



Legislative Assembly of Alberta

The 30th Legislature
Third Session

Standing Committee
on
Alberta's Economic Future

Lobbyists Act Review

Tuesday, April 26, 2022
6 p.m.

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The 30th Legislature
Third Session**

Standing Committee on Alberta's Economic Future

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Standing Committee on Alberta's Economic Future

Participant

Ministry of Justice and Solicitor General
Joan Neatby, Barrister and Solicitor

6 p.m.

Tuesday, April 26, 2022

[Mr. Neudorf in the chair]

The Chair: Good evening, everyone. I'd like to call the meeting to order. Welcome to members and staff in attendance for this meeting of the Standing Committee on Alberta's Economic Future.

My name is Nathan Neudorf, and I'm the MLA for Lethbridge-East and the chair of this committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will go to those online. We will start to my right, with the deputy chair.

Ms Goehring: Good evening. Nicole Goehring, MLA for Edmonton-Castle Downs.

Mrs. Frey: Good evening. Michaela Fry, MLA, Brooks-Medicine Hat.

Mr. Hanson: Hi, there. Dave Hanson, MLA for Bonnyville-Cold Lake-St. Paul.

Mr. van Dijken: Glenn van Dijken, Athabasca-Barrhead-Westlock.

Member Irwin: Good evening. Janis Irwin, Edmonton-Highlands-Norwood.

Mr. Barnes: Drew Barnes, Cypress-Medicine Hat.

Ms Sweet: Good evening. Heather Sweet, MLA, Edmonton-Manning.

Ms Robert: Good evening. Nancy Robert, clerk of *Journals* and committees.

Mr. Roth: Good evening. Aaron Roth, committee clerk.

The Chair: MLA Bilous.

Mr. Bilous: Good evening. Deron Bilous, MLA, Edmonton-Beverly-Clareview.

The Chair: MLA Rosin.

Ms Rosin: Good evening. MLA Miranda Rosin for Banff-Kananaskis.

The Chair: MLA Armstrong-Homeniuk.

Ms Armstrong-Homeniuk: MLA Jackie Armstrong-Homeniuk, Fort Saskatchewan-Vegreville.

The Chair: Thank you very much.

I would like to note for the record the following substitution: Mr. Hanson for Mr. Walker.

A few housekeeping items to address before we turn to the business at hand. Please note that the microphones are operated by *Hansard* staff. The committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. The audio- and videostream and transcripts of meetings can be accessed via the Legislative Assembly website. Those participating by videoconference are encouraged to please turn on your camera while speaking and to mute your microphone when not speaking. Members participating virtually who wish to be placed on the speakers list are asked to e-mail or send a message in the group chat to the committee clerk, and members in the room are asked to please signal the chair. Please set your cellphones and other devices to silent for the duration of the meeting.

Approval of the agenda. Could it be moved? Thank you, Ms Goehring. Moved by Ms Goehring that the agenda for the April 26, 2022, meeting of the Standing Committee on Alberta's Economic Future be adopted as distributed. Any comments on that? Seeing none, for those in the room, all in favour, please say aye. Any opposed, please say no. Online, all those in favour, please say aye. Online, anyone opposed, please say no. That motion is carried.

Approval of the minutes for March 30, 2022. We have the minutes for the March 30, 2022, meeting of the committee. Are there any errors or omissions to note? Seeing no comments, anyone online? If not, would a member move that? Moved by Mrs. Frey that the minutes of the March 30, 2022, meeting of the Standing Committee on Alberta's Economic Future be adopted as circulated.

Somebody's laptop is just a little close to the microphone. Thank you.

In the room, all those in favour, please say aye. All those opposed in the room, please say no. Online, all those in favour, please say aye. Thank you. Online, anyone opposed, please say no. That motion is carried.

And it seems like we've got that sound sorted out. Okay. Thank you.

Item 4, the Lobbyists Act review, deliberations, and recommendations. Hon. members, the committee commenced deliberations as part of its review of the Lobbyists Act on March 30, 2022, and I would remind members also that the notice requirements under Standing Order 52.04(1) are in effect for this meeting in accordance with the memorandum sent to the members on February 24, 2022.

In addition, members will recall that at its first meeting, on September 13, 2021, the committee invited the Ethics Commissioner and officials from the Ministry of Justice and Solicitor General to attend meetings of the committee and to participate, when requested, to provide technical expertise. Today the hon. Marguerite Trussler, Ethics Commissioner, and Ms Joan Neatby, barrister and solicitor with the Ministry of Justice and Solicitor General, are here should the committee ask them to participate in the proceedings. Thank you for making yourselves available.

At this time I would open the floor to any discussion and motions that members may wish to bring forward. Having had that conversation, we will, because of time, go directly to MLA Barnes for his discussions if he so wishes.

Mr. Barnes: Yeah. I sure do. Thank you, Mr. Chair. I greatly appreciate it. Tonight I'd like to start with main motion ID 02. I'd like to read it into the record and then discuss it, please. I move that the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to prohibit a consultant lobbyist or organizational lobbyist from lobbying a member of the Executive Council or a Member of the Legislative Assembly if the person lobbying and the person being lobbied are members of the same political party.

You know, to me, it's about several things but certainly transparency and accountability, perception, and protecting the taxpayer and the citizens of Alberta. We're in a situation where we have an opportunity to provide more information and protection for the taxpayer, which is what the current government ran on, increasing accountability and an accountability agenda, just three years ago. My amendments tonight and the things that I'm going to discuss are based on that, but it's also about what the perception of the public is. Of course, the average Alberta family, who's out there working hard building Alberta and paying taxes, needs to know that the perception of the system is strong as well.

Of course, people in a political party, particularly the senior members in a political party, have a lot of sway over party direction

from all kinds of amendments and all kinds of policies, so the potential for an out-and-out perception of favours – again I'm back to: I think it's important for this committee and this government to do everything it can to improve accountability. I just think of not only the perception but the potential for a conflict, when a senior party official actually becomes a lobbyist, to lobby a person on the committee. You know, there are some things going on right now that even apply to that, so I think this motion is important, and I'd like to see this committee adopt it.

The Chair: Thank you very much.

Is there any discussion? Anyone who'd like to speak to this? Mr. Hanson.

Mr. Hanson: Yeah. If I might, Chair. Thanks. I know I'm just kind of standing in on this committee, but I seem to remember – I'm having a déjà vu moment – that we've looked at the Lobbyists Act in previous years as well.

The only issue I have with your motion, Mr. Barnes, is that I get a lot of people – and I know I'm not in cabinet, and I'm not a senior member of cabinet or anything – coming into my office all the time, and the very last thing that I would ask them is how they voted. I represent everybody that comes into my office, whether they're a schoolteacher that, you know, may or may not have voted for the previous government. I don't think it's any of my business to ask that question, so I don't see how we could include this as part of it. Just my personal feelings on it, Chair.

The Chair: Thank you.

Any other members wishing to speak to this motion? I will go to Ms Sweet, and then I'll come back to Mr. van Dijken, just to do the balance.

Ms Sweet: Thank you, Mr. Chair. Although I appreciate Mr. Barnes's comments, I do believe that there would need to be some constitutional analysis done on this. I think we cannot say whether or not someone's political affiliation can allow them to have a position or not have a position. The right to hold party membership is a right within the Constitution. I do believe, though, that if there are concerns, obviously, those issues could be raised under the Conflicts of Interest Act, but under the Lobbyists Act to prohibit someone from being able to lobby based on their party affiliation, specifically membership, is, I believe, unconstitutional, but I'm not an expert. My only hesitation in supporting this is that I believe that everyone has a right to party membership.

The Chair: Thank you.

Mr. van Dijken.

Mr. van Dijken: Yeah. I guess my question is not so much pertaining to the motion specifically – and, hopefully, that's okay – but my question is that motions that are received here or accepted here end up going into a report and then being submitted in the Legislature. What happens to it from there? I guess I don't know exactly what will transpire if we accept or reject certain motions.

The Chair: Certainly. That's good to clarify. I was going to bring that forward at the comments. Because of limited time at today's meeting, it is my intention to present to the committee for decision that we can put the recommendation report consideration discussion to the next meeting so that we can fully deal with the motions brought forward, in particular by MLA Barnes, tonight. That full recommendation is given to the ministry and tabled in the Legislature for all members to access.

6:10

Motions such as this one, in my understanding, are still nonbinding to the ministry but more formal in their request than a report with recommendations, if that's a clear distinction for you, MLA van Dijken. So for us to adopt and put forward a motion like this, that is the most fulsome a recommendation this committee could do, and it would have to bear some of the considerations such as what Ms Sweet just considered for those motions to be in order and that fulsome. However, if there was a point within a motion that the committee wished to highlight in their recommendations within the report, they could do so in that avenue at a lesser level of distinction.

I will just look to Ms Robert if that's generally correct.

Ms Robert: Yes, that is.

The Chair: If that answers your question and is beneficial for those in the committee.

Mr. Barnes.

Mr. Barnes: Yeah. Thank you. I appreciate that, colleagues. It's a great opportunity to start the discussion, as we did last meeting. Just a few thoughts I have, though.

First of all, MLA Hanson, again, you know, we're not asking people how they voted. We're not saying that you can't lobby if you didn't vote for us. We just want to know if they're a member, which is a disclosed list anyway. We do know that the membership of a party, especially if they're on, like, a provincial board, does have influence over the future of the party, elections, and those kinds of things. Again, the perception of conflict is there, so it's important.

I also appreciate what MLA van Dijken and Chair Neudorf said, the fact that this is committee work. It is a document that goes to the larger legislation and the Executive Council for their decision-making, and if it is against constitutionality, you know, I have a couple of thoughts on that. That can be determined over time, first of all by the Legislature and the experts in there and legal experts. It can be determined over time. Sometimes constitutionality is a fluid process as people sort it out.

It also reminds me of the AFL loophole and all the contradiction that we as the UCP used to bring to that. I just think this is an issue that, you know, helps, again, end a potential conflict and certainly protects taxpayer dollars and certainly enhances the perception of trust for taxpayer dollars and how we spend them.

The Chair: Thank you.

Any other members wishing to speak?

Before I call the question, I will ask MLA Rowswell to introduce himself for the record.

Mr. Rowswell: MLA Garth Rowswell, Vermilion-Lloydminster-Wainwright.

The Chair: Thank you, sir.

I will now call the question. It is moved by Mr. Barnes that the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to prohibit a consultant lobbyist or organization lobbyist from lobbying a member of the Executive Council or a Member of the Legislative Assembly if the person lobbying and the person being lobbied are members of the same political party.

Again, I will go through the room, and then I'll go online. All those in the room in favour, please say aye. All those in the room opposed, please say no. Online, all those in favour, please say aye. Online, all those opposed, please say no. In my opinion, that motion is declined.

The next motion. I believe the next motion is also from you, MLA Barnes.

Mr. Barnes: Okay. Thank you, Mr. Chair. Main motion ID 03 I'd like to move to next. I will move that

the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to prohibit a person from lobbying if that person also provides paid services to a candidate, nomination candidate, or leadership contestant as defined in the Election Finances and Contributions Disclosure Act or to a candidate as defined in the Alberta Senate Election Act.

You know, again, if I could go into some explanation.

The Chair: Please do.

Mr. Barnes: It's about the perception of and the potential for a conflict. If an organization helps a person get elected, I think it's fair to feel that they may have some sway over their decision-making in the future, that they may have more influence than we can capture in the lobbyists registry and the Lobbyists Act. You know, I took a quick look at it a couple of times, and although it has some information, it doesn't give a lot of the information as to the length of time and the past history and those kinds of things. Perception and protecting the taxpayer and avoiding conflicts, I think, are hugely important.

I'll also say that the act should be amended to provide that all conflicts of interest be publicly disclosed and receive approval from constituents prior to any lobbying activities. It wasn't me that said that; it was one of our presenters.

Several submissions also make other suggestions regarding individuals who should be excluded from lobbying activities: anyone in Alberta's public service, former elected officials – that one was made by Hamilton – organizations and companies with \$5 million in annual revenues, and insurance companies. That one was made by Morris.

Again, I think that there's an element of people that are involved in politics that are concerned about the value for taxpayers' dollars and concerned about how they're spent and concerned about perception. Again, I think that if somebody is paid to get somebody elected and then lobbies that person, the potential for a conflict and the potential for a perception certainly exists, so I would like to move forward with this being added to our recommendation in the report to the Legislature.

Thank you.

The Chair: Thank you, MLA Barnes.

We will now open for discussion. I see Mrs. Frey.

Mrs. Frey: Yeah. I want to start by saying that I certainly appreciate the amount of effort that went into these motions as well as the intent behind them. I don't expect there to be anything other than good-hearted hoping for transparency and accountability, which is certainly something I think all members at the table can respect.

I find this motion very vague. While there's a lot of specificity, there's still a lot of room for interpretation. Specifically, as Ms Sweet addressed in her previous comments, we don't really know how constitutional any of this would be. People do have a right to engage in the political process. They have a right to be political in nature, and it will come as no surprise to anyone that political staff as well as political organizers are, in fact, political, and they will probably go on to do political work. So I don't know if this is something that's really meant for the Lobbyists Act or if this is something that, once again, is meant for the Conflicts of Interest

Act. If so, the Conflicts of Interest Act could probably take care of a lot of this on its own. I would just say that, like, while I appreciate where this is coming from, I don't think that the wording of this motion has the intended effect.

The Chair: Anyone online? Anyone else? Oh, Mr. van Dijken, and then we'll go to MLA Barnes.

Mr. van Dijken: Yeah. I guess that when I look at the motion and it highlights paid services to a candidate, then I wonder to myself: like, a lot of work is done on campaigns and political activity voluntarily, and there is potential for maybe more. Someone that's been paid to provide a service: they receive their compensation and it's done and you're cleared up. But someone who is volunteering: maybe there's even more threat of activity that would be not deemed favourable. Let's put it that way.

I understand the intent. I just struggle with: okay; how is it enforced? How do things get to be identified? Do we have a large arm of the commissioner having to dive into all of these different aspects of lobbyists? I struggle to see that it would become very effective in being able to address the concern that you raise, and I am not sure that it is even something that we want to get into, where, as MLA Frey has said, people that are politically active do political work as well. It all helps the engagement factor in our democracy.

6:20

The Chair: Thank you.

MLA Barnes to respond.

Mr. Barnes: Yeah. Thank you, and again thanks to my colleagues for discussing these important, you know, lobbyists and the reality and the perception.

MLA Frey, I just thought it was pretty straightforward: provides paid services to a candidate. If you're hired to help somebody get elected, you're paid. I wonder. You know, laws are all about restricting activity and protecting the taxpayer, protecting those that aren't at the table, at the lobbying in the organization, so perhaps we should ask for a legal opinion on whether this is in fact against the Constitution or would be better served under the conflicts of interest. At this point in time I think that would be best determined by the Legislature. I would like to see a report get to the Legislature that enhances protection for the taxpayer, that increases transparency, that meets the UCP government's goal of increasing the accountability agenda. That's why I think that – again, laws every day restrict activity, so I think this restriction that improves transparency and accountability is good, so I'd ask my colleagues to vote in favour of it.

The Chair: Thank you.

I do see one further comment. I will allow MLA Hanson.

Mr. Hanson: Thanks, and thanks, Drew, again, for the motion. I do have to agree with Member Frey that it's a little bit vague. Where it gets me is that I know that we have a long list of registered lobbyists in the province. As a lobbyist group or a corporation they're not allowed to donate anyway, so we're talking about individuals that donate to a person's campaign. Is that what we're looking at here? The . . .

Mr. Barnes: No, no. Excuse me. If you as a candidate hired somebody to help you get elected and then that person or that organization, rather, lobbied you later.

Mr. Hanson: Yeah. That's what I mean. I think it's going to be open to some interpretation. I just can't . . .

Mr. Barnes: Would you be more comfortable with it, MLA Hanson, if we amended it and clarified it?

Mr. Hanson: Well, it's, like I say, a little bit too vague for me to support for sure at the moment, but like I say, my understanding of the law right now is that as a lobbyist firm you can't donate to a candidate anyway, so what people do on their off-hours as individuals, I think, is something that we need to protect.

Mr. Barnes: But lobbying is not necessarily donating.

Mr. Hanson: Lobbying isn't donating, but what we're saying is that . . .

The Chair: I'd just ask that members go through the chair as much as possible.

Mr. Hanson: Sorry. Through the chair. Thank you.

The Chair: I'm getting lonely down here.

Mr. Hanson: Those are my misgivings with it, that, like, I think we're already protected from that with legislation, where corporations and lobbyist groups are different. Groups cannot donate to a political party. You have the third-party advertising, all that kind of stuff, that's all already in legislation, but I think any time that we go after what a person does on their own time with their own dollars and try and tie that to the lobby group that they belong to, that's where I can't agree with it.

Mr. Barnes: Thank you, MLA Hanson. Thank you, Mr. Chair. But, again, we're asking the lobbyists to register. We're asking them to disclose. We're asking them to minimize their hours or at least, if they go over certain hours, to disclose in a different way, so we're already restricting what they can do. I don't know. I just think that, you know, it's an honour to be elected. A lot of times it's a very, very big task to be elected, and a lot of people hire somebody to help get them elected, and I just feel that the potential for a conflict, the potential for a perceived conflict if that same organization then becomes a lobbyist to the person that they just helped get elected – it is potential for conflict. It's potential for a perception which hurts us all and hurts our system. So I think it's a valuable amendment.

The Chair: Thank you.

Anyone else wishing to speak to this motion?

Seeing and hearing none, it is moved by Mr. Barnes that the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to prohibit a person from lobbying if that person also provides paid services to a candidate, nomination candidate, or leadership contestant as defined in the Election Finances and Contributions Disclosure Act or to a candidate as defined in the Alberta Senate Election Act. First in the room, then online. In the room, all those in favour of this motion, please say aye. All those opposed in the room, please say no. Online, all those in favour, please say aye. Online, all those opposed, please say no.

This motion is defeated.

Next motion, MLA Barnes.

Mr. Barnes: Thank you, Mr. Chair. Main motion ID 04. I will move that

the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to prohibit a person from lobbying a public office holder if the public office holder is the person's spouse, interdependent partner, or child.

The logic: again, you know, there's an important family wall. There is an important . . . [An electronic device sounded]

The Chair: Can you please pause for a moment?

MLA Armstrong-Homeniuk, can you please go on mute?

Ms Armstrong-Homeniuk: I'm sorry.

The Chair: Thank you.

Sorry, MLA Barnes.

Mr. Barnes: Yeah. You know, thank you. What families do with their money and how that flows within a family . . . [An electronic device sounded]

The Chair: Sorry, MLA Barnes. Just that sound.

Mr. Barnes: I understand.

The Chair: MLA Armstrong-Homeniuk, can you please turn your microphone on and off again?

Ms Armstrong-Homeniuk: I muted, totally muted.

The Chair: Yeah. It's creating a feedback. That's better. Thank you.

MLA Barnes.

Mr. Barnes: Okay. Thank you. Certainly, a family is the key foundation in our society, and the family relationship and what a family does with their own money is sacrosanct in a lot of ways and should be protected, so it's important that government doesn't look into how a family moves their money around. I also think back to our discussion two or three months ago in the House on Bill 81, where it seemed acceptable to a lot of MLAs that you could buy a membership for a family member or a spouse in the same house, but that was the end of it. So what I thought I was hearing was people saying, "Hey, what happens in the family is in the family," as it should be.

I think it's important that lobbyists should not be able to lobby a public office holder if that public office holder is their spouse, their interdependent partner, or their child. We all know how spouses can share bank accounts and how children inherit money a lot of times, and I think this is a big step, an important step to enhance the protection of lobbyists, to enhance the protection of taxpayer dollars, and our perception.

Thank you.

The Chair: Thank you.

MLA Sweet.

Ms Sweet: Thank you, Mr. Chair. I'm just wondering if counsel could – there's language similar to this in the Conflicts of Interest Act, is there not? Or is there language similar – this language is similar somewhere, because I know I've dealt with it before. Do we happen to know if there's any other – sorry. I'm putting you on the spot.

Ms Robert: Okay. Thank you, Mr. Chair. I have a vague answer just from my memories of reviewing the Conflicts of Interest Act. Direct associates are defined in the Conflicts of Interest Act, I believe, and I believe they include all of those people, but that's all. I don't know how the act applies to them, like, off the top of my head. Sorry.

The Chair: Mr. Koenig.

Mr. Koenig: Thank you, Mr. Chair. This is a terrible thing for a lawyer to do, providing information on the fly, but my colleague Ms Robert does appear to be correct, that there is a definition of a person who is directly associated with a member, and that does include a member's spouse or independent partner within the Conflicts of Interest Act.

Ms Sweet: Okay. Thank you, Mr. Chair. With that information, I do actually want to support this motion. I do believe that, from my recollection, it aligns with the Conflicts of Interest Act.

6:30

I do also just want to put on the record, because I know we're going to go back and forth and the member has many motions to introduce, that I think part of what I'm seeing, though, is that some of the issues that the member, Mr. Barnes, is identifying I do believe actually do fall more consistently under the Conflicts of Interest Act than they do actually the Lobbyists Act. I don't want to minimize the motions that the member is bringing forward. I do think it may highlight, though, that there are some concerns around looking at the Conflicts of Interest Act and what should maybe be underneath that because I think there's some validity to it.

In saying that, I would support this motion.

The Chair: Thank you.

I think, as I've said earlier, too, the other option is to highlight certain aspects of some of these motions that may or may not pass and identify those as recommendations or strong recommendations within the report even though they may or may not pass as a motion independent of that.

MLA Frey.

Mrs. Frey: Yeah. My comments were very similar to Ms Sweet's once again. This does fall under the Conflicts of Interest Act, and I know that it's something that every member goes over at their disclosure once a year with the Ethics Commissioner. We talk about our direct associates, make sure they're listed. They have to be updated within a certain amount of time. Those are, of course, important checks and balances to make sure that members are not being lobbied by someone who they are related to or are a direct associate of because that would of course be inappropriate if that were the truth.

However, I feel like adding this to the Lobbyists Act or recommending that it be added to the Lobbyists Act is not the right place for it. It should stay in the Conflicts of Interest Act. Also, I'm just curious if this would create a redundancy just given that it already is in the Conflicts of Interest Act. Sometimes we as legislators like to add more, but the best solution is to say less and get the same amount, so I'm just curious if this is the right place for it.

Also, I think the definition of lobbying gets a little bit more murky than, let's say, the Conflicts of Interest Act because lobbying: I mean, who's to say that having a discussion over dinner isn't lobbying? Who's to say that going to the grocery store and you run into someone and something sparks your interest and you start talking – is that lobbying? We have to start really discussing what the definition of lobbying is, and I would say that I know that you get quite the conversation from the Ethics Commissioner when you do disclose your direct associates, and rightfully so. She should have that conversation with every member, and I think that that is enough. We don't need to add that to the report. Plus, it is vague.

The Chair: Thank you.

I have MLA Hanson on the list. No. That's operated by *Hansard*.

Mr. Hanson: Operated by *Hansard*. Okay. Sorry.

Yeah. Again, Drew, I just don't understand how you could possibly enforce it. I mean, I've been involved in politics for going on seven years now, and my wife and I talk about politics. That's our life. I even hear of issues in the past where – you know, you walk around up on the floors up in the Legislature, and you see all the significant others of the Premiers that had been in power. They were influential on their husbands or wives that were in power at the time. I just don't see how you would possibly enforce such a thing, and we're already, I think, covered in our disclosure with the Ethics Commissioner. I think we should leave it there because I just don't honestly see how you could possibly enforce a conversation at the Christmas table.

The Chair: MLA Barnes if you'd like to respond.

Mr. Barnes: Yeah. Thank you. A couple of things. Again, you know, it's not table talk. It's actually the organized lobbying, where an organization needs to reach out to somebody in government and that kind of thing. Of course, again, laws always have some restrictive element, so I think it's important to make it so, again, it's the actual lobbying where people are looking for a specific outcome for their organization.

If I remember right, one of the things that the Ethics Commissioner asked us to do when she presented was a preference for some synchronization of the Conflicts of Interest Act and the Lobbyists Act. How does one start that process if we don't do this kind of thing? Again, a report that highlights these things that goes to our colleagues in the Legislature is, I think, an excellent way to start to synchronize the Conflicts of Interest Act and the Lobbyists Act.

The Chair: I will allow MLA Hanson.

Mr. Hanson: Just to clarify, I think that right now if my wife was a member of a lobbyist group that would be registered, that would be brought up as a pretty strict conflict of interest right off the bat, and I would definitely have a conversation with the Ethics Commissioner for sure on that. So I don't think there's – I don't see the benefit of throwing this in, making this as a recommendation. I think it's already covered. Just my thoughts.

The Chair: I will cut off discussion at this point unless there's anyone online that wishes to speak.

Seeing none, I am ready to call the question. Moved by Mr. Barnes that the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to prohibit a person from lobbying a public office holder if that public office holder is the person's spouse, interdependent partner, or child. In the room, all those in favour, please say aye. In the room, all those opposed, please say no. Online, all those in favour, please say aye. Online, all those opposed, please say no. In my opinion that motion is defeated.

Next motion. MLA Barnes to speak.

Mr. Barnes: Okay. Thank you, Mr. Chair. The main motion ID 05. I will move that

the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to (a) require the registry to record the details of all lobbying communications between consultant lobbyists and organizational lobbyists and public office holders and (b) require each consultant lobbyist and organizational lobbyist to file on a monthly basis information about their lobby communications with the registry as referred to in clause (a).

Again, the Ethics Commissioner and her people explained that for there to be public transparency and accountability about lobbying activities, it is essential to know "who is lobbying

whom, on behalf of whom, about what, and when and in what circumstances. That information goes to the heart of the Act's objectives."

I believe that was the quote.

Schedules 1 and 2 currently "do not require consultant lobbyists or organization lobbyists to disclose in their registrations: the names or position titles of any of the individual public office holders lobbied; any specifics about when lobbying occurred; or which techniques of communication were or will be used for which lobbying activities."

Again, I just think that it's important that we do what we can to make sure that 4.4 million Albertans have access to as much information as possible to have, you know, a strong faith and perception that we're there to defend their tax dollars. I know that there's a big onus on all of us to follow the rule of law and everybody involved in this situation to conduct themselves accordingly, but the greater the transparency, the greater the opportunity for information, the better that information is, the more adherence we'll have, and we'll make our lobbying act better.

Colleagues, I would ask for your support on this one, too, please.

The Chair: Thank you very much.

Open for discussion. I saw Ms Sweet, followed by Mrs. Frey.

Ms Sweet: Thank you, Mr. Chair. I believe this did come up in our consultations around making sure that there was appropriate reporting. My understanding is that some stakeholders believed that they had the capacity to do this, and then some of the stakeholders did not. I believe this is good transparency, and I think that there are organizations that already, through the discussions that we had, were indicating that in other jurisdictions, because they lobbied outside of Alberta and across Canada, they were doing this already.

My one concern that I have is our nonprofits and whether or not the nonprofit sector would have the capacity with their volunteer organizations to be able to do this. I'm not saying that I wouldn't support it. I would be curious to hear from the member if he would be willing to look at a nonprofit exemption potentially or something, a recommendation to support the nonprofits, that may be volunteer based, that may not have the capacity to do a month-to-month whereas some bigger lobbying firms, obviously, have people in place that could do this.

The Chair: I will allow MLA Barnes to respond to this before I go to Mrs. Frey.

6:40

Mr. Barnes: Yeah. Thank you, MLA Sweet. I appreciate the concern. I guess from an overall thought I'm initially against a not-for-profit change exemption for a couple of reasons. Government tax dollar support to nonprofits has ballooned in the last few years, specifically in the last two years during the pandemic. There's a lot of hard-earned tax dollars that are going to these organizations, and we owe it – we owe it to Albertans; we owe it to taxpayers – to track as best we can, you know, more information, the reasons why, the what happened. Again, transparency and sunlight on so many things is the answer to a better system for everybody, and if it's a small organization doing a small number of hours of lobbying and direct communication to the Executive Council or an MLA, I think it's a task that is worth recording. It's important to the taxpayer.

Thank you.

The Chair: Do you have a follow-up? No?

Mrs. Frey: I first have a question for Parliamentary Counsel, and I'm sorry to make the lawyers give advice on the fly again, but I am curious if you have any crossjurisdictional information on how

many provinces currently have a lobbyist registry. Do you know? Or would that be research services? Like, does anyone know that answer?

Ms Robert: I can look.

Mrs. Frey: Does the Ethics Commissioner know the answer to that?

The Chair: I would invite both the Ethics Commissioner and Ms Joan Neatby to the table for a moment, if they're so willing, to help answer this question. Ms Neatby.

Ms Neatby: Thank you, Chair. I'll defer. The commissioner may have more up-to-date information than I will have.

Ms Trussler: The federal government has one, and it's a very detailed one, and British Columbia is just putting one in. I understand that the recommendation has been put forward in a number of other jurisdictions, in particular Ontario. It's sort of a trend that the provinces are going toward.

The Chair: Thank you.

Does that answer your question, Mrs. Frey?

Mrs. Frey: It does. Thank you.

The Chair: Do you have a further comment or question?

Mrs. Frey: Not a further question for the Ethics Commissioner but a further comment for the member.

The Chair: Please proceed.

Mrs. Frey: Thank you very much, Mr. Chair. With that being said, I personally think that there are going to be a lot of issues with communications registries for lobbyists, specifically because a lot of these lobbyist organizations as well as not-for-profits are not very big. They operate, especially not-for-profits, on shoestring budgets as it is, and I can't imagine giving them a larger workload.

Also, to add to that point, we do know that there have been recommendations, I believe, from the Ethics Commissioner that we should not be – she's recommended that we only go to once-a-year filing for lobbyists if I'm correct. Commissioner, am I correct in saying that, or did I dream that up?

Ms Trussler: No. My recommendation is that they have an initial filing and have an obligation to update as they change things . . .

Mrs. Frey: Right. Okay.

Ms Trussler: . . . but that's a recommendation concurrent with having a registry. The recommendation for the registry of communication was only for those people who are required to file as lobbyists.

Mrs. Frey: Okay. Thank you very much.

With that being said, it seems to me that we are trying to make things more streamlined and make less work for not only the commissioner but for staff. I think this would also have unintended consequences of making government bigger in the sense that we'd be hiring not only more people to monitor this communication registrar, but you'd be hiring more people to then oversee the process, and these lobbying firms in effect would probably have to get bigger in order to accommodate the extra workload. I can't imagine that this is the intended consequence of this motion just given where the member sits on the size of government.

But I am curious, I guess. I just don't think this is a recommendation worth pursuing on those basis points, and I think that if there are recommendations coming from elsewhere for the communications registry to be expanded across the country, I would like to see how that goes in other jurisdictions. We know that we do review the Lobbyists Act at least, I believe, every four years. If not, we could of course amend it at any time, as the government would prefer to. So if it were a burning need that we needed to do this, I'm sure we could, but I think we should probably see how it goes elsewhere before we start doing it now. Also, I do have a problem with not exempting not-for-profits, so if we aren't going to exempt not-for-profits, that would be the basis for me saying no.

The Chair: Thank you.

Just any other members wishing to speak? Ms Sweet, and then I'll go to MLA Barnes.

Ms Sweet: Sorry. I just want to clarify because I did make an error when I asked about nonprofits. I will retract that because I believe our recommendation, actually, is that nonprofits will be exempted from the Lobbyists Act, so in fairness they would automatically be exempted from this motion.

The Chair: All right. Thank you.

MLA Barnes.

Mr. Barnes: Yeah. I'll just reiterate that my knowledge and my recent reading are that the amount of money going from the taxpayer to not-for-profit organizations has increased dramatically in the last few years, and to better protect the taxpayer, to better ensure that important goals are being met and they're getting effectiveness and efficiency for their money, I don't think it's too much to ask somebody to give us more information as to, you know, their time and their specific actions and to be more involved in a written registry.

Again, you know, in today's electronic world there are very, very little paper costs. There are very few of those costs. It's more of an electronic thing. And I also would say that as government spending increases and taxes increase, perhaps Alberta should be the leader that slows things down a bit and makes sure that Albertans have more transparency as to where their tax dollars are going.

With that, I would ask you all to support this motion.

The Chair: Thank you.

Any others wishing to comment online or in the room?

Seeing none, just before I call the question, I will ask the Ethics Commissioner and Ms Neatby to step back from the table. Please feel free to leave your name tags and your voice cards at the table. Thank you very much.

It's moved by Mr. Barnes that the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to (a) require the registry to record the details of all lobbying communications between consultant lobbyists and organization lobbyists and the public office holders and (b) require each consultant lobbyist and organization lobbyist to file on a monthly basis information about their lobbying communications with the registry as referred to in clause (a). In the room, all those in favour, please say aye. In the room, all those opposed, please say no. Online, all those in favour, please say aye. Online, all those opposed, please say no. In my opinion, that motion is defeated.

The next motion, please. MLA Barnes.

Mr. Barnes: Thank you again, Mr. Chair. I think it's ID 01 this time. Yeah, it is ID 01 on your main motion. I will move that the

Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to (a) require that each consultant lobbyist and organization lobbyist file a monthly disclosure that includes the number of hours they've engaged in lobbying and any changes in the amount of funding provided by a government, government agency, or prescribed provincial agency as a result of that lobbying and (b) make information filed under clause (a) available to the public on a monthly basis.

The rationale. We just heard the Ethics Commissioner talk about how any new lobbying, any changes to the efforts should be disclosed. Again, when we're here to protect taxpayer dollars, when we're here to make our system more transparent and more accountable – and, you know, there are some comparables to business. Of course, when you're in business, you have communications with your revenue sources and your customers. I would suspect that an organization hiring a lobbyist would like to see the effectiveness in the efforts anyway, so I don't see the redundancy.

6:50

From the Ethics Commissioner on her summary of issues and proposals and recommendations, the current organizational lobbyist threshold is too high and allows a significant amount of influence and access to public office holders in a relatively short period of time by organizations to avoid public transparency and accountability. Again, I think it's important. I think it's to protect taxpayers, to put some more oversight on those seeking our hard-earned tax dollars. I think that a monthly description of their efforts and their successes is important to Alberta taxpayers.

Thank you.

The Chair: All right. Anyone wishing to speak? Online, anyone wanting to comment?

Hearing none, I am prepared to call the question. Moved by Mr. Barnes that

the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to (a) require that each consultant lobbyist and organization lobbyist file a monthly disclosure that includes the number of hours they have engaged in lobbying, the months in which they requested funding from a government, government agency, or prescribed provincial agency, and any change in the amount of funding provided by a government, government agency, or prescribed provincial agency as the result of that lobbying and (b) make the information filed under clause (a) available to the public on a monthly basis.

In the room, all those in favour, please say aye. In the room, all opposed, please say no. Online, those in favour, please say aye. Online, those opposed, please say no. In my opinion, that motion is defeated.

The next motion. MLA Barnes, you have the floor.

Mr. Barnes: Thank you, Mr. Chair. I promise to read what I'm supposed to. Okay. I'm going to go to main motion ID 06 this time, for your notes, from what I submitted. I will move that the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to permit the registrar to (a) audit the accuracy and completeness of a return filed by a designated filer, (b) require a designated filer to provide additional information or documentation to assess the accuracy and completeness of the return, and (c) impose administrative penalties on a designated filer who is found not to have filed an accurate or complete return.

I'm just, again, concerned. There are all kinds of asks for taxpayer dollars. There are all kinds of, you know, people seeking support from the taxpayer and the government, and a system with some teeth, a system that – it seems like as we moved through my

first five or six motions with little success, from my point of view, one of the things I've heard is an element of trust, an element of: we don't want to create any more onus or work or paperwork on anyone.

Well, perhaps my colleagues would like this motion because it gives the registrar, then, the opportunity put some teeth into – you know, first of all, clauses (a) and (b) clearly outline that the registrar can seek clarification or information or accuracy but can impose an administrative penalty that makes sure that adherence is as broad as possible, and this broad auditing power would allow the registrar, at any time the registrar sees fit in the registrar's sole and absolute discretion, to compel information, documents, and a declaration from the designated filer to confirm that the file registration is complete, accurate, and up to date.

Now, I suppose that the registrar could act on a whistle-blower's information. We just saw a fairly public incident a week or two ago where a whistle-blower was necessary in highlighting where some taxpayer money was spent in perhaps a way that it shouldn't have. Again, you know, we've talked about trust. We're headed towards a report that looks like there may not be many changes to it, so I would think it's compelling and important to give the registrar some power and some teeth.

Thank you.

The Chair: Thank you.

I will open it to discussion. I see MLA Hanson.

Mr. Hanson: Yeah. Just to clarify, does the registrar not already have that ability? I can't imagine that somebody can file a report that isn't factual to the registrar and they would just have to accept it as such. Is there any way we can get some clarification on that, that it's not already covered?

The Chair: I will first go to counsel, or should I . . .

Mr. Koenig: Yes. I mean, I'm by no means the technical expert in this area, but my understanding is that under the act the registrar does have some power to verify information. I can't say much more than that other than: my understanding is that the commissioner may have made a recommendation with respect to these matters dealt with in the motion, so she might be better positioned to speak about that.

The Chair: In that case, I will invite Ms Trussler back to the table if she would provide some comment on this question.

Ms Trussler: At the moment when someone files a registration, we go through it and check it to make sure that it's thorough. I've never known of an instance where we checked for accuracy, but then we've never had any occasions where accuracy has come into question. If they don't thoroughly fill out the registration with all the information, then we reject it. If they continue not to do it, then they're not registered anymore – well, they've gone past the registration – and if they're late in filing their new registration, then we can impose a penalty. If someone continues to not do it, we usually actually exclude them from the registry. So it's not a question of: they're not registered anymore. We just kick them off the registry if they have not answered the questions that are required for registration. I don't know if that entirely answers the question, but it's sort of the process that we use right now.

We do have a situation where someone did get removed from the registry, and we will be doing an investigation. I can't say anything more than that at the moment. In those instances if we find out that there's something inaccurate and we have removed them from the

registry, we can do an investigation. Even if we haven't removed them, we can do an investigation at that point.

The Chair: Thank you, Ms Trussler.

Mr. Hanson, does that answer your question?

Mr. Hanson: Yeah.

So my understanding, from what you just said, is that you already have this tool to use, and the penalties are already there and kind of specified.

Ms Trussler: We really don't have any way to verify accuracy other than having everybody – but, you know, at the end of it they certify that the information they've given us is accurate, so if we find out somehow it's not accurate, then we can act on that.

The Chair: Thank you.

I see Ms Sweet with a comment or question.

Ms Sweet: It's just a comment, Mr. Chair. In fact, I mean, in looking at the compliance enforcement and the rules and the way that it's demonstrated on the website, the piece that I believe Mr. Barnes is looking at is strengthening the empowerment around the audit returns, the additional information or documentation. Audits are not clearly defined in the role as it currently exists for the Ethics Commissioner to look into. Again, I think that this is just increasing transparency, strengthening and enabling the commissioner to be able to do audits if required, that if there is a reason – not necessarily every time, but maybe there might be a reason to investigate – the office is empowered to be able to compel the audits and the returns, so I would recommend that we support this motion for further transparency.

7:00

The Chair: MLA Barnes.

Mr. Barnes: Okay. Thank you, Mr. Chair, and thank you. If I could ask the commissioner a question again, please. Again, Commissioner, thank you for your work and your expertise on all this. It's important. Do you ever see a situation, though, where, say, a whistle-blower would come to you and say, "Hey, you know, I believe that this lobbying or this kind of thing went on," – we know that there are a lot of innocent mistakes made and those kinds of things – where it would be important for you to increase the transparency for taxpayers to make sure that report gets changed and audited?

Do you ever see the situation where – again, you talked about the one lobbyist group that just fell off the registry. Do you ever feel there may be an instance where you may have to, you know, find out more about what their actions are and if they've truly removed themselves from lobbying? Again, it's a complex act. It's a situation where not a lot of people are available. Sometimes just your expertise and your oversight could go a long way to increase compliance.

I also believe that a lot of this recommendation came from your presentation to us, so I'd like to hear your thoughts on the specifics, please.

The Chair: Just a moment. Before I allow the Ethics Commissioner to respond, I would say that this is borderline out of order. This is not the purpose of what we're discussing right now. We are discussing a motion. The prior meetings that we did have for stakeholder input and the many times that the Ethics Commissioner has spoken to this committee were the times for that, so we are steering quite far away from what the purpose of today's meeting is. Having said that, I will allow the Ethics Commissioner just a brief moment to respond, and then we are going to proceed with wrapping up this motion and this meeting.

Ethics Commissioner, if you would like to respond, I will allow you to do so.

Ms Trussler: The investigation provisions in the Lobbyists Act are not as detailed as in the Conflicts of Interest Act, and perhaps they could be enhanced, but as with the Conflicts of Interest Act it's only when we have a whistle-blower or only if we read something on social media or in the newspaper that we sometimes find out about these things. Then when we do, we take action.

The Chair: Thank you.

Any other comments in regard to this motion?

Seeing none, it is moved by Mr. Barnes that the Standing Committee on Alberta's Economic Future recommend that the Lobbyists Act be amended to permit the registrar to (a) audit the accuracy and completeness of a return filed by a designated filer, (b) require a designated filer to provide additional information or documentation to assess the accuracy and completeness of the return, and (c) impose administrative penalties on a designated filer who was found not to have filed an accurate or complete return. In the room, those in favour, please say aye. In the room, those opposed, please say no. Online, those in favour, please say aye. Online, those opposed, please say no. In my opinion, that motion is defeated.

We will now table the rest of those motions for our next meeting. I will have to leave some of this. Basically, we still have, I believe, six or seven more that we will do at the next meeting.

For members of this committee is there any other business that members wish to discuss at this time? This is item 5 on the agenda.

Seeing none, I would like to quickly discuss the date of the next meeting as I wish to conclude the work of this committee on the Lobbyists Act in a timeline where it is still fresh in our memories and our thoughts. I would like to have a very quick discussion about next Tuesday at a parallel time with PAC, which is next Tuesday morning from 8 to 10. I would invite members of this committee to comment on their availability and that idea.

Would I be able to invite the deputy chair to speak to that?

Ms Goehring: Thank you. I don't think that there is a conflict with that. I just haven't had a chance to go over everybody's schedules. This is the first I'm hearing. Sorry.

The Chair: Yeah. We were hoping to conclude this business today.

Ms Goehring: Yeah.

The Chair: Obviously, we wanted to take the time to have a full debate and conversation. That's why we wanted to end a few minutes early. We can go to 7:15, but I wanted to take a couple of minutes to invite comments from anybody. If they need to check their calendar or provide comment . . .

MLA Barnes.

Mr. Barnes: Yeah. Thank you, Mr. Chair. Unfortunately for me, I'm not available at that time. I would have to, you know, make a couple of movements in my schedule, and I don't know how that would happen.

Secondly, as an independent my resources are pretty limited, and if a PAC meeting is going on at the same time, that may present a problem.

The Chair: Sorry. I wasn't aware. Are you on PAC?

Mr. Barnes: No.

The Chair: Okay. But you would like to attend or have that option? Fair.

Then the second time is the same time next week as this meeting, which is 6 p.m. to 7:15 p.m. next Tuesday. I would like to have that decided before we adjourn today so that we can plan and make sure that we are available.

Ms Goehring: I think that that's an acceptable time. There's nothing else scheduled, there's an opportunity for us to attend, and dinner was great.

The Chair: Okay. Any other comments on that time?

Hearing none. The next meeting of the Standing Committee on Alberta's Economic Future will be Tuesday, May 3 at 6 p.m. in this very room.

With that, I do need a motion to adjourn. Moved by MLA Sweet that the April 26, 2022, meeting of the Standing Committee on Alberta's Economic Future be adjourned. All in favour, please say aye. Any opposed, please say no. That motion is carried. The meeting is now adjourned.

Thank you very much for your attendance today.

[The committee adjourned at 7:07 p.m.]

