



Legislative Assembly of Alberta

The 29th Legislature
Second Session

Select Special
Ethics and Accountability
Committee

Election Finances and Contributions Disclosure Act Review

Monday, September 19, 2016
10 a.m.

Transcript No. 29-2-15

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

Select Special Ethics and Accountability Committee

Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND), Chair
Miller, Barb, Red Deer-South (ND), Deputy Chair
Sweet, Heather, Edmonton-Manning (ND),* Acting Chair

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

* substitution for Barb Miller

** substitution for Wayne Anderson

Also in Attendance

Jabour, Deborah C., Peace River (ND)

Office of the Chief Electoral Officer Participants

Glen Resler	Chief Electoral Officer
Kevin Lee	Director, Election Finances
Fiona Vance	Legal Counsel

Support Staff

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

10:00 a.m. Monday, September 19, 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.

Ms Sweet: Good morning, everyone. My pleasure to be here. I'm Heather Sweet, MLA for Edmonton-Manning.

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie.

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

Connolly: Michael Connolly, MLA for Calgary-Hawkwood.

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

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

Drever: Deborah Drever, MLA for Calgary-Bow.

Ms Renaud: Marie Renaud, St. Albert.

Ms Jabbour: Debbie Jabbour, MLA for Peace River and Deputy Speaker.

Mr. Lee: Kevin Lee, director, election finances with Elections Alberta.

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

Ms Vance: Fiona Vance, legal counsel for Elections Alberta.

Mr. Cooper: Good morning, all. Nathan Cooper from the outstanding constituency of Olds-Didsbury-Three Hills.

Mr. Nixon: Morning. Jason Nixon, MLA for Rimbey-Rocky Mountain House-Sundre, where the people from Olds go on holidays, for the record.

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

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

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

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

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

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

Mrs. Szabo: Good morning. Andrea Szabo, lawyer with the office of Parliamentary Counsel.

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

The Chair: Dr. Swann, on the phone.

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

The Chair: Is there anyone else joining us by phone?

Just for the record, we have official substitutes. Mr. Cooper is substituting for Mr. W. Anderson, and we have Ms Sweet substituting for Ms Miller.

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

Next up we have approval of the agenda.

Dr. Starke: Madam Chair?

The Chair: Dr. Starke.

Dr. Starke: Thank you, Madam Chair. At this point I'd like to raise a point of privilege on an item of concern, and I have copies that I can distribute to both the chair and members.

The Chair: Mr. Clark, would you like to introduce yourself for the record?

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

The Chair: Dr. Starke, I'll allow you to address your concern.

Dr. Starke: Thank you, Madam Chair. I would like to move that the Select Special Ethics and Accountability Committee report to the Assembly a purported question of privilege related to the actions of the committee chair, specifically that the chair violated the obligation of impartiality and nonpartisanship of the chair in attempting to influence discussions that were to occur during the September 19, 2016, meeting of the committee.

Madam Chair, I'm raising this point of privilege under Standing Order 15(2). It is based on the grounds that the actions of myself as a committee member and, I would suggest, by extension, all members of this committee, really, on both sides have been violated by the actions of the chair in terms of discussions that occurred on Friday last in advance of this committee meeting.

Now, first, Madam Chair, I think it's important that we review some procedural matters because that's, you know, sort of required. I guess we can say for starters that questions of privilege at the committee level are very rare. They're not all that common in the Assembly as well. It is a rare occurrence, so we have to review the process of these complaints. This case presents the parallel of a situation that we have found in earlier matters. Most recently it was raised by the MLA for Edmonton-Calder, Mr. Eggen, at the meeting of the Standing Committee on Legislative Offices on 17 February 2015. In going through these matters, I am also referring to a ruling by Speaker Zwozdesky from the Members' Services Committee on 27 February 2013, in which Speaker Zwozdesky detailed the four-step process that is required for questions of privilege, specifically in committee sittings.

Speaker Zwozdesky indicated that, one, the member must raise the point of privilege and that the chair of the committee must make a determination that the issue in question touches on the matter of parliamentary privilege. Second, if the chair determines that the matter in question actually does touch on a matter of privilege, the member raising the point may make a motion that the committee report to the Legislative Assembly on the purported issue of

privilege. Third is debate amongst committee members during which the member raising the question of privilege is able to present and defend his or her case that a breach of privilege has occurred. And, finally, fourth, should the committee decide in favour of the motion in question, it should be presented to the Legislature as evidence of contempt for the authority or activities of the committee. In such case, the Speaker of the Assembly would then be enabled to rule on the matter.

I will point out, Madam Chair, for the record that in your role as committee chair you are not empowered to rule on questions of privilege, that only, indeed, the Speaker can rule on questions of privilege. That is, indeed, why it must be referred to the Speaker.

On Friday last, Madam Chair, you will recall that at about 1 in the afternoon I received a phone call from you, and during the course of that telephone call I was I'll say shocked by a number of questions that you asked me regarding the position of members of our caucus on a number of issues that were to be discussed at today's committee meeting. Now, in your role as chair it is certainly within your purview to ask questions with regard to matters on the agenda in terms of timing and agenda items, but in terms of asking about our position on specific issues, that certainly is not within the purview of the chair. It is not anything that the chair or, for that matter, the Speaker of the House would do.

Further, Madam Chair, you shared with me the position of members of the NDP caucus on this committee on certain issues as well. I have to say that I was shocked by this. I was shocked that you would even know what those positions would be because as chair of the committee you are to be impartial, and you are to be nonpartisan. You are also not to be involved in any discussions at caucus level, and you're not to be involved in discussions with the members of the caucus on this committee in formulating their position on items. But I want to just come back to that in a second.

I want to make my case here and now, Madam Chair, for the need for impartiality of the chair. We have discussed this before. Mr. Clark raised this a few meetings ago. You know, once again, I think it is important that we deal with it. For this I'm going to refer to *Beauchesne's*, to the disciplinary powers of this chair in *Beauchesne's*, more specifically to the dealing with disciplinary powers of the chair but also the characteristics of the office of the Speaker and, by extension, the offices of the chairs of committees.

10:10

I'm quoting here from section 168(1).

The chief characteristics attached to the office of the Speaker in the House of Commons,

in this case,

are authority and impartiality. As a symbol of the authority of the House, the Speaker is preceded by the Mace which is carried by the Sergeant-at-Arms and is placed upon the Table when the Speaker is in the Chair. The Speaker calls upon Members to speak. In debate all speeches are addressed to the Speaker. When rising to preserve order or to give a ruling the Speaker must always be heard in silence [and] no Member may rise when the Speaker is standing.

Now, this is where it gets into it.

Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. The actions of the Speaker cannot be criticized incidentally in debate or upon any form of proceeding except by way of a substantive motion,

which is what I've raised today.

Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure, and many conventions exist which have as their object, not only to ensure the impartiality of the Speaker but also, to ensure that there is a general recognition of the Speaker's impartiality. The Speaker

takes no part in debate in the House, and votes only when the Voices are equal, and then only in accordance with rules which preclude an expression of opinion upon the merits of a question.

And in subsection (2):

In order to ensure complete impartiality the Speaker has usually relinquished all affiliation with any parliamentary party. The Speaker does not attend any party caucus nor take part in any outside partisan political activity.

So, Madam Chair, my concern in this particular instance is that in contacting me on Friday and sharing with me the position of members of the NDP caucus and in turn asking me for my position on certain items that were going to be under discussion, substantive matters of debate specifically relating to the report on third-party spending and third-party activities, and asking what the position of members of our caucus would be, you overstepped your authority as chair of the committee.

Further, I would argue and put forward that your sharing with me the position of members of the NDP caucus in this regard was also a violation of your requirement for neutrality and impartiality. This, then, strikes to the very core of the actions of this committee.

I have been concerned for some time, Madam Chair, that the committee's activities in fact have been hampered by the fact that the committee chair has not recused and separated herself adequately from the actions of the members of her own caucus. I think it is fair to say that had any member of the NDP caucus, any of the other eight members of the NDP caucus who sit on the committee, reached out to me and asked for our position, as is often a discussion that occurs between House leaders in the House, that discussion would be completely in order. That discussion would be completely normal and not at all unusual. In fact, at times I have discussion with other members of other parties on issues that are going to be raised so that we get an idea of what the debate will be, but I received no such phone call from any member of the NDP caucus over the course of the weekend since our conclusion of debate on Friday.

The only phone call I received with regard to the committee proceedings was the call that I received from you. While I anticipated, you know, some questions with regard to timing of meetings, which is entirely within your purview, Madam Chair, I was, as I said before, absolutely shocked when you requested from me my position on certain substantive issues that were going to come up for discussion. As well, I was shocked that you shared with me the stance of the NDP caucus members, which you should not have known. Especially you should not have known it that shortly after we concluded our meeting on Friday.

So, Madam Chair, very similar to Mr. Clark's reluctance to have to do this, I have to say that I feel that the privileges of certainly myself as a member of this committee but, I would argue, the privileges of all members of this committee have been violated by your actions. You have inappropriately shared items of debate, and one could argue that you have prejudiced today's debate by raising issues with me in this telephone call and sharing information that you should not have known – and even having known it, you should not have shared that information – and that you further violated your impartiality by seeking to obtain information from me regarding the stance of members of our caucus on this issue.

Accordingly, Madam Chair, I've put forward this motion, and I would ask that we discuss this motion for referral of this matter to the Assembly at this time.

Thank you.

The Chair: Mr. Sucha.

Mr. Sucha: Thank you, Madam Chair. You know, I want to address the situation. Many a time do I deal with this as the chair of the

Standing Committee on Alberta's Economic Future. Just currently we're in the discussion on PIPA, and the important thing to realize is that it's the duty of the chair to ensure that the committee moves as smoothly and efficiently as possible. The committee setting is more flexible and is more relaxed than what you see in the standard House setting as well. If it wasn't, then all committee chairs would not be able to engage in partisan fundraising outside of the duties that we have here as well and would not be able to take partisan approaches on issues across the board.

The duty of the chair is to reach out and really allow us to move as efficiently as possible. On many occasions when we're discussing PIPA, I do talk to the deputy chair of our committee, and I do have the discussions with caucus members about what's coming down the pipe, and I do have discussions a lot with MLA Gotfried specifically about some of the concerns that are being raised by committee members. It's not partisan to ask what people are saying and to share this information to ensure that we are moving as efficiently as possible.

On many occasions and when we've been going through orientations, there have been many situations when we speak with Parliamentary Counsel, and they want to kind of have an idea of how we're moving through the meetings to ensure that, ultimately, they can be prepared for what's coming down the pipe and that they can understand the issues that are coming forward.

It's, you know, important for us to have a lot of knowledge that's going through with this. I had many conversations with MLA Clark and MLA Swann about this over the weekend as well. You know, it's all about making sure that we stay as efficient as possible and that we do the best duties that we can within these committees. I wouldn't fault a committee chair for having these discussions both ways because ultimately what we're trying to do is to make sure that we can do the best work as efficiently as possible.

Ms Jansen: Okay. The obligation of impartiality and the non-partisanship of the chair are extremely important, and with all due respect, the idea of characterizing this committee as having the opportunity to be more flexible and relaxed in having a conversation as important as the conversation is at this table, frankly, leaves me a little bit stunned. The comments by Member Sucha about the idea that the chair is, quote, making things as efficient as possible: you know, there is a fine line between having conversations to make things as efficient as possible and making backroom deals – a fine line – and I would suggest that that line might have been crossed in this instance.

Now, let me go back to the comments by Dr. Starke, who, I think, summed it up very well. The questions of privilege, as he said, at the committee level are very rare, and that's why I think it's extremely important that we have this discussion in this room right now because we will do nothing but have committee meetings over the next number of years, and at each of those committee meetings we are tasked with having conversations about some pretty serious issues. The issue of ethics and accountability, I would argue, is one of the most serious committees that you can take part in as we do our jobs as Members of the Legislative Assembly.

10:20

Now, there was clearly a phone call that was made to Dr. Starke from the chair in which the chair apparently showed a level of partiality that should make every member of this committee extremely uncomfortable. You know, we have seen this in the past. It has been brought up at this committee in the past, that there were concerns that the chair of this committee was breaking numerous tie votes in this committee room. According to the conversation that Dr. Starke imparted to us, the chair clearly knew the opinions of the

NDP members of this committee and communicated that information to my colleague. That is an extremely disturbing thing.

I go back to Member Sucha's comments, and I believe that this is a cautionary tale for all of us. To describe that behaviour as, quote, making things as efficient as possible is the antithesis of what we are trying to do in this committee room, and that is to have a fulsome discussion about ethics and accountability. The buck stops here.

The Chair: Mr. Cooper.

Mr. Cooper: Well, thank you, Chair. I guess a couple of points from my perspective, particularly in respect to Mr. Sucha's comments. While I wasn't privy to the conversation that took place between Dr. Starke and yourself, the impartiality of the chair has been clearly laid out by Dr. Starke and what the requirements are around it. With respect to Mr. Sucha's comments, of course, it would be well within the realm of possibility for the chair to discuss items of agenda or the plan for the day with respect to the order in which motions will be discussed. That is significantly different than the report that Dr. Starke gave.

If it is only a matter of the agenda, of course, it is reasonable to allow all members of the committee to have a very good understanding of what's going to happen in the day and the order in which it will happen. I think that, as Dr. Starke mentioned, should a member of the NDP caucus reach out to him – you know, I see that the chief government whip would certainly be a reasonable individual that could reach out and discuss some of the more sensitive topics that may need to be discussed, but the chair's role certainly ought to be around the discussion of agenda items as they are to be presented.

I think, you know, we have had some concerns around this issue, particularly with respect to the chair voting to end debate, where there's a fairly clear tradition that the chair's role, in the chair's desire to remain impartial, is to vote to continue to debate. And I think the previous meeting, in fact, ended on this very point of order, where the chair again voted in favour of the government and the government's motions. In fact, I believe that it's happened 10 times in September alone, so that does create some pause, some concern.

When this committee was struck, I recall a joint press conference or at least a joint press release between the Leader of the Opposition and the Premier herself. Much of the discussion at the time was about working collaboratively with the committee and ensuring that, you know, all ideas can be heard. And now we see the chair voting in favour of the government side 10 times, even on a motion to adjourn. It clearly is not the role of the chair to adjourn debate but to allow debate to continue.

I think that any time the two single-member parties, in the form of the Alberta Party and the Liberal Party, the Progressive Conservatives, and the Official Opposition, which represent a very wide swath of varying opinions, are arriving at the same position yet the chair is continually voting in favour of the government, there certainly is the appearance that that may not be impartial.

I will leave my comments at that for now, but this is a matter of importance, and I hope that it will be dealt with as appropriately and as impartially as possible.

The Chair: Mr. Clark.

Mr. Clark: Thank you very much, Madam Chair. I would echo the comments of the previous speakers on the opposition side and speak in favour of this motion. I think, frankly, that this committee has no choice but to refer this motion to the Speaker for a ruling. I think it would be a travesty and an unfortunate example of government

using its majority to drive committee work in its own interest rather than in the interest of the Assembly and, by extension, the interest of all Albertans.

Without question, the role of the chair is to be an impartial arbiter of debate, only casting a vote in cases of a tie. That is the chair's right. It has been exercised many times – I would suggest too many times – in a committee that was set up as an all-party committee, with the hope of having a genuine, honest, and thoughtful review of the democratic institutions of this province.

I would compare the work that's going on federally right now, where the majority government was chastised for setting up that committee to review just a single aspect of democracy, being electoral reform. They were, frankly, embarrassed into stepping back from a position of having that majority on that committee, but that is not the case here in Alberta.

You know, to Dr. Starke's comment and to my earlier comments: when I originally raised the question of the impartiality of the chair, it was with regret and difficulty in doing so. I want to emphasize that it is in no way a comment on the integrity of the person, and it is a very difficult thing to do. I hold the chair in high esteem as an individual, but I believe that democracy and proper governance and proper procedure demands that we have this discussion and that we refer this to the Speaker.

When a committee chair is speaking to the media on behalf of the committee and explaining the government's position on a particular issue, it is no different than if the Speaker of the Assembly was giving a scrum following the passage of a bill in the Legislative Assembly. It doesn't happen. It ought not to happen. That is not the role of the chair. I note that we have two other committee chairs on this committee, quite interestingly. The role of the chair, when you're in that seat, is not to be a member of the government caucus; the role is to be an impartial arbiter of debate and discussion for the committee.

To Mr. Sucha's point, the conversations that you have implied are happening in your committee and the conversations we now know to have been happening in this committee on the phone, over the weekend, behind the scenes, in the evenings, are conversations that must be in *Hansard*. These are conversations that must happen in public. If we have chairs of committees and members of the Assembly having quiet, behind-the-scenes, backroom discussions, that is inappropriate.

It's also not what this government ran on. This government ran on a platform of transparency, a platform of integrity. With respect, the reason or a big, big part of the reason that the previous government is no longer the government is that Albertans lost faith in their ability to be honest and to be transparent. There was a feeling amongst Albertans, I would say correctly, that the previous government was using their power as a majority government to their own advantage. It's unfortunate that it's taken less than 18 months for this government to adopt the same practices. Ultimately, it's going to cost you. But there is a chance to change that, and there is an opportunity here to take this as a teachable moment.

I would suggest that it is a good opportunity for us to ask the Speaker to rule on this point so that we all know going forward.

10:30

Now, I acknowledge that many members on the government side are new – I am new – and we're all learning. The best possible scenario here is that we have an opportunity to learn how committee work ought to go. The only way we're going to do that is if we refer this to the Speaker for his ruling, and I would strongly encourage all members of the committee to support this motion and do just that.

Thank you, Madam Chair.

The Chair: Dr. Swann, do you have anything to add to the discussion?

Dr. Swann: Yes. Thanks, Madam Chair. I like what I've heard in terms of seeing this as a teachable moment. Many of us around the table haven't chaired committee meetings. I, for one, have never been a chair of a committee meeting. Obviously, there are boundaries, due process and transparency, as has been said. Sandra Jansen's comment about backroom deals particularly resonated with me. It's a thin line between the two and very difficult to define when you've transgressed that line. I have appreciated the chairperson's call periodically to let me know about things and to keep me up to date on what's been happening. I also see the danger in going beyond the scheduling information to substantive issues at debate.

I think that I would support having a ruling on this so that we can all learn. I think we should move on to do some of the work of the committee now.

Thank you.

The Chair: I'm going to call a short recess. We will come back at 10:40.

[The committee adjourned from 10:32 a.m. to 10:56 a.m.]

The Chair: Okay. Mr. Nixon, you're next on the list.

Mr. Nixon: Well, thanks, Madam Chair. I wasn't actually going to speak to this because I think the opposition members that spoke to it did a fairly good job of articulating the importance of the impartiality of the chair and the Speaker to our democracy, but then as I was hearing Mr. Sucha's comments, who is another committee chair in our system, I became more and more alarmed, I have to say.

You know, the idea of the impartiality of the chair is critical to our democracy. If you look at *House of Commons Procedure and Practice*, when it comes to chairs and the Speaker, their job at its core is "to protect the minority and restrain the improvidence and tyranny of the majority." The chair's job is to restrain the majority and make sure that we can represent the minority in our system. That's an important job, and it may feel like inside baseball, but it's not. It's what makes our system work. When the impartiality of the chair or the Speaker is in question, it grinds everything to a halt, as we can see today with what's happening, but it's also a trust issue for Albertans to be able to make sure that their voices are heard.

Now, I hope that this is a teachable moment. I do see that there are several other NDP chairs that are around the committee table today. You know, I'm concerned. I'd actually like to hear from them if they think that this type of behaviour is appropriate or within their role. I think that is more concerning than just this point of privilege. Your job is not to make backroom deals. Albertans do not want to see that happening.

Now, I will point out that I think that just the membership of the opposition side of the table shows the importance that the leaders of all the opposition parties put on this committee, and it's what the Premier said as well. This was put with a lot of fanfare. I would point out that the Leader of the Opposition put myself, the chief opposition whip, on this committee and put the deputy whip, Mr. Cyr, on this committee. I see Dr. Starke here, who, of course, is the third-party House leader, and, of course, Dr. Swann and Greg Clark, who are the leaders of their respective parties. That shows the importance that we put on this.

I have to say that in one year on this committee I have never received a call from any NDP member except for the chair. Now, again, to Mr. Sucha's point, the chair reaching out to organize agendas is appropriate and obviously part of the role, but reaching

out to try to negotiate backroom deals or to get positions or move the government agenda forward is not the chair's role. Therefore, you know, I support this, and I believe that this motion should be referred to the Legislature as a whole.

The Chair: Thank you very much.

I will just quote from the *Practical Guide to the Committees of the Legislative Assembly of Alberta*, January 2015, privilege in committee.

Should a Member wish to raise a question of privilege in committee or should some event occur in committee which appears to be a breach of privilege or contempt, the Chair of the committee will recognize the Member and hear the question of privilege or contempt or, in the case of some incident, suggest that the committee deal with the matter. The Chair, however, has no authority to rule that a breach of privilege or contempt has occurred. The role of the Chair in such instances is to determine whether the matter raised does in fact touch on privilege and is not a point of order, a grievance, or a matter of debate. If the Chair is of the opinion that the Member's interjection deals with a point of order, a grievance, or a matter of debate or that the incident is within the powers of the committee to deal with, then the Chair will rule accordingly, giving reasons.

Because this does not touch on privilege, I will declare the matter closed.

Mr. Nixon: Can you put your ruling to the committee, please?

The Chair: Are you asking for the committee to sustain the ruling?

Mr. Nixon: Yes.

The Chair: I will put the question. All those in favour, say aye. Those opposed?

Mr. Nixon: Roll call, please, Madam Chair.

The Chair: I will get a count on the vote. To my right.

Ms Sweet: Aye.

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie. In favour.

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

Connolly: Michael Connolly. Aye.

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

Cortes-Vargas: MLA Cortes-Vargas. Aye.

Drever: MLA Deborah Drever. Aye.

Ms Renaud: Marie Renaud. Aye.

Mr. Cooper: MLA Nathan Cooper. Opposed.

Mr. Nixon: MLA Jason Nixon. Opposed.

Mr. van Dijken: MLA Glenn van Dijken. Opposed.

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

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

Dr. Starke: Richard Starke, MLA for Vermilion-Lloydminster. Opposed.

Mr. Clark: Greg Clark, MLA, Calgary-Elbow. Opposed.

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

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

The Chair: Thank you. The vote is tied. Jessica Littlewood. I sustain my initial vote.

Dr. Starke: Madam Chair, I quote Standing Order 13(2): "The Speaker" – in this case, but it extends to the committee chair – "shall explain the reasons for any decision on the request of a Member." We didn't have that opportunity before we had the vote, which is unfortunate, but you quoted the appropriate sections from *House of Commons Procedure and Practice*, page 151. I guess my question specifically is: if you have ruled that this does not touch on privilege, which I'm baffled by, the other options were that the "interjection deals with [either] a point of order, a grievance or a matter of debate, or that the incident is within the powers of the committee to deal with." Now, according to *House of Commons Procedure and Practice* – and I'm looking at page 151 – "the Chair will rule accordingly, giving reasons."

Now, you didn't give reasons, prior to the motion, to sustain the decision of the chair, but I would ask under 13(2) that you do provide those reasons at this time. Quite frankly, I'm baffled that you could rule that this does not touch upon my privilege.

The Chair: The reasoning is that the role of the chair does not fall under the umbrella of privilege.

Dr. Starke: But it does.

The Chair: The other matters that could be raised are discussed under "a point of order, a grievance or a matter of debate."

Dr. Starke: So which is it?

The Chair: It does not touch on privilege, so I cannot rule on that as it does not touch on privilege.

Dr. Starke: Again, Madam Chair, I asked for your rationale for why this does not touch on privilege.

11:05

The Chair: Thank you, Dr. Starke. The role of the chair does not fall under the umbrella of privilege.

Mr. Nixon: He's asking for your . . .

Ms Jansen: Rationale.

The Chair: That is the rationale.

Ms Jansen: That's the answer. It's not the rationale.

Dr. Swann: Surely, what we're dealing with here is a pretty fundamental question, that if it doesn't fall under the jurisdiction of the chair, it could and should be referred to the Speaker. If it's not clear to you and it is clear to most of the opposition that this does constitute a point of privilege, the safest thing, I think, for you to do and for this committee to do is simply to refer it to the Speaker and have him rule on whether it's a point of privilege or not, and we can move on with the business of this committee.

The Chair: If there is another matter that you would like to bring, then we can discuss another matter, but right now this is closed.

Mr. Sucha: Madam Chair, if I may, I would recommend to the committee that we move on to the task at hand, and then if any other

concerns or questions come up, we can address them in other business.

The Chair: Mr. van Dijken.

Mr. van Dijken: Thank you, Madam Chair. I would suggest that this business is not completed and that this business has to be completed in order to move forward in a way that this committee can actually feel that the discussions and the deliberations that happen in this room are going to move forward in a way that the chair's impartiality is clear and that we are confident that the chair is not – what shall we say? – in conflict on this issue. I honestly believe that Dr. Swann is correct in recognizing that this needs to go forward as a point of privilege and that this is, as he says, a teachable moment that can be recognized by all committee chairs on the importance of this discussion and the importance of the independence of the chair.

I do not believe that the discussion is complete here. We are in a time of deliberation and trying to understand which is the best route forward so that the committee can be perceived as being a workable committee. With that, I think we need to continue on our discussions here and make sure that we're moving forward in a way that all members can feel confident that things are going to get discussed properly and deliberated on properly.

Thank you.

Mr. Nixon: Madam Chair, Mr. Cooper is trying to get on the speakers list.

The Chair: Right now I'm wondering if someone is bringing another motion. Mr. Cooper.

Mr. Cooper: Thank you, Madam Chair. I guess, at the end of the day, I really had hoped that this would have been able to have been referred to the Speaker to put some distance between members on the committee and yourself. Certainly, you know, I don't think that it was the desire of anyone on this side of the House for it to become an issue of us versus you, if you will, but more so an opportunity for the Speaker to rule, and as such we could have proceeded accordingly.

But now that we are here, where you had to essentially vote in favour of your own ruling, which does not, certainly optically, externally, uphold the ethics and accountability that we're all striving for, I feel as though we have no other opportunity or recourse – that is, to the best of my knowledge – other than to ask for a motion to leave the chair, which is Standing Order 67(1).

- 67(1) A motion that the Chair leave the chair
- (a) is always in order,
 - (b) takes precedence over any other motion, and
 - (c) is not debatable.

I'd like to move that
you leave the chair.

The Chair: Ms Sweet.

Ms Sweet: Thank you, Madam Chair. I know that we're still typing the motion. I just would like to refer everyone to . . .

Mr. Nixon: It's not debatable. It takes precedence over everything.

Ms Sweet: All right.

The Chair: We will take a five-minute recess.

[The committee adjourned from 11:11 a.m. to 11:18 a.m.]

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

That was put forward by Mr. Cooper. Mr. Cooper, in the interests of moving the committee forward and wanting to support the work of the committee, my question would be if you would withdraw the motion if I vacated the chair. Would you withdraw the motion?

Mr. Cooper: If I could get some clarification around what vacating the chair means.

The Chair: It means that Ms Sweet would take the position of the chair and I would sit as a committee member on the side.

An Hon. Member: As a voting member?

The Chair: Ms Rempel, is there some clarification on voting privileges?

Ms Rempel: Thank you, Madam Chair. All I would just say at this moment is that regardless of whether you voluntarily vacate the chair to sit as a committee member or the motion is approved to have you leave the chair, you would still be sitting as a committee member with voting rights.

Mr. Clark: Point of order, Madam Chair. This entire discussion is inappropriate, absolutely inappropriate. This is not a debatable motion. What you've done is introduced an argument in debate. When a nondebatable motion is made, the only question the chair may ask is: all those in favour? Period. This whole discussion is beyond anything I think any of us have ever experienced in a legislative committee or elsewhere.

The Chair: A question of withdrawal would be within my ability as the chair, and then the member can either put the question or withdraw the motion.

Mr. Nixon: Can I speak to this point of order, please?

The Chair: Mr. Nixon.

Mr. Nixon: The problem, Madam Chair, as I see it, is that you have yet to refute or speak to the allegations of your impartiality, which is what's causing the absolute mass confusion. I would suggest that until you address that, whether or not these allegations are true and where we're at with them, we're going to continue to run into these delays.

That said, Mr. Clark is absolutely correct. It's a nondebatable motion, and we should be voting.

The Chair: Would the committee like to vote, then, on the motion now? Mr. Cooper, do you want to put the question?

Mr. Cooper: Question.

The Chair: All those in favour of the motion?

Maybe, Ms Rempel, I'll get you to read it out for the record first.

Ms Rempel: Thank you, Madam Chair. Mr. Cooper has moved that the chair leave the chair.

The Chair: All those in favour, say aye. Those opposed?

Mr. Nixon: Recorded vote, please.

Ms Sweet: Heather Sweet, Edmonton-Manning. No.

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie. No.

Mr. Nielsen: Chris Nielsen, MLA, Edmonton-Decore. No.

Connolly: Michael Connolly. No.

Mr. Sucha: Graham Sucha. No.

Cortes-Vargas: MLA Cortes-Vargas. No.

Drever: MLA Deborah Drever. No.

Ms Renaud: Marie Renaud. No.

Mr. Cooper: MLA Nathan Cooper. In favour.

Mr. Nixon: MLA Jason Nixon. In favour.

Mr. van Dijken: MLA Glenn van Dijken. In favour.

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

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

Dr. Starke: Richard Starke, MLA, Vermilion-Lloydminster. Yes.

Mr. Clark: Greg Clark, MLA, Calgary-Elbow. Yes.

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

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

The Chair: Jessica Littlewood. In favour.

[Ms Sweet in the chair]

The Acting Chair: Good morning, everyone. Heather Sweet, MLA for Edmonton-Manning, now in the chair for the remainder of the meeting.

Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. I'd like to move one more motion. I'd like to move that the Select Special Ethics and Accountability Committee ask the Speaker for a ruling surrounding the exclusion of parliamentary privilege from the role of the chair.

11:25

The Acting Chair: My understanding, Mr. Cyr, is that this motion has already been ruled on in our past rulings. Do you have a citation that you would like to use in regard to your argument? Please go ahead.

Mr. Cyr: Thank you, Madam Chair. The chair made a ruling that you aren't under parliamentary privilege. The hon. member Dr. Starke has clearly stated that you are under parliamentary privilege. I would argue that it is not the decision of the chair to be ruling on whether or not you fall under parliamentary privilege, and therefore it needs to move forward. This isn't whether or not the chair was in or out of order or, I guess, not meeting parliamentary privilege but the fact that we have heard from at least two chairs now that being neutral is not the priority of the chair. Now we're hearing that you don't even have to, I guess, follow any real standing orders or anything. I would like to hear from the Speaker whether or not the chair was in order to even make this ruling.

The Acting Chair: Again, we do have a lot to get done today, so I would like to just move this conversation along. I will stand with what the past chair has indicated.

Mr. Nixon: Madam Chair, I would respectfully submit to you that the issue is that now the majority of this committee, including the former chair, has voted on a motion to have the chair step down

after a point of privilege was brought forward about allegations of backroom deals and stuff like that going on and inappropriate use of process. That's what's taken place. Just prior to that, that chair who has stepped down from the chair voted in a tiebreaking vote to say that this issue of privilege should not go to the Speaker. I would submit to the committee that we need to relook at that now just based on the fact that the majority of this committee has voted that the chair would have to step down.

The Acting Chair: Again, at this point we have had this discussion with the past chair. The chair has now stepped down to give an opportunity for us to be able to continue with the agenda of the day. The intention in doing that was so that we can move on to the business of the day. I have now taken the chair. As the chair I will stand with the past ruling by the chair that was previous to me so that we can move on with the agenda.

Dr. Starke.

Dr. Starke: Thank you. Madam Chair, I have to say that I am extremely uncomfortable with continuing with today's meeting. I have received information from the former chair that indicates what the position of members of the NDP caucus on this committee will be on certain matters that we have up for discussion later on today. It is entirely inappropriate that I have that knowledge, completely inappropriate that I received that knowledge through the chair. Had members of the NDP caucus chosen to share that information with me, it would have been a different matter, still questionably appropriate. Nonetheless, that would have been a different matter. I received that information from the then chair of the committee, so it is inappropriate that I have that information and that it could affect the way the line of debate goes.

Furthermore, the former chair probed for information from me as well. To the best of my recollection of the telephone conversation, she was unsuccessful in obtaining the information that she was seeking, but to be truthful, I cannot be one hundred per cent certain that I did not offer up information that has now in turn been shared with the members of the government caucus that sit on this committee. Again, as a go-between it is not appropriate for her to have done that.

Madam Chair, I really cannot in good conscience – I'm very concerned about the integrity of the debate that we're going to be participating in for the remainder of today, knowing that the positions of parties on both sides of the table have already perhaps been shared, certainly have been shared at a degree greater than is typical and certainly shared by the chair, which is totally inappropriate. I would . . .

The Acting Chair: Dr. Starke, I just . . .

Dr. Starke: No. Let me finish, please.

The Acting Chair: You are not speaking to the motion. I would like you to please speak to the motion that's on the floor.

Dr. Starke: You've ruled that the motion is out of order, so I'm about to make another motion. Okay?

The Acting Chair: Okay. Fair enough. Thank you.

Dr. Starke: The motion that I would make is that we adjourn the meeting for today.

The Acting Chair: The question has been called for the adjournment of the meeting. Those in favour, please say aye. Those opposed?

Mr. Cyr: Roll call.

The Acting Chair: A roll call vote has been called.

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie. No.

Mr. Nielsen: Chris Nielsen, MLA, Edmonton-Decore. No.

Connolly: Michael Connolly. No.

Mr. Sucha: Graham Sucha. No.

Cortes-Vargas: MLA Cortes-Vargas. No.

Drever: MLA Deborah Drever. No.

Ms Renaud: Marie Renaud. No.

Mrs. Littlewood: Jessica Littlewood. No.

Mr. Cooper: Nathan Cooper. In favour.

Mr. Nixon: Jason Nixon. In favour.

Mr. van Dijken: Glenn van Dijken. In favour.

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

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

Dr. Starke: Richard Starke, MLA, Vermilion-Lloydminster. Yes.

Mr. Clark: Greg Clark, MLA, Calgary-Elbow. Yes.

Dr. Swann: David Swann, Calgary-Mountain View. I am voting for the adjournment.

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

The Acting Chair: I will vote against the motion.
Mr. van Dijken.

Mr. van Dijken: Thank you, Madam Chair. I'm disappointed to see one motion ruled out of order when, clearly, it was just a motion to get a ruling from the Speaker on parliamentary privilege with regard to a chair. By ruling that motion out of order, the chair has indicated to the minority members on this committee that this committee is becoming clearly dysfunctional. We are in need of a time for recess, a time for re-evaluation, and I believe that being able to move forward in a way that is going to be constructive will require time. At this time I'd propose to recess until 1 o'clock.

The Acting Chair: At this point I'm going to interject a little bit. I have not been the chair of this committee. I have not sat on this committee throughout the summer while all of these issues have been debated. I have the ability – and I would hope that everybody in this room would understand – to support the conversations and the debate within the committee.

11:35

I recognize that there are some concerns around conversations that may or may not have occurred. However, in past experiences as the chair of past committees I have had conversations with chairs when I sat on Public Accounts, and we had conversations, prior to meeting, about what the plans were and different ways of doing things. So this is not new practice. Chairs reach out to other members to discuss at committees the agendas and different items like that. Members of the opposition have done this.

So I would hope that as we're having conversations, we would look at the experience on both sides and that we would acknowledge that we are here to work together to come up with some resolutions around not only this agenda. We have done it in the past, when other chairs have reached out to meet with other members.

Mr. Nixon: With all due respect, Madam Chair, Dr. Starke's allegation – that's what it is – is nowhere near to a discussion about agendas at all. There are working groups associated with PAC. We're not talking about the two parties or all the multiple parties around the table working together to be able to move amendments to motions through and get an idea where each of the sides stands. There was a pretty serious point of privilege that was brought forward and then a tie to prevent the Speaker from being able to rule on it, ruled on by the very person whom the point of privilege was against, and about backroom deals that . . .

The Acting Chair: Mr. Nixon, the privilege has been ruled out of order.

Mr. Nixon: Absolutely, but, Madam Chair, you're the one who just brought up a whole line of argument. You know, we would love to hear what Mrs. Littlewood's response is to the situation. That's why we wanted to go to the Speaker. Instead, now she has recused herself from the chair, and you seem to be defending what she may or may not have done while at the same time in your opening sentence making it clear that you don't know what took place.

The Acting Chair: Mr. Nixon, what I am referring to is the concern around the fact that the reason the chair was asked to vacate was a point of privilege that was ruled out of order . . .

Mr. Nixon: By that chair.

The Acting Chair: . . . that there were concerns around what was happening. What I can say is that we should be able to move forward on the agenda as I am now the chair and do not have any of that information.

Ms Jansen: To follow up on my colleague's comments, I think that the concern here in moving forward is that there have been a great deal of tiebreaking votes that have been happening over the past few months in this committee, and considering that the former chair's conduct has been called into question, it really does call into question how we have moved forward in the last number of months on a number of different issues.

There are a lot of outstanding questions that have not been answered to the comfort level of the members of the opposition who are a part of this committee. As we are tasked with an extremely important job here surrounding ethics and accountability, the very essence of the conversations we are having at this table surround an openness and transparency that, clearly, we feel has been breached. That is a serious concern from these members. You cannot vote not to continue that conversation when it is the essence of what we are discussing here, and that's the concern. We feel now that everything we move forward on has a large question mark above it in terms of ethics and accountability.

The Acting Chair: Thank you, Ms Jansen.

I feel that at this point it has been very clearly indicated that the chair recognized your concerns and offered to voluntarily step down. However, we still voted on the motion. The chair is no longer in the chair. We need to move forward on the agenda to be able to finish this work, so I would encourage everyone to find a way to work together so that we can get this work done. We cannot not

meet. At some point these issues are going to have to be addressed, so today is the day that we can start addressing them and have these open conversations.

Mr. Nielsen and then Ms Jansen.

Mr. Nielsen: Thank you, Madam Chair. You know, I mean, we have yet to even approve the agenda, as you've already mentioned. Based on our debate in the last couple of committee meetings, I think members from the opposition are clearly not in favour of bringing in some of the motions that have been proposed, and I believe they are currently, right now, filibustering just simply to keep this committee from moving forward. We can sit here and get to the work of getting fair elections financing legislation for Albertans, or we can continue to use up this committee's valuable time.

Ms Jansen: With all due respect, Chair, you're asking us to move forward, and the question here is that the body of work that we have discussed over the last number of months is now called into question as we refuse to have a discussion about the conduct of the former chair, who presided over those discussions. I mean, we're in a situation here where, as Dr. Starke previously said, the former chair clearly knew the opinions of the NDP members of this committee and communicated that knowledge with my colleague Dr. Starke. That constitutes a serious breach of privilege. As such and considering the number of tiebreaking votes the chair presided over and voted on, it calls into question how we have moved forward with this committee in its entirety. We have questions.

As you said, we can't not meet. We're not asking to not meet. We're asking to have our questions answered to our satisfaction on this extremely important issue. That is a conversation we need to have. We cannot shut it down by refusing to have the debate.

The Acting Chair: Thank you, Ms Jansen.

The chair has vacated the chair for the purpose of allowing us to continue on with the agenda. There is no ability at this point for us to continue having this conversation around a debate or an argument or whether or not there was privilege. It has already been ruled out of order. So we can continue to waste time and have these conversations, or we can move forward.

Dr. Starke: Madam Chair.

The Acting Chair: Mr. Starke.

Dr. Starke: Well, it's Dr. Starke, actually, but thanks.

The Acting Chair: Dr. Starke. Sorry. My apologies.

Dr. Starke: Well, Madam Chair, first of all, I resent the characterization of wasting time. These are issues that are critically important because they touch on the integrity of the decisions that are being made here, and in fact they question the integrity of the decisions that have been made throughout the summer. You know, quite frankly, that's an extremely serious matter.

Madam Chair, I have to say that your description of some of the conversations that have occurred in other committees by committee chairs, quite frankly, makes me extremely concerned about the integrity of just about every committee now that we have struck during the course of this Legislature.

I can say – No. Don't shake your head.

Mr. Nielsen: Point of order, Madam Chair.

Dr. Starke: Don't shake your head.

The Acting Chair: A point of order has been called.

Mr. Nielsen: Thank you, Madam Chair. I don't think it's appropriate for the hon. member to be accusing other members of dishonest acts or any kind of lack of integrity here. I find that completely inappropriate. We've had this discussion over and over again, yet we still seem to continue to question the motives of other members.

Mr. Nixon: Citation?

Mr. Nielsen: Standing Order 23(h) and (i).

The Acting Chair: Dr. Starke, did you want to respond to that point of order?

Dr. Starke: Well, there's no point of order. Very clearly, it's a matter of debate. What I was calling into question was not the members of the committee; I was calling into question the integrity of the decisions made by the committee. When it is clouded by the overall conduct of the committee over the course of the summer, then certainly I would say that the general public has every right to call into question the integrity of all the decisions that have been made here in this committee. We know this to be the case.

You know, quite frankly, the bigger issue here, which I was starting to say, was with regard to the conduct of other committees, but we'll get back to that in a minute.

You've raised a point order. I will, you know, state from my experience that there is no point of order here because I've not done anything according to the citation that you just gave from the standing orders.

11:45

The Acting Chair: I will rule that it's not in order.

Please continue, Dr. Starke.

Dr. Starke: Thank you, Madam Chair. What I was saying and my concern is that if you're indicating, from your past experience as a committee chair, and you're relating other situations where other committee chairs have engaged in activities similar to what we've been discussing earlier today – I have a major concern about the functioning and how committee chairs across the board during the course of this Legislature have been conducting their duties. I'm astounded that you would defend that practice here because it is so clearly out of order and it so clearly violates the privileges of members of both sides, you know, both government and opposition members.

I mean, that was the point I was trying to make during the course of – it's my privilege and, in fact, the privileges of all members of this that have been violated by the actions of the chair by sharing information that should only have been shared either voluntarily by members of the other caucus or during debate, preferably during debate. To hear from you that you see nothing wrong with the sharing of information and that you find that it's commonplace on other committees since you were elected really gives me great concern about the integrity of the functioning of all of the committees that you suggested perhaps have engaged in some of that activity.

If you think it's okay, if you think that sort of activity is fine, well, you know, unfortunately, I have to question your partiality with regard to the independence of the chair. Like I say, I'm sorry if you're upset by that.

The Acting Chair: I'm not upset by that, Dr. Starke.

Dr. Starke: Okay. Good. I'm sorry if that is upsetting to the room. But I will say that, you know, I'm concerned, quite frankly, about the conduct of the committees overall. I mean, I have chaired committees as well in this Legislature, and I can tell you absolutely with assurance that there was never information shared via the chair between caucuses – it's just inappropriate – other than matters of agenda. I mean, that obviously is appropriate, but when we're talking about substantive matters of debate and the position of different caucuses on questions of debate, that clearly is not to be shared between caucuses, not by the chair.

The Acting Chair: Thank you, Dr. Starke.

To clarify, first, I will retract my statement about wasting time. My apologies.

Second, many of the committee groups have working groups that all members sit on, which would mean that they would be having dialogues around decision-making processes, which has been standard practice historically, which is what I would be indicating as an issue.

I do see some more speakers, but Ms Jabbour was going to go and then, I believe, Mr. Nixon. Okay. Ms Jabbour.

Ms Jabbour: Thank you, Chair. As Deputy Speaker and Chair of Committees I have an interest in how chairs conduct things in all of the committees in this Legislature, so I'm quite concerned and have been listening with great interest to these proceedings. I'm feeling like at the moment this committee has kind of hit a wall, where it's impossible to proceed with the business of the day because we need some clarity around the questions about the impartiality of the chair. I sense that there may be – I think we need some time to confer with Parliamentary Counsel and find out how this matter could perhaps be referred to the Speaker, if that's the will of the committee, for perhaps a decision on a higher level.

We're 10 minutes from a lunch break in any case. I would strongly suggest that maybe it's time to take a break. We're going in a circular argument here, and I don't think anything is going to get accomplished. Maybe make some, you know, discussion with Parliamentary Counsel. Let's find out what we could do, what might be satisfactory, how we could refer this, and maybe get the committee back on track. That would be my suggestion.

The Acting Chair: Mr. Nixon and Ms Jansen, would you like to speak to that?

Mr. Nixon: Just briefly. I agree with the Deputy Speaker. I think the outstanding item that we have right now is the rationale for the ruling by the former chair that somehow impartiality is not a matter of privilege. That's what we're bogged down on. It obviously was important enough to this committee that this committee removed the chair. We need to figure out how we can do that or at least an explanation to the committee, which we are entitled to under the standing orders, Madam Chair. If we can figure out a way that we can get that dealt with and then be able to move forward with Albertans' business, we completely agree. But we can't – you know, this is the Ethics and Accountability Committee. It just removed a chair under pretty serious impartiality allegations, and there's been no explanation or response to what Dr. Starke has brought forward.

The Acting Chair: Thank you, Mr. Nixon.

Ms Jansen, did you want to respond?

Ms Jansen: Just one point of clarification that I'm looking for right now. As a member of the committee on Families and Communities, of which our sitting chair is also the chair – are you not the chair?

Mr. Clark: She was.

Ms Jansen: You were the chair, and you were the chair with me on that committee. You made a comment just a little while ago when you said that as chair you talked to other members of the committee. I'm just looking for a point of clarification for the record. You know, this is one of the questions we've been discussing here, the fact that, as my colleagues stated, clearly the former chair of this committee had conversations stating that she knew the opinions of members of the committee. You were saying – and I'd like clarification from you – that you consider that to be appropriate behaviour. Is that true?

The Acting Chair: I can speak to Families and Communities. I actually spoke to one of your members in regard to whether or not we would establish a working group.

Dr. Starke: Procedural.

Ms Jansen: But that's procedural.

The Acting Chair: Sure.

Ms Jansen: I believe what Dr. Starke was talking about was not procedural, and I think that's one of the points, the content of the conversation they were having. It seems that members across the way are characterizing that as acceptable, and part of our concern is that the content of the conversation that the former chair had with my colleague Dr. Starke was unacceptable.

The Acting Chair: Thank you, Ms Jansen.

I would just like everyone to please refer to Standing Order 15(9).

Unless otherwise directed by the Assembly, it is not a breach of privilege for a member of a committee to discuss, in confidence, with other Members of the Assembly, matters that are under consideration by the committee.

It is out of order, going back again to the point of privilege. It is out of order. It is not a breach of privilege for members to discuss committee work among other members.

I think that ends our discussion around this issue, and I would really like us to go forward.

Ms Jansen: You didn't answer my question.

The Acting Chair: I did. I said that I spoke to your colleague.

Anyway, there was a motion for lunch. Would we like to come back at 1 o'clock and continue this discussion? All those in favour? Any opposed? We will be back at 1 o'clock.

[The committee adjourned from 11:54 a.m. to 1 p.m.]

The Acting Chair: Good afternoon, everyone. I hope you all enjoyed your lunch.

We have yet to be able to approve our agenda, so I would like to put a motion – or does anyone have changes that they would like to make to the agenda first?

Mr. Cyr: I'd just like to have new motions added to other business.

The Acting Chair: New motions added to other business? Mr. Cyr, is it about election financing?

Mr. Cyr: Yes.

The Acting Chair: It will just fall under election financing, number 4 on the agenda.

Mr. Cyr: Okay. Is the chair putting some time aside for new motions, I guess?

The Acting Chair: It will just be part of the – as we move into number 4 of the agenda, you can present motions or amendments at any time.

Mr. Cyr: Fair enough. Thank you, Madam Chair. I appreciate it.

The Acting Chair: You're welcome.

Any other changes or amendments required?

Seeing none, could I please have a motion that the agenda for September 19, 2016 ...

Dr. Starke: So moved, Madam Chair.

The Acting Chair: ... meeting of the Special Ethics and Accountability Committee be adopted as distributed? Thank you, Dr. Starke. All in favour? Any opposed? Seeing none, the motion is carried.

Next are the minutes from our last three meetings. Up first we have September 8, 2016. Are there any errors or omissions to note in these minutes? Seeing none, would a member move adoption of the minutes, please? Mr. Connolly. All in favour of the minutes from September 8, 2016? Any opposed? The motion is carried.

Next are the minutes for September 9, 2016. Are there any errors or omissions to note with these minutes? Seeing none, would a member move adoption of the minutes, please?

Mr. Nielsen: So moved.

The Acting Chair: Mr. Nielsen has moved the minutes for September 9, 2016. All in favour? Any opposed? The motion is carried.

Finally, we have the minutes for September 12, 2016. Are there any errors or omissions to note with these minutes? Seeing none, would a member move adoption of the minutes, please?

Mr. Cooper: So moved.

The Acting Chair: Mr. Cooper has moved that the minutes of the September 12, 2016, meeting of the Select Special Ethics and Accountability Committee be adopted as circulated. All in favour? Any opposed? Thank you. The motion is carried.

Moving on to item 4, Election Finances and Contributions Disclosure Act. This brings us once again to our consideration of the Election Finances and Contributions Disclosure Act and the motions on this matter that have been adjourned or put on notice. A list of these motions was provided for this meeting. To pick up where we left off last meeting, I'll have the committee clerk read Motion 1, including the proposed amendment, into the record.

Ms Rempel: Thank you, Madam Chair. The original motion, moved by Mr. Nielsen, is 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 and including a limit of \$1,000 per calendar year to constituency associations within the aggregate limit of \$4,000.

Member Loyola has moved that the motion be amended as follows:

- (a) By adding "be amended to" before "reduce"; and
- (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 Acting Chair: Mr. Cooper.

Mr. Cooper: Thank you, Madam Chair. I just have a question seeking some clarification. We've had some very thorough and significant debate around this issue. The position of the Official Opposition remains constant that with this particular motion, while we, you know, accept and are pleased with the total number and recognize that this is a positive step in the right direction in reducing the total amount that individuals are allowed to contribute, we've expressed some significant concern about the way that this happens and that the \$4,000 will include all five of those buckets, being constituency associations, registered parties, and nomination leadership contests, et cetera, et cetera.

The question that I have perhaps for either the mover or the Chief Electoral Officer: in his opinion, would this motion essentially mandate that an individual only has \$4,000 to engage in the political process total, or is this per political party? I guess one of the challenges or concerns is that if, in fact, it is \$4,000 total, who manages the fact that an individual might like to donate to an NDP candidate, an Alberta Party candidate, and the Progressive Conservative Party or whatever the case may be? I'm looking for some clarification around: is that \$4,000 total or per political entity?

The Acting Chair: Would a member like to respond? Mr. Nielsen.

Mr. Nielsen: Thank you, Madam Chair. Yeah. The original intention of the motion is that you have a \$4,000 limit. The voter, of course, always retains the capability to use that \$4,000 however they see fit, whether they want to donate to, you know, multiple campaigns, multiple parties. That's up to them. The choice remains with the voter, as it should be.

You know, maybe I'll ask our Chief Electoral Officer just for clarification that there is some onus on the voter with regard to keeping track of how much they are contributing based on contribution limits of any kind at this moment.

Mr. Resler: As far as the contributor's responsibilities, it is their responsibility under the legislation. They are responsible to ensure their contributions are within the legislated amounts.

Mr. Nielsen: No matter what that number is, that still remains constant, as it is right now?

Mr. Resler: It still remains, and then there's also responsibility of the chief financial officer for each political entity that's involved.

Mr. Nielsen: For sure. So that limit would just simply change. Nothing else would be different.

Of course, during our debate we had discussed that there were concerns that maybe there needs to be a limit at the constituency level, which we certainly ended up agreeing with, that we wanted to make sure that there were no back doors for significant money to potentially influence a single constituency. Certainly, if anybody else has any comments, I'm, you know, certainly open to hearing them.

The Acting Chair: Thank you, Mr. Nielsen.

Mr. Nixon: A couple of follow-ups to the Member for Olds-Didsbury-Three Hills's question on that. Maybe we can get some more clarification either from the Chief Electoral Officer or members opposite. Before I do that, I actually think – and I don't

have any documents in front of me – a quick look through past years' donation records will show that this is actually going to have probably a tremendous burden on some of the smaller parties, not the big ones. I think there are lots of examples where, you know, the Liberal Party, for example, has been getting donations from people that also donate to other parties, so I suspect that this is going to have a consequence for them, which is disappointing.

The second is that we're supposed to be trying to make this easier for average Albertans to participate in the process, and I think we're confused, so I can't imagine what they must be thinking as they try to figure out how to participate in the political process. The question I have is: what would happen, then, when somebody is donating below the number where a party would have to declare their name, public disclosure of the name within that, and then are we saying that the average Albertan who is donating there, if they accidentally donate the wrong way or they don't understand the system that has been drastically changed, will be responsible for it? What will happen? How do we determine which party is returning the donation? How do we determine what the consequences will be for that? It seems extremely confusing to me.

1:10

Mr. Resler: It complicates matters. It will end up, you know – that situation, as far as the contribution limits, will be part of the audit review process that we perform, whether it's an annual reporting process because it's for all events, everything throughout the calendar year. You're going to have different reporting periods depending on what's going on, whether it's a general election, by-election, the nominations, everything that's going on. So it'll be a continual process for us.

Mr. Nixon: Madam Chair, you know, with due respect to the members opposite, this is just another clear example of why we need more than one bucket, and that's what we keep hearing from everybody that actually does the work inside, the party work and that side of things. So this one we need to discuss in more detail how we handle it, but it's just emphasizing the overall problem of the government's blind approach to try to make things easier for their party. They're hurting average Albertans participating in the process.

I still haven't heard an answer from the members opposite on their feelings about the fact that this is going to hurt parties that have, you know, a smaller portion of the vote currently, that are trying to get into the situation. I'd like to hear Mr. Clark's comments on that as a leader of one of those parties. I would humbly remind the members opposite that that's what their party used to be. You know, I know I certainly think that that's what their party will be again. So be careful not to do that to your own party in the future for short-term gain.

The Acting Chair: Thank you, Mr. Nixon.

Mr. Clark is on the list.

Mr. Clark: Thank you, Madam Chair. I would like to seek clarification both from the other side and first, though, from the office of the Chief Electoral Officer. We currently have a \$15,000 contribution limit to a party. Is it possible under the current rules for one individual to give the maximum contribution to party A and also then make a contribution to party B? Yes, that is possible?

Mr. Resler: Yes.

Mr. Clark: Yes, that is possible. Thank you very much.

My concern, then, is – and I guess I would ask the side opposite. I'll make my comments, and then I'd like to hear from the

government side. If it is, in fact, your intention to limit total contributions to \$4,000, irrespective of which party that goes to, that is a further overreach. I would sincerely hope that's not the intention of the governing party because not only does that add to tremendous complexity, but it greatly constrains Albertans' ability to be involved in the democratic process.

I want to emphasize that I think \$4,000 is the right number. I believe that \$15,000 was far, far too high. It did allow for a disproportionate influence or perception thereof for one individual or multiple wealthy individuals to appear to skew the process. I enthusiastically supported ending corporate and union donations. So \$4,000 is absolutely the right number.

But if it is in fact \$4,000 limited to all parties, that not only adds complexity to the individual donor to track what they do; it greatly restricts the ability of emerging parties such as mine and parties that find themselves in a position of being a smaller party such as the Liberals currently to raise money. People will give money to a government party perhaps because they believe in that party, or they'll give money to the Official Opposition perhaps because they believe in what they're doing, but they will then, because they are people who care about democracy, give money to a smaller party to say, "You know, it's important that you're there; it's important that you stand up and have an opportunity and an ability to actually be a part of the process" because perhaps one day those small parties grow from zero MLAs or perhaps two MLAs or perhaps four MLAs to become government. They think that's an important part of the democratic process, and I would hope and imagine that we all would agree with that. I do phrase this in the form of a question to the other side and would sincerely hope that we're not talking about restricting that \$4,000 donation to simply one party.

I would also emphasize and point out one more time that I find it entirely remarkable that the entire opposition side is aligned on this issue. From a 22-seat Official Opposition, if my math is correct, to a nine-seat third party and two parties with only a single seat in the Legislature, that's a tremendously wide range of views. I would argue that our position on this is not based on what is in the best interests of our individual parties; our position is based on what is in the best interests of democracy and the best interests of the province of Alberta.

Given that – and I have other concerns with this particular motion which I can enumerate later – I am very interested to hear from the government side if, in fact, they intend this to be restricted only to an aggregate \$4,000 across parties.

Thank you, Madam Chair.

The Acting Chair: Thank you, Mr. Clark.

I have Dr. Starke, and then I have Mr. Sucha.

Dr. Starke: Thank you very much, Madam Chair. Well, certainly, I echo Mr. Clark's concerns with regard to donors often supporting more than one party. That is certainly not that unusual a circumstance. Now, some people say, "Well, they're hedging their bets," and that perhaps is the case in some situations, but in other situations it is, as Mr. Clark has pointed out, because of a genuine interest in providing financial support to more than one political party. To go from a situation where the limit is \$15,000 to one political party, but where it could be given to two or three, to a situation where it's now one single \$4,000 amount – and that has to be distributed, obviously, as the donor sees fit – is a very significant curtailment.

I want to just go into a couple of other concerns that I have with this amendment. The biggest one, quite frankly, that I have is the inclusion of all five potential recipient entities into the \$4,000 limit and that that be a constant thing. I mean, what we have here when

we consider these five entities – the party, the constituency association, a registered candidate, a leadership contestant, or an individual seeking a nomination – is that you have things that are happening at different frequencies, and I'll have the Chief Electoral Officer weigh in on this as well. Fundraising at the constituency association level and at the party level is ongoing and occurs every year. That is ongoing every year, happens all the time. From my standpoint, a \$4,000 limit to be placed on accommodation of constituency and party: while I felt that was a little low, I do feel that if that's the number we've landed on, that's fine.

I guess my concern, then, goes to the situation with the other three potential recipient groups: an individual seeking a nomination, a candidate in an election, and a leadership contestant. Certainly, for an individual seeking nomination or a registered candidate, that's roughly a once-every-four-years event. But to have for that once-every-four-years event no increase, no augmentation in the amount that can be given to those candidates is certainly a concern. You know, I think it fails to recognize that the election cycle is, in fact, a cycle.

I'll ask the Chief Electoral Officer to also comment on this. As I understand it, the budget of the chief electoral office and Elections Alberta also fluctuates to reflect the fact that we have an election cycle. There are the interim years, when there is a certain level, and then, obviously, in an election year the budget for Elections Alberta and the chief electoral office goes up quite a bit because you have an election event and an election event costs more money to run. Really, the same holds true whether you're a candidate or whether you're running now for a nomination and have to also adhere to specific rules that this committee is recommending.

Then the final area is leadership contestant. Now, I realize I'm treading a little bit on thin ground here to suggest what the typical frequency of leadership contests is and in suggesting at any moment that sometimes they happen more often or less often than every four years, but let's just say that leadership contests are irregular events. There is no way to predict when they will happen.

1:20

Mr. Clark: Some more regular than others.

Dr. Starke: Some more regular than others, yes.

The situation that I'm talking about here is that they are not something predictable. They are irregular events, but they do require that leadership contestants engage in fundraising activities. Especially, you know, with a \$4,000 limit that applies to all other entities, I just think that for the three entities that I spoke of – leadership contestants, individuals seeking nomination, and registered candidates – in all three cases there needs to be some form of way to adjust for the fact that these are extraordinary events that do not occur in every calendar year. To me, to have the same limit apply year after year after year doesn't reflect the fact that there is an election cycle and that there are differing needs.

That would be my objection to this. As I said before, the \$4,000 limit, if it was confined to those two entities that are fundraising on an annual basis, registered parties and constituency associations, I'd be prepared to accept that, but I don't agree with including the next three entities within that limit.

The Acting Chair: Thank you, Dr. Starke.

Mr. Resler, did you have a comment that you wanted to make?

Mr. Resler: Just a brief comment. I'd confirm that, yes, our budget does fluctuate. But when we look at the motion, "during the campaign period," I'd also like to draw to your attention that "campaign" is not only the provincial general election but all by-

elections. In the last two and a half years we've had six by-elections also take place. Just to bring that to your attention.

The Acting Chair: Thank you, Mr. Resler.

Mr. Sucha and then Mr. Cooper.

Mr. Sucha: Thank you, Madam Chair. You know, I really appreciate the fact that everyone at the table seems to support the idea of increased transparency, and we've had quite a bit of healthy debate about leadership contribution limits. As my colleague MLA Loyola stated last week, this is something I think we can agree on. However, given some of the points made about the administrative burden, this amendment ultimately hopes to reduce the administrative burden that results from the passing of the motion on managing leadership surpluses. The proposed amendment ensures that there are no overcontributions to parties through leadership or nomination surpluses, and this would from the start provide clarity to individuals about what their annual contribution limit is across the board, ultimately leaving it up to voter choice.

It would also ensure that the parties, their constituency associations, candidates, leadership and nomination candidates need to work together to ensure that there are no overcontributions. It is about transparency and accountability to Albertans. It ensures choice for Albertans who want to donate but also ensures that there's no easy way to get overcontributions in through the back door.

I know the opposition have argued that having more limits on leadership races is too invasive, but I say that this is about being accountable to those we serve, the people of Alberta. We are accountable to the people of Alberta, and ultimately these people who take on the leadership roles run down the path of potentially becoming Premier someday.

With that, I think it's important for us to have that accountability.

The Acting Chair: Thank you, Mr. Sucha.

Mr. Cooper: Just a quick question for committee research and/or Mr. Resler. Is there any crossjurisdictional research or knowledge – like, I'm not asking you to go out and get it but if we know the answer today – that there is any other jurisdiction in Canada that uses this single bucket for all contributions? Now that we know that it's for every party, is there any place that you're aware of that has similar legislation to what this would provide in terms of only allowing one total amount no matter where the individual chooses to place it?

The Acting Chair: I'll just give them a minute to see if they have it.

Dr. Massolin: Madam Chair, if we could just have a moment or two to look that up, and we'll get right back.

The Acting Chair: Okay. Mr. Cooper, would you be okay, while they're looking, if Mr. Cyr asks his question?

Mr. Cooper: Please feel free.

The Acting Chair: Okay. Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. Actually, I've got a couple of questions here. Is it the intent of the government to allow nominees to issue tax-deductible receipts? This is something that isn't allowed now. This is one of my questions. By my calculations, just a quick number, if that did happen, we would suddenly have probably anywhere from \$2 million to \$5 million in additional

funds going out of Alberta towards, I guess, supporting the political activities a little further.

Now, one of my other questions here is that by adding nominees to financial reporting, the CEO has stated that it's going to add five FTE positions. I'm curious: how many FTE positions currently are within the office? This is going to add significant positions as well. Are we going to be doubling, tripling, quadrupling the size of your department after we're done here?

Mr. Resler: In the finance area currently, as far as performing the work in this specific area, we have two staff allocated. Plus, we bring in temporary staff during specific periods. So, you know, an additional five people in complement to those two.

Mr. Cyr: That's just on the nominations part, but with this \$4,000, now you're going to have to cross-check between parties and audit to make sure that these people are so. Obviously, those five people are just for tracking the new process, just the election part of it. Now, are those five also encompassing this new mandate we're putting in front of you?

Mr. Resler: The five FTEs, we're estimating, would accommodate the nomination process, so persons seeking nominations. We haven't looked as far as how the other ones will impact. There will be a complement as far as timelines because there are different time periods within the cycle in which some will occur. That's definitely an impact, but for a lot of the work, as far as the contribution limits and the cross-contributions, we'll need to look at automation. A lot of the costs there will come under automation to assist those persons that are performing the work.

Mr. Cyr: Okay. So, with this, you feel that automation will solve it and that we won't have to add extra FTEs?

Mr. Resler: It will assist. It may not be complete. You know, for us, it's an estimation. If everything came into play, it could be more than just the five.

Mr. Cyr: So are we looking at, say, quintupling your department, potentially? It seems remarkable that we would go this route or even – I don't know. What's 10 times? Deca . . .

Dr. Starke: Multiply it by 10.

Mr. Cyr: So we could end up with 20 FTEs when you currently sit at two, potentially?

Mr. Resler: For financial review, yes.

Mr. Cyr: With all of the changes that we are bringing forward, specifically with the nominations and this \$4,000 aggregate that we are now contemplating?

Mr. Resler: Yeah. For the work, you know, as far as the expense limits, the aggregate one isn't as big an impact for us. It's the expense limits, which will require a more detailed audit, and the reporting that will be required by all the entities.

Mr. Cyr: We're also now saying that we need to report what expenses are being put forward, so you need to audit the different expenses now as well.

Mr. Resler: They'll have to be defined in legislation, yes.

Mr. Cyr: So your department, literally, today is exploding after we're done with this.

Mr. Resler: Potentially, yes.

Mr. Cyr: Do you feel this is . . .

The Acting Chair: Mr. Cyr.

Mr. Cyr: Sorry, Madam Chair.

The Acting Chair: If we can move on to someone else. We can come back to you again.

Mr. Cyr: Thank you.

The Acting Chair: My understanding is that we have an answer to Mr. Cooper's question.

Dr. Amato.

1:30

Dr. Amato: Certainly, and if the Chief Electoral Officer wants to supplement any information that I provide, that would be great. Of the nine jurisdictions that have contribution limits, Manitoba might be somewhat analogous but not exactly. In Manitoba there is a \$3,000 contribution limit per year to candidates, constituency associations, registered political parties, or any combination of them and also a \$3,000 limit in total to one or more leadership contestants during a particular leadership contest.

Thank you.

The Acting Chair: Thank you very much.

Mr. Resler, did you have a comment?

Mr. Resler: Just additional to that, in Nova Scotia they also have aggregate contributions of \$5,000 to a party and all CAs and candidates of that party, an additional \$5,000 aggregate for independent candidates, and they don't have limits for third parties. New Brunswick also has the aggregate contribution limit to a party and all their CAs of \$6,000, and I believe they're currently including candidates seeking nominations, too, or persons seeking nominations are going to be added to that.

The Acting Chair: Thank you, Mr. Resler.

I have Mr. Nixon and then Mr. Clark.

Mr. Nixon: Thanks, Madam Chair. A couple of things. First, I've asked a few times the government members across the way, who have continually used the federal government as justification for many of their arguments in this committee. Now, first of all, I would submit to you that, at least for my constituents, usually telling them, "That's the way the feds do it" doesn't work too well in most of the area I represent, but that seems to be the basis they're doing it on. The feds do have separate buckets, and we still have not got a clear answer from the government on that.

I actually want to go back to what Dr. Starke was talking about, and that is the impact that this is going to have on democracy, which, at the end of the day, should be the main goal of this committee. We all have different ideological viewpoints and different stuff that we bring to the table, and that's our job, but at the end of the day, we should all be trying to protect our democracy. I think we would agree on that.

In the case of the party that I happen to be a member of, last year was a fairly interesting year. The government called an election a year earlier than the law indicated. Now, we could discuss whether that was legal or appropriate – I think Albertans have had their say on that – but the reality is that my party then faced a leadership race because we had lost our leader, so we had to do a leadership race.

That had three candidates in it, who were seeking donations to be able to get their message out on why they should lead the party.

Following that, almost immediately following that, we had to nominate 87 candidates across the province – and we're talking about a period of two weeks – and then had to go a week later into a general election and pay for, of course, our candidates' general elections across all our constituency associations and across the province as a whole, the party as a whole. I would submit that under these rules I don't even know if we would have been able to survive on that, and that would have been a disservice to democracy. Our donors would have struggled to be able to know where to get the money and the overlap while that was happening.

So I just think the question to the government is: is that their intent, to just completely make the situation impossible for certain parties that have had to have a leadership race during the same time that a general election is? I will point out that opposition parties don't have control of when the general election is called. That's the reality of the system. In that case, we didn't get to have a say that a general election was going happen a year early. We had to adapt and provide Albertans with, you know, the voice that we thought was better and let them make the choice. That's a service to Alberta, to have as many people on the ballot as possible.

I would argue that this is going to make that harder in the future. Is this the intent of the government – maybe I don't want to put words in your mouth, but there's so much stuff going on on one side of the political spectrum, with a leadership race and stuff right now – to try to make it so that parties won't be able to compete against you?

The Acting Chair: Thank you, Mr. Nixon.

Mr. Clark was next.

Mr. Clark: Thank you very much. One point I'd like to emphasize is that this motion as it's currently worded limits \$1,000 to constituency associations within the aggregate limit of \$4,000 but does not limit the amount to candidates within the aggregate limit of \$4,000. Apologies, Dr. Starke, if that's a point you made earlier, but irrespective of whether it is or not, I think it's an important one for us to understand. As I've done a quick bit of arithmetic here, that would mean that 17 and a half people all donating \$4,000 could single-handedly fund one campaign. Now, that's something that we had tried to address in the constituency associations. It also assumes, of course, that they haven't made a donation to any other party that year.

Regardless, that seems extreme because now what we've done is that we've raised the limit from \$1,000 – actually, \$2,000, isn't it? – currently during a campaign period. We've doubled that limit – that's your proposal – and I don't feel that's appropriate, to have 17 people funding a single campaign. You want to get influence out of politics. That seems to be the opposite effect of doing that.

The other challenge I have – again, I haven't had absolute clarity from the government around their intention here. We know how the rules are currently, that one individual may not donate in excess of \$15,000 to a single party but may donate to multiple parties up to \$15,000. I just want clarity from the government side. Do you intend to keep that same process going forward? Is the intention that one individual will be able to donate up to \$4,000 to more than one political party? I think that's a very important point, and I would like to hear very definitive clarification on that from the government side.

Absolutely, we are all onside with transparency, and I think that's why we have spent so many hours in this committee room working hard on these issues, because we all feel that it's important. I think that extends to leadership contests. I'm not sure that it necessarily

needs to extend to nomination contests. I think that's an overreach, without question, and frankly I'm not convinced that it would even necessarily stand a court challenge.

There was also a question asked earlier, and I'll repeat that question, so we'll put two questions on the agenda for the government to answer. My first question is about whether the \$4,000 is cumulative across parties. I'll note that if it is, then that will add administration and, frankly, I think, is also an overreach insofar as it will be difficult/impossible for parties to know whether or not someone has donated to another party. That's not knowable.

Question two is: do you then anticipate making donations to nomination races a tax receiptable donation, where they currently are not? If we're now expecting nomination candidates to both disclose and report as well as to have their spending limited, will those donations be tax receiptable? I think those are two very important considerations.

We've heard from research services and our friends in the office of the Chief Electoral Officer that while Manitoba and New Brunswick do have cumulative across a variety of buckets, if you will, neither one is across all five of the buckets that it sounds like this motion would cover. It certainly on the whole is very much an overreach, and I worry. Again, I'm not quite sure what the government is driving at here beyond disadvantaging the opposition through this motion.

I will end my comments there and ask if someone on the government side can answer those two questions. I think it would be very helpful for the committee as we move along.

Thank you, Madam Chair.

The Acting Chair: Thank you, Mr. Clark.

Anyone from the government? Member Cortes-Vargas.

Cortes-Vargas: Thank you, Madam Chair. No, we are not changing the tax act. Therefore, for the nomination and leadership races tax rebates would not be applicable. No, we are not stopping people from contributing to other parties, meaning that the \$4,000 would be cumulative. Yes, we are reducing the amount one individual can donate as a whole because we believe that big money should not drive politics.

Thank you.

The Acting Chair: Thank you, Member.

I have Mr. Cyr and then Mr. van Dijken.

Mr. Cyr: Thank you, Madam Chair. Member Cortes-Vargas answered my question. Thank you very much, Member.

The Acting Chair: Thank you, Mr. Cyr.

Mr. van Dijken.

Mr. van Dijken: Yeah. Thank you, Madam Chair. I just need some clarification. I heard two differing opinions with regard to Nova Scotia and the limits that they've put in there. In our cross-jurisdictional research document it appears that there's a limit of \$5,000 to each party and then, within that, each party's constituency association and candidate but that there would be the ability for the individual to donate to more than one party and \$5,000 to each. I heard two differing opinions, so I just need some clarification on that.

1:40

Mr. Resler: Manitoba is the only one that has an aggregate across all parties for candidates, constituency associations, and parties. The \$3,000 limit in Manitoba is a single contribution limit by the

individual, whereas Nova Scotia and New Brunswick have it across parties.

The Acting Chair: Dr. Starke.

Dr. Starke: Well, thank you, Madam Chair. Again, I haven't, at least at this point, heard, you know, a strong argument about why we are including all five entities under the same restriction. That fails to recognize that as events occur during the election cycle, the need to be able to fund raise and the need to be able to obtain donor support, to get the message out, to participate effectively in political activity varies from year to year, whether it's a campaign year or not a campaign year.

The other thing that Mr. Clark pointed out: I want to just, you know, expand a little bit on his point, and that is the \$4,000 limit. We already talked about it, and I give the government credit that they saw the logic of the argument that if a \$4,000 contribution was made to constituency associations, then over the four-year period you could have a situation where five individuals could successfully bankroll a \$70,000 campaign. That was good, and adjustments were made.

But with the \$4,000 limit still being there – and we've already talked about a \$14,000 limit, for example, for nomination contests. That, again, means that less than four people – in fact, three people, three and a half people, but let's say four people for argument's sake – could bankroll the entire budget, the entire limit of spending for somebody seeking a nomination. Mr. Clark has already pointed out that you'd need 17 and a half people to bankroll a \$70,000 campaign, and that \$4,000 limit is double what is presently in effect. You know, this is the problem with trying to do a one-size-fits-all. It's an overly simplistic approach to this situation.

Then, for example, in leadership contests – and I right now forget the number that is being proposed, but I know that it's something in excess of \$300,000 – let's say that roughly 80 \$4,000 contributions would be required. One of the things we talked about when we made the change to the constituency association was that it is not an advisable situation to be in a position where a very small group of people could successfully be the sole donors up to the limit of spending that is being applied. So to have that \$4,000 limit be there but have it apply to everything, as is being proposed by the amendment, you know, quite frankly, opens us up to a number of distortions that, I think, run contrary to what we have been talking about.

You know, I don't want to make this motion more complex than it needs to be, and I've thought of a few different ways of amending it. I mean, quite frankly, in my opinion – but I'm going to certainly ask the mover of the motion. I mean, it's his amendment. I would propose a subamendment, but before we read it into the record – my subamendment would basically involve cleaving away registered candidates, leadership contestants, or individuals seeking nomination. I'm fine to set separate limits for those. I'm absolutely fine to set separate limits for those, and there should be if we're going to regulate that.

But to consider that the \$4,000 umbrella is appropriate under all circumstances in every year of the electoral cycle is, you know, roughly analogous to saying to the Chief Electoral Officer: "You've got to run your office on the same budget each and every year. We know that every four years you have a major event and something changes and there are going to be more expenses, but your budget doesn't change." We wouldn't do that. We would never do that.

Really, this motion, phrased in the way it is, basically is saying the same thing. Your expenses, the events are going to change from year to year, and to fail to recognize that that is going to happen, as most other jurisdictions have – well, first of all, they don't deal with

nomination contests, but most of them provide for an additional contribution for a leadership contest. That's my concern with this motion and how it's been amended.

Quite frankly, the only goal that I see it accomplishing is a reduction in how much people can donate to political activities. That seems to be the goal of the government, and that's fine. We are, as Mr. Clark has said, in broad agreement that the current limits are higher than they should be. But when we make these adjustments, we have to make them with a certain amount of judgment. That judgment has to include recognizing that there are differences in the requirements for funding from year to year and that in an election year a lot of your donors end up being the same donors year after year after year. You don't suddenly get a huge new crop of donors in an election year.

Again, to have this in place the way it is, to have the distortions whereby only four people could fully fund a nomination contest: I think that these are the kinds of things that we're trying to avoid. I would be curious if Member Loyola would consider a subamendment that would basically delete everything after the words "constituency association." I would be quite prepared to introduce another amendment that would put in separate limits for each of those other three entities but that they be separate from the annual \$4,000 limit.

The Acting Chair: Thank you, Dr. Starke.

Loyola: I would not see that as a friendly amendment.

Dr. Starke: Sorry. Would not?

Mr. Nixon: There's no such thing as a friendly amendment.

Dr. Starke: No, it would be a subamendment.

Loyola: I wouldn't entertain it.

Dr. Starke: Okay.

The Acting Chair: Thank you.

I have Mr. Clark and then Mr. Nixon.

Mr. Clark: Thank you. Again, just to pick up on what Dr. Starke was saying, I'm concerned that this creates a loophole that we have an opportunity to close and ought to take that opportunity. Perhaps we'll have an opportunity to entertain debate on a subamendment at some point. If and when we do, I will make further comment on that.

Just very briefly, I wanted to ask for a clarification of the clarification from Member Cortes-Vargas. What I heard you say is: no, we will not change the way the \$4,000 limit works, but it will be cumulative. I just want to be really clear, and if the Chair would allow, please. Going forward, will one individual be able to donate up to \$4,000 to more than one party to a total of \$8,000 in that scenario?

Cortes-Vargas: Sorry. When I heard myself say it, I thought I was actually not being clear, which was counterproductive to what I was trying to do. The answer is \$4,000. As an Albertan I would be able to donate \$4,000. Potentially I could donate \$2,000 to even my own campaign and \$2,000 to yours. I'm not saying I am, but . . .

Mr. Clark: I'm not saying that I'd cash the cheque.

Cortes-Vargas: That's fair. Well played. We can have fun in this committee, too.

The Acting Chair: Order, everybody.

Cortes-Vargas: The point being: no more than \$4,000. Is that clear?

Mr. Clark: It is clear. Thank you.

Cortes-Vargas: Okay.

The Acting Chair: Mr. Clark, that was your . . .

Mr. Clark: That was it. Thank you.

The Acting Chair: Okay. Thank you.

Mr. Nixon: I'd just like to get down specifically to the issue of it being illegal at some point and the impact it's going to have on all these different entities that don't necessarily have the most friendly relationship particularly at election time. We're dealing with political parties. All of us are members of those. I can tell you Mr. Clark doesn't send me his list of donations in the middle of the year, of who's donating to his party. So I'm really concerned about this.

1:50

I mean, at some point we could have a situation where multiple candidates could have taken illegal money and would not know about it for a year or more because of the reporting stuff. Parties would still be quarterly, so there might be a better chance of catching that a little more routinely between the parties. But definitely once you get into the other buckets – leadership races, nomination candidates, all that stuff – essentially you could have money in your bank account for over a year that was illegal for you to have. How are we going to police that? What do we do? More than likely it's been spent, so that's going to be another issue. How can candidates comfortably know that they could spend dollars that they've received during a general election, that they're not going to end up at the end of it and go, "Oh. I just broke the law"?

More importantly than us, Albertans who are trying to participate in the elections system, which is something that we've all said is important to us: how are they going to know what the process is so we can be sure that we don't get in trouble? You're essentially saying that it's going to be all self-policed. How do we do that now that we're dealing with interaction between parties? You know, by the time we find out, it's going to be too late. We already have spent illegal money, and the person wouldn't even have known about it. This is just one of the problems of breaking the buckets.

The reality of this government is that it keeps doing it without talking to the people that are actually involved. Not only is it going to cost taxpayers a lot of money; it's going to stop people from being able to participate in the system. You guys are just randomly picking things. The opposition has asked: why don't we bring in some executive directors of all of our parties and sit down and see how this will actually impact them, how this will impact the audit process, how this is going to work for the accounting process? These are volunteers in most cases. These are not people that do this for a living. Across our province there are many people that volunteer in constituency associations.

I think of my CFO, who works really hard to try to make sure that our party doesn't get into trouble or I don't get into trouble. She's doing that in her spare time to try to participate in our democracy. It feels to me that the government is absolutely not only refusing to listen to it, but when they're asked questions, Madam Chair, about the process or their thinking, they automatically go back to the same talking point, which, I've got to tell you, is not working publicwise, so you guys probably want to re-evaluate it; that is, to say that we're trying to take big money out of politics. The entire opposition

agrees with you on that already. We're past that. We agree we have to lower the limits. We're trying to make our democracy work and respect the people that participate in the process, and you will not answer any questions. You're going to damage our democracy.

I don't understand why the government won't address the fact that they're basically manipulating a situation to benefit their party while damaging other parties. That's just ludicrous. I suspect you won't answer again, though. It's just blank looks, Madam Chair, which is what we've come to expect with this committee.

The Acting Chair: Mr. Nixon. If I could just remind everybody around the table to please speak through the chair, not . . .

Mr. Nixon: Okay. Well, Madam Chair, as I suspect you can see, through you, we're not going to get an answer, and that's the problem. That's why Albertans are going to be frustrated with this. This is jerry-rigging a system to benefit one party and no explanation.

Mr. Nielsen: Point of order, Madam Chair.

The Acting Chair: A point of order has been called.
Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. This language has been used before. The member has been cautioned about it. The member has been counselled on it and was even asked to withdraw and apologize. Can we maybe get by this, please?

Mr. Nixon: It's a matter of debate. This is what it looks like to the public. The fact is that the government does not have constituency associations. The government does not run their party the same as every other party in the province. That's their prerogative. They don't run the party the same way that their federal counterparts run their party, but by changing these rules, it certainly looks like they're rigging or gerrymandering the system to their advantage. The fact is that it will be to their advantage if they put these rules in place. That's a fact.

The Acting Chair: Thank you, Mr. Nixon. At this point I will rule that the point of order is not in order; however, I would caution all members on the language used when discussing these matters, please.

Mr. Nixon: So . . .

The Acting Chair: Mr. Nixon, it's not up for debate.

Mr. Nixon: I'm fine with that. I'm moving on.

The Acting Chair: Oh. Okay. Thank you.

Mr. Nixon: So the question still stands. We have a situation. I'm going to ask the Chief Electoral Officer to expand on the fact that we could have money in my account, one of the candidates, that is illegal, and I or my constituency association wouldn't even know for a year. I continue to ask the government to justify on the record to Albertans why they have to manipulate this process to their advantage.

Mr. Resler: As part of our review we'd be looking at the contribution limits and whether any individual exceeds those limits. The individual has a responsibility. When we look at investigations – our ability to, I guess, place sanctions or to identify a breach against a registered party, constituency, or candidate is currently under section 19 of the act. Those entities would either have to know or ought to have known that the contribution limit was exceeded, and we wouldn't be able to prove that. It's unlikely that we'd be able to

prove that because of the multiple-party contributions. So the ability to place sanctions on one of the political entities: we wouldn't be able to do that any further.

The Acting Chair: Thank you, Mr. Resler.

Mr. Nixon: Madam Chair, there's no way to solve the problem. This is what we're trying to bring forward. We're creating a mess, and the government members continue to push that forward.

Look, I said the other day on the radio: any time that you have the Wildrose Party, the Liberal Party, the Alberta Party, and the PC Party united, Albertans better be having a serious look at what their government is up to. There's no justification from the members on the other side why they're going to continue to force this through despite every opposition party, on complete opposite sides of the political spectrum, saying that this is going to hurt the democratic process, that this is going to cause a whole bunch of problems for Albertans trying to participate in the democratic process. Instead, we just get silence and the same talking point over and over: we're trying to take big money out of politics.

We agree. That's why we've already dropped the limits. We've been fighting for that in my party long before it was popular in the government party, so we're past that. How are we going to make sure that people aren't breaking the law? How are we going to make sure that we can still do the system, that constituency associations can participate? And when is the government going to, you know, speak up in this committee and justify the fact that pushing this through manipulates the situation to the benefit of their party, with no justification for why they're doing it to the other parties or to Albertans as a whole?

The Acting Chair: Thank you, Mr. Nixon.

I have Mr. Cyr next, but I just want to go to the phones and check in with Dr. Swann.

Dr. Swann: Enjoying the debate, but thank you.

The Acting Chair: No comments, then. Thank you, Dr. Swann.

I have Mr. Cyr and then Mr. Sucha.

Mr. Cyr: Thank you, Madam Chair. I asked two questions. I got two answers. That was great.

I have two more questions. Now, this is for Member Loyola. I'd like to go into an example and hear your thoughts on how this would work. Let's say that one person sent out four cheques for \$1,500 to the NDP, Wildrose, the PCs, and the Liberals. Now, we understand that it is up to the donor to keep track of how much they are contributing. My question is: when that happens, what process is going to be used? Have you thought about what process? Because somebody needs to return the money. Now, when you've got four parties that all now have an illegal contribution – with accounting it's called LIFO, which is last in, first out. Would that be one, or would it be prorated? I'm just curious if you'd thought about this. That's what my question is.

My second one. We've got five different groups of people now that we're putting under this \$4,000 aggregate. Are we including third parties as well in that \$4,000 aggregate?

Loyola: Last in, first out sounds good.

Mr. Nixon: Are you sure you don't have to call Brian about the cheque?

The Acting Chair: Mr. Nixon, I'm calling a point of order on you. I would just caution you around using other individuals' names who are not present here, that are not part of this discussion. Thank you.

Loyola: I'm trying to be genuine and answer the question, okay? It's not a matter that we've discussed here in committee. It would be something that perhaps could be addressed in the legislation. Right now we're trying to focus on the amendment.

To your second question – sorry. What was your second question?

Mr. Cyr: Yeah. That's understandable.

Are third parties included in this \$4,000 aggregate?

2:00

Loyola: My understanding is that we have motions to deal with third-party contributions coming up. We could talk about it then. The intent is that this would be specifically for what is mentioned in the amendment. Third party would be separate from that, so no. Short answer: no.

Mr. Cyr: Mr. Loyola, we don't actually have a solution of who's returning the money, I guess?

Loyola: I could refer to Mr. Resler for a recommendation.

Mr. Cyr: The first one to cash the cheque gets the money. Is that kind of how this works? I'm asking. I generally would like to know.

Mr. Resler: We would address it no differently than overcontributions that have been provided to multiple candidates within the same party. It would be no different than multiple parties. You'd look at when the money, the funds, were received, the ones that exceeded the breach. If, say, all four parties received the same contribution of \$4,000 on the same date, then we'd look at prorating it across all four parties, the amount of the overcontribution.

The Acting Chair: Yeah. Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. So this is something you've dealt with before . . .

Mr. Resler: Yes.

Mr. Cyr: . . . and it's more or less at your discretion right now? Is that kind of how that works?

Mr. Resler: Well, discretion under the legislation. What the legislation provides – it's our interpretation. Yes.

Mr. Cyr: Thank you.

The Acting Chair: Thank you, Mr. Cyr.

I have Mr. Sucha and then Mr. van Dijken.

Mr. Sucha: You know, just to reiterate, in reference to some of the comments that were said before, the ultimate goal – this isn't about our party's model of managing donations over your party's or over the PC Party's. If it was, we'd just put a cross-ban over local contributions altogether and only allow central ones, but that's not the direction that we are going. It allows parties to make their own internal rules of how they govern these things. We recognize, ultimately, that there are people who have different ways that they choose to contribute, and parties have different ways that they choose to do fundraising. Ultimately, what we're saying is a \$4,000 limit all the way across the board.

The Acting Chair: Thank you, Mr. Sucha.

Just a reminder to speak through the chair, please.

Mr. van Dijken and then Mr. Nixon.

Mr. van Dijken: Thank you, Madam Chair. I'm troubled by what I heard with regard to third-party donations being handled separately from this \$4,000 that can be distributed amongst all parties, all candidates, all leadership contestants, and any individual seeking a nomination, where before we had the opportunity for individuals to give, well, \$15,000 to each party. Now we're going to essentially limit individuals to \$4,000 – and they can choose how much they give to each of the associations or the parties – but then we're not going to have third-party entities included in that aggregate, where then all of a sudden \$4,000 becomes available to third parties also and many third parties, possibly.

I think what we're doing here is then tying the hands of the actual political process that is typically done through political parties and allowing third parties to take over the political process, and that disturbs me. I don't believe that that's the intent, but that is very much a real consequence that could happen from essentially eliminating the third-party entities from this \$4,000 total. I would love to hear from the member with the amendment on how he would be able to control that into the future.

Loyola: Madam Chair?

The Acting Chair: Yes, Mr. Loyola.

Loyola: Through you to the member, I highly suggest that we discuss that topic when we get to the third-party contributions and for right now focus on this amendment.

The Acting Chair: Thank you, Mr. Loyola.

Mr. Nixon: Well, with due respect, Madam Chair, through you, that's an important question for us to be able to know how to vote and take a position on the topic that we're talking about. I don't know if the government members are just expecting us to take them at faith and just wait to hear what they have to say. I could tell you that I don't think any opposition members are prepared to do that, so it's a legitimate question Mr. van Dijken is asking.

You know, the government wants to take away all buckets, as has been discussed in great detail so far in this committee, but all of a sudden it's okay to have a separate bucket for third parties? I'm not saying that third parties shouldn't have a separate bucket, but what's the difference? Through you, Madam Chair, I haven't gotten one answer yet today so far from the members, so I'm not going to hold my breath, but I do hope that they'll answer that question.

The Acting Chair: Thank you, Mr. Nixon.

I would just like to point out that on number 4 on your motions sheet of notifications we will be discussing third-party advertising at that time. It's very clear in there that we will have the ability to have that conversation. My understanding is that the government side has already answered your question in regard to third-party advertising and whether or not it is included in this, so I would hope that we can move past this discussion and stay focused on what is actually within the amended motion.

Mr. Nixon: The question, Madam Chair, though, that we're asking is about the motion that we're trying to debate. We're asking why third parties would have a separate bucket but all these other entities that we've just discussed would not. The question that we're asking – I agree we're going to talk about third parties later – relates directly to what we're debating right now. We're asking the government members: what is the difference other than the perspective from this side that to continue to force these through benefits the governing party? That's the perspective, so what is the difference?

The Acting Chair: At this time I don't – Mr. van Dijken. Sorry.

Mr. van Dijken: Thank you, Madam Chair. I would suggest that this needs clarification before we actually can feel – and it's worthy of discussion to get a clearer understanding of the governing party if they're prepared to hand over the electoral system to possibly third-party entities. Handcuffing the political parties, their constituency associations, and all entities to a maximum of \$4,000 per individual to give to any of the above and in an aggregate all of a sudden handcuffs the traditional political apparatus that's within our Albertan system and possibly moves it into a situation where third-party entities take over. Unless the governing party is coming to a decision that they would eliminate third-party political advertising, which, I would suggest, would not withstand a Charter challenge, I think we have to have that discussion here because this is going to be a real consequence of the proposed amendment.

The Acting Chair: I'm hearing from the opposition that they would like to have more information around financing third-party advertising. I would like to test the floor around whether or not we would be able to adjourn debate on this issue and move on to the third-party financing on number 4 so you can get the information that you feel and then come back to Motion 1. Can I test the floor to see if that's in agreement? We would adjourn debate on Motion 1 and move on to Motion 4 to get further clarity, and then we can come back to Motion 1.

Mr. Nixon: I think the challenge that some of my colleagues are about to bring up – I think the intent of what you're doing, Madam Chair, probably makes sense. The concern is that I suspect the same question is going to go to this side. To be able to debate what happens with third parties effectively, we need to know that we've made the decision on the parties themselves or on the other side of the question, so I think we're going to end up in the same jam there. I respectfully submit that, you know, maybe the government members could try to answer our questions.

2:10

The Acting Chair: Member Cortes-Vargas.

Cortes-Vargas: Okay. I think the reason, like, from my perspective, for taking third parties and looking at it differently and handling it differently is because, as we know, there have been court challenges on the way and the timing of when contribution limits can be applied to third parties. Through the writ you're able to accomplish that, and outside of that it comes into more complications. Because of the freedom of speech that's attached to third parties as well, then you have to handle it and proceed with it in a different way, which is why what we're saying is: "Let's look at this. Let's look at parties, and then let's go look at third parties and have that discussion." I mean, that might not be the answer that you're looking for, but it's still an answer.

The Acting Chair: Thank you, Member.

Mr. van Dijken: I think I'd like to move a subamendment, please. Can I move a subamendment on it? That would be in order?

The Acting Chair: Member Loyola's is already a subamendment. [interjections] No? It's an amendment. My apologies. I wasn't here. Please go ahead, Mr. van Dijken.

Mr. van Dijken: Yes. I think we have to remove the word "and" after the word "candidate," and then after the word "nomination" add in – this makes a bad amendment somewhat better, possibly.

Loyola: In your opinion.

Mr. van Dijken: Well, you know, I'm trying to get to a point where we can be sure that we're not handing this process over to third parties and needing to do that within this. I'm not convinced that – sorry. I'll finish my subamendment. Add in the words “and third parties.”

I'm not sure if it's clear to all members of the committee that the intent of the subamendment is to cover off the difficulty that we're facing with the current amendment in that the current amendment leaves the process open to third-party manipulation of the electoral process, and by the governing party recognizing that they're putting the limits to the \$4,000 with regard to all political donations, I believe that there's going to have to be something in there that will protect the electoral process from being taken over by third parties.

The Acting Chair: Thank you, Mr. van Dijken.

We have an amendment on the motion. Maybe can we try to read it out?

Dr. Swann, are you there? We'll send you a copy in a second.

Dr. Swann: Thank you.

The Acting Chair: Oh, it's actually online for you.

Okay. We have a motion on the floor. If we could read it out with the amendments, please.

Ms Rempel: Thank you, Madam Chair. I believe Mr. van Dijken has moved that the amending motion be amended to strike out the word “and” and after the word “nomination” add in “and third parties.”

The Acting Chair: Mr. van Dijken, I just want to clarify that what you are trying to say is that the amending motion be amended to strike out the word “and” and add after the word “candidate” . . .

Mr. van Dijken: No. After the word “nomination.”

The Acting Chair: Yeah. Right. Okay. Sorry.

Mr. van Dijken: Strike out the word “and.” Like, it's just to make it grammatically correct.

The Acting Chair: That the amending motion be amended to strike out the word “and” after the word “nomination” and add in “registered third parties.”

Mr. van Dijken: Strike out the word “and” after the word “candidate.” Take out the “and” also. Correct.

The Acting Chair: I know what you are trying to say. We just have to . . .

Mr. van Dijken: No, no. Take out the word “then,” please. There.

The Acting Chair: Go ahead, Mr. van Dijken.

Mr. van Dijken: I guess the intent of the subamendment is to recognize the difficulty we're having with putting in an excess amount of controls on our process. You know, it's not that I would be against third parties participating within the political process, but I do recognize that we don't want to hand over control to registered third parties by giving them a hand up over and above current political parties. The fact that I heard from the members of the governing party that they felt that \$4,000 was in aggregate to any and all registered parties' constituency associations did bring some concern to me that all of a sudden we are putting political parties

and their candidates possibly at a significant disadvantage to the registered third parties.

The Acting Chair: Thank you, Mr. van Dijken.
Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. I was wondering if I might be able to call on the assistance of Parliamentary Counsel and/or the Chief Electoral Officer counsel with what we're proposing here. Is there the likelihood of a court challenge, you know, under free speech, freedom of expression?

The Acting Chair: Ms Vance.

Ms Vance: Yeah. You know, I don't think we can answer whether there would be a court challenge. Political speech of all kinds is protected under the Charter and has been through interpretation by the Supreme Court. That includes third parties. That includes political parties. Whether lumping them all into a single – I'm not aware. I would have to just check. I don't think I'm aware of any jurisdictions that do that, but whether that would attract a court challenge I don't know.

2:20

The Acting Chair: Mrs. Szabo.

Mrs. Szabo: Yeah. I agree with Ms Vance that it's difficult to ascertain whether or not there would be a challenge to the courts.

Cortes-Vargas: Then let me rephrase the question. In the instance that it would, would legal counsel say that it would be safe, you know, in saying that that doesn't affect freedom of expression? Basically, if there was a challenge, would it impact the ability for this to be overruled?

The Acting Chair: Member, I think I have to rule the question out of order. No? Okay. Never mind. My apologies.

Mrs. Szabo: Okay. Well, I mean, so far the Election Finances and Contributions Disclosure Act deals with contributions. It's just a balancing. They're going to want to make sure you're not restricting their ability to, you know, make a contribution to whomever they want. Based on those principles, I just caution the committee that there has to be that balancing.

The Acting Chair: Thank you.

Any other members wishing to speak to the subamendment? Seeing none, could we have the subamendment read out again, please?

Ms Rempel: Thank you, Madam Chair. Mr. van Dijken has moved that

the amending motion be amended to strike out the word “and” after the word “candidate” and after the word “nomination” add in “and registered third parties.”

The Acting Chair: All in favour of the subamendment? Any opposed? The subamendment is carried.

Back now to the amendment as amended. Do you need to hear it again, or are we good?

Dr. Swann: I need to hear it.

The Acting Chair: Okay. Thank you, Dr. Swann.
Ms Rempel.

Ms Rempel: Thank you, Madam Chair. I believe that the amendment now reads that
the [main] motion be amended as follows:

- (a) By adding “be amended to” before “reduce”; and
- (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, any contribution to a leadership contestant or any individual seeking a nomination, and registered third parties.”

Dr. Swann: Madam Chair, was this sent to my inbox?

The Acting Chair: It’s being updated on – oh, sorry, Ms Rempel. Go ahead.

Ms Rempel: Yes. We are doing the updates right now, but if you go to the internal committee website, they are actually available for viewing, whether you are physically present or participating over telephone. You just need to go to the new meeting motions portion of the site.

Mrs. Szabo: I would just like to add with respect to contribution limits for third parties that some more research might be required in that area because there aren’t too many jurisdictions that we are aware of that limit contributions on third parties. The cases I reviewed, for example, were limiting third parties but not so much contributions, so further research might be required for that particular area.

The Acting Chair: Okay.
Mr. van Dijken.

Mr. van Dijken: Yes. Thank you, Madam Chair. The intent of my previous subamendment was essentially to bring awareness to the fact that we are getting into the weeds here in overregulating a system that in trying to get big money – so be it; that’s what we say – out of politics, we are possibly messing the water so much that it’s going to be dysfunctional. I would like to hear from the Chief Electoral Officer how it would be possible to be sure that the aggregate amount of \$4,000 was not exceeded within all of these entities, if that’s something that is relatively easy to do or if by adding in registered third parties that becomes even more complex and more difficult.

The Acting Chair: Mr. Resler.

Mr. Resler: Thank you. It’s another group of individuals or groups that we’d be reviewing, so it would just be part of that same process. It all depends on the event and the timing.

The Acting Chair: Thank you, Mr. Resler.

Mr. Nixon: Just through you, Madam Chair, to the Chief Electoral Officer, will the problem that I’ve raised already today be compounded, at least in your thought process? The fact that that third party then had those donations and all the other political parties would – I would suggest that it would be virtually impossible to know that somebody donating to your campaign had donated to a third party.

Mr. Resler: The third party would be no different than any political party or candidate or constituency. They wouldn’t have knowledge of any cross-contribution. We’d be the ones who would be tasked with identifying any overcontribution and ensuring that the limits are adhered to and the money refunded then at that point in time.

Mr. Nixon: Through you, Madam Chair, what would happen to political parties, candidates, and third parties that were in that situation where they had unwittingly accepted above the limit –

they would not know – and had spent it? Like, what would be the impacts on all those entities, particularly the third party?

Mr. Resler: The ones that are identified as receiving excessive contributions would be ordered to return those funds.

Mr. Nixon: Can I just ask . . .

Mr. Resler: Whether they had money in their bank account or not is irrelevant. They’d have to return those funds. Whether they receive assistance through their party or constituency or themselves, they take a loan and pay it back.

Mr. Nixon: For example, let’s say that the governing party accepted, you know, whatever amount, \$100,000 worth, of donations that were above the limit across whatever amount of people because they had donated to a third party. That governing party would then have to – what? – take a loan to pay that back if they didn’t have the money, or would there be consequences? Lastly, for their individual candidates could that have rejected them from being a candidate in the future or have any consequence on their actual campaign?

Mr. Resler: There would be no impact as far as running as a future candidate, but the money would have to be returned to the contributor.

Mr. Nixon: So, theoretically, one individual candidate trying to participate in democracy who did not win, that didn’t get fortunate enough to be able to come here, could be in a situation where they had spent, you know, \$10,000, \$15,000 that they did not know was over the limit. They personally would be liable for that?

Mr. Resler: Yes.

Mr. Nixon: Thank you.

The Acting Chair: Thank you, Mr. Nixon.

Any other comments? Okay. Mr. van Dijken. I wasn’t sure what that was.

2:30

Mr. van Dijken: Yeah. Thank you, Madam Chair. You know, we’ve heard from Parliamentary Counsel that possibly there’s more research that needs to be done with regard to this amendment, and I would suggest that the committee needs to consider moving to adjourn debate or possibly withdrawing this amendment so that we can move forward in a timely manner.

The Acting Chair: Thank you, Mr. van Dijken.

Hearing a motion to adjourn the debate on this amendment, all in favour? All those opposed? The motion is defeated.

We are returning to the debate on the original amendment as amended.

Mr. Nixon: I just want one last question. I know you want to call the vote, Madam Chair. Do any of the government members have any answer as to how they foresee us being able to legislate or work through the process to be able to deal with the situation that I just outlined, or is it your intent that candidates could end up in a situation like that? I mean, I can’t imagine, through you, Madam Chair, that any member would want to see, you know, people participating in our election process ending up breaking the law through a process that they can’t even police themselves. It’s literally impossible for individual candidates to do that, and that’s exactly what this amendment will do.

The Acting Chair: Thank you, Mr. Nixon.

Seeing no other speakers on the amendment as amended, I will call the question. All those in favour of the amendment as amended, please say aye. All those opposed, please say no.

Mr. Clark: A recorded vote, please.

The Acting Chair: A roll call vote has been called.

Loyola: Rod Loyola, Edmonton-Ellerslie. I vote in favour of the amendment as amended.

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

Connolly: Michael Connolly. Yes.

Mr. Sucha: Graham Sucha. Yes.

Cortes-Vargas: MLA Cortes-Vargas. Yes.

Drever: MLA Deborah Drever. Yes.

Ms Renaud: Marie Renaud. Yes.

Mrs. Littlewood: MLA Jessica Littlewood. Yes.

Mr. Cooper: Nathan Cooper. No.

Mr. Nixon: Jason Nixon. No.

Mr. van Dijken: Glenn van Dijken. No.

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

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

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

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

Dr. Swann: David Swann. No.

The Acting Chair: Thank you, Dr. Swann.

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

The Acting Chair: Heather Sweet, MLA, Edmonton-Manning. Yes.

The amendment as amended is carried.

We will now return to Mr. Nielsen's motion as amended. It is still Motion 1. Mr. Starke – Dr. Starke. My apologies.

Dr. Starke: It happens.

Madam Chair, I would like to move an amendment to the motion, that has already been previously amended, as follows: in the section that reads "such amount to include any contribution to a registered party, constituency association," add the words at that point "and registered third party." Further, "and that an additional contribution limit be set at \$500 for an individual seeking nomination, \$1,000 for a registered candidate . . ."

The Acting Chair: Dr. Starke, we can't catch up as fast as you talk.

Dr. Starke: I'm talking as slow as I ever have . . .

The Acting Chair: Thank you.

Dr. Starke: . . . but I'll pause. Where should I go back to?

Mr. Clark: Lloydminster.

Dr. Starke: Lloydminster? Really? I'll stop when I hit the pillars.

The Acting Chair: Dr. Starke, it's on the screen in front of you.

Ms Rempel: If you could finish that first motion that you had indicated, and then we can pick up after "nomination."

Dr. Starke: Okay. I'd say: moved by Dr. Starke that in the section beginning with "such amount to include any contribution . . ." add "and registered third party." Then a new sentence: "And that an additional contribution limit be set at \$500 for individuals seeking nomination, \$1,000 for registered candidates, and \$4,000 for contributions to leadership contestants."

Madam Chair, if I could offer some comment on this. During our earlier debate I tried to point out to the committee the concern that I have with the \$4,000, one-size-fits-all, blanket limit to all five, now six entities. The \$4,000 limit, as I said before, would allow four individuals to completely bankroll a nomination candidate's contest. Or it would allow 18 individuals to completely bankroll the full limit of a candidate election. I think that part and parcel with, quote, unquote, getting big money out of politics is limiting the level of influence that small numbers of individuals could have over the process.

What I am proposing, in fact, is very much analogous to the argument that I made for constituency associations, where I argued that five individuals giving the maximum \$4,000 contribution to a constituency association could completely bankroll an election campaign for a candidate. Now, I know that there is concern that the overall amount of money that any one person can contribute should be reduced, but I would argue that these proposed additional limits continue to mean that the amounts that can be contributed by, you know, any one individual are significantly reduced.

Let me make this argument in the following way. Under the current situation any one individual can contribute \$15,000 maximum to, in fact, any number of political parties, but let's just say, for argument's sake, that they're just supporting one party. In addition to that, they can contribute an additional \$5,000 to a constituency association – and I'm looking to the Chief Electoral Officer; I'm pretty sure I've got this right but just in case I've got it wrong – for a maximum annual contribution of \$20,000. Beyond that, an individual can make a contribution that is unlimited to a person seeking nomination because currently that's unregulated. Beyond that, a person can make a donation of \$2,000 to a candidate, and the person can make, at least under our current legislation, an unlimited contribution to a person seeking the leadership.

So even if we were to look at just what is specified within the act, right now the annual limit is \$15,000 plus \$5,000, or roughly \$20,000; during an election year it's \$30,000 plus \$10,000, so \$40,000, without any limit on leadership or nomination contests.

What I am proposing is that in a typical year where there is no election, no nomination, no leadership contest, the maximum amount that any one person could contribute would still be the \$4,000 that is in Mr. Nielsen's motion. But I'm again making the argument that it is important from two aspects that we limit the ability of small numbers of people to have undue influence on either a nomination or a campaign. It's also important that we recognize that in times where there is an election year or a leadership contest, these are extraordinary events and require some additional flexibility in order for these campaigns to go ahead.

2:40

So under what I am proposing, the annual limit of \$4,000 would go to \$4,000 plus \$1,000 for a candidate, plus \$500 for a person seeking nomination, plus an additional \$4,000 for a leadership contestant, for a grand total of \$9,500. Now, \$9,500 is a very

considerable reduction from what is currently in place, but it also answers some of the concerns that I've previously raised. On the numbers or the limits that I have suggested, lest people say, "Well, you just picked those out of mid-air," I did actually pick them out of mid-air, but they do have a certain amount of logic to them.

A situation where only four people can bankroll a nomination campaign, for example, means that each person would have roughly 25 per cent of the campaign. I'm saying that that is a fairly high level of influence. If we go to what I am proposing, a \$500 limit, for example, that means the maximum percentage of the maximum amount that can be spent is about 3.6 per cent. In other words, you need to find 28 \$500 donors.

In the case of a candidate seeking election, you need to find 70 \$1,000 donors, so the total percentage that any one person could have influence on, from a fundraising standpoint, is 1.5 per cent. In the case of a leadership contestant, the \$4,000 limit – and if we go ahead with that, again, I can't remember the exact number, but it was something in excess of \$300,000 – if that number goes ahead, then we're talking about at least 80 people being required at the maximum contribution level to make the maximum spending amount. That would be approximately 1.25 per cent per person.

The point I'm making here is that we want to limit not only the total amount that can be given, which this does, but also limit the amount of influence that can be exercised within each of these parameters. Unfortunately, the motion as it stands, certainly at the candidate selection level but also, I would even argue, at the registered candidate level, would allow for a significant percentage to be handled or to be contributed by individual persons.

I think a reduction from well over \$40,000 as a potential maximum contribution to less than \$10,000 is a very significant reduction. Certainly, a reduction from \$20,000 to the \$4,000, which is already being contemplated by this motion, I think still meets some of the goals that this committee has set out. It recognizes – and I will again state it – that in election years there are additional expenses, and there is more political activity. To not recognize that that happens and to not make provision for that is simply not recognizing the reality that in election years, just as the Chief Electoral Officer requires additional funding, so too do political parties and political candidates. Certainly, in the years where a leadership selection occurs, that too requires additional funding. To have that all fall under one umbrella and not allow for any adjustments or any changes to allow for additional fundraising from donors I don't think is what we're trying to accomplish here.

I do believe that this amendment addresses some of those issues, and I would encourage members to support it.

The Acting Chair: Thank you, Dr. Starke.

Are there any members wishing to speak to the amendment? Mr. Clark.

Mr. Clark: Thank you, Madam Chair. You know, I support the aspect of this that adds an additional contribution limit over and above the \$4,000 because, as we've argued repeatedly in this committee, the idea of an aggregate limit of \$4,000 and, as we've learned here today, an aggregate limit of \$4,000 across all parties is unduly harsh and unduly restrictive and will, I think, constrain our democracy rather than support it. You know, I'm always cautious when it comes to third parties, and I think that that's obviously a subject for discussion if we have time for it later this afternoon, and a long discussion I imagine it will be because I think we need to dig a little deeper into that.

While I will likely support this amendment, I do have questions. I interpret the goal of this as making what I think is, overall, a bad idea a little bit better. At the risk of using unparliamentary language,

it feels a bit like we're polishing a turd here. If that is, in fact, unparliamentary, I apologize unreservedly and withdraw the comment.

You know, in all sincerity, my concern is that the \$500 limit or any limit or any meddling in a party nomination contest is a significant overreach. Then by further setting a limit, which, I understand, within the frame of what appears to be happening here, is an effort to make it a little bit better or a little less onerous or odious even, I worry very much that that particular aspect of this amendment, should it see the light of day in the Legislature and ultimately become law in this province, likely, I suspect – I don't know – will be subject to a court challenge. It may not succeed because I believe that this is a significant overreach.

With all of that, I will support the amendment. I would encourage all members of the committee to do the same because it does make what is otherwise a very bad idea at least a little bit more palatable.

Thank you.

The Acting Chair: Thank you, Mr. Clark. I'm sure that that will be in *Hansard* forever now. That's good.

Mr. Cooper.

Mr. Cooper: Thank you, Chair. Just a couple of general comments and then a question, I guess, for Dr. Starke. The comments: you know, I think we've been very clear that in many respects the different buckets, as we say, are separate entities. While they share many common individuals, much of what happens is very different than the political operations of a party, particularly outside of an election campaign. Even inside of an election campaign that political party still has ongoing expenses as though an election wasn't happening. To limit a political party's ability to function by creating one large bucket certainly is a challenge.

I know that there is a significant challenge that political parties will face while they are in the process of a leadership race, and the fact of the matter is that all political parties will have leadership races from time to time. I think that this amendment definitely addresses some of the challenges and risks. It still removes large donations in the form of \$15,000 or \$10,000 donations but allows for the many facets of a political party to operate.

The one question that I do have is with respect to \$500 for a nomination campaign. Many nomination campaigns are essentially self-funded anyway. Do you envision this \$500 preventing self-funding of a nomination? If there were contribution limits, would the nominee be able to provide more than \$500 of resource to their nomination event?

2:50

Dr. Starke: Well, it's a very good question, and certainly it's part of the problem you run into when you start trying to make up rules where no rules have existed before. The nomination process, as we've discussed previously, has been something that has not been within the purview of Elections Alberta, nor has it been something that we have asked the Chief Electoral Officer to intervene in. Because of that, as soon as you say, "Well, no, it is the business of government; no, it is the business of the state to delve into how candidates are chosen by political parties" – we've had that discussion before, and I completely and utterly disagree with that statement. But if that is indeed what is going to happen, then – you know, as I made the argument for the \$4,000 limit to constituency associations and the aggregate that could be collected over a four-year electoral cycle, allowing five individuals to completely bankroll an election campaign, that was my concern.

I think you raise a good point. I mean, I think that in a lot of nomination campaigns any expenses that are incurred during the

course of a nomination are in fact taken care of by the nominee. I know that when I was considering contesting a nomination, I did not request donations for that. Yet a hotly contested nomination, you know, one in which sometimes hundreds or even thousands of memberships are sold, can certainly result in some expenses being incurred, and if they are, they need to be covered. Yeah, it's a great question, and I recognize that it creates that issue.

From my standpoint, quite frankly, I would much rather have no involvement of Elections Alberta or the Chief Electoral Officer in monitoring the financing of nomination campaigns. However, the committee has indicated that it feels that there is a place for the state to get involved with individual party matters. But right now that limit is \$4,000, and that, to me, creates perhaps an unintended result, but it nonetheless creates a situation where the entire nomination campaign could be covered off by four individuals. Now, that may be, in fact, more typical of what happens right now, as you mentioned. You know, if the goal is, overall, to limit the influence that a small number of individuals can have on the process, then placing this limit – I think there's some logic to that. I think it's consistent with the logic of it.

But, I mean, make no mistake. I'm opposed to government being involved at that deep a level in the nomination process of individual parties. Individual parties set the rules on how their standard-bearers, if you will, how their nominees will be chosen, and that is the purview of individual parties. It is not the purview of the state.

The Acting Chair: Thank you, Dr. Starke.

Mr. Nixon: Just building, Madam Chair, on the comments from my colleague from Olds-Didsbury-Three Hills, one of my concerns is the self-funding side of the nomination. Actually, most people that I know who have participated in a nomination have been primarily self-funded. I think it's going to be extremely difficult to even be able to track the expenses in a realistic manner during a nomination process because lots of them have got to do with your own vehicles as a candidate, your own gas expenses. There are times when you may be literally, you know, in the grocery store picking up milk for home, and you're selling memberships at the same time. I mean, there's quite a bit of overlap in your everyday life as you're going through a nomination process.

I also agree with most members that it's pretty rare that you see large amounts, so I certainly agree with the intent of Dr. Starke's motion here to try to get the buckets in here for the reasons we've already argued.

I am curious if you would entertain a subamendment that would essentially cap, because the government wants to – I disagree that we should, but we're trying to work with the government to do it – individuals contributing to a nomination candidate at \$500 but would allow an individual to spend whatever they want on the nomination within the spending limit that we've already set. I can't recall what it is right now, Madam Chair. I'll check. If you're self-funding or the expenses are coming from you, you know, that's not somebody buying influence with you as an individual. So we would still allow people to participate in the process, not feel like they're being blocked. I actually think that by just keeping it at \$500 and limiting it, you give a real big advantage to us incumbents in particular, and you make it harder for people to enter into the process.

You know, I'm just trying to figure out the wording, but I guess the subamendment would be along the lines: that an additional contribution limit be set at \$500 for individuals contributing to a nomination candidate or campaign with the exception of the nomination candidates themselves, who can donate to the maximum

allowed by law – I don't know if "law" is the right word – to their own campaign.

To Parliamentary Counsel: I think we'll also need a change. Like, where it says, "Set at \$500 for an individual seeking nomination," it should be: "set at \$500 for an individual donating to a nomination candidate."

Now, I'm just trying to get an indication if Dr. Starke is okay with that because I don't like to move a subamendment to somebody else's amendment if it's changing the intent of what they're trying to say.

The Acting Chair: Dr. Starke.

Dr. Starke: Well, thank you, Madam Chair. No. The subamendment that's being proposed is, I think, again trying to address, you know, some of the challenges we have in a situation where we're putting in rules where we don't have a lot of examples to draw on. I mean, in fact, the only jurisdiction in Canada that has limits on nominations is the federal government. No other province does, and we are certainly breaking new ground here. Ontario is considering a \$1,200 limit for nomination contestants, but that legislation has not yet been passed. We don't have anything in there.

I guess my one concern that I could foresee with this: I know that one of the stated objectives – and I know Ms Renaud has mentioned this on a number of occasions – is that we don't want money to be a barrier to people entering the political process. If people are allowed to fully bankroll their own campaigns to the max, to the full \$14,000, which is the limit, or \$16,000 for those special constituencies that have been designated, I think that you could create a situation, for example, where people for whom \$14,000 or \$16,000 is not an obstacle or an issue could just simply bankroll their own campaign. That would be my only concern with that.

Again, I recognize the challenge here, because we have nothing, really, to go on. We don't have experience in other jurisdictions, and as you've correctly pointed out, we're forging into territory where the government has never gone before and, I would argue, the government has no business going now. That's the problem we run into.

I would have no problem with the subamendment, and we could then discuss it.

The Acting Chair: Mr. Nixon.

Mr. Nixon: Yes. I will stay with the subamendment, then. Sorry. I just want to make sure that we have it right. There are two things. One is the description that I would be adding on, which I think is correct, but there would also be a change, then, to the "\$500 for an individual seeking nomination," because the \$500 at that point would be for an individual donating to a nomination campaign, not the individual seeking nomination. Yeah.

Given Dr. Starke's argument there – I actually sympathize with that – I would actually like to change the bottom portion that I'm doing to limit the nomination candidate to \$4,000, then, rather than \$500, which I think goes a long way to making sure that we don't have to deal with a lot of policing of individuals' gas and that type of stuff. If that would be more in line with your thoughts. Okay?

The Acting Chair: Dr. Starke.

Dr. Starke: Yeah. I'm okay with that. Again, it does address to an extent – you know, what the right number is is hard to know, but it would certainly be closer.

Mr. Nixon: The only other change, then, would be who could donate up to \$4,000 to their own campaign instead of up to the maximum legislated amount. Then once it's moved, I could speak to it, I guess.

The Acting Chair: Yeah.

3:00

Ms Rempel: Madam Chair, could I ask a question of Dr. Starke just to clarify his proposed amendment?

The Acting Chair: Of course.

Ms Rempel: Dr. Starke, if I could just ask you a question about the amendment you've proposed, just to ensure . . .

Dr. Starke: Fire away.

Ms Rempel: The first portion, the section beginning with "such amount to include any contribution," where you say to add "and registered third party": I think that now that the motion has been amended, the reference to a registered third party is already in there.

I believe the motion as amended would now read: "\$4,000 per calendar year, such amount to include any contribution to a registered party, constituency association, registered candidate, any contribution to a leadership contestant or any individual seeking a nomination, and registered third party and be indexed to inflation," et cetera.

Because that's already in there, did you still want the words to be added again?

Dr. Starke: Yeah. Again, this is the sum of the challenge of the semantics of it. I guess the intent was – and I'm not sure of what exactly is the best way to word this – that the \$4,000 annual limit apply to a registered party, constituency association, and registered third party, full stop, and then that there be an additional contribution limit, and in this case what I'm doing is talking about the entities that don't typically fund raise annually. I mean, I'm talking about, you know, whether it's nominations or registered candidates, it's typically only once in an election cycle. Then the other one would be leadership contestants, which is once every – whenever.

So my intent again is that the registered third party be included with the registered party and constituency association, which is sort of where it is now except that it's added to the very end of the list, because all those other entities are also under that \$4,000 limit. All I'm saying is that the \$4,000 limit is fine if it applies to constituency associations, registered parties, and registered third parties – full stop – and that there be additional contribution limits designated for three more entities or three more political bodies, if you will.

Ms Rempel: Okay.

Dr. Starke: However you want to word that to make it work, I'm good with it.

Ms Rempel: Okay. Well, of course, we want to ensure that it captures your intention. I think I have how the motion would read, so if I could try that out.

Dr. Starke: Sure. Fire away.

Ms Rempel: Including your amendment, the committee would recommend that

the Election Finances and Contributions Disclosure Act be amended to reduce the contribution limit to an aggregate amount of \$4,000 per calendar year, such amount to include any contribution to a registered party, constituency association, registered

candidate, any contribution to a leadership contestant or any individual seeking a nomination, and a registered third party and be indexed to inflation, with no variation during the campaign period, and include a limit of \$1,000 per year to constituency associations within the aggregate limit of \$4,000 and that an additional contribution limit be set at \$500 for an individual seeking a nomination, \$1,000 for a registered candidate, and \$4,000 for contributions to a leadership contestant.

Dr. Starke: I guess my only comment is that the three entities that I'm proposing an additional contribution limit for are then included twice within the amended motion, once right after where it says the \$4,000 aggregate per calendar year and then again lower down. That could, I think, cause some confusion. So under that circumstance I would suggest that we delete where it says "registered candidate, any contribution to a leadership contestant or any individual seeking a nomination" from the first mention in the motion and only have it in the second location. Does that seem to make sense?

Ms Rempel: So then you would also be moving to strike "registered party, constituency association, registered candidate, any contribution to a leadership contestant or any individual seeking a nomination" and it would just go "registered third party."

Dr. Starke: No, no, no. "Registered party" and "constituency association" would stay, okay? The part that I'm saying should be struck – what I mean is that what's struck from that \$4,000 limit is "registered candidate, any contribution to a leadership contestant or any individual seeking a nomination," okay? But, like I say, party, constituency association, registered third party: that's still under the \$4,000 limit.

Ms Rempel: Okay.

The Acting Chair: Just for a point of clarity, Mr. Nixon, you have now asked to do a subamendment. Does this make sense with your subamendment to you?

Mr. Nixon: Yeah. I'm just trying to see it because I actually don't think the one on the screen is done, but I think the intent of what I'm trying to say is there. The only difference is – no. Actually, it does not. Sorry. "Who can donate up to \$4,000 to their own campaign" was the one change that I made to my subamendment, so it would go, "who can donate up to \$4,000 to their own campaign." I suspect that we actually have to take that sentence further. Maybe we can get some help from the table officers because we have other amendments that are capping it at \$1,000 for – well, I guess you wouldn't be a registered candidate yet, so you should be okay with writing it down then. Are we changing that?

The Acting Chair: We've been asked to take a five-minute break just to get the wording of this correct.

Mr. Nixon: Sure.

The Acting Chair: Is that fine? Okay. All in favour? Thank you. Back at 3:15, in seven minutes.

[The committee adjourned from 3:07 p.m. to 3:15 p.m.]

The Acting Chair: Hello, everyone. It's 3:15. We'd like to call this meeting back to order, please. I would just like to test the floor. I know we have to go on. We're going to move on to – I'm not moving away from the motion. I shouldn't have said "test the floor." I'd like to just put out there that we are at 3:15. We are still

on motion 1, and there are a few other issues that need to be dealt with today. I just would like to keep that in the back of everybody's mind, that we do still need to get through quite a few more motions.

In saying that, we will come back to Mr. Nixon's subamendment on the amendment for motion 1.

Mr. Nixon: I'll be fast, Madam Chair, because I take your point. My subamendment, I believe, is written the way I want it. I'm just reading it right now. Thank you to the table officers for doing that. I'm clearly moving this amendment forward for exactly some of the things that I've heard the members opposite, the government members, say, trying to make sure that we can ensure that everybody can participate in the democratic process and anybody can run for a party. One of, you know, the steps that you have to take, as we all know, to be able to run for a party is to run for the nomination, and there are some unique expenses that I don't think fit within that. One, by limiting it with this motion, the \$500, I think we really limit the ability of somebody to participate. Second, by tying it in with all the other stuff, you limit their ability to be able to participate in their own campaign at a later date.

With that, I respectfully submit that you guys should all vote for my subamendment.

The Acting Chair: Thank you, Mr. Nixon.

Any further comments, questions? Mr. Nielsen.

Mr. Nielsen: Thanks, Madam Chair. It's probably not going to come as any surprise to my colleagues across the way that I'm not in favour of these amendments. I see this as an additional attempt to keep as much money in the process as possible. Of course, much like the other discussion that we had with regard to the constituency associations, I mean, I would certainly be open to the exploration of that with regard to nomination candidates. But at this time I'm seeing more money being left in, and it's clearly not a direction that I've heard from my constituents. Contrary to what folks across the way might think, I have been out there talking to them, and they are not in support of something like this.

The Acting Chair: Thank you, Mr. Nielsen.

Mr. Clark: I'm curious what data the government has used to determine that a \$4,000 limit is sufficient to fund core democratic activities, if there are studies that you can quote, if you've done some work to identify how many individuals would donate above \$4,000, to which parties, if this is not going to be sufficient in combination with spending limits, whether you've given some consideration to the potential impacts of money simply going outside to third parties. I know we're going to have – well, at least the agenda tells us that we're going to talk about third parties here at some point, and we can have further discussions at that point. But, you know, at some point reducing spending on core democratic institutions like political parties has the opposite effect of what the government is striving for in terms of encouraging participation.

You know, I suppose I probably will support this subamendment in the same vein as I would support Dr. Starke's amendment because I think it's making what's not a well-thought-out idea a little bit better and better reflects the reality of what it means to run for nomination. I do that hesitantly because I'm not sure that it's our role here to do that.

But I would submit to the government that I have not heard a single bit of evidence beyond a general statement that there are certain groups who don't participate in the process as much as we, I think, all would like because they are constrained by financial barriers. If there are specific reports, again, I'd love to see that. Then I'd like to see how, specifically, shining a light on party nomination

contests is in fact going to solve that problem and if there are other examples from other jurisdictions that have done this where we've seen that the participation of women, visible minorities, or indigenous peoples in the political process has in fact gone up, and if so, by how much. Those are things I think we all strive for. It's certainly something that I think is important. I'm not convinced that doing this is in fact going to help, going to in fact achieve that aim, and I have a sneaking suspicion that it's the government locking in their own advantage.

While I will support this subamendment, I again maintain my hesitance about the overall plan of the government. There is still time, although the hour is drawing late, to change things, and I would encourage the government to do so. I will support the subamendment.

Thank you, Madam Chair.

The Acting Chair: Thank you, Mr. Clark.

Mr. Nixon: Just briefly in response to Mr. Nielsen, Madam Chair, with due respect, his points that he brought forward were in regard to the motion that is on the table and not specifically to my subamendment, which is what we're discussing and voting on right now. Clearly, that is written up to make sure that people can participate in the election process, not to increase money in the system, as he argued. I think that's not a fair argument.

The reality is that \$500 is what most parties charge just to be able to register to be able to participate in the process. Those people would then be capped the moment they did that. You couldn't even move your vehicle under the rules that we've done here. Now, I do recognize that the member represents a riding where you can walk across it in a fairly close time period, and that's a fact. Again, my constituency is in some places five hours round trip across it, so \$500 would limit them to, you know, two and a half, three tanks of fuel and would severely limit their ability to participate in the nomination process, which was my understanding the government wanted to avoid. That's what that amendment does.

The Acting Chair: Thank you, Mr. Nixon.

Mr. van Dijken.

Mr. van Dijken: Thank you, Madam Chair. I think what's happening here is that it's becoming very clear, especially to me, that the initial motion and the amended motion are reaching far too deeply into the process that is meant to be taken care of by each individual political party. You know, as much as I agree with the subamendment and the amendment, I disagree with the fact that we're even discussing it and that we're having this on the table. I would much prefer that the words "or any individual seeking a nomination" were not even within this motion because I think it's become very clear that it just muddies the water to a point where it's going to be incredibly difficult to police, and if we put these rules in place, we're obligated to police these rules.

I don't understand why we want to put so many rules and regulations in the way of individuals becoming involved in the process of a nomination, which is quite often very – how should I say it? Within a region people are just starting to get their toes into the water and getting an understanding of how the process functions, and all of a sudden we're putting rules in place that will cause them to think: I can't be bothered. I think that does disservice to the democratic process.

I'm going to vote in favour of the subamendment unless I can get some indication from the members of the governing party that they would be willing to recognize how muddy the water has gotten and that they would be willing to possibly remove the words "or any individual seeking a nomination." The way this is being perceived

in the public and the way we're starting to get a sense of it within this committee is that this government is trying to stack the deck in their favour. I think that we have to recognize that, yes, we want to be in a situation where we're addressing ethics and accountability within the Alberta political process, but, no, we are not here to be overbearing on that political process. The right checks and balances are necessary, but I would suggest that this is overreach and falls beyond what would be considered, in my opinion, the right checks and balances to a healthy democratic process.

Thank you, Madam Chair.

3:25

The Acting Chair: Thank you, Mr. van Dijken.

Anybody wishing to speak to the subamendment?

Seeing none, the subamendment has been moved by Mr. Nixon that

the amendment be amended as follows: "a donation to" after "set at \$500 with the exception of the nomination candidates themselves, who can donate up to \$4,000 to their own nomination campaign."

All those in favour of the subamendment? All those opposed?

Mr. Nixon: Division.

The Acting Chair: A roll call vote has been called.

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie. Not in favour.

Mr. Nielsen: Chris Nielsen, Edmonton-Decore. No.

Connolly: Michael Connolly. No.

Mr. Sucha: Graham Sucha. No.

Drever: Deborah Drever. No.

Ms Renaud: Marie Renaud. No.

Mrs. Littlewood: Jessica Littlewood. No.

Mr. Cooper: Nathan Cooper. In favour.

Mr. Nixon: Jason Nixon. In favour.

Mr. van Dijken: Glenn van Dijken. In favour.

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

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

Dr. Starke: Richard Starke. Yes.

Mr. Clark: Greg Clark. Yes.

Dr. Swann: David Swann. Yes.

The Acting Chair: The motion is carried.

An Hon. Member: I call the question.

The Acting Chair: The question cannot be called during committee.

We are back on the original amendment by Dr. Starke. Moved by Dr. Starke that the motion be amended as follows: to strike "registered candidate, and any contribution to a leadership contest or any individuals seeking . . ." Oh. Hold on. The subamendment has been approved, so now I just have to wait till it gets edited. Okay. I think we have it. Maybe. Now we have the amendment. Moved by Dr. Starke that

the motion be amended as follows: to strike "registered candidate, and any contribution to a leadership contestant or any individual seeking a nomination" and that an additional contribution limit be set at \$500 for donations to an individual seeking a nomination, \$1,000 for a registered candidate, and \$4,000 for contributions to a leadership contest with the exception of the nomination candidate themselves, who can donate up to \$4,000 to their own campaign.

All those in favour of the amendment? All those opposed?

Mr. Nixon: Roll call.

The Acting Chair: A roll call vote has been called.

Loyola: Rod Loyola from the fine constituency of Edmonton-Ellerslie. I vote no.

Mr. Nielsen: Chris Nielsen, MLA, Edmonton-Decore. No.

Connolly: Michael Connolly. No.

Mr. Sucha: Graham Sucha, Calgary-Shaw. No.

Cortes-Vargas: MLA Cortes-Vargas. No.

Drever: MLA Deborah Drever. No.

Ms Renaud: Marie Renaud. No.

Mrs. Littlewood: Jessica Littlewood. No.

Mr. Cooper: Nathan Cooper. In favour.

Mr. Nixon: Jason Nixon. In favour.

Mr. van Dijken: Glenn van Dijken. In favour.

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

Ms Jansen: Sandra Jansen. Yes.

Dr. Starke: Richard Starke. Yes.

Mr. Clark: Greg Clark. Yes.

Dr. Swann: David Swann. Yes.

Ms Rempel: Madam Chair, this time we really do have a tie.

The Acting Chair: Thank you, Ms Rempel. Tied vote.

MLA Heather Sweet, Edmonton-Manning. I vote against the amendment.

Back to the original motion. Anyone wishing to speak to the original motion? Dr. Starke.

Dr. Starke: Thank you, Madam Chair. We have made attempts to address what I think are serious deficiencies within the motion as it stands right now. To the best of my ability to see this, the only thing that the current motion accomplishes is a significant reduction in the amount that any one person can donate to political parties, candidates, constituency associations, leadership candidates, with no recognition whatsoever of variation for an election year, with no recognition whatsoever of the occurrence of a leadership contest.

I really think that this motion and this limitation as is set out here is, you know, a significant overreach, especially in the area of contributions to those seeking nomination. I think it's also a significant overreach in terms of dictating to individuals within the province of Alberta that their participation financially in the political process cannot change in years where there is an election

and it cannot be increased if they wish to support a leadership candidate. To be very honest, I think this is unrealistic, and I don't think it reflects at all the reality of how financing of parties occurs in Alberta.

I said before that the current system allows in a typical year donations of \$15,000 plus \$5,000 plus an unlimited amount to leadership plus an unlimited amount per person seeking nomination, and then in an election year it's \$30,000 plus \$10,000 plus, again, two areas that there are no stated limits. To take it from that, which arguably is higher than I feel it should be, from the highest in the land, to the second-lowest in the land – the only other jurisdiction that the limit would be lower is Quebec. We would have the second-lowest contribution limit now in Canada. You know, I think this represents a really wild swing in the way things are financed. You know, quite frankly, I think that it will create major challenges for political parties, especially political parties who do not find themselves in the government position.

3:35

We've talked before at this committee about how the government spends and spends quite freely to promote its own policies. It does that under the guise of information to the general public. I know that when our party was in government and we did the same thing, the members of the New Democratic caucus at that time were very vocal in their opposition to us using government resources in that way and promised that things would be different if they were in government. Well, I'm not finding that that is the case.

If this is what we are going to end up recommending to the committee or the committee recommends to those drafting the amending legislation for the EFCDA, again, I think this is a massive overreach, beyond where we needed to go. We have offered and proposed alternatives that I think would still provide for a significant decrease in, quote, unquote, big money in politics, and these have all been, I would suggest, rejected without much offered, quite frankly, on the rationale for that.

With that, Madam Chair, I want to make sure that I am on the record as being opposed to this motion. I think it constitutes a significant curtailing of the ability of Albertans to participate financially in the political process, and I think that, you know, quite frankly, it will create a situation – and perhaps this is unintended – where those who wish to be involved and get involved financially and provide financial support to political causes will seek other ways that are not nearly as restricted or nearly as closely monitored. I don't think that's really what we want to see either.

Those are my comments. Thank you, Madam Chair.

The Acting Chair: Thank you, Dr. Starke.

Any other member? Ms Jansen and then Mr. Clark.

Ms Jansen: Thank you. I won't take very long because I think Dr. Starke has said it very well. Certainly, I'm worried, as Dr. Starke is, about the fact that – and I fully believe that there should be limitations. I don't think anyone on this side of the committee table disagrees with that. So I certainly wouldn't want it characterized that any of us disagree that there should be spending limits put on campaigns. I want to make sure that I reiterate that.

I think the concern about the numbers we're looking at here is much like Dr. Starke's, that when you put ceilings like this in and when you put those kinds of limitations on an individual's ability to contribute to a campaign, what ends up happening is that people look for alternative ways of financing. Now, we've seen what happened in the United States with the rise of the super PAC. You know, that's a concern that we have here, that there is an

opportunity now for people to go in a different direction, and I worry about that.

I think, you know, certainly, a conversation about amounts is an important one. If I may, Chair, I would like our Chief Electoral Officer – maybe if he could weigh in. I realize we're falling into the realm of opinion here, but when we put limitations on spending, is that a concern – and I'm hoping you can speak in general terms – that people will move off into other areas to move money to political campaigns that are less easy to control? I would assume that there are lots of opportunities for people to do that, and you have no reach in those areas.

The Acting Chair: Mr. Resler.

Mr. Resler: Thank you. Under the current proposals if the money is restricted under the political entities, there's the potential of the money going elsewhere. That's a concern of mine and one that I expressed earlier in the earlier meeting. It is necessary that third parties are addressed to ensure there isn't an unlevel playing field.

Ms Jansen: Thank you.

The Acting Chair: Thank you, Ms Jansen.

Mr. Clark.

Mr. Clark: Thank you very much, Madam Chair. I support a \$4,000 limit. I think it's the right number. I do not support applying that \$4,000 limit across all political activity. I believe that doing so hurts democracy. I want to make two main points here. When all of the opposition is aligned from right to let's call it centre – you know, I don't always agree with my friends in Wildrose, but I don't always agree with my friends in the PC caucus. I don't even always agree with the Liberal caucus.

Dr. Starke: But you're unanimous.

Mr. Clark: But I am unanimous with myself all the time.

But, I mean, in all sincerity I think it sends an important message that all the opposition is aligned. When Albertans look at this and ask themselves why it is that the chair has had to break a dozen or more tie votes in this committee when we had a chance to work collaboratively to improve democracy for the benefit of all Albertans and not just simply to stack the deck in favour of one party over all others – because we have agreement on the core, fundamental number. We got the \$4,000, we got there fairly quickly, and we're in support.

I also want to come back to the consultation we did with Albertans, limited as it was, and what feedback we got. Well, we got zero feedback. We had zero people saying through the consultation that they wanted that \$4,000 limit or a limit to apply across parties, constituency associations, candidates, leadership, and nomination. Zero submissions from individual Albertans, from organizations, including the government in their own submission, said that. Zero submissions said that they wanted \$4,000 or a limit to apply across all parties, limiting Albertans' ability to donate to more than one political party. We had zero submissions in that regard.

I recall zero submissions that said that nomination races should be included at all, so that leaves me wondering: where did these ideas come from? They certainly don't come from the opposition side. They certainly don't come from the people of Alberta who we consulted. Clearly, it's come from the government side, and that troubles me greatly because this is a committee that ought to be responding to the wishes of Albertans.

There was an opportunity here, and I come back to the very beginnings of this committee, when it was struck in the spirit of collaboration and the Leader of the Official Opposition joined the Premier in supporting the principle and idea of this committee. It's really unfortunate, with all the things we've had to go through here today, that things have fallen apart as badly as they have. It's really unfortunate, ultimately, for democracy, and I suspect that the government party will pay the price in the court of public opinion as well.

Again, there is still an opportunity. There is still an opportunity for members opposite to exercise their rights and privileges as private Members of the Legislative Assembly of Alberta, to do the right thing, to not simply toe the line, to not simply respond to what they've been told to do but really think hard about what you think is right for the province of Alberta. I would encourage you, please, to vote down this motion and to reconsider and to understand the impact this is going to have on democracy because it's too important to play politics with. It really is.

Thank you, Madam Chair.

The Acting Chair: Thank you, Mr. Clark.

Any other members wishing to speak to the motion as amended? Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. As I've been repeatedly on the record, I have deep concerns when it comes to this motion. I also have deep concerns that for something that's so important, I believe – and I could be corrected by the rest of the committee here – that the opposition only added third parties to this motion. Out of all the stuff that is in that motion, we added third parties. That seems to be a lot coming from this after – again I heard from the government side – we've been debating this specific motion for over eight hours, to have one tiny part added in contribution to this motion by the opposition.

3:45

My big concern here is that in the end we've had repeated votes saying that this is not something that will work for all parties that are involved in the political process within Alberta. It's important to note that the NDP government is the only party that has a central collection and really doesn't involve its CAs. That includes the federal. That includes all of the provincial. When we start seeing something that appears to lean towards one party over all the rest, I have deep concerns.

I repeatedly heard from the government side that they had picked a \$16,000 amount, and I was, like: "Fair enough. Fair enough. Okay. Let's try this. Let's try that. Let's move in this direction. Let's try that direction." But none of it was accepted, and we were told: "No. You're asking for too much." Okay. Fine. So then we went and said, "We'll give you the \$16,000, but let's make it for something that encompasses all the parties." Then we found out that it really had nothing to do with the \$16,000. It had nothing to do with the \$16,000. That bothers me.

I also would like to say that I have repeatedly brought up that there is going to be a significant cost to what we are doing. The fact is that we are going to see one of our government departments grow at an astounding rate after possible legislation has been brought forward. Astounding. That is something that we will be held to account for. When it comes forward and we start saying, "Well, how could this happen?" we are going to be able to specifically pick the motions that the government has moved forward without opposition support and say that that is where the majority of the spending came from and where the growth in this department is coming from.

I would like to also mention that this specifically and some of the other changes that we are looking at doing will limit people's ability to participate in the nomination process. That concerns me deeply, the fact that we're now putting financial disclosure on them, that we're now making them more or less unable or, I guess, overwhelming them with the process when we need to be looking at: how do we get more people involved? I don't believe this does that.

So I won't be supporting this motion. I am sad to see that this motion had so little involvement with the opposition, and I hope that everybody votes it down.

Thank you.

The Acting Chair: Thank you, Mr. Cyr.

I'm recognizing and looking at the time, and I'm wondering if there are any other last speakers so that we can vote on this motion.

Mr. Nixon: Well, Madam Chair, where to start? This motion: you know, we've talked about it quite a bit, and that's fair, but it's a terrible motion, in my mind. I don't say that lightly. At the very least, it's a motion that's going to cause people to break the law unknowingly. It's a motion that's going to cost Albertans, Alberta taxpayers, a lot of money. Again, not one government member on this committee has presented one reason why we need the motion to justify that expense to the Alberta taxpayer, and we take that at the same time that we're seeing the government members of this committee, because all of the opposition members are united behind voting against taxpayers paying for politicians' campaign expenses – this committee has already forced that recommendation through, having the chair break that tie, which is going to cost taxpayers a ton of money when we know we have hundreds of thousands of Albertans out of work. Again, now we're adding more expense to the Alberta taxpayer with no justification from the government.

My other big concern with this motion is that, quite frankly, I believe it's going to stop certain people from being able to participate in the political process or at least make them not want to participate in the political process. We talked about the nomination problems in great detail. You know, nomination processes are complicated. For those of us who have been through contested nominations, it's already very, very hard. There are many people that are going to look at these rules and go: "I don't even know how to do this. I don't even know how to fill out the paperwork." We've stopped anybody from being able to self-fund the campaign, or at the very least, if they do that, they won't be able to contribute to their own general election hopes. I don't know any Albertan that asked for that. Again, that will cost the taxpayers more money.

Not one reason, Madam Chair, was given by the government members to justify that and why we need that. Not one problem was presented by the government members of this committee on why we needed nominations policed in this way. Instead, the same talking point repeatedly, that we're trying to get big money out of politics, even though every member on the opposition side has agreed with that fully.

We're not debating the amounts anymore. We're debating the fact that the government members on this are tying with us and using their chair to break the tie repeatedly to force through something that every opposition party says is going to have a dramatic impact on the way their political parties operate and not only on the way their political parties operate but on their volunteers. This is who will be impacted the most, people that take their free time and participate in the political process across the province.

Those are the people that are going to be impacted, not MLAs. We don't keep track of the tax receipts and the bookkeeping and all that, but these people who are trying to run campaigns, trying to run

constituency associations and participate in the political process to get their message out there, are now going to be punished, be unwittingly in a position where they have to break the law, and they won't even know it. People that participate in the election process and are not successful in becoming MLAs, which is the large majority of people that run, could be in a position where they are out of pocket for a significant portion of expenses, and they did not even know that.

I can see, Madam Chair, the government members over the way nodding their heads in excitement over that. That's disappointing because the people that participate in that are important for our democratic process. That's what this bill will do. Now, in addition to that, look at the size – sorry. I said “bill.” I guess I'm ready to go back to the Legislature, and I am very much looking forward to debating this with the government in the Legislature. That's what this motion will do. That is what this motion is recommending that we do, and if the government members vote for it and then use you, Madam Chair, to break that tie again and force it through, that's what they are approving.

Now, look at the motion itself. That is a ridiculously sized motion, I would argue. It covers so many topics – so many topics – that, you know, I think it's not unreasonable to say that we might have missed something pretty significant in how this will impact people who participate in our democratic process. Madam Chair, again the members are laughing about that, but that's not funny.

Mr. Nielsen: You have no idea what we're even talking about, Member.

Mr. Nixon: It's not funny that Albertans will be put into this position.

Here's what we've got. We've got a motion that is being forced through by the government majority, who have no explanation as to why, that at the very least looks completely selfishly constructed to benefit the governing party. That's what it looks like, because the governing party is the only party here that does not use constituency associations in a fundraising capacity, that does not have it as an integral part of the structure of their party. Every other party on the opposition side of this does. So this selfishly constructed motion is being forced through to the detriment of Albertans. No benefit to Albertans has been presented once by these government members, no explanation of why the taxpayer should continue to pay for this stuff. Not one explanation.

Again, Madam Chair, government members have already forced through motions, using the chair to break the tie, to make Albertans pay for their campaign expenses. Clearly, the government wants to continue to focus their members on making sure that they can benefit the ND Party in the next election, and that is unfortunate. I can promise you that I look forward to campaigning on this in 2019, and Albertans will not forget.

The Acting Chair: Thank you, Mr. Nixon.

Any other speakers? Mr. van Dijken.

3:55

Mr. van Dijken: Thank you, Madam Chair. I'm going to keep it short, but I do feel like I need to get on the record here. We have a motion in front of us that we've been trying to polish up for quite a while. I feel that it may still smell a little bit.

As Mr. Clark had alluded to, there were no submissions asking for this to be included with regard to nomination candidates. I might be able to stomach this motion if we would remove those clauses with regard to “any contribution to a leadership contestant or any individual seeking a nomination.” This is overreach. We need the proper checks and balances, for sure, to make sure that democracy

is done in a way that does not present problems with individuals with the means to exercise, possibly, control on the system. We need those proper checks and balances, but I would suggest this is overreach.

Any time we try to govern an engine, we are trying to govern an engine in a way that will not cause that engine to be stifled or choked, and this overreach is starting to choke the ability of the political process to function, especially at the volunteer level, and I cannot support that. I also am very concerned about how this overreach is going to make it very hard, very difficult for smaller parties to continue to be able to participate and for those smaller parties to be able to grow their following.

With that, Madam Chair, I will not be voting in favour of this, and I encourage all members that this motion is not in an acceptable manner that should be supported. I will vote against.

Thank you.

The Acting Chair: Thank you, Mr. van Dijken.

Mr. Cooper.

Mr. Cooper: Thank you, Chair. You know, I feel like we're at a bit of a crossroads in terms of the debate coming to a close on this particular motion, one that we have spent a significant amount of time on, invested energy into, not just the members on this committee – I'd like to thank Mr. Anderson for his work; unfortunately, he was unable to be here today – and not just the members of our caucus but a lot of our team. I know members in the other opposition parties as well have spent a significant amount of time and resources on doing their best efforts to make sure that the process is kept fair.

I guess what's disappointing for me is to see numerous amendments and subamendments proposed, many of which fit into the government's model of a \$4,000 contribution limit total, all to be voted against. I think it's important, and I wanted to be able to be on the record opposing the motion prior to what, by all accounts, will be its passing. I look forward to being able to continue more robust debate inside the Assembly after the recommendation of the committee is made.

If there's one thing that I've heard from constituents in Olds-Didsbury-Three Hills when talking about this particular issue, now that it's been in the media on numerous occasions, be it the government's decision to reimburse political parties, be it the impartiality of the chair – there are a number of reasons why this particular committee has been in the press. As a result, I have seen more and more people engaging in this process. When I speak to them about some of the nuances around this particular issue, that all opposition parties are united in their objection to the way that the government appears to be manipulating the rules to fit the narrative of the government, they express frustration and concern.

It's important as an elected official that I get on the record and voice my concern around this particular issue and let everyone know that this isn't what Albertans have been asking for.

The Acting Chair: Member, I hate to interrupt, but it's 4 o'clock.

Mr. Cooper: Oh, that is disappointing.

The Acting Chair: I can see it on your face.

The original agenda was 9 a.m. till 4 p.m. due to the time allotment.

Mr. Sucha: If I may, I'm just going to put a bit of context in regard to what I'm going to propose to the committee as it gives reference to why I am doing this. I reflect back to my old times when I worked

in the restaurants. The Cara restaurant that I worked for didn't do fiscal year reporting at the end of April. They worked off the year calendar. One year we had to do our financials.

The Acting Chair: Mr. Sucha, I hate to interrupt, but I was just going to call for a motion to adjourn.

Mr. Sucha: I'm just getting to this. I would like to move a motion that we extend past 4 p.m. Ultimately, Albertans are always working diligently to get their job done and are willing to work overtime. I think they expect the same from their politicians.

The Acting Chair: I saw a hand. Ms Jansen.

Ms Jansen: I would just say that I am absolutely against this. I'm sure you can understand that as a single mom with a child at home and no one there to meet her, I need to get back to Calgary. I appreciate the motion. As I can, you know, probably speak for my colleagues, we're all ready to sit down at the table and have these discussions, but certainly timetables are important to be adhered to. Certainly, for me this requires a little bit of planning on my part. As you can imagine, being a single mom and having to juggle schedules is a bit of a challenge.

The Acting Chair: MLA Sucha, it is actually just the will of the committee, so I can put the motion on the floor for the adjournment.

Mr. Nixon: Could I point out one thing, though, Madam Chair?

The Acting Chair: Yeah.

Mr. Nixon: Dr. Swann has had to leave because the schedule is at 4 o'clock, and I do know that he's in a meeting with the Minister of Labour right now, doing whatever work he's doing for his constituents. That alone, in my mind, would be inappropriate to continue on when another member – as you said, we have a timeline that has been put forward, and that member has to continue on with their schedule for the day.

The Acting Chair: Okay. Mr. Nixon, I would just caution you about referring to where other members may potentially be and who they're meeting with.

Mr. Nixon: Fair enough. But the point still stands.

The Acting Chair: All right. Would somebody like to make a motion to adjourn, then?

Mr. Clark: I would move to adjourn.

The Acting Chair: Mr. Clark has moved that the September 19, 2016, meeting of the Select Special Ethics and Accountability Committee be adjourned. All those in favour? All those opposed? The motion is defeated.

An Hon. Member: A recorded vote, please.

The Acting Chair: A recorded vote? Okay. A recorded vote has been called, please.

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie. I vote no to adjourn.

Mr. Nielsen: Chris Nielsen, MLA, Edmonton-Decore. No.

Connolly: Michael Connolly. No.

Mr. Sucha: Graham Sucha. No.

Cortes-Vargas: MLA Cortes-Vargas. No.

Drever: MLA Deborah Drever. No.

Ms Renaud: Marie Renaud. No.

Mrs. Littlewood: Jessica Littlewood. No.

Mr. Cooper: MLA Nathan Cooper. Yes.

Mr. Nixon: MLA Jason Nixon. Yes.

Mr. van Dijken: MLA Glenn van Dijken in favour of adjournment.

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

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

Dr. Starke: Richard Starke, Vermilion-Lloydminster. Yes.

Mr. Clark: Greg Clark, MLA, Calgary-Elbow. Yes.

The Acting Chair: Ms Rempel.

Ms Rempel: Thank you, Madam Chair. The motion is defeated.

The Acting Chair: The motion is defeated.

Ms Jansen: I'd just like to say for the record, Chair, that I'm a little surprised that Member Loyola would vote to extend the session. It was only a short time ago that Member Loyola was pressed with an extension of the meeting past 4. He voted no to an extension of the meeting at one of our previous meetings, stating:

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.

4:05

The Acting Chair: Thank you, Ms Jansen.

Mr. Cooper.

Mr. Cooper: Thank you, Madam Chair. I would just like to raise a point of privilege on the adjournment, particularly in light of the fact that we know that a member of this committee had to step away based upon scheduling his calendar on the fact that we had discussed adjourning at 4 o'clock. One can only assume that he scheduled a meeting close to the adjournment of the meeting so that he could partake in the meeting and then move forward to have other discussions.

It is very clear that the privileges of that member would be breached by the committee deciding to continue debate in his absence, particularly in light of the fact that many decisions today and of this committee have been a tie vote, with the opposition voting in favour or opposed together and the reverse being true on the government side and, as such, the chair needing to break many ties. With that in mind, it's my belief that the privilege of this member has been breached. As such, I would ask that you rule that the vote of the committee to extend the meeting, knowing that one member or another had to leave to fulfill his parliamentary duties, is a breach of privilege amongst the members of the opposition.

The Acting Chair: Mr. Cooper, can you please cite the standing order again for me?

Mr. Cooper: You know, I actually didn't – just give me a second.

The Acting Chair: Thank you.

Mr. Cooper: You know, I'm just looking for the standing order that would create – essentially, it is the right for a member to participate in debate or vote without notice.

Mr. Nixon: I can speak while he's looking it up if you like, Madam Chair. Is that okay?

The Acting Chair: It's Mr. Cooper's motion, so he would need to give me the citation so that we can address what standing order he is feeling is breached. Until he finds the standing order, we can't continue because I have to rule on his breach of privilege of the standing order, right?

Mr. Cooper: Clearly, a point of privilege is Standing Order 15. "A breach of the rights of the Assembly or of the parliamentary rights of any Member constitutes a question of privilege." In this case the privilege that has been breached is a member's ability to vote or to debate. At the end of the day, I suppose you can determine whether or not this is a point of privilege, but it's clear that the member's privileges have been breached. The committee made a decision without appropriate notice to such member and in their absence while executing his or her parliamentary duties.

The Acting Chair: Thank you, Mr. Cooper. I have heard your point of privilege. If you'd refer to Standing Order 15(3): "If the Speaker is of the opinion that the matter may not be fairly dealt with at that time, the Speaker may defer debate on the matter to a time when he or she determines it may be fairly dealt with." The reason that I am citing this is the fact that Dr. Swann is actually not here to indicate whether or not he feels like there has been a point of privilege in regard to him, so until I can have a conversation with Dr. Swann, I will not be able to rule on this point of privilege. It's out of order. Oh, sorry. It's been deferred until we can follow up.

Mr. Cyr and then Ms Jansen. My apologies.

Mr. Cyr: Thank you, Madam Chair. Now that we've made a decision more or less to move forward, would we be able to have a short recess so that we can clear our schedules? Oh, I apologize. I withdraw that.

The Acting Chair: I will let Ms Jansen speak, and then maybe we can come back to that, Mr. Cyr.

Ms Jansen: I'd like to raise a point of privilege. Certainly, we've heard a lot from our members across the aisle about how much they are interested in creating a family-friendly environment, and I would certainly hope that family-friendly environment extends to the members on the other side of the aisle. Now, I'm not sure how many of you have single-parent families, but there is certainly an inherent challenge in juggling that and working in two different cities. I would suggest to you that perhaps you have an ability here to reconsider this.

Certainly, we took the points from Member Loyola when he refused his go-ahead to extend the sitting because he had events in his constituency, and that was his argument. I would extend the argument again that, certainly, for those of us who are single parents and who have children waiting at home alone in a different city three hours away, you might extend that privilege to us as well. Certainly, the idea of a family-friendly environment in our Legislature and in our committee rooms should be offered with respect to members on both sides of the aisle.

I would like the opportunity to contribute to the conversation in an ongoing way here, and as we vote on a number of motions ongoing, extending past 4 o'clock denies me the opportunity to take

part in those votes, so I would consider that as part of 15(1), a breach of the rights of me as a member of this committee.

The Acting Chair: Thank you, Ms Jansen.

Would anybody else like to discuss the point of privilege before I rule? Mr. Clark.

Mr. Clark: Thank you, Madam Chair. I believe that Ms Jansen's point is absolutely valid. We all have a very tight schedule as elected members. Unlike the government caucus most of us are not from Edmonton or area. In fact, I don't think any of us here have not had to travel to be here whereas six of the nine government members represented on this committee, including the chair, are from in and around Edmonton. This greatly disadvantages us.

We have had this meeting in our calendars for about a week or so and even in doing that have had to move around a lot of meetings to accommodate this. I have constituent meetings first thing tomorrow all day and have an event, in fact, that I'm sure the government caucus would approve of. The Pembina Institute is having a climate change conference in Calgary. There's an event this evening I have committed to, and I don't make a habit of not showing up to events that I have committed to.

I expected to be here till 4 p.m. It's now past that hour, and I believe the committee moving forward does in fact breach not only Ms Jansen's privilege but all of ours, that have other obligations and have made them in good faith based on the schedule laid out before this committee. I would encourage you, Madam Chair, to rule in favour of Ms Jansen's point of privilege, and we can get on with our days and come back at our next scheduled meeting to continue deliberations.

Thank you.

4:15

The Acting Chair: Mr. Sucha.

Mr. Sucha: Thank you, Madam Chair. Just going to reference this, I think it's important to note that Member Loyola, when he made the comments in relation to having other engagements – we had another meeting to do deliberations in relation to this act, and right now we have to move forward with the reporting. I'm a Calgary member. I have an event, the exact same event, to attend in Calgary tomorrow as well. However, I was very aware that there is important stuff that we need to get done here, so I started making the accommodations in relation to it. I think we all knew the tight timeline that we're under, so I think it's important that we make sure that we move forward and we complete the task at hand.

Mr. Nixon: As Ms Jansen, I think, eloquently pointed out – I mean, I agree with her. I think that her privileges are being violated as well as every member's of this committee. The argument that this is somehow different than when your government member needed to be able to go to a meeting, that that has some sort of special exemption that doesn't apply to opposition members, I think, doesn't make any sense. Ms Jansen has not only a right but a responsibility to be here on behalf of her constituents and vote and participate in the debate. That is her responsibility, and I would argue that by not allowing her to adjourn at the scheduled time so that she can continue with her day and work for her constituents, we are definitely violating her privileges.

I would also submit again that a member had to leave, and I understand that he can't put forward a motion because he's not here, but that member did not know that the government was going to attempt to extend this committee at the time that he was leaving, so he would not even have been able to have an opportunity to realize

– he has no clue, probably, that this committee will be continuing on, and that has to be a violation of his privileges, in my mind.

I really urge the government to respect the members and let Ms Jansen get home to her children and let the members continue on with their responsibilities.

Ms Jansen: Just for clarification on Member Sucha's comments about the fact that the reason Member Loyola had to leave that meeting was because he had to attend another meeting, according to our record he needed to get back to his constituency office. Is this different than the information you had?

Mr. Sucha: Pardon me?

Ms Jansen: Is that different than the information you had? That contradicts the comments that he made on the record.

Mr. Sucha: I only have the indication that he made during the committee meeting.

Ms Jansen: Well, the indication we have, according to the record here, was that Member Loyola needed to get back to his constituency office, and what you said was that you were moving on to another meeting.

Mr. Sucha: Just using different wording in relation to why he was going back to his constituency office.

Ms Jansen: Ah.

The Acting Chair: Any other members wishing to speak to the point of privilege?

Dr. Starke: Madam Chair, you know, certainly, Ms Jansen is absolutely correct in pointing out that continuing with this meeting violates the privilege of Dr. Swann, who, because he's unable to be here – I understand your ruling there. But she certainly is here, and I'm here as well. I have commitments this evening as well, and 4 o'clock was the appointed time that this was to be over. I had understood that based on the action that was taken at last Monday's meeting, where Member Loyola clearly pointed out that noon was the time that he had anticipated the meeting being over and had therefore made other plans for the afternoon – we respected that. We respected his need to be elsewhere and, therefore, that the meeting needed to be adjourned.

We had a lot of work to do then, and, yes, I recognize that we have a lot of work to do now, but, you know, quite frankly, we have an appointed time. We've been working since 10 this morning, and we have additional meetings planned for the committee, but for this particular meeting we were appointed to end at 4 o'clock. Again, Ms Jansen is absolutely correct that continuing the meeting infringes upon her privileges as a member of the Assembly. It would infringe upon Dr. Swann's. It would infringe upon mine and Mr. Clark's and probably every other member's here who has specific obligations to be elsewhere later on today. We had all anticipated being complete by 4 o'clock.

The Acting Chair: Thank you, Dr. Starke.

Mr. Cyr.

Mr. Cyr: Thank you, Madam Chair. When I was named to this committee, I took it as a true honour to be able to participate in the sculpting of our Election Act and the whistle-blower act. What we need to address, I guess, is the larger problem in all of this, which is that we've repeatedly said that there isn't enough time to move through what we need to. This goes way back to May 10, when we

had identified this as being a problem, something that we could address by being able to extend the deadline for this committee. We were told that even though there was no schedule at that time, it would all be worked out, and everything would be fine, and we would get through all four pieces of legislation. Now we're seeing that we've gotten through one, which I'm very proud of, and we're working on a second one that is critically important to the direction of where Alberta is going.

My concern here is that, as I mentioned at the last meeting that we had, we're going to go through this and we're rushing it. I don't know. What are we trying to accomplish here? I'm dedicated, like all of the opposition colleagues and, I'm sure, the government, to getting this done, but it was an unrealistic expectation in the timeline we had. Now what we're looking at is saying: it has to be all done today so that we can get a draft report done so that we can get some minority report, possibly.

My concern here is that in the end . . .

An Hon. Member: What about our guest?

Mr. Cyr: Thank you for that as well.

. . . these debates are critically important. The fact that we were able to contribute to this one amended motion a tiny bit at least was something. Now what we're looking at is: "Let's just get through the other possibly 20 new motions that we might have here. Let's do it all real quick. Let's not put any real debate on it." Some of it is very important . . .

The Acting Chair: Mr. Cyr, are you speaking to the point of privilege?

Mr. Cyr: The point of privilege that I'm speaking to here is that in the end we have members that are trying to maintain timelines that won't be able to happen because we continually underestimate the importance of spending the appropriate amount of time. I would ask the chair: what exactly is it that we're going to accomplish tonight, and how long is it planned that we're going to be here? Are we finishing the whole thing? Stay here till 3: is that the chair's plan or the government's plan? Right now they have us outvoted. Is that reasonable?

Thank you.

The Acting Chair: Mr. Cyr, it is not up to the chair how long we sit. It is up to the members, so I cannot – like, I'm just here to help facilitate. Unfortunately, I can't answer that question.

Anybody else wanting to speak to the point? Mr. van Dijken.

Mr. van Dijken: Thank you, Madam Chair. I'm definitely going to speak in favour of the point of privilege. It has become incredibly clear to me that the members of the governing party are willing to go to all ends just to essentially manipulate the process, manufacture the process, do whatever they need to do to get to the solution that they want without any consideration for the minority members on this committee.

4:25

In my opinion, the chair would be wise to rule in favour of this point of privilege based on, essentially, the precedent that has been set just a week ago. To now rule against the point of privilege would definitely, in my opinion, show to Albertans and the Alberta public that the governing members are here just to selfishly move forward on their agenda without any consideration for the rest of the members on this committee. So I would encourage the chair to rule in favour of the point of privilege.

Thank you.

The Acting Chair: Any other members?

Drever: I would just like to remind the members of this committee that if you have other responsibilities, you can always call in. That's it.

The Chair: Thank you, Member Drever.

Ms Jansen: Call in? We're not going to make a decision at 4 o'clock in the afternoon.

The Acting Chair: Okay. Members, I'm hearing from both sides of the committee that we do want to get through this, that we want to . . . [interjections] Let me finish, Mr. Nixon.

Mr. Nixon: Yes, ma'am.

The Acting Chair: . . . get through the motions. I would propose that we adjourn so that we can meet again on Friday, if I can test the floor with that.

An Hon. Member: Will you rule on the point of privilege?

Dr. Starke: The chair does not rule on the point of privilege; the chair decides whether privilege has been touched, in which case it is referred to the House for the Speaker to rule.

The Acting Chair: Which means that you would not be able to sit until after the Speaker has ruled. So if you are motivated in trying to work together to resolve these last motions, I would encourage you to adjourn. That's all I'm saying.

Mr. Nixon: I'll try that motion, Madam Chair.

The Acting Chair: Mr. Nixon has put on the floor a motion to adjourn. I guess I should ask the rest of the question. All those in favour, please say aye. Those against, please say no.

Mr. Nixon: Okay. Then we'd like a ruling on the point of privilege.

The Acting Chair: Okay. I will do a ruling on the point of privilege. On the point of privilege as proposed by Ms Jansen under 15(1), "A breach of the rights of the Assembly or of the parliamentary rights of any Member constitutes a question of privilege," I will rule that privilege has been touched.

I will now call for an adjournment. I need another motion. Mr. Nixon. All those in favour? All those against? The meeting is adjourned.

[The committee adjourned at 4:28 p.m.]

