



PROVINCE OF ALBERTA

**OFFICE OF THE
ETHICS COMMISSIONER**

ANNUAL REPORT 1995-96

April 19, 1996

Hon. Stanley S. Schumacher, Q.C.
Speaker of the Legislative Assembly
325 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Mr. Speaker:

It is my honour and pleasure to submit to you the Annual Report of the Office of the Ethics Commissioner, covering the period from April 1, 1995 to March 31, 1996.

This report is submitted pursuant to section 44(1) of the *Conflicts of Interest Act*, Chapter C-22.1 of the 1991 Statutes of Alberta.

Yours very truly,

Robert C. Clark
Ethics Commissioner

ETHICS COMMISSIONER'S REMARKS

The past year has been a year of challenges for the Office of the Ethics Commissioner.

In June I was appointed to the position of Information and Privacy Commissioner. With the additional responsibilities, it was immediately apparent that existing office space would not accommodate the increase in staff I expected would be required to handle freedom of information and protection of privacy matters.

With the assistance of staff from the Department of Public Works, Supply and Services, we were able to relocate to larger space within the same building. Through the cooperation of a number of government departments and agencies, we were able to obtain surplus furniture for the expanded office. New computer equipment was acquired to enable Ethics and Information and Privacy to form a small local network. Through the expanded network, certain Ethics reports and news releases are now made available through the following e-mail address: IPCAB@planet.eon.net.

As Ethics Commissioner, I am able to utilize the resources of Frank Work, General Counsel to the Information and Privacy Commissioner. I also wish to thank David Jones, Q.C. and his firm, deVillars Jones, for the prompt attention provided to my office over the past year. I continue to rely on the advice and counsel provided by that firm.

Most of the day-to-day administrative and reception duties are now handled by Leanne Levy and Doris Tan. I wish to thank them for the services they provide to the Office of the Ethics Commissioner. I am very pleased at the way the two offices have been able to work together. For accounting purposes, invoices are either charged separately to the appropriate office or costs are shared between the two offices. Each office maintains separate file rooms and measures have been taken to ensure confidentiality is protected.

I am indebted to Karen South for her dedication, support, and frankness.

A positive challenge for me has been to ensure that ethics issues continue to receive prompt attention and that the office continues to develop educational materials to assist Members and senior officials in understanding their obligations. We have, I believe, met those challenges: we dealt with a record number of requests for advice over the year and instituted a new publication on ethics issues.

A further challenge faced by my office this past year related to an investigation I conducted. Following the release of my report relating to allegations involving Premier Ralph Klein and his wife's purchase of shares in Multi-Corp Inc., there were calls from members of the media, and others, to reopen the investigation or explain my report publicly.

Under the *Conflicts of Interest Act*, I am required to present my report to the Legislature and I did so on November 14, 1995. At that point, the matter was in the hands of the Legislature and, in my view, it was not

appropriate for me to offer any further comments or opinions about the report or questions raised subsequent to the investigation.

On November 22, 1995, I was asked by the Hon. Brian Evans, Minister of Justice and Attorney General, pursuant to section 6 of the *Government Organization Act* to establish a three-person panel to review the *Conflicts of Interest Act*.

The panel was established on November 29, 1995. I was extremely pleased that Dr. Allan Tupper from the University of Alberta agreed to chair the panel and that Mr. Francis Saville, Q.C. of the law firm Milner Fenerty in Calgary, and Mrs. Patricia Newman, Mayor of the Town of Innisfail, agreed to serve on the panel. The panel reported on January 16, 1996, and proposed 27 recommendations which, if adopted, will provide considerable challenge for this office in the future. The panel's recommendations are outlined later in Appendix I to this report.

I believe two areas covered by the Review Panel, if adopted, will provide significant challenges for my office. Those two areas relate to "apparent" conflicts and matters involving senior officials.

I fully support the addition of "apparent" conflict to the Act. As noted in the Panel's report, certain sections of the Act already refer to that concept. Should the Assembly agree with this recommendation, I would suggest wording similar to that used in British Columbia which states:

For the purposes of this Act, a member has an apparent conflict of interest where there is a reasonable perception, which a

reasonably well informed person could properly have, that the member's ability to exercise an official power or perform an official duty or function must have been affected by his or her private interest.

I believe the adoption of this particular recommendation would set a higher standard of conduct for public officials -- a standard I feel confident Alberta's officials would meet.

A number of proposals are offered in the Panel's report with respect to senior officials. I wish to make two specific comments in this area.

In order to ensure the separation of the legislative and executive arms of our form of government, I would support separate legislation or regulations for senior officials rather than attempts to include those individuals within the existing *Conflicts of Interest Act* which governs Members.

I believe that legislation is the preferable method to deal with conflict of interest rules because, as the Review Panel notes, a code or directive does not have the legal force of law. I am concerned that certain activities, such as investigations, which might be undertaken pursuant to a code or directive could be successfully challenged through the court system. Without legislation, I believe the process could be halted at any time the parties involved refused to cooperate with the investigation. I therefore urge the Legislature to proceed with legislation regarding public officials.

The Panel's report is presently under review by the government. I look forward to reviewing the government's response and working with legislative counsel on the drafting of any

necessary amendments or new legislation.

During the past fiscal year, I also noted the personal challenges facing elected and senior officials. I continue to admire the dedication and commitment these individuals display in the way they pursue their public responsibilities. As Ethics Commissioner, I am in a unique position to hear and see how service to the public affects these people on a more personal level.

While I have heard no negative comments about efforts to provide quality service to the public with reduced financial resources and a smaller workforce, I have noted how salary rollbacks have affected some individuals personally and, in some cases, have resulted in some very good people leaving public service. I believe that financial limitations also play a part in the decision of elected persons to seek or not seek subsequent terms and may be a factor in the decision of private citizens regarding whether to run for public office.

My colleague in British Columbia, the Hon. Ted Hughes, Q.C., has referred to public service as an "honourable profession." I concur. Too often we, as a society, do not express our gratitude for the work performed by public officials on our behalf. I wish to express my acknowledgement and appreciation for that work.

The questions relating to appropriate levels of remuneration and morale are beyond my jurisdiction but I raise these concerns because I do see their effects. How to address the issues is a challenge facing those persons who do have the authority to deal with them.

I am pleased to report that my office has met

the challenge of a reduced budget and we will once again return a small amount of money to the Alberta Treasury. We have requested a reduced amount for fiscal year 1996-97 in light of cost savings resulting from our combined office.

DISCLOSURE STATEMENTS

We received questions over the last year about public disclosure statements for senior officials. While such documents are prepared for MLAs, we do not produce public statements for senior officials. The Review Panel has recommended that that practice be changed.

The number of persons designated as senior officials has been reduced and at the time of writing this report stands at 68. The Review Panel has recommended that additional persons be added and that these officials be called "policy officials."

Disclosure statements for senior officials and MLAs were submitted within the time period identified or within a reasonable period of time thereafter. In discussions with colleagues from Canada and the United States, I was pleased to discover that Alberta's officials are amongst the most diligent at meeting the time limit for disclosure.

During my investigation into the allegations relating to the Premier, I realized my office had neglected to ask certain questions of Members relating to the acquisition or disposition of assets. A "notice of material change" form was developed and was distributed to all Members prior to my releasing the public disclosure statements. Officials are now required to identify any corresponding liabilities when a new asset is identified. I believe the new form will assist Members and senior officials in providing more complete information when they update their disclosure statements throughout the year.

Public disclosure documents were again made available to interested persons by diskette using WordPerfect 6.0. It must be stressed, however, that Members occasionally update their statements during the year and therefore the printed copies filed in the Clerk's Office contain the most up-to-date information.

INVESTIGATIONS

The number of investigations requested during the past year is considerably lower than in previous years. This reduction may be attributable to a variety of reasons, including greater awareness of the citizenry on the actual mandate of my office, persons seeking more information about my mandate prior to requesting an investigation, or to a general belief or acceptance that for the most part, public officials act within conflict of interest rules.

My office did issue three reports in this fiscal year and I have summarized the reports below.

The first case was actually raised during fiscal year 1994-95 but the final report was not released until April 5, 1996 and is therefore included in this year's statistics and report.

Case 1: Allegation involving Léo Vasseur, Member for Bonnyville

The Member for Bonnyville raised this matter himself. He advised me that his direct associate, Nor-Glass Ltd., had performed some repair work for the Department of Public Works, Supply and Services. Under section 8 of the *Conflicts of Interest Act*, a Member's direct associate may not enter into a contract to which the Crown is also a party for the repair of a public work.

The Member informed me that the Department had invited four firms, including the Member's company, to submit a bid to perform the work. A bid was submitted by Nor-Glass and the contract was awarded to them. In reviewing the accounts for the company, the Member realized this matter fell under the Conflicts legislation and advised me of the possible breach.

I agreed to conduct an investigation and noted that the profit realized by Nor-Glass had been returned to the Provincial Treasurer. I recommended no sanction against the Member as I found the breach to have been inadvertent, and I commended the Member for the steps he took in dealing with the matter.

Case 2: Allegation involving Hon. Ralph Klein, Premier

On October 26, 1995, the Member for Calgary-North West requested that I investigate a possible conflict of interest relating to the purchase of shares in Multi-Corp Inc. by the Premier's wife and the Premier's subsequent actions relating to the company. The actions referred to in the request for investigation involved the Premier's Mission to Asia in 1993 and a speech made by the Premier upon his return from that mission.

I found that Mrs. Klein acquired the shares on December 14, 1993. That date fell after both the Premier's mission and the speech.

After questioning officials responsible for preparations for the mission, I concluded that neither the Premier nor his wife had made any suggestions that Multi-Corp Inc. be included on the Premier's agenda in Hong Kong. I also found that the speech presented by the Premier on December 6 to the Hong Kong Business Association of Edmonton was prepared by officials of Federal and Intergovernmental Affairs.

Under the Conflicts Act, a Member must report any "material change" to my office within 30 days of the change occurring. The Premier advised my office of the acquisition of the shares on January 25, 1994. While the filing was late, I noted that I have allowed similar leniency to Members on both sides of the House.

My report also noted that no mention of Mrs. Klein's liability to Mr. Novak's numbered company was reported. I accepted some

responsibility for that oversight since I did not seek information relating to a possible corresponding liability. As noted earlier, my office developed a new form which addresses this matter.

Case 3: Allegation involving Dr. Lorne Taylor, Member for Cypress-Medicine Hat

This case was similar to Case 1 outlined above. The matter was raised by the Member involved and also related to a matter involving a direct associate performing work for the Department of Public Works.

In this case the work was performed by the Member's direct associate, Triple M Coring and Cutting, but no request for payment has been made to Public Works. A question arose as to whether a contract in fact existed in this instance since no payment was requested or received. I was satisfied from legal counsel that a contract had in fact been entered into and that there was a breach of section 8 of the Act.

I recommended no sanction as I believed the breach was inadvertent. I expressed my appreciation for the honesty of the Member in bringing this matter to my attention. In my report I also expressed some concern about section 8 of the Act and I noted that the Review Panel has recommended that the section be amended.

INVESTIGATIONS INVOLVING SENIOR OFFICIALS

From my initial discussions in 1992 with government officials regarding conflict of interest

guidelines for senior officials, it has been accepted that I have no authority in legislation to conduct an investigation involving a senior official. The Review Panel Report acknowledges that fact and recommends legislation to deal with the issue. I have expressed certain other comments on this issue in my general remarks earlier in this report.

OTHER INVESTIGATIONS REQUESTED

The other requests for investigations submitted to my office related to matters which fell outside my jurisdiction. For the most part the issues related to administrative decisions made by government or the process employed in reaching those decisions.

It continues to be the practice of my office to refer individuals to alternative avenues for possible assistance whenever we can. In some instances, those avenues have already been pursued or the request for assistance has been copied to those sources.

Because of my other role as Information and Privacy Commissioner, I may direct a caller to staff supporting that function. In those instances, I do not record the call as a request to the Ethics Commissioner.

CASE COMMENTARIES

Under sections 41 and 42 of the *Conflicts of Interest Act*, I am able to provide Members with advice on their obligations under the Act. A similar provision exists in the directive outlining

conflict of interest guidelines for senior officials. I consider this area of my mandate to have the highest priority and I am pleased to point out that a record number of requests for advice were received this year. I congratulate Alberta's officials for their interest in conflict of interest matters and for their diligence in meeting their obligations.

The following general comments summarize some of the advice provided by me over the past year. The summaries are offered to assist Members or senior officials who may face similar situations and, in part, to encourage Members to continue to raise such matters with me.

Private Interests

"Private interests " continue to generate the most requests for advice. For that reason, the first issue of the *Ethics Bulletin*, a publication developed by my office, dealt with this issue.

A significant number of the requests continue to relate to a Member's ability to participate in a debate on a specific issue. The Act states that a "private interest" does not include a matter that is of general application or a matter that affects a Member as one of a broad

Constituency Work

class of the public. It is my view that the Act is worded in this way in order to allow the House to benefit from the participation of Members with experience and expertise in specific areas. Where a Member's interests may be affected in a way in which not all other individuals would be affected, then Members are advised to refrain from participation.

Other issues raised related to the pursuit of business proposals and steps the Member might take to ensure that conflicts were avoided. In most cases, the Member involved was fully aware of the obligations under the Conflicts Act and was

simply notifying my office to ensure that I was aware of the Member's activities.

Members also advised me of new roles or

Campaign Activities

responsibilities assumed by spouses. No conflicts of interests were identified but those Members were reminded of their obligations.

I continue to receive occasional requests from members of the public who are interested in seeking public office. Generally the questions relate to the office seeker's ability to pursue or retain outside employment.

Due to municipal elections held last Fall, I did receive some inquiries from public servants interested in seeking municipal office. Since those matters are covered in the Code of

Conduct for Public Employees, those queries were directed to the Public Service Commissioner.

Questions raised with me this year primarily dealt with the Member's ability to deal with certain constituents, either because of a personal relationship (relative) or as a result of a possible conflict relating to outside employment (of the Member or the Member's spouse) which involved the constituent. Where a possible conflict was identified, the Member notified my office of the matter and advised me of the steps the Member was taking to avoid any conflict. Those steps generally involved having a caucus colleague assist the constituent.

Outside Employment

This area occasionally overlaps with the advice given relating to "private interests" and assistance to constituents.

Since Private Members are not prohibited from having outside employment, some Members do continue to carry on a profession or to maintain an interest in a family-run business. Occasionally matters arise in the Legislature or general policy issues are under consideration which relate to the Member's activities. Any necessary limitations on the Member's ability to participate are discussed and, in some circumstances, I recommend that the Member take steps to ensure that the private interests are kept separate from the public responsibilities.

Members of the Executive Council

There are obligations in the Conflicts Act that apply only to Ministers (members of the Executive Council). These obligations cover

The Act gives the Ethics Commissioner the discretion to approve certain actions or activities only where there is likely to be no conflict of interest between the Minister's public responsibilities and the private interests of that Minister. Requests for advice under these sections are seldom received by my office and approval would only be given where I was completely satisfied that no real or apparent conflict of interest exists.

Blind Trusts

From time to time Members express an interest in establishing a trust. I continue to remind Members that in order for the trust to be considered "blind," the Member must not have any knowledge of the holdings or the activities of the trustee. It is therefore not possible to place a private corporation in a *blind* trust since it is usually necessary for the owner of the shares or a director to sign various financial documents on behalf of the corporation.

All requests this year to approve the appointment of a trustee to administer a blind trust have been approved.

Contracts with the Crown

As noted in the investigation section, two reports this year dealt with the matter of prohibited contracts. That section does not allow any discretion on my part. In both instances, the

such matters as outside employment, the holding of publicly-traded securities, and a "cooling off" period for former Ministers.

amounts involved were not large and the services are available to a limited extent in the areas where the work was required to take place. Nevertheless, the Act states that no contract may be entered into by the Member or the Member's direct associates. I recommended in one of my reports that the Assembly might wish to consider whether discretion might be permitted to allow for such work to take place in circumstances such as where the amount involved is trivial or a tender process is in place.

Other questions raised related to Members' abilities to access certain programs offered by the government. For example, extensive flooding took place last year in the southern portion of the province. I therefore advised all MLAs representing southern constituencies that I did not believe a conflict of interest would exist if the Member or a business with which the Member was associated was damaged by the flood. I cautioned Members about not using their offices to benefit beyond what other citizens received.

Direct Associates

Actions by direct associates were the subject of two of the three investigations conducted. In addition to those cases, questions were raised about the activities of Members' spouses (who are direct associates under the Act) and the activities of corporations controlled by spouses.

The Act does not deal with corporations controlled by a Member's direct associates. A caution I expressed to Members was that although the actions might be legal under the Act, the Member might face questions relating to the appropriateness of the activity.

Fees, Gifts and Other Benefits

Section 7 of the Act which deals with fees, gifts and other benefits continues to offer challenges for me.

The majority of requests for advice under this section during the past year related to officials' attendance at seminars or conferences where the sponsoring organizations offered to pay travel and incidental costs.

The Act prohibits a Member from receiving any benefits that are "connected directly or indirectly" with the performance of his or her MLA responsibilities. However a Member may accept the benefit if it relates to a social obligation or matter of protocol.

It is difficult to accept that Members are invited without any thought of their public profile; however, in the types of conferences to which Members were invited this year, there appeared to be considerable benefit to the province, the Member, and constituents or the general citizenry by the Members' attendance. In the cases I reviewed, I saw no potential for conflict between public and private interests. In most cases, the sponsoring organization was a foreign jurisdiction or the arrangements were made through an organization that was not regulated by the government and the subjects considered

at the conference were not issues that Members would likely be called upon to debate in the Legislature.

It is my view that the legislation is not intended to prevent Members from participating in international events and I have therefore provided Members with advice that I view these functions to be social obligations or matters of protocol. Members who chose to attend were advised that acceptance of the benefit would require them to disclose the matter publicly.

Once again, the majority of requests received from officials were raised by persons not designated as "senior officials." Usually the

Senior Officials

requests came from individuals charged with drafting a code of conduct for members of a board or an association and the caller merely sought some guidance as to the types of matters that ought to be included in such a code.

From senior officials themselves, direction was sought on matters not covered under the directive for senior officials. These officials recognized the non-jurisdiction of this office but expressed a desire to have a "sounding board" on the matter. I appreciate the opportunity to provide whatever assistance I can on these

PROFESSIONAL ASSOCIATIONS

issues and again commend Alberta's public officials for their attention to conflict questions.

Speaking Engagements

I attended the annual meeting of the Council on Governmental Ethics Laws (COGEL) in Washington, D.C. That conference brings together officials involved in matters of ethics, lobbyist legislation, elections, and freedom of information and privacy. Alberta offered to host the conference in 1997 and the delegates voted to accept that offer. The conference will be hosted in Edmonton in September 1997 and will be co-sponsored by the Office of the Chief Electoral Officer and my joint offices of Ethics Commissioner and Information and Privacy Commissioner.

CCOIN (Canadian Conflict of Interest Network) met in Ottawa in October. The day prior to our meeting, four of my colleagues and I met at the House of Commons with the Special Joint Committee on a Code of Conduct and we made presentations to that committee on our office operations and the approaches we take on conflict of interest matters.

I was asked by the government of Mpumalanga in South Africa to participate in a mission to that state in February. The state government is interested in the establishment of independent offices such as Ethics and

PUBLIC INFORMATION

Information and Privacy. We anticipate a visit from state officials later this year as a result of our meetings in February.

I continue to accept speaking engagements throughout the province to promote a general understanding of the Act and obligations on Members. On some occasions, my participation included a combined presentation on my roles as

Ethics Commissioner and as Information and Privacy Commissioner.

During 1995/96, I met with the following groups or associations:

Forum for Young Albertans, Edmonton
Fort McMurray, Chamber of Commerce
Southern Alberta Council of Public Affairs,
Lethbridge
Probus Club of Edmonton

Publications

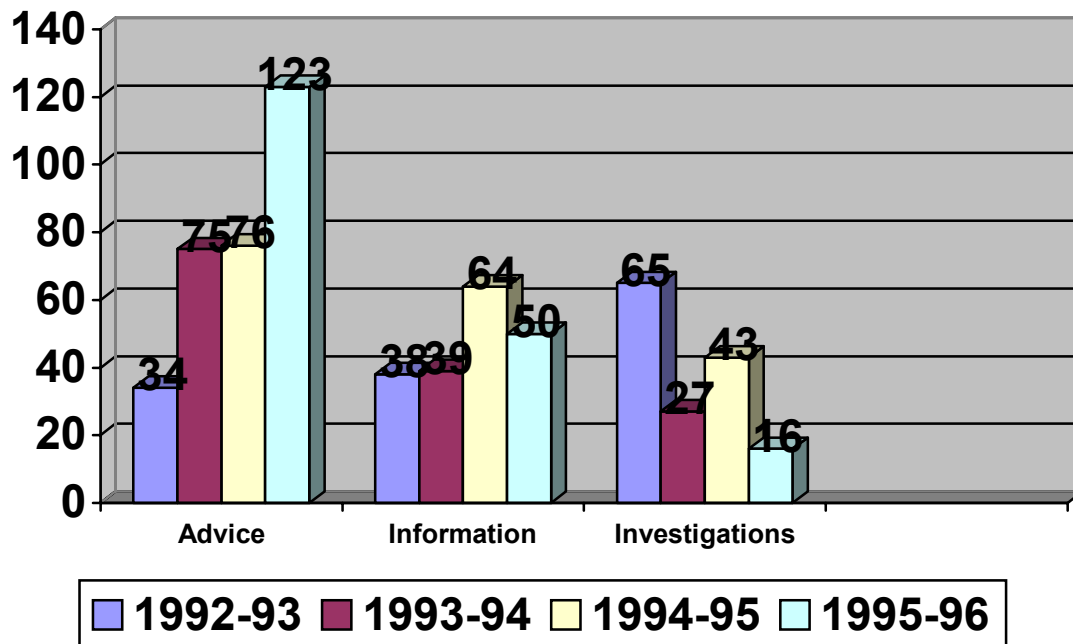
A new publication was created in January 1996 which we call the "Ethics Bulletin." It is my intention to publish the bulletin on a quarterly basis. Our first issue dealt with "private interests" and the participation in debates and votes by Members where a private interest might be involved.

I hope to encourage some of my colleagues to participate in future issues in order to bring a broader perspective to conflict of interest issues.

STATISTICS

As shown in the chart below, 1995/96 was a record year for requests for advice. I am very pleased with the level of knowledge displayed by public officials regarding their obligations and the concern demonstrated by their contacts with my office.

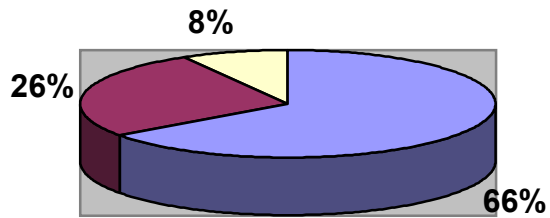
Requests



COMPARATIVE STATISTICS

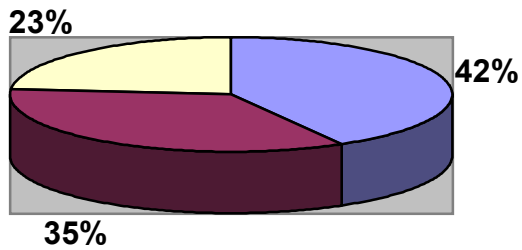


Statistics 1995-96



■ Advice ■ Information ■ Investigations

Statistics 1994-95



■ Advice ■ Information ■ Investigations

BUDGET

	1993/94 Actual Expenditures	1994/95 Actual Expenditures	1995/96 Estimate	1996/97 Estimate
SALARIES, WAGES AND EMPLOYEE BENEFITS	\$120,409.94	\$114,886	\$120,693	\$113,276
Travel	\$ 11,966.61	\$ 13,190	\$ 17,240	\$ 12,000
Insurance	0	0	1,000	2,500
Freight and Postage	179.51	149	300	300
Rental of Property, Equipment & Goods	5,335.96	4,612	5,000	3,800
Telephone & Communications	1,310.63	1,049	1,500	1,500
Repair & Maintenance of Equipment	0	465	600	300
Professional, Technical & Labour Services	16,366.61	14,354	21,000	23,000
Data Processing	0	27	0	500
Hosting	372.77	494	400	400
Materials and Supplies	2,581.14	2,202	4,500	4,000
SUPPLIES AND SERVICES	\$ 38,113.23	\$ 36,542	\$ 51,540	\$ 48,300
PURCHASE OF FIXED ASSETS	\$ 803.00	\$ 0	\$ 0	\$ 0
TOTAL EXPENDITURE	\$159,326.17	\$151,428	\$172,233	\$161,576

Appendix I

Recommendations of the *Conflicts of Interest Act* Review Panel:

1. The Integrity in Government and Politics Act should begin with a clear statement of purpose that indicates to Members of the Legislative Assembly, appointed officials and the citizens of Alberta, the ethical obligations of public office holders.
2. The Integrity in Government and Politics Act should state that Members of the Legislative Assembly and appointed officials will avoid both real and “apparent” conflicts of interest.
3. The Integrity in Government and Politics Act should establish an obligation on Members of the Legislative Assembly and appointed officials to act impartially on behalf of all Albertans. The present Act does not have such an obligation.
4. Under the proposed Integrity in Government and Politics Act, the obligations now imposed on Members of Executive Council and the restrictions now imposed on “former Ministers” should be extended to those Members of the Legislative Assembly who chair Standing Policy Committees and/or who chair or supervise in significant ways agencies of the Government of Alberta.
5. Under the Integrity in Government and Politics Act, the Leader of the Official Opposition should operate under the responsibilities and obligations imposed on Members of Executive Council, those other Members of the Legislative Assembly noted in recommendation 4 and former Ministers.
6. The Integrity in Government and Politics Act should employ a clear definition of the financial instruments in which Ministers and designated others should not be involved.
7. The present section on Members’ contractual dealings with governments is too complex. It requires clarification and simplification especially as “contracting out” of government services is now a major part of public management in Alberta.
8. The present obligation on Members, outlined in Section 12 of the Conflicts of Interest Act, to report the financial status of their spouses and minor children “so far as is known to the Member” is too weak. The Panel therefore recommends that Members be obliged to make “reasonable efforts” to ascertain the facts. Otherwise public disclosure cannot be effective.
9. When Member withdraw from their legislative duties because of conflicts of interest or apparent conflicts of interest, the general circumstances and times of such withdrawals must be part of the public record.

10. The present restrictions on the activities of former Ministers are legitimate safeguards of the public interest. The existing six month “cooling off” period is too short. It should be 12 months.
11. Members must seek advice from the Ethics Commissioner when they are uncertain about what constitutes a gift, fee or other benefit or about the circumstances in which a gift, fee or benefit may be accepted. The onus is on them. Other Canadian governments deal with gifts in a manner similar to Alberta. No obviously superior policy alternative presents itself, although other jurisdictions, notably British Columbia and Ontario, employ much clearer statutory language when dealing with gifts.
12. Income, gifts or other benefits received from a political party are covered by the Act and must be reported and disclosed. Leaders of political parties must be especially mindful of their obligations in this regard.
13. The Integrity in Government and Politics Act should be reviewed by a committee of the Legislature every five years.
14. Consideration should be given to separating the Offices of the Ethics Commissioner and the Office of the Access to Information and Privacy Commissioner.
15. The educational activities of the Ethics Commissioner should be enhanced. The Commissioner should meet with each caucus at least twice annually. Candidates for elected office should be informed of their ethical obligations when they are nominated or even earlier if possible.
16. Members’ unpaid taxes should be publicly disclosed.
17. The disclosure forms used by the Office of the Ethics Commissioner must be continuously reviewed and updated. The forms should clearly state the Members’ obligations and the purposes served by the information being requested.
18. The legitimate costs of Members for complying with the Act should be paid for by public funds.
19. The Integrity in Government and Politics Act must be drafted as clearly and as tersely as possible. It must be “reader friendly.” Such an important Act should be readily comprehensible to citizens and to those whose activities are governed by it.
20. The Code of Conduct and Ethics for the Public Service must continue to be systematically reviewed and modernized in light of changing circumstances. Provincial public employees must know their obligations under the Code. Training and development activities in this area should be reviewed continuously to determine their effectiveness.

21. A new group of officials is proposed as the basis for a revised policy for appointed officials. The group will be called “policy officials.” In addition to the obligations imposed by the Code of Ethics and Conduct for the Public Service, “policy officials” will be subject to obligations and restrictions outlined in the Integrity in Government and Politics Act. “Policy officials” means all present “senior officials,” all assistant deputy ministers, executive assistants, senior staff in the Office of the Leader of the Opposition and a further group who, in the view of their Minister and the Premier, wield enough policy or administrative influence to be included.
22. “Policy Officials” will be covered by a section of the Integrity in Government and Politics Act. The section will establish the disclosure obligations, post-employment restrictions and other obligations under which such officials should operate. To the extent possible, “policy officials” should be subject to the same obligations as Members of the Legislature and the same restrictions as Ministers and those other elected officials noted in Recommendations 4 and 5.
23. “Policy Officials” should be subject to post-employment restrictions comparable to those imposed on Members of Executive Council and others specified in Recommendations 4 and 5. This means a one-year “cooling off” period.
24. The disclosure statements of “Policy Officials” should be disclosed to the public through the Ethics Commissioner.
25. In the event of an alleged breach of the law by a “policy official,” the Commissioner will investigate. If necessary he will recommend sanctions to the responsible minister, or party leader, who will decide on action to be taken, if any.
26. Conflicts of interest rules are needed for those persons who hold significant positions in public institutions but who are not covered by the Integrity in Government and Politics Act. This policy would address the status of those in institutions that are extensively funded by the Government in Alberta like universities and colleges, school boards and regional health authorities. There are many other examples.

Persons who hold positions of power and public trust in such institutions must work under conflicts of interest rules that are clear, fair to the Albertans involved, and that promote the integrity of public institutions. Conflicts of interest rules are needed whenever persons in public institutions influence policy, have access to important information and influence the allocation of public money. As soon as possible, the Government should outline a detailed policy that covers these organizations and the people that serve in them.

27. The Integrity in Government and Politics Act should require the registration of lobbyists and set standards for their conduct. Such legislation will make government more transparent and more accountable.

