



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Standing Committee
on
Private Bills and Private Members' Public Bills

Bill 202, Conflicts of Interest (Protecting the Rule of Law)
Amendment Act, 2020

Thursday, May 28, 2020
5 p.m.

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Second Session**

Standing Committee on Private Bills and Private Members' Public Bills

Ellis, Mike, Calgary-West (UCP), Chair
Schow, Joseph R., Cardston-Siksika (UCP), Deputy Chair

Glasgo, Michaela L., Brooks-Medicine Hat (UCP)
Horner, Nate S., Drumheller-Stettler (UCP)
Irwin, Janis, Edmonton-Highlands-Norwood (NDP)
Neudorf, Nathan T., Lethbridge-East (UCP)
Nielsen, Christian E., Edmonton-Decore (NDP)
Nixon, Jeremy P., Calgary-Klein (UCP)
Pancholi, Rakhi, Edmonton-Whitemud (NDP)
Sigurdson, Lori, Edmonton-Riverview (NDP)
Sigurdson, R.J., Highwood (UCP)

Also in Attendance

Ganley, Kathleen T., Calgary-Mountain View (NDP)

Bill 202 Sponsor

Ganley, Kathleen T., Calgary-Mountain View (NDP)

Support Staff

Trafton Koenig	Parliamentary Counsel
Philip Massolin	Clerk of Committees and Research Services
Michael Kulicki	Committee Clerk
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

Standing Committee on Private Bills and Private Members' Public Bills

Participant

Ministry of Justice and Solicitor General
Corinne Carlson, Barrister and Solicitor, Legislative Reform

5 p.m.

Thursday, May 28, 2020

[Mr. Ellis in the chair]

The Chair: All right. Good afternoon, everyone. I'd like to call to order. I think they'll work on getting Mr. Horner up again without the lights going off. I'd like to call this meeting of the Standing Committee on Private Bills and Private Members' Public Bills to order and welcome everyone in attendance.

My name is Mike Ellis. I'm the MLA for Calgary-West and chair of the committee. I'd like to ask all members and those joining the committee at the table to introduce themselves for the record, and then I'll mention who is joining us via Skype. We'll begin to my right.

Mr. Schow: Joseph Schow, Cardston-Siksika.

Mr. Neudorf: Nathan Neudorf, MLA for Lethbridge-East.

Mr. Sigurdson: R.J. Sigurdson, MLA for Highwood.

Ms Glasgo: Michaela Glasgo, MLA for Brooks-Medicine Hat.

Mr. Jeremy Nixon: Jeremy Nixon, MLA for Calgary-Klein.

Ms Ganley: Kathleen Ganley, MLA for Calgary-Mountain View.

Ms Pancholi: Rakhi Pancholi, Edmonton-Whitemud.

Ms Sigurdson: Lori Sigurdson, Edmonton-Riverview.

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

Mr. Koenig: Good afternoon. I'm Trafton Koenig with the Parliamentary Counsel office.

Dr. Massolin: Good afternoon. Philip Massolin, clerk of committees and research services.

Mr. Kulicki: Michael Kulicki, committee clerk.

The Chair: Thank you. Mr. Horner, if you could introduce yourself, please.

Mr. Kulicki: You may have to ask him to unmute his mic.

The Chair: You may be muted there. It's almost easier to teleconference in, isn't it?

Mr. Kulicki: We can proceed.

The Chair: All right. Well, Mr. Horner is on the phone, and of course he is the MLA for Drumheller-Stettler. I apologize; he's not on the phone but over Skype. From what I am told via *Hansard*, he is on the computer and certainly can be seen, in my understanding, via that mechanism.

I'd like to thank everyone. In addition, of course, to those who are joining us, Mr. Horner is, again, over Skype. For the record I'll also note that we have no substitutions this afternoon.

A few housekeeping items to address before we turn to the business at hand. Please note that the microphones in the committee room are operated by *Hansard*. Please set your cellphones and other devices to silent for the duration of the meeting. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV, and the audio- and video stream and transcripts of the meetings can be accessed via the Legislative Assembly website.

Committee participation via video conference. Hon. members, section 6 of the Legislative Assembly Act authorizes members of the committees of the Legislative Assembly to participate by teleconference or other methods of communication if unanimous consent is granted. As members will recall, at the committee's first meeting, on June 4, 2019, members agreed to permit the use of teleconferencing for the duration of the 30th Legislature, but given the circumstances that we are facing with the COVID-19 pandemic, the use of additional means of communication such as video conferencing would give the committee another means to proceed with its work. In order to proceed with the video conferencing option, the committee would need to approve a motion unanimously to that effect. Is there a member who would be willing to move such a motion? Mr. Neudorf. We'll put the draft on there.

As the clerk attempts to put the draft on there, I'll read said motion that Mr. Neudorf would possibly be proposing, words to the effect that: Mr. Neudorf moves that for the duration of the Second Session of the 30th Legislature the Standing Committee on Private Bills and Private Members' Public Bills permit Members of the Legislative Assembly to participate in committee meetings via video conference subject to the proviso that the committee may require members' in-person attendance at a particular meeting upon passage of a motion to that effect.

We'll wait for that to get up on the screen.

Is there any discussion or debate while we're attempting to get this on the screen? Sure. Mr. Nielsen.

Mr. Nielsen: Just a quick clarification. It'll be for the duration of this current session, the Second Session?

The Chair: Yeah.

Mr. Nielsen: Thank you.

The Chair: Sure.

Mr. Schow: Just to understand, people can video conference in entirely? So we're not expected to be here in person. Is that what you're saying? Can you maybe bring a little clarity to this motion?

The Chair: Sure. Yeah. I think, from my understanding – and I certainly welcome the clerk's office to interject at any point, but my understanding is that the video conferencing option would be consistent with that of the teleconferencing option. It just provides another available means to communicate that would be for the duration of the session. Yes.

Mr. Schow: Thank you.

The Chair: Thank you.

I apologize to those watching and to those in attendance. Obviously, we're having some technical difficulties, but we will continue to attempt to get this on the screen. Oh, there we go. Okay. As we widen it, I will just read it again for the record. Mr. Neudorf moved that

for the duration of the Second Session of the 30th Legislature the Standing Committee on Private Bills and Private Members' Public Bills permit Members of the Legislative Assembly to participate in committee meetings via video conference subject to the proviso that the committee may require members' in-person attendance at a particular meeting upon passage of a motion to that effect.

Okay. Is there any further discussion? I'll ask that.

Seeing none and hearing none, all those in favour, say aye. Any opposed? Okay. That motion is carried unanimously.

Do we have communication with Mr. Horner yet?

Mr. Horner: I can hear you guys. Can you hear me?

The Chair: Oh. I can hear you now, Mr. Horner. You approve of that motion, just to be clear?

Mr. Horner: I do, yes.

The Chair: All right. Thank you very much. That is unanimous, so we will continue on.

The motion is carried.

Let's move to the approval of the agenda. Are there any changes or additions to the draft agenda? If not, would somebody like to make a motion to approve the agenda?

Mr. Sigurdson: I so move.

The Chair: Thank you, Mr. Sigurdson. Mr. Sigurdson would move that the agenda for the May 28, 2020, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be adopted as distributed. All those in favour, say aye. Any opposed? On video conference? Thank you very much. That motion has been passed and is therefore carried.

We will now move to the approval of the minutes. Next we have the draft minutes to review from our meeting on March 3. Are there any errors or omissions to note? If not, would a member like to make a motion to approve the minutes of the March 3 meeting? Ms Glasgo would move that the minutes of the March 3, 2020, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be approved as distributed. All those in favour, say aye. Any opposed? Over video conference? That motion is carried and therefore moved.

We will now go to item 5, private bills. That's the review of the procedure for private bills. Hon. members, so far during the 30th Legislature this committee has reviewed only private members' public bills. However, another important part of this committee's mandate is to review private bills and petitions received for private bills. Last Friday committee members received a memo from Parliamentary Counsel that reviews the mandate of the committee with respect to private bills. At this time I would like to invite Mr. Trafton Koenig from the office of Parliamentary Counsel to provide you with an overview of the memo and answer any questions members might have about the committee's procedure for private bills.

Mr. Koenig, go ahead, please, sir. Thank you.

Mr. Koenig: All right. Thank you, Mr. Chair. I'm happy to provide the committee with a brief overview of the private bills process. Hopefully, this is interesting for you. This is a bit of a unique creature, private bills, and it's a bit different than what you likely have encountered more regularly, some of the other business that is dealt with in the House and by this committee.

Private bills stand apart from public bills in that a private bill provides powers or benefits to a specific individual, a corporation, or an entity only whereas a public bill has general application to everyone in the province. The most recent examples of private bills actually came in the Third Session of the 29th Legislature, so we haven't seen any of these come forward in the 30th Legislature yet. The two examples from the Third Session of the 29th Legislature are the Calgary Jewish Centre Amendment Act, 2017, which amended a statute that incorporated the Calgary Jewish Centre, and the other example was the Paula Jean Anderson Adoption Termination Act, which terminated the childhood adoption of an adult petitioner. Those are two examples of the types of petitions that have been received.

5:10

I think that the important thing to keep in mind, however, is that even though a private bill only applies to a specific individual or entity, it becomes law like any other law in Alberta. It has the same force and effect. For members, if you want to look at where the rules are that govern private bills, they can be found at chapter 8 of the standing orders.

In terms of this committee's role in the private bills process I'm really abbreviating it a lot, but basically there are two primary functions. The first one is to review petitions that are received to ensure that each petitioner has complied with the requirements in the standing orders and report those findings to the Assembly through the chair. The second function is to consider each private bill once they have been referred to the committee and recommend that the bill proceed, not proceed, or proceed with amendment.

With respect to this meeting, if the committee is satisfied that there are no missing components of the petition that has been received, the chair would report that to the Assembly. Bill Pr. 1 would then be introduced, and the bill would then stand referred to the committee for further consideration.

That is a pretty brief overview of the process, but I'm happy to answer any questions if members have any on the process generally.

The Chair: Well, thank you very much, sir.

I'll open the floor to any questions that anybody might have.

Mr. Neudorf: In terms of the legal requirements being complied with by the petitioner of this bill, who makes that designation? Is it the petitioner himself or themselves, or is it legal counsel?

Mr. Koenig: I think we're going to get to that in just a few minutes, but there are requirements that are set out in the standing orders, and I'll provide you with my opinion on whether the petition documents that have been submitted are in compliance with the standing orders. Then it's up to the committee. If the committee is not satisfied with that, then that could be reported to the Assembly.

The Chair: Thank you.

Ms Pancholi: Thank you, Mr. Koenig. I just had a question about process. I note that it seems that a private bill has to be sponsored – is that correct? – by a Member of the Legislative Assembly. So is that part of the process, that the petitioner seeks a sponsor and is required to have a sponsor? I just have questions about that process.

Mr. Koenig: Yes, absolutely. All bills in the Assembly require a sponsor to move forward, so for every successful petition that results in a private bill being introduced, it will have a sponsor. It's important to keep in mind, though, for private bills that this is a remedy being sought by a specific individual, so the sponsor of the bill isn't necessarily an advocate for the bill itself but, rather, the conduit through which the bill can be brought before the Assembly. The sponsor may in fact support the petition and the bill itself, or they may not. There isn't necessarily a relationship between the two always.

Ms Pancholi: Thank you.

The Chair: Anybody else have any questions? I see none.

Thank you, Mr. Koenig, for your assistance on that.

Okay. Next we'll move to the review of a petition received for a private bill. As discussed in the memo from Parliamentary Counsel, one petition for a private bill was received this year before the March 11 deadline. At this time I'd like to invite Mr. Koenig to provide a brief overview of this petition.

Back to you, Mr. Koenig.

Mr. Koenig: All right. Thank you. This is, I think, what everyone was asking about. They want to know what the private bill is. To start off, the documents that are required to petition for a private bill are set out in Standing Order 94, and that includes two letters of petition, one addressed to the Lieutenant Governor and one addressed to the Legislative Assembly; a statutory declaration confirming the petitioner has provided public notice of the petition by advertisement in a daily newspaper in Alberta once a week for two consecutive weeks; a certified cheque in the amount of \$500; the name of the member of the Assembly who has agreed to sponsor the private bill; and two copies of the draft private bill in the appropriate format. The fees and documents must be submitted to the Clerk of the Assembly, and in the case of this year that was March 11, 2020.

As noted in the memo that was circulated to committee members, one petition has been received requesting a bill, that being Pr. 1, The Sisters of the Precious Blood of Edmonton Repeal Act. Jeffrey Arsenault has submitted the petition on behalf of the Sisters of the Precious Blood of Edmonton, and I can confirm for the committee members that the petitioner has submitted two letters of petition, a statutory declaration confirming that they have advertised in the *Edmonton Journal* once a week for two weeks, a certified cheque in the amount of \$500, and I can also confirm that I've been advised that Mr. Williams has agreed to be the sponsor for this bill, Pr. 1, and a draft of the proposed bill has been posted on the committee's internal website.

As such, it's my opinion that the petitioner has fulfilled the requirements under the standing orders. As noted in my memo, any member of the committee may request a review of the petition documents as they wish, and I have them with me here if anyone does wish to see them.

At this point I'm happy to answer any questions specifically about the petition for Bill Pr. 1.

The Chair: Thank you, sir.

Anybody have any questions at this time?

Mr. Neudorf: Just one point of clarification. There are no legal actions against this entity that we're aware of in any way, shape, or form?

Mr. Koenig: Typically how the process will look from here going forward is that if the committee is satisfied that the elements in Standing Order 94 have been met, the chair will report that to the Assembly, and the bill will be introduced. Then the bill stands referred back to the committee, and typically the committee will hold a hearing.

At that point the petitioner will actually be here in person and will be able to answer those questions. I'm more than happy to provide some more comments when we have that hearing, but those are absolutely considerations that all committee members want to keep in mind. This will be a law that applies to only one person, so there are certain things that members want to keep in mind. Again, I can talk a little bit more about that later when we get to that hearing stage. It's important that committee members are satisfied that this piece of legislation isn't conferring an unfair benefit on a special individual or is not providing an avenue for redress for a petition that could otherwise be satisfied under the regular public law of Alberta. Those are specifically assets and liabilities of the corporation, any outstanding legal actions. Those are definitely things that committee members may wish to ask the petitioner about when we get to the hearing stage.

Mr. Neudorf: Thank you.

The Chair: Thank you.

Anyone else have any further questions?

Okay. Thank you very much. Seeing none, if members have no further questions, of course, I'd like to once again thank Mr. Koenig for providing us with a review of this petition. Thank you, sir.

As this petition is in compliance with standing orders 90 to 94, this will complete this aspect of the committee's review of the petition unless members have further comments or concerns.

Seeing none, in accordance with Standing Order 99(1) I will provide an oral report to the Assembly on Monday on the committee's review of the petition, which will allow for the private bill to be introduced in the House by the bill's sponsor, Mr. Dan Williams, the MLA for Peace River.

Now we'll continue with the scheduling of the hearing and deliberations. Before proceeding to the committee's review of Bill 202, there is one last matter for the committee to deal with regarding Bill Pr. 1, and that is scheduling the hearing with the petitioner and the committee's deliberations on the bill. The past practice of the committee has usually been to schedule the hearing about two to three weeks after the committee has reviewed the petition in order to provide the petitioner ample notice and to allow Parliamentary Counsel to report any observations or recommendations on the bill to the committee. With this in mind, I wonder whether the committee might consider scheduling the hearing with the petitioner and holding its deliberations on Bill Pr. 1 on a date provided by the clerk's office, Thursday, June 18, at 5 p.m. I know everybody is probably looking quickly at their phones to see if they're – yeah. Go ahead, Ms Glasgo.

Ms Glasgo: Just to accommodate the members who may live further outside of Edmonton, is there any possible way that we could have this committee scheduled during the regular sitting hours of the week, something in the morning or perhaps at another time, just so that members can get back to their constituencies and use the constituency date to its full extent?

The Chair: I guess I'll ask the clerk's office: do we have to provide this date at this time, or is this something that we could possibly do over an e-mail with options being provided to the members?

Dr. Massolin: Mr. Chair, sure, I can speak to that.

The Chair: Sure. Thank you.

Dr. Massolin: Yes. That's just a suggestion. The committee can decide on a different date if you'd like.

The Chair: We're talking two to three weeks' time. I don't see the urgency, I guess, at this particular moment, so I think I'll consult with the clerk's office. We'll provide a few dates and then send them out to the members to see if we can find some times that are really conducive to everybody.

5:20

Mr. Kulicki: Yeah.

The Chair: Okay. Good. Thank you very much, sir.

So I guess we won't be putting a draft motion to schedule a hearing. Oh, we can.

Dr. Massolin: Yeah.

The Chair: Okay.

Dr. Massolin: Just say, like: a date to be determined.

The Chair: Okay. Sure.

So I'll need somebody to move a motion which will essentially say: a date to be determined. Yeah. Sure. Ms Pancholi.

Ms Pancholi: Just with respect to – I'm not sure how much time typically a hearing would take. I'm wondering if it's possible for it to be combined with – I know we haven't yet set our next private members' bills committee date. I don't know if that's a possibility. I imagine we couldn't schedule a hearing during regular sitting times as well – right? – as we can't with the committee, just to avoid having multiple meetings, if it's possible. I maybe would seek some advice on previous private bills and how long those hearings typically take. It just would be better to sort of have it all together in one meeting.

The Chair: Good question.

The clerk would like to speak to that. Thank you.

Mr. Kulicki: I'm happy to speak to that. Basically, for a review of a private bill of this nature the review process for it, the hearing, shouldn't take too long. In the past it would be probably no more than an hour, hour and a half. I would just say that the reason that Thursday evening date was first suggested was because, you know, it would be possible to combine the review of that private bill with some other private members' business. So we proposed initially to schedule it then just because we expect more private members' business to be coming down the pipe, so to speak. We also expected Thursdays to be probably a meeting time that the committee will need to rely upon just given the fact that there will be evening sittings and limited times for the committee to meet.

The Chair: Following up with the clerk on a follow-up to your question, if you don't mind, Ms Pancholi: again, as far as historical timing of these types of meetings, let's say during – and I'm just using a hypothetical – a dinner break or something like that, is that too short, too long in historical means?

Mr. Kulicki: No. I think a dinner break meeting for something like this would probably be adequate.

The Chair: All right. Something that's an option, we'll just say. Okay.

Thank you very much for that question, by the way. It was a very good question.

Any other comments?

Okay. Can I get somebody to move, really, a motion on a date to be determined? Thank you, Mr. Nielsen. I'll just read this, if you don't mind, for you. Mr. Nielsen to move that

the Standing Committee on Private Bills and Private Members' Public Bills meet to hear from the petitioner for Bill Pr. 1 and hold deliberations on a date to be determined by the committee.

Okay?

Mr. Nielsen: You took the words right out of my mouth.

The Chair: Thank you very much, sir.

All those in favour, say aye. Any opposed? On the phone or on video conference?

Mr. Horner: Aye.

The Chair: Thank you, Mr. Horner. I appreciate it.

It's unanimous and therefore carried.

Next, we will continue with item 6. That's the review of Bill 202, the Conflicts of Interest (Protecting the Rule of Law) Amendment Act, 2020, presentation by Ms Kathleen Ganley, MLA for Calgary-Mountain View. Hon. members, Bill 202, the Conflicts of Interest

(Protecting the Rule of Law) Amendment Act, 2020, was referred to the committee on Thursday, March 5, in accordance with Standing Order 74.11.

Before the committee undertakes its review of Bill 202, I'd like to take a moment to clarify how Government Motion 10, passed as amended by the Assembly on March 17, will affect the committee's reviews of private members' public bills for the rest of the spring sitting. In accordance with clause (k) of part A of Government Motion 10 the application of the eight sitting day time period for the committee to report to the Assembly under Standing Order 74.11(2) is currently suspended with respect to each private member's bill that is shown on the Order Paper as referred to the committee until Sunday, October 25, 2020, which is right before the start of the fall sitting. Now, my understanding of this provision was to allow the committee sufficient time during the COVID-19 pandemic to recommence its normal work without negatively impacting any bills referred to the committee.

What this means is that the committee's usual deadline to report to the Assembly within eight sitting days does not apply to Bill 202 or any other private members' bills that will be introduced this spring. However, members will appreciate that the committee's mandate is to report to the Assembly in a timely way so that the Assembly can consider these bills during private members' business on Monday afternoons. With private members' business resuming, the Assembly returning to more normal operations, I want to remind members of the importance of this committee in regularly reporting to the Assembly on bills that have been referred for our consideration, and the committee's usual review process is based on this timeline.

Members will also recall that the review process approved by the committee allows us to either expedite reviews of private members' bills or to receive additional feedback from stakeholders within about a week of the first meeting on a bill. As the committee begins to review Bill 202, this is just a reminder of what the usual process provides for and the importance for the committee to resume its agreed-upon process in order to facilitate timely reporting to the Assembly.

Before the committee begins with review of Bill 202, do members have any questions about the general process that we'll be following going forward for the spring sitting?

Okay. Seeing none – of course, LAO staff will be present in case somebody does have any questions later on – if members have no more questions or any further questions, we'll continue with the general process that will be followed this spring.

The committee can now proceed with its review of Bill 202. Joining us this afternoon is the sponsor of Bill 202, Ms Kathleen Ganley – welcome – MLA for Calgary-Mountain View. At this time I would like to invite Ms Ganley to provide a five-minute presentation, and then we'll open the floor for up to 20 minutes of questions from committee members.

Go ahead, Ms Ganley. Thank you.

Ms Ganley: Thank you very much, Mr. Chair. I'm incredibly pleased to be able to come before you today and present this bill. The bill does a lot of things, but the primary thing that it does is that it changes who can be an associated person in terms of a conflict of interest. That would include, then, politicians and other affiliations, people other than just a direct family member.

It also changes what can constitute a conflict of interest. Previously there was a definition that excluded certain things. This will make it more clear that it's more than just a financial interest. It can include the interest in an outcome of a proceeding, including an investigation.

What those two changes aim to do is broaden the definition of what is a conflict of interest so that things which, in my view, ought to be clear conflicts of interest can be excluded.

Work on this bill actually began before Bill 22, which fired the Election Commissioner, came before the House. It was intended to prevent a reduction in the budget or a reduction in the powers of that officer given his investigation into the sitting government. I believe that it cannot be overstated that it is a fundamental principle of our system that no individual ought to be permitted to pick the person who investigates them. If you are accused of a crime, you shouldn't be able to pick the officer who investigates you. By the same token, if you are in breach of an act like the Conflicts of Interest Act or the Election Act, you should not be permitted to determine who investigates you, and that is exactly the mischief that I aim to prevent. The investigation may currently continue under the Chief Electoral Officer, but we don't know, and we have no way of knowing that.

This bill also acts on a couple of recommendations from the Ethics Commissioner. Recommendation 1 was to expand those whose private interests are included, which, obviously, I've mentioned. Recommendation 2 was to clarify the definition of private interest, which I've also mentioned. Recommendation 7 was to provide the Ethics Commissioner with the authority to review and reference privileged documents without waiving privilege.

I know, certainly, the government members seem to think that Bill 22 didn't do anything wrong. If that is the case, then I would urge you to vote in favour of this bill. This does nothing but strengthen of Conflicts of Interest Act to catch things which it already ought to have caught. It makes it clear that you can have an interest in something besides just a financial interest, which is, I think, obviously true, and it makes it clear that an affiliated person can be affiliated in a way other than by direct blood relation. For instance, obviously, I have an interest in my leader of my political party, in other people who are affiliated, but I may do so by way of business or friendship or any other sort of mechanism.

5:30

I also think that this bill would strengthen the access to information that the Ethics Commissioner would have. Certainly, we have seen an investigation by the Ethics Commissioner on this matter, but the information that she had access to was only that which was made publicly available, and that obviously makes an investigation difficult because we don't know what the Election Commissioner was working on in terms of investigative materials that had not yet been made public. So enabling the Ethics Commissioner to have those additional powers to make determinations, some of the presumptions that a member ought to opt themselves out from the debate, I think will go a long way to strengthen this. If you genuinely do believe that nothing was done wrongly in Bill 22, then this won't catch that. This isn't designed to catch a specific thing. It's designed to catch a specific type of mischief.

The final thing I would say is that this is obviously a short presentation, but I would hope that this committee can hear from some witnesses. I do have a professor who is experienced in both legislative drafting as well as ethics and accountability, at least in the legal context, who I think could provide some very important comments on this bill and some very important context. I have also extended invitations, obviously, to Premier Kenney and to Mr. Brian Jean in the hopes that they can shed some light on this.

With that, I think I have very little time remaining, so I will just thank you for the opportunity to make this presentation.

The Chair: Thank you very much. We had 10 seconds to spare. Thank you very much, Ms Ganley.

At this particular time, as we have done traditionally in the past, this is an opposition member's bill, so we're going to start with the government members' side. With government bills we start with the opposition members' side. I'd just like to say that I'm going to recuse myself for the moment, only because, quite frankly, as the only person on the government members' side who was here during the term when the NDP were in government, I just have a couple of questions. I'm going to temporarily recuse myself. Mr. Schow will take over. Sorry; cede the chair. My apologies.

[Mr. Schow in the chair]

The Deputy Chair: We will now proceed to 20 minutes of questions from committee members. We will begin with members from the government side. Mr. Ellis, please go ahead.

Mr. Ellis: Thank you very much. Ms Ganley, thank you very much for your presentation. During your presentation it triggered a few things, and I think you even mentioned a possible stakeholder such as Brian Jean as well as Premier Kenney. Obviously, in that case, I think what you're referring to is of course factoring the leadership race for the United Conservative Party, which would have been around the 2018 era, right?

I guess the question I have – a couple of questions I have. It's my understanding that section 48 of the Conflicts of Interest Act indicates that the act is to be reviewed every five years. During that particular time it was opened in December 2017. Then, I guess, the review was conducted during the time period of, we'll call it, the United Conservative Party leadership race. Of course, it returned to the Assembly in December 2018, and of course an election occurred several months later down the road in approximately May 2019. At that particular time there were no substantial amendments that were tabled.

I guess I'm curious. As the government who was in authority at that particular time with the, we'll call them, allegations that were made during that particular time, why was it not felt a necessity to make said changes during that time period when the opportunity was there, between December 2017 and December 2018?

Thank you.

Ms Ganley: Absolutely. Obviously, this does touch on those incidents that occurred in that leadership race, but the intention of this bill isn't to create a conflict with respect to the actions undertaken in the leadership race, but to create a conflict with respect to terminating the Election Commissioner while he was actively investigating the leadership race.

The issue this bill aims at is not what happened in the leadership race, because we believed that the Election Commissioner and now, possibly, the Chief Electoral Officer – I can't speak to what he is or isn't doing – was investigating those things, and we were satisfied with those investigations being ongoing. My concern when the United Conservative Party took government was that they might act to in some way frustrate the investigations of the Election Commissioner, so that was the intent of that bill. I think Bill 22 has made it clear. I mean, being fired from the investigation is probably the ultimate frustration of one's investigation, so I think that it's clear that those concerns were potentially warranted.

This isn't intended to catch the mischief that actually occurred during the leadership race. It's intended to catch the mischief that occurred afterwards, when members voted in favour of Bill 22.

Mr. Ellis: Okay. Thank you.

The Deputy Chair: Mr. Ellis, you have a follow-up?

Mr. Ellis: Certainly. In my experience as a police officer, the word mischief is a criminal offence. So are you alleging that a criminal offence has taken place and that somehow the Chief Electoral Officer will not be investigating that in any way?

Ms Ganley: I'm certainly alleging nothing of the sort. Mischief is typically a word used in legislative drafting to describe what it is that you're trying to capture with your legislation. Like the Criminal Code, any law is intended to prohibit or allow or encourage certain behaviour, and when you have a law which is intended to prohibit certain behaviour, it's usually referred to as mischief. That was in no way intended to imply – obviously, the RCMP is investigating, but that's up to them to make that determination, not to me.

The Deputy Chair: Thank you, Ms Ganley. Thank you, Mr. Ellis. We'll now go to Mr. Nielsen.

Mr. Nielsen: Thank you, Mr. Chair.

Thank you, MLA Ganley, for coming to present. You did make reference to the report from the Ethics Commissioner, and you even made specific references to a couple of those recommendations. I'm just wondering why you haven't referenced the other recommendations.

Ms Ganley: Yeah. Obviously, this doesn't act on all of the recommendations of the Ethics Commissioner. It was a fairly extensive report with an extensive number of recommendations. I am very aware at this moment of the, shall we say, difference in resources available to a government versus the resources available to a private member, so this bill being drafted by myself and by Parliamentary Counsel was intended, again, to catch that specific mischief, but as I was sort of looking at this more broadly, I came across this report, and I thought, "Oh, some of these recommendations are relevant," so I included those. The others were not included, not because they're not good recommendations – many of them are very good recommendations – but because all of these things always have sort of knock-on effects in different areas.

When the government is drafting legislation, they have access to many, many drafters, and they have access to policy experts in every department who can sort of cross-check all of those interactions. This being a private member's bill, I thought it was better to do a small thing well rather than to do all things maybe less well, so I aimed specifically at those recommendations that I thought were relevant in terms of sort of broadening who and what is caught by the Conflicts of Interest Act. I think in Alberta, our Conflicts of Interest Act is very narrow relative to the conflicts of interest acts in other provinces. They tend to catch more associated individuals, and they tend to catch more sort of different types of conflicts.

The Deputy Chair: Thank you.

There's a follow-up, and if I could, we only have 20 minutes for this, and we've already chewed up close to eight minutes of it, so if we could keep our answers a little bit succinct and questions succinct as well.

Mr. Nielsen: You did mention that you tried to capture a small little bit very, very well, so do you feel, then, that this legislation that we're looking at will properly address those recommendations from the Ethics Commissioner that you have highlighted?

Ms Ganley: I believe it does. I mean, it definitely grants her access to the privileged material. It has expanded on whose private interests are included, and it does clarify the definition of private interest, not perfectly, but it does sort of provide a list that provides guidance as to what a private interest might be.

5:40

The Deputy Chair: Thank you, Ms Ganley. We'll go now to Ms Glasgo.

Ms Glasgo: Thank you, Mr. Chair.

Ms Ganley, I'm really interested in exactly how you came to your definition of associates. You said you wanted to make it more clear, to broaden the definition; it almost seems like you've made it more confusing. You also just suggested that our current Conflicts of Interest Act is somehow much more narrow than others in the country. In fact, ours is comparable to the others in the country, so I'm just confused as to how you reconcile that. Anyway, I digress. I will say that, you know, the definition that you have here, an associate member as expanded to include something with an affinity and even members of a principal association and a constituency association, I'm just curious as to how you would reconcile that with the NDP's seat specifically for the AFL on your constituency associations and, in fact, on your provincial board.

Ms Ganley: Again, this references constituency associations and not the provincial board. In fact, on constituency associations there is no such seat reserved. I have a constituency association, which I am involved in, on which there is zero representation from the AFL. They're just people from the community who have showed up and volunteered, so I think that you must somehow be misinformed about our constituency associations.

As to your reference, it's (5.01)(e) that you're referencing, and I'll just read it for the benefit of anyone who's listening.

An individual for whom the Member could reasonably be expected to have cause to further the individual's private interest based on the Member's personal, business or political associations or dealings with that individual.

The idea behind that is to catch – this was actually based on the wording of the Trudeau II decision. In that decision – basically, the act was a bit broader, so that allowed the federal conflict of interest commissioner to consider things that the Ethics Commissioner in our jurisdiction wouldn't be able to consider. Given that this mischief was sort of similar to the mischief seen by Mr. Trudeau in that case, I wanted to expand the definition.

That allows someone like the Ethics Commissioner, who is a trained legal professional, who is well versed in these sorts of issues, to be able to look at it and say: okay; is this someone that could reasonably be considered a conflict of interest? I mean, conflict of interest is one of those things that's kind of like a smell test, right? You know it when you see it. What this is designed to do is to allow the Ethics Commissioner, that independent person, the sort of latitude to look and say: "Okay; based on their business connection or their political connection or their personal or family connection, is this someone that the average person would look at and say, 'This is really questionable that this member is furthering this person's interest.'" That's what it's designed to catch.

You're right. It doesn't create the same sort of bright-line test, but I think the challenge in this instance, when we were drafting, is that you don't want to say that everyone is in conflict every time they vote on anything that might affect anyone with a political affiliation because that's too broad and it could create a constitutional conflict, but you don't want to exclude those people. That was what the intention was.

Ms Glasgo: I do have a follow-up.

The Deputy Chair: Yes, Ms Glasgo. Please go ahead.

Ms Glasgo: Based on what you just said, I believe that's actually the crux of the whole issue with this committee and with this bill, I know for me. I wouldn't speak on behalf of other members. Would your caucus, then, be willing to step out of the room if you had to vote on anything that related to public-sector unions? I know there are many of you with an affinity towards people who represent those unions as well. You also have in the definition here an "individual's private interest based on the Member's personal, business or political associations or dealings with that individual." It is to my understanding that many of you have affiliations or affinities with these members of these unions, in fact some quite closely, so I'm just curious as to whether or not those members would be willing to recuse themselves from votes or not vote on those things. If that is the case, I can imagine that voting on many things would be difficult for many members of the Assembly. It would actually get in the way of us doing our job and representing our constituents.

Ms Ganley: Right, and that's exactly the point of having that sort of flexible definition, so you wouldn't get that sort of witch hunt of, like, "I saw Rakhi Pancholi speak to the AUPE" kind of mentality entering into it. The point of the flexibility of the definition is to allow the Ethics Commissioner, who's trained in conflicts of interest, whose sort of bailiwick is conflicts of interest, to be able to look and say: okay; well the mere fact that you might have a similar political leaning to someone or you might know someone on a community association or a community board doesn't place you in a conflict of interest. But it could certainly be the case that, you know . . .

Ms Glasgo: Keep gesturing.

Ms Ganley: Sorry?

Ms Glasgo: No. Sorry. Sorry. I'm good.

Ms Ganley: Sorry. I talk with my hands sometimes.

Ms Glasgo: No, it wasn't you.

Ms Ganley: I think the point is that the idea here was to capture – in the Trudeau II decision they talked about the concept of sort of unreasonably fostering the interests of another. What I was trying to do was get that sort of concept of unreasonability. So what's going on here is that it's basically a reasonableness test. This occurs a lot of places in law, where the question – there's no bright-line test. They can't outline every silly thing a person could ever possibly do or every questionable thing a person could ever do, so they use a reasonableness test to say: is this a reasonable place to sort of draw the line or not? Then someone, like in this instance the Ethics Commissioner, gets to make that decision.

The Deputy Chair: Thank you, Ms Ganley.

We have next on our list Ms Lori Sigurdson. Please go ahead.

Ms Sigurdson: Thank you. Thanks very much, Mr. Chair. Well, thank you so much for all the extensive work you've done, Member Ganley, to do this, to really look at how to create fairness and justice through this bill. You did talk very briefly, and I know you didn't have much time to share much because five minutes isn't very long. The current legislation just talks about how private sort of gain can only be financial, and this bill goes further to actually include other

things. I just wondered if you could expand on that a bit, talk about what those things could be.

Ms Ganley: Yeah. Absolutely. Obviously, the main thing that we were aiming at was to include the fact that you have an interest in the outcome of a proceeding that's taken against you. That could be a court case, it could be an investigation, it could be any number of things, but the idea here is that your private interest isn't just furthered financially. You could have a private interest in a number of other things. Certainly, the outcome of a proceeding before a human rights tribunal or before an officer of the Legislature or an investigation by the police: all of those things are things that a person does have an interest in. That ought to be recognized by the Conflicts of Interest Act because if the purpose of the Conflicts of Interest Act is to keep all of us as members in this place honest, then it ought to catch not just that narrow slice of sort of financial interest but a broader slice.

The Deputy Chair: You have a follow-up, Ms Sigurdson?

Ms Sigurdson: Yes.

The Deputy Chair: Please go ahead.

Ms Sigurdson: This was also a recommendation of the Ethics Commissioner. Is that correct?

Ms Ganley: One of her recommendations was to clarify somewhat the definition of conflict of interest. Before we started, the definition of conflict of interest just excluded certain things. So it said: this list of things is not a conflict of interest. We have kept that list of excluded things, but what we've done is that we've added a not complete list. There can be more things than this, but it's just sort of a list that kind of gives you a flavour of what's meant to be included. It's my hope that then members will understand – and obviously it allows the Ethics Commissioner to determine. It sort of helps to guide members, and it helps to guide the public because legislation, after all, is meant to be us communicating to the public. It helps to guide the public in terms of what could be considered a conflict of interest.

Ms Sigurdson: Thank you so much.

The Deputy Chair: Thank you, Ms Ganley.

Next on the list we have Mr. Jeremy Nixon.

Mr. Jeremy Nixon: Thank you, Chair. Just to follow up a little bit, just talking about – I guess that avoiding trivial matters is what we'd want to avoid, to make sure we're focused on actual breaches, mischief, as you say. That's why I'm curious why we'd remove clause (g), where it talks specifically about that, that it does not include a matter "that is of general application" or "that affects an individual" as [a broad member] of the public" or "that concerns the remuneration and benefits of an individual." Then it goes on to say: "an interest that is trivial." Can you talk a little bit about why we removed clause (g)?

Ms Ganley: Sorry. Clause (g) to which?

Mr. Jeremy Nixon: It's in the beginning section, where you talk about – sorry. Let me just pull this up. Subsection (iv):

By repealing clause (g) and substituting the following:

(g) "private interest", of a person, includes the following but does not include an excluded . . .

5:50

Ms Ganley: Ah. Right. Okay. What clause (g) does is that it says:

“private interest”, of a person, includes the following but does not include an excluded private interest.

Originally clause (g) was the thing – remember I said that the original definition was a list that excluded things. The original (g) was a list that excluded things. So just for attempted clarity in drafting, shall we say, when I put in a list of things that could be a private interest in order to try to make it read less confusingly once it's complete, I moved all of the things that were in the original clause (g), so the excluded things, to the definition of excluded private interests. Yes, we repealed that and replaced it with that sort of list of things that it could be. It moved to the definition, so the definition is (a.11).

Mr. Jeremy Nixon: I don't see an attempt, then, to deal with the concern that I would have, that we're going to continue to see members of this Legislature continue to use the Ethics Commissioner for continued trivial matters, and make sure that we're using her time effectively. Can you talk about how your changes will protect from the abuse of the Ethics Commissioner for political gains?

Ms Ganley: Sure. In section (a.11) – that's the excluded private interest – subsection (ii) is an interest that is trivial. What the definition is doing is that it's saying that those things are excluded, and it includes “an interest that is trivial.” That's still excluded. It continues to be excluded. As it was in the previous legislation, it is now.

Mr. Jeremy Nixon: Okay. Thanks.
I'll wait, I guess.

The Deputy Chair: Was that a supplemental you had there?

Mr. Jeremy Nixon: I've got a supplemental, real quick.

The Deputy Chair: Yeah. Go ahead.

Mr. Jeremy Nixon: Just in reference to the change of personal interest and then the inclusion of kind of the broadening of that as well as the removal of the concerns around remuneration of a broad member of the public. My example is that my brother is a teacher and my sister-in-law is a nurse. I've got a sister-in-law who is a paramedic. So now do I have to recuse myself in situations where we're legislating on things that will impact them and their employment?

Ms Ganley: No, because, again, in (a.11), an excluded private interest, it continues to include that in (i), “an interest of an individual that relates to publicly-traded . . .”

The Deputy Chair: Thank you, Ms Ganley.

It would appear that the allotted time has expired. With that, I'd like to thank once again Ms Ganley for her presentation today and members for participating in this robust question and answer.

At this time I will cede the chair back to Mr. Ellis. We'll proceed with the remainder of the meeting.

[Mr. Ellis in the chair]

The Chair: Well, thank you very much, Mr. Schow, and again thank you, Ms Ganley, for being here and answering the questions of the committee.

We'll next proceed to the technical briefing by the Ministry of Justice and Solicitor General. Hon. members, the committee will now receive a technical briefing on Bill 202 from the Ministry of Justice and Solicitor General. I'd like to invite Ms Corinne Carlson, a barrister and solicitor with the legal services division of Justice

and Solicitor General, to provide a five-minute presentation, and then I'll open the floor for up to 20 minutes of questions from the committee members.

Thank you very much, Ms Carlson. When you're ready, go ahead.

Ms Carlson: Thank you, and thank you for inviting us here to provide a short technical briefing on Bill 202. Firstly, note that my comments today relate to the technical changes in the bill and do not address any of the policy objectives of Bill 202.

Bill 202 amends the Conflicts of Interest Act. That act governs the ethical standards of Members of the Legislative Assembly. It also covers most staff working in the Premier's and ministers' offices and public agencies. As Member Ganley alluded to, the rules in the act are in place to help officials avoid conflict situations. The principle is that elected officials and their staff should be impartial and not make decisions or influence others in matters where they have a personal interest.

The act has three main conflicts rules in addition to many other rules. A member cannot make decisions, use influence, or use insider information – those are the three rules – to further a private interest.

Bill 202 makes various targeted amendments to the act in three main areas, all relating to Members of the Legislative Assembly and not the other categories of individuals subject to the rules. Firstly, it amends the definition of private interest, as Ms Ganley said. It expands the list of direct associates and revises the prohibition to participate in some decisions. Secondly, it allows the Ethics Commissioner to compel production of documents that are subject to legal or parliamentary privilege. Thirdly, it requires the Ethics Commissioner to report to the Provincial Court in some circumstances with related enforcement measures.

I'll just give a bit more detail on each of those. Private interest currently is defined in the negative in the act. The act says what it isn't and not what it is, so the bill, as Ms Ganley said, proposes a positive definition, as was recommended by the Ethics Commissioner. However, the definitions are different.

Bill 202 also expands the concept of who is considered to be directly associated to include relatives, which is a new definition, a leader of a political party, a principal officer of a constituency association, and others. That new list only applies for the purposes of section 2. Thus, it is unclear whether it would apply to, say, section 15, which requires a direct associate report. These changes mean that a member cannot take part in a decision that impacts their private interest or that of the newly expanded list of direct associates. In particular, it specifies that participating in a vote in the Assembly is a decision to which the act applies and that the member is considered to have known that a decision could further their own private interest or that of a direct associate if the decision could reasonably be expected to affect a proceeding, which is now defined, to which the member or direct associate is subject.

The second change allows the Ethics Commissioner to review privileged documents. Currently privileged documents do not have to be disclosed. They can be disclosed but with the consent of the owner of the privilege. It's the owner's decision. Privilege is a long-standing basic tenet of our justice system. It protects communications between a professional legal adviser and their clients. It helps ensure fairness and due process. Parliamentary privilege, which is also covered, refers to the rights and immunities that belong to the Legislative Assembly and its members. It's recognized as a constitutional privilege, so the committee may wish to consider any constitutional issues relating to the proposed restrictions on parliamentary privilege in the bill.

Without more, disclosing privileged documents to the Ethics Commissioner could mean that privilege has been lost in other

circumstances. However, there is a provision in the bill that tries to preserve privileges for these other purposes but needs careful review. To reiterate, members still have the right to consult with legal counsel, but those communications would no longer be confidential for the purposes of investigation by the Ethics Commissioner.

The final category of changes relates to who gets the Ethics Commissioner's report after she's done her investigation. Right now it goes to the Speaker of the Assembly. The bill requires the commissioner to provide her report to the Provincial Court in certain circumstances in addition to the Speaker, mainly if the report finds a breach of section 2 and if there's a penalty recommended. Then the penalty and related findings that are filed are treated as an order of the Provincial Court and can be enforced under the Provincial Offences Procedure Act, but an appeal to the Queen's Bench is allowed. Again, parliamentary privilege arises here, and the committee may wish to consider if there are any issues if you haven't already done so.

That's just a quick summary overview of Bill 202 from a technical perspective. We're happy to take any questions.

The Chair: Okay. Great. Thank you very much for that presentation.

As with convention – this is an opposition member bill – we'll start with the government side. Well, actually, Mr. Nixon got my attention first. Go ahead, sir.

Mr. Jeremy Nixon: Perfect. So just hitting on the stuff on privilege, the addition of 25.1, where it's talking about the definition, and again in section 5, where it says that it "does not constitute a waiver of . . . legal privilege." Of course, then, as you mentioned earlier, I'd like to understand how this interacts or if this is a conflict in regard to the bullet under section 2(a)(iii)(b.2), where it talks about – oh, and what is referred to in section 4 of the bill, referring to section 25's definition of legal privilege in regard to documentation. It seems like we're trying to say that our privilege is protected, but earlier in the bill it's clearly stating that it's in jeopardy.

Ms Carlson: Yeah. The bill does say that the Ethics Commissioner can review those documents, so the person who owns the privilege, the client, doesn't have any say in that. If the Ethics Commissioner demands them, the Ethics Commissioner gets them. But the bill also tries to preserve that privilege for other purposes, so if the person was involved in a lawsuit, for example, 25.1 attempts to protect that privilege for those other purposes.

6:00

Mr. Jeremy Nixon: So the Ethics Commissioner would have access to that, but if I were to go to court or something else, that wouldn't be able to be used against me in any other setting?

Ms Carlson: That's what it looks like it's trying to do. I would encourage careful review of that provision to ensure that it does do that.

The Chair: Thank you.

The Official Opposition. Ms Pancholi, go ahead.

Ms Pancholi: Thank you. Ms Carlson, I appreciate you being here today. I just had a couple of questions about the Conflicts of Interest Act. Forgive me; it's not necessarily limited strictly to the technicalities of this bill. But, you know, given your position, you are likely aware that the Conflicts of Interest Act has come up within Alberta rulings before, and that's something that's been the

subject of court decisions in the past about the Conflicts of Interest Act. One of the things is that conflict of interest is not just limited to what's simply in legislation. Sometimes there's common law which establishes what conflict of interest may be, and that applies in different contexts. To some extent, would you say that this bill is reflecting recommendations from the Ethics Commissioner but also reflecting recommendations or decisions that have come out of the Alberta jurisdiction on the Conflicts of Interest Act?

Ms Carlson: I can speak to the Ethics Commissioner's recommendations because I have the report, and the standing committee, of course, of the previous Legislature reviewed the Conflicts of Interest Act and looked at the Ethics Commissioner's recommendations, and there were a couple of Ethics Commissioner recommendations that are covered in the bill.

The one about private interest: the Ethics Commissioner recommended that the definition of private interest include the positive as well as the negative. Then she gave a proposed definition which is a bit different from that in the bill. The Ethics Commissioner also recommended that the Conflicts of Interest Act expand those whose private interests should not be furthered to include siblings, parents, parents-in-law, other relatives as well as friends. That was the subject of an Ethics Commissioner recommendation. I can't speak to the jurisprudence.

Ms Pancholi: Similarly, if I may, with respect to the issue of privilege – right? – that was actually one of the recommendations that came forward with respect to the Ethics Commissioner's report. As Ms Ganley presented, it wasn't necessarily that that was specific to the circumstances which Bill 202 is intended to address but, really, was a long-standing recommendation with that. Would you agree with that?

Ms Carlson: Yes. I would agree that the Ethics Commissioner recommended that she be allowed to see privileged documents although I'm not here to talk about policy. I would note that Justice and Solicitor General, during the review of the standing committee, raised concerns about that.

The Chair: Thank you very much.

Mr. Sigurdson, go ahead, sir.

Mr. Sigurdson: Thank you, Chair. The first question, I guess. When this bill was kind of being put to us here, when I hear terms like "flexibility of definition," I guess it kind of concerns me.

I just want to focus on – it says under subsection (v): "by adding the following immediately after clause (i)." In subsection (i.02) it talks about a "relative." I'm just wondering if you can help me kind of frame this, how far this goes. It says:

(i.02) "relative", of a Member, means an individual who is related to the Member by means of birth, adoption, marriage, common-law partnership or affinity to the Member.

I guess that when you put that to your legal opinion, how far does this go? If I was to say to you – and I've got a big family. I grew up here, you know, born and raised in Alberta. If I was to say to you "a third cousin," is that a relative?

Ms Carlson: I'm not going to provide an opinion on that, but what I can say is that this definition looks very similar to the federal definition. The federal Conflict of Interest Act talks about relatives, friends – I'm just trying to find it here. I don't have the exact definition federally, but it is quite similar, I would say, to the federal definition of people who are covered.

Mr. Sigurdson: It's similar, but it's a very broad statement. I guess that is what I'm trying to get at. Would you agree that it's extremely broad?

Ms Carlson: Well, I agree that it's broad. Whether that's good or bad, I'm not going to talk about.

Mr. Sigurdson: I guess, just as a follow-up to that – of course, coming back to section 2, it says:

- (iv) by repealing clause (g) and substituting the following:
 - (g) "private interest", of a person, includes the following but does not include an excluded private interest of the person.

Does that mean the original subsection (g) in its entirety, (g)(i), (A), (B), and (C), on general application and all that, is now completely removed and replaced with this? That's correct?

Ms Carlson: Yes. Subsection (g) is completely removed and replaced, but there is a new definition of excluded private interest that houses a lot of that stuff that was in the previous subsection (g). If you look page 1 of Bill 202 – it's at the very beginning – subsection (a.11) talks about excluded private interest. That's really the old subsection (g). It's very similar.

Mr. Sigurdson: Similar, but it has removed some of the other – yeah. Gotcha. Okay.

Thank you.

The Chair: Thank you very much.

We'll go back to the Official Opposition. Mr. Nielsen, go ahead, sir.

Mr. Nielsen: Thank you, Mr. Chair. I appreciate the briefing from the Justice side.

I guess, for the moment, excluding what we know of Bill 202, with just the legislation that currently exists, if, for instance, the Auditor General was to undertake an investigation – I don't know – of Executive Council, would it be, right now, that the power of a government with a substantial majority could introduce and pass legislation to limit the powers of that office, and could they maybe even do that through either a change of mandate or maybe even a reduction in the budget?

Ms Carlson: That would be for the Ethics Commissioner to determine. She is the person who administers investigations under the bill.

Mr. Nielsen: I wasn't sure, but I wanted to ask anyway.

No follow-up, Mr. Chair.

The Chair: Okay. Thank you very much.

We'll now go back to the government members. Are there any further questions? No?

Mr. Neudorf: Not at this time.

The Chair: Okay. Well, thank you very much.

Hon. members, I would certainly like to thank Ms Carlson for joining us here this evening. Thank you very much for your attendance and your presentation.

Hon. members, we'll now continue to the decisions on the review of Bill 202. The committee must now decide on the next steps in its review of Bill 202. What are members' thoughts on the issue? Would members wish to hear from stakeholders, or would members wish to expedite this review?

I guess we'll start from the government members' side. Mr. Neudorf, would you like to go first?

Mr. Neudorf: Thank you. Thank you, everybody, for presenting today. I appreciate the thoughts. I've taken some considerable time to review particularly the item that was last brought up, in terms of legal privilege.

Is this the time, Chair, to make those comments in terms of what we're talking about?

The Chair: This is a discussion, so, yes, you can.

Mr. Neudorf: Thank you. Hearing the concerns of the last presenter, particularly about legal privilege, starting on the second page of the bill, legal privilege

means solicitor-client privilege, litigation privilege, parliamentary privilege or any other type of legal privilege, including a privilege of the law of evidence.

I did review a number of those issues under the housing of parliamentary privilege, which is legal immunity enjoyed by members of certain Legislatures in which legislators are granted protection against civil or criminal liability for actions done or statements made in the course of their legislative duties.

Then jumping to page 5, point 4, where it talks a little bit about section 25 being amended by striking out "any documents or other things" and substituting "any documents or other things, including documents or things that are subject to a legal privilege," reading that in the context of the existing bill, granting the Ethics Commissioner the power to "compel persons to produce any documents or other things," including documents or things that are subject to legal privilege, I think this is a massive legal granting of powers to the Ethics Commissioner.

I think it's an incredible legislative overreach when I read through what those things mean. "Solicitor-client privilege . . . is a principle of fundamental justice and a civil right of supreme importance in Canadian law": *Lavallee, Rackel & Heintz v. Canada, 2002*. Another statement there: it "must remain as close to absolute as possible to retain its relevance." *R. versus McClure, 2001*: the distinction between the solicitor-client privilege and the litigation privilege does not preclude their potential overlap in any litigation context. Anything in a litigation file that falls within the solicitor-client privilege will remain clearly and forever privileged.

6:10

This just goes on and on about the incredible privilege that we would be giving up in terms of this debate. In terms of calling stakeholders, we are the stakeholders, as was presented by counsel. We're around this room. We're the key stakeholders. We're defending our rights as elected Members of the Legislative Assembly. I don't know who else we would call. I know Ms Ganley even suggested calling a previous Member of the Legislative Assembly, Brian Jean, and the current Premier. In my understanding, the Premier has appointed us to be on this committee, so I think that the stakeholders are already represented in this time and place.

The Chair: Okay. Thank you for your comments.

We'll move to the Official Opposition. Mr. Nielsen, go ahead, sir.

Mr. Nielsen: Well, thank you, Mr. Chair. Hopefully, I can be somewhat nice about this. When I listened to Mr. Neudorf's comments about overreach, I couldn't help but start to think about the recent Bill 10, that just came through, where we have allowed a minister, who, in their opinion, believes that they are acting in the

best interests of Albertans, to be able to create a law, amend a law, or delete a law, basically in their opinion.

One of the things that I certainly heard over the course of time – and I've had the honour to serve in both the 29th Legislature and now this 30th – was how the Ethics Commissioner felt blockaded, when trying to do effective investigations, simply because she could not, for instance, get hold of relevant paperwork and could not compel that; she could ask and cross fingers and hope that maybe that paperwork would come through. I don't think that the Ethics Commissioner would make a recommendation that would compromise an MLA just for the sake of compromising them.

I want to be a little bit cautious here when we're talking about overreach in terms of what we've kind of seen in some of the legislation that's come forward and what we're talking about here right now. In terms of the stakeholder list: I mean, it always remains within each of our caucuses to decide who or who not we would like to invite, Mr. Chair.

The Chair: Thank you very much, sir.

Mr. Sigurdson, you're next up.

Mr. Sigurdson: Thank you. I'm going to do the same in trying to be not too overreaching on this. I hear things: flexibility of definition. The member opposite talked about a witch hunt. I think we've seen enough already in this 30th Legislature that when I look at things – this bill is so broad in what this is changing right now. I see changes that have “a benefit or interest of a type that if provided to the person could reasonably be expected to improperly further their personal interests.” I live in my constituency. There are things I'm advocating for that are, I guess, if you really broadly put it the way this is worded, in my personal interest because you've taken out things that said: “that is of general application” or “that affects an individual as one of a broad class of the public.”

Well, we live in the broad class of the public. We're the representatives of the people living in our area. We're supposed to be advocating to make things better there, which necessarily could in small ways benefit us. We don't have water in Okotoks. If I get water to Okotoks, it benefits me. Our costs of water go down. That is a benefit to myself as well because I'm a part of that broader class of the public.

What they've changed there now opens this up to exactly what you said it wouldn't: never-ending witch hunts. In opening this broadness, your flexibility of definition, which you classified it as, means that these frivolous claims, that you've already set the precedent for by doing so many already, are going to continue to happen. They're going to cost this government tons of money. The Ethics Commissioner is going to waste time, and I just don't see how this benefits anything. You have “relative” in here, another broad definition. Where does it end: third cousin, fourth cousin, fifth cousin? I guess it's so broad that you haven't classified it.

There's another one. We talk about legal privilege. To me, this entire bill is just ultimately a train wreck, and if anything it's for the purposes of building on your continued witch hunts. I'm sure that that is the intent of this bill in its entirety.

The Chair: Mr. Sigurdson, thank you.

We'll go now to Ms Pancholi.

Ms Pancholi: Thank you, Mr. Chair. I have to admit that I share a bit of frustration because I'm not sure how many times both Member Ganley as well as the representative from Alberta Justice providing the technical briefing actually indicated clearly that the concern that Mr. Sigurdson just raised is not the case, that the general exclusions are still present in the act. It was pointed out a number of times.

Conflict of interest, quite honestly, is a very challenging area of law, absolutely, but it is not unique to Members of the Legislative Assembly. There are principles of conflict law that apply that are very similar in many different contexts. For example, I'm very aware that within the Education Act and the School Act there are provisions that talk about conflict of interest with respect to school board trustees, and it's very similar with respect to having conflicts of interest not apply where there is a trivial or general or broad interest in the matter. I believe that that concern was clearly addressed by both Member Ganley and by the representative from the ministry. It is meant to exclude trivial conflicts. It's clearly still within Bill 202. It was not removed from the act.

Mr. Schow: Point of order, Mr. Chair.

Ms Pancholi: It was moved around into another section.

The Chair: Just a second, Ms Pancholi.

A point of order has been called. Mr. Schow.

Mr. Schow: Thank you, Mr. Chair. I call a point of order under Standing Order 23(b)(i), speaks to matters other than the question under discussion. Now, I recognize that we will get to the point of discussing the merits of this bill and whether we believe it's supposed to proceed to the Legislature. At this moment we're discussing whether or not we go towards an expedited procedure or we bring in stakeholders. I have not heard anything yet from Member Pancholi on whether or not we're going to bring in stakeholders and whether she supports that. I would ask that either she conclude her remarks and save them for the next portion or she get to that point.

Ms Pancholi: May I respond to the point of order?

The Chair: You can, absolutely.

Ms Pancholi: Thank you, Mr. Chair. I believe I'm responding to the concern that the member was outlining. He didn't expressly indicate whether or not he was looking for stakeholders. He did not address that himself within his comments. He was simply stating his concerns with respect to Bill 202 and didn't express an opinion on the very issue that Mr. Schow is now seeking a decision on. I think it's part of the fulsome discussions that we have within these committees about that. I can only conclude that Mr. Sigurdson's view of whether or not this should proceed was based on his concerns around the bill itself, and I'm simply pointing out that the concerns which he has outlined have been addressed by the representatives who have provided information about the bill today.

The Chair: Thank you, Ms Pancholi.

I actually am prepared to rule on this. Mr. Schow jumped the gun slightly. I was going to wait for the conclusion of your comments, Ms Pancholi, but for both sides, really, we need to tie this together as we move forward. The decision really becomes whether we're going to hear from stakeholders or we're not going to hear from stakeholders and we're going to expedite. I appreciate the passion on both sides. I appreciate the comments and the response. In fact, I appreciate and encourage robust debate, but I will ask that we all tie in our comments that are going to help us move forward with this conversation to decide whether we're going to have stakeholders or not. Okay?

Thank you very much, Ms Pancholi.

We will now go with Ms Glasgo.

Ms Pancholi: I'm sorry. I didn't get a chance to finish my comments and actually speak to that matter.

The Chair: Oh. I'm sorry. Okay. Well, make sure that you're tying it in, okay? All right.

Ms Pancholi: Yes. Absolutely.

The Chair: Thank you.

6:20

Ms Pancholi: Thank you, Mr. Chair. I'm pleased to speak to this issue. That's what I thought I was doing.

I wanted to bring up the context of other situations and other conflicts of interest, where elected officials might have those, to raise the fact that I think we need to have some discussion about conflict of interest generally. I note that Member Ganley in her presentation indicated that she has somebody with expertise in this area, legal expertise, who can speak to perhaps why what's in this bill is not simply isolated and may be consistent with what's going on in other areas where elected officials may have conflicts of interest.

I think that conversation is important because conflict of interest is a general area of law that is not unique to just the members of this Assembly. Actually, there are principles that apply both within codified law and also within common law and apply across elected officials, and I think it would be very helpful to our conversation to hear from somebody who has that broader expertise about general principles of conflict of interest law across jurisdictions. I think that's a very good reason why we should have stakeholders present to this committee.

The Chair: Thank you.

Ms Glasgow.

Ms Glasgow: Thank you, Mr. Chair. I would just like to start off by saying that – and I'm just going to come out and say it – I don't think we need stakeholders on this bill precisely for the reasons that Member Sigurdson said. This bill is a hot mess. It's a train wreck. This bill is way too broad, and as a result will impugn relatives and associates of members.

I know that when I was being asked to run, Mr. Chair, there was a large discussion around why women don't run for politics and why women don't get involved in politics, and a lot of the reason is because of the actions and the blood-sport nature of this. I would suggest and I would encourage that the members opposite really listen to this because we want to get more women involved. We want to get more people involved in politics, but the problem is that if you have these spurious allegations and absolutely ridiculous claims and a witch hunt constantly happening, you're going to discourage people from running for public office. I don't think that that is the member's intention, but I do think that that will be a consequence. We talk about unintended consequences frequently in the Legislature, and I would just like to put that out there.

Also, the entire premise of this bill, Mr. Chair: it is intended to debate matters that are already decided by the Assembly. You see the members opposite constantly referencing things like Bill 22, Bill 10. They want to play political theatre. They have no intention – there's no intention in this bill to proactively do anything like that. We've already decided these matters in the Assembly. Bill 22 is already decided. Bill 10 is already decided.

There's no need to hear from stakeholders on this.

The Chair: Okay. I'm going to ask the opposition if they have any further comments, but really from both sides here I'm kind of getting a sense of a general direction. I'll allow the Official Opposition to make a few comments, but again I want you to tie it

to an argument as to why you believe we need to hear from stakeholders.

Mr. Nielsen.

Mr. Nielsen: Thank you, Mr. Chair. I think what I'm hearing is that we have unanswered questions. It would be prudent of the committee to bring in stakeholders to add additional comments, potentially ask those questions. I mean, the worst that happens is that we remain in the same spaces that we're already in, but at least we can say we brought in stakeholders.

I can't help but, I guess, point out, Mr. Chair, that during the course of this committee I have seen us very willingly want to listen to stakeholders that have been brought in by the government-side members, and we have not once had agreement to hear from stakeholders that the opposition members have wanted to bring in. I think that at the very least we can do our due diligence, hear from the stakeholders, and if we're in the same spaces afterwards, no harm, no foul.

The Chair: Anybody else on the government members side?

Mr. Schow: I'd like to.

The Chair: Sure. Mr. Schow.

Mr. Schow: I'd like to say two things. One, we have had consensus on bringing stakeholders before in this committee, so Mr. Nielsen is incorrect in that assertion. I'd ask him to check his facts. Bill 207 is a great example.

The other point that I'd make here is that Mr. Nielsen is right. Every time somebody speaks about this bill, it does ask more questions than it answers, and that tells me one thing. Very simply, this bill is not even nearly ready to proceed to the Legislature, and I think stakeholders would bring even more confusion. So I'm against bringing in stakeholders for presenting.

The Chair: Okay. I'm sensing division, but I think that we've exhausted this quite a bit. I think both sides have been able to make points, we'll say, very good points in regard to this.

I'm getting a sense from the government members side that they are not interested in hearing further from stakeholders. I'm getting the sense that the opposition side is interested in hearing from stakeholders.

Ms Pancholi, you can make a comment.

Ms Pancholi: Yes. I'd like to actually move a motion that we invite stakeholders. I'd like to move that motion if I may.

The Chair: Okay. You can move that motion.

The clerk is opening up debate on stakeholders, which I thought was what we just did. Maybe I'll get the clerk to put up the motion to invite stakeholders, and then we will vote. Let me get the wording for you, Ms Pancholi.

Okay. I'll just read this here. Ms Pancholi would be moving that the Standing Committee on Private Bills and Private Members' Public Bills invite a maximum of six stakeholders, with three stakeholders chosen by each of the government and Official Opposition caucuses, to present to the committee on Bill 202, Conflicts of Interest (Protecting the Rule of Law) Amendment Act, 2020, on Thursday, June 4, 2020, at 5 p.m. – I hope that time works for you – or at a time to be determined by the committee. What does counsel seem to think?

Ms Pancholi, it's your motion. Is there a different time that you would like?

Ms Pancholi: That would be by tomorrow at noon?

The Chair: Or to expedite it? Okay.

Ms Pancholi: I think we are prepared to be fine with that date and time.

The Chair: Okay. All right. Just for clarification's sake, I'll just read it one more time.

Ms Pancholi to move that

the Standing Committee on Private Bills and Private Members' Public Bills invite a maximum of six stakeholders, with three stakeholders chosen by each of the government and Official Opposition caucuses, to present to the committee on Bill 202, Conflicts of Interest (Protecting the Rule of Law) Amendment Act, 2020, on Thursday, June 4, 2020, at 5 p.m. and request that the caucuses submit their lists of stakeholders to the chair by noon on Friday, May 29, 2020.

Ms Pancholi, are you in agreement with what I just read?

Ms Pancholi: Yes. I don't know that we have – I was agreeing to the idea of submitting our stakeholders by tomorrow at noon. I'm not certain about the date of Thursday, June 4, at 5 p.m. I don't know if we need to have a discussion around the table about the date. We tend to not pick the dates just like that, right? We tend to actually have some discussion.

The Chair: Well, usually there's a recommendation from the clerk's office.

Ms Pancholi: Usually with some options as well, right?

The Chair: Yeah. [interjection] Good point that the clerk made. At this time there are very few options because we really want to get it back to the Assembly as soon as we possibly can.

Ms Pancholi: If there are no objections, then okay. That's fine. Yeah.

The Chair: All right. So as read, I will ask the question. All those in favour, say aye. All those opposed, say no. On the phone or via Skype?

That vote has been defeated.

A recorded vote has been requested. I'll read the procedure regarding recorded votes.

I remind committee members that the Standing Orders now permit members to abstain from voting. Therefore, during a recorded vote, I will ask members in the room who are in favour of a motion to raise their hands, and then I will state for the record the names of all those in favour. Then I will ask those on Skype who are in favour to state their names. After recording the names of all those in favour, I will then ask those in the room who are against the motion to raise their hands, and I will state their names for the record before going again to those on Skype. In accordance with the Standing Orders, the minutes of the meeting will show the names of those who are for a motion and those who are against, but not the names of those who have abstained.

6:30

That being said, I would ask those who are all in favour of the said motion to put your hand up – okay? – and then I will read your names for the record. All those in favour of the motion as presented by Ms Pancholi: Mr. Nielsen from Edmonton-Decore, Member Sigurdson from Edmonton-Riverview, Member Pancholi from Edmonton-Whitemud, and Member Irwin from Edmonton-Highlands-Norwood. Thank you.

Now I'll ask all those opposed to the motion as presented by Ms Pancholi to raise their hands, please: Mr. Schow from Cardston-Siksika, Mr. Neudorf from Lethbridge-East, Mr. Sigurdson from

Highwood, Ms Glasgo from Brooks-Medicine Hat, and Mr. Nixon from Calgary-Klein. Thank you very much.

Mr. Clerk.

Mr. Kulicki: And on the phone.

The Chair: Oh. Pardon me. On the phone? Mr. Horner from Drumheller-Stettler, do you vote on this? You're a no?

Mr. Horner: No. I mean, I vote against the motion.

The Chair: Yes, sir. I can't see you. But you vote against. Okay. Thank you very much.

Mr. Clerk, can I have the numbers, please?

Mr. Kulicki: Sure, Mr. Chair. I have six against and four in favour.

The Chair: Six against and four in favour. Thank you very much. That motion is defeated.

All right. We'll now continue and proceed to the deliberations on Bill 202. I think we've had some robust beginnings to that. The committee will now begin its deliberations on Bill 202 at this time. The committee must consider its observations, opinions, or recommendations with respect to Bill 202, including whether or not the bill should proceed. The committee's process allows for up to 60 minutes of deliberations on the bill although members may extend this time limit if there is consensus that additional time is necessary.

I would note that this meeting is scheduled to end at 7 p.m., which is in less than half an hour. If the committee is unable to finish its deliberations by then, the committee may continue its deliberations at a subsequent meeting although, with the consensus of the committee, we could continue tonight past 7 p.m. if necessary.

I'll now open the floor to discussion on the committee's recommendations. Mr. Schow, I'll start with you.

Mr. Schow: Thank you, Mr. Chair. I'm glad to speak on this, and unlike some of my colleagues who have an interest in being nice, I have no interest in that. If you want to be nice or want a friend, go buy a goldfish.

Ms Ganley was Justice minister under the NDP for four years. While minister she was responsible over this very act and had the opportunity to amend it. She didn't bring forward any amendments in those four years. Only now, after losing government, she's trying to, and her efforts are completely insincere and partisan.

The NDP has a troubling pattern of casting aspersions through frivolous complaints, and, you know, money and time has been spent refuting these frivolous claims. So after they've been roundly dismissed, I think the NDP is looking to change the rules to look for more opportunities for frivolous complaints.

The reality is here. The issue that I take greatest concern with in this bill is the idea of privilege. It's a fundamental principle of the law. It's protected under the Supreme Court, and it ensures that lawyers are able to adequately represent their clients with all relevant information. This would completely shatter that under my legal system. With that in mind, it is my opinion that this bill is an affront to the legal community, and anyone who's a lawyer, of which there are two in the room, should be ashamed of that.

To the point that one of the members from the opposite side made, that conflicts of interest are complex, I think that this bill opens it up to greater interpretation and more confusion, and voting in favour or even letting this bill go to the Legislature for more debate would just be ridiculous. I'm shocked we're even having this conversation. So to the lawyers in the room I would like to say: shame on you. I, frankly, say that I cannot support this bill going to the Legislature.

The Chair: Okay. Thank you.

All right. Ms Pancholi, go ahead.

Ms Pancholi: Thank you, Mr. Chair. I'm pleased to respond. With respect to Mr. Schow's comment that Member Ganley did not bring forward these amendments while she was the Justice minister, that's plainly obvious, because while she was Justice minister the Election Commissioner wasn't fired by the Premier, who was being investigated by the Election Commissioner. I don't actually think that Member Ganley was at all trying to hide it. She was very clear on what precipitated the specific provisions of Bill 202. She acknowledged that there are general changes that are required to the Conflicts of Interest Act, but really what precipitated the need for the bill as it's currently drafted is because Albertans were, justifiably, absolutely shocked just a few months ago, when the Premier fired the individual who was investigating him.

Ms Glasgow: Point of order.

The Chair: Okay. Point of order. Ms Glasgow, under what section?

Ms Glasgow: Section 23. We are looking at (f), "debates any previous vote of the Assembly unless it is that Member's intention to move that it be rescinded." It's very clear that the member keeps referring to Bill 22 and, quote, firing the Election Commissioner. This matter has already been decided, Mr. Chair, and if the member can't come up with a more reasonable explanation as to why this bill should be passed other than a previous decision of the Assembly, it is very clear that this is a point of order.

The Chair: Ms Pancholi, go ahead.

Ms Pancholi: Thank you, Mr. Chair. Once again, I am simply responding to the comments from the member before me, who asked the question as to why this legislation was not brought up while Member Ganley was the Justice minister. I'm indicating that the reason was that the incidents that required such legislation emerged after the NDP and the member was Justice minister. It occurred just a few months ago, and that was certainly the context. Again, I was simply responding to the statement that was made by the member before me.

The Chair: Thank you.

I am prepared to rule on this. I don't believe it to be a point of order. This is certainly within the parameters. Ms Pancholi is not asking for the bill to be rescinded. She is just responding to the debate and the question at hand. It is a matter of debate. I don't believe it to be a point of order.

Ms Pancholi, you can continue, please.

Ms Pancholi: Thank you, Mr. Chair. With respect to the timing, that is why this was brought up now. I think it is responsive, as private members' bills should be, to either the demands of constituents or the concerns of constituents or Albertans, and it's meant to address that need. That's why it was brought up by the member right now.

I'd also like to say, as I mentioned in my previous comments, that it is very clear that conflict-of-interest law is complex, which is why we have officials and the Ethics Commissioner, who has expertise in that area. I certainly do not think that the fact that certain members in this committee aren't able to comprehend conflict-of-interest law or don't know all the ins and outs of it is reason to say that this committee should not recommend that this bill go forward to the House for debate. We are often put in a position as members of this Assembly to address very complex areas of law. That is our

role. It is not necessarily our responsibility to be the absolute experts in those areas, and that's why we should have a fulsome debate and discussion about that.

If anything, the comments today make it clear that this is a complex area, but it is worthy of that debate in the House. That's where it needs to happen. Simply because the government members of the committee don't understand it and, I have to say, in some cases seem to deliberately misunderstand what was being presented today in order to characterize the bill in a way that it was clearly not done, it simply speaks to the fact that they are not looking to have a fulsome discussion.

We come back to: we are a committee. We are not the full Assembly who are here to debate every merit of the bill. We are here to determine whether or not there is an issue here in the bill that is worthy of discussion to go forward to the House. Clearly, there is that. All of the members in this committee and certainly all of the members of the Assembly would have received numerous amounts of correspondence from Albertans on what happened with Bill 22. I'm not here to re-debate it, but that issue triggered a significant amount of correspondence, I know, to my office, to, I know, the government members' offices. It is a pressing issue that Albertans care about, and it is not the job of this committee, the individuals here, to make a decision for the entire Assembly about the merits of the bill. It is the responsibility of this committee to determine whether or not there is enough here to go forward. Clearly, there is an issue, and clearly there is something that needs to be debated in the Legislative Assembly.

6:40

I believe that to shut it down now is to do precisely what this bill is intending to prevent, which is to continue to suppress Albertans' voice on this issue and to continue to hide in the shadows what Albertans need to know about. So it is my recommendation – and I would like to move a motion – that this proceed to the House for consideration.

The Chair: Yeah. According to the subcommittee we have an hour to deliberate.

Ms Pancholi: We can continue to debate. Typically, I would say, a motion would be introduced, and then we could have the debate.

The Chair: Okay.

Ms Pancholi: I'm introducing the motion. The debate can absolutely continue. I'm certainly not intending to end the debate on this.

The Chair: Okay. So you would like to move a motion. We'll proceed and let the clerk bring it up. Okay. Great. Thank you very much, Mr. Clerk.

It would be: Member Pancholi would move that the Standing Committee on Private Bills and Private Members' Public Bills recommend that Bill 202, the Conflicts of Interest (Protecting the Rule of Law) Amendment Act, 2020, proceed.

All those in favour, say aye. Oh. Sorry. Apologies. Is there any further discussion on this particular motion? I see lots of hands going up. Hang on a sec.

Mr. Schow: It's the government side now.

The Chair: Yeah.

Ms Glasgow, you're the first one there.

Ms Glasgow: Thank you, Mr. Chair. Just to the point of this motion specifically, I think we've spoken ad nauseam here that we don't

think this needs to go to the Chamber, but, I mean, the purpose of this committee – we've discussed that as well – is to ensure that we either recommend or do not recommend that this move forward. Of course, once it gets to the House, there is a further debate on that specific issue, so the House will ultimately decide. If this is, you know, the unicorn, magical bill that the opposition likes to think it is, then it should pass with flying colours. However, if it is not and it is seen to be, from our perspective, a train wreck, that will not happen. I'm not going to prejudge the will of the House, but I think there are some pretty glaring issues with it.

And just to respond, since we're doing that, to the comments by previous members, I wouldn't want to say – you know, I have a mere undergraduate degree. I'm not a lawyer, but I can say that I wouldn't be commenting on the comprehension or the ability of the comprehension of a member opposite. I think, quite frankly, that that was unbecoming of a Member of the Legislative Assembly, Mr. Chair.

Further to that effect, I think that we all have equal value here. We're all elected as MLAs. We all have brought something to the table, including the willingness to represent our constituents, and whether or not a member thinks that I have the ability or that my colleagues have the ability to comprehend something – I think that in the previous Legislature somebody was accused of mansplaining. Of course, I can't say that about the member opposite. I just would encourage a more civil attitude and maybe an attitude more of respect. Just because we don't have a master's degree or a law degree doesn't mean we are any less equipped to represent our constituents.

But back to this, I would say that, you know, like I said, the entire premise of this bill is flawed. It's based on debating matters of the Assembly that have already been decided. I would assume that if we do choose to move this to the Assembly or choose not to move it to the Assembly, the members of the House will have adequate time to decide if we made the correct recommendation or not, and they will either accept that or vote that down.

Mr. Chair, I will be voting against this motion.

The Chair: Thank you.

Mr. Nielsen, I saw your hand go up. Go ahead, sir.

Mr. Nielsen: Thank you, Mr. Chair. I guess I would point out that this bill is a response to recommendations from the Ethics Commissioner. I think that to characterize those recommendations, which is what brought forward this bill by MLA Ganley, as a train wreck is a little disrespectful towards the Ethics Commissioner. I think she wouldn't make these recommendations frivolously. This is to ensure that she has the ability to perform her job to the best of her ability and her office's ability.

I must say, you know, on the comment around being respectful: you might want to have a chat later on with your deputy chair. I will leave it at that.

I would suggest that we vote in favour of this motion to send this back to the Assembly, allow it to debate it in its entirety, where, you know, things like Committee of the Whole are a great opportunity to strengthen it, make it stronger, and allow the Ethics Commissioner to do her job the best that she's able to do.

The Chair: Thank you, Mr. Nielsen.

Mr. Sigurdson, go ahead, please.

Mr. Sigurdson: Thank you, Chair. I think it's probably obvious that I'm going to be voting no to the motion. I mean, there are a lot of very, very problematic parts to this bill. It's made it so broad that it opens up more and more witch hunts that are going to continue to waste more and more time and money of the government. It has

made everything in this bill so incredibly vague and even added things in that don't even set any boundaries to it.

You know, I don't see how we can put anything or even recommend this to go back in the state it is in. It's not ready. I'll agree that conflict-of-interest things are complex. Apparently, they are so complex that when you try to change them in this manner, from what I'm seeing here, they fail miserably.

With that, I mean, I don't even know where to start. I think I still am with my original statement about a train wreck and that this has just been put out there to continue the witch hunt, so I'll be voting no.

The Chair: All right, Mr. Sigurdson. Thank you.

All right. I'll go back to the Official Opposition. No? Okay.

I know Mr. Horner was on via Skype. If you'd like to go ahead, sir. We can't see you, but I think we can hear you.

Mr. Horner: Yes. Hello. Apologies, to colleagues on both sides, that I'm not there in person. I've listened pretty intently. I guess I'd just like to comment on my dealings with the Ethics Commissioner as a new MLA coming from private life. I honestly do not feel that there is much beyond privilege that the Ethics Commissioner does not already know about me. I've made multiple trips to Edmonton because my name got grouped in with everyone's, I guess, by no fault of my own, and have had to sit and listen as these supposed tangible complaints have been made. I think it's a conflict of interest to be pursuing recommendations from the Ethics Commissioner to increase the scope and role of that position. I think that for someone to take on this role as MLA and to put everything that they own and are associated with in private life on the table is quite an ask of most of us, and I know that there are very few secrets between myself and the Ethics Commissioner.

I would echo the comments that this is far too flexible or broad, that I'm here to advocate for my constituents, who come from a very rural place. A lot of our interests align. I come from a very big family. I have no idea what my third cousin twice removed is involved in. I'm here to, overall, you know, benefit the interests of all Albertans. I think this bill should have "witch hunt" somewhere in its title, to be honest, and I will definitely be voting no.

That's all.

The Chair: Okay. Thank you, sir. We were able to see.

All right. I'll go back to the Official Opposition?

Okay. I think we have one more comment, the last comment. Mr. Neudorf.

Mr. Neudorf: Thank you. I just want to address that this bill was brought forward to address Bill 22, which was amended to make sure that those investigations carried forward on to the Chief Electoral Officer's desk and to make sure that that happened. It was the Election Commissioner that was let go from that position, not the Ethics Commissioner or anything like that. The solution is definitely not to grant exceptional powers to the Ethics Commissioner in compensation for a job that is still being undertaken by the Chief Electoral Officer, who is more than competent to do that job.

6:50

Even the legal counsel that we received tonight said that there are significant constitutional implications with this bill, which is my major point of contention. I'll read from Parliamentary Privilege from the House of Commons.

The privileges enjoyed by the House and its members continue to be vital to the proper functioning of Parliament. The privileges enjoyed by the House and its members are part of the Constitution

and, therefore, are of the utmost importance; they are in fact vital to the proper functioning of Parliament. This is as true now as it was centuries ago when the English House of Commons first sought to secure these privileges and rights.

And I will not be taking part in trying to remove those rights and privileges from members of this Legislature or any Legislature moving forward.

Thank you, Mr. Chair.

The Chair: Okay. Thank you.

Are there any other comments? All right. I'll get the clerk to put that motion back up there. We'll get to the vote. Ms Pancholi would move that

the Standing Committee on Private Bills and Private Members' Public Bills recommend that Bill 202, Conflicts of Interest (Protecting the Rule of Law) Amendment Act, 2020, proceed.

All those in favour, say aye. All those opposed, say no. On video conference? Thank you.

Mr. Nielsen: A recorded vote.

The Chair: A recorded vote. I've already read the procedures into the record. I would ask all those voting in favour of Ms Pancholi's motion if they could just raise their hands, and I'll record them in the record. Thank you. Mr. Nielsen, Ms Sigurdson, Ms Pancholi, Ms Irwin. Okay. That's everyone. Thank you very much. Those opposed, if you could just raise your hand, please. Thank you. We have Mr. Schow, Mr. Neudorf, Mr. Sigurdson, Ms Glasgo, and Mr. Jeremy Nixon. On the phone, Mr. Horner, just for confirmation, are you voting no on this or abstaining?

Mr. Horner: Opposed.

The Chair: Opposed. All right. Thank you very much. Mr. Clerk, officially?

Mr. Kulicki: Mr. Chair, four in favour, six against.

The Chair: Thank you very much. That motion is defeated.

Hon. members, with the committee having finished the deliberations – it looks like we've voted on this – the committee should now consider directing research services to prepare a draft report, including the committee's recommendations. Would a member wish to move a motion to direct research services to prepare the committee's draft report? Ms Glasgo. So Ms Glasgo would be moving that.

Just for clarification, according to Parliamentary Counsel and the clerk's office, because that motion was defeated, we're not going to be continuing on with any further debate, which is, hence, why we are getting into the draft motion component. So just for clarity's sake.

Ms Glasgo had indicated that she would like to move a motion that

the Standing Committee on Private Bills and Private Members' Public Bills direct research services to prepare a draft report on the committee's review of Bill 202, Conflicts of Interest (Protecting the Rule of Law) Amendment Act, 2020, in accordance with the committee's recommendations and authorize the chair to approve the committee's final report to the Assembly on or before noon on Monday, June 1, 2020.

Mr. Nielsen: Sorry, Mr. Chair. I just have a question.

The Chair: Yeah. Mr. Nielsen.

Mr. Nielsen: The date on which a minority report would need to be submitted to be included in that report?

The Chair: Absolutely, sir. I'll just defer to the clerk.

Mr. Kulicki: Noon on Monday.

The Chair: Thank you very much. Just for the record that was for the submission of a minority report.

I will go back again without reading the whole thing again. All those in favour, say aye. Any opposed? Okay.

That motion is carried.

All right. We'll now move to item 7, committee process for inviting ministerial technical briefings. Hon. members, I've had some informal discussions with some of you about the committee's process of inviting ministerial technical briefings during its review of private members' bills. According to section 3.3 of the subcommittee on committee business report:

After the Bill has been introduced the Chair . . . may, on the recommendation of the Committee, invite representatives from the relevant Government Ministry/Ministries to present to the Committee the following business day or at the earliest opportunity.

My understanding is that there may be a willingness among the committee members to streamline this process a bit and authorize the chair to routinely invite the ministerial technical briefing to the committee's first meeting on a bill rather than reaching out through e-mail to members each time and canvassing their interests. The process would then become the same as the process followed for routinely inviting the bill's sponsor to the committee's meeting on a bill.

If there is a consensus of the committee, I wonder whether a member would be willing to request unanimous consent to authorize the chair to routinely invite a technical briefing to the committee's first meeting as part of the review of a private member's bill. Mr. Nielsen. Okay.

I would note that the request for unanimous consent should specify the length of time that the authorization will be in effect such as for the remainder of the Second Session, for an example.

So are you putting up the motion for Mr. Nielsen?

Mr. Kulicki: I'll just summarize what I think is Mr. Nielsen's intent, if I may.

The Chair: Okay. Sure.

Mr. Kulicki: I believe he's

requesting unanimous consent to authorize the chair to routinely invite a technical briefing to the committee's first meeting as part of the review of a private member's bill and that this authorization would be in effect for the remainder of the Second Session.

The Chair: Just for clarity's sake, it doesn't compel the ministry to attend; it just extends the invitation. Okay. Thank you.

Okay. All those in favour, say aye. Any opposed? On the phone? Okay. Thank you very much.

That is unanimous, and that motion has been carried.

We'll just go to other business here. Are there any other issues for discussion before we wrap up today's meeting? Yeah, Mr. Nielsen.

Mr. Nielsen: Thanks, Chair. I didn't know whether I should bring this up during what we just did or now. I waited. That way I am definitely covered. Just a quick maybe discussion around when the ministry is providing the briefing. As private members, when you

get a chance to bring forward a bill – you know, some members can go their entire careers without getting an opportunity to bring forward a private member's bill. Certainly, in the House, as I'm sure all would agree, shall we say, the political lens is applied during discussions. I think that potentially can do a disservice to any private member. It doesn't matter whether it's the government side or the opposition side. I think it would be best if we don't have, potentially, political staff from the ministry coming to present for the technical briefing. It'd be better to have staff like we just had today. I guess the quick example was with Mr. Gotfried's bill, and I believe in that case that was a one-off just due to the nature of the bill. But I wouldn't mind kind of putting it out there; whether we need to make a formal motion on that or not, I don't know.

The Chair: Just for clarification's sake, Mr. Nielsen, I did consult with Transportation, especially that chief of staff. To be honest with you – and this is where the clerk's office comes in. Just to provide some clarity, he thought the minister was supposed to attend. The minister couldn't attend, so he was attending. He had no prepared remarks. As I've discussed with yourself, as an example, the

technical briefing was done by the department. He just thought that because he'd been working closely with Mr. Gotfried, he could help the committee with some of the answers. But it is a one-off. It is not part of the norm. The only thing I will say is that through the clerk's office we'll ensure that there is a clarity that the technical briefing is done by the department, okay?

Mr. Nielsen: Awesome. Thank you, Mr. Chair.

The Chair: All right. Thank you very much.

Any further discussion on that as we're wrapping up? No? Okay. Thank you very much.

The date of the next meeting will be at the call of the chair, likely after another private member's bill is introduced in the Assembly.

Adjournment. If there's nothing else for the committee's consideration, I'd like to call for a motion to adjourn. Mr. Nixon. All those in favour, say aye. Any opposed? All right. Adjourned.

Have a great evening, everybody. Thank you.

[The committee adjourned at 7 p.m.]

