



Legislative Assembly of Alberta

The 31st Legislature
First Session

Select Special
Ethics Commissioner and Chief Electoral Officer
Search Committee

Wednesday, May 8, 2024
11 a.m.

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Select Special Ethics Commissioner and Chief Electoral Officer Search Committee

Yao, Tany, Fort McMurray-Wood Buffalo (UC), Chair
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC), Deputy Chair

Dach, Lorne, Edmonton-McClung (NDP)
Dyck, Nolan B., Grande Prairie (UC)
Getson, Shane C., Lac Ste. Anne-Parkland (UC)*
Irwin, Janis, Edmonton-Highlands-Norwood (NDP)
Petrovic, Chelsae, Livingstone-Macleod (UC)
Pitt, Angela D., Airdrie-East (UC)
Sabir, Irfan, Calgary-Bhullar-McCall (NDP)
Stephan, Jason, Red Deer-South (UC)
Wright, Peggy K., Edmonton-Beverly-Clareview (NDP)

* substitution for Jason Stephan

Support Staff

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Trafton Koenig	Senior Parliamentary Counsel
Philip Massolin	Clerk Assistant and Director of House Services
Nancy Robert	Clerk of <i>Journals</i> and Committees
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Lyndsay Tischer	Director of Human Resources
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

11 a.m.**Wednesday, May 8, 2024**

[Mr. Yao in the chair]

The Chair: Good morning, everybody. I'd like to call this meeting of the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee to order.

I'm Tany Yao. I'm the MLA for Fort McMurray-Wood Buffalo and chair of the committee. I'd like to ask members and those joining the committee at the table to introduce themselves for the record, and then I'm going to call on those who might be joining us remotely. We're going to begin at my right.

Mr. van Dijken: Good morning. Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock.

Mr. Getson: Shane Getson, MLA, Lac Ste. Anne-Parkland.

Mr. Dyck: Nolan Dyck, MLA for Grande Prairie.

Ms Pitt: Angela Pitt, MLA, Airdrie-East.

Mrs. Petrovic: Chelsae Petrovic, MLA, Livingstone-MacLeod.

Member Irwin: Janis Irwin, Edmonton-Highlands-Norwood.

Mr. Sabir: Irfan Sabir, MLA, Calgary-Bhullar-McCall.

Ms Wright: Peggy Wright, MLA, Edmonton-Beverly-Clareview.

Mr. Dach: Lorne Dach, Edmonton-McClung.

Ms Steenbergen: Christina Steenbergen, LAO communications.

Ms Sorensen: Rhonda Sorensen, manager of communication services.

Ms Tischer: Lyndsay Tischer, director of human resources for the Legislative Assembly Office.

Ms Dean: Shannon Dean, Clerk of the Legislative Assembly of Alberta.

Ms Rempel: I'm Jody Rempel, committee clerk.

The Chair: I'd note for the record that Mr. Getson is intended to be a permanent substitution for Mr. Stephan.

A few housekeeping items to address before we turn to the business at hand. Unless we move in camera, committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Committee members are encouraged, whenever possible, to have your – yeah. No one is going remote here. The audio- and videostream and transcripts of meetings can be accessed via the Legislative Assembly website. Please set your cellphones and other devices to silent for the duration of this meeting.

Would a member move a motion to adopt the agenda, please?

Mr. van Dijken: I'll move that motion.

The Chair: Mr. van Dijken moves that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the proposed agenda as distributed for its May 8 meeting. All in favour of, please say aye. All opposed? That motion is carried. Thank you so much.

Next on the agenda we're going to be discussing the recruitment of the Ethics Commissioner. To respect the privacy of the applicants, it would be appropriate to continue in camera for this portion of the meeting. Could I have a motion to that effect, please? Mr. Getson moves that the Select Special Ethics Commissioner and Chief Electoral

Officer Search Committee, including the appropriate representatives from the Legislative Assembly Office, move in camera. All in favour of, please say aye. All opposed? That motion is carried.

[The committee met in camera from 11:02 a.m. to 11:15 a.m.]

The Chair: All right. Having moved back on to the record, does anyone have any comments regarding the draft report?

Mr. Sabir: We do.

The Chair: Please go ahead.

Mr. Sabir: Right now the report is a matter of public record?

The Chair: Not yet.

What we're looking for is someone to move a motion at this time to proceed. Mr. van Dijken, did you want to read it into the record, sir?

Mr. van Dijken: I would like to move that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee (a) approve the draft report dated May 2024; (b) recommend to the Legislative Assembly that Shawn McLeod be recommended for appointment to the position of Ethics Commissioner for a five-year term commencing on May 26, 2024, and (2) that the Speaker be authorized to on its behalf enter into a remuneration agreement with the appointee as it relates to Mr. McLeod's appointment.

The Chair: Any other concerns, comments? Mr. Sabir.

Mr. Sabir: Now that the motion is moved, we can discuss the motion, right?

The Chair: Yes.

Mr. Sabir: Thank you, Chair. I will not be supporting this motion and will provide a minority report to indicate that I will not be supporting this motion. Let me share some reasons why I will not be supporting it. I will start with a couple of quotes.

The first quote.

Through the work that this committee undertook in this search process, I felt that there were better qualified candidates that should have been put forward . . . I fear that the public may view this appointment in a negative light, thus actually creating more distrust . . . here in Alberta, which is exactly not the intent of what we're supposed to be doing here today . . . I fear there could be a perception that the public will see that as bias moving forward, again, not meant to be the intent of what this legislative office is meant to do.

Mr. Chair, that's a direct quote from the Member for Airdrie-East from 2018, from another similar committee. If only Albertans had the 2018 version of the member standing up for their democracy today.

Here is another quote.

I reflect on the work that we've done as a committee here . . . and I believe that our role was to work diligently to find an individual that we could be confident in, that Albertans could feel confident that that individual was here to strengthen and protect democracy . . . I believe that what we need to do here is to find an individual that Albertans can feel confident in, that that individual will help to strengthen and protect our democracy here. Other individuals that we had come before us came forward without the history within this province, negative history . . . or however you want to describe that, and I believe carried as much capability and ability to fulfill the role . . . It does make me nervous, going forward, with recommending this individual, and I will not be supporting this motion.

Mr. Chair, the above was a direct quote of the 2018 version of the Member for Athabasca-Barrhead-Westlock. Both of these comments, I guess, stand true today.

The reason for opposing this person's appointment – I do understand that this person has a history of public service as deputy minister, as working in the Premier's office on a special project. But the problem with this appointment is that there is well documented history and is a matter of public record that this individual ran as a UCP candidate in Edmonton-Riverview, a nominee candidate. The second thing: there is also a record of public donations. I think this is the office that also noted that the Premier contravened the Conflicts of Interest Act just last year. Looking at this candidate's affiliation with the UCP doesn't give us much confidence that this is not a partisan appointment. I think it looks like, again, that it's just another attempt to control an independent officer of the Legislature.

We will be providing more detailed reasons in our minority report to elaborate on why we are opposing this appointment and this motion.

Thank you.

The Chair: Thank you very much for that.

Any other concerns, questions, comments before we proceed?

Member Irwin: Yeah. Again, I just want to echo what my colleague Member Sabir has pointed out. You know, we can quote the very MLAs on this committee who used phrases, like he said, of, "I felt that there were better qualified candidates that should have been put forward," that "the public will see this as a perception of bias." It's a clear bias. This is someone with a clear track record of political involvement, of donations. We're not talking the 1970s. We're talking recent history here. Again, I want to put it on the record that I, too, am clearly opposed to the decision of this committee.

Thank you.

Ms Pitt: I'd just like to say that I'm very pleased with the committee's choice in the candidate that we've hired for this role. He was clearly the best person for the job based on his experience. I think that he will be a leader and an asset to Alberta elections over the course of his term. I find it rich that the NDP have a comparison between a decision where they chose to hire a candidate that was fired from a position previous to that. To compare the two is just absolutely insane. Shawn McLeod has a very clear, precise record in his professionalism, and I take great offence, actually, to members of this committee casting a shadow on his integrity.

Anyway, Mr. Chair, I'm very pleased with the deliberations. We've been here for quite some time. We've put quite a significant amount of effort into this decision, and I'm really pleased to have Shawn McLeod on board as our new Chief Electoral Officer.

Member Irwin: I just want to . . .

The Chair: Stop. I have somebody else here.

Mr. Dach.

Mr. Dach: I'll defer to Member Irwin if I may.

The Chair: Okay.

Member Irwin: Thanks, Member Dach.

Just to clarify. We are by no means attacking his integrity. We are outlining the fact that he has clear partisan involvement, partisan involvement as recent as last year. That is not an attack on integrity. That is an attack on the fact that this is supposed to be a nonpartisan role.

Ms Pitt: Mr. Chair, for the record, I think it's fair to clarify that acting with integrity in a nonpartisan role is very possible. It is very possible, and I have all of the confidence in the world that Shawn McLeod will act in a nonpartisan manner. He's made that very clear throughout this process to members of this committee. I'm very confident that he will, and I know that other members, the majority of this committee, believe that he can act in that nonpartisan capacity in this ethics role.

11:25

The Chair: Thank you very much, Ms Pitt.

Mr. Dach.

Mr. Dach: Thank you, Mr. Chair. I think that when we're choosing the legislative officers, in this case the Ethics Commissioner – not the Chief Electoral Officer, as the Member for Airdrie-East seemed to indicate – we always need to keep in mind that it is absolutely the perception of the public that has to be tantamount and paramount. The public will look at not the integrity of the individual in this case when they consider the political activities that are on the public record. It's not about attacking the individual as a person; it's about the public's perception of what the role is supposed to envision, and that means totally devoid of any partisanship whatsoever.

The clear activities in terms of donating politically, in terms of acting in a political office, in terms of running as a candidate and then withdrawing as a candidate for the United Conservative Party – I mean, how in the world is the public going to have any faith that this individual is nonpartisan when, in fact, this person has been a partisan person right up to the recent past? It is something that is a big mistake on the part of the majority of this committee to make this appointment.

I think that we're not casting shadows on Mr. McLeod; it's his own activities that cast that shadow in the minds of the public. That's what we need to keep in mind. The sanctity of these offices is at risk when we make political appointments, and I fear that we're going down that road again in a deeper way than we even have in past Conservative appointments. This is really all about controlling legislative officers. It's more than disappointing; it's an outrage.

The Chair: Are there any other comments or questions?

Ms Pitt: I must add that perhaps the NDP are upset about this appointment because they can no longer use this office for their partisan political attacks against the government, as they have in the past. I'm really looking forward to Shawn McLeod's integrity in this office and standing up against the partisan political attacks that the NDP have used this office for in the past.

Mr. Sabir: I think that's going a bit too far, for the MLA for Airdrie-East to suggest that in the past any political party has used this office for political attacks. Most recently Marguerite Trussler was in that office. They may not like the decision that she found, based on evidence, that the Premier breached the Conflicts of Interest Act. They may not like that that office found the Minister of Municipal Affairs to have violated the Conflicts of Interest Act and investigated many of their colleagues. But I think that saying those kinds of things, that that office or Marguerite Trussler was used for that kind of thing: I think that's a bit too much, I guess. The member should reflect on it and apologize. Before being appointed to that position, she was serving as a justice in our court system for almost 30 years. I hope that member reflects on her comments and thinks about it.

The Chair: We have a motion on the floor at this moment as provided by Mr. van Dijken. I'm looking for a decision on that.

Mr. Getson: Chair, I think we've had some good, healthy debate. I think the opposition members, obviously, are going to put a minority report forward, and I would anticipate they would probably have more to speak on this in the public eye or elsewhere. But right now I think this group has done a lot of good deliberation, both in camera and out. We're at a point where the group has made a decision as the committee, and I would like to move that we call the question on the motion that's on the floor.

The Chair: I'm fine with that.

With that in mind, the motion on the floor is as you folks see before you. Can I get all in favour of the motion? Please say aye. All opposed? That motion is carried.

Mr. Sabir: I would also want to have a recorded vote on this.

The Chair: All right. A recorded vote has been requested. Those in the room who are in favour of the motion, please raise your hands.

Ms Rempel: Thank you, Mr. Chair. I have Mr. van Dijken, Mr. Getson, Mr. Dyck, Ms Pitt, and Mrs. Petrovic.

The Chair: Those in the room who are opposed to the motion, please raise your hands.

Ms Rempel: Thank you, Mr. Chair. I have Member Irwin, the hon. Mr. Sabir, Ms Wright, and Mr. Dach. That is five in favour and four against.

The Chair: Thank you very much.

That motion is carried.

I will table the committee's report in the Assembly this afternoon.

I'd also now like to call on Ms Sorensen to address the draft media release and social media postings regarding our recommendations for the next Ethics Commissioner.

Ms Sorensen: Thank you, Mr. Chair. As we've done in previous committees, communications has prepared a news release publicly announcing the committee's decision to recommend to the Assembly that they appoint the new Ethics Commissioner. Once the committee approves, we will send that out publicly.

The Chair: Thank you so much for that.

Are there any questions?

If not, I'd like to ask for a motion to approve the communications initiatives that we had discussed previously. Mr. Dyck, go ahead.

Mr. Dyck: I move that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the draft media release and social media posts as distributed.

The Chair: All in favour of this motion, please say aye. All opposed, please say no.

That motion is carried.

Do members have anything for discussion under other business? Seeing none, our next meeting has been scheduled for July 22, 2024.

Would a member make a motion to please adjourn?

Member Irwin: Yeah.

The Chair: Member Irwin moves that the May 8, 2024, meeting of the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee be adjourned. All in favour, please say aye. All opposed? That motion is carried.

Thank you all very much.

[The committee adjourned at 11:32 a.m.]

