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First Session

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The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta
The 28th Legislature
First Session

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Legislative Assembly of Alberta

7:30 p.m. Monday, December 3, 2012

[Mr. Rogers in the chair]

Government Bills and Orders
Committee of the Whole

Bill 7
Election Accountability Amendment Act, 2012

The Chair: The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. With respect to Bill 7 I have an amendment that I'd like to put forward, and I have the requisite copies.

The Chair: Okay. Please have that circulated.
Hon. members, this will be amendment A2.
To the amendment.

Mr. Saskiw: Thank you, Mr. Chair. On amendment A2 this is a very, I would suggest, straightforward amendment to the act as it currently states that there will be a bunch of penalties if the registered party, registered constituency association, or the registered candidate knows or ought to have known that the prospective contributor is – and then you look through the act, and it states a bunch of things – a person ordinarily resident, a prohibited corporation, et cetera. Essentially, what the current version has is a mens rea component, both from a subjective perspective, where a candidate personally knows, and also from an objective perspective, where the person ought to have known that a particular donation was illegal.

Our proposed amendment, Mr. Chair, is to eliminate that language and just simply replace the wording with the inclusion of the word "from." If a political party, a constituency association, et cetera, accepts an illegal donation, at that point there ought to be some type of administrative penalty or sanction. The rationale for this is that the way it's written right now is that the party or the candidate can say that they didn't know that the donor lived outside the province. We saw this with some other donations where it's clear that an individual lives outside of the province, yet a political party accepted that amount of money. I think in that circumstance there should certainly be some type of level of due diligence required by a party, a constituency association, or a candidate.

Right now the way the language currently reads, it allows parties or candidates to claim that they accepted illegal donations from prohibited corporations unknowingly, and thus they are not at fault. I think, Mr. Chair, we saw that with the numerous illegal donations that were made and that the Chief Electoral Officer found to have made those illegal donations. In those instances it was actually the prohibited corporation that was fined. Often that was a municipality, so taxpayers got hosed twice. Once, of course, taxpayer dollars went towards an illegal donation, and secondly, they actually had to pay a fine. In those circumstances clearly the party that accepted those illegal donations should also be on the hook.

We shouldn't put this high standard on political parties to find some wrongdoing. Right now it's almost impossible for a political party accepting a legal donation to be provided with an administrative sanction. This amendment, I think, is very straightforward. I think it puts the appropriate onus on the political party to ensure that they are not accepting illegal donations.

On this amendment I think it's very clear. If we want to be serious, actually serious, about stopping illegal donations going to a political party or to a candidate or a constituency association, this amendment ought to be passed. Other than that, this is obviously just allowing another loophole in the legislation to say: "Close your eyes. We've taken this donation, but we didn't know for sure that it was illegal." This amendment just makes it a lower threshold to provide an administrative sanction when an illegal donation has been made.

The Chair: The hon. Minister of Justice.

Mr. Denis: Thank you very much, Mr. Chair. I thank the Member for Lac La Biche-St. Paul-Two Hills for his amendment here, but I will not be supporting it. I do not recommend that others support it as well. I believe that the primary onus should always rest upon the donor. It is the donor that knows his, her, or its individual circumstance. It is the donor that knows if he or she is over the limit. It is the donor that knows if they're part of prohibited corporation as the member talked about. It is the donor that has that direct knowledge.

We have to remember that with political parties we're also dealing with volunteers of all four parties as well as other parties who are not represented in this Assembly. I agree that in the event that there appears to be some co-ordinated, nefarious effort to accept illegal donations on the part of any party, the party should be held responsible. But the reason we have that test – and the member quite correctly intimates the constructive knowledge portion, knew or ought to have known – is because in the course of any given year when you go in to donate money to a certain party, they may not know right away if something is a corporation. I imagine that there are many corporations that may be seen as legitimate entities that may actually be subsidiaries of another.

On top of that, I would further indicate that in the event that if someone from, say, a municipality or university would buy a ticket to a dinner of party X or party Y and then seek to have that ticket reimbursed, again, the recipient of the donation does not know and, frankly, has no knowledge whatsoever that that ticket is being reimbursed. Again, the primary onus, not the full onus but the primary onus, must be on the donor's side, and that's why I cannot support this amendment.

The Chair: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you very much, Mr. Chair. I rise in support of this motion, and I would disagree with the hon. minister in the sense that the onus, in my opinion, is actually on the party and the party itself. It is the party that is the direct beneficiary of any donation, and I don't believe that anyone in this Assembly is going to make an argument that the person making the donation is going to be a direct beneficiary from making the donation.

As far as onus of proof – and here's where I think the amendment has a tremendous amount of strength to improve the act. There is a presumption that everybody is fully knowledgeable of the rules and regulations, but in reality that's not true. There are people who in good faith and with the best intentions may want to donate without any knowledge that they might be in violation of the act or the regulations, but if you sort of correlate that to campaigns, it is the candidate that is ultimately responsible. You take that back to the party. Regardless of all the volunteers, it is the one and only CFO, the chief financial officer, that makes these decisions.

Now, I can tell you that in my riding what we do is that we make sure. We have to double-check that the people making the

contributions are not over the limit. We make sure that the monies that are coming – and, by the way, in my riding we don't have to worry about anyone being over the limit, but we still check. We really feel the onus is on us to try to make an electoral system that is not just representative of due process and fairness but responsible for any shenanigans that could possibly happen. It's twofold in the sense that, yes, nobody should be allowed to do anything illegal, but nobody should be allowed to look the other way because somebody is acting in ignorance. Without this amendment this is what this allows.

7:40

I'm not saying that any party or any constituency association would do this deliberately, but it does allow this to happen if they can play the card of: "We didn't know. That person who made the donation should have known." I think that's a nonexcuse.

A violation is a violation is a violation. The whole purpose here is: should we exonerate the party because someone else violated the act or violated the regulations? There's no recourse or responsibility on the party that is accepting the donations. I say that is fundamentally wrong. This is clearly a shared responsibility, and what this does is put the onus on the party to share in that responsibility.

By the way, the arguments that have been going on in this Legislative Assembly, particularly during question period, would be a moot point if responsibility was shared by the parties, particularly when it came to those smaller donations that came from government agencies or government-funded organizations, which are prohibited.

The typical course of action when any CFO writes a receipt is to know to whom they're writing the receipt and to know where that money came from. The sense that the party should be exempted from the responsibility, in my view, is not consistent with why we're bringing this amending act forward.

What we want to do is strengthen our laws. We're not changing the penalties per se as far as illegal donations. We're not changing the fundamental criteria: what is a legal versus illegal donation? All this amendment does is say that the party receiving it is going to share in this responsibility, that they also are responsible for accepting money. I'll draw a correlation with the transfer of – well, we can use Bill 201, the copper. If you know an item is stolen and you're a business that accepts this and you do that knowingly, you're responsible for that.

In this sense here what we want to make sure of is that there are checks and balances, and the checks and balances are just quite simple. We want the public to be educated, we want the public to be informed, but we also want checks and balances so that the party itself does its own homework. By doing so, what we do is that we create a system that's stronger, and there'll be fewer violations. If we do not accept this amendment, then what we still have is what's existing today, where the onus is on the donor, and if a donor even in good faith makes a mistake, it leads to the allegations against the party for illegal donations, as it's often referred to, but it doesn't serve anyone's purpose.

Clearly, where I support this amendment is that the people who know or who ought to know are the party people who actually write the receipts. This is their responsibility. In my example of my own campaign or my own constituency association volunteers do come forward, but we have rejected contributions because they were outside the bounds, and we knew that. If we got audited, we didn't want that to haunt us or to basically plague our audit. This is nothing more or less than a nice little check and balance. It doesn't, I think, add to any more paperwork in the sense that all it's saying is that everybody on both sides of the equation has to be informed, and they share in the responsibility. The party will share in the responsibility along with the donor. We do not want any donations that would violate the act, that would violate the regulations made under the act. By accepting this amendment, we strengthen the system. We just basically say that all those involved in the whole process are responsible to know the rules, to know the regulations, and they share responsibility if those rules or regulations are violated. No one should receive any donations that are not in compliance with the act or the regulations, and certainly they should be expected to know whether those donations are in compliance. The same is true of those people who are making the donations.

But, again, the people who generally know the rules the best are the party and are the candidates who actually participate in the process. The people who generally don't know the rules but participate in good faith are the general public. They all have their reasons. They may be as varied as the number of people involved in the process. They may want to contribute to a friend who is part of the party. They may want to contribute because of a cause. But they may not have the real knowledge of the intricacies of the election laws or the limits or any of the other criteria. They're just doing it in the sense that this is the way they want to participate in the process.

By requiring the party to share in this obligation to make sure that everything stays legitimate, it's part of the process that would make this system stronger, not weaker. I don't see where it puts any great imposition on the people keeping the records. Volunteers are volunteers, and they would not be hurt by this. The contribution is not made until the CFO actually accepts that contribution and writes that receipt for that contribution. There alone is a great place for a stopgap for checks and balances to make sure that we maintain the integrity of the act, which is that we're not going to allow any illegal contributions or any contributions that violate the act or violate the regulations.

With that, I support this amendment, and I'd be interested if some of the members have a response to that.

The Chair: The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Mr. Chair. I appreciate the opportunity to rise and speak this evening in support of this amendment. I think this amendment is very consistent with basic laws of economics that suggest that unless the recipient or the user, if you will, or the beneficiary of a donation, shares in some of the responsibility of the potential for accepting an illegal or an inappropriate donation, then it'll be easier for people to come forward with those donations. I think that creating an act or a law that includes an amendment like this makes it more consistent with human nature and the laws of economics.

As my hon. neighbour here mentioned, people donate for a number of reasons. Very often with candidates like me or this hon. member and perhaps many of us, too, they do it out of friendship because they know us and like us. Hopefully, they'll like the cause that we represent, the party that we're running for, the position, the platform that we stand for, that we put forward. They may do it out of a sense of patriotism to encourage the democratic process. They may think that we need a loyal opposition, and we can see that that's certainly true. They may think that the government is doing a terrific job, so they're going to support the candidates running for the party in power.

Whatever their reason, it could also include, perhaps, the possibility of greater access. Some of the people that we've seen that have made illegal contributions did it because that was the system. That's the way you grease the wheels. That's the way you

got access: a door was opened, a phone call would be returned, an e-mail returned, or whatever it would be. There was some benefit that they were getting. The party or the recipient was getting the benefit of that money, which would help them with their campaign.

If you dry up the market for that money, then the supply of that money is going to dry up, too. I think you've got to balance the responsibility for this policing or this regulating action between the two. I actually think that the user or the direct beneficiary of those funds ought to bear the greater burden. I think my friend did an admirable job of eloquently explaining the way that could happen and the responsibility that should naturally fall upon the shoulders of the candidate and his organization or the party in general as they educate their candidates in terms of how to properly accept donations and which ones to shy away from and the reasons why.

I believe this is a very good amendment, and I find it to be consistent with my study and understanding of the laws of economics and of human nature. I would encourage you to support it.

Thank you.

7:50

The Chair: Other speakers? The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Chair. I just have a couple of very brief comments on this amendment and, really, questions. The first is that I'm just curious to know – if a constituency association, let's say, is accepting a donation, the onus is upon them to discern whether this is a legal one or an illegal one. I mean, how could they go through a reasonable process to account for that? I know this doesn't happen very often, but if you have someone who's mischievous and/or has other motives behind their donation, the money is coming from one thing, but it's really another.

You know, it's difficult for us to organize through our volunteer organizations, as it is everything that a constituency association or even a party needs to do. For us to be vetting people or take that responsibility – this amendment would work better if we had corporate and union donations eliminated from the process, I think. Then you would have a much clearer idea about where these things are coming from. I mean, this amendment in concert with the elimination of union and corporate donations I think would work better than good, right? Otherwise, it just seems slightly problematic to me.

Thank you, Mr. Chair.

The Chair: The hon. Member for Banff-Cochrane.

Mr. Casey: Thank you, Mr. Chair. The test here is "knows or ought to know." That's the catch in this. There are cases, truly cases where you simply cannot know. If I come to a dinner and ask for a receipt in my name, the constituency association writes me a receipt, and they give it to me in my name. If I go back and I submit that as an expense into my expense account, how in the world can the constituency association or the candidate or the party know that I've done that? Yet we've seen cases here in the last six months where we're all branded, everyone in the PC Party, at least, as being this illegal group, this group that accepts this stuff on a daily basis.

Most of that reason is that these were not obvious contributions. The truth is that to put the onus on the party to verify each and every one of these is quite foolish, quite honestly. The onus is on the person that's asking for the receipt. The onus is on the person contributing the money. If they don't tell the truth, if they don't say, "By the way, I'm going to expense this back to my school board" or "By the way, I'm going to expense this back to AHS" or whatever, then there is no possible way of knowing that person is doing that.

This amendment puts the onus on people who have no ability to control that outcome. This is saying that if you are contributing – and, by the way, candidate and party, you should have known. If I'm saying, "By the way, I want a receipt written out to AHS" or any other illegal contributor, whatever, well, then you ought to have known. This isn't always about that being so apparent.

The onus, then, is on the person who is contributing. It's that simple. They are the only ones to truly make that determination when, in fact, it is not apparent and you ought not to have known how that person was going to record that contribution.

I won't support this amendment for those reasons.

The Chair: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you very much and thank you to the member who just articulated that. The issue of "knows or ought to know": when you read this section, it says that the

> registered constituency association or registered candidate shall, directly or indirectly,
>
> (a) solicit or accept . . .

Now, what this amendment does is put the onus on the people accepting the contribution. This idea that we're penalizing the person, I would disagree because it puts the responsibility – if you're defrauded, you're defrauded.

This has to do with soliciting also. If you're soliciting or even accepting indirect donations, if you set out the rules for the people who are actually making the donation that you basically tell them before you accept the donation that this has to fit within these guidelines, which is within the act, within the legislation, then what you do is you basically lay this out. If you're defrauded, you're defrauded. That's a different element altogether. What we're saying here is that this is checks and balances. We're not shifting the onus, not at all. The onus is still on the person making the donation. What we're doing is that we are sharing the responsibility to make sure that somebody doesn't knowingly take donations when they ought to know better, and they can't hide behind that shield because they're no longer responsible.

This amendment, in my opinion, does not take full responsibility for that individual making an illegal contribution or an illegal donation. What we're saying is – and this is nothing more than what I myself have practised – to make sure that everyone stays within the guidelines of the act. When we did this voluntarily before we accepted money, we made sure people knew what the rules were and how much they could possibly donate in what time frame, so we made sure we stayed within the Election Act.

All we're saying is that we're going to put this now in legislation so that practice is shared and that responsibility is shared. I don't see where someone is going to be unduly penalized. What we're saying is that you have to lay this out so when you are soliciting, the rules that you convey at your fundraiser, the rules that you convey if you go door to door or however you accept donations, the people who make the donations accept the rules that you have laid out there so they stay within the act. If they don't do that, they are responsible. But in no way does this take all the responsibility and put it on the party.

What we're saying is that the party has to share some responsibility on a checks and balances system because if we don't have that, then what you can get is that some parties would hide behind this idea of: "It's not my responsibility. I don't really know where

the money came from. I just issued the receipt." I don't think that strengthens the act if we allow that to continue. Sharing the responsibility, putting some onus, not all the onus, on the party does strengthen the act. It gives some checks and balances, and I don't think it unfairly puts a party in a bad position. I see the party doing nothing more than what a lot of organizations do, which is that they put right there in front of the people making the donations: "This is what you can donate. These are the rules of the donation." Basically, you're just informing people before you accept the donations.

That type of onus to me is not a burden, in my mind, on the party. It's just that we want the system, the electoral system, to have stronger integrity. As it was pointed out, the allegations that have been made, the accusations that have been made – had this been in place, I would suggest that many of those allegations would be moot. Particularly, many of those smaller donations would not have been accepted, or in many cases the ones that were accepted would have been clearly in error and would be automatically returned.

Thank you very much.

Mr. Saskiw: I'll be very brief. I think this has been debated enough. You know, I just think it's important that we have on the record that the government appears not to want to put any onus on political parties for accepting an illegal donation, and I think that's a shame. If you don't have that type of deterrent, we're going to see more and more illegal donations like this occur in the future.

Thank you, Mr. Chair.

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chair. I wouldn't normally rise to the bait on that, but it's an absolutely inappropriate comment, the last comment, that the government doesn't want any responsibility or onus. In fact, the changes in this act make it very clear that everybody supports the idea that there's an appropriate way to make donations to the political process and to political parties and candidates. There are inappropriate things.

The question we're talking about in this particular section is how you ensure that inappropriate donations are not made. Really, it's only a question between whether you should know or ought to have known or whether it's an absolute. In any law it's very difficult to hold people accountable for what they didn't know or couldn't know. It's inappropriate to say that the government doesn't want responsibility or accountability on political parties. There will be responsibility and accountability on political parties, and there is a duty for people to inform themselves, but there are some things that you can't find out. You're not obliged to take responsibility for something that somebody has done when there's no possible way that you could have known that that was a prohibited corporation or an inappropriate donor.

8:00

The Chair: Are there others? The Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: I'd move that we have a one-minute bell for only this amendment.

The Chair: The Member for Lac La Biche-St. Paul-Two Hills has moved for unanimous consent that we would have a one-minute bell for this amendment.

[Unanimous consent granted]

The Chair: I'll recognize the Member for Little Bow. Did you want to speak on the amendment?

Mr. Donovan: Yeah, I guess. It's been an interesting conversation here on this. I guess my thing in my constituency, for instance, is that I go over every cheque before we deposit it. When I was running, I actually returned cheques. Hey, I didn't raise that much money, so I'm not here to swing a big stick of what I did in life. I sent back cheques because I didn't want one particular industry to make it look like I was just here, if I did get elected, to promote their backing.

I heard the hon. House leader from the other side, Edmonton-Whitemud, talk about last week that there's nobody in here that wants to be painted with a black brush or get a black eye out of anything. You want to portray that you're open and honest and transparent. In my constituency the way I did that is that my financial officer does not cash any cheques until I get to go over them all. If they sit for a month or two, they do, but that way you have some control over it. Then there's no question of whether you're representing one industry or a different industry for the wrong reasons. I guess that's, you know, the cross you decide to die on or not.

That's all I'd add to that. Thank you.

Hon. Members: Question.

The Chair: The question has been called.

[The voice vote indicated that the motion on amendment A2 lost]

[Several members rose calling for a division. The division bell was rung at 8:03 p.m.]

[One minute having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:

Anglin	Hale	Rowe
Barnes	McAllister	Saskiw
Bikman	Pedersen	Stier
Donovan		

Against the motion:

Bhullar	Griffiths	McDonald
Cao	Hancock	Oberle
Casey	Hehr	Olson
Cusanelli	Hughes	Pastoor
Denis	Jansen	Rodney
Dorward	Johnson, L.	Sandhu
Drysdale	Klimchuk	Scott
Eggen	Lemke	Starke
Fenske	Leskiw	Webber
Fraser	Luan	Woo-Paw

Totals:	For – 10	Against – 30

[Motion on amendment A2 lost]

The Chair: We'll now go back to debate on the bill. The hon. Member for Calgary-Buffalo.

Mr. Hehr: Thank you, Mr. Chair. It's a pleasure to rise. Actually, I'm going to propose an amendment right off the start to the Election Accountability Amendment Act, 2012.

The Chair: Thank you, hon. member. If you'd circulate that through the pages, I'll give us a minute, and then I'll let you speak to it. Did you send the original?

Mr. Hehr: I'm assuming I did. Is there one there, or else I can quickly sign one. I've got the original right here. Sorry, guys.

The Chair: We'll give you back a copy, hon. member.

Mr. Hehr: Sorry about that. I'll send that back.

The Chair: You may speak to the amendment, hon. member. This will be noted as amendment A3. We're sending you one back. It's on its way.

Mr. Hehr: Thank you very much, Mr. Chair. I'm assuming that most everyone now has a copy of it. I'm putting forward an amendment by Ms Blakeman, the hon. Member for Edmonton-Centre, that Bill 7, the Election Accountability Amendment Act, 2012, be amended in section 80, in the proposed section 32, subsection (3), by striking out clause (a) and substituting the following:

> (a) within 15 days after the end of each year a return setting out
>
> (i) the total amount of all contributions received during the year that did not exceed $250 in the aggregate from any single contributor, and
>
> (ii) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the year exceeded an aggregate of $250.

And by striking out subsection (6).

8:10

Really, this amendment serves, in my view, the overall democratic process in a more fair and balanced manner towards all political parties that are actually represented in this House now and future parties that may join the ranks of the political landscape. In my view, without this amendment it makes it exceedingly difficult for many parties and, in fact, any new organizations starting out to be in compliance with the Election Accountability Amendment Act, 2012.

The current legislation that the hon. minister has before the House states that every quarter political parties are by law now required to publish the names of all contributions and the like over $250 and actually report on ongoing fundraising efforts. In my view, it is an extremely onerous task for many political parties to venture down that path, not even mentioning those political parties that may be nascent political parties that are starting out. This requirement would be onerous because it would require almost a full-time bookkeeping effort, which is most likely going on but not to the extent that the new act will require it to be. If this amendment is not accepted, I can see political parties having to hire more people, hopefully trying to find some more volunteers, and a nascent political party may be simply giving up because they can't find the volunteers needed or the required accounting to keep up on a quarterly basis.

It appears to me that the act as it reads currently is overkill on reporting. It's a requirement that I believe is not in the best interests of the democratic process, in allowing new political parties to be formed and even political parties that are in existence to keep on going. Let's face it; these are onerous requirements that are now going to be prescribed in law and, in my view, will take away from our ability to organize as citizens and take part in the election process.

Now, I full well note that having a requirement to report is necessary, and I believe it was adequately handled in the last act, which said that political parties are to report their contributions once a year. I found that reasonable. I found that a good use of a party's time, and it allowed that openness and transparency that the electorate is looking for. They want to know who and how much is donated to political parties. That's fair. That's part of the democratic process. That being said, I don't believe it needs to be on a quarterly basis, which takes away from the democratic process in ways that I have just stated.

In that vein, I would urge all members of this House to support this amendment in the spirit of democracy and encouraging new parties to be formed and going forward on that basis.

Thank you, Mr. Chair.

The Chair: The hon. Minister of Justice.

Mr. Denis: Thank you very much, Mr. Chair, and I thank the hon. Member for Calgary-Buffalo for bringing this amendment forward. However, I cannot support it. I will just indicate a couple of reasons why. First off, the principle behind the Election Accountability Amendment Act is that we want to encourage more disclosure, and that's why, for example, the disclosure limit, the point at which you have to disclose who is donating to what entity and what amount, has been lowered from $375 to $250. That principle is established. I trust that the member opposite does not disagree with that principle. But as we move forward here, moving to quarterly disclosure will increase transparency even further. I do want to indicate that people have complained, like in the past. They don't know exactly who has donated to what party in what amount, and you don't find out until the year after that. This quarterly disclosure will allow for greater transparency of the actual amounts, who has donated to what party, to what constituency association.

The other thing I wanted to mention is that a good friend of mine used to work for a political party in the province. I'm not going to say which political party, Mr. Chair. One of the things that he had indicated to me was that it was very frustrating because a lot of the constituency associations would on the last day or a week before put all of the receipts into a bag, send it to the constituency office, and just have all sorts of problems and mayhem. By going to a quarterly disclosure, you're actually dealing with this issue on a much more proactive basis. The parties will be able to regulate themselves better because you'll have fewer donations coming in at one time. They'll be able to space them out, much like if you made, say, quarterly payments to the Canada Revenue Agency or if you made quarterly payments on a vehicle or your property taxes. If you don't make them once per year, you're able to plan further.

I do think this amendment is in the best interest of transparency in the province. I am advised also that Ontario has a continuous disclosure policy although I have not had a chance to view that myself. But I will indicate that we're not the first province to move away from just the annual disclosure, and I don't think that there's anything wrong with that.

In that vein, I'll take my seat and note that I will not be supporting this amendment.

The Chair: Thank you, hon. minister.

The Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you very much, Mr. Chair. I rise in support of this amendment. I appreciate the comments by the hon. minister. Although I can't speak for those ridings or constituencies that actually raise a lot of money, I will say this. In the constituencies I

have dealt with, you see that the fundraising is generally when the election is called, and 90 per cent of the funds come in.

An Hon. Member: Not mine.

Mr. Anglin: I understand that. You have just so much money coming in. I can't help that.

What I'm looking at here is this. The reporting is done. We do the reporting right now on an annual basis. What's really important, I think, to most of the electorate is the election results on the election contributions, which is something totally different. Although people do consider and want to see what the party is raising, I'm not sure there's a great desire on the part of the public to get that information every three months versus seeing it on an annual basis. I haven't seen any data to support that.

There is another problem that's created here, and that is a bureaucratic problem. If we just take the four parties that are represented in this House – and those four parties have 87 constituencies; I just make the presumption – we're looking at just under 1,400 filings annually. That's a lot of filings. Elections Alberta is going to have to deal with that, process that, and they will have to be funded to deal with that. That's a lot of filings. That's not even counting the smaller parties who are not represented in this Legislature right now, but they do have constituency associations. If you are a constituency that has difficulty with quarterly reporting, the smaller ones will just deregister and register when it comes closer to election time, and you won't see any reporting whatsoever on an annual basis or a quarterly basis. There are ways around every law.

It is important. I do agree with the $250 limit – I like that – so that we get to see that and see who is contributing to the party. I just question the reasonableness of the added paperwork for sort of a more sped-up disclosure process when realistically the annual disclosure process now, in my view, is sufficient. It doesn't burden bureaucratically with the amount of extra paperwork.

Now, one of the things that one of the members said earlier was that most of the parties, particularly at the CA level, unless these very wealthy CAs actually have paid employees – ours are always volunteers. We always search for an accountant for the CFO, put the burden on the accountant. We search the community. It works well because you have somebody who is trained, who understands the process, and having a professional that's a volunteer works to the advantage, I think, of the whole system. Requiring quarterly reports or quarterly disclosure will put an extra burden on those volunteers.

8:20

In my riding you're going to see the same thing for quite a while, and then you'll see a blip every now and then when we do a fundraiser. We don't require a lot of money to do an election. You can check my elections return, and you'll see that.

In that vein, to me, it's a lot of unnecessary paperwork for disclosure that's going to be readily apparent on an annual basis. I'm not sure of the necessity of having the quarterly reports or even a biannual reporting when even on the typical accounting basis, looking at balance sheets and income statements – you know, there are updated quarterly reports by major corporations, but we really look forward to the annual report to give us much more detail.

The amount of necessity for contributing to a party – because that's really what this is about. We just want to know who the contributors are. They're not hiding in the sense that they can hide. At year-end we will know. At the election's end we will know. That will be reported. That doesn't change anything. So I'm not sure of the value on the quarterly basis of knowing that Katz wrote a cheque. As much as I want to know that Katz wrote a cheque, that's it, and that's all I want to know. Seeing when it exactly happens in April because it was a March reporting: I'm not sure that's of any great value as long as that information is disclosed and we get to question and harangue the party opposite and try to hold them accountable. That's really the key.

Do we need to make an extra bureaucratic step that I would say for Elections Alberta is significant, roughly 350, 348 filings every quarter that they will have to process and post, 1,400 every year? You know, if we get more parties, then there'll be more constituencies, and they will have to do it. I'm not sure of the value. The information will be available, and it is available today on that annual report, on that annual filing.

If there was some sort of reason, some sort of impending necessity why that information has to be available in April and then in July and, you know, going out each quarter, I could see the validity of requiring quarterly reporting. But all across the party system? I might even agree to it if it was just the main parties alone, but I'm not sure there's a value there either. From where I sit, from the information that I gather from the public, what most of the public wants to know is: "Who's contributing to whom? Can I make an allegation that somebody is trying to influence with money?" We get that information right now on an annual basis. I just don't see the value in making all this extra paperwork for what we're going to find out anyway.

With that, thank you very much.

The Chair: Thank you.

I recognize the Member for Little Bow.

Mr. Donovan: Thank you. Just to reiterate the Member for Rimbey-Rocky Mountain House-Sundre's comments, just, say, taking four primary parties, 87 ridings times quarterly, there are 1,392 filings. That's not including some of the parties that aren't doing it, that are not in this House. I mean, the red tape alone on that I think would be a challenge.

As the minister talked about before, about doing things quarterly, I guess I do things a little differently. I pay my property taxes once a year. I make my air seeder payment once a year. I make my tractor payment once a year. That's how I operate. [interjection] My combine, too, Member for Chestermere-Rocky View. As everything is financed at my house, it's nice as a poor farmer, obviously.

My point is that we've got enough red tape. People can figure out how to do this annually. I think that's more than adequate. I'm not sure filing it every quarter is really helping anybody other than making red tape. I mean, as this amendment touches on it, the red tape for volunteer CAs is onerous enough already and getting buy-in from people and stuff.

I'd really ask everybody to seriously think about the striking of subsection (6) on it. To me, it's just too onerous. There isn't a whole lot we'll actually gain out of this. You know, I get the transparency theory of what they're trying to sell on the concept of this, but I really don't think the true intent of that is doing anybody any good.

I think the Justice minister could probably attend to – you know, the paperwork that's done in this province already is onerous enough to most people. I mean, I just watch you taking a file of stuff that gets delivered to you all the time. Heaven forbid that you'd have to sign off on 1,392 filings all the time. Not that that would be your job but somebody else's.

We know that Elections Alberta has enough stuff on their paper trail to do already. When we talk of, you know, some constit-

uencies, it sounded like you had very close contact with one where maybe you weren't getting all your bills and the receipts in on time, and you're taking it to your constituency once just before the filing was due at the end of the year, which, I assume, must have been a situation you were used to or something. For most people it's a challenge to get people to buy in and to do this.

Mr. Hancock: Just at tax time.

Mr. Donovan: Well, it's just at tax time, I guess, possibly.

To get people to buy into the process and to volunteer to begin with in politics, we all know, is a challenge. There are some ridings that are, obviously, strong, and there are some where, you know, it's hard. It goes back to the size of the ridings. Just for my constituency alone, to have a meeting, there are people driving 180 K one way to come to a constituency meeting. Well, I move the meetings around in my riding so it doesn't have to be the same person that drives that far all the time. But to get buy-in and to do that quarterly, if you had the chief financial officer and your president have to sign off on it every time, I just think it's onerous, and I'm really not sure what we gain out of it.

I don't know if the minister would like to touch on if he truly feels this is the red tape that we need in this. I think we're all here to try to make government more transparent and roll through. Really, is quarterly the answer that we really need on this? I guess I'd sure love to hear a lawyer's opinion on what he thinks of it.

Thank you.

The Chair: The hon. Member for Cypress-Medicine Hat, followed by Edmonton-Calder.

Mr. Barnes: Thank you, Mr. Chairperson. I rise to speak in favour of the amendment, very much in favour of the $250 disclosure on the aggregate contribution from a single contributor. I think anything that increases transparency is going to help solve one of the big, big problems that we have in our system right now, and that's low voter turnout and the lack of people that are engaged and the lack of people that are involved.

I also think, though, of the fact of going to quarterly. Volunteers: bless them; it's hard to find enough. It's hard to find ones, especially, that have interest in paperwork and interest in doing this little bit of extra financial disclosure. I am fearful that for no apparent gain from knowing information possibly nine months earlier, we'll be taxing our volunteers. We need to get people more involved in a way that won't allow that to happen.

I would ask to consider supporting this amendment. Thank you.

The Chair: The hon. Member for Edmonton-Calder.

Mr. Eggen: Yes. Thanks, Mr. Chair. I certainly do concur. I like this amendment from Calgary-Buffalo. On subsection (6), I guess, my arguments have been made already quite eloquently, but just one further thing to add. I think that although we have had lots of donation problems and squabbles and things here over these last few years, we're still in a much better situation than in the United States, where perhaps, you know, even one senatorial race would spend more than our whole election in some places. That high sort of financing of democracy in the United States: part of it, I think, we can push back on by making sure that we have low donation rates or rules about how much can be donated but also, I think, by keeping the system as it is in terms of not quarterly reports but annual reports. The reason I'm saying that: it's kind of just something I thought of here now. Part of the way that they track American politics now is by how much money is coming in weekly, right? They'll say that Obama is a hit or this guy is a hit because he's raised so many more millions of dollars in the last few weeks.

8:30

Well, by decreasing the time in which we are submitting reports, I think we might be running the risk of having more analysis being done on who's ahead, who's behind, and so forth and the push to have more donations coming through on a continuous basis, based on people making an analysis of who might be ahead or behind based on the money. We are blessed by not having such a dominant factor of money as in the United States. I mean, it's certainly a problem, and I just don't want for us to go down that road.

The other issue that I wanted to bring up, of course, is the issue of just putting so much pressure on small constituencies and volunteers to do this work. I think that it's just not fair to do that, to have volunteers being charged with such busy work every three months.

Thank you.

The Chair: Other speakers?

Seeing none, we'll call the question on amendment A3.

[Motion on amendment A3 lost]

The Chair: Back to the bill. The hon. Member for Edmonton-Calder.

Mr. Eggen: Yes, Mr. Chairman. I have an amendment that I would like to distribute. The top copy is the original.

Thank you very much.

The Chair: This will be amendment A4, hon. members.

Proceed, hon. member.

Mr. Eggen: Yes. Thank you, Mr. Chair. You can see that this is striking out section 17(1) and substituting the following:

> (1) Contributions by any person, corporation, trade union or employee organization to a registered party, registered constituency association or registered candidate shall not exceed $3,000 in a calendar year.

This bill currently amends subsection (5) of section 17 by making minor changes in what counts as a candidate's contribution to his or her own campaign. This amendment changes a different subsection of section 17 in order to place reasonable limits on political contributions. You know, it has been very troublesome. Because Bill 7 is an amendment act we had found it difficult to get at what we believe is the core problem with election accountability in this province, which is to limit corporate and union donations from the political process. We've studied the legislation carefully, and we seem to have a problem.

We've been calling as New Democrats for a ban on union and corporate donations for a very long time. It's part of our party's commitment to making the political process more democratic and fair. Since we can't make that amendment to ban union and corporation donations outright with Bill 7 here this evening, we are making this amendment, as I've just passed out to you, to change the contribution limits in order to begin the process of making our political process more fair and accessible.

The current contribution limit of $30,000 in an election year makes full participation in the funding of the political process virtually impossible for the majority of Albertans. According to Stats Canada the 2010 median income in Alberta was $35,770, so approximately 50 per cent of Albertans were making $35,000 or more. With these numbers on personal income, the majority of

Albertans clearly can't even come close to giving those kinds of contribution limits set in the province.

It's been argued by the other side of this House and others around the province that funding the political process is a right and a necessity given the expensive nature of campaigns and politics in general, but if all organizations, Mr. Chair, are subject to the same contribution limits, then all parties will be playing by the same rules and funding campaigns will be a challenge that will be felt equally by all parties.

We've seen other jurisdictions, including the federal government and other provinces as well, pass through significant limits and changes to the political donations, Mr. Chair, and it has resulted, I think, in probably democratizing the process considerably. We make no bones about being willing to forego the union donations, but we do not take corporate donations already. It's like a balance of power or an arms race when we have the détente – right? – that brings the whole process down to a more reasonable level. I mean, not to preclude spending money in a modern campaign with literature and some advertising and so forth, but again not heading down that road which I believe nobody really wants, which is American-style, big-money campaigning.

We've already seen glimpses of that here in the province. We've seen with the $30,000 limit in donations, you know, that some parties can just run away with that – right? – with very wealthy donors or with corporate donations and so forth. By bringing that down, turning the temperature down, so to speak, Mr. Chair, I believe that we would be serving democracy better and seeing maybe even more participation, less cynicism amongst the voters who think that politics is already fixed somehow through big money and so forth, bringing it down to a level that I think regular Albertans can understand and appreciate.

Thank you.

The Chair: Are there others on amendment A4? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Chair. I would like to speak in favour of this amendment. I guess, as a little bit of a background, I believe that corporate and union donations should be banned as a matter of course in this province simply to recognize that it's people who vote, it's people who contribute, and that corporations and unions should not have undue influence over political parties and/or candidates. With that being said, I appreciate the amendment brought by the hon. member in that within the framework of the act itself it's trying to limit the amount that individuals, corporations, and trade unions are allowed to give in this province to a more reasonable limit of $3,000 in a calendar year.

He brought up some very good instances of bodies in Canada, other Legislatures and our federal government, that have been proactive on this file. One, the federal government in around 2004, 2005 brought in limits that I think were eminently reasonable and fostered better democracy, the $1,100 limit per man and woman in this great country, and it forewent the corporations and the unions. I think that was an excellent example of legislation that was written to bring democracy back to the people, the people who get to vote and the people who should be influencing the politicians, not necessarily the corporations and the unions. Another excellent piece of legislation was done by the Manitoba government I believe some 10 years ago, which also forewent contributions by corporations and union members and brought in a more reasonable limit of $3,000 for every individual in the province. That was their limit to give in any calendar year. In my view, that was very progressive legislation.

8:40

What kind of bothers me about this government is that oftentimes there is progressive legislation out there that has been written. It's been done, examples of it. Other organizations have commented on the fact that it's more progressive legislation, that it's more realistic, that it eliminates big money from politics and the problems that arise from such. Oftentimes if there's good legislation out there, it would be a reasonable approach for this government to look into it. In my view, I don't see that happening. That begs the question: why? I think the simple answer is: because they realize that it may actually be less advantageous to them.

Being the government in power, they can run leadership dinners and the like that they expect corporations to come to, that they expect unions to go to. Maybe attendance is kept as to whether their corporate contributors are there. Although some hon. members would say that this would never happen in politics, that any influence by corporations or unions on the government does not happen, I live in the real world, Mr. Chair. I understand that these entities can bring much power to bear on governments and have a big say in the day-to-day goings-on. I believe that. If we don't admit that at least to ourselves in this House, I think we'd be denying the obvious, that it does influence decisions and does influence access and the like.

In my view, it would be wise for this province to go forward on limiting those types of contributions, limiting them to a more reasonable form, and this amendment does that. So I will be speaking in favour of it just from the simple common-sense approach that we should try to eliminate money from corporate interests and union interests to the greatest extent possible. This measure goes a long way.

There's another reason. Even if I am wrong in that corporations in this province have easier access to politicians or the powers that be, then I believe it would send a message to Joe and Jane Albertan. It would send a message to them that democracy is not for sale. It would ease their concerns over what they've seen and heard in the papers about illegal donations or the size of donations from various individuals or other entities that lead the average voter to question the process. Oftentimes if the average voter questions the process, they lose faith in the democratic process, they lose faith in us as elected officials. Sometimes we need to bring in legislation to assure them that this is in fact not happening.

On that note, I would encourage everyone to support this amendment. I can see no reason why not. If you look at various published papers out there by various think tanks and the like, many if not all of them agree that money should be limited in some reasonable fashion. This amendment goes a long way to do that, so I'd urge all members to support it and improve the democratic process and ease concerns of the electorate that are out there.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

Are there other speakers to this amendment?

I'll call the question on amendment A4.

[Motion on amendment A4 lost]

The Chair: Now back to the main bill. Hon. Member for Lac La Biche-St. Paul-Two Hills, it looks like you have another amendment.

Mr. Saskiw: Yes, I do. Thank you, Mr. Chair.

The Chair: If you'd care to circulate that, hon. member, and we'll let you speak to that in a minute.

That will be for the record, hon. members, A5.

You may proceed, hon. member.

Mr. Saskiw: Mr. Chair, speaking to amendment A5, this is a relatively simple amendment but a very important one. What it does – under the proposed legislation section 51.01(2), essentially, the way the act currently reads is that

> (2) If the Chief Electoral Officer is of the opinion that

And it lists three different groups.

> (a) a person, corporation, trade union . . .

Et cetera.

> (b) a prohibited corporation . . . or
> (c) a person, political party, constituency association . . . has contravened a provision of this Act . . .
>
> the Chief Electoral Officer may serve on the person or entity . . . [an] administrative penalty . . . or a letter of reprimand.

Our position is that there should be no discretion here. If someone's been found guilty of violating an elections financing act, the Chief Electoral Officer "must serve" those persons.

Then, subsequently, our second amendment is that a copy of that notice or letter must be made public within 30 days. I think it's important at a minimum that when someone's been found guilty, it's publicized and that, secondly, the person is appropriately served. The whole point of having a transparent and open electoral system is that the public knows when a person doesn't comply with the legislation. I think that this amendment is actually consistent with what the government is doing in a subsequent amendment, where they're shining the light on past illegal donations. This is just on a go-forward basis that the Chief Electoral Officer must shed light on it and must make those illegal violations public.

The second part, of course, is adding the requirement that a copy of the notice or letter of reprimand be made public within 30 days, and that's just an easy way for the office to be accountable to the public. It's simply not transparent if the CEO is choosing whether or not to reveal all or any illegal donations. I think, you know, we've heard the mantra from the Premier saying that we want an open and transparent and accountable government. The way to do that is to make sure that if anyone's been found guilty of violating a statute, that person must be served, and it must be made public.

8:50

I think this is a very reasonable amendment. I don't know what the counterarguments possibly could be to making something like this more open and transparent and also making it mandatory for the Chief Electoral Officer to do this. I know that I listened to the hon. Justice minister, when he announced this legislation, talking about how it's now going to be mandatory that the Chief Electoral Officer disclose when there's been an illegal donation. This amendment is certainly within the spirit of the Justice minister's words, and I hope that he would strongly consider this amendment.

Thank you, Mr. Chair.

The Chair: The hon. Member for Calgary-Buffalo.

Mr. Hehr: Thank you, Mr. Chair. I, too, will speak in favour of this amendment. It seems to allow for the Election Accountability Amendment Act to be more open and transparent when the Chief Electoral Officer finds a violation that has happened under this legislation. It should read: must serve. That would serve a dual purpose. The person who violated the act would know in what form or manner they had done it and would know that it was a serious enough ramification that they would change their processes in place or attempt to do things better if they knew they were going to get a summons.

Let's face it: common sense dictates with the second revision of this that if it was going to go public, people don't like that. They would strive to do their jobs better and would strive to ensure that they followed the act as well as possible. In my view, it serves a purpose, and it would serve to have people better perform the jobs that they are occupying.

I think it's a good amendment and would urge all members to support it in kind. Thank you, Mr. Chair.

The Chair: The hon. Member for Edmonton-Calder.

Mr. Eggen: Yes. Thanks, Mr. Chair. I just wanted to briefly speak in favour of this amendment as well. I think it's really important for the Chief Electoral Officer to be compelled to follow up on circumstances where individuals or parties disobey the election laws. We need to be sending letters. You know "may" instead of "must" allows some deliberation by the CEO, which I don't think is necessarily within his purview. We have clear laws surrounding our elections. The whole idea here is to have an open electoral system, right? The public needs to know that when people don't comply, then something will happen. It's not particularly transparent, I don't think, for the CEO to be choosing whether or not we are the ones who set the parameters by which these things should be – I think that this particular, very simple change from "may" to "must" is a must here right now.

Thank you very much.

The Chair: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I rise to speak in favour of this amendment. What good is a law if it's not enforced? What's the purpose of a law if we don't enforce it? We're passing a bill here that is intended to strengthen our election process, and we're not changing any of the penalties in this amendment. We're not overburdening the system with any kind of offensive language. What we're simply stating is that when there's a wrongdoing, a violation of the act or the regulation, the Chief Electoral Officer must serve, whether it be a penalty within the jurisdiction of the Chief Electoral Officer or a letter of reprimand acknowledging that, say, someone actually in good faith made an honest mistake and filed or donated incorrectly or violated the act and is in contravention.

It should be enforced. This is what we have been talking about, I think, as we've spoken to the bill. What this does is that it puts the duty on our regulator to enforce the law. We will make public those people who violate it, and that information will become public within a reasonable amount of time.

I'd be really interested in how this does not fit with the intent of this legislation and how it doesn't strengthen it. I don't see where it weakens it. I don't see where it puts any type of burden on the regulator, which is the Chief Electoral Officer. What we're asking the Chief Electoral Officer or the office itself to do is to do its job.

If people are identified accordingly by either a letter of reprimand or a penalty – because the whole purpose of a penalty is to make sure that this doesn't happen again. That is the so-called consequence of any type of violation. So if we leave it to the Chief Electoral Officer that they may or may not enforce the law, I think that puts an unfair burden on the Chief Electoral Officer and an

unfair burden to be accused of improprieties of favouring one party over another if that were the case. But if the law was specific in the sense that it said, "You must serve these violators either with the penalty as you found or you must serve them with a letter of reprimand showing that they committed a wrongdoing," then that settles the issue. It's applied equally. It's applied fairly.

It doesn't change the fact of whether someone has been found in violation of the act. That's not the issue here. The issue here is: what is the duty of the actual regulator? What is the duty of the Chief Electoral Officer, when it goes to review these situations, to the public? It's the public that is of significant concern here because it's the public confidence that we want to increase not decrease. We do not want to hide people who violate the act or violate the regulations. We don't want to unfairly burden them with punishment, but that's not part of this amendment.

The amendment is specific in the sense that it just says that the Chief Electoral Officer must serve and must do it in a reasonable amount of time. The jurisdiction to determine whether it's a letter of reprimand or whether it's an administrative fine hasn't changed one iota. That is still within the purview of the Chief Electoral Officer to decide whether it's warranted to actually have an administrative penalty or to issue a letter of reprimand.

It doesn't change the fact that we're talking about a defined wrongdoing regardless and that we're dealing with an issue with the intent to strengthen the public's confidence that we are going to enforce our election laws. It eliminates any kind of accusation of bias whatsoever on the part of – well, I shouldn't say whatsoever because if there's always a letter of reprimand, somebody will argue that somebody should be fined. You can't get away from that, but at least we are enforcing our laws. At least we are enforcing our rules and our regulations, and no one is exempt from that. I think that's important. That shows the public that we're serious about our election laws and that if you violate that, you will be held accountable. That accountability may just be the letter of reprimand, or it may be an administrative fine, but you don't get off because of: "I'd rather not do that. I'd rather not fine you."

I'll tell you what this does eliminate: any kind of inconsistency over a period of time, particularly in a change of the Chief Electoral Officer's position, where people who make the same type of violation find themselves maybe subject to administrative penalty, and then all of a sudden people are no longer subject to that, yet they've committed the same offence. It will not change the law or the regulation. It is still an offence. All we're saying here is that the Chief Electoral Officer must serve, must enforce the law however that law is defined. The law is defined accordingly. The Chief Electoral Officer has that ability. They must disclose that in a reasonable amount of time to the public.

Now, that would be consistent with this quarterly reporting of finances. Here we're overburdening these constituencies of the parties with quarterly reporting, but do we want to make it public information if somebody violates the act to whatever degree? This would make it mandatory that within 30 days of the violation that information becomes publicly available. In my view, that is more important, I think, in the public's eye in establishing confidence in the system, that violators are held accountable, and it would deter violations if it was viewable that people were held accountable. I think that's significant in strengthening our elections act and our election processes.

Thank you very much.

9:00

The Chair: The hon. Member for Medicine Hat.

Mr. Pedersen: Thank you, Mr. Chair. I'd also like to speak in favour of this amendment. Just to reiterate a little bit of what the Member for Rimbey-Rocky Mountain House-Sundre had talked about, "may serve" is just a little too loose. It doesn't create action on behalf of the CEO. It still leaves the CEO able to act or not act, and I think we need to remove that. I think the fact that that person is in that position of power is that he is there to act upon situations like this. We rely on him to act when there is an indiscretion.

The wording also allows for too many options. You know, he "may serve" or "must serve." If he may serve, sometimes he might serve the purpose of issuing it and have some kind of conclusion. The next time he might not. There is no consistency at all.

I'm always in favour of any amendment that's going to close loopholes, and I think this would help strengthen this bill. "Must serve" also clarifies the rules that no matter who the CEO is, because this individual would normally change over a period time, this individual has the same set of rules. I think that's important because if you put a different person in place, who is to say that they're going to operate under the same guidelines and principles that his predecessor did? If we create rules that are clear and concise, I think that creates an easier working environment for that individual to perform to the utmost of their abilities.

The 30 days' notice also creates the accountability factor. The public will know that action is being taken, and the action is followed up on on behalf of the Alberta voters. I think that's the important part here: it's answering to the Alberta voters. That's who we want to try and keep informed through this whole process. By reporting this within 30 days, we are showing that there is consistency on the actions and that violations will also be very consistent in how they're publicly displayed. If an individual is offside for doing A, B, C, somebody else will be held accountable for the same reasons if they do A, B, C again. And they should. There should be consistency across the board on behalf of those who violate. I think that's very important.

The fact that we're saying that the individual must and that they also must make this accountable, I think the public will have a lot more confidence in this bill to know that there is consistency in it, it's transparent, and no matter who is sitting in the position of CEO, they have a very straightforward and realistic set of rules and guidelines to follow, which they can look back to if they replace someone else that was in there before.

Thank you very much.

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chair. I just want to rise very briefly to point out that this amendment is actually quite unnecessary and redundant. In the provision under section 62 of the proposed act, 5.2(3):

> Findings and decisions and any additional information that the Chief Electoral Officer considers to be appropriate shall be published on the Chief Electoral Officer's website in the following circumstances.

Then it goes on to outline what those circumstances are. There's no question that the findings of the Chief Electoral Officer on an investigation are to be made public on the website, so all this adds is within 30 days. That may or may not be an appropriate addition, but there's no question that findings will be public.

With respect to the "may serve" or "must serve" what that does is that by replacing "may serve" with "must serve," it takes the discretion out of the Chief Electoral Officer's hands in circumstances where they may have done an investigation, they may have found a technical breach, a mistake, there's a finding that the law has been breached, but it's not something that is deserving of

sanction. There are those circumstances that may happen from time to time. They happen in the criminal law. They happen in other circumstances. To leave out any discretion means that people will be served a letter of reprimand or an administrative penalty must be served. One of those two leaves out the other option for the Chief Electoral Officer to make a finding that there has been a problem, to report that finding, because he's required to report it, but not actually to levy a sanction where he doesn't feel a sanction is warranted.

Mr. Saskiw: Mr. Chair, I'm not following what the Government House Leader is saying. If the language is that the Chief Electoral Officer produce something on his website when he considers it to be appropriate, that is clearly discretionary, again.

Mr. Hancock: No. He has to publish decisions and findings and such further information he deems appropriate.

Mr. Saskiw: That he considers appropriate.

Mr. Chair, this is just another example. If there's been a violation of the act, there should never be any wiggle room language like something that the Chief Electoral Officer considers to be appropriate or in this case something the Chief Electoral Officer may do. This is particularly important. We have already found that the Chief Electoral Officer has found, I think, over 40 instances of illegal donations made in this province. Yet under the proposed legislation it's still discretionary on whether he has to make it public.

I'd like to refer the member to even, for example, 51.02. That's page 68 of Bill 7. I'll start with 51.02(2): a disclosure under 5.2(3)(a) may be made with respect to an alleged contribution. Again, that's consistent with what was under 51.01. Under the new law the Chief Electoral Officer does not have to make public illegal donations made in the province. That is the case under the current legislation. In both instances they may.

I'm not sure what the hon. member is referring to on the other page. If the hon. member would please refer to that section, I'd appreciate it.

Mr. Hancock: On page 42, under section 62 amending section 5.2(3):

> Findings and decisions and any additional information that the Chief Electoral Officer considers to be appropriate shall be published on the Chief Electoral Officer's website in the following circumstances:
>
> (a) subject to section 51.02(2), if a penalty is imposed or a letter of reprimand is issued under section 51 or 51.01.

"Shall be published."

The Chair: Thank you.

The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. The hon. member is referring to section 62, amending 5.2(3). Again, I think that the language there, "considers to be appropriate," still provides wiggle room. The other thing is that it's contradictory to the subsequent section.

If it is redundant, as the hon. member argues, I don't think there's any reason to reject this amendment. If there's ambiguity in this section, I think – it's clearly ambiguous. One section says "may" when it references the same section. One other section says, "considers to be appropriate shall." I'm not sure why there would be any reason not to.

I would also refer you – I think this is maybe getting to the thrust of the matter – to 51.02, the retrospective disclosure of illegal donations, that clearly says "may." If you look at 5.2(3), it says, "considers to be appropriate." It's confusing. If the intent of this government is actually to definitively publish any illegal donation, I would suggest that we simply amend this legislation and make it "must."

9:10

Mr. Anglin: To the hon. member of the opposition, I don't agree with the interpretation of that section 62, but if it is as you say it is, then what this amendment would do is provide consistency because if it was mandatory that it be published and there was no discretion to publish it, then what this amendment will do is make this section consistent with the previous section, which would make it mandatory that the penalty be served on the individual or the entity and that that notice would also be brought forward in a sufficient time frame. That would actually bring consistency.

Although, going back to my original statement, there is discretion in what was just read where it says, where the Chief Electoral Officer "considers to be appropriate." That "considers to be appropriate" is, in my mind, discretionary, and I think that legally that would be discretionary. What this amendment would do to the actual violations is that it would create a consistency right across the spectrum which says: if there is a violation, then that violator will be served, and there will either be a penalty or a letter, and that will then be available to the public within 30 days. That would be consistent with at least posting on the Internet or on the website or however they post it. What it would eliminate is any confusion about the matter. The mandate that they shall be served is prescriptive, and it will make sure that there is consistency and less ambiguity rather than more confusion.

In my mind, the argument that it is redundant, I don't see the redundancy. What I see is that this amendment is bringing forth prescriptive language that makes it absolutely clear that once a violation has been established, it is mandatory that that violator be served, whether it's an individual or an entity, and that however it is determined, whether it is a penalty or whether it is just a letter, at least then there is consistency with the enforcement of the law, which is the whole purpose of investigating, and when there is wrongdoing found, the idea of penalties is to serve as some sort of – I'm lost for words for a second.

An Hon. Member: Deterrent.

Mr. Anglin: Deterrent – I was looking for it; I found it – so we don't have these offences: that's the whole purpose behind it. A deterrent is also the letter. Nobody wants their name out there that they violated either the act or the rules and the regulations under the act, so we have consistency. That, to me, is what this amendment brings forward, consistency.

Just backtracking to the hon. member's statement, if it is as he says, then this amendment would be then consistent with that previous section he referred to.

Thank you very much.

The Chair: The hon. Member for Medicine Hat.

Mr. Pedersen: Yeah. Just quickly. Thank you, Mr. Chair. Just the way it's worded, it just gives me concern that it still allows for some subjective decision-making rather than objective, and that's just, you know, what I'm picking up on. I don't claim to be an expert, but, you know, when you create these areas for wiggle room, again, there are going to be people who are going to be unhappy if somebody actually makes a decision that they feel wasn't right. So, again, if you can remove that subjectivity and create more of the objectivity that I think this bill is trying to create, for normal, you know, regular street people like me, I think

it would go a long ways. But I do thank you very much for the clarification.

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chair. I don't wish to prolong this debate unnecessarily, but it's clear that the Chief Electoral Officer receives a complaint or otherwise comes into information which would suggest that there is an investigation, makes an investigation, and then as a result of that investigation determines whether or not an offence has been committed. Now, it's clear under the section that we're talking about, on page 66 and if you go over to 67, that the Chief Electoral Officer has some decisions to make. I mean, he's in the nature of a judge in that case and can make certain decisions. At the bottom of page 66, subsection (4), "in determining the amount of an administrative penalty . . . to be paid or whether a letter of reprimand is to be issued" – in other words, does this offence warrant anything? – then he takes into account subsections (a) to (g).

It's clear that he has that ability to make that determination. First of all, has an offence been committed? Secondly, what's the context of that, and what is the appropriate response to it? The response could be: an offence has been committed, and we'll report that. But it wasn't wilful; it wasn't any of these things. Therefore, no further sanction is necessary other than publishing that it has happened. Or a letter of reprimand may be appropriate, or an administrative penalty, a sanction of more severity, might be appropriate. Those are the tools that are in the CEO's hands, and that's clear in this section. It's also clear if you go back to page 42. There's no ambiguity. "Findings and decisions and any additional information that the Chief Electoral Officer considers to be appropriate shall be published . . . subject to section 51.02(2)," which is the time limitation of three years.

It doesn't have anything to do with the decision piece in 51.01. Section 51.02 is the time limitation period, which is consistent with the other time limitations. I presume that we'll get into that discussion at another point. Section 51.02 is simply the time limitation. Subject to the time limitations when he makes a finding or decision, he needs to publish it. He can also publish any additional information that he thinks is appropriate. The two sections are clear, and what we're trying to accomplish is clear. It's an entirely appropriate way to go.

Mr. Saskiw: I'd like to thank the Government House Leader for that. The issue, I guess, is that if we look at some of the comments that were made, we're going back – there's been an inclination that we will go back three years on any illegal donations, and 51.02(2) is permissive. The section he referred to on page 42 says: "subject to." So right now under law the Chief Electoral Officer need not disclose any violations in the past three years. I don't think that was the intent. I know that the Justice minister during the introduction of the bill made it very clear that those illegal donations going back three years would be made public. Right now 51.02 is permissive, and the provision that he referred to under section 62(3) is also permissive.

The Chair: Are there other speakers?

Mr. Hancock: I hesitate to continue this back and forth, but 51.02 simply puts in some time frame, "may not be served more than 3 years after the date on which the alleged contravention occurs," and 51.02(2) "a disclosure . . . may be made with respect to an alleged contravention that occurred before the coming into force." So, it may be made, with respect to disclosure, before the coming into force of this section. Normally if you didn't say that, you might not know that you had that authority, but then when you read that with the other one that says that when he makes a decision of wrongdoing he must publish, it's very clear.

The Chair: Other speakers?

Mr. Saskiw: I'd like to make a motion on this amendment that there be a one-minute bell.

The Chair: Okay.

[Unanimous consent granted]

The Chair: We'll call the question, then, on amendment A5.

[The voice vote indicated that the motion on amendment A5 lost]

[Several members rose calling for a division. The division bell was rung at 9:20 p.m.]

[One minute having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:

Anglin	Hehr	Saskiw
Barnes	Pedersen	Stier
Bikman	Rowe	Strankman
Eggen		

Against the motion:

Bhardwaj	Griffiths	Oberle
Bhullar	Hancock	Olson
Cao	Hughes	Pastoor
Casey	Jansen	Rodney
Cusanelli	Johnson, L.	Sandhu
Denis	Klimchuk	Scott
Dorward	Lemke	Starke
Drysdale	Leskiw	Webber
Fenske	Luan	Woo-Paw
Fraser	McDonald	

Totals:	For – 10	Against – 29

[Motion on amendment A5 lost]

The Chair: We'll go back to the main bill. Are there other speakers? The Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you very much, Mr. Chair. I, too, will move another amendment here on behalf of the Member for Edmonton-Centre.

The Chair: Wonderful. Thank you. You'll send us the original along with enough copies to be distributed, and make sure you keep one. This amendment will be A6, hon. members.

Hon. member, you may proceed to speak to the amendment.

Mr. Hehr: Well, thank you, Mr. Chair. This amendment by the Member for Edmonton-Centre moves that the Election Accountability Amendment Act be amended in section 3(b) in the proposed section 4(2.1) by striking out "the registered political parties that are represented in the Legislative Assembly" and substituting "any registered political party."

It goes without saying here that I think this is a pretty self-explanatory amendment. It represents the fact that here in Alberta there are a great many political parties not necessarily referenced by their electing a member to this Assembly. There are some parties – at the top of my head: the Alberta Social Credit Party, the

Alberta Party, the Communist Party and a few other organizations – out there that are active political parties moving slowly but surely in having their voice heard in the democratic process.

If we're going to have a bill that's going to be an Election Accountability Amendment Act, it should reference the fact that political parties are out there waiting for their opportunity to elect members and go to government. I think there is a prime example in the current government. It didn't always have a member in this honourable House, nor did the Official Opposition. I'm sure at times the Alberta Liberals have not had a member in this House.

Mr. Eggen: We've always been here, yeah.

Mr. Hehr: Actually, the New Democrats have always been here, at least in spirit, if not maybe in person.

Nevertheless, I think this is an amendment that really reflects the diverse nature of the Alberta political system. One never knows what will happen in the future as to who or what political organizations start up and try to add to the political debate in this province.

That's the nature of my amendment, Mr. Chair, and I'd urge all members to support it.

The Chair: Other speakers to the amendment? The Member for Edmonton-Calder.

Mr. Eggen: Yes. Thank you, Mr. Chair. Briefly, I certainly concur with my colleague's comments on this. I think it's both fair and taking the long view that we should be including any registered political party in this. I mean, these things come and go, and certainly we would like to keep the fluidity that we have in our Alberta system with new parties emerging and rising over time and not be stuck in the channel of parties that just carry on and on. I think this is a very simple, straightforward amendment, that I will be supporting on behalf of the Alberta New Democrats.

Thank you.

The Chair: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I rise in support of this amendment. Far be it from me or anyone else, I think, to inhibit the Chief Electoral Officer from doing their job. We're talking about just substituting a very benign language, from the political parties that are represented in this Assembly to all registered political parties which fall under the jurisdiction of the Chief Electoral Officer. I mean, we can go on and on with examples of why the Chief Electoral Officer should or may out of necessity have to meet with a political party for whatever reason.

9:30

I'd be really interested in the objection of the sponsor of this bill as to why this isn't something that is acceptable as giving flexibility to the Chief Electoral Officer and allowing the Chief Electoral Officer to do their job. I don't see that we're impacting this bill in any way other than giving just a little bit more flexibility to it and, even then, not a whole lot of flexibility. This is just straightening up some language to make sure that the Chief Electoral Officer has that ability by legislation to meet with any registered party in the duties of their job.

With that, thank you very much.

Mr. Hancock: Question.

The Chair: Question on the amendment.

[Motion on amendment A6 lost]

The Chair: Back to the main bill. The hon. Member for Edmonton-Calder.

Mr. Eggen: Thanks, Mr. Chair. I have a modest proposal here that I will pass to you. I think the original is on the top.

Thank you.

The Chair: This will be amendment A7.

Proceed, hon. member.

Mr. Eggen: Thanks, Mr. Chair. As you can see, my amendment is taking a look at section 44.94(7) and putting in a section that would say:

> (8) Contributions to a registered leadership contestant shall not exceed $3000 in the aggregate in any campaign period.

This bill currently makes no changes to the leadership contest on the issue of contribution limits, and there's a whole section on how contribution rules are applied to leadership contests, nothing specifically about limits, though. We thought that this amendment might pick up where Bill 7 left off when it comes to leadership contests and, in fact, places a cap on leadership contributions of $3,000. This is not in sum total but a single contribution.

Currently Alberta's election laws place no limits on donations to leadership contestants, and we find it troubling that leadership contests are quite apart and autonomous from Alberta's election legislation now under the Election Act and the Election Finances and Contributions Disclosure Act. Bill 7 tries to bring leadership contests under some semblance of the basic rules that govern general elections.

In the spirit of that, this amendment makes sure that contribution limits are also set at a reasonable limit to encourage participation and democracy in the process of electing parties' political leaders, the same rationale that we brought forward when talking about the elimination of union and corporate donations and lowering the individual donation limits from the $30,000 that we currently have. The Chief Electoral Officer, I believe, as well made recommendations to the Ministry of Justice and Solicitor General to ensure that leadership contests were governed by election financing rules. This amendment simply extends that recommendation to contribution limits. It's very logical and eminently reasonable, I think, Mr. Chair.

The $3,000 contribution limit is in line with some other provinces such as Manitoba, which has set contribution limits. Manitoba's election financing laws, as it happens, have been considered as reasonably democratic and fair when compared to other jurisdictions such as Alberta, which places no limits on contributions to these campaigns. I think that, similar to a lack of a reasonable limit in general political contributions to parties and candidates, the fact that leadership contests don't have contribution limits means that certain individual party members who do not have the financial ability to contribute competitively in the leadership process are thus diminished, right? This limit on leadership contest contributions will, I think, level the field to a great degree and will encourage maybe more leadership contestants to reach out to more supporters and thus create a more democratic field in which these leadership contests should be played.

Mr. Chair, I think that my proposal is clear.

The Chair: Thank you, hon. member.

I'll recognize first the Minister of Justice and then the hon. Member for Calgary-Buffalo.

Mr. Denis: Thank you very much. I'll keep my comments brief as we're getting a lot of progress here. I just wish to correct the record. The Member for Edmonton-Calder was talking about the

Chief Electoral Officer's recommendations. The Chief Electoral Officer made no recommendations as to contribution limits with respect to leadership contests. He did recommend that there be a disclosure over $250. We've accepted that recommendation. We've also accepted 90 of his 101 recommendations, Mr. Chair. As we move forward, we want to keep this away from becoming a partisan document, and that's why we followed his recommendations so closely.

I do note that in last year's PC race five of six candidates decided to disclose everything. There was a $5,000 limit imposed by the party. I also believe that in the Wildrose leadership just before the last election the Wildrose leader disclosed her donations. I would therefore suggest that the Chief Electoral Officer is correct, that we can impose these new regulations, but at the same time this is also an internal party matter, and we need to respect that, the internal structures of all the major parties, in fact all of the parties' leadership selection processes throughout this province.

The Chair: The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Chair. I actually got a little bit of a chuckle out of the hon. Solicitor General's comments there stating that he seemingly seems to have to wait for the head of our elections to make a recommendation before he can act. To me, that was a telling statement and one that I hope he doesn't continue to follow. If he sees an opportunity to increase openness, transparency, or to bring better democracy to this great province, I hope he's not waiting for the Chief Electoral Officer to make those recommendations. If he knows of some, he should be making them and not merely relying on a member who is appointed by our Legislature and the like. He is the minister and should not abrogate his responsibility in this regard, and he should be moving forward boldly where he sees fit regardless of whether the Chief Electoral Officer says so or not.

In any event, back to the amendment. I see this amendment as being a very good one. If we go back to the concept that I believe happens, that money influences politics, that by human nature it allows not our better angels to guide the process, I believe limiting leadership contestants to $3,000 in aggregate from any one person is a very good move. To me, I don't buy the argument that some tried to put forth that money has no influence in this game. If they take that view, I believe they're being unbelievably naive.

In my view, we should look to limit the amount of influence any one individual, any one corporation, or any one union can have on any member of the House and, in particular, leadership contestants to run this province and/or be a member of one of the opposition parties. It really doesn't matter to me. There should be strict limits enforced and the recognition that no one should have a pipeline to the Premier or an opposition leader of any party. It should be based on the more essential, egalitarian concepts of fairness and what is seen as right.

9:40

I get back to the principle of Joe and Jane Electorate. You know, there's a sense out there that politicians can be bought, can be influenced by money. In my view, it's not necessarily right of Joe and Jane Albertan to state that, but it is the truth, okay? We should in all contests try and eliminate money from politics where we can. I think this amendment to limit leadership campaign contributions to $3,000 is a good one in that regard. I think it is one that would make leadership contestants seek out money from a variety of sources and individuals and allow for more competitive campaigns. As well, no one candidate could simply lock up a certain amount of donations from a certain sector or industry or the like and have made a whole bunch of promises to that industry, corporation, or the like and get an unfair advantage in the leadership race and then also be beholden to that industry or corporation for future promises.

I believe that has happened before, Mr. Chair. I believe it in my heart, and I believe that anyone who has sat on the government side of the House has seen that influence happen before their eyes. If they would admit that and sort of see that this is a good amendment to try and limit that undue influence that may be present with large donations to leadership campaigns.

In any event, I commend the Member for Edmonton-Calder for making this amendment, and I urge all members to support it.

The Chair: Thank you, hon. member.

I recognize the Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Mr. Chair. I'll be brief. Four points, I think, in support of this. I think that it's a good amendment. Limiting the donations to $3,000 is a good idea. It levels the playing field and removes the potential for the appearance, at least, of buying undue influence and easy access to the successful leadership candidate. Third, it can provide increased confidence in the process to the people at large, particularly the party members that would be participating in the vote for their leadership candidate, and it may encourage broader participation financially as well as being involved in the process itself.

I think, all in all, it's a worthwhile amendment, and I hope that the people over there might see the light and hear the voice. Thanks.

The Chair: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I rise in support of this amendment. I'm not sure the $3,000 figure is the correct figure, but I'm going to support this amendment because there needs to be some sort of limit on what the contributions can be. If history has taught us anything, this has been an issue, going back a number of leadership races, that has been a point of contention. The argument that individuals might seek to unduly influence a leadership race is a valid argument. It's been leveled at numerous leadership campaigns in the past, and without any kind of limits it will continue to be leveled at leadership races. This is a good way to address that issue.

Whether or not the $3,000 figure is a correct figure, that I don't know. But I do know that if we take steps to actually not just strengthen the process but to make sure that the democratic process is respected in the sense that we have a rule here or a piece of legislation that prevents something – in the case of the allegation we've just seen recently with the Katz Group, the allegations that certain individuals wanted to influence a system. Whether that allegation is correct or not, it is the presumption in the public, and it's the black eye that we suffer from that presumption, whether it's accurate or not. By limiting the amount of contributions, it does set a cap, and it does help to strengthen the system and, I think, make for a stronger democratic process.

With that, I urge members to support this motion.

The Chair: Other speakers on amendment A7?

Seeing none, I'll call the question.

[Motion on amendment A7 lost]

The Chair: Back to the main bill. The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. I have another amendment to put forward with the requisite copies.

The Chair: That'll be A8.

Hon. member, you may proceed with amendment A8.

Mr. Saskiw: Thank you, Mr. Chair. This is a very, very simple amendment but a very, very important one. This is where the rubber hits the road. What this amendment does is that it amends section 51.02, which makes a retrospective amendment to the legislation which allows the Chief Electoral Officer to go back three years and make public any illegal donation. Unfortunately, even under this act it's only three years from the date of coming into force of this legislation, so by the time this comes into force, a bunch of illegal donations that have been found by the Chief Electoral Officer will have expired.

This amendment makes it go back seven years, and the reason for that is that we've found and the Chief Electoral Officer has decided on numerous cases of illegal donations going to a certain political party. These are not allegations. There have been findings by the Chief Electoral Officer of illegal donations going to a certain political party, yet right now this is kept secret. We don't know what the findings were, whether they've been repaid, what the penalties were. It's shocking, quite frankly, shocking and appalling that in a modern democracy a party can illegally solicit and accept illegal donations – illegal donations – that actually have been found to be illegal, but the political party doesn't have to make that public. That is wrong, Mr. Chair. No other democracy does that.

You know, there's a opportunity here for the government to accept this amendment. We've seen very, very recently, in fact, an example of where this amendment would come into play. We found that a former executive of the Calgary health region had expenses, put money into partisan political purposes and had it reimbursed by Calgary health services. Clearly illegal, Mr. Chair. Clearly, clearly illegal. Under the current legislation, if you can believe it, despite it being completely illegal, the Chief Electoral Officer has no obligation to make that finding public, to make the determination of the penalty public, to make the determination of whether the monies have been repaid public. It's absolutely shocking.

9:50

If the government decides not to accept this very straightforward amendment to go back seven years for whenever the Chief Electoral Officer has made a finding of wrongdoing – this is not a case of making new offences; this is an actual case where the Chief Electoral Officer has found illegal donations in this province. If this amendment is not accepted, one can only surmise that this is a deliberate attempt to cover up previous illegal donations. There's no other explanation here. If you believe in transparency and if someone has made an illegal donation, why should that not be made public? Why should that not be made public?

You know, it's not a case of record keeping. This is an instance where we've already actually had a press release from the Chief Electoral Officer saying that he has found 48 cases of illegal donations. How could that not be made public? What kind of democratic deficits are there in this province? This is the only province that does this in any western democracy not just Canada. No other western democracy would keep secret a case of illegal donations that have been found. It is absolutely shocking.

The inevitable question here is: what are you hiding? I know that the Justice minister spoke, and he said there's no smoking gun. Well, if there's no smoking gun, disclose it. Is this a deliberate attempt by this government to cover up illegal donations, some of which have clearly been made by the Premier's sister in her capacity as an executive for the Calgary health region?

Mr. Chair, I just find that this is an obvious amendment. If this isn't accepted, it's just shocking, quite frankly, that we will know going forward that we have an instance of the Chief Electoral Officer finding illegal donations, but they will forever be kept secret. They will forever be kept secret because of this government's position. How can anyone actually defend a position where illegal donations have been made, public dollars, taxpayer dollars have gone toward political purposes, but that is not made public? The penalty for that is not made public, and whether those funds have been repaid has not been made public. How can anyone with any integrity actually defend that position?

I hope and I urge that we have a democracy here in Alberta, where this very, very basic accountability provision is accepted.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

The Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Chair. Certainly, I concur with the hon. Member for Lac La Biche-St. Paul-Two Hills. I think that extending Bill 7 retroactively to seven years, not three years, would capture a lot more of the illegal donations made since the end of 2005. It's a reasonable time frame as records, I think, generally get destroyed in different places after seven years. You know, just because the CAs don't have to keep records past three years doesn't mean that this evidence is not relevant. We know of many cases where cheques might be illegally cashed, whether or not they know about that. Any problems because of a lack of party or CA records can be taken into consideration, but it's still not an excuse to just pave it over with law, right?

It's clear that we know that we've seen illegality, alleged and proven, past this date. I think it's reasonable to extend it back seven years. The whole idea that, well, if you don't have limitations, then it calls into question the whole viability of the law: you know, we always put limitations on different aspects of our data, but I think this seven years is eminently reasonable, Mr. Chair.

Thank you.

The Chair: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I rise in support of this amendment. I understand that the hon. members get insulted when the issue of some of these illegal donations from one of the Chief Electoral Officers is brought forward. They get insulted when allegations are made in respect to relations to the Premier. But what this appears to be is a way to avoid this and to get around this.

All I want to say to the hon. members on the other side of the House is that if it is as you say it is and there's no wrongdoing, then this is a moot point. Seven years should never be an issue. It is one statute of limitations. But if you have something to hide, then you cannot go back seven years. That is, bluntly, just the way it's going to be perceived in the public. So here we have an amendment that says that we will go back to the previous findings, and that would be subject to this law, this act that we are passing. If we only say that we put this limitation to three years, when this goes into force, then what we're doing is subjecting this House to the criticism of the public that there's something to hide. If the hon. members do not like that, that is exactly what's going to happen as a direct result.

I support the amendment to include the seven-year statute of limitations here for the notice of administrative penalty but to limit that so that it prevents those numerous allegations that have been made and those numerous findings, which are not allegations but findings of the Chief Electoral Officer. To me that's disrespectful of the public, and that's disrespectful of the process. People need to be held accountable, and so be it.

Thank you very much.

The Chair: The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Mr. Chair. I speak in favour of this amendment. I think it's a critical amendment. I think it's one that ought to be embraced by almost all, if not all, of the members across the floor. It's a chance to have the slate wiped clean. It should appeal to the hon. members across the floor who have nothing to hide but are being found guilty by association and tarred by the same brush of guilt.

The public at large will feel that the only reason for this amendment to be rejected by the governing party is that they must have many embarrassing donations that they need to hide. If they don't have anything to hide, then why not support the amendment? But if we and the public at large are wrong, then here is your opportunity to prove it and restore trust or show publicly why the government can't be trusted and is as corrupt as we've been telling people.

Just because you can defeat this amendment doesn't mean that it's ethical to do so.

The Chair: The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Mr. Chairman. I, too, rise to speak in favour of the motion. It seems logical that in retrospect if we can look back three years, we should be able to look back seven. We're not putting any extra onus on constituency associations for record keeping. It's just that if the Chief Electoral Officer happens to come across something, he will have the power to investigate back seven years.

As the hon. member mentioned earlier, we have heard of up to 48 instances of wrongdoing that could get overlooked or basically missed with this law. At the very least, the fact that the monies raised – and the allegations were made – should have the chance to be repaid and should have the chance to be returned at least to a level playing field.

You know, as I mentioned the last time I rose, there's a lot of concern to have an open, transparent process where our public is engaged, want to be involved as voters, as volunteers, and as candidates. The more that we have the opportunity to make these instances in the past – and I think in the past it's to retrospectively shine the light on them so that they are dealt with – that will put some accountability in the system that is much required. Again, I am in favour of making this a seven-year amendment as opposed to only the three years that it is now.

10:00

The Chair: Are there others? The hon. Member for Chestermere-Rocky View.

Mr. McAllister: Thank you, Mr. Chair. It's a pleasure to rise and speak to this bill, to any amendment. I'll try and strike a little bit different tone but try to make some similar points. The Election Accountability Amendment Act, 2012: I would love to believe that the government proceeded with the best interests in mind and truly wanted to reform the way things are done and make them better.

Proceeding with that thought, I think the reason that this amendment was put forward was so that we can get to the bottom of what we believe to be out there right now. Regardless of what side we sit on, if there are up to 50 cases of illegal donations out there, it's our duty to make sure that all of those cases are investigated. Maybe somebody could rise and assure me that that's going to be the case, in which case, you know, I think I would rest a little easier. I think everybody would.

Our fear is that if these cases go back beyond three years and are currently in the queue, they won't be investigated and it won't be made public. Those people that are guilty will just get away scot-free, and the public won't be aware of what's happened. You run the risk of, you know, people not being accountable for their mistakes, and you run the risk of people saying that government didn't take the time to investigate known cases. That's the problem.

Going seven years – I mean, I guess you could've picked five. You could've picked six. I suppose if you would have picked five, you'd suggest that maybe we would have said: well, we can't support five; we've got to go with 10. That's sort of what I'm seeing here over the last six weeks, the way things seem to work.

In general, my biggest concern in looking at this is that cases that are in the queue, those that we know have donated illegally, won't be investigated and won't be made public. I think that's the motivation to make sure that we go back a little bit further on the subject, looking at the amendment and making all of the cases public.

I think it's fair to say that sometimes, Mr. Chair, some of the cases of illegal donations are indeed innocent. I believe that. People make mistakes. Unfortunately, when those cases are made public, you know, those people have to answer questions that maybe they shouldn't have to answer. The problem is that if we make an exception and don't make all of that public – we would be wiser to risk letting the public judge those that are mistakes and, hopefully, understand those that are honest mistakes. We would be wiser to do that than err on the other end and let those that have made serious mistakes get away with it and not be investigated and not make the public aware.

That is our biggest concern. You know, it is and always should be about full disclosure. In the last couple of months or even during the last election campaign – we all fought very hard to be here regardless of what party we're representing – you wouldn't have to go very far to see that the public has an appetite to see that government is doing things above board and government is going through the proper rules and regulations to make sure that there are no unfair advantages given.

What the Member for Lac La Biche-St. Paul-Two Hills here is proposing is reasonable. You can have a problem with the number of three to seven. I would say that if we would just ensure that we would investigate all cases of illegal donations that we're aware of or that come forward, you know, I'd be incredibly happy. I think we owe that to the public in terms of full disclosure.

Did we say that the Chief Elector Officer, Mr. Chair, had 48 cases before him? It's not like we get a case, you know, every three, four, five, six months, and it's easy to defend or make an excuse or an exception for. We're talking about 48 cases before the Chief Electoral Officer, nearly 50 cases of alleged illegal activity to be investigated. Now, that's a serious number, whether I'm sitting here as a member of this Legislature on the opposite side of the government or not. If I sat on that side, I'd want that investigated, and I bet many members do. What it comes down to for us and should for all of us is so that we can look the people in the eye that put us here and say that we're doing all we can to make sure that we're transparent, we're accountable, and more

importantly we're holding those accountable who make mistakes and try and abuse the process.

I would also say that I don't believe, as some members on the government side have spoken to on this amendment, not necessarily on this amendment but on the issue in general, the government is always aware of things as they are occurring, and the onus might not always need to be on them to provide every piece of documentation and receipt, et cetera, et cetera. But in these cases when we have them right in front of us, it's our duty to investigate them. Should this bill get put into legislation, the Election Accountability Amendment Act, 2012, and us not have the ability to go and investigate these known cases, these illegal donations, then that's a problem. There's nobody here or nobody outside of here that would suggest we should do that.

That's why I rise with great pride hopefully striking a better tone and suggesting that I will support this amendment wholeheartedly. Mr. Chair, as always, it's a pleasure to be able to voice my opinion.

Thank you.

The Chair: Thank you.

Are there others? The hon. Member for Little Bow.

Mr. Donovan: Thank you, Mr. Chairman. We're all here for the right reasons, I've said numerous times, and I think this one just goes back to that I don't think we're adding any more extra onus on anybody to do this. It clears everybody of any alleged could-be wrongdoings. They're all alleged, so if you open up the books, you clean them off, there isn't a problem.

You know, the office of the Chief Electoral Officer opened in 1977, so it's been around a while. You know, I was one when it opened up, but we're not here to point out ages on things. The administrator is to be open, fair, and impartial on elections.

Mr. McAllister: You look way older.

Mr. Donovan: Pardon me? I look way older. Yes, thank you.

You know, to embrace the partnership on doing it, to make sure political participants or necessary information accesses comply with the election rules, I think they have all the information there that's available. If the CAs have it destroyed in three years, I guess that doesn't mean that the evidence is moot. We need to look at the case and see if the cheques have been cashed. There is a process. It goes back to just clearing the air in this House all the time, to make sure that there is no Joe Q. Citizen out there that wonders, "Are we doing this wrong or are we doing this right?" and that it's open for everybody.

I think as long as we're showing that we're being open and transparent, which this government has taken a very hard stand on – that's what they want to be, open and transparent. They even named a ministry of it. It's excellent to see that they've taken that step. Now follow through with it. I mean, it's great to say and stuff, but we need to follow through with the process. We're dealing with, you know, an office that has 16 full-time staff members. They've identified things already, so let them follow through with them. If it means going back the seven years, I think it would be something that constituents would be able to say that we're being open and transparent. It proves the government's side that they are being open and transparent. I think there isn't a ratepayer or constituent in this province that wouldn't agree that we are open and transparent.

But how do we get to there? Well, make sure the rules are available so that it can be. You can dig into the situations and line them out so that if there were any thoughts out there that there was anything wrong going on, this clears everybody's name. I think, to me, it's one of the key reasons why I'd be supporting this amendment.

Thank you, Mr. Chair.

The Chair: Are there others? The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. I will just be very brief. I think this has been debated enough. This is a critical amendment. Of course, if you look at the current provision, it goes back three years from the coming into force of this legislation. Oftentimes it takes years for a piece of legislation to come into force. Under the current amendment it's essentially covering up past indiscretions, sweeping wrongdoing under the rug. It's completely the opposite of open and transparent.

10:10

For the new MLAs who are here, this culture of corruption in the past happened when you were not here. I would suggest that we shed a light on it, make it public, and then it's done. Right now, what the case is – and I respect the hon. member's comments earlier, but the Chief Electoral Officer actually issued a press release indicating that he has found tens and tens of cases of illegal donations. It's not alleged; he has found cases of illegal donations. If this amendment is voted down, it's clear that there is some type of intention to cover up past illegal activities.

Mr. Denis: A point of order, Mr. Chair, under Standing Order 23(h), (i), and (j). This member is making a lot of allegations.

Point of Order
Relevance

The Chair: Hon. Deputy Government House Leader, you rose on a point of order?

Mr. Denis: Under 23(h), (i), (j), and (l), Mr. Chair. This member is just making a lot of allegations with respect to the intention of this bill that I believe are inappropriate.

The Chair: Care to respond, hon. member? Well, then, I guess, hon. member, I would just ask if you would maybe stick to the bill and maybe avoid the allegations.

Mr. Saskiw: Sure. Thank you, Mr. Chair.

The Chair: Thank you.

The hon. Deputy Government House Leader?

Mr. Denis: Thank you.

The Chair: We'll proceed.

Debate Continued

Mr. Saskiw: With respect to amendment A8 this would shine light going back seven years if there are cases of illegal donations being made. The Chief Electoral Officer has publicly stated – this is not an allegation; it is public – that he has found numerous cases of illegal donations. If this amendment is not passed, it is essentially voting in favour of keeping those illegal donations secret. Consider that when you're voting here. You are voting to cover up past illegal donations.

Go ahead and vote if you want.

The Chair: Are there others? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Yeah. I'd just like to add a few comments on this amendment. I will be supporting it for many of the reasons that were given. I was just enlightened to a point brought up by the previous speaker. What I'm concerned about is the coming into force date of this. I would hope that the government takes it to heart that this should be proclaimed and proclaimed very quickly if you're really sincere. I have every confidence that the government and, in fact, even the political party that it runs its banner under is aware of contentious stuff that may or may not be out there, and they may be full well aware of some of the dates and the times and locations of some of this possible wrongdoing. I would hope that the government, regardless of what happens on this amendment, moves to proclaim this bill in force very quickly, hopefully in a matter of a month or two. I think that would be the right thing to do.

Nevertheless, sunlight is the best disinfectant, so I will be supporting this amendment.

The Chair: Thank you, hon. member.

Are there others? The Member for Medicine Hat.

Mr. Pedersen: Thank you, Mr. Chair. I also rise to speak in favour of this. Coming from the private business sector, you know, to have government only held to standards of three years, where small business or any business has to keep records back to seven years, I'm just wondering why we would want to come up and say that business has to be more accountable than government. I just don't understand that. That's one point I wanted to make. I think government needs to be and should be as accountable as any businessperson has to be in that regard. Seven years is the standard, and I think we should just be consistent with that. I don't think we deserve to be treated any differently or even less. Hopefully, you will consider that.

Some concerns that I've heard, you know, in the media and even in the House here, the Minister of Health and even the current health superboard. One of their comments is: "We don't want to waste time looking to the past. We want to look forward to the future. We're wasting money. We're wasting time looking into the past." I think that has been proven to be false. I think that there have been cases shown in the past that needed attention. I think they were investigated, and they actually found issues that were of concern. What I'm concerned with is the mantra that is coming from the government. "Don't worry about the past. We've changed. Let's concentrate on the future." Even though that mantra is, you know, nice in words and principle, there have been some indiscretions in the past that do need to be looked at and rectified, brought to light and dealt with so that things like that do not happen again so that as you move forward, you're not making the same mistakes or people within bureaucracy or government are not making the same mistakes.

The last point I'd like to make, being new to the Legislature and understanding just how slow government can move, is: when you're talking about three years before the coming into force of this section, that in itself will naturally kill a lot of indiscretions that have been brought forward. They're just going to die a natural death, and I don't think that's right for the voters and the public of Alberta. I think that going back that seven years will help to keep the trust going forward as you're intending to with this bill.

That three years on that part of the amendment also worries me. Who's to say when this bill is going to come into force? That's a real concern. Going back seven years on that as well also gives the ability to dig deeper, keep some of these investigations open, find out what the results might be, and move forward and, again, learn from any mistakes that are found and, you know, try and prevent those same mistakes being recommitted.

In closing, that's all I want to say. Thank you.

The Chair: Thank you, hon. member.

The Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. It's hard for me to imagine that almost every piece of legislation this government drafts is not done with a specific intention in that it's not carefully crafted to accomplish a certain task or whatever the policy or objective that the legislation intends. Three years would fit within that realm of that type of conscious drafting. It is unfortunate that the members can be insulted, they can stand on points of privilege, they can heckle, but what they can't do is support an amendment that would open that window up to seven years. That's what the public is going to know. That's what the public will see. It's unfortunate that they would find that offensive, but that's the reality. It doesn't take a whole lot to see right through what's happening here.

The allegations, the findings of the Chief Electoral Officer: all that is now going to be tossed in the back, and these three years will protect against any of those findings ever being actually – I don't want to use the word "prosecuted" – brought forward and people being held accountable. That's the most important part, that people need to be held accountable when there is wrongdoing, and people need to be exonerated when there's none.

What we're doing is that we're avoiding issue completely. Rather than actually dealing with it, people are getting insulted, and people are standing up and saying: "Point of order. I don't like what the allegations are or the language being used." This is a great way to put an end to all that. Let's get down to business.

Thank you very much.

The Chair: Are there others? The hon. Member for Little Bow.

Mr. Donovan: Thank you, Mr. Chair. I just want to clarify: is the government trying to invoke closure on this, or are we trying to work through this? No? We're not? Okay. Then would the Solicitor General please give me a quick explanation of where the huge holdup is between seven years and three years?

Mr. Denis: First off, just to clarify for the Member for Little Bow, there was a motion brought forth by the Government House Leader earlier today for time allocation. Just the notice came in today, so we're just going through the amendments, you know, as much as we can here.

As I've indicated publicly, not in this Chamber, if you refer to section 52 of the existing act, there is a three-year limitation imposed upon any – I'm sorry; I don't want to say "prosecutions" either – findings, any information whatsoever, and we are simply following that three-year limitation.

10:20

I've discussed earlier this government's view about retroactive legislation. Mr. Chair, it's our intention to release all the findings. We don't know, in fact, what party may have had illegal donations. If I were a betting man, I would suggest that it would be a multitude of parties. Regardless, we want to go back three years, which will cover the last election and the vast majority of these particular items. At the same time we want to go back only three years because of the three-year limitation in the act and no other reason as alleged here.

Mr. Saskiw: Just to clarify, the vast majority of circumstances that have been made public are far beyond three years. It's not just

the past election. Almost everything that's been public has been beyond three years. The word "cover-up" just comes to mind here.

The Chair: We'll call the question, then, on amendment A8.

[The voice vote indicated that the motion on amendment A8 lost]

[Several members rose calling for a division. The division bell was rung at 10:21 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:

Anglin	Donovan	McAllister
Barnes	Eggen	Pedersen
Bikman	Hehr	Saskiw

Against the motion:

Bhardwaj	Fritz	McDonald
Bhullar	Griffiths	Oberle
Cao	Hancock	Pastoor
Casey	Hughes	Rodney
Cusanelli	Jansen	Sandhu
Denis	Johnson, L.	Scott
Dorward	Klimchuk	Starke
Drysdale	Lemke	Webber
Fenske	Leskiw	Woo-Paw
Fraser	Luan	

Totals: For – 9 Against – 29

[Motion on amendment A8 lost]

The Chair: We'll go back to the bill.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I would ask for unanimous consent to reduce the bells to one minute for the rest of the evening.

[Unanimous consent granted]

The Chair: The hon. Member for Calgary-Buffalo.

Mr. Hehr: Thank you, Mr. Chair. Back speaking on the bill, I have an amendment to make.

The Chair: All right, hon. member. That will be A9. If you would send the original to the table and circulate the rest.

Proceed, hon. member.

Mr. Hehr: Well, thank you, Mr. Chair. I'm moving this amendment to the Election Accountability Amendment Act, 2012, for the Member for Edmonton-Centre. It's amending section 95 in the proposed section 44.94 by adding the following after subsection (7). Essentially, we're suggesting that maybe the limit proposed by the New Democratic Party to donations to leadership contests was too high, and maybe the hon. government would consider it too high and, hence, want to consider a lower limit to leadership campaigns. That's why the hon. Member for Edmonton-Centre is suggesting:

> (8) Contributions by any person, corporation, trade union or employee organization to registered leadership contestants shall not exceed $2000 to each registered leadership contestant in each registered leadership contest.

There's a second component to that.

> (9) Any money paid during a campaign period by a registered leadership contestant out of the registered leadership contestant's own funds for the purposes of the registered leadership contestant's campaign
>
> (a) is a contribution for the purposes of this Part, and
>
> (b) shall be paid into a depository of the contestant on record with the Chief Electoral Officer.

Clearly, I made my points on the hon. Member for Edmonton-Calder's motion that a $3,000 limit to leadership campaigns was a step in the right direction as it would limit the amount of influence a corporation, union, or an individual could have or be perceived to have on an elected official. In my view, we have seen money have an influence on politics, and I believe there have been instances in the governing party's own proceedings where undue influence may have occurred or where at least the perception of it had occurred as the result of donations.

I must remind everyone in this House that part of our job here is not only to ensure that leadership contests are fair and open and transparent but to send a message to Joe and Jane Albertan that politicians can't be bought. Although I've heard many protestations here that no one can be bought or that it has never occurred in this province, I think it's better to err on the side of caution and better to err by keeping the donation limit low to ensure that this does not happen. That's why the hon. Member for Edmonton-Centre is proposing a $2,000 limit.

Further, it would make leadership races more competitive. It would ensure that leadership contestants need to raise money from a large number of sources, not rely on any one pool or one industry to get their contributions, and in my view it would go a long way to creating an equal playing field for all leadership contestants in all parties.

Further, I guess the second part of the amendment is an easier one, just to clarify the rules around contestants spending their own funds for the purposes of a leadership contest. Clearly, this should already be known, but it's wise to put it in the legislation just in order that this is followed in a full and forthright manner.

That's my amendment on behalf of the Member for Edmonton-Centre, and I'd encourage all members of this honourable House to support it accordingly. Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

Are there others on this amendment? The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. I find part of the amendment quite interesting, actually, and it's subsection (9), where it requires that the leadership contestant's own money is counted as a contribution for the purpose of the act and that it has to be disclosed on record. I'm not sure if the existing legislation provides for that to be classified as a contribution. If it does, it's redundant, but I think that would certainly be a very good provision to ensure that someone with means – you know, we saw recently where there was an allegation that someone has made a $430,000 donation in a campaign. That, obviously, has significant influence on the integrity of our electoral system, and we'd hope that that type of influence is inhibited. This amendment would just do that.

10:40

On the $2,000 limit that's set out in subsection (8), I think our amendment would be somewhere along the lines of $5,000. We think that's reasonable, but I think reasonable people can reasonably disagree on a certain figure like that.

In general, I'm still looking forward to see if there's any other debate, but I think I generally support this unless I hear something otherwise.

The Chair: Are there others? I'll call the question.

[Motion on amendment A9 lost]

The Chair: On the bill the hon. Member for Edmonton-Calder.

Mr. Eggen: Yes, Mr. Chair. I have an amendment. The top copy is the original. If we could get that distributed, I would be grateful.

Thank you very much.

The Chair: This amendment will be known as A10, hon. members.

Proceed, hon. member.

Mr. Eggen: Thank you. I think everybody has got it now. You can see that this amendment is amending section 51.01(5)(a) by striking out "exceed $10,000 for each contravention" and substituting "be less than the amount by which the contribution or contributions exceed the prescribed limit."

Mr. Chair, currently Bill 7 says under the penalties section that administrative penalties cannot be more than $10,000. This amendment ensures that the Chief Electoral Officer will place administrative penalties that are in line with an excessive contribution. It makes it more flexible. Perhaps it could be more.

This amendment gives the law some teeth, I believe, Mr. Chair, that it doesn't currently have. It will ensure that when the CEO places administrative penalties on a person or organization for contributing over the prescribed amount, the person will be fined at least as much as what was contributed. In other words, if someone contributed $400,000 over the contribution limit, then that person could pay an administrative penalty of that same amount. This would ensure that the potential administrative penalties would actually have some deterrent effect.

Currently administrative penalties are too low, I believe, Mr. Chair, to be effective. Bill 7 gives the CEO, I think, as it stands, too much discretion when administering penalties. The CEO can administer penalties below the $10,000, of course. This amendment will ensure the lower limit for penalties, that will obligate the CEO to use administrative penalties that are in line with the contribution found to be in contravention of the act.

This amendment also allows the CEO to send a clear message to overcontributors who are in contravention of section 17 or 18 of the elections financing act to encourage future compliance with Alberta's election laws. Certainly, we don't want large donations that are clearly in contravention, and then the person is just calculating the fine potentially as the price of making that contribution. We've seen problems with very large contributions coming in without people having a clear idea what the law is. I think that Bill 7 is starting to clarify the landscape here, but this amendment clarifies it even more.

You have compliance with any law, Mr. Chair, based on the agreement between the public and the law somehow. You have compliance with the law as well through deterrence. The deterrent has to be sufficient to make someone think twice about breaking any law here in the province of Alberta. When we're dealing with money and with elections, I think the best way to hit back on any potential breach of this law is to hit back in the same way, with financial fines that are commensurate with the law that the person is breaking.

Thank you.

The Chair: The hon. Minister of Justice.

Mr. Denis: Thank you very much, Mr. Chair. Just a few comments. I thank the Member for Edmonton-Calder for his interest in this act with his amendment. I appreciate where he's coming from when he talks about the need for a deterrent, the need for teeth. But this actual amendment would give far less teeth than keeping the original verbiage. The amendment would substitute "be less than the amount by which the contribution or contributions exceed the prescribed limit." The vast majority of contributions are, I would say, less than $10,000. The vast majority. If you have an illegal contribution of $500, guess what? If this amendment was accepted, the maximum then that the Chief Electoral Officer could actually impose would be in that case $500.

I would also suggest that the Chief Electoral Officer needs a broad array of discretion when dealing with these particular issues. For example, if you have prohibited organization X or Y that is just contributing the same amount of money and, as this member suggests, they just calculate the fine as part of doing business, well, you know, what should happen then is that the Chief Electoral Officer should have the discretion to increase the penalties on an escalating basis in order to deter these types of infractions from happening again.

I should also mention to this member and to the rest of the members here this evening that the $10,000 ceiling is an increase from $1,000. It does really keep up with the whole time.

I would also mention to this member that the previous amendments that we've discussed deal with the primary onus being on the donor. In keeping with that, the Chief Electoral Officer should and must have the discretion to deal with administrative penalties, as I suggest, perhaps in a very increasing manner, in an escalating manner in the event that you have a repeat offender. I would suggest that to continue with the principle of giving more teeth to enforcement under the new act, we should keep the $10,000 ceiling and leave the discretion with the Chief Electoral Officer.

I'll take my seat.

The Chair: Are there others? The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. I rise to support this amendment. You know, the Justice minister indicated that often in cases there aren't excess donations that are exceptional. He mentioned a $500 donation. But if you actually take one example, there's a potential that someone could make a $430,000 donation. If that's over the prescribed limit, say, of $30,000, then one would expect that the fine should be no less than $400,000; otherwise, you're going to have a circumstance where this is simply the cost of doing business. "Let's make a big donation. If we get caught, it's going to be a small fine of $10,000." For a donation $400,000 in excess of the maximum prescribed limit to have a $10,000 penalty seems ridiculous, too small. Why would someone who made a $400,000 excess donation care about a $10,000 fine? It baffles the mind. I'm not sure why the hon. member wouldn't accept this.

Thank you, Mr. Chair.

The Chair: Are there others?

Seeing none, I'll call the question on amendment A10.

[The voice vote indicated that the motion on amendment A10 lost]

[Several members rose calling for a division. The division bell was rung at 10:50 p.m.]

[One minute having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:		
Barnes	Eggen	Pedersen
Bikman	McAllister	Saskiw
Donovan		
Against the motion:		
Bhardwaj	Fritz	McDonald
Bhullar	Hancock	Oberle
Cao	Hughes	Pastoor
Casey	Jansen	Rodney
Cusanelli	Johnson, L.	Sandhu
Denis	Klimchuk	Scott
Dorward	Lemke	Starke
Drysdale	Leskiw	Webber
Fenske	Luan	Woo-Paw
Fraser		
Totals:	For – 7	Against – 28

[Motion on amendment A10 lost]

The Chair: Now back to the bill. The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. I have an amendment with the requisite copies.

The Chair: Hon. members, we'll refer to this amendment as A11. I'd invite the hon. member to speak to the amendment.

Mr. Saskiw: Thank you, Mr. Chair. Speaking to amendment A11, I think the intent of this amendment is evident just on the face of the provision. I'll just read it briefly.

> When a person or entity fails to pay the administrative penalty within the period of time specified in subsection (7), the Chief Electoral Officer shall make public this failure within 30 days of the expiration of that period.

This is just an instance where if the Chief Electoral Officer makes a finding that someone has made an illegal donation and issues a penalty as a result of that, if that person doesn't pay that penalty, that that be made public. The reason for this amendment is just to provide a little bit of public shaming. If someone doesn't pay the penalty, Albertans have a right to know that. It also, I think, acts as a deterrent. If you've been found guilty and don't pay your penalty, you're going to be shamed in public, and you may not do that again. I don't think this is a very controversial amendment. I think the rationale for it is self-evident.

Thank you, Mr. Chair.

The Chair: The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Mr. Chairperson. I'll speak in favour of the amendment, too, for the two reasons that the hon. member mentioned. I'll also add that it may help the Chief Electoral Officer collect these penalties, especially important when so many of these seem to circle around the illegal public donations of all taxpayers' money, another reason, you know, in addition to, as mentioned, the fact that it's a further penalty and a further penalty that will have some public disclosure, which will incite someone to pay the fine and not reoffend.

Thank you.

The Chair: Are there others? The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. I would just add, of course, that the Chief Electoral Officer doesn't currently have many powers to collect penalties. I think the hon. Justice minister would acknowledge that this is a way not only to force the collection of penalties but to publicly shame someone into paying that penalty.

The Chair: The hon. Minister of Justice.

Mr. Denis: Thank you very much, Mr. Chair. I just wanted to add that under this legislation moving forward, the Chief Electoral Officer will have all the powers to make administrative penalties, letters of reprimand, or items referred to a prosecutor public. We've said this before, that we believe that he has always had this, but he disagrees. This gets rid of the discrepancy, so there already is the public element. Let's say that if there's a fine of whatever number of dollars against whichever entity, there already are mechanisms under civil enforcement that are afforded to the Chief Electoral Officer. It essentially becomes a judgment. What can happen is you can take out a writ, you could do examination in aid of enforcement, you could seize assets, what have you. Those are the powers that are available, and it already is fully public.

Mr. Saskiw: Very briefly, Mr. Chair, what this amendment does, though, is – sometimes it's not necessary to go out and get a civil judgment if you can actually shame someone publicly when they haven't paid their fine. It's just another tool in the toolbox for the Chief Electoral Officer to collect penalties. I think this is a very reasonable amendment. It's often used in other situations just to do that public shaming. Instead of forcing the Chief Electoral Officer to go through the expense of enforcing a writ of judgment, I think this is a good way of collecting those penalties.

11:00

The Chair: Other speakers to the amendment? The hon. Member for Edmonton-Gold Bar.

Mr. Dorward: Thank you. I just wanted to ask the member what he felt "make public" would be, for example.

Mr. Saskiw: It's a good question, Mr. Chair. I suggest that under that other provision that the Government House Leader mentioned, section 62, making public in that circumstance is publishing it on his or her website.

The Chair: Are there others? The hon. Government House Leader.

Mr. Hancock: Mr. Chair, I think it's clear that this is surplusage. Obviously, if he has under subsection (8) the right to file the administrative penalty with the Court of Queen's Bench, it becomes a judgment of the court. That becomes very public, and there's no restriction on then putting it on his website or doing whatever. I mean, it mandates him to do something which is already likely to be done and is clearly public record. Subsection (8) says that he just files it with the clerk of the court "and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment." It doesn't require him to enforce it, but it puts it in public in a very strong way.

Also, by filing it with the court, even if he takes no further enforcement action, it's an interference with the individual's other matters. The purpose that the hon. member is trying to achieve is already achieved by subsection (8), and there's nothing precluding at that stage the Chief Electoral Officer from going further and putting out a list on his website if he wants to.

Mr. Saskiw: I won't belabour the point, Mr. Chair. Of course, if the Chief Electoral Officer decides to go and get a judgment, that

is certainly as public as one can make it. Of course, at that point I think you could put it on the website. The problem is that there's always a cost to getting into litigation, particularly on collection procedures. If you have a deadbeat debtor, for $500 I don't think the Chief Electoral Officer would want to expend any time and resources to get a judgment on that, but it may be a good opportunity to shame that person into actually paying that fine. It's costly.

The Chair: Are there others? The hon. Member for Chestermere-Rocky View.

Mr. McAllister: Thank you, Mr. Chair. I can't believe I'm getting up to join this discussion in the middle of one, two, three lawyers. [interjections] The Member for Edmonton-Gold Bar made a brief point. That was good to see, so maybe I will, too.

It may have been answered by the House leader from the other side, but to the point made by the Member for Lac La Biche-St. Paul-Two Hills, I just think of so many different areas in society where we use this public shaming. I'm not sure that I agree with it in principle. I wish that we didn't have to do it, but we do use it to make people fess up and do what they should do. We post things in the paper, charges, and nobody wants to see that. You think about it in child support. Unfortunately, it's a terrible thing to have to go through those issues, period.

Often they're used as leverage, you know, to make people come clean. I think what the Member for Lac La Biche-St. Paul-Two Hills was putting forth with this amendment was that to give the Chief Electoral Officer that power might actually help the process and might make the people who have broken the law – I think I can say that – pay the fine and come clean and do what they're supposed to do.

Again, I'm in the middle of a three-way lawyer debate here, and I don't mean to be. But just from the optics, from the way that, you know, the ordinary person would look at it, that's how we would look at it. I'd just suggest that if you get through the legalese, it would make sense to give the Chief Electoral Officer that ability. It would just be a little more transparent, and it might help them. It's a shame that sometimes when you speak, you miss a good discussion going both ways.

Anyway, Mr. Chair, that's my point. Thank you.

The Chair: Are there others? Seeing none, we'll call the question on amendment A11.

[Motion on amendment A11 lost]

The Chair: The hon. Member for Edmonton-Calder on the bill.

Mr. Eggen: Thanks, Mr. Chair. I have an amendment with the appropriate copies to distribute.

The Chair: This amendment will be A12, hon. members.

Hon. member, you may proceed to speak to the amendment.

Mr. Eggen: I think we're looking good. Thanks, Mr. Chair. This is an amendment that looks at section 54 and at the proposed section 153 by striking out clauses (b), (c), (d), (e), and (g). Currently Bill 7 gives discretionary authority to the CEO on the following grounds when considering administrative penalties or letters of reprimand under the Election Act. It's to do with severity, wilfulness, other mitigating factors, preventative steps that might be taken, history of noncompliance, whether a person is reported as noncompliant, and any other relevant factors. This amendment will remove most of the clauses that give the CEO discretionary power in order to leave only the relevant and specific factors of severity and whether or not the person reported noncompliance.

The reason behind this, Mr. Chair, is that currently the bill gives, I think, too much discretionary power to the CEO when considering contraventions. The CEO should maintain the authority to investigate and decide on the severity of the contravention and whether the person in question has made a disclosure to the CEO that a rule may have been broken.

Beyond these considerations, Mr. Chair, the CEO would have too much discretionary power, I think, to avoid laying administrative penalties. The issuing of administrative penalties and letters of reprimand is important in the cases of some contravention of the law, and the caveats that would allow individuals to avoid adequate penalties should be reduced, especially clause (g) in Bill 7, which would allow the CEO to cite any other factors when considering letters of reprimand or penalties and I think is completely vague in scope and in application and would allow any reason to affect the administration of penalties under this section.

This amendment will help to increase the number of cases where the CEO administers some formal penalty by limiting the vague list of clauses that fall into the CEO's powers for consideration. This is, I think, an important amendment because administrative penalties should be laid and made public in all cases where an individual has been clearly in contravention of the election rules.

Mr. Chair, I hope that everyone might consider it and help to make Bill 7 a better piece of legislation. Thank you.

The Chair: Are there others? The Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. I understand where the Member for Edmonton-Calder is coming from with respect to ensuring that there are harsh enough penalties under this act to act as a proper deterrent for future wrongdoers. What this amendment does is that it takes out five different factors that the Chief Electoral Officer must take into account.

11:10

I respect the intention of this amendment, but I think that the better way of doing it would be to increase the minimum penalties that are allowable under this act and increase the maximum penalties as well so that despite the Chief Electoral Officer's discretion under these different factors a significant and harsh enough penalty would be applied on the minimum threshold or the minimum amount of penalties that ought to be put into this act. Although I respect the intent of this proposed amendment, unless I hear otherwise, I likely won't be voting in support of this one.

The Chair: Are there others? The Member for Little Bow.

Mr. Donovan: Thank you. On this amendment is there any reason we didn't strike out (f) also?

Mr. Eggen: I'm not sure.

The Chair: We'll call the question.

[Motion on amendment A12 lost]

The Chair: We'll go back to the bill. The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd like to propose that we've done a lot of work tonight and that we adjourn debate.

[Motion to adjourn debate carried]

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I move that the committee rise and report progress on Bill 7.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: Hon. members, please take your seats.
I'll recognize the Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 7. I would wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Does the Assembly concur in the report?

Hon. Members: Concur.

The Deputy Speaker: Opposed? That's carried.
The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 11:14 p.m. to Tuesday at 1:30 p.m.]

Table of Contents

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