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The 28th Legislature
First Session

Alberta Hansard

Tuesday evening, December 4, 2012

Issue 28e

The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

First Session

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Fraser, Rick, Calgary-South East (PC)
Fritz, Yvonne, Calgary-Cross (PC)
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Griffiths, Hon. Doug, Battle River-Wainwright (PC)
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Stier, Pat, Livingstone-Macleod (W)
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Wilson, Jeff, Calgary-Shaw (W)
Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)
Xiao, David H., Edmonton-McClung (PC)
Young, Steve, Edmonton-Riverview (PC),
Government Whip

Party standings:

Progressive Conservative: 61

Wildrose: 17

Alberta Liberal: 5

New Democrat: 4

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Blakeman	Quest
Donovan	Rogers
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Goudreau	Starke
Hehr	Strankman
Jansen	Towle
Luan	Young
McDonald	Vacant
Olesen	

Standing Committee on the Alberta Heritage Savings Trust Fund

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Dorward
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Saskiw
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Dorward
Forsyth
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Standing Committee on Public Accounts

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Cao	Webber
Casey	Xiao
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Legislative Assembly of Alberta

7:30 p.m.

Tuesday, December 4, 2012

Government Bills and Orders Committee of the Whole

[Mrs. Jablonski in the chair]

The Deputy Chair: I'd like to call the committee to order.

Before we begin commenting on Bill 7, I'd like to talk about the point of order that was raised earlier today. Just to let you know, the point of order that was raised by the Member for Airdrie has been withdrawn.

Bill 7

Election Accountability Amendment Act, 2012

The Deputy Chair: We can continue with amendment A14. The hon. Government House Leader.

Mr. Hancock: Thank you, Madam Chair. I'm wondering if it would please the House if we were to ask for unanimous consent to shorten the bells for any votes that might happen this evening.

[Unanimous consent granted]

The Deputy Chair: The hon. Deputy Government House Leader.

Mr. Denis: Thank you very much. I'm just rising to speak on the amendment, Madam Chair.

The Deputy Chair: Yes. Amendment A14.

Mr. Denis: There are just a couple of things that I wanted to mention. The Member for Rimbey-Rocky Mountain House-Sundre made some rather interesting comments about corporations. He did run a very lean campaign. I just pulled up the particular item, and there are some donations here, places like W. Pidhirney Welding, European Delicatessen, Van Giessen Growers. This is all public information. These appear to be corporate donations. Perhaps the member can correct me if I'm wrong, but it just seems somewhat inconsistent with his comments about what he believes the corporation to be.

What I will indicate, Madam Chair, is that at the same time as all the comments we're hearing opposite about corporate donations, inquiring minds want to know. I issue a challenge to any one of these members tonight to go and declare, stand on the courage of their own convictions, indicate that regardless of whether this is passed or not, they will not accept corporate donations. Then the people of Alberta will know that they will stand on their own principles about this particular amendment and that it is not simply for short-term political gain.

Thank you.

The Deputy Chair: Thank you, hon. member.

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

Mr. Anglin: Thank you, Madam Chair. What I will say about that challenge is this. We will abide by the rules. I will abide by the rules, but I am willing to forgo corporate donations, and that's what we are proposing here. Right now the rules are that corporations can donate, and I will not put myself at a disadvantage.

What I did bring forward I want to clarify because I think that there was a lot of misunderstanding of what I said, so I want to

kind of just clarify that. I am not speaking out against business. That is just absolutely false if anyone makes that allegation. That's not true. Business is the cornerstone, particularly small business, in my view – and some people would disagree – of not just this province but our free-market society. I firmly believe that. Sometimes I think small businesses are underrepresented. Having run a small business and more than one, I am not speaking out against any small business. I've run proprietorships. I've run partnerships. And like most small businesses, I've incorporated. That's not the issue.

When I spoke about dysfunctional psychopathic tendencies, you need to understand where that comes from. It comes from Joel Bakan. What I was saying is this. A corporate entity is not a person. I think some of the members here confuse that. A corporate entity is nothing more than a legislative creation. It is something you cannot touch. It is something you cannot see. It is something that you cannot hear. A corporate entity is created only by legislation, and it can be removed by legislation.

People are people. I think that got missed in this, and that's what that was all about. People have compassion. Human beings have empathy. Human beings have the capacity to vote in the interests of others: the public interest, the interests of their family, the interests of their community.

Corporate entities are created by legislation. They have one primary focus, and that is to enhance the wealth of the owners. That's the whole thing behind corporate entities. They're created to do nothing but collect capital in a co-operative effort, basically, which is the issuance of stock, and it's through that that they're able to conduct business. I'm not anticorporation. What I'm saying is: put corporations where they belong. When I talk about corporations, let them do the business that the whole purpose of the corporate entity is designed to do, which is to conduct business for a society, for this free-market society we've created.

Democracy, on the other hand, and what this amendment is about is to eliminate corporate influence in the democratic process. Corporations cannot vote. They don't vote. People vote. I think some of the members here misunderstood that. The whole purpose of democracy is one person, one vote. Where the corporate entity abuses the democratic system, particularly the large corporations – I'm not talking about the mom and pop: "I incorporated my farm," or "I incorporated my small business." The large corporate entities who hire lawyers, accountants, and whatever else they hire to influence the political process for one gain and one gain only, those corporations do not donate for charitable causes unless there is something in that charitable cause that enhances their corporate image. That's what they are actually focused on.

I know the members would disagree, but they can go out and educate themselves about the psychology of it later. A corporate entity has a guiding principle, and it's in the charter. All corporate entities have that same focus in their charter. They take the investment that comes in through all sorts of investments, and their job is to enhance that investment, and if they don't do that, the CEO or the board will find themselves fired. That's the way it works.

Getting back to the very simple premise, the description I gave had nothing to do with business. If a corporation were actually a person and it went through psychoanalysis, this is how the psychoanalysis would be conducted and founded by prominent psychiatrists and prominent psychologists. It's well documented; it's not something I'm making up here. If people don't want to educate themselves on it, that's fine, but don't misrepresent what I've been saying here. What I'm saying is that only people should

participate in the democratic process. Only people have the ability to have empathy or compassion.

Corporations are not people. If people think that that's what they are, they're wrong. People work for corporations. People manage corporations. But the corporate entity is nothing but this fictitious entity that's created by legislation. That's where we can get twisted, particularly when these companies get extremely large. When you get into these multinational, international corporate entities that are billion-dollar companies – and we have them here in Alberta – they can have a tremendous effect on our political system. They have the ability to do that. That's why this amendment is all about saying that we're going to lay ground rules here.

7:40

The beauty of the amendment is that this is nothing new. The federal government did it. Other jurisdictions did it. It's working well to preserve the democratic way for our communities, for our individuals because that's where the democracy exists.

I saw members sort of get confused about what I said, and I can understand that. This is not a place to debate beyond what we're debating on the amendment. I want to make it absolutely, fundamentally clear that I am pro business. I am pro small business. Anyone who would indicate otherwise is misunderstanding why I made those comments the way I made them. Those were comments that came from very renowned and respected sources who study the field.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Are there any more members who would like to speak on amendment A14?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A14 lost]

[Several members rose calling for a division. The division bell was rung at 7:41 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anderson	Fox	Swann
Anglin	Rowe	Wilson
Bilous	Saskiw	

Against the motion:

Bhardwaj	Fraser	Kubinec
Bhullar	Fritz	Lemke
Calahasen	Goudreau	Leskiw
Campbell	Griffiths	Quest
Casey	Hancock	Sarich
Denis	Horne	Scott
Dorward	Horner	Starke
Drysdale	Jeneroux	VanderBurg
Fawcett	Johnson, J.	Weadick
Fenske	Klimchuk	

Totals:	For – 8	Against – 29
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[Motion on amendment A14 lost]

The Deputy Chair: We are back on Bill 7. The hon. Member for Lac La Biche-St. Paul-Two Hills.

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

The Deputy Chair: We'll pause for a moment while we distribute the amendment. This amendment will be known as amendment A15.

Thank you very much.

Will the hon. Member for Lac La Biche-St. Paul-Two Hills proceed?

Mr. Saskiw: Thank you, Madam Chair. This amendment states, "A contributor is prohibited from making a contribution on behalf of another contributor." What this gets to: of course, the current donation limits are \$30,000 per person during an election year, and this amendment adds the rule that donors cannot submit a large cheque along with the names of friends and family members to get around the donation limits. You know, we've seen an allegation where it's alleged that somebody has given a \$430,000 cheque and provided a list of names to provide the tax credits to. That, of course, is a way to make an end run around the \$30,000 contribution limit.

Now, it's also an issue with tax credits. I'd have to research it further, but to make a contribution, then allocate the tax credits to someone else when they actually haven't genuinely provided the contribution, I believe, would probably violate the Income Tax Act as well. That's another reason to make it very explicit.

I think this amendment is very clear. Somebody cannot make a contribution on behalf of somebody else. The reason for this is that if you do not close this loophole, it allows the very rich to have potentially a large influence on a political party and maybe even affect the outcome of an election. I think this is a very straightforward amendment. I don't think anyone on the government side would disagree that no person or entity should have the ability to contribute on behalf of another person, and I strongly hope that they take this amendment.

Thank you, Madam Chair.

The Deputy Chair: Thank you very much.

The hon. Minister of Justice and Solicitor General.

Mr. Denis: Thank you very much, Madam Chair. I thank the Member for Lac La Biche-St. Paul-Two Hills for bringing this forward. You know, I don't disagree with the principle of this at all. I fully agree that no one should be making a contribution on behalf of another: no individual, no corporation, no union, what have you. But I will refer this member to section 34(1) of the Election Finances and Contributions Disclosure Act, which states that

no person, corporation, trade union or employee organization shall contribute to any registered party, registered constituency association or registered candidate funds not actually belonging to that person, corporation, trade union or employee organization, or any funds that have been given or furnished to the person, corporation, trade union or employee organization by any persons or groups of persons or by a corporation, trade union or employee organization for the purpose of making a contribution of those funds to that registered party, registered constituency association or registered candidate.

Subsection (2) goes on to prohibit soliciting these types of activities, and subsection (3) of this existing legislation indicates that this is an offence.

Now, Madam Chair, I would disagree with this member when he indicates that there are loopholes. This is quite a comprehensive piece of legislation. This section 34 is very legalese, and I think it spells out just exactly what the intent is in the fact that you are not allowed to make a contribution if the money isn't yours. So a corporation – and this is existing legislation – cannot take money and give it to whatever employees and say: hey, give this to candidate X or party Y or constituency association Z.

Madam Chair, this is already in legislation, and I do support continuing this. But I would just respectfully submit that this amendment, however well intentioned, does belong in the Department of Redundancy Department.

Thank you.

7:50

The Deputy Chair: Thank you, hon. member.

The hon. Member for Airdrie.

Mr. Anderson: Well, thank you for that explanation. I think we have something to work from here because the hon. Solicitor General seemed to be suggesting that he agrees with the intent of the amendment and that it's just redundant, and that's the reason he doesn't want to support it. Okay. Well, that's good. So we agree to the principle. I'm not going to put words in your mouth, hon. member, but I'm assuming that you're saying that an individual should not be able to write a cheque for whatever amount – let's say a million dollars – and then say, "Okay; put \$15,000 for this person, this person, this person, this person and send them a tax receipt, and it's on behalf of those individuals." I'm assuming that's what you're saying.

If you agree with that, if that's the agreement, I think we've got something to work from because we have an issue right now, of course, where this may have been the case. We don't know for sure. The PC Party hasn't disclosed if the cheque was one cheque or if it was many different cheques, but we have a situation where it is alleged by a media outlet that they have confirmed that a cheque for \$430,000 was given to the PC Party, and then tax receipts for it were distributed, or it was basically apportioned out to other individuals and companies and entities in order to comply with the donation limits. That's what's alleged.

Now, if that's the case, I guess I have to understand from the Solicitor General if he is saying that he doesn't agree that that should happen, not that it did happen in this case, but that that sort of thing shouldn't be allowed to happen, in which case I think that this amendment is truly needed. Hon. member, if you look at section 34, that you just read into the record, "No person, corporation, trade union or employee organization shall contribute to any registered party, [CA] or registered candidate funds not actually belonging to that person."

In other words, it seems from comments of the electoral officer or at least his spokesperson that he's not interpreting that section to say what you just said it means. Drew Westwater, I believe, is his name. His interpretation of the act seems to be that you are allowed to come in, donate one cheque of \$500,000, then just apportion it out and say, "That \$15,000 is for person A, that \$15,000 for persons B, C, D," and down the line. That's how he's interpreting it. So your interpretation of this is not the same interpretation as the Chief Electoral Officer's or at least not his spokesperson's.

If that's the case, then the difference between what is being said here with the amendment is that it's a clarifying amendment. It says, "A contributor is prohibited from making a contribution on behalf of another contributor." That is an important distinction for clarity's sake. It's saying that you cannot – you clearly cannot – go in and say: I'm going to donate this million dollars, and I'm going to divide \$10,000 among a hundred people that I know and a hundred entities that I know and say that that \$10,000 was from that person, that person, that person, that person. It specifically says here, "A contributor is prohibited from making a contribution on behalf of another contributor."

Section 34 of the act does not say that, Solicitor General. It says that you cannot contribute to a registered party "funds not actually

belonging to that person." But I guess, at least the way the Chief Electoral Officer is looking at that, it's saying: well, as long as you're paid back for that money or as long as in the end that money was paid into, say, a separate fund and then you went and just contributed it with one cheque – so all 100 people put \$10,000 in a pot, and then somebody comes and contributes it – then that's allowable. Or in the case here somebody can plop a \$430,000 cheque and say: "Well, really, I was just bundling, essentially. All these individuals made the contribution, and it's all good." It's a loophole.

Can you just do it for the sake of clarity? Perhaps you're right and that's what the act does say already. Perhaps you're right. But that's not how it's being interpreted. You just put an interpretation on the record that's not the same. You're shaking your head. Okay. That's fine. Then explain, please, why Drew Westwater at the chief electoral office is saying that their interpretation, at least in the first day or two of that issue, said one thing, and you're saying something else. Are you saying, hon. member, that someone should be able to walk into a party and say: here's a \$500,000 donation, and it's coming from persons A, B, C, D, E, F, G, and down the line. Is that what you're saying?

Mr. Denis: I trust that the hon. member was not trying to put words in my mouth. I'll give him that because half of what he has said is not what I said at all. If you look towards the particular section 34, the title is Contributions Not Belonging to Contributor. I quoted the entire section. I'm not going to belabour that point by quoting it needlessly again. It's on the record twice today already. It deals basically with an entity, if you had a corporation and you would say, "Listen, here are the funds; donate that," if they actually didn't belong. Now, it's different if the individual, let's say, was paid money by the corporation for legitimate services rendered and then decides in their own sole and unfettered discretion to go and donate those funds. That is not prohibited as well.

I in no way contradicted the Chief Electoral Officer, and in any event this is an independent officer of this Legislature. They can have their own opinion. I'm simply quoting what the legislation says under contributions not belonging to the contributor.

Where this would not apply is, for example, where there's a law firm of three individuals. ABC LLP, we'll call it. Of course, an LLP cannot donate money to anybody. You have to apportion to that particular LLP if it was one-third, one-third, one-third, or what have you. There's nothing wrong with actually having one cheque in that particular instance as long as it is attributed and as long as the funds belong to that particular individual, corporation, union, or employee organization. That's what the law already says.

I again assert that this amendment is along the same lines as the existing legislation, and I don't see a reason as to why we would support that further.

The Deputy Chair: Thank you, hon. member.

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

Mr. Saskiw: Thank you, Madam Chair. Just with respect to the Justice minister and Solicitor General's comments, what the current legislation would allow is for 60 members here, for example, to each write a \$1,000 cheque, give it to me, and then me to make a \$60,000 contribution. The problem with that is that the Chief Electoral Officer would then have to do an investigation, would have to go and see all the documentary evidence of who wrote what cheque to me when.

I think what this amendment does is that it makes it very clear. As a political party you simply cannot accept a cheque above the donation limit. If a political party sees a cheque for \$31,000, they

should send it back. If we don't have this amendment, what's going to happen is that there'll be these large cheques, for example \$100,000, and then after the fact the Chief Electoral Officer is going to have to do an investigation and find out that there's been a direct flow of funds from those individuals.

I think that this is an obvious loophole in the legislation, and I would hope that the government would accept it, especially if they agree with it in principle.

The Deputy Chair: Thank you.

The hon. Government House Leader.

Mr. Hancock: Thank you, Madam Chair. I have to chime in on this one because this amendment is actually not acceptable. The concept of people donating their own money is absolutely right, but the fact of the matter is – and again I'll use my own constituency as an example. My wife and I share a bank account. I write a cheque on it. It might be for both of us. There's absolutely nothing wrong with that. I might be making a contribution on behalf of both of us and attributing it to both of us. It's both of our money. We don't write separate cheques.

8:00

By the same token, we have a lobster boil, and we sell tickets. Somebody might buy a table at the lobster boil and then resell the tickets to other people – they wrote the cheque to the constituency association – and then come back and say, "Well, these are the people who are buying the tickets," and attribute the receipts to those individuals rather than to the person who wrote the thing. A law firm will write a cheque. Now, law firms in and of themselves, unless they're incorporated, can't make contributions. They will write a cheque and they will ascribe it to the various partners who have agreed to make the contribution. They might buy a table at a dinner, for example, or at my lobster boil.

There are a number of ways in which people can make contributions. It's not all by writing a cheque. Sometimes it's by buying tickets to an event and, for the sake of convenience – and there's nothing inappropriate at all about that – buying a number of tickets and then allocating them to the actual contributors, even in the case of a corporation, quite frankly. I had a shareholder loan account with my professional corporation. I could write a professional corporation cheque and then, with the permission, of course, of the people who agreed to contribute, basically assign it to the shareholder loan account. There's absolutely nothing wrong with that. It's quite an appropriate way.

People organize their lives in various different ways. It's not up to us to try and make their lives difficult. It's up to us to try and make the political process easy to participate in, whether you're contributing your time, energy, or money, and what we're after is clarity and accountability and openness. At the end of the day there needs to be: who is accountable for those contributions?

Now, if you go back to the other section, it's very clear that you cannot contribute other people's money. I can't write a cheque from my company and say: it's my company's money, but I want you to give the receipts to these five people. That's off. That's already against the law. If it's those five people's money and it happens to be in my account, there's absolutely nothing wrong with it as long as they're agreeing to make the contribution. That's what we're talking about here. What you're after is openness and accountability and transparency. We all want that. We all want it to be very clear who's making contributions to political parties. I understand that, but let's not make life difficult for people.

I have ticket sales people going out and selling tickets to my lobster boil, and I want them to be able to sell those tickets. I want

people to come to the lobster boil. It's not all about the contribution. It's not just fundraising. It's also friend raising, and I want the widest possible opportunity for people to come. Sometimes that is done through various ticket sellers. Somebody will say, "I'll take a table," and they send a cheque for the table, and then they get other people who will buy those tickets. At the end of the day it's the other people who made the contribution, and that should be disclosed. This amendment would not allow that type of thing to happen, which is perfectly valid and reliable. At the end of the day it's about openness, who made the contribution, not who wrote the cheque.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Airdrie.

Mr. Anderson: Well, thank you for that explanation, and you bring up some valid points, Government House Leader. The fact is, though, that we have an issue here. I mean, I think we can all understand what the public was getting upset about with regard to the donation in question that is kind of spurring the idea behind this amendment.

Mr. Hancock: The investigation will determine just that.

Mr. Anderson: Yeah. Sure. The investigation will be done, and we'll figure that out, but it's quite difficult for the administrator, in this case the Chief Electoral Officer, to go back and ask every single person for the paper trail that shows that they contributed the money to the individual's bank account and so forth. It's a bit of a disaster, in fact, to try to figure that out. I mean, you're talking about not using resources. Why not just make it simple?

First of all, it's a little bit weird because the Solicitor General is saying that this is redundant, but you're saying that it's not redundant, that it does change the law but that it doesn't do so in a good way. [interjection] Well, I agree with your interpretation. I think this amendment does change the law.

How about a friendly amendment? I wonder if the government would be open to amending this section – and we'll have to put together a subamendment in order to do this – so that a contributor is prohibited from making a contribution on behalf of another contributor in excess of, say, \$1,000 or \$2,000. Let's say that it's the max for a CA, \$2,000, or even \$15,000. If we put the dollar figure on the end of this amendment, then it would take care of the lobster boil issue, and it would take care of a leader's dinner issue because you're dealing with larger funds there. It would take those off the table. It would just be for those massive donations that are over \$15,000, where we would ask for separate cheques.

I think that's reasonable. First of all, there aren't that many people that donate that kind of money. Asking them to do it in a separate cheque from bank accounts I think is reasonable. You know, if a husband and wife are going to donate \$15,000 each, then they can cut two cheques. I don't think that's too much to ask of them. If they can afford \$15,000, they can afford two separate cheques to do that, just to make it clear what's going on.

I wonder if the government would be open to the idea of putting a limit on this so that it doesn't become so unwieldy, with lobster boils and bundled contributions for leaders' dinners, buying tables for leaders' dinners, and so forth. If you said that a contributor is prohibited from making a contribution on behalf of another contributor in an amount over \$15,000, would that not take care of the issue, Solicitor General, that you're worried about or that the Government House Leader is worried about? Would that be a possibility, that we could possibly bring a subamendment to it this time?

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I'm standing up in support of this amendment. I would agree with the hon. Government House Leader that it does change the law and makes it more restrictive in that sense. I would agree with his description. What it would do is that it would close this loophole, particularly where people are donating on behalf of other people and trying to get around the system and abuse the system. I would suggest that it happens, and it is difficult to catch in some situations. By accepting this amendment, it would be more restrictive in that regard.

As our House leader has just indicated, I think it would be more palatable if there was a subamendment that was proposed and there was a number given as an exemption so we don't infringe upon those lobster boil fundraisers and the husband and wife and that issue. What we're trying to accomplish here and what the hon. Solicitor General was talking about is that we don't want people donating money for other people, and we don't want to see the system abused with the writing of extremely large cheques when that is being done to circumvent our election process, our political process. That's what we want to basically clamp down on and close that loophole. We call it the Katz loophole because it's the most glaring example we can come up with right now. It's a valid example, and it's one that the public has not a whole lot of confidence in.

Again, I stand in support of the amendment. I would welcome a subamendment to this to make some sort of established level. I think that would be something that we could come to an agreement on.

With that, I encourage my fellow members to support this.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Olds-Didsbury-Three Hills.

Mr. Rowe: Thank you, Madam Chair. If I could, I'd like to take a little bit different approach to this. We've heard many good comments from my colleagues and some, actually, from the other side as well. I'd like to remind this government that during their leadership race your now Premier made several references to running a more accountable, a more transparent government. In fact, you've gone so far as to create a whole new ministry around accountability, transparency, and transformation, AT and T for short.

8:10

I don't know what could be wrong with this amendment in that it is just exactly that. It's accountability. It's transparent. That can only lead to good things for everyone that sits in this House. I would ask the hon. House leader: is writing two cheques such an onerous task that you would forgo the honest and open and transparent process? I would suggest not. Buying tickets for a lobster boil or a barbecue or whatever doesn't give someone a tax credit that they didn't actually earn.

Obviously, I speak in favour of this amendment, and I would encourage the rest of the members to as well.

The Deputy Chair: Thank you, hon. member.

The hon. Government House Leader.

Mr. Hancock: Just a very brief response. Buying a ticket for a lobster boil does give you a tax credit unless you're just charging the cost of the dinner. Anything over the cost of the dinner is a

contribution, so it's eligible for a tax credit. In fact, it's against the law not to give a tax receipt. [interjection] Well, no, it's not necessarily small. It depends on how much you charge for your lobster boils or for tables at your lobster boils.

That is, in fact, an issue, but the difference, I think, of opinion here really comes from a difference in perspective, and we'll probably have to agree to disagree. I come from the perspective that people are essentially honest, that people want to participate in the political process. They want to support people because they like the individual as a friend or family, they like what the individual stands for, or they like the party that the individual is running for. That's why people make contributions. I do not come from the perspective that people make contributions for personal interest reasons because they want to have access to lobbying.

I can tell you that anybody that does – and there may be a few people that do – is sorely disappointed if that's their goal because they don't get that. Now, that's my perspective on life. Some might call me naive, but I've been around 15 years actively in this House, and I can tell you that's how I've lived. That's how I anticipate everybody else will live their life.

Albertans are essentially honest, and they want to participate in a political process because it matters, because public policy is important, and because where we go as a province is important, and that ought to matter to people. We ought not come from the perspective that this is a cynical approach to life, that everybody who participates is doing so for their own personal reasons or their own personal gain. They are not.

I want to make it absolutely easy for people to participate in the process, whether it's by contributing money or contributing time. I can tell you that I used to serve on my church board. I couldn't always attend the work parties, so sometimes I wrote a cheque instead of showing up. It was my way of saying: "I'm with you. I want to participate in this, but I don't have the time to participate in the process. I'll contribute in a different way."

I think Albertans want to do that. I think the public does want to know who is contributing just in case there's an issue. The fact of the matter is that the act already precludes people from making contributions on behalf of other people. You have to give your own money. If you're writing a single cheque and it's on behalf of a number of people, you have to have their permission, and it has to be their money. One way or the other, that's in the act.

If there's a suggestion that somebody has run afoul of that, there's a process to investigate that, and the person who wrote the cheque better be able to show that they didn't give the money and attribute it to somebody else, that they wrote a cheque that involved other people's money. That's an easy thing to do, quite frankly.

Let's not make it difficult for honest Albertans to participate in this process. Let's not suggest in any way, shape, or form that people are coming to the political process in a cynical way because that's not my experience of the Albertans I know.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Madam Chair. I appreciate the opportunity to respond. I reject the notion that every time we stand up and talk about what's happening in election finances or in amendments to this bill, we're somehow being overly cynical about Albertans and their engagement. That is absolutely not what we're saying.

There are many documented cases of illegal contributions and other violations of this act that have happened. We have to accept it, and we have to find a way – I agree with you all – to move

forward from here but not by looking through a rearview mirror and insisting that every time we stand up, we're being cynical and putting the brakes on the political process in this province. That is, quite frankly, a little bit disturbing. We are not doing that, and I think that it's sad that that seems to be the perspective because it polarizes the debate to a point where it becomes illegitimate. It's unfortunate.

For something as serious as this, that has captured the public's mind around the alleged donation of \$430,000 to your campaign, I think that we can all accept that this is one loophole we're trying to close for one circumstance, not for all Albertans who are trying to get involved in the political process and come to the hon. Government House Leader's lobster boil, which, I'm sure, is a fantastic time and that the food is lovely and the company even better.

The reality is that we have an issue here. There is the notion that the Chief Electoral Officer can suggest that there might be a loophole here. I believe that it is incumbent upon us as legislators to close that loophole. This government has never shied away from redundancy before, so I don't know why that becomes an issue either.

With that, Madam Chair, I would encourage the hon. Justice minister and House leader to find a way to make that friendly amendment that the hon. Member for Airdrie suggested. We can still allow for the lobster boil, the sacred lobster boil, to continue while still making sure that we (a) close the loophole on the back end and (b) maintain the public's confidence in the system so that we don't have to have stories breaking, front-page news about massive donations coming in and being split up in what could allegedly be contravening the act. I would again encourage the government to try and find a way to make something like this work. If you're being honest in suggesting that you agree with the intent and the principle of this, there has got to be a way to get it in there.

Thank you.

The Deputy Chair: Thank you, hon. member.

Mr. Anderson: You know, I would like to live in the world that the Government House Leader lives in. It's a good world. It's a happy world. It's a world of clouds and angels and harps and lollipops. It's a world where no one does anything wrong, where everyone sits and holds hands and sings *Kumbaya*, where oil is at \$150 a barrel for the rest of our natural lifetime. It's a beautiful world. It's a world I want to be a part of. I do. Unfortunately, it's not reality, Madam Chair.

The reality is that although the majority of people are law-abiding citizens and wouldn't dream about making an illegal donation, some are not, and we've seen that over and over again. We're not talking about hardened criminals. We're not saying that people who make illegal contributions should necessarily go to jail or anything like that, but they're still illegal contributions. We've seen over and over again that those things happen in this province. It happens. To say that it doesn't happen and to point out that if we close these loopholes, somewhere we're saying that Albertans are rotten people, I mean, it's just – argh. You know, I'm in here talking about the child sexual abuse case in Airdrie. It's a terrible situation. Am I saying that all Albertans want to abuse children when bringing that up? Of course not. But we need to make sure that when problems do occur in our world, which is not perfect, and in our province, which is wonderful but not perfect, we have legislation in place that closes these loopholes or holds folks accountable.

The minister is saying that it's redundant. The Government House Leader is saying that it will interfere with his lobster boil. We're trying to bring these two gaps together and say: look, if we're going to pass a piece of legislation, let's just say that if the donation is in excess of \$15,000, it has to be done in separate cheques so that there's a clear, defined paper trail, so there's no doubt that the money is coming from different accounts, that it's not just being paid for and "send the tax receipts to this person, this person, and this person." It's easy. It's a simple amendment, and I don't understand why we have to sit here and talk about an issue like this where we essentially, it seems, have agreement on the principle, but when we actually propose an amendment to allow that to happen, it gets shot down just because – I don't even know the reasons anymore.

8:20

We've dealt with the lobster boil problem. We've dealt with the redundancy problem. We've dealt with all the problems. We're proposing an amendment here, yet it's still not good enough. Anyway, I don't understand why we can't come together and make at least one decision so that we can at least justify having spent God knows how many hours in this House talking about legislation regarding transparency and accountability, yet we still cannot for some reason find one amendment that impresses the government enough to pass it and on a principle that, essentially, they say they agree with. The only reason that they would not pass this, obviously, is that they're okay with it. Clearly, they're okay with a person being able to put down a \$500,000 cheque and say, "Yeah, that amount goes to that person, and that amount goes to that person on a tax receipt, and that much goes to this person," and so on, all the way down the line.

I mean, honestly, if a hundred people donate \$10,000 legitimately, let's say, you're saying that any cheque of that size would have to be investigated by the Chief Electoral Officer, and they would have to track down whether every single one of those \$10,000 was actually done in advance and wasn't after the fact and yada, yada. I mean, come on, that's not reasonable. Our laws are already the most lax in Canada. We have the highest contribution limits in all of Canada. I mean, it's just through the roof. Surely we can find at least a way to enforce those laws. We're not even asking to lower the limit here, guys. We're talking about just enforcing the laws. Come on, Dr. No. Dr. No, come on; say no. I mean, say yes to saying no.

Mr. McIver: We'll say no to it.

Mr. Anderson: Okay. I miss Dr. No. Makes me sad.

Anyway, I'm not understanding why we can't do this. We're trying to put together a subamendment here. That's what the delay is. We'd like to vote on this, but we're going to bring a subamendment because it is so blinking reasonable that it's just beyond belief. We're saying that anybody who donates over \$15,000 – over \$15,000 – has to do so on a separate cheque. That's all it does. In other words it will read that you cannot donate on behalf of another person if the amount donated is over \$15,000. That's all it says. That means that if a husband and wife want to donate \$30,000 between the two of them from the same joint bank account, the only trip up, the only thing that they'll have to do is write two cheques, two separate cheques of \$15,000, signed and done. The limit still applies.

You can still do everything that you've ever dreamed of with regard to raising money. You just have to make sure that there's a paper trail involved. You can't just donate a million-dollar cheque and figure it out after the fact. This would close the loophole that

apparently the Chief Electoral Officer says exists, from the comments from his spokesperson. It would be done. It's reasonable. It's a beautiful thing.

I'll sit down and see what my caucus mates and others think about that.

The Deputy Chair: The hon. Associate Minister of Finance.

Mr. Fawcett: Thank you, Madam Chair. I'm just going to make a quick comment, and it's very general in nature. I think that one of the challenges that we always have in this Assembly when creating laws and why sometimes we overburden ourselves with laws is that if there's a circumstance out there that we don't necessarily agree with, we try to create a law around it. I don't think that's a good way to make legislation.

Clearly, this government agrees with the principle that the hon. member is trying to make, and clearly what you guys are trying to prevent already is not allowed. If you think that there is some sort of offence that contravenes that, the Chief Electoral Officer can investigate it in those one-off situations and determine through his investigation whether those rules or laws were breached. I think that's the appropriate way instead of legislating ourselves to death with every single rule for every single situation. I know that in general probably the hon. Member for Airdrie, who brought this forward, would actually even admit that that's a good sort of principle in making legislation or else we just burden ourselves with too many laws, too many regulations that end up inhibiting Albertans from doing what they want to do, which the hon. Minister of Human Services had indicated. We don't want to create a law to deal with one situation or something that might come up once in a while, that then burdens the rest of the good things that happen as a result or consequence of that law.

I think that's a principle we should all try to live by. I will admit that it doesn't always happen consistently on both sides of the House, but I do think that that is one of the reasons why I certainly would not support this amendment. I think it's quite clear from the members opposite that this is an amendment that they're wanting to bring in just because they're upset about a certain circumstance. Again, if the Chief Electoral Officer believes that this was a circumstance that contravened what was currently in the legislation, then he will come out with that ruling. But let's leave it up to that process instead of trying to create a law or a piece of legislation around it that's going to burden a bunch of Albertans.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Lacombe-Ponoka.

Mr. Fox: Thank you, Madam Chair. You know, I'm going to take a little different tack on this than the rest of my fellow colleagues. Let's look at it from the taxpayer perspective. When one of these allegations comes forward, it needs to be investigated. When it is investigated, we are using a considerable sum of taxpayer funds as resources to investigate this. What we're proposing here is something that might cost an extra 30 seconds of time to the people that are making the donation, yet what is that going to, in turn, save the taxpayer?

Really, when we think about making these rules and these regulations, not only do we need to think about what we're asking Albertans to do to come into compliance with this. We also need to look at what it is that is going to be on the back end. What's it going to cost us to enforce this? What is it going to cost us to investigate this?

I, myself, would much rather see the funds that are being used to investigate the current situation that we're talking about go towards front-line staffing. I would like to see maybe another

nurse, maybe another teacher, maybe some support staff in a school rather than having to spend money on investigating something that went on in an election because there's an allegation that it wasn't quite right. Just by making one simple amendment within the piece of legislation that's before us, we can eliminate a lot of this. We can reduce the amount of investigation required so that we do have more funds to put forward on the front lines and to make sure that staff is there and that Albertans are getting the support that they need in the areas that they want it.

I don't disagree with a lot of what the hon. Government House Leader said about how the majority of Albertans are good people. They are good people. I don't know of any that would willingly mislead, but it does happen. We saw it with federal legislation. We saw it back in 2004, 2005, and 2006 when we saw some major changes to campaign contributions and electoral finance law on the federal scale. Now, this hasn't really changed the ability of Canadians to participate in the democratic process, to participate in the party process, to participate in fundraisers. In fact, it's actually empowered Canadians. It's made it much more simple for you or me or any of our constituents to get involved and make a donation and feel that that was a meaningful donation. They even went a step further. They changed the contribution limits and eliminated corporate donations and union donations. Not in any instance have I seen where this has impeded the ability of parties to fund raise. This has not impeded democracy.

8:30

In fact, not only has it not impeded democracy; it's actually promoted it. I would love to be able to stand up here and say that it's actually promoted democracy within this country, that it's restored the faith in our democratically elected officials because the public knows that there is no possibility of anybody being able to peddle influence. Federally we're not wasting funds on investigating things that we didn't need to investigate, because the system, the regulations that were put in place, were adhered to. And they were simple regulations just like separating cheques out. Honestly, myself, if I was buying a table to a lobster dinner . . .

An Hon. Member: A lobster boil.

Mr. Fox: A lobster boil. I'm sorry.

. . . to a lobster boil, I would have no problem, no problem at all, taking around that book to individual people and just asking them for a cheque. It really is not that onerous. In fact, I've actually done it before. This is not my first time going out and getting involved in the community and soliciting funds for organizations. It's actually a very simple thing to do, and I don't think it's really beyond us to ask that this be made the procedure within Alberta electoral law. It's a very sound recommendation to do this.

I have to agree with the Member for Airdrie when he's asking on the \$15,000. I mean, I can't imagine a table at a lobster boil costing \$15,000, but then again I haven't really paid much attention to U.S. electoral laws. Maybe down there \$15,000 for a table of eight is par for the course, but in Alberta here . . .

Mr. Wilson: Have you seen the lobsters in Edmonton-Whitemud?

Mr. Fox: No, I haven't seen the lobsters in Edmonton-Whitemud. Those must be big lobsters. I'll have to go and check the traps there next time I'm in Edmonton-Whitemud.

I really don't think that this is too much to ask. This is really just a very simple request and one that would do a lot to restore confidence in our system and in our public individuals. I mean, I want all Albertans to be able to look on both sides of the aisle at

all of my colleagues in here and have the utmost faith in their moral fibre because I know I do. When I look across the aisle here, I don't see anybody who would willingly mislead the Alberta public or willingly mislead the Chamber. I see a bunch of peers. I see people that I look up to, that I work with, that I think are doing absolutely everything they can to promote Alberta, to promote Albertans' interests, and to do the best job that they possibly can.

I mean, we were all sent here for the same reason. We were all sent here to speak for our constituents. It takes a special person to stand up and say: "You know what? I want this public scrutiny. I want to be able to stand and speak for my constituents." Every person in this Chamber is somebody who has had the moral fibre to stand up and do that. That's something that needs to be applauded.

By moving forward with an amendment like this, all you're doing is confirming to Albertans that, yes, we want you to have absolute faith – absolute faith – in our system of democracy. This is just one very simple amendment, and it does not change anything in this Chamber. It's something that we ask for. It's bipartisan. We just want to make sure that all Albertans have the utmost faith in our electoral system and that they have the utmost faith in both you and me. In passing this, I am absolutely sure that you will be reconfirming that faith that the Alberta public has in us.

I hope that a few of my other colleagues have some more words of encouragement on this. This is something that is absolutely wonderful.

Thank you so much for the time this evening.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Airdrie.

Mr. Anderson: Thank you, Madam Chair. Well, we're almost ready here. I'm telling you, our Parliamentary Counsel are awesome. They get this stuff done so lickety-split that it's just incredible. It really is awesome. I know that they love doing this – subamendments are their favourite thing – on the fly. They always say to us: "Why don't you bring more subamendments to us? We can't get enough of those subamendments."

So we are putting together a subamendment here, and it's almost ready. The reason is because I think what we need to understand here is that Albertans have clearly stated – I mean, we always talk about engaging Albertans. It's always, you know, the Minister of Municipal Affairs talking about engaging Albertans. He's very good at that, always engaging Albertans. The Member for Calgary-Klein: all about engaging Albertans.

Well, Albertans have been engaged on a couple of issues in this session, and one of them was the Katz donation. I don't think there's any doubt about that. It wasn't just this opposition party that was saying it. I mean, people were engaged. It's an interesting story, and people overwhelmingly – if you look at the comment boards, talk radio, letters, all of the social media, Twitter, Facebook, all of the different ways we engage Albertans, in the multitude of different ways it was very clear that they were not comfortable with the idea that a single donor can come in and essentially give a cheque for \$430,000, and then it's up to the Chief Electoral Officer to figure out which amounts pertain to whom and so forth and actually investigate and figure that out. Well, first of all, a complaint has to be given and then investigated several months after the fact or a year after the fact to see if it was a legitimate expense.

The Member for Calgary-Klein said that we can't just react to one situation, and that's true. We can't just react to one situation

all of the time. I agree with that. But look at how thick this bill is. I mean, we're passing hundreds of pages of new amendments that are going to impact people's lives, and we're talking about a measly, like, seven words here. I mean, we're not talking about massive changes here. We're just talking about making a few small changes to make sure that those who are the big donors – and that's not too many people. If you look at our lists and the returns of our filings, the people that donate \$15,000 or more – I mean, that's a very small number of people and companies. It's not a lot of folks. All we're saying is that these folks, these 20, 30, 40 individuals in an election year, maybe 20 in a nonelection year, if that, should have to show an individual cheque. Think about how easy that is. It's the easiest thing in the world, as easy as making a subamendment of four words to this. It's the easiest thing in the world, and we should be able to do it, and it makes sense.

It accounts for the lobster boil issue. This was a good debate. I mean, we had the Government House Leader come in, and in a lawyerly way he found a loophole in our own amendment, a problem. I mean, I can't imagine. I don't know if he charges \$10,000 a seat to his lobster boils. I wonder. I mean, his election results are pretty darn good, so he's obviously a popular guy there. There's no doubt about that. I don't think any of us charge that much money for any event, frankly, \$10,000. We don't. I mean, let's be honest. A thousand dollars maybe, you know, to a Premier's dinner. I think the most I've heard of is \$400 or \$500 a seat, so for a table of ten you're talking about \$4,000 or \$5,000. That's way below what we're talking about.

We're just saying that if it's over \$15,000, have a separate cheque. It's totally reasonable. It makes all the sense in the world. If in the future that is too low an amount, we can raise the limits. If the Premier's dinners one day are costing \$10,000 per plate or \$15,000 per plate, we can change the rules then. They don't now, thank goodness, so we need to change this.

8:40

It's funny, too, because what this does is – if we don't change it, there is such an appearance out there right now of a lack of transparency and even that people are able to get around the rules. The fact is that even if, let's say, this arena is built – and I sure hope it is because, as I say, the worst kept secret in my constituency, which, of course, is near Calgary, is that I am an unabashed Edmonton Oilers fan. Unabashed. I was ruined as a child when I grew up in Sherwood Park during the Gretzky years, and since that time I just politically, unfortunately, have to cheer for the Oilers. It's in my blood.

Mr. Denis: Nobody is perfect.

Mr. Anderson: That's right. The Flames are my second-favourite team. Really, they are.

Mr. Denis: That I question.

Mr. Anderson: Yeah, you may question that. Are you telling me I'm intentionally misleading the House?

Mr. Denis: No.

Mr. Anderson: Okay. Now, on that note, I have a subamendment, Madam Chair.

The Deputy Chair: Hon. member, we'll pause while you distribute the subamendment, please. This will be known as subamendment SA1, Bill 7, Election Accountability Amendment Act, 2012.

Thank you, hon. member. You may proceed.

Mr. Anderson: All right. There's no reason to debate this too much further. I think I gave enough indication of where I was going with this prior to the subamendment being introduced, so I don't think we'll belabour it. All it's going to do is change it to: "A contributor is prohibited from making a contribution on behalf of another contributor where the contribution exceeds \$15,000." That's all it does. So it takes care of the lobster boil issue. It takes care of the redundancy issue. It takes care of every possible issue that we could possibly talk about in here.

Mr. Denis: Go Flames.

Mr. Anderson: It does not take care of the problem that you are a Flames fan, hon. member, and that, clearly, you don't understand that Alberta's team is and always will be the Edmonton Oilers. I expect an attack ad in my constituency to that effect, I'm sure, in 2016.

I will say that this is a very reasonable subamendment. Let's do this. Maybe the 106th time is the charm or the 107th time is the charm. This is, I think, our 107th amendment as an opposition. I think it would close the Katz loophole. We could all go home saying: "Look at what we did. We made sure that democracy is safe for another four years. All in a day's work." That's what we could accomplish.

Please support this subamendment. Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any others who wish to speak on subamendment SA1, Bill 7? The hon. Minister of Transportation.

Mr. McIver: Thank you, Madam Chair. I'll be brief here. I was actually pleased to learn during the debate that I heard earlier that the concerns expressed about not having adequate time to debate the legislation have obviously gone away since the hon. House leader of the opposition complained about spending hours and hours on this. Apparently, that concern has been allayed, and I'm pleased about that.

The subamendment before us, Madam Chair, tends to actually be somewhat inconsistent with the amendment made on that side of the House before. We just heard part of those hours and hours talking about how this was completely reasonable, you know, is absolutely necessary, and should obviously go ahead. This is what we heard, and then right thereafter the hon. mover of the amendment, the House leader, stands up and lessens the actual amendment by limiting it. So when you look at it just from that alone, there seems to be a lack of understanding even by the mover of the subamendment. There's an inconsistency with his debate before he moved the subamendment and the subamendment itself. Now, this is complicated just a little bit by the fact that the section in the act already is adequate and, actually, covers more than the amendment did in the first place.

When you add all that up, Madam Chair, what that means is that I will probably accommodate the members from the other side by voting no.

The Deputy Chair: Thank you, hon. member.

Mr. Anderson: With that type of mathematical skill it's an absolute amazement that we are in a \$3 billion deficit right now, isn't it? It's stunning. It's stunning, absolutely stunning.

Just to bring that member up to speed – up to speed – we had the lobster boil issue. You weren't listening about the lobster boil issue.

Mr. Saskiw: We didn't know until today.

Mr. Anderson: Exactly.

The lobster boil issue clearly stated that we would have issues where the Government House Leader could not have a lobster boil, effectively, if we weren't allowed to have somebody buy tables all at once on behalf of individuals, so to speak. This is really the Katz lobster boil amendment is what this is, the Katz lobster boil amendment. I think that it's clearly a reasonable amendment. The reason we changed it – we would prefer the other one. We think that's still reasonable. But we're just saying: "Look. If you can't close the Katz loophole because of your lobster boils, then we are going to be such willing and active participants in the democratic process, we are so reasonable that we will create the Katz lobster boil amendment."

That's what this is about, and that's why I hope we will support this.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: I'm sorry. I have to stand up and speak on this because I've been hearing so much about the lobster boil amendment. "This is the lobster boil amendment." I just want to clarify one thing. If you truly want to raise funds properly, it would be steamed lobster, not boiled.

Thank you.

The Deputy Chair: Thank you, hon. member.

We are debating subamendment SA1.

If there are no more speakers to the amendment, I'll call the question.

[The voice vote indicated that the motion on subamendment A15-SA1 lost]

[Several members rose calling for a division. The division bell was rung at 8:49 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anderson	Fox	Swann
Anglin	Rowe	Wilson
Bilous	Saskiw	

Against the motion:

Bhardwaj	Goudreau	McDonald
Bhullar	Griffiths	McIver
Calahasen	Hancock	Quest
Casey	Horne	Sandhu
Denis	Horner	Sarich
Dorward	Johnson, J.	Scott
Drysdale	Klimchuk	Starke
Fawcett	Kubinec	VanderBurg
Fenske	Lemke	Weadick
Fraser	Leskiw	

Totals:	For – 8	Against – 29
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[Motion on subamendment A15-SA1 lost]

The Deputy Chair: We are moving back to amendment A15 on Bill 7. Are there any others who wish to speak on A15?

Seeing none, we'll call the question.

[Motion on amendment A15 lost]

The Deputy Chair: We will now move on to the bill. The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I have the appropriate number of copies of an amendment.

The Deputy Chair: Thank you. We'll pause while we distribute those copies, A16.

Hon. member, we can proceed.

Mr. Bilous: Thank you, Madam Chair. I'm speaking on behalf of the Member for Edmonton-Strathcona, who is moving that Bill 7, the Election Accountability Amendment Act, 2012, be amended in section 100, in the proposed section 51.02 as follows: (a) by striking out subsection (1). Currently Bill 7 limits the possible disclosure of investigation results to three years, meaning that offences that occurred more than three years before the coming into force of this act will not be released on the CEO's website to the public. This amendment will delete subsection (1) so that alleged contraventions will not have any time limit with regard to when a letter of reprimand or an administrative penalty can be applied.

The logic behind this, Madam Chair, is that this amendment will make sure that the CEO can issue administrative penalties and letters of reprimand on cases that are more than three years old, and it will ensure that these potential contraventions are investigated by the CEO. Often cases of contravention that are currently under investigation may be connected to systemic issues of excessive contributions. These potential systemic problems do not adhere to any time limit of three years, so the CEO should be able to investigate the cases that extend beyond the three-year time limit currently imposed by Bill 7.

This amendment will allow more retrospective disclosure to election finance contraventions. At the moment it's unclear how many investigations currently in progress by the CEO will fall within the three-year time limit currently proposed in Bill 7 because the CEO cannot currently disclose details surrounding investigations. This amendment is going to mean that the results of more investigations will be released to the general public, which definitely fits with what this government has been talking about, which is being more open and transparent. I think it's an important step as well to increase the confidence the public has and confidence in the office of the CEO in dealing with cases of misconduct in a more adequate way.

The other thing to note about this is there have been matters that have come up in this sitting, including questions surrounding spending by individuals associated with the former Calgary health region, that would not result in public disclosure under the current draft of Bill 7. We've discussed this specifically dealing with the Premier's sister. Under the current legislation no investigation can take place. This amendment would ensure that an investigation takes place, that the public is well aware if any illegal donations were made or transgressions and would ensure that there is accountability and transparency.

I will encourage all members of the House to vote in favour of this amendment. Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Is there anyone else to speak on the amendment?

Seeing none, I will call the question.

[Motion on amendment A16 lost]

9:00

The Deputy Chair: We will now move back to Bill 7. The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Madam Chair. On behalf of the Member for Edmonton-Centre I'd like to propose an amendment that I think is at the table, and I'll await its circulation.

The Deputy Chair: Thank you very much, hon. member. We'll just pause. While you're waiting, that will be known as amendment A17.

Hon. member, you may proceed.

Dr. Swann: Thank you. This is an amendment to Bill 7, Election Accountability Amendment Act, 2012, in section 4 in the proposed section 4.3 by adding the following after subsection (2):

(2.1) The Chief Electoral Officer shall not refuse to conduct or cease an investigation under subsection (2) until the Minister of Justice and Solicitor General is notified of that decision.

This, Madam Chair, is with the intention of making certain that any interdiction of investigation is accountable to someone – we're suggesting the Solicitor General as an important figure under the Election Act – and, failing that, to make the decision to cease an investigation or refuse to conduct an investigation available to the Legislature so that there is some accountability for decisions that, frankly, could be motivated by other than the best interests of the public in Alberta. There's a sense that I think all Albertans and I think all government members, too, would want to see more accountability for decisions made that have serious ramifications for elections and for governments. The purpose of this is to make decisions that interdict investigation more public.

Thank you.

The Deputy Chair: Thank you, hon. member.

Is there anyone else who would like to speak on amendment A17?

Seeing none, we'll call the question.

[Motion on amendment A17 lost]

The Deputy Chair: We'll move back to Bill 7. Is there any member who would like to speak on Bill 7, the Election Accountability Amendment Act, 2012? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I have the appropriate number of copies.

The Deputy Chair: You have an amendment. All right.

Hon. Member for Edmonton-Beverly-Clareview, you may proceed. This will be known as amendment A18.

Mr. Bilous: Thank you, Madam Chair. I will move on behalf of the Member for Edmonton-Strathcona that Bill 7, the Election Accountability Amendment Act, 2012, be amended in section 3(b) in the proposed section 4(2.1) by striking out "may from time to time meet" and substituting "must meet annually."

This, in my opinion, is a very reasonable amendment. At the moment Bill 7 allows for the CEO to meet with representatives from registered political parties to discuss any issues concerning the process or activities under the Election Act, Election Finances and Contributions Disclosure Act, and the Senatorial Selection Act. This amendment is ensuring that these consultations take place and that they take place annually.

Electoral reform is fundamental to the democratic process regardless of party affiliation. Consultation should take place with the political parties in a structured and regular way to ensure that the CEO receives information on the challenges and opportunities surrounding the political process straight from those who understand the processes most intimately, which is, of course, the political parties. It's not enough under the current drafting of Bill 7 to allow the CEO to consult with political parties. A CEO for any reason may choose not to consult with political parties, so this amendment is going to ensure that these consultations take place by legislating annual meetings with representatives from all political parties represented in the Legislature.

There have been issues surrounding the drafting of Bill 7 itself, and the recommendations from the Chief Electoral Officer are not the result of consultations with political parties from all sides. At the moment Bill 7 will not ensure that this bad process for legislation is avoided in the future; it'll only provide the possibility of avoiding this process. This amendment is going to ensure that the problems with drafting and consideration of this bill are avoided in the future. Annual meetings with registered political parties will make sure that the CEO proposes changes to the elections legislation that works for all parties. Representatives from political parties have a direct connection to the electoral process that the CEO does not necessarily have as an officer of the Legislature. So we're providing further avenues and processes and methods for the CEO to consult with all political parties.

Political parties understand how legislation works, how it works and doesn't work, when it's actually applied to the electoral process. This amendment is going to ensure that consultations take place and they take place with all registered political parties. It seems quite logical and straightforward to me that if we want to ensure that we're bringing forward legislation that affects all the political parties, they are involved in this consultation process. You know, it's not good enough for the CEO to have the option of consulting with political parties. I don't think it's too much to ask that this consultation happens and it happens on an annual basis. I think that would strengthen our elections accountability and also strengthen democracy in this province.

So I will urge the members of this Assembly to seriously consider this amendment. Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A18?

Seeing none, we'll call the question.

[Motion on amendment A18 lost]

The Deputy Chair: We'll move back to the main bill, Bill 7. The hon. Member for Lac La Biche-St. Paul-Two Hills.

9:10

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

The Deputy Chair: We'll pause for a moment, please.

Hon. member, we can proceed. This will be known as amendment A19.

Mr. Saskiw: Thank you, Madam Chair. This is a very straightforward amendment. The government has increased the maximum administrative penalty available from \$1,000 to \$10,000. This simply ups the ante and increases it from \$10,000 to \$25,000. Of course, in determining the penalty, the Chief Electoral Officer has

a variety of factors to look at, I believe seven different factors. If there are extenuating circumstances or if there are circumstances that warrant a large penalty, this provision would allow it.

You know, the Government House Leader talked about how most people wanting to engage in the political process are good people and honest. Of course, they are. But in those exceptions where they violate the legislation and there are egregious circumstances, this does give the Chief Electoral Officer the discretion to provide a slightly larger penalty.

In coming up with the \$25,000 limit for the penalty, we looked at other pieces of legislation. We looked at things like the Lobbyists Act and a few other ones. Those acts typically, I think, have limits up to \$50,000. We looked at other legislation that was put forward this year where the limits were at \$100,000. We thought this was a reasonable amendment. We left it at \$25,000 to be consistent with the government's intention here, and we'd hope that the government would accept it.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Minister of Justice and Solicitor General.

Mr. Denis: Thank you very much, Madam Chair. I just wanted to add that I share this member's view about the need for proper enforcement. That's why the administrative penalties have gone from \$1,000 to \$10,000 under this act. I just wanted to touch on one thing that I don't believe he addressed in his introduction to this amendment, and that's that one of the three options for the Chief Electoral Officer when he or she finds a wrongdoing is to refer it to a prosecutor. That is typically done in the most serious of offences. What happens in that case is that the prosecutor would decide independent of any of my influence whatsoever whether or not they wanted to actually proceed with the actual charge. In that case, the prosecutor could seek in Provincial Court a higher amount than the \$10,000.

Thank you.

The Deputy Chair: Thank you, hon. minister.

Are there any others?

Seeing that there are no other members wishing to speak on amendment A19, I'll call the question.

[Motion on amendment A19 lost]

The Deputy Chair: We'll move on to the regular Bill 7. The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I've got an amendment to table.

The Deputy Chair: All right. We'll wait a minute until we get a copy to all of the members. It will be known as A20.

Hon. member, you can proceed now with amendment A20.

Mr. Bilous: Thank you, Madam Chair. I'm moving this amendment on behalf of the Member for Edmonton-Strathcona: that Bill 7, Election Accountability Amendment Act, 2012, be amended in section 100, in the proposed section 51.01(4), 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 Finances and Contributions Disclosure Act: severity, wilfulness, mitigating factors, preventative steps taken, history of noncompliance, whether a person

reported noncompliance, or 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, namely severity and whether the person reported noncompliance.

Reasons behind this. Currently the bill gives 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 made a disclosure to the CEO that a rule may have been broken. Beyond these considerations, though, the CEO would have too much discretionary power to avoid laying administrative penalties, and that is our primary concern.

The issuing of administrative penalties and letters of reprimand is important in cases of contravention. The caveats that would allow individuals to avoid adequate penalties should be reduced, especially in clause (g), which would allow the CEO to cite any other factors when considering letters of reprimand or penalties. It's completely vague in its scope and its application, and it allows any reason to affect the administration of penalties under this section.

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

Again, what we're trying to do is tighten up this section of Bill 7 to ensure that we're not leaving too much to the discretionary power of the CEO. This needs to be narrowed in scope and put into legislation, so I'm calling on members of the Assembly to vote in favour of this amendment.

Thank you, Madam Chair.

The Deputy Chair: Thank you very much, hon. member.

Are there any other members who would like to speak on amendment A20?

Seeing none, I'll call the question.

[Motion on amendment A20 lost]

The Deputy Chair: We'll move back to Bill 7, the main bill.

The hon. Member for Calgary-Mountain View.

9:20

Dr. Swann: Thank you very much, Madam Chair. Just one further amendment on behalf of the Member for Edmonton-Centre.

The Deputy Chair: We'll wait for a few minutes while we distribute the copies of the amendment to the members.

Hon. member, you can proceed with amendment A21.

Dr. Swann: This is amending Bill 7, Election Accountability Amendment Act, 2012, in section 52(b) in the proposed section 152(3.2) by adding "and the Information and Privacy Commissioner" after "Chief Electoral Officer." The purpose of this amendment is so that in the event of a loss or misuse or public exposure of the electoral list, the Information and Privacy Commissioner has some familiarity with the electoral list and can respond to public concerns about if and how an electoral list finds its way into the wrong hands, Madam Chair. It's a basic protective measure to assist the confidentiality and the privacy protection of electoral lists.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members who would like to speak to amendment A21 to Bill 7, Election Accountability Amendment Act, 2012?

Seeing none, I'll call the question.

[Motion on amendment A21 lost]

The Deputy Chair: We will move back to Bill 7. Hon. Member for Lac La Biche-St. Paul-Two Hills, seeing that you have an amendment in your hand, we'll pause for a moment while you have that distributed to all other members.

Mr. Saskiw: Thank you, Madam Chair.

The Deputy Chair: Hon. member, you can proceed with the amendment. It will be known as A22.

Mr. Saskiw: Thank you, Madam Chair. This amendment goes to the Local Authorities Election Act. Our office was contacted by the office of one of the major cities in this province, and they questioned a potential conflict of language between two sections. This section that this amendment goes to is section 147.4(1.1)(a). The rationale for this is that if a municipal candidate is unsuccessful in an election and has a surplus amount in their account, that money should be donated to a charity or else provided to the municipality. The way subsection (1.1) currently reads is that if there is a surplus, that money can go to a registered charity or to a municipality where the candidate was declared elected in a previous election, and that excludes someone who is defeated in that previous election.

I've spoken with the hon. Minister of Municipal Affairs, and he referred me to section 147.5(1), which seems to have different language than that section. It says that on or before March 1 immediately following a general election, if there's a surplus, that candidate shall pay the excess amount to a municipality. Then there's a provision underneath which provides the option to provide it to a registered charity.

The concern that was expressed to me is that there is a conflict here. One section provides that it only applies to a declared elected candidate, and the other one I think is more general in nature and applies to any candidate. On the issue of interpretation it's confusing. If this went before a court, I'm not sure how they would interpret two sections that conflict. There's a potential that 147.5(1) would prevail in the sense that it's broader, although on the canons of construction you could look at 147.4 and come to the opposite conclusion.

This was expressed as a concern by one of the major cities, the city of Calgary, the mayor's office. We took that advice. We agreed that there is a conflict in the legislation, and where there's a conflict, one should just make it clear. If there's a candidate who was defeated in a general election in a municipal election, that person should not be keeping a surplus amount from their campaign. That amount should go to a charity or to the municipality itself. In these circumstances I would urge the government to accept this amendment, that has the support of the mayor of Calgary's office.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Minister of Municipal Affairs.

Mr. Griffiths: Thank you very much, Chair. I appreciate the member bringing forward the proposed amendment. I have been in contact with the municipality of Calgary to discuss with them

some of their concerns over this exact amendment. I'll clarify for the record, the same as I clarified for the individuals from Calgary who contacted our office and who we spoke to. Section 147.4(1.1), if you read all of (1.1) together, Madam Chair, as it's presented in the original act, if I may, says:

If a candidate does not file nomination papers before the next general election, the candidate shall, within 6 months after the date of the next general election, donate the amount of money disclosed under subsection (1)(d) to a registered charitable organization as defined in the Income Tax Act . . . or to the municipality where the candidate was declared elected in a previous general election.

That is the previous reading of the act.

We never changed anything from the act. The only thing we changed in 147.4(1.1) is that we added sections (a) and (b). One section talks about the surplus and reads:

donate the amount of money disclosed under subsection (1)(d) to a registered charity within the meaning of subsection 248(1) of the Income Tax Act . . . or to the municipality where the candidate was declared elected in a previous general election.

It's exactly the same as the act previously read, Madam Chair, except that we added section (b), "If there is a deficit, eliminate the deficit." That's the only thing that we changed.

9:30

Then the reference to section 147.5, Madam Chair, clarifies that if the candidate in respect of whom money is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the municipality to donate the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council to a registered charitable organization as defined in the Income Tax Act (Canada).

Subsection (4) under section 147.5, Madam Chair, talks about: if no direction is given to give to a charitable organization, it is automatically paid to the municipality. The only thing we changed out of that section is striking out the words "registered charitable organization as defined in" and substituting "registered charity within the meaning of subsection 248(1) of" the Income Tax Act. It's simply a matter of clarification. I don't believe this would appear before the courts in any way, shape, or form because it has never appeared to date, and this is the existing provision. The only thing, again, that we have changed is that we add "if there is a deficit, eliminate the deficit," which is the responsible thing for a municipal councillor to do.

I suggest that there's no need for this amendment and that this should stand as read. Thank you.

The Deputy Chair: Thank you, hon. minister.

Mr. Anderson: Just quickly, I appreciate the explanation, but again I would say that we have the mayor of the city of Calgary, and his office has contacted this minister and our opposition party and has, I think, come forward with a very reasonable suggestion. You know, again, this is the problem with rushing legislation through so quickly. If we put these things to legislative committees, especially bills of this nature, we would be able to get these types of kinks out. The mayor of Calgary, who is a very sharp individual, and his office think that this is not clear. As I read it, I think there's a contradiction as well.

I don't think it's the end of the world or anything, but just to be clear, I think this amendment as proposed by the member, essentially proposing what the mayor of the city of Calgary wanted to do in this regard, is reasonable. I think they've thought it through. I think it would clarify things. We may as well pass it. This is what it means to consult on bills. This government thinks

that if you do a consultation prior to putting a bill on the table, that's enough consultation. That's not the case. You do your pre-bill consultation – that's important – but then when you put a bill on the floor, you do have to consult with affected stakeholders.

Again, the Wildrose Party and the Liberal Party and the New Democratic Party were not consulted about legislation that directly affects us – directly affects us – and what we must do, yet the PC Party was consulted. Again, the city of Calgary and the city of Edmonton may have been preconsulted in preconsultations before this bill came to the floor on certain things like how long terms should be for candidates and so forth once elected and all that, but they have not been consulted since the bill has come to the floor. We have not had time to go through this adequately.

When a reasonable suggestion comes forward from a city – obviously, it's our largest city, and it's represented by a mayor who is sharp on things like this – why don't we just do this to show that we want to clarify, that we're listening? What harm could possibly come out of it? Let's support the amendment.

The Deputy Chair: Thank you, hon. member.

The hon. Minister of Municipal Affairs.

Mr. Griffiths: Thank you, Madam Chair. There's some misinformation that needs to be explained. I sat down with the opposition critic from each of the parties and went through what's essentially a three-column document over the proposed changes that were being brought forward. I did the same thing with the colleagues on this side of the House, but they were not privy to the exact legislation because that would contravene the privilege of this House. So everyone in this House, including the members of this side, saw this when it was tabled in the Legislature.

Now, I've explained before, in my opening speech, Madam Chair, that I've been a minister for a short amount of time, and we had a short amount of window to do consultations. We did it over a period of just over a month, public consultations and consultations with municipalities, and only picked out very simple changes that they could all agree to because we had to pass legislation this fall so that municipalities had proper time to prepare for next fall. There was not time to do an all-party committee review or to run through all of the municipalities to see if they approved of everything. In our consultations municipalities and the public did approve of them.

I'll point out one more time, Madam Chair, that none of the amendment that they're proposing is any change that we made. All we added was a line that said, "If there is a deficit, eliminate [it]," and everyone from the public and municipalities supported that.

When we have more time, after the next municipal election, when we've got four years, hopefully, until the next municipal election, we will do a thorough and extensive consultation with municipalities and members of the public on what needs to be done, Madam Chair. I was not going to let some very key issues that municipalities and members of the public wanted fixed in seven simple amendments to this piece of legislation sit over and not take effect for the next municipal election. To the hon. member: that's why we did it.

I would ask everyone to not support this amendment and to support the original piece of legislation. Thank you.

The Deputy Chair: Thank you, hon. minister.

The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I just wanted to clarify something that the hon. minister of municipalities just spoke to, where he not even insinuated but stated that all of the parties were

consulted. That needs to be clarified. The parties on this side of the House were not consulted. They were given briefing notes, which is very different from being a part of the consultation process. Part of the issue that this side of the House has been putting forward via amendments to try to improve this as currently written awful piece of legislation is that it, first and foremost, was only authored with the consultation of one political party, yet it affects all political parties in this province, including political parties that aren't currently represented in this House.

So in the name of democracy I cannot accept the statement that all political parties were consulted. If the purpose of this act is truly to amend and improve our Election Act and two other acts, then all parties need to be consulted to have an opportunity to give input into authoring the bill.

I'm sure that the Justice minister will jump up in a short moment and tell me that all opposition parties had an opportunity to amend this bill. However, if we look at the track record of how many amendments have been passed by this government, we'll see clearly that these amendments put forward by this side of the House aren't taken seriously into consideration even if they are intended to improve a bill and to improve, you know, the state of elections and democracy in this province.

You know, what also needs to be stated is that parties on this side of the House only get to see the bill once it's drafted and then respond and work feverishly to come up with amendments to try to improve a bill that was already written. Had the PCs been interested in truly getting the opinion and feedback and collaborating on this bill, they would have done so long before this physical document was written.

It is for those reasons that I have an issue with what the hon. minister for municipalities just said. Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Mr. Griffiths: Well, Madam Chair, it's unfortunate the hon. member doesn't understand the legislative process and doesn't realize that it's against parliamentary privilege to show the bill to anybody until it's tabled in this House for all members to see. The consultations that were done for the amendments to this legislation were not done with just the members here. In fact, they weren't done with the members here at all. It was a public, online consultation and a consultation with municipalities because it is their legislation. When they came forward with agreed-on amendments, changes that they wanted to see, we worked on drafting it. We tabled it in this House.

The municipalities and the members of the public can't come into this House and make amendments. It is a privilege to be in this House and make drafts after. If the hon. member doesn't understand the parliamentary process and that it is against parliamentary privilege to show anyone the documents before, then I guess he needs some education.

9:40

Mr. Anderson: Well, it would appear that the only individual that doesn't understand the parliamentary process is this hon. minister because the hon. minister just stood up and said that this preconsultation had been done. It's almost like he's speaking about this bill as if the only thing in it is involving municipalities and involving changes to the municipalities. Well, then say that.

What we're talking about is the entire Bill 7, and we were not in any way consulted on it. The party was not consulted on it. The New Democrats, Liberals, and Wildrose were not consulted on this at all, not on your section, which I agree is less applicable to us, and certainly not on any section regarding political parties,

which we've been discussing for most of the night. That's what the hon. Member for Edmonton-Beverly-Clareview was stating, and he understands the process perfectly well, especially for someone who is new to this House. I think he explained it very well.

The fact of the matter is that this is the problem with legislative sausage-making that has become the norm of this House. We stick everything into the blinking blender, and we pump it out here in, like, two seconds, and then instead of referring it to a legislative committee to actually do the work and actually make sure that we're not missing anything, what do we do? We sit here, and in two days we try to churn out 20 amendments to this legislation without the opportunity to bring in experts or even to give Legislative Counsel for that matter a ton of time to go over the amendments. We're just kind of on the fly.

It's very clear that this is not the way to make legislation. Because of that, you have a member of the public, particularly the mayor of Calgary, who has come back and said: "You know what? Whatever was in the preconsultation is just fine, but the fact is that what was discussed in the preconsultation, there's something in here that we don't understand in this bill." That's what the mayor of Calgary is saying: something in here doesn't make sense to us. It's not clear enough.

Instead of just doing what this whole purpose of Committee of the Whole is, bringing a simple amendment forward that would clear this all up, we're sitting here arguing about it, and the hon. member is making like we're trying to make this massive change, like this was the biggest thing on earth that was being consulted during his consultation process. This is simply the mayor of Calgary saying that we have a simple amendment that will clarify this legislation for all municipalities but clearly for the city of Calgary. It won't interfere in anything that the minister has done in his portion of the act. It won't change anything substantially that he was trying to do, at all. It just clarifies.

That's the whole point of the exercise of Committee of the Whole in a lot of instances: to do things that maybe were missed or maybe should be clarified. Again, we're sitting here. This is now the 108th – is this the 108th? Are we at 110?

An Hon. Member: No. Way past.

Mr. Anderson: We're into the 100-and-teens amendment.

We've had two of them accepted, over 110 rejected, and for what? I don't understand it. It is a simple change to the legislation. The municipal minister: I understand he's defensive about the legislation. It's an important piece of legislation to him. Good on him for doing the preconsultation. Wish he would have consulted with the opposition parties as well, but granted his section isn't as applicable to provincial political parties as the Solicitor General's sections were. That said, this is a simple amendment, so let's just pass the amendment, move on, listen to some of our elected officials at the municipal levels, specifically Mayor Nenshi, and we can all be happy and say that we did something constructive tonight.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A22, Bill 7, Election Accountability Amendment Act, 2012?

Seeing none, we'll call the question.

[The voice vote indicated that the motion on amendment A22 lost]

[Several members rose calling for a division. The division bell was rung at 9:44 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anderson	Donovan	Saskiw
Anglin	Fox	Swann
Bilous	Rowe	Wilson

Against the motion:

Bhardwaj	Griffiths	McIver
Bhullar	Hancock	Oberle
Calahasen	Horne	Quest
Casey	Horner	Redford
Denis	Johnson, J.	Sandhu
Dorward	Klimchuk	Sarich
Drysdale	Kubinec	Scott
Fawcett	Lemke	Starke
Fenske	Leskiw	VanderBurg
Fraser	McDonald	Weadick
Goudreau		

Totals: For – 9 Against – 31

[Motion on amendment A22 lost]

The Deputy Chair: We will move to Bill 7. Are there any members who wish to speak? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I have a last amendment to be tabled.

The Deputy Chair: Thank you. We'll pause for a few moments while we distribute those amendments to our members.

Hon. member, you may proceed.

9:50

Mr. Bilous: Thank you, Madam Chair. I'm moving on behalf of the Member for Edmonton-Strathcona that Bill 7, the Election Accountability Amendment Act, 2012, be amended in section 3, in the proposed section 4(3), by striking out clause (f). Under section 4 Bill 7 will give new authority to the Chief Electoral Officer to adapt the provisions of the Election Act. This amendment will strike out this clause, thereby taking the authority away from the CEO to adapt the provisions of the Election Act.

The reasons behind this: I mean, there are no issues other than the one specifically described in the proposed section 4, which generally pertains to election officers, enumeration, and polling stations, that should necessitate the sweeping powers cited under clause (f). Bill 7 under section 4(5) will ensure that any recommended changes will be in the future included in reports to the Standing Committee on Legislative Offices. This is the proper channel for changes or adaptations to provisions of the Election Act.

It's the duty of the CEO to carry out the provisions as legislated in the current Election Act. If changes need to be made to the law itself, then there's a process for doing this: making recommendations to the standing committee, enumeration reports, general election reports, or annual reports. The standing committee will review the CEO's recommended changes to the Election Act, and then the Legislative Assembly can consider, debate, and vote on any changes that are put forward.

This clause gives too much discretionary power to the CEO without any clear guidelines for the communication of the adaptations that may be made by the Chief Electoral Officer. In other words, this clause as currently written may result in adaptations that are not clearly communicated to the Legislative

Assembly. The CEO should only adapt the provisions of this act to the circumstances as they are identified by the CEO, the standing committee, and the Legislative Assembly. So this gives more direction to the CEO and, again, provides a more narrow scope as opposed to allowing decisions to be made based purely on his subjective decision.

I would ask that all members in this Chamber support this amendment. Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A23?

Seeing none, I'll call the question.

[Motion on amendment A23 lost]

The Deputy Chair: We'll move on to Bill 7. The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: This is the last amendment from the Wildrose. This is tough, giving this one away.

The Deputy Chair: Once again we'll wait a few minutes until all members have a copy of the amendment. This amendment will be known as A24.

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

Mr. Saskiw: Thank you, Madam Chair. In this Legislature we've seen a government that's voted down amendments to close the so-called Katz loophole, voted down an amendment to ban corporate donations. They most recently voted down an amendment that was put forward by the mayor of Calgary, a reasonable amendment. They voted it down.

We've decided that for the very last amendment we would put the most reasonable amendment forward and see what would happen. This amendment is in respect of 51.02(2), which is in regard to the going back three years, the retrospective reporting of contraventions of the Election Act. Why this is reasonable, Madam Chair, is that the Justice minister in the press conference said that the Chief Electoral Officer must report any contravention that was made in the past three years. Must report. In fact, a reporter, after hearing that, specifically asked him the question: must they report them? He said: yes, they must.

Of course, we subsequently showed the reporter that the wording says "may," that it's permissive. So I think that hon. Justice minister misspoke that day. Again, this is the public disclosure of someone who has been convicted by the Chief Electoral Officer of making an illegal donation. Someone has been found guilty – this is not an allegation – of making an illegal donation, yet under the current act as it reads, it's discretionary that the Chief Electoral Officer disclose that. I don't think in any western democracy would that ever happen, where an illegal donation has been made – it's been found to be illegal; a penalty has been made – yet that's kept secret. That's what this legislation does.

One has to question whether this is an honest mistake, or is this something where there's some type of intention to not disclose these illegal donations? This seems to be a very, very easy amendment to make. This amendment has already been watered down. It's saying that it's going to go back three years, but of course that's three years from the coming into force of this legislation, which could be two or three years in the future and hide a whole bunch of illegal donations, which we all know were made to the PC Party.

Mr. Denis: Point of order.

Point of Order

Allegations against Members

The Deputy Chair: Hon. members, we have a point of order.

Mr. Denis: Madam Chair, under Standing Order 23(h), (i), and (j) that is an allegation that is not founded in fact. We don't know where the illegal donations went to, what parties they went to. I just would ask the member to withdraw that, please.

The Deputy Chair: The hon. Member for Airdrie.

Mr. Anderson: Well, I'm not quite understanding how he can say an allegation when documented evidence has been tabled in this House showing very clearly that that donation was made and was reimbursed. It's the documents from Alberta Health. I mean, it's been tabled. It's on the record. So black is white? The sky is green? Black is white, still?

10:00

The Deputy Chair: Thank you, hon. member.

Mr. Denis: I think he was referring to illegal donations, and there are the 37 illegal donations. We do not know which party they went to, and it is erroneous to indicate that it is particular to the governing party.

The Deputy Chair: Thank you.
The hon. member.

Mr. Saskiw: Thank you, Madam Chair. Of course, we subsequently tabled a press release, a document that showed the president of the PC Party indicating that there were a bunch of constituency associations under investigation. We've also provided a tabling which demonstrates that monies went to the PC Party. This is not up for debate. It's a fact.

Mr. Anderson: Just to clarify, the press release in question, that he's talking about, is not a Wildrose press release. It's a press release from your party president saying that the monies had been returned. I mean, it's right on the record, Justice minister.

Mr. Denis: No. It didn't indicate that all of the outcomes were in. That's what's erroneous, Madam Chair.

Mr. Saskiw: To clarify, if you will, I'll say that substantially all of the cases of illegal donations went to the PC Party, not every single one of them, if that helps.

The Deputy Chair: Thank you, hon. member, for making that change to your comments. Would you please proceed.

Debate Continued

Mr. Saskiw: Speaking to this amendment, we should probably go through the number of illegal donations that went to the PC Party. We've seen municipalities where, in some cases, you know, there's a push to attend PC fundraisers. We saw motions that were in municipal towns and counties where they attended PC fundraising events and were subsequently reimbursed. We saw a donation from Calgary Lab Services, which is a wholly owned subsidiary of Alberta Health Services, an illegal donation to the PC Party. There's evidence that that illegal donation was subsequently returned after it was found by the Official Opposition and forwarded to the Chief Electoral Officer. We found

instances where a former executive of the Calgary health region attended PC fundraising events and was subsequently reimbursed by the Calgary health region, which, of course, is a direct violation of the elections financing act.

There are numerous, numerous occasions where illegal donations have flowed to the PC Party. I'm glad the Justice minister is allowing us to bring up this topic. What this amendment would do is to make it public so that when someone has been found to have made an illegal donation, this would require the Chief Electoral Officer to publicly disclose it. I mean, if the government votes against this, then it's clearly wanting to hide this. Why would you possibly vote against this? Why? If you don't want to hide the actual finding of an illegal donation, why would you not require the Chief Electoral Officer to make it public? Why would it be discretionary?

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak to amendment A24? The hon. Government House Leader.

Mr. Hancock: Thank you, Madam Chair. This is almost a repeat of the debate that we had on Monday night, in which I pointed out to the hon. member that the section that he is trying to amend is the time limit section that says that the disclosure may be made. That is a section which is intended to give effect to the fact that normally an act only applies going forward, but it gives retrospective effect to it.

The section that he's really interested in is on page 42 of the bill, and that's subsection (3) of 5.2, which is part of section 62 of this bill, which says:

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

It's very clear that if there is a penalty put in place, the Chief Electoral Officer shall publish the information.

The Deputy Chair: Thank you, hon. Government House Leader.
The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Madam Chair. The hon. Government House Leader is referring to page 42 of Bill 7, and he's specifically referring to section 5.2(3), and it states that the Chief Electoral Officer . . .

The Deputy Chair: Hon. member, I'm reading amendment A24, and I don't see (3) on there. I see 51.02(2).

Mr. Saskiw: That's correct. If you look at 5.2(3), it refers to 51.02(2).

The Deputy Chair: Okay. Thank you.

Mr. Saskiw: The Government House Leader is seemingly indicating that if the Chief Electoral Officer considers it to be appropriate, it shall be published on his website subject to section 51.02(2), which says that it's discretionary for the Chief Electoral Officer to disclose contraventions that go three years back. I don't understand what kind of possible interpretation you're taking.

The Deputy Chair: Thank you, hon. member.

Mr. Hancock: It's relatively simple to explain, Madam Chair. Section 51.02(2) makes it very clear that a disclosure "may be made with respect to an alleged contravention . . . but may not be

made with respect to an alleged contravention that occurred more than 3 years before.” So the “subject to section 51.02(2)” in 3(a) on page 42 is clearly a reference to the three years before, not to the “may be made.”

It would not read in any logical way if you were to say that he must publish findings and decisions subject to: he may do it. That doesn't make sense. But what does make sense is for you to read it and say that he must publish findings and decisions subject to 51.02 and that he can't do it more than three years prior.

The Deputy Chair: Thank you, hon. Government House Leader.
The hon. Member for Airdrie.

Mr. Anderson: Government House Leader, that's not what it says.

Mr. Hancock: That's exactly what it says.

Mr. Anderson: It's not what it says. It clearly says that if it's over three years, if you're looking back over three years, then it's “may.” For sure. But if it's from zero to three years back, it's a “may.” That's what it says in the document. How can anyone have any – okay. Are you putting on the record, just so that we know and we can put this to bed, that in this bill the meaning of the section cited is that if there is wrongdoing that is found by the Chief Electoral Officer for something that was done between the date that this act was passed and three years prior, that must be disclosed by the Chief Electoral Officer? Is that what you're saying? Is that correct? Please put that on the record, and then we'll sit down, shut up, and vote on this.

Mr. Hancock: I know exactly what it says.

The Deputy Chair: Thank you, hon. Government House Leader.

Mr. Anderson: Okay. Even though, you know, I don't see how you could interpret it that way, that's what the Government House Leader says it means, so it's in the *Hansard*. May all judges and Chief Electoral Officers in the future listen to what the Government House Leader said despite whatever's in here: must publish on the website and must publish any wrongdoings. Thank you for that clarification. Hopefully, we can vote.

The Deputy Chair: Thank you, hon. member.

Mr. Saskiw: Just to close the amendment. Of course, as the hon. Government House Leader knows, one can only look to *Hansard* for the intention of the government if there's any ambiguity. Unfortunately, there's a very simple principle of statutory interpretation that “may” means permissive and “must” means mandatory. According to the Government House Leader, in this instance may means must. Hopefully, if there is some type of ambiguity, the people in the future can look back at this *Hansard* and say: here was the intention of the government through the Government House Leader that may means must in this instance and that the Chief Electoral Officer will actually publicly disclose all illegal donations that were found three years back from the coming into force of this act.

The Deputy Chair: Thank you, hon. Member for Lac La Biche-St. Paul-Two Hills.

The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I would just like to request that the hon. Government House Leader and the government then vote in favour of this amendment. I mean, if they are saying that it

already says “must,” then let's just put this amendment through, and this party will have the confidence of the whole House and many Albertans that they're accepting an amendment where we're ensuring that disclosure is made and that the government can finally live up to their claim of being transparent and open and accountable.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A24?

Seeing none, I'll call the vote.

[The voice vote indicated that the motion on amendment A24 lost]

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

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anderson	Donovan	Saskiw
Anglin	Fox	Swann
Bilous	Rowe	Wilson

Against the motion:

Bhardwaj	Griffiths	McIver
Bhullar	Hancock	Oberle
Calahasen	Horne	Quest
Casey	Horner	Redford
Denis	Johnson, J.	Sandhu
Dorward	Klimchuk	Sarich
Drysdale	Kubinec	Scott
Fawcett	Lemke	Starke
Fenske	Leskiw	VanderBurg
Fraser	McDonald	Weadick
Goudreau		

Totals:	For – 9	Against – 31
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[Motion on amendment A24 lost]

The Deputy Chair: We'll move back to the main body of Bill 7. Are there any members who wish to speak on Bill 7?

Mr. Anderson: Real quickly because I know we're trying to get out of here soon. I just want to say that we do appreciate the robust discussion, but we want to make it very clear on our side of the House that what the government has done on several of these amendments in our view is totally unacceptable. These amendments were very well considered. They were good, solid amendments that would have contributed to this bill. This now makes almost 120 amendments that this government has voted down in this session on various pieces of legislation, including 24 here tonight. I don't know how this is making things more transparent or accountable. For a lot of these amendments the government agreed with the principles on them, yet here we sit, and not one of them was passed.

I just think it's so disappointing. We had high hopes that we would have a more open and transparent democracy, where opposition parties would be respected in the process. We do represent 56 per cent of the voting public. We all represent Albertans, but 56 per cent voted for our parties on this side of the House, and that's just completely disregarded by this government. There was no attitude, intention whatsoever to work with us. We gave all our amendments in advance. Nothing. I think that it's a

real sad reflection on how they view democracy and how they view opposition in this province, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I would just like it noted as well that there is one side of this House that is interested in working with all parties and trying to bring forward the best possible legislation for all Albertans. Clearly, as has been stated by the hon. Member for Airdrie, over 120 amendments have been proposed by the three different opposition parties – we're talking overall – and it's a very sad fact how many of those amendments have actually been accepted.

The fact of the matter is, you know, we've made a commitment – actually, I believe all parties of this House have made commitments of working together in order to bring forward the best possible legislation for Albertans. It's clear that the opposition parties are committed to bringing forward amendments, many of them quite reasonable, in order to strengthen a bill, again doing what's best for our constituents and for Albertans. It's quite frustrating. I think Albertans will see that one side of this House is dedicated to providing lip service to working with all Members of the Legislative Assembly, yet when the rubber hits the road, that's a different story.

It's unfortunate. Legislation could have been improved, many of the bills over the course of this sitting. Unfortunately, there is only one view that is writing these bills.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. minister.

Mr. Oberle: Thank you, Madam Chair. I wish to thank the opposition parties for putting forth and reading into the record their views as we close the debate on this bill. I would just like to point out that the opposition parties criticized us throughout this session for hastily crafting this bill and not widely enough consulting on it, yet we're to take that over the last few days as they've tabled 120 amendments, that somehow they were all brilliantly crafted and widely consulted on, which is obviously not the case.

While you could, in fact, as the opposition parties chose to interpret these last few days, have a government not listening to the opposition parties, you could equally interpret that you have an opposition party come to the Chamber intent on not agreeing to anything that the government did despite how widely consulted the bill was.

The knife cuts both ways, Madam Chair.

The Deputy Chair: Thank you, hon. Associate Minister of Services for Persons with Disabilities.

The hon. Member for Airdrie.

Mr. Anderson: Thank you. I have to have a drink of water after that last speech. Hold on.

The fact is that this opposition over on this side of the House has voted for six bills that the government has put forth, 6 out of 10 bills. In fact, we heaped praise on the government for many of those bills. Bill 1, the Premier's bill, for example: we completely agreed with it, thought it was a great bill. And you could go on down the list.

There are four bills we took issue with. On all of those bills we agreed with the intention of the bill, the spirit of the bill.

Everything about the bill we liked the spirit of. The problem was that what was in the bill did not do what it said it was going to do. In fact, it looked like, in some cases, a very cynical attempt to say that they were doing something about an issue – lack of democracy, lack of whistle-blower legislation, lack of property rights, a single regulator, and so forth – yet we think that it didn't accomplish what the intention was.

10:20

Again, over 120 amendments, two accepted. A lot of these amendments were very reasoned, hon. member. Again, we've agreed with so much that the government has done in this House with regard to the bills they've brought forward, and there were just a few things that we thought could be improved. There was no reaching out. We did the unprecedented, frankly, step of giving all of our amendments in advance – in some cases, weeks in advance or a week in advance – to the other side so that they could study them, discuss them. There was no attempt. There was no attempt to discuss it or negotiate different wording. Nothing.

If we're ever going to improve the decorum in this House, I think it has to start with respect. [interjections] My point exactly, Madam Chair. It has to start with respect for the views of other opposition parties. You know, they can talk about decorum all they want. There are 61 over there; there are 17 over here. Why on earth are they so afraid of 17 members? It shouldn't be this hard to work with us. We're completely open to it. Our door is always open. We're always asking to be included, so just include it. You might find that if you conducted yourselves that way, guess what? Like Peter Lougheed, you would probably see your majority grow instead of shrinking, which it's doing slowly but surely – not so slowly, actually – until you don't have one anymore. That's the road that you're on because you're legislating, frankly, in my view, in a way that's completely dismissive of other parties and other viewpoints.

I just hope that next session, when we come back – the Premier has talked about moving things to policy committees. I think that's a great idea, Premier. She should do it. [interjection] That's right. We wouldn't have so many amendments that we have to do in Committee of the Whole, Madam Chair, if we would take these bills after spring session, stick them into committee, do the work of the committees in there – as the Premier has said, that's what the point of these committees is, instead of what they're doing now – and move it forward into the fall so that we come back with a bill out of committee that is something that all Albertans can support.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Madam Chair. I'm very pleased to speak at this end of discussion and debate on this important bill. I guess the most shocking thing for me is that the two big issues that Albertans raised with me are the amount of donations still allowed to political parties, which is out of the realm of reasonable in the rest of Canada, and the unwillingness to even consider the possibility that corporate and union donations have undue influence on public policy. These are the two big issues that Albertans have said that they do not accept, that they find very distasteful and create a lot of cynicism among our people. Young people and older people are saying that it's time for change. Those are the big issues that I thought we were going to have some chance to see change on.

Instead, it's other issues that also needed to be cleaned up in the elections accountability, but these two big ones were entirely ignored in spite of very good recommendations that would make all of us look better and restore some sense of balance and accountability and reasonableness in this Legislature. It was a real missed opportunity. I'm afraid it was pride more than anything that stopped this government from being willing to accept any kind of substantive changes to this bill.

Very disappointing, Madam Chair, and I guess we'll all wear it.

The Deputy Chair: Thank you, hon. member.

Mr. Fraser: Madam Chair, for the record I'm not afraid of anybody. When we speak to these amendments, the members on this side of the House have gone to the ministers and asked the questions about the amendments that the other members have brought forward. In fact, I dare the other side to say that I haven't contacted them on various issues in co-operation, how we could work together to work for Albertans instead of serving political ends.

I've done that, and I'll continue to do that. So there you go.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on the bill? The Member for Rimbeby-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I rise to close out this debate also. I want to say a couple of things. One, any allegation that we here in the opposition have not come forward in good faith to try to work with this government I would say is not substantiated by the evidence of this Assembly in this sitting. I will point out to the hon. Minister of Municipal Affairs that I actually rose to defend against one of the motions from one of the opposition parties and articulate the very argument that he was trying to make in support of that. We did vote on various bills in support of these government bills. We thought some were brought forward in good faith, and we just thought we wanted to try to strengthen those.

I want to say something that I think is really important. There has been some animosity expressed at different times, but I will say this: when we submit an amendment and a member opposite, before that amendment is even passed out, raises it up and tears it up, I would argue that that is bad faith, that's representative of bad faith. That's unparliamentary in my view, and it's unacceptable.

Coming back in the spring, I would take the dare to the hon. members that we raise the bar on both sides of the House. I think we can do that.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak? The hon. Member for Bonnyville-Cold Lake.

Mrs. Leskiw: Well, I'm finally going to get up and have my say. I don't get up and speak that often here, but I have been absolutely upset listening to the innuendoes from the people across the floor, especially when I take them as a personal attack. I consider myself a very honest politician. I worked hard to get where I am. I won in 2008 by 78 per cent, and somebody suggested that I was supported by 2 per cent. I won the second election in 2012 by running an honest campaign, not a negative campaign but an honest campaign. It bothers me when the other side says: Albertans, Albertans . . .

The Deputy Chair: Excuse me, hon. member. I hate to interrupt, but we are speaking on the body of Bill 7.

Mrs. Leskiw: Okay. On the bill.

What I'm trying to say is that Albertans have spoken to a lot of us, not just to the opposition. I haven't had one Albertan from my area come talk to me about half the stuff you said that Albertans spoke to you about. I mean, are Albertans only living in the opposition ridings? I have lots of Albertans in my riding that speak to me all the time. My office is open to everybody, regardless of which . . . [interjections] I even speak to people in your constituency, hon. member.

The Deputy Chair: Hon. member, please conclude on the bill.

Mrs. Leskiw: I will. I figured everybody else has spoken out of turn, and it's my time to speak out of turn.

I will finally sit down, but I want to say: don't brand everybody by the same brush. Just because we don't agree with you, it doesn't mean we're right and you're wrong or the other way around. Please keep that in mind. I think I do a real good job representing my people, and I believe that everybody in here does represent their people.

The Deputy Chair: Are there any other members who wish to speak on the bill? The hon. Member for Little Bow. We are speaking on Bill 7, the Election Accountability Amendment Act, 2012.

Mr. Denis: Where's your binder?

Mr. Donovan: Right here. Thank you to the Solicitor General. I like the prompting.

I agree. I mean, maybe Bill 7 wasn't exactly what this side wanted. We tried putting some amendments forward on it that obviously didn't do well. I get that. I think the process is that we've tried, whether people like it or not. I think everybody on both sides has tried. I'd say with a little sarcasm that there could be a touch of animosity in the room every once in a while. I sense it from both sides. I think we're all here for the right reasons. I think this bill, which I'm just about to go to in the conversation on the amendments that we've been talking about, Madam Chair – and I thank you for that.

10:30

You know, we've all been here a long time. I think we had some good amendments to it, in all honesty. We put in a lot of time. It's not that the Member for Lac La Biche-St. Paul-Two Hills had nothing better to do than to come up with however many amendments for this. I think they're all here for the right reasons. We're not here just to pick – or I'm certainly not – through them for what we don't like, whether it be "may" or "maybe not" or all the rest. I'd hope at some point we could try to resolve some of these issues on how it goes. I know it's not going to be a perfect little program, but I think the amendments that we tried to propose here in Bill 7 did touch the people that we do represent in our constituencies.

I get that everybody is on both sides and that there are opposite sides and different ridings, and people call you, and people call me, and we could sit and do the whole thing on it. The point is that we're all here to pass bills, to make better legislation for this province so that we can move forward. It's a give-and-take. Obviously, we might have lost the take part on this side because we tried to give some; it wasn't received. That's fine. We'll move

forward. We're big kids. We can pick up our stuff and figure it out for next time.

In the process going forward, I'd hope that we could do something a little better in the spring on the communication side of these and, like the Premier talked about, put it to committee. That way, we don't have to sit here all night and count the lights inside the dome like some of us like to do and stuff like that, which I've seen on both sides of the floor. You know, we do have things to do. We all have families to go home to. We have business to attend to. I get that everybody gets a little riled up at these things. But I think to put these things to a committee so we don't have 25 or 30 amendments to every bill that comes through isn't a bad idea.

I'll just leave it at that. I'm hoping that in the spring, after a nice Christmas break, everybody will be a little more festive then.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on the bill?

Seeing none, I will call the question. Are you ready for the question on Bill 7, Election Accountability Amendment Act, 2012?

Hon. Members: Agreed.

[The remaining clauses of Bill 7 agreed to]

[Title and preamble agreed to]

The Deputy Chair: Shall the bill be reported? Are you agreed?

[The voice vote indicated that the request to report Bill 7 carried]

[Several members rose calling for a division. The division bell was rung at 10:33 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For:

Bhardwaj	Griffiths	McIver
Bhullar	Hancock	Oberle
Calahasen	Horne	Quest
Casey	Horner	Redford
Denis	Johnson, J.	Sandhu
Dorward	Klimchuk	Sarich
Drysdale	Kubinec	Scott
Fawcett	Lemke	Starke
Fenske	Leskiw	VanderBurg
Fraser	McDonald	Weadick
Goudreau		

Against:

Anderson	Donovan	Saskiw
Anglin	Fox	Swann
Bilous	Rowe	Wilson

Totals: For – 31 Against – 9

[Request to report Bill 7 carried]

The Deputy Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Madam Chair. I'd move that the committee rise and report Bill 7.

[Motion carried]

[Mrs. Jablonski in the chair]

The Acting Speaker: Will the hon. Member for Dunvegan-Central Peace-Notley please read the report.

Mr. Goudreau: Thank you, Madam Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill with some amendments: Bill 7. I 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 Acting Speaker: Do the members concur in the report?

Hon. Members: Agreed.

The Acting Speaker: Opposed? It's carried.

Government Motions

Review of Standing Orders

19. Mr. Hancock moved:

Be it resolved that the Standing Committee on Privileges and Elections, Standing Orders and Printing may meet at the call of the committee chair to review the standing orders and report any proposed or recommended changes to the Assembly.

Mr. Hancock: A very straightforward motion, Madam Speaker. I'm advised by the table officers that because the standing orders do not provide for a mandate for the committee, up to this point it could only meet if a matter was referred to it by the House. Now, that makes sense when we're talking about privileges and elections, of course, but from time to time we do want to have the committee be able to meet to review the standing orders of the House.

10:40

The Speaker has indicated several times through the fall session that there are a number of things that he would ask House leaders to converse upon, and that's certainly what we've done over the last 15 years, have House leaders talk about Standing Orders. But it's quite appropriate if House leaders can't agree, or even if they can agree, to take it outside the hands of House leaders and have the committee meet and do it. Rather than requiring a formal motion every time we want the committee to meet, I think it's appropriate to allow the committee to meet at the call of the chair.

The Acting Speaker: Thank you, hon. Government House Leader.

Mr. Anderson: Well, I am just absolutely trembling with excitement knowing that the no-meet committee, the famous no-meet committee, is going to have its day. It is going to have its day in the sun, and this should be an exciting time for us all. [interjections] Sorry? It has to be unanimous? It should be unanimous; that's right.

The Acting Speaker: Hon. members, the Member for Airdrie has the floor.

Mr. Anderson: Anyway, I think that we're all excited about that. I think that, obviously, we've got to make up for all that pay in the past, so this will be a good start for that.

I would just hope that the members of that committee take this very seriously because the Standing Orders in our House, which is, of course, the green book, that book that we all have right here, which is what you'll be dealing with – there's actually a lot in here that addresses how we debate things in the House, how we deal with legislation in the House, when we sit, how often we sit.

I think that our province right now does not have a good reputation at all when it comes to the processes that we follow in this House with regard to passing legislation, debating legislation, reviewing legislation in committees, and even some of the issues in question period are very unclear. I think that it's really important that whoever is on that committee – I'm not on that committee, unfortunately, but I probably will attend some of the meetings because it's just such riveting stuff and I want to make sure it's a fair process.

I think that for the government members in particular, because they hold the majority, Madam Speaker, it is absolutely imperative that they use their discretion wisely and their power wisely, that they don't turn this into an activity to further curb debate in what is already, frankly, one of the least democratic Chambers in Canada. I think we see that by the number of days that we sit being among the fewest, certainly the fewest among the major provinces. We see that with the fact that in our question periods the opposition is not given as many questions as in other Chambers and so forth around this country. We see it with the fact that we have two days, for example – and our orders allow for this – to debate Bill 4 and Bill 7 in this Chamber, two very substantive pieces of legislation, huge pieces of legislation. Two days? I mean, that is brutal. That's what I'm saying.

When the orders are debated in that committee, Madam Speaker, it's just important that you please do not abuse the power that you have. Please make sure that it's democratic. Let's try to improve opposition party involvement, not curb it further. I just hope that the Premier, the Government House Leader, and all members of the government and on this side of the House will take that into consideration. Let's not use this as a gimmick to pound the opposition parties into submission further than we are already pounded.

With that, I'll take my seat.

The Acting Speaker: Thank you, hon. member.

Are there any other members who wish to speak on Government Motion 19?

Seeing none, we'll call the question.

[Government Motion 19 carried]

The Acting Speaker: The hon. Government House Leader.

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

[Motion carried; the Assembly adjourned at 10:45 p.m. to Wednesday at 1:30 p.m.]

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