

Standing Committee on Private Bills and Private Members' Public Bills

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

Thirtieth Legislature
Second Session
June 2020



Standing Committee on Private Bills and Private Members' Public Bills

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STANDING COMMITTEE ON PRIVATE BILLS AND PRIVATE MEMBERS' PUBLIC BILLS

June 2020

**To the Honourable Nathan Cooper
Speaker of the Legislative Assembly
of the Province of Alberta**

I have the honour of submitting, on behalf of the Standing Committee on Private Bills and Private Members' Public Bills, the Committee's final report containing recommendations on Bill 202, *Conflicts of Interest (Protecting the Rule of Law) Amendment Act, 2020*, for consideration by the Legislative Assembly of Alberta.

Sincerely,

[original signed]

Mike Ellis, MLA
Chair, Standing Committee
on Private Bills and
Private Members' Public Bills

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**MEMBERS OF THE STANDING COMMITTEE ON PRIVATE BILLS AND
PRIVATE MEMBERS' PUBLIC BILLS**

30th Legislature, Second Session

Mike Ellis, MLA
Chair
Calgary-West (UCP)

Joseph R. Schow, MLA
Deputy Chair
Cardston-Siksika (UCP)

Michaela L. Glasgow, MLA
Brooks-Medicine Hat (UCP)

Christian E. Nielsen, MLA
Edmonton-Decore (NDP)

Nate S. Horner, MLA
Drumheller-Stettler (UCP)

Jeremy P. Nixon, MLA
Calgary-Klein (UCP)

Janis Irwin, MLA
Edmonton-Highlands-Norwood (NDP)

Rakhi Pancholi, MLA
Edmonton-Whitemud (NDP)

Nathan T. Neudorf, MLA
Lethbridge-East (UCP)

Lori Sigurdson, MLA
Edmonton-Riverview (NDP)

R.J. Sigurdson, MLA
Highwood (UCP)

Member also in attendance on May 28, 2020:

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

1.0 INTRODUCTION

Bill 202, *Conflicts of Interest (Protecting the Rule of Law) Amendment Act, 2020*, was introduced and received first reading on March 5, 2020.

2.0 ORDER OF REFERENCE

Pursuant to Standing Order 74.11:

- (1) After a public Bill other than a Government Bill has been read a first time, the Bill stands referred to the Private Bills and Private Members' Public Bills Committee.
- (2) The Private Bills and Private Members' Public Bills Committee shall report back to the Assembly within 8 sitting days of the day on which the Bill was referred to the Committee.*

3.0 COMMITTEE ACTIVITIES

As part of the Committee's review of Bill 202 a Committee meeting was held on May 28, 2020. At that meeting the sponsor of Bill 202, Kathleen Ganley, Member for Calgary-Mountain View, made a presentation on the Bill to the Committee, and the Committee received a technical briefing from the Ministry of Justice and Solicitor General on the Bill.

4.0 RECOMMENDATIONS

Pursuant to Standing Order 74.2 the Standing Committee on Private Bills and Private Members' Public Bills recommends

that Bill 202, *Conflicts of Interest (Protecting the Rule of Law) Amendment Act, 2020*, not proceed.

* Due date suspended pursuant to Government Motion 10, agreed to on March 17, 2020.

APPENDIX A: MINORITY REPORT

On May 28, 2020, the UCP government members of the Standing Committee on Private Bills and Private Members' Public Bills (the "Committee") voted in majority that Bill 202, Conflicts of Interest (Protecting the Rule of Law) Amendment Act, 2020, not proceed, without even hearing from stakeholders first. The NDP Caucus members of the Committee have submitted this minority report to urge the Legislative Assembly to reject the recommendation of the Committee that Bill 202 not proceed.

Since the onset of this Committee in the 1st session of the 30th Legislature, the majority UCP government members of the Committee have consistently voted that Private Members' Public Bills sponsored by NDP private members not proceed. On all Bills brought before the Committee - NDP and UCP sponsored Bills - NDP members on the Committee have still always supported the right for each caucus to invite stakeholders to speak to the Bill before it proceeds.

The NDP Members of the Committee believe the decision that Bill 202 not proceed was not a decision of the UCP Committee members alone, but was directed by the Premier. During deliberations of Bill 202, the Member from Lethbridge-East said the Premier does not need to speak to this Bill because we "are appointed to be here by the Premier."

UCP Committee Members recited shared talking points, exaggerated what this Bill would mean, and repeatedly made inaccurate claims of what the provisions of the Bill actually contained. These claims were refuted by both the sponsor of Bill 202 and a lawyer from the Ministry of Justice. UCP members called this bill a trainwreck when in actuality the bill comes from recommendations of the Ethic Commissioner and federal conflicts of interest legislation.

During deliberations, the Member from Cardston-Siksika, and Deputy Chair of the Committee, stated that the two lawyers in the NDP Caucus should be ashamed for believing the Ethics Commissioner (a former judge) was properly positioned and qualified to understand and adjudicate the legal concept of privilege and conflicts of interest - issues that the Ethics Commissioner is uniquely qualified to consider. NDP Committee Members have been cooperative on this Committee and it is unfortunate that UCP Committee Members have taken to shaming Members of the Legislative Assembly and name-calling rather than providing constructive feedback.

This Committee is intended to provide an opportunity for thoughtful discussion on Private Bills and Private Members' Public Bills brought before the Committee, not a way to stifle and silence the Official Opposition or private members. The intent of Bill 202 is to strengthen the rule of law and hold the democratic institution of the Legislative Assembly of Alberta accountable.

For these reasons, the NDP Committee Members believe the Legislative Assembly should reject the recommendation of this report and allow Bill 202 to be debated in the Assembly. If

members have not or will not violate any conflicts of interest, they should not have any concerns about debating the merits of this Bill in full.

