. Anyway, he specifically recommended that the committee consider amending section 6(2) of the Conflicts of Interest Act basically to allow for a leave of absence in connection with members who take office who come from the SUCH sector: schools, universities, colleges, and hospitals.

I'll leave it at that.

9:30

The Chair: Okay. Thank you to you both.

Does anybody else have a comment that they wish to make? Mr. Nielsen.

Mr. Nielsen: Thank you, Mr. Chair. I wish Rick was here right now. You know, I think the whole intention around encouraging folks to run for office, especially women, of course, and I think the barrier of potentially having to resign from your job completely – you know, you could sit as an MLA for four years and not get re-elected, and not having that ability to go back to that position was a significant barrier for some. I do believe that was the intention of where we've gotten to here now, for an individual to be able to take that leave of absence, not having to actually resign. I don't think that they would be continuing at what they were doing but at least

preserving that ability, like most others have, you know, myself as an example.

The Chair: Well, I definitely feel for Mr. Fraser and yourself, Mr. Nielsen, because unfortunately I had to resign from my position on being elected.

That being said, I would say we're most likely ready to move on on a vote here. Or does anybody wish to . . .

Mr. Rosendahl: Can we call the question?

The Chair: Sure. Let's go. Mr. Rosendahl, I just want to make sure that what's up on the screen reflects accurately the motion that you proposed. Once you confirm that, we'll move forward on the vote.

Mr. Rosendahl: The motion is correct.

The Chair: Okay. I'll just have Jody read it out.

Ms Rempel: Thank you, Mr. Chair. Mr. Rosendahl has moved that the Standing Committee on Resource Stewardship recommend that section 6(2) of the Conflicts of Interest Act be amended to limit the restriction on members being Crown employees to only those members who are appointed to Executive Council.

The Chair: All in favour of the motion, please say aye. Anybody opposed to the motion, please say no.

That motion is carried.

Excellent. Moving right along, Ms Kazim, did you want to speak? No?

Ms Kazim: Yes, Mr. Chair, I would like to speak and would like to talk about section 3, postemployment restrictions.

The Chair: Please go ahead, Ms Kazim.

Ms Kazim: In this section I would like to highlight subsections (a), (b), (c), (d), which I would like to talk about. In regard to these sections I am looking into these subsections, and I would like to continue with the recommendations that are proposed and would like to open the floor for further discussion on this and would like to see if all the members agree on it and if they would like to bring something to our attention for further consideration. But mainly the discussion I would like to bring up is for subsections (a), (b), (c), and (d) and would like to proceed as an agreement with the suggestions provided to us.

The Chair: Okay. Any comments by any other members joining us here at the committee?

Ms Kazim: Specifically I would like to talk about section 3(b), where it says that "a provision should be added to COIA to require former Ministers to obtain written approval from the Ethics Commissioner prior to accepting employment." I wonder if, because we are talking about the cooling-off time period as well, this needs further clarification or specification in terms of if this approval will be needed even after the cooling-off time period is over or it is applicable only during the cooling-off period.

The Chair: Was that a question to either Ms Dean or Parliamentary Counsel or to Ms Robert?

Ms Kazim: Yes, I would like to direct this question to the Parliamentary Counsel if they would like to add anything to it.

The Chair: Okay. The Ethics Commissioner?

Ms Kazim: Oh, yes. Okay. Sure. Sorry. I would like to direct this question to the Ethics Commissioner. Thank you very much for joining us today. When it is mentioned that approval for postemployment for former ministers is required, in the same section we are talking about the cooling-off period as well.

Ms Trussler: We're just talking during the cooling-off period, not afterwards.

Ms Kazim: Okay. Thank you very much for the clarification. That's what I was seeking.

Okay. I would like to move ahead with this opinion unless there are other members who would like to add something to it.

The Chair: Okay. Mr. Drysdale, please go ahead.

Mr. Drysdale: Yeah. If we're talking about the cooling-off period, I think we should deal with (a) first, proposing to extend it to 24 months, then.

Ms Kazim: Okay.

The Ethics Commissioner argued that the current one-year period is "too short for Ministers, as they still have considerable contacts and influence in government after that period." She suggested that "a former Minister should not be involved in any way with any Ministry and its staff for two years." However, she suggested that the restrictions for former political staff members and former designated office holders should remain at one year.

In fact, when it comes to crossjurisdictional information, the cooling-off periods for former Ministers in Canadian jurisdictions selected for cross-jurisdictional review range from six months to two years.

So if you're extending it, it gives the ministers more opportunity to be away from what they were doing. When there is a time period of two years, then I agree with the suggestion by the Ethics Commissioner on this, why it is going to be helpful and would avoid any conflict of interest. The extension of the cooling-off period is something that I would support to give some time for the ministers to break some ties with their contacts and everything.

The Chair: Mr. Drysdale, go ahead.

Mr. Drysdale: Yeah. I mean, in most other provinces it's only one year. I think there are a few that are two, but mostly it's one year, and even if – you know, I'm not sure. I haven't done all the homework, but chances are that if you're given a transition allowance or have a pension plan or something – but to say that somebody can't work for two years and not pay them, if you've spent your life in a profession and then all of a sudden you're out of this job and you want to go back to your old profession and you can't do it for two years, yet the government isn't paying you, I mean, I don't think that's fair at all.

Ms Kazim: I think the understanding in this case is not that they are not allowed to work. It's more that they have to seek approval from the Ethics Commissioner for the positions they're applying for. That's why (a) and (b) are connected in this way. So even if the cooling-off period is extended, they could seek the approval of the Ethics Commissioner when they're applying for a certain position. It's not like they are completely prevented from working at all during those two years.

The Chair: Okay. I'm just going to ask the Ethics Commissioner to interject and provide clarification if that's indeed the case.

9:40

Ms Trussler: The postemployment restrictions are quite limited. They don't allow you to lobby the government or to make representations to the government for the one-year period as it currently stands, and they don't allow you to take a job with somebody in private industry that you worked closely with in your ministry. The rationale behind it is that you might give this person an advantage because in the future you might get a job from them. They don't allow you to take a job with government unless it's in an open competition. It doesn't mean that you can't go back to a previous profession or a previous job. It just means you really can't try and influence government for that period of time. So extending the postemployment from 12 months to 24 months is just that narrow range of not being able to lobby government. It would restrict some people from taking jobs as lobbyists once they are no longer ministers, but it doesn't restrict them from going back to their former employment.

The Chair: Thank you, Commissioner.

I'm just going to remind the people who are joining us on the phone that we're getting some noise on the line, so if you don't mind checking to make sure that you're muting your phone, I would really appreciate that. Just a reminder to those.

Mr. Rosendahl, over to you.

Mr. Rosendahl: The question I have for the Ethics Commissioner is just: when you're looking at this issue about the time frame, is that only in relation to the ministry where the cooling-off period applies? Can you clarify that?

Ms Trussler: Right now, yes. I had suggested a redraft that might extend it to other government ministries, particularly in the lobbying part of it, but as the legislation now reads, it would only be to the ministry where they were last minister or any ministry that they held within the period of time.

Mr. Rosendahl: Okay. Thank you.

The Chair: Okay. Mr. Dang, please go ahead.

Mr. Dang: Thank you, Mr. Chair. Yeah. I think I generally agree with extending the period. I think it is a fairly narrow application of the restriction in terms of not being able to lobby the job you used to have. I think that's fairly reasonable, and I think the information you would have had as minister gives you, quite frankly, access to some market-moving stuff, right? It's some very, very thorough information and policy information types of things, what information came out of consultations or what information may be implemented in future dates. I think those types of information are often planned, as we know in some of the larger files, years in advance, and I think the narrow application that we have for this, being able to extend that time, is actually fairly reasonable in terms of as long as we maintain that it's for a narrow application, that we say: you can't lobby, basically, the people that used to work for you and the person that came after you.

Ms Trussler: Actually, the way the legislation now reads is that you can't lobby government at all because you've still got lots of friends who are there after the period of a year. Where it's narrower is on things with respect to representations for contracts, getting a consulting contract with the department, and soliciting a job with someone that you worked with. That's where it's narrower. But the lobbying is just a blanket proposal, no lobbying for one year.

Mr. Dang: Thank you. Yeah. Same sort of thought, though. As a cabinet member you had access to a lot of information that's, frankly, quite more in depth than a private member would.

The Chair: Okay. I think that we're moving towards a motion here. At least that's what it sounds like to me.

Mr. Nielsen, please go ahead.

Mr. Nielsen: Sorry, Mr. Chair. Just for the sake of efficiency, maybe Parliamentary Counsel can help out. I know we're now starting to talk about multiple letters under this one section. Would or do we need to make separate motions for each one?

Ms Dean: Yes.

Mr. Nielsen: Separate. We can't combine them?

The Chair: No. It would be too much. Yeah.

Mr. Nielsen: Okay. Just thought I'd double-check there on that one. Thank you.

The Chair: You're trying to make your job easier, Mr. Nielsen.

Mr. Nielsen: I appreciate that.

The Chair: I believe we all can appreciate trying to do that. Yeah. Unfortunately, we'd have to go through.

Ms Kazim.

Ms Kazim: Yes. I would like to move the motion to extend the cooling-off period to 24 months. If Parliamentary Counsel can help me with the wording, that will be great.

The Chair: Okay. We're getting some help here. We now have it up on the screen, and then just a friendly reminder to those who are joining us by phone that if you refresh your screen on your own computer, under meeting motions you should be seeing the same thing we're looking at.

But before we move forward, I just want to confirm with Ms Kazim that what's currently up on the screen reflects the intent of her motion.

Ms Kazim: Yes. I would like to move that

the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended to extend the cooling-off period for former ministers from 12 months to 24 months.

All – like, I think that's your part, I guess.

The Chair: Okay. Perfect. Thank you, Ms Kazim.

Having heard Ms Kazim actually read it into the record – I believe we all heard it, and hopefully everyone has it on their screens. Mr. Drysdale, you have a question or a concern?

Mr. Drysdale: I just want to be clear, whether you answer or the Ethics Commissioner. I'll just use an example. Somebody can say, you know, that if somebody that worked in the oil industry got elected and got into cabinet, chances are that they might be the Energy minister. When they're done, could they not – you know, do they have to wait 24 months before they could go back to work in the oil business? Like, to me, that would be an overreach, and this isn't clear about that, I guess.

Ms Kazim: I would like to ask the Ethics Commissioner on this. No?

The Chair: Yeah, please.

Ms Trussler: This provision of the act, which is section 23.1(5):
No former Minister shall, for a [provision] of 12 months from the last day the former Minister had a direct and significant official dealing with an individual, organization, board of directors or equivalent body of an organization, accept employment with that individual or organization or an appointment to the board of directors or equivalent body.

As I said, the rationale behind that provision is that you don't want somebody who's still a minister cozying up to someone in industry in the hope that they'll get a job. That's putting it very succinctly, but that's why most of the conflict-of-interest acts have that provision.

Mr. Hanson: Mr. Chair.

The Chair: Sorry. Is that Mr. Hanson or Mr. Loewen? I can't tell by the voice.

Mr. Hanson: Sorry. Mr. Hanson here.

The Chair: Okay. Thank you. Please go ahead, Mr. Hanson.

Mr. Hanson: Thanks, Chair. I'd just like to clarify. If the Ethics Commissioner could clarify: would that include returning to a job that you previously had before you were elected?

Ms Trussler: If you had a leave of absence from a previous job or if you wanted to go back to a previous job, I don't think there would be any objection to that – in fact, there wouldn't be any objection – because you didn't get it because of your interaction with those people during that period while you were minister. You had that job before, and that's what your connection is.

The Chair: Good question, Mr. Hanson.

Mr. Clark: Could you add me to the list, please, Mr. Chair?

The Chair: Yeah. Please go ahead, Mr. Clark.

Mr. Clark: Thank you very much. I'm curious about what the considerations would be if, for example, a minister of agriculture was also a farmer or a rancher, perhaps had held a position on an industry board like, you know, the cattle association or the grain association or commission, those sorts of things, previously. Actually, I don't even know if our current Minister of Agriculture and Forestry is an active farmer or rancher, but I can imagine that that's been a case in the past. How would that be impacted by these changes? How has the act viewed that sort of situation?

9:50

Ms Trussler: The former minister of agriculture could go back to farming. No problem with that. If they were a member of an association before, there would be no problem with him going back to be a member of that association. The only thing is that they would not be able to lobby government. The association could, but they couldn't be involved in any lobbying done by the association.

Mr. Clark: Thank you.

The Chair: Okay. Any additional questions, concerns, issues, comments?

Okay. Hearing none, I'll ask our committee clerk to please read the motion one more time before we call the vote.

Ms Rempel: Thank you, Mr. Chair. Moved by Ms Kazim that the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended to extend the cooling-off period for former ministers from 12 months to 24 months.

The Chair: All those in favour, please say aye. All those opposed, please say no. Okay.

That motion is carried.

Ms Kazim: Thank you, Mr. Chair. I would like to talk about item (b), which is:

A provision should be added to COIA to require former Ministers to obtain written approval from the Ethics Commissioner prior to accepting employment . . .

The Ethics Commissioner indicated that "[t]here are currently limited methods for detecting post-employment violations by Ministers." She noted that "other jurisdictions have adopted more proactive compliance monitoring methods which require that former Members obtain post-employment advice in all cases, not just in those cases where they feel there may be a conflict." The Ethics Commissioner believes adding this provision would bolster "the public trust that former Ministers have not unduly used their positions while in office to further their private interests once they are no longer in office."

Therefore, I would like to put a motion forward for this item as well. I mean, like, I'm in agreement with this. If there are members who would like to participate or say something, that's fine, but I would like to move forward with this suggestion.

The Chair: Okay. You're making a motion, then.

Ms Kazim: Yes.

The Chair: Okay. So you're requesting that Parliamentary Counsel . . .

Ms Kazim: Yes. If Parliamentary Counsel can please provide assistance to draft this motion.

The Chair: Okay. For those on the phone, we're just waiting to get it up on the screen, but since we're waiting for that, how about we have people speak to the motion before us? Would anybody like to interject at this point?

Mr. Drysdale: I shouldn't assume, but I'm going to assume that that's just for the cooling-off period.

Ms Kazim: That's right, as the Ethics Commissioner mentioned a few minutes ago.

Mr. Drysdale: And now we've just recommended extending that to 24 months?

Ms Kazim: Yes.

Mr. Drysdale: So every former minister for two years has to get permission to go to work?

Ms Kazim: Well, under certain circumstances, as mentioned by the Ethics Commissioner.

The Chair: I think it would be appropriate . . .

Ms Kazim: Yeah. I would direct it to . . .

The Chair: . . . to have our hon. Ethics Commissioner interject at this point.

Ms Trussler: In most instances former ministers do come to us just to make sure that they're onside, but sometimes some don't. The object of this is really not to stop them from employment but to protect them, because we've got some latitude, I've got some discretion under the act. But if they take a job and I approve it, then

someone cannot later come back. There can't be reprisals against them. But we don't know what some former ministers are doing, and sometimes things happen later that cause problems that could have been avoided in the first place.

The Chair: Okay. Fantastic. Does anybody else have questions, comments?

Hearing none, Ms Kazim, I'm just going to ask you to read what's on the screen and confirm that that's the motion that you would like to put forward.

Ms Kazim: Sure.

The Chair: You don't necessarily have to read it out. Just confirm, please.

Ms Kazim: Okay. Yes. I would like to confirm.

The Chair: Okay. Thank you.

Any further discussion on this motion?

Hearing none, I'm going to ask our committee clerk to please read the motion into the record.

Ms Rempel: Thank you, Mr. Chair. Ms Kazim has moved that the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended to require former ministers to obtain written approval from the Ethics Commissioner prior to accepting employment during the cooling-off period.

The Chair: All those in favour, please say aye. All those opposed, please say no.

That motion is carried.

Ms Kazim: Mr. Chair, I would like to move to item (c), which is clarifying wording of postemployment provisions.

The post-employment restrictions for former Ministers and former members of the Premier's and Ministers' staff that are contained in COIA, and for former designated office holders that are contained in the Public Service Act should be amended to remove the words "directly acted for" and "direct and significant official dealing" wherever they appear and to simplify the wording of the provisions . . .

The Ethics Commissioner argued that these phrases should be removed because they "create significant confusion."

I would like to express my opinion on this, that I agree with the Ethics Commissioner. If the Ethics Commissioner would like to add something to it, that would be great as well.

The Chair: Okay. Hon. Ms Trussler, please go ahead.

Ms Trussler: First of all, I want to say that I agree with the submission of the Justice department and the Public Service Commissioner, that any changes that are made might be different for deputy ministers, designated office holders, or DSOs than they would be for ministers and ministers' staff. So that's one thing that I think we have to make a little bit of a change on.

The wording is problematic, and maybe this is something that Justice should be directed to in drafting, to come up with something that's a little bit clearer. I'm constantly getting questions on it. It's really hard to interpret the act. There's one section of these postemployment restrictions: it took me two years before I finally figured out what they were getting at. It's just a question of clarifying it, and that was just one instance of how I thought that they could clarify it.

But I do think that there should be a difference in this section between ministers and ministers' staff and, on the other hand,

designated office holders and designated senior officials because they're in a different situation.

The Chair: Okay. Thank you, Commissioner.

Ms Carlson, would you like to provide an opinion on this at this time?

Ms Carlson: Yeah. I just would like some clarification, if the committee would consider, about: if it's not a direct and significant official dealing, then what is it? Is it a significant dealing? Is it any dealing with the former department? Just some clarity on that would be helpful in the recommendation.

Thank you.

The Chair: Okay. Thank you, Ms Carlson.

Ms Kazim, any opinions on what you've heard?

Ms Kazim: In terms of – I'll propose a motion.

The Chair: Okay. Please go ahead.

Ms Kazim: And I would like to seek assistance of Parliamentary Counsel to draft the motion.

The Chair: Okay. Yeah. We're just getting the draft motion up on the screen.

We're just going to check in with our friends on the phone and ask if anybody has questions, concerns, comments they would like to make at this time. Okay.

10:00

Ms Dean: Mr. Chair, the wording of that motion reflects the Ethics Commissioner's recommendation in her submission, but I'm not sure if Member Kazim wants to modify that wording to reflect some of the comments from Ms Carlson.

The Chair: Mr. Nielsen, please go ahead.

Mr. Nielsen: Maybe we'll speed this up if Ms Carlson wouldn't mind weighing in on the motion.

Does it address any of the concerns you had? Are we missing anything?

Ms Carlson: Just to remove the words "directly acted for" and "significant official dealing" would make it a bit more broad than it currently is. The Ethics Commissioner showed me her submissions. She suggested some wording. For example, one of the provisions would say: no former minister shall, for a period of 24 months from the last day the former minister was the minister, solicit or accept on his or her own behalf a contract or benefit from any department or provincial agency. So it's quite a bit broader. If that's the direction that the committee gives, that's entirely up to you. I just want some clarification on that.

Mr. Nielsen: I guess that if we end up kicking that back to Parliamentary Counsel, how do we get that in to maybe address that or look at that for discussion?

The Chair: If I may, it's looking like the proposed draft motion that Ms Kazim put forward is now being reconsidered, then, so we'll tweak as we kind of go forward here.

You know, I just had a wonderful suggestion from our committee clerk. Perhaps we can take a quick five-minute coffee break. I'm sure that Parliamentary Counsel can have something drafted when we come back. How about we refresh our coffees and waters or juices, and we'll come back at 10:08.

[The committee adjourned from 10:03 a.m. to 10:11 a.m.]

The Chair: Okay. I'm going to call the committee back to order. I hope everyone appreciated having the little break.

I'm going to turn it back to Ms Kazim at this point.

Ms Kazim: Thank you, Mr. Chair. I would like to make an amendment to the motion that was brought forward to us.

The Chair: One second. Rather than calling it an amendment, remember that this is just a draft.

Ms Kazim: Oh. I'm sorry. Yeah.

The Chair: So just say: I would like to suggest a change, a rewording of the draft.

Ms Kazim: Absolutely. I would like to rephrase the drafted motion on the screen. I would like to propose a change to it. I would like to get rid of the words "and for former designated office holders." I would like to get that removed. Yeah. I would like to delete the whole portion and also the words "directly acted for." That's right.

The Chair: That's good?

Ms Kazim: Sure. That looks good.

The Chair: Okay. Being that the draft has been changed, not amended, does anybody have any comments they would like to make at this point? Mr. Nielsen, please go ahead.

Mr. Nielsen: Well, I guess we'll ask JSG if they'll just weigh in and see if the change addressed what they were concerned about.

Ms Carlson: Yes. This addressed the differences between ministers, who will now be subject to this motion, and the others, who will not. Thank you.

Mr. Nielsen: Awesome. Thank you.

The Chair: Fantastic. That sounds good.

Does anybody else want to weigh in at this point, especially those on the phone?

Okay. Since Ms Kazim has confirmed that the current motion up on the screen reflects her intent, would you like to move that motion, Ms Kazim?

Ms Kazim: Yes, I would like to move the motion.

The Chair: Okay. Committee Clerk, could you please read the motion as it is for everyone?

Ms Rempel: Yes. Thank you, Mr. Chair. Ms Kazim has moved that the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended regarding the postemployment restrictions for former ministers and former political staff to remove the words "directly acted for" and "direct and significant official dealing" wherever they appear and to simplify the wording of the provisions.

The Chair: All those in favour of the motion, please say aye. Any opposed to the motion, please say no. Okay.

That motion is carried.

Thank you.

Ms Kazim: Mr. Chair, I would like to move to item 3(d), changing the process to apply for public service employment by former political staff members.

Section 23.7(6) of COIA should be amended to require that

- all former members of the Premier's and Ministers' staff applying for public service positions compete for those positions, and
- former members of the Premier's and Ministers' staff who are applying for designated office holder roles compete as external candidates.

The Institute of Public Administration of Canada – Calgary . . . argued that these proposals would "help to avoid" a public perception that appointments to public service roles are sometimes political, "and uphold the integrity and meritocracy of public administration."

I agree with the idea that it should be a competitive process, and I would like to move the motion.

The Chair: Thank you, Ms Kazim.

Anybody wish to comment on the proposal by Ms Kazim?

Ms Kazim: I would like to seek the assistance of Parliamentary Counsel to draft it.

The Chair: Okay. Thank you.

Anybody have issues or concerns with the proposed draft motion?

I wouldn't mind asking the Ethics Commissioner what she thinks of the proposed motion.

Ms Trussler: I don't have any objection to it.

The Chair: Thank you.

Ms Carlson, would you like to weigh in at this point?

Ms Carlson: I would like to point out that the current provisions already refer to part 1 of the Public Service Act. Part 1 of the Public Service Act does have some rules about which jobs have to be an open competition and which jobs don't, and the Public Service Commissioner has some authority there. So there's a little bit of this already in the current provisions. Just for the committee to also maybe consider the impact of such a provision when there's a hiring freeze in place: would this, then, rule out any former political staff from applying for positions at all in the government?

The Chair: Thank you very much, Ms Carlson.

Okay. Any other comments, questions at this point?

Ms Kazim, I see you diligently reading through what's on the screen. Please confirm, when you're ready, that it reflects the motion you'd like to put forward.

Ms Kazim: Sure. Yeah. I just need a moment, please.

The Chair: Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. Maybe just for my clarity, when we say that they're applying for public service positions and need to compete as external candidates, we're basically saying that they have to go through the normal application process, right? That's basically what we're trying to say here, that nobody gets sole-sourced or whatever sort of higher up authority?

The Chair: That's my read of it, Mr. Dang, yes.

Mr. Dang: Yeah. I mean, I don't see any issues with that in general. I think that most people expect, when they apply for jobs, to go through a fairly regular application process.

The Chair: Okay. Good.

Ms Kazim, you indeed confirm that what's up on the screen is the motion you intend to move?

Ms Kazim: I'm just looking at the second point.
Okay. Yes, I would like to confirm it.

The Chair: Okay. Do you so move the motion?

Ms Kazim: Yes.

The Chair: Okay. I'll ask our committee clerk to read the motion into the record, please.

Ms Rempel: Thank you, Mr. Chair. Ms Kazim has moved that the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended to require the following: that all former members of the Premier's and Ministers' staff applying for public service employment compete for those positions and that all former members of the Premier's and Ministers' staff applying for designated office holder roles compete as external candidates.

10:20

The Chair: All those in favour of the motion, please say aye. Anyone opposed to the motion, please say no. Okay.

That motion is carried.

Thank you very much.

Okay. Moving right along, then, Mr. Rosendahl, did I see you indicate that you would like to speak?

Mr. Rosendahl: Yes, please.

The Chair: Okay. Please go ahead.

Mr. Rosendahl: Thank you, Mr. Chair. The next section that we would like to deal with is the gift restrictions, and the section that we'd like to deal with is 4(a). That's what we're looking at. Okay. What the issue is: definitions of social obligation and protocol should be added to the COIA. It was outlined by the Ethics Commissioner. It says:

Under s. 7 of COIA a Member breaches the Act "if the Member or, to the knowledge of the Member, the Member's spouse or adult interdependent partner or minor child accepts from a person other than the Crown a fee, gift or other benefit that is connected, directly or indirectly, with the performance of the Member's office." A Member does not breach the Act if the fee, gift, or benefit is received "as an incident of protocol or of the social obligations that normally accompany the Member's Office" as long as certain conditions are met (e.g., the value is not above a certain amount).

In making this proposal, the Ethics Commissioner argued that because these terms are not defined in COIA there are "many varied interpretations, among all parties as to what is, and what is not, social obligation and protocol when it pertains to Members being invited to events or offered gifts." She noted that "[t]his lack of clarity makes it difficult" both for Members and the public to understand and for the Ethics Commissioner to interpret what is allowable.

I think that what we need to do is to propose a draft motion to remove those words from the current position. I'd certainly ask Parliamentary Counsel to draft a motion to that effect if that's possible.

The Chair: I do believe we have something under way, yeah.

I will open it up to discussion at this point. Would anybody like to make a comment? Yes, Mr. Nielsen. Please go ahead.

Mr. Nielsen: Thanks, Mr. Chair. Maybe I'll get help from the Ethics Commissioner just so that folks understand, I guess, the challenges that you faced around this and how the changes will maybe clear things up.

Ms Trussler: If they were defined, it would give some guidance to the Ethics Commissioner. For example, my predecessor was a lot more liberal in defining those terms. On the other hand, the Ethics Commissioner in Ottawa is a lot tougher in defining those terms than I am. It would just be nice if those terms were defined – I'm not saying how they should be defined; I think that it's up to you, as the public policy makers, to decide how they should be defined – just so that we have some consistency.

Mr. Nielsen: Would it be safe to assume that maybe you have some suggestions around those definitions?

Ms Trussler: Well, actually, I don't because it really was a policy thing. I think protocol is pretty easy to define. We actually might have something in our brief. Let me just find it here. Oh, I did. I did put something in the brief. It said:

For the purposes of the Act, "social obligation" means a situation where a Member:

- (a) is invited to an event to bring greetings, introduce a speaker or speak; or
- (b) attends an event where attendance of the Member is normally expected.

That's for social obligation.

Then for an incident of protocol, that means a situation where:

- (a) the Member is invited to an event and the gift is offered to the Member as a gesture of appreciation for participating in or attending the event;
- (b) the Member attends an event, meeting or discussion at which one or more international government representatives are present and an international government representative offers the gift to the Member as a gesture of goodwill between two governments; or
- (c) the Member attends an event, meeting or discussion with a cultural or social group which traditionally offers gifts as part of the event, meeting or discussion and the cultural or social group offers the gift to the Member in accordance with tradition.

Those are the definitions. There are still the monetary limits on them that are already in the act, but that would make it quite clear what social obligation is and what an incident of protocol is.

The Chair: Okay. Thank you, Commissioner.

Rather than wordsmithing definitions today, I would highly suggest that we just recommend that we reference the commissioner's submission and cite . . .

Mr. Nielsen: I just wanted to check with Parliamentary Counsel to make sure we didn't have to do that.

The Chair: Yeah. Perfect, Mr. Nielsen. Thank you.

I have Mr. Drysdale on the speakers list.

Mr. Drysdale: Thank you, Mr. Chair. I think Mr. Nielsen kind of asked the same question: what problem is being solved here? Have you had problems in the past because of this? You say that a lack of definition creates significant discussion, but you didn't point to a specific problem. I'm just afraid that defining it could create even more interpretation challenges because legislation couldn't foresee every possibility. It wouldn't cover them all, so then you'd have more discussions and discretion. I'm just not sure what problem you're trying to solve, and I'm thinking you could create a bigger one. I haven't seen any other jurisdiction that does define these social obligations or protocol. Maybe there is, or you could tell me, but I haven't seen it anywhere else. I'm just afraid we'll be creating more of a problem than we have now.

Ms Trussler: The difficulty has been with inconsistency in definitions between different Ethics Commissioners, and having the definition will, I think, deter this inconsistency that happens. They're such broad terms that I would think that if you talked to every Ethics Commissioner across the country, you would get a different view on these two phrases. So this would actually very clearly say what's involved in social obligation or protocol.

I have to tell you that there have been many times when I've had to stretch the meaning of social obligation when I've had requests to attend events where the same request in Ottawa would have been turned down absolutely flat. There wouldn't have been any leeway whatsoever.

The Chair: Mr. Dang, please go ahead.

Mr. Dang: Thank you, Mr. Chair. Basically, I think I agree in principle that we should very clearly define these things. It's obviously something that's complex. Maybe to the Ethics Commissioner's point, I think that if you're invited to bring greetings to some sort of event – you often are, and you're not even sure sometimes if these people are going to give you a gift or not – and suddenly they're giving you a gift bag and you're standing there going, "Oh, I have to take this," I think that's the social obligation, right? You're not going to wave them off the stage while you're up there.

I think that certainly I don't want to get bogged down in trying to find these definitions today. I'd be happy if we could maybe move forward. Perhaps Mr. Rosendahl would like to – well, it's already been changed. I guess we could just move forward and get this to a vote.

The Chair: Okay.

Mr. Rosendahl: Yes. I think the motion that's on the screen covers exactly what the intent is, so I'd like to move the motion that's currently before us.

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

I'll have our committee clerk read the motion as it's up on the screen into the record, please.

Ms Rempel: Thank you, Mr. Chair. Mr. Rosendahl has moved that the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended to clarify the meaning of social obligation and protocol for the purposes of section 7 as set out on page 20 of the December 12, 2017, submission from the office of the Ethics Commissioner.

10:30

The Chair: Okay. All those in favour of the motion, please say aye. All those opposed to the motion, please say no.

That motion is carried.

Thank you very much.

Moving right along, Mr. Dang, I believe that you would like to bring up a topic.

Mr. Dang: Yes. Sorry. Thank you, Mr. Chair. I'm just catching up on all of my notes from this riveting discussion here.

I think that the next section, section 5(a), is fairly straightforward. I think I personally agree with the Ethics Commissioner's recommendation here. I think that when we're talking about issues around noncommercial aircraft, which is something that most members of the public don't take for granted, flying on noncommercial aircraft, we should be very clear on when and how members are allowed to do this. I think that I'd be happy to move forward with making a motion that says that we accept these recommendations of counsel unless anybody else has some other comments on that.

The Chair: Okay. Thank you very much. I believe that the committee clerk will be putting something up on the screen here shortly.

Does anybody have any issues or concerns with the proposed draft motion by Mr. Dang? Mr. Drysdale, please go ahead.

Mr. Drysdale: I seem like the negative guy here today, but thank you, Mr. Chair.

The Chair: Not negative, just critically analyzing everything that's brought forward.

Mr. Drysdale: Maybe I've had a little different experience. I mean, I agree with all three, but to say that you have to have all three – for example, when the wildfire was on in Fort McMurray and the Minister of Ag and Forestry had to all of a sudden fly up there to view this, if he can't go until he gets permission from the Ethics Commissioner and it's a weekend and there's an emergency going on, you know, if he fulfills (a) and (b), I'm not sure why he needs to have (c). I mean, if it's an emergency and they're expected to do it in their job, I just don't agree with the fact that they have to have all three.

The Chair: Well, it does say "or."

Mr. Drysdale: I mean, yeah, if emergencies come up, then ministers, in doing their job, you know, should have the flexibility to act quickly and not have to – if you get a long weekend, I'm sure the Ethics Commissioner doesn't want to be bothered about everybody doing every little thing.

Ms Trussler: Well, if it's sent to the right e-mail address, we do respond on weekends. We check our e-mail all the time.

The Chair: Good to know.

Mr. Dang: Mr. Chair, I will say that the Ethics Commissioner has certainly responded to some e-mails at hours when I thought perhaps she wouldn't. But I definitely think that in terms of the public interest we should let Albertans know – and they should be very clear – that we are above reproach when we do anything that would be exceptional like this, and I think charter flights are just one of those things that we need to be above reproach on.

The Chair: Okay. Mr. Dang, we now have something up on the screen. Can you please confirm that that's the intent of the motion you'd like to bring forward?

Mr. Dang: That is correct. Thank you.

The Chair: Okay. So you so move the motion, Mr. Dang?

Mr. Dang: I would so move.

The Chair: Okay. Is there any further discussion on the motion as proposed by Mr. Dang?

Mr. Panda: Mr. Chair, can I ask a question to the Ethics Commissioner?

The Chair: Please go ahead, Mr. Panda.

Mr. Panda: Madam Commissioner, I actually agree with my colleague Mr. Drysdale, but if you say that you'd like to have a say on every travel, even under emergency circumstances, are you willing to share your cell number and home number to the ministers and the council if they need to contact you on an emergency basis?

Ms Trussler: Yes.

Mr. Panda: Okay. Thank you.

The Chair: Any further discussion on the motion?

Mr. Drysdale: I mean, I don't want to drag it out, but just if you can imagine on a long weekend what happened in Fort Mac. You know, the minister is up there looking at the situation, and the forestry helicopter lands and says, "Minister, jump in here; we've got to go look at this," and the minister says: "Uh-oh. I can't come yet. I've got to get permission from the Ethics Commissioner." I think that would be ridiculous, but go ahead. I'm sure it will pass. I think we're going too far here, but that's just me.

Ms Trussler: This wouldn't cover situations, for example, where the Department of Agriculture and Forestry has a leased aircraft, because it's leased by the Crown. The minister could travel on an aircraft leased by the Crown. It would only be if it was a privately owned aircraft.

Mr. Drysdale: Most of those are, but I won't argue the fact.

Ms Trussler: They are. But I know that forestry does have leased aircraft, because I've had to deal with this, and there's no problem with someone travelling on a government-leased aircraft. The section doesn't apply.

The Chair: Mr. Dang, I believe you wanted to comment.

Mr. Dang: Yeah. Just to clarify that, I guess, in an emergent situation, if the department decided to hire someone to bring the minister up to wherever that emergency may be, this wouldn't apply to that. It would only apply . . .

Ms Trussler: It doesn't apply.

Mr. Dang: Yeah. So it's only applying if you're saying, like, that TransAlta wants to give you an aerial tour of whatever site they have or something like that.

The Chair: Okay. Thank you.
Mr. Kleinsteuber.

Mr. Kleinsteuber: Yeah. Just speaking from experience, too, I think that there have been offers in the past, certainly from the irrigation district, for example, with plenty of notice, to just kind of survey what the connections are of the irrigation districts, specific to that kind of industry, and then to be given a tour of kind of what the impacts of that are. I mean, in this case members are given plenty of notice about this, and I think that warrants, certainly, to check in with the Ethics Commissioner, to make sure that such a trip would be approved.

But, I mean, in the case of an emergency situation I don't think anybody from the public would object if a member had to, in the case of fulfilling their duties, check in, you know, have a survey of the site, and make sure that everything is kind of in order. Like, I can see, too, checking in, obviously when time permits, with the Ethics Commissioner on that, but I think the public will recognize the urgency of the issue.

The Chair: Yeah. I would agree. I mean, it does specifically state that "there are exceptional circumstances warranting the acceptance of the travel."

Does anybody else have any other comments that they would like to make?

Mr. Panda: Mr. Chair, it's Prasad again.

The Chair: Please go ahead, Mr. Panda.

Mr. Panda: Yeah. There are circumstances that the Member for Calgary-Northern Hills is talking about. The last Fort Mac fire, for example: there is only one exit out of Fort Mac – people can't even get out – so people had to use private aerodromes and private airlines north of Fort Mac like the Suncor airport or the Shell airport or CNRL. I mean, if the minister or the Premier or Deputy Premier had to rush there, to those airports, using other than some Crown-leased ones, if they had to get on one being operated by a private company, if there's a long weekend or anything or if the Ethics Commissioner is not available, is overseas, you know, something could happen.

When people talk about that the public understands, when we go for re-election, we are worried about the court of public opinion. Everybody is sensible about that. We're trying to restrict ourselves from doing our jobs. That's my experience coming from the private sector.

The Chair: Okay. Anyone else who would like to comment?

Mr. Loewen: Yeah, I'd like to.

The Chair: Okay. Please go ahead, Mr. Loewen.

10:40

Mr. Loewen: Yeah. I just want to be clear here. I think, you know, we're talking about that under exceptional circumstances it would be okay, but this change makes sure that even under exceptional circumstances the member would still have to receive approval from the Ethics Commissioner. I think that what we're changing here is changing, you know, these first two, that travel is required for the performance of the member's office and exceptional circumstances, and also, on top of that, that they have to receive approval from the Ethics Commissioner. I just want to make sure that everybody understands that. What we're doing here will not allow these exceptional circumstances to be taken into consideration unless they also receive approval from the Ethics Commissioner.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thank you, Mr. Chair. I'll just direct the question straight to the Ethics Commissioner, then. Based on, you know, what we've been discussing here, these exceptional circumstances such as the Fort McMurray wildfire, the Calgary flood, and whatnot, is there a chance that you would have denied such access if a minister needed to rush down?

Ms Trussler: No. I've given lots of approval for people to take flights because it was the best way to deal with the situation. My business card already has my e-mail address on it, and I'm quite willing to give all MLAs my e-mail address. It's got my cellphone on it. I don't have any problem with that.

The other thing you could do is put in a subsection that says that in exceptional circumstances where it's not possible to get the approval of the Ethics Commissioner, then they can apply after the fact. That might alleviate the issue, but it would just be in exceptional circumstances.

The Chair: Mr. Dang.

Mr. Dang: Thank you, Mr. Chair. My read of this – and perhaps someone will correct me; I'm sure they'll correct me quickly if I'm wrong – is that if something was very, very emergent and somebody

did decide to take this and did not receive the approval for whatever it was or was in contravention of the act or perhaps it was then determined that they shouldn't have, then obviously for that minister or that department or whoever it was that was arranging this type of flight, the penalty would be something like that they'd have to pay it back, right? They'd have to pay for it. Now, I think that if you are deemed to be in contravention of the act and you have to pay for your flight, that's not a bad thing.

Like, we shouldn't be trying to weasel chartered flights out of private industry here as MLAs. I think that that's sort of what is being debated here, whether we should be allowed to accept private flights from other companies. The reality is that if you're doing it in terms of your duty and it's something emergent, then that's going to happen. But whether the public should be paying for that or a private industry should be giving it to you or whatnot, I think those are the things that are really being debated here.

If we're really getting down into the weeds about it, not to belabour the point, I think that the public deserves to know that we have taken all of the appropriate steps when we take noncommercial flights. They deserve to know that we are not doing anything untoward and are not making any deals about some of these arrangements. Frankly, if there's a fire going on somewhere and I'm flying into the middle of it, that's just getting in the way of our first responders anyway. I'm just really curious here. Maybe, perhaps, the commissioner can point out what these types of situations would be where there wouldn't be the time to make a phone call and say: "Hey, there's an emergency. I need to go and do this."

Ms Trussler: My experience is that the emergency situations are rare. In the other situations people usually have enough time to phone. I can tell you that if it was an emergency situation, I'd be quite flexible about it. Sometimes you've got the letter of the law, and sometimes you have to be practical.

The Chair: Okay. Are people ready for the question?

Mr. Rosendahl: Question.

The Chair: Okay. I'm going to ask our committee clerk to read the motion as it's up on the screen into the record, please.

Ms Rempel: Thank you, Mr. Chair. Mr. Dang has moved that the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended in section 7.1(2) to change the word "or" at the end of paragraph (b) to "and" in order to clarify that the approval of the Ethics Commissioner to accept an offer of travel under section 7.1 is always required.

The Chair: All those in favour of the motion, please say aye. All those opposed to the motion, please say no.
That motion is carried.

Ms Kazim: Mr. Chair, I would like to talk about the items.

The Chair: Sure. Please go ahead, Ms Kazim.

Ms Kazim: I would like to discuss private interest, section 8, and I would like to prioritize the subsections (a) and (b) under this section. There are two subsections, actually, so I would like to talk about both subsections. Starting with 8(a), the definition of private interest in the COIA should be amended to include both what is and what is not a private interest and to clarify the meaning of general application and broad class of the public.

Currently the term "private interest" in the COIA is defined in the negative; that is, as what is not a private interest. In other

jurisdictions of Canada the review says that only the codes of conduct with respect to Members of Parliament and Senators contain definitions of what is and what is not a private interest, so I would like to move the motion to include the part on: what is private interest? That piece is missing at that point. Based on the suggestion here, I would like to bring a motion to the floor.

The Chair: Okay. Thank you. So just to be clear, Ms Kazim, it is to be amended to include both what is and what is not private interest and to clarify the meaning of general application and broad class of the public?

Ms Kazim: Yes.

The Chair: And you're requesting our Parliamentary Counsel?

Ms Kazim: Yes, I'm requesting the Parliamentary Counsel to assist me with this.

The Chair: Thank you very much. Thank you.

Any comments on the draft motion proposed by Ms Kazim regarding the definition of private interest? Yes, Mr. Drysdale. Please go ahead.

Mr. Drysdale: Well, I'm not sure if this is the place. It's not about the definition, but I have concerns with this. Again, I guess that's what opposition is, to oppose everything. I don't know. Today I have problems with the words "other relatives" and "friends."

The Chair: I would suggest that we're not quite there, okay? But, yeah, thank you for bringing it up.

Mr. Drysdale: Yup.

The Chair: I do believe that we have a draft that will be put up on the screen shortly.

Does anybody else have any questions or concerns at this time regarding the definition of private interest?

Okay. Hearing none, we'll just wait for this to appear up on our screen.

Ms Kazim, can you please confirm that this is the motion that you would like to bring forward?

Ms Kazim: Yes. This looks good to me.

The Chair: You so move?

Ms Kazim: Yes.

The Chair: Okay. Thank you, Ms Kazim.

Just to be sure, anybody have any questions, concerns, any discussion on the motion as proposed by Ms Kazim?

Hearing none, I'll ask our committee clerk to read the motion into the record, please.

Ms Rempel: Thank you, Mr. Chair. Ms Kazim has moved that the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended to clarify what is and what is not a private interest and to clarify the meaning of general application and broad class of the public.

The Chair: All those in favour of the motion, please say aye. All those opposed to the motion, please say no.

That motion is carried.

Thank you.

Ms Kazim.

Ms Kazim: Thank you, Mr. Chair. I would like to propose a motion for section 8(b), related to expanding the scope of whose private interests should not be furthered. I would like to move that the Standing Committee on Resource Stewardship recommend that sections 2 and 3 of the Conflicts of Interest Act be amended to expand the definition of those whose private interests should not be furthered to include siblings, parents, and parents-in-law.

10:50

The Chair: That will be up on the screen shortly.

Mr. Drysdale: Well, it's the same concern I had. I haven't seen the wording, but I think it covers what I had. I have quite a few friends, and I think I could lose them all if they all of sudden become impacted. I have so many relatives that I wouldn't even know who – I've got over 150 that I know of, so I don't know how you could enforce this thing. Like, this is just ridiculous, I think, so I'm against it.

The Chair: We do now have the draft motion up on the screen. For those of you who are following along on the phone, if you refresh your computer screen, you should be able to read it as well. Any further comments?

Mr. Drysdale: It doesn't have "friends" on it. Could you add "friends" to that?

The Chair: I don't believe that Ms Kazim wanted "friends" in there.

Mr. Drysdale: Okay.

The Chair: I think that we're of the same opinion here, Mr. Drysdale. Imagine that.

Mr. Drysdale: How about if I had a friendly amendment to add "friends"? Would she accept that?

Ms Kazim: Sorry. What's that?

The Chair: You would like to add "friends"?

Mr. Drysdale: Could I make a friendly amendment to add "friends"?

Ms Kazim: By adding "friends," it would change the intent of the motion, the one we are agreeing on right now.

The Chair: I believe you were arguing to not have "friends."

Mr. Drysdale: Okay. Sorry.

Ms Kazim: Yeah. It supports your intent through this wording.

The Chair: I believe we're all in agreement. Does anybody have any questions, comments that they'd like to make to the proposed motion by Ms Kazim?

Okay. Hearing none, I'm going to ask the committee clerk to read the motion into the record, please.

Ms Rempel: Thank you, Mr. Chair. Ms Kazim has moved that the Standing Committee on Resource Stewardship recommend that sections 2 and 3 of the Conflicts of Interest Act be amended to expand the definition of those whose private interests should not be furthered to include siblings, parents, and parents-in-law.

The Chair: Okay. Any further discussion on the motion?

Hearing none, all those in favour of the motion, please say aye. All those opposed to the motion, please say no.

That motion is carried.
Thank you very much.

Mr. Nielsen: Wayne gets to keep his friends.

The Chair: We don't want you to lose your friends, Mr. Drysdale. That's for sure.

Moving right along, is there any further discussion?

Mr. Dach: Mr. Chair, if I may, I wish the committee to direct their attention to direct associates under 9(c), where we're looking at removing the requirement for direct associate return upon ceasing to be a member. It seems to be a bit of a housekeeping element here.

In making this recommendation, the Ethics Commissioner noted that "it is unusual for a Member" to submit such a return upon ceasing to be a Member and that her office "has no practical ability to contact former Members or to compel former Members to provide the required return as they are no longer subject to the Act once they cease to be a Member."

I think that removing the requirement for a direct associate return upon the member ceasing to be a member makes sense.

So I would ask, perhaps, that we have Parliamentary Counsel propose draft wording for such a motion.

The Chair: Okay. Thank you very much.

As we get that up on the screen, I'll open it up for discussion. Any questions, comments, concerns regarding this item proposed by Mr. Dach? Okay. We do now have it up on the screen.

Mr. Dach, can you please confirm that the wording as it is up on the screen reflects the intent of the motion you would like to put forward?

Mr. Dach: Yes, it does. Thank you.

The Chair: Okay. Do you so move?

Mr. Dach: I so move.

The Chair: Okay. Thank you.

I'll now again open it up to discussion on the motion that's been proposed by Mr. Dach. Any questions, concerns? This seems like a pretty straightforward one.

I'll now ask our committee clerk to read the motion into the record, please.

Ms Rempel: Thank you, Mr. Chair. Mr. Dach has moved that the Standing Committee on Resource Stewardship recommend that section 15(3) of the Conflicts of Interest Act be amended to remove the requirement of a person who ceases to be a member to file a final direct associate return.

The Chair: All those in favour of the motion, please say aye. All those opposed to the motion, please say no.

That motion is carried.
Thank you.

Ms Kazim: Mr. Chair, I would like to discuss section 10.

The Chair: Please go ahead, Ms Kazim.

Ms Kazim: Investigations, advice, administrative penalties. I would like to talk about item 10(b), which is administrative monetary penalties. It says:

COIA should be amended to require the Ethics Commissioner, where an administrative monetary penalty is imposed on a public office holder in respect of a violation, to make public the nature of the violation, the name of the public office holder who committed it and the amount of the penalty imposed.

This recommendation would broaden the powers of the office of the Ethics Commissioner.

Just give me one moment, please.

The Chair: Sure.

Ms Kazim: All right. Sorry for the delay. For 10(b) we would just keep it that way. We will stick to whatever is suggested, and I would like to withdraw my comments.

The Chair: Okay. Sounds good.

Moving right along, are there any other proposals or discussions regarding the items summarized for us by Ms Robert? Mr. Nielsen, please go ahead.

Mr. Nielsen: Thanks, Mr. Chair. Just popping right to the end, section 12, general. I'll just draw everybody's attention to (b), (c), and (d) specifically. I guess the reason that I'm looking at these things is that with my experience in labour contract negotiations, you know, you're constantly changing language, moving sections around, deleting, and all that. Usually it creates a bit of a mess, and I think that with the work that we're doing here now and some of the changes that have happened within the Assembly, specifically (b) at this time, a requirement is to probably have to go through and renumber everything and try to get that housekeeping put together. I think the Ethics Commissioner had suggested that this might be a good thing to do as well, just to make sure that everything is in proper order and we don't have sections referring to something that may not even be there anymore.

I think, with that said, if Parliamentary Counsel wants to jump in with some wording on a motion for renumbering and going through the language – I do understand, you know, that this could be a bit of a labour-intensive bit, but I think that to ensure clarity, it's something we need to go through.

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

Any comments? Mr. Drysdale, please go ahead.

11:00

Mr. Drysdale: Yeah. Just to show that I'm not always opposed, I think that's a good recommendation and a good motion, and I will support that.

The Chair: Fantastic. From my recollection, though, I do believe that it's been 50-50. You know, we're 50 per cent in agreement on most things. It's good to be working together this morning. Fantastic. Good.

As we wait for the wording to get up on the screen, are there any other questions, comments that people would like to make? Okay.

Hearing none, I'm just going to wait for that to pop up. Mr. Nielsen, once it does, if you could just please confirm that that is the intent of your proposed motion.

Mr. Nielsen: Just a quick question on that, then, Mr. Chair: do we have to make any mention in terms of any language changes that might have occurred, or are we covered under what we have here?

Ms Dean: Perhaps you can just explain what your intent is in terms of the language. I note that the recommendation was that . . .

The Chair: Language be simplified?

Ms Dean: Yeah, and I'm not quite sure what that means.

Mr. Nielsen: Just with some of the changes that we've made today, do we need to sort of, I guess, make a reference in this motion around any changes in the language?

Ms Dean: I think the good drafters at the Legislative Counsel office will be well attuned to making sure that the terminology is clear and consistent.

Mr. Nielsen: Fantastic. I appreciate that.

Then, Mr. Chair, that will do just nicely as is.

The Chair: Perfect. Thank you. You so move the motion, Mr. Nielsen?

Mr. Nielsen: I do, Mr. Chair.

The Chair: Thank you. We'll have our committee clerk read it into the record for us.

Ms Rempel: Thank you, Mr. Chair. Mr. Nielsen has moved that the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended by replacing its complex numbering structure with ordinary sequential numbering.

The Chair: All those in favour of the motion, please say aye. All those opposed to the motion, please say no.

That motion is carried.

Thank you.

Please go ahead, Mr. Nielsen.

Mr. Nielsen: Thank you, Mr. Chair. That will flow nicely, then, into (c), with regard to the placement of section 26(4) within the act. I would suggest a motion to that effect.

The Chair: Okay. We'll just wait for that to come up on the screen here shortly.

Does anybody have any concerns or comments regarding the proposed motion by Mr. Nielsen? Please go ahead, Mr. Nielsen.

Mr. Nielsen: Sorry, Mr. Chair. Just in reading my notes, maybe I should specifically speak to this because it might affect what they're drafting here. "Section 26(4) . . . should be moved from Part 4 . . . which deals with investigations, to Part 6 or 7, which deal with the operation of the Office of the Ethics Commissioner." I don't know if that'll affect the motion that they're drafting.

The Chair: Ms Dean is very skilled. I'm sure that we'll have something here shortly.

Any questions, comments? For those of you following us on the phone, if you refresh your screen, you should be able to very shortly read the proposed motion by Mr. Nielsen.

Mr. Nielsen, can you please read over what's on the screen and confirm that it's the motion that you intend to move?

Mr. Nielsen: That, in fact, does nicely. I will move that motion.

The Chair: Thank you very much, Mr. Nielsen.

Not to belabour this, but I just want to make sure that everyone has had a chance to comment on the proposed motion by Mr. Nielsen. I believe that we're ready to go, so I'll ask our committee clerk to read the motion into the record.

Ms Rempel: Thank you, Mr. Chair. Mr. Nielsen has moved that the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended by moving section 26(4), which deals with investigations, to part 6 or 7, which deal with the operation of the office of the Ethics Commissioner.

The Chair: All those in favour of the motion, please say aye. All those opposed to the motion, please say no.

That motion is carried.

Thank you.

Mr. Nielsen, over to you again.

Mr. Nielsen: Thank you, Mr. Chair. The last one here, of course, is (d), around the alignment of minor records management inconsistencies in the act. The Conflicts of Interest Act should probably be amended to align minor records management inconsistencies in the wording of sections 17, 23, 63, and 47. I would ask for a suggested motion around that.

The Chair: Okay. Thank you. Would you like to speak to the proposed motion, Mr. Nielsen?

Mr. Nielsen: Again, I think it's all around housekeeping and ensuring that we're consistent throughout the act. The Ethics Commissioner has made some fantastic suggestions there in terms of just cleaning up the act and making sure that it's consistent and makes sense all the way through.

The Chair: Okay. Thank you.

We'll just wait for the draft motion to show up on the screen here for those of us who are following along on the phone.

When you're ready, Mr. Nielsen, please confirm that it reflects your intent.

Mr. Nielsen: That it does, and I so move it.

The Chair: Thank you, Mr. Nielsen.

Seeing as we had no discussion prior to the official moving of the motion, I will now call the question. Oh, pardon me. I'm getting so excited. We're getting close to the finish line here. Sorry.

Committee Clerk, please read the motion into the record for us.

Ms Rempel: Thank you, Mr. Chair. Mr. Nielsen has moved that the Standing Committee on Resource Stewardship recommend that the Conflicts of Interest Act be amended to align minor records management inconsistencies in the wording of sections 17, 23, 63, and 47.

The Chair: All those in favour of the motion? Oh, I see that we have some . . .

Ms Trussler: Just a minor correction. It isn't section 23. It's section 23.63.
There's no section 63 in the act.

The Chair: Oh. Okay. Indeed. You accept the . . .

Mr. Nielsen: I would love that friendly change to that. Thank you so much for catching that.

The Chair: Thank you.

Okay. I will now call the question. All those in favour of the motion as proposed by Mr. Nielsen, please say aye. Any opposed, please say no.

That motion is carried.

Thank you, everyone.

Okay. I believe that we've made it to the end of the issues document, unless anybody has any other items that they would like to bring up.

Seeing and hearing none, we'll now move on with our agenda. Now that the committee has made recommendations on the Conflicts of Interest Act, we need to give research services instructions to draft a final report for our consideration.

Dr. Massolin, would you like to give us an overview of the process, please?

11:10

Dr. Massolin: Thank you, Mr. Chair. I certainly can. The committee is familiar with this process, I believe, from its previous statute review, on the Lobbyists Act. Basically, the committee directs research services to prepare a draft final report which is inclusive of all the recommendations made today and some contextual information that will inform those recommendations. Then the process has usually been for the committee to view it and then an approval process, which I think is coming up in your agenda.

If you have any questions, I'll answer them. Thank you.

The Chair: Okay. Any questions for Dr. Massolin?

Okay. Can we have a motion to the effect that our good friends in research services prepare our document? I'll need someone to move that

the Standing Committee on Resource Stewardship direct research services to prepare a draft final report regarding its review of the Conflicts of Interest Act in accordance with the committee's recommendations.

Mr. Nielsen: So moved.

The Chair: Thank you, Mr. Nielsen.

All in favour of the motion, please say aye. All those opposed to the motion, please say no.

That motion is carried.

Okay. Thank you, everyone.

We also need to consider the approval process. Depending on the will of the committee, we can meet again later this month to review and approve the report, or alternatively, as has happened in the past, the committee could authorize the chair and deputy chair to approve the final report after a copy has been distributed to committee members for comment. Does anyone have any thoughts or questions regarding the approval process?

Mr. Nielsen: I think the chair and deputy chair are quite capable of reviewing, as has been done in the past, and I would suggest that the same occur.

The Chair: Okay. We'll have a motion that

the Standing Committee on Resource Stewardship authorize the chair and deputy chair to approve the committee's final report to the Legislative Assembly regarding its review of the Conflicts of Interest Act.

Mr. Rosendahl: So moved.

The Chair: Mr. Rosendahl, thank you for moving that motion.

Any discussion? All in favour of the motion, please say aye. All those opposed, please say no.

That motion is carried.

With that settled, before we move on to other business, does anyone have any questions about the remaining process for completing our review of the Conflicts of Interest Act?

Okay. Seeing and hearing none, we'll move on to other business. Are there any other issues for discussion before we conclude our meeting?

Well, seeing none, I would now like to suggest to our guests today that you're free to leave if you so choose. You're also more than welcome to stay if you like, but if you have other duties to attend to, now would be a good time for you to take leave.

With the completion of the review of the Conflicts of Interest Act, the committee may choose to pursue another activity. As we've discussed and agreed to, we can propose another meeting. Now, we all know – and it's been discussed at great length – that even a

motion came forward to one of the other standing committees regarding hearing presentations. Now that we have the Conflicts of Interest Act review completed, now would be a good time to talk about how we move forward as a committee. I did ask our committee clerk to connect with those who had proposed coming to do a presentation to our committee to see if they are indeed still interested in doing so. I just want to check with our committee clerk to see what the outcome was of connecting with those organizations, what they had to say.

Ms Rempel: Thank you, Mr. Chair. Committee members may recall that we have received four requests from outside organizations wishing to make presentations to the committee. Just to ensure that everyone is clear, though, the request that was received from the Alberta Used Oil Management Association was sent on behalf of the larger organization, the Alberta Recycling Management Authority. The follow-up request that was received from the Recycling Management Authority takes the place of that initial request, so we, in fact, have three requests before us.

Now, that group, the Recycling Management Authority, did confirm their continued interest, as did the Independent Power Producers Society of Alberta. I have received a response from what was the AAMD and C and is now the RMA; however, I've not received final word from them as to whether or not they would still be interested.

The Chair: What I propose is that we do a polling to see when we could potentially do a meeting and that that will be at the call of the chair once I've had a chance to poll all committee members. We'll invite these organizations to come and do a presentation to us. How does that sound? I'm seeing nodding of heads.

Mr. Rosendahl: Is there any way that we could get all three groups to do it in one day so we're not in and out several times?

The Chair: That would definitely be the idea, yes.

Mr. Rosendahl: Just to make sure that we look at that.

The Chair: Yeah. Most definitely.

If someone doesn't mind, if they can make a motion that the Standing Committee on Resource Stewardship hold a meeting to receive presentations from the organizations that have requested the opportunity to present to the committee.

Mr. Rosendahl: So moved.

The Chair: Thank you, Mr. Rosendahl.

Any discussion on the motion?

Hearing none, all in favour of the motion, please say aye. All those opposed to the motion, please say no.

Okay. As discussed, the next meeting will be at the call of the chair, after I've polled everyone.

Now I'd like to ask for a motion to adjourn, please.

Mr. Nielsen: So moved.

The Chair: Thank you, Mr. Nielsen.

All in favour of the motion? Any opposed? Thank you. That motion is carried. We are now adjourned. Thank you very much, everyone.

[The committee adjourned at 11:18 a.m.]

