

COMMITTEE RECORD OF PROCEEDING
MEETING 92-20-26 OF THE STANDING COMMITTEE ON
GOVERNMENT OPERATIONS
THURSDAY, MAY 28, 2026 AT 12 PM
DET'ANCHOGH KÚÉ - EAGLE ROOM

Chair Morse called the meeting to order at 11:55 a.m.

Committee Members in attendance: MLA Hawkins, MLA Morse, MLA Reid, MLA Rodgers, MLA Weyallon Armstrong.

Regrets: MLA Edjericon.

Additional MLAs in attendance: MLA Testart.

1. Committee agreed to forego prayer/reflection.
2. MLA Hawkins moved the adoption of the agenda as presented. Carried.
3. There were no declarations of conflicts of interest.
4. Public Matters
 - a. Clause-by-clause review of Bill 32: *An Act to Amend the Public Service Act, No. 2*

MLA Hawkins moved that paragraph 3(1)(d) of Bill 32 be amended in paragraph (b) of the proposed definition “public service” by striking out “in prescribed” and substituting “in or under prescribed”.

Carried.

MLA Hawkins moved that subclause 3(2) of Bill 32 be amended by adding the following after proposed subsection 1(5):

(6) For greater certainty, if positions in the public service are under a prescribed public body, a reference in this Act to the deputy head of the prescribed public body is to be read, where the context so requires, as a reference to the deputy head in respect of employees that hold those positions.

Carried.

MLA Hawkins moved that clause 5 of Bill 32 be amended by adding the following after proposed subsection 16.2(1):

(1.1) Notwithstanding subsection (1), a person is deemed to have been appointed as a deputy head of a prescribed public body under paragraph (1)(a) if the Act that creates the prescribed public body states that the person is a deputy head under this Act, regardless of whether that Act contains provisions respecting their appointment.

Carried.

MLA Hawkins moved that clause 11 of Bill 32 be amended by deleting proposed subsection 36.2(2).

Carried.

MLA Hawkins moved that clause 11 of Bill 32 be amended by deleting proposed paragraph 36.5(c) and substituting the following:

(c) any other person or authority that has been given notice under subsection 36.6(1).

Carried.

MLA Hawkins moved that clause 11 of Bill 32 be amended by deleting proposed section 36.6 and substituting the following:

36.6. (1) If the Public Interest Disclosure Officer decides to investigate a disclosure, the Public Interest Disclosure Officer shall, before commencing the investigation, notify

(a) the deputy head of the applicable department or prescribed public body;
or

(b) the Deputy Minister responsible for the public service or the authority responsible for the appointment of the deputy head referred to in paragraph (a), if the investigation involves that deputy head.

(2) At any time during or after an investigation, the Public Interest Disclosure Officer may, for any purpose, consult with

(a) the deputy head of the applicable department or prescribed public body;
or

(b) the Deputy Minister responsible for the public service or the authority responsible for the appointment of the deputy head referred to in paragraph (a), if the investigation involves that deputy head.

(3) The Public Interest Disclosure Officer shall, on request, consult with a deputy head, an authority responsible for the appointment of a deputy head or a Minister, after conducting an investigation and before forming a final opinion respecting the matter being investigated.

(4) If, during or after an investigation, the Public Interest Disclosure Officer is of the opinion that there is evidence of a breach of duty or misconduct on the part of an employee, the Public Interest Disclosure Officer

- (a) shall refer the matter to the deputy head of the applicable department or prescribed public body, subject to subsection (5); and
- (b) may continue with the ongoing investigation.

(5) If, during or after an investigation, the Public Interest Disclosure Officer is of the opinion that there is evidence of a breach of duty or misconduct on the part of a deputy head, the Public Interest Disclosure Officer

- (a) shall refer the matter to any other person the Public Interest Disclosure Officer considers appropriate; and
- (b) may continue with the ongoing investigation.

Carried.

MLA Hawkins moved that clause 11 of Bill 32 be amended by adding the following after proposed section 36.8:

36.81. (1) The Public Interest Disclosure Officer may

- (a) make inquiries and receive and obtain information from any person, and in any manner, that the Public Interest Disclosure Officer considers appropriate; and
- (b) hold hearings, at the Public Interest Disclosure Officer's discretion.

(2) Subject to this Part and without restricting the generality of subsection (1), the Public Interest Disclosure Officer has, in respect of a matter within their jurisdiction, the power to

- (a) enter any premises occupied by a department or prescribed public body, talk in private with any person there and otherwise investigate such matters;
- (b) require a person to provide information or produce, at a time and place the Public Interest Disclosure Officer specifies, a document or thing in the person's possession or control that relates to an investigation, whether or not that person is an employee or former employee and whether or not the document or thing is in the custody or under the control of a department or prescribed public body or an employee;
- (c) take possession of any document or thing, and make copies of information provided or a document or thing produced under this section;
- (d) summon before the Public Interest Disclosure Officer and examine under oath or affirmation any person who the Public Interest Disclosure Officer believes is able to give information relevant to an investigation, whether or not that person is an employee or former employee; and
- (e) accept any evidence, under oath or affirmation or otherwise and whether or not it is admissible in a Court.

(3) Before entering any premises under paragraph (2)(a), the Public Interest Disclosure Officer shall notify the deputy head of the department or prescribed public body of the Public Interest Disclosure Officer's intention to do so.

36.82. No person is liable to prosecution for an offence against any Act by reason of the person's compliance with any requirement of the Public Interest Disclosure Officer under this Part.

36.83. (1) A person required to attend before the Public Interest Disclosure Officer under paragraph 36.81(2)(d) is entitled to be paid by the Public Interest Disclosure Officer the same fees, allowances and expenses as are payable to a witness in an action in the Supreme Court.

(2) A person who incurs expenses in complying with a request of the Public Interest Disclosure Officer for the production of documents or other information may be reimbursed by the Public Interest Disclosure Officer for those reasonable expenses that are not covered under subsection (1).

36.84. (1) The Public Interest Disclosure Officer is not required to hold a hearing in respect of a disclosure and no person is entitled as of right to be heard by the Public Interest Disclosure Officer.

(2) Notwithstanding subsection (1), if at any time the Public Interest Disclosure Officer is of the opinion that sufficient grounds exist to make a report or recommendation in respect of any matter which may adversely affect any department or prescribed public body or an employee, the Public Interest Disclosure Officer shall, before deciding the matter,

- (a) inform the deputy head of the department or prescribed public body or, if applicable, the employee, of the grounds; and
- (b) give the deputy head or employee the opportunity to make representations in respect of the matter
 - (i) either directly or by counsel, and
 - (ii) either orally or in writing, at the Public Interest Disclosure Officer's discretion.

Carried.

MLA Hawkins moved that clause 11 of Bill 32 be amended

(a) in proposed paragraph 36.9(2)(a), by striking out "the employee" and substituting "the employee who made the disclosure"; and

(b) by deleting subsection 36.9(3) and substituting the following:

(3) If the matter investigated involves a deputy head, the Public Interest Disclosure Officer shall also give a copy of the report to the Deputy Minister responsible for the public service or the authority responsible for the appointment of the deputy head.

36.91. If recommendations are made under paragraph 36.9(1)(b), the Public Interest Disclosure Officer may request the deputy head of the applicable department or prescribed public body to notify the Public Interest Disclosure Officer, within a specified time,

- (a) of the steps that were taken or are proposed to be taken to give effect to the recommendations; or

(b) in the event that no steps are proposed to be taken, of the reasons for not following the recommendations.

36.92. (1) After considering a response received from a deputy head under paragraph 36.91(b), the Public Interest Disclosure Officer may, in writing and if they consider it advisable, modify or further modify the recommendations.

(2) The Public Interest Disclosure Officer shall give a copy of any modified recommendations to the persons who received a copy of the report under subsection 36.9(2) or (3) or section 37.4.

(3) If recommendations are modified under subsection (1), the Public Interest Disclosure Officer may request the deputy head of the applicable department or prescribed public body to notify the Public Interest Disclosure Officer, within a specified time,

(a) of the steps that were taken or are proposed to be taken to give effect to the modified recommendations; or

(b) in the event that no steps are proposed to be taken, of the reasons for not following the modified recommendations.

36.93. If, within a reasonable time after recommendations are made under paragraph 36.9(1)(b) or modified under subsection 36.92(1), no action is taken that, in the opinion of the Public Interest Disclosure Officer, is adequate or appropriate, the Public Interest Disclosure Officer may

(a) make additional comments the Public Interest Disclosure Officer considers appropriate, in writing; and

(b) give a copy of the additional comments to the persons who received a copy of the report under subsection 36.9(2) or (3) or section 37.4.

36.94. (1) If, within a reasonable time after recommendations are made under paragraph 36.9(1)(b) or modified under subsection 36.92(1), no action is taken that, in the opinion of the Public Interest Disclosure Officer, is adequate or appropriate, the Public Interest Disclosure Officer may submit a report to the Premier and to the Legislative Assembly.

(2) Subject to subsection (3), a report under subsection (1) must include a copy of

(a) the Public Interest Disclosure Officer's recommendations or modified recommendations; and

(b) any response received from the deputy head under section 36.91 or subsection 36.92(3).

(3) In a report under subsection (1), the Public Interest Disclosure Officer

(a) shall sever any material that would unreasonably invade any person's privacy; and

(b) may sever any material revealing the identity of an employee of a department or prescribed public body.

Carried.

MLA Hawkins moved that clause 11 of Bill 32 be amended by deleting proposed paragraph 37.4(d) and substituting the following:

- (d) the authority responsible for the appointment of the deputy head referred to in paragraph (c), if the matter investigated involved that deputy head.

Carried.

MLA Hawkins moved that clause 11 of Bill 32 be amended by deleting that portion of proposed section 37.5 preceding paragraph (a) and substituting the following:

37.5. If the Public Interest Disclosure Officer finds that a complaint of reprisal is valid, the deputy head of the applicable department or prescribed public body or, if the matter investigated involved that deputy head, the authority responsible for the appointment of the deputy head,

Carried.

MLA Hawkins moved that clause 11 of Bill 32 be amended by repealing proposed section 37.6 and the proposed heading immediately preceding that proposed section, and substituting the following:

Making Disclosure Notwithstanding Other Laws

37.6. Subject to this Division and any regulations, a disclosure or a complaint of reprisal may include the information necessary to make the disclosure or file the complaint of reprisal, notwithstanding any other enactment or rule of law that prohibits or restricts disclosure of the information.

Application of other Laws Respecting Production, Disclosure and Confidentiality

37.61. (1) An enactment or rule of law that authorizes the withholding of a document or thing, prohibits or restricts production of a document or thing, or prohibits or restricts disclosure of information in answer to a question, on the ground that the production or disclosure would be injurious to the public interest, does not apply to production of the document or thing or disclosure of the information to the Public Interest Disclosure Officer.

(2) Subject to subsection (4), a person who is bound by the provisions of any Act to maintain confidentiality in respect of any matter shall not be required to supply any information to or answer any question put by the Public Interest Disclosure Officer in relation to that matter, or to produce to the Public Interest Disclosure Officer any document or thing relating to that matter, if compliance with that requirement would be in breach of the obligation of confidentiality.

(3) Notwithstanding subsection (2), if a person is bound to maintain confidentiality in respect of a matter only because of an oath or affirmation made under this Act, the person shall disclose the information, answer questions and produce documents or things on the request of the Public Interest Disclosure Officer.

(4) If the Public Interest Disclosure Officer receives consent, in writing, from an employee who makes a disclosure or files a complaint of reprisal, the Public Interest Disclosure Officer may require a person described in subsection (2) to supply information,

answer any question or produce any document or thing required by the Public Interest Disclosure Officer that relates only to the employee, and that person shall comply with that requirement.

Carried.

MLA Hawkins moved that clause 11 of Bill 32 be amended in proposed subsection 37.7(2),

- (a) in that portion preceding paragraph (a), by deleting “section 37.6” and substituting “sections 37.6 and 37.61”; and
- (b) in paragraph (d), by deleting “subsection 36(1)” and substituting “subsection 36(2)”.

Carried.

MLA Reid moved that clause 11 of Bill 32 be amended in proposed section 37.9 by

- (a) deleting proposed subsection (1) and substituting the following:

37.9. (1) Subject to this Division and the regulations, the Public Interest Disclosure Officer may collect, directly or indirectly, use and disclose personal information, personal health information and any other information that the Public Interest Disclosure Officer considers necessary to

- (a) manage and investigate disclosures and complaints of reprisal under this Part; and
- (b) establish grounds for findings and recommendations made in reports under this Part.

- (b) Adding the following after proposed subsection (3):

(4) Subject to this Part and the regulations, the Public Interest Disclosure Officer and every person engaged by the Public Interest Disclosure Officer under a contract for professional services shall maintain confidentiality in respect of all matters that come to their knowledge in the exercise of their powers or the performance of their duties under this Part.

Carried.

MLA Reid moved that clause 11 of Bill 32 be amended by deleting proposed section 38.3 and the proposed heading immediately preceding that section.

Carried.

MLA Reid moved that clause 11 of Bill 32 be amended by adding the following after proposed section 38.5:

Financial Estimates

38.51. (1) The Public Interest Disclosure Officer shall submit annually to the Minister in respect of each upcoming financial year, an estimate of the sum that will be required to defray the expenses of the Public Interest Disclosure Officer for that fiscal year.

(2) The Public Interest Disclosure Officer may submit a special request to the Minister if the Public Interest Disclosure Officer believes the amount provided for in the estimate is inadequate to enable the Public Interest Disclosure Officer to fulfill the purposes of this Part.

Carried.

MLA Reid moved that clause 11 of Bill 32 be amended by adding the following after proposed section 38.7:

38.71. (1) The Public Interest Disclosure Officer may, in writing, delegate to a person or class of persons any of the Public Interest Disclosure Officer's powers or duties under this Part, except the power

- (a) to delegate under this section;
- (b) to make reports under this Part; and
- (c) to require a production or disclosure described in subsection 37.61(1).

(2) A delegation made under subsection (1) is revocable at will and does not prevent the Public Interest Disclosure Officer from exercising the delegated power at any time.

(3) A delegation made under subsection (1) by a Public Interest Disclosure Officer who ceases to hold office continues in effect until the delegate ceases to hold office or the delegation is revoked by a succeeding Public Interest Disclosure Officer.

(4) A person purporting to exercise a power or perform a duty of the Public Interest Disclosure Officer through a delegation made under subsection (1) shall, when requested to do so, produce evidence of the person's authority to do so.

38.72. (1) Subject to subsection (2), no investigation, proceeding, decision, report or recommendation of the Public Interest Disclosure Officer may be challenged, reviewed, quashed or called into question by a Court, except on the ground of lack of jurisdiction.

(2) A decision, report or recommendation of the Public Interest Disclosure Officer respecting a complaint of reprisal may be questioned or reviewed by way of an application for judicial review seeking an order of certiorari or mandamus.

(3) An application under subsection (2) must be filed with the Supreme Court and served on the Public Interest Disclosure Officer within 30 days after the decision, report or recommendation is received by the applicant.

- (4) The Supreme Court may, in respect of an application under subsection (2),
- (a) determine the issues to be resolved on the application;
 - (b) limit the contents of the return from the Public Interest Disclosure Officer to those materials necessary for the disposition of those issues; and
 - (c) give directions to protect the confidentiality of the matters referred to in Division 4.

38.73. (1) Neither the Public Interest Disclosure Officer or any person engaged by the Public Interest Disclosure Officer under a contract for professional services is competent or compellable to give evidence in any Court or in any proceeding of an

administrative, judicial or quasi-judicial nature with respect to anything coming to that person's knowledge in the exercise or performance of that person's powers and duties under this Part.

(2) Subject to section 37.61, a person has the same privileges in relation to giving information, answering questions or producing documents or things to the Public Interest Disclosure Officer as the person would have with respect to a proceeding in a Court.

Carried.

MLA Reid moved that subclause 28(2) of Bill 32 be deleted and the following substituted:

(2) Paragraph (1)(b) of the renumbered section 41.06 is amended

(a) by repealing subparagraph (i) and substituting the following:

(i) the parties have bargained collectively in good faith with a view to concluding a new collective agreement and 21 days have elapsed since the day when

(A) a mediator was appointed under section 41.1,

(B) a party has notified the other party, in writing, that they do not desire the assistance of a mediator under section 41.1, or

(C) a party has asked the other party, in writing, if they consent to mediation under section 41.1, and that other party has not consented,

(b) in the English version, by striking out “, and” at the end of subparagraph (ii) and substituting a comma.

(3) Paragraph (2)(b) of the renumbered section 41.06 is repealed and the following is substituted:

(b) where notice to bargain collectively has been given, if the following conditions have been met:

(i) the parties have bargained collectively in good faith with a view to concluding a new collective agreement and 21 days have elapsed since the day when

(A) a mediator was appointed under section 41.1,

(B) a party has notified the other party, in writing, that they do not desire the assistance of a mediator under section 41.1, or

(C) a party has asked the other party, in writing, if they consent to mediation under section 41.1, and that other party has not consented,

(ii) an essential services agreement is in effect,

(iii) there is no longer a collective agreement in effect that applies to the bargaining unit.

Carried.

MLA Reid moved that clause 32 of Bill 32 be amended by deleting proposed subparagraph 42(e)(i) and substituting the following:

- (i) the parties have bargained collectively in good faith with a view to concluding a collective agreement and 21 days have elapsed since the day when
 - (A) a mediator was appointed under section 41.1,
 - (B) a party has notified the other party, in writing, that they do not desire the assistance of a mediator under section 41.1, or
 - (C) a party has asked the other party, in writing, if they consent to mediation under section 41.1, and that other party has not consented, and

Carried.

MLA Reid moved that clause 37 of Bill 32 be amended by adding the following after proposed paragraph 58(2)(b):

- (b.1) make any interim order the arbitrator considers appropriate pending the final determination of the proceeding;

Carried.

MLA Reid moved that clause 37 of Bill 32 be amended by deleting the portion of proposed subsection 62(1) preceding paragraph (a) and substituting the following:

62. (1) An arbitrator shall, as soon as practicable after being appointed under section 55,

Carried.

MLA Reid moved that clause 37 of Bill 32 be amended by deleting proposed subsection 69(1) and substituting the following:

69. (1) Subject to subsections (2) to (4), where an arbitrator is appointed,

- (a) each party shall pay its own expenses incurred for the arbitration; and
- (b) the parties shall split payment of the fees payable to and the expenses incurred by the arbitrator equally among the parties.

Carried.

MLA Reid moved that clause 38 of Bill 32 be deleted and the following substituted:

38. The headings immediately preceding section 49 are repealed and the following is substituted:

PART 13
GENERAL
Review of Act

77.1 (1) The Legislative Assembly or one of its committees shall review this Act within five years after this section comes into force, and every five years after that.

- (2) The review must include an examination of
 - (a) the administration and implementation of the Act; and
 - (b) the effectiveness of its provisions.
- (3) The review may include recommendations for changes to the Act.

Regulations

Carried.

MLA Reid moved that paragraph 39(1)(a) of Bill 32 be amended

- (a) in proposed paragraph 78(1)(b), by striking out “prescribed public body” and substituting “in or under prescribed public body”; and
- (b) in proposed paragraph 78(1)(g.8), by
 - (i) striking out “prescribed public body, and” in subparagraph (i) and substituting “in or under a prescribed public body,”,
 - (ii) striking out “or prescribed public body;” in subparagraph (ii) and substituting “, and”, and
 - (iii) adding the following after subparagraph (ii):
 - (iii) the addition of positions to or under or the deletion of positions from or under a prescribed public body;

Carried.

MLA Reid moved that Bill 32: *An Act to Amend the Public Service Act, No. 2*, as amended and reprinted, be reported to the Assembly as ready for consideration in Committee of the Whole.

Carried.

MLA Hawkins moved that Committee move in camera for the following items. Carried. Committee moved in camera at 12:51 p.m.

5. In Camera Matters:

- a. Bill 32: consideration of a draft report

MLA Reid moved that Committee conclude in camera matters. Carried. Committee concluded in camera matters at 12:53 p.m.

6. New Business:

- a. No new business was added.

7. Deferred Matters:

a. No deferred matters.

8. Date and Time of Next Meeting: At the Call of the Chair

9. MLA Hawkins moved to adjourn the meeting. Carried. The meeting was adjourned at 12:53 p.m.



Julian Morse, Chair



Angus Wilson, Committee Clerk