

Title: Tuesday, October 9, 2007 Government Services Committee

Date: 07/10/09

Time: 10:02 a.m.

[Mr. Cenaiko in the chair]

The Chair: Well, good morning, everyone. We'll call the meeting to order. I'd like to begin by asking everyone at the table, including our guests from the Department of Justice and the office of the Ethics Commissioner, to introduce themselves for the record. I'm Harvey Cenaiko, chair of the Standing Committee on Government Services and MLA for Calgary-Buffalo.

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

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

Dr. Pannu: Raj Pannu, Edmonton-Strathcona.

Mr. Pagano: Peter Pagano, Legislative Counsel office.

Ms Neatby: Joan Neatby, Alberta Justice.

Ms Barnsley: Alice Barnsley, Alberta Justice.

Ms South: Karen South, office of the Ethics Commissioner.

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

Ms Close: Heather Close, committee research librarian, Legislative Assembly Office.

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

Mr. Reynolds: Good morning. Rob Reynolds, Senior Parliamentary Counsel.

Mr. Amery: Moe Amery, Calgary-East.

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

Ms Pastoor: Bridget Pastoor, Lethbridge-East.

Mr. Cheffins: Craig Cheffins, Calgary-Elbow.

The Chair: Thank you very much for being here.

Before we go ahead, I'd just like to welcome Craig Cheffins, MLA for Calgary-Elbow, to our meeting today. Although he's not a member of the committee and not eligible to vote during today's proceedings, I'm sure we will find his thoughts and input to be very valuable as we continue our discussions on Bill 1.

Mr. Cheffins: Thanks, Harvey.

The Chair: We will move to number 2, Approval of Agenda. We'll just wait. I think there are some agendas being printed.

I'd like to welcome Alana DeLong, Calgary-Bow, as well.

If everyone can take a look at the agenda, I'd like someone to move that the agenda for the October 9, 2007, meeting of the Standing Committee on Government Services be adopted as circulated.

Mr. Coutts: So moved, Mr. Chairman.

The Chair: All in favour? Opposed, if any? Carried.

Now we'll look at number 3. It's the approval of the September 27 and 28, 2007, meeting minutes. We have two sets of minutes before us today, both of which stem from the public hearings held in September. Does anyone have any corrections for the September 27 minutes? If not, could I ask for a motion to approve the September 27 minutes as circulated?

Mr. Amery: So moved.

The Chair: All in favour? So moved.

Are there any corrections to the September 28 minutes? If not, I'd like to ask someone to move that the minutes of the September 28, 2007, meeting of the Standing Committee on Government Services be adopted as circulated. Raj Pannu. All in favour? So moved.

Item 4, Items Arising from Previous Meeting. There are two follow-up items from last week's meeting. The committee requested that screen shots of the online lobbyist registration process in other jurisdictions be provided to us and that a list of provincial entities as referred to in Bill 1 also be prepared. I'd like to turn the floor over at this point to the committee research co-ordinator, Dr. Massolin, for further discussion.

Dr. Massolin: Thanks very much, Mr. Chair. There's not a lot to say on the screen shots. You've seen those. I don't know if there are any questions that committee members may have. If not, I can turn it over to the provincial entities part of the agenda.

The Chair: Well, I'll just ask the committee members. Any questions? Did everybody get to take a look at the screen shots that were requested? Any questions on them?

Dr. Pannu: Mr. Chairman, I would appreciate it if Philip would review some of the highlights, the main points. Are there any changes in the list?

The Chair: No, no. It's just the screen shots, what you see on the computer, on the application as it were.

If there are no questions there, we'll move on, then, to the list. Is that what you want to move to?

Dr. Massolin: I think I'll defer to my colleagues from the Department of Justice on this one. They've provided us with the list of provincial entities, and I think they can speak to, you know, the legislative provisions that are required to be considered by the committee.

The Chair: Okay. Thank you very much.

Ms Barnsley: In terms of the provincial entities the definition of provincial entity identifies three types of things that can be prescribed as a provincial entity. That's anything that's a provincial agency as defined in section 1 of the Financial Administration Act, a body or entity that appears on the list of government entities or a body or entity that appears in the most recent government of Alberta annual report. We have sent over to your researchers – and I assume you have copies of the list of entities from the annual report and also from the government estimates. So that's literally a list of entities, and anything that appears on that is a provincial entity and could be a prescribed provincial entity.

The third component to the definition, as I said, is reference to

section 1 of the Financial Administration Act, which defines provincial agency with reference to provincial committee or provincial corporation. Basically, it's any corporation or committee that's controlled by the government. There is, to the extent that we are aware, no actual list that lists all of those things. It's sort of a definitional matter. Any entity that would meet the definition would be a provincial entity. By having that third component to the definition, it ensures that there is some completeness in terms of if there's any entity that's controlled by government that doesn't appear on these lists, it's covered by that aspect of the definition. It also ensures that if an entity is newly created and does not yet appear on either of these lists, it still could be a prescribed provincial entity.

10:10

The Chair: We'll open that up to the floor, then. Would the University of Alberta be a provincial entity?

Ms Barnsley: Yes.

The Chair: And the Calgary health region?

Ms Barnsley: Yes.

Mr. Reynolds: It would be a provincial entity, I imagine, under the documents, certainly the attachments to the estimates and the annual report. To be a prescribed provincial entity, wouldn't it have to actually be prescribed by regulation?

Mr. Pagano: Under this act, yeah.

Mr. Reynolds: I'm not trying to be evasive, but, yes, they would probably be prescribed provincial entities. It's just that they have to be prescribed by regulation. Isn't that correct?

The Chair: Moe Amery.

Mr. Amery: Thank you. Would Mount Royal College and Grant MacEwan College and those kinds of colleges be considered provincial entities?

Ms Barnsley: They are. There's a whole list of colleges.

Mr. Amery: Thank you.

Dr. Pannu: School boards?

Ms Barnsley: School boards are on the list as well.

The Chair: Any other questions from committee members? Bridget.

Ms Pastoor: Thanks, Mr. Chair. I'm sorry; I just would like that clarified again. My other question would be: in this lobbyist bill that we're discussing, provincial entities would then be exempt?

The Chair: That's right.

Ms Pastoor: So all of these pages of God knows how many people that work in all of these things are all exempt. At this point I guess that I would have to agree with what Richard Marz said the last time, that we probably should call this the exemption act.

Mr. Pagano: Just let me clarify. This listing is basically a list of all

provincial entities. The act then talks about prescribed ones. So you take this list and you create a regulation and prescribe whichever ones you want.

As you know, there are a number of places in the act that use the term "prescribed." Sometimes you might be prescribed for one purpose or prescribed for another purpose, so this is sort of the starting point list. When the act says that something applies to the prescribed provincial agency, there will be a regulation created that will actually then list which ones of these that are set out this act will apply to or maybe in some cases not apply to because the term is used in a number of different senses in the act. This is just sort of the cumulative list of all provincial agencies or entities, and then policy, I guess, through the regulations will set out which ones are in, which ones are out, et cetera.

Ms Pastoor: Who makes that decision? Is it this committee?

Mr. Pagano: Under the act it's the Lieutenant Governor in Council. Now, how that decision is going to be made by the Lieutenant Governor in Council – maybe they'll take advice from this committee. I'm not sure about that part. It's a regulation that would be passed.

The Chair: The definition "provincial entity" will remain in the bill, which describes the entity, but the entities themselves will be identified in the regulation is what you're saying, Peter?

Mr. Pagano: Yes, that's right, as to which ones are prescribed for the purposes of the act.

Mr. Reynolds: Sorry. I probably wasn't too clear before. You've got a big grouping of entities that are provincial entities, but all of them may not be prescribed provincial entities. That's sort of the set, if you will, that you can take from. It's just a matter of what is actually taken that's up to the Lieutenant Governor in Council.

Ms Pastoor: I guess my sticking point is: who determines who's in and who's out, and where is it done?

The Chair: I think I can answer that. If it's done through regulation, that would be through the department. It won't be included in the act, obviously, because then every time there was a change, the act would have to go before the Legislature.

Dr. Pannu: The Lobbyists Act through regulation will designate certain public entities as prescribed entities. Is that true?

The Chair: That's right.

Dr. Pannu: Rob, that is your understanding of the bill as well?

Mr. Reynolds: Yes. My understanding is that you've got the group of possible prescribed provincial entities, but the ones they actually take will be the prescribed ones. That's the prescribing part, if you will. Prescribing means prescribed by regulation, and the regulation-making power is set out in section 20 of the bill. Section 20(a) says: "Prescribing Provincial entities for the purpose of any provision of this Act in which the term 'prescribed Provincial entity' is used."

Dr. Pannu: The category of provincial entity really is a large one. It's a broad one, and the ability to bring any of those on the list as a prescribed entity is left with the minister or with the Lieutenant Governor in Council, Mr. Chairman. We have had lots of discus-

sions on the pieces of legislation which have had that provision, which really become then broad framework legislation and then leave lots of powers, actual concrete power, which impacts how the piece of legislation will in fact be implemented, in the hands of the executive.

Some of us in the opposition over the years have expressed a great deal of concern about it. Regulation is important, but so long as regulation remains entirely, exclusively in the hands of the minister or the cabinet, we have concerns about it. It's a question of legislative accountability. It's a question of transparency. You know, when regulations are changed, most people don't even take notice of the fact that the regulations have changed. So there is a concern about this.

We had before us several presenters, two weeks ago when we held the public hearings, who specifically will want to be excluded from the purview and the provisions of the act. They will not want to be treated as lobbyists. I had some pointed questions on that issue during that discussion. I would like to see the bill amended to limit the circumstances under which the minister or the Lieutenant Governor in Council would have exclusive authority to bring in regulations. It is inconvenient; I agree with you. I think you suggested that every time you want to bring in a new regulation, you have to go back to the Legislature. But it's a kind of democratic inconvenience, I think, that we should be able to afford and support. That's my general sense of where I would like us to go.

The Chair: Thank you very much, Dr. Pannu. I don't believe you're on the Public Accounts Committee representing the NDP, but I can tell you that this year public entities have now been brought forward to Public Accounts. If you have a concern regarding these public entities, I think that in the future that may not be there. Public Accounts has now asked some of the public entities, the prescribed public entities, to come to Public Accounts and answer questions from all three parties at our Public Accounts meetings, which, again, are open and transparent: open to the public, open to the media. I think this is new and new for this government and does provide that openness and that transparency.

10:20

The issue related to your concerns regarding regulation, obviously, we may have to discuss down the road, other than the fact that most if not all legislation provides for the minister and the department to bring back the regulations, which are the working tools of the act. The act provides the description of the law and what the law is meant to be regarding that area, but the regulations are really there to enforce and/or to provide those working in that area the legislative requirements that they need.

Thank you very much, Dr. Pannu.

We'll move on. Moe Amery.

Mr. Amery: Thank you, Mr. Chairman. On this list of government entities I see Gainers Inc. Can anybody explain to me: is this Gainers Inc. the Gainers that we know about, and is Gainers Inc. a government entity?

Ms Barnsley: It is my understanding that it is.

Mr. Amery: It is?

Ms Barnsley: Yes.

Mr. Amery: Can anybody explain to me why? My understanding is that Gainers was owned by a private person, Mr. Pocklington. How did it become a government entity?

Ms Barnsley: I'm not familiar with the specific history of that and how that came to pass, but it is my understanding that it is now a government-controlled corporation. I believe it's a shell corporation at this point.

Mr. Amery: Does it still exist?

Ms Barnsley: It's my understanding that it still has a legal existence but does not carry on business. The process of prescribing provincial entities would be one that involved developing criteria to decide what sorts of entities should be prescribed.

Mr. Amery: My understanding is that this company had gone out of business years ago. Why is it still existing as a government entity?

Ms Barnsley: My understanding would be that just because it's not carrying on business in an active way doesn't mean that it doesn't still have a legal existence, that it doesn't still technically legally exist. If it still legally exists and is controlled by the government, then it appears on the list.

Mr. Amery: I see. Okay. Thank you, Mr. Chairman.

The Chair: Thank you, Moe.

Alana DeLong.

Ms DeLong: Thank you very much. Further to Raj's comments because, essentially, we want to give some direction in terms of what is excluded and what isn't excluded. Going through this whole list in terms of what we would want excluded from the entities, I think that was a very good point about Gainers. You know, we don't know what that is, and it is sort of a troubling name. I guess we need to say: what else is in here that we might want to have excluded from the prescribed entities? I know that to be prescribed, it has to first of all be on this list. That's what it means by prescribed, that it has to be one of these to have it excluded. But besides this one that jumps out at us, what other ones would fail to be excluded? I guess that is the question I have for everybody.

The Chair: Well, there are no other comments coming from the floor, Alana. I think what we have to look at is the definition of provincial entity that's in the act right now. When the regulation comes forward through government, government members will have the opportunity to question the regulation and work with the minister at that point in time to look at changes or concerns related to the regulation coming into force, which will be sometime next year. That opportunity is available to government members. I think that all MLAs, if they have a concern regarding a regulation, can meet with the minister and voice their concerns with the minister as well. The government MLAs will obviously have an opportunity to see the regulation before it comes into being through the order in council.

Dr. Pannu: Mr. Chairman, this committee's role is going to evolve as we move through time and address issues as they arise. This committee in itself is a departure from past practice of how legislation came before the House and went through it.

You just mentioned that the proposed regulations will first come before government MLAs. I suggest that that practice needs changing, the kind of change that we are seeing here in the work of this committee, that those regulations should be vetted by this committee perhaps. Since this committee is the one that's now looking at Bill 1, has held public hearings and is likely to propose some amendments, it should also be the forum for looking at the

proposed regulations. That should be the minimum, I think, that should be provided in the act: that this committee will in fact be the one that looks at those. By all means, you know, government members can look at it, but this committee should formally have the responsibility to look at the regulations related to whether or not a particular entity will be prescribed or not.

Ms DeLong: Looking at these lists again, may I propose that there are two categories that we could say should not be excluded: commercial enterprises that are Crown entities and commercial Crown-controlled corporations? If we perhaps were to specify something along those lines, then maybe that would satisfy us providing a guideline in terms of the regulations.

The Chair: What page are you on?

Ms DeLong: I'm on page 56 of the consolidated financial statements of the government of Alberta.

The Chair: Okay. You're saying commercial enterprises like Alberta AGLC, Alberta Treasury Branches . . .

Ms DeLong: Credit Union Deposit Guarantee Corporation, N.A. Properties, and a commercial Crown-controlled corporation, which is Gainers.

The Chair: You're saying that they should be what?

Ms DeLong: They would not be excluded.

Mr. VanderBurg: They would not be on the list of prescribed.

Ms DeLong: Yeah. That's right. They would not be on the list of prescribed entities.

Ms Pastoor: Would you repeat that?

Ms DeLong: Yeah. Commercial enterprises or noncommercial Crown-controlled corporations. Now, these are entities that are included in the consolidated financial statements of the government of Alberta.

Ms Pastoor: Right. Thank you.

The Chair: Can someone from Justice provide some clarification, advice?

Ms Barnsley: As I'd said earlier, part of the process in developing the regulation will be to identify criteria that are going to be applied in determining what is and is not a prescribed entity. Probably one of the criteria that would be used is that an entity engaged in a commercial enterprise is not necessarily the sort of thing that would be identified as a prescribed provincial entity; for example, for the purposes of publishing payment information. That might not be appropriate. In the context of Gainers it's our understanding that it's not carrying on business. Therefore, there wouldn't be much sense in prescribing it. I can certainly say that those are some of the criteria that would be expected to be used in the development of the regulation.

10:30

The Chair: Okay. Could we in fact, this committee, provide you with that direction? I'm not sure if we need to make a motion to

provide you with direction to take back to the minister when developing the prescribed list that concerns were raised at this committee regarding these commercial enterprises.

Ms Barnsley: There certainly were some motions at the last meeting that were recommendations with respect to what would go into the regulations. I would expect that that could be done again here. Rob might be able to speak to that.

Ms DeLong: I just move that when prescribing entities to be excluded, we exclude the commercial enterprises and commercial Crown-controlled corporations. We're dealing with a double negative. It's really difficult to express it.

The Chair: So you're making a motion to recommend . . .

Ms DeLong: . . . that we do not prescribe – oh, that's how I can say it:

that we do not prescribe commercial enterprises and commercial Crown-controlled corporations,
as on page 56. Yes.

Mr. Reynolds: Just – sorry. “We wouldn't”: when you say “we,” I assume you mean the committee. If the bill stays in the present form, it would actually be the Lieutenant Governor in Council that prescribes the entities. So is your motion that the committee recommend to the minister that the Lieutenant Governor in Council not prescribe certain classes of whatever?

Ms DeLong: Yes. Yes.

Mr. Reynolds: Yes. Okay.

The Chair: Okay. The motion is on the floor.

Dr. Pannu: To be absolutely clear what the motion is about, I think Rob's comment clarifies that the motion is to recommend to the Lieutenant Governor in Council – right? – not to prescribe some entities that are referred to in the motion here. Now, prescription itself means to exempt from the Lobbyists Act or to include them in the Lobbyists Act? That's another point of extra clarification we need.

An Hon. Member: They're all words.

Mr. Reynolds: Yes, they are all words. Yes. As I understand the motion, you would want them not to be prescribed provincial entities.

Ms DeLong: Right.

Mr. Reynolds: That's what I understand you're saying. Now, just as a bit of background and not to make this any more confusing, although I'm sure I will, you know that there's a difference between being a prescribed provincial entity and being excluded from the operation of the act.

Dr. Pannu: Oh. That's now something additional.

Mr. Reynolds: Yes. Sorry. Because if you're a prescribed provincial entity – and I look for my colleagues from Justice to intervene if this is correct – then anyone who lobbies you is subject to the provisions of the act with respect to: you have to register, all

that sort of thing, indicate whom you're contacting. You can be in violation of the act if you don't do those things. If you are excluded, it's a bit of a different situation. For instance, as municipalities and municipal employees are excluded, that means that they're not prescribed provincial entities, so one could lobby municipalities or municipalities could lobby the government without having to report anything, my point being that if school boards are a prescribed provincial entity, then if someone's going to approach a school board, they would have to register. However, the school board could lobby, if you will, the government sort of to its heart's content. Now, I look for my colleagues from Justice to see if that's, in fact, their interpretation.

Ms Barnsley: That is correct. I'd say that an entity being prescribed as a provincial entity sort of brings it within the scope of the act. As Rob pointed out, employees would then be public office holders, and lobbying those people would amount to lobbying. It also means that they could be identified as organizations that have to publish their payment information, again bringing them into the scope of the act. Having something be prescribed as a provincial entity really does not exclude it from the scope of the act; rather, it incorporates it into the scope of the act.

Dr. Pannu: And there is a reference in the act? Mr. Chairman, I'm here, first of all, acknowledging my own ignorance about the details, the provisions of the act. Is there also a reference to excluded entities in the act itself? Rob, you just introduced another term. I'm wondering if it's part of the body of the act itself.

Mr. Reynolds: Well, section 3, I believe, would be what I'm talking about, but that means they're out. I'm not talking about the definition of prescribed provincial entity here. I'm talking that they're outside the scope. That's who I meant when I said that they're excluded from the operation of the act. If you look at section 3(1)(d), it lists "officers or employees of municipalities." They are excluded from the operation of the act when acting in their official capacity.

Dr. Pannu: So if AUMA, representing urban municipalities in the province, were to engage in lobbying the government of Alberta, it is excluded from the provisions of this act at the moment?

Mr. Pagano: Well, AUMA is not a municipality. It's the Alberta Urban Municipalities Association.

Dr. Pannu: Okay. All right. Similarly, then, the Alberta School Boards Association, which appeared before us last week, argued on behalf of its members that since their members are elected entities, they should be excluded from the provisions of the act. We have organizations come before us who purport to speak on behalf of their members who themselves are elected entities. That's why I raised the issue of AUMA. Does it represent? It doesn't itself. It's not an elected body, and it's not a municipality, but it is an organization which represents elected urban municipal governments.

Mr. VanderBurg: Well, I think we addressed all those things in the meeting you missed. Last meeting we went over that whole thing. We had a decision on that. That's the trouble, sometimes, when you miss part of the meeting: you miss the discussion. We've had that discussion. Been there; done that. I'm not about to revisit that whole issue.

The Chair: Yeah. School boards are exempt.

Mr. VanderBurg: We've said: they're exempt.

Dr. Pannu: We said: they're exempt?

Mr. VanderBurg: We did. That's our recommendation. You missed the meeting on it. It's past. It's done.

Dr. Pannu: You already made that decision at the meeting that I missed?

The Chair: Yes. It's been voted on.

Dr. Pannu: Okay. I see.

Mr. VanderBurg: I just wanted to update you on that.

Dr. Pannu: Okay. All right.

The Chair: So we'll take your comment as a vote in favour of the vote.

Dr. Pannu: I wouldn't be that presumptuous, Mr. Chairman. I hope you are not worried about this.

Mr. VanderBurg: I can't imagine you not representing school boards.

The Chair: Yeah. Exactly.

Mr. VanderBurg: Thanks, Raj, for your support.

The Chair: Okay. We'll just go back. Dr. Massolin, any further regarding the information that you've provided?

Dr. Massolin: Well, I suppose, Mr. Chair, if you want to move away from the provincial entities issue to the next issue on focus issues. Otherwise, no, I don't have anything specifically to say about this.

Some Hon. Members: There's a motion on the floor.

The Chair: I'm sorry, Dr. Massolin. I apologize. There's a motion on the floor. Dr. Pannu spoke. Any other questions regarding the motion? Okay. All those in favour? Opposed, if any? Carried.

Mr. VanderBurg: I just want to get clear that we've voted to exclude on page 56 commercial enterprises and commercial Crown controlled. Those voting against want Gainers in, I guess, then.

The Chair: I believe that's what they want.

10:40

Dr. Pannu: It's the ad hoc way we are dealing with it that creates the problem, actually.

Mr. VanderBurg: I just want to get it clear.

Dr. Pannu: Yeah.

The Chair: We'll move on to number 5, Discussion on Bill 1. Thank you very much, Phil, for providing the last information to us. I think we're now ready to continue building on last week's discussion of Bill 1. The members will note that a document focusing on some of the priority topics for Bill 1 was included with

their briefing materials for this meeting. The information in the document focuses on the priority items that were discussed last week. Before I turn over the floor, do you have any comments you'd like to make, Dr. Massolin?

Dr. Massolin: Well, I just wanted to point out that what was posted here is a focus issue document. Basically, these are the two remaining issues that we didn't have time for at the last meeting. You have before you a two-page document that has two issues. One of them is the administrative burden, the anticipatory filing issue. The second issue is the reverse onus issue. Now, if you wish, Mr. Chair, I can walk you through these items issue by issue.

The Chair: Yes, please. We might just want to wait 15 seconds or so. We're just making some additional photocopies for some of the members that don't have a copy with them.

Dr. Massolin: All right.

The Chair: Okay. Everyone has one now. Dr. Massolin, if you'd like to take us through this.

Dr. Massolin: Yes. Thank you, Mr. Chair. The first issue, as mentioned, is this administrative burden/anticipatory filing issue. As you can see from the document – and I'm speaking about page 2, item 1.1 – a significant number of the submitters indicated that the bill would create sort of an excessive and undue administrative burden. That's the general concern.

In the second column there you see listed the requirements for a designated filer. You can read through those requirements yourself. This is a summary of what schedule 2, section 2, of Bill 1 indicates.

The things I'd like to highlight are twofold. First of all, there is an either/or requirement to report on what has happened or to anticipate what sort of lobbying activities may happen over the next six-month period. You can see that highlighted there. It is also indicated in that section of the bill.

The other thing to point out is the fact that all other Canadian jurisdictions which have similar lobbyist legislation have similar reporting requirements for planned lobbying activities. Now, I think the committee should perhaps consider whether or not this anticipatory reporting requirement should be accepted as the proposed amendment sets out or should be discussed and perhaps changed.

The Chair: First of all, the vice-chair is unable to be here, and Mr. Cheffins is here for him. But the vice-chair did ask me to provide his comments regarding this in an e-mail that he sent me, and then we'll move around the table. Basically, Mo stated in his e-mail: "The fact that I strongly urge them [the committee] to drop the reference to anticipatory reporting. We should just stick to actual, after-the-fact reporting for lobbying which did take place, not that [that's] expected to happen." So he asked me to kindly put that on the record for him.

We'll move around the table to Alana DeLong.

Ms DeLong: Thank you very much. The reason that I'm very interested in this is mainly the administrative burden that we're putting on people. To me it's something that you report on, yet how can it be right or wrong? In other words, if you report that you're going to do it and don't, so what? You changed your plans. Or you reported that you didn't report it and then you did it. Well, you've changed your plans. So it seems to me that we're collecting data that has no validity to it.

You know, in a way it's very much going beyond a certain

boundary. In other words, we don't have to as citizens report how much money we're going to make. We don't report on all the jobs that we're going to have. We don't have to tell the government what we're going to do next month. So I would say that this is something that just adds administration and really adds no value at all to lobbying reporting.

Mr. Cheffins: I tend to agree. It strikes me that what the practice might then be: report that you're expecting to always, and if you don't, then that's fine. That also makes it so that it's sort of a moot point because you were just going to always report that they might if they're not going to get into trouble if they don't later on. So I'm curious as to whether or not that's a real concern, and if you could speak a little bit more about the other jurisdictions and how this works, just sort of the mechanics of it, and any concerns that you've heard reported back.

Dr. Massolin: Well, I can't speak to the issue of concerns or problems, but I will defer to my colleagues in Justice in terms of the operation. My understanding of this – and again I stand to be corrected – is that it's an either/or proposition. You don't necessarily have to anticipate your lobbying activities. You can do that. A lot of it, as I understand, is driven by the reporting requirement, the timing of it. You have one opportunity to file, and then six months later you have to either report or refile. That's when you have the opportunity to pick up what you've done in the previous six months if you haven't already anticipated what you were doing. It's built in that way as an either/or proposition. It doesn't require you, in other words, to say: this is exactly what I'm going to be doing over the next six months. That would be difficult to do. You may not know what you're doing. You could do that after the fact if you can't anticipate what you're doing. That's why the legislation is proposed in the way it is, but I stand to be corrected by the people who are more in the know than I am.

The Chair: Go ahead.

Ms Neatby: Thank you, Mr. Chair. In each jurisdiction they require lobbyists to report on who they have lobbied and who they expect to lobby in the upcoming time period. In many cases it's easy for people to think about who they expect to lobby. It will often be who they have already lobbied. In some situations it may not be easy to anticipate who you expect to lobby. All jurisdictions also have the requirement that if you change your plans, you can file a change to your return. So it's not a situation where you'd be in trouble if you hadn't anticipated who you will lobby and then you lobby them. You just file a change of return. But each jurisdiction requires "have lobbied" or "expect to lobby."

10:50

The Chair: Moe Amery.

Mr. Amery: Thank you, Mr. Chairman. I think we go back to the same administrative burden that the organizations stated here when they were presenting to us. They have to file if they expect to talk to government officials, and now they have to file if they decide not to. So we're creating more administrative burdens on them.

Ms Neatby: My reading of it is that they'd be in a situation of: if I have lobbied someone and I didn't anticipate it, then I would look at my return and see if it needs to be changed. One thing to remember, though, is that the information you need to file in the first place is very broad. For example, if the office of the Ethics Commissioner

were to copy Ontario, they would have down subject matters, which could be as broad as agriculture or energy, and they would also say what the name of the department is that I expect to lobby. So it may be that while you might talk to different people, it's not actually a change that requires a change to your return.

Mr. Amery: I understand, but when we were listening to the presenters, they were saying: you are creating a lot of administrative burdens if you require us to file if we are going to lobby. Now if we're going to tell them, "You are going to defile if you're not lobbying," that's another administrative burden that's imposed on them. That's my point. I think we're creating more administrative burdens on them.

The Chair: We've got a number of questions here.

Ms Pastoor: I think it probably isn't, and I agree that I think it's going to be an onerous burden to do all of these reports: in, out, don't do. But I think that it's probably easy to anticipate what you're going to do. I think that if you haven't anticipated six months ahead, it means that you don't have a plan, and I would hate to think that many of these organizations that come forward are coming forward without plans. I can see where you'd have the plan, and this is how it is; this is who we have to talk to for whatever reasons: either policy or we need more money or we're lobbying for whatever. But I can understand their concern about it being onerous in terms of always having to file ahead of time.

I agree with Alana that I think that if you've done it, report it, and it's a done thing. You've done a particular behaviour, report it. I think it's much easier to say something that you've done as opposed to something that you haven't done. But if you haven't registered, that's quite a different issue. We're just talking about the anticipatory part of it.

Ms Neathy: There are a few things to consider when looking at this issue. One is that the filing time periods are every six months. The other thing is that we should not forget the impact of imposing a threshold on this whole discussion, so once a threshold is in place, we are speaking of reporting obligations on people who spend a significant amount of time lobbying. For some of these organizations that will be one of their main purposes. There will be some who engage in a lot of lobbying, and for those they will have a plan, and they will know who they intend to lobby.

In some cases some organizations will not know who they intend to lobby. There might be something that they didn't see that the government was going to do, and they only know after the government does it that they're going to lobby. The idea is that they wouldn't have to anticipate something they could not see coming, so they would file after the fact.

Dr. Pannu: Mr. Chairman, this information from the Department of Justice representative helps our understanding of how it works. It seems to me that while we should be concerned about not adding undue burden to the requirement for reporting for organizations and lobbying groups, I'm curious about the fact that other jurisdictions, provincial and federal, have this anticipatory provision in their respective pieces of legislation, and it hasn't really caused a great deal of outcry or complaint or concern about onerous burden added to what they're expected to do. I think that we might be sort of seeing an exaggerated notion of how much additional burden there would be.

I would err on the side of caution here and say that since other jurisdictions have had this provision and it seems to have not really

caused a great deal of concern – things have worked reasonably smoothly; it's really meant for organizations that lobby on a large scale on a regular basis, and they do have plans, so it wouldn't really be a great deal of difficulty that they would experience if anticipatory lobbying were retained in this act. When I say that I'd rather err on the side of caution, I mean that we should in this case perhaps simply take the template that others have used to include anticipatory lobbying in the act and see if it really does indeed put onerous pressure, an extra burden, on lobbyists. It's the first act that we have in the province, and I think we should include anticipatory lobbying in it.

The Chair: Thank you very much, Dr. Pannu.

Mr. VanderBurg: Well, you know, I don't know whether it creates a burden or not. I think our staff would be able to give us some clarification on that. We just heard some very good examples that clarify the issue. Things do pop up periodically, like the royalty review. That's hot and heavy on the minds of a lot of people around the province. The threshold does take care of those issues. I don't know whether it's a burden or not in other jurisdictions. Maybe you could help me with that. Do you have comments from those jurisdictions at all?

Ms Neathy: The one thing I do recall from the public presentations is Mr. Guy Giorno from Fasken Martineau DuMoulin. He made some comments about anticipatory lobbying from his experience in providing legal services to lobbyists in other jurisdictions that have lobbying legislation in place. All I recall about his comment is that it's common to all the jurisdictions. I don't recall whether he made a comment on the onerousness of it.

Mr. Reynolds: Mr. Chair, just on that point I think I'm looking at the right part of the form here for Newfoundland and Labrador where they have the anticipatory filing requirement. The pages aren't numbered, but it says Government Services at the top and under Subject Matter: "Please identify the applicable subject matter categories for this lobbying undertaking/activity (i) for the period in which this return is filed and (ii) expect to lobby for the next following six month period." They've got, you know, 20 subject areas, and then they've got, "Has Lobbied During Return Period," and then the next place you check off is "Expects to Lobby in Next . . . 6 Month Period." Essentially, it's a matter, as it appears to me, of checking off one box in terms of what you've lobbied on and then checking off another box as to what you expect to lobby on. Now, maybe there is more, but that's just what I see on their forms here.

The Chair: Okay. I'll just add that at our last meeting, for those members that weren't here, a motion was made regarding the threshold. Dr. Pannu, I'm not sure if you're aware that a motion was made, and the vote I believe was unanimous as well. It was 12 days which will be the threshold.

Ms DeLong: I've got to go back to the principle of this whole thing of whether we should be collecting essentially meaningless information. We're reporting on something that hasn't happened. To me, you know, we're really stepping over a line here in terms of collecting meaningless data, essentially. I still have heard nothing – absolutely nothing – as to what value this brings. We're just making people jump through hoops to jump through hoops. What value is it? I think that the government does have a right to know who has lobbied. I see that. The people want to know who has

lobbied. Okay. But in terms of who is going to lobby, I just have heard not a scrap of reason as to why.

11:00

The Chair: I guess I'll just briefly answer that, Alana. If they have gone beyond the threshold in lobbying, then obviously they are lobbyists, and some of those lobbyists are very large organizations. Whether it's a school board, whether it's an environmental group – sorry, I shouldn't use the words "school board"; school boards aren't in this – whether it's a large not-for-profit organization that is lobbying government beyond the threshold, then there are issues that may come forward that should be registered. I would think that if they're lobbying government at that point in time, they're also paid lobbyists and will have a plan in place. That information should be made available and should be public and open and transparent.

Go ahead, Alana.

Ms DeLong: Okay. So they're lobbyists. Should we also know what colour their shoes are? I mean, we can ask them that question, you know: what colour are your shoes? How many suits do you have? We can ask all those questions. Okay. But is there any public good to asking the questions aside from giving more jobs to administrators?

The Chair: Justice has a response.

Ms Barnsley: Just a point there. For organization lobbyists returns are filed every six months. One of the implications of removing the anticipatory filing component is that lobbying would only be reported as much as six months after it had taken place, so there could be as big as a six-month time lag before a lobbying activity was reflected in the registry. One advantage to having the anticipatory filing, even though what one anticipates might happen is not necessarily what will happen at the end of the day, is the fact that there is a somewhat more up-to-date record at least of what is expected to happen.

Ms DeLong: But isn't our requirement that you've got to be registered before you lobby? You have to report within six months. You have to be registered if you are going to be in those 12 days.

Ms Barnsley: When a person within an organization crosses the threshold and therefore becomes an organizational lobbyist, there is a certain amount of time that they have to file their first return, which is two months after the day on which they crossed that threshold. Thereafter every six months a return would be filed.

Ms DeLong: Is our problem in terms of the limit as to how long it is before they do their first registry?

Ms Barnsley: I'm not sure I understand the question.

Ms DeLong: Well, you're saying that our problem is that we wouldn't know for two months because they don't have to register for two months. Maybe that's our problem there, that we have to say that they have to be registered.

Ms Barnsley: Sorry. My earlier comments were aimed at the ongoing filings every six months after the initial filing takes place.

Dr. Pannu: Mr. Chairman, I have been struggling with the question that Alana raised about the need for seeking additional information if it makes no sense in terms of the function. I think the explanation

just given helps me to feel comfortable about supporting retaining the anticipatory reporting requirement. I think it's a question of: the lobbying organizations which are large in size and have formal lobbying staff and arrangements in place have the capacity to plan. They have to report within six months what they've lobbied on, but the anticipatory requirement helps to see whether or not they have reported on everything that they said they would be lobbying for.

Anticipatory lobbying, it helps check the records. It gives them the opportunity to modify their anticipatory lobbying plan if they haven't done something. But once they have reported on what they lobbied on, one can go back and check whether or not there's a correspondence between the report on lobbying made within six months and what was anticipated. If there are discrepancies, there's opportunity for the enforcement officer, Ethics Commissioner, or whoever to make sure that there is no error between the two and there's a reasonably close correspondence. So it's a useful provision, I think, to have. I feel more comfortable about it now, with that explanation, than I did before.

The Chair: Thank you, Dr. Pannu.

Okay. Any other discussion regarding this?

Mr. Amery: Just for clarification purpose. Let me understand that clearly. The anticipatory filing is only required after that 12-day period? That's my question.

Ms Barnsley: There would be no filing at all for an organization lobbyist until the threshold had been passed.

Mr. Amery: Okay.

Mr. VanderBurg: If you've done 12 days, surely you can figure it out.

Mr. Amery: Over the 12 days, then, they have to do that.

Ms Barnsley: Correct.

Mr. Amery: That's fine.

Mr. Coutts: Do you need a motion to retain this provision within the act since we had the discussion? I mean, it seems almost redundant.

The Chair: Good question. I guess that if we were all at consensus at the table, we could move forward with that. But I think there may be some dissent here, so we probably should have a motion.

Mr. Coutts: I would move that
the anticipatory filing provision be kept within the act.

The Chair: Discussion on the motion? All those in favour? Opposed, if any? Carried.

Dr. Massolin, anything else you want to add?

I guess we have to move to reverse onus now if you want to go through that.

Dr. Massolin: That's right. Thank you, Mr. Chair. The second and final issue is the issue of reverse onus. As you can see, a few submitters actually asked committee members during the public consultation period to consider the implications and actually recommended that the onus be placed on government rather than on the lobbyist to report lobbying activities.

The first point to point out here is that no other Canadian jurisdiction has a like provision, so no reverse onus provision exists anywhere else in the country in any other jurisdiction that has lobbying legislation. I guess the question before the committee members is whether or not to consider this reverse onus provision.

Ms Pastoor: I'm sorry that we're discussing this at the very start because I really think that if we did this, all of the stuff that we've talked about before would be totally moot. No other jurisdiction has done it. So what? Maybe they just didn't think about, so good for our side.

I really, really support it because – I'm just speaking provincially. Think about 83 MLAs and any other elected person in this province, which would probably – what? – amount to maybe 150 people, how much easier it would be for 150 people to record every single person they talked to and what they talk about than to have all of these organizations and we're going to fight about who's in and who's out and who's doing this and who's doing that.

I mean, I'm sure there isn't anyone that's an MLA that doesn't know exactly who they've talked to, what they've talked about, and have it recorded in some fashion. Everyone has executive assistants or admin assistants or whatever that you have. I think that it could be very simple to say: I spoke to so-and-so today, and this is what we discussed. It's quite clear that if it's so-and-so from Suncor, they're going to be lobbying about something. I mean, you don't have to get into every little detail, but you can certainly say it. If I'm talking to the Sierra Club, I think possibly it's known that they're going to be lobbying about something or at least having a discussion. It's so difficult, I think, to define what a lobby conversation is. Even if I'm in the drugstore and somebody talks to me, I make notes of who I talk to, and I just think it's a thousand times easier. I'm so sorry we didn't discuss this right at the very start. I would be in support of something like this. I don't know at this point in time how we possibly could back up and make things easy. I mean, the more difficult we can make them, the more fun we obviously have, but it really, really, really could be a very simplified process.

Again, other jurisdictions not doing it: it's probably just because they didn't think about it.

11:10

The Chair: Okay. Thank you, Bridget.

Ms DeLong: Well, I was hoping that by the time we got to this, we would have simplified our reporting down to the point where it became a moot point. You know, I wish that we had made much more progress in terms of simplifying our reporting, but I think that it is too late to talk about this now. The next time we review this legislation, I think that this should be something we discuss at the very beginning and look at it in terms of the big picture. I'd like to move that we, unfortunately, will not be doing this.

The Chair: Well, there still is a speaking list, but if you're making a motion, Alana, not to proceed with the reverse onus, we'll move on to discussion of the motion.

Ms Pastoor: Could I put a friendly amendment on that before we discuss it, just exactly what you said in your talk, that it would come up, that it would be the first thing to be discussed in the review? We haven't had that discussion, whether it's going to be five years or two years or whatever, but it would be part of the amendment that it would be the first thing discussed as it came up.

Ms DeLong: Agreed.

Ms Pastoor: Thank you.

Mr. VanderBurg: Well, you know, if the bill gets defeated in the Legislature, I'll surely consider this, so I'll take that under advisement. I think we are at a point right now where we've had some information presented to us from our staff that other jurisdictions do not have this, and I'm supportive of the motion that we need not consider the reverse onus. But I'll stand by my comments: if the bill is defeated in the Legislature, I'll consider it.

The Chair: Dr. Pannu.

Dr. Pannu: Thank you, Mr. Chairman. I was mesmerized by George's comments, I must say. Very interesting. Whether or not the bill survives the Legislature is, I guess, a foregone conclusion. We know what will happen, but we are trying to do our best to improve the piece of legislation. I think that's the minimum that Albertans expect of us, so we should make every effort to be genuinely speaking to the provisions of the bill, not whether it passes the Legislature or not. That, we know, is not in question.

In that spirit, I think the presenters did make this point about: what if the onus were placed on the government rather than on the lobbyist? I think this is too strong a statement, perhaps. They suggested: in some cases when a minister or a deputy minister contacts a registered lobbyist, is that reportable? Their point was that it's not, that the minister or the deputy minister is not required to report such a contact.

The argument was further made that given that there is the absence of this provision, the lobbying reporting requirements could be circumvented if the initiative is taken from the minister's side or some other, you know, high-level government official to contact a lobbying group. The concern is genuine. I think it is within the realm of a reasonable possibility that this could happen. The point is: can the bill be amended to address this expressed concern? I think it should be.

In the case of public office holders we'll have to change the definition of public office holder to include, for example, elected officials and ministry decision-makers: deputy minister, ADM, department heads perhaps. There should be a requirement that if they on their own initiative choose to contact an organization that would otherwise have lobbied for making a case, whatever case they wanted to make, then the minister or the deputy minister or other high-level official should be reporting on that contact. I think it's a good suggestion. It's not a provision that we find in other lobbyist acts at the moment, but that alone should not be the consideration that should determine whether or not we should make a change to the piece of legislation before us with respect to this issue. I think it's a legitimate concern. It's something we should address and take a pioneer, leading role in doing so.

The Chair: Okay. There is an amendment to the original motion: to add on that this legislation be reviewed in five years. So that's the amendment.

Dr. Pannu: Is that the content of the amendment? Just that?

The Chair: Just that.

Dr. Pannu: That it be reviewed in five years?

Ms Pastoor: No, no. It's already written that it should be reviewed in five years. At this point when we talk about that, I would recommend that we review it in two. On the amendment to Alana's

motion I'm saying that when it is reviewed, this focus, whatever we have it as, 1.2., the reverse onus, be the first thing that's discussed in terms of that review. At this point it's five. I'd like it to be two. That's another issue.

The Chair: Okay. So this is an amendment to the original motion.

Mr. Reynolds: I'm sorry. I'm not clear. Are you suggesting an amendment to the bill?

The Chair: No, no. To Alana's motion.

Ms DeLong: Okay. Can I do my motion again?

The Chair: Yeah. Please do.

Ms DeLong: I just move that
the next time this bill is reviewed, the first order of business is to
examine the possibility of reverse onus.

The Chair: Okay. That covers your concerns, Bridget. We'll leave it as that being the original motion.

Ms Pastoor: Yes.

The Chair: Dr. Pannu, you have some concern.

Dr. Pannu: Speaking to the motion, Mr. Chairman, the motion in a sense, then, means that at the moment this committee recommends no further action on this particular issue.

The Chair: That's correct.

Dr. Pannu: I would not be able to support the motion. That's what I wanted to say.

The Chair: Regrettably.

Dr. Pannu: Regrettably, yes.

The Chair: Okay. Thank you very much, members.

We have a motion on the floor, then, made by Ms DeLong that the section on reverse onus not be included in the present bill and that it be reviewed in the time frame as listed in the bill, that this area will be reviewed as important criteria, as stated by Ms DeLong, as set out in the legislation. All those in favour? All those opposed, if any? The motion is carried.

Dr. Massolin, anything further right now?

Dr. Massolin: No. I think that takes us through the outstanding issues that we hadn't discussed yet.

The Chair: Okay. We have Bridget.

Ms Pastoor: The way the bill reads now is that it would be reviewed in five years, and I would like the discussion to have it reviewed in two. I'm not sure where that fits in, in what part we talk about that. During the break we can think about it.

The Chair: Yeah. Let's take a 10-minute health break and resume at 11:30-ish.

[The committee adjourned from 11:20 a.m. to 11:56 a.m.]

The Chair: We'll reconvene the meeting of the Standing Committee on Government Services. We're at number 6 on the agenda, Direction to Staff. I asked Phil before our break to see if he could dig up just some information from the last meeting for some of the members that weren't here at our last meeting, October 3. We don't have the minutes available to us yet. If Philip can just run down some of the things that we discussed because we are moving through the major issues that we discussed on the 28th of September regarding some of the points. I think there were about seven points that we wanted additional work done on, and we voted on a number of those at our last meeting, on the 3rd of October, so I just was going to see if Philip could provide us with sort of a brief update on that. Then we'll continue on with the agenda.

Dr. Massolin: Okay. Great. Yes, I'm able to provide you a quick sort of recap of some of the decisions that were made at the last meeting, but just please do bear in mind that this is a very quick and almost provisional list just to give you a general sense of what was decided upon. If you're okay with that, I can go through the list.

The Chair: Yes, please. Thank you.

Dr. Massolin: Okay. Thanks. The first and greatest consideration, I believe, was given to the issue of the threshold. It's my understanding that the committee decided that a 12-day threshold should be recommended in terms of the threshold that would be imposed upon organization lobbyists.

Dr. Pannu: Twelve days a month or a year?

Dr. Massolin: Twelve days annually.

Dr. Pannu: I'm glad about that.

Dr. Massolin: It was thought that the threshold of 12 days annually would help to alleviate concerns in terms of the filing requirements for a variety of not-for-profit organizations. It would effectively exempt them from the provisions of the bill.

The second big issue had to do with section 3 and the exemptions outright. It was agreed, I believe, that school boards would be exempt under section 3 of the bill. The other issue had to do with the prescribed provincial entities. It was agreed that universities should be indicated under the prescribed provincial entities. However, I believe that that decision in full was deferred until this meeting. We just discussed the issue of provincial entities and prescribed provincial entities.

The next consideration is the dual role prohibition. There was a lot of discussion around that. The resolution to the debate, I believe, came in the form of a motion on multistakeholder appointments. Now, this is what I believe was resolved, and that is that for appointments made by government of representatives of potential lobbyist groups to multistakeholder advisory committees, exemptions would be made in the case of those stakeholders who receive reasonable remuneration, whether that be an honorarium or sort of covering expenses, as opposed to remuneration that would be the equivalent of contracting out for advice. That exemption would be in force so that section 6, the dual role prohibition, would not come into effect. Sorry. Is that clear?

Dr. Pannu: Mr. Chairman, since I wasn't at that meeting and the minutes weren't available until now, are the multistakeholder advisory committees like the ones that the Environmental Law Centre and perhaps some other organizations drew our attention to

and sought exemption because they were nonprofit and they were advisory and their members were receiving some honoraria but they weren't lobbying as such? Right?

Dr. Massolin: I believe that that was one of the issues that was raised, you know. That was one of the concerns that led to this motion.

Dr. Pannu: Okay. Like the Environment Network, I guess, and there was another one.

Dr. Massolin: That's right.

There's just one other aspect. Maybe I'll just go through that quickly, and then you can ask questions. Another aspect to that multistakeholder advisory committee situation was that I think it was resolved that the Ethics Commissioner should have a discretionary role here to exempt organizations which he believes not to be in either a conflict-of-interest situation or which, you know, through his discretion at least are not in that contracting for paid advice situation. I believe that was another sort of option so that section 6 would not capture all these groups that we're talking about.

I think that's where we left off from the last meeting. Then we continued on.

Dr. Pannu: I just want to clarify, Mr. Chairman. I was absent from the last meeting, at which these important decisions were made. I was absent for medical reasons. I had to be somewhere else. I regret missing the meeting, but it would have been helpful if the minutes had been available to us, which weren't, I understand. That's why I came here totally without information with respect to what decisions had already been made.

The Chair: I'll answer that question in the fact that the minutes have to be, obviously, reviewed and signed off by the chairman once I receive them. Then they're posted on the website. That was only a week ago, so that's probably the issue.

I want to let you know, though, to maybe remind your staff that *Hansard* is available. The whole meeting was recorded, and the minutes of that meeting are available on *Hansard* as well. But we'll try to, obviously, get all that information. I think some of the information will be included in the October 3 minutes, but maybe we can get the staff to provide us with a better description and/or – really, we're starting to work. Our goal is to develop a report that goes to the Assembly, and I think we can start to look at the preliminary draft, a draft of the draft that goes to the Assembly. So we're getting there.

Dr. Pannu: I think the committee is moving quickly towards an ultimate report – I guess that will be before us soon – but in the meantime for some of the major decisions that are made, in case a member misses a meeting for, you know, whatever reasons, in terms of motions passed or particular decisions made having to do with Bill 1 or 2, I think it would be helpful, if not the minutes.

Dr. Massolin: Just two other considerations that I failed to mention. The first is that the maximum penalties for offences be reduced by half as follows: the first offence would trigger a \$25,000 penalty, the second \$100,000.

12:05

Mr. Reynolds: Sorry. That's a maximum. I mean, right now it doesn't say that that's a minimum. It says up to \$50,000 and then up to \$200,000 for a subsequent offence, but that's a maximum.

Dr. Massolin: That's the amended one.

The Chair: The amended is \$25,000 and \$100,000.

Mr. Reynolds: But you said that it would be a fine of \$25,000.

The Chair: No, a maximum.

Mr. Reynolds: It would be a maximum.

Dr. Massolin: Right.

Okay. And then the second . . .

Dr. Pannu: So now the "up to" has been removed?

Mr. Reynolds: No, no. Just the numbers have been changed.

Dr. Pannu: Oh. Okay.

Dr. Massolin: Yeah, to \$25,000 and \$100,000.

Then the other consideration was that the online registration fee will be waived for filing.

The Chair: Refresh my memory: was it waived for filing? Wasn't there some consideration regarding that there's a government rate?

Mr. Amery: Waived for electronic filing.

The Chair: Oh, electronic filing. I'm sorry.

Mr. Amery: Yes. It was waived for electronic filing.

Dr. Massolin: Online, yeah.

The Chair: Waived for online, electronic filing, but for hard copy filing there is a set rate, set by the government, regarding administrative costs. Am I right? That's what was agreed to?

Dr. Massolin: Yes, I think that's essentially right.

The Chair: Good.

Anything else, Philip?

Dr. Massolin: That was it. Thank you.

The Chair: Okay. I'll open it up to committee members, then, regarding any other issues. We're getting close to looking at a final report. Maybe I'll ask the staff just to give us an update. We know what our timeline is regarding meetings on the 18th and the 25th. We have November 2 held as well. Can the staff maybe provide us with . . .

Mr. Reynolds: Well, let me just say here that the report, as the Standing Orders I believe envision it, would contain proposed amendments from the committee, so obviously it's necessary to look at draft amendments. That's why I want to point out that Mr. Pagano is here to assist Parliamentary Counsel and the committee in drafting these amendments.

I just want to say – and Mr. Pagano can certainly speak for himself on this – that he is employed by and takes instructions from the Department of Justice on matters. His work or assistance for the committee is on a without-prejudice basis, if you will, in that it doesn't reflect the government's view on this; it's simply to assist

the committee. One of the reasons is that Mr. Pagano is intimately familiar with the workings of this bill and has worked with Ms Neatby and Ms Barnsley on this. It's a great service, and I think it speaks to the collaboration, if you will, in this process and the assistance from all parties in making sure that these policy field committees are successful in achieving their mandate.

The Chair: We'll go to you, George, first, and then I'll ask a question of Justice.

Mr. VanderBurg: Well, I just want some clarification, Mr. Chairman, that we don't come back to the next meeting to rehash everything, that we come back with a list of draft amendments from staff to do, like a leg. review. That's my intention. I'm not prepared to come back here again and start wordsmithing around the issues that we've agreed to. I think staff knows the feeling of the table. I think that, you know, they need to take that back and make some draft amendments, and then we do a mini leg. review on this one item. I just want to get it clear that that's where we're going to in our next meeting and that we don't call the next meeting until we have that in place.

The Chair: Thank you very much, George.

Mr. Pagano and staff from Justice, first of all, I'll get you to respond to George's points. But I think relative to the timeline, we don't have a lot of time, so obviously we will need these by next Thursday – I believe it is the 18th – or next Wednesday.

The question I have is that the Standing Committee on Community Services in their review have asked Justice or the government to provide amendments for I believe it's bills 31 and 41. I'm not aware of whether the government and/or the Department of Justice is going to be making proposed amendments on this bill while this committee is here making amendments regarding this bill. Are you aware of amendments that are coming out of the department regarding Bill 1 other than the issues that are before us?

Mr. Pagano: There are a few that we are looking at. At this stage they appear to be housekeeping types of amendments as opposed to big policy issues, but obviously if it's a policy issue, you'll have some concerns or comments on it.

The Chair: Yeah. Okay.

Mr. Pagano: I think the idea is that maybe even including the government amendments, they'd all be incorporated into probably one document. I think that's the thinking that we've had. I don't know. We haven't finalized with Justice; we'll be proposing.

The Chair: I think you raise a very good and an interesting point. If they are housekeeping amendments and there's nothing major, that might be something that could come back as a page 2 of the report, all of those amendments. Obviously, if the committee agrees to, we can actually all take them in. If they are minor amendments, as you say, and housekeeping amendments, this committee can take a look at them. If we're in agreement, that can be included in our report, and we can vote on them. If there are some concerns, any party or any member of the Assembly can voice their concerns in the Assembly when the report is introduced into the Assembly and/or into Committee of the Whole.

Can you tell us whether you'll be ready with draft amendments for the 18th?

Mr. Pagano: Sure. Yeah.

The Chair: Okay. And with those housekeeping amendments as well?

Mr. Pagano: I expect, yes. We should.

The Chair: Oh, excellent. Any questions from the committee members regarding that?

Mr. Marz: I think it's a good idea to have them here because it gives this all-party committee a chance to review them and perhaps have some input rather than waiting till we get to the floor of the House. I think the idea of these committees is that they expedite the passage of a bill once it gets to the floor by ironing a lot of the problems out at this stage.

Mr. Reynolds: I would just ask: did you want to write a letter to the minister?

The Chair: Yeah. Maybe I should write a letter to the minister advising him of the discussion we had at this committee regarding the housekeeping amendments and that we'd like it to be included in the report.

The other issue would be: will the committee members have time to review it before the 18th?

Mr. Pagano: When would you want to receive them?

The Chair: Well, the day before is better than not getting them till the morning of.

Mr. Pagano: Yeah. We'll make every effort to get them to you as soon as possible.

The Chair: So the 17th through the LAO staff, and they disseminate it to all the members.

Mr. Pagano: On the housekeeping ones I just point out that we will have to advise our minister of them and get his response.

The Chair: We'll get this letter off to the minister this afternoon just to let him know. We'll walk it over to his office, so he'll get it this afternoon so that we don't run into problems there. That'll be for the 18th, so if we can get that information on the 17th.

Mr. Reynolds: Mr. Chair, just another point. Should the letter to the minister also inquire about Bill 2? We're talking about Bill 1, but we can ask if the government has any proposed amendments to Bill 2.

The Chair: In the letter.

Mr. Reynolds: Yes.

The Chair: That's my next point, that we have to be prepared to look at any issues regarding Bill 2 at the next meeting as well. I think there are only one or two points in it.

Bridget, did you have a question on this?

12:15

Ms Pastoor: No. I was just going to say: please, please, do not change any meeting dates. I think most of us have already gone through hoops.

The Chair: No, no.

We'll get our proposed amendments from the report.

Then, Bill 2. Philip, can you just provide us with some background, what we've already discussed on Bill 2 from meetings, I guess, a couple of weeks ago?

Dr. Massolin: Well, it depends on what the committee wants to do, but if you wanted to go through the similar sort of process that you did with Bill 1, I think we'd have a discussion about some of the key issues that you want me to bring back, in concert with what we've heard from the presenters at the public consultations. Perhaps we could talk about that now if you're prepared, and then I could prepare something for the next meeting.

The Chair: Sure. The only issues that I think were raised were the six months to a year and who is – what is the wording for it? – a government official. Is it the minister, deputy minister? Does that include an ADM? If it's those three levels, then we have to discuss that. Anything below an ADM then technically can't be lobbied.

Mr. Amery: Mr. Chairman, I don't recall that we got any presenters or presentations on Bill 2. Was it advertised?

The Chair: Yes.

Mr. Amery: Wasn't there any interest?

The Chair: It was advertised along with Bill 1. There was one individual that was going to make a presentation on both, and due to another commitment that he had, he didn't show up. But that was about as much information, other than some of the letters that we received.

Mr. Amery: Thank you.

Mr. Marz: I believe another issue that came out of Bill 2 was singling out light aircraft or aircraft as a mode of travel. That seemed to be a problem. I'd like to have a discussion on that when it comes back.

The Chair: Yeah. For those members, the question was: if you were offered a mode of travel but didn't have the chance to report it beforehand and you'd have to report it after, the way the legislation is worded, how would you know?

Mr. Marz: It only singles out aircraft, and it could be a light aircraft. It could be the air cadets at an annual glider event.

The Chair: Yeah. Maybe get some clarification on that, then, Philip.

Dr. Massolin: Yes.

The Chair: Anything else regarding Bill 2?

Dr. Pannu: Mr. Chairman, Phil reported on the major decisions made at the last meeting in terms of motions for amendment. I just, for information, want to ask: some questions were raised by Carol Wodak at her presentation two meetings ago as a private citizen. She was arguing, of course, that both nonprofits and profits should be required to register. She gave an example which stuck in my mind as a difficult one to address. She was arguing against exempting, of course, nonprofits. So she says that private, for-profit operators of long-term care facilities, for example, have lobbied government to increase long-term care fees. She gave an example, there. She said: why should the public know about Extencare's lobbying efforts but be in the dark about the same efforts by the Good Samaritans? You know, these are her words. I wonder if this matter was addressed at all in our debate or discussion. Do we have any response to it?

The Chair: I believe it was discussed in the fact that the issue related to a threshold for a not-for-profit or a for-profit was determined.

Dr. Pannu: So they'll be treated the same.

The Chair: Twelve days.

Dr. Pannu: I see. Okay. That's where it remains, then.

The Chair: Okay. Committee members, anything further on Bill 1, Bill 2 for our next meeting on October 18?

Mr. Pagano, thank you very much for being here with us today – I appreciate it – as well as staff from Justice and from the Ethics Commissioner's office.

As I said, the next meeting is going to be scheduled for October 18 at 10 o'clock here. Again we'll schedule it from 10 till 1. Hopefully we won't need more time than that. We'll try to keep it within the three hours and then review the draft work. Our next scheduled meeting is the 25th, and if we need November 2, it's on your calendar. We may not, but we may depending on issues that may come forward.

If there's nothing else from committee members or from staff, we'll then ask for a motion to adjourn. So moved by Richard Marz. All those in favour? Opposed? The meeting is adjourned. Thank you very much.

[The committee adjourned at 12:21 p.m.]

