



Legislative Assembly of Alberta

The 31st Legislature  
First Session

Select Special  
Ethics Commissioner and Chief Electoral Officer  
Search Committee

Tuesday, April 23, 2024  
10:30 a.m.

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The 31st Legislature  
First Session**

**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

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**10:30 a.m.****Tuesday, April 23, 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 the chair of the committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I'll call on those joining us remotely. I'm going to begin to my right.

**Mr. van Dijken:** Yeah. It's MLA Glenn van Dijken in Athabasca-Barrhead-Westlock.

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

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

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

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

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

**The Chair:** Thank you so much for that.  
On the phones. Mr. Dach, do you want to lead us off, please?

**Mr. Dach:** Lorne Dach, MLA for Edmonton-McClung.

**The Chair:** Thank you so much.  
Mrs. Petrovic.

**Mrs. Petrovic:** Chelsae Petrovic, MLA for Livingstone-Macleod.

**The Chair:** Thank you so much for that.  
Ms Pitt.

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

**The Chair:** Ms Pitt, we'll need to see you on camera as well. Oh, did you call in?

**Ms Pitt:** I called in. Yeah. Give me a minute to switch devices, and I'll give you a camera.

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

While we're waiting, I'm just going to note that Mr. Getson will be substituting for Mr. Stephan for the remainder of the committee's mandate.

**Member Irwin:** Question.

**The Chair:** Go ahead.

**Member Irwin:** Thank you, Mr. Chair. Why is that the case given that I recall conversations earlier – I'll try to find the date if I can; I just wasn't able to find it in time – where we said that we would not be having substitutions? Can you just explain why that direction has changed and why Mr. Getson is here instead of Mr. Stephan?

Thank you.

**Mr. Sabir:** Also, if I could add that essentially now we are at a stage where we will be making decisions, and those who participated in the process will be better able and informed to participate in those

decisions. I don't think that it is appropriate at this stage for Mr. Getson to replace a member who was part of the process all along.

**The Chair:** Okay. Thank you for that. It is an official substitution that was available to the government side under the existing rules, and it is a permanent substitution. Mr. Stephan won't be able to attend any future meetings.

**Mr. Sabir:** But that's the concern. We agreed that after a certain point, once the interview process started, there would be no substitutions.

**Member Irwin:** Yeah. Chair, I found the e-mail. Sorry. It took me a moment there. This is from Jody on February 7: please remember that the committee has authorized remote participation during meetings, but committee members have also agreed to avoid using substitutions. That is her written direction, and that is the direction that we all agreed upon at I believe the inaugural meeting of this search committee.

Again, nothing against Mr. Getson, but as my colleague Mr. Sabir has pointed out, we've all been engaged. We spent lots of time together during constituency week debating and deliberating and had a lot of, you know, great conversations as a committee. I'm very confused and a little bit alarmed as to why there would suddenly be a substitution.

Thank you.

**The Chair:** Angela, can you hear us okay?

**Ms Pitt:** Yeah.

**Mr. Sabir:** We can see her now.

**The Chair:** Yes.  
Just introduce yourself for the record, please.

**Ms Pitt:** Yeah. Can you see me?

**The Chair:** Yes, we can see you.

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

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

Okay. Let's return to our regular conversation. The question was just regarding the substitution. The substitution is still within the rules that were provided to us.

**Member Irwin:** Okay. Yeah. I mean, I'm going by a written e-mail, and I'm going by my stellar memory of our conversation, where we all agreed that we wouldn't be having substitutions. So I'm just putting it on the record that our side is very concerned about this. Again, why would we have made that decision as a committee to suddenly change it now? That's quite concerning to all of us.

**The Chair:** Noted. Thank you very much for that.

A few housekeeping rules 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, and committee members are encouraged whenever possible to have your camera on when you are speaking. 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 the meeting.

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

**Mr. van Dijken:** So moved.

**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 April 23, 2024, meeting. All in favour of, please say aye.

**Mr. Sabir:** There's no discussion on the agenda?

**The Chair:** Yeah, we can. We can open that up.

**Mr. Sabir:** Yeah. I think, with respect to the agenda as well, although the committee is tasked with looking for two independent officers of the Legislature, this meeting only includes one of them. I was just wondering: why is it that we are specifying the role?

**The Chair:** Oh, because we have some new information based on the candidates. This is a quick update on that.

**Mr. Sabir:** Okay.

**The Chair:** My understanding is everything that we're about to proceed with is fairly standard. Did you wish to change the agenda?

**Mr. Sabir:** No. It's good.

**The Chair:** With that, Mr. van Dijken moves that the Select Special Ethics Commissioner and Chief Electoral – sorry. Oh, Mr. Dach. Go ahead.

**Mr. Dach:** Thank you. Before we proceed, I thought, given that we had as a committee agreed that substitutions would be really strenuously avoided and now notwithstanding that it is within the rules, I think the least that one could ask for as a committee member is an explanation as to why the substitution took place. I think that's a reasonable request given how strongly we all agreed as a committee to avoid substitutions.

**The Chair:** Can we just continue on with the motion that's on the floor, and then we can discuss this afterwards?

**Mr. Dach:** Sure. Let's do that, but let's make sure we do discuss it, please. I think we're owed that.

Thank you.

**The Chair:** Absolutely. Again, Mr. van Dijken moves that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the proposed agenda as distributed for its April 23, 2024, meeting. All in favour of, please say aye. All opposed in the room? On the phones? For the sake of any voting, can you please make sure that your cameras are on? Thank you very much for that. The motion is carried.

All right. We have draft minutes from the last four meetings available for consideration today. We're going to need a separate motion for each set of minutes, beginning with the March 25 meeting. Are there any errors to note?

If not, would someone move to approve these, please? The first one is for March 25.

**Mr. van Dijken:** I'll make that motion.

**The Chair:** Mr. van Dijken moves that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the minutes as distributed of its meeting held on March 25, 2024. All in favour of, please say aye. All opposed? All in favour on the phones, please say aye. Okay. All opposed? Seeing none, that motion is carried.

Next we have the minutes for the April 4 meeting. Do I have a motion to approve?

**Mr. van Dijken:** I can make that motion.

**The Chair:** Mr. van Dijken moves that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the minutes as distributed of its meeting held on April 4, 2024. All in favour of, please say aye. On the phones? All opposed? Hearing none, that motion is carried.

**10:40**

Next we have the minutes for April 5. Do I have a motion to approve? Mr. Dyck moves that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the minutes as distributed of its meeting held on April 5, 2024. All in favour of, please say aye. On the phones? All opposed? Seeing none, that motion is carried.

Finally, we have the minutes for April 8. Do I have a motion to approve? Mr. Dyck moves that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the minutes as distributed of its meeting held on April 8, 2024. All in favour of, please say aye. On the phones? All opposed? Seeing none, that motion is carried.

Okay. Today we're going to be discussing the recruitment of the Chief Electoral Officer only. To maintain the confidentiality of the applicants, it would be appropriate to move in camera. Can I have that motion, please?

**Member Irwin:** Before that, can we please address Mr. Dach's question?

**The Chair:** Can we do that in camera?

**Member Irwin:** That's – say that again?

**Mr. Sabir:** I think the substitution is on the record.

**Member Irwin:** Yeah.

**The Chair:** Okay. Yeah. No, that's fine.

**Mr. Sabir:** The issue with substitution, with all due respect, is that the matters that will be deliberated on at this point: MLA Getson will not be privy to all those things.

**Member Irwin:** Exactly.

**Mr. Sabir:** Yet MLA Getson will be participating in a decision-making process that he has no background in, he didn't participate in. It's pretty much against, I guess, principles of fundamental, natural justice. Like, in court proceedings, to give you an example, if a judge didn't hear an appeal, he's not supposed to write that decision. At the time even when judges retire, if they have heard some case, they will take time to write those decisions because they heard that. It's similar here. That member didn't hear. He shouldn't be able to participate in that decision-making.

**Ms Pitt:** Can we get the clerk to weigh in on the rules?

**Ms Rempel:** Okay. Thank you, Mr. Chair. I guess I would just note two things. I'm going to read, first of all, directly from the minutes of our first meeting, in which it does say that committee members also agreed that outside of exceptional circumstances only those present for all candidate interviews would participate in the final selection process. This was agreed to. However, it was not done by a motion because the standing orders do permit these substitutions to occur.

**Member Irwin:** Yeah. Thank you for that, Jody. Again, I'm certainly not throwing you under the bus. But, again, we did agree. You know, we had that conversation as a committee. It was put into writing.

I guess my hope is that we will get an explanation that this is exceptional circumstances given the agreement that we had all come to as a committee. I do think that if the shoe were on the other foot and one of us were substituted out, I don't think you'd be supportive either. So if we can hear those exceptional circumstances, that would be great.

**Ms Pitt:** I think that's probably a little bit more of a personal matter, that this committee doesn't need to be discussing.

**Mr. Sabir:** Then it's not exceptional if it's just a personal matter.

**Mr. van Dijken:** I would suggest to you that any personal matter is an exceptional circumstance for each individual around the table, and to say that a personal matter is not an exceptional circumstance would be to dismiss the concerns of an individual. So I take very much that comment as questioning the individual and their reputation, and I would suggest that that is not appropriate.

**Mr. Sabir:** I think, without going too much into that, our main objection is not that part. The main objection is that a person who didn't hear and was not part of deliberations will now be participating in decision-making when he didn't participate in the process and doesn't have that information, wasn't part of interviews, and that's fundamentally unfair. It's just a question of basic fairness and natural justice.

**Member Irwin:** Again, we all spent many, many hours together, right? We spent a lot of time deliberating and going back and forth.

I just, again, as my colleague just noted, think it's an issue of fairness here.

**Ms Pitt:** Mr. Chair, can I move that we go in camera?

**Mr. Sabir:** We object to that.

**The Chair:** Sorry. Say that again, please, Ms Pitt.

**Ms Pitt:** I'd like to move a motion that we move in camera.

**The Chair:** Okay. We have a motion on the floor. Angela Pitt moves that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee, including the appropriate staff from the Legislative Assembly Office, move in camera. Can I get a vote on this? All in favour, please say aye. On the phones? All opposed? On the phone? That motion is carried in favour.

Just excuse us while we give staff a moment to evacuate the room.

[The committee met in camera from 10:47 a.m. to 11:22 a.m.]

**The Chair:** Thank you, everybody. We're now back on the record.

Do members have anything for discussion under other business?

Seeing none, the next meeting has been scheduled for April 26.

Would a member make a motion to adjourn, please? Mr. Dyck moves that the April 23, 2024, meeting of the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee be adjourned. All in favour, please say aye. On the phones? All opposed? Seeing none, that motion is carried.

Thank you very much. This meeting is adjourned.

[The committee adjourned at 11:23 a.m.]





