



Legislative Assembly of Alberta

The 30th Legislature
Third Session

Standing Committee
on
Legislative Offices

Wednesday, April 27, 2022
6:15 p.m.

Transcript No. 30-3-1

**Legislative Assembly of Alberta
The 30th Legislature
Third Session**

Standing Committee on Legislative Offices

Rutherford, Brad, Leduc-Beaumont (UC), Chair
Milliken, Nicholas, Calgary-Currie (UC), Deputy Chair
Reid, Roger W., Livingstone-Macleod (UC),* Acting Deputy Chair

Allard, Tracy L., Grande Prairie (UC)
Ceci, Joe, Calgary-Buffalo (NDP)
Dach, Lorne, Edmonton-McClung (NDP)
Long, Martin M., West Yellowhead (UC)
Loyola, Rod, Edmonton-Ellerslie (NDP)
Rosin, Miranda D., Banff-Kananaskis (UC)
Shepherd, David, Edmonton-City Centre (NDP)
Smith, Mark W., Drayton Valley-Devon (UC)
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)

* substitution for Nicholas Milliken

Legislative Officers

Jill Clayton	Information and Privacy Commissioner
Terri Pelton	Child and Youth Advocate
Glen Resler	Chief Electoral Officer, Election Commissioner
Marianne Ryan	Ombudsman, Public Interest Commissioner
Marguerite Trussler, QC	Ethics Commissioner
W. Doug Wylie	Auditor General

Support Staff

Shannon Dean, QC	Clerk
Teri Cherkewich	Law Clerk
Trafton Koenig	Senior Parliamentary Counsel
Philip Massolin	Clerk Assistant and Director of House Services
Nancy Robert	Clerk of <i>Journals</i> and Committees
Sarah Amato	Research Officer
Melanie Niemi-Bohun	Research Officer
Warren Huffman	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Lyndsay Tischer	Director of Human Resources
Rhonda Sorensen	Manager of Corporate Communications
Janet Laurie	Supervisor of Corporate Communications
Jeanette Dotimas	Communications Consultant
Michael Nguyen	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

6:15 p.m.

Wednesday, April 27, 2022

[Mr. Rutherford in the chair]

The Chair: Welcome, everybody, to the meeting of the Standing Committee on Legislative Offices. I'd like to call it to order and welcome everyone in attendance.

My name is Brad Rutherford, the MLA for Leduc-Beaumont and the chair of the committee. I'm going to ask the members and those joining the committee at the table to introduce themselves for the record, and then I will ask anybody who's joining us remotely. I will begin to my right.

Mr. Reid: Roger Reid, MLA for Livingstone-Macleod.

Mrs. Allard: Good evening. Tracy Allard, MLA for Grande Prairie.

Mr. Smith: Good evening. Mark Smith, MLA, Drayton Valley-Devon.

Mr. Long: Good evening. Martin Long, MLA for West Yellowhead.

Mr. Dach: Good evening. Lorne Dach, MLA for Edmonton-McClung.

Member Ceci: Good evening. Joe Ceci, MLA for Calgary-Buffalo.

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

Member Loyola: Rod Loyola, Edmonton-Ellerslie.

Ms Tischer: Lyndsay Tischer, human resource services, LAO.

Ms Cherkewich: Teri Cherkewich, Law Clerk.

Ms Rempel: Jody Rempel, committee clerk.

The Chair: Thank you.

Now going online. MLA Rosin.

Ms Rosin: Thank you. MLA Miranda Rosin, for Banff-Kananaskis.

The Chair: Thank you for that.

I'll just note for the record a substitution. Mr. Reid is substituting as deputy chair for Mr. Milliken.

A few housekeeping items to address. Please note that your microphones are operated by *Hansard*, and unless we move in camera, committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. Members participating remotely should ensure that they are prepared to speak and vote when called upon, and the video conference participants are requested, whenever possible, to have their cameras on when speaking. All your cellphones and other devices should be set to silent.

Moving to the draft agenda, it was distributed to all committee members. Does anyone have any changes to propose?

Member Loyola: Mr. Chair.

The Chair: Yes.

Member Loyola: I would like to amend the agenda by including an item under other business. Would you like me to make a motion right now?

The Chair: Yeah, when you're ready to do so and then to also just record it as they go.

Ms Rempel: We're just dealing with the agenda, so what does he want to add?

The Chair: Yeah. Let's just go with what you've got for wording.

Member Loyola: Basically, it's a motion to call the CEO under other business, to add a discussion inviting the Chief Electoral Officer to update the committee on how his office as a result of Bill 81 is addressing the changes to the election legislation, in a nutshell.

The Chair: Any other discussion to the motion as proposed by MLA Loyola?

Member Loyola: Well, that's not the entire motion. I was just giving you the nutshell. That's what you asked for.

The Chair: Yeah. Go ahead.

Ms Rempel: Thank you, Mr. Chair. Just to be clear, right now we are just discussing the agenda and the addition of this topic to the agenda under the other business portion, so we're not discussing the issue itself.

Member Loyola: I just want to make sure that it's in because it's regarding Bill 81, including the changes to the sale of party memberships and how to track memberships paid for on behalf of another, processes for investigating fraudulent purchases, and guardrails that are in place to prevent unauthorized political party membership sales.

The Chair: Okay. Thank you for that. Just give me one moment.

Thank you for that. We would then still need to move a motion to have the agenda approved as revised with the additional portion in other business. Would you like to move that motion officially?

Member Loyola: Indeed. I'd like to move that motion.

The Chair: Okay. We'll put wording up on the screen.

Would we need a date at the beginning?

Ms Rempel: Yeah. I think this is just giving the general idea. Yes. The full thing would be moved by Member Loyola.

The Chair: Yeah. It would start out that Member Loyola has moved that the April 27, 2022, meeting agenda of the Standing Committee on Legislative Offices be approved as revised with the addition under other business of inviting the CEO to present to the committee regarding Bill 81.

Ms Rempel: Or perhaps the implementation of Bill 81.

The Chair: I just want to make sure we get the wording correct.

Member Loyola: Okay. Bill 81, addressing changes to the election legislation.

Ms Rempel: Well, we're just adding, like, a subject for the agenda, not the actual motion.

Member Loyola: The line. Okay. Okay. Fantastic. That's fine for right now, for the approval of the agenda.

The Chair: Member Loyola, can you just double-check the wording on the screen? Because that was just changed, that is the motion that you're looking to move?

Member Loyola: That

the agenda be approved as revised with the addition under other business of inviting the CEO to present to the committee regarding recent amendments to the EFCDA by Bill 81.

Yes. Thank you very much.

The Chair: Okay. That motion has been moved. Any other discussion surrounding it? MLA Smith, go ahead.

Mr. Smith: Yeah. I guess if you could explain why you think you need to add this to the agenda today and what you hope to accomplish by doing it.

Member Loyola: Well, it does have to do with the sale of memberships, as I had already included, and then the process for investigating fraudulent purchases and guardrails that are placed to prevent unauthorized political party membership sales. Just as a review so that we have that information on the record from the Chief Electoral Officer is the intent.

The Chair: Okay. Any other comments?

Mrs. Allard: I just have a procedural question to ask, and I'm not clear. When we're approving the agenda, there is other business. Would something like this, being substantive, have to be advised in advance, or can we amend the agenda as presented? Now, I'm not – I'm just trying to . . .

The Chair: It can be amended now. The standing order wasn't put into place that any substantive motion had to be put in prior, but I don't think that would cover off the ability of somebody to add something to other business regardless, so we're still going to go through this process.

Mrs. Allard: Gotcha. Okay.

The Chair: Any other questions? MLA Shepherd.

Mr. Shepherd: Just to clarify, again, a procedural, Mr. Chair. With the category other business, is it required to make a change to the agenda to specifically state when we have something that we want to discuss under other business, or when we arrive at other business, is it possible for a member simply to raise an issue they wish to discuss then?

6:25

The Chair: It would need to be approved at this stage if you want to just add any context to that.

Ms Rempel: I'm not sure if this is really adding context. You know, ideally, yes, it should be approved during this stage of the meeting. If something does come up organically during the meeting that the committee could agree on, then address it under other business, but if a member has something, they should bring it forward now.

Mr. Shepherd: Thank you.

The Chair: Okay. Any other questions, comments? Okay.

To the motion as moved by MLA Loyola, all those in favour in the room, please say aye. All those opposed in the room, please say no. Then moving online, all those in favour online, please say aye. Anyone online opposed, please say no.

That motion is defeated.

Member Loyola: Mr. Chair, could I have a recorded vote, please?

The Chair: Yes.

Member Loyola: Thank you.

The Chair: All those in favour in the room, please raise your hands: MLA Dach, MLA Ceci, MLA Shepherd, and MLA Loyola. All those opposed in the room, please raise your hands: MLA Long, MLA Smith, MLA Allard, and MLA Reid. Then moving online. MLA Rosin, you can just state your vote for the record.

Ms Rosin: My vote is no. Thank you.

Ms Rempel: Thank you, Mr. Chair. [An electronic device sounded]

The Chair: Sorry. Online, if you could just remain muted please, MLA Rosin.

Mrs. Allard: I believe . . .

Ms Rosin: Sorry. My dog probably heard that.

Ms Rempel: Mr. Chair, I believe that the vote is 5 to 4 to defeat the motion.

The Chair: Okay.

That motion is defeated.

We will still need to now approve the agenda as it was circulated. Would anybody like to move a motion to do that? We will put this motion up on the screen, but the wording would be that MLA Allard has moved that the April 27, 2022, meeting agenda of the Standing Committee on Legislative Offices be approved as circulated. Any other questions or comments to that?

Okay. Hearing none, I will call the question. As moved by MLA Allard, all those in favour, please say aye. Anyone opposed, please say no. Then going online, anyone in favour online, please say aye. Anyone online opposed, please say no. All right. That motion is carried. Thank you.

Moving on to the adoption . . .

Ms Rosin: Sorry, Chair.

The Chair: Yes, MLA Rosin.

Ms Rosin: Sorry, Chair. I should have been a yes vote there. I was unmuted when I needed to be muted and muted when I needed to be unmuted, but I meant to cast a vote for yes there. My apologies.

The Chair: I appreciate that.

Moving on to the adoption of meeting minutes, draft minutes for the previous meetings have been distributed. Are there any errors or omissions to note?

Hearing none, can I get a member to move the approval of the minutes?

Mrs. Allard: So moved.

The Chair: MLA Allard has moved that the minutes of the February 3, 2022, meeting of the Standing Committee on Legislative Offices be approved as distributed. All those in favour in the room, please say aye. Anyone in the room opposed, please say no. Then moving online, all those in favour online, please say aye. That is everybody. That motion is carried.

Moving on to agenda item 4, next we'll be discussing the possibility of recommending the appointment of an Acting Ombudsman and an Acting Public Interest Commissioner. As this will likely touch on the contracts of officers of the Legislature, it would be customary for the committee to move in camera along with the appropriate staff from the Legislative Assembly Office for these discussions. Is anyone willing to make that motion? A few?

Mrs. Allard: So moved.

The Chair: MLA Allard caught my attention first and has moved that the Standing Committee on Legislative Offices along with designated staff from the Legislative Assembly Office move in camera. All those in favour of that motion in the room, please say aye. Anyone in the room opposed, please say no. Moving online, all those in favour, please say aye. That motion is carried. Thank you. We will now move in camera.

[The committee met in camera from 6:30 p.m. to 6:41 p.m.]

The Chair: Perfect. Thank you, everyone. We have now returned to the record, and I believe there are members who may wish to propose a motion.

MLA Reid, we will put the first motion up, and it will be – oh, it's already there. MLA Reid, if you would like to read that motion into the record, and then we'll see if there are any discussions surrounding it.

Mr. Reid: Certainly. I move that the Standing Committee on Legislative Offices recommend to the Lieutenant Governor in Council that Peter Sherstan be appointed (a) under section 7(3) of the Ombudsman Act as the Acting Ombudsman until such time as an individual is appointed to the position of Ombudsman or the appointment expires in accordance with section 7(4), whichever occurs first, and (b) under section 41(1) of the Public Interest Disclosure (Whistleblower Protection) Act as the Acting Public Interest Commissioner until such time as provided under section 41(3) of that act.

The Chair: All right. Any discussion surrounding this motion?

Hearing none, I will call the question, then. On the motion moved by MLA Reid, all those in favour in the room, please say aye. Anyone in the room opposed, please say no. Moving online, all those in favour, please say aye. Thank you.

That motion is carried.

We will now move to a second motion, surrounding the powers of the Ombudsman. Would anybody like to move the motion that is just coming up onto the screen now? MLA Allard, if you would just want to read what's up there.

Mrs. Allard: Sure. I'm happy to move, Mr. Chair, that the Standing Committee on Legislative Offices approve Peter Sherstan in his capacity as Acting Ombudsman and for the duration of his acting appointment to exercise all powers of delegation provided to the Ombudsman under section 27 of the Ombudsman Act.

The Chair: Thank you for that.

Any other comments or questions to that motion?

Hearing none, I will call the question on it. On the motion moved by MLA Allard, all those in favour in the room, please say aye. Anyone in the room opposed, please say no. Moving online, all those in favour, please say aye. Thank you.

That motion is carried.

Now we have a third motion, which is going to outline salary provisions, and it'll just be up on the screen here in a moment. If somebody would like to move? MLA Allard, if you want to just read what's up on the screen here in just a moment.

Mrs. Allard: Sure. Thank you, Mr. Chair. I'm happy to move that the Standing Committee on Legislative Offices approve the payment of a salary equal to 70 per cent of the development maximum for the senior official A range to Peter Sherstan, Acting Ombudsman and Acting Public Interest Commissioner, for the period beginning July 1, 2022, until such time as an Ombudsman and Public Interest Commissioner is appointed.

The Chair: Thank you for that.

Any questions or comments surrounding that motion?

Hearing none, all those in favour of the motion as moved by MLA Allard in the room, please say aye. All those opposed in the room, please say no. Moving online, all those in favour, please say aye.

That motion is carried.

Thank you. That concludes that agenda item.

Does anybody have any other business to raise?

Member Ceci: I have a question arising from all of this, if I might.

The Chair: Sure.

Member Ceci: Can you tell me what steps are being taken to appoint a permanent individual to these two positions?

The Chair: The committee has sent a letter to the Government House Leader requesting that a committee be struck. That is the extent to which the committee goes, informing the Government House Leader what needs to be done in order to put a search committee together.

Member Ceci: So in due course the Government House Leader will ask for people to be part of that, or will he appoint people to be part of that?

The Chair: It won't be appointments. He will then move a motion in the Assembly to put that search committee together.

Yes, go ahead.

Mr. Dach: Did the Government House Leader respond in any fashion to the committee's letter?

The Chair: Did you receive a response?

Ms Rempel: No, Mr. Chair. We have not received a response, but we wouldn't expect to.

The Chair: Any other questions?

Member Ceci: No.

The Chair: Okay. In agenda item 5 – I'll just double-check – any other business to raise?

Hearing none, the next meeting date will be at the call of the chair.

Can I get a motion to adjourn? MLA Allard has moved that the meeting be adjourned. All those in favour in the room and online, please say aye. Anyone opposed, please say no. That motion is carried. The meeting is adjourned.

Thank you.

[The committee adjourned at 6:46 p.m.]

