



Legislative Assembly of Alberta

The 29th Legislature  
First Session

Select Special  
Ethics and Accountability  
Committee

Tuesday, September 29, 2015  
1 p.m.

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First Session**

**Select Special Ethics and Accountability Committee**

Gray, Christina, Edmonton-Mill Woods (ND), Chair  
Payne, Brandy, Calgary-Acadia (ND), Deputy Chair

Anderson, Wayne, Highwood (W)  
Clark, Greg, Calgary-Elbow (AP)  
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (ND)  
Cyr, Scott J., Bonnyville-Cold Lake (W)  
Jansen, Sandra, Calgary-North West (PC)  
Loyola, Rod, Edmonton-Ellerslie (ND)  
MacIntyre, Donald, Innisfail-Sylvan Lake (W)\*  
McLean, Stephanie V., Calgary-Varsity (ND)  
Miller, Barb, Red Deer-South (ND)  
Miranda, Ricardo, Calgary-Cross (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)  
Swann, Dr. David, Calgary-Mountain View (AL)  
van Dijken, Glenn, Barrhead-Morinville-Westlock (W)

\* substitution for Scott Cyr

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Tuesday, September 29, 2015

[Ms Gray in the chair]

**The Chair:** I'd like to call the meeting to order. Welcome, everyone – members, staff in attendance – to the orientation meeting for the Select Special Ethics and Accountability Committee. My name is Christina Gray, and I'm the MLA for Edmonton-Mill Woods. I'm also the chair of this committee.

To begin with, I'm going to ask that all of the members and those joining the committee at the table introduce themselves for the record. I will note that *Hansard* will be operating the microphones and will turn them on and off for us, so we do not need to be switching them on and off. After those around the table have introduced themselves, then we'll move to those on the phone. I will start with our deputy chair for introductions.

**Ms Payne:** Hi. I'm Brandy Payne, MLA for Calgary-Acadia.

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

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

**Cortes-Vargas:** Estefania Cortes-Vargas, Strathcona-Sherwood Park.

**Miranda:** Ricardo Miranda, MLA for Calgary-Cross.

**Ms Renaud:** Marie Renaud, MLA for St. Albert.

**Ms McLean:** Stephanie McLean, MLA, Calgary-Varsity.

**Mr. Loyola:** Rod Loyola, MLA, Edmonton-Ellerslie.

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

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

**Dr. Starke:** Good afternoon. Richard Starke, MLA, Vermilion-Lloydminster.

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

**Mr. MacIntyre:** Don MacIntyre, MLA for Innisfail-Sylvan Lake. I'm standing in for Scott Cyr.

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

**Mr. Reynolds:** Rob Reynolds, Law Clerk and director of interparliamentary relations for the Assembly.

**Ms Sorensen:** Rhonda Sorensen, manager of corporate communications and broadcast services with the LAO.

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

**Ms Rempel:** Jody Rempel, committee clerk.

**The Chair:** Thank you very much. For the record Mr. MacIntyre is the official substitute for Mr. Cyr.

On the phone, if you could please introduce yourselves.

**Dr. Swann:** Hi there. David Swann, Calgary-Mountain View.

**Mr. W. Anderson:** Wayne Anderson, MLA for Highwood.

**The Chair:** Welcome. If I can ask for those on the phone to mute your side until you have something you'd like to speak to.

A few housekeeping items to address before we turn to the business at hand. A reminder again that microphone consoles are operated by the *Hansard* staff, so there's no need for members to touch them. Please keep your cellphones, iPhones, BlackBerrys off the table as they might 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.

Our first item that we must discuss is participation in committee meetings by teleconference. Section 6 of the Legislative Assembly Act permits participation in a committee meeting "by means of telephone or other communication facilities that permit all Members participating in the meeting to hear each other if all the members of the committee consent."

For members' information the committee rooms are equipped to facilitate meeting participation via teleconference. The members participating today via teleconference may not move a motion or vote on any motion put forward until we pass a motion to agree to participation via teleconference. So for those members to participate in the meeting, our committee will pass a motion unanimously to allow for teleconferencing today, or members may instead pass a motion to approve meeting attendance by telephone for the duration of our mandate. As we have a large committee with many members from across Alberta, I think it is likely that we will have telephone participation by members throughout our operations. This would not preclude the committee from determining that members' attendance in person at a specific meeting is required.

Mr. Reynolds, is there anything you'd like to add to this point?

**Mr. Reynolds:** No, Madam Chair. Thank you.

**The Chair:** Okay. Are there any questions about what this motion might be? Okay.

Then what I would like to do is ask that a member move that for the duration of its mandate the Select Special Ethics and Accountability Committee permit committee members to participate in meetings via teleconference.

Moved by Greg Clark.

Dr. Starke, did you have a comment?

**Dr. Starke:** No. I was going to move the motion as well, but I will second the motion.

**The Chair:** Thank you very much. We won't need seconders for our motions in committee, but I appreciate the enthusiasm.

All in favour? If I could hear an aye. All opposed? The motion is carried unanimously. Thank you very much.

The second item to discuss is temporary substitutions. Standing Order 56(2.1) outlines the process for substitutions of committee members, and it is important that we all understand how this works.

A temporary substitution in the membership of a standing or special committee may be made upon written notification signed by the original Member and filed with the Clerk and Committee Chair, provided such notice is given not less than 24 hours prior to the meeting.

Our committee clerk has a template available upon request. The template is also available online by going to the OurHouse website, clicking on My Committees on the right side of the main page and then on the Template for Temporary Substitution Letter link.

When substitutions occur, it is the responsibility of the original committee member to ensure that the substitute has been provided with all the necessary information and materials for the meeting. Outside of being an official substitute, all Members of the

Legislative Assembly who are not committee members may attend and participate in the meetings, but they may not vote or move motions. Are there any questions regarding substitutions? I think we're good.

Up next is our approval of the agenda. Are there any changes to the agenda as presented?

If not, I would ask for a member to please move a motion to approve our agenda.

**Cortes-Vargas:** I'll move the agenda.

**The Chair:** Moved by Estefania that the agenda for our September 29, 2015, meeting of the Select Special Ethics and Accountability Committee be adopted as distributed. All those in favour? Those opposed? The motion is carried. Thank you, everyone.

Because this is our first meeting, the very first thing we're going to be doing for this committee orientation is to get an overview of the committee's mandate and processes. For specific details I'll be relying on Rob Reynolds, who is our Law Clerk and director of interparliamentary relations and is assigned to our committee.

Everyone should have in front of them a copy of Government Motion 12, which goes into all of the details regarding our mandate. The mandate of the Select Special Ethics and Accountability Committee is determined by the Legislative Assembly. While we are able as a committee to decide how we will go about fulfilling our mandate, we do not have the power to extend or alter the tasks we have been given. Our mandate was set by Government Motion 12, passed by the Assembly on June 25, 2015, and it tasks us with the review of four specific pieces of legislation: the Election Act, the Election Finances and Contributions Disclosure Act, the Conflicts of Interest Act, and the Public Interest Disclosure (Whistleblower Protection) Act, often referred to as PIDA or the whistle-blower act.

Legislation requires that the whistle-blower act receive a comprehensive review while the scope of review for the other three acts will be at our discretion. Some of you may be aware that the Conflicts of Interest Act is also required by law to be reviewed every five years. However, we have not been tasked with fulfilling that requirement as a comprehensive review of this act was completed fewer than two years ago, on November 19, 2013. This gives us an opportunity to build on the work of the previous committee instead of repeating it.

We also have in the media right now some interest in other topics that I'd just like to specifically address. A municipal campaign finance reform is covered within the Local Authorities Election Act, which is not part of our mandate, and some discussion has been happening around electoral boundaries. That is covered in the Electoral Boundaries Commission Act, which is also not part of our mandate for this committee.

At this point I'd like to turn the floor over to Mr. Rob Reynolds, Law Clerk and director of interparliamentary relations, who is here with us today to provide some additional information regarding our mandate and then to move on to the next item of the agenda and address the powers, rights, and privileges of committees of the Assembly.

Just before I do that, a note to those on the phone: if you could please mute. We are picking up a little bit of side noise. Thank you.

Mr. Reynolds.

1:10

**Mr. Reynolds:** Well, thank you, Madam Chair. I really don't have much to add to what you have said unless members have any questions. As you indicated, the review of the Public Interest Disclosure (Whistleblower Protection) Act is mandated by statute,

and that specifically says that there must be a "comprehensive review." So that might be a little different than the other acts, where you may wish to select certain aspects of the acts that you want to review.

As the committee's mandate says in Government Motion 12, you have one year to complete your work, and to that I say: "Good luck. Bon voyage." Of course, we're here to assist you with that. As you indicated, because the committee is created by the Assembly, you cannot add to your mandate; only the Assembly can do that. So for any further legislation or whatever that someone wished you to consider, it would require a motion in the Assembly to amend your mandate.

Really, I think you covered everything that I could have, so unless there are any questions, that's all I have on this point.

**The Chair:** Because our mandate has us working for one year and one year only at this point, one item I wanted to address was the issue of estimates. Because we will be moving back into session and because during estimates committees are not able to meet, with our one year we will be facing estimates now, in this upcoming session, and again in the early new year. I just want all committee members to be aware of that challenge and that when we do our planning and timelining, we need to keep estimates in mind.

Regarding the powers, rights, and privileges of the committees of the Assembly, would you be able to speak to that, Mr. Reynolds?

**Mr. Reynolds:** Thank you, Madam Chair. Now, to those of you who've heard this before, I apologize. It may not be that new or innovative. Nonetheless, I'll continue. As a committee of the Assembly you possess all the rights, immunities, and privileges that go along with being a committee of the Assembly. Some of them are enumerated in the Legislative Assembly Act. Basically, you enjoy the same protections here as you would in the Assembly in the sense that you cannot be sued for anything you say in the committee. In my experience that's actually never been an issue. You can call upon witnesses to attend, and the witnesses are protected by the same privileges. They're free to say whatever they wish, and they cannot be subject to any legal actions for what they say. You enjoy these privileges wherever you meet in the province, should you decide to meet outside of Edmonton.

Really, that's the major privilege that I can think of with respect to freedom of speech and witnesses unless my colleagues have anything they'd like to add to that or, of course, members have any questions on this point.

**The Chair:** If there are no questions on the phone, I'm not seeing any here in the room. Thank you very much, Mr. Reynolds.

On to item 3(c), committee support and administrative matters. Joining us today are some of the staff from the Legislative Assembly Office who are on hand to support us at all our committee meetings. We've already heard from Mr. Rob Reynolds, Law Clerk and director of interparliamentary relations, who will provide legal and procedural assistance to the committee as required. Rhonda Sorensen, manager of corporate communications and broadcast services, provides communications expertise to the committee. Dr. Philip Massolin, manager of research services, oversees the committee research services team and is responsible for the research and information needs of the committee as well as the drafting of the committee report as directed. Jody Rempel, our committee clerk assigned to this committee, is able to provide administrative, procedural, and general assistance as required. Everyone has been wonderful so far, so thank you very much for your support. I'm sure that we will be asking lots of questions as we go forward.

Are there any comments or questions regarding our committee orientation so far?

Okay. Nature and scope of the review. Our first quick topic is consideration of establishing a committee working group. In previous Legislatures some committees have chosen to establish committee working groups that might meet to discuss issues and develop plans for the committee. This is certainly a tool that is available to us and something we might want to consider using in the future when we have specific items or topics for discussion. At this point I don't believe that we need to establish a working group until we know a little bit more about what we will be doing and how we will be doing it, at which point we can bring this idea back and create a motion then. Are there any questions or comments about that?

Okay. Approach for review. This is where we can talk a little bit about the difference between our comprehensive review of the whistle-blower act versus the other remaining acts. As noted, the scope of our review with respect to the whistle-blower act is determined by legislation. Section 37 of that act reads:

Within 2 years after this Act comes into force and every 5 years after that, a special committee established by the Legislative Assembly must begin a comprehensive review of this Act and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

We will be discussing the review of this act further under 5(b). The key to the comprehensive review is that all aspects of this act are open for discussion, feedback. The whole thing is wide open – that's essentially a way to look at that – and our one year begins as of today. Are there any questions on the comprehensive review?

Okay. The remaining three acts and identification of issues. When it comes to the other three acts included in our mandate, we have the ability to determine where we would like to focus our efforts, and I would suggest that this is critical. Given the size of each of these acts and how much opportunity there is, we will need to focus our time. This is something that can be established and should be established once we are more familiar with the statutes before us, but it's important to keep in mind that in order to conduct meaningful and efficient reviews of these three acts, we will want to work together to choose what that focus looks like. All members of the committee will be part of that process, and we can talk a little bit more about that under section 6. Any questions as far as approach and the difference between the one comprehensive review versus the other acts?

Seeing none, we'll move on to item 5, potential technical briefings. Each of the acts that we will be reviewing is administered by an officer of the Legislature, specifically the Chief Electoral Officer, the Ethics Commissioner, and the Public Interest Commissioner. The committee may wish to invite the input and technical support of these officers at points throughout our review as their experience and expertise with the statutes could prove beneficial to us throughout the review process. One of the first things we may wish to do is invite the appropriate officers to provide us with a technical briefing on each of the acts to ensure that we have a solid understanding of what we're going to be looking at as we take the first steps in the review process. Does anyone have any thoughts on this?

What I'd like to ask for is a motion. There'll be three of them to bring each of the officers in but, first, a motion that

the Select Special Ethics and Accountability Committee invite officials from Elections Alberta to present a background briefing on the Election Act and the Election Finances and Contributions Disclosure Act to the committee.

Moved by Ricardo Miranda. Thank you. Any discussion on that motion?

All those in favour? Those opposed? The motion is carried.

Would a member please move that

the Select Special Ethics and Accountability Committee invite officials from the office of the Ethics Commissioner to present a background briefing on the Conflicts of Interest Act to the committee.

Dr. Starke. All those in favour? All those opposed? The motion is carried.

Finally, would a member please move that

the Select Special Ethics and Accountability Committee invite officials from the office of the Public Interest Commissioner to present a background briefing on the Public Interest Disclosure (Whistleblower Protection) Act to the committee.

Ms Miller. All those in favour? All those opposed? The motion is carried. Thank you very much.

I would like to pause for a moment to introduce some guests that we do have in our room. I'd like to introduce the Chief Electoral Officer, Glen Resler, and the Deputy CEO, Drew Westwater, who have joined us here. Thank you very much.

1:20

Now on to 5(b), regarding the Public Interest Disclosure (Whistleblower Protection) Act. Research services. Our committee has the benefit of being supported by the Legislative Assembly's committee research services. Research staff are available to conduct research for this committee on any subject that we need more information on in order to conduct our reviews of these acts. Of course, as we further define the scope of our review, we will be in a better position to identify our research needs. In this case we know that the whistle-blower act will be a comprehensive review, so we can begin with some initial research on that act immediately.

At this point I'd like to turn the floor over to Dr. Massolin to give us a bit more information on what kind of assistance his team is able to provide.

**Dr. Massolin:** Thank you, Madam Chair. I'd be pleased to do so. As you've mentioned, our group, research services, will provide research assistance throughout the course of this committee's review. In addition to providing the final report with respect to the committee's recommendations, we also prepare, you know, crossjurisdictional analyses and summarize written submissions, that sort of thing.

But for the purposes of the Public Interest Disclosure (Whistleblower Protection) Act perhaps, you know, the committee may wish to consider at this point tasking us with a stakeholders list if the committee wants to actually initiate a consultation of stakeholders with respect to that act.

Perhaps another thing that we could start work on also is a crossjurisdictional comparison, comparing our act, our whistle-blower protection act, to other jurisdictions' comparable legislation so that the committee would have information as to how it compares, you know, to other jurisdictions'.

Of course, we're available for other research requests, too. I'm wondering if there's anything the committee would like to task us to do.

**The Chair:** Thank you very much. I think your suggestions sound excellent.

If there are no objections, I'd like to ask for a member to move that

the Select Special Ethics and Accountability Committee direct committee research services to prepare a draft stakeholders list and a crossjurisdictional comparison of the whistle-blower protection legislation in relation to the Public Interest Disclosure (Whistleblower Protection) Act review.

Moved by Ricardo Miranda. All those in favour? Any opposed? The motion is carried.

Do we have other research requests that should be considered at this point? I think that's a good start. I'm not seeing any comments.

**Mr. Reynolds:** Madam Chair, I know we're, you know, moving quickly, and perhaps everyone is aware of this. When Dr. Massolin was talking about a stakeholders list – I know that for some members this may be their first opportunity to review legislation – I was just wondering if perhaps we could expand on what the stakeholders list is for. Really what it is – it identifies sort of groups or organizations that have a particular interest in the legislation and its operation. Then the list is submitted to the committee, and you review it, and you can add people, et cetera, organizations. Then a letter goes out that says: would you be interested in making a presentation on the legislation?

I wouldn't say it necessarily jump-starts the process, but it notifies people and groups that are interested in the legislation that it's being reviewed and that they can submit presentations or they can make submissions to the committee. It really serves the committee well in the sense that you can say that you have solicited opinions, if you will, or advice from those who are particularly interested in the area. That's the purpose of the stakeholders list, unless Dr. Massolin is going to correct me here.

**Dr. Massolin:** No, I would never do that. Well explained. Thank you.

**The Chair:** That makes complete sense to me and, hopefully, to the others. The reason that we're not requesting a stakeholders list for the other three acts is because our narrowing of focus for the other acts may change who we invite or who our stakeholders are that we approach. Post technical briefings, once we've had the chance to then narrow our focus and have some of those discussions about the key priorities of this committee, it then makes sense to do very similar research requests on the other three acts. Because whistle-blower is comprehensive, we're able to say: we're asking about everything to do with this act versus the others.

Thank you very much, Mr. Reynolds.

I also understand that it is common practice for committees to direct research services to work with the technical experts from appropriate departments or legislative offices in order to provide the committee with the best information available. Dr. Massolin, do you have any thoughts on this?

**Dr. Massolin:** Yes. What I would offer, Madam Chair, is that typically what happens for this type of review committee is that the committee considers a motion to allow research staff and other LAO staff as well to work with the individuals who have expertise in the legislation so that we can share ideas and collaborate in the committee's interest to produce the best product. In my view, that would be worth considering.

**The Chair:** Are there any comments?

I think that it makes sense that you'd be able to work with those officers and departments, so I would like to ask that a member move that

the Select Special Ethics and Accountability Committee invite officials from Elections Alberta, the office of the Public Interest Commissioner, and the office of the Ethics Commissioner to work in conjunction with the Legislative Assembly Office staff as requested to support the work of the committee.

Moved by Mr. Loyola. Any comments or questions?

All those in favour? Opposed? The motion is carried.

Okay. Agenda item 6, issues for future consideration. I think that we are all aware that this committee has a large task ahead. A committee reviewing within one year four pieces of legislation, I believe, has not happened in Alberta in quite this style before. As we work together over the next year, there will be a lot of decisions that need to be made to make sure that we're able to complete the tasks assigned to us and provide meaningful input to the Assembly.

Some of the issues that every member of the committee needs to be thinking about, especially as we get into these early technical briefings and start talking about our top priorities, would be the scope of review and the focus on issues for each act. What are some of the issues that we are going to be focusing our work on with regard to the two election acts and the Conflicts of Interest Act, where narrowing of focus, I believe, is going to be critical to success?

Effective consultation. As we review the four acts before us, we should remember that each one is unique, and our consultation should be carried out accordingly. When we consider the issues at hand, we may find that effective methods of consultation might vary depending on our focus or interest. Consultation is going to be a critical piece to this committee and is specifically mentioned in the motion that created this committee.

Now, Ms Sorensen, I know that you and your branch are able to provide the committee with professional communication services throughout the review process. Do you have any thoughts that you would like to share with us at this point?

**Ms Sorensen:** Thank you, Madam Chair. If I may, just in listening to the conversation around the table and what your mandate is in terms of the focus on the whistle-blower act and then three other acts, I would recommend almost taking a layered approach. We could come back with some specific recommendations surrounding the whistle-blower act but maybe be a little bit more fluid in terms of the other acts until we've heard the technical briefings. The recommendations on the whistle-blower act would likely involve things such as targeted advertising, social media, things of that nature. Then we could build upon it once we have more direction on the other three acts. Unless the committee has some other specific direction they want to give, then that's probably the approach I would suggest taking at this point.

1:30

**The Chair:** Mr. Clark.

**Mr. Clark:** Thank you, Madam Chair. I think you hit on it when you said that this is the most comprehensive review, perhaps unique in Alberta history. To take four acts, as has been noted here today: that's a pretty Herculean task. Having said that, I think that what we've undertaken here at the direction of the Assembly is probably the most comprehensive review of Alberta's democratic institutions that's ever been undertaken in this province in the 110-year history. I think that in doing that, it is incumbent on all of us to take as broad an approach as possible and to solicit input in as many different forms as possible from as many different parts of Alberta as possible.

Democracy is inconvenient at times. It's messy, it's noisy, we get lots of different perspectives, it's time consuming, and, yes, it's even occasionally costly. But it's by far and away the best system in the world, and certainly all of us here, I'm sure, are fiercely passionate about Alberta's democracy. Given that, I want to be very mindful that we don't overly narrow our focus. I recognize the importance of speaking with specific stakeholders who may have an interest in certain areas, especially when we're undertaking a comprehensive review of something like the whistle-blower

protection act. I understand absolutely. I think that does make a lot of sense, and I would say that we need to do the same thing for the other acts. But I want to be very careful about short-circuiting Albertans' ability to interact with this committee. While things like online consultations and asking for written submissions are important, I also believe very strongly that in-person consultation with this committee must be a focus for this committee.

With that – and please correct me if I'm wrong about this being in order at this point – I would like to make a motion, please, that the committee undertake a comprehensive consultation with Albertans, including but not limited to in-person hearings to include urban and rural Alberta and also including an online feedback tool. Should that motion succeed, I'll move a second to direct our staff, then, to perhaps provide us with costs and options. We'll take that in a two-step process if that's appropriate.

**The Chair:** Okay. We have a motion on the floor.

If you wouldn't mind, could you read your motion one more time? I just want to make sure I've caught it.

**Mr. Clark:** Absolutely. Yes. It's that the committee undertake a comprehensive consultation with Albertans, including but not limited to in-person hearings to be held in both urban and rural Alberta and also including an online feedback capability.

**Dr. Swann:** I wonder if Mr. Clark would consider a friendly amendment, that we focus on one of those pieces of legislation. I presume – and this may be incorrect – that he's referring primarily to the elections financing act, which would be the one that we would be most interested in consulting with Albertans on. I don't know how we would deal with a full-on public consultation on all of the acts, so I'm wondering if he'd consider a friendly amendment to pick one of those as we go out to Albertans in person.

**Mr. Clark:** You know, actually, with respect, I wouldn't because I think that Albertans all around the province would have input and opinions and perspectives on all four pieces of legislation. Actually, that is, in fact, the entire spirit of this motion as well as the entire spirit of this committee. I think it's really important that we throw the doors open for what we're doing here to consult on all four pieces of legislation as broadly as possible. I acknowledge that that will be time consuming, and it will certainly cost some money, but I feel very strongly that it is worth doing and ask a very open-ended question of Albertans. Any time we've ever done that in the past, we never got a bad answer.

**The Chair:** I'd be interested in hearing other thoughts from our committee members. Dr. Starke.

**Dr. Starke:** Thank you, Madam Chair. In principle I'm certainly in favour of the notion of consultation, and especially I'm glad to hear that Mr. Clark is recommending consultation with both urban and rural areas, but from a practical sense it is going to be very difficult to take this committee on the road and do a road show and do consultations province-wide and not have it restricted to one or more of the acts that we're dealing with and be completed within a year. We will have a period of time within there that we are sitting, during which time it is extremely difficult to go out and do consultations outside of Edmonton. Furthermore, as you pointed out earlier, during the next 12 months we're going to have two periods where we're going to be in consideration of estimates, which will further restrict the time. If this is going to be as comprehensive as Mr. Clark suggests, it is very likely that we're

going to need more than 12 months, and that was sort of a hard cap in terms of the length of time that the committee was to act.

I've been involved in a couple of province-wide consultations. These take time to set up and to get the necessary people in place. At least in one of them – and I know Dr. Swann is currently involved in one – you know, we had the advantage that we did not have to arrange to have *Hansard* present and to have the full support staff of the Legislature. So I'm glad that Mr. Clark has indicated – I appreciate that his second motion immediately talks about the costs involved with this. I think, quite frankly, that that's something that has to be considered in and with the consideration as to whether we're going to actually take this consultation out to Albertans in multiple locations because I can tell you that as soon as you start picking dots on a map, other people will want their dot to be chosen as well. It creates some real challenges.

**The Chair:** Thank you, Dr. Starke.

Ms Jansen, and then I'll start a speakers list. Thank you.

**Ms Jansen:** Thank you very much, Madam Chair. In looking at the motion as it stands, "a comprehensive consultation . . . including but not limited to in-person hearings [including] urban and rural Alberta," I'm assuming that we're going to be doing some of that anyway. That's my assumption. I like the idea of the discussion about an online-feedback tool because, certainly, if cost is a bit of an option and geographic location and, as Dr. Starke said, if the logistics of trying to get everybody to a lot of rural locations prove to be an issue, I think the online tool could be very valuable.

I'm going to support the motion of MLA Clark because I like the idea of an online tool and its ability to democratize the voices of Albertans regardless of where they are in the province. Certainly, I think that brings an important point, and where we can't get around to a geographical location, that may work to solve the issue of getting to remote areas.

**The Chair:** Thank you very much.

Ms Miller.

**Ms Miller:** Yes. I'd like to speak on the costs of travelling around the province to do the consultations. I know that we're having the heritage trust fund annual public meeting in the Federal building to keep costs down, and even with that it's going to run about \$42,000, and everybody will be in town anyway for when we're sitting in the Leg. So when you start including hotel rooms and meals and travel, you're looking at probably around \$70,000 per meeting, which is quite expensive, and if we're trying to keep costs down, that's a little hard for the public to swallow.

**The Chair:** Thank you, Ms Miller.

I have Ms McLean next.

1:40

**Ms McLean:** I'd like to first say that I agree with your initial statements, Mr. Clark, in that one of the purposes of this committee is to achieve transparency and that consultation will be an important part of any transparent process. That being said, there is a distinct difference between the cost associated with more technologically focused types of communication, as Ms Jansen focused on. However, I heard your motion to be more with respect to an in-person consultation across the province, so I'd like to know what costs you're willing to have the people incur for an in-person consultation, what the scope would be.

**Mr. Clark:** To answer that question, I won't put a specific number on it because I don't have a sense of exactly what these things cost.

The logistics of doing something like this are difficult and challenging, and it means that the group of us will need to find our way around the province. I've met and sat down with all of you in this room, and many of you are great people. I'd love to carpool with some of you; that would be a fantastic, great way to get to know our Legislature colleagues. So we can find ways of ensuring cost efficiency that way. The logistics are challenging, the timing is challenging, the dollar figure is challenging, but democracy is worth it.

This is the most comprehensive review of democracy that's been undertaken in 110 years of this province, that's maybe been undertaken in all the years of Canadian Confederation. We have, as we've talked about a lot, a new government, and we have an opportunity here to take a fresh look at the core institutions, that have been, I think, allowed to languish for many years. I think it's a real opportunity here to throw open the doors to Albertans. Sure, that means that we may need to be driving in the middle of winter to different parts of the province. I'm more than willing to do that. I think that is our job. I think that Albertans will absolutely support spending that money, especially in the context, you know, that this government approved \$600 million plus of additional spending in less than three hours of debate in the spring session. So spending even hundreds of thousands of dollars to ask and seek in-person input from all around the province: I think Albertans will support that.

**The Chair:** I have Ms Payne.

**Ms Payne:** Yes. Thanks. I just want to say that I feel like I couldn't agree more that consultation is really important. I recently had the honour of being part of a telephone town hall, and we had tens of thousands of Albertans participating in it. Particularly for people who live in more remote communities, that is an easier way to have that kind of dialogue and that participation than picking a handful of centres to go to. Also, I think that, as Dr. Starke mentioned, the exercise of picking where to go and where not to go is really problematic.

I'm just wondering if maybe one of our Legislative Assembly staff might be able to comment a little bit about what kinds of costs we might expect from an in-person consultation at a centre outside of Edmonton.

**Ms Sorensen:** If I may, Madam Chair.

**The Chair:** Please.

**Ms Sorensen:** I can't speak to the exact costs right now, but what I can suggest is that having listened to some of the conversation around the table, I can take all of these elements and at least come back to you with what the different costs are, kind of give you a menu to choose from so that you know exactly what it is you're dealing with. I don't want to give you information that's incorrect right now and then find out later that it might have been less expensive or more expensive than the item you think you're dealing with right now.

**The Chair:** Thank you very much. I think that could be quite useful. We'll see how our conversation continues.

I had Mr. Nixon next.

**Mr. Nixon:** I think, actually, that went to part of my question, but I will say that I support the intent of what Mr. Clark is trying to put forward. I think it's important given the importance of the work that we're going to undertake. The work of this committee could be some of the most important work that we do as MLAs, definitely,

in this term. Making sure that we don't only consult with experts and people who look at this every day but as well with everyday Albertans across the province, both rural and urban: I think we support the intent of that. We have concerns, of course, with the cost, and it's really tough to be able to take a position on that without knowing, you know, what the costs are of that or what our options are, so it would be fairly interesting to see what came back as a result of the question that was just asked, and we'll probably be able to provide more feedback then.

**The Chair:** Given the conversation that I'm hearing, would Mr. Clark be willing to defer this motion to a future meeting, when we'll have more information? As well, we may have had the technical briefings and a better sense of what we're tackling.

**Mr. Clark:** You know, while I appreciate – trust me; I'm very cognizant of cost. It's worth it. It is worth it, and I have absolute faith in all of our desire to ensure that we keep our costs low by carpooling and whatever else we need to do, and I'm absolutely certain that LAO staff also will endeavour to keep costs as reasonable as possible. It costs money to sit in the Legislative Assembly every day. This meeting costs money. That is the price of democracy, and that is absolutely not to say that we need to not consider the cost.

Is there a number here, I ask each of you, beyond which you say that it's not really worth it? If it was \$750,000, if it was a million dollars – is it \$1.25 million? Is that too much? At some point do you go: "Well, gee, that's a little too much; we don't actually need to go out and visit Albertans and allow them to come to us and actually talk to us in their own communities"? I think that taking this committee on the road around the province of Alberta is important to hear from Albertans, but it's also important symbolically, for us to say that we are going out and reaching out to Albertans where they live, not just in big cities but all around this province: north, central, southeast, and west. That is absolutely critical, so I would respectfully decline the invitation for a friendly amendment.

**The Chair:** I have Member Cortes-Vargas.

**Cortes-Vargas:** Hi. In light that we don't have the estimates and we can't make the decision, there are multiple ways to consult Albertans. There isn't just one best way, so in order to get the most information and to make an educated decision as to what a comprehensive review can look like, what those costs are that are aligned to it, I would want to present a motion to defer Mr. Clark's motion today.

**The Chair:** Just clarifying process. We are not able to have a motion to defer because we have the current motion on the table. I also understand that as well as costing, the LAO team can come back to us with information regarding previous consultations.

Mr. Reynolds.

**Mr. Reynolds:** Yes. I can see technically a motion to defer if you take it to be a motion that's a new motion. That's fine; it is. Also, you could say a motion to adjourn, which is a superseding motion. For instance, when you have an item under debate in the Legislative Assembly, you can have a motion to adjourn, which, yes, is another motion, but it's what's known as a superseding motion. So you can have a motion to adjourn debate on this and then bring forward at the next meeting. That motion would be in order, I would suggest.

Thank you.

**The Chair:** I had Ms McLean.

**Mr. Reynolds:** Excuse me. Just one other point.



**The Chair:** Yeah.

**Mr. Reynolds:** The motion to adjourn is not debatable. If you want to move the motion to adjourn, then it would be voted on right away.

**Ms McLean:** I would just like to say that I think that's what Member Cortes-Vargas intended, but I'm happy to, if procedure requires, be the one to move to adjourn on her behalf.

**Cortes-Vargas:** I move to adjourn this motion.

1:50

**The Chair:** Okay. Member Cortes-Vargas has clarified that it is a motion to adjourn debate.

All those in favour? Opposed? The motion is carried with the intent to revisit this item in a future meeting, when we have more information.

Mr. Nielsen.

**Mr. Nielsen:** Thank you, Madam Chair. I think that in the spirit of fiscal responsibility and, you know, trying to have the most information, I would like to propose a motion for the LAO to investigate all costs associated with, you know, not only a single consultation period so that we can have a little bit of a framework but what may be multiple consultation processes in the public as well as any other technical options that may be available to us so that we can have that for consideration.

**Ms McLean:** If I may just provide a friendly amendment, just for the sake of clarity, really. Perhaps we could have from the LAO a costing for in-person consultations in a variety of areas of the province so we can get an idea of the scope of cost. For example, it may cost more to go to certain parts of the province than others based on hotel costs and that kind of thing. Then, also, if we could have a breakdown of technical or technological options for consultation such as tele town halls, that we've seen before from the government. If my friend is happy with that amendment.

**Mr. Nielsen:** Yeah. That was the spirit I was trying to get to. I would definitely accept that.

**The Chair:** Thank you.

Ms Sorensen, did you have a comment?

**Ms Sorensen:** Thank you, Madam Chair. I was just going to say that if that is the wish of the committee, I can certainly work with my colleagues on both the communication costs as well as hotel, travel, things like that.

**The Chair:** I think that would be appreciated.

Mr. van Dijken.

**Mr. van Dijken:** Yeah. Just for a little bit of clarification, do we have an estimated time that this would take?

**Ms Sorensen:** I'm sorry. Time it would take to come back with the – I'm not certain if a next meeting date has been decided yet, but in previous committees typically we would come back at the next committee meeting.

**Mr. van Dijken:** Thank you.

**The Chair:** Regarding the next meeting, as we've passed the motions to invite the officers, our next meetings will be the technical briefings scheduled in co-ordination with their schedules and ours. I will say that I would like to have the technical briefings

completed before we go into estimates, possibly even additional meetings to be determined by how far we get. But I'm talking about in the next few weeks if that helps clarify.

Further discussion on the motion? All those in favour? Opposed? The motion is carried.

Regarding consultation and communication, I have one quick question, which is: can this committee have an e-mail address?

**Ms Sorensen:** It does have an e-mail address.

**The Chair:** It does have an e-mail address. Aha. I haven't been e-mailing the committee. Okay. Thank you very much. I'll touch base with you afterwards on that.

Are there any other comments or questions regarding consultation? So we will be revisiting these topics throughout, particularly as we get things started.

Timeline for and organization of review. As we learn more about the statutes before us and define our scope of review, we will be in a better position to understand exactly what work needs to be done and to try and organize that within the one year. The review of the four acts: there's no limit to how many different issues or recommendations end up coming from this committee except for the timeframe, so we will need to try and prioritize ourselves and work on issues of highest priority to each of us. I think that's important to note. The scope and focus of issues, the timeline and organization, effective consultation are all items that we will continue to consider and discuss at future meetings. Are there any final comments regarding that issues for future consideration section?

Okay. Seeing none, at this point I think I'd like to give a representative from each party an opportunity to speak about the work that this committee will be doing going forward.

Ms Payne.

**Ms Payne:** Hi. Speaking on behalf of myself and my colleagues from the New Democrat caucus, I think one of the key pieces for us is going to be around improving fairness and transparency throughout the government and building on the success that we had in June with the unanimous approval of the act to improve democracy and transparency in Alberta. I think that that act was a really great start, and I'm really proud of the work that members across both sides of the aisle did on that.

I think there's still some room for development, you know, continuing to ensure fairness for elections financing, particularly with donation and spending limits, and ensuring that all of our processes are about citizens of Alberta and not necessarily those with special interests and then also continuing to level the playing field, particularly around government announcements during elections and use of government resources.

We also, I think, would like to ensure that the Chief Electoral Officer can effectively investigate any complaints or breaches of the acts as well as see what we can do to reduce some of the barriers to voting. There are a lot of different barriers that different members of our communities face, and the more that we can do to encourage and ensure ease of voting as well as to reduce some of the barriers to candidates, the more fair this whole process becomes. I mean, I think this last election shows us that the more people of diverse backgrounds we can get involved, the better.

On to some of the other acts: preventing MLAs from using their position to benefit their own financial interest, of either ourselves or our friends, as well as exploring the roles of agencies, boards, and commissions with respect to conflicts of interest – I mean, currently those aren't addressed – and then also ensuring that the whistleblower protection act is working in the best interest of all Albertans.

I think these are some key priorities.

**The Chair:** Thank you very much, Ms Payne.  
Dr. Swann, if you're still on the phone.

**Dr. Swann:** Yes, I am.

**The Chair:** I know you said that you would have to depart after approximately an hour, but we've gotten through most of the agenda. I'd like to invite you to speak regarding your thoughts towards this committee and the work going forward.

**Dr. Swann:** Well, thanks for the opportunity. I think there is such a range of issues within the four bills that we're looking at. I'm quite confident we're going to be able to raise some of the issues there. One of the key ones for the Liberal caucus for a long time and, I think, for some of the other opposition caucuses, too, in the previous government has been the need to review among the electoral processes proportional representation. There have been a lot of progressive governments in the western world that have moved towards this. I gather that the U.S. and Canada kind of stand out in not supporting proportional representation. But if there's one thing that the evidence suggests, it's that there are high voter turnouts when people see their preferences reflected in the Legislatures or the parliaments of their countries. That would be one thing that I'll very much be wanting to see put on the agenda.

Apart from that, I just want to encourage you as the chair and all of the members to look at Kevin Taft's book, *Democracy Derailed*. It contains a host of examples where both the Election Act and the financing acts and the conflicts of interest and, indeed, the whistleblower issues have been critically important in real-life examples. It's an easy read. It's an important read to get a sense of what we've actually been dealing with as legislators, as politicians, over the last 15 to 20 years at least.

2:00

With those comments, I look forward to the work of this committee, and I welcome the opportunity to move quickly on the priorities that the committee decides on, one of which, I hope, will be to review proportional representation and other alternatives to the first past the post system.

Thanks very much.

**The Chair:** Thank you very much, Dr. Swann.

**Mr. Nixon:** Well, I'll just say first of all that the Wildrose caucus is really happy to be here today. We're excited that this committee has started. One of the first things our leader did when he met with the Premier right after the election was to begin to work on this. We think it's probably one of the most important things that this group will be able to do in this term as MLAs. We do think there are some pretty serious issues that need to be addressed to give Albertans confidence in these acts. For us, things like insider contracts, conflicts of interest, protections for whistle-blowers, and integrity in the rules governing our electoral system are important. We're looking forward to working with all of you on addressing some of the holes that we see in that legislation.

One thing I would point out. We were pretty clear that we felt that Bill 1 was a good start, but I think you'll all recall that we made it pretty clear throughout our two-week session that we thought there were some pretty glaring holes still in that. It is our hope that we can use this committee to once and for all get unions and corporations out of our political process.

In closing, I think I'll just say that we were pretty concerned yesterday to see that the review of the ABCs has not been going on despite the fact that we thought it was, and it's our sincere hope,

now that we have this mechanism working in this committee, that we can get things back on track and get moving.

**The Chair:** Okay. Thank you very much, Mr. Nixon.  
Dr. Starke.

**Dr. Starke:** Well, thank you, Madam Chair. Certainly, on behalf of the PC caucus I'd like to indicate our enthusiasm in participating in this committee. You know, this committee certainly has been charged with very important work, the responsibility of reviewing these four acts that set out the rules for electing members to our Legislature, the rules for financing that election process, for preventing real and perceived conflicts of interest, and for the protection of those in the public interest who disclose illegal or inappropriate actions undertaken within the auspices of the government of Alberta. These are all important. These acts are in place to ensure public confidence in the electoral process, in the conduct of elected and senior government officials, and to provide a safe mechanism whereby breaches can be reported and investigated. So all of these are crucial to providing appropriate checks and balances to our democratic institutions.

Now, we've already in fact seen the benefits of having whistleblower protection in place with the recent disclosure of improper procurement practices within two government ministries. You know, three years ago that disclosure may not have happened, so it tells us that the legislation in place is working. It's not to say that it can't be improved but that it is working and can be effective in serving the public interest. On behalf of our colleagues in the PC caucus Ms Jansen and I are looking forward to providing important insight and also perspective as the only two legislators here on the committee that have past experience serving as members of Executive Council and also serving in both government and in opposition. We're looking forward to the work together.

**The Chair:** Thank you very much.  
Mr. Clark.

**Mr. Clark:** Thank you again. Yes, I too, as you might be able to tell, am exceedingly enthusiastic about the work of this committee. I do think it is of fundamental importance. You know, one of the absolute core principles of the Alberta Party caucus is open, transparent, effective, functioning democracy. I think that when we're all done – and I think Mr. Nixon alluded to it earlier – when we've all finished our role here as members of the Assembly and in our old age look back and reflect on our accomplishments, some of us will have served in government, some of us will have served in Executive Council, and some of us will have served a single term. I won't presume who any of those will be for any of those in this room. But I think that when we look back on this, on our experience serving the people of Alberta, this may very well be the most important legacy that any of us leave.

Again, I encourage you all to really consider the long-lived importance of what we do here. It's going to take time, it's going to cost money, but this is the path that the Assembly has set us upon, and I think it's important we do it properly because we are not going to get a chance to do it again.

You know, there was a comment made earlier: hey, let's look at perhaps costs of going to different parts of Alberta. Well, for people in different parts of Alberta, are their votes worth more or worth less? Is democracy worth more or worth less in different parts of Alberta? Of course it's not. I don't think anybody here would suggest that. Again, you obviously know my position on in-person hearings. Taking a very expansive view, the answer to "How should we consult Albertans?" is: yes, we should meet in person, and we should do it online, and we should ask stakeholders, and we should

do telephone town halls, whatever it takes. I firmly believe that the answer is “and” and that the answer is yes.

Just in terms of some other specific areas, I agree; I think we do need to look at contribution limits. Bill 1 was a start. I think \$15,000 for an individual contribution is too high. I think we need to reduce that substantially. I look forward to the research comparing other provinces, other jurisdictions in terms of how that works. Like it or not, we also need money to finance a properly functioning political system, so we do need to find some balance there.

I agree with Dr. Swann. I think we do need to look at our voting system. I don't take a position on proportional representation or preferential ballot or anything else. I think we need to be open to that discussion, and I think we need to recognize that every system has its strengths and weaknesses, that we have to be careful not to simply replace one set of problems with another set of problems and find ourselves no further ahead. But, again, I'd love to hear from Albertans on that, get their perspective, hear expert testimony. Frankly, if we need to go back as a committee to the Legislature within the next 12 months and say, “I'm sorry; we need more time” – we may need more time, and that's okay – I'm absolutely willing to do that.

With that, I do sincerely look forward to working with each of you, and this is going to be a tremendous process. Thank you.

**The Chair:** Thank you very much, everyone. As chair of this committee I really just want to express my appreciation for all the parties participating, for everyone's positivity going forward. These are important topics, and I'm really looking forward to working with this committee, to start getting into the issues and developing some real ideas. I think it's important that we build on the earlier success – it's been alluded to – the passing of Bill 1, An Act to Renew Democracy in Alberta. It was unanimously passed. I will consider that a success that we can then build on and improve on as we go through in this committee.

We do have an other business section in our agenda, but I don't believe we have any other business.

The date of our next meeting will be at the call of the chair, and it will be to hear from the Chief Electoral Officer, the Public Interest Commissioner, and the Ethics Commissioner so that we can have those meetings, again, as I've said, ideally all of them before we move into session.

If there's nothing else for the committee's consideration, I'll call for a motion to adjourn. Moved by Ms Renaud that the September 29, 2015, meeting of the Select Special Ethics and Accountability Committee be adjourned. All in favour? All opposed? The motion is carried.

Thank you very much, everyone.

[The committee adjourned at 2:09 p.m.]





