



Legislative Assembly of Alberta

The 29th Legislature
Second Session

Select Special
Ethics and Accountability
Committee

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

Monday, September 12, 2016
9 a.m.

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The 29th Legislature
Second Session**

Select Special Ethics and Accountability Committee

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9 a.m.

Monday, September 12, 2016

[Mrs. Littlewood in the chair]

The Chair: Good morning, everyone. I would 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 will ask that members and those joining the committee at the table introduce themselves for the record, and then I will address members that are on the phone. I will begin to my right.

Dr. Turner: Morning. It's Bob Turner, Edmonton-Whitemud.

Loyola: Good morning, everybody. MLA Rod Loyola for Edmonton-Ellerslie.

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

Connolly: Michael Connolly, Calgary-Hawkwood.

Drever: Deborah Drever, MLA for Calgary-Bow.

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

Mr. Hourihan: Peter Hourihan, Public Interest Commissioner.

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

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

Ms Jansen: Sandra Jansen, MLA, Calgary-North West.

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

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

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

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

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

The Chair: On the phone I believe there is Mr. W. Anderson.

Mr. W. Anderson: Wayne Anderson, Highwood.

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

Dr. Swann: Good morning, everyone. Sorry to have missed your shining faces this morning. David Swann, Calgary-Mountain View.

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

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

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

The Chair: I believe that is everyone.

Substitutions. For the record, for official substitutions Mr. Dach is substituting for Ms Renaud, and Dr. Turner is substituting for Ms Miller. That is it so far.

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 is 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 the 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?

Seeing none, would a member please move a motion to approve the agenda? Moved by Member Drever that the agenda for the September 12, 2016, meeting of the Select Special Ethics and Accountability Committee be adopted as distributed. All in favour? Any opposed? On the phones? That is carried.

Up next we have the review of the draft final report for the Public Interest Disclosure (Whistleblower Protection) Act. We will turn our focus there right now, away from the Election Finances and Contributions Disclosure Act. We can return to that in a moment. Right now we will be discussing the PIDA. Once we finished our deliberations on this act, earlier this summer, we directed that a draft section of the committee report be prepared reflecting the recommendations made by the committee. The draft section was distributed last week and was also included with the briefing materials for today's meeting.

I will turn it over to Dr. Massolin to take us through this section of the draft report, and then I will open the floor for questions. Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair, and good morning. I just would like to make a couple of remarks before I turn it over to Dr. Amato to provide the committee a few more details about the report. It is a draft report, and as you said, that's the committee's business today, at least in part. It is also, as you mentioned, a section of the report that will be tabled in the Assembly, meaning that this section of the committee's report deals with the whistle-blower act.

The other thing I would like to point out, since this is the first time that the committee is going through this process, is that the main section, of course, is the recommendations, and the recommendations reflect the committee motions that were passed during its deliberations over the course of several meetings. Also, those recommendations: I'd like to say that the rationale surrounding them reflects the decision-making process – and that is indicated in the text – and the context for those recommendations.

With that, I will pass it over to Dr. Amato.

The Chair: Thank you.

Dr. Amato: Forgive me. If I'm not speaking loud enough, please let me know. I'll just perhaps draw your attention to the table of contents, on the second page, which indicates how the report is organized. For your information the report reflects information that the committee has gathered between September 2015, when the committee began this process, and the final date that will be in this section of the report, which will be the date today, September 2016.

The report is organized according to the executive summary, which summarizes the 21 recommendations that were made by the committee on the Public Interest Disclosure (Whistleblower Protection) Act. It goes over the committee's mandate. It provides an introduction. There are acknowledgements. It discusses the consultation and review process and then goes through the committee recommendations in section 6.0, which, again, reflect, as Dr. Massolin has just said, the rationale for those recommendations, organized between sections 6.1 and 6.8. The

appendices are a list of written and oral submissions and presentations to the committee.

Thank you very much.

The Chair: With that, I will open up for any questions.

Mr. Clark: I guess I'll ask as we've got the Public Interest Commissioner's office here: I presume you had a chance to review the report as well. If you have or if you even just have gone through it here quickly, in your estimation is this an accurate reflection of the work of the committee, and are there any errors or omissions that you feel we need to address?

Mr. Hourihan: I just got it this morning. All I was able to go through so far was just to the start of the recommendations. I got through the executive summary. From what I saw, it's certainly an accurate reflection of what our notes show and what took place.

Mr. Clark: Okay.

Mr. Hourihan: I didn't read the body of the report yet.

Mr. Clark: Sure. I guess, once you have an opportunity to do so, obviously, if you have any questions or concerns, I imagine the committee would be very happy to hear those.

Mr. Hourihan: Certainly.

Mr. Clark: Thank you.

Dr. Swann: It's David Swann in Calgary.

The Chair: Go ahead, Dr. Swann.

Dr. Swann: Well, I just want to say that after, I guess, six or eight years of thinking and working around these areas, I'm pleased and proud to be part of the committee's work on this. It's a significant step forward from the previous act. It's taken into consideration many more issues that needed to be addressed and, I think, is a much more credible and accessible act for more people. I'm hopeful, and I have every reason to think, from the people that I've spoken to about the issue over the years, that there will be more interest in it and more willingness to step forward and identify problems as a result of the work we've done.

So I wanted to extend my thanks to the staff and to all the parties for working very constructively and coming forward with what I think is a much improved document, act, and I think we'll be much more satisfied all across the Legislature. I look forward, again, to the commissioner's comments later if he has any other issues, but it's certainly been progress from my point of view.

9:10

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. Yeah. I think this report has captured everything very, very well. You know, certainly, on behalf of my colleagues I want to thank research services and the staff for putting together a fantastic report. Really appreciate it. I think the committee has done some very good work here that should instill some confidence in Albertans should they ever need to access, you know, the whistle-blower legislation. Again, thanks to our staff for a great report.

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair, and good morning. Good morning to the Public Interest Commissioner. I would like to say

that I would echo my colleague Mr. Nielsen's comments, that this is a good joint venture between all parties. I feel that we had good discussions, and we were able to bring people forward. I'd like to thank all of those that had submitted proposals and make sure that they understand that we valued and debated each and every one of them. I believe that we've accomplished something here through all parties that we all can be proud of. It may not always be what we'd hoped for, but in the end I think that this was a big move forward for whistle-blowers. I'm glad to see that this committee was able to move forward a draft report.

Thank you, Madam Chair.

The Chair: Is there anyone further that would like to speak to the report?

Seeing none, would someone like to move to approve the report?

Moved by Member Loyola that

the Select Special Ethics and Accountability Committee approve the section of the draft report on the Public Interest Disclosure (Whistleblower Protection) Act as distributed.

All in favour? Any opposed? On the phones? That is carried.

Right now we just want to make a note to remind committee members that the standing orders allow for minority reports and that if committee members wish to submit such a report pertaining to the Public Interest Disclosure (Whistleblower Protection) Act, they provide the minority report to the committee clerk by September 19, 2016, so that it may be attached to the committee's final report. Are there any questions about that?

Mr. Cyr: If we want to move forward with this to be able to finalize it a little faster – I don't know – is there a process to do that? It appears that a lot of us agree with that and probably won't be submitting any minority reports.

The Chair: It doesn't change the process. It would just be basically an addendum to the draft report.

Mr. Cyr: Fair enough. I know that we're on tight timelines, so I was trying to take some strain off the staff.

The Chair: Oh. It would be something that would be crafted by your own caucus and added.

Mr. Cyr: Right. I don't disagree. I was saying that if nobody submits a minority report or is planning on doing it . . .

The Chair: It doesn't change the process.

Mr. Cyr: It doesn't change the process.

The Chair: It would just be added.

Mr. Cyr: Thank you.

The Chair: With that, we will turn to discussion of the committee mandate. On July 27, 2016, this committee passed the following motion, that

the Select Special Ethics and Accountability Committee request that the Legislative Assembly extend the timeline for consideration of the Election Act and the Conflicts of Interest Act to such date to be determined by the committee on or before September 16, 2016.

When this committee was appointed by the Legislative Assembly, it was given one year to review four acts. This mandate will expire on September 28, 2016. This committee does not have the authority to extend this time frame, and some concerns have been raised by committee members regarding our ability to do a thorough review of all four acts before the expiry of the mandate.

I would like to open the floor to discussion on the matter. Mr. Clark.

Mr. Clark: Thank you, Madam Chair. I think that given the depth to which we have gone in the first two, perhaps one and a half, depending on how you calculate it, of the four acts this committee has been tasked with – five, I guess, if we add Bill 203 – it's clear at this point that we need more time and certainly can't rush to review the Election Act and the Conflicts of Interest Act and Bill 203 by the end of our mandate.

I do think it's reasonable that we would be able to get through the Election Finances and Contributions Disclosure Act and that we issue an interim report reflecting those two, but I would suggest that we give ourselves until about the 31st of March as an end date to complete the other two acts. I don't anticipate that we'll necessarily take all of that time, but I think that gives us a reasonable amount of runway to accomplish that and live forever in hope that perhaps the next two acts will be a little less time consuming to get through – I guess we don't know – obviously, challenged by going into session here this fall and then, of course, we'll be probably into session certainly by next March. But I think that gives us the months of January, February to spend some time on the remaining two acts and perhaps even a meeting or two in December if we decide that's wise.

With that, I will move a motion to request the Legislative Assembly to extend the mandate of the committee to March 31.

The Chair: Would you like some help drafting this motion?

Mr. Clark: I would love some help drafting that to make sure I get it right. Yes, please.

The Chair: Ms Rempel.

Ms Rempel: Thank you, Madam Chair. Perhaps a motion that you may wish to make would be that

the Select Special Ethics and Accountability Committee include a recommendation in its report that the Assembly appoint a select special committee during the fall 2016 sitting for the purposes of reviewing the Election Act and the Conflicts of Interest Act, that these reviews be completed by March 31, 2017, and that this committee comprise membership similar to the Select Special Ethics and Accountability Committee and have complete access to and use of the submissions, research documents, and other information collected by the Select Special Ethics and Accountability Committee.

Mr. Clark: That's remarkable; I was thinking exactly the same thing.

Ms Rempel: I thought as much.

Mr. Clark: Yes. I would move that motion, please. Thank you.

The Chair: Mr. Cyr, did you want to speak to the motion?

Mr. Cyr: I just have a question about how all of this works. I apologize here. Just going through it in my head here. On September 27 we adjourn the committee.

The Chair: The committee will expire at the end of September 28, so the committee has to ask for permission from the Legislative Assembly to reconstitute in order to do the rest of its work.

Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. Has this ever been done before?

The Chair: Dr. Massolin.

Dr. Massolin: Yeah. Thank you, Madam Chair. I can say that not for this type of review, but there's a standing order, either 51 or 52, that allows for a reinstatement after a prorogation of a government bill. There was, I think, Bill 51 or 52 – that's my confusion – that was reinstated I think in 2010. So a similar type of process, where the committee picked up the work that the previous committee had done but not quite to this extent and not for a select special committee. That's the difference.

Thank you.

Mr. Cyr: So the committee itself is dissolved and then reconstituted?

The Chair: That's correct.

Mr. Cyr: And then we would use the motions that we've already put forward as a basis, or would they need to start from the very beginning?

The Chair: The motion includes all of the work that has been done thus far. All of the submissions, all of the stakeholders that have been invited to present, all of that work would still be included going forward.

Yes, Ms Rempel.

Ms Rempel: Yes. Just to build on that as well, this would be a new committee, so it wouldn't be bound by the work of this committee, but it would have access to essentially all of the work that has been done, information that has been collected. Now, according to this motion this new committee would only be looking at the two acts that the current committee will not have completed looking at. So there wouldn't be a lot of motions or anything that I would anticipate that it would need to be referring to.

9:20

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. Okay. It would be reconstituted how in the Legislature? It would be done by a vote?

Ms Rempel: It would be a motion.

Mr. Cyr: A government motion, then? Is this the way that it would be done?

Ms Rempel: Yeah. It would essentially be the same way that this committee was created. It would just be the same thing. There would be a motion, and it would include the mandate and membership.

Mr. Cyr: Okay.

Thank you, Madam Chair.

The Chair: Member Connolly.

Connolly: Thank you very much. Just to build on what Mr. Clark was saying, the committee has been doing good work and has worked hard to reach the point that we are at now. We have all consulted with Albertans in our own constituencies, and we have been listening to Albertans through their submissions. This summer we have debated two acts in a very in-depth way, and although we haven't agreed on everything, I believe we have made good progress. Albertans want to know an outcome from this committee, and we will complete our mandate in a timely manner. I have thought about a realistic end date, and I actually quite agree with

Mr. Clark with the March 31 ending. However, I'd like to hear from other members of the committee if they think that's a good ending as well.

Dr. Starke: Well, in answer to your question, I guess, I think March 31 is reasonable. We'll see. I mean, I guess we'll see how things go with the Election Act. Certainly, there are some proposals within some of the submissions within the Election Act that I would suggest could be very controversial, and it depends, really, on the degree of change to our electoral system that is being proposed as to whether or not that's something that's going to be able to be moved through and finished by March 31. But I think it's fairly clear that if we're not done our work, we can ask for another extension if need be. I think that March 31 – for now I'm in favour of that extension.

I guess my question that I had, though, prior to that issue being raised, is specifically with regard to the Election Finances and Contributions Disclosure Act, and that is that our work clearly is not done yet. We do not have a draft report in front of us yet, yet the committee expires on September 28. The motion that Mr. Clark brings forward only contemplates the two acts that we really haven't gone into very much depth in at all. My concern is that if we're not finished the work on the Election Finances and Contributions Disclosure Act by September 28 and it's not part of the extension motion, what happens? Like I say: is that then in limbo? That's my question to the committee as much as anything because I do think that we want to make sure that, on the one hand, we work towards completing things, but on the other hand on the off chance or in the event that the work is not completed by September 28 – I mean, this motion clearly does not contemplate the request for the mandate to extend to this other act, so that's my concern here.

Loyola: I think that, from my understanding, we have a meeting on the 19th and are hoping that we can get through what we need to get through, but I'm sure that my colleagues and I are willing to meet a few more times. I mean, we have been polled, if I'm not mistaken, on further dates throughout September for potential meetings if necessary, and at least our idea is that we would complete this particular act before September 28.

The Chair: Mr. Clark.

Mr. Clark: Yeah. That is obviously a concern or a question as well. I suppose if we find ourselves in a position where we're not done by the 28th on the EFCDA, we could move another motion to, you know, add the EFCDA to the March 31 deadline. I'm hopeful we can get through it. There are some controversial pieces to it, as we've discovered, but I think we should at least make best efforts to get done by the end of September, and if we can't, then I suppose we can move another motion.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. You know, certainly I understand where my colleagues are coming from here. Although we maybe don't agree on some things, I think the committee has done some fantastic work, and we've all worked extremely hard. I have every confidence that on this committee we can get this done before the end and be able to focus on the other two acts when the committee is reconstituted. You know, otherwise, again, we've done some good work here. I think we have the ability to finish off the rest of this act before the expiration.

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

Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. I'm curious about exactly how the minority report is going to work in this case, if we go to the 28th, because we need a week. This is what was done with the last one. Wouldn't it make sense that actually the 21st is probably the last day that we can sit? I'm asking here because I don't know the process. I'm certain that we will be submitting a minority report on this specific piece of legislation, so how does that work?

Ms Rempel: I mean, certainly, you know, the committee would have to make some decisions on that, but ultimately the report must come out no later than the 28th, so any minority reports would have to be attached to it at that time. Certainly, that's something that the committee is going to need to consider when it plans out its work.

Mr. Cyr: So we need to have a draft done by the 21st to be able to get this completed? I'm trying to put time frames into this so that we're not on the 28th and realize that we sat for every day until the 28th and still weren't able to get out a final report.

Ms Jansen: Just for clarification purposes, I'm assuming there will be content in the meeting on the 28th? There will be content we're covering in the meeting on the 28th?

The Chair: Currently we've polled for the 19th, the 23rd, and the 27th, I believe.

Ms Jansen: So if we have a meeting on the 27th, we're required to have a minority report on the 28th that includes whatever we covered on the 27th? Is that what you're saying here? I just want to get a sense of, you know, if we want to cover everything we've covered so far and we want to put it in the minority report, we've got one day to compile. I'm just unsure of the time frame here.

The Chair: I think the hope would be to be looking at a draft report on the 23rd that would then be able to be approved on the 27th.

Ms Jansen: All right. But we're still covering material on the 27th.

The Chair: It depends if the committee can get through deliberations on the 19th, so that would be at the will of the committee.

Ms Jansen: So, really, we've got a couple of days, then, if we want to include the content. That's what we're talking about here, a couple of days to include the content.

Ms Rempel: Well, again, this is something that the committee has to consider in planning out its work. The 28th is a bit of an immovable object, so, you know, yes, as a committee you're going to have to determine what is feasible for you to do. Certainly, I think if you go ahead with some of the meetings as planned, probably the 19th will be a very telling date for this committee as to whether or not it feels it can reasonably complete the work on the Election Finances and Contributions Disclosure Act or if perhaps a similar motion to what Mr. Clark has just moved needs to come forward.

Ms Jansen: So at that time, then, we have the ability to move the mandate or to include what we didn't cover in the job of the next committee. Is that a possibility?

Ms Rempel: Yes, you could choose to do that. The committee could make that decision. Of course, at the end of the day this is all at the will of the Assembly and what it chooses to do, but certainly,

yes, on the 19th the committee could update its recommendation so that three acts were to be included for the potential new committee.

Ms Jansen: Okay.

9:30

The Chair: Member Loyola.

Loyola: Yeah. I was just going to make the same suggestion, that after completing our deliberations on the 19th, we could then make a determination of whether, in fact, the EFCDA would need to be added to the motion or make a brand new motion.

Dr. Starke: Well, Madam Chair, I have a concern that is really just a practical concern, and that is that, you know, as the committee clerk has pointed out, we are running up against a very finite timeline here, and we don't yet have all of the deliberations done on the various suggestions. We have a fairly substantial list of suggestions from the Chief Electoral Officer that we've yet to go through, and we know that there is some disagreement on some of the recommendations that have already been passed.

So I think we can anticipate that there likely will be a minority report, and even if we complete deliberations today or complete deliberations on the 19th, it will be a relatively short period of time for our research team and Parliamentary Counsel to put together the draft report. You know, to a certain extent the minority report would have to be a reaction or at least somewhat parallel to that draft report. I'm just very concerned that the deadline of the 27th leaves extremely little time for opposition members, if they so desire, to prepare a minority report.

My other concern is, quite frankly, that the granting of an extension as of the 19th may or may not be granted, in which case the 27th is a hard deadline, and if there's no minority report filed by that time, it can't be filed after that. I would feel a lot more comfortable in this process if the EFCDA was in fact added to Mr. Clark's motion so that, at the very least, the option of filing a minority report, if that does happen, is not limited to a timeline that is going to be extremely difficult for opposition members – and there may be more than one minority report; there may be several – to prepare those reports and have them discussed by their respective colleagues in caucus and then have them submitted. I do think that it's important, for the sake of ensuring that the work of the committee is done, I think, in a full and robust and thorough manner, that the EFCDA be added to Mr. Clark's motion.

The Chair: Mr. Clark.

Mr. Clark: Thank you, Madam Chair. You know, I've listened to the debate, and I absolutely agree with Dr. Starke. In fact, I would be more comfortable, you know, subject to a discussion with the committee clerk and counsel about procedure, withdrawing my motion and trying again. I certainly don't necessarily need to move the next motion, but I would like to see the EFCDA included in the request for extension, to give us that option. I hadn't fully appreciated the process by which the minority report – and I suggest it would be minority reports, plural. You're likely to have more than one. In terms of reasonableness of expectation on research staff and folks who actually do the hard work behind the scenes to get the report itself written, I don't know if our delay should be their crisis, so I would at this point move to
withdraw my motion.

The Chair: All in favour of withdrawing the motion? Those opposed?

Cortes-Vargas: No. Can I make a point?

The Chair: Member Cortes-Vargas.

Mr. Clark: Madam Chair, point of order.

The Chair: It would mean that we're still debating your motion.

Mr. Clark: But I've moved it, and we've voted.

The Chair: But it needs to be unanimous.

Mr. Clark: Oh. Okay. Thank you.

Cortes-Vargas: Can I just ask a question? Dr. Starke, are you looking to extend the mandate so that you can include the minority report in the new deadline, or are you looking to continue the work in the new mandate? I'm curious: which aspect of the finance act are you trying to extend?

Dr. Starke: In order for the minority report to be properly filed and to be part of the overall report, the deadline would have to be extended. If there's no minority report or reports filed by September 27, then the work of the committee has ended on the EFCDA. That's my concern. And I think it's reasonable to expect, you know, that one or more minority reports will take a certain amount of time to prepare. I guess that's my concern. I mean, is it potentially feasible that they be completed by September 27? I guess, potentially yes. It depends a little bit on how the next few rounds of discussion go, but I would feel a lot more comfortable in terms of ensuring that the minority reports – minority reports are a facet of a lot of committee work – at least be allowed to be prepared.

You know, Mr. Clark's original motion contemplated more that a lot of the discussions and the full process, if you like, with the other two acts, that we have yet to get to, are going to be dealt with. I mean, it is entirely possible that all of the rest of the work on EFCDA is done, including the draft report and discussion of the draft report, but because, again, of the very hard deadline for the minority report, I would think that opposition members who decide they wish to file a minority report should be given the opportunity to have the necessary time to research and prepare the report as opposed to a rushed effort that would put a lot of additional stress on our research teams.

The Chair: Member Cortes-Vargas, did you want to respond?

Cortes-Vargas: Can I just respond? I'm absolutely hearing that you're wanting to put in a minority report. We want to do the logistics of that. What I'm hearing is that there is agreement that the other two acts need to be extended in a longer period of time. This one doesn't necessarily need to be as long, so I'm wondering if there's agreement from the opposition that what we do is propose a different solution on the 19th – we can still do that; we have agreement on the first portion – and see if there's an alternative solution for the minority report to make sure you have the adequate amount of time to make sure it's reflective of the views that you have. If that proposal can be brought in on the 19th, then we can still make this motion work right now and then on the 19th look at a different proposal, perhaps making a different extension for this aspect of it.

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. I guess the opposition's big concern all along with this process was that we wanted the extension while we were sitting so that we could have dealt with an extension so that this exact thing that's happening right now wouldn't happen. If we don't get through this and it gets

reconstituted, then we have a potential whole new group of people that are going to be reviewing this and spending a lot more time on this legislation. I have a deep concern that we have consistently brought this concern forward, and now we're at the point where it's too late. Like, I don't know. How long do you normally get for minority reports? Is it only a week? Is that the norm? I think it's reasonable to say that the discussions need to be completed by the 20th or the 19th so that opposition can make it through and get some time to be able to work on this.

This is very frustrating, and to have all of our work potentially not be used in the future is a travesty in itself. I see that we're just rushing through things, and this is just an unfortunate way on such an important piece of legislation or an act. How we can be rushing through this and not giving opposition the time it needs is definitely something that I am just astounded by.

9:40

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. I think I understand where my colleague is coming from. I guess that, myself, I get a little worried whenever we start to potentially throw up our hands and say, you know, "Give up; we can't make it" without at least trying. I think Member Cortes-Vargas was trying to allude to this.

Maybe I'll ask it in a different way. With the help of our fine staff, is there any way to find some way to put into maybe the next committee's mandate to include the minority reports from this act so that, in that way, we can still get their information in – maybe I'm not quite asking this right – so that going forward in the next committee's mandate, those minority reports can be part of their work?

The Chair: Ms Rempel.

Ms Rempel: Thank you, Madam Chair. The minority reports would need to be attached to the report of the committee that did the work.

Mr. Nielsen: So there's no way to somehow accomplish that that will happen?

Ms Rempel: No. The 28th, like we said, is a fairly immovable object for this committee.

Mr. Nielsen: Okay. Well, I guess, like I said, I'm not quite ready to give up on this committee. I think we've worked really, really hard. We're close. Like I said, I have confidence in everybody on this to get this done. I'd be willing to look at this on the 19th and, you know, see if we can get it done.

Ms Jansen: I'm just curious about the contortions we seem to be going through in order to keep the EFCDA from being added to the mandate of the next committee. It seems odd to me. You know, if we have a day or two of discussion on it and that wraps it up, then I'm not sure what the problem is. We have the opportunity to add it to the mandate of the next committee and include it in the discussion, which may take one week, but adding it to the mandate of the next committee takes no effort at all. So instead of sitting here and wondering, "Are we going to get finished? Are we going to get wrapped up?" why not just add it to the motion for the next committee and be done with it? Am I missing something here? We seem to be going through all of these trials and tribulations in order to keep it off the agenda for the next – like, what is the rush? I'm puzzled here. I feel like I'm missing something.

The question, I think, is: can we just add it to the mandate of the next committee? If we cover it in two weeks, we've put it to bed and everybody is happy, but why sit here wondering whether we're

going to cover it in this committee or whether we're going to finish it off? We have an easy solution here. What am I missing?

Loyola: I think that it's imperative that we see where we get on the 19th, that we have the deliberations that we need to have and then, based on where we get on the 19th – I mean, we want to be able to just get this finished and done with, right? That's our point. Now, it's customary that a minority report takes a week to get in. If we finish deliberations on the 19th, that provides the week necessary to get a minority report submitted so that we could review it on the 27th, okay? My suggestion is that we see where we get on the 19th. At the end of the day, if needed, we can make a motion to include exactly what our friends on the other side are saying.

The Chair: Member Cortes-Vargas.

Cortes-Vargas: No. It's okay.

The Chair: Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. Right now we're looking at that we have about nine outstanding motions at this time, and we're adding probably another possible 18 or 20 based on Mr. Resler's suggestions. We also have the third parties. Can we just take a step forward and say that unless we meet for the whole 24 hours on the 19th, it doesn't seem that we're going to make any significant steps on that day to be able to achieve what we're looking to do? We're looking at – what? – 25 motions that we have to debate. I don't see that as being a reasonable compromise in all of this, saying, "Let's just see where we're at on the 19th," when we have a ton of work still in front of us.

Ms Jansen: Just a couple of things to Member Loyola's comments. No, we don't want to just get through it. We want to do this with a deliberateness and with an opportunity to debate everything that is left to debate, so I probably would not characterize our work here as just wanting to get it done. We have, Madam Chair, expressed to you that my colleague Dr. Starke and I have a caucus meeting booked on that day with an out-of-town trip on the 27th, and we have clearly articulated that to the committee. So the discussion on the 27th, then, as you well know, would not be able to include two of the members here in opposition who have very real and important concerns. I would just add that to the conversation as a reminder.

The Chair: Thank you for letting me know. I had not been apprised of that. Thank you.

Dr. Starke.

Dr. Starke: Yeah. Thanks, Madam Chair. Well, I'm surprised to hear that because that date has been certainly on our caucus calendar for months, and my understanding was that that had been communicated to yourself and the committee clerk, but if that was something you weren't aware of, I mean, you are aware of it now.

I, you know, quite frankly, am concerned that we are very much being backed up against a wall. Quite frankly, I'd be surprised to learn that a minority report is typically prepared in a week. I would say that in this particular case, considering the volume of discussion and the number of recommendations and the number of resolutions that have been discussed and the number of these that there has not been unanimity on, the minority report could be quite a voluminous document. To suggest that it can be haphazardly thrown together in a week, you know, even by the outstanding research staff that we have in our caucus and that the other caucuses have, I think that is asking a great deal of them.

I would feel much more comfortable if this issue was resolved today, while we are discussing extension of deadlines in any case, rather than being left till the 19th, when, you know, there is no telling what the discussion or what the mood of the room may be. I think that today we're recognizing some of the logistical difficulties that we're in, and we're making, I think, appropriate measures.

As I understand it, we're still discussing Mr. Clark's motion with regard to the extension. I would make a motion to amend Mr. Clark's motion to include the Election Finances and Contributions Disclosure Act to the motion that he made with regard to extension to the March 31 date.

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

Mr. Nielsen: Thanks, Madam Chair. I'll rely on our staff for this again. Is it possible to write up a report of what we've at least accomplished so far so that we're potentially at least not redoing all of those conversations and move the remaining work that we haven't gotten to to the next committee?

Ms Dean: I'm sorry. My attention was diverted. Mr. Nielsen, I apologize.

Mr. Nielsen: It's okay. No, no. No worries.

Ms Dean: Is your question about whether this committee can issue an interim report? Is that what your question was?

Mr. Nielsen: I'm not exactly sure. I guess that with all the work that this committee has managed to get done so far, at least reporting on that so that if there is anything left over after the 19th, just that work can then be moved to the next committee's mandate.

Ms Dean: Well, I guess the concern that's been raised in connection with one of the acts that's part of the mandate is that there isn't ample enough time for the minority report on one of those pieces to be brought forward. It's really the will of the committee what it wants to put in its report, but I would keep in mind that the ability for a minority report to be appended to the committee's report is an important thing.

Mr. van Dijken: Chair, Glenn van Dijken on the speaking list, please.

The Chair: I will add you. Thank you.

Mr. Clark.

9:50

Mr. Clark: Thank you. Without question, the ability for the minority report to be appended to the report of a committee tasked with reviewing the core democratic institutions of our province I think goes without saying, but I think it is important to remind the committee that that's a big part of it. I speak enthusiastically in favour of Dr. Starke's amendment to my motion, to the point where I would not support my original motion should we not include the Election Finances and Contributions Disclosure Act because there's a lot of work that needs to be done here. Again, I ask the same question that others have asked: what's the rush? We find ourselves here mere weeks from the end of the mandate of the committee, and I don't believe it's reasonable to expect opposition parties, some with greater resources than others, to turn around a minority report and do so in the context of not having seen the draft report. It's going to be very difficult to write a minority report without seeing the draft report.

I guess I do want to ask the staff present: what is your process when an opposition party writes a minority report? Is it just simply

a matter of you taking whatever is written and that you just append it, or is there any work internally for you on the minority report itself?

The Chair: Ms Rempel.

Ms Rempel: Thank you, Madam Chair. I mean, really, we certainly aren't editing it or anything like that. We will take the text and format it just so that it is consistent with the paging and everything in the rest of the report. It would have the appropriate page numbers, and the table of contents would be updated.

Dr. Massolin: There are appendices.

Ms Rempel: Yes. There are appendices. So it's fairly minor in that sense.

The Chair: Mr. Clark.

Mr. Clark: Okay. Yes. Thank you, Madam Chair. Just briefly, then, again looking at the calendar, I was unaware that the PC caucus could not make the 27th date, and that's obviously going to cause a problem. You know, we don't have another election scheduled until 2019. We never know about by-elections, but it seems unlikely that we'll face another by-election before next year – touch wood – at the very earliest, if at all. Frankly, I'm not convinced that it is necessary to rush it through, so I really would encourage the committee to include the EFCDA as part of the motion. It gives us the option to request that the Assembly add this should we find that we need it. Frankly, there's no downside. We get through things on the 19th, we write a draft report, we review it, and then pass the final report by the end of the committee's mandate. Then that part of the motion becomes irrelevant and the Assembly can choose to ignore it, and that's fine because it won't be necessary at that point. I see absolutely no downside in passing it. In fact, I think it is necessary that we do so.

Thank you, Madam Chair.

The Chair: Mr. van Dijken.

Mr. van Dijken: Yes. Thank you, Chair. I'm having a little difficulty. I've got a couple of things here. One thing: I thought that the motion was withdrawn, actually. Am I wrong in that?

The Chair: It needs to be unanimous to withdraw, so it was not withdrawn.

Mr. van Dijken: I see. Okay.

The next point. I guess that when I look at it, I think of when I've been forced into rushing decisions based on timelines and not being able to fully debate and deliberate on all aspects of decisions. Quite often I'm caught at a point where the rushed decision was the wrong decision. It does concern me that we apparently are possibly moving forward in what I would consider a rushed manner, in that full and robust discussion and debate will not be able to be completed and that we're moving forward without fully considering all aspects.

It does bring concern to me that possibly there is preference on the governing party's side that possibly there's something prepared for the fall sitting already and without the full deliberations being done at committee. Committee work is essential work for proper discussion and debate, to get all sides to the table, to get to the solutions that are in the best interests of Alberta and of all Albertans. I believe that we need to recognize that trying to rush

this through, as Member Cyr has identified – there are many aspects of this that are still on the table, and we’re not even certain if those are all the motions that will come forward throughout the next days of deliberation.

I would suggest that the motion as amended, if the amendment that Dr. Starke has put forward, if that’s what we’re debating – this is necessary to be amended in this fashion in order to do a proper job of all the work that we have done to date.

Thank you.

The Chair: Member Loyola.

Loyola: Yeah. Just a question for Parliamentary Counsel because I’m obviously new to this. This is the first time I’ve been an elected official and the first time working on a committee that’s had to review an act. What happens to the existing motions that we’ve passed so far if the committee is then reconstituted? We’ve put a considerable amount of work into the Election Finances and Contributions Disclosure Act thus far, and I’d hate to see all that work just kind of be put aside and then a new committee reconstituted and for them to have to do all that work all over again. It doesn’t seem like a very useful way of doing business. We’ve done an incredible amount of work, and I’d like to see that reflected in the report.

Ms Dean: Well, the new committee would be the master of its own proceedings with respect to how it treated the material from the previous committee, but they could certainly take into account the motions that had been approved. They could take into account the submissions that had been received, and whether they decided to revisit a particular issue would be up to that committee.

Cortes-Vargas: I have the same questions. Do the motions continue the same way? Would the report that would be created, therefore, afterwards with the new committee that is being reconstituted reflect the motions that have been passed within this committee?

Ms Dean: I’m not sure I understand the question. The report of this committee will be the report that’s approved by this committee, whatever that includes, and I think that’s the discussion that’s going on right now, whether that report is going to be complete with respect to the EFCDA.

Cortes-Vargas: I apologize. I don’t think I’m making myself clear. We have passed motions that would be reflected if we were to make a report for the finance act, and I’m wondering what’s going to happen to those motions if we are unable to meet the deadline here on the 28th and we reconstitute a new committee. What happens to those motions? How are they reflected in the new report?

Ms Dean: It’s up to the new committee in terms of what they want to do with that information. It’s part of the record of this committee, but that committee is not bound by those motions.

Cortes-Vargas: So would you have to remake the motions?

Ms Dean: Well, it would be up to what the committee wants to do. They could certainly just bring into the record those motions and adopt those motions, but it would take a decision of that committee.

10:00

Cortes-Vargas: So they would have to rename absolutely all of the motions that had been put forward in order to include them in that

report? Therefore, the motions would be lost unless it’s continued by the new committee?

Ms Dean: Well, unless they’re adopted by the new committee, because this committee’s mandate ends on September 28.

Mr. Cyr: I am very angry. I have committed my summer to being at these meetings. I knew when I was appointed to this committee that that was always going to be the potential, and I’ve not complained in any way about the number of times we’ve met. As a matter of fact, I believe that I’m a part of a greater thing. I believe this is part of the legislative process. To lose all of what we have accomplished and the number of times we’ve met, the debate that we’ve had is, again I will mention, a travesty.

One of my concerns here is that we’re going to be going into a fall sitting, and what’s going to happen is that we’re going to actually see legislation hit the Order Paper. That legislation is going to cherry-pick what it liked in the committee meeting and leave out what it didn’t like. The fact that the opposition didn’t have an opportunity to create a final report or even a minority report is of great concern for me because then, in the end, we’ve put in a lot of time and effort, a lot of debating, and a lot of points of view were heard, but it ends up being that government just pushes forward a mandate that wasn’t the possible will of the committee.

I will reiterate my original point, that this whole thing could have been solved had we gone through the appropriate process when it was identified that we didn’t have enough time when we were sitting, when we had said: this is not going to end well; we do not have the amount of time that we are going to need to be able to get through this.

How is it in the best interest now, when we’re here with no solution that I see in front of us that’s going to actually be able to prevent the fact that we’re probably going to have to move this forward?

I am so frustrated right now.

Ms Jansen: Just a couple of things. If I’m hearing legal counsel correctly, I think what I’m hearing is that if EFCDA is added to the mandate of the new committee, then any of the motions that we have discussed so far can be considered as already having been moved, because the new committee can decide exactly what it wants to do, and that the discussion – so you’re not losing anything, any of the discussion we’ve had so far, and the conversation that goes forward in the new committee can simply consist of covering all the things that we didn’t cover already. So to me that seems like a very simple thing. If it’s up to the will of the committee, the committee can make that decision.

I don’t think there is an argument there that we’re losing any of the discussion we’ve had so far. We’ve had that discussion, and we’ve got a lot more to cover, which I think is the point that’s being made here, and the idea is not to rush through the remaining material that we want to cover but to have the ability to do it in the next committee meeting without going backward. I think that’s a very easy thing to do, and I don’t think that anyone on our side of the table wants to go backward. I think that the issues we’ve covered, we’ve covered, and I think there are more issues that need to be covered that cannot fall within the time constraints of this committee.

I think the point was made that the minority report is important, that the conversation, the dissenting opinion is important to be noted. Again, as I said before, I’m not sure why we would want to rush through the ability to have a fulsome discussion on this and leave points out.

Now, my colleague Member Cyr is very correct in that we identified a time constraint that would likely mean that we wouldn't get to the end of our mandate. This was discussed quite some time ago, and members on the government side of this committee were very expressive in their opinion that it was all going to be covered in the time that we were given. As we pointed out, that likely wasn't going to happen, and in fact it hasn't happened.

We have a simple answer to a problem that we have here now, and that is our ability to cover in a fulsome way the EFCDA discussion to its final conclusion. We have the ability to do that by just including it in a motion that it becomes a part of the next committee. It's very simple to me. We don't have to go backwards at all. The committee going forward can simply say, you know: here are the things that we covered in the discussion last time around.

If there are new committee members, they certainly have the ability – it's not going to take more than a couple of days to bring themselves up to date on all the material that was covered. Or if members come back, we continue on. So to me it's very simple, and again I would say that I'm just not sure why there seems to be such resistance to including it. I mean, we're talking about what could end up being a couple of weeks of discussion at most, and we seem to have some folks here who are fighting it in a rush to push the EFCDA recommendations through.

The Chair: Mr. Hanson.

Mr. Hanson: Thank you. I apologize – I'm new to the committee; I'm just standing in for Mr. Nixon – if I've missed something, but just from an outside observation I look at the dates that the committee has met in the spring of this year and the number of times you've met over the summer, and I think that a lot of time was squandered in the spring and now you're trying to finalize a bunch of very important legislation here in the fall. I can't help but wonder if the big rush is due to the fact that there's legislation already being written for the fall session. That's just to clarify what Mr. van Dijken and Mr. Cyr were asking, and I don't think we really got an answer to that. But that would be my suspicion when I look at what the big rush is here.

Now, also, I'd like to add that under section 68 of the standing orders, it guarantees the rights of the opposition to file a minority report. So working right till the last date, especially when the PC caucus will be off on the 27th and not be able to be at that meeting, that pushes that forward to the 19th, there's no way that we will have a chance to, you know, go through this important legislation, finalize it, and then give the opposition members a chance to write their minority report. So I think we don't have any choice as a committee but to push those dates forward and to put this forward to the next committee.

Thank you.

The Chair: Mr. Clark.

Mr. Clark: Thank you, Madam Chair. My serious concern, just to pick up on the comments that have been made by several members here, asking the question: "What's the rush? You know, why do we need to get through it?" I think that we have a pretty good answer there, that perhaps some legislation is already being drafted for this fall sitting, which makes me wonder whether this government is playing the short game to get some legislation on the books here in October for whatever political reasons they've calculated may somehow be to their advantage or if, in fact, the job of government is to do the right thing long term for the people of Alberta generally, as opposed to trying to tilt the playing field one way or the other.

You know, I absolutely agree with Mr. Cyr's comment that we had opportunities to do this before. I've twice moved motions to

extend the mandate of the committee, and it was in that spirit that I took the opportunity to move this motion. But I want to be very, very clear that given the conversation that's happened here today and the points made by my opposition colleagues, I cannot support a motion that does not include EFCDA as a part of the request to the Legislative Assembly to extend. That's not a requirement that we must do that, but it is an option.

10:10

I just want to remind the committee of the dates. Let's just talk this through. There's this talk of having a week to do a minority report. Well, the best case is that we meet on the 19th, and we finish everything. It's a possibility. I'm not optimistic that it's likely to happen, but even if that does happen, then we have a draft report by September 23rd, which gives the opposition parties one business day to write a minority report. Now, we're all committed to working weekends and things, but of course we have things on that weekend, I imagine. There are lots of community events, of course, perhaps a little bit of family time squeezed in there. Even if we work incredibly hard, it's very difficult to write a meaningful minority report in one business day.

I do want, just to Member Cortes-Vargas's point, to ask staff here: the new committee could do whatever it wants. It sets its own agenda. The new committee could choose to adopt all past motions as a whole, as opposed to just going one at a time. That committee could say: "There was an interim report written. It included these recommendations. This new committee adopts all of those recommendations in their entirety." It's not a matter of going one by one by one and rehaving all those conversations. Is that correct?

The Chair: Ms Dean.

Ms Dean: Madam Chair, that is correct.

Mr. Clark: Thank you.

Madam Chair, if I may.

The Chair: Mr. Clark.

Mr. Clark: Thank you. Given that any concern that we would be having these conversations all over again in the new committee is unfounded and that that new committee, like I say, sets its own course, its own agenda, I think that should we find we need that, we ought to take the time to get this right. I think Albertans demand that of us, and I think I would caution the government against the risk to the perception Albertans may have of their actions on this committee if they don't choose to allow this committee at least the possibility of extending EFCDA into the new mandate of the next committee.

Thank you.

The Chair: Member Loyola.

Loyola: Yeah. I've listened attentively to everything that has been said, and I empathize with where the opposition members are coming from. I'm still convinced, though, that I'd like to see where we get on the 19th and see how much work we get done. We also have a little less than two hours today to get through some of the work that I'm hoping that we can get through today as well.

With that, I'm just going to move that we adjourn debate on this motion.

The Chair: All those in favour of adjourning debate, say aye. Those opposed? On the phones? It looks to be a tie.

We'll take a recorded vote, starting to my right.

Dr. Turner: Bob Turner, Edmonton-Whitemud. Yes.

Loyola: Rod Loyola, Edmonton-Ellerslie. Yes.

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

Connolly: Michael Connolly. Yes.

Drever: Deborah Drever. Yes.

Cortes-Vargas: Member Cortes-Vargas. Yes.

Mr. Dach: MLA Lorne Dach. Yes.

Mr. Hanson: MLA David Hanson. No.

Mr. Cyr: Scott Cyr, the MLA for Bonnyville-Cold Lake. No.

Dr. Starke: Richard Starke. No.

Ms Jansen: Sandra Jansen, Calgary-North West. No.

Mr. Clark: Greg Clark. No.

Mr. van Dijken: Glenn van Dijken, Barrhead-Morinville-Westlock. No.

The Chair: Dr. Swann.

Dr. Swann: Yeah. David Swann, Calgary-Mountain View. No.

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

Mr. W. Anderson: Wayne Anderson, Highwood. No.

Ms Rempel: Madam Chair, we have a tie vote.

The Chair: Jessica Littlewood. Yes.

We have adjourned debate on that amendment.

With that, we are on to the Election Finances and Contributions Disclosure Act deliberations. Are there new motions to be made at this time?

Mr. Clark, do you have more motions that you would like to make?

Mr. Clark: Madam Chair, I would really appreciate – just look at the clock. Perhaps we could take five minutes now, and that will give us a chance to have some brief conversations about specifically how we're going to move forward with these next motions, if that's all right.

The Chair: The will of the committee: is the committee ready to break? Five minutes. We'll reconvene at 10:20.

Mr. Clark: Thank you.

[The committee adjourned from 10:15 a.m. to 10:23 a.m.]

The Chair: I'm going to call the meeting of the Select Special Ethics and Accountability Committee back to order.

We are on to discussing new motions. Mr. Clark, are you ready?

Mr. Clark: Yep.

The Chair: Go ahead.

Mr. Clark: Thank you very much, Madam Chair. In consultation with my colleagues on both sides I believe we have four motions that should receive favourable reply from all sides. I'm hopeful.

I presume that we all have the document that Elections Alberta prepared for us in front of us. My first motion is for Elections Alberta's recommendation 29. Their recommendation is that failure to file quarterly reports should be a basis for deregistration.

Ms Rempel: Can I speak, Madam Chair?

The Chair: Go ahead, Ms Rempel.

Ms Rempel: Mr. Clark, are you moving that the committee recommend accepting that?

Mr. Clark: Yes.

The Chair: Is that with the understanding that there is a recommendation that the office goes to accepting annual reports?

Mr. Clark: Yeah. Thank you. That was one question that I had because I'm remembering that we had removed that for constituency associations but not, I believe, for parties. Perhaps we could ask the office of the Chief Electoral Officer to comment, based on the motions already passed by this committee, if you believe this recommendation is in fact still required.

The Chair: Mr. Westwater.

Mr. Westwater: Thank you, Madam Chair, and through you to the member. Yeah. This recommendation relates because the parties are still required to file quarterly, so we're adding the provision that if you fail to file your quarterly reports as a party, that could be a basis for deregistration.

Mr. Clark: Okay. Thank you.

Ms Rempel: If that works, I've put in "required" . . .

Mr. Clark: Required reports, yes.

Ms Rempel: . . . so it's regardless of whether it's quarterly, annual, et cetera. If that works for you, of course.

The Chair: Mr. Clark, does that . . .

Mr. Clark: I may ask Elections Alberta if, in fact, that wording is broad enough.

The Chair: Mr. Westwater.

Mr. Westwater: Thank you, Madam Chair, and through you to the member. Yes. Currently we can deregister a party for failing to file their annual reports. That's already in the legislation, but this just encompasses quarterly reporting, which was the gap that was there that we were addressing in our recommendation.

Mr. Clark: Right. So, yeah, this recommendation is specific to quarterly reports; therefore, I think we should have that in there because there is already a provision for annual reports. Instead of "required reports" let's have the word "quarterly," please.

The Chair: Ms Rempel, would you mind reading that into the record, please?

Ms Rempel: Thank you, Madam Chair. I believe that Mr. Clark has moved that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to accept recommendation 29 from the Chief Electoral Officer, that failure of a party to file quarterly reports be a basis for deregistration.

The Chair: Is that correct, Mr. Clark?

Mr. Clark: It looks good, yes. Thank you.

Cortes-Vargas: I just have a question. I was wondering if you could clarify for me: what was the reasoning and the rationale for recommending this in the first place?

The Chair: Mr. Westwater.

Mr. Westwater: Thank you, Madam Chair. Mr. Resler has rejoined us. Essentially, there was a gap in the legislation where there were no penalty provisions for failing to file your quarterly reporting, that we could deregister you as a penalty. It's not something we take lightly, obviously, but it's something that we didn't have to be consistent with the legislation. Currently if you don't file your annuals, we could deregister a party, but if you fail to file any of your quarterlies, we couldn't deregister a party. That was the rationale behind the recommendation.

Cortes-Vargas: Absolutely. Thank you.

It seems like a reasonable thing to do, and I feel like the motion actually does reflect what the original one does, so I'd be supporting this.

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

All in favour of the motion, say aye. Any opposed? On the phones? That motion is carried.

10:30

Mr. van Dijken: Madam Chair, can I be on the speakers list, please?

The Chair: We just carried the motion.

Mr. van Dijken: Correct.

The Chair: Sorry; did you want to bring forward a motion?

Mr. van Dijken: No. I would just like to clarify a point. We reconvened, and it appears that we have other participants in the meeting at this time. For the benefit of those on the phone and for the records – I may have missed it – if the chair could acknowledge the new participants in the meeting so that those of us that have phoned in will be able to have an understanding of who is now participating.

The Chair: Thank you, Mr. van Dijken. If those that have joined us at the table could please identify themselves for the record.

Mr. Lee: Kevin Lee, director of finances, Elections Alberta.

Mr. Westwater: Good morning, Madam Chair and members of the committee. I'm Drew Westwater, Deputy Chief Electoral Officer.

Mr. Resler: Good morning. Glen Resler, Chief Electoral Officer.

Ms Vance: Good morning. Fiona Vance, legal counsel for the Chief Electoral Officer.

The Chair: Thank you.

Is there another motion to be made? Mr. Clark.

Mr. Clark: Yes. Thank you, Madam Chair. I would like to move that the Select Special Ethics and Accountability Committee amend the Election Finances and Contributions Disclosure Act to accept Elections Alberta's recommendation 41, to clarify that "failure to file a campaign deficit report" be the trigger to report to the Speaker rather than the – we can probably just leave it at that without the second half. That's fine probably like that, I believe, unless I'm told it's not fine. Sorry; the end quote needs to be after the word "report." "Failure to file a campaign deficit report" is the quote.

Thank you.

The Chair: Ms Rempel, I'll just ask you to read that out for the record for those on the phones.

Ms Rempel: Thank you, Madam Chair. I believe that Mr. Clark has moved that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to accept the Chief Electoral Officer's recommendation 41, to clarify that "failure to file a campaign deficit report" be a trigger to report to the Speaker.

Mr. Clark: Sorry; I think that should be "the" trigger to report to the Speaker.

The Chair: Is that correct, Mr. Clark?

Mr. Clark: Thank you.

The Chair: With that, I will open for discussion. Member Loyola.

Loyola: Yeah. Just for the benefit of having it on the record, if we could just get the primary objective of why this recommendation was made from the CEO and staff.

Mr. Resler: This recommendation is to make the legislation regarding the campaign deficit consistent with the current process as far as candidates filing their original candidate financial statement. Currently if a candidate files their financial statement late, they are listed on a report that goes to the Speaker for the prohibition for eight to five years, depending on when the filing occurs. With those that have deficits, they can apply for an extension. They are provided three additional months in which to file the report and to eliminate their deficit, but if they fail to file that financial statement, that is not the trigger as far as reporting to the Speaker for that prohibition that would have occurred originally, so we just wanted to mirror the legislation to the original filing process.

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

All those in favour of the motion, say aye. Any opposed? On the phones? That motion is carried.

Mr. Clark.

Mr. Clark: Thank you, Madam Chair. I would move that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act is amended to accept Elections Alberta's recommendation 42, to clarify that a candidate registration deposit is not refunded if failure to file by due date is breached.

The Chair: Please go ahead, Ms Rempel.

Ms Rempel: Thank you, Madam Chair. Mr. Clark has moved that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to accept the Chief Electoral Officer's recommendation 42, to clarify that a candidate registration deposit is not refunded if failure to file by the due date is breached.

The Chair: Dr. Swann, go ahead.

Dr. Swann: I think just a little wordsmithing. "Failure... is breached." I don't think we need both words. "If the due date is breached" or "if there is failure to meet the date." It's just a minor wording suggestion there.

Mr. Clark: If we just take out the words "is breached".

The Chair: I think we should have that read with the wordsmithing before there is further discussion.

Ms Rempel: Thank you, Madam Chair. The motion now reads that Mr. Clark has moved that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to accept the Chief Electoral Officer's recommendation 42, to clarify that a candidate registration deposit is not refunded if the candidate fails to file by the due date.

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

Seeing none, all those in favour, say aye. Any opposed? On the phones? That is carried.

Mr. Clark.

Mr. Clark: Thank you, Madam Chair. One more today, and then there are a few more I think we will deal with on the 19th, once we've had the discussion about third party. I would move that the Select Special Ethics and Accountability Committee recommend that the EFCDA is amended to accept the Chief Electoral Officer's recommendation 43, that the elected members who do not file candidate financial statements are not allowed to sit in the Assembly.

The Chair: Mr. Clark, does that reflect your motion?

Mr. Clark: It does, yes. Thank you.

The Chair: Ms Rempel, would you mind reading that for the record and for those on the phone?

Ms Rempel: Thank you, Madam Chair. Mr. Clark has moved that the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended to accept the Chief Electoral Officer's recommendation 43, that elected members who do not file candidate financial statements are not allowed to sit in the Legislative Assembly.

10:40

The Chair: Dr. Starke.

Dr. Starke: Thank you, Madam Chair. I understand the reason for this, and I'm supportive of it, but I guess I'm just a little unclear as far as logistics. Typically members are sworn in and the House begins to sit before the completion of the 60-day filing period, so in fact you may have members sit and vote on motions before their disclosure statement is filed. Then they may get to the end of that 60-day period, and if they failed to file the disclosure statement,

they are disqualified or the seat becomes vacant, but in the meantime they may well have voted on motions and have been sworn into office. I guess I'm a little bit concerned how this will all play out. I mean, by the same token I don't think we want to delay the swearing-in of candidates and the commencement of sitting after an election for a 60-day period. I'm just curious how that will all fit together in that scenario.

The Chair: Mr. Resler.

Mr. Resler: Yeah. The failure to file the financial statement does not void their original election, so the qualifications of the member to sit in the House during that period remain, but then from that point forward once the statements have not been received, the failure, then the breach exists. What we're looking at is to show that there is a serious consequence. Not being able to file the financial statements, you don't have the transparency and accountability for that candidate and member, so we just want that reflected in the legislation. There would most likely be consequential amendments to the Legislative Assembly Act also as a result of this recommendation.

Dr. Starke: Therein would be my concern because that's not part of our mandate, amendments to the Legislative Assembly Act, right? You know, I agree, and I understand the intent of this. I would assume – and I could be corrected if I'm wrong here – that if there are any elected members that are approaching the 60-day period and they have not filed, the Chief Electoral Officer works with that candidate and with the candidate's CFO. I assume that this would be a situation that you'd very much want to avoid. It could cause some pretty considerable embarrassment to a newly elected member.

Mr. Resler: We do currently and in past elections. It's back to whether it's an elected member or not elected member, procrastination to the last moment, and we're still scrambling to get statements in at the very last minute. There has, I think, in the past been an elected member who did not file on time and went to the courts for relief. It's an occurrence that happens every election as far as the filing deadlines, but we want to ensure that the financial statements are received by our office and that there are implications for not filing.

Dr. Starke: This may just be, like, a technicality, but the way that it's worded right now, it makes it look like they are not permitted to sit at all. You know, what you're saying is that they're permitted to be sworn in and to take their seat, but at the point that the 60-day period expires, if they haven't filed at that point, they are disqualified from sitting in the Assembly.

Mr. Resler: Yes.

Dr. Starke: Okay. It's technical.

The Chair: Mr. Dach, are you still on the speakers list?

Mr. Dach: Yes. If I may, just a quick point. I believe it may be partially answered by the Chief Electoral Officer. I was curious to find out how common it has been in the past for candidates or elected members to fail to file and then suffer consequences.

Mr. Resler: As far as failure to file as far as elected, one I know for sure. As far as rushing at the end of the day trying to get the candidates in, there's always a handful every election that we're dealing with and working with the parties, working with the

candidates, trying to track people down, kind of clarifying the urgency and the importance of filing. That's a constant every election.

Mr. Dach: Thank you.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. I think Dr. Starke brought up a pretty good point here. Maybe I'll go towards Parliamentary Counsel. I mean, I can see how this, you know, is relevant to the financing act. Are we overstepping our mandate? Can we move this through?

Ms Dean: This would necessitate a change to the Legislative Assembly Act.

Mr. Nielsen: But it doesn't breach our mandate.

Ms Dean: You know, the committee could pass a resolution on this point, but technically speaking, this would be an amendment to the Legislative Assembly Act.

Cortes-Vargas: I was just wondering how you reached the rationale of this particular consequence. Did you evaluate other ones? Did you look at this one? Where did this one come from?

Mr. Resler: I believe there are other jurisdictions that already have this in place also. That was a part when we looked at this: what is the appropriate breach? Yes, we did review it. I think the federal legislation has a version of this already. B.C. does, but there are other jurisdictions that have similar legislation in place.

Ms Jansen: I'm just wondering. Since our job in this committee is just to make suggestions, if it's a suggestion that comes out of this committee, then really it can go somewhere else to be dealt with at a different time and place. Is that correct? I'm assuming that that can be the case.

Ms Dean: Sure. It will be part of the official record of the committee.

Ms Jansen: Well, then I don't think that we really need to argue about whether it's beyond the mandate.

The Chair: Mr. Hanson.

Mr. Hanson: Yeah. I guess my only question is – I don't know what time frame you're talking about, but you say that there's only been one incident, that every election there's a potential for foot-dragging when it comes to this. Are we kind of stepping into creating a problem that doesn't really exist, I guess? Not to make light of it, but . . .

Mr. Resler: But it provides clarity when it does exist, and that's what we're bringing forward. We've had the issue before. You know, they're going to the courts. The candidates or MLAs at that time are going to the courts seeking relief, and this provides clarity to the courts if it was to go there and to our office itself in administering it.

Mr. Hanson: Yeah. I just see the potential for some real turmoil if we had a couple of newly elected candidates that, you know, had to face a situation like this. I understand. Like, it's up to us to make sure that we get our CFOs to file on time, but it just seems a little

severe. Like you said, seeing that there's only been one incident of it in the past, it seems a little bit severe to be going this route.

Mr. Resler: I don't feel that it's severe. I feel that it complements the failure that is being breached. They have a responsibility. They're provided reminder letters, they're provided correspondence, all of the parties and the candidates. It's back and forth. There are several months in which to report, yet still we're chasing or trying to get those statements in. Or they fail to file, and they're going to court for relief. So it's just the urgency. There are appropriate timelines involved. In most of the instances where there are issues, either the candidate or the CFO isn't to be found – it could be vacation; it could be other things, right? – but they're not local, and you need that original signature.

Mr. Hanson: Okay. Thank you.

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

Ms Rempel, would you mind reading that into the record before the vote?

Ms Rempel: Thank you, Madam Chair. Just for clarification, the motion has just been adjusted slightly. I believe that Mr. Clark has moved that the Select Special Ethics and Accountability Committee recommend that legislation be amended to accept the Chief Electoral Officer's recommendation 43, that elected members who do not file candidate financial statements are not allowed to sit in the Legislative Assembly.

10:50

The Chair: All those in favour of the motion, say aye. Any opposed? And on the phones? That motion is carried.

Mr. Clark, do you have further motions?

Mr. Clark: I do not, Madam Chair. Just for the record and for clarification, we have three of the Elections Alberta or Chief Electoral Officer's recommendations that we already have outstanding adjourned motions for: recommendations 1, 52, and 44. We were not able to come to agreement on recommendations 21, 25, and 28. Recommendations 51, 55, and 56 all deal with third parties, which we will deal with, I imagine, on the 19th, when we discuss third parties.

Cortes-Vargas: Please don't take this as an indication that I want to make a motion. I just want to ask for the rationale for 51, 55, and 56, for those recommendations. It's not so much to bring a motion up but just to get some of that context prior to going into that discussion.

Mr. Resler: Recommendation 51: currently for third parties, if they file late, there are no automatic fines, so we're just looking for the consistency of the legislation, for what the motions, as far as previously passed – that it also applies to third parties.

Recommendation 55: right now if a third party fails to register, we cannot prosecute. Even though the legislation states that it's a registration and reporting process, if they fail to file, we can't prosecute. So we want to clarify that in the legislation, that it is a prosecutable offence.

Recommendation 56: it's the clarification as far as who can be named in a prosecution. When we're dealing with unincorporated associations, when we're filing an information in order to prosecute them for an offence committed under the act, there's some question as far as who it is that we prosecute and who we're able to

prosecute. So that just provides us clarification as far as who can be named in a prosecution.

Cortes-Vargas: Just one follow-up question for 55, kind of the same question as before: how many instances have there been of people, third parties, not filing?

Mr. Resler: The legislation just came into effect in 2013, so this last provincial general election was the first one. As far as failing to register: arguably one in the last general election. There may be others that we don't know about, but that's one that we are aware of.

Cortes-Vargas: Thank you.

The Chair: If there are no further new motions at this time, then we can go back to deferred motions. Member Loyola.

Loyola: Yes. I'm hoping that we can go to Mr. Cyr's motion on loan guarantees.

The Chair: Ms Rempel, would you mind reading that for the record?

Ms Rempel: This would be number 5, then, Madam Chair?

The Chair: Correct.

Ms Rempel: Okay. Now, there is both a motion on the floor and a proposed amendment. Shall I read both?

The Chair: Yes, please.

Ms Rempel: Thank you. The original motion: moved by Mr. Cyr that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended so that no individual will guarantee a loan of more than 5 per cent of a registered party's campaign spending limit to either a registered party or registered candidate.

Dr. Swann has moved that

the motion be amended to strike out "5 per cent" and insert ".5 per cent" and strike out "to either" and add the following words before "registered candidate": "and no more than 5 per cent of a registered candidate's campaign spending limit for a registered candidate."

The Chair: With that, I will open up discussion on the amendment. Member Loyola.

Loyola: Yeah. I'm assuming that Dr. Swann is still on the call. I'm just hoping that he can perhaps remind us and elaborate on why he was suggesting these numbers if he doesn't mind.

The Chair: Dr. Swann.

Dr. Swann: Yes. Thanks, Madam Chair. I guess we need to have the discussion about what reasonable limits are. We've all agreed, I think, that individuals who have inordinate influence – we want to avoid that. The question now is: what constitutes reasonable limits? I think we need to have that further discussion around where this committee sees both party and individual candidate campaign limits. I don't think that we've seen enough numbers from across the country yet myself, and I haven't had a chance to review this any further since the last meeting. I would welcome any information from other jurisdictions, if some of the team could

identify those, and other potential numbers from the rest of the committee.

Thanks.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. I think that with the 5 per cent I'm pretty good in that direction there. I wonder if maybe we're on the low side, though, with the .5, but we definitely need to have the discussion on that. Certainly, if somebody feels that there is sort of a number out there that would fit in there a little bit better, I definitely want to hear that. I don't know if I'm ready to throw a number out there either.

The Chair: Mr. Cyr.

Dr. Swann: It's David Swann again.

The Chair: I just have Mr. Cyr first, and then I'll go to you, Dr. Swann.

Mr. Cyr: Yes. I hear Dr. Swann's concerns about wanting to create different levels for the candidates versus the parties. I don't think that it's unreasonable to make that distinction. I would say that his numbers are too low because of the fact that it's just going to eliminate lines of credit altogether if we go with his numbers. I'd be more comfortable with something like about 3 and a half per cent for candidates, which is about \$80,000, and 5 per cent for a party, but I don't believe that I can subamend my own motion.

The Chair: That would be correct.

Dr. Swann: I think the other question that we left at the last meeting was the question of whether we were including in this discussion anything related to nomination and also leadership campaigns. Certainly, I left uncertain of what the intention of the original motion was.

The Chair: The motion only pertains to the guaranteeing of loans. Dr. Starke.

Dr. Starke: Thank you, Madam Chair. You know, looking back at the crossjurisdictional comparison that was prepared for us, in terms of delving into numbers and percentages, which is what Dr. Swann has asked for, there really is very little in here in terms of actual numbers and levels that are set by other jurisdictions, so this is, in fact, sort of new ground that we're looking into.

I mean, I guess my argument would be that the .5 per cent level, while it may seem to work out to a good number in terms of, you know, what that gross number works out to – my concern is that from a practical standpoint, for a political campaign to even get 50 per cent, for example, of the anticipated cost of the campaign on a line of credit, you're required to find 100 people prepared to make a loan guarantee and sign off loan guarantee documents. I think that what that does is to kind of eliminate providing a line of credit or a loan as a suitable vehicle for providing short-term financing of a campaign. I do think that it is important that in whatever rules we put forward from the committee here, they still, you know, allow typical practices for political campaigns to go ahead. So I do think the .5 per cent number is lower than is really practical.

11:00

Unfortunately, though, I have to say that we do not have any real clear indication from other provinces as to levels that they have implemented that have proven to be useful. Unless the Chief Electoral Officer corrects me on that, I believe that's the case. You

know, unfortunately, we don't have a lot of other jurisdictional experience to go on here.

But I do think that whatever number we do settle on, it's important that we still make it feasible, at the very least, for both candidates and parties to use loans and loan guarantees as a mechanism for financing their campaigns. We know that campaigns incur a feverish amount of spending in a short period of time and that quite often the actual bills come due and have to be paid before the funds are actually available from donations, so I don't think we would want to do something so restrictive that both parties and candidates can't at the very least have the opportunity to make use of them as a mechanism.

The Chair: Further discussion on the amendment? Go ahead, Mr. van Dijken.

Mr. van Dijken: Yeah. Just speaking to the number, the .5 per cent, I believe that it's far too restrictive and essentially removes the ability to actually utilize loan guarantees in any effective manner. I believe the number is far too low, and we need to try and find a number that's more realistic and will come in line with possibly what can be expected in campaign spending.

The Chair: Any further discussion on the amendment?

All those in favour of the amendment, say aye. Those opposed to the limit, say no. Any on the phones? That amendment is defeated.

We are back on the main motion. Ms Rempel, would you mind reading the main motion just for a reminder to the committee?

Ms Rempel: Thank you, Madam Chair. The original motion moved by Mr. Cyr is that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended so that no individual will guarantee a loan of more than 5 per cent of a registered party's campaign spending limit to either a registered party or registered candidate.

The Chair: Thank you.

With that, I will open the floor for discussion.

Mr. Cyr: Again, I believe that 5 per cent is a reasonable number, but I'm open to something that allows for lines of credit still. I'm hoping that whatever we move forward doesn't become so complex that it's hard to understand, which is why I settled on what I put forward. Again, you can only spend up to \$80,000 for a registered candidate, so the fact that they can put more on a line of credit really is a moot point. Again, I would love to hear what the committee has to say on my proposed motion.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. Yeah. I just wanted to quickly clarify with Mr. Cyr again. With this proposal right now you're suggesting that it would be 5 per cent of a registered party's spending limit and 5 per cent of the registered candidate's spending limit, right?

Mr. Cyr: No. It's 5 per cent of the registered party's campaign spending limit, so it's \$110,000 for both.

Mr. Nielsen: Okay. Thanks.

Mr. Cyr: Sorry. I talked out of turn, Madam Chair.

The Chair: Go ahead, Mr. Cyr.

Mr. Cyr: What it is is that you'll find that a lot of candidates a lot of times, in order to get their campaign up and running, need to make sure that the funds are in place. I don't want to hamstring or eliminate somebody from trying to get into the process, so I have to be very cautious on how low we go, in my opinion, with a registered candidate.

Mr. Nielsen: I guess if I'm reading this right – and maybe I'm borrowing a little page here from Dr. Starke – then one individual could guarantee an entire loan for the candidate.

Mr. Cyr: Namely, normally, the candidate himself. That's usually who personally guarantees the – again, I'm open. I'm open to distinguishing between the two.

Mr. Nielsen: Yeah. I'd certainly want to hear from other committee members.

The Chair: Dr. Starke.

Dr. Starke: Well, thank you, Madam Chair. Well, I guess I appreciate the clarification because my understanding was that it was 5 per cent of the registered party's campaign spending limit for the party contribution and 5 per cent of the registered candidate's; i.e., \$70,000 or \$80,000. Five per cent of that is either \$3,500 or \$4,000, which, you know, in case of a default does not create a huge problem. I mean, the problem in case of a default is much more for the loan guaranteed to the party.

I personally think that guaranteeing a loan of \$110,000 when you've only got a \$70,000 spending limit is ridiculous. I mean, why would you do that? I think, quite frankly, that I would be more comfortable if the 5 per cent rule was applied to 5 per cent of the party's campaign spending limit and 5 per cent in turn to the registered candidate's spending limit as well. You know, yes, you're right that it should be a vehicle or a mechanism that candidates are able to use, but here again, as soon as we get past the 5 per cent, you run into a situation where if there's a case of default on the loan, then we have the problem where the guarantor of the loan is in contravention of the donation limits.

I'm not sure if we need to make that by way of an amendment. I would be happy to insert whatever words are necessary to clarify that it's 5 per cent of the registered party's campaign spending limit or 5 per cent of the registered candidate's spending limit. Now, that may run contrary to the intent of the original motion, in which case the amendment would be out of order, so I'm not moving that amendment at this time. But I guess I'm saying for the sake of debate that that's something I'd be comfortable with.

The Chair: Mr. Hanson.

Mr. Hanson: Yeah. Just to clarify, basically this motion would allow more than one individual to back, so you could have 20 people that would back 100 per cent?

Dr. Starke: Sure.

Mr. Hanson: But no more than 5 per cent per individual?

Dr. Starke: Uh-huh.

Mr. Hanson: Okay. Thank you.

The Chair: Mr. Cyr.

Mr. Cyr: Yeah. Again, I guess my concern is – and I'm open to Dr. Starke making that amendment – that 5 per cent might be too low for the candidate; \$3,500 is essentially what you're saying is the

amount. My comment from last time was that if you order signs for \$8,000, you won't be able to facilitate that. That's what the line of credit is, to just keep cash flow going. Would you consider something like 20 per cent? That way you still are able to function and move forward as a candidate.

11:10

The Chair: Dr. Starke, go ahead.

Dr. Starke: Yeah. You know, certainly, we could tinker with that and do something along those lines. I guess my concern – and it then falls to the Chief Electoral Officer – is in the case of default. I mean, if there is a default right now and if the individual has guaranteed the loan to the full limit, whether it's 5 per cent to the party or, let's say, 20 per cent to the candidate, in either scenario that individual would then be over and above the contribution donation limits that we are discussing, that we haven't passed yet but, certainly, that we are likely to be going towards. So that could create an issue, but again it only creates the issue in the event of default. I'm hearing what Mr. Cyr is saying, though, with regard to being able to get an individual campaign up and running.

So in the interest of having something on the table that we can discuss, I would move an amendment to this motion to insert the following words. First of all, the motion would read:

the EFCDA be amended so that no individual will guarantee a loan of more than 5 per cent of a registered party's campaign spending limit or 20 per cent of a registered candidate's spending limit.

Now, the acknowledgement here, though, is that 20 per cent of \$70,000 is \$14,000. If the loan defaults, you're at least \$10,000 over the limit that we have contemplated. By the same token, 5 per cent of a \$2 million campaign is \$100,000. You're way over the limit in that situation. I mean, I guess that's the scenario we have to be aware of.

But I'm going to maybe get some direction from the CEO, from Elections Alberta. How common is it to have to deal with these defaults on loans whereby the guarantor of the loan ends up being offside with regard to his financial contribution limit?

Mr. Resler: As far as defaults on loans, we've never been in a situation where one has occurred.

Dr. Starke: You know, again, could it happen? Yes. Has it happened? So far, at least, no.

Mr. Resler: Correct.

Dr. Starke: I mean, I think that this strikes sort of a balance between allowing for campaigns to go ahead and the need to be able to provide interim financing sometimes in the hectic nature of a campaign period yet not being, hopefully, in a position where the guarantors are so far over and above the dollar limit that we're likely to set that we then create a problem there. So I'd be comfortable with the 5 and 20.

Mr. van Dijken: Madam Chair, add van Dijken to the speakers list.

The Chair: Go ahead, Mr. van Dijken.

Mr. van Dijken: Yeah. Just speaking to the amendment, I believe that it strikes a very fair balance to being able to get campaigns on the ground and get them actively moving forward in a very short time. This does allow a tool to move forward in a way that, you know, does not necessarily look like one person is able to fund an entire campaign for a candidate. So I would be in favour of the amendment.

The Chair: Please go ahead, Ms Rempel.

Ms Rempel: Thank you, Madam Chair. Just for confirmation, I believe that Dr. Starke has moved that the motion be amended to insert after "campaign spending limit" "or 20 per cent of a registered candidate's spending limit" and to strike out "to either a registered party or registered candidate."

Dr. Starke: That's correct.

Ms Rempel: Thank you.

The Chair: Mr. Cyr, would you like to speak to the amendment before there is a vote?

Mr. Cyr: Yes. I would support Dr. Starke's amendment to my motion. I think that it does actually bring a fair balance. My original motion wasn't dealing with both, and I thank him for clarifying and bringing a little bit more definition to this.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. Yeah. In just doing some quick math here, you know, based on the numbers, if it was a spending limit of \$80,000, you're looking at a little over four people – we'll call it five, rounded up – and about the same for the \$70,000. I know we were talking before that we didn't want to have one individual that could basically hijack that specific election, so I certainly think that this amendment will address that yet still allow a candidate's campaign to get some backing in the interim until all of the donations come through. I'm certainly happy to see this, and we'll move forward on it.

The Chair: Any further speakers to the amendment?

Mr. Cyr: I was just wondering if Dr. Swann has any thoughts, if this meets what he was looking at more or less. We're looking at a \$110,000 personal guarantee to a party and about \$20,000 to a northern riding or, I guess . . .

Dr. Starke: At \$14,000 and \$16,000.

Mr. Cyr: Sorry. My math apparently is not on today.

Mr. Clark: You need to count.

Mr. Cyr: I know. It's terrible.
I would love to hear what Dr. Swann has to say.

Dr. Swann: Yeah. If I can go ahead, Madam Chair.

The Chair: Go ahead, Dr. Swann.

Dr. Swann: I think this is getting closer to the kind of realistic discussion I've been looking for. My fears were the same as have been expressed, that we have had a past of having too much influence of individuals, corporations, unions. We've now made some very definite decisions that are moving us to a more balanced and inclusive approach for funding campaigns, so I thank Dr. Starke for the balanced approach that looks more realistic in terms of funding and not discouraging, I guess, candidates from stepping forward. I'll be supporting this as well.

The Chair: Member Connolly.

Connolly: Thank you very much, Chair. I just wanted to ask the CEO what he thinks that this would be – maybe a happy medium? – or what his opinion might be.

Mr. Resler: I feel it's a reasonable balance. We've lowered the contribution limits, which is the concern on our side as far as if there's a breach in the loan agreement. But, at the same time, we have to ensure that the political entities are viable and able to conduct their business that they need to. I think this strikes a reasonable balance.

Connolly: If I could just follow up?

The Chair: Go ahead.

Connolly: I think we touched on this last time we discussed this motion, but how will you be able to oversee this?

Mr. Resler: It will be part of the reporting mechanism on the financial statements for the campaigns for both the parties and the candidates, so it will just be requesting further information on loans that are currently provided.

Connolly: Okay. Perfect. Thank you.

The Chair: Thank you.

Is there anyone further to speak to the amendment?

Seeing none, all those in favour of the amendment, say aye. Any opposed? On the phones? That amendment is carried.

We are back on the amended motion. We'll just give our clerk a moment to put the amendment into the main motion.

Ms Rempel, go ahead.

11:20

Ms Rempel: Thank you, Madam Chair. I believe that the motion now reads that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended so that no individual will guarantee a loan of more than 5 per cent of a registered party's campaign spending limit or 20 per cent of a registered candidate's spending limit.

The Chair: With that, I will open the floor for discussion. Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. I think that this is an excellent motion to move forward. I believe that we all had a piece of creating this motion, and I would encourage all of my colleagues to support it. Maybe it's another opportunity for us to remove undue influence in the political system.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. You know, every time when I start reading the language, I look sometimes for the bogeyman. I'm wondering if I'm seeing one here. Maybe the CEO can help us out here. With what we have presented here, would an individual be able to, one, guarantee the 5 per cent to a party and then also, on top, guarantee the 20 per cent to a candidate or several candidates, I guess?

Mr. Resler: In the way it's written, it's "or," so they'd be separate guarantees.

Mr. Nielsen: Okay. Certainly, if anybody else is not seeing what I'm seeing, definitely chime in.

Mr. van Dijken: Madam Chair, it's Glenn van Dijken.

The Chair: Mr. van Dijken, I'll add you to the speakers list. Thank you.

Mr. van Dijken: Thank you.

Mr. Cyr: I thank the member for his concern here. It definitely is something that we could look at possibly addressing, but I guess the question is: how long do you want a motion to be? You're just looking to change from a 5 per cent spending limit, something along the lines that you could only secure one personal guarantee. Is that kind of where you're going with that?

Mr. Nielsen: I mean, it might be too much. I might be just overthinking this a little.

The Chair: I have Mr. van Dijken next on the speakers list. Mr. van Dijken, go ahead.

Mr. van Dijken: Okay. Thank you, Chair. I guess there is a potential there. I'm not sure if anybody has got the wordsmithing that would limit – I believe the committee is wishing to limit – any one individual from guaranteeing more than, say, the 5 per cent of a registered party's campaign spending limit, which would translate into somewhere in the \$100,000 range. I'm not even sure on that number. I see the concern, but I don't have the solution right now in wordsmithing it in a way that will guarantee no more than a loan of 5 per cent of a registered party's campaign spending limit. That word "or" I believe is maybe the place where we have to change it.

The Chair: Mr. Hanson.

Mr. Hanson: Yeah. I guess my concern is that if we're trying to eliminate undue political interference by a particular individual – right now the way this reads is that they can guarantee a loan for 5 per cent of the registered party's campaign spending limit, but they could also do 20 per cent of 87 candidates. There is still the opportunity for somebody, you know, if they have enough clout or enough money, to step in and do this.

I would suggest maybe: no individual will guarantee a loan of more than 5 per cent of a registered party's campaign spending limit, including 20 per cent of a registered candidate's spending limit. Would that work? That maxes it out at the 5 per cent.

Mr. van Dijken: Madam Chair, if I could be on the speakers list.

The Chair: Yes.

Next I have Dr. Starke.

Dr. Starke: Actually, I understand completely what Mr. Nielsen is driving at and the level of potential confusion there. The scenario that Mr. Hanson mentions, while, I would suggest, unlikely, is potentially there. I guess, you know, again, if this is something that is of concern to members, my suggestion would be, quite frankly, that the wordsmithing be done such that the maximum that any one individual could loan would be the 5 per cent to the registered party and the 20 per cent to a registered candidate; in other words, a singular registered candidate. So we're talking about potentially a \$110,000 loan guarantee to the party and then a further \$14,000 or \$16,000 loan guarantee to one individual candidate. I would be comfortable with that.

Again, I recognize the scenario that Mr. Hanson is talking about. My own experience in guaranteeing loans has been that the paperwork is enough to kill you. We only have a 28-day writ period, so I don't think you could get 87 loans processed in 28 days, but I could be wrong on that one.

In any case, I can understand the potential concern that is there. I don't have a concern if an individual guarantees a loan to the party and then a further loan to one candidate. I don't have an issue with

that. I think there's a potential issue if one individual guarantees a loan to 87 candidates.

Mr. van Dijken: I believe that's exactly what I was thinking to present also, to put the word "and" in there and to top off the start: guarantee no more than 5 per cent and of a registered candidate. I think we're on the right track here. I think Dr. Starke has the right direction going.

The Chair: Member Connolly.

Connolly: Thank you. I'm wondering if "or 20 per cent of a singular registered candidate" would just be the easiest way of doing this.

The Chair: Did you want to make an amendment, then?

Connolly: Sure. Will that work for everyone, do you think? Yeah? Then I'll move an amendment to insert the word "singular" after "of a."

Mr. Resler: You'd have to replace "or" with "and" for what the intention is.

The Chair: Member Connolly, are you asking for "and" to be replacing "or"? I think that was the question from Mr. Resler.

Connolly: "And/or": would that work?

Ms Rempel: You want them to be able to do both the party and a single candidate?

Connolly: Yeah. I'm trying to figure out what the will of everyone else might be.

11:30

The Chair: Dr. Starke, did you want to speak to the potential wording of the amendment?

Dr. Starke: Yeah. I would suggest, actually, quite frankly, that "and/or" would be the correct construct because if you just leave one or the other, it says that either you have to choose one or the other, and we don't want that. If you put "and" in, it means that you have to do both. We don't necessarily want to do that either. You want to give the donor the option of doing both, if they so choose, or choosing one or the other as well.

The Chair: We'll just see what counsel sees as being the correct wording for that intent.

Ms Dean: The intent is that somebody could do both. Is that what we're talking about with this?

Connolly: Yeah, or one or the other; however, to only one candidate.

Ms Dean: To only one candidate. Okay. So that was the point of the "single" reference.

Connolly: Yes.

Ms Dean: Okay. And the recommendation from the Chief Electoral Officer is to change "or" to "and."

Mr. Resler: Meaning the maximum of, right?

Ms Dean: Yeah. I would agree with that.

Connolly: Sorry. Would that infer, like we were saying before, that if we add "and," they have to do both?

Ms Dean: No. They could do both.

Connolly: Okay.

Ms Rempel: Should I read it out, Madam Chair?

The Chair: Yes, please, Ms Rempel.

Ms Rempel: Thank you, Madam Chair. I believe that Mr. Connolly has moved that

the motion be amended to add the word "single" before "registered candidates" and to replace "or" with "and."

Dr. Starke: Should we just clarify which "or" we're replacing? There are actually possibly two or three of them. Oh, I guess there's just the one. We had more. Okay. So, no, there's just the one. I thought there were more. Okay.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. Maybe I'll just check in with the CEO. Based on this motion, I would assume that it can be captured, then, within the financials for you to check over.

Mr. Resler: Yes.

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

Those in favour of the amendment, say aye. Any opposed? On the phones? That amendment is carried.

We are back to the amended motion. Ms Rempel, would you mind reading the amended motion into the record?

Ms Rempel: Thank you, Madam Chair. I believe that the motion now reads that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act be amended so that no individual will guarantee a loan of more than 5 per cent of a registered party's campaign spending limit and 20 per cent of a single registered candidate's spending limit.

The Chair: All those in favour of the amended motion, say aye. Any opposed? On the phones? That amended motion is carried.

We are back to deferred motions. Are there any deferred motions that a member would like to move to?

At number 1 we would be moving back to contribution limits. Ms Rempel, would you mind reading Motion 1 into the record, please, with the amendment?

Ms Rempel: Thank you, Madam Chair. The original motion moved by Mr. Nielsen that

the Select Special Ethics and Accountability Committee recommend that the Election Finances and Contributions Disclosure Act reduce the contribution limit to \$4,000 per calendar year and be indexed to inflation with no variation during the campaign period.

Mr. Sucha has moved that

the motion be amended to add the following after "campaign period": "and including a limit of \$1,000 per calendar year to constituency associations with an aggregate limit of \$4,000."

The Chair: With that, I will open up discussion on the amendment.

Mr. Nielsen: Madam Chair, I was just wondering if they'll bring up that full motion on the screen.

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

We'll just wait for the amendment to come up on the screen.

Seeing no further discussion on the amendment, those in favour of the amendment, say aye. Any opposed? Any on the phone? That amendment is carried.

We are back on the amended motion.

Dr. Starke: Well, Madam Chair, this is where we started running into some confusion on Friday. I guess my concern is that the motion currently as it's worded deals specifically with donors but does not deal with the various entities the donors could donate to. It was correctly pointed out by the Chief Electoral Officer that we now have five identified potential recipients for political donations. We have the party, we have the constituency association, we have the nomination candidate, we have the candidate, and we have the leadership contestant.

I think that we need some clarity, starting with this motion, as to what exactly this \$4,000 limit applies to. In my opinion – I think Mr. Clark pointed this out on Friday – there are scenarios where all five of those entities could be seeking financial support from donors in a given year. Especially in some years, if some of that activity happens towards the end of the calendar year, you may very well end up with a situation where donors have already donated, let's say to the party or, say, to the constituency association or whatever, and in fact there would be no ability for that donor to wish to support financially a candidate or a leadership contestant or a political campaign.

The other thing we should also remember is that both the candidate and the campaign, the candidate for the campaign, are very likely to occur within the same fiscal year in many scenarios. The nomination may well happen, you know, a month or two prior to the actual writ being dropped and the actual campaign.

I do think that we need to have some clarity in this motion. I also want to talk a little bit about the whole “no variation during the campaign period” because I do think that that is an issue that we should also discuss. I would be much more comfortable if this motion were clarified that the contribution limit of \$4,000 per calendar year specifies that the \$4,000 limit per calendar year applies to registered political parties and that the \$1,000 limit within that applies to constituency associations and that we have a separate discussion about contribution limits now that we have decided that we need to have them for candidates for nomination, for nominated candidates running for office, and also for leadership contestants.

The Chair: Member Loyola.

11:40

Loyola: Yeah. So I've given this considerable thought, and I'm prepared to make an amendment to this. I'll go slowly here because there are several parts to this. I move that the motion be amended as follows: first, by adding “be amended to” before “reduce;” second, by adding “an aggregate amount of” before “\$4,000;” and next by adding the following words after “per calendar year”: “such amount to include any contribution to a registered party, constituency association, registered candidate, and any contribution to a leadership contestant or nomination contestant.”

Ms Dean: Can I suggest some tweaking? “Or any individual seeking a nomination.”

Loyola: Okay. Instead of “nomination contestant”?

Ms Dean: Yeah.

Mr. van Dijken: Madam Chair, put van Dijken on the speakers list, please.

The Chair: I'll add you. Thank you.

I'll just have Ms Rempel read it into the record.

Ms Rempel: Thank you, Madam Chair. I believe that Member Loyola has moved that the motion be amended as follows: (a) by adding “be amended to” before “reduce;” (b) by adding “an aggregate amount of” before “\$4,000;” and (c) by adding the following after “per calendar year”: “such amount to include any contribution to a registered party, constituency association, registered candidate, and any contribution to a leadership contestant or any individual seeking a nomination.”

The Chair: Member Loyola, if you'd like to perhaps speak to your amendment while we ensure that this is e-mailed to those that are joining us by phone.

Loyola: Yes.

Mr. Cyr: Can we have that, what it looks like?

Ms Rempel: We're working on that.

Mr. Cyr: Okay.

The Chair: Member Loyola can speak to his amendment.

Loyola: Well, maybe just while they're working on that, from my understanding, this is my intention. It would read as follows: moved by MLA Nielsen that

the committee recommend that the EFCDA be amended to reduce the contribution limit to an aggregate amount of \$4,000 per calendar year, such limit to include any contribution to a registered party, constituency association, registered candidate as well as any contribution to a leadership contestant or any individual seeking a nomination and be indexed to inflation with no variation during the campaign period and including a limit of \$1,000 per calendar year to constituency associations.

Thank you, Madam Chair, for the opportunity to speak to this amendment. The proposed amendment is to ensure that there are no overcontributions to parties through leadership or nomination surpluses. This would from the start provide clarity to individuals about what their annual contribution limit is across the board, which has been a concern of the committee throughout our deliberations. It would also ensure that the parties, their constituency associations, candidates, and leadership and nomination contestants need to work together to ensure there are no overcontributions.

This is about transparency and accountability to Albertans. It still ensures choice for Albertans who want to donate but also ensures that there is no easy way to get overcontributions in through the back door. I just want to quote from Parkland Institute. “The lack of rules is troubling given the fact that on three occasions since just 2006, the winner of a party leadership contest has automatically become premier.”

I know that the opposition have argued that having more limits on leadership races is too invasive, but this is about being accountable to those who we serve, and that's the people of Alberta. What we're talking about is ensuring that there are clear and effective limits and transparency for all Albertans and that this is not only the domain of the party. We're accountable to Albertans, and that is the spirit of this amendment. There are examples in the past of leadership races where the winners went on to become the Premier where the party did not require to disclose or impose any

limits. For example, in 2006 both former Premier Ed Stelmach and former MLA Ted Morton did not have to disclose all of their donors to the public.

In closing, this is done in the spirit of transparency, and we believe this is what Albertans have asked for. Thank you, Madam Chair.

The Chair: Mr. van Dijken.

Mr. van Dijken: Yes. Thank you, Chair. I believe that this is an incredible overreach and does not take into account all the repercussions that can happen if this was to be implemented. Here we are, the member claiming that we are here to serve all Albertans, and we are; as legislators we are. But when we're stepping into the party business and nominations within parties, leadership races, and so on, I believe we're starting to get into a dynamic where we're responsible to members of the party, and if we move too far in this direction, we're going to hamstring especially parties that land up in leadership contests, nomination contests during an election year. They'll be out of room to actually get proper funding to run a good election campaign. I do believe that this is an overreach in that we are getting our fingers too deep into the operations of individual political parties. I would speak against this amendment.

Thank you.

Mr. Hanson: I have to agree with Mr. van Dijken. I think this is a real interference with the democratic process and the rights of parties to run their own business. A party may or may not hold a leadership race in anticipation of an upcoming election because you never know when it's going to be called. Or you could have interference from the government, as soon as a leadership race is called within a party, to call an early election. There's just too much opportunity for interference here. I'm not opposed to disclosing leadership race limits or having limits imposed on a leadership race, but it should be totally separate from what we're talking about here in this amendment.

The Chair: Mr. Clark.

Mr. Clark: Thank you, Madam Chair. You know, this is the clearest evidence yet that the current majority government is trying to adapt the rules to the way their party works, and the only other possible competitor to that would be the 50 per cent rebate idea. Both ideas are just terrible ideas.

11:50

I've said this before, but I want to emphasize and say it again. Not every party works the way the NDP works. Different parties work differently. There are two parties currently who have interim leaders and will be running leaderships. What this does, in effect, is that it takes the money away from the party to – the party needs to operate itself while candidates seek leadership.

Now, maybe that's the intention. Maybe this is some way of being punitive to other parties and trying to disadvantage those other parties to the advantage of the government, and I suppose that in the history of politics that wouldn't be the first time a majority government has used their power to try to disadvantage an opponent. But I'll remind government members that you are the only party that has no active constituency associations, that in other parties the role of a constituency association is community outreach. They raise money to support a candidate in a general election, but they also have very active constituency association boards that are made up of grassroots, local members of those communities. It is a very tangible way for ordinary Albertans to be

actively involved in the political process. In fact, I would go so far as to say that it is the ordinary or usual way that community members get involved in politics.

That isn't the way the NDP chooses to do it, or if it is, that one person who's the president of 34 different constituency associations is the busiest person in the entire province. It's entirely up to you how you choose to conduct your business, but using your power as a majority government to tilt the playing field to adapt provincial legislation to fit the way your party works to the disadvantage of others is the ultimate in short termism. It's thinking about this next election, perhaps thinking about setting a poison pill for any future government that takes over after 2019, and it's egregious. It's shocking that this government feels they can do that.

I agree with Mr. Hanson that disclosure is a very good thing, that disclosure should continue to be a big part of election finance legislation, that we should strengthen disclosure, and we've taken some steps to do that. But adding limits, a \$4,000 annual limit, across all five of those different categories is nothing short of punitive, and I think Albertans will add this to the very long and growing list of things that they will hold this government to account for. It's not acceptable, and I would hope that the government would reconsider.

Thank you.

The Chair: Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. I guess I want to thank Member Loyola for bringing the amendment forward. I think that certainly clarifies some things that we were discussing earlier. You know, I certainly don't agree. This is not about what's going on in a party. Changes that are similar to these have been brought forward, and – surprise, surprise – they were not brought forward by the NDP, so it's very difficult to say that that is sort of a party ideology. I think Albertans expect a level of transparency. They expect a level of participation in the electoral system that's reasonable, and I think this committee has managed to come up with some stuff that I think Albertans will be very, very happy about with regard to elections financing.

I think given the time and your need to get through the rest of the agenda, I will move to adjourn debate on this.

The Chair: All those in favour of adjourning debate, say aye. Those opposed? On the phones? Debate is adjourned on the amendment.

On to other business. Is there any other business that . . .

Mr. Hanson: Can we get a roll call on that vote, please?

The Chair: Yeah, absolutely. I'll start to my right.

Dr. Turner: Bob Turner. Yes.

Loyola: Rod Loyola. Yes.

Mr. Nielsen: Chris Nielsen. Yes.

Connolly: Michael Connolly. Yes.

Drever: Deborah Drever. Yes.

Cortes-Vargas: MLA Cortes-Vargas. Yes.

Mr. Dach: MLA Dach. Yes.

Mr. Hanson: David Hanson. No.

Mr. Cyr: Scott Cyr, the MLA for Bonnyville-Cold Lake. No.

Dr. Starke: Richard Starke, Vermilion-Lloydminster. No.

Ms Jansen: Sandra Jansen, Calgary-North West. No.

Mr. Clark: Greg Clark, Calgary-Elbow. No.

Mr. W. Anderson: Wayne Anderson, Highwood. No.

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

Dr. Swann: David Swann, Calgary-Mountain View. No.

Mr. van Dijken: Glenn van Dijken, Barrhead-Morinville-Westlock. No.

Ms Rempel: Madam Chair, we have a tie vote.

The Chair: Jessica Littlewood. Yes.

Dr. Starke: A point of order, Madam Chair.

The Chair: Dr. Starke.

Dr. Starke: Madam Chair, one of the things about casting deciding votes by the chair in committee work – and this is a parliamentary tradition that has gone back to Speaker Denison of the British House of Commons, John Evelyn Denison, who was the Speaker in the House of Commons from 1857 to 1872, a Speaker of considerable experience. Speaker Denison's rule was that chairs, in casting deciding votes, should follow the rule to always vote in favour of further debate. To cast a vote in favour of adjourning debate, a deciding vote as chair, with respect, your vote is in violation of Speaker Denison's rule, which is to provide guidance to committee chairs and to Speakers in the British parliamentary system. This is a long-established rule, and it also applies to amendments to bills, to enacting final enactment of bills, and also to motions of nonconfidence.

In short, Speaker Denison's rule is to always vote in favour of further debate or, if further debate is not possible, to vote in favour of the status quo, recognizing that if there is no clear majority – in this case there is no clear majority – it is the role of the Speaker to not interfere with the current status quo. The current status quo is to debate this motion. The vote was a tie.

Actually, we had an earlier adjournment today, Madam Chair, that you also voted in favour of, which was a split vote, and in fact at that point I should have stepped in as well to point out Speaker Denison's rule. I would argue, based on past procedure – and it's listed in *Parliamentary Procedure and Practice* – that your casting a deciding vote in favour of adjournment of debate on this issue is, in fact, in contravention of Speaker Denison's rule and that your vote should in fact be opposed to adjournment of debate.

The Chair: Thank you very much for your experience and knowledge.

I can then reopen it up for discussion. Seeing as it was planned for 9 to noon and looking at the time, that would be what I was attempting to facilitate for the committee. Being that there is that past precedent, I would reopen for discussion, then, on the amended motion.

Mr. Hanson: Actually, I'd like to speak to the point of order if I could, please.

The Chair: Okay. Go ahead.

Mr. Hanson: I'm speaking under Order and Decorum, Standing Order 13(2). Because this has happened twice today is why I bring it up. It happened at a previous committee meeting that I attended over the summer as well, where as soon as the government gets backed into the corner, they just adjourn debate, which I think is hamstringing and hobbling these committee decisions.

Under Standing Order 13(2) it says that "the Speaker shall explain the reasons for any decision on the request of a Member." Well, Madam Chair, I am requesting that you explain your decisions, your previous decision to adjourn debate and also this one.

The Chair: You can ask about this one, and we would be talking about the fact that the committee agreed to an agenda that was intended to go from 9 to noon. Seeing as the time is now 11:59, that would be why my decision was there. Based on, you know, information that Dr. Starke has brought forward, I would reopen discussion and ask members if they would like to continue to discuss the amended motion now or if they would like to discuss the amended motion at a future meeting, and then I would put that to the will of the committee.

12:00

The Chair: Member Loyola.

Loyola: Yeah. As the meeting was set from 9 until 12, I was prepared to be here for that time period and not past that. I have meetings back in my constituency office. I can't speak for the will of the entire committee, but mine would be that we had planned to be here until 12 and that we adjourn debate, continue with our meeting, and wrap it up, because I need to get back to the constituency office.

The Chair: Would the committee like to continue discussion on the amended motion?

Dr. Starke: Madam Chair, you know, I guess my concern with regard to the point of order I raised was simply that I didn't feel that it was appropriate to adjourn debate or for you to cast the deciding vote. I appreciate your willingness to withdraw or to change your vote or to allow the discussion to continue. However, I am cognizant of what Member Loyola has said, that we are scheduled to go till noon. There may be other members as well beyond Member Loyola who have other commitments past noon, and that would make it difficult for them to continue participation in the meeting. As much as I would like to continue debate on this motion and would prefer to get an answer on this motion, I don't anticipate that we're going to get there today, so we're going to have to defer the decision on this motion and this particular amendment until the next time we meet, which I believe is in one week's time, on the 19th.

The Chair: Are you moving to adjourn debate?

Dr. Starke: I am not for a second moving to adjourn debate, no, but it's clear that we have reached the hour that we were appointed to complete the meeting. With that in mind, I think we have to move to the next item on the agenda, and that is in order without necessarily adjourning debate on the motion.

The Chair: So I presume, then, that it is the will of the committee to not adjourn debate on the current amended motion and to move on to other business. Is that correct? Is there any other discussion on that on the phone?

Seeing none, I would move to other business. Is there any other business that committee members would like to raise?

Seeing none, our next meeting is scheduled for 10 a.m. – I should say that we have polled for that. The invitation to that meeting has not been sent out as we had been waiting to get polling back from the committee. But that would be the next date that we have polling for, and based on responses from committee members, then we will move forward, based on that, with the meeting date to be September 19 at 10 a.m. Is there any discussion on the matter? Any on the phone?

If there is nothing else at this time, I would call for a motion to adjourn.

Loyola: So moved.

The Chair: Moved by Member Loyola that the September 12, 2016, meeting of the Select Special Ethics and Accountability Committee be adjourned. All in favour? Any opposed? On the phones? That is carried.

[The committee adjourned at 12:03 p.m.]

