



Legislative Assembly of Alberta

The 29th Legislature
Second Session

Select Special
Ethics and Accountability
Committee

Election Act Review
Election Finances and Contributions Disclosure Act Review
Public Interest Disclosure (Whistleblower Protection) Act Review

Friday, June 17, 2016
10 a.m.

Transcript No. 29-2-5

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

Select Special Ethics and Accountability Committee

Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND), Chair
Miller, Barb, Red Deer-South (ND), Deputy Chair

Anderson, Wayne, Highwood (W)
Clark, Greg, Calgary-Elbow (AP)
Connolly, Michael R.D., Calgary-Hawkwood (ND)
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (ND)
Cyr, Scott J., Bonnyville-Cold Lake (W)
Drever, Deborah, Calgary-Bow (ND)
Jansen, Sandra, Calgary-North West (PC)
Loyola, Rod, Edmonton-Ellerslie (ND)
Nielsen, Christian E., Edmonton-Decore (ND)
Nixon, Jason, Rimbey-Rocky Mountain House-Sundre (W)
Renaud, Marie F., St. Albert (ND)
Shepherd, David, Edmonton-Centre (ND)*
Starke, Dr. Richard, Vermilion-Lloydminster (PC)
Sucha, Graham, Calgary-Shaw (ND)
Swann, Dr. David, Calgary-Mountain View (AL)
van Dijken, Glenn, Barrhead-Morinville-Westlock (W)

* substitution for Deborah Drever

Office of the Public Interest Commissioner Participants

Peter Hourihan	Ombudsman, Public Interest Commissioner
Sandy Hermiston	General Counsel
Ted Miles	Director

Support Staff

Robert H. Reynolds, QC	Clerk
Shannon Dean	Law Clerk and Director of House Services
Trafton Koenig	Parliamentary Counsel
Stephanie LeBlanc	Parliamentary Counsel and Legal Research Officer
Philip Massolin	Manager of Research and Committee Services
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications and Broadcast Services
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

Select Special Ethics and Accountability Committee

Participants

Arthur Hamilton	EA-115
Ian Urquhart	EA-118
Public Interest Alberta	EA-120
Larry Booi, President	
Joel French, Executive Director	
Fair Vote Edmonton	EA-123
Thomas Boyce, Secretary	
Elizabeth Reid, Member at Large	
Parkland Institute	EA-126
Trevor Harrison, Director	

10 a.m.**Friday, June 17, 2016**

[Mrs. Littlewood in the chair]

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

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

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

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie.

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

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

Ms Renaud: Marie Renaud, St. Albert.

Mr. Shepherd: David Shepherd, Edmonton-Centre.

Connolly: Michael Connolly, MLA for Calgary-Hawkwood.

Mr. Hamilton: Good morning. Arthur Hamilton. I believe I'm the first presenter when you get to the business of presentations.

Dr. Starke: Good morning. Richard Starke, Vermilion-Lloydminster.

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

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

Dr. Amato: Sarah Amato, research officer, Legislative Assembly Office.

Ms Robert: Good morning. I'm Nancy Robert. I'm a research officer with the Legislative Assembly Office.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services with the Assembly.

Ms Rempel: Good morning. Jody Rempel, committee clerk, Legislative Assembly Office.

The Chair: Thank you.

A note for the record that Mr. Shepherd is an official substitute for Member Drever.

To the phones.

Dr. Swann: David Swann, Calgary-Mountain View. Good morning.

Mr. Sucha: Graham Sucha, MLA, Calgary-Shaw.

Mr. W. Anderson: Wayne Anderson, Highwood.

The Chair: Is there anyone else on the phones? Okay. I will move on then, for now.

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

Up next is the approval of the agenda. Does anyone have any changes to make? If not, would a member please move a motion to approve our agenda?

Mr. Nielsen: So moved.

The Chair: Okay. Moved by Mr. Nielsen that the agenda for the June 17, 2016, meeting of the Select Special Ethics and Accountability Committee be adopted as distributed. All in favour? Any opposed? On the phones? That's carried.

Next are the minutes from our last meeting. Are there any errors or omissions to note with the draft minutes? If not, would a member move adoption of the minutes, please? Okay. Moved by Ms Renaud that the minutes of the May 27, 2016, meeting of the Select Special Ethics and Accountability Committee be adopted as circulated. All in favour? Any opposed?

Mr. Nixon, I'll just ask you to introduce yourself for the record.

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

The Chair: Thank you.

Sorry. On the phones, any opposed to moving the minutes? That is carried.

Moving on to our invited presenters. This committee received hundreds of written submissions from stakeholders and members of the public as part of our review of the Election Act and the Election Finances and Contributions Disclosure Act. In May we also extended an invitation to specific groups and individuals to meet with us and give an oral presentation on this legislation. Five of these presenters have agreed to join us here today. Ten minutes of presentation time has been set aside for each of our guests, followed by an additional 10 minutes for questions from committee members. I'll also note that if a question requires a particularly long or detailed response, it may be more appropriate for us to ask our presenter to submit that in writing, following up through our committee clerk.

With us we have Mr. Arthur Hamilton. Mr. Hamilton, I understand that you have come all the way from Toronto to be with us here today, so thank you. On behalf of the committee I'd like to express our appreciation to you for sharing your time and expertise with us and for the written briefing that you provided to supplement your presentation today. When you're ready, please introduce yourself for the record and begin your presentation.

Arthur Hamilton

Mr. Hamilton: Thank you, Madam Chair and committee members. Once again, for the record, Arthur Hamilton. I'm a partner with the law firm of Cassels Brock & Blackwell in Toronto although we do have offices in Calgary and Vancouver as well. I've been a partner for 12 years and a lawyer for 19 now, registered with the Law Society of Upper Canada. It's certainly my privilege to be here today, and I want to thank the committee for the invitation extended to me.

Just so you understand where I come from, in the last 13 years of my law practice, because of client obligations and because of interest, I've spent an inordinate amount of time both looking at legislation with respect to electoral issues and electoral finance but, beyond that, also looking at elections legislation itself and dealing with the regulators that are there to enforce and implement as well as interpret the legislation.

I will try to synthesize the points that I made in the written presentation that I've provided within this oral presentation.

Obviously, coming to election laws, fundamental are the constitutional parameters. I think everyone in this committee understands that many of the key principles that govern what we understand to be the fairness of elections emerge and arise from common-law principles that were in place and long predate even Confederation as well as the Charter. Of course, we also know that many of these principles are now enshrined in the Charter of Rights and Freedoms. Two that are engaged and we're going to speak about today are, clearly, section 2(b) of the Charter and section 3, which is the right to vote.

In my written materials I've drawn the committee's attention particularly to the Supreme Court of Canada's decision in Harper versus Attorney General of Canada. There were a few key directives that emerged from that case that I'd like to specifically focus on. Maybe first and foremost is that our democracy is better and the Supreme Court has recognized that our democracy is at its best when we allow the widest range of views to be presented so that electors and, indeed, the citizenship in general have this broad scope of information by which to make their electoral decision. Allowing for a wide and disparate number of views to be presented is actually completely consistent with constitutional principles. However, the Supreme Court also recognizes that when properly crafted, appropriate limitations on the dissemination of points of view is constitutionally justified.

When you look particularly at section 3 of the Charter of Rights and Freedoms, the Supreme Court has noted that the right of a citizen to vote, which includes the right to be adequately informed as to all points of view, is optimal. So for a voter to be able to meaningfully participate in the election cycle, you need to have the widest information possible. This then secures a voter's section 3 Charter rights.

The court is also very careful in the Harper decision to note that limitations on third-party dissemination of information are crucial, and it must be limited to ensure that what they identify as the most affluent or, put another way, those with access to the most financial resources are not allowed to mount an information campaign that drowns out or otherwise overwhelms other voices, including those of registered parties and the candidates. The Supreme Court in the Harper decision and beyond has clearly cautioned that the most affluent and those with access to the greatest resources cannot be permitted to play a disproportionate role in the dissemination of information. This is true whether the limitation is with respect to the way they enunciate their views in third-party activity or in the way they make donations or contributions to candidates and registered parties.

10:10

With that, let me turn to the first substantive point that I make with respect to this committee's work, which I identify as the limitations on contributions. As you've read in my written submission, personal contribution limits should be set, in my respectful opinion, at amounts far lower than are currently permitted by the existing legislation. I try to address in my written submission three points which support my view.

The first, obviously, is that whenever somebody suggests that you should lower amounts, the criticism flows that that will, by implication, mean that political parties and candidates will now have less access to fundraising dollars because levels will inferentially drop. As I mention in my submission, this was almost a universal complaint when, at the federal level, big money was being taken out of federal politics in terms of contributions. Union money and corporate money was all banned, and you were stuck with individuals, and the limits were curtailed. At the time everybody said: "This will be the death of the federally registered

political parties. They will not be able to fund raise. This will cause a giant constraint and a significant problem."

All you need to do is look at any of the reports that are issued quarterly by the Chief Electoral Officer of Canada and you will see that most federally registered political parties that operate fundraising mechanisms are flourishing under the current rules that have eliminated big money. I think that there's a very simple explanation for this, and it is that when you constrain the amount of a donation that one phone call can achieve, you force political parties to broaden their base, broaden their appeal, and all of that, in my respectful submission, is beneficial to the electoral process.

I would also say that when you set contribution levels at lower amounts, you are, in fact, enhancing voter confidence in the system. We are all aware of the allegations that are made when an individual under the current legislation can make a \$30,000 donation and then, lo and behold, not too long after, that donation can be directly linked to what some would call a political favour or some type of dispensation that simply causes most of the electorate to become cynical or to question whether or not there is pay-to-play access or all of those derogatory terms that simply erode confidence in the electoral system.

Building on that point, lower amounts also limit and, in my respectful submission, stop what I refer to as the contribution for collateral purpose problem. We want people who are making contributions, whether to third parties or to those seeking electoral office as registered parties or candidates. We want that to be a very clear signal and a very understood signal, not something that has a collateral purpose to it. Once again, eliminating collateral purpose, then, enhances the confidence in the system that the electorate will have.

The final point I make in my written submission regards third-party activities. Just returning to the Supreme Court's decision in the Harper case for a moment, it's important to note that one of the themes running through the Harper decision by the Supreme Court is that third parties should not – and I underscore it; not – play as prevalent a role in a campaign as a candidate or a party. If you read the decision carefully, you'll see that there are numerous circumstances where the majority opinion takes head-on the complaint that the third party is being curtailed to a greater extent than the political party. Their reasoning, in my respectful submission, is sound for that. So I think that's a guiding principle. Third parties should never be allowed in any electoral system to become as prevalent or as powerful as the voices of the political parties and the candidates which are in fact vying for electoral success.

The Supreme Court, in making its decision and adopting the reasons that it did, does not accept the principle that third parties at some point, just because of inertia or otherwise, should ever be allowed to overwhelm a candidate or a particular registered party. There is language in the decision about the resources that will be needed by a candidate or a particular party to fight back and to answer an unfair charge by a third party. It makes sense that the resources of those that are dealing with a broad base of issues, the candidates and the parties, should be better financed and have greater access to funds than those of third parties. Building on what the Supreme Court of Canada has told us, in my written submission I make the proposal that the contribution limits with respect to third parties as set out in part 6.1 of the current financing act should also be significantly curtailed and lowered.

Finally, the reasoning of the Supreme Court of Canada in the Harper decision I think directs this committee to a broader consideration of whether or not limits on third-party activity should be extended to the periods in between what are defined as campaign periods. Effectively, the regulation of third-party activity and the requirements for reporting by third parties should be continuous. In

my respectful submission, particularly in this Internet age, where there are so many mediums available to third parties, there's simply no reason why a third party should be allowed to run wild and spend infinitely simply because no writ has yet been dropped.

With that, Madam Chair, thank you very much for the attention of the committee, and I'm happy to field questions at your direction.

The Chair: Thank you.

I will start with Mr. Clark.

Mr. Clark: Mr. Hamilton, thank you very much. I really appreciate your thoughtful submission and also your taking the time to come all the way out here to Edmonton to be with us today.

One of the questions that I had in reading your submission and listening to your presentation – well, you'd stated that donations will often create a perception of being tied to political favours, essentially that kickback problem. I'm curious if you have, beyond specific individual examples, any comparative data or research that shows the impact of having eliminated corporate and union donations in the federal jurisdiction or other provincial jurisdictions. Have you either done or are you aware of any research that's quantified that impact in any way? I'm curious if consideration has been given to that. It's just simply that there's always going to be a risk of perceived favouritism. I think that on the federal side, in any discussions around federal involvement with Bombardier or those sorts of things, that's not tied to a political donation, but there's a perception of some sort of favouritism that perhaps could be happening there. I guess what I'm really saying is: is that just the nature of politics, or are you aware of any quantifiable connection in public perception or in the academic literature or anywhere else?

Mr. Hamilton: Let me answer in two parts. I'm not familiar with any empirical study that was done arising from the changes in what I believe was Bill C-24 federally, which I would call the Chrétien amendments, which took out big money. I do have one example at hand, and I don't mean to tag this individual. He was a political opponent of the party that I represent, but I think we all remember when Mr. Joe Volpe was running for the leadership of the federal Liberals. At this point individual contributions could still be \$5,000. In that instance, in a very powerful family – we don't need to name the company – the head of that company had twins, who I believe were eight or nine years old at the time. Each of those twins made a \$5,000 donation to the Joe Volpe election campaign. I guess it's more in my gut than in my head, but that stunk. After trying to defend it for a couple of days, even Mr. Volpe couldn't withstand what was brought to bear against him, and he reversed those donations.

10:20

I don't mean to be glib, but I go back to statements like Justice Oliver Wendell Holmes' statement from the U.S. Supreme Court when he was asked to define pornography. He said: I can't define it, but I know it when I see it. I think that with contribution levels with respect to electoral participation, we know it when we see it if something stinks.

I think there are very capable people representing all the parties at this committee. You will find the right level, but in my respectful submission it's not the current levels that are allowed in section 17 or with third parties allowed in part 6.1.

Mr. Clark: Thank you.

The Chair: Member Loyola.

Loyola: Well, thank you. Mr. Hamilton, I appreciate your coming all the way from out east to come and visit us.

Mr. Hamilton: A pleasure to be in Alberta, always.

Loyola: Great. That's wonderful to hear you say.

In your own words, Mr. Hamilton, from your submission, I quote: "Lowering the amount that contributions cannot exceed on an annual basis will encourage registered parties to broaden their appeal to potential contributors." I know you touched on it, but if you could just expand on it. Do you mind explaining how getting the political parties to broaden their appeal to potential contributors could strengthen the electoral process here in Alberta?

Mr. Hamilton: I think it starts with the parties themselves. I don't mean to call them the bad old days, but think about the times when there were unlimited contributions allowed from corporations or unions. Why bother looking at a policy that speaks to the grassroots when you can go pay a visit to all the major banks and walk out with a cheque for a hundred thousand dollars each? That's one day's work as opposed to developing a platform and actually, God forbid, asking your constituents what they think about the key issues as opposed to letting someone in the C suite just direct you as to: here's our donation, and here's our list of requirements or demands. I think it really starts from the vision or the approach of the political party in question itself.

Then I think it also matters to the electorate and the individual contributor. If you know that you are one of literally thousands of people that will make a maximum donation which bears more resemblance to something that an individual in middle-class Canada would be in a position to make and you know that that contribution is as valuable as that person who's sitting in the C suite or the person who controls a union membership of thousands of people, I think – again, I don't have empirical information – it would be empowering to the contributor that their dollars, their voice as referenced by those dollars, is as powerful as the next person's and that no one can be more powerful than them if they make a maximum donation that is accessible at the maximum level to any middle-class Canadian, any regular Canadian or Albertan.

Loyola: Thank you.

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. Now, we've talked about the donation limits, but social media is now starting to play a big part in politics for very little cost. Now we can reach a lot of potential voters, I guess. What are your thoughts on what to do about social media in this kind of structure that we're talking about right now?

Mr. Hamilton: It's a very complex question. I don't think anyone can suggest that they've got all the answers. Certainly, we are all concerned about digital media and social media as a way to raise, you know, what President Obama made famous as the \$3 donation, and for purposes of the Alberta act and indeed the federal act those would effectively be anonymous donations that never need to be registered. If digital media and social media start to become prevalent sources of revenue – you've heard some of the political parties federally talk about all the different pillars: traditional direct mail, phoneathons. Digital media was always a bit of an afterthought. Then in the 2011 election it gained steam, and in 2015 it really gained steam federally.

As that becomes a larger percentage, legislation may be required that stops the anonymity of even those types of donations so that you can ensure that somebody is not populating a bank account with

thousands of dollars and then generating thousands of e-mail addresses to syphon off that money and get around contribution levels and things like that. I think there will have to be a legislative fix if this becomes one of the prevalent pillars of fundraising for political parties.

The Chair: Dr. Starke.

Dr. Starke: Yes. Thank you, and thank you, Mr. Hamilton. As others have stated, we appreciate your being here today. I have two very specific questions. Throughout your presentations, written and oral, you've suggested that the limits should be far lower. What would you suggest, first of all? Second, do you advocate for some form of per-vote funding sources based on number of votes or just a blanket, taxpayer-funded situation to either registered political parties or political candidates?

Mr. Hamilton: To answer your first question, the base that the federal legislation has adopted, which with inflation adjustment, I believe, is at \$1,525 in calendar 2016, is, I would suggest, a good base to work from with one caveat. I don't want to tell Albertans to follow along what Ottawa is doing.

Dr. Starke: That doesn't typically go over well.

Mr. Hamilton: You've been down that road before.

As much as I think that's a solid base, this committee would also want to consider, I would think, whether or not there's empirical information about the Alberta contributor – and I mean that in the objective – that suggests that that limit should rise slightly because there are fewer contributors that you have access to or whatever. I don't think it would offend sensibilities if the federal limit was \$1,525 and for all good reasons this committee adopted something more in the nature of \$1,700 or \$1,750, something like that. I don't believe it should ever rise above \$2,000. That's a personal belief. But if there was a made-in-Alberta solution that was an alternative to the \$1,525 in the federal, I think everyone would respect the work of this committee in that respect.

On the per-vote subsidy I obviously have to state my bias. It was an honour and privilege to be Prime Minister Stephen Harper's lawyer. In 2011 he ran on a mandate to eliminate the voter subsidy. I wholeheartedly approved of that position that he and the Conservative Party took, so I do not believe that a per-vote subsidy is appropriate.

Dr. Starke: Okay. Thank you.

The Chair: Thank you so much for joining us here today, Mr. Hamilton.

Mr. Hamilton: Thank you. Thank you, all.

The Chair: And safe travels.

Mr. Hamilton: Thank you.

The Chair: For our second presentation this morning we have been joined by Dr. Ian Urquhart. Thank you. Again, Dr. Urquhart, you have 10 minutes for your presentation, and then I will open the floor to questions from committee members.

Dr. Ian Urquhart

Dr. Urquhart: Thanks very much, Madam Chairman. Good morning, committee members. I'd like to begin this morning by expressing my thanks to the hon. members of this committee for the

opportunity to appear before you today. Your committee's task is as daunting as it is vital to making democratic politics in Alberta stronger. My time with you this morning is short. While I strongly believe in electoral system reform, I'm going to focus my remarks today on changes I hope you'll consider making to the Election Finances and Contributions Disclosure Act, those changes – there are three of them – that I think constitute a minimum.

The first is to strictly limit the ability of corporations and unions to engage in third-party advertising during provincial election campaign periods. Moving in this direction will require you to reduce the contribution limits outlined in the act and, something that we have not done yet in Alberta, introduce spending limits when it comes to third-party advertising.

10:30

The second change: apply a similar reduction in contribution limits to third-party advertising for individuals. All actors, not just corporations and unions, should be subject to lower third-party advertising contribution limits.

The third change is to reduce the individual contribution limits to political parties outlined in section 17 of the act. A concern with corporate and union activity, to my mind, is a proxy for a concern with money in politics. Alberta's regime of individual contribution limits favours wealth and should be changed in the name of increased fairness.

These three changes are what I regard as a minimum. I'd like to see the value of fairness animate other changes that this committee might consider such as the introduction of political party campaign spending limits.

Before coming here this morning, I reread the legislative debates regarding Bill 1 from last June, and I was impressed by the rationales that most parties in the Legislature used when they supported the provision to prohibit corporations and unions from making contributions to political parties. Those commitments were expressed in different ways. Sometimes the prohibitions were justified in terms of keeping big money out of politics. On other occasions during those debates the prohibitions against corporations and unions were seen to strengthen the responsiveness and accountability of parties and candidates to electors and citizens, to that group that one hon. member in the Legislature called "everyday Albertans."

I also was impressed by the recognition on both sides of the Legislature then that the ban on corporate and trade union donations didn't go far enough. As Minister of Justice Ganley said in the Legislature in response to the Official Opposition, "In terms of saying that this legislation doesn't go far enough, I will tell you that the government absolutely agrees." That agreement between governing and opposition parties is why we're all here today.

Why recommend, then, that strict third-party advertising limits be placed on corporations and unions? My reason for this is because I suspect that the ban on corporate and union contributions to political parties will lead these organizations to pursue their political interests through third-party advertising. Bill 1 effectively blocked one road to political influence – namely, contributions to parties – but it left another road to political influence open. That's the road of third-party election advertising. Alberta's election finances legislation still allows corporations, trade unions, and individuals to contribute \$15,000 annually and \$30,000 during an election year to any third-party advertiser registered with Elections Alberta. Between now and the next scheduled election in 2019 a registered third-party advertiser, who could take advantage of this provision in Alberta election law, could build up a substantial war chest to spend on election advertising during that 2019 campaign.

Severing the link between political parties and corporations' and unions' donations while leaving the third-party advertising provisions untouched creates the potential for equivalents of American super PACs, political action committees, to emerge in this province. For those who are interested in fairness and equity, these super PACs are a blight on the American electoral landscape. Why a blight? Because super PACs may raise unlimited amounts of money from corporations, unions, and individuals and spend unlimited amounts of money supporting or opposing political candidates. What makes this analogy realistic and even more worrying is the fact that, just as in the case of super PACs in the U.S. after the Citizens United decision, Alberta's act doesn't set any limits at all on the amount of money that third parties may spend on advertising during an election campaign. What applies to political parties in this province – no campaign spending limits – applies to third-party election advertising as well.

Instead of limits, why not propose an advertising ban for corporations and unions? As the previous presenter pointed out, I believe, a total ban violates the right to freedom of political expression guaranteed by section 2(b) in the Charter of Rights and Freedoms and likely wouldn't be viewed by the courts as a reasonable limit on that freedom. This is the message that the Supreme Court delivered in the decision that was just referred to, *Harper versus Canada*, in 2004. A total ban instead of strict limits would be very vulnerable to a challenge under 2(b) of the Charter of Rights and Freedoms. The court in *Harper* ruled that while limiting the election advertising expending of third parties definitely infringed the right to freedom of political expression, that infringement could be justified, in the Supreme Court's words, as a reasonable limit in the name of these particular, specific terms: "electoral fairness" was mentioned by the court; "a level playing field" was mentioned by the court; and so, too, was "equality in the political discourse."

These references that the Supreme Court made to fairness and equality also figured in last June's debate on Bill 1. When the minister introduced that legislation, she said that the bill would "bring equity and fairness to election financing." This concern with equity and fairness found, then, in both the Supreme Court's decision in *Harper* and the minister's introduction to Bill 1 is why I believe you have to go beyond corporations and unions and impose similar advertising limits on individuals.

For me, the concern with corporations and unions in politics is most often synonymous with the concern about how wealthy interests influence politics. If we're concerned about corporations and unions because of their wealth, then we should be concerned equally about the ability of wealthy individuals to influence unduly the political process. Allowing individuals to contribute up to \$30,000 to third-party advertising campaigns during an election year and spend as much as they want on those campaigns offends the principle of fairness just as much as allowing corporations and unions to behave that way. Corporations, unions, and individuals, then, should be subject to similar restrictions when it comes to third-party advertising.

This brings me, then, to my last recommendation. It's this concern about the undue influence of money in politics that animates the recommendation. Reduce the maximum amounts that Albertans may contribute to political parties, constituency associations, and candidates. I think I'm safe in predicting that none of the Albertans who contributed \$5,000 or more to political parties during the last provincial election would be seen or regarded, according to that term I introduced at the beginning, as "everyday Albertans." I'll bet none of them were university students. I'll bet none of them were single working parents.

If you believe, as I do, that wealth, personal as well as organizational, plays too much of a role in politics and offends values such as fairness, then I'd urge you to amend Alberta's legislation to adopt the contribution limits set for federal political parties. Sometimes Ottawa can do good things. For example, set the limit at \$1,525 annually with respect to donations to the provincial party. Allow another \$1,525 annually to be donated to constituency associations, nomination contestants, and candidates. If you want to address comprehensively the issue of money in politics that Bill 1 started to consider, the federal contribution limit regime provides a good example for you to follow.

Thank you very much for your time this morning, and good luck with this important work.

The Chair: Thank you.

I will open it up to questions at this point.

Mr. Cyr: Good morning. Thank you for coming to present before us. It's great to see that we've got a lot of interest here. I thoroughly agree that these need to be dropped. Now, I brought up other concerns when I was talking about Bill 1, and when you brought up Bill 1, it came to my thoughts that one thing that wasn't addressed in where we were going with this was that we still have the ability for unions and corporations to be able to donate staff, paid staff time, and, say, supplies towards campaigns. What are your thoughts on this loophole to have mass amounts of staff hired to be able to campaign in a direction that is self-serving for the corporations or unions?

10:40

Dr. Urquhart: Yeah. You might get some guidance on that by looking at the federal legislation, at what it has to say with respect to services. While the Alberta legislation talks about, you know, things like property, for example, as I think you're alluding to, there is no mention of services whatsoever in the legislation. The federal legislation will define what voluntary labour is. You might, then, look at that for some sort of guidance about what sort of restrictions you might want to try to introduce to prevent corporations or unions from – I think it was you, Mr. Cyr, who referred to individuals in a law firm who might let their staff go on a Friday afternoon in order to go and work for a particular political campaign. So you might take some guidance from that.

If there are officials from Elections Alberta here, I wonder what they think about the enforcement aspect of that sort of provision. But I think your point is a legitimate one in terms of, you know, what value should be placed – if we're concerned about money in politics, then we should be concerned about the equivalent value of services that individuals provide.

The Chair: Okay. Thank you.

Ms Miller.

Ms Miller: Yes. Thank you for coming, Dr. Urquhart. Could you elaborate more on the necessity of having campaign contribution limits on third-party advertising and on how the current state of the law regarding this matter constitutes a loophole for third-party financial contributions during elections?

Dr. Urquhart: Yeah. When I made my original submission, what animated it and what concerned me was this: clearly, what Bill 1 did was it looked at the ability of corporations and unions to participate in politics and did so by focusing on the donations they give to political parties.

By not doing anything at all with respect to third-party advertising limits, the legislation essentially now has created a situation where

one door has been closed but another one is open. We haven't seen it yet. I mean, if you go to Elections Alberta's website, you will not see dozens of companies or organizations or unions who have registered as third parties under the elections law here in Alberta, but I think the potential for us to see much more of that in the future is there because that one door has been closed. So that's what I meant when I referred to, you know, sort of a loophole, the ability, you know: "You frustrated me. You've blocked one road that I may have preferred to take. Can I find another road to get to what I really value, and that's political influence?" That's where the third-party advertising issue arises.

Ms Miller: Thank you.

Dr. Swann: Thanks for your submission today. We're already aware of advocacy groups growing up: Progress Alberta, Alberta prosperity, I think they're called. These are organizations, I guess, that are actually funded by individuals, as far as we know, but that appear to be associated with particular parties. Currently they cannot donate specifically to candidates and parties because they're not registered to do so, I presume. Do you have any advice regarding the current organizations in Alberta that are set up, presumably, for political purposes but, hopefully, will not be influencing individual candidates or parties as it's constituted today?

Dr. Urquhart: Yeah. Well, thanks very much, David, for the question. I mean, I believe that the way the legislation exists currently will limit those organizations to simply working as organizations through third-party advertising. I mean if the individuals involved in those particular groups want to contribute as individuals to Mr. Cyr's campaign or Mr. Loyola's campaign, they're certainly going to be allowed to do that.

I think a concern I have with this and I don't want to come across as supporting is that I very much want to see individuals participate in politics. I very much want to see that. If individuals are concerned about policies of this government, if individuals are concerned about policy positions of the Official Opposition, I want to encourage them to come out and participate in politics. But, again, I want that participation to be, as the Supreme Court said, closer to a level playing field than what we have currently.

I would love those organizations to go out and beat the doors in Edmonton, Calgary, and across the province to try to get members to support them and their electors to support them in their interests. I think in terms of democracy, party ideology aside, that would be a positive thing.

Dr. Swann: Thank you.

Mr. Cyr: We're seeing a lot more advertising outside of a writ period. What are your thoughts on the influence of third-party advertising outside of a writ period, say, three or four years of big-dollar advertising by third parties, creating influence over multiple years? I would love to hear your thoughts on that.

Dr. Urquhart: The dilemma here is one of – money has always been a part of political expression, and it's always been important in that respect. Where do you draw the line in terms of time, in this particular instance, to say: what happens in this period is okay, but what happens earlier isn't? The real difficulty there is that if you look at the definitions of election advertising or the definitions of political advertising, they are the same as – what would be an example now? – the ads, for example, that unions associated with the Canadian Labour Congress are running currently about the

Canada pension plan. That's political advertising. You could be doing that within an election campaign as well. How do you make that distinction? I think it's very difficult.

I think the courts actually, the British Columbia Court of Appeal, looked at this issue, the issue of trying to extend the prohibition on third-party advertising outside of the electoral period – and I'll have to dig up the reasoning that the court came to for that decision – and struck down that particular initiative by the B.C. government on grounds that it was too great of an infringement on political expression. That was the balance that the court tried to establish in Harper, the balance between allowing political expression on the one hand but realizing that those who are wealthy have advantages over others. I can certainly dig up the reference to the B.C. Court of Appeal case and send it to you.

Mr. Cyr: Thank you.

The Chair: I would just request that you send that to our committee clerk.

Dr. Urquhart: Yes. Absolutely.

The Chair: Okay. Are there any more questions?

Seeing none, thank you so much for your time today, Dr. Urquhart. It's very much appreciated.

Dr. Urquhart: Thanks very much.

The Chair: Okay. Our third guest this morning is Mr. Joel French with Public Interest Alberta and – sorry. Could I get your name?

Mr. Booi: Yes. My name is Larry Booi. I'm the board chair of Public Interest Alberta, and Joel French is the executive director of the organization. We were both going to present today if that's good with you.

10:50

The Chair: Yes. Absolutely.

Mr. French, I'll get you to introduce yourself as well.

Mr. French: Yes. I'm Joel French. I'm the executive director of Public Interest Alberta. Thanks for having us here today.

The Chair: Wonderful. In addition to their initial written submission, Public Interest Alberta has also provided additional briefing documents to supplement today's presentation.

Please go ahead with your presentation.

Public Interest Alberta

Mr. Booi: Sure. As I said, my name is Larry Booi, and I'm also the chair of our democracy task force at Public Interest Alberta. We're an advocacy organization in about nine areas of public interest, but I have to say that stronger democracy has always been very close to our heart.

A previous speaker said that you have a daunting task. I don't actually agree. I think that you have a marvelous and unprecedented opportunity to do something about strengthening democracy in this province, and I really encourage you to see it as that kind of an opportunity. We are cheering for you in getting this thing right, and we have terrific hopes that what's going to come out of this whole process, not just your committee but the work that you're going to do, I think, as champions for democracy as MLAs, down the line is the best hope for the kind of stronger democracy that we've needed for a long, long time in this province. So you're hearing from people who are very optimistic about the work that you're doing.

I'll make some introductory and more general kind of comments, and then Joel will focus more specifically on the two areas that are of considerable concern to you, and that is campaign and party finance and electoral reform. Then I'd like to conclude with a look at a couple of things that provide a frame in terms of the stronger democracy that you're working towards in trying to do something about campaign and party finance and electoral reform.

I'm not going to say very much about the difficult state of democracy in Alberta. A *Globe and Mail* editorial recently said that Alberta did one thing right lately, and that was with campaign and party finance, outlawing of the contributions from unions and corporations. If they hadn't done that, we would have been seen as one of the real laggards in democracy in the country. I don't want to talk about what's wrong. I think it's more important to get a sense of what we need to do to actually get it right. And I don't think that's as much tinkering with legislation as it is trying to strengthen certain kinds of principles that are the essence of a stronger democracy that we're trying to promote.

Specifically, we've talked about guiding principles. Let me say very simply that when we talk about strengthening democracy, it seems to me we're talking about a couple of key things. One of them is government by all of the people equally, that it is a system in which everybody has an equal say, so that's when you get into undue influence from money. You know, you get nervous because it's offending a basic principle of democracy if some people have an undue influence over it much more than others.

A second thing is that it's based really on a combination of majority rule when we disagree and minority rights to ensure that people who aren't on the majority side still have their say in important and effective ways. That really means two things: political and legal equality – and that's absolutely essential to democracy – and the other element is a strong sense of rights related to freedom of expression.

What we've tried to do is outline certain kinds of principles that we hope will guide the many decisions that you're going to be making about the specifics of how to make democracy stronger. For example, we haven't actually specified our view of a particular approach to proportional representation or anything like that, but we've talked about the principle of proportionality, and that is that if majority rule and minority rights are going to be in effect, you've got to have that principle of proportionality and there have to be mechanisms in place in order to accomplish that.

I'll turn it over to Joel now for a look at the two specific areas of concern, two of the four areas that are your legislative mandate. Then I'd like to come back to close with another couple of elements that underlie what I believe it is that all of these parties and all of these MLAs are trying to do.

Mr. French: Great. Thank you, Larry.

I don't know if you have the printed copy of our submission in front of you at the moment, but I'm going to start on page 3 of it and just walk through and give a little bit more detail on section D of our submission, and I'm happy to answer any questions if I leave out any details that you're wondering about.

The first is on campaign and party finance reform. We strongly believe that there needs to be lower contribution limits. I know that we heard similar views from Mr. Hamilton and from Dr. Urquhart prior to our presentation. We believe that the principles of the federal legislation around contribution limits are strong ones to follow. The current limits of \$1,525 to a party, \$1,525 to a riding association or a candidate, and \$1,525 to a leadership campaign are ones that, perhaps, at our smaller provincial level may even be a little bit too high.

I think it's important to point out that there are provinces that have lower limits as well. In fact, the province of Quebec is the extreme in the other direction, where the limits are \$100 per year. I think that we need to look at the lower level rather than the higher level. Certainly, the current amounts of \$15,000 in a nonelection year and \$30,000 in an election year are far, far too high. It's absolutely essential that that limit be extremely lower than it is today.

We strongly believe that we need campaign spending limits. We are one of, I believe, two provinces in the country that currently do not have campaign spending limits, the other being Prince Edward Island, which, of course, is on a much smaller scale than we're dealing with here. There needs to be limits regarding election spending by both political parties at the central level and by candidates in specific constituencies. I'm sure you all know about how wide the variety of election spending is between candidates. Most often the ones who spend the most get elected or certainly have that kind of influence. That's not always the case, as we saw in this last election, but certainly it tends to be the case most of the time.

There also needs to be stronger regulations on leadership contests within parties and constituency nominations. We have very few regulations on those now, particularly compared to the federal level. We currently don't have any limits on donations to leadership campaigns – and that's something that needs to change – or spending limits on leadership campaigns. So those are things that certainly need to be addressed.

We need much stronger disclosure of campaign contributions and spending, including pre-election reporting. We actually do okay to some extent with that in Alberta, but it needs to become stronger.

Lastly on that issue – and this is an issue that I know is outside of the piece of legislation you're looking at in this regard – is extending the principles of all of these things that we're talking about as well as the ban on corporate and union donations to the municipal level. We're hoping that, even though it's not in this committee's mandate to look at the piece of legislation that concerns that, the committee makes a recommendation to the Legislative Assembly when it reports back to consider the same principles being applied at the municipal level.

Secondly, on the Election Act, when we're talking about the voting system, Larry already talked about the principle of proportionality, which is one that is largely absent in the system that we have today. It's one that's absolutely essential. The current system that we have produces what we call false majorities, where majority governments attain power without getting the majority of voters supporting them. It also results in wasted votes, where a voter's vote for a candidate does not contribute to any candidate winning. It's an absolutely essential thing to ensure that voters' votes are meaningful, and that's likely to increase participation in the system. Ensuring that maximum voter choice is there and that there are minimal wasted votes is absolutely essential, and we would love for the Assembly or for the government to really launch an ambitious process to look at how we can make our voting system more fair.

The last thing that I'm going to mention is electoral districting. I know that's another piece that you're not specifically looking at here, but I think it is one that's in line with the principles that we're talking about and the principles that you've been given when looking at these pieces of legislation. Currently the rule that there can be a population variance of 25 per cent above or below the average number of voters in a constituency is absolutely unacceptable when we should be in a system where voters' say is roughly equal in elections. It's one that we suggest should be at a maximum

of 5 per cent variance, so constituencies should be much more similar in population count than they are now.

Those are the specific pieces that I wanted to talk about. I thank you for your time, and I'm going to pass it back to Larry for a concluding remark.

11:00

Mr. Booi: Much of what you've heard as a committee, it seems to me, is an attempt to prevent bad things from happening, to prevent undue influence, and I guess we really hope that as Members of the Legislative Assembly as well as members of this committee you look at, in addition, how we can strengthen democracy by fostering stronger citizen engagement and the kind of influence that really does reflect all the people. You only get that kind of engagement if you structure it and if you support it and you make it happen.

With most people, being a citizen is being a voter. Every four years or so you trot out and you cast your ballot, and you've done your duty. Then, you know, they put you back in some earth like some political Nosferatu, and then you come back four years later, and that's it. That's your role as citizen. But it seems to me that really strong democracy is based on active citizen and civil society engagement in decision-making and governance, and the only way that's going to happen is if people in the Legislative Assembly, in the government find the ways to foster it. Otherwise, it just isn't going to occur.

I know that that's beyond the immediate purview of this committee, but it's not beyond the purview of you as MLAs in parties and as people who are responsible for legislation and programs. We've given you two examples of: if you're serious about genuine, effective citizen engagement, how do you do it? One of them is from the Organisation for Economic Co-operation and Development, and they've laid out for countries and jurisdictions that are interested a 10-point foundation for what you do if you really want your citizens and civil society groups to be engaged in decision-making and governments and, by the way, in helping you to make smarter decisions that really reflect what people out there want.

A second one is by Tyler Knowlton, a paper about engagement, and it says: what do governments and Legislatures have to do in order to structure that? He has a really interesting approach of decentralizing that to ministries and the role of MLAs and, at the same time, a role at the centre to make sure that that is happening not just incidentally but all over.

I guess we'd be delighted to answer any questions, but I do encourage you, once this committee has done its work, to look beyond it and to make recommendations that will strengthen democracy in every possible way. I'll tell you that you will have left a legacy to the people and to the citizens of this province that's probably unparalleled in the work that any other committee is going to do. We're behind you in your work, and we'd be delighted to discuss anything that you'd like to discuss.

Thank you very much.

The Chair: Thank you very much.

With that, I will open it up to Mr. Clark.

Mr. Clark: Thank you very much. Thank you, Mr. French and Mr. Booi, for being here. I really appreciate your contributions, and I especially appreciate you sharing the information with us on the OECD and the Knowlton studies. I found those very interesting and look forward to seeing what we can do and even, in just reflecting on my own role as MLA in my own constituency, to how I can use some of those principles. I think that's very worth while, and I thank you again for that.

I do have a question. Mr. French, you had suggested that the 25 per cent variance between constituencies was too much and that a 5 per cent variance would be more appropriate. The Supreme Court of Canada, however, has said that 25 per cent plus or minus is okay to accommodate differences in simply geography. I can tell you that the challenges that I face in an inner-city, urban constituency are quite different than those that my colleagues in rural constituencies face just simply in terms of being present. Now, while I think that social media and technology may allow us to bridge some of that, I guess I'm sensitive, having now been in this role for a year, to understanding what the job really is and some of the challenges presented by geography, especially in a province like Alberta. I guess my question to you is: do you think the Supreme Court of Canada is wrong in their assessment that 25 per cent plus or minus is appropriate?

Mr. French: A good question. I mean, I haven't seen the specific opinion that you're talking about, but it sounds like the court is saying that it's not unacceptable for a province to do that. I don't think they've said that 25 per cent has to be the amount. In fact, the federal variance is 10 per cent plus or minus, so at the federal level we already have something that's much different than where we are today. We also have, I would keep in mind, 87 MLAs at the provincial level here, and if you want to compare that to the federal side of things, we have 34 Members of Parliament in Alberta.

The biggest difference, I would say, is that federal Members of Parliament are actually given more resources. That's something we can do, and I think that to some extent we already do. I know that some of the MLAs in rural areas have multiple offices, which urban MLAs typically couldn't afford. Part of that, I know, is rent costs, but there are ways beyond – I mean, social media and electronic communications are a part of it, but also providing funding and making sure that the supports are there is really important for MLAs that have a larger geography. I think there are ways to accommodate rural MLAs to ensure that they can do their jobs effectively without, I guess, tipping the balance for voters and making votes in rural areas and less populated areas worth more than votes in urban areas.

Mr. Clark: Thank you.

Mr. Booi: May I add one quick thing to that? It's a question, it seems to me, of what price you're going to pay, and the price we're paying right now is 14,000 voters in one constituency and 34,000 in another. That's starting with a 25 per cent variance on either side, and then it gets far worse over time. So the price that we're currently paying is a big democratic price, where basically the vote in one place is worth about three times the vote in the other.

The other approach is to pay a money price to help MLAs effectively deal with the unique characteristics of their jurisdiction. It seems to me that I'd far rather pay public funds to help you people do your important work out there in connecting with all of those people, and if that means a lot more resources and a lot more assistants, I'll pay that price over subverting the principles of democracy by having votes so dramatically worth more for one than the other.

The Chair: Thank you.

Mr. Nielsen.

Mr. Nielsen: Thank you, Madam Chair. Gentlemen, thank you for being here. Thanks for your submission to the committee.

Mr. French, you had mentioned some different numbers with regard to campaign contributions, financing limits. You brought up a couple of different numbers. Is there a specific number that you

might want to maybe put out there that you think would be appropriate in terms of limits for Alberta?

Mr. French: We haven't suggested a specific number. What we've talked about is how the principles around the way that the laws work federally are a model to follow. We would suggest that the limits be lower than what the federal limits are, which currently are, I guess, in total, if you include party leadership races, about \$4,500 for an individual. I would suggest that the committee and the Legislative Assembly should be looking lower than that amount, but we haven't specified a specific amount.

Mr. Nielsen: Okay. You know, you mentioned I think it was Quebec that had that very low number. Are you leaning more to that end?

Mr. French: We haven't specifically said \$100 a year. But the principle that most Albertans be able to afford the limit: I think that's what we want to look at. The previous speaker, Dr. Urquhart, talked about how everyday citizens need to be the focus. I think that the everyday citizen needs to be able to afford the amount that you put in as a limit.

Mr. Nielsen: Okay. Thank you.

The Chair: Is there anyone on the phones that would like to be added to the speakers list?

Dr. Swann: Yes. Thanks.

The Chair: Thank you, Dr. Swann. Go ahead.

Dr. Swann: Well, thank you, both, for a very rich discussion and the wonderful material that you shared with us. I guess I have two questions. One would be: what's your preference around the proportional representation forum in which we could make decisions about a different electoral process? I'll follow up.

Mr. French: Sure. In our submission we talked specifically about the principle of proportionality. We've done a little bit of work on what those systems could look like, but there's been a lot more work done by organizations like Leadnow and Fair Vote Canada, that specifically look at these in a lot more detail. I think the two major options are single transferable vote and mixed-member proportional. Either of those, I think, can accomplish the principles that we've got here. I wouldn't specify one of those two, but I would suggest that both are worth looking at. Also, there needs to be broad agreement within the province before we move to such a system, so we really believe strongly that a process should be launched where Albertans are really broadly consulted and brought into this discussion to decide how these principles can be reflected in our electoral system.

11:10

Dr. Swann: What do you think we can learn from the approaches of both Ontario and B.C. as they try to bring in a proportional system?

Mr. Booi: I think they were orphans, you know. I think that once a proposal came out, everybody kind of walked away and said: fly, be free; good luck. I think that if you really engage people around the province in a systematic discussion, you're going to find that they'll recognize the trade-offs – by the way, all of this is about trade-offs – and I think something will come out of that process. Then once something comes out of that process, I think people have to really get behind it and not just wish and hope that something

good will come. Deliberative dialogue is fundamental to democracy. This is a perfect opportunity to treat citizens as more than voters and to engage them in that kind of deliberative dialogue. That kind of process would be helpful.

Dr. Swann: Thank you.

The Chair: Mr. Cyr, I'm just going to let you know that we're coming close to the end of our time now, so just keep that in mind.

Mr. Cyr: Fair enough.

I really appreciate you guys coming. It brings a perspective to really consider. The campaign spending limits that you're proposing here: I guess I don't agree with your summation that the people that spend the most are going to win. This last election is a good example, where we had colleagues from the government that spent less than \$2,000 on their campaign and were able to take out sitting government ministers at the time. How is it that you feel that this is going to help when we've just had an example where putting restrictions on this probably wouldn't have helped that even if they had spent a million dollars in their riding?

Mr. Booi: Our assumption was not that the people who spend the most win. The assumption is based on fairness and equity and that you shouldn't have the possibility of putting excessive amounts in and making a difference. It's not based on any assumption of a one-to-one connection.

I guess the question that we would raise is: why should we open the door to money possibly buying an election? I think the reason that other provinces have come to a conclusion of putting in these spending limits – and they've been in place for a long time and in the federal government – is very simple. In terms of fairness and equity we've heard a lot about levelling the playing field. Spending is as much a part of the playing field as raising money, so we need to deal with both.

The Chair: Thank you very much for presenting to us today, Mr. French and Mr. Booi.

Mr. Booi: Thanks very much.

Mr. French: Thanks for your time.

Mr. Booi: Good luck.

The Chair: At this time I will invite Fair Vote Alberta to join us.

From Fair Vote Alberta we have Thomas Boyce and Elizabeth Reid with us here today. Thank you for joining us. Go ahead when you're ready.

Fair Vote Edmonton

Ms Reid: Thank you very much for having us. We really congratulate the committee on the work that you're doing. You have an immense mandate. We only want to address one of the pieces of the huge mandate that, in fact, your committee is doing. We do want to congratulate you on the depth and the breadth of what you're addressing here. I agree with the previous presenters that this is a wonderful, exciting time for what can happen in Alberta.

We are from Fair Vote Canada, which is a national, grassroots, multiparty, multipartisan organization, and we represent the Edmonton chapter, Fair Vote Edmonton. What we want to address is the actual voting system. We have a website, by the way, Fair Vote Canada, which has a lot of detail, as was referenced by the previous presenters, that talks about the different types of systems.

We are here to speak specifically to the issue of how we elect people. I'll turn it over to Tom for that.

Mr. Boyce: Thank you. Proportional representation is the principle that in an election parties should gain seats in proportion to the number of votes cast for them. As Liz has said, there are various electoral systems which do embrace this system. It is important for Alberta to choose a proportional system because proportional representation will improve our democratic system, making it fairer and better for Albertans. Now is an excellent time to take this step, and Alberta has the opportunity to become a leader for the rest of Canada by embracing proportional representation. We are here today to recommend that this committee call for a commission to examine electoral reform and determine which proportional system is best for Alberta in particular.

The reason Alberta needs a proportional electoral system is because we believe that a fairer democracy is a better democracy. Proportional representation could make our elections significantly fairer. First past the post, our current system, doesn't take into account the popular vote. Another problem is that small differences in how many votes parties receive can lead to vastly different amounts of seats in the Legislature. This can create very unfair distortions, and in some cases under first past the post parties can even win more seats with fewer votes.

With proportional representation parties win a share of the seats that matches their share of the votes. This ensures that power is distributed according to the will of Albertan voters. Proportional representation means that every vote is equally effective. In our current system a large portion of voters, and often even a majority of voters, are not represented by the party for which they voted. In some cases even more than two-thirds of voters in a riding will have voted for someone other than the winning candidate. These Albertans are effectively disenfranchised by first past the post, and their voting is no more influential than had they not voted at all. With proportional representation every single vote would go towards electing representatives to the Legislature. It gives voters the right to be represented by whom they voted for, and it also gives them the freedom to vote for whomever they want without having to worry about voting strategically to ensure that their vote counts.

In 2004 the federal Law Commission examined various electoral systems and measured which ones were most effective at promoting our democratic values. The commission found that proportional systems performed much better than first past the post across multiple measures such as ensuring that both the government and the opposition are effective and accountable. Proportional electoral systems are significantly better than first past the post at protecting our democratic rights.

Importantly, proportional representation is also better for Albertans. One way is that it would help Albertans to avoid unnecessary, costly elections when either a minority government falls or a majority government calls a snap election. Under first past the post minority governments are always unstable because all the parties are interested in trying to win a majority in the coming election. On the other hand, majority governments can call opportunistic elections to try and consolidate their power. Proportional representation avoids both of these scenarios. Majority governments can still be elected with proportional representation but only if they have a majority of the support of voters. That means that minority governments aren't inherently unstable, and it also means that majorities can't capitalize on small changes and won't call snap elections. Surprisingly, most democracies have elections less often than Canada does, and they have proportional representation.

Another way that proportional representation is better for Albertans is that it leads to policies and legislation which are more in line with public opinion and thus closer to what Albertans as a whole want. Legislation created under proportional representation lasts longer and is changed less frequently. What this allows for, then, is that government is much better at long-term planning and forethought than under first past the post because legislation is more stable. Long-term planning also means greater accountability and fiscal responsibility. Proportional representation actually means that governments are more likely to run budget surpluses than those under first past the post.

It's clear that proportional representation serves citizens because people living in countries with proportional representation are highly satisfied with their electoral systems. New Zealand, for example, used to use first past the post and voted in 1992 to change to a proportional system. In 2011 they held another referendum, and even more people voted for their current proportional system than in the first election. Ireland has also voted in favour of keeping their proportional representation system in two separate referenda.

Now is the time to bring proportional representation to Alberta. Canada as a country is discussing electoral reform right now, and citizens are engaged with the issue. The federal government is reaching out to citizens about electoral reform, and Alberta should be doing the same. Alberta has even changed its electoral system before. The current system has only been in place for 60 years, and before that we had a mixed system with ranked ballots in the rural areas and in the cities' multimember districts.

11:20

Alberta today has the opportunity to lead the rest of Canada in moving democracy forward. We can improve equality between our citizens by creating a proportional system where every voice will be heard and every vote counts. We've been leaders before, and we can be leaders again.

In conclusion, we ask that you create a commission to research and recommend a fairer and more democratic electoral system for Alberta. Thank you for hearing us. We welcome your questions.

The Chair: I'm going to open up to the phones to see if there's anyone there that would like to be added to the speakers list.

Dr. Swann: Yeah. It's David Swann. Thanks.

The Chair: Okay. Dr. Swann, I'll let you go ahead.

Dr. Swann: Well, thank you both for joining us. You made a great contribution, and you're a very persistent voice in Alberta, which I'm very grateful for. We did have, as you indicated, some form of proportional representation up until 1959. There's lots of evidence for how it would increase engagement and people's trust in the process and, in my view at least, start to get to greater accountability with elected representatives and government.

I'd like to ask you to comment on the failed processes in B.C. and Ontario and talk about what you think we should be doing differently if we were to move along this direction.

Ms Reid: Well, I'm still angry, I think, about what happened in B.C. A government that was elected with less than 50 per cent of the vote demanded a 60 per cent acceptance – how absurd – and they missed that 60 per cent yes vote by two point something per cent. I mean, the process that happened in B.C., I think, was a good one and interesting for the time in that they engaged citizens very broadly in the province, but I think I'd agree with Larry Booi that, really, they were left out, if you like. The media decided in Ontario that they didn't like it, and that was basically the end of the

discussion. I also think that in Ontario the resources weren't there to do the research, which the British Columbia example had.

I've been engaged in looking at and wishing and hoping that we would have a more proportional representation electoral system for more than 30 years. I'm excited to be a part of a current Fair Vote group in Edmonton here, that's full of young people with dark hair, unlike mine. If we want to engage the younger population – they care about this issue. They know what we have now isn't fair.

I'm sorry, Dr. Swann. I've gone a little bit away from what your question was, but I think that the timing is really important. We don't have to repeat what other provinces did.

When New Zealand started – I first heard Marilyn Waring, a Member of Parliament from New Zealand back in the late '80s, talk about the process they went through there. It took them three federal elections, and then, as Tom mentioned, 20 years later they voted in favour of reaffirming the change that they'd made. Let's not take three general elections to make these changes. Let's make a change, show some leadership because you're doing that now. We can look at it again, you know, in the next election to see if people like it or not. Let's take the bull by the horns and do it.

The Chair: Member Connolly.

Connolly: Thank you. Thank you very much for coming today. We really appreciate it. As someone who has studied other types of governance, especially in Scotland, where they have mixed-member proportional, it's really interesting to see another side.

While you were addressing how proportional representation allows equal voice for all citizens in your submission, you mentioned that proportional representation encourages individuals to be active and engaged in the political system. Could you explain how this comes about?

Ms Reid: Hmm.

Connolly: It's kind of a very broad question.

Ms Reid: Yes. Indeed. How does that come about? Well, I think the first way it does is that people don't feel their vote is wasted. I thought I would die before I would see a change of government in Alberta. I thought the day would never come when we would talk about proportional representation in Canada, let alone in Alberta, and here we are. We're doing it. I think it's about engagement, and it's about all kinds of more people getting involved, never having to vote strategically again. I voted strategically my whole life. I'm tired of voting strategically. I want to vote for the person that I want to represent me. I think citizens will feel engaged if they know that their vote is going to count. Like Public Interest Alberta's presentation just before us, you know, it means that our vote will count. It won't be something on the side.

Now, as for which system we need, I think that's why and that's why Fair Vote Edmonton has asked you for a commission to do this. You have a huge mandate that is looking at very important issues, like the finance issues that have been addressed by previous speakers and so on. We applaud that and are behind you a hundred per cent, but on the specific issue of how we vote, it's complex and it needs to engage citizens, as Larry Booi just said. So that's why we're suggesting, maybe call it – I don't know what you want to call it, but if it could be a commission or a subcommittee of this committee that has the specific and only task of engaging Albertans with: how do electoral systems work?

Eighty-five per cent of OECD countries use proportional representation. All new democracies bring in one form or another, designed for their country and their region. Because nobody looks

like Canada with a small population and the huge land mass, we have to design one that works for us, and we need to talk about that. So that's why we're suggesting that a commission would help take a load off, that you already have very heavy for this committee, and make sure that this specific issue is addressed in a timely way so that we can go into the next election along with the federal government, apparently, with a new system. Does that answer your question? I'm sorry.

Connolly: Yeah. It's quite all right. Thank you.

Ms Reid: I mean, we have to try it because what we're doing now is getting less and less and less people involved.

Connolly: Yeah. It's interesting to me because even in the previous election, we would have had a different Official Opposition if we had proportional representation.

Ms Reid: You can look at pretty well any Legislature or House of Commons and most of them are very screwed. They do not represent what the people voted for.

Connolly: Well, thank you.

The Chair: Thank you.

Mr. Clark: Well, thank you very much for being here. I have a couple of questions. Hopefully you can answer them briefly. Under your first bullet under better for Albertans – and you referenced it in your presentations – you've said, "countries with PR have elections less often than Canada." I'd appreciate it, perhaps, if you can reference the specific studies. That just seems to strike me as not – you know, one of the arguments for the first past the post is that it is more stable, therefore we have fewer elections. I'd be just interested, you know. Either if you can quickly reference it or perhaps just submit it through the committee chair to distribute to all members, I'd appreciate that.

Then, what is your opinion on the mechanism through which we would change the electoral system? Should there be some sort of commission that is struck? It makes a recommendation? Do you believe that Albertans should vote in a referendum on change to the electoral system, or is that something that should simply be imposed?

Mr. Boyce: To address the first question, the reason we bring it up is because it is counterintuitive that Canada has more elections than other countries. One of the arguments for first past the post is often that it's supposed to be a more stable system. But what we see is that, as I mentioned, with the existence of minority governments and the looming possibility of parties winning a majority in the future, any time governments aren't able to win a majority government, we get a government that can fail at any time and we see elections coming sooner. Something that's more common in Alberta, but also common federally in Canada, are these majority governments who can call snap elections to capitalize on small changes in support.

As I said, under first past the post, a small change in the percentage of the vote that a party can receive – or if they're in government, not in an election, a small change in polling can translate to a drastic difference in the amounts of seats, and that creates a huge incentive for majority governments to try and consolidate their power. If they see that they can go up 2 per cent and suddenly swing from a small, bare majority to a huge majority, it's just – you know, it almost seems to make sense from their perspective to call that.

So what we see under Canada is that even though we have this system that seems more stable, because of these inherent problems, we regularly see elections come sooner than they should. That translates to Canada in general having more elections than countries that do not elect majorities and minorities, countries with proportional representation.

11:30

Ms Reid: The source of that we will send on to you, unless you have it on the tip of your tongue.

Mr. Clark: Yes. Absolutely. I don't have it on the tip of my tongue, no.

Ms Reid: But it's certainly on the Fair Vote website that we have. Your second question?

Mr. Clark: Referendum: whether or not a referendum is required for a change.

Ms Reid: Ah, yes. Well, for a long time I thought that was the route to go. I'm getting impatient. It's not a constitutional change that we're asking for. Entering the 21st century, where most democracies have proportional representation in one form or other, I would say: let's research it. There are lots of good folks around who have a lot of detailed information about this. Let's take a stand and propose something different.

We had it different before, as was mentioned earlier in Tom's presentation, so I think we can come up with, you know – we have the recommendation of the Law Commission of Canada. We know, as was mentioned earlier, that mixed-member proportional is what they recommended for Canada, not for Alberta. Then, the single transferable vote is what we had in Edmonton and Calgary previously, as Dr. Swann mentioned. I think the choices are that we need to fine-tune them for Alberta, and we need to do it, and then we can vote on it afterwards.

So I guess I would have to say: please, let's not wait. Let's do it. Let's do the research. We have time before the next election.

Mr. Clark: I guess my question, then, just as a quick supplement, if that's all right, Madam Chair – it was changed before to satisfy the interests of the government of the day.

Ms Reid: Apparently that was the situation. It benefited the Social Credit to put us into first past the post for the 1959 election, and so they did it.

Mr. Clark: I guess I'm just curious. Is there a risk that it's perceived as the same thing here, should we not take it to – I mean, to me it feels like a bit of a disconnect. We're changing a fundamental tenet of democracy, but we're not going to use a democratic mechanism to do so. I'm just curious on whether you feel . . .

Ms Reid: Well, we know that – sorry; I should not have interrupted you – most democracies use some form of proportional representation, and they have to be different according to the country and the region and so on. You folks have the expertise. You've been elected. Let's put something in place. If it doesn't suit the electorate, they will tell us.

The Chair: Thank you.

Mr. Cyr: Just a quick question. You continue to say that most democracies in the world use proportional. Is there some reference that you can give us that we can . . .

Ms Reid: OECD.

Sure. We'll get that to you. I mean, we know that Britain, the United States, and Canada use first past the post.

Mr. Boyce: And Australia.

Ms Reid: In part.

Mr. Boyce: In part. Australia is complicated.

Ms Reid: Yes. You know, most of Europe, the countries that are the most satisfied when they do those human – sorry?

Mr. Cyr: You're basing this on only Europe, more or less, which seems to be failing with a lot of its, I guess, economies right now?

Ms Reid: Sorry; I don't understand the question.

Mr. Cyr: Their economies are in trouble with debt and being overleveraged right now.

Mr. Boyce: The problems that we see in many European countries are not only limited to those countries as well. If we include Britain as a part of the European sphere, they are seeing similar issues as part of the European Union. Britain has a wholly different electoral system, which is similar to ours.

Mr. Cyr: Fair enough. I was just wondering, though, because you continue to use the word "most." I just would like some sort of reference because I just know . . .

Ms Reid: Well, the stronger democracies in the world that are more representative of their people: many of them would be in Europe.

Mr. Cyr: Thank you. Thank you very much.

Mr. Boyce: We can find detailed information about who does and doesn't and submit that to the committee as well.

The Chair: If you would direct that towards the committee clerk when you have that prepared for response, that would be great.

Ms Reid: Thank you very much.

The Chair: Thank you.

Just a note for those on the phone that the group also provided a handout, which has been distributed to the room, but it's also been posted to the website now.

Thank you so much for your time.

Ms Reid: Thank you very much.

Mr. Boyce: Thank you.

The Chair: We are going to be doing a video conference for Dr. Trevor Harrison. For our final presentation today we have Dr. Trevor Harrison with the Parkland Institute, who is joining us by video conference. A handout with slides related to this presentation was distributed to committee members earlier this week. Thank you so much for joining us this morning, Dr. Harrison. Please proceed when you are ready.

Parkland Institute

Dr. Harrison: Yes. Thank you very much. I want to thank the committee for the invitation to speak today. Parkland Institute and myself personally have been very much involved in discussing issues of how to better improve democratic processes and,

particularly, electoral reform for some years now. Today I'm going to speak on four issues. They're all related in some fashion: limits on party financing; limits on third-party spending; term limits; and proportional representation, which I understand you've already had some presentations on. These issues, I think, are connected in various ways.

If I was to say that there's something that ties together virtually all of them and especially those that deal specifically with finances, it's the concept of how we actually view the notion of political voice. On the one hand, you can look at political voice as something that is a kind of purchasable commodity as you would see in the marketplace. You buy apples or oranges. Can you also acquire more political voice based on the amount of money that you have? That's one approach. The other way, which is certainly established in notions of democracy going back 200 years, is the notion of equality. Every voice is equal, and instead of one dollar, one vote, it's one person, one vote. So you have two very different ways of thinking about what we mean by democracy.

What I'm going to speak on first of all is a presentation, a submission that we made, actually, on limits to party financing, that we submitted earlier this year. The bulk of my presentation is going to deal with that.

If we think about party financing, there are two ways of looking at it. Again, two sides will either oppose or propose changes to the limits of party financing. Probably most people are agreeing that there should be some kind of limits, but the question, then, comes down to what those limits should actually be. The argument against any kind of limits whatsoever is that it hinders participation. By putting limits on, some people are not going to be able to participate or participate as fully as they would. There's also an argument sometimes made that having some kind of financial limits actually protects the incumbents because incumbents already have a certain status, a prestige in the community by being elected, so it prevents challenges to them. Another argument is that it encourages a lack of transparency, that if people are limited in some fashion to provide money, they will find other ways around this. The final one is an argument that contributions in and of themselves are not necessarily about influence; it's just simply that people want to be good citizens and provide money.

My own view and our submission from the institute is that these arguments actually are not terribly strong when you look at them and that the arguments for limits are in fact much more cogent.

The argument in favour of some kinds of limits is that it in fact encourages participation. People feel, then, that their voice is in fact equal to other voices in the political sphere. It actually does limit the advantages of incumbency because incumbents and the parties that they represent are much more likely to attract financial donations than those parties that are challengers. At the same time, if not sufficient in protecting democracy, some kinds of limits on financial donations do protect against the excessive influence of the wealthy.

11:40

Finally, there's the very real issue of how democracy is perceived in the general public. We see considerable discontent in Canada and elsewhere that the system seems to be rigged in favour of the wealthy, and by putting some kind of limits on financial donations to parties, it protects both the real and perceived integrity and legitimacy of the political system itself.

One of the things that we actually did in looking at this was that we wanted to look in very empirical terms at what would be the effect on the three major parties in Alberta. Certainly, some parties would be affected more by limits, depending on where those limits were set, than other parties would be. Frankly, I think this is really

irrespective of the arguments. The arguments here are to protect, in fact, the system as a whole. We don't know from election to election how parties are actually going to stack up in terms of the contributions they receive. Certainly, in terms of empirically looking at it, we did want to look at where contributions actually do fall for the three major parties in the province. Again, some parties clearly are favoured by higher limits for individuals than are others.

Because we've already made that submission, given the amount of time here I'm going to actually move to some of the other points I want to make today and leave the committee to feel free to ask questions on that submission itself.

The second thing I wanted to talk about today is limits on third-party spending. As much as we attempt to provide limits on financial donations to parties – that is, formal financing for parties – the fact is that we exist in a society where there are great differences between the very wealthy and the poor, and the particular corporate and some individual donations or contributions may be larger than others. We can see this quite often in terms of, for example, media support for parties during elections. The media is a corporately controlled entity. This also goes, I should say also, for union donations in various provinces as well. The power and influence of various corporations are enormous, and what we see at a lot of places is third-party spending being quite excessive. I think that to protect democracy in general, we need to think about some kinds of limits on the amount of third-party spending that can be made in Alberta as elsewhere.

One of the suggestions that I'm making here is that in Quebec the limit is at \$50,000 per corporate entity, whatever structure that is. The amount is obviously something that is up for debate, but again I want to simply put on the radar that it is important to think about third-party spending because if you simply limit the amount of contributions that are made to parties formally, this ignores a large portion of the way electoral systems operate.

The third thing I want to speak about briefly is the notion of having some kind of term limits for people who are elected to office. In the many years that I've actually studied elections in Alberta and at the federal level, one of the things that strikes people is that there are a lot of people who are elected perpetually, three, four, or five elections in a row, and this has to be attributed not just simply to their enormous skills or abilities but quite often to the simple power of incumbency.

Every democracy needs some kind of system of renewal, and bringing new people into the system, it strikes me, is a useful thing in any democracy. I do, however, note and recognize here that it would be very difficult for political parties and particularly for the leaders of parties that are in office to be switching leaders all the time based on some kind of incumbency. So even as I speak for some notion of term limits, I do think it's important that that be taken into consideration as well.

The final thing, that I'll speak about just briefly – again, this has been talked about, I know, by other presentations to the committee – is the need for some reform that will bring about proportional representation, some form of proportional representation in Alberta. The system as it currently stands, the first past the post system, creates false majorities and is quite often open to abuse. In fact, one of the things that we've seen in recent years is an increased propensity on the part of parties in office who have less than a majority to, if I can put it this way, play to their tribe and essentially game the system in the belief that 38 to 40 per cent of the vote is all they really need to run the show. They tailor everything to their particular constituents, ignoring everybody else. It's not only a false majority, but it's very much one open to abuse.

The current system also discourages smaller, new parties from getting established. Again, in any democracy you need a system

where there are new ideas that come along, new challengers to pre-existing power structures and ways of doing things, but the current system does not allow for that.

The current system also reduces the number of voices engaged in decision-making. In fact, it tends to favour elites. One of the things that is often said is that it discourages participation on the part of people who feel simply that their voices are not going to be heard. As has been mentioned, I think, most Western democracies, certainly the democracies in Europe for the most part, excluding the United Kingdom, whose system is very much similar to ours, most of those systems are operating on some kind of proportional system. The one I'm familiar with, that comes top of mind immediately, is in Germany, where if you get 4 per cent of the vote, after that threshold you are allocated a certain number of seats. A similar kind of thing exists, as far as I know, in every other European country as well, certainly in western European countries.

With that, I'm going to close my submission here, and I welcome your comments and your questions. Again, thank you very much for being able to present today.

The Chair: Okay. Mr. Shepherd.

Mr. Shepherd: Thank you. Dr. Harrison, thank you for joining us, particularly given that this is the first video conference, apparently, to take place in this area.

Dr. Harrison: I'm so glad it worked well.

Mr. Shepherd: Absolutely. It seems to be running smoothly, and thanks for being part of that moment in history.

I appreciated your thoughts on the pros and cons of limiting contributions. I was wondering if you could expand just a little bit more on how limiting contributions would contribute to the equality that you were talking about, especially in terms of, I guess, trying to increase transparency in the system.

Dr. Harrison: Yeah. I think there are a couple of things there. One, certainly, in terms of going forward in the elections, you actually are creating more of a level playing field, where one party does not have an excess amount of financial ability to sway the voters. The other thing, again, is that I think it adds to the sense of legitimacy of the system as a whole, that people believe, then, that there is a kind of equality across the participants in the election and that no one party has dominance.

One of the things that I have to say is that the current government, when it came into office last year, made, I think, some very valued changes in terms of getting rid of corporate and union donations. I think that was a very, very positive move because, having looked at contributions in Alberta for decades, it was quite clear that the dominant party had an overwhelming financial advantage over the other parties, the challengers. However, I think that that move, as good as it was last year, again, ignored a very important aspect of the financial inequality of the system, and that is that some individuals still are able to contribute at very, very high levels compared with others, certainly above the average of what most regular Albertans would be contributing.

11:50

The Chair: Before I go to Mr. Clark, I'm just going to see if there are any questions on the line, any speakers that would like to be added to the list.

Okay. Mr. Clark.

Mr. Clark: Thank you very much. Dr. Harrison, I appreciate you being here. As the lone representative of one of the smaller parties

that is new in the Legislative Assembly, small but mighty and growing very, very, very quickly, I guess I'm curious, speaking from my, I suppose, somewhat unique perspective. When you talk about the current system discouraging smaller and new parties from being established, I believe there are really two ways of doing that. Frankly, the ability that we had to focus on one constituency, have success there through a strong connection to local community, and grow from there is, I actually think, a better way of establishing a smaller, local party because if we had to run a province-wide campaign, we simply didn't have the resources to do that. So we made a strategic choice. Now that we're here in the Legislative Assembly, we have an opportunity and a platform to then grow from that point. I guess, really, I'd appreciate your comments on that.

I do have a second question. Perhaps I'll let you comment on that and then ask a supplemental, which is related but slightly different.

Dr. Harrison: Yeah. Two things. There's certainly nothing inherent in the fact that a new, small party trying to get off the ground should also concentrate its abilities at the local level. You know, we know that voters tend to look at their local representatives very seriously as well, so that's a good way to start.

At the same time, any party that hopes to challenge at the provincial level, to actually form a government faces that problem eventually, that they have to become a provincial party. One of the things that goes against smaller parties trying to get going is that the default position for a lot of voters is: well, why should I vote for them, because they aren't going to actually be able to make the changes I want anyway? I think that a new party trying to get off the ground is always faced with those two things, starting out small, trying to get name recognition, but at the same time realizing that a lot of voters are simply going to say: well, it's a lost vote because they can't really do anything.

One of the changes, the effects of a proportional system is, again, the fact that a small party trying to get off the ground has the ability, then, at the same time as it's trying to build a local constituency to actually get a wider profile. Say you get 4 or 5 or 6 per cent of the vote. In that system you would actually get that proportion of voices, and then the profile of the party actually grows from there. The limits also, again, on spending allow for smaller parties to not be swamped by the sheer power of the other parties in existence.

Mr. Clark: Thank you.

Just a follow-on to the whole question of proportional representation. I guess I wonder: are we solving a problem we don't have? I mean, certainly, we look at this new government that was elected in Alberta despite the overwhelming financial advantage – it was 4 or 5 to 1, I think, that the governing PCs spent – but Albertans made a different choice. On the federal level the Conservative Party targeted, I think you said, 38 to 40 per cent of Canadians as a base, but ultimately that didn't result in more than one majority government. I guess I'm just wondering: in shifting to proportional representation, are we simply replacing one set of problems with another? Does our system as it stands currently actually function well, and the upheaval from that substantial change may in fact not be any – it may be better in certain ways but worse in others. Are we, in fact, actually advancing the cause here?

Dr. Harrison: I guess it depends very much on the kind of leadership and the parties themselves and how they actually view their role as conciliatory parties, as governments that try to bring people together. The wisest parties in the history of Alberta and Canada, it seems to me, have been ones where they, despite having

the majority of seats, have not ceased to actually reach out and try to include other voices and listen to those voices.

What I see, however, in too many instances, particularly in North America right now and even in Alberta and Canada in recent years, is that, as I said, the first past the post system – and it comes down partly, I think, because the professional parties have become very smart at using modern survey techniques and computer systems to actually figure out who their supporters are. In the past parties were never too sure who might support them on any basis, so there was a need to actually continue to reach out and grow your political base. Most parties in the past would have been quite happy to get 50 per cent plus one or 60 per cent. But through those new technologies and the capacity to survey and microniche your populations, increasingly what we see is, in fact, parties, as I said, gaming the system and really aiming only for that 38 to 40 per cent of the vote that they think they need to get a majority. So the system actually, I think, has become even more prone to governing parties not listening to the other voices out there.

One last, final historical note here. In fact, the first past the post electoral system has at various times in Canada itself created some very, very bizarre outcomes. One of them, in fact, was back in 1921. I believe that the United Farmers of Alberta at that time formed a majority with something like 28 per cent of the vote. The United Farmers of Ontario, in fact, in 1919, I believe, formed a majority in that province with about 24 per cent of the vote. So you have some very weird anomalies even in Canada historically where this system has not worked very well.

So, yes, proportional representation creates some concerns and some issues that need to be dealt with, but ultimately what it does is that it encourages more people to participate. In fact, the electoral turnout in most European countries where you have this has remained, actually, fairly robust, fairly high whereas the number of voters in the Anglo democracies where the current system exists has been dropping for the most part over some decades. What it actually does is that it compels parties to look to forming coalitions, albeit sometimes very temporary coalitions, on an issue-by-issue basis.

Given the complexities of the modern world, where there are so many ways for people to be divided, if we can think of electoral systems that are more likely to pull people together, even on individual, case-by-case bases, then that is probably a stronger, more realistic, modern way of thinking of democracy than the first past the post system currently operates.

Mr. Clark: Okay. Thank you.

The Chair: Thank you, Dr. Harrison.

Just in the interest of time, Mr. Shepherd, would you like to read your question into the record? Then we can get a written response.

Mr. Shepherd: Certainly. Dr. Harrison, I'm just going back to what you were talking about with financing and limits. You in your submission had noted that you were advocating for an ideal contribution limit of about \$1,500, around the same as the federal amount. I was just wondering if you considered that amount, then, to represent an annual individual limit and if you were advocating that this limit per individual contribution would be applied during campaign periods only or also during nonelection years. I just wanted to get a sense, I guess, of sort of the kinds of limits that you thought might be appropriate and that would work well in Alberta.

Dr. Harrison: Yes. Just to correct that, we actually tested at various levels; \$1,500 was one level that we tested. Actually, our submission suggested that, in fact, \$3,000 would be probably appropriate. But

you're absolutely right. At the federal level it is considerably lower than that. Our submission . . .

The Chair: Sorry, Dr. Harrison. I'm just going to ask you to submit your response in writing to the committee, please.

Dr. Harrison: Okay. I will do so.

The Chair: Thank you.

Dr. Harrison: Thank you so much.

The Chair: Thank you so much for your time, and have a good day.

Okay. I will open it up to the floor. We will break till either 12:30, 12:45, or 1 p.m. Is there any preference from members of the committee? Does anyone want to wait until 1 to reconvene or 12:30?

An Hon. Member: Let's go for 1 if we can.

The Chair: Okay. At 1 o'clock we'll reconvene.

Thank you.

[The committee adjourned from 12 p.m. to 1 p.m.]

The Chair: Seeing as it is 1 o'clock, I will welcome everyone back.

Just a quick reminder that this meeting is being recorded and transcribed by *Hansard* and that a live audiostream is available online.

Before we proceed with our next item of business, I'd like to quickly go around the table so that we can all introduce ourselves for the record. I'll start with Ms Miller.

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

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie.

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

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

Mr. Shepherd: David Shepherd, MLA, Edmonton-Centre.

Connolly: Michael Connolly, MLA for Calgary-Hawkwood.

Ms Hermiston: Sandy Hermiston, counsel for the Public Interest Commissioner.

Mr. Hourihan: Peter Hourihan, Public Interest Commissioner.

Mr. Miles: Ted Miles, director for the Public Interest Commissioner.

Mr. van Dijken: Glenn van Dijken, MLA, Barrhead-Morinville-Westlock.

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

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

Mr. Koenig: Trafton Koenig, Parliamentary Counsel.

Dr. Amato: Good afternoon. Sarah Amato, research officer.

Ms Robert: Good afternoon. Nancy Robert, a research officer with the Legislative Assembly Office.

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

Ms Rempel: Hello. Jody Rempel, committee clerk, Legislative Assembly Office.

The Chair: And those on the phones, please.

Ms Jansen: Sandra Jansen, Calgary-North West.

Mr. Sucha: Graham Sucha, MLA for Calgary-Shaw.

Dr. Starke: This is Richard Starke, MLA for Vermilion-Lloydminster.

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

Mr. W. Anderson: Wayne Anderson, Highwood.

The Chair: Is there anyone else on the phone that hasn't identified themselves yet?

Ms Renaud: I'm not sure if you got my name. Marie Renaud, St. Albert.

The Chair: Thank you.

Is that everyone? Okay.

Moving on, at our last meeting we identified issues pertaining to PIDA that we as a committee wish to explore. We completed consideration of some of these issues and will take up any remaining areas of concern this afternoon. Potential topics raised at the last meeting that we did not have time to consider included reprisals and remedies, application of the act to the private sector, procedures for disclosure as regards public disclosure, general matters with regard to reporting, and procedures to protect confidentiality.

Before we move back to deliberations, I'd like to turn the floor over to Dr. Amato for a quick update on a question asked at the previous meeting regarding own-motion investigations by the officers of the Legislature.

Dr. Amato: Yes. I believe the question was: which officers of the Legislature besides the Public Interest Commissioner have the ability, according to legislation, to conduct own-motion investigations? The very brief answer is that I confirmed that all of them do under the various pieces of legislation that govern them except for the Public Interest Commissioner.

Thank you. That's the answer. If there are any questions, I can answer them.

The Chair: At our last meeting this committee passed a motion recommending that PIDA be enhanced to ensure that there is opportunity for whistle-blowers who suffer reprisals to receive appropriate restitution in situations where wrongdoing has been established. We asked research services to provide more information on options for remedies for reprisals.

Dr. Amato, would you please again give us a quick overview of the information provided?

Dr. Amato: Sure. I'm hoping that everybody has the following document prepared by research services, by me, on remedies for reprisals. The document does a number of things. It provides a whole bunch of crossjurisdictional information. The crossjurisdictional information deals with seven other jurisdictions: Manitoba, Ontario, New Brunswick, Nova Scotia, Newfoundland and Labrador, the Yukon, and then a fairly new and extensive piece on the federal level. That's the public interest disclosure legislation of the government of Canada. The document then outlines processes that determine in each jurisdiction (a) if a reprisal has taken place and then (b) remedies that may be provided to redress that reprisal.

The final section of the document outlines proposals and recommendations arising from that crossjurisdictional information. You notice, if you turn to that section 7, that (a) includes proposals that were made and that were included in the original document, and then parts (b), (c), (d), and (e) are issues for consideration arising from the crossjurisdictional information.

I'm happy to answer any questions related to that document, and I'll turn it back to the chair.

The Chair: Thank you.

With that, I will open the item back up for discussion. Is there anyone on the phone that would like to be added to the speakers list?

The next item that is on the agenda would be application of the act to the private sector. Mr. van Dijken, I have a note here that you had listed this as a topic for discussion.

Mr. van Dijken: I'm just trying to find where we're at.

Dr. Amato: In the document that you have, it's on page 4. It's 1(b), and I can go ahead and describe that. The issue is application to the private sector, and the proposal is that "section 2(1) should be amended so that the scope of PIDA extends to private-sector wrongdoing."

The Chair: Thank you.

Mr. van Dijken, did you want to ask any clarifying questions?

Mr. van Dijken: I guess that when we brought this up at the last meeting, I felt it was important that we have considerations with regard to this and that we get clarity as to how we would propose to extend it into the private sector. I would suggest that a lot of private companies are already doing their own whistle-blower functions within their companies, and I do not believe that it's necessary that we extend this under the purview of government. I guess I would hesitate to move in that direction.

The Chair: Thank you.

Mr. Clark: Again, I guess that when we talk about extending PIDA to the private sector, I have some questions about whether this is the private sector in relation to the work that private-sector entities may do with government. I don't believe that that's what this means. What I believe this means is application to the private sector irrespective of whether there are dealings with government. That's at least my interpretation of this, and I'm certainly happy to stand corrected.

I don't know, Dr. Amato, if you have any insights on that specific question. Based on the submissions, were these stakeholders and individuals referring to the private sector, just any private-sector entity? That's a yes? Okay. That's outside of the scope of government, and I guess I would be hesitant to support something quite so wide ranging and far reaching. I think it feels like it would be overstepping for the provincial government to be involved in that.

1:10

You know, having said that, I'd be interested to hear some different perspectives on that if there are others who disagree with that or have a different perspective. Based on my research, it seems like it would be solving or addressing a problem we don't have. Again, I think the word that comes to mind here is "overreach." But, again, having said that, I'd certainly be interested to hear from other committee members if you have a different perspective on it. I'm certainly interested in hearing your views on that.

Thank you.

The Chair: Member Connolly.

Connolly: Thank you. I just kind of want to echo the members opposite. I believe that the U.K. is the only jurisdiction that has this sort of legislation in place. Given that we have already broadened the scope to encompass contract and delegated service providers, this proposal would expand the scope of the act too widely at this time, I believe.

Thank you.

The Chair: Is there anyone else that would like to speak to this? On the phone? No? Okay.

We will move on to procedures for public disclosure. This was something that, Mr. Clark, you had suggested at our last meeting, so I will open it up to you.

Mr. Clark: I'm sorry. Let me just catch up with . . .

Dr. Amato: That's page 6.

The Chair: Dr. Amato, would you like to give a few remarks about that perhaps?

Dr. Amato: The proposals that were made in reference to public disclosure by stakeholders and individual submissions were as follows. The first is that

PIDA should be amended to protect employees who choose to disclose wrongdoing through other legitimate channels, such as law enforcement.

The second is that

PIDA should be amended to permit individuals to disclose wrongdoing to a broader range of authorities including Members of the Legislative Assembly.

I might also add that if members are interested, the cross-jurisdictional information on this is on page 16 of the cross-jurisdictional document. I noted in the document that you have that in its discussion of the issue Service Alberta notes that most often

other whistleblower legislation in Canada is more permissive and protects employees who disclose directly to the public (without notifying the public entity first) where life, health or safety of the environment is concerned.

I think that what Service Alberta is pointing to is the fact that in every jurisdiction in Canada except a couple, amongst them Alberta, there's a question about this public disclosure being tied directly to a wrongdoing related to an imminent risk of substantial and specific danger to life, health, or safety.

There is often also a question of urgency such that what happens is that the procedures outlined in the legislation are too time consuming. Then the person who is disclosing the wrongdoing can go directly to very specific channels. Those channels are both, in most of the pieces of legislation, law enforcement or the appropriate health authority, depending on what the situation is. That's just a little bit of context.

The Chair: Okay. Thank you very much.

Mr. Clark.

Mr. Clark: Yeah. Thank you, Dr. Amato. I very much appreciate that summary. A few things I'm contemplating here as I reflect on this. One is that there could perhaps be some overlap between the commissioner's office undertaking an own-motion investigation and some of the public disclosure. Having said that, the commissioner would not necessarily know to undertake an investigation should these sorts of disclosures not be made. So I think that is an important consideration for the committee.

Specifying that the importance of these sorts of disclosures be related to an imminent risk to life, health, safety, or the environment, I think, seems like a reasonable, I guess, limitation or parameter to consider including because if we're too broad in terms of public disclosure or allow people to disclose to MLAs or just city councillors, school board trustees, the Justice minister, or the media, we need to be cognizant of the risk that there may be the possibility of spurious or vexatious claims, that could be damaging, that are unproven. The allegation itself is damaging, whether in the fullness of time it's proven to not be true. You know, perhaps that's something I can put to you, Mr. Hourihan, or your office. Do you have thoughts on or are there other contexts where there are protections in that regard to guard against those spurious or vexatious claims coming forward before being vetted?

Mr. Hourihan: Certainly, complaints that we've had from time to time will involve something that is alleged at the time, so there is that risk. If it gets out more publicly more quickly, you could run the risk that if it's not a valid complaint, there is a cost to the reputation of the person alleged to have done certain things whereas if it comes to offices like mine, we can deal with that somewhat in advance and try and deal with it in an effective way.

I mean, that said, there's certainly the opportunity to report to places other than just me, I suppose, and I'm certainly not trying to garner the market on that, necessarily. It's just that to be too broad and, I think, in terms of, like, MLAs or the media – if the protections of the act are going to be provided there, then it's wide open. If that's sort of something that the committee would like to see, then that's perfectly fine. We would work within that regime in respect of doing the investigations and that sort of thing, the same as we do now. We have had situations where with the complaints coming in at the front end, you know, once all the facts are known and the issues are better understood by everybody, some of those types of things can go away, some of the false accusations and that sort of thing.

Mr. Clark: Thank you.

Mr. Sucha: Madam Chair, I have a few comments or worries that I want to express.

The Chair: Thank you, Mr. Sucha. Go ahead.

Mr. Sucha: You know, I studied at university at a very interesting time. When I did television broadcasting, it was that time when social media really picked up. Back in the day they used to talk about libel and slander and how they used to be terms that only people in the media had to learn. Subsequently some of those things have changed.

Now with social media you see people getting sued for posts they put on Twitter and Facebook. So I'm a little bit concerned about some unintended consequences that could happen about opening some of these up just because at the end of the day we can't control how the laws are around libel and slander. All I can see is a whistleblower coming forward publicly – and it could only take one whistle-blower for this to happen – and for them to make some comments and then get sued for it to deter any other whistle-blowers from coming forward. I think we have some potential now to allow direct reporting to the commissioner. That will help to ensure that whistle-blowers have a little bit more tools down the line to be a bit more open, to have a little bit more accessibility, and to be advised properly about whistle-blowing. Those are my main concerns. All it would take is just one person to be sued for whistle-blowers to be very cautious about coming forward.

Mr. Cyr: With this change, if we bring this forward, that we can go directly to you with employees, have you done any kind of analysis on how much of a demand this is going to put on your department? Does that mean we're going to triple or quadruple the size of your department? I guess the question is: will you, with the resources that you have, be able to deal with suddenly 100,000 people being able to report directly to you? That would be my concern.

1:20

Mr. Hourihan: We don't have any indication that that would happen. We get calls now for guidance and advice or just for information from folks, employees across the public sector. With those types of calls we normally get some sense of what's going on. A lot of those are referred back to the respective designated officer involved, and there's been very little issue in doing that. We're certainly open under any structure to be able to answer questions for anybody who contacts us with some questions about process and direction and that sort of thing. We haven't seen to date whether or not that would make a big difference.

Right now complainants have the ability to come to us under certain circumstances, and of course a couple of those circumstances are, one, anonymously – or maybe that's number two. Number one is if they feel that there's a reprisal that's either occurring or imminent. So if they are concerned at all, they do have the ability to come to us now although it's not the spirit and object of the act as structured.

I don't think that that would change our workload a lot. I can let Ted answer that with any numbers or anything, but I don't see that happening.

Mr. Miles: No. Our experience with the unit so far is that many of these employees that come forward would prefer to have it dealt with internally. If this amendment should pass, my thought would be that we would still encourage employees to have it dealt with internally because that will help to move the culture of the public entities to one that embraces whistle-blowing more. Failing that, if they have those concerns, we'll take the investigation on. I personally don't see that that will impact our workload to the point of requiring additional resources at this point in time. Only time will tell though.

The Chair: Thank you, Mr. Miles. This was voted on in the last meeting, to open it up for direct disclosure.

I'll move on to Mr. Clark.

Mr. Clark: Thank you. The term "public disclosure," I think, can be confusing because it could be interpreted in two ways. One, it could be disclosure by members of the public of wrongdoing that they know about, or it could be disclosures by employees or contractors to the public, either through a Member of the Legislative Assembly or the media. If we're to interpret the discussion of, quote, unquote, public disclosure to be the latter, that being an employee disclosing alleged wrongdoing to the public, which is what I will interpret this to mean, then I think that we have some significant risk of reputational damage and, frankly, a lack of due process, especially when we have in the previous meeting passed the motion to recommend . . .

An Hon. Member: Direct disclosure.

Mr. Clark: Yeah. Direct disclosure.

Certainly, I think that is a much more appropriate means of addressing this issue. I guess I'd just appreciate it, Mr. Hourihan, if you can comment on that: if you agree with that or if you have a different perspective.

Mr. Hourihan: I would agree with that. I mean, to me this would mean disclosing publicly as compared to the public disclosing, but that's certainly a fair comment. We get questions from time to time from all different directions as to what that might mean.

As Ted said, people prefer to report internally where they can – I believe I've said before this committee previously that some research studies, a few of them from Australia and the U.K., indicate that it's in the 87 per cent range – but they certainly want access to some other form of reporting. Now, direct disclosure to us or direct disclosure – I think there were some other areas where it talks about disclosure to supervisors and somebody up the line within an organization. That may certainly be suitable.

Mr. Clark: Sorry. May I ask a supplemental?

The Chair: Yeah.

Mr. Clark: Thank you. That still, though, doesn't cover making a public disclosure in very specific circumstances – in Manitoba, New Brunswick, Nova Scotia, the Yukon – where an employee reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger to life, health, safety, a person, or to the environment and there's insufficient time to make a disclosure under the act. That, to me, seems like a reasonable, very narrow, and specific definition that I believe the committee should perhaps consider including as well. It would be, I think, exceptional. It would not be the ordinary course of doing things, but there may be cases where that is, in fact, the case, and I believe there should be some ability to do that, especially given that it's consistent with legislation in other parts of the country.

The Chair: Is there anyone on the phones with any comments or questions? Go ahead, Dr. Starke.

Dr. Starke: Yeah. I'm just looking at the discussion document page 6, 3(c). Certainly, the recommendation or the suggestion that was put forward is to amend PIDA to permit individuals to disclose a wrongdoing to a much broader range of authorities. In the terms of the meaning that Mr. Clark raised, that, to me, is opening up the disclosure process to a much wider range of individuals, who would then be charged with the responsibility of dealing with that disclosure.

You know, I've been involved with dealing with disciplinary matters more on a professional basis in my professional association, and I will tell you that one of the things that is absolutely key is that there is a high level of consistency with regard to how these particular matters are dealt with, and one of the ways to introduce inconsistency into the system is by broadening these groups by which whistle-blowers could report on wrongdoing.

So I would be very uncomfortable with broadening this beyond where we are right now, either internally, within the department, or, if that's not acceptable or if that's not seen by the whistle-blower as a method that is suitable to them given the circumstances, then directly to the Public Interest Commissioner. I would be very uncomfortable with broadening that. I mean, while I understand a certain level of urgency in the circumstances that are described here and that are described in the Service Alberta brief, at most the only situation where I would consider broadening that would be to broaden it to law enforcement individuals, who would also have specific training as to, you know, what the correct procedure is to deal with the allegations that are being made by the whistle-blower. I would be very uncomfortable with broadening the routes by which disclosures could be made.

The Chair: Thank you.
Member Cortes-Vargas.

Cortes-Vargas: Yeah. Just to kind of echo some of those comments, I just wanted to bring forward also from a different perspective – I mean, my background is in social work, and you look at best practices for making sure that whistle-blowers have a good experience as well, because that can be a deterrent.

Reporting to multiple sets of people can be problematic. I mean, you tell your story once, you tell your story again, and it's exhausting from the whistle-blower's perspective, right? We need to look at a system both in the way Starke was kind of talking about, that it, one, broadens the scope, but from the whistle-blower's perspective there's all of this ambiguity about who exactly they need to go to. Have a clear set of guidelines of who you need to go to, people that know and have expertise in the area, so they can guide that conversation. That's very much what the commissioner and direct reporting to the commissioner are all about.

I just wanted to echo that from both perspectives, from the perspective of putting responsibility on the people that we would broaden it to and from the perspective also of the whistle-blower. We're trying to encourage more of that to happen. I think we just need to evaluate that. Yeah, broadening it would bring a whole bunch of consequences that would not necessarily lead to best outcomes.

The Chair: Thank you.

Is there anyone else that would like to speak on the subject? Mr. Clark.

1:30

Mr. Clark: Yeah. I would like to more formally consider the question of making public disclosure in very specific circumstances. So if you'll indulge me, Madam Chair, I will make a motion so we can discuss that, and I'll try to speak slowly and clearly so that we can get that on the record: that the Select Special Ethics and Accountability Committee recommend that public disclosure be permitted in very specific circumstances, including if an employee reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger to the life, health, or safety of persons or to the environment and there is insufficient time to make a disclosure under the act.

The Chair: I will open that motion up for discussion then. On the phones?

Ms Renaud: Just to that point, I mean, ideally, what we heard in that motion makes sense. But I think that if you sort of put the rubber to the road, who then are the experts that you assign to be able to manage and deal with this and make that ruling? I think that you're creating a whole other layer to determine sort of not the validity but when it's possible to take it that other step. That's just my concern. It's very ambiguous.

Mr. Hourihan: I just want to say, with just one small comment in terms of whatever direction it goes, that our experience is that – I'll phrase it this way. If we were to go that way, we'd just say that there should be specific language around the definitions of whatever words, whether it's, you know, like, "injury to" or "specific damage" or some words like that. They need to have as much clarity as is possible because we do receive calls that there is a wide continuum on what "dangerous to" or "injurious" means, the same as, like, the word "wrongdoing." The definition of wrongdoing shows a very similar pattern there: what does that mean? The vaguer the language, the broader the scope of potential.

The Chair: Mr. van Dijken.

Mr. van Dijken: Yes. Thank you, Chair. I guess, you know, the intent is good, but I think that if we go down the route of public disclosure directly to the commissioner, that matter could be dealt with in an expedited fashion, if the commissioner felt that it needed to be, without adding a bunch of layers to the process. Would that be something that would essentially address the concerns that the member has, that if we move into where we disclose directly to the commissioner, a lot of these time constraints would be possibly eliminated?

Mr. Hourihan: Oh, I suppose that anything more direct would help to eliminate some time frame or spread of those timelines. If it deals with one group first and then has to deal with the second group, those timelines tend to start over. We try and minimize that to the extent possible, but certainly that's a consideration, I suppose, sure.

The Chair: Mr. Sucha.

Mr. Sucha: Thank you, Madam Chair. I just want to reiterate some points. I do have to say that Mr. Clark's heart is in the right place, but I need to reiterate to the committee that we deal with due process here. At the end of the day, you're innocent until proven guilty, and if you're coming forward publicly and accusing someone of doing something, you potentially could be slandering that individual, whether or not they are doing it. Until they are convicted or found in wrongdoing, you still could be held in a situation of liability. It is our job as legislators to make sure that we protect all Albertans, including whistle-blowers. Those are my main concerns in regard to this, that this could lead to some heavy, unintended consequences.

The Chair: Mr. Clark.

Mr. Clark: Thank you. I very much appreciate the concerns around broadening this too much. I'd like to just read some of the specific sections again. Maybe I'll end up reading the entire motion again. I don't know. It's about making a public disclosure in very specific circumstances, and those circumstances are limited to if an employee reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger to the life, health, safety of persons or to the environment and – not "or" but "and" – there is insufficient time to make a disclosure under the act.

Now, that's a very, very, very narrow set of circumstances and very specific things that would need to be met where that is the case. I'm racking my brain here to even come up with an example. I don't know. A dam is about to burst or something like that. You know, we can't even go through the process of contacting the office; even 24 hours' time may be too much time before something terrible may happen. Now, let's hope that that's a scenario that would never present itself. But I guess I would worry that should someone find themselves in a situation in Alberta's public service where that is the case, they are actually forbidden from making such a disclosure because there is a process in place. Again, remember that the "and" part of this motion reads, "there is insufficient time to make a disclosure under the act."

On top of that, in other jurisdictions, in at least three provinces and one territory this provision is included in their legislation. So we can recommend to our friends in the Assembly, in drafting this legislation, to borrow some wording from other jurisdictions where it is already in place to prevent, I think, exactly that concern, because I agree. Really, what I'm saying here is that what this would accomplish, I think, is the incredibly rare, hopefully never, absolutely extreme edge case.

What I do think is important is that as legislators we consider all possibilities, no matter how remote. Really, I don't see this in any way replacing direct disclosure. I don't see this becoming an ordinary means of disclosing under any circumstance. Frankly, we may never see this in our lifetimes, and let's hope we don't. But, again, using that example of: you know, the dam is going to burst at 5 p.m. today. Well, the commissioner is here and can't receive the e-mail and maybe it's not until Monday, or something like that.

Again, I absolutely understand the concerns that have been raised by the members of the committee, but I want you all to know that my intent here is to make this very narrow, to deal with those absolute, extreme exceptions.

The Chair: Okay. The question has been called. Are there any more speakers to the motion? On the phone? Okay.

Ms Rempel: I believe Mr. Clark has moved that the Select Special Ethics and Accountability Committee recommend that the Public Interest Disclosure (Whistleblower Protection) Act be amended such that public disclosure is permitted in very specific circumstances if an employee reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger to the life, health, or safety of persons or the environment and there is insufficient time to make a disclosure under the act.

Dr. Massolin: Just maybe before the committee votes – and I don't know what the intention is here or if this changes anything, but I think, though, perhaps: does this motion lack a sense of who the disclosure is to? I just would offer that to the committee, and I'm not sure if I'm missing the boat on this one or not.

Mr. Clark: You know, my sense is that that public disclosure, I think, in my estimation – I guess I'd say a couple of things. I think that it would be important in drafting the legislation to look at how other jurisdictions have addressed that particular question. Have they enumerated a specific list of bodies through which disclosure may be made, or is the point that it is deliberately vague? That it is – you know, frankly, it could be one of these kinds of situations: "It's an emergency. I am shouting from the rooftops, and I'm going to notify my MLA, I'm going to call the media, I'm going to put out a tweet, I'm going to do whatever because there's something terrible about to happen, and everyone needs to know about it." Again, I mean, it is, I think, likely to be an exceedingly rare situation.

1:40

You know, in my estimation – I don't know. Perhaps, should something change dramatically through my passionate argument and this motion pass – I hope it does – we could even make a second motion to ask the Legislature or the drafters of the legislation to consider that question, but I would imagine that that would be inherent in drafting the legislation. One of the things, of course, that I think the government would do is to look at other jurisdictions, and if they didn't, of course, that's something we can always bring up in debate as well.

I hope that answers your question.

The Chair: Mr. van Dijken.

Mr. van Dijken: Yeah. I think the Member for Calgary-Elbow has made the right suggestion, that to publicly disclose is exactly that – publicly – and that the definition of who is "the public." So I think the motion is clear. I guess it would be then the committee's decision if that's too broad and to get an understanding of – if the committee feels that's too broad, it would have to be defined, then.

The Chair: Mr. Clark.

Mr. Clark: Yeah. I guess I would just echo my earlier comments. I don't have anything to add, necessarily.

The Chair: Okay. I'll call the question, then. All in favour? All opposed? That motion is defeated.

The next matter is under general matters for reporting. It's on page 10, I believe, of the issues document. Dr. Amato, do you have some opening comments on that?

Dr. Amato: I believe it's issue (c) on page 10. I'll just maybe wait for everyone to get there. It's the contents of the commissioner's annual report. The recommendation is:

PIDA should be amended to require the Public Interest Commissioner to include in his or her annual reports substantive information on the types of wrongdoing alleged ... in disclosures, a summary of the Commissioner's findings in cases where a wrongdoing or act of reprisal was committed, the specific recommendation made by the Commissioner to public entities or the Offices of the Legislature, responses to these recommendations, and any offences committed or penalties given under the Act.

There's quite a laundry list of prescriptions to be included in the commissioner's annual report.

Loyola: This is something that I'm highly in favour of. I think that by increasing the information that the Public Interest Commissioner will be putting into the report, it would help to continue building that culture that we're trying to create, you know? I just want to quote for the record from the Auditor General in his submission, where he says:

One of the objectives of the Act is to promote public confidence in the administration of departments, public entities and offices of the Legislature. This requires transparent and accountable enforcement, through adequate public reporting.

He also states:

Although there are annual public reporting requirements in the Act, there is key information missing, such as:

- the types of wrongdoing alleged in the disclosures received by the Commissioner
- summary findings of the Commissioner in cases where a wrongdoing or act of reprisal is found to have been committed
- the specific recommendations made to public entities or offices of the legislature, and the entities responses to such recommendations
- any offences committed or penalties given under the Act.

I just wanted to make sure to read that into the record. I don't know, Commissioner Hourihan, if you want to add anything to that or your thoughts on the matter.

Mr. Hourihan: My thoughts on the matter are that we want to disclose – and we've said this from our inception in June of '13 – everything that we can, and the only thing that we don't want to disclose is something that would reveal the identity of somebody who ought not be identified, to protect the whistle-blowers because that's a key component of the act.

Our challenge to date, I suppose, if you look at our annual reports, has been the lack of situations that we've had to be able to put into our annual report, quite frankly, to this point in time. We've had some inquiries and, you know, we've had some investigations and those kinds of things, but if it looks like it's lacking now, it's just because we don't have that body of work to draw upon. But it's fully our intention to do it, to reveal all that's required of me to disclose, under section 33, in the annual report as well as details

that have been sanitized, if you will, just for personal identity and to put those in there. The key component of giving as much information as we can in our annual report is to provide information to the public sector as to what is or is not acceptable behaviour in terms of whistle-blowing or events that happen. So it's a key tool for learning for everybody for us to be able to have as much information in it as possible.

Loyola: Just a supplementary comment if you don't mind. From my experience working at the University of Alberta, the reports produced by the office of safe disclosure and human rights were that much more detailed. As you're highlighting it, it provides learning for the entire community at the university. Not only that, but it helps identify potential campaigns where more education needs to occur so that people can feel more comfortable to come forward with a public disclosure. So I say that this would be a move in the right direction.

The Chair: Is there anyone on the phone with any questions or comments?

Dr. Starke: Chair, I'm generally in favour of most of what is suggested here, but I need a clarification with regard to a statement that the annual reports include substantive information on the types of wrongdoings alleged and emphasis of that in there. I guess my concern there is that I have absolutely no issue with a relatively comprehensive report including the remedies and other recommendations made by the commissioner in situations where a whistle-blower has brought forward a wrongdoing that is then adjudicated to be valid. I have a lot of problem with substantive reporting on alleged wrongdoings that are then judged to be invalid or, you know, not to be credible. I just would like it, perhaps, if the commissioner could comment on whether that, too, would be included within the report because in my view – again, here I'm drawing on my experience in dealing with disciplinary matters within a professional organization.

Again, Member Loyola said that it's for public education, and in this case it was for the education of the members of our profession. When it was found that there was behaviour that required some form of reprimand, the details of that situation were reported upon so that there could be some learning gained from it. But if it was a situation where an allegation was brought forward and it was determined by the hearing tribunal that it was invalid or that there was nothing to the allegations, then there was no report made on that allegation, and I think that's an important distinction. I just wonder if the commissioner would wish to comment on that.

Mr. Hourihan: Sure. Yes, we do release and disclose information in regard to complaints of wrongdoing that have not been substantiated, but we do so without identifying anything. Like I say, we go through it very finely to make sure that there are no identifying indicators in there as to if it were going to remotely identify somebody. We make sure that that doesn't happen. If that's going to happen, then certainly it would not be included.

We would include areas where there was no wrongdoing found but again for the same purpose, to describe the nature of a complaint and why it does not meet the threshold of wrongdoing, so that readers, individuals as well as the authorities within the public sector under our jurisdiction, get to see what does and doesn't constitute wrongdoing so that they can act accordingly.

1:50

The Chair: Thank you.

Mr. Clark.

Mr. Clark: Thank you. I share Dr. Starke's concerns with this. I think the second half of this summary of the findings in cases where a wrongdoing or an act of reprisal was committed, et cetera, seems to be an obvious one. I guess, you know, I do struggle with the idea of including alleged wrongdoings. Perhaps the commissioner can speak a little further to – it sounds like this is the sort of information you're already including in your annual report. If so, is it only for areas where an investigation has been undertaken but no wrongdoing was found?

You know, perhaps I could see a case where – and if I'm not mistaken, there have been reports – an investigation has been undertaken and no wrongdoing has been found; however, it feels like perhaps it should have been. I'm thinking of some different contexts where the Ethics Commissioner has reported on certain areas where, to very broadly paraphrase her findings, this isn't technically illegal but it sure feels like it should be, those sorts of things. Perhaps that's something where it may make some sense.

But the way this is worded, of course, it would, as I interpret it, be open to, "Well, we had 63 allegations; 51 of them were completely unfounded, but here they are" and listing them. That would be, I think, troubling.

I hope I'm being clear in what I'm asking here. I'd appreciate your comments on that.

The Chair: Mr. Hourihan.

Mr. Hourihan: Yes. Thank you. We might report on the number of unfounded complaints that we get. We certainly would put that in our report because it would also give people an indication of how many are not relevant to any wrongdoing whatsoever. However, there are instances where the person sincerely believes it's a wrongdoing. We look at it, and it falls short of a wrongdoing, but something is wrong. I know I'm using the word, but unfortunately or fortunately that's the continuum that a wrongdoing falls on. Some are very clearly in the scope of wrongdoing, and some are very clearly out. There's a huge grey area around the definition of wrongdoing as to what is or is not included, in a lot of people's minds. Maybe less so in the act, but in a lot of people's minds, once it's wrong, it's considered wrongdoing. So we try to provide information there, to come back and say that this was not a wrongdoing for the following reasons. You know, it was not gross mismanagement. A lot comes in, just if I can as an example: gross mismanagement versus mismanagement.

Quite frankly, a lot of things that go on in enterprise, government or otherwise, is that good management is developed through a series of steps of mismanaging things. Lots of things go wrong all the time, but there are things that are more growth focused and positively oriented towards a better process next time. You know, the example I use sometimes in the office is that I could always write a better letter than the one I just wrote. You keep learning, so you keep developing that way.

At some point in time when it's in mismanagement, it becomes gross mismanagement. We try to describe that. There are some where we would find that there is no wrongdoing, that it did not meet the threshold of wrongdoing. I have found that in instances, but I will go on to say: but there are some things going wrong here. Let's say that it's in a department, that it's human resource policies that they have in place. I'll say back to the deputy minister involved, "It was not a wrongdoing; however, there are some policies that you need to look at in your human resource area that need some tweaking so that it doesn't become a wrongdoing in the future if it gets chronic," those kinds of things.

We just try to provide advice and guidance back to inform the readers what does or does not constitute wrongdoing and why it

does or does not constitute it. They are equally valuable to me in the reporting on either side of that fence.

I should add that it's certainly not done – if I think that the name of an individual is going to be revealed when it ought not be, then we would make sure that we tidy the example up and make it generic enough so there are no names, you know, and change the facts that are not relevant to that so that we can still provide a message without identifying anybody.

The Chair: Are there any more on the phone to be added to the speakers list right now? No? Okay.

Loyola: I want to thank the Member for Vermilion-Lloydminster, Dr. Starke, for his comments. I agree, and I appreciate all the comments and the comments made by the commissioner as well. With that being said, I think that we have some consensus here for a motion, so I'm going to try and put this together here. I move that the Select Special Ethics and Accountability Committee recommend that the Public Interest Disclosure (Whistleblower Protection) Act be enhanced to ensure more detailed annual reporting, including the types of proven wrongdoing in disclosures received by the commissioner, summary findings of the commissioner in cases where a wrongdoing or act of reprisal is found to have been committed, the specific recommendations made to public entities or offices of the Legislature and the entities' responses to such recommendations, any offences committed, or penalties given under the act.

The Chair: I will open that up to the floor for discussion. Mr. Clark.

Mr. Clark: Yeah. Thank you. I'll take this opportunity, and certainly before we vote on it I would appreciate you reading out the motion again. There's a lot to it, but we'll let Ms Rempel transcribe it, and I'll stall for time while we do that.

But in all seriousness, Dr. Starke, if you're there, I would appreciate your thoughts on the commissioner's response to your question and mine in terms of whether that satisfies you, that the scope of alleged wrongdoing is sufficiently narrow to satisfy the public interest of knowing the types of wrongdoings that have been alleged but not perhaps having met the strictest test of actual wrongdoing. In the words of the commissioner: it's not wrongdoing, but it's wrong. I'd just appreciate your comments on that based on your experience both from a professional, regulatory perspective and as a minister of the Crown.

The Chair: Dr. Starke, go ahead.

Dr. Starke: Yeah. Thanks. I appreciate the question. I'm actually quite comfortable with the wording of the motion that's been proposed by Member Loyola. I appreciate what the commissioner has said with regard to, you know, potential learnings that could be gleaned even by allegations or allegations of wrongdoing that do not satisfy the tests within the act and that there's potential for learning there.

Again, in a situation where an allegation has been demonstrated to not be founded, I think that in that circumstance, you know, we have expressed a great deal of concern in our discussions here for whistle-blowers and potential whistle-blowers, and that's appropriate. But we also have to recognize that if you're the whistle-blowee, for want of a better term, if you're the person or if you're the entity that is being alleged to have committed a wrongdoing and, in fact, did nothing wrong, then I have a hard time understanding that that should somehow form part of the report. I think the report should be based largely on the situations that have

been found to be founded cases of wrongdoing where the commissioner recommended some form of a remedy and how that was then carried out.

2:00

I borrow here on my experiences dealing with disciplinary matters. If the allegation is unfounded, mark my word, those allegations have an effect on the person who is alleged to have committed a wrongdoing. They do. I have spoken to professional colleagues who have had discipline and ethics procedures brought against them in my professional career that were completely and totally unfounded. Despite that, they had to go through the process of defending themselves. At the end of it all, you know, when it was found that there were no grounds for the allegations, to then have to read about it even in a sanitized version, to have to read about it in an annual report, I would suggest to you that it's just compounding a situation.

Again, there are two sides to this. There's the whistle-blower, but there's also the side of the person who has to defend against these allegations. As a result of that, I'm actually much more comfortable with the wording that Member Loyola has proposed.

The Chair: Mr. Hourihan.

Mr. Hourihan: Yes. As I said earlier, for unfounded complaints at the end of the year we might indicate how many unfounded complaints we had, but that's the extent of the reporting there would be for one that is not a founded complaint. It would only be complaints where it's being looked into. A wrongdoing has not been committed, but there are wrongs involved at the departmental level and that sort of thing. But it would not be something unfounded.

I agree completely. There are reputations at stake. When it's accurate, you worry less about the reputation at the end of the day, quite frankly, but when it's not accurate and going throughout, until you find out that it is or is not, the reputation is extremely important. We have found that in a couple of investigations that we've had, that have been sensitive in that regard. Certainly, we understand that if it ever got out, there would be damage beyond repair, frankly.

The Chair: Okay. Thank you.

Mr. van Dijken.

Mr. van Dijken: Yeah. Thank you. Just searching for some clarity based on the wording of the motion. How does it change what's currently in place in the act? If I could get the Public Interest Commissioner to reflect on that. Does it really change anything? That would be my question.

Mr. Hourihan: You know, I'm not sure, actually, on that as counsel just whispered to me as well. Section 33 of our act indicates what needs to be included in the annual report, and we try and provide a synopsis of cases so that people can learn and understand, as I've said. This deals a lot with numbers and, as I understand, the motion would deal more with: let's put some facts in there so that people can learn from that. That specifically is not in this section, as I can see on a quick read, and that would possibly be improved in that regard. We certainly have no concerns with that, as has been discussed.

The Chair: Thank you.

Is there anyone on the phone that would like to ask a question or make a comment? Member Loyola, please.

Loyola: I would ask that the motion be read out and we vote.

The Chair: Ms Rempel, are you ready to read out the motion?

Ms Rempel: Moved by Member Loyola that the Select Special Ethics and Accountability Committee recommend that the Public Interest Disclosure (Whistleblower Protection) Act be enhanced to ensure more detailed annual reporting, including the types of proven wrongdoing in the disclosures received by the commissioner, summary findings of the commissioner in cases where wrongdoing or act of reprisal is found to have been committed, the specific recommendations made to public entities or offices of the Legislature and the entities' responses to such recommendations, any offences committed or penalties given under the act.

The Chair: All those in favour? Thank you. Any opposed? Any opposed on the phones? That is carried.

Next on the list is procedures to protect confidentiality. This was brought forward by Mr. Tany Yao at the last committee meeting. I will allow Dr. Amato to open with some comments. I believe it's on page 14.

Dr. Amato: Correct. It's on page 14.

The issue is procedures to protect confidentiality. There were a number of proposals brought forward related to this issue, and I will read them out. The first is that PIDA should be amended so that it includes stronger provisions protecting the confidentiality of individuals who make internal disclosures. The second is that PIDA should be amended to exempt names of whistle-blowers in the event that an access to information request is made under the Freedom of Information and Protection of Privacy Act. The third is that public education should be provided as to how the Freedom of Information and Protection of Privacy Act may be used to gain access to information about wrongdoings.

Thank you.

The Chair: Thank you very much.

With that, I will open it to questions or comments. Any discussion? Is there anyone on the phone that would like to join the speakers list? Mr. van Dijken.

Mr. van Dijken: Sure. I guess I look at this as a positive move within our PIDA legislation, and I would speak in favour of moving in this direction.

The Chair: Any further discussion on the matter?

Mr. Miles: I just thought I'd share with the committee some of the concerns that have been raised to me by designated officers, those officers that work within the public entities and are charged with investigating internal whistle-blower complaints. It's their concern that when a whistle-blower comes forward internally and they initiate an investigation appropriately, they do not have the protection from FOIP and that subsequent to the conclusion of the case someone would be able to do an access to information request and get the information regarding the investigation, which would identify the whistle-blower. They don't feel that they have protection from the access to information on an internal whistle-blowing complaint. I think that was the thrust of this particular issue.

Ms Hermiston: Just to be clear, we don't have that problem because we're exempt, so they can't come to our office under the FOIP legislation and get that information. The issue is with the entities.

The Chair: Any further discussion?

Dr. Starke: I quite agree with the first two bullet points that were made. I absolutely agree that there should be stronger provisions to protect the confidentiality of the individual. Certainly, based on the comments we just heard, you know, we also have to have the capacity whereby the names of whistle-blowers are protected in the event of a FOIP request.

I guess I have some issue with the third bullet, the public education provided as to how FOIP may be used to gain access about information about wrongdoing. I mean, in some ways two and three are contradictory. It's the notion that we provide additional public education as to how to access information about wrongdoing. I think the whole public education process and the process that we just finished discussing, by means of the annual report through the Public Interest Commissioner's report on the act, are the key parts of this overall educational process. I am not nearly as comfortable with the notion that there should be additional education as to how to use FOIP to gain information about allegations of wrongdoing.

Mr. van Dijken: With those comments in consideration, I would agree that that's a very valid comment and propose a motion that would essentially encompass the first two bullet points, that PIDA should be amended so that it includes stronger provisions protecting the confidentiality of individuals who make internal disclosures and that PIDA should be amended to exempt names of whistle-blowers in the event that an access to information request is made under the Freedom of Information and Protection of Privacy Act.

2:10

The Chair: Discussion on the motion?

Loyola: I'd just like to simply state that I'm highly in favour of the motion as it's been put together, and I'm happy to support it.

The Chair: Anyone on the phone? Is there any further discussion on the motion?

All right. I will ask Ms Rempel to read out the motion, then, please.

Ms Rempel: Moved by Mr. van Dijken that the Select Special Ethics and Accountability Committee recommend that the Public Interest Disclosure (Whistleblower Protection) Act be amended so that it includes stronger provisions protecting the confidentiality of individuals who make internal disclosures and to exempt names of whistle-blowers in the event that an access to information request is made under the Freedom of Information and Protection of Privacy Act.

The Chair: All in favour? Any opposed? Any opposed on the phones? That motion is carried.

That concludes our deliberations – oh, Mr. Clark.

Mr. Clark: I guess I have a question about whether that in fact does conclude – I just want clarification, Madam Chair. Are you suggesting that we are now finished reviewing the Public Interest Disclosure (Whistleblower Protection) Act?

The Chair: We have gone through creating the list of issues that different committee members had brought forward based on their own issues that they had identified and those addressed in the issues document.

Mr. Clark: If I may?

The Chair: Yeah.

Mr. Clark: I believe very strongly that there's a lot more in this issues summary document that is very important which we have yet to discuss. I would actually like to see us go through line by line and talk about each one of these. Given how quickly we've gone through the last number here today, I think we have shown that's certainly possible. More importantly, I think that in respecting the thoughtful contributions made by Albertans and stakeholders, we owe it to them to review all of these.

I mean, if we were to just look quickly at pages 4 and 5, the things that we have yet to consider are whether or not municipalities should be made subject to PIDA, whether PIDA should be clarified to specify whether it applies to ministers and Members of the Legislative Assembly. We might want to consider the impact of the Alberta Public Agencies Governance Act and the Education Act on PIDA, as suggested by Service Alberta.

The Chair: Dr. Massolin, would you have anything to elaborate in terms of how we've been addressing the issues document?

Mr. Clark: Sorry, Madam Chair. I wasn't quite finished my comments.

The Chair: Oh, sorry.

Mr. Clark: I'm happy to hear from Dr. Massolin. I'm always very interested to hear from him and his team. But I guess just a couple of others here as we look at the first couple of pages. I just want to make sure that it's very clear, being on the record, as to what this committee will not have considered just in the first two pages of this document.

The Auditor General and the Alberta Medical Association suggested that we amend PIDA "to provide guidance on what constitutes a 'substantive and specific danger'." The Public Interest Commissioner has suggested we consider expanding the definition of gross mismanagement "to include managing people (the public sector), in addition to public funds or a public asset." Define "gross mismanagement." That's really important. Consider the definition of the term "wrongdoing." That, I think, is an area where there's significant grey area, and I think we would do well in this committee and I think Albertans would benefit from a thoughtful discussion about that. That's the first two pages, and there's another 10 or so.

I would really encourage the committee, and I can at an appropriate time bring a motion specific to this so we can continue the discussion. I feel it's very, very important that we review this document and these recommendations in a much more fulsome manner.

The Chair: Dr. Massolin, would you be able to elaborate on what you had brought forward as comments about the issues document in the last committee meeting?

Dr. Massolin: Well, all I said, I think, was just that this document reflects the feedback that the committee has received. All I will say and all I really can say is that it's up to the committee what you want to do as a committee with respect to these recommendations. It's not a decision that I can add to, unfortunately.

The Chair: Mr. Clark, we created the list as a committee, so I would ask you at this time to – I mean, part of the process, of course, will be to address a draft report that will also be created by the LAO. We could also use that time, when we review the report – it would be the committee's prerogative to review it at that time – to see if there are issues that you don't believe were addressed in the report.

Dr. Massolin.

Dr. Massolin: Thank you. This one I can speak on, Madam Chair.

The Chair: Go ahead.

Dr. Massolin: I think the time for deliberations is now. You know, when the committee ceases its deliberations, there's always a chance to look at the draft report, of course – it's your report – but I think that the report is reflective of the decisions made at this table at this time or during the deliberation process.

Thank you.

The Chair: Okay. Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. I guess I was sort of under the impression that when staff brought this issues list together, as a committee we'd deliberate to find out sort of where we wanted to focus, not necessarily literally going through it line by line. I guess my question, then, to staff is: is the intent of that issues document to lead us to go line by line, or is it just for our deliberation, to see what we find as sort of the high-level points and decide what we want to take from that document?

Dr. Massolin: Well, the intent is to put before the committee, Madam Chair, through you to Mr. Nielsen, all the recommendations and proposals that were put to you as a committee and to make some sense of that in terms of organizing it pertaining to the act and also providing background information respecting the submissions and also the cross-jurisdictional information. Of course, what the committee wants to do in terms of sorting that out: that's the committee's work.

Thank you.

The Chair: Mr. van Dijken.

Mr. van Dijken: Yeah. I guess what's in question here is the actual process that's being undertaken and whether or not it was clear from the outset whether issues being identified at the beginning of the last meeting were all-encompassing in that when we got to the end of the list, everything had been addressed. I strongly feel that we are here to deliberate on the entire document and then to allow the powers that be, the staff, to put together the draft document that we've deliberated on. I do believe that, and it does surprise me that we've come to this point, where we're not open to actually digesting everything that's within the document until the committee has completely finished digesting it.

I would agree with Member Clark that if there are still issues that need to be discussed and if members feel that they need to be discussed, it's up to us as the committee to fully engage and come to an understanding of what will go into the draft report. I think that if the intent was that when issues were identified in a previous meeting, those would be the only issues that would be open to discussion, if that was clarified in a way that everybody knew ahead of time, then we would be in a position to okay it: yeah, we're done.

2:20

I honestly think that this has to be very open and transparent and that we have to be willing to address more concerns if there are still concerns within the committee with regard to some of the definitions within the document and then also some of the recommended amendments. I think the process needs to happen now, while we are still in deliberation.

Cortes-Vargas: You know, I've kind of heard the explanations. I actually feel that you could just name the other things right now. We're happy to discuss them. We're taking up more time discussing how we're not discussing the issues, so name them. We were given

a document in a report that identified a summary of submissions. As committee members we need to identify our direction. We're not being directed by the submissions document; we're directed with. So take those, identify your priorities, and then bring them to the committee, by all means. None of us here are saying: let's shut down this conversation right now. If you have something more to talk about, name it. Let's talk about it.

Mr. Clark: You know, I will say, just to be clear on what this document is, that this document is a very comprehensive, thorough summary, which I think Dr. Amato and Dr. Massolin deserve tremendous credit for pulling together for us. Thank you very much for that. What it is: it's a summary of all the written submissions provided by stakeholders and Albertans. I do think we owe it to those people who have made those submissions to consider them. I did a quick calculation here. We have considered nine of the recommendations and issues identified in the document of the 49 that are in the document. That's less than 20 per cent.

You know, this meeting up to this point and the last meeting were exactly how I think these committees are meant to work. It was thoughtful conversation. It was ideas and interactions and interchanges. If someone were to drop in and not have any idea which party each member was a part of, they would not be able to tell based on how the conversation went. That was good. I think we've got a good thing going here, and I think we should keep going with it.

The Chair: Mr. Clark, I would like you to bring forward your issues, then, at this time.

Mr. Clark: Yeah, I will. I appreciate that, Madam Chair. That's exactly where I was going. I will read my motion.

The Chair: It doesn't need to be a motion. You just need to add your topic to the list.

Mr. Clark: Well, I would like to bring a specific motion because I think we should talk about all of it, frankly. If there are things here that we feel we can get through very quickly, let's do that. I'd like to bring my motion forward for discussion and a vote by the committee because I believe that to be very important.

My motion is as follows: given the contributions made by stakeholders and Albertans at large, the Select Special Ethics and Accountability Committee shall deliberate on each line item in section 4.0 of the summary of issues and recommendations document, which is, in essence, I suppose, from page 3 onward of this document. We've addressed some of them but not very many. I'm happy to reread that. You've got it? Okay. Thank you, Ms Rempel.

Again, just speaking briefly to the motion if I may, Madam Chair, I think we owe it to Albertans to consider this. I don't think it needs to necessarily be a long, drawn-out process. What we're doing here: in reviewing fundamental legislation related to the democratic operation of the provincial government of Alberta, I think we owe it to Albertans to take the time it needs to actually consider these things. Just the issues that I've listed off on the first couple of pages I think are substantive ones, and I think we owe it to Albertans to make sure we've actually gone through them in a comprehensive way.

Loyola: I'd just like to state that, you know, the reason why Dr. Massolin and Dr. Amato put the document together, in my opinion, was so that we could review everything that was put forward by the stakeholders. Now, it's up to us to prioritize as members what we think really deserves our attention. To my satisfaction, I believe we

had an opportunity to prioritize as a committee at the last meeting and say: "Hey, these are the ones that really matter to us. These are the ones that really bear discussion." It was about going and doing our homework, making sure to read about all the issues that were brought up, and coming here prepared to deliberate on each of those. To suggest that we haven't considered all of them, I would believe, in my opinion, is erroneous because we have considered. Our homework was to read the entire document and then prioritize from there.

I would like to suggest that if there are specific issues that members wish to continue deliberating on, we do that instead and that we vote this motion down. I don't believe we need to go through each line. We don't need to go through the document line by line by line.

Mr. van Dijken: I guess I would need to get an understanding on, get some clarity on what the draft report is going to be drawn up on. Just on the points that were discussed and motions put forward to make amendments? Or will the draft report possibly come up with items within the document that were not discussed at the committee and still be put forward as recommended amendments?

Dr. Massolin: You know, again, Madam Chair, the answer is that it's the committee's report, so it's a committee decision. But what I can offer you and the committee is that the core of the draft report, that we'll prepare and bring back for approval by this committee, will be the decisions of the committee, and that means, to this point, the motions that have been passed. Surrounding those decisions, we'll have some background information and rationale for the decisions. That's the way it's typically done, but again it's your report, and we will take direction from you on that.

Thank you.

The Chair: Is there any more discussion on the motion? On the phone?

Dr. Swann: Yes.

The Chair: Go ahead, Dr. Swann.

Dr. Swann: Well, I'm not sure that we need to go through this line by line, but I do think that it bears some discussion on the key issues that have emerged already that we haven't necessarily had as full a discussion on as many would like. I don't think there's a great urgency to move forward to the next stage if there are still outstanding issues, and I think there are. I may have missed it, for example, but I don't remember the discussion around harassment and bullying in the workplace. It may be that it would be appropriate for us to take some time now and just go around the room and raise any issues that need clarity around decisions or conclusions that we've come to as a group. Because there is so much here, I think it bears, at least, reviewing and ensuring that we've dealt with all the issues that people feel are important and are unresolved.

That's my suggestion. I could put it into a motion, but I think we have to make a decision on this motion first.

The Chair: Anyone further on the phone?

Dr. Starke: It's Richard Starke.

The Chair: Go ahead, Dr. Starke.

2:30

Dr. Starke: Chair, I support Mr. Clark's motion. I respect what Member Loyola has said, but I will also assert that I did my

homework, just like he suggested everybody needed to. The priority list that we set at the beginning of the last meeting, I would suggest that those were set out – maybe I’m misinterpreting this – as the issues we wanted to be sure to deal with right off the hop. That being said, there is a long list of issues that were not necessarily on that priority list, but I don’t feel – they are within this document. They were brought forward by stakeholders. In some cases they may be something that the committee deals with in a very short order and says, “Yes, we’ve looked at that, but – you know what? – we don’t think that that is something we want to incorporate or a change that needs to be made,” and we move on. But I do think that each of the proposals does bear some discussion.

You know, I’ll say one other thing, and this is just going back to earlier in the meeting. We had quite a bit of discussion with regard to the cross-jurisdictional survey on remedies for whistle-blowers who feel they’ve suffered reprisals, yet I don’t recall that there was any motion that came out of that, so I don’t know where that particular issue stands right now. The second issue that we discussed was with regard to extension of the whistle-blower legislation to the private sector. Again, a lot of discussion about that, but there was no specific direction or a motion given by the committee as to where we’re moving on that issue. It was sort of starting with the next issue that we started actually having motions put forward, discussed, and voted upon. So, no, I do think there is still some deliberation that needs to be done.

I agree entirely with Mr. Clark when he says that he thinks the discussion has been very positive and very useful. You know, I don’t anticipate that that will change in the consideration of some of the other issues, which may well be dealt with in fairly short order. But I do think that we need to systematically go through the proposals in the document and make sure that we’ve at the very least dealt with them or at least brought them forward and decided if there are strong feelings one way or the other as to whether they should be incorporated into amendments that we’re recommending for the act.

The Chair: Is there any further discussion? Mr. Clark.

Mr. Clark: Thank you very much. Perhaps just to close debate, and then we can vote on the motion and move on. To pick up on a couple of the comments that have been made, you know, and to, I suppose, pick up on what Dr. Starke said but also Member Loyola, Member Loyola had said words to the effect, not a direct quote but paraphrasing here, that in listing areas that we wanted to consider, those were the ones that are a priority.

I suppose also, further to what Dr. Massolin said in terms of how the report will be written, that it will be written based on motions passed by this committee, which means we will see nothing about gross mismanagement. We will see nothing about the definition of wrongdoing. We will see nothing about including ministers and MLAs. We will see nothing about public entities. We will see nothing about danger to life, health, or safety. I can go on. I have a tremendous concern that we’ve left 80 per cent plus of this document undiscussed. How else would Dr. Massolin and the team know what we want in the report if we don’t talk about it? I think we can go line by line, and I agree with Dr. Swann.

I’ll also just say this in conclusion. If we were to spend some time and say, “Should we talk about each one of these items and go line by line?” I suspect that we’re going to find that we say yes to almost all, if not all, of it. Frankly, I think that if we all agree that we’re going to buckle down and try our best to keep the conversation as targeted and focused as possible, we can do it. The other thing I’d say is that it takes as long as it takes because it’s very important

work that we’re doing here. That would be my ask, that we do in fact review the entire document.

Thank you.

The Chair: Dr. Massolin, would you be able to clarify? There was the question of whether or not we include things that there has been no motion on. Does the report include things that we’ve made no motion on?

Dr. Massolin: Madam Chair, I think I’m sounding like a broken record in saying that it’s up to the committee. I mean, I think the report typically reflects committee decisions. That means that, you know, motions passed are resolutions now of the committee, and therefore that’s why I say that they’re the crux or the core of the report. However, if the committee decides to include other things, we will consider ourselves so directed.

Thank you.

The Chair: Okay.

Member Cortes-Vargas.

Cortes-Vargas: I just wanted to say that, I mean, we’ve been listening to everything you’ve been saying if you would have just listed the thing, but in the spirit of co-operation, if this is the way that you want to go through it – we’ve identified and we’ve gone through all of it. So if this is what’s required to do, then we’ll just vote. But I really think that we could have easily just identified the issues that you wanted to talk about, and it was open to that. It was open to going through every single member here and not finishing this deliberation until everyone felt that they were complete.

The Chair: Okay. I’m going to put it to the vote, then.

Ms Rempel, would you be able to read out the motion?

Ms Rempel: Yes, I can. Mr. Clark has moved that given the contributions made by stakeholders and Albertans at large, the Select Special Ethics and Accountability Committee shall deliberate on each line item in section 4.0 of the Summary of Issues and Recommendations document.

The Chair: All those in favour? Any opposed? On the phones? That is carried.

Seeing as it is 2:37, I will call a 10-minute break.

[The committee adjourned from 2:37 p.m. to 2:47 p.m.]

The Chair: All right. I will call this meeting back to order.

Opening up the issues document, we will open up with section 1, expansion of scope and application of PIDA. We had a motion on extending the act to contractors and service providers. Is there any more discussion on this point?

Loyola: Madam Chair, may I please suggest that the ones that we’ve already made motions on we just skip over? Would that make sense?

Mr. Clark: Absolutely.

Loyola: Okay. Thank you very much.

The Chair: We have already discussed application to the private sector. Is everyone happy with that?

Mr. van Dijken: I’d make a motion.

The Chair: Yes, Mr. van Dijken.

Mr. van Dijken: I move that PIDA not be amended so that the scope – well, yeah. How do we word it? Essentially, not to amend it to extend to the private sector.

The Chair: Can I get some guidance on that?

Mr. Koenig: Yeah. I would suggest that if there is not a desire to deal with a specific issue, a motion isn't required to indicate that the committee won't be doing anything. It can just be left, as Dr. Massolin has indicated. The draft report that would be produced will be based on the motions that are carried, so the direction of the committee would be formed by any motion that is carried. It doesn't necessarily have to touch upon stuff it doesn't wish to deal with.

Mr. van Dijken: So for clarification it would be: just a motion that requires action and is carried would be required. Is that what you're saying?

Mr. Koenig: I think, in a general sense, yes, because those motions will provide direction for staff to put together the draft report. I would suggest that it's not necessary to make motions on every item if there isn't a desire to, you know, make recommendations or deal with those issues in any way.

The Chair: Dr. Massolin.

Dr. Massolin: Yes. Thank you, Madam Chair. I agree with my colleague there in terms of the necessity of it all, but if the committee decides to include that information, that is certainly possible.

The Chair: Okay. Mr. van Dijken.

Mr. van Dijken: Yeah. I'm going to continue on with the motion and essentially move to not amend so that the scope of PIDA extends to the private sector.

The Chair: Any discussion on the motion?

Loyola: I think that we're setting a precedent by moving in this direction. I'd really like for all of us to please consider the advice and suggestion of our counsel here. I mean, if we go through and we discuss line by line by line and then, on top of that, we're going to add a motion to discuss other motions about what we don't want – I think it's very clear that if we don't include a recommendation to the Legislature to actually look into a specific area of the act, then it could be stated that we don't want them to move in that direction. That's what I'm hearing from our Parliamentary Counsel.

I fear that if we – well, I mean, the motion has been made, but I would highly suggest that people vote no to this motion because we'd then be setting a precedent that for every line we could potentially be putting forward a motion to not move in that direction, which I think would not be a valuable way of spending our time deliberating on all of these things. I'm not too sure if my colleagues here would agree, but I would ask them to also share their thoughts.

The Chair: Mr. Clark.

Mr. Clark: Thank you. I actually agree with Member Loyola on this point, but I'd like to ask Mr. van Dijken: if your intention behind making this motion is specific to this particular line item because of your desire to be on the record as having a vote that we will not include the private sector in the whistle-blower protection legislation, if that is your intention, is it really this specific item that you're interested in being on the record, or do you intend to make a

motion every time to just be on the record as to whether or not we support something? Just some clarification on your thoughts behind why you made this motion.

The Chair: Mr. van Dijken.

Mr. van Dijken: Yeah. That is exactly my intent. The Member for Calgary-Elbow is accurate. This was an issue that was brought forward initially, and I want it to be clear in that we do not move PIDA into the private sector, encompassing that. Member Loyola suggests to vote against the motion. I would suggest that that would tell our staff to write "private sector" into the PIDA legislation, so I encourage everyone to vote in favour of the motion. I do not intend to make a motion on every line item, as might be suggested, but I feel it's important that we identify the relevance of this line item.

The Chair: Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. Sorry. Maybe I misunderstood, but I thought I heard Mr. van Dijken say that because the committee didn't do anything with respect to that issue, therefore there might be a misperception that the committee is going another way than they actually decided. What I'm asking, I guess, is (a) for clarification and (b) that from the point of view of the draft report – again, you know, we follow the direction of the committee – typically we wouldn't sort of indicate that because a committee hasn't voted on something, the other possibilities are still an option, if you know what I mean.

Thank you.

2:55

The Chair: Mr. van Dijken.

Mr. van Dijken: Yes. For clarity, what will come in the minutes of this meeting are motions that are carried. We discussed this earlier. This is on record in *Hansard*. But what I'd like to get to the point of is that, you know, precedent was set last meeting, and then we didn't follow complete precedent going into this meeting. Then we had two motions pertaining to other issues to essentially get on the record with. I would like to get on the record in this way, that this motion be recorded in the minutes and that we get a vote on this motion. I understand that all parties included spoke to not moving PIDA into the private sector, but I do believe it's important to have that motion recorded.

The Chair: Ms Rempel.

Ms Rempel: Thank you, Madam Chair. Just to clarify a few things. First of all, the minutes of this committee are separate from the report of the committee. Certainly, the minutes would include any motion that was made, whether passed, defeated, withdrawn, amended, and so on. The contents of the report are at the discretion of the committee. However, what in the past they have generally contained would be any motions that are carried by the committee as recommendations that are being made by the committee.

In this particular situation, again unless the committee directs us otherwise, I believe that if the motion was defeated, there would simply be nothing in the report on this matter. Generally unless a strong statement is desired on a matter, if a committee is not wanting to recommend any change, they don't make any motions on the matter. They simply discuss it and move on. Again, you know, that's all at the will of the committee, if they want to kind of proceed along that line.

Mr. Nielsen: Just a point of clarification, Madam Chair. Hopefully, our staff can help out here. With this document, this is a summation

of all the proposals, recommendations that came in. That's all they are. There's nothing saying that if we do this, this is going to happen, that if we don't do this, then this will happen. In this situation not voting this down doesn't automatically mean it's going in. Am I correct on that?

Dr. Massolin: I'm sorry. What do you mean by: going into the report?

Mr. Nielsen: With regard to the application to the private sector, based on the discussion we're having right now, if we vote the motion down, that doesn't automatically mean this now becomes part of the report, because we haven't given you that direction yet.

Dr. Massolin: Well, Madam Chair, I think that, as Ms Rempel said and Mr. Koenig has said and I've said, the committee report reflects decisions of the committee. Those are typically motions that are passed because a committee resolves to do something. Motions that are defeated mean that the committee has not, you know, come to a resolution, right?

Mr. Nielsen: Right.

Dr. Massolin: That's a key point in all of this.

I would offer another thing, for lack of a better term, here. You've got a committee report. You also have under the standing orders a minority report. I'll leave it at that.

Mr. Nielsen: So if I'm understanding this right, just so I'm perfectly clear, if I did vote this motion down on adding this application to the private sector, all this remains is just a proposal. It's not: this is what we're doing.

Dr. Massolin: Madam Chair, if I may. It's not your individual vote, of course. It's whether or not the committee votes in favour of it or opposed to it. Assuming that the committee votes the motion down – so it's defeated – then typically, because that is not a reflection of a committee decision, it would not be included in the report, which, again, is a reflection of what the committee has resolved.

Thank you.

Ms Rempel: This may have already been made clear, but I think that, just to try and respond directly to something that I believe Mr. van Dijken raised, taking this motion as a specific example, if it were to be defeated by the committee, that would in no way be giving the instruction that PIDA should be expanded to apply to the private sector.

Mr. Clark: I don't want to speak on behalf of my hon. colleague, but I believe, based on his response to my earlier question, that his objective is to explicitly exclude the private sector, something we all agree on in the committee, based on our previous discussion. So I would argue that we ought to vote yes to this motion because that puts in the report the fact that we voted against this by having passed that motion. I believe – and Mr. van Dijken, obviously, can speak for himself – that that's actually the intention. The intention, I believe, Mr. van Dijken, if I'm hearing you correctly, is that you would like to see the report say: we have voted specifically to exclude private-sector wrongdoing from the scope of the act. You'd like to see that stated in the report, which is the rationale behind your making this motion. Is that correct?

The Chair: Mr. van Dijken.

Mr. van Dijken: Yeah. That's exactly the intent.

The Chair: Member Connolly.

Connolly: Thank you. Sorry. Weren't we going through the document line by line, starting with line 1 and then going to line 2? Isn't this somewhere like line 10 or something like that?

The Chair: No.

Connolly: Is this part of wrongdoing?

The Chair: This is issue 1(b).

Connolly: Okay. I'm sorry. All right. Go ahead.

Mr. van Dijken: Just for clarification, if the motion is defeated, with a call for a recorded vote, how is that handled?

Ms Rempel: If you want a recorded vote on the matter, the chair would first ask who was voting for the motion, and she would go around and record the names first within the room by a show of hands and then on the telephone, and then we would do the same thing for those against the motion. Then, depending on the results, it would be declared either carried or defeated.

Mr. van Dijken: Is it then just recorded in *Hansard*, or is it recorded in the minutes?

Ms Rempel: It would be recorded that way in the minutes as well.

Mr. van Dijken: Okay. Thank you.

The Chair: Is there any further discussion on the phone?

I will call the vote, then. Ms Rempel, would you be able to read out the motion?

Ms Rempel: Sure. As always, please correct me if I've misinterpreted anything, but I believe Mr. van Dijken has moved that the Select Special Ethics and Accountability Committee recommend that no changes be made to the Public Interest Disclosure (Whistleblower Protection) Act to expand its scope to the private sector.

The Chair: All in favour? Any opposed? It's carried.

Mr. van Dijken: Could we get a recorded vote, please?

The Chair: All those in favour? I will start to my right. Go ahead.

Ms Miller: Aye.

Loyola: No.

Mr. Nielsen: Yes.

Cortes-Vargas: Yes.

Mr. Shepherd: Yes.

Connolly: Yes.

Mr. van Dijken: Yes.

Mr. Cyr: Yes.

Mr. Clark: Yes.

The Chair: And on the phones?

Ms Jansen: Yes.

Dr. Swann: Yes.

Mr. Sucha: Yes.

The Chair: That is carried.

We're moving on to public entities.

3:05

Dr. Amato: The issue is public entities, and the proposal is that municipalities should be made subject to PIDA.

The Chair: I'll open that for discussion. Mr. Clark.

Mr. Clark: Thank you. I've looked at the cross-jurisdictional comparison. I don't see anything at all about whether or not municipalities are included in other provinces in Canada. I would just appreciate it if the commissioner or your staff could comment on this as to whether or not (a) you're aware of other jurisdictions where municipalities are included and (b) your perspective on this question.

Mr. Hourihan: There are no other jurisdictions in Canada where municipalities are included in the provincial legislation. There are examples in other countries. I believe that New Zealand covers it, but I would have to double-check that.

Our perspective on it right now, as we understand it, is that municipalities can opt in to the act if they so choose, and we have had a number of inquiries in that regard. I think that in the vicinity of a dozen of them sought out information. None have acted upon that to enter into the act as far as I'm aware. We've offered to any municipality that does have questions, whether they want to opt in or not or just do something on their own, that we'd certainly provide them any guidance and advice we could and have directed them to our website.

The Chair: Is there any further discussion? Mr. Clark.

Mr. Clark: Thank you. Again, just briefly, given that, I think that we are probably wise to leave it as that opt-in model and not compel municipalities to be a part of it. So I would suggest that we probably don't need a motion on this. We can just, if the committee is agreed, move on to the next point.

Mr. van Dijken: I would agree.

The Chair: Moving on to point (d), including ministers and MLAs.

Dr. Amato: The issue is on including ministers and MLAs. The two proposals that were made by stakeholders are that PIDA should be clarified to specify whether it applies to ministers and Members of the Legislative Assembly, and, closely following that, consideration should be given to clarifying whether or not ministers, in their roles as heads of departments, as well as staff in ministers' offices are covered by PIDA.

The Chair: Any discussion on the matter? Mr. Clark.

Mr. Clark: Thank you. Given that it was the Public Interest Commissioner that suggested an amendment to section 2 to clarify the intent of the act with respect to ministers, I'd appreciate, perhaps, the commissioner giving us some context and expanding on that point.

Ms Hermiston: I can answer that question. From my discussions with lawyers in the Justice department, we seem to be of a different view. We think we can interpret the act so that it does include ministers and MLAs. They think – and there's no formal, legal,

written opinion, so I'm not trying to tell you that this is Justice's formal position, but I get a sense from them that they're not sure. I think that that's backed up by them asking as well just for the clarification. I think both points are pretty much hitting on the same thing. We'd all like it to be very specific so that we don't have to debate it.

The Chair: Any further discussion? Mr. Clark.

Mr. Clark: Thank you. I'm not going to ask the commissioner to help me write a motion. Maybe I am. I think that we on this committee should recommend that in drafting, ultimately, any changes to the whistle-blower protection act, we address this issue and that this issue is explicitly and specifically addressed.

While I have the floor, I will just ask: is there a distinction to be made between the two bullet points? Are those two bullets really the same issue stated from different perspectives, or are they distinct issues?

Ms Hermiston: Yes. We would have argued that because they're head of a department, they're included, and Justice says: well, they have to be specifically included because they're not necessarily in the department.

Mr. Clark: Right. Okay. Then, Madam Chair, with your permission, I will make a motion that the Select Special Ethics and Accountability Committee recommend that the Public Interest Disclosure (Whistleblower Protection) Act be clarified to include ministers within the scope of the act.

The Chair: Debate on the motion?

Dr. Swann: I would make a friendly amendment: ministers and MLAs.

The Chair: Is there any further discussion on the motion? Mr. Clark.

Mr. Clark: Yeah. I'll accept that friendly amendment. Actually, as I was speaking, I was thinking about including that as well. Again, I'm interested in the implications of that. I'm not quite sure of the implications of including MLAs as well as ministers. Again, perhaps we can ask the commissioner for your perspective or anyone here, the table officers.

Mr. Hourihan: I really don't have too much to comment on MLAs per se. To have the employees in those offices included under the act would include them in the public sector as employees in that sense under this act, and I don't see a downside to it. Frankly, I can't think of too many occasions where there might be a situation, but, you know, I'm sure there might be some.

Mr. Clark: Just to clarify, are staff of MLAs or LAO staff working within a caucus currently included within the act, or are they currently excluded from the act?

Mr. Hourihan: The LAO staff would be; I don't believe specific constituency offices and those kinds of areas are.

Mr. Clark: So there are ...

The Chair: Sorry. It looks like Ms Hermiston has something to add.

Ms Hermiston: I don't know if your counsel might have. No, I don't think so.

Mr. Hourihan: They're not public servants per se, right?

Mr. Clark: So by including MLAs, we would bring constituency staff within the umbrella of the act, where they are currently not included. Is that correct, in your opinion?

Mr. Hourihan: If MLAs were included in the act, yes. If I could just add that if that's something, that situation – just to refer back to the last deliberation period, a couple of weeks ago, in terms of exemptions and that sort of thing or small entities not being required to have all the procedures of section 5 in place and that sort of thing, those types of offices would probably be good examples where they would be able to just come directly to our office.

The Chair: Mr. van Dijken.

Mr. van Dijken: Yeah. Just for clarification, I would suggest that staff in constituency offices would be covered because they're actually LAO staff. We recommend the hiring, but we don't actually do the hiring. I would think that they would be covered already, but this would help to clarify it, possibly.

Mr. Hourihan: We can't clarify it here. As we're aware right now, they're not included because it's not in there. We haven't given it further thought than that.

Ms Hermiston: It's also hard to imagine. We're trying to imagine a situation where it would be applicable.

Mr. Miles: Well, from an investigative point of view, what it means, if you were to pass this, in my mind, is that if one of the office workers suggested that the MLA had committed a wrongdoing, then you may expect myself or one of the investigators to show up at the door of your constituency office asking for papers and interviewing the staff of an MLA in order to prove or disprove an allegation of wrongdoing.

3:15

The Chair: Is there anything further on that? On the phones? Okay. I will call the question. Oh, did you want to clarify the motion?

Mr. van Dijken: Yeah. Is the question on the amendment, or is the question on the – because it's a friendly amendment, is it accepted?

The Chair: I'll ask Ms Rempel to read the amendment.

Ms Rempel: I believe that Dr. Swann's motion is to amend Mr. Clark's motion to add "and MLAs" after "ministers."

Mr. Clark: So if I did not accept that as a friendly amendment, we could vote on that amendment distinctly from the main motion. Is that right?

Ms Rempel: You mean, like, if the committee passes the amendment, that you ...

Mr. Clark: Sorry. No. Dr. Swann moved it as a friendly amendment. If I accept the friendly amendment, that becomes part of the motion. Is that correct?

The Chair: Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. Just to add clarity, technically there's no such thing as a friendly amendment. For good parliamentary practice you have an amendment to the motion, and even though the mover will accept it, the proper procedure is just to vote in favour of it.

Thank you.

The Chair: Okay. I will put the amendment to a vote, then. All in favour of amending the motion to include MLAs? On the phones? Any opposed? On the phones? That is carried.

Back on the main motion as amended. Is there any further discussion?

Okay. I will call the question on that. Ms Rempel, would you like to read the amended motion?

Ms Rempel: I believe that the amended motion would now read that

the Select Special Ethics and Accountability Committee recommend that the Public Information Disclosure (Whistleblower Protection) Act be amended to clarify that the scope of the act applies to ministers and Members of the Legislative Assembly.

The Chair: All those in favour? Any opposed? Any opposed on the phone? That is carried.

We are on to public entities.

Dr. Amato: The issue is public entities, and the proposal is that the committee might consider the impact of the Alberta Public Agencies Governance Act and the Education Act on PIDA. There are some notes there in the document for the consideration of the committee as well.

The Chair: Is there any discussion on public entities?

Dr. Swann: I'm not sure what the implications of the unproclaimed governance act, that was referred to there, are for this bill. If I could have just a quick clarification.

Mr. Hourihan: No, I don't have a comment to make. I don't have clarity on the difference.

Dr. Amato: I do have the relevant sections of the APAGA, which I can read into the record, but I don't know if that's going to be helpful.

The Chair: Dr. Amato, go ahead.

Dr. Amato: Well, the Alberta Public Agencies Governance Act specifically defines a public agency in certain ways. It's "a corporation, other than a corporation incorporated by or under a local or private Act." I'm just trying to give some explanation of the issue. I can't speak for the submission, but as I understand it, just to summarize, this is essentially about defining public entity in a different way and bringing in the definitions of public entity that are under the APAGA into PIDA. That's essentially what is proposed.

Dr. Swann: Including the Education Act?

Dr. Amato: Well, the Education Act is separate. Respecting the Education Act, I think the issue has to do with amendments to the PIDA regulation, and it's the idea that they would refer to public entities in the education sector in schedule 1 of the regulation and chief officers. It's all about, again, streamlining the acts in a certain way. I'm afraid I'm going to have to defer to the experts on this because I can't speak for the submission.

Ms Hermiston: We're struggling to speak for it as well because it's a Service Alberta submission. At this point I would suggest that we don't really know, so we can't help you on that. I'm sorry.

The Chair: Is there any further discussion on the item?

Under changing the definition of wrongdoing, the first point is danger to life, health, or safety.

Dr. Amato: There are two proposals under this heading. The first is:

- PIDA should be amended to provide guidance on what constitutes a “substantive and specific danger.”

The second is:

- PIDA should be amended so that wrongdoing includes an act or omission that creates any danger to the life, health or safety of individuals and an act or omission that creates any danger to the environment.

The Chair: I’ll open that up for discussion. Anyone on the phones? Mr. Clark.

Mr. Clark: Thank you. I will ask the commissioner if – I note that these are not recommendations that your office has made, but I’d appreciate your comments on this. The Auditor General, I see, and the Alberta Medical Association and UFCW 401 have made these recommendations. I’d appreciate your perspective on whether or not you believe this is something that is lacking clarity in the act and if we would benefit from this specific change.

The Chair: Mr. Hourihan.

Mr. Hourihan: Yes. Thank you. I take no issue with the words “substantive and specific danger” and am relatively comfortable in leaving that to my or our determination on a case-by-case basis. Part of that comes in the notion of trying to describe, I suppose, more clearly what “substantive or specific” is. It’s almost the kind of thing where you have to take a situation and determine whether it is or is not. In that regard I view it as not irrelevant but somewhat uninteresting if I make a distinction that either says that it is or is not substantive. It’s still something that is there. It would still fall within the continuum of whether or not it is a wrongdoing or a wrong, somewhere in there. But it’s really difficult for me to think of how it would be clarified.

The Chair: Any further discussion? Anyone on the phones? Okay. I’ll move on to gross mismanagement.

Dr. Amato: Again, there are two proposals under the issue gross mismanagement. The first is:

- The Committee might consider expanding gross mismanagement in s. 3(1)(c) to include managing people (the public sector), in addition to public funds or a public asset.

The second is:

- PIDA should be amended to define “gross mismanagement.”

The Chair: Discussion on the point?

Mr. Clark: I’ll continue on the theme that I established over the last couple of line items and ask the commissioner, please, to expand on this. I will say that just on the face of it this seems to be a very reasonable change to the act, that would expand the scope in a way that I think is appropriate, based on my reading of this, anyway, but I’d appreciate the commissioner’s comments.

3:25

Mr. Hourihan: It was my submission that it would be beneficial to expand it to include the public sector, like it says, the people in addition to just the public funds or the asset. Currently it’s gross mismanagement only as it relates to public assets or funds, and public assets does not include the concept of managing people.

As I said before to the committee at one point, there is no intention for us to become the HR, human resource, police for the government or the public sector. That’s certainly something that ought to be managed internally within each department and public

entity and whatnot. However, there are situations where, but for the fact that it deals with the people, it is gross mismanagement of something. That might be significant bullying or harassment or a significant departure from the code of conduct that’s in place or codes and policies and procedures that are in place at the different authorities. There is a lot of concern out there when we get called. We get a lot of calls about things that are in the area of management of people and would potentially meet the definition of gross mismanagement.

The Chair: Mr. van Dijken.

Mr. van Dijken: Yeah. I guess I would hesitate to go down this road. I think there are other entities that oversee people management and labour standards and those types of things, appeal boards. If I’m understanding correctly, if there’s no motion made, then there would be no action happening in the report. Correct?

The Chair: That’s what I understand. Yes.

Is there anyone on the phones right now that would like to be added to the speakers list?

Mr. Clark.

Mr. Clark: Thank you. Perhaps to the disappointment of Mr. van Dijken, I’m going to make a motion. I will move that the Select Special Ethics and Accountability Committee recommend that the Public Interest Disclosure (Whistleblower Protection) Act expand the definition of gross mismanagement in section 3(1)(c) to include managing people in the public sector.

The Chair: Discussion on the motion?

Mr. Shepherd: I’m just trying to get a sense, I guess, of what the issue is that we’re looking to address here. I was wondering if the commissioner could comment, if he could give us an example of what he might consider would constitute gross mismanagement of people.

Mr. Hourihan: Significant harassment issues. Significant bullying issues. Not the more, if there is such a thing, minor ones where it’s somebody’s rude comments and those kinds of things but where it’s not being addressed and it’s just left to continue, to go on and on and no remedy coming. Largely we try to leave this internal to the department or the entity if we can, these kinds of things. Sometimes that doesn’t work. Those kinds of things would be examples that we get in.

Ted may have something further.

The Chair: Mr. Miles.

Mr. Miles: Thank you. One of the situations is that in a department, as an example, if a complaint of harassment or bullying comes up, it is investigated or dealt with by the HR people assigned to the department. I think our vision in talking about this was that if a person goes forward to their HR people internally and is unsatisfied or dissatisfied with the investigation that’s undertaken or it did not occur, then they have an ability to take it outside to a third party, being the Public Interest Commissioner, for a review of that situation to determine whether it is, in fact, a situation of significant bullying and harassment.

Ms Hermiston: Just for your information as well, the federal act includes this in their provisions, so this isn’t groundbreaking.

The Chair: Is there further discussion?

Dr. Swann: This has been a recurring . . .

The Chair: Thank you. I'll add you to the list, Dr. Swann.
Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. This is more like an appeal process – that is kind of the way I'm reading this – where you would go through several layers of HR. I guess my question is that I don't understand how HR deals with these complaints. If we end up with three different appeal systems within HR, are we adding another level of appeal to all of this?

Mr. Hourihan: Maybe I can try to explain. Currently under the act if something is determined to be a wrongdoing – it has to meet the definition of the act. Just for the purpose of this, if it is gross mismanagement of funds or an asset – so it's a procurement or a contracting situation or those kinds of things – just as one example, if somebody comes forward and they come forward within their own organization and bring it up, it is often and ought to be handled internally in every case, gross or otherwise. If it's something that's really awful and that would be in everybody's mind something gross, that does not mean that it cannot be reviewed and ought not be reviewed internally. It doesn't mean it should come to us.

What happens: it comes to us if there's a fear of reprisal or the other things currently in the act that suggest they can come to us directly. If they come to us directly or anonymously and it's not gross, we advise and say that that's outside of our purview. But if it is gross, then it's in our purview. However, currently, if they're unsatisfied that things have been looked into or it hasn't been done according to the rules and processes of the act, they can come to us, and we'll have a look at it. Then it's not an appeal process; it's an external process where we can have a look at it to determine whether or not it is gross.

If it involved the mismanagement of people, a significant harassment, where they didn't look into it properly or ignored it or pushed the person out or reprised against him or her, currently, if it has to do with people, we're in the position where we say that that's not under the purview of our act. Whether it was or was not looked at internally in the department or the public entity is of no particular relevance in that regard, if that makes sense. Basically, it would be no different than what the act already does for assets and money. It would just include the management of people.

Mr. van Dijken: So currently, if someone came to you and it's not covered under the act, where would you send them? Is there a place for them to go to have their case dealt with?

Mr. Hourihan: We would say: "We don't have the jurisdiction there. You'll have to deal internally or wherever else you choose to go." Typically that response is to say: "But I'm trying to do that, and I'm not getting traction there."

The Chair: Dr. Swann on the phone.

Dr. Swann: Yeah. I just want to emphasize how important this shift is. There are a growing number of individuals that have come to me, over the last couple of years in particular, that deal with internal processes fraught with conflicts of interest and relationship issues and difficulties at the top that make it almost impossible to resolve many of these. I think it's very important that we add this level of whistle-blowing or accountability, I guess, for those folks who are harassed and bullied in the workplace and find no other resolution.

Mr. Cyr: I guess that in the end – and I don't mean to argue with the wonderful Mr. Hourihan – I didn't actually get my question answered. I don't understand the process of how HR works if you make a complaint. I'm just worried that there is an appropriate

process in place and that there's an independent place for people to go outside of the process already and that we're just creating another level. That's my concern here. I guess the question here is: was it intentionally left off your purview because there is already something set up that deals with this? That's my question. I don't understand, and it's hard for me to vote for this motion without understanding the whole process and if there is already a sufficient route for people to get the help they need.

3:35

Mr. Hourihan: I can try and answer that. I can't advise you that there is a process. I can advise you if we get a complaint and I go in and have a look and they do have a process that they don't follow or that's inappropriate or whatever. I guess my point is that with these things currently, whether it involves people or assets or anything else, the organization, the entities have an ability to look into it themselves, and certainly there are examples where they do. Something goes wrong. An employee puts their hand up and says, "This is horribly wrong," and the manager or whatever, somebody up the chain, looks at it and goes: "Oh, my goodness. You're correct. We need to fix that." They look at it. They examine it. They fix it. Because it might be gross doesn't mean it comes to us. Then it's just handled.

In fact, that's an example where people often don't see that as a whistle-blowing disclosure because whistle-blowing is often seen by people only once something significantly bad is reported and it's either not handled at all or it's handled inappropriately. Then it has more sort of emphasis as a whistle-blowing disclosure. It's to include those kinds of things but as they relate to people as opposed to just assets and money.

Cortes-Vargas: Just to be clear, if this recommendation went through, what exactly would that change for you?

Mr. Hourihan: It would give us the ability to look into those significant mismanagement issues that don't involve, necessarily, assets or money.

Cortes-Vargas: Which mismanagement issues?

Mr. Hourihan: Like harassment, like bullying, those kinds of things.

Cortes-Vargas: Okay. You know, there are always HR processes, but I think, generally speaking, that when looking at addressing personnel issues and concepts like that, all the best practices indicate that local solutions provide for meaningful results and for a level of, like, understanding of where everything is coming from. So those are personnel issues. Is that what's being included?

Mr. Hourihan: If it's gross, then I suppose yes. I mean, I'm not trying to suggest that my office ought to be a human resources police force of sorts, but we do get complaints where it's a significant departure that's not looked at. And it could be other things. Besides harassment, it could be significant breaches of a code of conduct.

For example, right now, if somebody commits an offence under an act, it is by definition gross mismanagement, but if they commit something else that's significant but it's not in an act or a statute or the legislation, then it sits out there in limbo in the sense that it seems gross in most people's minds but is not included in our act because our act is restricted to an offence in money and asset issues.

The Chair: Mr. Clark.

Mr. Clark: Thank you, Madam Chair. I wonder a couple of things as we're talking here. Again, if the commissioner could perhaps quantify how widespread you believe this is, if you can even estimate. I mean, it would be difficult, I imagine, to estimate a number, but can you give us a sense of the scale of the number of times you've said: gosh, I wish I could investigate this, but it's outside the scope of my role? Then, as we move into the next line item, definition of wrongdoing, we do start to address questions about codes of ethics, codes of conduct, those sorts of things, but we can come to that later. Sorry. Scratch that second half. Ignore that. We'll come back to that later.

Let's start with the question, if you can quantify it: is this very common? Is it just the absolute edge cases? I want to get a sense of that. What I'm hearing from other members of the committee is a concern that perhaps this is an overreach, that this is broadening the powers of your office very substantially. I'm just interested if you can quantify at all whether you feel this is, again, just extreme or edge cases that are rare, important but rare, or if you feel this is something that's going to happen quite commonly. If you can provide any context, it would be quite helpful, I think.

Mr. Hourihan: It's more of a common thing than it is a rare or edge-of-the-sphere situation. We get calls on this. We'll get inquiries about, "Do you look into this?" and our answer is no. We don't actually look into it because our answer is no before we can. We advise that we don't have jurisdiction. We get those calls on, I would say, a regular basis. There's at least as much concern about that significant mismanagement as any other kind within the public sector.

The Chair: I'm just wondering if there's any further discussion on this motion. Otherwise, we do need to get to our other business items.

Mr. van Dijken: The only point I might make is if there's an ability to get a better understanding of the options that employees have, if there are already avenues and direction that they can take to address the situations as opposed to adding another layer into the Public Interest Commissioner's office. So if we possibly table a motion and get that information. I'm just not fully aware of that.

The Chair: Are you asking to adjourn debate on this currently?

Mr. van Dijken: Yes, please.

The Chair: Okay. You'll have to make a motion.

Mr. van Dijken: I make a motion
to adjourn debate at this time.

The Chair: Okay. Thank you.

All those in favour? Any opposed? Carried.

On to other business. As committee members are aware, our colleague Rick Fraser, MLA for Calgary-South East, contributed a written submission to this committee as part of our review of the Conflicts of Interest Act. It is my understanding that he would also appreciate the opportunity to make an oral presentation to us on this matter. On May 19, 2016, this committee passed a motion to invite the office of the Ethics Commissioner and Alberta Justice to make presentations on this matter. Is there interest in extending an invitation to Mr. Fraser as well? If so, I would like a member to move a motion to invite him.

Mr. Clark: So moved.

The Chair: Okay. Moved by Mr. Clark that the Select Special Ethics and Accountability Committee invite Rick Fraser, MLA for Calgary-South East, to make an oral presentation to the committee as part of the review of the Conflicts of Interest Act.

All in favour? Any opposed? Carried.

On May 19 this committee also passed a motion inviting Lorne Gibson, the Chief Electoral Officer of Alberta from 2006 to 2009, to make a presentation to the committee as part of our review of the Election Act and the Election Finances and Contributions Disclosure Act. Mr. Gibson has provided the committee with a proposal outlining his estimated fees for such a presentation. As there is no provision or precedent for committees of the Assembly to pay for a presenter's time, we need to make a decision as a committee whether or not we are willing to authorize this expenditure. Is there any discussion on this? Anyone on the phone?

Mr. Sucha: Madam Chair, I have some comments.

The Chair: Okay. Go ahead, Mr. Sucha.

Mr. Sucha: I'm really worried that we could be setting a pretty bad precedent for covering a lot of expenses for people to come and present to the committee, where people down the line may come to expect this to occur, which could be a huge expense overall for the legislative offices.

Mr. Clark: I absolutely concur with Mr. Sucha that given that Mr. Hamilton came all the way from Toronto on his own expense to come and speak to the committee, I think it would not only set a bad precedent, but I actually find it somewhat offensive that he has suggested that he'll happily talk with us only if we pay him to do so. I would suggest that we absolutely not pay him to present to the committee.

The Chair: Okay. Is there any more discussion on the item?

Okay. I will move on to direction to research services. Having received the oral presentations on the election legislation this morning, it seems that we could move on to this subject matter. To ensure that research services has the direction necessary to continue preparing documents to assist us during the review, I will turn the floor over to Dr. Massolin.

3:45

Cortes-Vargas: Sorry, Chair. Just to be clear on that last point, I believe that we might have to make a motion in order to officially decline the payment. No?

The Chair: If you want to make a motion to decline it, you can.

Cortes-Vargas: What do you guys want to do? Let's move a motion. We haven't done that today. Moved by myself that the Select Special Ethics and Accountability Committee decline to pay the consultation fee for the presentation by Lorne Gibson.

The Chair: Any discussion on the motion?

I will call the question. All those in favour? Any opposed? On the phones? That is carried.

Mr. van Dijken.

Mr. van Dijken: The individual would still be invited, I suspect.

Connolly: Yes, but we're not going to pay him.

Mr. van Dijken: Correct. Okay. I just needed clarity on that.

Ms Rempel: Just to be clear, he has been invited, and he's been advised that we will arrange for video conferencing for the location that he is in if he wishes to make a presentation.

The Chair: Okay. On the item of direction to research services, Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. I think you were just talking about sort of queuing up the committee's work following PIDA, and you're asking about direction to research services, I believe, just to summarize that. I guess what I would have to say at this point is that as research services we'd like to know the direction of the committee in terms of which of the three statutes the committee would like to proceed to following PIDA – the Election Act or the Election Finances and Contributions Disclosure Act or the Conflicts of Interest Act – thereby, you know, giving us direction to prepare an issues document for whatever piece is next or two of them if you wanted to queue up a few meetings. So we're looking for direction with respect to putting together an issues and proposals document.

The other thing I'd like to say at this point, if I may continue, is just to remind the committee that with respect to the election legislation, research services prepared two cross-jurisdictional briefings. We haven't presented either of those orally to the committee. I would suggest that whatever statute the committee next pursues, if the committee wants, we could present the cross-jurisdictional to the committee because I think that document actually works well in terms of informing some of the discussion and the deliberations.

Thank you.

The Chair: Member Cortes-Vargas.

Cortes-Vargas: Sorry. I just had fast reflexes. You can go on.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. I guess I could make that motion to direct the LAO to do the Election Finances and Contributions Disclosure Act, preference to that, as well as the Election Act. I would move that

the Select Special Ethics and Accountability Committee direct research staff to prepare a focus issues document based on the submissions and information received to date regarding the Election Finances and Contributions Disclosure Act and the Election Act.

The Chair: Is there any discussion on the motion? Member Cortes-Vargas.

Cortes-Vargas: That's where I meant to go. I was just hoping that maybe we can get consensus on doing the election finances act first, that we have them both prepared but move one before the other.

The Chair: Is there any discussion?

Mr. Nielsen: Yeah, I would agree, probably, with my colleague. I think the election financing might be a little bit easier and quicker to go through than elections, which is why I suggested that order.

Mr. Clark: I guess I'd just put out there that what I'm trying to think of is: are there issues that will be raised in one that will change our recommendations or our deliberations or considerations in the other? I wonder if it might be that the structure of the Election Act itself, if we decide that we want to elect our MLAs in a different way, may have an impact on the way we choose to finance campaigns. I just wonder if it may make more sense to do that first.

If we don't make any changes, that is what it is. If we do, that also is what it is. I don't think that there are things that will change our consideration on the way we elect MLAs in the Election Act based on what happens in election finances, but I do think that there's a chance that the consideration of election finances are impacted by any changes that we recommend coming out of the Election Act. So I would suggest, perhaps, that we flip those around and do the Election Act first. I would envision that we would do them, obviously, in quick succession, but my sense would be that we would perhaps want to do the Election Act first.

The Chair: Dr. Massolin.

Dr. Massolin: It's the committee's decision, of course, yes. The only thing that I would offer is that even if changes in the way that members are elected were sort of recommended by this committee, that would be a process that might take some time to effect if that were to be the way that it eventually went. Thank you.

The Chair: Is there any further discussion? Ms Miller.

Ms Miller: My personal opinion is that we do the election finances act first. Then if there's any overlap between the two different sections, we can review them. We have to pick one over the other, so we might as well start with money and then go to the other and review any overlaps.

The Chair: Is there any further discussion? Mr. Clark.

Mr. Clark: Yes. Just a procedural question. I imagine that Dr. Massolin will tell us that it's at the will of the committee. If we make some recommendations in the Election Act, if we do it second to the election finances act, which we decide later on would change some of our considerations on the finances act, I presume that there's no reason we couldn't go back to the election finances act later. I mean, maybe I'm presuming the answer here. I want to be mindful of the work effort we're asking you and your staff to undertake here, that should we go through the process of the Election Act, make changes, and then decide that we want to make further changes to the Election Finances and Contributions Disclosure Act, you know, either we double up your work or we throw away some of the work that you've done. I guess that would be my concern. I obviously don't want that to happen. Can you sort of speak to procedure?

The Chair: Dr. Massolin.

Dr. Massolin: Sorry; I think the gauntlet has been thrown down here, and I have to come up with a different answer.

Thank you, Madam Chair. It certainly is at the will of the committee. That's definitely, definitely, definitely true. What I would offer as well is that either of those documents that we're going to prepare according to this motion would stay the same regardless of which of the acts you consider first, and the reason for that is that these documents, again, reflect the feedback that's already been given. So nothing would change. That's the first point.

Second point. Of course, you can go back and revisit an issue. Even if you've deliberated, you can come back to it. I mean, you don't want to sound like this is a very dogmatic or rigorous process in terms of not being able to open up an issue again if you needed to. I'm just saying, though, that in terms of efficiency and strategic process you may want to consider your deliberation phase separately from report writing and all that. That was the general point.

Thank you.

3:55

The Chair: Any further discussion on the motion?

Mr. Clark: Given all that, I would still suggest that we do the Election Act first for the reasons I stated previously. That would be my suggestion to my hon. colleagues. Thank you.

An Hon. Member: Are there amendments?

Mr. Clark: I apologize. Yeah. It's getting late on a Friday afternoon.

Could you please read the motion again just so that I'm clear? Does the motion specifically have the order?

Ms Rempel: I didn't quite catch all of the words for the motion. It did list the election finances act before the Election Act in the order.

Mr. Clark: I would like to move an amendment to reverse that order, to have the Election Act first and then the Election Finances and Contributions Disclosure Act.

The Chair: Discussion on the amendment? Mr. Nielsen.

Mr. Nielsen: Yeah. I would urge my colleagues: let's keep it as we were. I think we have an ability to maybe, you know, catch up a little bit here and get some work behind us. Should some overlap occur, I think we'll be able to go back and fix it quickly.

The Chair: Anyone on the phone?

Mr. Cyr: I guess my concern here is that we are time constrained. Nothing is more important than dictating how the Election Act works, and if we need to rush something, it's not going to be that

act, which is why I would support my colleague Mr. Clark. If we need to do something, it's got to be that. That for sure needs to be done thoroughly.

The Chair: Okay. I will call the question on the amendment. All those in favour? Opposed? On the phones? That amendment is defeated.

We're back on the motion. Is there any further discussion on the motion?

Okay. I will call the question on the motion. All in favour of the motion? Any opposed? On the phone? That is carried.

In response to questions from committee members, the tentative timeline for completion of this review was distributed earlier this week. Of course, this timeline will adjust to meet our needs as we move forward with the committee. Right now it is just a useful planning tool.

I also wanted to start confirming specific meeting dates for the months of July and August so that everyone can manage their summer schedules. Wednesday, July 6, 2016, will be the date of the next meeting. If you plan to teleconference, please be sure to advise the committee office in advance. If you are going to appoint a substitute member to participate on your behalf, please ensure that you submit the appropriate paperwork a full 24 hours prior to the meeting as required by the Standing Orders.

If there's nothing else for the committee's consideration, I'll call for a motion to adjourn. Moved by Member Connolly that the June 17, 2016, meeting of the Select Special Ethics and Accountability Committee be adjourned. All in favour? Any opposed? On the phones? Carried. Thank you.

[The committee adjourned at 3:59 p.m.]

