



**Centre for Free Expression**  
Faculty of Communication  
& Design

February 7, 2021

Mr. David B. Chanson  
Chair, Standing Committee on Resource Stewardship  
503F Legislature Building  
10800 - 97 Avenue NW  
Edmonton, AB T5K 2B6

Dear Mr. Chanson,

We wish to thank the Committee again for the opportunity to present to you on Thursday. Having watched how the remainder of this meeting unfolded, we see clearly the challenge faced by members in trying to reconcile two dramatically different versions of reality -- the Commissioner's and ours. This presents you with a very serious policy dilemma, which must be resolved before the Committee can responsibly complete its mandate.

Our main concern is that, though well-intentioned, you have chosen a procedurally inappropriate way to determine which of the contradictory views of the *Act* is correct.

You sensibly want a full examination and critical comparison of the two widely differing analyses of PIDA that you have received – PIC's and CFEWI's. However, asking PIC to conduct this comparison seems entirely inappropriate due to the inherent conflict of interest. It is unfair to ask either of us to be the referee as to which is correct.

In our view, this task would be best undertaken by an independent, expert third party. The [Government Accountability Project \(GAP\)](#) would seem the obvious choice, being the leading NGO in this field, with more than 40 years of experience of assisting legislators draft whistleblowing laws, not only in the USA but in dozens of other countries.

We are also concerned about a related basic issue of fairness.

On Thursday, we heard numerous statements made by the Commissioner that we believe to be false or misleading: about PIDA, about our organization, and about our submission. Some of these claims, made with no supporting evidence, defy our decades of experience and research. We also heard suggestions that CFEWI is not knowledgeable about Alberta's legislation, although our submission included a detailed assessment of PIDA.

Yet we have no access to the Commissioner's written submission, nor the analysis she has been asked to produce, no assurance that we will ever see this material, and no effective means of rebuttal. We also seem to have no further role or voice in this process, while the Commissioner continues to have

generous access to the Committee and full access to our materials, as she should. We respectfully request the opportunity to set the record straight, by:

1. giving us immediate access to PIC's most recent submissions to the Committee, as well as any subsequent material and analysis she may provide, when this is available, so that we can comment on these; and
2. giving us the opportunity to testify regarding these new materials, and to answer questions members likely have regarding our extensive written submission.

We have already mobilized our resources to provide you with accurate information, and we stand ready to support your ongoing efforts in any way you would like. We believe that it is entirely within the Committee's reach to protect the citizens of Alberta by making recommendations for whatever changes you feel appropriate after a careful, thorough, and fair consideration of the information and evidence that has been placed before you.

We certainly hope we will have the opportunity to assist you in that process.

Yours,



David Hutton

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David W. Hutton  
Whistleblower protection advocate  
Senior Fellow, Centre for Free Expression,  
Ryerson University.  
david@dhutton.ca  
+1-613-567-1511

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Cc: Committee members  
Warren Huffman, RS Committee Clerk  
James L. Turk, Director, Centre for Free Expression