

Title: Friday, September 28, 2007 Government Services Committee

Date: 07/09/28

Time: 9:02 a.m.

[Mr. Cenaiko in the chair]

The Chair: Good morning, ladies and gentlemen. We'll reconvene the meeting of the Standing Committee on Government Services hearing presentations regarding Bill 1 and Bill 2. We will call the meeting to order. Welcome to the second round of public hearings on Bill 1 and Bill 2. For those of you who may not have been with us yesterday, I'd like to welcome you once again today. Welcome to the proceedings. To Dr. Pannu as well, welcome to these proceedings. For my colleagues, Dr. Pannu is substituting for Mr. Mason on this committee in accordance with the provisions of temporary Standing Order 56(2.1) to (2.3).

I'd like to invite the committee members and staff at the table to introduce themselves for the record. I'll begin. I'm Harvey Cenaiko, MLA for Calgary-Buffalo and chair of the Standing Committee on Government Services.

Ms Rempel: Jody Rempel, committee clerk, Legislative Assembly Office.

Ms DeLong: Alana DeLong, Calgary-Bow.

Dr. Brown: I'm Neil Brown from Calgary-Nose Hill.

Mr. Coutts: Good morning. Dave Coutts, Livingstone-Macleod.

Dr. Pannu: Raj Pannu, Edmonton-Strathcona.

Dr. Massolin: Good morning. Philip Massolin, committee research co-ordinator, Legislative Assembly Office.

Mr. Amery: Moe Amery, Calgary-East.

Mr. VanderBurg: George VanderBurg, Whitecourt-Ste. Anne.

Mr. Marz: Richard Marz, Olds-Didsbury-Three Hills.

Ms Pastoor: Bridget Pastoor, Lethbridge-East.

Mr. Elsalhy: Mo Elsalhy, Edmonton-McClung. Welcome.

The Chair: Okay. Thank you very much.

Before we get into the presentations, I'd like to quickly make note of a few things. Each presentation should be approximately 15 minutes in total, including up to seven minutes for presentation, seven minutes for questions from the committee. I'd also like to ask that everyone ensure that their cellphones, their BlackBerrys are either turned off or on silent mode. As well, for my colleagues, if your BlackBerry is on vibrate, it does create a problem for *Hansard*, so please either keep them in your pocket or turn them off. As well, for those individuals that will be presenting, you do not have to press any buttons on the microphones. The *Hansard* staff do that remotely.

If there are no comments from our colleagues, we'll move to the presentations. The first presenter this morning is from the Grande Yellowhead regional division No. 35, Mrs. Shirley Mahon. Good morning, Shirley. How are you?

Mrs. Mahon: Just fine. Could I sit in any of these?

The Chair: How about that one with the red light on?

Mrs. Mahon: You bet. Thank you.

The Chair: Please make yourself comfortable, and start whenever you like, Shirley. Thank you.

Grande Yellowhead Regional Division No. 35

Mrs. Mahon: Thank you very much, Mr. Cenaiko, and good morning to all of the committee members. I certainly appreciate being able to speak with you about Grande Yellowhead's position with regard to Bill 1. As Mr. Cenaiko has introduced me, I am the board chair, but also I am an elected representative of the Edson ward. The Grande Yellowhead school division extends from Evansburg west to Edson, to Hinton, to Jasper, and to Grande Cache. The trustees are all elected from those different communities to comprise the regional school division board.

In response to the proposed Bill 1 GYRD has expressed our concerns about its position to the hon. minister, Ronald Liepert, through correspondence on May 15. We've also spoken to our MLAs, Mr. Ivan Strang and also Mr. George VanderBurg, and we appreciate being able to address this the all-party review committee.

GYRD's position is this. The trustees of GYRD support the government's decision to create a provincial lobby list but feel that school boards' trustees should be exempt. As we see it, we are not being exempt, and that is most unfortunate. The board of trustees of GYRD is consistent with and supportive of our professional organization – that is, the Alberta School Boards Association – with regard to the proposed Bill 1.

When I was getting prepared to make this presentation, I looked over the bill. I also took a look at the most commonly asked questions that I got off the web, and I decided that I would plan my presentation around those questions. So the first thing. According to this it says that our concern is: what is the definition of a lobbyist? It's an individual who is paid to communicate with a public office holder in an attempt to influence a government decision. Trustees are elected representatives of communities and should be exempt. In the process of doing business, school board members are charged with the responsibility of bringing community concerns extending beyond their realm to provincial officials.

Another concern is under the heading What is Lobbying? According to the document lobbying includes communications attempting to influence legislation or regulations, changes to a policy or program, the awarding of a grant or financial benefit by the Crown, or a decision to privatize or outsource. Our conversations with our MLAs do not always fall under this definition; therefore, again we should be exempt.

9:10

According to the document there are two types of lobbyists: an organizational lobbyist or a consultant lobbyist. School board trustees do not fit under either one of these definitions. Under the heading Who is Not a Lobbyist it says that legislation is intended to apply to third parties who are paid to influence government decisions. Members of a school board should not be considered in the same light as these parties, such as business corporations and that sort of thing. Included under nonlobbyists: government officials, government staff, public servants, including federal, provincial, territorial, and municipal elected officials and employees.

As you know, there are three levels of government in Canada: federal, provincial, and municipal. There seems to be a misunderstanding of the role of a school trustee. School boards, just as municipal councils, are elected by and accountable to the community. The provincial government delegates to school boards the responsibility for conducting the affairs of the school jurisdiction,

while municipal councils are delegated responsibility for conducting the business of other local issues. Therefore, there should be no differentiation or discrimination between both groups of local politicians. Trustees of school boards should be added to this list of nonlobbyists. The same argument could be made for officers or employees of school boards, so they, as their municipal counterparts, should be excluded.

School board trustees should be added to the list of excluded persons. Provisions state, and I quote, that further individuals or categories of individuals can be added to this list by way of regulation. The majority of communications between boards of trustees and public office holders meets the criteria of communications that are not lobbying.

I really do want to point out to you that trustees should be firstly considered a nonlobbyist group by definition and function. Trustees should be recognized as publicly elected officials. Trustees should be recognized as a category of local government. Trustees should be identified as nonlobbyists by the manner and process by which it conducts communications with public office holders. Finally, trustees should be recognized as individuals and/or organizations not being paid to communicate with a public office holder in an attempt to influence a government decision.

My concluding comments. In order to best meet the needs of our citizens, it is imperative that we have open lines of communication between municipal, provincial, and federal levels of government. The categories of school trustees and their jurisdiction employees should be added to the list of excluded persons when acting in their official capacity as they are not lobbyists.

Thank you very much.

The Chair: Shirley, thank you very much for your presentation and for being with us this morning.

We'll move to committee members. Moe Amery.

Mr. Amery: Thank you, Mr. Chairman. Good morning, Shirley, and thank you for your presentation. I said yesterday and I will say today again that I do agree with you that school boards should be exempt from this bill. I always say that we have four levels of government – federal, provincial, municipal, and the school boards – and you should be exempt.

You know, right now we have civic elections and trustee elections right across the province. When we receive brochures and we have school trustees knocking on our door, they present themselves as the best people: I'm the best candidate to run the education system in this city or this region or that region. But the problem that I'm having with them is that as soon as they get in, they're saying: well, we can't do anything because the government is not giving us enough money. So I think I'd like to see some more accountability on the part of the school board trustees to be accountable for the money that they receive.

My other question is: if this bill is implemented, what are you doing now in your communication with the government and in your communication with your MLAs and with the minister that you cannot do if this bill is implemented? How would that stop you from communicating with them?

Mrs. Mahon: All right. Mr. Amery, I understand that you asked two questions of me. Number one, first of all, is accountability.

Mr. Amery: Number one was a comment, actually.

Mrs. Mahon: Oh, all right. I thought it was accountability. Could I speak to that?

Mr. Amery: Sure. Absolutely.

Mrs. Mahon: Well, first of all, being a local politician, if we the school boards had the option of being able to collect taxes, I think that would make us far more accountable.

Secondly, on a very serious note, I really do feel that this would close communication lines. I could not pick up the phone and have the same type of freedom of being able to talk to Mr. Strang or Mr. VanderBurg at the drop of a hat. There would be a process in place. Number one, we are elected members. I really dislike being put in a fourth category as a trustee. I feel that I am part of the municipal local government. To me, there are two parts to that government. There's a town and county council, and there's also a school board. Like I say, I think it would certainly inhibit our conversation flowing very nicely, the way it does now. Does that answer your question?

Mr. Amery: Yes, it does. Thank you.

Mrs. Mahon: You're welcome.

Mr. VanderBurg: Shirley, first of all, let me thank you and your family for representing the interests of the citizens of Whitecourt-Ste. Anne and West Yellowhead for so many years, and congratulations on your retirement. Shirley is not going to be running in the next election.

The issue for you and for me is equal on this bill. There would never be a barrier for communication between the MLA and the boards, even given the makeup of the bill. But the fact that school boards are not exempted makes a statement that I don't like, and it makes a statement that they don't have an equal voice to that of other municipal officials. Barrier or no barrier, there's a perception of a barrier, and I believe that the boards need to be treated equally to those of other municipal officials.

Thank you for your presentation, and congratulations on your retirement.

Mrs. Mahon: Thank you very much.

Mr. Marz: I thank you as well, Shirley, for an excellent presentation, very consistent with what the ASBA presented. I'm not sure I've got a question so much as a comment, but I think it will lead to a question. Maybe I'll be accused of not relating it directly to the bill, but it's based on your statement about being able to assess taxes at the school board level, or collecting taxes, I believe you said. From my experience when I was in municipal government as a councillor for a county, the school board didn't collect the taxes; the county did on behalf of the school boards.

There's a big difference between assessing taxes and collecting taxes, and it seems that the accountability by the taxpayer goes to whoever is collecting the money, not who's assessing it. I've heard over and over again that school boards didn't get the complaints about the taxes, that the county did. If there was a system of school boards assessing and collecting taxes – that's where the real accountability is, where people actually show up and physically pay their taxes – how would you address the inequities within the provincial system from one jurisdiction to another that has extremely low assessment rates and the inequity to the student?

9:20

Mrs. Mahon: Mr. Marz, I appreciate your comments. You are correct in the fact that the town and county councils collected the taxes. I understand that over the years they were not very happy about doing so. That was a process that was in place at the time, and I can certainly understand how they felt about it.

I think the only good part about the taxes now going to the provincial government or being collected by the municipal councils and given to the provincial pool is that there is more equity. You know, I am really upset, I guess, by the fact that school boards were not able to come together to come to a solution before they no longer could assess the taxes. I felt that at that time they should have been stronger. They should have come together and decided on how equity could be built into the system. Now, that's hindsight, and I wasn't part of that. I don't know whether I could have done very much more to solve that problem. I appreciate the fact that it is more equitable, but by the same token our hands are tied.

The Chair: Thank you, Shirley.

We only have a few minutes left, so we'll have to move on. Bridget and then Dr. Pannu.

Ms Pastoor: Thank you, Mr. Chair. I promise I'm not going to go near the taxation part of it. Actually, Mrs. Mahon, if I could just have a clarification. What you are saying is that only the elected people would be included, not your superintendents, any of those. It's just the elected people we're speaking of, right?

Mrs. Mahon: No. I am appealing for both the elected people and also the employees of the school boards. If you recall, I said that the same argument can be made for officers or employees of school boards, so they, as their municipal counterparts, should be excluded.

Ms Pastoor: Thank you. That was the clarification I wanted. I thought that's what I'd heard you say. Thank you very much.

Mrs. Mahon: You're welcome.

Dr. Pannu: Mrs. Mahon, thank you for your very lucid presentation. True, trustees are elected public officials, and that should be a consideration. But elections mean democratic processes, our endorsement by all of us of democratic processes, which include open communications. You do refer, in fact, to the need for trustees to engage in open communications with the policy-makers and with MLAs and with government officials.

Now, I agree with you. Open communication is important. But open communication, in my view, perhaps also should include communications that are open to your electors, to your employees, and to concerned citizens: parents who are concerned about the quality of education, programs that can be offered, policies related to education. I'd think that inclusion of trustees and school board employees in particular among the list of lobbyists would assist in opening up the communications rather than the other way around. I wonder what your reaction to that is.

Mrs. Mahon: I disagree with you completely. I really feel that if we are considered lobbyists, then I think that would necessitate a process of time and other things that I don't feel is necessary. For many of our stakeholders – the people of the community, the parents, our staff – there is a process by which they can bring their concerns forward to the elected trustees within their community. We trustees bring these to the board table, and we should be able to speak very candidly without any barriers to the respective MLAs or whoever. That is our position.

Dr. Pannu: The word "lobbyist" seems to have acquired a sort of derogatory connotation, which surprises me. I think it should be considered as a legitimate activity, and this legislation, in fact, does do that. So I wonder why the word "lobbyist" has become some-

thing that carries a negative connotation. It's just a matter of transparency and openness.

Mrs. Mahon: First of all, if I could comment on that, I think that often we equate lobbyists with huge corporations who are trying to lobby individual politicians to see things in their same light. I think that as school board trustees we are bringing knowledge of what our communities' citizens want, their concerns. You know, I don't like the word "lobby" or "lobbyist." I use it, but in my opinion there is that connotation of big business approaching government.

The Chair: Shirley, thank you very much. Our time is limited, but I do want to thank you for being here. As George mentioned, congratulations on your decision to retire from politics within your region and all the best in your future.

Mrs. Mahon: Thank you very much. I don't want to go now. Thanks.

The Chair: Thank you very much for being here.

Mr. VanderBurg: You and Harvey can hang out in the lobby.

The Chair: Exactly. We'll both be retiring together.

Mrs. Mahon: Thank you once again for listening to GYRD concerns.

The Chair: Thank you very much.

Colleagues, our next presenter is Ms Carol Wodak. Good morning, Carol. Thank you very much for being here, and we look forward to hearing from you on your presentation. Jody is just passing additional information around to us. Please feel free to go ahead when you're ready.

Carol Wodak

Ms Wodak: Thank you very much, and thank you very much to the committee members for having the hearing and for letting me know in time so that I could be here. That doesn't always happen, and I really do appreciate that.

My name is Carol Wodak, and I'm a volunteer group of one. My primary concern is the fundamental right of citizens to know which organizations and individuals are influencing public policies and to have the opportunity to discuss and debate the principles and priorities of those issues. I note that I seem to be the only person making a presentation to you who does not have some organization affiliation. In fact, you had three written submissions, two from the same private individual, and that's just abysmal. Just abysmal. There's a problem there, and I hope the committee will comment on that when it finishes its deliberations.

My concerns with respect to lobbying arise from a dozen years of trying to understand why and how government policy about long-term care has developed the way it has. What I've learned is that the decision-making has been highly selective with little meaningful public reporting and an astonishing absence of public discussion or debate.

Let me describe an actual situation. Two organizations which we know have lobbied for policy and legislative changes in long-term care, and let me add that those are very fundamental changes to what we had before. Both of these organizations provide residential care services. The majority of their revenue comes from public funding sources, with some from resident fees. Both show significant growth

in revenue and in capital assets, and both show a healthy excess of revenue over expenses. Both use paid staff to provide services, with a limited number of volunteers to assist with supplementary services. Both accept gifts and donations, although these are a tiny portion of the revenues. Both get government grants to offset as much as half the capital costs of the facilities, and they get other government grants and lottery fund grants for renovations. Both have had executive officers appointed to government committees to review policy or legislation. Both are executive members of the long-term care operators nonprofit association, which lobbies government and MLAs for policy, regulation, and legislative change.

9:30

The association has also received funding from government. The association has an impressive list of corporate members, including construction, power, pharmaceutical, and service provider companies, some of which are subsidiaries or partner companies of the members of the association, and these people are also entitled to assistance from the association to access facility information and the association's government liaison services.

One of these organizations is a nonprofit service provider and a registered charity. The other is a private business which pays dividends to shareholders, and it also funds and staffs a charitable foundation. I don't see that there's much difference in the effect of these organizations on public policy and public services. A third organization, which is a wholly owned subsidiary of a health authority, operates in exactly the same way, and it belongs to the same trade organization. The health region itself, which controls this organization, will probably be exempt from the lobby registry. There is absolutely no chance for us to know what these people are proposing, to hear what they have proposed, to have an equal opportunity to talk, and that is not fair and not acceptable.

All three types of organizations have lobbied separately and collectively for the same changes to resident fees. They may have had different motives – public interest, reducing public expenditure, or increasing shareholder profits – but they had the same goal, and there is certainly not agreement in the public that that goal was in the public interest. In fact, the primary stakeholders, the residents and their families and the public who pay taxes, were not even consulted.

Restricting the definition to paid lobbyist doesn't do a lot to meet the objectives of openness and transparency in government. As the committee knows, this bill also allows simple ways around the requirement for lobbyists to register, and it isn't going to provide transparency or accountability for the most pervasive, informal lobbying.

The nonprofit organization I described is one of a very small category, certainly less than 4 per cent of the 19,000 Alberta nonprofits. The differences between these few organizations and commercial organizations offering the same service have been decreasing rapidly in the last decade. There is less and less to distinguish them, and they tend to operate competitively. The broad exemption proposed in the Muttart report would only perpetuate the secrecy with which nonprofits who run a commercial business with public funding also influence public policy. It would also exempt organizations which have an enormous influence on government, including those which have been delegated authority and responsibility for the public interest, and the astroturf groups funded by corporate interests who promote initiatives involving corporate profits.

Perhaps if it is necessary to distinguish who's in and who's out, charitable and organizational status are not as important as size, purpose, and influence. What we want is a rebalancing of power, least risk, and value for money spent. This legislation absolutely

must cater to the worst-case scenario. If everybody behaved decently and properly, there would be no need for legislation.

Advice and consultation from groups with specific vested interests, which are commonly referred to as the stakeholders, are not necessarily representative of the public's interests. There has been a strong tendency for government to rely on invitations to stakeholders to substitute for public input and discussion. These organizations, which may believe that they represent the public interest, always have a special interest, and describing their interactions with government as partnerships or collaborative initiatives instead of lobbying is just a semantic exercise. And speaking of connotations, the word "collaborative" has connotations to me that are not entirely positive. There was a time when it was a shooting offence. If lobbyist has a bad connotation, this one has got a worse one.

This bill is not designed to do more than try to limit concerns arising from conflict of interest involving paid lobbyists. It contributes very little to transparent and accountable government. If the government and the MLAs and any other elected officers have a responsibility to act as trustees for the public, they should be much more concerned with making sure that the public knows what they are considering. The same is true for school boards, regional health authorities, postsecondary institutions, and all other agencies to whom government has delegated authority and responsibility.

Perhaps a better approach would be to reverse the onus, to make the public officials responsible for reporting publicly who is lobbying them, how, and for what. Public discourse requires a sharing of all relevant information, clear definitions, respect for the interests and concerns of all participants, the chance to talk together. We can all learn from each other, and the goal should be policy and legislation that serves all of the public.

I want to thank the committee for making the submissions public on the website. That's a good start. It's the first time I've seen that happen. If we could have that kind of information, that kind of sharing of views and concerns at the beginning of the process of legislation instead of at the end, we might indeed have some public input into legislation.

I'd like to conclude with a quote.

In a democracy, citizens must know which organizations and individuals influence public policy, the techniques they employ, who in government they meet and when, and the extent of their efforts to shape public policy.

Thank you very much.

The Chair: Thank you very much, Carol. That was an excellent presentation, and I think everyone on the committee was listening intently.

The first question is from Dr. Neil Brown.

Dr. Brown: Well, thank you, Ms Wodak, for a very well-thought-out and professional presentation and one which is also very well documented. We appreciate the different perspective on the issue of nonprofit organizations. My question, I guess, would be whether or not you see any distinction or you think that the committee ought to make a distinction in respect to the legislation for organizations which are of the nature that you were alluding to, nonprofit organizations, and those which are actually registered as charities under the federal Income Tax Act and, therefore, which have a charitable purpose and which have full disclosure of their sources of income and their expenditures, have audited financial statements which they have to file, and so on. Do you see any delineation between those types of things which are truly charities and those which are nonprofit vehicles which may have various commercial aspects to them?

9:40

Ms Wodak: One of the organizations I described to you is a registered charity. The charity designation, which people have been struggling with for 400 years, has only to do with whether you pay taxes. We're talking about an entirely different purpose, and it's not appropriate to use Revenue Canada's definition for this purpose. No, I do not think there should be any exemptions. In respect of the volunteer groups' enthusiastic lobby to say, "We can't handle all this; it's too bureaucratic; there's too much process; there's too much this and that," I think that shifting the onus would take care of most of that.

If you as an MLA had to report monthly who had been lobbying you about what so that I could in fact respond to some of that and offer you a different view, those people wouldn't need to register unless they were in fact commercial, paid lobbyists. Mr. Giorno was talking about the 20 per cent rule. No, I don't think there should be exemptions to this at all. Conflict of interest is not acceptable no matter who does it.

Dr. Brown: Well, I can tell you for my own part that I do keep a book at the front of my constituency office of anyone that comes in to lobby me on any specific issues, and that's available for anyone to see. It's public information as far as I'm concerned. So I don't disagree with you on the fact that we ought to keep track of those, but I still think that there is some efficacy and some public good in disclosure and transparency of who is lobbying government and for what purposes.

Ms Wodak: Dr. Brown, may I say that with respect to the trade organization I was describing, I know they've been lobbying MLAs. I know because eventually we got copies of two written reports sent out to MLAs which they did not make available on their website, did not make available to us. We got an underground copy. You know, those reports should not be secret. They should not be hidden. So, yes, the transparency, the openness, the accessibility to the public are absolutely critical.

Ms DeLong: I just want to say that I share your concern in terms of, I guess, an uneven playing field in this situation, where we have essentially government entities competing with the nonprofits. I know that in my experience the government entities have tended to come out on top in a lot of situations. So I think that this whole idea of yours, of putting the onus on the person being lobbied, might be something that we've got to look into in more detail.

Along the same lines you also mentioned about coming late to the process. This is a big idea that you're bringing forward to us. I think it is going to be difficult to sort of change directions, yet I think that this is an idea that we do really have to consider, so thank you very much.

Ms Wodak: Thank you. May I just say a word about competing between the nonprofits, the public organizations, and the privates? They're all competing, and I'm not sure that the competition is a bad idea in itself. But what I object to most strongly is that we don't know what they're offering. We don't know anything about that competitive process. If they're all asking for the same capital grants or the same funding or the same contract, we don't have a chance to compare which would be better in the public interest. We don't know how those decisions are made, and I don't know if anybody is getting favoured treatment. I suspect that they are. My suspicions may be quite different from yours, but we need to know those things.

Ms DeLong: Yes.

The Chair: Carol, thank you very much.

Ms Wodak: Thank you.

The Chair: Dr. Pannu, you had one final question?

Dr. Pannu: Just a comment more than anything else.

The Chair: Okay. Go ahead.

Dr. Pannu: Ms Wodak, your submission merits very close attention by the committee. I very much commend you for putting in the work that you have, the documentation that you have tried to provide, and the clear way in which you have argued in favour of developing legislation such as the one before us and improving it so that it promotes public discourse, as you say, with respect to public policy. You are one of the few who has spoken strongly and clearly in favour of lobbyist legislation that will in fact make it possible for citizens to have all the information that they need in order to say yes or no to vital policies that affect them, their families, their children, their grandchildren. So thank you for this input, and I certainly would like to tell you that I am very impressed with this and will pay due attention to your submission.

Ms Wodak: Thank you very much.

The Chair: Richard Marz has a question for you, Carol.

Mr. Marz: Carol, very briefly. Thank you for an excellent presentation. We're talking about openness and transparency, but in your presentation you refer to three organizations. I really don't know who you're talking about, and it would be helpful if they could be identified.

Ms Wodak: They're long-term care service providers. I was reluctant. You know, I spent quite a lot of time documenting information about these three organizations. In fact, I've been doing that for the last 12 years. Do you want me to name them? The three that I considered as examples are simply examples. They are not unique.

Mr. Marz: I would like it. Privacy is protected in this committee, I would believe.

The Chair: Well, no. It's public, but these are public organizations. Any member coming to this committee can present any issues that they feel they have regarding any organization or any lobbyist as well.

Ms Wodak: I wish I'd brought the charts in which I'd compared all their revenue, et cetera. First, the private organization I used for an example. I repeat, they are typical of organizations in this service category. There is nothing unique about them. But the three that I picked, because they were the three that I could find the most documentation on, were Extencicare, which is a private, for-profit organization, the Good Samaritan Society, which is a volunteer registered charity, and Capital Care Group, which is owned by the Capital health region.

Mr. Marz: Thank you very much.

The Chair: Thank you very much, Carol. I appreciate you being here on a Friday morning. Have a great weekend.

Ms Wodak: Thank you. May I say as I leave that I'm apparently the only person that sat through, with my spouse, of course, these hearings apart from you, and I have learned so much, which hasn't changed my views but has given me new things to think about. It would be such a good thing if this was, in fact, a public hearing, but thank you for extending the opportunity.

The Chair: Well, thank you very much. I think all of the committee members around this table feel the same way: we learned an awful lot yesterday, and I'm sure we'll learn some more today. We do appreciate your report, especially being a member of the public, so thank you for being here and presenting to us.

Colleagues, our next presenter is from the Pembina Institute, Mr. Tim Weis, senior technical and policy adviser. Good morning, Tim. Thank you very much for being here. As Jody hands out your presentations, we'll await your presentation too. You can begin any time.

9:50

Pembina Institute

Mr. Weis: I'd first like to thank the committee for allowing us to provide our perspective on Bill 1. Today I'll discuss a little bit about the Pembina Institute and our overall perspective on Bill 1, which is that transparency and accountability in legislation is important, but as it's currently written, Bill 1 may have some serious, unintended consequences.

I'd like to outline some of our specific concerns and recommendations to Bill 1 that can avoid some of these unintended consequences. I'd also like to outline the fact that the Pembina Institute supports other concerns raised by other organizations, our peers, such as the Muttart Foundation, the AEN, and the ELC.

The Pembina Institute was founded in 1985, and we're heavily involved and engaged in issues in Alberta. Our mission is to advance sustainable energy through research, education, consulting, and advocacy, and we focus on the intersection of energy and the environment as well as environmental economics, both in terms of conventional energy and renewable energy. Our advocacy is specifically based on our research and our consulting expertise, and it includes advice to inform government decisions as well as to inform the public.

We feel that as it's written right now, the unintended consequences of Bill 1 can overshadow some of its intended objectives. While the Pembina Institute is supportive of the overall objectives of Bill 1 in terms of increasing transparency and accountability of governance and reducing instances of conflict of interest, we feel that there are a series of loopholes and imprecise definitions that could seriously undermine the bill's effectiveness.

The three issues that I'm going to specifically discuss today are the impact on an effective multistakeholder collaboration and consultation processes, how corporate lobbyists may gain unfair advantage over the not-for-profit sector and First Nation groups, and that the quality of advice the government receives may suffer as a result of broad restrictions based on simultaneous lobbying and advisory services to the government.

First of all, in Alberta collaborative multistakeholder consultation has become a cornerstone of many aspects of decision-making within the government, and it is perceived throughout the country as being an efficient and effective method for collecting information. The way Bill 1 is currently written, however, financial support, specifically honoraria for participation in consultation initiatives, could be considered as paid advice to members as well as their associates and would therefore exclude members and their associates from lobbying on that same issue. This would force a choice

between lobbying and participation in multistakeholder consultations, specifically for NGOs and First Nation groups who depend on honoraria for their effective participation in these committees.

If participants are under contract to government, then they may not be able to participate in those consultations. So if you're doing a contract for government under the same broad category, that may preclude you from being able to be a part of the multistakeholder consultation. At the same time, if you are participating in a multistakeholder consultation, the way that legislation is written, it could be interpreted that sitting on a multistakeholder panel constitutes in itself a member holding a position of public office; therefore, anyone participating in a multistakeholder panel would then be subject to all the obligations and penalties imposed by the bill.

Secondly, corporate lobbyists may gain unfair advantages in several areas. While Bill 1 is intended to be equal, it is not necessarily equitable and instead may create an uneven playing field. There are significant administrative burdens associated with Bill 1 the way it is written, particularly given the broad definition of associates. We feel that this would place greater strain on nonprofit organizations that have smaller resources than their for-profit counterparts.

There is a lack of clarity around boundaries of specific topics of interest, and combined with the severe penalties that could be imposed for violating this law, it could in effect dissuade nonprofits and First Nation communities from exercising their right to lobby given perceived risks of doing so. Therefore, choosing between payment, in particular specifically receiving honoraria, for participating in multistakeholder consultations and lobbying may be a very difficult decision for nonprofit organizations, where that same choice is not necessarily placed before corporate stakeholders who do not receive honoraria for participating in multistakeholder consultations.

Thirdly, the quality of advice that the government receives may suffer as a result of this bill. Rather than eliminating conflicts of interest, broadly defined restrictions on simultaneous contracts and lobbying may limit the quality of advice that members of the government can receive. It's not clear to us why individuals who receive paid advice for their input or for conducting research or their associates who may receive such a contract to do such research are then precluded from providing unsolicited information to government to help inform decisions. In fact, the opposite may be true where these people are the most informed on a particular issue and could provide the best advice to the public and to the government.

The provisions in Bill 1 may force expert organizations to choose between providing contracted advice and maintaining their freedom to communicate their expertise independently. This is particularly problematic on issues such as the environment, where there are only a limited number of public interest groups that can fulfill either function. Our recommendations, at a minimum, to modify the bill are that the term "associates" is far too broadly defined as it stands right now and should be eliminated or needs to be much more specifically defined and much more tightly constrained, and a threshold needs to be set on what constitutes the definition of a public office holder in terms of what decision-making authority and responsibility they have. As it stands right now, for example, communication between an NGO and someone like a receptionist or someone who is sitting on a multistakeholder committee could be perceived as communication between a lobbyist and a public office holder.

Finally, paid advice. A minimum threshold needs to be set on where paid advice constitutes a government contract. This, in our opinion, needs to explicitly exclude honoraria for participation in multistakeholder panels. At the same time, the term "advice" needs to be much more clearly defined. For example, if an organization

were to be given a contract to crunch numbers or analyze some data, would they then be free to provide the recommendations at the end of that report? It seems that the way the bill is written right now, that's too broadly defined, and that may constitute a violation.

In our opinion, it's essential that Bill 1 target real conflicts of interest without undermining legitimate efforts to inform government decisions. Existing requirements for contract transparency we feel are adequate in terms of being on the public record, in terms of public RFPs. As well, reports that are given to government are also public information. However, if the contract lobbying restriction remains within the bill, its terms need to be explicitly defined. What constitutes an overlapping subject matter? Is there a cooling-off period? Which public office holders are really relevant?

Finally, there is a significant loophole that is of great concern, and that is that if the government initiates any communication with an outside party, they are exempt from the provisions under the bill. This effectively allows the government to selectively choose which parties it would like to receive advice from and, in effect, makes it dramatically easier for favourites to be chosen by being able to initiate advice from third parties who are then exempt from the provisions under this bill.

To conclude, I would like to point out that given the brief period of time I have had to present today, I was highlighting three specific areas that concern us, but at the same time we would like to explicitly endorse the recommendations made by other organizations, specifically the Alberta Environment Network, the Environmental Law Centre, Volunteer Alberta, and the Muttart Foundation.

Thank you.

The Chair: Thank you very much, Tim. Colleagues, any questions for Tim?

Dr. Pannu: One question related to a position taken by the last presenter at yesterday's meeting, Mr. Guy Giorno, who is a lawyer out of Toronto that works with a law firm which specializes in lobbyist legislation. His observation interested me, and I want some comment from you on it. He said that Alberta is not the first place, of course, to have brought forward lobbyist legislation. Other jurisdictions across the country have already had this in place. The experience from those jurisdictions shows that many of the concerns expressed by nonprofits with respect to this legislation in this province are overstated.

I wonder if you have studied those other pieces of legislation in other provinces and made some comparison with what's being proposed here and whether or not you disagree or agree with this statement that the reactions here are rather overstated; in other words, the nonprofits need not fear all the unintended and potential consequences which they are concerned about.

10:00

Mr. Weis: Right. I'm not in a position to comment, I guess, on other jurisdictions. I haven't had the time to study bills that have been passed in other provinces or even federally, but if you would like, we could probably spend some time doing that and provide a written submission if that would help.

At the same time, from our point of view, I think that part of the problem is that a lot of the definitions within the bill are fairly broadly defined. The way it stands is that from an NGO's point of view, because those definitions aren't specifically defined, it ends up that there's a fair amount of uncertainty, which then, if there was a conflict, would ultimately be decided in court. The perception of risk and the stiff fines that would go along with violation of this bill – it can be upwards of \$200,000 – would in effect preclude small

organizations. Would it effectively have small organizations, particularly nonprofits, self-select out of potential conflicts of interest?

Dr. Pannu: One more question. You stress the importance of the multistakeholder consultation process and how Alberta has distinguished itself in making the process available and work efficiently. Could an argument be made, therefore, that we don't need lobbyist legislation because we have an alternative? In fact, that kind of argument either explicitly or implicitly has been made in this province up until very recently, until this bill was brought forward. In other words, what I'm suggesting is that emphasizing the efficacy to the degree to which you have done of multistakeholder consultation could be construed as arguing against the need for lobbyist legislation in this province. Your reaction to it.

Mr. Weis: I think that in broad terms we're still supportive of lobbyist legislation being in place because there is, obviously, a significant amount of contact that can happen outside of those processes. It's in the public interest to know who is lobbying on behalf of specific issues to whom within the government. Those specific issues within the bill I think are still very valuable and important in increasing public transparency.

Dr. Pannu: Thank you.

Mr. VanderBurg: The Pembina Institute has a lot of varied projects that they work on on behalf of companies that donate to you and on behalf of individuals that make donations. In fact, you've really ignored the federal legislation, and you've pretty well gone about your business without paying a lot of attention to the federal lobbyist registration. Why is that?

Mr. Weis: In what sense?

Mr. VanderBurg: Well, you know, you're contacting MPs and federal departments all the time without actually registering on a regular basis. Is there some reason for that?

Mr. Weis: I don't think I'm in a position to comment on that. I could refer you to someone more senior in the organization who maybe would be able to comment on that specifically.

Mr. VanderBurg: Okay.

Mr. Weis: Sorry.

Mr. VanderBurg: So you're just really saying that the lobbyist registry is good for someone else, just not your organization. Is that what you're making a presentation on here today?

Mr. Weis: I think that what we're concerned with is how broad some of the definitions are within the legislation. That's our specific concern.

Mr. VanderBurg: You just don't want to be included in it: is that what you're saying?

Mr. Weis: No. What we're saying is that, as I discussed in the presentation, I think that right now some of the definitions, particularly about associates and participating in multistakeholder consultation, will make decision-making very difficult for nonprofit organizations, but it won't place the same onus on other organizations, such as private organizations.

Mr. VanderBurg: Well, I'll give you an example. I'm pro-nuclear, and Pembina is anti-nuclear, and we want to have a discussion about it. Why should that discussion be in secrecy? Why shouldn't you register? Why shouldn't I register? Why shouldn't there be an opportunity for Carol to know that you and I are having this discussion?

Mr. Weis: There should be. I don't think we have any problem with that issue at all.

Mr. VanderBurg: But you're not federally. I'm saying that on that issue you're not registering federally.

Mr. Weis: Okay. I'm not in a position to comment on it federally. Sorry.

Mr. VanderBurg: Okay. I'll leave it alone.

The Chair: Okay. Thank you, George.
Mo Elsalhy.

Mr. Elsalhy: Thank you very much. This is something we talked about yesterday. The act has the registration component, it has the reporting component, and then there's the question about fees. If we were to offer you that you register once to become a lobbyist or to declare your position as a lobbyist, if the reporting requirements are really simplified – you can do it online, you can do it every six months, you know, whatever – and then if the fees are waived, or if you do it online, then it's free, would that alleviate most of your concerns? If it's something that is simple, that doesn't take a lot of your time and doesn't require a dedicated stand-alone employee from Pembina, would that alleviate your concern, and would you find it easier to live with?

Mr. Weis: I think that would in some ways definitely reduce some of the administration process that goes along with it. It would certainly help. At the same time, one of our major concerns is being forced to make that decision between – specifically, the multistakeholder consultation is a vague area right now. Especially if you were to receive honoraria to participate in such a committee, then it would preclude you from being able to lobby on behalf of that same particular issue. I don't think what you're suggesting would address that specific issue.

Mr. Elsalhy: If we were to offer you clarity, and if we were to offer better definitions of, you know, lobbyist activity, associates, answering the question about multistakeholders and who you can talk to when, then hopefully that would take care of the other half of your concern.

Mr. Weis: Yeah, definitely. As it stands right now, a major part of our concern with the way the bill is written is that a lot of the terms are very vague and subject to interpretation. What we're concerned with is that interpretation would be made not by legislators but would be made in the courts if there were to be a conflict. That's really a major thrust of our concerns.

The Chair: Tim, thank you very much. We're past our time allotment. I appreciate your presentation and your handout for us. Thank you for being here with us this morning. Have a great weekend.

Mr. Weis: Okay. I appreciate it. Thanks.

The Chair: Colleagues, our next presenters are from the Alberta universities. I believe we have Phyllis Clark with us.

Ms Clark: That's right.

The Chair: I'll get you to introduce your colleague, Phyllis, who is with you.

Ms Clark: She's just going to hand out some things that we'll leave behind but not make any comments.

10:10

The Chair: Well, thank you very much for being with us this morning. I apologize that we're a few minutes behind schedule, but we won't take any of your time away regarding your presentation. Please proceed.

Ms Clark: Thank you very much. Do you want me to just begin?

The Chair: Yes, please.

Alberta Universities

Ms Clark: My name is Phyllis Clark. I'm the vice-president of finance and administration at the University of Alberta, but today I'm here representing Alberta's four publicly funded universities: the University of Alberta, the University of Calgary, the University of Lethbridge, as well as Athabasca University. This is a follow-up to our August 24 letter.

I want to thank you very much for the opportunity to comment on Government Services Bill 1, the Lobbyists Act. I understood that yesterday you heard from representatives of Alberta's publicly funded colleges and technical institutes. Representatives from Alberta's universities have spoken with our colleagues from the colleges and institutes, and we are fully supportive of and in agreement with the presentation that you received yesterday from them. What you will hear now on behalf of the universities will be very similar.

I would like to start out by saying that Alberta's universities commend the government in its efforts to make its processes more transparent and to increase accountability. We recognize that transparency and accountability are important to Albertans, and indeed we believe that we are extremely open and transparent now.

I'm here today to speak to you about how the postsecondary institutions will fit into the act. In particular, I'd like to focus on the requirements for who will have to register as a lobbyist under the act. It is our understanding that while the bill includes a definition of provincial entity in Section 1(i), provincial entities to which the bill will apply will be listed in regulation, and Section 20(a) provides authority to prescribe provincial entities for the purpose of any provision in which the phrase is used. Accordingly, there may be different lists of entities for different provisions of the bill.

It is also our understanding that representatives from institutions or agencies that are considered provincial entities will not have to register as lobbyists under the act, and it is that that I would like to make the submission on, that there are sufficient examples of close linkages and alignment, to quote, between the province and publicly funded postsecondary institutions to warrant either an exemption in legislation or for postsecondary institutions to be defined as provincial entities in regulation. These linkages are evident not only in how postsecondary institutions are funded but also in how they are governed and in the interactions that occur between postsecondary institutions and the province on a daily basis. Let me take you through the linkages.

First, postsecondary institutions will be fully consolidated in the Alberta government's financial statements. A majority of the universities' operating funding – specifically, 66 per cent in the case of the University of Alberta, and it would be similar numbers for other universities – comes from the province through operating grants, so that's our operating budget. Twenty-three per cent of our operating funding comes through tuition, which is also regulated by provincial legislation. A total of 93 per cent of our funding is under the aegis of the provincial government. On a consolidated basis it's over 60 per cent: 45 per cent from grants and 15 per cent from tuition and fees.

When it comes to borrowing money, postsecondary institutions can only borrow money subject to government approval. We have to get an order in council. Of course, postsecondary institutions are subject to strict guidelines on how their funding can be spent. Performance funding is available but only if we conform to measures set by the government. Further, it is fair to say that capital dollars allocated to postsecondary institutions are in fact being spent on infrastructure that is ultimately owned by the province.

In addition, postsecondary institutions are being required to appear before the Public Accounts Committee to review financial statements and recommendations of the Auditor General. Both the University of Alberta and the University of Calgary will appear before the Public Accounts Committee on October 17. The Auditor General sits on the audit committees of postsecondary institutions, and the financial statements of the postsecondary institutions are audited by the AG. He is our external auditor, and we appear in the annual report that is submitted to the Legislature.

Secondly, the province plays a significant role in the governance of Alberta's postsecondary institutions. It is the province which has the power to establish universities as well as make the appointments to the respective boards of governors. Also, all institutions must conduct their business in accordance with the province's Postsecondary Learning Act, which I have here because it is near and dear to me.

Further, it is the province that approves and signs off all the institutions' mandates. Currently, Alberta's postsecondary institutions are working hand in hand with the Minister of Advanced Education and Technology on finalizing the roles, responsibilities, and mandates of the province's postsecondary institutions. Every year all consolidated budgets and annual reports must be submitted to the minister.

Third, very significantly, is the nature of the relationship between Alberta's postsecondary institutions and the government. On a daily basis our institutions at all levels are interacting and working with a number of government departments. These interactions are necessary to allying teaching, research, and infrastructure priorities of the institutions with those of the province. The daily interactions occur throughout all levels of ministries, departments, and the universities. This is what allows us to work co-operatively and collaboratively in order to advance the interests of the province.

Because of the frequency of the interactions, if representatives of Alberta's postsecondary institutions are required to register as lobbyists, the administrative component will be extraordinarily onerous. The administrative overhead and reporting structures that will have to be set up in order to meet the requirements will be a significant burden. In addition, the everyday conversations that occur between the institutions and the government, that help the efficiency and the effectiveness of our postsecondary system, will in all likelihood be compromised because at the end of these conversations there will be the legislated administrative task of reporting. We do not want to discourage the interactions that have allowed our postsecondary system to be one of the most globally competitive in

the world. It is for those reasons that we believe that the postsecondary institutions should be considered provincial entities under the act.

Thank you for the opportunity to provide comments. I'd be pleased to answer any questions.

Dr. Brown: Ms Clark, how many individuals in your institution are wholly or partly retained for the purpose of lobbying the provincial government, government relations people?

Ms Clark: Third-party firms that we hire to do that or people.

Dr. Brown: Well, I'd like to know both, I guess. It would be interesting to know.

Ms Clark: In terms of government relations we have two people, but that's government relations at all levels: provincial, municipal, federal, and then if there are any other kinds of government relations that have to be done, and that can be significant. In terms of hiring lobbyists, we have on occasion hired specific people to give advice. We have one contract with one person to help us on some infrastructure issues.

Dr. Brown: So you have two full-time people that are government relations people.

Ms Clark: Not full-time on government relations, but that is their title. They also do stakeholder relations within the institutions. I'm talking for the University of Alberta. For example, one of the people who has the title of government relations also sits on all of the committees where we have our students and helps us with our interactions with students.

Mr. Elsalhy: I'll be brief. Carrying on with this, basically, in my mind, it wouldn't be too onerous for these two people to be the ones who register and speak on behalf of the University of Alberta.

Ms Clark: But those aren't the ones that speak on behalf of the University of Alberta in most of the situations. Those are the ones that tell us what kinds of things are coming up, such as this committee, for example. It is people, everybody from the president down to even professors, who talk to people in the government. That is really the essential problem: that the variety and number of relationships that we have with the provincial government are multitudinous. It is not two people. It's not 200 people. It is probably something like 2,000, 2,200 people. That's our issue. That's one of the issues.

The other issue is that, frankly, we believe we're so intimately related to the government that we are the government in some ways. We're a provincial entity.

Mr. Elsalhy: As a layperson our definition of lobbying, in my mind again, is basically somebody who is trying to influence a government decision in terms of policy or somebody who is trying to secure funding for a program or a service. Yes, everybody from the president down, you know, going to deans and professors and teacher assistants and so on, might be talking to some person in government. They might be talking to an MLA. They might be talking to a department person. But it's not necessarily all the time that they're trying to affect policy or to change funding.

Ms Clark: But then you get into a definition of where it's grey, and if this applies to us, we will do it earnestly. We're not going to say

something like: well, we've got two people; that's all that it takes. We're going to do it very fastidiously, as we do all of our legislative compliance, and that means we will be talking to everybody in the institution about every single conversation that they have, and every single conversation will have to be monitored or registered.

For example, we maintain that we have a different relationship with the federal government, so we do register under their lobbyist act. In that instance we have to semiannually report. We start six weeks in advance. We do surveys around the institution to make sure that we've caught everybody. It is onerous, and we don't have a tenth of the interactions with the federal government that we have with the provincial government.

10:20

Mr. Elsalhy: Thank you.

Mr. Marz: Thank you for the presentation. I'm beginning to see a trend developing here, and I'm thinking that we should maybe change the name of the bill to the bill of exemptions and just have 20 blank pages on it.

As you're aware, educational institutions, both primary and postsecondary institutions, and health boards make up the biggest expenditures, the two biggest line items, in the government's budget. If we're to exempt them but not exempt trade unions – such as doctors' associations, nurses' associations, teachers' associations, professionals, you know, those that lobby you directly for funds – by virtue of not including you, they get their lobbying done through you without the registry because you're lobbying for more funds all the time, which is primarily, the bulk of it, going for wages.

Ms Clark: When you're talking about a cascade of who would be working through us, we work on behalf of the university. I can't speak for other universities, but I'm practically sure that it would be the same. The people that we lobby for are the people who are within the institutions, so students, and they also lobby for themselves. The stakeholders of the institution include our staff, faculty, and research staff and also support staff. We're lobbying for the institution itself within the context of the province. We would not consider ourselves a conduit for the people that you're talking about, who would have to be registered.

I think the other thing is the question of accountability and openness. Are we accountable and open now? When I knew that I was coming here, I signed on the strategic analysis office, which is in my area, to check what we had listed there under our accountability list. We have 30 different reports, websites, such as summary of statistics, the University of Alberta data book, facts brochure, budgets, financial statements that we list and make it easy for people to get to. We are extremely open in terms of what happens. We put most of our documentation up on the web. The highest proportion of anything that comes anywhere goes on the web, so we believe we are open now. The taxpayer isn't going to get any increased understanding about what's happening at the university.

Dr. Pannu: Ms Clark, postsecondary institutions, of course, are one of the most important sets of institutions in the lives of Albertans.

Ms Clark: Thank you.

Dr. Pannu: The work that people like you do is highly critical to our present and future well-being. Albertans fund these institutions and take pride in the work that they do. Why shouldn't they, in fact, ask for and have access to more information, more transparency with respect to the activities of the institution, particularly those that have

something to do with influencing either existing public policy or changes in it or new public policies that will impact their future? That's our concern. The openness that we are asking for is really about letting Albertans in on the institutions that they and we and you all consider very significant and important for all of us.

Furthermore, other provinces have similar legislation. Ontario would be one, I would think. I wonder if universities here, in our province, have studied the impact of lobbyist legislation, if it includes public universities in places like Ontario, on the ability of those institutions to operate without having to face the unbearable burden of administration of these requirements.

Ms Clark: The issue with the Ontario universities is that the relationship is not nearly so intimate as it is with Alberta, between the Alberta government and the Alberta universities. There are universities in Ontario who have no appointees from the provincial government. There is a university in Ontario who is chartered by the federal government and not the provincial government. The Auditor General is not the external auditor for the provincial universities as he is here or she would be here, so it is not nearly the kind of relationship that happens here. Does it make a difference there as compared to here? There the burden would be different than it is here. It is a much closer relationship here. Comparing the Post-secondary Learning Act here to there: significant difference.

The other issue: do taxpayers deserve to know what's going on in the universities? I would argue that they know in spades what's going on at the universities. We publish a tremendous amount of information, data, statistics, and then we publish guides on how to look at and understand our information, data, and statistics. We have very public and open meetings of our board of governors, of our academic priority committees and the general faculties council, as you know. People can come to all of those. We are open and transparent institutions.

So I think the question is: how much value for money does the taxpayer get when you weigh what the burden would be versus the marginal – marginal – change in transparency?

Dr. Pannu: Since you are vice-president of finance, is it?

Ms Clark: And administration.

Dr. Pannu: Finance and administration.

Ms Clark: Yes.

Dr. Pannu: You're the right person to talk to. Have you estimated the cost of implementing this legislation to your university in terms of administrative burden. I'm trying to really assess. When you use the words "onerous administrative burden," I think the committee needs to know what you mean by it in terms of dollars and cents.

Ms Clark: After I wept, I looked at what it cost us to do the preparation for the lobbyist act in the federal government and didn't put a dollar amount on it – but I'm happy to, and I could report back to the committee – and thought that is going to be probably a hundredth of the time it's going to take for us to register for this. The fact of starting six weeks in advance having one and a half persons gathering data on this, not full-time, of course, and putting those in. Six months' reporting, six weeks' preparation. I didn't put a dollar estimate on. Happy to do that.

The issue with administration in universities, which I think probably everybody knows, is that the first dollar always goes to the academic side of the institution because that comprises teaching,

research, and community service. The second dollar will go for buildings, and the third dollar will come for support staff in the institution, if we get the third dollars. We're squeezed on the administrative side now tremendously. We have what we call shadow deficits because we haven't had sufficient money to invest in that side of the institution, and this will be another burden. I'm happy to do an estimate and submit it to the committee if it would help in the decision-making.

Dr. Brown: Well, Ms Clark, your comments regarding financial accountability and the openness and transparency with respect to your books are certainly well taken. I don't think anyone would doubt that, that there is accountability at a number of levels through the Auditor General and through your reporting mechanisms.

But that sort of begs the question of whether or not it's desirable for the public to know who is lobbying the government and on what issues. There are a number of issues which the public may have a legitimate interest in, things like capital expenditures in institutions. There is only a limited amount of money, and there are competing interests for those specific expenditures and capital. Things like tuition fee caps, which the government policy dictates. I think the public may be interested in knowing what positions institutions are taking and who's lobbying the government with respect to them.

I think that there are other issues beyond the openness and transparency of where the money has been spent, which, we certainly would acknowledge, is well known.

Ms Clark: Let me address the capital first in terms of talking to the government about capital. We don't just account for the capital money that we get. We table every year a capital plan, which is on a 10-year basis. We have also got available on the web our deferred maintenance plan, and we're looking at our functional renewal plan. So people know in advance through that and through our annual report what we're intending to do in the university for 10 years out. It's readily available, and everybody who signs on our website can see what we're doing on that.

I can't think that there would be more detail that a person would want to have other than the buildings that we'd like to build, the amount of money we'd like to spend on them. So the question would be: what would the value-added be that the person who had looked at the documents that are currently released would find? I'd argue none because we're perfectly straightforward about what we think we need to do the kinds of programs that we're running.

10:30

On tuition and what happens with tuition. As you know, now there are caps on tuition, so the question of lobbying is in a sense immaterial. What we do do is we share through a committee called the Budget Advisory Committee, that has the president of the students' union – and they also bring a vice-president with them – and the Graduate Students' Association. We begin discussions every year in August with regard to what's going to happen with tuition and with other fees in the institution, and we also share with them any documentation with regard to what we're doing on that.

Students are involved in all of the committees that make decisions on tuition. They sit on the Academic Planning Committee, which makes recommendations to the Board Finance and Property Committee, and they are also on the Board Finance and Property Committee. We have three student representatives on the board of governors, and they participate in all decisions about tuition and fees. So the very stakeholders who are concerned with this know what we're doing in advance, well in advance of where we start the budget process, and what happens on that.

The Chair: Ms Clark, just a quick question. You talked about working with the students' union. Do you provide information to the students' union regarding the true cost of their education?

Ms Clark: Yes, we do. The first reaction off the top of my head: we provide endless amounts of data to the students' union about the cost of their education. We spend a lot of time talking about cost of programs.

The Chair: I'll keep this quick. I just want to know: if their tuition is \$4,800 a year . . .

Ms Clark: Domestic tuition doesn't cover the cost of programs. Absolutely not.

The Chair: No, but are the students aware that taxpayers are paying roughly \$22,000 a year for their education?

Ms Clark: I can't speak on behalf of students, but we do say that frequently.

The Chair: Okay. That's all I wanted to know.
Alana DeLong has the final question.

Ms DeLong: Thank you. I believe that one of the things that we were trying to get at with this bill was to just shed some light on how lobbying affects how the government money is spent. I was actually very keen on finding out how much lobbying was done by the various universities. I don't know whether you were here earlier for Carol's presentation, but she talked about how you have three different kinds of organizations. You have a for-profit organization, you have a not-for-profit organization, and you have a government-owned organization, and all three of those are competing for the same dollars. Should only some of them be reporting on the lobbying activity that's taking place?

Ms Clark: I'm not sure I would agree with your proposition that three different types of institutions are competing for the post-secondary education dollars. I'm assuming that what you mean is for the broad government budget.

Ms DeLong: There are nonprofit colleges, and there are private colleges, and then there are the public universities.

Ms Clark: Yes. I think we play in different fields. Should this act apply to certain groups? Yes, it should. Should it apply to groups that are very closely tied to the government, that are completely transparent, and that, I contend, still are provincial entities? I don't think it gives value for money for that, and I think that that's what the concern is. What is the value that you're getting, the additional value from the transparency that we currently have? That's the argument that we're extremely concerned with in the institution. How are we going to use our scarce dollars to advance post-secondary learning in the province: administration or in the classroom?

Ms DeLong: Thank you.

The Chair: Dr. Pannu, a final question.

Dr. Pannu: The financial side of the accountability I think is fairly clear here; you know, how a university spends their money. How it makes the decisions where to spend their money is another issue:

what programs are given priority, how the dollars are distributed across campus between different programs and faculties. The public doesn't know much about how those decisions are made.

But the question that I have is very different. I know that there was a college in Calgary that was trying to apply to become a university. Different universities took that request: four universities, already established ones, who may each have a different position on it; you know, whether or not we need another university. Universities tried to influence, I presume, the government's position or view on whether or not to grant university status to another institution. What I'm suggesting is that universities perhaps lobbied the government on this. I have no clear idea.

It's those kinds of things, the public policy issues, not merely the accountability of dollars spent but also on future development of the postsecondary system, where universities may have interest in lobbying in a certain way. We don't know what their position is, and certainly the public doesn't know about it.

Ms Clark: Those are the kinds of position papers that are sounded out in the institution through the General Faculties Council, the academic priorities committee in terms of where monies will be spent, and are mounted on the web. We love people asking us what we think about things, and we do a lot of telling people now what we think about things on lots of public policy issues. That would in fact be one of our problems. Most of the people in the institution want to tell everybody everywhere about public policy.

The Chair: Phyllis, thank you very much for representing the U of A as well as the U of C, Athabasca University, and the University of Lethbridge. You had a lot of weight on your shoulders here this morning making this presentation. Thank you very much for being with us. Thank you very much for your presentation. It was very informative. Obviously, when we deliberate all of the information that we received yesterday and today, we have our own work cut out for us.

Ms Clark: Thank you very much.

The Chair: Colleagues, I'm just going to suggest that we take a 10-minute break. We'll come back and hear from the Canadian Mental Health Association. Is Ms Sandra Anderson here?

Ms Anderson: I am.

The Chair: Sandra, if you don't mind, you can get ready to present. We're just going to take a 10-minute break.

[The committee adjourned from 10:38 a.m. to 10:46 a.m.]

The Chair: We're going to reconvene our meeting.

Sandra, thank you very much for being with us this morning. We have your handout, which we really appreciate as well, which will help us along in our deliberations after we complete the public consultation and the public presentation meetings. So thank you very much for being with us this morning. Please go ahead. I apologize if we're little behind our schedule here.

Canadian Mental Health Association, Edmonton Region

Ms Anderson: That's perfectly all right. Thank you.

Mr. Chairman and members of the committee, my name is Sandra Anderson. I'm a volunteer board member of the Canadian Mental Health Association, Edmonton region. My profession is law, and

I'm a partner at Field LLP, so I have a particular interest in how legislation is drafted and crafted.

Thank you for permitting CMHA-ER to speak to you this morning. We hope that there will be amendments to Bill 1 so that we may continue to speak out freely to you our elected representatives and not be impeded in future by the Lobbyists Act from doing so.

Our handout that you have there gives you some points and tells you who we are. Note that under contracts with government we own or manage five buildings with 104 apartment units. Our sixth building is well along in planning. We have a vacant lot, a building plan, and high hopes for funding. We are a big player in the Edmonton area in providing much-needed affordable housing for people with mental illness. We work with and communicate with government in doing so, and we unabashedly ask for funds and other assistance from government. We are proud of our important work, and we give you full credit for helping us to achieve our common goals. However, we have been focused recently on what Bill 1 restricts us from doing due to the fact that we have contracts with the government by means of which we are enabled to do our work.

For our organization, with its volunteer board and small staff, Bill 1 is, quite frankly, scary. One of the grey areas in Bill 1 and the subject of our concern is what subject matters our contracts with government will preclude us from speaking to government about in order to improve and fund the services we provide. If the goal is transparency and evening the playing field for all citizens to converse with government without undue influence from paid lobbyists working in the backroom, there is merit to what you want to achieve. However, we believe that Bill 1 does not get you to where you want to go in that respect. There is a fundamental difference between lobbying and speaking with and working with elected representatives and government employees. It may not be an easy distinction to capture, but capture it you must for our good.

We offer our organization's example to illustrate the impact of Bill 1 as it currently stands. I won't read the list of particulars, which are linked to sections of the act on pages 2 and 3 of the handout, but simply emphasize how profound that impact will be in terms of, first, the limitations on our communications with government and, second, the onerous reporting requirements, the breach of both of which will expose us to substantial fines and penalties. We risk the loss of our volunteers and staff under the new regime imposed by the Lobbyists Act as it is now formulated.

Let me then turn in the brief time that I have to referring you to the recommendations on page 3. First of all – and you've heard this perhaps ad nauseam by this time – we recommend that you exclude certain types of organizations, in particular charitable or nonprofit organizations, from the definition of organization. There are many pieces of legislation which already regulate this sector. Is this sector not already regulated enough? What is the real purpose of including us? If there is a problem, identify it and work with us to deal with it. I think Mr. Wyatt said that to you yesterday.

Integrate the exceptions into the definitions. For example, some of the exceptions which are in certain sections of the act are so differentiated from the definition sections that it's very difficult for a layperson – indeed, for me as a lawyer – to make sense of them and to make them operational on the ground, where we actually live. We ask that you provide clear definitions and applications and workable processes throughout.

In my opinion, Bill 1 is not drafted with the precision of other modern Alberta legislation, such as FOIP and PIPA. How it will apply to specific fact situations is unclear. Look, for example, through schedule 2, and ask yourselves if you would really know what you would need to report if you were an organization's

designated filer. I appreciated the question earlier about what would happen if we simplify this process. That is really a very important aspect of your work at this point, in our opinion.

We ask that you eliminate the prohibition on simultaneous lobbying and contracting for advice on the same subject matter. In other words, section 6 of Bill 1 needs some real attention. If it is necessary to retain those two, please make them reportable only and not a prohibited aspect of our endeavours.

We ask that you eliminate the excessive and impractical reporting requirements. For example, in schedule 2 section 2(p) you talk about having to report grassroots communication techniques used or expected to be used during the next six-month period. Not only is it very unclear what that means, but it is almost impossible to anticipate what that would mean.

We ask that you eliminate reporting requirements or pay attention to reporting requirements that will breach provincial privacy legislation. For example, what is identified as information to be filed may breach the mandatory prohibition against disclosing third-party personal information under section 24(3)(b) of PIPA. Also, under PIPA section 24(2)(b) through (d) an organization may refuse to disclose personal information if its disclosure would reveal confidential information that is of a commercial nature or the information was collected for an investigation or it might result in that type of information no longer being provided to the organization.

Think of the reporting requirements in schedule 2 in the case of persons who may contribute a thousand dollars or more to our organization. We need those people to continue to contribute. There are very few of them. This might be an instance where we would run afoul. The reporting requirement to you might be inconsistent with our ability to refuse to disclose that information. I'm not saying that we don't want to disclose that information, but the legislation must work together.

10:55

We ask that you consider restricting the definition of lobbying to attempts to influence government for private purposes or private gain. We act on behalf of citizens who have mental illness. We work very hard in that respect. Our 27 staff and our 125 volunteers work very hard in that respect. We are not doing anything for ourselves; quite the contrary. We underpay our staff. We don't recognize our volunteers. We cannot afford these extra responsibilities.

We ask that you reconsider your concept of what a lobbyist is. If you have a definition of lobbyist, the normal understanding of what that is is that attached to consultant lobbyist in section 1(1)(a). The organization lobbyist definition in 1(1)(g) is a very, very difficult definition to wrap our minds around, so we ask that you consider combining those two definitions into one very clear definition of what a lobbyist is.

We say, too, that fines and penalties should be for knowing breach of the Lobbyists Act, not for inadvertent breaches. This is especially warranted in the introductory period of this legislation since it is so difficult to understand and to apply. There would be very many inadvertent breaches, in our view, and we ask that you reduce or eliminate the fines and penalties for organizations such as CMHA, Edmonton region.

Thank you for your attention to our concerns. If you have questions, I'd be pleased to try to answer them.

The Chair: Thank you very much, Sandra.

We'll start our questions with Richard Marz.

Mr. Marz: Thanks for the presentation, Sandra. In your recommen-

dations you're recommending changing the definition of an organization lobbyist to one that's paid for the purpose of lobbying for more than 30 per cent of his time. With 29 per cent it would be a pretty significant amount of time spent. I think from previous presentations that with the 20 per cent rule you'd be actively lobbying one day a week. If you consider consulting with who you're lobbying for and reporting back, the act of lobbying one day a week would probably result in pretty much a full-time job as a lobbyist to do that. You know, to register for the lobby, it's the time your lobbyist is talking to me for that day. It's a pretty significant amount of time. How did you arrive at the 30 per cent rule, and how would we enforce that percentage? Who would have to track that? The onus would probably be on you, not government. Would you think a minimum of so many days would be an easier thing to just keep track of, for one thing, for both government and the organization?

Ms Anderson: We're not wedded to any particular percentage. I'm aware that in some other legislation 20 per cent is used. I'm not sure how that works on the ground. I think our concern is to delineate the concept of lobbyist so that it doesn't sweep us all in. I mean, we don't have anybody in our organization who could be a lobbyist in the sense that they are paid to achieve certain ends for an organization that is of a private nature, for example.

Mr. Marz: If I may, Mr. Chairman, would you feel registering online to be onerous for your lobbyist?

Ms Anderson: I think that if we take some of the components of what must be registered, it's not so much whether one can register online or not; it's the preparation behind it which will be onerous. For example, in our organization with our 27 employees it seems to me that the executive director would have to go and discuss with each one of those persons whether they've had some contact with government for purposes of discussing, for example, a housing project and then keep track of those kinds of things because there are no restrictions or no limits on some of the definitions here. So we will – and when I say we, I'm talking about a number of lay people who are encountering a piece of new legislation for the first time – have to interpret it and apply it. The danger, and Phyllis Clark spoke of that with respect to the university on a much larger scale: they would have to speak with everybody. We would have to speak with everybody with our proportionally smaller amount of resources.

The other cost here is the chilling effect of our relationships with you. I think that your overall goal of transparency is a laudable one, but ultimately you are elected to make the decisions. You are elected to weigh the things that people say to you and make the best decisions. I'm not sure that registering or identifying people as lobbyists or a certain percentage of people as lobbyists will address that issue.

Mr. Marz: Well, that chilling effect you speak of, do you have any evidence that that's taking place in other jurisdictions that have adopted a registry such as this?

Ms Anderson: I have no information one way or the other. I apologize. I think that that would be a very useful thing for the committee to check into. You know, what are the differences between the pieces of legislation in other provinces and at the federal level, and what effect do they have on the communications? It would be difficult, I imagine, to arrive at that information because I suspect that under some conditions the so-called lobbying might go further underground as people find a way of fulfilling requirements

on the surface but find ways around it. That is why this piece of legislation is such a difficult thing for all of us to come to grips with, and I'm sure you have as much difficulty with it as we do in some senses.

Mr. Marz: Okay. Thank you.

The Chair: Any other questions?

Mr. VanderBurg: Well, the issue that you talked about, you know, getting around it: I think that's so valid. It's part of the reason I'm having a hard time embracing this legislation because if I want to talk to Carol about this, rather than doing it in secrecy, I'll just phone Carol and say: come for coffee. I initiate it, and then there's no registration. I think that's probably what's happening in a lot of other jurisdictions because, like anything else, if it becomes onerous, it will be driven underground.

Ms Anderson: If I may comment on that because I was quite taken by Carol's point, the point of who bears the onus for making transparent what approaches are made to government. It seems to me that you as government members want to encourage people to speak with you. You want to encourage communication with you, and whether it's reported on a website or in a registry is beside the point. You want to encourage that.

If you feel that there is something happening, some people who are especially persistent for their own ends and their own goals and are being paid to achieve certain things with you, then maybe you should be telling us about that. That's Carol's point, and we certainly endorse that point. If you think that the reporting of that would be difficult for you, turn it around and think how difficult it is for us. You are the ones who know when that happens. You are the ones that we expect to tell us when that happens.

11:05

Mr. VanderBurg: Exactly. That's my point. Thank you.

The Chair: Moe Amery, please.

Mr. Amery: Thank you very much. Sandra, thank you very much for your presentation and for being here. I know that you're a volunteer, and I'd also like to thank your 125 volunteers and 27 staff for offering help for those Albertans who really need help and attention.

Ms Anderson: Some are here. Thank you.

Mr. Amery: Under your recommendation – I know that you discussed it and took a little more time discussing this particular one; I put a question mark beside it before you got to it – to eliminate reporting requirements that will breach provincial privacy legislation, I didn't quite get what you said. Could you explain to me how these two legislations clash and where.

Ms Anderson: I haven't made a deep study of this, but I have a couple of examples. I realize that you don't have this in front of you, but if you go to the access section in the Personal Information Protection Act, section 24 says that a person may gain access to information, but in 24(3) it says, "An organization shall not provide access to personal information under subsection (1) if (b) the information would reveal personal information about another individual." All right. That's just one example. If you look at some of the reporting requirements there, you're going to have the name

and the business address, but you're also going to have other things there that could be inconsistent.

Mr. Amery: That's where the privacy legislation kicks in to prevent you from doing this.

Ms Anderson: That's what I'm saying, yes. I mean, obviously, privacy legislation is both about access and privacy. It's a complex set of legislative requirements, and I wondered as I first read through Bill 1 whether attention had been paid to some of the possible inconsistencies. Now, it may be that when you go back and ask that question to your legal advisors – and I see that one of them just entered the room, Mr. Reynolds – they may say: oh, no, there isn't an inconsistency; we've checked that out. That, however, is an illustration of how difficult this legislation is to interpret. When I first was asked to advise on PIPA – and I have done a fair amount of that – even though I disagreed with some aspects of the legislation, at all times I could always say that it was clear. It was clear. One knew what was going on, what one had to do.

Bill 1 is not that kind of legislation. One of the reasons I think that it has attracted so much attention and you've had so many submissions is that it has too many components in it which lead people into thinking that it's perhaps even worse than it actually is. It may be as bad as it actually is, but it's not quite clear to all of us, and I say that as a lawyer who has to interpret legislation every day. So I ask you to think about it from that aspect because laws are only as good as they can be implemented by your citizens, and you know that. I don't have to tell you that.

The Chair: Dr. Brown.

Dr. Brown: Thank you. Ms Anderson, I have a question for you regarding the role that your organization plays. I'm wondering if you could advise the committee whether or not there are any not-for-profit or for-profit or public institutions or charitable bodies which overlap in terms of their functioning with your organization in terms of providing housing to people with mental health problems. For example, where are the 70 to 80 people that are on your waiting list presently housed?

Ms Anderson: I wonder if I could ask one of our officials because I don't know about the waiting list. Mr. Rod Griffiths, who is our financial adviser, could perhaps enlighten you on that point. Sir, I might. Mr. Griffiths.

Mr. Griffiths: How do you do? Rod Griffiths. I'm the manager of finance for CMHA Edmonton. There are a number of other organizations in Edmonton that overlap with us in providing housing for people with mental illnesses, including organizations such as the Salvation Army, E4C, a number of inner-city housing agencies, particularly Operation Friendship, a number of those. The people on our waiting list, from my understanding – housing isn't my main area – a lot of those people are adults with mental illness who are living with parents who are aging, and their parents are trying to assist them in finding independent living.

Our housing is not so much supported living, but because we're involved with mental health issues, we're probably one of the more understanding landlords. If a person gets ill and has to be hospitalized and can't pay the rent or has an attack of their mental illness and perhaps spends their money before they pay the rent, we tend to be forgiving and make arrangements. That's the type of housing we do. The majority are people living either in that situation I described or in substandard housing and need, basically, a safe place.

Dr. Brown: Of the organizations which you alluded to that overlap in terms of their function with the Mental Health Association, would they all be in the charitable category, or would some of them be not-for-profits? Would some of them be under contract, for example, to the government, like your organization would be?

Mr. Griffiths: Yes. Both. Actually, we're both. As a management body we're under contract to the government to provide housing. That's three of our apartment buildings. Two of our apartment buildings we're the sole owner, and we just operate the same as any other private landlord, except we're a nonprofit organization. That is not government money. That's just ourselves. With the new building we're building as well that would not be operated under contract with the government. That would be one of our buildings that we just provide housing as a landlord.

I suspect that it's probably a mixture with most of the other agencies. A lot of them are charities and provide housing themselves. Some would do it under contract as well. A lot of us are able to afford to provide housing because we receive money under national programs, such as the national homelessness initiative. In our case we've got an interest subsidy from the federal government, CMHC, and we also get some rent supplements for our clients through the Capital Region Housing Corporation. I believe that's a provincial program under Municipal Affairs and Housing at the moment.

Dr. Brown: Thank you.

The Chair: Thank you very much, Sandra. Our time is up. I want to thank you for your handout, which will help us in our deliberations. Thank you very much for being here, and have a great weekend.

Ms Anderson: Thank you.

The Chair: Colleagues, our next and final presenter is the Association of Fundraising Professionals. I believe we have Ms Cathy MacDonald, who is the chair of government relations, with us and Steve Baker as well.

Cathy, welcome. Please take a seat at the table, and thank you for being with us this morning.

Association of Fundraising Professionals

Ms MacDonald: Well, good morning, and thank you very much for allowing us an opportunity to present today. Mr. Chair and committee members, my name is Cathy MacDonald. I'm a volunteer board member for the Association of Fundraising Professionals. Having sat here for a while this morning, I don't know that I have much to tell you that's going to be new information.

Just to tell you a little bit, though, about our association, we are an international organization that operates for individuals, 27,000 people, actually, internationally, over 130 here in Alberta. The individuals that join our organization are representative of companies and organizations such as the Bissell Centre, the Salvation Army, the YMCA, the breast cancer foundation, all the way up to organizations like the University of Alberta.

We're responsible for generating philanthropic support for a variety of nonprofit charitable organizations. The Association of Fundraising Professionals advances philanthropy in society by enabling people and organizations to practise effective and ethical fundraising. The core activities through which AFP fulfills its mission include education, training, mentoring, coaching, research,

credentialing, and advocacy. AFP members and affiliates enable people and organizations to better service communities and the association as a whole. So I'm not representing an individual organization other than the association that represents our membership.

11:15

Our association applauds the provincial government's goal to increase government transparency – I think you've probably heard that before – by implementing Bill 1. However, as the individuals of our association are serving Albertans in every community in this province, we feel that we have a voice that is worthy of consideration. Our sector, the nonprofit charitable sector, is facing serious issues with regard to staffing and funding. Many organizations that serve our province at a grassroots level do not have sufficient resources to achieve the administrative requirements they now have, let alone a complicated process of reporting lobbying, which will detract from the core responsibilities of raising funds to enrich the lives of our community.

We're concerned that the legislation as drafted is going to have a negative effect on the nonprofit charitable sector in our province, and it's uncertain as to how the legislation will impact our ability to recruit staff and board members to effectively operate our organizations. We fear that Bill 1 will place an impossible administrative burden on those whose whole purpose is to serve the community.

Just to give you a bit of background – and you've probably heard this before – there are roughly 8,754 registered charities in Alberta. In 2004 CCRA stated that 40 per cent of all charities' revenue was less than \$50,000. Statistics Canada says that there are 19,000 nonprofit and voluntary organizations in Alberta, and as the community grows, that number is growing dramatically. Many organizations don't even have paid staff; they're run by volunteers.

The greatest impact that we see in what we've read and in what we've learned – and we don't have the benefit of a lawyer on our board – is that the legislation appears difficult to understand. It looks like the reporting requirements are going to be onerous, and the impact of the definition of what constitutes lobbying seems to have competing definitions, depending on which government agency you're talking to, either federal or provincial, and what constitutes advocacy or lobbying. Then the other concern for our organizations, I would suggest, might be the cost of the fees payable under the act. I'm not so sure that we actually argue very much with but have actually used as a resource the report that was presented to you by Bob Wyatt from the Muttart Foundation yesterday.

We're proposing a couple of things for you to consider. Amend the bill so that, of course, it doesn't apply to us, the nonprofit sector – I'm sure that you've heard that before; I should have been here earlier today so that I would have been the first – unless our organizations hire a consultant lobbyist. Consider subjecting this sector to the act only if engagement in lobbying is greater than a certain per cent of a full-time employee, and I think the federal government is 20 per cent. I think that was discussed in the previous presentation. Look at clarification regarding board members, volunteers being exempt. And eliminate the fees payable by the sector.

That's all I have to say. Thanks very much for giving us an opportunity to talk to you this morning.

The Chair: Cathy, thank you very much. From your comments, do your organizations use a third-party lobbyist?

Ms MacDonald: Well, our organization representation is from the very small organization to larger. First of all, we don't get inside the

operations of our organizations, but I would suspect that some do and some don't, depending on the size of the organization.

The Chair: Okay.

Dave Coutts.

Mr. Coutts: Thank you, Mr. Chair, and thank you, Cathy, being the last presenter, for driving home the exemption. You've left an impression on us, particularly the way you did it.

I have just a couple of questions. In government and for all MLAs, whether you're Official Opposition, whatever, you deal with folks in government relations. You deal with government relations as a paid employee of the organization, whether it be a company or a nonprofit group, whether it be a charitable organization or a volunteer organization. I notice here that you're chair of the Government Relations Committee on a volunteer board, and obviously you're a volunteer as chair of that board.

Ms MacDonald: Yes.

Mr. Coutts: Government relations takes on sort of a life of its own in two ways. It's letting your organization know what government is coming up with, the position that future legislation might have as it affects your organization. Your roles are somewhat the same, regardless of whether you're paid or whether you're a volunteer, in terms of letting your organization know how legislation will affect your organization. At the same time you get an opportunity to get in front of government and say: here's what we do, and here's how we do it. Having said that, the role and the function are pretty well the same, whether you're volunteer or paid.

Ms MacDonald: I can't argue with that point, for sure.

Mr. Coutts: Yeah. And I think that that's a moot point. Yesterday we heard about the Charitable Fundraising Act, and basically that act was put into place to have organizations report and be accountable for the dollars and actually to register your activities over a certain amount, et cetera, et cetera. Do you feel that that act, from a reporting mechanism, actually accomplishes the accountability for fundraising organizations?

Ms MacDonald: Again, I'm not an expert on legislation. If you're a registered charity, you do have accountabilities to the donors, to the federal government. There are accountabilities with regard to how much is spent on administration, what the fundraising dollars are used for, so it's pretty restrictive. It does not say that if we received a \$100,000 grant from the Alberta lotteries fund, we actually went and talked to the minister of the lotteries.

Mr. Coutts: That's the distinction I'm trying to make here.

Ms MacDonald: Right. And I used a personal example in my job as opposed to the organization I'm representing.

Mr. Coutts: Yeah. I guess my question is that you feel that the restrictions in this act – and you used the word “fear” – will be onerous to your organization and onerous to you as a volunteer committee to be reporting who's doing what and what they're saying to government. If we put in a 20 per cent time frame of your week, tell me as a volunteer how much of your week you actually spend in contacting and working with government in the two ways: (a) advising government what you're doing but also (b) advising your association and the people that are in your association what government is doing.

Ms MacDonald: I'll give you an example of our association and my role. I was involved in community consultations with the community spirit program with a process that was not unlike this process here. These are provincial involvements as well as this process. We did submit a report. Because of the role that I play, there are impacts from the federal government that have an impact on what we do. For example, our organization is focused on the do not call list, which is federal legislation that's been put in place. How much time do I spend as a volunteer? A few hours a week, and that's probably overstated a bit.

Mr. Coutts: Okay. Your community spirit negotiation and the information that you provided on the community spirit program: you took that opportunity to get in front of government.

Ms MacDonald: Absolutely.

Mr. Coutts: You saw a program that could help and benefit your organization and ultimately benefit the people that your organizations want to help. Do you see that liaison on the community spirit program, for an example, as lobbying?

Ms MacDonald: No, because we were asked for input.

Mr. Coutts: Thank you.

I appreciate that, Mr. Chairman. I got my answers.

The Chair: Thank you, David.

11:25

Dr. Pannu: Cathy, thank you for your presentation. During your presentation you referred to one of the activities that members of your organization engage in, and that's to promote ethical fundraising.

Ms MacDonald: That's what our organization does, yes.

Dr. Pannu: Yesterday in one of the presentations a recommendation was made to the committee for legislation such as this to include perhaps a requirement for lobbyist organizations and groups and individuals to have a code of ethical conduct, a code of ethics. Does your association have a code of ethics at the moment, and would you recommend that Bill 1, in whatever form it appears next time around, include a requirement for a lobbyist to have a code of ethics?

Ms MacDonald: Our whole organization is based on the fact that we have a strong code of ethics and a donor bill of rights. They go hand in hand, and in fact if you were a member and you did not follow the code of ethics and/or the donor bill of rights, you would be asked to relinquish your membership. Principally our organization supports, you know, that methodology, and of course it would make it clear to people that would be expected of them if they are going to do lobbying. That's my personal opinion, so yes.

Dr. Pannu: Thank you.

Mr. Elsalhy: Thank you, Cathy, for the presentation. I appreciate it. My question is as a lay person. We received a submission, and then we had a public hearing from the Pembina Institute. You know, they're questioning whether they should be included on the list. Their approach is that they approach government to talk about the environment and environmental policy. So one can really see this as one way of lobbying, one aspect of lobbying because you're trying

to affect policy. Universities or technical institutions, postsecondary, approach government asking for money, and they argue that maybe they shouldn't be included because they're sort of government, under government, and maybe they shouldn't be. But there's the financial component, and then there's the policy component.

Give me an example, please, of when you had to phone somebody in government and that activity would be captured under this act. When do you have to phone an MLA, and when do you have to phone a department person? I really view fundraisers as the people who phone me around suppertime and ask me for money for the firefighters. Give me an example of when you as an organization had to phone somebody in government.

Ms MacDonald: Okay. Now I have to take my AFP hat off and tell you what my role was as the CEO of the YMCA of Wood Buffalo because that's a perfect example of when I could have, quote, unquote, been interpreted as lobbying. The YMCA child care in Fort McMurray was at risk of having its facilities close down because the building we were in was going to be taken over by the school board. So we actually asked our MLA, who was then Guy Boutilier – it still is Guy Boutilier – to help us try to come up with alternatives, which included our talking to the infrastructure minister and the Minister of Education to see if we could actually strike a deal whereby we could get the building at a reduced price. Now, what that resulted in was that we had to be able to fund raise in order to pay for the building, and therefore we were lobbying government to be able to secure funds for that.

Mr. Elsalhy: But you weren't lobbying government as part of this organization. You were representing fundraisers.

Ms MacDonald: That's right.

Mr. Elsalhy: You were lobbying government as somebody on the board of the local YMCA.

Ms MacDonald: That's right.

Mr. Elsalhy: So is there a situation where you as the organization of fundraisers, the association that represents fundraisers, would have to phone somebody in government or approach an MLA or a minister?

Ms MacDonald: Not that I can think of off the top of my head, other than a situation like this, but we're given this forum to do it.

Mr. Elsalhy: But you were wearing a different hat then.

Ms MacDonald: That's right. I've now got my AFP hat back on.

Mr. Elsalhy: So what I'm saying is: you're asking for an exemption for something that you haven't had to do yet. You haven't lobbied government before, and now you're anticipating that this new law is going to capture you.

Ms MacDonald: We want to be able to influence policy as an organization.

Mr. Elsalhy: How so?

Ms MacDonald: Like this process here, if we're given an opportunity. We would like to have influenced in another instance the do not call legislation. It's similar to this, where we would like to be

invited to provide feedback. If we weren't invited, we may choose to go in and talk to somebody about it.

Mr. Elsalhy: Yeah. Okay. Thanks.

Ms MacDonald: Okay.

The Chair: Any other questions?

Cathy, thank you very much for being with us this morning. I appreciate your presentation and the insight that you've brought from your organization. Have a great weekend.

Ms MacDonald: Thank you.

The Chair: Committee members, as we conclude the public hearing portion of today's meeting, I'd like to take this opportunity to thank all of the presenters and the participants in these hearings. I know that the committee has found this process to be very informative. Just so we can move on, we'll take a three-minute recess right now, and then we'll reconvene and get our discussion under way.

[The committee adjourned from 11:31 a.m. to 11:37 a.m.]

The Chair: I'd like to reconvene the meeting now and direct committee members' attention to the process we now have ahead of us. The policy field committees, including this one, are new to our Legislature. As such, this committee is able to direct its own procedures. We find ourselves doing so for the first time, and it's important that all members are able to participate freely in discussions to determine the reporting process for this committee. In order to help create a less formal environment for this discussion, I'd like for someone to move the following motion, that the Standing Committee on Government Services now meet in camera and that designated committee support staff – including Parliamentary Counsel, the committee research co-ordinator, and other committee staff as required, including Justice department staff – and officers of the Legislature be invited to remain in attendance. So if can have someone make that motion.

Mr. VanderBurg: In the spirit of openness and transparency I'll make that motion.

The Chair: Very good.

Mr. Elsalhy: Mr. Chair?

The Chair: Yes.

Mr. Elsalhy: Thank you, Mr. Chair. This is the first time I will actually attend a meeting in camera. Can you explain the virtues? You know, why is that beneficial?

The Chair: Well, I think the virtue of having an in camera meeting is that this will be open discussion amongst the committee members that is not held in public.

Mr. Elsalhy: So what we say is not *Hansarded*, then?

The Chair: That's correct.

Mr. Elsalhy: Okay. Well, just in the interest of experiencing one, I will agree.

Dr. Pannu: Mr. Chairman, speaking to the motion, I am concerned about this. I'm really concerned about this. I'm not a member of

this committee on a regular basis, but I am a member of another committee, and I think the procedures that are used by one committee end up being adopted by another committee. What we may decide here will have, perhaps, ramifications beyond what this committee does.

In camera meetings obviously exclude access to observers and people who want to be there when we engage in discussion. This is a piece of legislation that's of very considerable interest to lots of Albertans. We have heard varying positions on it during the public hearings, and I think our deliberations following the presentations that we have received should be held in the same context in which we received the presentations; that is, in an open context. Therefore, I think it would be, from my point of view, undesirable to go in camera.

The Chair: Richard Marz has raised a point of order.

Mr. Marz: Yeah. I stand to be corrected by Parliamentary Counsel that's here, but I believe motions to adjourn and motions to go in camera are nondebatable motions.

Mr. Reynolds: With respect, if I may. Certainly, motions to adjourn are superseding motions for which there is usually no debate, but a motion to go in camera has typically, in my experience, been debatable as it relates to the procedures of the committee.

Mr. Marz: I did preface my remarks by saying that I stand to be corrected.

Mr. Reynolds: Well, that happens so seldom.

Ms DeLong: Since there are members of the committee who want to ensure that their remarks are written down, I think that we should just proceed as a committee being *Hansarded*, and if we find that we're bogged down, then we could bring forward this motion again.

The Chair: Bridget.

Ms Pastoor: Thank you, Mr. Chair. I guess I may be jumping ahead of myself, and because we haven't done this before, I'm not quite sure how this will work. When we come forward with amendments to bring them forth into the House – like, if this committee brings these amendments forward, because it's going into committee, we would all then go back to our respective sides of the House, so to speak. At this point I think it's nonpolitical, and we should be throwing everything on the table and coming up with what we think is the best that this committee can come up with, but once our recommendations hit the House, then they are to be debated again.

The Chair: Exactly. That's correct. Our responsibility is to review the bill, hear from the presenters that were here yesterday and today, and now go through a discussion period regarding the legislation. From that we will formulate a report that will have to obviously be drafted and then voted on. I think our last meeting is scheduled for November 2. It will have to be voted on at that point in time. Once the Legislature reconvenes in November, then as chair of the committee I'll be introducing the appropriate number of copies of the report to the Assembly, at which time that'll be entered into by the Government House Leader to move into, I believe, Committee of the Whole. Then, of course, it'll be debated by all members.

Ms Pastoor: So, in fact, this committee would recommend amendments.

The Chair: Yeah.

Ms Pastoor: Okay. Got it.

The Chair: That's our role here.

Dr. Brown and then Alana.

Dr. Brown: Thank you, Mr. Chairman. First of all, I want to say that I don't disagree with Dr. Pannu with respect to the issue of the openness and transparency of the committee.

Having said that, I'm going to speak in favour of the motion to move to an in camera session, not because there's anything particularly secretive about what needs to be done but because I think it would be a more efficient way to proceed, a less formal atmosphere. I think what we're trying to do here is to get some back and forth and to work as a committee to achieve some consensus to try to formulate some responses to what we've heard. They're not going to be really easy solutions because we've heard contrary submissions with respect to whether or not certain types of nonprofit organizations should be included. I think in the interests of efficiency, in the interests of resources – for example, we have *Hansard* staff here, and I don't think that we require them. I do think that there will be ample opportunity for all the members of the committee to go on the record, and if they disagree with something or agree with something at some point, they can certainly put that on the record and let the public know where they stand. So in the interests of efficiency I think it would be prudent for us to go into a less formal committee setting at this time.

11:45

The Chair: Thank you, Dr. Brown.

Ms DeLong: Well, I just wanted to make sure that people understood that we cannot actually make any motions in terms of changes to this legislation or proposed changes to this legislation without coming out of being in camera and that any motions that are made or any decisions that are made do have to be made in public.

The Chair: Thank you, Alana, and our legal staff is agreeing with us on that.

Mo Elsalhy.

Mr. Elsalhy: Yeah. Just to clarify my position. You know, other than the novelty of going in camera – and this is the first time I experience it – we have ample opportunity to put our thoughts on the record in Committee of the Whole and in third reading, and I remind my hon. colleague from the NDs that we then also have the ability to issue a dissenting report or a minority report as per the new Standing Orders. So you will have more than one opportunity to make your concerns heard or available to the public should you disagree with what we discuss in camera. If the final report from the committee, for example, doesn't capture what you would like to put on the record, then you have at least two other opportunities to do that.

Dr. Pannu: Mr. Chairman, I appreciate Dr. Brown's observation that he agrees with me in principle but that he thinks it would be more prudent to go in camera. I also paid close attention to the vice-chair's comments just made. I'm not quite persuaded that we need to go in camera. I don't exclude the possibility that there are occasions when we'd need, perhaps, to do this. In this case, frankly, I'm not persuaded that we need to go in camera in order to be frank and up front. The issues are quite public. The issues have been

articulated by people on many sides of the issue: some for, some against. There's nothing really to be discussed here that's of a nature that will impact particular interests in a way that we need to protect. Although I do appreciate very much the comments made around the table why, perhaps, we should go in camera for discussion, I really don't see any need for it, so I respectfully disagree.

The Chair: Well, I'll just make a couple comments, and then I'll ask Rob Reynolds, our legal staff, to respond. Again, I think, Dr. Pannu, that going in camera will allow us to participate freely in the discussions. I'm not a lawyer. When we're going to be looking at discussing the legal issues regarding this bill and/or redrafting them, we have experts in the room to help explain the legalities of the bill, officials from the Ethics Commissioner's office and from Justice, that aren't sitting at the table but that have to be at the table. They're not a part of this committee. They're here to provide us with advice because I think we need it. I think they will be critical in assisting us to perform our duties and responsibilities on this committee.

I think that if we have an in camera meeting, we can utilize their skills and expertise, build the plan of where we have to go over the next five or six meetings that we have scheduled. We have a short timeline, as you are aware. This has to be done by November 2. We have a duty to report. Obviously, we have our work cut out for us.

As Alana mentioned, any vote regarding potential amendments to the legislation will have to be done in public and recorded by *Hansard*. At that point in time, as well, everyone can make their concerns known. Possibly, we could all be in favour.

Dr. Pannu: Mr. Chairman, I'm glad you raised another element here; that is, people who are not members of the committee are here to give us advice. If, in their judgment, their advice is best rendered to us when we are in camera, I'll be happy to defer to that. I want to hear, perhaps, from those people here.

The Chair: Rob Reynolds, go ahead.

Mr. Reynolds: Thank you very much, Mr. Chair. Of course, this is the committee's decision. Whichever way, the Legislative Assembly Office will provide support, et cetera. I mean, obviously, we have no position on the vote as such.

Some of the considerations that come to mind with respect to the in camera session – it's my understanding that today it would be mainly a decision on where the committee is going after this. In a sense you would help lay out a road map. In that situation there may be discussions concerning what sort of instructions you wanted to provide or information that you wanted from officials. Certainly, when it comes to advice, it's the situation in other forums that the receipt of legal advice or opinions is done in camera given the nature of the subject matter, which is, obviously, legal. Having said that, there are other jurisdictions in Canada that do have their deliberations in camera.

Really, the session today, I thought, Mr. Chair – of course, I don't want to presume what you had in mind – was mainly on sort of where the committee might be going, a discussion of where you thought the direction was, and to give advice to staff so that they could interact with you at this time. It was not my understanding – perhaps I'm incorrect – that there would be any sort of clause-by-clause analysis of the bill today.

The Chair: Thank you, Mr. Reynolds. No, that's not the point of going in camera.

I think the other issue, though, when you talk about being able to

freely participate, is that we're going to be discussing, obviously, areas related to a number of the organizations that presented before us. I'm not sure, Dr. Pannu, if you're going to state the names of certain organizations and the individuals that appeared here in public, without their having again a chance to respond.

I think we have to be very careful of how we discuss the issues related to some of the organizations that did present and some that haven't presented. I think we want to be careful about mentioning those organizations in a public setting without their being here. Obviously, I mean, just making notes regarding their presentations, some want clearer definitions. Some want everybody else to be registered except them; there are a number of those. So I think we want to be very careful.

If we're going to have a free and open discussion, I think we want to do that, but I also think we might want to do some of it, not all of it but some of it, in camera so that we can really freely speak about some of the organizations and some of the situations that we're going to have to deal with.

Dr. Pannu: Mr. Chairman, I'm frankly not entirely sure at the moment what we're going to be discussing because there's no clear agenda. As long as we're dealing with the process, you know, how to proceed from this point on and what instructions we give, perhaps, to our legal resource people, so long as we're not really discussing anything substantive in camera, I think I'm happy to go along with the motion.

The Chair: Well, thank you very much for that, Dr. Pannu.

Moe Amery.

Mr. Amery: Thank you, Mr. Chairman. My question is to Parliamentary Counsel in regard to what the chairman just said about mentioning some names of organizations. Are we protected here, if we mention names of organizations, as if we were in the House?

Mr. Reynolds: Yes.

The Chair: Thank you very much. I appreciate that clarification as well.

David Coutts.

Mr. Coutts: Thank you, Mr. Chairman. If we're going in camera to look at some clarification and get some legal opinions on how the presentations that we've heard in the last day and a half may be incorporated eventually into the legislation, and if we need this time to do that clarification, I am assuming, in the event that you're looking at future direction, that what you're saying is that the in camera session will not apply to all future discussions of this committee, that when we talk about possible amendments, they will be done in open committee, *Hansard* will be involved, and it will be part of the public record, et cetera, et cetera. Right now all we're doing is looking at a clarification of some of the presentations as they apply to the present bill to help us in our future direction.

11:55

The Chair: Well, I think you mentioned, Dave, some of the things that we want to discuss in camera as well as look at the timelines that we have and the follow-up meetings.

Mr. Coutts: Exactly.

The Chair: Obviously, the staff that are here are going to be

assisting us in bringing information back to our next meeting, but they're going to have to know what we want them to bring back.

Mr. Coutts: Exactly. Therefore, I will support the motion.

The Chair: There are no other speakers. I'll reread the motion that I'd like someone to move.

An Hon. Member: We already did.

The Chair: Oh. Was it moved? Okay.

All in favour? Opposed, if any? It's carried unanimously. I wanted that on the record, and that's recorded. We're done.

[The committee met in camera from 11:57 a.m. to 1 p.m.]

The Chair: Is there any other business members wish to raise?

Mr. VanderBurg: Do we have to start at 9 o'clock? Dave is travelling six hours, five hours. I'm travelling two hours. You're travelling three hours.

The Chair: You want to start at 10? Is that what you're saying?

Mr. VanderBurg: Yeah.

The Chair: I don't care: 9 o'clock, 10 o'clock.

Ms Pastoor: Can we start it off at 9:30?

Mr. VanderBurg: Leave it alone. I'm sorry that I even brought it up.

The Chair: The next meeting is Wednesday, the 3rd of October.

Ms DeLong: I won't be able to get here until 10 o'clock.

An Hon. Member: Come up the night before.

Ms DeLong: Well, no. I'm in Calgary for the night before.

Mr. Elsalhy: We had this discussion when we were booking these

times. For us in Edmonton – well, there is only me from the Liberal caucus – that's how we built in our Read In Week assignments.

The Chair: That's right too. Yes.

Mr. Elsalhy: I was actually planning to finish at noon and then rush back.

The Chair: Okay. I'll give you the meeting schedule and the times. Wednesday, October 3, is at 9 o'clock. October 9, 18, and 25 and November 2 all start at 10 o'clock, just so that you're aware.

An Hon. Member: So there's not a meeting on the 31st?

The Chair: No. There's one on the 2nd of November.

Okay. The next meeting is October 3, next Wednesday, at 9 o'clock, and then the meetings change, I think, to 10, but Jody will send you a note regarding the times.

Any other issues?

Dr. Brown: Just one issue. I know that it's difficult to accommodate everybody, but there is a conflict on the 9th with the Agenda and Priorities Committee. I don't know if there's anyone else here that is on that committee.

The Chair: Okay. Thank you very much.

I think, Dr. Pannu, you'd agree that the discussion and participation in the in camera session was very good.

Dr. Pannu: It was useful, yes.

The Chair: Very good. Thank you very much.

I'll ask for a motion to adjourn.

Ms Pastoor: So moved.

The Chair: So moved by Bridget. Thank you.

Thanks, everyone. That was a long day here, a long couple of days, but we got lots done.

[The committee adjourned at 1 p.m.]