



Legislative Assembly of Alberta

The 27th Legislature
First Session

Standing Committee
on
Community Services

Thursday, September 18, 2008
9:37 a.m.

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Standing Committee on Community Services

Rodney, Dave, Calgary-Lougheed (PC), Chair
Hehr, Kent, Calgary-Buffalo (L), Deputy Chair

Benito, Carl, Edmonton-Mill Woods (PC)
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)
Chase, Harry B., Calgary-Varsity (L)
Doerksen, Arno, Strathmore-Brooks (PC)
Johnson, Jeff, Athabasca-Redwater (PC)
Johnston, Art, Calgary-Hays (PC)
Lukaszuk, Thomas A., Edmonton-Castle Downs (PC)
Notley, Rachel, Edmonton-Strathcona (NDP)
Sandhu, Peter, Edmonton-Manning (PC) *
Sarich, Janice, Edmonton-Decore (PC)

* substitution for Naresh Bhardwaj

Also in Attendance

Blakeman, Laurie, Edmonton-Centre (L)

Bill 18 Sponsor

Blackett, Hon. Lindsay, Calgary-North West (PC)

Support Staff

W.J. David McNeil	Clerk
Louise J. Kamuchik	Clerk Assistant/Director of House Services
Micheline S. Gravel	Clerk of <i>Journals</i> /Table Research
Robert H. Reynolds, QC	Senior Parliamentary Counsel
Shannon Dean	Senior Parliamentary Counsel
Corinne Dacyshyn	Committee Clerk
Erin Norton	Committee Clerk
Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Communications Services
Melanie Friesacher	Communications Consultant
Tracey Sales	Communications Consultant
Philip Massolin	Committee Research Co-ordinator
Stephanie LeBlanc	Legal Research Officer
Diana Staley	Research Officer
Rachel Stein	Research Officer
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

Standing Committee on Community Services

Participants

Canadian Motion Picture Distributors Association CS-33
Susan Peacock

Canadian Association of Film Distributors & Exporters. CS-38
Ted East

Entertainment Software Association of Canada. CS-42
Jason Kee

Motion Picture Theatre Associations of Canada CS-44
Adina Lebo

Alberta Motion Picture Industries Association. CS-47
Neil Campbell

9:37 a.m.

Thursday, September 18, 2008

[Mr. Rodney in the chair]

The Chair: Well, good morning, everyone, and welcome to this very, very important meeting of the Community Services policy field committee.

I want to remind committee members and others of a few housekeeping issues, one of which is that in this committee, in this setting, you definitely do not need to touch the microphones because *Hansard* operates them remotely. I'm going to set the example here and put my BlackBerry away right now. I'm not saying that you must turn it off because we all have important things going on in our personal, professional, and political lives, but we have evidence of how it has definitely interfered with *Hansard* in the past if they're up and on the table. So I'll just ask you if you'd put them on vibrate and take them away. Put them a little closer to your person rather than the microphone. That would be great.

A few reminders related to this, one of which is that we are being audiostreamed live – all of our meetings are – and we're on the Internet. Mr. Sandhu, you might know about that. You are, indeed, the replacement today on behalf of Mr. Bhardwaj. Thank you for being here. We have at least one guest. Laurie Blakeman is here, and we welcome you. We'll do introductions in a second, but we may expect at least one other member here from the government side. Of course, MLAs are welcome to be here, to attend, to participate, but unless a person is on the committee or if they're not a temporary substitute, they're not allowed to vote or make motions. So, Mr. Sandhu, you can vote. You can bring motions forward, and so can a couple of folks attending via teleconference.

Mr. Co-chair, Kent Hehr, are you there?

Mr. Hehr: Yes. Good morning, Mr. Chair.

The Chair: Good morning to you.

Mr. Chase, can you hear us loud and clear, sir?

Mr. Chase: Yes, I can, but I'm having trouble reaching for the button. Fortunately, *Hansard* doesn't require it, so I'll look forward to my voice crossing the airwaves via Alexander Graham Bell as opposed to a video conference, which I hope we'll in the very near future have.

The Chair: I will address that in a second, sir. Well, look at that. It's right here in my notes. I'm not a slave to my notes, but it is here. I did want to address that right at the beginning because I thought you might raise that. There have been questions about the Legislative Assembly Office's ability to support the members' attendance at committee meetings via remote video technology rather than just the audio that we have here today.

There has been an investigation, I can tell you, Mr. Chase and all committee members. The response is that based on resources available right now, the LAO is, unfortunately, unable to support remote video conferencing. It continues to be an option, and I'm sure people will continue to work towards that, but it's not available right at this time. That's a little bit unfortunate. The office is working on implementing capabilities, and we'll continue to inform you, Mr. Chase and others, in that respect.

I do want to put in a little encouragement from the chair, if I may, that it's this chair's preference that whenever possible members do attend in person because, I'm sorry, there is simply no replacement for being here. You can see exactly what's going on, feel the mood of the room, and catch a lot of the nonverbal. I thank you for

participating, whether it's via video conference, teleconference, or in person, but that's the reverse order of this chair's preference.

We'll just continue on, and I would like to continue with my favourite part of meetings like this. This has happened for about four years now any time I'm in Edmonton-Centre. Laurie Blakeman, this is your cue. Would you mind introducing yourself? We'll have everyone around the table introduce themselves as well after Ms Blakeman.

Ms Blakeman: Thank you for the opportunity to welcome everyone to my fabulous constituency of Edmonton-Centre. My name is Laurie Blakeman, and I am the MLA for this fabulous constituency of Edmonton-Centre.

The Chair: I tee it up, and you knock it off. Thank you very much, Ms Blakeman.

We'll continue on with committee members and staff.

Mrs. Kamuchik: Louise Kamuchik, Clerk Assistant, director of House services.

Ms Stein: Rachel Stein, research officer, Legislative Assembly Office.

Dr. Massolin: Good morning. I'm Philip Massolin. I'm the committee research co-ordinator from the Legislative Assembly Office.

Ms Sorensen: Rhonda Sorensen, manager of communications services, Legislative Assembly Office.

Ms Dean: Shannon Dean, Senior Parliamentary Counsel.

Mr. Lukaszuk: Tom Lukaszuk, Edmonton-Castle Downs.

Mr. Benito: Carl Benito, Edmonton-Mill Woods.

Mr. Johnston: Good morning. Art Johnston, Calgary-Hays.

Mrs. Dacyshyn: Corinne Dacyshyn, committee clerk.

Ms Norton: Erin Norton, committee clerk.

Mr. Sandhu: Good morning. Peter Sandhu, Edmonton-Manning, covering for Naresh Bhardwaj, Edmonton-Ellerslie.

Ms Notley: Good morning. Rachel Notley, Edmonton-Strathcona.

Mrs. Sarich: Good morning. Janice Sarich, Edmonton-Decore.

The Chair: And, of course, your friendly neighbourhood chair, Dave Rodney, Calgary-Lougheed.

A special welcome to someone that a few of you may or may not recognize from being at other meetings, and that, of course, is Erin Norton. She's been recently hired as a committee clerk, as you probably figured out, and eventually will be working with this committee although just before the committee meeting it was suggested that we retain both of these fine people because we appreciate Mrs. Dacyshyn's work over the months and years.

Now, colleagues, most meeting materials have been available online for printing and viewing for over a week, some much longer. I see at least one member with a laptop, and members are welcome to bring those for meetings to access your documents electronically during the proceedings if that's your choice.

Let's move on to agenda item 2. It's simply the approval of the agenda. I wonder if I could get someone to move that the agenda for the September 18, 2008, meeting of the Standing Committee on Community Services be adopted as circulated. I see Mr. Johnston has made that motion. Again, for the awareness of members, we don't need seconders in committee for this motion. Any discussion? All those in favour? Mr. Hehr or Mr. Chase?

Mr. Chase: Sounds good, Dave. Just a qualification: under item 6, the 9:30 a.m. to 10:15 a.m., is that where we'll have our first opportunity to comment on the submissions we've received?

The Chair: I've already got your name down on the speakers list, sir.

Mr. Chase: Excellent. Thank you.

The Chair: How about Mr. Hehr? Are you in favour of this motion?

Mr. Hehr: Yes, I am.

The Chair: Is anyone objecting to the motion? Then that motion is carried.

Item 3, adoption of minutes. You've all, again, had a chance to look at them. In the spirit of expediency I'll suggest that someone move that the minutes for the July 28, 2008, meeting of the Standing Committee on Community Services be adopted as circulated. I see Mrs. Sarich's hand is up. All those in favour? Any objections? That motion is carried.

Point 4, Document Update. It's simply to inform people that Culture and Community Spirit officials have provided a document which they had promised regarding minimum fines. Hopefully, you accessed that. Ms Notley, did you need that? You're okay?

Ms Notley: I've got it.

The Chair: Okay. Good stuff.

Holy smoke. We have how many agenda items here today? A total of nine, is it? We're already on number 5. We should be out of here in about 15 minutes, do you think?

Item 5, Handling of Submissions. All facetiousness aside, before we proceed with our review of the submissions submitted, the committee must decide whether to publicly release these submissions. For some people this is just a basic part of the process of being open and transparent and accountable. Some committees have gone in camera for this part of the discussion. Again, in the spirit of transparency and openness I would suggest that we simply have a little discussion on what we believe should be done, how these submissions should be handled: are they made public, are they not? Now, we want to make sure that we don't mention names at this point.

9:45

I wonder if I could ask Shannon Dean, an invaluable resource for us, about a few issues she wanted to bring to the committee's attention about privacy when we discuss and decide how to proceed with written submissions. Ms Dean, you're okay to go ahead?

Ms Dean: Sure. Thank you, Mr. Chair.

The Chair: Please. Thanks.

Ms Dean: Just for clarification, members are all aware of the Freedom of Information and Protection of Privacy Act. Of course, the Legislative Assembly Office is a public body under that act. However, the Assembly and the committees of the Assembly, technically speaking, are not caught up in the application of that act. That having been said, I think it's very important to emphasize that there are important principles in that legislation that should inform the consideration of this issue in terms of whether or not you want to disclose the submissions that you've received to the public or whether you want to sever certain types of information.

Now, in keeping with the practice that was followed last year and this year with respect to the policy field committees, we have some recommendations for you to consider. Again, these are not binding precedents on the committee, but we offer this for your consideration. Generally speaking, the committees have decided to make the submissions public with the exception of four areas of information.

First, personal information. Now, I'm not speaking about the name of the author of the submission unless that has been asked to be kept confidential. What I'm speaking about here is personally identifiable information, such as home addresses, e-mail addresses, et cetera. It would be our recommendation that if you decide to make the submissions public, that be severed from the document. I'm not speaking about corporate information or information about associations, et cetera. What I'm talking about here is, again, personal information.

A second category of information that should be given special consideration is identifiable information about a third party where it's pretty clear that there has been no consent provided. It's our view that the third party obviously has privacy rights, and disclosure of this type of information may run afoul or interfere with those rights. Again, by a third party I'm talking about an individual here, not an association or a corporation.

A third area is, of course, where the submitter has asked to keep the information confidential. We would suggest that you agree to that request.

Finally, there may be instances where the committee has received submissions that contain potentially defamatory material or sexually explicit comments or profanity, that type of thing. We're looking for direction with respect to that category and how you would like to handle that.

I'll leave it there, Mr. Chair. For the committee's benefit I'll just recite the form of motion that was considered and adopted by most of the policy field committees both this year and last year. That would be that the submissions received on the bill that's before you, Bill 18, be made available to the public with the exception of the following: the personal information other than name, instances where the author of a submission has requested certain information not be made public, information about a third party – again, I'm speaking about an individual, not an association or corporation – or where the submission is potentially defamatory or contains profanity.

I will leave it there.

The Chair: Thank you. We may have to come back to you because we have at least one person on the speakers list, and that is, indeed, Mr. Lukaszuk.

Mr. Lukaszuk: Thank you, Mr. Chair. I would concur with the suggestions of our legal counsel that personally identifiable information and third-party information should be automatically excluded. That seems to be a standard. But I've a bit of a concern with the remaining two. Number one, where the author requests his or her submission to not be published: I don't think there should be an

automatic waiver given. I believe that all submissions should be considered public and that unless there are extenuating circumstances and this person filing the submission can substantiate to the committee why it should consider a variance and not make that record public, no automatic waiver should be given. I imagine there could be circumstances where the committee may want to not publish the information, but that would have to be on an individual, per-presentation basis, substantiated to the satisfaction of the committee members.

With respect to profanity I imagine legal counsel means from the presenter and not from the committee members.

The Chair: We have parliamentary privilege, Mr. Lukaszuk.

Mr. Lukaszuk: Very often, depending on what piece of legislation is before the committee, various forms of language may be intrinsic to the type of presentation that you have, and I don't think profanity should be excluded. If one was to use profanity in Chamber, it would appear in *Hansard*, and one, hence, governs himself accordingly and doesn't use it unless quoting somebody else's profanity. That in itself I don't think should be excluded. As a matter of fact, I think the knowledge of the fact that it will be in *Hansard* would direct those who present to us to govern themselves accordingly, knowing that they will form a permanent record.

The Chair: Thank you for that.

Before we get on to the speakers list, which is growing, I wonder, Ms Dean, if you would be comfortable addressing what I identified as at least two potential friendly amendments. Point 2 that you mentioned was where the submitter has requested that certain information not be made publicly available. Would you think it advisable – because, of course, we have to make the motions, not you – that we would insert the word “substantiated,” requested that certain substantiated information not be made publicly available? And would you advise that it's sufficient, in point 4, “where the submission contains profanity or potentially defamatory material,” if we just excluded the words “profanity or” and went with “where the submission contains potentially defamatory material”? I, at least, infer that the profanity may be defamatory even unto the person themselves. How do you feel about those two potentially friendly amendments: “substantiated” and just eliminating “profanity”?

Ms Dean: I certainly don't have any concerns, Mr. Chair. It's entirely within the purview of the committee to bring forward those sorts of amendments to the proposed motion.

I just would like to point out that the ad that was sent out for public input did offer to submitters that if they did not want to have their submission made public, that should be indicated on the document. I just point that out for your information.

The Chair: Okay. For the sake of expediency and the fact that we do have presenters coming – we will of course respect the others on the speakers list – before we move on, Mr. Lukaszuk, would you be open to moving as amended? I've got it right here if you're open to this.

Mr. Lukaszuk: Yes.

The Chair: Moved by Mr. Lukaszuk that the Standing Committee on Community Services make the submissions received available to the public with the exception of the following:

- (1) personal information other than name,
- (2) where the submitter has requested that certain substantiated information not be made publicly available,
- (3) where the submission contains information of about a third party, and
- (4) where the submission contains potentially defamatory material.

Mr. Lukaszuk: Correct.

The Chair: Okay. Good. We can speak to that motion. We have two people on the list. I now see three.

Laurie Blakeman, go ahead, please.

Ms Blakeman: Thank you. I guess I'm now speaking in favour of the motion as it's on the floor. But I'd like to add an additional point of consideration that we dealt with in a different committee that I sit on, and that was for those that were requesting that their brief not be made public. I think it was the economy committee that said: well, fine; if you're going to request that it's not made public and we can't distribute it and the public can't read it and have an understanding of how we arrived at a decision or how that document might have influenced our decision, then it was made clear that that particular document or submission would not be considered in the decision of the committee. I think to do that, you also need to remove that out clause from your ads, which says that people can ask that their name not appear on the document.

If we are trying to be transparent and accountable, I think the public deserves to be able to see how we arrived at our decision. If there's a document missing that we're clearly basing our decision on or has influenced the committee members, then that is not transparency. That would be my recommendation and observation, if I may offer it to the committee.

9:55

The Chair: Thank you for that.

As folks around the table know, Ms Blakeman does not officially sit on this committee. She can't make that motion. I don't know that we need to make a motion, but I think that staff and colleagues have heard very clearly that if we, indeed, are in a time and place where in our Legislatures or parliaments, hopefully in our businesses and everyday affairs, we are open and accountable and transparent – and that's demanded of us, for instance, as MLAs – we would expect nothing less from those who submit to this committee. So I thank you very much for that observation and suggestion.

Mr. Chase: If I can jump in . . .

The Chair: You can't, though, sir. I'll get you on the list. We have Mrs. Sarich and Ms Notley.

Mr. Chase: Okay. Thank you.

The Chair: Go ahead, Mrs. Sarich, and then Ms Notley and then Mr. Chase.

Mrs. Sarich: Thank you very much, Mr. Chair. Just a point of clarification. What was presented in the ad in terms of the submissions – and that would be the broad understanding from everyone who had submitted – how does that measure up to what we have in the motion or the proposed motion that we're looking at? I'd like a little bit of advice on that. We had the ad that said: here's the criteria. Now we have a motion on the floor for consideration. I understand about the defamatory piece, but I'd like to go back to the

submitter piece to see: are we saying the same thing, or are we not saying the same thing on that?

The Chair: As I understand it, we are. We're just adding "substantiated" and taking out "profanity."

We have very capable staff. I wonder if one of you professionals in the field would like to address it and make sure that we're on track.

Ms Sorensen: Thank you, Mr. Chair. If I may, just to give the committee a little bit of history, there was a statement that we started putting on all of our ads last year that says: please specify if you do not wish to have your submission made public. The reason for that is we were dealing with some fairly sensitive issues. That statement sort of carried through.

Now, actually, we don't have any submissions that are requesting that their submission not be made public, so in this instance it might not have any bearing. I have made note on my own files that in the future this statement will be brought forward for consideration specifically before the advertising goes out.

The Chair: Right. Very good.

Mrs. Sarich.

Mrs. Sarich: Yeah. That answers my question. Thank you very much at this time.

The Chair: Okay. So it's not as though you feel the need for a motion at this point, but staff has a note for next time, and we'll be very careful with each of the four items, whether they appear or not, and then the past format or a new one. Correct? Very good.

Ms Notley, you've been patient. Go ahead, please.

Ms Notley: Yeah. Sorry. I must have missed the discussion leading up to the amendment. I'm not quite sure what the effect of adding the word "substantiated" is to the motion. Can someone explain that to me?

The Chair: Mr. Lukaszuk, do you care to comment?

Mr. Lukaszuk: I will ask Ms Notley to repeat the question.

Ms Notley: I'm just wondering: what is the effect of adding the word "substantiated" to that part of the motion around people requesting to have their submissions remain private?

Mr. Lukaszuk: Preferably, Ms Notley, I would like to see every single submission be made public, but I imagine there could be unforeseeable circumstances where the committee may decide that there are bona fide reasons why some person or entity may not want their submission to be public. Hence, it would give this committee a vehicle by which to allow that to happen in very rare circumstances. So just to give the committee this extra tool and ability to make a submission not public. In most cases, I would say in the preponderance of cases, I think all of them should be public. It's just to give the committee an ability to make an exception where a rare exception is deserved.

Ms Notley: Okay, because I agree with what you're saying. I mean, in general, I have a concern about people being able to simply request that their submissions not be released to the public. I think that the rules should be that they are released to the public. I'm not quite sure if adding the word "substantiated" gets to where you're

going or gets to what you want and if the discussion that we have where you clarify that would result in us now being able to look back at that discussion. I mean, I might sort of say something: as a rule the committee would make all submissions public although in limited circumstances the committee may make them private. Something like that to make it more clear is more the way I might go towards it. Really, what I want to do is get at the kind of statements that both you and the Member for Edmonton-Centre have made, in that I think that as a general rule almost all submissions should be public.

Mr. Lukaszuk: I agree with that. Whatever wording you put to arrive at this conclusion, I'm concurring with.

The Chair: Good. Well, for folks on the Internet listening in, I hope that they are proud of the fact that we have a Liberal, a PC, and an NDP member agreeing. I'm not the least bit facetious; I'm very proud of the fact that we're working together on this and that we do agree.

Mr. Chase, you're not going to change the spirit of this, are you?

Mr. Chase: No, I'm not. But because my dear colleague Laurie Blakeman is visiting the committee and doesn't have official status, I would like to put forward Laurie's concerns in the form of a motion for discussion, and that's if . . .

The Chair: Mr. Chase, I'm sorry. I need to interrupt. We do have a motion on the floor, so if you have another motion, we can revisit that after the vote.

Mr. Chase: Okay. You don't want it as an addition or an amendment to the existing motion? You'd prefer it to be separate?

The Chair: Oh, it depends. Are you proposing a new motion or an amendment to the existing one?

Mr. Chase: Well, I'm just suggesting that in addition, to substantiate it and so on, we very clearly come across with the idea that if you want your submission to be considered in the outcome of the committee's decision-making, then you must submit it for publication.

The Chair: Well, Mr. Chase, colleague and friend, may I humbly suggest that we revisit this in the future? As our counsel has suggested, we have evidence that this is actually not an issue in this case. We have had a couple of people, both Edmonton-Centre, Laurie Blakeman, and Mrs. Sarich, saying: let's be very careful with what goes in ads in the future and let's revisit it when that occasion comes. We don't have a cart, so we don't need a horse, if you know what I'm saying. Are you okay with voting on this? Our staff has already made notes. I see Philip and others nodding their heads. Can we just make sure that we do this right the next time? Not that we did it wrong this time, but can we revisit this when it actually is in front of us again?

Mr. Chase: Well, it may as you say be a moot point at this point because there hasn't been anyone who has denied the publication of their documents. But I would like it on the record that in the future the direction the committee will take will be to not accept submissions unless they are willing to have them made public.

The Chair: Thank you for that. I'll just simply clarify with *Hansard* staff that you heard the comments loud and clear and that

they will be recorded exactly as Mr. Chase just enunciated them over the phone.

How's that, Mr. Chase?

Mr. Chase: That's wonderful. What a co-operative group we are, a multiparty manifestation.

The Chair: Oh, yes. But we've got to keep moving here, sir, because we've got folks that are waiting to present. Oh, hang on. No, it's at 10:30, isn't it? We've got a little bit of time. Thank you, Mr. Chase.

One more speaker. I'll first ask, though: Mr. Hehr, did you have anything to add?

Mr. Hehr: No. The group seems on board, and I'm in agreement with the suggestions so far.

The Chair: Okay. Then the last speaker I have on my list is Mr. Johnston. Go ahead, sir.

Mr. Johnston: Yeah. Just a clarification, Chair, on the process. We have on our website that input is important. When something is sent to this committee, the LAO staff see that first, and then they determine if it satisfies FOIP. Am I correct there?

The Chair: Did you have anything else to add or suggest?

Mr. Johnston: No. Just a point of clarification.

The Chair: That's Mr. Johnston's question. Who would like to respond?

Ms Dean: I can respond to that, Mr. Chair. There is absolutely no censoring of the submissions that goes on by the staff. They are posted on your internal site.

Mr. Johnston: Okay. That's all I needed.

Ms Dean: For clarification: again, FOIP does not apply to documents of this committee. We have enunciated these principles about protection of privacy because we feel that they are important to inform your consideration about how you want to handle these documents.

Mr. Johnston: Yeah, that's great. Thank you very much.

The Chair: A short answer to a short question. That's much appreciated. Thank you both.

Go ahead, sir.

Mr. Benito: Thank you. Another point of clarification, Mr. Chairman, on this publication of documents. Am I correct to assume that if it is a matter of public security, it is automatic that it will not be published? I just want to clarify that.

The Chair: Again, staff, do you care to comment, or did you need clarification? I see some questioning eyes over there. Did you want Mr. Benito to rephrase his question?

Maybe you could ask it a different way.

10:05

Mr. Benito: On this publication of documents, if it is a matter of public security, am I correct to assume that it automatically will not

be published, in addition to, you know, personal confidential information, et cetera?

Ms Dean: I don't believe the issue of public security has been discussed per se. What we're trying to emphasize is protection of personal information and the security associated with personal information.

The Chair: I think I know where you're going, and I believe that it's coming from a good place, Mr. Benito. I do believe – Ms Dean, you can correct me if I'm wrong – that may well be covered under item 3, "submission contains information about a third party," the third party being the general public and their well-being. But it's an issue we haven't faced before, so it's a good question.

Seeing no more people on the speakers list and considering we have a fair bit to do, we'll turn things over to Shannon Dean to conclude things. Then we'll have the vote.

Ms Dean: Mr. Chair, I just was getting some sense from the discussion about some clarification about the wording of the motion that was intended by Mr. Lukaszuk. If I may be so presumptuous as to read into the record what I believe has been discussed as the motion that you're going to be voting on.

The Chair: Mr. Lukaszuk, you're okay with that?

Mr. Lukaszuk: Please, by all means.

Ms Dean: That

the Standing Committee on Community Services makes the submissions received available to the public with the exception of the following:

- (1) personal information other than name,
- (2) in certain circumstances where the committee feels there is a bona fide reason not to make a submission or a part of a submission public,
- (3) where the submission contains information about a third party, and
- (4) where the submission contains potentially defamatory material.

Is that correct?

Mr. Lukaszuk: That's correct.

The Chair: Very good. Then it is my duty and honour to call the question. All those in favour of the motion, please indicate. Okay. Mr. Hehr, are you in favour?

Mr. Hehr: Yes, I am.

The Chair: And Mr. Chase?

Mr. Chase: I am at this current time with this current motion. I look forward to further clarification.

The Chair: You know what? I will refrain from editorial comment, colleague. Anyone opposed? No. Well, that motion is passed. Thank you again from all corners of the room.

Let's move on to item 6, Review of Submission List and Report on Written Submissions. Colleagues, the submissions and summary documents, as you know and we've discussed, were posted on the internal committee website. We have Dr. Philip Massolin and Rachel Stein, and they've got an analysis for us, a short one, as I understand it, because we are going to have all the presenters present for a half hour each coming up. Everyone, I trust, has had the

chance to review them in detail. Let's hand the floor over to Philip and Rachel. After that, Mr. Chase, you'll have your chance to discuss things as well. We'll have questions after also.

Go ahead, Phil and Rachel.

Dr. Massolin: Thank you very much, Mr. Chair. I just want to take this opportunity to introduce to you and to the committee Rachel Stein. Rachel is one of our new research officers for the Legislative Assembly Office. She, as you know, has prepared a summary of the written submissions and is now prepared to give you a brief overview of those submissions.

The Chair: Welcome, Rachel.

Ms Stein: Thank you. The research staff of the Legislative Assembly Office prepared a summary report of the submissions received for Bill 18 to assist the committee with its deliberations. I will begin with an overview of the organization of the report, which corresponds to the table of contents on page 2. Section 1.0, the introduction, explains the structure of the report, identifies the salient issues the submissions raised, and provides a brief general summary of the submissions. Section 2.0 provides a complete summary of the submissions. Submissions were divided into two groups based on whether they were sent from a stakeholder or member of the public. Section 3.0 provides the statistical information of the submissions, including the opinion and geographical location of the submitter. Section 4.0 is a complete list of all submissions received.

To begin, I would like to note the statistical information of the submissions. Please refer to page 11 of the summary report for greater detail. As indicated in table 1, this report considered a total of 16 submissions, which were received by September 3, 2008. Two of the submissions expressed explicit support for Bill 18, one expressed explicit opposition, and 13 were categorized as unknown; thus, the majority of submitters were categorized as unknown. Please note that a submission must have explicitly indicated an obvious preference either in favour or against the bill to have been categorized as in support or opposition.

Also, regarding the geographic location of submitters please note that the report indicates that 13 of the submissions were of unknown or other origin. This is an error. Please see table 1 for clarification.

In total 37 stakeholders were invited to provide input to the committee. The committee received a response from four of these solicited stakeholders. Of the remaining 12 submitters six were from nonsolicited and six were from the public.

I will now provide a general overview of the most prominent issues of the submissions. Please note that the following observations highlight a portion, not all, of the submissions received. The topics most frequently raised in the submissions include the regulations, fines for offences, the authority of the executive director, and classification concerns.

First, both the solicited stakeholders and several of the nonsolicited stakeholders were concerned about the inability to review and comment on the regulations. Numerous comments were made that a complete assessment of the legislation was not possible without the regulations. Requests were made to be a part of the development of these regulations. For example, the Canadian Film and Television Production Association suggested that the committee recommend that the appropriate ministry consult with stakeholders on the development of the regulations before Bill 18 proceeds to the Legislature. Please note that a number of other Canadian jurisdictions, excluding Quebec, also specify their respective classification schemes in the regulations. Hence, this is not an uncommon practice.

Second, many of the stakeholders commented on the increase to

the penalties for offences. For example, the Motion Picture Theatre Associations of Canada, the Alberta Motion Picture Industries Association, and the Canadian Motion Picture Distributors Association stated that the penalties were too high for the offences to which they would be associated. Please note that research staff reviewed the penalties for Ontario, Nova Scotia, Quebec, and British Columbia, all of which have recently updated comparable legislation. For these jurisdictions fines range for individuals from \$175 to \$50,000 or imprisonment or both and for corporations from \$700 to \$250,000. For Bill 18 an individual guilty of an offence is liable to a fine of not more than \$10,000, imprisonment of not more than two years less a day, or both, and a corporation is liable to a fine of not more than \$100,000.

Third, there were a number of stakeholder concerns pertaining to the authority of the executive director. The Alberta Motion Picture Industries Association, for instance, indicated that Bill 18 does not set any boundaries for the authority of the executive director. The Canadian association of film distributors and the Canadian Motion Picture Distributors Association stated that an appeal process was needed to appeal decisions made by the executive director. The regulation-making power in Bill 18 observes that the decisions of the executive director may be appealed. The details of the appeal process would be outlined in the regulations.

Fourth, several of the stakeholders expressed concerns pertaining to a proposed change that would prevent anyone under the age of 14 from being accompanied to an 18A movie by an adult. Please note that this information is not provided in Bill 18 but was provided in the July 28, 2008, presentation to the committee by the Ministry of Culture and Community Spirit. The Motion Picture Theatre Associations of Canada and the Canadian Association of Film Distributors & Exporters stated that this change would result in operational issues resulting from the difficulty of enforcement. Both of these stakeholders commented that most individuals in this age group do not have photo identification to confirm their age. Moreover, many of the theatre staff are 21 and under and not trained to make subjective judgments concerning age.

The public submissions also expressed concerns about the classification scheme, but in regard to film content and the need for a new classification system to assist individuals to make informed choices. These submitters indicated that it is difficult with the current classification system to choose age-appropriate material.

Thank you.

The Chair: Thank you very much, Rachel Stein. An auspicious beginning. Anything to add from any others in the department? No? Then I have Mr. Chase on item 6 on the agenda.

Mr. Chase: Thank you very much, Mr. Chair. I'm making these comments within the spirit of collaboration. My understanding of our standing policy committee purpose is to improve the legislation that has been channelled our way. In so doing this, I want to raise and echo some of the concerns that were just brought up.

Bill 18 has been presented as an innocuous piece of legislation designed primarily to update terminology to bring it in line with 21st century vocabulary, for lack of a better word. But a number of individuals from industry and associations that produce entertainment, whether it be video, whether it be film or other forms of performance, are very concerned that they can't make a judgment because the regulations haven't been drafted, and I think that's a very legitimate concern.

10:15

We frequently echo this concern in the Legislature when things

have been taken out of legislation, where they're open to debate and discussion, and put into regulation, where they become the sole purview of the minister or his appointed individual. Based on the fact that we have similar legislation in other provinces, on a national basis, that has set standards and policies, I would hope that we would take into account those precedents as opposed to Alberta going its own way and establishing regulations that are out of sync with the rest of Canada and, you know, in particular the federal government, that is the first overseer.

The Chair: Thank you for that. You know, honestly, Harry, this is something that we will obviously be revisiting as we review at next week's meeting, after we see the presenters, so no need at this point to make motions. Everything that you just said is on the public record; it's on *Hansard*. We'll be working in an all-party spirit. I don't know if we want to use "innocuous"; I won't put words in your mouth or take them out. We are here, indeed, I'll affirm, to give Albertans the best legislation possible, so let's keep working together on that.

Mr. Lukaszuk, did you have a comment?

Mr. Lukaszuk: No.

The Chair: Ms Blakeman, go ahead. Sorry. I had you on the list, and I looked right past you. We're just too far apart from each other; that's all. You can move closer if you want.

Ms Blakeman: No. Thanks. I'll stay here.

I'm wondering if we'll have a sequel appearance by the staff from Culture and Community Spirit. I'm looking for some expansion of information that they gave me. I've read the *Hansard* from the presentation they made, and if we're not going to have them back before the committee, then I'm wondering if we could get some additional research done by the committee researchers. I'll lay the three areas out.

One is some information about the Lobbyists Act. When we passed it, there was a precedent set where in the legislation it was written that stakeholders would be consulted before regulations were put into place. Could that clause be applied in this situation, which would relieve some of the concerns that are being raised by the stakeholder groups? So if we could get some work done that would tell us whether that's possible.

Secondly, a number of them have raised issues about the increase in the fines, with their perception that there was no need for it because there hadn't been that many fines levied. Of course, my question is: what are the facts? Let's see the evidence. How many fines have been levied? How many convictions were successful over a reasonable period of time in Alberta history? Is that information available to us, or can we get it from someone?

Finally, I'm not reassured by the argument that is presented by the Culture and Community Spirit staff, according to what I read in *Hansard*, around the secondary ticket sales. They do mention that lifting the prohibition against, essentially, scalping or reselling, which has become an Internet business now, is covered under another act, and they reference the Fair Trading Act. I have two concerns around that.

In fact, if you read that legislation, you can resell. You just have to tell people the difference in the price. But there are all kinds of ways to have teeny, tiny, little print that nobody can read, and they can't understand that they are in fact paying a scalping price, especially when you're on the Internet. So I question the accuracy of those statements. You can resell. It's clearly in there. There's no prohibition against it in the Fair Trading Act. You just have to tell

people what you're jacking the price up by, and I think there are ways around that.

Secondly, what kind of a process would a not-for-profit organization with very limited resources in this province have to go through to try and achieve a conviction or some sort of money back? Let me give you an example. We have an excellent concert hall in Edmonton with the Winspear Centre. If they bring in someone like Renée Fleming, whom many people would want to see – and she just did a gala here – and these Internet resellers get hold of these tickets, the ones that are getting ripped off here are the ESO, which is a local company who pays local musicians and the money stays in our community. The profit is being made by a company out there in cyberspace, probably located internationally.

So what is the process that is available to proceed with a charge under the Fair Trading Act? How likely is it that a not-for-profit arts group with very little resources, particularly legal resources, is going to be able pursue this? It's one thing to say that the legislation is there to do it. It's quite another if the legislation is actually able to cover the circumstances, and for us to assume that they would be protected by this is, I think, erroneous.

Those are the questions that I'm looking for answers for. I look to you, Mr. Chair, as to where they could come from.

The Chair: Very good questions, questions I've certainly asked and looked into as well. I know, as you mentioned, that this not part of this legislation. It is referenced in Bill 18. I've heard you and other people suggest that we need to look at that even closer than before. This is a new phenomenon, and there's a lot of money, and there are a whole bunch of people, nonprofits, affected. But as I see it, if it's not in this bill, then it's not something that, you know, would be addressed in this venue.

Ms Blakeman: Well, if I can argue back with you, Mr. Chairperson. I think we do have to consider it because if we're willing to pass a bill that removes a protection and we're being told that that's okay because the protection is somewhere else – in fact, I question that protection somewhere else – I think it is part of our discussion.

The Chair: Okay. Thank you.

Mr. Lukaszuk.

Mr. Lukaszuk: Thank you. Well, it's appropriate for a member of this committee to have questions, by all means. As a matter of fact, I think it's encouraged. That's why this committee has been given what I consider to be a reasonable budget, and we have a researcher for this committee. If a member of this committee chooses to have any of his or her questions answered that he or she finds to be pertinent to the work that is at the table of this particular committee, a researcher of this committee can attempt to answer those questions as best that he or she can as long as the questions are relevant to the work of this committee.

Now, if a member of this committee, who obviously is a Member of the Legislative Assembly, has questions that are perhaps construed not to be directly relevant to the work of this committee, all of us have another pool of funding, and we have caucus researchers that can answer those questions for us and provide us with answers to those questions. So I think no member of this committee is hindered by lack of information available. Lastly, God forbid, a member may have to go to the Legislature Library and do a little bit of research himself or herself to get pertinent answers.

To now request the department whose legislation we're reviewing to start providing us with answers – and I spoke to this already before, at the outset; I believe it was at this committee – I would find

to be grossly inappropriate. This is a legislative committee, and to be now asking the research resources of the executive branch of the government to do research for this committee would be indirect collusion. The researcher of this committee can approach the department and solicit information if he chooses to, and if that information is available, great. If not, there are other venues to obtain this information. But to now employ a third party, being the Executive Council, to start doing research for this committee would not be appropriate.

The Chair: Thank you for that, Mr. Lukaszuk. This is an issue that has come up more than once in this committee and other committees as well, and it seems to come back to the same topics. Ms Blakeman is one person who's raised important issues. She deserves answers to her questions. I think Mr. Lukaszuk outlined at least three different places where those can be received. We do have a protocol. We would all need to agree that we're asking our committee researchers to find answers to certain questions. Ms Blakeman, as you know, not actually sitting on this committee, you can't bring forward a motion, but please don't feel that there is any slough-off at all. This does need to be dealt with, and I'm looking at two things.

I'm looking at item 6, being the Review of Submission List and Report on Written Submissions, and item 9 is actually Other Business. In the opinion of this chair, that would be other business, and you may or may not want to talk to your colleagues about motions at that point because we have a communications update preceding our break, which we are supposedly currently on. We have folks waiting to present to us in four minutes, so I believe we're going to need to leave it there, and by that I mean it will be revisited unless we have other speakers before we go on to Rhonda Sorensen for item 7.

10:25

Ms Notley: I'm prepared to let that discussion wait until Other Business, but I do think it's an important discussion, and I don't think that it is finished.

The Chair: Okay. Thank you.
Mr. Chase, did I hear you?

Mr. Chase: Yes. Just very briefly. How can we comment on or improve regulations that have yet to be drafted? We've got this large hole in Bill 18 which needs to be addressed.

The Chair: And we will do that, sir. As Ms Notley has referred to point 9 being Other Business, that's one place, and of course we have future meetings, including next week. I certainly see that this is not a dead issue, and we will address it.

Mr. Chase: Okay. Thank you.

The Chair: Mr. Lukaszuk.

Mr. Lukaszuk: Yes. Just a point of clarification because maybe that's where the confusion stems from. We are not here to discuss, deliberate, or approve regulations. Regulations are drafted and approved by order in council, by the executive branch. We are here to discuss legislation, a bill which is on the floor of the House. Regulations are out of the realm of the House. That's how the system works.

The Chair: Okay. Thank you for that.

Before I move on to Communications Update, one last addendum from Rachel Notley, please.

Ms Notley: Well, if that really is the last one. I was saying: I do want to have a discussion about that today, not at the next meeting. I think we do need to make a decision as a committee, and it seemed as though we were continuing to have the discussion. If we are really going to stop, I will not drag it out any further.

The Chair: Yes, and that's why I was pointing to the fact that it's item 9, not item 6, and we've got 7 and 8 in between. So thank you for that. I look forward to that discussion. You can gear your thoughts, ladies and gentlemen, and maybe organize your comments in a clear and concise manner so that we can deal with this as expeditiously as possible.

Communications Update with Rhonda Sorensen, who will speak to the document posted on the internal website. She will speak, and if you have questions, please indicate, and I will put you on the speakers list.

Ms Sorensen: Thank you, Mr. Chair. I'll be as brief as possible. I just wanted for the committee's interest and information to provide them with some information about the results of the engagement processes it's undertaken in its work.

Just to recap, we did issue a news release about this committee's work on August 1. We advertised in dailies August 1 and 2; in the weeklies we advertised August 3 through 8. We did approach CNIB and VoicePrint to promote to their membership, which they did in August, and we did approach all of the community calendars via the television stations. Although we did not meet the criteria for most instances, Access did run it on their online community calendar.

As a result, in July the standing committee websites did rate number 7 in the top 10 of the Assembly's overall most downloaded pages. In August this particular committee ranked number 8 out of the 10. To the Community Services website in particular we had 1,715 visits, the number of user sessions was 1,043, the average number of users per day was 25, and the average session length was seven minutes and 11 seconds. The most downloaded file was the advertisement, with 170 downloads. The most active day corresponds with our advertising, which was August 1, 2008. Below is just a chart that shows when the activity spikes happened.

I'd be happy to answer any questions, but again it's mainly for your information and interest.

The Chair: Questions?

Mr. Chase: Just a quick comment. Thank you for the extensive nature of the outreach.

Ms Sorensen: You're welcome.

The Chair: Do you feel the love in the room? This is fantastic. We might have to leave the love in the room for a minute, though, because we have presenters coming in. How would colleagues feel about a five-minute break? Do I hear 10? Do I hear a call for 15? Let's make it 10. I look at the clock there. It's exactly 10:30. Let's be in our chairs at 10:39 and a half, and I look forward to reconvening at that point.

[The committee adjourned from 10:30 a.m. to 10:40 a.m.]

The Chair: We'll reconvene the meeting. Look at that: exactly on time. It's 10:40. Our first presentation will be done in half an hour, which is 11:10.

For the notice of members, under point 8, Scheduled Presentations Based on Written Submissions, you may be well advised to know that all parties wishing to make an oral presentation were invited, and all accepted except one, who wasn't able to be here today.

What we'll do is welcome each of the presenters. We'll have members introduce themselves each time that we have a different presenter. Why don't we start that right now? Is that indeed Susan Peacock from the Canadian Motion Picture Distributors Association?

Ms Peacock: It is indeed.

The Chair: Great. We'll come back to you after we go around the table as members introduce themselves.

Ms Blakeman: Welcome to the committee, and welcome to my fabulous constituency of Edmonton-Centre. I'm not an official member of this committee. I'm just interested, so as an MLA I'm sitting in.

Mr. Lukaszuk: Thomas Lukaszuk from Edmonton-Castle Downs.

Mr. Benito: Carl Benito, Edmonton-Mill Woods.

Mr. Johnston: Good morning. Art Johnston, Calgary-Hays.

The Chair: Dave Rodney, Calgary-Lougheed.

Mrs. Dacyshyn: Corinne Dacyshyn, committee clerk.

Ms Norton: Erin Norton, committee clerk.

Mr. Sandhu: Peter Sandhu, MLA, Edmonton-Manning.

Ms Notley: Rachel Notley, MLA, Edmonton-Strathcona.

Mrs. Sarich: Good morning. Janice Sarich, MLA, Edmonton-Decore.

The Chair: Susan, as I understand, you're quite well aware that there are 15 minutes for presentation. Don't think it rude when 10 minutes from now we wave this little placard that says you still have five minutes. That's just for your awareness.

There's no need at all to touch the microphone. *Hansard* has that completely covered. Again, if you're not informed, the meetings are audiostreamed and live on the Internet.

Members have received your written submission. They've read it, so obviously there is no need for you to reread that, but we have been looking forward to it. So without further ado, your 15 minutes.

Mr. Chase: Excuse me, Mr. Chair.

The Chair: Yes. Oh, right. My fault. We have two people that aren't here today. They are on the committee. They're both in Calgary. Could you introduce yourselves, starting with the co-chair.

Mr. Hehr: Hi. My name is Kent Hehr, and I'm co-chair of this committee, from Calgary-Buffalo.

Mr. Chase: My name is Harry Chase. I'm the MLA for Calgary-Varsity, just mere blocks away from the wonderful University of Calgary, from which the constituency draws its name.

The Chair: It's almost like you're here, but you're not. Susan, where did you arrive from today?

Ms Peacock: I arrived from Toronto yesterday.

The Chair: Ah, that's what it was. Okay. Very good. We appreciate that you've come a long, long way.

I will take a speakers list. Kent and Harry, I'll ask you folks. I'll even give you first dibs if you need it.

Susan, we won't interrupt you for 15 minutes starting right now.

Canadian Motion Picture Distributors Association

Ms Peacock: Thank you, Mr. Rodney, members of the committee. The Canadian Motion Picture Distributors Association is the organization I represent along with its members, who are the six major international producers and distributors of motion picture, home entertainment, and television programs: Buena Vista (Disney), Columbia Pictures (Sony), Paramount Pictures, Twentieth Century Fox, Universal, and Warner Bros. We thank you for this opportunity to comment on Bill 18, the Film and Video Classification Act. Our concerns can be divided into two categories: concerns with respect to items that are in the bill and items that are not in the bill.

Firstly, what's in the bill. The bill contains a definition of "adult video film" in section 13. The bill would prohibit the distribution of adult video films in Alberta to minors, and we support this policy. However, we understand from the submissions made to this committee by officials from the ministry on July 28 that the A, for adult, classification is intended to be removed from the list of classifications. This creates a situation where Alberta wants to regulate a class of films that will no longer technically exist. The bill has a solution for that. It attempts to do it by defining adult video film.

We have no issues with the first part of the definition, which would allow Alberta to deem a film to be an adult video film if another classifying body had done so. Our difficulty is with the second part of the definition, which can be applied in the alternative to the first one and which defines adult video film as one that "depicts explicit sexual activity or any other activity or conduct prescribed by the regulations." This language could apply equally to adult video films or to mainstream films, which we believe are not intended to be caught, such as films that have been classified as R, restricted. We submit there is an overlap of language there.

This could be fixed in one of two ways. Either delete 13(2)(b), which is the second alternative, leaving 13(2)(a), which allows Alberta to deem a film an adult video film if a recognized classification agency has done so; alternatively, part (b) of 13(2) could be amended so as to specifically exclude from the definition of adult video film any video film that is either exempt from classification or that has been classified in accordance with the act or the regulations. We understand that the classifications will continue to be in the range from G, for general admission, through restricted. Our concern that the adult video film definition overlaps with these could be solved by saying specifically that it does not, that once a film is classified, even classified as R and recognizing that there are restrictions on admission to R-rated films, at least it would be clear that it's not an adult video film. Either solution would avoid including mainstream films such as those distributed by our members. Of course, restrictions with respect to minors would continue to apply to some classifications.

The next point has to do with fines. The summary that we heard this morning said pretty much what I have to say as well. Our submission is that Alberta should follow the example of other

jurisdictions, which provides for graduated fines, for different fines for different types of offences, and for a reasonable and clear procedure for their application. We also ask that provision be made for an appeal from any fine, an appeal as a right, not at the discretion of an official.

Now what's not in the bill. The bill refers in numerous places to regulations that we have not seen, and in the case of numerous important areas listed in section 19, the bill says that regulations may be made, not that they shall or will or must be made. Some of these we believe are essential for the act to have effect, such as establishing a classification system, designating a classification agency. We strongly urge this committee to do what it can so that regulations are made public and stakeholders are consulted before Bill 18 proceeds to the Legislature.

The next point is that the bill does not say what the various classifications in the rating system will be. For the record, we support the continuation of the existing rating system used by Alberta although we do not object to the removal of the adult classification subject to the comments I made at the beginning. We endorse the submissions of the theatre owners and managers with respect to changes we understand are under consideration for the 18A classification. We understand you have had written submissions from them and will be having oral representation today.

Appeals are another critical aspect of film classification that has been left to regulation. We would like to see the bill amended to provide, as in most other provinces of Canada, a right to appeal from an initial classification of a film. Such appeals are sometimes granted now, but we understand from the technical briefing given to the committee on July 28 that current practice is to conduct an appeal only when Alberta's rating is different from the rating given by the majority of other English-speaking jurisdictions. This can be problematic for film distributors and for consumers of films. If Alberta waits until a film has been classified by all other English-speaking jurisdictions in Canada before an appeal in Alberta is commenced, this could substantially delay the film's theatrical release in Alberta.

10:50

Finally – and I haven't even seen the 10-minute card yet; I hope you won't think this is because I don't put substantial importance on these items – my last point has to do with the Canadian home video rating system, the CHVRS. It's a voluntary system in the sense that home video distributors who participate do so voluntarily. The system is administered by the CMPDA and provides classification for DVDs that is consistent across the country except for Quebec, which does not participate.

Under the CHVRS classification the classification of a film is determined by that film's distributor, who takes the classifications received from each provincial classification board, government board – classification is usually made at the time when the film was released in theatres – and calculates an average. That average is the movie's Canadian home video rating for the country excluding Quebec.

Alberta and the other participating provinces were our partners in developing and implementing the CHVRS, and we hope that Alberta will continue to endorse it. We ask that the bill be amended to confirm this endorsement, or, in the alternative, as the lawyers like to say, we think an amendment to the bill may be necessary if in the view of the committee and the government and the minister the best way to go is through regulation, because the language of the bill may exclude the possibility of recognizing the CHVRS. We think this is inadvertent but wanted to point it out.

In section 12 of the bill it says that video films such as a DVD

cannot be made available in Alberta unless it's exempted or classified by a classification agency. Classification agency is defined as a body or a person who classifies video films. As I explained, neither the CMPDA nor the CHVRS, which is not really an entity, classifies films. We instead operate a classification system where classifications are objectively determined through an arithmetical averaging. Because we don't classify films, we don't think we can be a classification agency, and therefore we don't think we can be given this authority under the regulations. This could be solved by changing the language in the definition of classification agency from a body "that classifies video films" to a body that classifies video films or operates a scheme of video film classification.

Those are my submissions.

The Chair: You know what, Susan? I wasn't even reaching for this placard yet. You were actually under 10 minutes. I applaud you for being courteous and concise and clear, and I will thank in advance all the members for being exactly the same way in their questions.

Just as a reminder not so much for you, Susan, but for members and anybody listening online, our mission here today is not to make changes. It's not even to make recommendations and suggestions. It is simply and solely to hear exactly what you have to say, to ask any questions of clarification. It will be after this that we work with our Legislative Assembly Office, and we make a report to the Legislature later. We're not here to attack government; we're not here to defend government. We're here just to simply make sure we understand exactly what you're saying to us.

Ms Peacock: May I ask a question about your procedure?

The Chair: Sure.

Ms Peacock: I understand this bill comes to the committee after first reading. I'm much more familiar with committees' process when a bill comes after second reading. Often then specific changes can be recommended by the committee when it's reported back to the Legislature. Is that part of this committee's mandate, or will this bill come back to this committee after second reading?

The Chair: We're doing it right here and right now. Our report will go forward, and it will be considered as we debate it in second reading, in Committee of the Whole, and in third reading as well.

Ms Peacock: Thank you.

The Chair: You are definitely not too late. In fact, you're very early in the game. Honestly, it's in the spirit of transparency and accountability, so we appreciate that you're here.

We do have 15 minutes now, colleagues, if you require it. I know that courteous, clear, and concise was what we got from Susan Peacock. I'll ask our gentlemen on the phone: Mr. Hehr, Mr. Chase, did you have any questions of clarification for Susan Peacock?

Mr. Hehr: Well, I have one if I could go, Mr. Chair. It's Kent Hehr from Calgary asking a question here. I understood most of your presentation and appreciate, really, the nuances therein. I just will appreciate if you'll help me with the adult video film prohibited section and just run through what you had in mind for that section as I have the actual legislation in front of me now. Could you just go through that again quickly?

Ms Peacock: Yes. If you look at paragraph 13(2), that's where

you'll see this definition of adult video film. I believe (1) is the prohibition: no minors admitted. Our concern is that the definition in 13(2)(b) is broad language. It overlaps specifically with R-rated films and, I guess, could potentially overlap with other classifications of film, which we think is undesirable and probably unintended. Our recommendation is either delete 13(2)(b), which would leave (a), and (a) allows Alberta to deem a video film to be adult if another classification agency recognized by Alberta has classified it as such. That's a pretty twisted sentence, for which I apologize. Did you understand it?

Mr. Hehr: Now I'm picking it up. You've explained it to me like I'm a six-year-old, and I feel better about this now and understand what you mean.

Ms Peacock: But I had plan B, which was to amend 13(2)(b) or 13(2) somewhere to add language saying that an adult video film is not a film which has been classified in accordance with the act or regulations or exempted. Now, I understand it's pretty unlikely a film would be an adult video film and exempted, but just being extra cautious.

Mr. Hehr: Well, thank you very much for taking time to go through that with me. It clears things up for me.

Ms Peacock: Good.

Mr. Hehr: Thank you.

Ms Peacock: You're welcome.

The Chair: Mr. Chase.

Mr. Chase: Yes. A question to the chair that, hopefully, will provide clarification for myself, committee members, and also help out Susan with regard to the role of our committee. The major role that I understand: our committee is to sort of go through the process, workshop the bill, point out shortcomings, suggest amendments for then presentation to the Legislature, having done a lot of the heavy lifting and streamlining in the process so that, theoretically, with a degree of unanimity within the committee, we would be able to recommend the bill in its amended format to our legislative colleagues. Is that correct?

The Chair: I would say in a single word: correct. As you know, Mr. Chase, we must table a report next month.

Mr. Lukaszuk, do you care to add to that?

Mr. Lukaszuk: Just with one exception. At this venue, Mr. Chase, we won't be amending it. We may bring forward proposals to the House for potential amendments on the floor of the House.

The Chair: Right. Recommendations, I believe, is the word that I've heard you use.

Mr. Chase: Recommendations for potential amendments. I realize that it takes the entire House to authorize and accept an amendment.

On the other question that Susan brought up: how are agencies such as yourself able to interpret regulations that are basically an unwritten, moving target? Does that not present a challenge for you?

Ms Peacock: Sorry. Is that a question for me?

Mr. Chase: Yes, it is, Susan.

Ms Peacock: Yes. Well, it can be difficult to interpret and apply regulations when they're written down, but it's even more difficult when they're not. Sometimes regulations are relatively minor housekeeping sort of details relating to a bill. In this case we think there are a great many very important policy issues of the sort often dealt with by a Legislature rather than by a department that are proposed to be dealt with here by regulation, or at least we think they are. We can sometimes tell what the subject matter is for the regulations, and sometimes we can't. Particularly section 19, I think it was, is permissive. There may be regulations on things like classification, licensing of distributors; in other words, the way this whole legislative scheme is going to operate and the way in which our members and theatre owners and other distributors do business in Alberta. So what is proposed or apparently proposed to be dealt with in the regulations is of great importance to us and we assume of great importance to this committee as so many policy issues are involved there.

11:00

Mr. Chase: If I may be allowed, Mr. Chair, to ask a follow-up question to Susan. I understand the time is running, but can you briefly indicate how other jurisdictions handle the regulations so that you're able to interpret them? Is there any broad generalization that applies to other provinces or to the federal government in the way that they set out their regulations?

Ms Peacock: Well, if it's going to be broad and general, I'm afraid it's not going to be very helpful. The ways in which they deal with it vary quite a lot and in part depend on how recently these acts have been amended. Ontario and Manitoba, I think, are the two provinces that most recently have amended their legislation. I personally was more involved in the Ontario one. We did have a great deal of opportunity to consult on the regulations in Ontario, and some of our suggestions were even accepted.

Mr. Chase: Thank you for the opportunity.

The Chair: Thank you for that, and thank you, Mr. Chase. It's really sad that you couldn't be here in person today because the nonverbals were fascinating during the asking and answering of the question.

I have one other person on the speakers list, and we have seven minutes left. Is there anyone other than Mr. Lukaszuk who cares to get their name on the list?

Mr. Lukaszuk: You can take me off.

The Chair: Oh, he must have had it dealt with already. We have no one else on the speakers list.

I wonder, Susan: was there anything else that you wanted to leave us with? It's not that I'm fishing for anything because, again: clear, concise, and courteous. We've heard everything that you have to say. Everything is on written record. Everything will be taken forward. We'll work with our all-party Legislative Assembly Office, and we will obviously have a report to the Legislature, and – who knows? – perhaps some of your suggestions may make their way into legislation/regulation. Time will tell, and I really appreciate on behalf of the committee that you've come all the way from Toronto. We know this is important. We treat it that way. That's why we have these committees. That's why we have these meetings. But any last words for us before we bid you adieu?

Ms Peacock: No. I thank you for having been given every opportunity to say what I wanted to say, and thank you for your attention. It was a pleasure to come to Edmonton, particularly when it's so much warmer and sunnier here than it is in Toronto.

The Chair: Oh, it's like this every day of the year in Edmonton-Centre, isn't it, hon. Blakeman?

Ms Blakeman: Oh, yes, it is. Always a pleasure to be here.

The Chair: Excellent. Well, thank you. Thank you so much. Have a wonderful trip home.

I will just ask our clerks: is the next crew ready to go? No. We're doing a teleconference. This is the one and only. The other presenters in the afternoon are here in person. Can *Hansard* staff or others advise us as to how quickly – it'll be right on time? That means we have exactly 10 minutes. I didn't have a break in here, but do you want one? What's the will of the committee?

Yes, Ms Notley.

Ms Notley: Might I propose that we take this opportunity to go back to our discussion that we had started under Other Business, just to be efficient? You know, we've got 10 minutes.

The Chair: Thank you for the proposal. Let's speak to the proposal. Comments, ladies and gentlemen?

Mr. Chase: I'm all for it.

The Chair: Thank you, Mr. Chase.
Others?

Mr. Johnston: What was the proposal again?

Ms Notley: What we had sort of started talking about, according to my recollection, was the issue of requesting further information from either the ministry or from the researchers for this committee, and then I think it was reasonably pointed out that that didn't specifically link to the consideration of the submissions but that it was a worthy topic of conversation that would be characterized under Other Business. Since we have a 10-minute break, you know, and probably everyone will want to leave at 2, we might be able to get further along in that conversation now.

The Chair: In fact, in the spirit of that, Ms Notley, we can't leave at 2 because we have Other Business, item 9 – and there will be other business, trust me – and discussion of the next meeting and adjournment. So it would be optimistic to think we're out of here at 2 and getting on to the many other committees that we're on and so on and constituents. Folks, we're down to, like, eight minutes now.
Discussion on this? Shall we discuss?

Mr. Chase: Can you please put me on the list?

The Chair: In fact, Rachel Notley, you will start us off. Harry Chase, you are second on the speakers list.

Ms Notley: Okay. Yeah. I wanted to sort of respond to a couple of the points that were made with respect to the original request for information. You know, I think I'll just go back to what I perceive to be the point of these committees in terms of us doing meaningful, intelligent, well-informed work when we're considering legislation here.

I think that if we're going to consider, you know, the merits of this legislation, it makes absolute and complete and perfect sense that we would in fact get information from what's been characterized as the executive branch of government. Whether you characterize it that way or not, the ministry is in the best position to provide us with background information on context and on impact and on, you know, the policy objectives behind pieces of the legislation that we're here to consider. So I really think, with all due respect, that it's not remotely in keeping with what the point of this committee is in terms of trying to limit the members to only discussing the legislation on the basis of (a) what they have on the top of their heads, (b) what one of their two researchers can find, or (c) what they can do when they go to the Leg. Library themselves.

I mean, we're not drafting the legislation either because people are employed to draft it. You know, it makes perfect sense, then. Certainly, in my experience in government, having worked in government, that is the role of the ministry, to give us the nonpartisan answers to our inquiries for information. Whether the researchers who are assigned to this committee might be the ones who facilitate that: I'm not necessarily sure that it would be fair to ask these researchers to reinvent the wheel in terms of answering some of the questions.

One of the examples that was brought forward was the question, you know: what is the history of imposing fines? I mean, we're looking at significantly restructuring the way we address fines in this bill. Obviously, what the history is and what the experience is with respect to the fines is absolutely an entirely relevant question. We would be irresponsible to play with that issue without knowing the context in which we're doing it. I don't believe that it's actually information that our researchers in our office could even get access to in any kind of timely fashion. At the same time I don't think it's, you know, remotely sensitive information. I think it's just wise information to have at our disposal.

As well, as you probably know, I sit on five other committees, and I will say that my experience on those other committees is that typically we've had no difficulty having the ministries answer our questions repeatedly from all members of the committee from all political parties. Certainly, on the health committee the section of the ministry that's been sponsoring a very complex bill that we've been looking at has been incredibly helpful in terms of responding to our repeated requests notwithstanding that that particular bill is one that has been considered in a whole bunch of different forums on and off for the last two or three years. So I would think it would just flow that we could ask some questions about this as we get to the point of putting together our report and our recommendations.

On the issue of regulations, I think, again, the notion of separating that somehow from what is within the jurisdiction, or however you want to characterize it, of this committee to consider is I wouldn't say nonsensical, but it doesn't make entire sense to suggest that it's not part of what we discuss. That which is in legislation is not in regulation, and that which is not in legislation is in regulation, and we are tasked with the job of reviewing whether this reflects the best crafting of the tool with which to deal with these issues, and in so doing it makes perfect sense that we'll consider that which is best put in regulation and that which is best reflected in legislation. It's absolutely squarely on point of what this committee should be considering.

11:10

As a result, I think it would also make sense, then, to get some understanding of whether it's possible through legislation to specify the regulatory consultative process, if it's been done in other legislative schemes. I think that's a reasonable question, especially

given that almost every submission has identified a concern about the breadth of regulatory authority being delegated through this act, so it would make perfect sense that we would find out information and inquire into whether it's reasonable to circumscribe the regulatory process somewhat through legislation.

Anyway, those are my comments at this point. I certainly support getting the information that all the committee members believe that they need. I think that the three points raised by the Member for Edmonton-Centre, who, of course, does have a large constituency – her beautiful constituency of Edmonton-Centre, I believe is how it's characterized . . .

The Chair: Fabulous.

Ms Notley: Fabulous. Sorry. I should know this by now – is impacted very much by this legislation, so I see no reason for all of us not to do our job as best we can by asking for this information.

The Chair: Thank you for that. Now, in the spirit of all-party cooperation – you mentioned the fabulous member from the fabulous constituency. She doesn't sit on this committee, as you know. She can't move a motion. I'm wondering if that's something that you would want to do, Ms Notley.

Ms Notley: I haven't crafted it, but I'm certainly happy to move it.

The Chair: Okay. Well, in the interest of efficiency it would make sense to me that we'll conclude this discussion in two minutes, revisit it at a later point, perhaps 2 o'clock. But if we just talk around the issues, we won't be done at 2 o'clock today or tomorrow or the next day. If we had a motion on the floor, we could speak to that, vote on it, and move on. I'll ask for comments.

Mr. Lukaszuk: Well, I thank Ms Notley for those comments, and I definitely will want to respond to them in detail. I took some notes. Two minutes, obviously, won't suffice. I know Mr. Chase wants to speak. I'm not sure if Ms Blakeman is on the speaking list as well. So I suggest that we now adjourn this debate for the duration of presentations and then pick it up in Other Business and just carry on. I know we all have appointments and meetings, but I think this is a matter that will be occurring over and over and over again until we put it to rest one way or the other. Can we make this point (a) of Other Business and just carry on? If Ms Notley chooses to speak again first just to reiterate her argument briefly, that's fine. I have notes. I'm prepared to respond to it, but Mr. Chase obviously has to be given a fair opportunity and any other speakers.

The Chair: I certainly appreciate your comments, Mr. Lukaszuk. I wonder if we might have a friendly amendment to your suggestion that it be the first item in Other Business in that I have three items that I think are very low-hanging fruit. We can just knock them all off. That would be the only one that would be, you know, somewhat debatable. It might take a little bit of time. Then we wouldn't have to avoid the so-called multiple choice questions and get into the essay first. We'll conclude right after Mrs. Sarich.

I think what will happen here, if Ms Notley is okay with this, is if you want to craft some sort of motion, we'll entertain that. Then on the speakers list we have Mr. Chase. We have Mr. Lukaszuk. Laurie Blakeman, would you want to speak to it?

Ms Blakeman: I'm sorry. I'm not able to return at that time.

The Chair: Okay. Perhaps confer with your other colleagues.

Mr. Hehr: I'll speak to it as well.

The Chair: Okay. Mr. Hehr.

Did I see Mrs. Sarich's hand as well, or did you want to speak on this?

Mrs. Sarich: Just a point of clarification if I may.

The Chair: Sure.

Mrs. Sarich: Thank you, Mr. Chair. I'm very pleased that you have given some direction about a motion because the dialogue just seems to be in a bucket of many issues. I'm lacking the clarity of exactly what we're specifically going to be discussing on the issue trying to be raised through Ms Notley. I would appreciate that there be a motion put so that that brings clarity to what, in fact, we will be debating or discussing.

Thank you.

The Chair: When we do that under Other Business as mentioned, Ms Notley, you're amenable to crafting that? That will be the first item on that. I really am quite sure that in the meantime people will gather their thoughts and hopefully we'll have – how did I say it earlier? – a clear, concise, and courteous discussion.

Ms Blakeman, we'll give you the final say before we go to our teleconferencing because it sounds like they're ready.

Ms Blakeman: A couple of times members have now referred to the fact that the committee can't deal with regulations. If I could just remind people that under 52.06(1) of our standing orders, in fact, we can, but we need regulations to exist before they could be sent before us. Those two clauses say that the policy field committees may conduct public hearings on bills, regulations, or prospective regulations but they have to exist in some form and also that the committees are required to let the relevant department know if they're going to draw the attention of the Assembly to any regulation or proposed regulation. I did raise this with Mr. Lukaszuk earlier.

Thank you.

The Chair: Thank you so much, Ms Blakeman. Your diligence on this and other committees is much appreciated and applauded.

Ladies and gentlemen, we look at the clock, and we hear that it is now time for our 11:15 presentation. It's Ted East on the line from the Canadian Association of Film Distributors & Exporters, is it?

Mr. East: Yes, it is.

The Chair: Oh, good. Well, welcome, sir. I just wanted to let you know that we are live on the Internet, so I trust that you'll keep that in mind. I'll trust that you know that we have 15 minutes for your presentation. Since we've already seen your written submission, we presume that you won't just be going over that. We'll leave you uninterrupted for 15 minutes, after which we'll have questions simply of clarification because our role here today is not to attack or applaud government on this legislation; it's simply to hear everything that you as an expert in the field would – we're looking for recommendations from you.

From here what happens is that we meet again in the future as a committee. We weigh your suggestions along with the others who have given written submissions and will appear with us today. Then there is a report made to the Legislature. You're early in the process, and our previous presenter clarified that this is actually very early in the process. There has simply been first reading in the

House. The report will go forward. Your suggestions and others would be taken forward into second reading, Committee of the Whole, and third reading, so your feedback and your suggestions are very appropriate and timely.

Especially because you are via teleconference, we'll have our members introduce themselves so that you know who you are speaking to. Let's start with our Calgarians via teleconference and then over to Laurie Blakeman. First off, Co-chair, go ahead.

Mr. Hehr: Good afternoon. It's Kent Hehr, MLA for Calgary-Buffalo.

Mr. Chase: It's Harry Chase from Calgary-Varsity, who can't help mentioning that this is an opportunity for East to meet west.

The Chair: Oh, and I resisted the pun.

Laurie – it's not a pun, but it's a great introduction – let's hear what you have to say.

Ms Blakeman: Thank you, and welcome via cyberspace. My name is Laurie Blakeman, and I'd like to welcome you. The committee meeting is taking place in my fabulous constituency of Edmonton-Centre.

Mr. East: Okay. Well, thank you. First, I should say . . .

The Chair: Just before you begin, we have a few more members. I'll give you a cue as to when the 15 minutes starts.

Go ahead, Mr. Lukaszuk.

Mr. Lukaszuk: Good morning, sir. Thomas Lukaszuk, from the constituency of Edmonton-Castle Downs.

Mr. Benito: Good morning. Carl Benito here from the constituency of Edmonton-Mill Woods.

Mr. Johnston: Art Johnston, Calgary-Hays.

Mrs. Dacyshyn: Corinne Dacyshyn, committee clerk.

Ms Norton: Erin Norton, committee clerk.

Mr. Johnson: Good morning. It's Jeff Johnson from Athabasca-Redwater.

Mr. Sandhu: Good morning. Peter Sandhu, MLA, Edmonton-Manning.

Mrs. Sarich: Good morning. Janice Sarich, MLA, Edmonton-Decore.

11:20

The Chair: We do have at least one other member who will be back momentarily. It's your chair, Dave Rodney, Calgary-Lougheed. Good morning from us, and good afternoon to you where you are, sir. You have 15 minutes. I will interrupt, if we need to, at 10 minutes just to let you know you still have five minutes. Okay. Your 15 minutes starts now. Please and thanks.

Canadian Association of Film Distributors & Exporters

Mr. East: Okay. Well, thank you. First of all, I should tell you that I've had a bad cold and I've only just regained my voice, so if it sounds bad, I apologize. Also, I should say that after university I

lived in Edmonton for a year and a half, and I did get my fair share of east-west jokes, so I kind of miss them.

I'm not going to do a formal oral presentation. I guess what I wanted to do here was just maybe ask questions because when we looked at this with my members, we had a lot of questions about where some of these proposed changes are coming from. I don't know if this is the right forum for that.

The Chair: Well, honestly, it's really not, but I want to help you along here, sir. We can have staff, for instance, answer questions to the extent that they will. But much more so this is an opportunity for us to find out what you have to say, your list of recommendations and suggestions.

I think Mr. Lukaszuk can help you along in this vein, as well. Go ahead, Tom.

Mr. Lukaszuk: I hope I can help you. The process is such that the ministry and the minister per se have put a bill on the floor of the Legislative Assembly of Alberta. Following the first reading of the bill, the bill has been deferred to this all-party legislative committee to review the bill and propose potential amendments, improvements, to the bill. These proposed amendments will be tabled in the Legislature in the form of a report, and then the Legislature as a whole will be debating them and in one form or another passing the bill into a law. If you have any questions on what was the impetus for putting the bill forward or what are the underlying reasonings for any and all content of the bill, you would have to defer those questions to the ministry from which the bill originates. We are dealing, much like you, with a product that has been put before us, and our job is to amend it if required.

Mr. East: Well, then, I guess what I would like to do here is sort of urge you to ask for more clarity on a number of issues.

The Chair: Go ahead and use this time, sir, to articulate the areas of which you speak.

Mr. East: Okay. Well, on the proposed changes to the 18A rating, which will prevent anyone under the age of 14 being accompanied by an adult, I guess we wanted to know: why is this change being made? Specifically, are there a number of films that have got an 18A rating under the previous ruling where teenagers 14 and a little bit under have been going into that have caused concern? We're very concerned about, I guess, issues of censorship and classification. If the community is getting concerned, we would love to know why and which films so that we can be guided accordingly.

The Chair: You know, you're completely right. It sounds like we're going to do a little bit of back-and-forth, with the permission of the committee, under the circumstances. Are you okay with that format? I see heads nodding. Mr. Lukaszuk was completely correct. If there are specific questions like that, this is not the venue for it, but, again, we're not going to stonewall you at all, sir. It's quite the opposite. You tell us what you think is appropriate, and we can take that forward for you, perhaps, in our report after we debate it in future meetings. What would you like to see?

Mr. East: We think the ratings as they exist now are fine. We think the existing 18A rating is fine; however, we're not getting feedback from the community like you probably are, so we're kind of in the dark as to why this change is being made, I guess, is really the point.

The Chair: Okay. No problem. Again, this is all on written record, so this won't be lost at all. We have Legislative Assembly Office

staff collate this, and we take it forward. But if you can pick up what I'm laying down, so to speak, what other problems do you have, and what other solutions would you suggest? Again, what I heard through all of that was: feel free to leave it alone; the classification, that is. What other problems and solutions do you have to offer us today, sir?

Mr. East: Well, if we had a better sense of what your concerns are, which kinds of films – I think we probably need to sit down with the exhibitors. One of the things that I pointed out in my letter, and I've talked to the exhibitors about this as well, is: how would the enforcement work? Teenagers 14 years of age typically don't carry photo ID, and it puts a lot of pressure on theatre staff to, you know, police this. A lot of them are, you know, they're 19 years old, 20 years old themselves. They're not necessarily equipped to do that kind of thing.

The Chair: Right. Again, though, so that you can accomplish your main mandate and we can accomplish ours, it's not our job collectively, if I might say, to applaud or criticize what's in here. It's to make suggestions. So what do you suggest, sir, is appropriate in this respect?

Mr. East: Well, as I said, I think that the existing rating for us seems to work well. I don't have a specific change to make to this because I don't have enough information to react, I guess, is my point.

The Chair: Okay. What I presume may well happen is that when we reconvene in a week, your recommendation to leave it as it is will definitely be discussed and decided upon in terms of how and if it's put in the report.

Let's move on to other issues.

Mr. East: I mean, one thing that would be helpful. If in fact there are 10,000 letters from parents who are concerned that their teenager went in to see these seven movies and we had a better sense of that, then we could probably sit down as an industry working with other associations and say: okay, well, we want to respect that, and here are our suggestions. But we don't have that information.

The Chair: Okay. So what else do you have for suggestions or recommendations? Truly, that's why we're here today.

Mr. East: I guess we would urge you to put into this legislation more clarity on the issue of fines. Why is this being increased? A hundred thousand dollars is a lot of money. Now, I appreciate that's an up-to figure. But as one of my members claimed, you know, when we see fines increased by that amount, it usually means one of two things. One, it's a revenue grab, which I think is perhaps a cynical but not unwarranted observation. The other: it speaks to a problem that we're also unaware of. Are there abuses to the system now that are taking place that warrant this fine? If so, maybe we could sit down as an industry to propose ways to remedy them.

The Chair: Okay. Thanks very much for that. That was definitely clear and concise as a suggestion. Again, we can have committee members ask questions of you, but let's wait until you're finished. I'm guessing that you have other recommendations or suggestions.

Mr. East: Well, just also, you know, a clarity on the appeals process, both in terms of the fines and the ratings because in every other province there is a clear process. If the distributor objects to a particular rating which they feel is harsh, there is a process for appeals. Also for a fine.

The Chair: Okay. Very good.

Mr. East: The only other issue I have here – again, it's just a confirmation thing – there is the Canadian home video rating system, which is not referenced in any way in any of this. We're just assuming that you are going to continue to use that.

The Chair: Well, let's not assume or presume because we know what that means, but if you can turn this into a suggestion, what would it be?

Mr. East: I would suggest that you leave it as it is. I believe Alberta was one of the lead provinces in designing this in the first place. If you were to go it alone, as it were, it would increase the costs of, you know, the stickering and rating systems, which would increase the cost of distributing home DVDs and videos in Alberta, which would then be passed on to the consumer at the end of the day.

The Chair: Okay. Very good. What else do you have for suggestions or recommendations?

Mr. East: That's pretty much it.

The Chair: Okay. Well, then, we'll consider the presentation portion complete, and we'll turn it over to colleagues to ask questions of clarification. Again, it's not for us to defend or attack so much as to make sure that we understand you completely.

Mr. East: Okay.

The Chair: Gentlemen on the phone. Co-chair Kent Hehr, do you have any questions of clarification for Mr. Ted East?

Mr. Hehr: No, I'm fine right now. Thank you for asking.

The Chair: Okay. Thanks.

Mr. Chase: Thank you, Ted. My question would be: based on your knowledge of eastern Canada and other jurisdictions that you deal with throughout Canada and potentially into the States, the existing regulations in the other jurisdictions that have been recently updated and as you mentioned Alberta had input into, has your industry become aware of any problems associated with existing legislation?

11:30

Mr. East: No, not that I'm aware of.

The Chair: There's a clear, concise two-letter answer: no. Anything else, Mr. Chase?

Mr. Chase: No. I was looking for that feedback.

Mr. East: Could I just add one more thing on the home video rating system?

The Chair: Please feel free.

Mr. East: Having a common sticker helps in the fight against piracy.

The Chair: Okay. Any questions around the table from those who are live and in person? Members care to ask any questions of clarification? Well, that was extremely efficient, Mr. East. I thank you very much for your time.

Mr. East: My pleasure.

The Chair: As you know, you can continue to watch the developments on the Internet, on the news – there are many ways – reading *Hansard*. I appreciate your experience, your expertise, and your time.

Mr. East: Okay.

The Chair: All the best.

Mr. East: Thank you very much. Bye-bye.

The Chair: Okay. Bye for now.

Now, lunch is not here yet. Well, we could do that other business. In fact, why don't we do that? Remember, we're not going back to Rachel Notley because we're expecting her return, but I had the three items before.

Mr. Lukaszuk: In fairness to Ms Notley and in fairness to Mrs. Sarich perhaps if we give her a chance to formulate her motion around which we can debate. I would suggest that she would have to be present to put that on the table.

The Chair: Oh, and she will. I was just thinking that we could do some of the other other business.

Mr. Chase: If I can put my hand up into the visual of the room, I didn't get a chance to talk about the other business. We sort of cut it out with explanations, so if there's an opportunity now to deal with some of the other business that follows on what Ms Notley brought up and also what Laurie brought up, I would like to very briefly pursue that.

The Chair: Mr. Chase, I have you second on that list. That will happen after Rachel brings forward her motion. I know it's common practice in the Legislature not to talk about whether a person is present or not, but you can read between the lines, and we're not quite ready to have Ms Notley give her motion. I have these quick three items of other business that I'll bring forward, partially because lunch is not quite ready, folks, and we do have about 15 minutes. This may not take that much time as it is.

The first item is that we did receive a late written submission. Since it was received well after the deadline, I did ask our committee clerk to thank the party for their interest and encourage them to watch the proceedings, listen to the proceedings, possibly come here today, work with us and the department in the future as we go forward with our list of recommendations and debate it in the Legislature. I just thought I'd throw it open. Are there any members who wanted to make any comments about that? No? Okay.

Two, the committee needs to decide how they would like to proceed in their review and deliberations for the next meeting. We're talking about a week from today. Last year policy field committees used a focus issues document that was prepared by research staff as one possible course of action. I wonder, Philip, if you'd be okay to elaborate. I don't know if you want to give us pros and cons, if it's a recommendation that this happen at this time. Tell us what you will about a focus issues document as possibly being prepared this week by your staff so that we can discuss it next week.

Dr. Massolin: Sure. Thanks, Mr. Chair. Basically, a focus issue document is a document that we've prepared in the past for committees after the information gathering stage, if you will. I think that's

the point at which the committee finds itself right now. That document would summarize some of the key issues that were brought up by stakeholders and regular submitters and other points that were brought up during the technical briefing by the department officials, amalgamate that into a document, basically a column that we could go through item by item, organized according to the sections of the bill. The committee could come to decisions on whether or not they want to deal with those specific issues and how they want to do so. That would form the basis of the report that is to be drafted subsequently.

The Chair: Questions or comments based on Dr. Philip's analysis.

Mr. Chase: If I may, I very much appreciated the summation at the beginning of the meeting today of all the submissions that I'd read. It was very clear, very concise. I'm wondering, Philip, if in your research capacities you're able within that short time period to provide some information as to how other jurisdictions have addressed the problems that were brought forward through the submissions, whether it be regulations, whether it be the size of penalties, whether it be the classifications. Again, just providing that general background as a guide to how we could work to improve or deal with the legislation of Bill 18.

The Chair: Mr. Chase, we'll let Dr. Philip answer in just a second. I'm quite sure you might remember, Mr. Chase, that we had the cross-jurisdictional analysis given already.

But I wonder, Dr. Philip, if that could be somehow incorporated into the document that you could bring forward if we pass a motion on that right away.

Dr. Massolin: Certainly, Mr. Chair, we would do our best to try to incorporate as much information as we can from other jurisdictions. As you've mentioned, some of that already exists in the cross-jurisdictional comparison, but we'll try to bring that into this other document as much as possible. There might be a few other issues that need to be researched, and we'll do our best to try to get that information available as well.

The Chair: You feel good about that, Mr. Chase?

Mr. Chase: I do, and I very much appreciate it, Philip. As I'll echo, it's very hard for our limited opposition caucus budgets to provide the research necessary, so we're very dependent on Philip's work. It isn't very realistic for us to be then going to the legislative library to do our own research, given the number of tasks that we're already given.

The Chair: Mr. Chase, am I hearing you move that the Standing Committee on Community Services request research staff to prepare a focus issues document for consideration at the September 25 committee meeting?

Mr. Chase: That is a very, very good interpretation and specifically addressing the concerns that have been brought up through the submissions because that's new material. If some of that information has already been researched, wonderful. Just rehighlighting it would be great.

The Chair: Okay. Super.

Mr. Chase: If not, if it can be addressed, super.

The Chair: Speaking to the motion, first on the list we have Mrs. Sarich. Again, hopefully we can do this in about seven minutes. If we can't, we can't. But it's a pretty simple motion: that we have the research staff prepare a focus issues document for consideration at our next meeting.

Go ahead, Mrs. Sarich.

Mrs. Sarich: Thank you very much, Mr. Chair. Just a point of clarification, given that there has already been a previously prepared cross-jurisdictional document that was presented here. In your statement you said that it could include a little bit more information from other jurisdictions. How much more research would you be applying to that as new information? Would you have a sense of that at this time? I'm asking the question simply because I was under the understanding that your piece of research that you presented here was quite thorough.

Dr. Massolin: If I may, Mr. Chair. There would just be, for the most part, bits and pieces. For instance, we did prepare a section on fines and penalties. What we would add to that is just specific amounts that other jurisdictions proposed simply because several submitters have indicated that that is a potential issue. That would be one example.

Mrs. Sarich: Okay.

The Chair: It sounds like not a lot of new information, but if there have been new discoveries since that are pertinent, we would welcome that.

Any other speakers, or are we ready for the question?

Mr. Johnston: Question.

The Chair: The question has been posed. Do I need to reread it, or is it pretty simple?

Mr. Johnston: Reread.

The Chair: Reread. Moved by Mr. Chase that the Standing Committee on Community Services request research staff to prepare a focus issues document for consideration at the September 25 committee meeting.

All those in favour? Gentlemen on the telephone, in favour?

Mr. Chase: Agreed from Chase.

Mr. Hehr: Agreed from Hehr.

11:40

The Chair: Okay. Any opposed? Then that motion is carried.

That was the second item I had. I only had one more, and we'll refer back to Ms Notley's issues after the presentations. It's simply to ask members of staff or colleagues if there are any other items of business that you care to bring up, or is it simply what Ms Notley and Ms Blakeman and others have referred to?

It sounds like we will have lunch, we will have the rest of our presentations, we will have the discussion on Ms Notley's motion, and we'll simply end with items 10 and 11, date of the next meeting and adjournment.

We will suspend proceedings now, four minutes early. It smells like lunch is ready, and we will indeed reconvene right at 12:30 sharp. Please be early, if anything. We have three presentations followed by Other Business, and we'll be on to other work.

Thank you, ladies and gentlemen.

Mr. Chase: Thank you, David. Just an indication, obviously, that Kent and I will be dialing back in again.

The Chair: We are waiting with bated breath, sir. Go have lunch.

Mr. Chase: Thank you.

[The committee adjourned from 11:41 a.m. to 12:34 p.m.]

The Chair: *Hansard*, we're back on record, are we? Very good. Thank you, everyone, for being so diligent in keeping to our schedule.

We want to welcome Jason Kee from the Entertainment Software Association of Canada. A note from our ever-efficient clerk: the committee, indeed, did receive three supplementary documents from Mr. Kee's group. They were posted on the website, and members have just received a hard copy of one of them.

Mr. Kee, just so you know, there's no need at all to touch the microphone. *Hansard* has that completely under control. We'll get to your 15 minutes, and we will not interrupt you until you're done. You can take less time if you care to. Considering that we have seen all of the documentation, including this, yesterday's, and the written submission from before, I presume you'll draw a reference to it rather than reading it. Afterwards I hope you're able to stick around for up to 15 minutes of questions.

Our job, again, here today is not to defend or criticize government; it's much more to find out simply: what are your suggestions? What are your recommendations? We take that forward as we deliberate and come up with a report that's tabled in the Legislature. That's where the final debate occurs. We've only had first reading, so you're in the game right on time. We look forward to hearing about your expertise and experience and, specifically, your suggestions.

Before we do, before we start the clock, we'll go around the table. There are a number of elected officials here, and it's important that you know who they are. I believe we'll start with Mr. Lukaszuk, if we could.

Mr. Lukaszuk: Good afternoon. Thomas Lukaszuk from Edmonton-Castle Downs.

Mr. Benito: Good afternoon. Carl Benito, Edmonton-Mill Woods.

Mr. Johnston: Art Johnston, Calgary-Hays.

The Chair: Dave Rodney, your chair, from Calgary-Lougheed.

Mrs. Dacyshyn: Corinne Dacyshyn, committee clerk.

Ms Norton: Erin Norton, committee clerk.

Mr. Sandhu: Good afternoon. Peter Sandhu, Edmonton-Manning.

Mrs. Sarich: Good afternoon. Janice Sarich, Edmonton-Decore.

The Chair: We also have two members on the phone, I believe. Co-chair Kent Hehr, are you there?

Mr. Hehr: Yes. Good afternoon. Kent Hehr, Calgary-Buffalo.

The Chair: And do we have someone from Calgary-Varsity on the phone?

Mr. Chase: Oh, definitely. The man himself: Harry Chase, Calgary-Varsity. Glad to be a part of the discussion.

The Chair: Oh, I must again refrain from editorial comment.

It's good to have everyone here. Just for your awareness, Jason, there are a couple of members who will be joining us momentarily. So without further ado, I look at my clock. We'll give you 15 minutes. The floor is yours, please and thanks.

Entertainment Software Association of Canada

Mr. Kee: Well, thank you very much. First, many thanks to the committee for the opportunity to come and essentially present our industry's thoughts on Bill 18 as well as provide a bit of background information to the committee with respect to the video game industry.

Now, on that, for those of you who may not be familiar with the Entertainment Software Association of Canada, we're the trade association that represents the publishers and distributors of computer and video games in Canada. Our members include all of the manufacturers of video game consoles such as Nintendo and Microsoft and Sony as well as all the major publishers such as Electronic Arts and Ubisoft as well as main distributors. All of our members collectively represent about 90 per cent of the \$1.67 billion in retail sales of entertainment software and hardware last year in 2007.

In the interest of time and because there's much more information contained in my PowerPoint presentation than I can convey in 15 minutes, I'm simply going to give a quick highlight, an overview of what's in there, providing a bit of background on the ESRB and the ESRB rating system as well as information in regard to parental awareness and usage of the ESRB rating system, a description of our commitment to parents program, and finally a couple of thoughts with respect to Bill 18 specifically.

Without further ado, the ESRB, or the Entertainment Software Rating Board, is a nonprofit agency that was set up in 1994 by the Entertainment Software Association – that's our sister association in the United States – essentially for the purpose to empower consumers, particularly parents, so that they could make informed decisions about the computer and video games that they chose to buy for their families. To further this end, they essentially assign video game content ratings to video games that are submitted to them, and they enforce industry-adopted advertising guidelines as well as ensure that there is the adoption of responsible online privacy practices by all industry representatives.

The ESRB rating system basically provides information about the game content and the age-appropriateness of each individual game that's rated. The rating is actually displayed very clearly on both the front and back of every single video game that's sold. If you look, there's a picture on slide 6 which gives a shot of what it looks like on the actual video game packaging.

Moving on to slide 7, there are basically two key and equally important components to the ESRB ratings that are displayed. First are the ratings symbols themselves, which are icons found on the front of the video game packages. The second are content descriptors that are found on the back of video game packages, along with the ratings symbols, that indicate particular elements of the game or the context of the game that may have triggered a particular rating in order to give parents and/or anyone who views the rating an understanding of why the individual game received the rating that it did.

12:40

Now, there are six rating categories that the ESRB has. Those are

set out in the table on slide 8. To quickly review them, they are EC, which is for early childhood – that's essentially appropriate for ages 3 and above – E for everyone, which is for ages 6 and above; E10, which is 10 and above; T for teen, which is for 13 and above; M for mature, which is for ages 17 and above; and lastly, AO for adults only, which is 18 and over.

Going on to slide 9. That gives a table that outlines the specific content descriptors that are contained on the back of every video game package. There are over 30 of them, so I'm not going to review them here. They're broken down into six primary categories: violence, sexuality, humour, language and lyrics, substance, and gambling. Also, they tend to use indicators such as "mild" or "strong" before certain words such as "violence" or "lyrics" to indicate either the severity or the intensity or the frequency of a given warning.

Now, slides 10 to 12 essentially give a breakdown of the individual ratings that are assigned to games by volume. The key reason that this is actually included is that, generally speaking, it's M-rated titles that tend to get the most press because they tend to be the most controversial. However, it's important to note that they represent a very small minority of the games that are actually rated and sold. For example, in 2007 59 per cent of all games that were rated were rated E for everyone. So they were basically fine for anyone who was 6 and above. Another 15 per cent were E for 10 and above. If you go to slide 12, it shows similar statistics in terms of sales, where essentially you can see that 43 per cent of all games that were sold over 2007 were actually rated E for everyone. The more controversial titles that were rated M for mature were actually only 16 per cent of all sales in 2007.

Moving on to slide 13, this gives a breakdown of parental awareness and use of the ESRB rating system as confirmed by consumer research that we conduct on an annual basis. As you can see, 86 per cent of all Canadian parents that were surveyed basically are aware of the ESRB rating system, and 86 per cent of them actually utilize the ESRB rating system. Specifically, it was 76 per cent that indicated that they always use it, while 10 per cent indicated that they sometimes use it. As you can see, especially with respect to ratings use, we actually do better than they do in the United States, where 78 per cent of parents have basically indicated that they always or sometimes use the ESRB rating system.

Similarly, with the content descriptor we have a fairly high awareness at 65 per cent. Not as many parents are as aware of the content aspects as of the actual icons of the ESRB ratings. Of those parents that are aware of the content descriptors, 87 per cent, again, indicated that they always or sometimes use them. So it just goes to show that they actually are widely acknowledged, that parents are very well aware of them, and that they're actually widely used.

Going on to slide 14, 87 per cent of Canadian parents say they either agree strongly or agree somewhat that the ratings are very helpful in helping them decide what video games to choose for their children, and 74 per cent of Canadian parents indicate that they agree strongly or somewhat that they're very confident the ratings actually appropriately reflect the content in the video game itself.

Now, slides 15 through 18 are essentially an indication of parental attitudes towards the playing of video games as well as parental controls which are implemented in the consoles. In the interest of time I'm going to slip by it. The one thing actually of note is that because the ESRB rating system is the industry standard in North America, all of the console manufacturers have built in parental controls in the video game console devices. So if you are a parent and you don't want your 13-year-old playing an M-rated game, you can ensure that the console will not play it. You can actually set it up to do that, and the slides give an indication on how to do that.

Similarly, the ESRB PTA booklet that was provided gives very detailed instructions on how to set that up.

Slides 19 through 21 essentially give an indication of the programs that the ESRB and ESAC have set up with various provincial governments. We work very closely with our provincial partners to promote ratings awareness and essentially assist them, in particular their film classification boards, in terms of promoting ratings awareness and providing content for their various websites. On slide 19 it gives a sample of some of the provincial ratings sites that we have set up. Similarly, on slide 20 is a ratings tool that the ESRB has designed that either provincial partners or other partner organizations can actually implement on their websites that allows parents to actually check what individual rating a particular game happens to have.

Similarly, slides 21 and 22 give an indication of the ESRB website, which one can use to actually check not only ratings information but also to submit inquiries or complaints to the ESRB. Slide 22 indicates the breakdown of the complaints and inquiries that the ESRB received over the course of 2007 that came from Canada. Slide 23 actually gives specific examples of those inquiries and complaints.

Slide 24 actually gives a description of the Canadian Advisory Committee. Now, the ESRB is a U.S.-based organization – they're based in New York – but to ensure that their ratings policies and procedures not only represent sort of a U.S. approach but also a Canadian approach, they have established the Canadian Advisory Committee, or CAC, which regularly meets to provide input and advice to the ESRB to ensure that the interests and attitudes of Canadian consumers are also popularly reflected in ESRB ratings policies.

Presently the committee consists of three members from the Interprovincial Film Classification Council of Canada, one representative from the ESAC, and one representative from the ESRB, who chairs the committee. We meet at least twice a year, more often if required, to basically discuss any proposals, to put forth advice. Similarly, we tend to meet fairly regularly with all members of the IFCCC and representatives from the Retail Council of Canada as well to discuss any particular issues that come up as well as to give an opportunity so that all provincial officials can actually give input into the ESRB rating system. Similarly, there are quarterly summaries of any basic complaints or inquiries, broken down by province, that are distributed out to all provincial officials that sit on the IFCCC.

Moving on to slide 25, just a quick overview of our commitment to parents program. This is a joint initiative with the ESAC, ESRB, and the Retail Council of Canada essentially to ensure that video games are not sold to children inappropriately. Specifically, the retailers have pledged through this program not to sell any M-rated games to anyone under the age of 17 and not to sell any adults-only rated games to anyone under the age of 18. It's supposed to implement store policies and procedures that reflect this and to conduct regular compliance audits to ensure that the stores are actually adhering to these policies. Similarly, they support ratings education to make sure that ESRB educational and promotional materials are available at all their stores.

ESAC's commitment is very similar. Our primary role is to actually promote these programs. We actually engage in signage compliance audits, where we'll check to make sure that the signage is available in the way that it should be, work with the Retail Council in terms of outreach and educational programs as well as promote the ESRB rating system and the okay-to-play marketing and merchandising initiatives.

Essentially, with our specific comments on Bill 18, overall we

actually have been very pleased with the way Bill 18 is constructed in that it sort of sets the framework in a manner that is very similar to the other provinces that have legislated the introduction of video game ratings and that it basically sets the structure for the adoption of the ESRB rating system, essentially, as the classification system of record with respect to video games.

Our three primary comments are, one, to request that the ESRB be designated as a classifications agency for video games under the regulations; secondly, that it be designated as the classification scheme for video games under the regulations; and lastly, as the bill defers much of the specific details of implementation to the regulations, that the bill not be enacted or put into force before the regulations have been finalized.

I guess that with that, I would happily open up to any questions.

12:50

The Chair: And right on time. Thank you for that, sir.

I have at least one person on our speakers list. I'll turn it over to Mr. Lukaszuk first.

Mr. Lukaszuk: Thank you. You've done what I wanted to ask you to do in your very last summation of your presentation, I guess. It's interesting, what you do – and your presentation was very interesting – but what I'm really interested in is: what is your point of view relevant to the bill that's before the Legislative Assembly of Alberta? Any wishes? Any concerns? Your last sentence has given me the three directives you give us. If you want, you can extrapolate on this and tell us more. How do you view the bill, and what would you like to see changed, if anything?

Mr. Kee: The three final points are actually the principal points that we have. A lot of the details are going to be left to the regulations, so a lot will depend on what's actually in those regulations. It's a similar model that we've seen adopted in other provinces that have adopted similar legislation. Essentially, our own thought on that is that we can find that perfectly acceptable and actually laudable, and it's the approach that we would encourage. With respect to any specific elements of the bill there are no specific sort of amendments that we would request because anything that may or may not be in there is really going to be in the regulations.

Mr. Lukaszuk: Okay. Thank you.

The Chair: Very good. I think you encapsulated the thoughts of a few folks around the table in the question and the answer.

I'm wondering if our colleagues on the phone have questions related to the presentation. Co-chair? Kent Hehr, are you still there with us?

Mr. Hehr: Sorry about that. Yes, I'm all right now. Thanks, Mr. Chair.

The Chair: Okay.

How about Mr. Chase?

Mr. Chase: Just that I note under one of the bullets, "ESRB rating system should be designated as the 'classification scheme' for video games under the regulations." We don't have the regulations. I'm assuming that that's a regulation you'd like to have incorporated at whatever point the regulations are drafted.

Then I noticed that you're asking for the regulations to be in evidence prior to the bill being completed. I just wondered if you wanted to comment further on those two recommendations.

The Chair: Just before we do, Mr. Lukaszuk, go ahead.

Mr. Lukaszuk: Unless I missed part of your explanation, you may want to speak to that in more detail because I didn't hear you say that you would like to see the regulations drafted before the bill passes. Did you say that?

Mr. Kee: Yes. I guess our final point was that because of the way the bill is constructed – particularly, I believe, it's section 12 that prohibits the sale or rental or making available of any film, which would include a video game or other forms of film, that hasn't been classified in accordance with the regulations – if the bill was enacted before the regulations have been drafted and finalized, that would mean that there has been no classification agency that has been designated for any of the video games, which would effectively prohibit the sale of any video game whatsoever, which would clearly, I think, be problematic and, in my understanding, not what the contemplation of the government is; that is, essentially that the bill sets the basic framework and sets the legal prohibition for the sale or rental or making available and then the regulations will set out the specifics about which agencies are going to be designated as classification agencies under what circumstances for what kinds of products and under what circumstances the Alberta government would be engaging in classification, particularly, for example, with the appointment of the executive director and so on and so forth.

My understanding, at least at the moment, is that the intention with respect to video games is to defer it to the ESRB for a wide variety of reasons. We have a very positive working relationship with the Alberta government, and they're very well aware of the ESRB rating system. We co-ordinate with them very frequently. Also, rating a video game is a very different exercise than rating a movie. Essentially, the ESRB is simply the best agency that's equipped to actually engage in that exercise. It's for those reasons that we'd actually like to see the regulations drafted and finalized, and we would request an opportunity to provide comment on them before they were so finalized before the bill was actually put into law.

Mr. Lukaszuk: Thank you.

The Chair: Thanks for the question and answer. We have five minutes if we need it, ladies and gentlemen. Any other questions for this presenter, who hails from which city, by the way?

Mr. Kee: Toronto.

The Chair: Ah. You're the second. I think it demonstrates how far reaching this is, how important it is. We certainly appreciate your experience and expertise, sharing it with us, as Mr. Lukaszuk referred to. I was looking forward to the last three suggestions or recommendations because that's really our job here today: to collect that information and bring it forward on your behalf.

I don't see any other speakers. I don't hear any other speakers, so we'll allow you to catch your flight back home. I trust that you will find that this was a trip that was well worth making. We appreciate where you come from and what you do and look forward to working with you in the future.

Mr. Kee: Absolutely. Thank you again to the committee for the opportunity, and good luck on the rest of your deliberations.

The Chair: Thank you. You are welcome to stick around if you choose to. I just want you to know that the invite is out there. We

will invite a couple of other folks in here, if we can continue. Great. Again, have a great trip.

Mrs. Dacyshyn: They're here.

The Chair: Oh. They're here. Would you two like to come forward? It's Adina, isn't it? And is your last name pronounced Lee-bo?

Ms Lebo: Lebo.

The Chair: And Neil Campbell.

Mr. Campbell: Correct.

The Chair: Now, Adina is with the Motion Picture Theatre Associations of Canada, and Neil is with the Alberta Motion Picture Industries Association and Motion Picture Theatre Association of Alberta if I have that correct.

Mr. Campbell: You did well.

The Chair: Now, I see you both here. The others have presented one at a time. Am I to understand that we're getting two for the price of one? Are you presenting one presentation for 15 minutes, followed by 15 minutes of questions from us, or is there a presentation from Adina – 15 minutes, 15 minutes – plus another presentation from Neil of 15 minutes, 15 minutes? Please clarify that for us.

Mr. Campbell: That's exactly what it's going to be. I'm here with Adina because I also sit on the board of the national association, and Adina is our executive director. If you have any operational questions as to how this is going to impact the operation of a theatre, that would be the area that I would be covering. Adina is acting on behalf of our association nationally.

The Chair: So you're having one presentation.

Mr. Campbell: Two.

Ms Lebo: Two because he's also representing the Alberta industry association.

The Chair: Okay. If we take less time, that's fine. We're not here to rush you out. We want to do this to the full extent, but we have had experiences today where because people have submitted in writing beforehand, we've all reviewed it, and presenters are not, may I say, regurgitating what we've already seen and digested, if I may. I'll just remind you folks that there's no need to touch the microphones. The folks at *Hansard* have that completely under control. What I think we should probably let you know too is that I'll just give this a little wave if you happen to be at the 10-minute mark. This is a notice that you have five minutes to go.

So, Adina, if we will, we'll start with you, the 15-minute presentation, and we'll hold our questions until you're done.

Motion Picture Theatre Associations of Canada

Ms Lebo: Well, thank you very much, and thank you for the opportunity to present to you today. The Motion Picture Theatre Associations of Canada represents the views and interests of theatre owners across the country. We have provincial associations, and they are also integrated into the national structure and exist in all the

Canadian regions. I'm presenting here today with Neil, as you know. The associations represent not only national companies like Cineplex Entertainment and Empire but the vast majority of smaller companies: Magic Lantern, May Theatres, Harris Road, and the independent ma and pa shops.

For the last 15 years MPTAC has been a partner working hand in hand with the CMPDA, who I believe you heard from this morning, and all the various classification boards across the country to establish a national classification system with consistent categories. We worked for many years with every province having a different batch of categories, and we work very, very hard to have a consistent framework across the country. Working in concert, we all together achieved this goal. All the provinces except Quebec now have the consistent 14A and 18A classifications, except for Manitoba, that put on the floor. Alberta was a leader in this drive for the consistent classification categories and one of the first provinces to herald this consistent classification system, and we applaud this leadership role and wish it to continue in the future.

Ontario just finished revising its own act, so it's not a new undertaking, and there are some very antiquated rules in all these theatre acts going back to the time when they were created. In Ontario both the exhibitor association and distributor associations at the provincial level played very active roles in the creation of the regulations and the rules of the day so that the operating guidelines within the industry have to work to ensure that the whole process is efficient and effective.

While we applaud Alberta's desire to modernize the act, we were wondering why exhibitors and distributors are not playing a part in the development of the rules and the regs at this point in time. We understand that draft regulations exist, but beg the question as to why our provincial association and the committees that worked with this in other provinces to draw up operational, consistent rules and regs did not have input into the practical application and development until this point in time. So that's one question that we have.

1:00

Secondly, we notice in Bill 18 that some of the proposed changes to the classification categories themselves, what we worked very hard over the last 20 years to get across English Canada, which was no easy feat by any means and that we accomplished, are now under scrutiny here. Alberta led the way, and other provinces followed suit. Ontario voted down the 14A floor to the 18A, choosing Alberta's lead and B.C.'s lead because they found the law to be impractical and unenforceable.

We now have several years of experience with a Manitoba classification in place with the 18A and 14 floor, and it has clearly shown that while in theory it sounded good to the classification board to put down this floor, it simply does not work operationally because 14-year-olds do not have picture ID. It cannot be monitored nor enforced pursuant to a fair legal standard, and simply stated, there is no legal way to prove a young customer's age without it. In Manitoba this law has shown itself not to be practical or workable.

To make it work operationally, the classification board has simply told exhibitors to ask the child how old they are. If they say 14, let them in. In addition, exhibitors are told that if parents say a child is 14, the child is 14, and let them in. Is that really the way a law should work? Can you legally or objectively fine an individual or a company under a maximum fine of \$100,000 that in Alberta is being proposed for a law that is not effective and, therefore, effectively defeats the purpose of the law? A fine of \$100,000 has a track record of not being enforceable and is disproportionate to any damage done at this point. That's the second point.

The third point I would like to make is about our young theatre

workers in Manitoba because in Manitoba we have experience with this law with the underlying 14. These are young, front-line, first-time-worker people that are at the cinema in the evening, greeting the cinema goers at the door. They are young, they're part-time, and they bear the brunt of customer ire at the current classification designation in Manitoba.

Parents come to the theatre expecting that they can determine what their child can see or not see. They do not understand the law since they can rent the video, and all of their children can watch it at home. Parents feel that they ought to be the ones determining what their children see or do not see, and putting that role onto the exhibitor or onto a government agency and having it enforced by young students and first-time workers to go against parental obligation and responsibility puts them in a very unsafe process.

We'll talk a little bit about actual examples of what's been happening in Manitoba. *The Passion of the Christ*, for example, was an educational film where priests brought in parishioners of all ages and were stopped at the door by Manitoba managers who had to explain the Manitoba laws. Families who brought their children – some over 14, some under 14 – were obliged to leave this potentially unifying and educative family experience, incomprehensible because the video could be rented and played in a church basement, which it was by some churches when it became available on DVD. The Manitoba association and MPTAC continue to fight the Manitoba 18A designation with the 14-year-old floor and would advise that Alberta maintain its leadership role in classification and reconsider the wisdom of creating a new law that is ineffective and unenforceable from the get-go as part of a process to clean up laws that are antiquated and out of date.

I would like to thank you so much for your time, and if you have any questions, we would be more than willing and happy to answer them. Thank you.

The Chair: Thank you. You know, you have exactly as much time as you just used to still use in presentation if you have anything else to say. I don't see any hands up yet, but I wonder: you mentioned at least three points, at least one of which was more of a question than anything. Of course, our job here is not to applaud or attack government policy. Much more, we're in an all-party format here whereby we can list suggestions. So I wonder if, at least for point 2, because we wouldn't be here to answer questions, but we're here to pass on recommendations: could you possibly give us the three points just in recommendations? It'll help our staff to collate the information as well.

Ms Lebo: Absolutely. The first one. This morning we had a presentation from the classification board, and we were given to understand that under Alberta law the regs and rules cannot be worked on jointly by distribution, exhibition, and the bureaucrats in that department. We are wondering why, and we're recommending specifically that the three parties who are involved work together hand in hand to work up efficient and effective rules and regulations.

The Chair: So that's suggestion 1. Would you like to give us the other two just in a concise format? Again, it'll just help the staff.

Ms Lebo: Yeah. Absolutely. Specifically, suggestion 2 is that you keep the 18A and forget about the 14 floor because it is not enforceable, and the penalties attached to something that's not enforceable are unfair and unjust. Unless you're going to a carded system, which costs millions of dollars to photo ID and put birth dates on for 14-year-olds, the system is unattainable.

The Chair: Okay. And suggestion 3? I'm not rushing you along, but this is great that we're getting it encapsulated.

Ms Lebo: Okay. The third one is just that, you know, you have young front-line staff at the theatre level meeting the parents and trying to enforce laws that are unenforceable and do not make sense.

The Chair: Is that really a subsection of point 2?

Ms Lebo: Well, it's a sub of the second.

The Chair: Fair enough, and we appreciate that. I'm looking around the table and seeking guidance from members as to whether or not they – is that a wave, Mrs. Sarich?

Mrs. Sarich: Yes.

The Chair: Go ahead. You have the floor.

Mrs. Sarich: Thank you, Mr. Chair. First of all, thank you very much for your presentation. I was just really curious: on page 3 of your letter that you submitted to the committee it says, "We are extremely disappointed that Alberta has chosen to develop this new proposed legislation without consultation." You're here today. This is our consultation process on the bill. So do you have anything further to say on that point?

Ms Lebo: Oh, yeah. The consultation: this is one part of it. The law and the revamping of the bill is in the rules and regs, and the rules and regs are done by the bureaucrats in the classification department from A to Z. In other provinces that have undertaken this exercise to redo different acts, we have worked with them as associations that would be affected by it. We have not been consulted at all. We know that the rules and regs have been drafted because we've talked to the people who've drafted them. We know that they're there. They haven't been vetted as to practicality or operational feasibility, which is alarming, and we're just asking that even at the very specific level of the rules and regs which will make this happen, everybody has to be part of the team, yeah, to make that happen.

Mrs. Sarich: With all due respect, Mr. Chair, this policy field committee has been mandated to specifically look at the piece of legislation, the bill itself. I appreciate your comment in regard to the regulation piece and at the operational level as well. Your point is well taken and heard by this committee through this consultation process, and certainly, you know, we have the capacity to refer that type of comment onward. But specifically bringing you back to your letter, proposed legislation means the bill today, and I'm very pleased that you've taken your time to come to talk to us about the bill.

Thank you.

1:10

The Chair: And thank you, hon. member.
Now from Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you. Perhaps this warrants a bit of a commentary, not for your benefit but for the benefit of the general listenership and to have on the record how the formulation of law in this province works relevant to a bill and regulation. You claim that you know that regulations have been drafted already, that they're somewhere out there lying on a shelf ready to be released. I don't know that. You're telling me. I assume that to be factual.

But the fact of the matter is that even if some preliminary work has already been done by the department on the regulation, those regulations will definitely have to undergo a significant redraft subject to what's in the bill. The bill that you are looking at just passed first reading. Now it's in this committee stage. There'll be second reading and third reading. So whatever overarching regulations they have, they in most likelihood will have a significant rewrite to match the bill in its final form, and we don't know what the bill will look like in the final form. You're contributing to the creation of the bill. The bill will have to pass third reading, be proclaimed, and that's when regulations will actually, technically, be drafted to match that final version of the bill as proclaimed, and then both of them form the new law.

I cannot give you an undertaking on behalf of the minister that there may be further consultation, but once the bill passes and we actually know what the beast looks like, it's very possible, or not, that there may be ongoing consultation. This is just part one of a two-part process: drafting of the bill, the shell.

Mr. Chase: If I could please be put on the list, Mr. Chair.

The Chair: We will. Let's just see first if Ms Lebo has anything to respond to Edmonton-Castle Downs with, only if you want to.

Ms Lebo: Yeah. We work closely with the classification department. We saw them this morning, and they said that they've been working on the rules and regs as part of their working with the Alberta government in this process. There are different levels coming together working on this. We were just wondering why we aren't working with them now.

The Chair: That's taken care of in parts 1 and 2 of recommendation 2.

Ms Lebo: Yes. Exactly.

The Chair: Okay. Good.
Mr. Chase, you're next.

Mr. Chase: Right. Just for the benefit of the general public: if the bill is the beast, then the rules and regs are the ways in which you limit the beast or encourage the beast. Without having a say in the development of the rules and regs, whether it's an exhibitor, distributor, or a member of the Legislature, it's almost as though you're dealing with half a deck of cards. I don't see how you can pass a piece of legislation without then having an opportunity to discuss the rules and regulations associated with it, whether it's within the legislative framework or allowing people directly involved in the process to have input.

The Chair: Now, Mr. Chase, not a criticism, just an observation: it sounded like an editorial comment. It's our job now to ask and answer questions. Was there a question in that?

Mr. Chase: Well, one thing that I would appreciate – and I know we talked about Philip doing the research. If Adina could provide examples of rules and regulations that have been universally accepted across Canada, it would serve as a framework for the modelling of the Alberta regulations. You mentioned that in some cases Alberta seemed to be ahead of things in terms of the 18A classification. I would very much appreciate you forwarding that information to the committee so that we could get a sense of what other Canadian jurisdictions were doing so that we could use that as

sort of the potential or underlying precedent in drafting the regulations.

The Chair: Well, just to clarify again, we did have a cross-jurisdictional analysis beforehand. I've spoken with Dr. Philip, and as you suggested, Mr. Chase, there will be items thereof in the report for next week in addition to any other further items that can be found between now and then. But, again, that's why we have Adina and Neil here today. We simply need to know: what do you suggest should be in those regulations? So far Adina has given us two or three suggestions. I think the question simply is: what else do you want to see in or out of the regulations?

Ms Lebo: Can I just talk about how the two work hand in hand? When we went through this process in Ontario, Ontario knew that Manitoba had put in the 14-year floor. We knew it. Because we were working on the rules and the regs at the same time, we sat there for hours operationally trying to figure out how this would work. Do you know what I mean? Would it work? We realized that without the Ontario government mandating a multimillion-dollar carding scheme for 14-year-olds, it wouldn't work, and that was the reason the floor was dropped. So you've got both the high-level, broad-brush stroke bill stuff working at the same time with the practical, operational structure that goes along with it. They voted it down.

The Chair: Again, you simply stand by your recommendation 2(a) and 2(b), which is to continue to have the opportunity to work with government as regulations are formed. I'm sure that's going to appear in the report that we will examine with the other recommendations next week.

Mrs. Sarich, did I see you raise your hand?

Mrs. Sarich: Yes, Mr. Chair. Just a point of clarification. We're here as a committee to address Bill 18, which is the Film and Video Classification Act. We're not here to have a full debate or discussion on the regulatory pieces. That was not the mandate given to us by the Assembly. Am I correct?

The Chair: That is correct, yeah.

Mrs. Sarich: Thank you.

Mr. Campbell: But we as interested stakeholders are asked to make comments on Bill 18, and we have just had a 10-minute debate on something that's not in Bill 18. The 14 floor on the 18A was only shown when the classification board made their presentation to you. I read it in the *Hansard* notes. It's not in Bill 18. They're already talking about and presenting stuff that's going to be in the regulations. You're asking us what we think of Bill 18. I mean, I've got a long list of what I think of Bill 18. But I'm sitting here, and now we're having debates about regulations that we've never even seen. Somebody has already proposed them, and they're discussing them.

The Chair: Mr. Campbell, perhaps this is the perfect segue to turn it over to you for your 15-minute presentation followed by 15 minutes of question and answer. Would you like to take the floor at this point?

Mr. Campbell: Yeah.

The Chair: Great. Please and thanks.

Alberta Motion Picture Industries Association

Mr. Campbell: It was made clear to me yesterday and I made the assumption that this was the way it was going to be because I said that I'd sent in six pages of questions: am I going to get answers for my questions? The answer was: no, you'll get more questions; it's not the job of the review committee to answer the questions, that they're just showing my concern.

Rather than going over six pages, et cetera, I've got some highlighted areas that I have deep concerns with. Again, I can only reiterate that the regulations are the big thing. Where are they, why can't we see them, and why aren't we being asked to join in as stakeholders in the implementation and writing of those things? We're the people that are going to have to live with this act 365 days a year. This is how we do business. This is how theatres run in Alberta.

The Chair: Okay. And we'll start your 15 minutes now. But, sir, again, not our job at all to applaud or attack government. Sir, honestly, if you can give us a list of suggestions, that's what we can pass on. But we are not here to answer on behalf. We're here to help, with you, to create the best piece of legislation possible, so please give us your suggestions.

Thank you.

Mr. Campbell: Then I'm going to go straight to I think it's article 14 in Bill 18 on inspectors. I'd like that deleted because we got rid of theatre inspectors over three decades ago. In my question to the board, not this board but the classification board, I said: what would they possibly come in and inspect? They've told us that they are not going to start, that there are not going to be inspectors, et cetera. I said: well, how can you have almost a page and a half of a bill talking about the inspectors, their powers, what they can and cannot do if it's never going to happen? If it's not going to happen, then take it out of Bill 18.

1:20

The Chair: Okay. That's a great point. That's the style we're looking for: your suggestions.

Mr. Campbell: Penalties and fines: \$10,000 and \$100,000 fines for an industry that in no one's memory has ever had an infraction where anybody has ever been charged. I will go back to the fact that this is how we run our business 365 days a year. We enforce the regulations and the classification system that's now in place, and we do, I think, a really, really good job.

On the Alberta Motion Picture Theatre Association I sit as the head of the subcommittee on classification. I work hand in glove with the classification office. If they have an issue, they call me, and between the two of us we get it resolved very, very quickly. Most of our issues that come up are from parents being turned away at the theatre when we have done our job. They're upset because they haven't been able to bring their children in. I mean, we have to address it. We are following the law. These are the rules and regulations.

Now, we've done our job, but the classification board gets the call because the parents are upset. This was before the 18A. It was a huge issue, and it was the main conflict point at our theatres, as it is in Manitoba. Constantly you're telling parents that they're wise enough to make a decision for a 14-year-old; they're not wise enough to make a decision for their 12-year-old. That is totally unacceptable in today's world, especially when you consider that all the product that we are showing is available across all the different venues from the Internet to DVDs, which are completely different

and have full access, yet we are the only ones that don't get the level playing field.

We're not asking for a change in the categories or the definitions because it's been working fine. British Columbia has had this rating system, not with the same names but the same definitions, for over two decades, and it works fine. It works fine in Ontario. The only place that went this way was Manitoba, and it is a big problem. Again, we're discussing regulations, which isn't your job here to do, but it's a huge concern of our industry, and I think it should be on the record.

The fines at \$10,000 and \$100,000 would literally bankrupt small theatres. This morning in our meeting with the classification board an exhibitor said: if I get fined \$100,000, I'll give you the keys to the place because I'm out of business. Fines of that stature make absolutely zero sense when we do not have a track record of multiple infractions. We have zero. I mean, as an industry we work really hard to do our jobs. We're not perfect. Nothing is perfect. But on an ongoing, day-to-day basis we are so good that we have never had an exhibitor charged. To put in fines of that size makes zero sense. So if you guys can make a motion to amend that category to put the fines back to where they were because it is absolutely ludicrous. I don't think that it's anybody's intention to shut down theatres, but you can with fines of that calibre.

Powers of the executive director in the act have a very limited definition as to what they are. They seem to be rather all-powerful. There seem to be very little rights of appeal of an executive director's decision. I mean, we've heard this over and over again: we're not in the business of banning films. From the executive director's desk, according to Bill 18, he can say that this film cannot play in Alberta for whatever reason he wants. I think that's wrong for any one person, especially when you have a board charged with the duties of doing this. They do it every week, every year. They know what they're doing. If they've classified the film, that should be the final say on the film. Until we know who the executive director is and as executive directors change, now we're suddenly dealing with a person's personal morality. I mean, if they have issues with sex, violence, religion, whatever it is, it could disrupt the whole industry.

I'll jump to an AMPIA hat right now. This province right now is working very, very hard to start a film industry that should be on par with the rest of Canada, and hopefully when the legislation gets through, it will be. How can you sit down and figure out what your budget and your projected income are going to be when you have a province that says – there was a picture that was out this spring, *Young People Fucking*. How could that producer make that film and get funding if you had the big concern whether it would ever play Alberta? I think there's got to be more definition, more rights of appeal. It shouldn't be sitting on the desk of one person with that much power.

The other thing in Bill 18 which makes it really hard to comment on is that when I looked at it and read it, it covers the scope 180 degrees. It's got clauses in there where the Alberta government could shut down the classification office and turn it over to Ontario, or it can ramp right up. It's in the act if they want to suddenly be in charge of video classification, gaming classification. Certainly, they can adopt ratings for those from other branches or other companies or groups, but if they want to, they can do it.

It's like the inspectors. They tell me that there are not going to be inspectors, but it doesn't stop the executive director from starting a whole inspection branch. I'm going: it's fine and dandy that you're telling me this today, but in 10 years, when you're not sitting in that job and somebody else is sitting there, you have a bill that is so wide in scope that these things can come about because they're in the act. That to me is a very scary thing. I don't think it's what business

should be forced to operate under. If the minister changes in two years and we have a different minister with a different set of standards, our whole industry could be forced to operate in a completely different manner because of that.

As an industry we fight every day to keep people coming to theatres. Our competition isn't other theatres. Our competition is the DVD market, the Internet, video-on-demand. The same product we sell is sold over and over again. We are the only ones that are absolutely legislated under the act to stop people from being able to do things. We are comfortable under the classification system. We're comfortable with those regulations. We do want that. It makes our job easier because we're not having people coming to unclassified films. We don't want that. We just want what's working right now to stay working.

When it's so wide open, when this bill can go in any direction it chooses, it's hard for us to sit down and say, "Okay, here's our industry, and here's our path going forward" because it can change at any time. I would love it if Bill 18 actually had a mission statement, actually had a vision of where they're going to go with the classification act. You know, are you looking at off-loading it to another province? Saskatchewan did that in 1997, off-loaded that part of their responsibilities to British Columbia. They struck a deal with B.C. They do all the film classification for Saskatchewan. Saskatchewan maintained the right of appeal in Saskatchewan, and it is exercised. If British Columbia rates a film and we think it's the wrong rating and we lose our appeal in B.C., we can then appeal in Saskatchewan. The province maintains control over its own screens, but they took that whole bureaucratic level and shut it down.

In the spirit of where the Alberta government is right now with cross-border trading, with deals with other provinces, whether it's the trucking industry or the weigh scales, I mean, I've heard our Premier talk on these, that these are all the ways that they want to go going forward. Suddenly Bill 18 comes along. It could be the biggest draconian thing in the world, or it could be off-loaded to another province. They're all in there. It makes it really, really hard to have a real comment on it. Without regulation it becomes impossible because we still don't know where the focus is. Where does the government want to go with Bill 18? That's more of a comment than a recommendation. It makes our job here of commenting on Bill 18 very, very hard.

1:30

Mr. Chase: Mr. Chair, if you could please add me to your list if you're developing one.

The Chair: Yes. I have it. Our presenter still has just over five minutes left.

Mr. Campbell: Well, what I can do now is put on my AMPIA hat. The question is: if the executive director did pick a film and say, "This cannot be exhibited in Alberta," how do they intend to handle the DVD release of that same product? How are they going to handle, say, a Zip.ca, which mails out DVDs to people? How are they going to handle it on the Internet? I mean, to me it becomes totally impractical, totally impossible to manage. So then it begs the question. There's no sense writing a law if you can't do anything with it. Again I go back to: what are the powers of the executive director? I think they have to be clearly defined with proper appeal procedures for those decisions.

The other comment we have from AMPIA is on the fact that basically we are legalizing scalping by not addressing it at all in Bill 18. We think this a big enough issue that it should have a lot more research going into it. I know from talking to the presenters in the

past that they feel this is handled by other departments, et cetera. We are not that comfortable that that is actually what's going to happen with scalping. I can sit and talk about lots of examples, but the bottom line is that we think it should have a lot more attention paid to it. We think it should have had a lot more work go into it. When you look at their studies as to who they did their study groups with, it was the Internet ticketing people, you know, the Ticketmasters, the RepeatSeats of the world. I mean, the concern is: where is the protection for the Alberta citizen under consumer rules when it comes to that? I think it was not given the due diligence it needed.

I think those are all my main suggestions.

The Chair: Okay. Well, thank you for that. I appreciate your passion. Hopefully you can appreciate that we'll ask questions for the next 15 minutes if we have that many questions. So far I only have the one member who has a question, that's from Calgary-Varsity. Mr. Chase, the floor is yours.

Mr. Chase: Thank you. Neil, Harry Chase, Calgary-Varsity. I had similar concerns with regard to ministerial powers or executive director powers. We had an opportunity with the committee last month where representatives of the ministry came in, and it's on *Hansard* record from this Community Services Committee that it states that neither the minister nor his executive director has the powers to ban or veto. Now, I'm taking that in good faith to a degree. We're a nonpartisan all-party committee here. But that has been stated, and I'm hoping that that is the case.

My background is as a schoolteacher, and I've also been involved with sports where we've had young referees getting an awful lot of static from the parents about how they called the game. I'm just wondering: within the theatre community, how do you address this? You've mentioned your youthful employees and the difficulties they sometimes experience when parents say: I know what's best for my child, and who are you to say different? I'm wondering what kind of percentage of parents do you see? Is this a large problem that you've had? How have you been able to handle it?

Mr. Campbell: With the 18A it has decreased that problem.

Mr. Chase: So you have clear identification, and if they can't produce it, end of story. That solves it.

Mr. Campbell: Also what we do with the parents – I mean, well, parents or anybody who's of the age of 18 can take in anybody under the age of 18. You could have a date situation where one person is 18 and one person is 17. As long as they're with the adult, that's fine. A whole family comes in. I mean, we as exhibitors, I think, are good corporate citizens because we will challenge people at our box office, saying: "Are you sure you want to do this? The movie does have these things in there." But at the end of the day it becomes the parents' decision, and I don't think anybody anywhere has the right to think that they have a better decision-making process than the other person.

The law is the law. It's in here that they want to make sure the information gets out to the public. Well, every major chain in Alberta on their web page has a link to the Alberta web page. The Motion Picture Theatre Association of Alberta has a link to the classification board. I mean, as an industry we get more coverage on the Internet, and there are more web pages. Every major movie has a web page. With the fact that the public now can get more information than they ever could before as to what the contents of a movie are, there's no reason that somebody could show up at a theatre and say, "I didn't know," because the information is all there.

We have to make the assumption that they are making an informed decision.

Mr. Chase: Another point, if I may. A second, backup question. You've talked about the lack of a level playing field, the fair play aspects. Well, we no longer have theatre inspectors. This was another concern you had: that they'd gone away 30 years ago. It is considerably easier, as you pointed out, to police the theatres as opposed to the DVDs and mail-outs and the Internet. Have you any suggestion? You know, I gather the suggestion is: loosen up a little with the theatres and the self-regulation that they've clearly been able to demonstrate over the last number of years. You don't believe that there is any enforceable way of dealing with the DVDs or the Internet, based on the freewheeling aspects of it?

Mr. Campbell: I really do not believe there is a way of policing that, no. I know some provinces actually do that, but it's a whole different branch, and you have to set up. It's a very costly thing to be doing. It's like the cards. I mean, if you want to check on those, you're going to have to have an inspection branch that's big enough, that's going to have inspectors going into Wal-Mart, Safeway, every gas station, convenience store, anywhere where there are DVDs sold or rented. I mean, I think it becomes totally impractical. Again, I don't think that's the mission or the want of Bill 18, yet that's what is in there.

Mr. Chase: Right. Thank you. Mr. Chair, if I could be put on the bottom of the list if there are more questions to be asked.

The Chair: There may or may not be time, sir. I will add you, but we do have Mr. Johnson first, Mr. Lukaszuk second.

Mr. Johnson: Thank you, Mr. Chair, and thank you, Mr. Campbell, for that. It was great. Just a couple of quick questions for you. You asked that, I think, 14 be taken right out with regard to the inspectors. What would you suggest the ability of the government of Alberta or Albertans would be to inspect these premises? You're saying we have no need for inspectors ever, and we shouldn't have anything like that?

Mr. Campbell: Well, let me repeat to you exactly what we were told this morning by the classification office. They have a three-year program where they want to visit every theatre in Alberta and have coffee with the manager and talk about how they're doing their job, how it's impacting our industry. It's a very informal relationship. We've worked that way for a lot of, lot of years, and it's been working very, very well. I mean, the question of inspectors was brought up to me two or three years ago, and I said: what are you going to inspect? We don't have bans on films anymore. We don't have embossment on films anymore, all the things that used to be in the Amusements Act that have been deleted out of either the Amusements Act or the regulations, that have been changed over the years. I said: "What are you coming in to see? I don't know what you're checking for."

But to come and talk to us? Absolutely. I mean, communication is the best way of making things work as well as they possibly can. Anywhere in Alberta if there's a theatre with an issue with a classification, I get a call. I call the classification board and say: here's an issue. Same thing with distribution. I mean, I'm working right now with the classification office to change their regulations, and I'm – it's actually not in the regulations. In the regulations as they now stand you have the right of appeal. Well, they arbitrarily changed how you could get an appeal in Alberta. We had huge

meetings and a lot of talking, and it got changed again.

It's still not to where we want it to be. In every other province if you want an appeal, you ask for an appeal. You get an appeal. Alberta wants to have an appeal if they're offside with three or more English classification boards, and I'm going: that's not right; we're talking about Alberta. Alberta should be able to have rights of appeal. In British Columbia anybody in the film industry can ask for the appeal on a movie. It's a hundred dollar fee you pay to ask for an appeal. Alberta doesn't charge for the appeal, but right now it's a lot tougher to get an appeal, especially when the rules aren't clear and seem to change all the time. Yet it used to be very clear. If a distributor asked for an appeal, he was granted an appeal.

1:40

Mr. Johnson: Mr. Campbell, sorry. I guess I lost the answer in that.

Mr. Campbell: Sorry.

Mr. Johnson: From your perspective the government of Alberta would not need to have the authority to implement inspectors. You see no need for it.

Mr. Campbell: Yeah.

Mr. Johnson: What about for adult video stores? There either? Because that's covered within this act, right?

Mr. Campbell: Oh, yes. I mean, like I said, Wal-Mart is covered with it. Anybody who handles DVDs, gaming, anything that's, quote, under that film definition, would fall under the inspection branch. I've never ever heard the mandate from this government wanting to get into that business. Now, what we were told this . . .

Mr. Johnson: Sorry to interrupt. So we don't need that ability to keep that oversight over adult video stores, in your mind, then?

Mr. Campbell: You don't right now.

Mr. Johnson: Okay. That's great. That's all I need.

The other question was that you'd talked about scalping. I'm just wondering how prevalent scalping is in your industry.

Mr. Campbell: Not in our industry. It's not.

Mr. Johnson: Okay. Thank you very much.

Mr. Campbell: When we're showing the same show – I mean, I love telling this story. When the first Star Wars, Episode I, came out, people said: I remember the first Star Wars; it played for 52 weeks, et cetera, et cetera. I said: yes, but when this Star Wars came out, in Calgary alone there were 100 showtimes a day, so scalping would be a waste of time because there's a movie starting every half hour.

Mr. Johnson: You did express a concern on scalping being left out of this legislation, though.

Mr. Campbell: That's how they're handling the whole topic. They just deleted it from the Amusements Act, and I'm not sure that's the right way that that topic should be handled.

Mr. Johnson: Okay. But in your industry it's not an issue.

Mr. Campbell: Not an issue.

Mr. Johnson: Okay. Thank you.

The Chair: Very good. Thanks for clarity on both sides.

We only have exactly five minutes left for questions and answers, so, Mr. Lukaszuk, the floor is yours, and if there is time, Mr. Chase.

Mr. Lukaszuk: Thank you. Relevant to inspectors. I have no reasons to believe or not to believe that there are any issues within the industry. I personally have no experience having witnessed any issues. But if that's the case and if you, having expertise in the operation of the industry, are convinced that there are no issues within the industry, I would argue that you should be the last person arguing against inspectors. You should welcome them.

Mr. Campbell: If you read what the powers of the inspectors are, to come into the theatres to seize film, seize paperwork, seize any documentation related to the film, my question in my comments was – and I'm not saying it's going to happen tomorrow. I'm just saying that in the legislation that ability for that to happen is there, and if it does happen, who's going to be responsible? "It's not our film. It belongs to a distributor. It's taken from our theatre. We're supposed to be responsible for it." Who deals with that liability issue? Let's say they take the film and they decide afterwards there was no issue. Who's going to make up lost revenue? I mean all the things that are going to suddenly bubble up to the top. I'm not following why you need an inspector because that's never, ever happened in our industry here.

As the classification board said this morning, "We're not getting any inspectors. There's not going to be inspectors. It's going to be handled by the police." I said: well, it's already handled by the police under the Criminal Code, so why have you got a whole section in here on inspection if you're telling me the police are going to do it? I said that the police already have all those rights under the Criminal Code. If they have a complaint on a film that it's obscene, then they have the right under the Criminal Code to come in, review it, and seize it.

The Chair: Mr. Lukaszuk, I think you were just in the middle of that. You had more. I kind of detect that you wanted to . . .

Mr. Lukaszuk: Well, there are many industries that have age prohibitions. Selling of tobacco would be one. Selling of alcohol would be another one. Entering adult stores would be another one. Adult stores: I take that back. That one doesn't, but many of them have inspection in place simply because if there is a law that prohibits certain activity, in order for any law to be enforceable, there has to be a way of monitoring adherence to the law. You know, you remove photoradars off the street and there won't be any speeders because if you don't catch any, there aren't any, correct?

You're telling me that your industry hasn't had any problems for the last 30 years, but at the same time you're telling me that there weren't any inspectors for the last 30 years. I'm not sure how reliable your statistics may be because they were never verified independently. The long and short of it is: as I don't personally believe there are many issues within the industry, why would you not just allow this to happen? Because your industry is so squeaky clean, you won't have any problems.

Mr. Campbell: I don't want to have legislation sitting there that could change my way of doing business at the whim of somebody else later on.

Mr. Lukaszuk: Thank you.

Mr. Campbell: We don't have an issue. I'm not saying we don't have problems. We deal with them as they come up. I mean, I can go back two years, when the classification board and I were dealing with an issue where a mother tried to take her daughter in, told the truth, was rejected from the theatre, went to the next theatre and flat out lied and got in, phoned the classification office to berate them for their stupid rules. I got a call saying: hey, they let her in. "Well, she lied to us." I mean, the girl was 17, not 12.

We deal with those issues on an ongoing basis. Are they daily? No. Are they weekly? No. But three, four times a year, yeah, something will come up. Most often the board handles it at their level. Only when they think there has been an infraction or something hasn't been done with proper due diligence, they'll call me. We go after it, talk to the theatre to get the background on it, and we have a full discussion on it. But it has never, ever led to anything more than that.

Like I said, we like the classification system. We like it exactly the way it is. We don't want it to change. It's been working very, very well in this province for a long time. It's common across the country, and it makes it so much simpler for our customers because they know what the rules are and what the definitions are.

The Chair: Thank you for that. We are out of time, but I will exercise privilege as chair and ask Mr. Chase if he might have a sentence of a question that can be answered very quickly by our experts in the field.

Mr. Chase: Right. You referenced Saskatchewan giving the permission to B.C. but still having the right of appeal, and you also referenced TILMA, the free flow of information and making trade and business that much more easy from province to province to province. Do you see Bill 18 limiting that appeal process, that's so important for local autonomy?

Mr. Campbell: The appeal process: well, I don't specifically recall that it's in Bill 18 because it's more in the regulations, the actual appealing of a film classification. I think it's in there that you have the right to do it, but the regulations as to how and what sort of format you have to follow aren't there yet. In Saskatchewan what they did was they just maintained the same appeal process. If somebody wants to appeal, you send a letter or a phone call in to the appropriate branch. They strike an appeal board. They watch the film. Either they agree or disagree with the rating from British Columbia and put their own rating on it or leave it as is. It's strictly a regulation.

The Chair: Thank you, sir.

Mr. Chase: So you're suggesting that that appeal process be clearly spelled out and potentially enshrined within the legislation part of Bill 18?

Mr. Campbell: Well, either there or in the regulations.

The Chair: Gotcha. With that I believe that from the written submissions from both you, Adina, and Neil and what you have told us, what you've recommended for us today in the questions and answers, we have a very clear understanding of what you like, what you don't like, what you would suggest, what you'd like changed or deleted. So you've done a great job for your industry and for Albertans. I would like to very much thank Ms Lebo and Mr.

Campbell for joining us here today. Of course, as you know, we meet again. We put forward a report to the Legislature. It's debated in second reading, Committee of the Whole, and third reading. You are helping us to form this legislation, and we thank you for playing a part in our modern-day democracy here in Alberta. Thank you for being here. Enjoy the rest of the day.

Mr. Campbell: Thank you for the opportunity.

The Chair: Cheers. Thank you.

Ladies and gentlemen, we'll just allow our guests – they don't need to stay for other business and so on, do they? – and our other friends from Toronto, anyone else to feel free to vacate as we have other business to attend to at this point. Again, enjoy the rest of the day.

Kent, you're still there as co-chair, are you?

Mr. Hehr: Yes, I am.

The Chair: Okay. And, Harry, if you can hang in there just for a little bit.

Mr. Chase: Thank you.

The Chair: We may be able to do this reasonably quickly. We only have one item of Other Business, item 9. We're well acquainted that Ms Notley will be bringing forward a motion. Ms Notley, you will be free to have concluding remarks as well. But as is the case with so many of the venues that we frequent, what we're going to do: after you bring forward your motion and speak to it as much as you want to, we'll have anyone else put up their hand or otherwise indicate that they want to speak to it. But we're only going to do this once. I mean, Mr. Johnson is not going to ask to speak twice, I don't think.

1:50

Mr. Chase, I've got you on the list. I've got Mr. Hehr on the list. I have Mrs. Sarich, Mr. Lukaszuk. Is there anyone else who would like to get on the list other than Mr. Johnson the one time? No. So that's what will happen: Ms Notley bringing it forward, Chase, Hehr, Sarich, Lukaszuk, and Johnson.

Ms Notley: Excuse me.

The Chair: Yes.

Ms Notley: Because I may not be able to stay for any length of time, I believe that Mr. Hehr was actually going to bring it forward. That way he'd be able to make concluding remarks at the end since I may not be here to make concluding remarks.

The Chair: Okay. Then we'll adjust accordingly. But you will bring it forward?

Mr. Hehr: Well, I think I was going to do that now, Mr. Chair, but Ms Notley wanted to before she left.

The Chair: Yeah, Mr. Hehr. Just to qualify: did you want to speak to the motion after Mr. Hehr?

Ms Notley: Sure.

The Chair: Okay. Mr. Hehr, the floor will be yours, followed by

Ms Notley, the others that I mentioned, and concluding again with Mr. Hehr. Correct?

Mr. Hehr: Okay. This is just the draft motion that, as I see, can alleviate a lot of this debate. If we can ask the legislative committee or the research committee or the ministry staff to provide the committee with research including, one, information about cases where a regulatory consultation process is stipulated in the legislation; two, statistics on the frequency and extent of fines being imposed over the last few years to various outlets; and three, a description regarding the substantive and procedural interplay between the former section 25 of the Amusements Act and the current elements of the Fair Trading Act that address either ticket resale or secondary ticketing. We would ask the appropriate people on this committee to do that research for the committee as I believe it would be pertinent. But, anyways, from there I open it up for discussion.

The Chair: Very good. We'll come back to you in the end. As you're working with Ms Notley on this, the floor is yours.

Ms Notley: Right. To be honest, I didn't get a chance to really set out what I was going to talk about. I mean, basically, the motion is designed to simply have the committee ask the appropriate body or the appropriate group, whether it be ministry staff or whether it be the researchers for the committee – I'm not going to have that debate because I'm not sure which it would be – to provide us with some research on the three questions that were outlined in the motion that Mr. Hehr just read.

I think that, basically, the first piece just talks about giving us the information at our disposal, about whether it would be reasonable or not reasonable for this committee to consider a recommendation in the course of preparing their report that the language around the regulations be amended to stipulate certain consultative obligations.

I don't know if that's something that's legislatively appropriate or not appropriate, but given that a number of the people who have made submissions have raised the issue, it might be something that we'd want to make recommendations on. Before I speak to making recommendations on that issue in this committee, I'd like to know from the appropriate source whether that's a reasonable kind of thing to put into legislation. There was some discussion previously that that had happened in a previous piece of legislation, so I'd like information on that.

Then, conversely, if someone were to say to me, "Well, that's really ultra vires" or "It's not an appropriate thing to put in legislation. It's never been done before, and it would be ruled beyond the authority of the Legislature" or whatever, well, I would know that, and I probably wouldn't spend so much time advocating for that to be put into our report as far as the recommendations of this committee to the full Assembly go. That is why it would seem like a reasonable thing to get an answer on that question.

The second issue that we talked about was the whole question of the fines. We've heard from some people who've made submissions that they think the fines are somewhat extensive, and they have concerns about that. Again, it would be helpful as we consider that piece of the legislation, which is clearly and squarely before us and we need to make recommendations on that, for us to know what is the context with respect to the fines as they're currently used or utilized or applied or imposed upon stakeholders within the industry. That would give me a much better ability to assess, you know, in terms of my contribution to this committee's recommendations to the Legislative Assembly whether I would think that that's a completely reasonable proposal and I would support it fully or not.

Then the third thing, of course, as we've talked about, is this whole question of the secondary ticketing. I appreciate the last speaker's comment, actually, which I only caught at the very end, and that's quite relevant: that it may not be something that's terribly relevant to the film and video industry. If that's the case, so be it. I guess the only thing I would want to know is – and maybe it would just be a very simple answer. My understanding is that this bill will replace the Amusements Act. By replacing the Amusements Act, we need to not only look at what's in this bill but what is no longer in this bill. Given that the Amusements Act is no longer in place, it is actually within the scope of the recommendations that we would make on this bill.

There seems to be a lack of clarity about what the mechanisms are for controlling or not controlling, as the case may be, secondary ticket sales. Again, I think it would be responsible for us in the course of our job of reviewing this bill in terms of making recommendations to the Legislature to have that question answered. All of these are issues that have been raised in the submissions. All of these are questions that I think it would be appropriate for us to have the answers to before we proceed to make recommendations to the Legislative Assembly.

Now, it was mentioned before that, you know, I suppose that I as an MLA, I could go to the Legislature and do some research in the library, but I suspect and in fact I will say that, in my view, if these committees are really going to be truly functioning, we should be given the resources to be able to do our jobs in a meaningful way. As you know, I sit on six committees. I think it anticipates a failure of any kind of meaningful participation if the answer is that every time we raise a question about a piece of legislation, I have to go to the Legislature and get my own answer to it. I mean, I think that would really undercut the bona fides of the committee work that we're doing if that were the structure that were adopted by members of the committee.

I think all of us, regardless of party stripe, need to ask the questions that our constituents want us to ask and get answers to the questions that our constituents want answered. We are here, and we've been told that we have resources at our disposal. It would be rather, I think, shortsighted of all of us to arbitrarily limit our access to those resources. I'm certainly here to try and do the best job that I can in the few times that I'm here, and I'm sure that everyone else is in that position, too.

I think we've already talked about the regulatory issue. Just to give you a little example, way back in another life when I was in B.C., I had the opportunity to sit down with a deputy minister and two or three stakeholders within two very divided communities and write a piece of legislation, two-thirds of which was extracted from what was previously regulation. The reason that was done was simply because there was a desire to focus on those issues, to subject them to the more public scrutiny that occurs from having certain issues addressed in legislation rather than regulation, and to clarify it and to make it much more clear, and to make it something that the Legislature needed to review were it to be changed.

That's the only difference between regulation and legislation. There is no automatic inability to discuss something which is currently contemplated for regulation in the context of whether legislation might be the better place to put that piece of policy. It's about the priority and the stability of that particular policy initiative that you want to attribute to it. That's what happens between regulation and legislation. So it is completely within the scope of this group when you're dealing with a piece of legislation to look at whether things that are currently contemplated in regulation are better suited to being included in the bill. It gets to the merits and the substance of the bill, and that's what we're being asked to do.

So, yeah, it just doesn't make sense that because someone else has decided that it needs to be in regulation, therefore we can't talk about it, because it's all part of the same issue. If we're going to talk about whether this is the best bill or not, we need to talk about whether we've put all that we need to in this document, which is then part of the legislative process as opposed to the regulatory process.

Anyway, that's all I have to say, and I won't say anymore on it. Thank you.

2:00

The Chair: Thank you very much for your contributions today.

On to one, two, three, four, five speakers: Chase, Sarich, Lukaszuk, Johnson, and Hehr to wind it up. Mr. Chase, the floor is yours.

Mr. Chase: Very, very briefly. I appreciate the conciseness born of, I guess, Kent's legal background and the collegiality in terms of trying to encompass the needs, desires, wants of the committee and of the individual members, including Rachel and Laurie, who both had specific concerns about the scalping and then the resale of tickets. I'm looking forward to the vote.

Please, if there is a possibility after this motion is accepted or rejected, I'm hoping that there will still be some moments for other business.

The Chair: Actually, sir, we asked earlier – I hope you were on the line – if there was other business, and we dealt with three items. They've come and gone. This was the fourth and only piece of other business.

Mr. Chase: Okay. If I could somehow make a recommendation either to Phil or if Shannon is still around, I would like to have that opportunity so that we could have that information prior to the next meeting.

The Chair: But it's, again, related to the motion on the floor. Correct?

Mr. Chase: It has to do with a clarification of legislation versus regulation, and that's touched on to a degree in the motion. I'm just looking for clarification.

The Chair: Well, sir, you know what? Let's deal with your issue right here, right now, and it will be taken care of.

Mr. Chase: Okay. Thank you for that opportunity. We need some clarification as to what role, if any, this committee has to do with regulations. Laurie Blakeman earlier brought up, I believe it was, 52.06(1). I think in order to do the best job we can do within the parameters of the committee, this might be something that – I don't know whether Shannon is still around or available, but if she could clarify to what extent legislation overlaps regulation in this particular Bill 18, I'd love to have that clarification. That's basically what I'm looking for.

The Chair: Of course, our counsel is ever- and omnipresent. Care to comment, Shannon Dean?

Ms Dean: Mr. Chair, you've got a motion on the floor right now. I think it's prudent to deal with that first.

The Chair: Okay. We'll come back to that. We already have your question, she'll have your answer, and we will be able to conclude.

Mr. Chase: Fine. Thank you very much.

The Chair: Mrs. Sarich.

Mrs. Sarich: Thank you, Mr. Chair. Just a couple of things, I guess, for clarification. Before we proctor a vote, I would like to have the motion reread because Mr. Chase brought forward a couple of points. Then, I think, with due respect to Ms Notley, I seem to have picked up a couple of other points to be added. I just want to make sure that what is being asked is very clear out of an abundance of respect for the request.

The Chair: Would you like it read right now? Our clerk has it right here.

Mrs. Sarich: Yes. That might be helpful.

The Chair: Go ahead, Corinne, if you wouldn't mind.

Mrs. Dacyshyn: Moved by Mr. Hehr that the committee ask leg. committee research and/or ministry staff to provide the committee with research, including

- (a) information about cases where a regulatory consultation process is stipulated in the legislation,
- (b) statistics on the frequency and extent of fines being imposed over the last few years, and
- (c) a description regarding the substantive and procedural interplay between the former section 25 of the Amusements Act and the current elements of the Fair Trading Act that address either ticket resale or secondary ticketing.

The Chair: Okay.

Further comment, Mrs. Sarich?

Mrs. Sarich: Okay. Thank you for that clarification. I saw a nod from Ms Notley, because she was making some salient points. I just want to make sure that it's clear. Also, I would be asking at this point for clarification because there are two parts in there asking the information to be either from the research arm, and then there was another piece in that motion.

The Chair: Or ministry staff.

Mrs. Sarich: Oh, ministry staff. Okay, I think I'm clear on that one.

The other question that I would have is something that has come to our attention and at least resonated with me from the stakeholders that have presented today as well as through the presentation of materials that were provided prior to the deadline or on the day of the deadline for us to review. There seems to be a point being made, and with an abundance of respect for that point I'm wondering: stakeholders are expressing a strong desire to be provided an opportunity to put forward comments or information regarding the regulation piece and whatever timeline that is on. I'm asking for some clarification if it would be appropriate that in our final report or draft report we would give a recommendation highlighting that particular request, that there's a desire for a consultation process in another stream.

I'm very clear when I look back. What was said in the Assembly for Bill 18 is that the committee will report the bill back to the Assembly in the fourth week of October 2008, and there was a lot of commentary regarding the regulation piece and a strong desire to give some level of input from the stakeholders. Given that we're really not addressing that – we're addressing the legislation itself – I would like to know if that would be possible or appropriate to

address in a recommendation that another group or whatever those processes are consider that.

Thank you.

The Chair: Right. Very good. Thank you.

Mr. Lukaszuk.

Mr. Lukaszuk: Thank you, Mr. Chairman. I'm a little concerned with where we're attempting to take this committee and whether we're not starting to use this committee for purposes other than for which this committee has been intended and designed to begin with. I clearly remember Ms Notley's predecessor, Dr. Raj Pannu. Actually, we sat in the very same configuration when we were discussing the possibilities of having a committee like this existing in the province of Alberta. It was consensus, and the Legislature later obviously saw the wisdom of these desires and put these committees in place.

The desire at that time was and continues to be, at least from my side, that we needed a vehicle in the process of passing a bill during which we can step back, take a bill, and solicit public input; find out from Albertans how they feel about the bill, what changes would they like to see in a bill, in a piece of legislation; speak with the stakeholders in addition to our constituents, because all of us do that on an ongoing basis, but particularly the stakeholders; then as a committee propose amendments; and then bring it back into the House and have two additional readings with the possibility of further amendments on the floor and all the procedures that take place within that process.

What I'm seeing happening, Mr. Chair, is that even if the consultation with stakeholders is happening – and I'd like to think it's meaningful – there are secondary uses of this committee slowly starting to enter the process. One of them right now is the request to bring ministerial staff and asking and using ministerial staff for research purposes. I agree with Ms Notley that it would be possibly more practical to go to the source, ask the minister. He or she has all the answers. It is probably the most efficient way of getting answers. There is nothing wrong with asking questions and soliciting answers. I agree with Ms Notley. We should be able to ask any questions we choose to, and we are entitled to get any answers that are available out there.

Where I think I differ with Ms Notley is in whom we ask the questions of. If I can draw a little parallel – and probably it's not even that far off – imagine what a great world we would have if politicians could sit down with judges and figure out a law and how it should be interpreted. We can get a lot of things done in a hurry, yet we don't do that because we find that to be inappropriate. The legislative branch doesn't meet with the judicial branch and hash things out. The executive branch doesn't meet with the legislative branch other than during session in the House. That's your immediate connection.

2:10

Now, when this bill leaves this committee, it will go back into the House. The members will have the privilege of utilizing the researchers over here, who are doing, I would say, a fine job; utilizing your caucus researchers, for which we receive, I imagine, ample funding; have the question period at your disposal. You can ask the minister any questions you choose to ask, and the minister will be there to answer them while the bill is on the floor of the House. You have written questions that you can put forward to the minister and the department while the bill is on the floor. You have the privilege of utilizing at your will the wisdom of our LAO Parliamentary Counsel, who is present at all meetings and always

available to it, and ultimately you have the office of the Clerk if you're looking for any historical information on legislation, if you're looking at cross-jurisdictional legislation. That is available to us as well. Hence to argue that we cannot get answers to questions that we have would be false.

The problem is that we have to be very cautious if we are to maintain the integrity of this committee and allow it to function as it's supposed to function. It's whom we ask the questions of. So I would encourage all members of this committee to ask as many questions as possible but make sure we have the legislative vehicles in place. We often in Alberta tend to confuse government with Legislature. They are two separate bodies, two separate houses. It is the government, the Executive Council, that comes into the House and answers to MLAs and asks for budgetary consideration, but it is the Executive Council, the Premier and ministers, that run the government. We cannot confuse the two with each other.

Now, if the Executive Council, being the ministers, choose to share information with us and come, we may or may not accept it, but there is no possibility for us to compel them to answer at this particular point other than through the vehicles that are allowed. Ms Notley, obviously, visibly disagrees with me, which is fine because that's what MLAs do.

The Chair: And it is fine. She has expressed her views. She's had her chance. You've had yours. Now, we'll thank you both for that.

On to Mr. Johnson, with a conclusion from Mr. Hehr.

Mr. Johnson: I'm sorry to echo Mr. Lukaszuk's comments because maybe Ms Notley will want to stay around for the whole rest of the meeting here. I do concur with Mr. Lukaszuk that I'm not quite sure where we're going with this motion. I get the sense that what we're really trying to do is get the ability to repeatedly call back ministers and department staff and have them do our research for us. My fear is that we will stray off our mandate.

I hear repeated discussions on how we are strapped for time and overworked and we need more research capabilities, but I have no doubts that every member that was elected is very capable of doing their job. I would love to have extra research people. I'd love to have my own leg. assistant. I'd love if there was two of me because there are lots of places to be. But other than straying off the mandate, I'd say that I'm concerned that we're doing two things here potentially: one is being very inefficient and bogging down the legislative work and the work of the government departments if we go down this road.

The second is that we'll be pushing to blur the lines between private members and the government, which will ultimately lead to the question: why would we have a private members' all-party committee? This is a private members' all-party committee. We have researchers. We have resources at our disposal although we would like to have more. I don't get the point of potentially repeatedly going back to ministers or ministerial staff. If we repeatedly want to go back to them to answer questions or have them do research, I think we run the risk of mirroring their work with this committee, and then what purpose is there to this committee?

Further, we're here to hear from Albertans. If we spend our time and hours grilling ministerial departments with questions and only allow stakeholders or the Alberta public 15 minutes to come and give presentations, aren't we underrepresenting Albertans and the stakeholders? How fair is that? I think it's very inefficient and potentially will bog down the whole process. Albertans feel government works too slowly as it is, and here we are, airing concerns on one hand on how we're understaffed and not able to get to all our committees and we don't have the resources, yet we're

asking for extra meetings and extra research and extra staff to go over.

Specifically on the two questions raised by Ms Blakeman this morning and the ones in the motion right now with regard to scalping tickets and raising fines. Now, these two questions in particular were already addressed by the ministry in their presentation, their technical briefing, and a follow-up answer. I'm not sure what we're going to get by going back to them or doing more research. If we expect the answers to change, the answers aren't going to change. Do we want to get them back or do more research so that we can argue this and debate it? This is not the venue to debate the legislation. We have a place called the Alberta Legislative Assembly to debate the legislation with the minister and the department.

This is the venue to hear from Albertans, and that's what our mandate is as I read it. "The committee may conduct public hearings on the subject matter of the Bill and report its observations, opinions and recommendations with respect to the Bill to the Assembly." The way I see our mandate, as Mr. Lukaszuk has said, is that this is our opportunity, once we've had proper briefing and been able to grill the department appropriately and have them answer our questions, as they have, to take this to the public and get the stakeholders' input so that we can take that back to the Legislative Assembly. I think that by going through on this motion, we're going to get off track on that and we're going to bog down the process, so I don't support it.

The Chair: Thank you, Mr. Johnson.

Last word to Mr. Hehr.

Mr. Hehr: Well, thank you very much, Mr. Chair. With the deepest respect to both Mr. Johnson and Mr. Lukaszuk, I think they've totally missed the point of this committee and what we're supposed to do. What we're supposed to do is, yes, hear from the general public but also use our intellect and use this committee structure as well as the resources made available to us to make the bill as good as possible for Albertans. Okay? That's it.

What we're asking by these three things is not to drag the minister or his staff in here to ask them more questions. What we're asking for is legislative committee researchers or someone on the ministry staff to put in probably, you know, five, six, seven, eight hours – I'm not sure what it is – and get us some answers to make this bill better for Albertans. That's all we're doing, boys. When you try to mix it up into whatever you guys were just trying to say in the last half hour, it's complete and utter – well, we're on record, and we're not out in the hallway. I think it is a little bit bogus. Okay?

We're just trying to make the bill better, and these three things will make the bill better. It will get more information on the table. Guess what? You know, the more information, the better. Why send this back down to our colleagues in the Legislature when they've asked us to make things better if we didn't do the best job we could?

I'd ask that the committee respect the sort of all-party nature of this and respect the fact that we're supposed to make things better for Albertans and understand that these three questions are not to drag some minister or their staff in here to ask them a whole bunch of questions to get government secrets out or whatever the deal is you guys are cooking up as to why we want this information. Here's why we want it: we want to make the bill better. Let's try and get on with it, go forward. Let's have a discussion on this next time, and let's get this done. That's my position. I guess we can go for a vote on this.

2:20

The Chair: Thank you very much for winding things up for us, Mr. Hehr.

I will read the motion one final time. I will ask all in favour to indicate one way or the other, verbally or otherwise. Then I'll ask if there are any opposed, and we will carry or defeat the motion.

The motion is

- that the committee ask legislative committee research and/or ministry staff to provide the committee with research including
- (a) information about cases where a regulatory consultation process is stipulated in the legislation,
- (b) statistics on the frequency and extent of fines being imposed over the last few years, and
- (c) description regarding the substantive and procedural interplay between the former section 25 of the Amusements Act and the current elements of the Fair Trading Act that address either ticket resale or secondary ticketing.

All those in this physical venue in favour please indicate that you're in favour by raising your hand. Ms Notley. Thank you very much. On the phone, are there any in favour?

Mr. Hehr: Yes.

Mr. Chase: Yes.

The Chair: Mr. Chase and Mr. Hehr. Those opposed, please indicate that you are opposed. One, two, three, four, five, six voting members. That motion is indeed defeated.

Just a comment from the chair on this. I appreciate the debate. It has been suggested that this is the kind of topic that has come up before in this committee. It's come up in other committees. Clarity is required. As I understand it, though, there is a fair bit of clarity in mandate when it comes to, for instance, the ministry officials. Their jobs certainly happened last month with written and oral presentations. We had the opportunity to have questions and answers. The committee researchers have been very diligent and worked very hard for us in the past and present and in the future week will come up with a summary of recommendations for next week's meeting. In addition to that, of course, we have party researchers. I'd encourage the people on the phone or those who just exited from the phone and, of course, Ms Notley, that there are researchers at your disposal.

I think it's been voiced by more than one member that our job is to table our report, and I look forward to doing that next week. It's going to be reported in the Legislature. That's where debate is finalized, decisions are made, and we have the best law possible in the land. So we needed clarity on that. I think we have it, and we look forward to next week.

We have one last question. Mr. Chase has asked Shannon Dean if she'll respond, but first, just one last thing: have we lost Mr. Chase?

Mr. Chase: No, I'm here.

The Chair: How about Mr. Hehr? I'm afraid we've lost Mr. Hehr at the moment.

Mr. Chase, you're still there. That's good.

Shannon Dean, if you may respond to his earlier question.

Ms Dean: Mr. Chase, perhaps you can repeat it, but let me provide some comments about what I perceive to be the issue.

Mr. Chase: Okay. Thank you.

Ms Dean: If the question for the committee is whether they should be looking at what is being addressed in the regulation-making power provision and whether it's appropriate for the committee to identify issues that should be addressed in the bill itself as opposed to in the regulation, I think, yes, it's an appropriate matter for this committee to entertain as part of its report and deliberations.

The Chair: Does that answer your question, sir?

Mr. Chase: It certainly does. I'm very pleased, Shannon, that you're there to provide us that advice.

The Chair: Okay. Very good.

Well, I thank you all for being here in body or spirit. Our next meeting – and please note the time; it's exactly seven days from today – is Thursday, September 25, 10 a.m., and it will conclude at

2 p.m., with a lunch in between. We look forward to – what was the title that we gave? Our researchers are going to bring forward a focus issues report.

I wonder, folks, if we might be getting close to being finished what we need to do to make the report a little bit later in October. Rather than scheduling a bunch of meetings, if we happen to get it done next week, then that would be good news for all because as Ms Notley has noted, many of us are on a half-dozen committees or more. Some good work has been done. Let's finish it off, and on with the show.

I would love to entertain a motion to adjourn. Thank you, Mrs. Sarich.

Have a safe trip home, and good luck working hard for Albertans. Cheers.

[The committee adjourned at 2:25 p.m.]

