



Legislative Assembly of Alberta

The 27th Legislature
Fourth Session

Standing Committee
on
Legislative Offices

Lobbyists Act Review

Tuesday, September 6, 2011
10:02 a.m.

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**Legislative Assembly of Alberta
The 27th Legislature
Fourth Session**

Standing Committee on Legislative Offices

Mitzel, Len, Cypress-Medicine Hat (PC), Chair
Lund, Ty, Rocky Mountain House (PC), Deputy Chair

Bhullar, Manmeet Singh, Calgary-Montrose (PC)
Blakeman, Laurie, Edmonton-Centre (AL)
Campbell, Robin, West Yellowhead (PC)
Hinman, Paul, Calgary-Glenmore (W)
Lindsay, Fred, Stony Plain (PC)
MacDonald, Hugh, Edmonton-Gold Bar (AL)
Marz, Richard, Olds-Didsbury-Three Hills (PC)
Notley, Rachel, Edmonton-Strathcona (ND)
Quest, Dave, Strathcona (PC)
Rogers, George, Leduc-Beaumont-Devon (PC)

Office of the Ethics Commissioner Participants

Neil R. Wilkinson	Ethics Commissioner
Brad Odsen, QC	Registrar, Lobbyists Act, and General Counsel

Department of Justice and Attorney General Participant

Joan Neatby	Solicitor, Legislative Reform
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Support Staff

W.J. David McNeil	Clerk
Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications and Broadcast Services
Melanie Friesacher	Communications Consultant
Tracey Sales	Communications Consultant
Philip Massolin	Committee Research Co-ordinator
Stephanie LeBlanc	Legal Research Officer
Rachel Stein	Research Officer
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

10:02 a.m.

Tuesday, September 6, 2011

[Mr. Mitzel in the chair]

The Chair: Good morning, everyone, and welcome to the meeting of the Standing Committee on Leg. Offices for the review of the Lobbyists Act.

I'd like to ask the members and those joining the committee at the table to introduce themselves for the record. My name is Len Mitzel, and I am the chair of this committee.

Mr. Lund: Ty Lund, MLA for Rocky Mountain House.

Mr. Rogers: George Rogers, MLA, Leduc-Beaumont-Devon.

Mr. Lindsay: Good morning. Fred Lindsay, MLA, Stony Plain.

Mr. Campbell: Robin Campbell, MLA, West Yellowhead.

Ms Blakeman: I am so thrilled to invite each and every one of you to my fabulous, sunny, clear-blue-sky constituency of Edmonton-Centre. I'm Laurie Blakeman.

Ms Sales: Tracey Sales, communications services.

Mr. Wilkinson: Neil Wilkinson, Ethics Commissioner.

Mr. Odsen: Brad Odsen, lobbyist registrar.

Ms Neatby: Joan Neatby, Alberta Justice.

Ms LeBlanc: Stephanie LeBlanc, legal research officer with the Legislative Assembly Office.

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

Mr. Reynolds: Good morning. Rob Reynolds, Law Clerk and director of interparliamentary relations.

Mr. Hinman: Good morning. Paul Hinman, MLA, Calgary-Glenmore.

Mr. MacDonald: Good morning. Hugh MacDonald, Edmonton-Gold Bar.

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

The Chair: Thank you very much. To note, Mr. Bhullar has joined us at the meeting, and there will probably be a couple of others coming as well. Good morning and welcome.

Mr. Bhullar: Good morning, Mr. Chair.

The Chair: You've all had the online agenda. Are there any additions to the agenda? Seeing none, would someone please move the agenda for September 6, 2011? Moved by Mr. Campbell. All in favour? That is carried.

At this point no members, I might add, have indicated that they'll be teleconferencing, but there are a couple that may be joining us yet.

Item 3, the adoption of the meeting minutes. Mr. Lund has moved that the minutes of the August 23 meeting of the Standing Committee on Leg. Offices be approved as circulated. Are there any errors or omissions? Seeing none, all in favour? That is carried.

Item 4. This takes us to the technical briefing on the Lobbyists Act from the office of the Ethics Commissioner. I'm glad that Mr. Wilkinson and Mr. Odsen are here from the office, and I'd ask Mr. Wilkinson if he wishes to make a few opening remarks.

Mr. Wilkinson: Yes, I do. Thank you very much, hon. chair. Hon. members, staff, and guests, thank you for inviting us. We're certainly very pleased to be here – there's no doubt about that – to speak about the history, roles, and responsibilities and also to provide you with a tour of how the Lobbyists Act operates through the office of the Ethics Commissioner, through the registry and the registrar, Mr. Odsen, to my right.

We are pleased to have been given, we want you to know, the opportunity to implement and administer this act for you, and we believe it is working well. Certainly, in our view, it has achieved desired outcomes and is of value to the people of Alberta. We believe all Members of the Legislative Assembly should be proud of it. Of course, we'll be happy to answer any of your questions, give any presentations you like, and obviously happy as well to implement any changes as you see fit after your study of the act.

First of all, a bit of history. In the same year that Premier Ed Stelmach presented Bill 1 in the Legislature, the Ethics Commissioner, as you know, became the registrar under the act. Don Hamilton arranged for the secondment of Noela Inions, QC, from the office of the Information and Privacy Commissioner to take the lead in the development of the online registry. When her secondment ended, we were fortunate to be able to recruit Brad Odsen, also QC, as her replacement. Brad has done an excellent job, so it was not a difficult decision for me, as allowed under the act, to delegate the registrar's powers, duties, and responsibilities to him except as stated under the act, and I'll discuss that with you a little later.

In addition to taking the lead and finishing the design and testing of the registry website, Mr. Odsen was also functioning as registrar and responding to inquiries concerning the act even before the act was proclaimed. He also undertook many educational activities throughout the province of Alberta promoting awareness of the act.

Although the day-to-day administration and enforcement of the Lobbyists Act is delegated to the registrar, Mr. Odsen, there are some things only the Ethics Commissioner can deal with as they cannot be delegated. They are presented in detail on this slide, and I will summarize the four points for you. Only I can, one, exempt someone from the contracting prohibition, with or without conditions; two, issue advisory opinions and interpretive bulletins; three, submit a report of an investigation to the Speaker; and four, ban serious offenders from lobbying. Ultimately, as you know, under the act I am accountable to the Legislature for the performance of the lobbyist registry. I accept that authority and, when required, would not hesitate to exercise it.

Mr. Resler, Mr. Odsen, and I regularly meet to discuss substantive matters, and Mr. Resler, our chief administrative officer, has 20 years' experience in the public service, a CMA degree, and has worked for four out of five of the legislative officers. Mr. Odsen, our registrar, is also our corporate counsel, with many years' experience in business, nonprofit organizations, and his own law practice as well.

Members of the committee, I firmly believe the best decisions are more likely to result when there is informative discussion that welcomes debate and a presentation of differing views that result in a consensus, realizing, of course, that the ultimate and final responsibility for the decision is mine.

I also want to recognize Louise Read, our executive assistant, for the support she provides to all of us. She is a vital part of our team, a team which we believe is working very well.

Glen, Brad, and I look forward to meeting with this committee again in November and to reviewing in the next year the Conflicts of Interest Act.

Now it's my pleasure to ask Mr. Odsen to take you through his registry tour.

The Chair: Thank you very much, Mr. Wilkinson.

Before I begin, just to note that Mr. Quest has joined us here. I forgot to mention at the very beginning, for everyone's benefit, that there's a requirement for a review of this act within two years after the act comes into force and then every five years thereafter, and that's the reason for this review. I just wanted to state that for the record.

We can move forward now. Mr. Odsen.

Mr. Odsen: Thank you, Mr. Chair. Hon. members, guests, I'm delighted to be here today. What I propose to do is take you through the lobbyist registry because, in fact, that is the embodiment, if you will, or the operational aspect of the legislation itself. This is, as they say, where the rubber hits the road when it comes to this particular piece of legislation. As I'm walking through it, I'll be highlighting how it reflects what the requirements are under the act.

10:10

We start with the home page. As you can see, we have the preamble right at the outset on the home page. I think that when we were designing this, we put it there. We feel it's really important. The preamble really sets out what the purpose and intent of this legislation are all about, and it in particular reflects the important notions that lobbying is a legitimate activity and that it is important to government. That's a key theme that is reflected throughout the legislation, and it is something that you need, I think, to be cognizant of as you're going through your review in terms of what we hope to accomplish or what you hope to accomplish with this particular legislation.

Now, on the home page we have a number of different ways to access information and the act. We have menus along the top, direct links or connections. As well, on the side here we have some drop-down menus that appear and various topics that are available for people to look at. For the act itself, for example, if somebody wants to look at the act or the legislation, we have a hot link directly to Queen's Printer so that the act that's available is always the current version and the same with the regulations.

We also have some resources, FAQs, frequently asked questions, that people can take a look at, where we try to, and I think quite successfully, envision: what are the kinds of issues that people might have arise as they're going through the legislation and trying to determine whether or not it applies to them and that if it does, how they need to proceed in order to comply with it?

There are guides and brochures available. Alberta Justice has prepared a very comprehensive guide, which is very well written, and this is a link directly to it. There's a generic PowerPoint that I created that is what I use when I go out and do my presentations to interested parties on the Lobbyists Act. Since my appointment just over two years ago now I've made over 50 presentations to over a thousand different attendees in business, government, the lobbying community, the academic community, and interested parties.

The issue of prescribed provincial entities is one of the things that's in the act that's somewhat unique to the Alberta legislation insofar as having it, the list of prescribed provincial entities, in-

cluded in the regulations. While the regulations are also available from that drop-down menu, in the resources I've reproduced that list so that it's like a quick guide for people to have a look at, and this is just directly from the regulation.

Now, what we have is the ability to access registrations. You can look at either recent registrations, all registrations, consultant lobbyist registrations, or organization registrations. The act provides for two kinds of lobbyists. Consultant lobbyists are those who are lobbying on behalf of a client, in essence, pursuant to an engagement to lobby in some form or another, and they are paid by their client. Organization lobbyists, on the other hand, are individuals whose employment requires them either explicitly or implicitly to engage in lobbying activities on behalf of their employer.

So there are two different approaches to the identification of: who is a lobbyist? Who are they lobbying on behalf of? Then there are, of course, different kinds of requirements in some respects in terms of disclosure of information, depending upon what kind of lobbyist an individual is.

Let's start with consultant lobbyists. The first screen that pops up lists the consultant lobbyists by name. If they are a part of an organization, then it lists the organization.

The Alberta legislation is somewhat interesting and different than that in other jurisdictions for consultant lobbyists in that if the consultant lobbyist is a member of a consultant lobbyist firm, the Alberta legislation requires that the designated filer for that consultant lobbyist firm be the seniormost staff person of that consultant lobbyist firm. In other jurisdictions members of consultant lobbyist firms who are individual consultants file their own registration for the undertakings in which they're engaged.

It's kind of six of one, half a dozen of the other in terms of information that's being provided to the public and to members of government with respect to that. For example, in another jurisdiction if you want to know the name of the firm that a consultant lobbyist happens to be a part of, you're going to have to do some serious digging around whereas in ours you can see which firms are acting. Then if you want to know about particular consultant lobbyists from firms, you have to go to the registration for that particular firm.

As I say, you can see how they're listed there. We also have the organization names – it's a different way of displaying – the initial filing date, and so on. Here we see by organization name. Oh, sorry. This is organizations that I've called up. Let's go back to active registries, consultant lobbyists, because that's what I was talking about. Here we are.

For example, an illustration of that. You see there are a number of registrations here for Mike Coates. Mike Coates is the CEO of Hill & Knowlton, which is a major lobbying firm based in Ottawa and has people based in Alberta who are doing lobbying here on behalf of clients. Here's a registration form for Hill & Knowlton. Mike Coates is the designated filer, being the seniormost official, as is the requirement under our act. What is their business address? It's Toronto. Now, who are the consultant lobbyists within that firm who are acting on behalf of this particular undertaking? We list those: Robb Stoddard and Heather Coleman. We have a start date and an end date for the undertaking. The subsidiary corporation would only apply, I guess, if Hill & Knowlton has that, but there's a requirement that you have to list those things if there are.

One of the requirements under the Alberta legislation is that if any of the lobbyists, whether they be consultant or organization lobbyists, is a former public office holder – and there's a definition in the schedule, schedule 1 and schedule 2, as to what constitutes a former public office holder – that information needs

to be disclosed. There are other jurisdictions that do not have that requirement, so you don't have that.

What is the subject matter on which they are lobbying? Pretty well every jurisdiction requires that. What is it that you're lobbying on behalf of? But the particulars of lobbying activity vary from jurisdiction to jurisdiction as to just how much detail is required there. That's certainly one of the issues that is identified in the supplementary materials that I provided for you for consideration offline, as it were. I think it's something that has also been touched on by the research team in their materials that they've prepared for you. How much detail is the right amount of detail for something like this?

A question, of course, as to whether or not the lobbyist has lobbied members of Executive Council, and are the lobbyists lobbying Members of the Legislative Assembly?

The definition of public office holder in our legislation is very comprehensive. It's virtually anybody in government, all elected members and their political staff and everybody that's in the public service as well as people within all the various prescribed provincial entities. It's a very, very large number of people. As I say in my presentations frequently when I'm talking about this to lobbyists and people like that, I mean, it extends right down to the part-time, temporary file clerk as a public office holder under the definition of the Lobbyists Act. Clearly, lobbyists are not going to be spending a lot of time, I wouldn't think, lobbying part-time, temporary file clerks; nonetheless, that's how far it extends.

10:20

One of the questions, of course, that's going to be important though is: are you limiting your lobbying activities to, in essence, employees or members of the public service, people within various ministries, or does it extend to elected members?

The funding: again, there's a requirement under the act. The question: is the client on behalf of which the lobbyist is lobbying funded in any way by government? If it is, then that needs to be disclosed. Which arm of government, which ministry is funding that client, and to what extent? How much money?

Financial contribution to the lobbying activity: again, this is something that many of the other jurisdictions don't have, and I think that it's an interesting and important piece of our legislation that others have subsequently adopted, B.C. and Manitoba in particular. From time to time the question comes up – and, indeed, this has been identified, again, in the research documents that have been prepared – as to, well, who is actually going to benefit by these lobbying activities if they are successful. In other words, what you sometimes see, particularly with consultant lobbyists, I think, is that there may be a client per se that has engaged the lobbyist, but in fact there's somebody in the background, if you will, that's kind of pulling the strings. That's what this piece is intended to address. Who is it that's actually back there pulling the strings?

The issue of contingency fees is addressed in our legislation. It is addressed in some other legislation. Others are silent on it in terms of how consultant lobbyists are being paid. Again, this is addressed in some detail in the research materials that have been prepared for you. Alberta's position is that contingency fees are not prohibited specifically under the act, but it is required that if the consultant lobbyist is being paid wholly or partly on a contingent fee arrangement, that needs to be disclosed.

The Chair: Mr. Odsen.

Mr. Odsen: Yes.

The Chair: I hate to interrupt, but because this is a lengthy presentation, I know that there are going to be a few questions. To try and make them more apropos, I thought perhaps we could take any questions at various segments, various sections throughout the presentation. I do have a couple of questions at the moment here. Then we can move on. Okay? I think other than that we're backtracking too much if we wait until the very end.

Mr. Odsen: Sure. No problem at all.

The Chair: Ms Blakeman.

Ms Blakeman: Thanks very much. In the section where the lobbyist names are actually listed – you and I once did a prime-time television show on the Lobbyists Act. The third person on the show was a lobbyist. I was quite frustrated because when I went to the website and plugged the person's name in, I couldn't find him anywhere. I looked. I dug. I used the search engine. Nowhere did that person's name come up. So when I got onto the show, I actually said: "Well, I couldn't find you. You say you're a lobbyist, but I couldn't find you in the Lobbyists Act."

I understand why we list the senior officer who's responsible ultimately for the filing. Their name is in there. There's one of two things going on. Either the section in which the registry of the organization and the names are listed – and you had two of them with the Hill & Knowlton example – is not searchable, or could there be a section in which anyone that is currently a lobbyist gets listed and is searchable? Otherwise, it's hard for some of us going: "Okay. Jim Smith tells me he's a lobbyist, but when I go and look, I can't find him, so I don't know what he's lobbying for, and I can't track his progress through." It seems to me that there's a disconnect there if you can't actually verify that someone is or is not a lobbyist.

Mr. Odsen: I recall very specifically that show. I quite enjoyed being there with you to talk about this.

The way the act is structured is that a lobbyist needs to be registered once they are engaged in lobbying activity by a client. So if that particular individual doesn't have any engagements by any clients, they're not going to be registered. It's not like a registry in the sense of, for example, the registry of members of the Law Society of Alberta. If you're a member, you're on there whether you're practising law actively or not. The requirement under our legislation is that if you are engaged on a contract by a client, you need to be registered as a consultant lobbyist. If you're not engaged, then you don't need to be registered. It wouldn't be until that person is engaged on a contract that they would be registered and named under the Lobbyists Act. That's undoubtedly why. He's not engaged on any contracts at this time.

Ms Blakeman: Where's your search function? Go and try on your search function and see if you can plug in the name of that person from Hill & Knowlton and see whether their name comes up. That's my argument. You may have them listed there, but when you go and search for them, you can't find them just as an MLA or as a citizen who's trying to find, confirm, verify that someone is or is not a lobbyist. You know, why is Jim Brown meeting so often with the Minister of Transportation?

Mr. Reynolds: There are two Bs in Robb Stoddard. It's Robb.

Ms Blakeman: Nice catch.

Mr. Odsen: As you see, Robb Stoddard's name is not shown there, but these are all the registrations on which his name occurs.

Ms Blakeman: Fair enough. Can I actually find Robb Stoddard's name by going through your search function? This is either a function of the legislation not requiring it – and you've just explained that: only if they're registered – or it's a function of your website. Not to be overly critical of either one, but honestly I'm trying to figure out why Jim Smith is meeting so often with the Minister of Transportation, and when I look at this, I can't figure out why because I plug in Robb Stoddard and I get Mike Coates.

Mr. Odsen: Well, yeah. I guess it's one or the other because the requirement is that the designated filer of the firm, Robb Stoddard, is a lobbyist employed by Hill & Knowlton, and that's a major firm. Mike Coates is the chief executive officer. The requirement under the legislation is that the Hill & Knowlton registrations all come under his name, so that's how they come up.

Ms Blakeman: So I could not figure out why Jim Smith was meeting so often with the Minister of Transportation.

Mr. Odsen: When you say Jim Smith, is that an actual person that you're talking about?

Ms Blakeman: No. I'm making it up because I couldn't remember anybody's name here. You know, honestly, I'm watching this guy go in the minister's door three times a week. What the heck is he doing? Is he a lobbyist? I go on your website. I go Robb Stoddard, or I go Jim Smith, da, da, da, da. Nothing. I get Mike Coates. I go: the guy's name is not Mike Coates. What's Jim Jones, Jim Smith doing walking in the door of the minister's office? Are they having an affair? What is this? Sorry, I don't mean to make light of this, but – [interjection] I'm not going there, you guys – I want to find out if he's a lobbyist, and using your website, I can't find it out unless I know who's the boss. How the heck am I going to know that? I just want to know why this guy is seeing the minister so often.

Mr. Odsen: Well, again, I appreciate your comment and the fairness of it. Let's go back to the consultant lobbyists.

Ms Blakeman: I don't want to take up an undue amount of time on this. Maybe I should leave it with you overnight to see if you can find out the answer to my question and come back. That's my problem as a citizen or a member of the opposition or a member of the media trying to use this site. I'm going: met so-and-so at a cocktail party. They tell me that they are lobbying the minister of labour around changes in minimum wage for a two-tiered minimum wage. I look on your site but can't find them. Lo and behold, the minister of labour comes out and says: "Guess what? We're going to have two-tiered minimum wage." "Huh," I say. Can't find the lobbyist. See the disconnect?

Mr. Odsen: I see what you're saying.

Ms Blakeman: I'm going to leave it with you. I won't take up any more of the committee's time, but I would appreciate an answer.

Mr. Odsen: Okay.

Ms Blakeman: Thank you.

The Chair: Mr. Rogers.

Mr. Rogers: Thank you, Mr. Chairman. Mr. Odsen, I'm just wondering. I noticed the way a couple of slides back – and you don't have to go back – you listed the individuals and sort of the subject area that they were lobbying on. I'm just wondering how

often that is updated. For example, let's say that it's three years later. David Jones, assuming he's been successful in getting some results for his client on a particular file, is currently working on something else, or he's not lobbying at all. Are there two portions of the system, where you've got the most current activity the individual is working on and there's history where you can go back and see that five years ago David Jones lobbied on behalf of Odsen and Company for X, Y, Z?

10:30

Mr. Odsen: In terms of consultant lobbyists as long as there is an active engagement, they are supposed to be on the registry. If there are any changes to their lobbying activity for that particular client, there's a requirement that they go in and make those changes. Once the engagement concludes, they are supposed to terminate the registration, and it then goes to an inactive registry, and it is maintained on the inactive registry. So you can go back and take a look at the inactive registry to see what kinds of engagements that lobbyist has been engaged in in the past.

Mr. Rogers: Thank you.

Ms Blakeman: This is a wide open question. Is it a function of the legislation or a function of your website that we have an archival section, as referred to by the previous speaker? If I did want to find out who had influenced the minister of labour – I'll try and give you a specific example – on a two-tiered minimum wage, where could I find that now? It's done. How would I find out who lobbied the minister for that if it's archival? That's done. Those meetings have been held. Is it a function of the legislation that you keep that – what did you call them? Off registered?

Mr. Odsen: Terminated.

Ms Blakeman: Terminated. It sounds a little final, but all right.

Does the act require you to keep the terminated lobbyists' names accessible, and is there a sunset clause on how long you keep them?

Mr. Odsen: The act does require that we keep them, and there's no sunset clause.

Ms Blakeman: Are they public?

Mr. Odsen: Yes.

Ms Blakeman: Okay. And they're public on your site as well? I should be able to find, by going into the terminated section . . .

Mr. Odsen: I'm at the terminated section now, so if you're looking for a consultant or organization lobbyist, this lists the ones that have been terminated.

Ms Blakeman: Okay.

Mr. Odsen: Now, if they were never registered in the first place, obviously they're not going to show up on either the active registry or the terminated registry.

Ms Blakeman: But shouldn't they be registered if they're talking to the minister of labour about two-tiered minimum wage? Shouldn't they be in there?

Mr. Odsen: I would expect that they should be in there unless one of the exemptions applies; for example, less than 100 hours involved in the lobbying activity.

Ms Blakeman: For an organization.

Mr. Odsen: For an organization.

For a consultant there is no time threshold. If a consultant lobbyist enters into an engagement on behalf of a client, the first time they do anything that falls within the definition of lobbying activity as contained in section 1 of the act, they need to be registered.

Ms Blakeman: Well, this is a good test case for us to use as we sort of probe the success of this act because nowhere in here is listed whoever lobbied the minister from the Canadian restaurant and hospitality industry. But they admit that they lobbied him, and they were successful in their lobby, and they've been public about it. So we know it happened, but it doesn't show up in the registry. It's a good test case for us.

Thank you.

Mr. Odsen: You're welcome.

Mr. Hinman: Following up on this example, if someone is lobbying on behalf of somebody, yet they're not being paid a fee, are they exempt then? They're lobbying, but they're not being paid anything for this particular case. Is there a lot of latitude there for lobbyists to do those types of things?

Mr. Odsen: Well, certainly, there is an exemption for volunteers, so that's unpaid. As well, in the preamble it talks about who is paid to lobby government, being the purpose of this act. In the definitions of consultant lobbyist and organization lobbyist it talks about: a consultant lobbyist is obviously paid by a client under an engagement to lobby on behalf of that client, and an organization lobbyist is paid by their employer to lobby. So receiving payment is a big piece of it, yes. Absolutely.

Another possible exemption, I suppose, in the case of this particular organization is that if there were no paid staff who were involved in doing the lobbying, then at least on the face of it registration is not required because they're volunteers.

Mr. Hinman: Is it possible, then – we seem to live in this world where we get three months free, and then we'll do this. There are always these clauses supposedly saying that they're free. If I was a professional lobbyist and I'm working for two firms and someone approached me and said, "Could you help us on two-tier wages?" "Oh, sure, I'd be happy to do that." "Do I owe you anything?" "No. Nothing." I could then go and lobby, be successful, hoping to get employed on something else at another time yet not show up on the register or anything because I didn't get paid for that specific job. It is just a freebie that these individuals throw out. So there could be a lot of lobbying going on.

Ms Blakeman: A loss leader.

Mr. Hinman: Yes.

Mr. Odsen: I think that's probably possible, yeah.

Mr. Hinman: Thank you.

The Chair: Okay. Thank you very much.

Mr. Odsen, if there are no other questions, we'll continue.

Mr. Odsen: Thank you. Okay. We've taken a look at consultant lobbyists somewhat and have gone through that. Maybe I should actually go back. I forgot to mention that, obviously, you have to disclose who your client is, who you're lobbying on behalf of.

Here we see one where the subsidiary corporations are an issue. In this case Hill & Knowlton is lobbying on behalf of Conoco, which is, of course, a major international energy company and has lots of subsidiaries.

Communication techniques that are being used have to be indicated as to techniques. The question comes up in respect to the contracting prohibition: does the consultant lobbyist or anybody associated – and associated is defined in the act as being a business associate – have a contract to provide advice to government? Yes or no? If the answer is yes, then with which departments are there contracts, and an opportunity for any additional information that they may want to insert. The act requires a declaration that they are not in breach of section 6, which is the contracting prohibition contained in the act.

Alberta's was the first act to have a contracting prohibition, a conflict-of-interest piece if you will, put into the lobbyist legislation. That was subsequently adopted by the province of British Columbia when they amended their legislation in 2009, following the B.C. Rail scandal, I guess, for lack of a better term. Manitoba's legislation, which has been enacted but not yet proclaimed, is almost a virtual copy of the Alberta legislation and includes the contracting prohibition. So that's consultant lobbyists.

Organization lobbyists. The requirements are a little bit different in some respects. Again, it's listed under the name of the chief executive officer or filer. You can search these things alphabetically, too. We can also search by organization name, if you want to do that, or list them.

10:40

Now, for organizations, if they're lobbying, they file a registration. Unlike with consultant lobbyists, who have in most instances a fixed-term or project type of engagement, organization lobbying is an ongoing activity for many, many organizations like Telus, Syncrude, Suncor, Imperial Oil, the Canadian Association of Petroleum Producers, and so on and so forth, unions, all kinds of organizations. It's an ongoing process.

The act requires, again, as with consultant lobbyists, that if there's any change to anything that they have listed in the registry, they have a set period of time within which to go in and make that change. As well, for organizations our legislation requires that every six months they need to go in and do a semiannual renewal, which I think more than anything else for some organizations forces them to review their registration and make sure that it is up to date and correct and disclosing the appropriate kind of information.

For some organizations, for many organizations in fact, changes are in all likelihood going to be personnel changes, whether it be staff who are involved in lobbying within, say, the government relations department if it's a large organization or directors, officers, some of those kinds of things, those sorts of changes. That's where they're likely to come in. Now and again there might be changes to their lobbying activities if there is some particular burning issue that hits either the legislative Order Paper or government policy or that sort of thing. Otherwise, it's going to be within their primary area of business concern that they're doing their lobbying.

I'll pause briefly to see if there are any questions at this point.

As you can see, the example here is Telus. The designated filer is the CEO of Telus, Darren Entwistle. I'm sure that's a name that's familiar to many of you. The address there: their head office is in Vancouver now. The fact that they're based in British Columbia is irrelevant in terms of registration. If they're lobbying in Alberta, they must be registered in Alberta if they meet the other requirements.

No questions?

Who within the organization is engaged in lobbying activities? Again, that's anybody that's being paid. One of the issues that arises – I'll call it an issue – a question that arises from time to time, is that I'll get a call from an organization: if members of the board of directors are lobbying, do they need to be listed? My response to that is: well, are they paid as directors? If they're paid as directors, then, yes, they do. If they're not paid as directors, then at least on the face of it they're volunteers, so they don't need to be registered because the act very clearly states that volunteers are exempt.

Do you have a question?

Ms Blakeman: Yeah. This is one of the points that's really confusing. I'm sorry to break in, Mr. Chairperson. Paid as what? Paid as a director of the organization or paid to lobby?

Mr. Odsen: Paid as a director of the organization.

Ms Blakeman: So if they're paid as a director of – is that Telus we've still got up?

Mr. Odsen: Yes.

Ms Blakeman: Okay. If they're paid as a director to sit on the board or paid to sit on the board of Telus and they speak to someone in the Alberta government about public policy, they should be listed as a lobbyist?

Mr. Odsen: Correct.

Ms Blakeman: Okay. Thank you.

The Chair: Ms Blakeman, perhaps maybe this is that other name you were checking for that you couldn't find before. Maybe this is where that name would show up.

Ms Blakeman: Yeah, but my point is that you can't search to find it. For the people that are listed under B1, organization lobbyists, Monty Carter, Larry – sorry; I can't quite see that far – you can't search them. If he goes back and plugs in Monty Carter, he can't find it. So it relates back to the earlier question I had.

The Chair: Right. I see what you mean.

Mr. Odsen: Again, it does find it, but it doesn't pull up that immediate registration. Okay? That's the form on which it occurs. When you put your cursor on here, that's a link. You click on it, it pulls up the registration, and there's Monty Carter's name. So it does find it.

Ms Blakeman: Okay. It didn't before. I did follow it that far, but this was several years ago that you and I did this, so you might have improved the site.

Mr. Odsen: Well, yeah. It's been ongoing.

Ms Blakeman: I know. So that's one of the things I was checking. Okay. That's good. Thank you.

Mr. Odsen: Okay. All right.

The Chair: Mr. MacDonald.

Mr. MacDonald: Yes. When you use the system in the way you have just displayed, if I'm a consultant lobbyist and I am being paid by a government department as a consultant and I'm also lobbying on behalf of A, B, and C corporation in X, Y, and Z industry, does that relationship come up on your website?

Mr. Odsen: No. The only thing that comes up on our registry is that there is a requirement – well, I should back up, I suppose. Depending on what it is that you're looking for, the information in terms of contracts that the Alberta government has entered into and the payments that have been made and the amounts of the payments, those kinds of things are found in what is called the blue book, which I'm sure you're all familiar with. So that's where that information is.

There is a requirement for a consultant lobbyist to indicate, and indeed it's the same for organization lobbyists right down near the bottom, section (k), contracts for advice to government: does the organization lobbyist have a contract for providing advice? The same requirement is there for consultant lobbyists, and they are supposed to indicate, if they have a contract to provide paid advice, which ministry they have a contract to provide advice to. They also have to provide particulars of their lobbying. So in providing particulars of their lobbying, they have to provide particulars of which ministry they're lobbying. So one can see that if they're lobbying, you know, the Ministry of Energy and have a contract with the Ministry of Energy, then that's there. But it doesn't tell you the particulars of the contract, just whether or not they have a contract. Then further on they say, "I'm not in conflict with section 6," and the requirement under section 6 is lobbying at the same time and on the same subject matter for which you are being paid to provide advice.

Ms Blakeman: That's the other loophole.

Mr. MacDonald: That's a big loophole or grey area, and hopefully we will close that when there are recommendations from this committee to the Legislative Assembly because I don't think that is a sound practice.

Mr. Odsen: Yes, of course, but that's the legislation, as you know.

Mr. MacDonald: Thank you.

Mr. Lund: I thought I heard you mention that if you're not lobbying for more than 100 hundred hours, you're exempt. Did I hear you right? I don't remember that being in the act.

Mr. Odsen: No. It only applies to organization lobbyists, and the exemption in the act is that where the total amount of time spent by all paid staff members in an organization is less than 100 hours a year, they are exempt from registration. That's a very interesting approach. Most other jurisdictions that haven't copied us, if they have any kind of time threshold, refer to a substantial portion of an employee's time spent in lobbying activities. The registrars and commissioners in the various jurisdictions have more or less adopted 20 per cent of that staff person's time being engaged in lobbying. So that amounts to, in essence, one day a week or the equivalent thereof by either an individual or amongst a number of individuals within the organization. The 100-hours threshold is considerably lower. That's less than two hours a week being spent on lobbying.

10:50

How you calculate the amount of time spent lobbying is a bit difficult. Some jurisdictions include preparation time specifically either in the legislation or in their regulations. Our regulations specifically exclude preparation time. It's really easy to track time face to face. It's really easy to track time over the telephone. The act says any communication. There are communication techniques: written, electronic, grassroots. How do you calculate the time spent on a grassroots campaign?

It doesn't come up often that I'm contacted by organizations around this issue, but my response to them, typically, is this. If you think that you are not obliged to register because you're not going to hit the 100 hours a year, it then becomes incumbent upon you to track all the lobbying activities in which you are engaged and all your staff people are engaged and all of those kinds of things because six or eight months from now I could get a call from somebody saying: "Hey, I know this organization is lobbying, and they're not registered. I want to know why. I want you to investigate." I'm going to be coming in, probably with somebody from the Auditor General's office to help me out, to audit and determine whether or not you're in breach of the act because, in fact, you are over the threshold. Alternatively, you can just register, and then you don't have to do that. In the vast majority of instances they've said, "Well, hey, that makes sense; we'll register," and that's what they do.

Mr. Lund: Okay. Thanks.

Ms Blakeman: Just to make sure I'm tracking this one, under the organizational lobbyists you would have organizations like Hill & Knowlton.

Mr. Odsen: Hill & Knowlton is a consultant lobbyist firm, so they're under the consultant lobbyist side of things.

Ms Blakeman: Okay. I'm glad I asked.

So then under the organization one is where AUPE or UNA would turn up. They're an organization, not an individual. Their sole purpose in life is not to lobby, but it is part of their mandate. So they're under an obligation to track their hours from the whole UNA to see how many times there's a face-to-face meeting with a public official to change public policy.

Mr. Odsen: No.

Ms Blakeman: No? Okey-dokey.

Mr. Odsen: Only if they feel that it's going to be less than 100 hours a year. The sum total of all the lobbying activities by everybody in the organization is going to be less than 100 hours a year, so they're not going to register. If that's the position that they take, then if they don't track, they've got a problem. They should be tracking their hours to see whether or not, in fact, they fit within the 100 hours a year.

If they register, they have to say what they're lobbying about and who they're lobbying and how they're lobbying. When I say, "who they're lobbying," I mean they're lobbying this department or Executive Council, that kind of thing, not this deputy minister by name or those kinds of things. There's no naming in our act. They simply have to say: this is what we're lobbying about, and this is where we're directing our lobbying efforts, and these are the methods that we're using to lobby.

Ms Blakeman: Okay. Thank you.

Mr. Odsen: There is a requirement for organizations that there be a listing of the names of all the directors of the organization. These are the directors that appear on the annual returns to whatever corporate registry they happen to be filing with. There's a requirement for the officers of the organization; that is, the CEO and the next level of executive management down from the CEO. So there may be people who are not lobbying on behalf of the organization, but from the perspective of the public, they might still want to know who these people are. So they're listed.

A description of the organization's business or activities. That can be, obviously, pretty comprehensive, like Telus's is, and it can be pretty brief in the case of others.

Are any of the people who are listed as organization lobbyists former public office holders? Yes or no? If the answer is yes, then who? Jeremy Chorney: I don't know how many of you knew Jeremy. He was EA to Ron Stevens when he was Minister of Justice.

Ms Blakeman: Oh, before that he was in the pool.

Mr. Odsen: Yeah.

Again, the subject matters or areas of concern on which the organization is lobbying, particulars of the lobbying activities. This is who you're lobbying about what.

Funding. This is one of the requirements under the act. Again, this is just more or less a disclosure kind of thing. Is this organization receiving funding from government for anything? Yes or no? If the answer is yes, then from what part of government are you receiving funding, and how much are you receiving in each fiscal year? That's something that has to be kept up to date.

The communication techniques that are being used. You have to show the current six months' lobbying activities and the anticipated next six months so that you've kind of got a year's snapshot. Then it's updated every six months, so things might change substantially both in terms of the communication techniques and the particulars of lobbying activities and the subject matters. That's all required under the act.

Does the organization, as I said, have a contract to provide advice to government? Yes or no? If the answer is yes, then to which ministry or ministries is it providing advice under contract?

Finally, again, the declaration.

Now, what I had next on my list was searches, but we've already sort of done some stuff with searches, so I'll just go back to the home page. One of the things we can do is take a look at statistics, either lobbyist registrations – and this should be current as of today – how many are registered and in which categories and inactive registries. You can see, for example, that there are 38 consultant lobbyist engagements that have been terminated because the activity has concluded or whatever. We can also search by subject matter. There are 124 registrations where something to do with the environment is part of the lobbying activities, 115 for energy.

I understood that I had an hour, and we're at about hour, but what I could do very quickly, if you're at all interested, is show you what it looks like when a lobbyist logs in and wants to do something on the page. Here's a registration that I created way back when, when we were testing it. It's never got beyond initial registration. It's in the system, and it's able to be accessed and worked on, but it's certainly not available to the public or showing up or anything like that. It's one that I use for test purposes and demonstration purposes.

11:00

The information here is the information that is captured when a lobbyist first applies to register, and once that information is in the system, that's not something that can be edited on the registration page itself. There are tools to be able to do that, to change the designated officer or filer if the CEO changes, to change the business address if it changes, if the name of the company changes. Those kinds of things can be done.

Organization lobbyists. You can add and subtract. If you want to add one, you type in the information. Remove. If there are any

subsidiaries of the organization, if there's a parent name, a description of the membership of the organization, directors, it's just a matter of filling in boxes. Here's where you see the answering questions, right? Is any member a former public office holder? You'll see that we had back here President George W. Bush named as an organization lobbyist, so a former public office holder although in all honesty our act wouldn't require him to be listed as a former public office holder because he wasn't a former public office holder in the province of Alberta.

Subject matter, areas of concern. You simply highlight on each one that you want, current six months, next six months.

Particulars of lobbying activities . . .

Ms Notley: Sorry. Could I ask: would former MPs outside of the province be listed?

Mr. Odsen: No.

Ms Notley: Really?

Mr. Odsen: The act specifies in schedule 1 and schedule 2 the definition of former public office holder. In essence what it is an elected member, a political staffer, a deputy minister, and I think chair and vice-chair or equivalent of a board or commission or that sort of thing. The top people on basically prescribed provincial entities, boards, commissions, agencies: those kinds of things.

Ms Notley: So local MPs: would they be listed?

Mr. Odsen: No.

Ms Notley: Oh, so no MPs. Even Alberta MPs.

Mr. Odsen: No.

Ms Notley: Oh, interesting.

Mr. Odsen: Not MPs, not mayors, not school board trustees: those kinds of things. As you can see, it's set up in such a way that we've tried to make it as intuitive and user friendly as we possibly could. I've had, actually, a fair bit of feedback, particularly from lobbyists, whether they be organization lobbyists or consultant lobbyists, those who do work in jurisdictions beyond Alberta so need to register in those jurisdictions as well. In their view our registry, this part of it, working with it as a user, is far superior to anybody else's. They really find ours much easier to deal with.

The Chair: Mr. Rogers.

Mr. Rogers: Thank you, Mr. Chairman. Mr. Odsen, just one quick question. You mentioned school boards. It sounds to me that you were saying they were exempt. Earlier, when you were scrolling through at the beginning, I spotted an entry for the Association of Municipal Districts and Counties.

Mr. Odsen: That's correct.

Mr. Rogers: The AUMA, I'm assuming, as well? A similar organization.

Mr. Odsen: AUMA is not registered. That's one of the interesting questions around the exemption sort of thing. Under the act there are exclusions and there are exemptions. Exclusions are, in essence: this is not lobbying. This organization, another order of government, for example, or whatever, is specifically excluded. Government needs to be able to talk to government and some of those kinds of things. Then there are exemptions which apply to,

for example, volunteers, those organizations that fall under the 100-hour threshold. There is the nonprofit/charitable exemption.

The position I have taken with many organizations that on the face of it either are clearly or, if it's a grey area kind of thing, quite probably exempt whether it be hours or the charitable or for some other reason. Exempt means you are not obliged to register under the legislation. But if you're lobbying, and you know you're lobbying, the spirit and intent of the act around transparency, I believe, mean that you can voluntarily register.

AUMA has taken the position that, yes, they lobby on behalf of their members, but since their members are specifically excluded, they therefore are by extension excluded as well, and they're not going to register. AAMD and C, on the other hand, says: "Well, that might be the case. It might not. In any event we know we're lobbying on behalf and within the context and intent and spirit of the act. We are going to register." So that's what they've done.

Another example, the College of Physicians & Surgeons, probably exempt. They are registered. The Law Society of Alberta, probably exempt. Not registered. Those are two really good examples.

Mr. Rogers: Thank you.

The Chair: Mr. Lund.

Mr. Lund: Thanks. This raises some other rather interesting questions. An organization that has an interest, for example, in the whole issue around electricity and the distribution and transmission thereof. I know that currently there are organizations like the rural electrification. They have a lot of activity going on relative to the transmission and, actually, the whole issue about the types of metering that's going on, and they're meeting with the Department of Energy. They're meeting with the Utilities Commission. They're meeting with AESO. There's a whole conglomerate of government agencies that are connected with that whole issue. Would you deem that they would be exempt? They may be exempt because of the 100 hours.

I guess if you look at all of the identities that are meeting about the same issue, I also know that there is a group of farmers that have gotten together and have got an individual that is, according to the farmers, openly lobbying and talking to the Utilities Commission. I'm wondering where all these fit in.

Mr. Odsen: That's definitely one of the difficulties. Coalitions are included as organizations within the definition in the act. Coalitions, though, typically – and I think that's some of the kinds of things you're talking about – don't have a chief executive officer or perhaps any paid staff at all that are engaging in lobbying activities. The coalition, per se, are oftentimes not even a legal entity themselves. Are they volunteers? How do you address that kind of thing? The coalitions that have engaged consultant lobbyists are not an issue because the consultant lobbyist has to register for lobbying on behalf of the coalition. But coalitions themselves engaging in lobbying activities: that really is a very – because, you know, nobody's paid, presumably, to lobby on behalf of the coalition. How, then, do they fall within the act?

11:10

Mr. Lund: But to say that they're not paid: where would a per diem fall in? What about covering of your expenditures; for example travel, meals, lodging, those kinds of things. There's certainly money changing hands, but is that getting paid? Now, a per diem: they're not on a salary, but there is a per diem.

Ms Blakeman: Yeah. But that's out of pocket compared to a payment.

Mr. Lund: Well, some of the per diems are not just out of pocket. They are certainly beyond.

Mr. Odsen: No. That's a fair question, and it has come up on occasion. The approach that I've taken is that if the per diem or an honorarium, for example, one of those kinds of things, for all intents and purposes is really pretty trivial, then it's probably a volunteer kind of thing. Somebody is paid a hundred dollars a day to sit as a director of an organization of some kind or something like that. The directors meet four times a year for a day, so that's \$400 a year. That's pretty trivial, I think. On the other hand, if that person is paid a thousand dollars a day and they meet once a month for a day, that's \$12,000 a year. That's not trivial. That's paid, and that should be reflected.

It's going to be a question of fact every time. To be honest with you, this whole act, as you can maybe see as we've been going through this: it's really individual factual situations every single time as to whether or not the act applies, whether it ought to apply, if it applies, how it applies, and how the information that's required under the act ought to be disclosed on the registry. You can get some pretty interesting fact situations, believe me.

Mr. Lund: Yeah. Well, thank you very much. It wasn't that I was trying to capture them. I was just really curious how all of this fits in.

Mr. Odsen: Oh, exactly. It's very complex.

Mr. Lund: Thanks for that clarification.

Ms Blakeman: I'll just use a real-time example that I think flows from what Mr. Lund was just saying. The individual, a lawyer, who was travelling about doing public presentations across the province – I think his name is Mr. Wilson – on some of the government bills: if he wasn't paid by anybody, he won't show up anywhere.

Mr. Odsen: That's right. He's certainly not on the registry, and it's clearly a grassroots campaign. I mean, it can't be described any other way, in my view. It clearly is. But he's doing it as a volunteer.

Ms Blakeman: Okay. Even if his hotel bills were being picked up, if he was getting \$150 a day for expenses, that's still not going to cover him.

Oh, we're getting additional support here.

Mr. Odsen: Yeah. Payment in the definitions section – thank you, Ms Neatby – means “money or anything of value and includes a contract, promise or agreement to pay money or anything of value, but does not include a reimbursement of expenses.”

Ms Blakeman: Okay. All right. Thank you.

The Chair: Okay. Mr. Odsen, are we close to wrapping up yet?

Mr. Odsen: Yes.

The Chair: Okay.

Mr. Odsen: Yeah. I know I've already gone over the time limit here, so I'm entirely at your disposal, of course.

The Chair: That's fine. With the questions I believe that we've kind of delved into a couple of other items on the agenda. We've gone into those through the questioning, but that's fine.

Well, if there are no other questions for Mr. Odsen, thank you very much.

Ms Notley: Could I ask one question?

The Chair: Okay.

Ms Notley: I'm just flipping through here. Your thoughts on the fact that there have been no penalties or offences or anything, nothing assessed at this point. Do you see that as a function of investigations? Are you able to proactively seek out? Do you get complaints? I mean, what's the office's work in that regard?

Mr. Odsen: I suppose there are maybe a couple of answers to that. Certainly, if I get a complaint, it's something that I need to look at. There have not been a lot of complaints with respect to anything under the act. Proactively, to be honest, we don't have the resources. I don't have the resources to be able to engage in any serious kind of thing. I mean, the lobbyist registry is me.

Ms Notley: I see that you've got one investigation report there online.

Mr. Odsen: That's correct.

Ms Notley: Has there only been one complaint, then?

Mr. Odsen: Well, under the act if there have been any other complaints, unless I do an investigation, I am prohibited from talking about whether or not there has been a complaint.

Ms Notley: What are the criteria under which you decide to take a complaint and have an investigation that would generate a report that's publicly available?

Mr. Odsen: If there is an allegation and the facts as set out in the allegation on the face appear to indicate a breach or a potential breach of the act, then it's worth further inquiry, shall we say. That's the primary sort of thing.

On the other side of that is that if they clearly do not disclose a breach, that would be a reason to refuse to conduct an investigation. However, we have had in our office long discussions on the fact that because of the prohibition concerning confidentiality and privacy if the matter is not investigated, where something is in the public domain, it may well be that the only way in which it can be sort of addressed is to conduct an investigation because that's the only way that I or our office can publicly comment on a request or allegations that may have been made or that sort of thing.

Ms Notley: So what are your thoughts on having a practice where you report on the number of complaints that were dismissed prior to the investigation process?

Mr. Odsen: Well, that would require an amendment, I think, to the act because I think it's pretty clear. It says: kept confidential and everything must be private. One of the things that I think would be kind of nice from our perspective, well, a twofold thing, I suppose, is that the way the legislation currently works is that it's either no investigation and no information about that – the only person that knows that you're not going to conduct an investigation is the person that has requested it in the first place. I go back and say: “No, I'm not doing an investigation. Here's why.” I

don't even tell the person against whom the complaint has been made that a complaint has been made if it's one of those ones that I can dismiss outright. Or it's a full-blown investigation.

There's no intermediate area where I can contact the person, for example, against whom the allegation has been made and say: "You know, I have this allegation. Please respond. Give me some information." If their response makes it clear that there is nothing there, then I, for example, have the discretion to say publicly, if need be, or to post, "Okay, I've had this request; I'm not doing an investigation, and here's why" kind of thing.

Ms Notley: You mentioned that basically you are the registrar. You are the person in the office, and we see here that there has been one investigation and no penalties or offence was identified. Is it your sense that the world is in compliance with the legislation, or is it your sense that there may be noncompliance out there that we don't have the resources to get at?

11:20

Mr. Odsen: My overall sense is that there is good compliance. It really is. But the full extent of what's out there, I'm not hearing a whole lot to suggest to me that there isn't. I've talked to, certainly, an awful lot of people within the lobbying community, and there isn't opposition to registration. The kinds of comments that I get are: this is a good thing; we have no problem with this for the most part. Where there is push-back a little bit for the most part, I would say, is with particular organizations that, I think, still have a perception, if you will, that lobbying is somehow legitimate but it's not really on the up and up. It's not the way that things ought to occur. That's more of an educative kind of a process or function than anything else.

Mr. Hinman: That was basically my question, on whether or not you felt it was effective. If we go back 20 or 30 years, abuse and bullying we just shrugged off and looked the other way, and now we're very much aware of it. I guess my question, to delve a little bit further into this, is: how much lobbying is going on on the golf course, at the pub, or other places where there isn't money being exchanged but these are former EAs, deputy ministers that are out there? They can pick up and say, "Hey, let's go have a game of golf and enjoy the day," yet they then engage in a conversation. Do you not feel that there's an awful lot of lobbying that goes on like that, that is off the record? We don't see it. It's not reported.

Mr. Odsen: Well, actually, I think that our act is better for capturing that sort of thing than those acts like the federal act, for example, that specifically require monthly reporting on lobbying activities because they define that you have to – for example, federally you have to report monthly on all meetings that have occurred with designated public office holders that were arranged meetings; in essence, if there has been an appointment, you go to the person's office and you sit down and meet with them, or that kind of thing. The stuff that happens on the golf course or over lunch or dinner or those kinds of things are not arranged, so they're not reported.

Our legislation requires that you indicate who you're lobbying in relation to what. The context within which that lobbying takes place is irrelevant. Whether it's in their office or on the golf course or, you know, at the gym, that's irrelevant. If you're lobbying them with respect to this, it's captured. It's a bigger picture kind of thing. It's not specific as to the context within which the particular lobbying activities take place.

Mr. Hinman: Thank you.

The Chair: Thanks, Mr. Odsen.

I'm sorry. Ms Blakeman, you had a comment?

Ms Blakeman: Well, I had two other general questions for the lobbyist commissioner. One is around the phrase "attempt to influence." We put it in. Others have put it in and taken it out, or they put it in the first place and never took it out. I'm wondering if you have any opinion on this or feel it would make a big difference if we took it out or if it serves an excellent purpose by leaving it in.

Mr. Odsen: Well, I think it would make a difference if you took it out because lots of communication occurs between government and individuals that isn't lobbying in the sense of attempting to have some kind of impact on government policy, in my view. It becomes a very difficult question, I suppose, in the sense that elected members need to be able to talk to people about what's happening. If any and every communication is potentially something that needs to be filed under the registry, are we really capturing what the intent is? I guess the question that you need to be asking yourselves is: what are we really trying to capture here? What is it that we want disclosed here?

I think that if you were to ask most Albertans what they're concerned about more than anything else, it is those who are engaged in activities with the intent of influencing in some way. It's only the federal government that has taken that out of their legislation. All the other jurisdictions in Canada do have "attempt to influence." That's really the key of what lobbying is all about.

Ms Blakeman: Well, I would think so, but I'm still trying to figure out how the commercial beverage and hosting people managed to not turn up as lobbyists yet were successful in influencing the minister of labour to bring in, you know, changes that really benefited that particular sector by introducing a two-tiered minimum wage. So I'm still trying to figure out how that happened.

My second question was around monthly updates. As you just pointed out, I think the feds do require this. We ask who is lobbying and what they're lobbying about, but there's no indication on the frequency or the level of activity. So there's no requirement for a monthly report from either consultant or organizational lobbies about how much stuff they're doing.

Mr. Odsen: That's correct.

Ms Blakeman: How many golf games did they go on? We don't have a sense of how much activity is out there. I mean, that might be another way to be able to identify how many golf games are going on. I think this is an interesting thing to pursue. Do you have any comment on that?

Mr. Odsen: Well, yes, I do. There are a couple of things that you need to consider if you're going to be thinking in those terms. First of all, remember what I said about the definition of public office holder. It covers tens of thousands of people as it stands right now.

Ms Blakeman: Well, true, but you have the secondary definition of attempting to influence. So going and buying, you know, a fishing licence when you're the director of Telus is not going to come under attempting to influence.

Mr. Odsen: No. I'm aware of that. I'm simply saying that those jurisdictions that do have that kind of requirement, federal and B.C. to a limited extent, have what they call designated public

office holders, and they have considerably narrowed down the scope. In effect, it's elected members, political staffers, and the very highest levels within government, deputy minister to assistant deputy minister, who are in a position to actually . . .

Ms Blakeman: Make change.

Mr. Odsen: . . . make change and affect policy. So that's one thing that you need to consider.

A second thing that you need to consider is: all right, if we're going to go down that road, then what we're talking about is a different kind of structure and infrastructure because we're going to need compliance officers, somebody to follow up to see that the stuff is coming up and to follow up on it, and you're going to need, probably, investigation officers. The federal lobbyist commissioner has a staff of 28 or 29 FTEs and a \$4.7 million budget as opposed to our 0.6 FTE and a budget of 300 and some thousand dollars. So it's pretty significant. I'm not saying we necessarily have to go to the level of the federal lobbyist commissioner in terms of staffing and resources, but that's certainly an issue.

The third thing is, of course, what they do. They can only check. Because they only have the time and resources themselves, they can't check every report. They can pull 5 per cent at random, and that has five people involved for a month, just pulling 5 per cent at random, doing follow-up and checking the compliance side of things. Part of the compliance thing is contacting all the public office holders that are reported in these reports and saying: this lobbyist indicates that they met with you on this date at this time and talked about this; is that right? So now there is an onus on public office holders to be tracking their time and their contacts with lobbyists.

11:30

The way our legislation currently stands, there is no onus or obligation or requirement on public office holders to do anything with respect to lobbying. That's the case in every other jurisdiction in Canada other than, as I say, federally now, with that change for the reporting, and British Columbia, to a certain extent. They adopted our act for the most part, but then they thought they liked what the feds had, so they added that piece to theirs.

The Chair: Okay. Thank you, Mr. Odsen.

Are there any specific items that have not been brought up that you have found within the Lobbyists Act that we should consider? Did you find anything within the act that you wanted to bring forth that perhaps we should consider making changes to?

Mr. Odsen: Well, I did prepare an issues identification, where I've listed a number of different issues, which is a part of the materials that were handed out. I didn't want to go through those unless you want me to.

The Chair: No. We'll go through those on another item down a little further, okay?

Mr. Odsen: Okay. There isn't anything other than what I've already indicated there that I might specifically want to highlight. I do want to reiterate that, notwithstanding identifying some clear issues here, it's my view that this is a pretty good piece of legislation and it's working pretty well.

The Chair: Okay. Thank you.

With that we'll move on, then, to item 5, the information requested at previous meetings. At a previous meeting Alberta Justice provided us with three background documents related to the Lobbyists Act: the guide to the act – and I think you all should

have a copy of that – an overview, as well as frequently asked questions. Does anyone have any questions on these documents? Ms Neatby is here to respond to any questions if we have any.

While everyone is looking, Ms Neatby, did you want to make any comments at all?

Ms Neatby: No. But I'm quite happy to answer any questions that are asked.

The Chair: Okay. Thank you.

Not seeing anything, we can come back to that as well if anyone wishes.

We'll move on to some of the background briefing materials from committee research. Our committee research staff have also prepared three briefing documents for us in response to requests made at the May 26 meeting. I'd like to ask them to take a few moments to run through each of these documents with us and respond to any questions the committee members may have.

First off, the literature review. Dr. Massolin.

Dr. Massolin: Thank you, Mr. Chair. As you mentioned, the committee research staff has been asked to do three research briefings for this meeting. The first of those is the literature review, and there's also a discussion paper. I'll go over those two, and then Ms LeBlanc will go over a cross-jurisdictional analysis.

In terms of the literature review – and this is the document that's titled Review of Literature: Lobbying Legislation and Regulations, posted on August 24 – basically, that document deals with summaries of reports and presentations. Now, the request was that we try to research any presentations, reports, and so forth that were conducted by think tanks in Canada and elsewhere on lobbying legislation, legislation that would have to do with this committee's review of the Lobbyists Act.

We didn't find anything along those lines. However, we did find various books and articles on lobbying legislation regulation and so forth in Canada and internationally, and that's what this piece, this literature review, deals with. This literature review provides a synopsis of each text that we found and categorizes the information in those texts, articles, books, papers, and so forth according to a scheme that's laid out in the table of contents on page 1. You can see that for yourselves: overviews, historical reference, scope and definitions of lobbying, transparency, and so forth.

As I mentioned, this piece here only gives you a synopsis of these texts. It doesn't give you a comprehensive rundown of what's included in that information. The intention of that, of course, is just to give you an overview, and then if the committee would like to read further, they can do so at their leisure. There is an annotated bibliography listed at the end of this document for additional information on the individual text.

So that's the literature review, Mr. Chair, and I can answer questions on that one.

The Chair: Any questions?

Ms Blakeman: Not immediately.

Dr. Massolin: So if no questions, I can turn to the discussion paper?

The Chair: Uh-huh.

Dr. Massolin: The discussion paper was another one of these briefing documents requested at the last meeting in May. The

purpose here is to present issues and points of discussion with respect to the Lobbyists Act so as to assist in the committee's discussion and deliberations in this statute review. Now, the discussion paper reflects a review of standard issues that might come up in a statute review such as the adequacy of definitions – for example, the definition of lobbying or lobbyist – and exemptions from the application of the act that typically might be undertaken during a statute review.

The source of these issues that appear in this document and the questions that arise in this document come from various sources. One of the main sources, I think, is the 2007 Standing Committee on Government Services review of Bill 1 and some of the issues that were brought up there and also the issues that were deliberated and debated in Committee of the Whole in 2007. Of course, stakeholder submissions and so forth were also another source. Finally, information gleaned from other jurisdictions and sort of a cross-jurisdictional comparison were another source for these issues.

Now, what I want to say about the issues that appear in this document is that these issues may or may not be of interest to the committee. It's up to the committee to decide, of course, whether or not they want to undertake further discussion and deliberation in this regard. Also, this is not an exhaustive treatment of the Lobbyists Act. It's some of the more salient points that were brought up using the methodology I described earlier.

Again, if you want to look at the specific contents, of course, naturally, just turn to the table of contents, and you can see some of the issues and points of discussion that are raised, including definition issues, who's in, who's out. Another one is the 100-hour threshold issue that has already been raised. Public office holders and section 6, the so-called dual role prohibition, are also discussed. There is also a section on prescribed provincial entities, and finally a lobbyists' ethics section.

So I don't know if there are any questions on that document, but I'd be prepared to answer any of them.

Ms Blakeman: I don't particularly have questions on them, but can I just ask now where we think we're going to go with all of this? I think I certainly need time now, having heard the presentations and listening to how all of this is working out, to go away and think of whether I want to bring forward any motions and prepare them and bring them back. I don't need to question on the work done here. I will consider that information as I start to develop because I think that is one of the loopholes that we need to look at again, that situation where we have a significant number of – let me get this right – organizational lobbyists who are giving advice on one issue and lobbying on another to the same department at the same time, which I just think is a really bad idea. I would be looking, for example, to bring that forward as a motion, but I don't need to question you on the work you've done. If that helped.

Thank you.

11:40

The Chair: Yeah. This whole meeting is lots of fact-finding, and any other motions certainly can come at another meeting, for sure.

Ms Blakeman: Good. Thank you.

The Chair: Any other questions for Dr. Massolin?

Ms Notley: Moving away from the discussion paper, maybe back to the cross-jurisdictional paper, that was yours, too, correct?

Dr. Massolin: Yeah. Actually, Mr. Chair, maybe Stephanie can speak to that initially and then take some questions afterwards, if that's okay.

Ms Notley: Okay. Sure.

The Chair: Ms LeBlanc, you wanted to go through the cross-jurisdictional comparison? We haven't touched on that yet.

Ms LeBlanc: Sure. Thank you, Mr. Chair. Briefly, we were also asked to prepare a cross-jurisdictional comparison, and this is the document from the research section that's dated August 29. We compared Alberta's legislation with seven other jurisdictions, and those are British Columbia, Manitoba, Ontario, Quebec, Nova Scotia, Newfoundland and Labrador, and the federal legislation. You would have noted that Manitoba's legislation is not yet in force.

The paper focuses on the topics of registration, filing requirements, fees, codes of conduct, restrictions on lobbying, and offences and penalties. It touches on a lot of the same issues that the discussion paper does, and there are some cross-references within that document to the cross-jurisdictional. Our hope is that as you go through the issues, you can use this document as a tool to see what other jurisdictions are doing with these particular issues.

We found that there are a number of similarities between the acts. As an example, all jurisdictions distinguish between lobbyists who lobby on behalf of their organization and those who lobby on behalf of a client. There are also similarities in the type of information that's required in a return and the offences that a person can be charged with under the acts.

There are also some differences. The jurisdictions differ in terms of the threshold that must be met before an organization lobbyist has to register, and even in jurisdictions where the threshold is the same, there are in some cases differences in what activities count toward the threshold. Another difference is the parties that are included and exempted from the legislation. As an example, three of the eight jurisdictions, including Alberta, exempt employees of not-for-profit organizations from the act. Also, only three of the jurisdictions have codes of conduct for lobbyists.

The comparison touches on some of the main components of lobbyist legislation but doesn't discuss all of the issues that might come up with these acts, so we're prepared to prepare any additional research for the committee as necessary.

Thank you.

The Chair: Ms Notley.

Ms Notley: Yeah. I just had two questions that sort of jumped up at me from quickly looking through some of this stuff as we were being walked through it. One was the literature review which, while basically telling us where the information can be found as opposed to what the information is, does reference this notion that public office holders do not have to keep track of what they're doing. Then we were told in the presentation that, in fact, federally and in B.C. that is changing or has changed. I'm not sure if it's changing or if it has changed.

Mr. Odsen: Can I respond to that? I don't believe there's a requirement in either act that public office holders need to do this, but there is follow-up with public office holders to verify, in effect, the reports that are coming in from the lobbyists on the monthly reports. So even though it's not specifically stated in the legislation, they have to be able to. I suppose they could respond

and say: “I don’t know. We don’t track this kind of stuff.” But I think that most public office holders in circumstances like that find that: “Well, gee, we’d better. We’d better.”

Ms Notley: Right. So that sort of information that I was looking for is sort of the cross-jurisdictional understanding of how – if it’s a practice versus an obligation, that’s fine. But it would seem to me that that’s a critical piece to the second thing which I’m also looking for information on, which is sort of records around enforcement or histories around enforcement. I mean, for instance, in Alberta we’ve not actually engaged in any enforcement activity, so what’s the cross-jurisdictional record, and then whether we can have a cross-jurisdictional understanding of the resources that are dedicated. I appreciate that it’s an evolving and growing area and that’s changing, but I think that’s important, since we’re going into the review, to have an understanding of that.

Thanks.

Mr. Odsen: Again, if I may, subject to I suppose being found to be incorrect on subsequent research, it’s my understanding that, firstly, all the lobbyist legislation across Canada has the same kinds of requirements around confidentiality and privacy, so it’s going to be pretty difficult to research whether there have been any. Anecdotally, from conversations with my peers across Canada, I can advise that there has been enforcement stuff occurring in Quebec that has been reported. Their regime is somewhat different because it also includes municipalities as well as the provincial government. There have been reported federally some investigations and those kinds of things, but again, when they get a complaint, for example, if it appears to be substantiated, they have to turn it over to the RCMP, and they can’t talk about it, and the RCMP may or may not talk about it.

Ms Notley: I think that when enforcement occurs, that is a matter of public record. If someone is actually found to be in breach of a piece of legislation, I’m pretty sure that has to be publicly reported in some fashion. That’s the information that I’d be looking for.

The Chair: Mr. MacDonald.

Mr. MacDonald: Yes. Thank you very much for this information. I find it quite useful. I have a question for you, please. There is a period of 12 months after ceasing to be a minister or the Premier. There is a cooling-off period in the province. The Alberta public service postemployment restriction regulation also places restrictions on deputy ministers. My first question, Mr. Chairman, would be: would those restrictions for deputy ministers also apply for assistant deputy ministers, and how long is their cooling-off period? I cannot remember. I should know, but I don’t.

Ms LeBlanc: I believe the cooling-off period under the latter is six months, and I’d have to pull up the regulation itself to look at the definition. I can do that right now and get back to you shortly.

Mr. Odsen: The cooling-off periods are dealt with in the Conflicts of Interest Act when it comes to ministers and political staff or former political staff. For ministers it’s 12 months, for former political staff it’s six months, and there are sort of provisions as to what kinds of employment they can and cannot take with respect to that.

With respect to senior government officials it’s in the public service code of conduct. It’s my understanding, without having it here in front of me, that it’s six months for a deputy minister. I don’t believe it extends below the level of deputy minister, so assistant deputies are not caught by it.

The Chair: Mr. MacDonald.

Mr. MacDonald: Yes. Thank you for that. Hopefully, that’s something the committee will work with.

Do you track the number of deputy ministers or assistant deputy ministers who have left the public service and are now working as either consultants or organizational lobbyists in the province of Alberta?

Mr. Odsen: I don’t track them, no. If they are in fact lobbying, then they should be registered, whether it be organization or consultant, and if they’re not registered, then if somebody tells me that, I can certainly investigate. That’s the first thing.

The second thing is that not only is it potentially a breach, I suppose, of the Lobbyists Act, but depending upon the time period between them leaving and now engaging in these kinds of activities, it may well be that they’re in breach of the Conflicts of Interest Act or the public service code of conduct as well, and that’s something else that we can investigate. Certainly, with the Conflicts of Interest Act we can.

Mr. MacDonald: If the cooling-off period is six months and that goes by, these individuals if they wish may, through a private corporation that they have an interest in, hire themselves out as consultants to any respective government department or to agencies, boards, and commissions that they wish without going and seeking permission from you, correct?

11:50

Mr. Wilkinson: That’s correct.

Mr. MacDonald: Thank you.

The Chair: Are there any other questions?

Ms Blakeman: With a consultant lobbyist do we make any attempt to – what I’m sort of interested in here is: is there any way for a member of the public or the media to figure out how much money was spent on the campaign? I mean, how big an effort was put into trying to influence? We have nothing in our legislation that would allow us to track that. There is one clause that talks about payment. Am I right on that?

Mr. Odsen: There’s a requirement that if the client, in the case of a consultant lobbyist or in the case of an organization, is receiving funding in some way or another from government, that needs to be disclosed. For a consultant lobbyist, if their fee engagement is wholly or partially contingent upon results, that needs to be disclosed. But that’s simply: “Is there a contingent fee arrangement? Yes or no?” There is no requirement under our legislation – and I’m not aware of any requirement under any other legislation in Canada – that requires that the amount of money that’s going into a lobbying campaign or lobbying efforts has to be disclosed.

Ms Blakeman: It’s very common in the U.S.

Mr. Odsen: Oh, I know it is.

Ms Blakeman: But I’m interested in why we’re not interested. Okay. Thank you for the answer.

Ms LeBlanc: On page 19 of the cross-jurisdictional comparison you’ll see an example of a requirement that’s unique to Quebec’s legislation, which requires a consultant lobbyist to indicate the amount of compensation they will receive within a range.

Ms Blakeman: But only consultant. Okay. Thanks.

The Chair: Okay. Thank you for all of those questions. Having looked at all of this information so far, has anyone identified any additional research? I think a couple of points have come up.

Dr. Massolin, do you have any comments with regard to any additional research that we haven't touched on?

Dr. Massolin: Thank you, Mr. Chair. Yes. We've already heard, I guess, some additional cross-jurisdictional research that the committee could benefit from. In addition to that, the committee research staff are certainly at your disposal to do additional research.

One possible briefing or document that we could prepare if it would be useful to the committee is to list some of the issues that the committee may come up with from a variety of sources – from the deliberations, from the stakeholders, from perhaps the public presentations – and distill them all into one document, and that could be a document that could be used going forward, of course, if necessary. We're at your disposal for additional research requests.

Thank you.

The Chair: Thank you. I think that on some of the questions that have been asked that you're going to be getting information on, it certainly would be good to get that information and submit it so that we all have it for our next meeting, for sure.

Any other questions? Mr. Odsen.

Mr. Odsen: Thank you, Mr. Chair. I'm not sure whether this is the appropriate time. I mentioned conversations that I've had with my peers and our colleagues. In fact, the lobbyist registrars and commissioners from across Canada get together annually for a two-day conference in the fall. This year we are hosting the conference here in Edmonton, starting a week from yesterday. We'll be holding our meetings in this committee room, in fact. Lobbyist registrars and commissioners from all across Canada, all but Nova Scotia's, will be here next week.

One thing I would like permission on from the committee if we may. The research materials that have been prepared by the research team are really, in my view, excellent materials and would be a very nice resource for me to be able to share with my peers from across the country, but that's your decision. These are your documents, and whether or not I'm able to share them is, I think, your decision. I wanted to ask whether you would have any objection, members of the committee, to my doing that?

The Chair: Well, working documents usually aren't shared, and this still is a work-in-progress here, but whatever the committee wishes. Perhaps not the documents themselves but a summary of those could be made available. What's the committee's interest on this?

Mr. Bhullar.

Mr. Bhullar: Thank you, Mr. Chair. I think that given the folks that are involved in the dialogue, let them have access to it. I mean, obviously their insights and their knowledge and their reflections are, I think, well suited for us as well, so I would say that we permit this to occur.

The Chair: When you talk about these documents, are these research items going to be used in one of the sessions? Is that what you're saying?

Mr. Odsen: Our sessions are actually pretty full already in terms of things. It's more a case of simply providing an additional

resource to them that may be of value. Particularly, for example, the cross-jurisdictional comparison sort of thing and the literature review are the two that, it seemed to me, might be of some value to them. They're not going to be participating in our process at all beyond the extent, obviously, that there is a submission from the federal lobbyist commissioner.

The Chair: These documents down the road eventually will become public knowledge anyway for your colleagues, I suppose.

Mr. Odsen: We can wait until then.

The Chair: Mr. MacDonald.

Mr. MacDonald: Yes. I would just like to say, Mr. Chairman, that I agree with Mr. Bhullar. There would be no harm in providing this information even if it was for the interest. I realize it's the property of the committee, but I would be quite willing to make a motion to provide, with the committee's acceptance, this information to the organizers of your conference, and they can provide this to those in attendance if they wish.

The Chair: Mr. Hinman, and then I'll have Mr. Reynolds and Dr. Massolin respond.

Mr. Hinman: I agree with the two previous speakers, but I guess, just for clarification, that I don't think you'd be asking unless there were any concerns you had with sharing them. I just want to double-check on that. With the review of the literature and with the cross-jurisdictional I can't see any reason why we couldn't share it. Is there anything in here that I haven't seen on why you think that we should be worried about sharing it with other jurisdictions?

Mr. Odsen: Well, it's just that it's not my decision to make.

Mr. Wilkinson: We don't have any concerns with it. They constantly share information with us on what's going on in their jurisdictions, but obviously we know it's your decision.

Mr. Hinman: Yeah. I'd be in favour of it as well.

The Chair: Mr. Reynolds.

Mr. Reynolds: Dr. Massolin can speak on this.

Dr. Massolin: Yeah. Thank you. Mr. Chair, I think we're getting a sense of what direction the committee is going on this. Just from our point of view – I mean, obviously it's not for us to say, you know, in terms of what to determine on this except to say that maybe if we could just label these documents so that people at this other conference can know exactly where they came from and what purposes they were intended for.

Mr. Rogers: I would support that, Mr. Chairman, that they be just labelled as working documents or something to that effect.

The Chair: Yes. The documents we're speaking about, as Dr. Massolin said, are a review of the literature, the cross-jurisdictional comparison as well as the discussion paper on the Lobbyists Act, correct? There's a motion on the floor. Are you ready for the question? All in favour of the motion to share this with Mr. Odsen's colleagues next week? Opposed? That's carried.

Mr. Odsen: Thank you very much.

The Chair: Well, ladies and gentlemen, it's noon. We will break for lunch. Is 12:30 fine to reconvene? Okay.

[The committee adjourned from 11:59 a.m. to 12:38 p.m.]

The Chair: Okay. Ladies and gentlemen, we'll call the meeting back to order, and we'll continue with our agenda. We're up to item 6, the communications update. In our meeting of May 26, 2011, we provided communications staff with direction regarding the advertising this committee wished to carry out in order to invite written submissions on the Lobbyists Act. You have received a document summarizing the communication initiatives.

At this point I'd like to turn the floor over to our communications consultant, Ms Tracey Sales, who will answer any questions the committee may have in response to this.

Ms Sales: Thank you, Mr. Chair. Yes, as was mentioned, we did distribute a one-page document. It provides some basic measurements on the committee's communications efforts. The committee decided to combine traditional print advertising across the province with online advertising and social media initiatives. All of these efforts were designed to draw traffic to the website of the Legislative Offices Committee. These stats measure how successful we were. Basically, what they tell us is that there was a consistent pattern of traffic being drawn to the Legislative Offices website, and we are able to correlate it with the communications initiatives.

The most successful initiative was actually the online advertising on the *Edmonton Journal* and *Calgary Herald* websites. If you look at the graph below, the colourful graph, the activity spiked between July 1 and 15. That's when the online advertising campaign ran. That is the greatest activity that the website did receive. So we were very successful at drawing some traffic to the website.

If you have any other questions . . .

The Chair: Are there any questions for Tracey?

Well, I think that, as you mentioned, the website seemed to generate the most traffic.

I guess if there are no other questions, this leads us right into the next point, then, submission list and analysis. At our last meeting a motion was passed indicating that the committee would like to include all written submissions received on the Lobbyists Act prior to September 6, 2011. With this in mind we have received a total of 17 submissions. I may add that there was one more that I received on August 9. It was from the AUMA. I thought I was copied on it. I gave it to them today. In checking their files, I wasn't. I guess I had the original on this. So there were 18 submissions, then.

Going back to the communications on the Lobbyists Act advertisement, there were 994 views, and we had 17 submissions. Maybe that speaks to no concern people have with the Lobbyists Act, or it's favourable. I don't know.

As requested, our research staff prepared a summary of the submissions received. With this in mind, I'd like to turn the floor over to Dr. Massolin to give us a brief run-through of the submission list and the analysis that has been distributed.

Dr. Massolin: Thank you, Mr. Chair. I'd be pleased to talk about the submission summary that the research section prepared for the committee. As you've already noted, there were 17 submissions in addition to this one that's being handed out right now. The

submission summary that we prepared for the committee reflects those 17 submissions.

It should be noted that all of the submissions the committee received were from organizations. That is to say that no submissions were received from individual members of the public.

In section 1.2, found on page 2 of our report entitled Review of the Lobbyists Act: Summary of Written Submissions, you can see the most salient of issues raised in the submissions. These were issues that had to do with the not-for-profit exemption, transparency and accountability, and the application and interpretation of the act. Of the 17 submissions that are incorporated in this summary, seven were received from not-for-profit organizations indicating that the act's exemption for not-for-profits was appropriate and should not change. However, two other organizations, both of which are currently exempt from the application of the Lobbyists Act, indicated that not-for-profits should not be exempt from the act and requested that this exemption be eliminated.

Several submissions asked for clarification or changes to the act, and I'll give you one example. The submission from the Alberta Union of Provincial Employees asked that

the Committee clarify, either through recommended amendments to the Act or its regulations, or through a refinement of the interpretive bulletins provided by the Office of the Ethics Commissioner of Alberta, what particular activities [in which the union engages] qualify as lobbying.

The reason for that, as I explained further, is that

Due to the expansive and broad nature of the Act, it is in the financial interests of our union's members to seek this clarity.

The remaining submissions discuss various other topics and issues, Mr. Chair. The Commissioner of Lobbying of Canada, for example, discussed outreach programs, penalties, and registration requirements, among other things. The Sheldon M. Chumir Foundation for Ethics in Leadership discussed the accountability and transparency issue, suggesting that elected officials, public office holders, not lobbyists themselves, should have to register as part of the lobbying system and, moreover, should be the focus of lobbying legislation in associated systems.

12:45

Now, that recommendation was referred to, when the Standing Committee on Government Services reviewed Bill 1, the Lobbyists Act, in 2007, as the so-called reverse-onus provision, meaning that instead of the lobbyists registering, it should be the public office holder registering. So that's what the Sheldon Chumir foundation is referring to here. I should also note that in 2007 the report that was drafted by that committee indicated that this so-called reverse-onus provision should be the first item of review after the two-year review period of this act had elapsed, just for the committee's information.

Just to continue on this submission summary here, a more detailed synopsis of the submissions can be found in section 1.3, so you can read about that for yourselves.

If I can turn your attention, just to end off here, to page 10 of the submission summary, you can see under 3.0 List of Submitters the list of the 17 submissions that the committee received, excluding that one that was just distributed. Section 4.0 on page 10 indicates the list of submitters requesting to appear before the committee, and you can see the four that are listed there. I'd also like to draw the committee's attention to the final note on page 10, which says that the list below indicates that these organizations – there are three of them listed there – are available to be called before the committee for additional questions if the committee so

chooses. So they didn't specifically request to appear but are available if the committee chooses to call upon them.

That's it, Mr. Chair. I'm here to answer any questions.

The Chair: Any questions on this?

Well, I guess that takes us to the next question, then. Is the committee interested in hearing from those who in their written submissions indicated an interest in making an oral presentation?

Ms Blakeman: Is there any indication to us if the information that would come out of an oral presentation is in any way different or embellished as compared to emphasized? Can we expect it to be different in an oral presentation than what we've already gotten through a written presentation?

The Chair: It's hard to say.

Ms Blakeman: Nobody made any indication of that? Crikey. Okay.

The Chair: Ms Notley.

Ms Notley: Yeah. I would tend to think that, you know, this is the first major review of this act, and it is an act about transparency and openness and all that kind of stuff, so I would suggest that if there are people that are requesting an opportunity to be heard, we give them that.

Mr. MacDonald: I would certainly agree with that.

The Chair: That also asks a question as well. There were three others who indicated that they would be prepared to give an oral presentation if they were asked to, so that brings us to seven. Is that something we want to do?

Mr. Rogers.

Mr. Rogers: Thank you, Mr. Chairman. Well, you know, if we are going to obviously have a hearing, an opportunity for presenters, four have requested, and three more I think would certainly round it out. I don't know how long of an afternoon or a day we would have to have, but if we're going to do it, I think it would be worth while to invite those other three individuals as well and, certainly, advise them that we're not requesting that they appear but that because we're going to be having a hearing, we would offer them the opportunity to come. So I'm just making it clear that we are not requesting that they appear but that we give them the opportunity, acknowledging the fact that we will actually be having presentations.

The Chair: We'd need a response from them in order to be able to do the scheduling properly, for sure.

Mr. Rogers: Fair enough.

The Chair: Any other comments?

Okay. The answer is yes, then. Does everyone agree with this, public hearings?

Mr. Campbell: If they were three different groups, I would agree with Mr. Rogers, but I think that the three that are saying that they would come if we wanted them to are all the same in the sense that they're all dealing with charitable organizations. So to hear from – just let me go back to where I am here.

The Chair: Yeah, 1, 2, and 3 there at the bottom of page 10.

Mr. Campbell: Yeah. I mean, to hear from all three of them, myself personally, I don't think I'm going to gain anything. If you had one group that spoke on behalf of all of them, I think that would be sufficient. I don't see what's going to be different between what the Calgary chamber and the Edmonton chamber are going to say as well as the Muttart Foundation on voluntary organizations.

The Chair: I don't know.

Ms Blakeman: I wish that I could forecast what those groups would say differently or the same, but my crystal ball is at the cleaners. It hasn't been working well lately, so I just thought I'd get it cleaned.

I don't think we can determine that they are going to say essentially the same thing. Unless you're going to try and get them to negotiate between them who is going to show up, I think we just have to say: "We're interested in having you present as well. Who wants to come?" I don't feel I'm in a position – and I actually come from this sector – to say that this one would be the better spokesperson for all of them than that one would be.

Mr. Campbell: Well, I mean, what I gather from reading the paper is that they're all going to come and ask to be still part of the exempt clause under the Lobbyists Act. You've also got Volunteer Alberta. So you've got Volunteer Alberta, the Calgary Chamber of Voluntary Organizations, the Edmonton Chamber of Voluntary Organizations, and the Muttart Foundation, that are all going to come and talk to us about being exempt under the present rules.

I can say for myself personally that I agree that they should be exempt under the present rules, being a voluntary group. I can save them the time and money coming here and speaking to us.

The Chair: Well, let's talk about the time limit perhaps. As a general rule it's 10 minutes for presentation and 10 minutes for questions. It's not that the time is onerous.

Ms Blakeman: Sorry. Do we usually turn them over in half an hour, Madam Clerk?

Ms Rempel: That's kind of a rough estimate. I mean, some committees will go 15 and 15, and some will go five and five. It's really at the discretion of the committee.

Ms Blakeman: If we do 20 and then we've got 20 minutes to discuss – so we call it half an hour for each group – we're talking a little over three hours if they all come. Some of them may choose not to.

Ms Rempel: Yes.

Ms Blakeman: I don't think that's unreasonable to keep things transparent and accountable.

Mr. Hinman: I guess it's one of those things, you know. You kind of take straw polls or whatever often to try for efficiencies. But if we were to send a letter to those who wanted to make an oral presentation, trying to use our crystal ball in what they want to say to us, and say that we're not looking at changing their status, you know, or how we're treating nonprofit and charitable organizations, they'd say that then there's no need to come and meet with us perhaps. I don't know. Is there some type of communication that could go on back and forth perhaps?

Ms Blakeman: If I can just rebut my gentle colleague, there is one of the submissions that's exactly calling for that. They have specifically asked to be invited. To my eye, to allow one group to present that is specifically asking for something to be changed that is affecting other groups, you've got to let them come, knowing that that's put up. AFL has asked for that exemption to be removed. So I think that is being put on the table, and we as a group can't say, before we even hear AFL, that we're not going to agree to that although it was in their written submission. I think you've got to leave that stuff for everybody to know that and present it.

The Chair: Yeah. I don't think we can assume that.
Mr. Odsen.

Mr. Odsen: Thank you, Mr. Chair. Just one comment. Having been on the nonprofit side of things in 2007, when this all came down, for all intents and purposes the leadership and the work that was done with respect to the nonprofit exemption came from the Muttart Foundation and Volunteer Alberta. They were speaking for pretty well all nonprofits in Alberta at the time even though others submitted at the same time, in essence, in support.

I'm not saying: don't include the others. I'm simply saying that if you've got Volunteer Alberta and you've got the Muttart Foundation, I think that for all intents and purposes you've got the primary spokespersons for the nonprofit sector in Alberta.

12:55

The Chair: At the same time, though, I think that they've brought their submissions. They've put them in. The four have asked for a presentation. The other three said that if it's available, they gladly would as well. I think that that type of request should probably be respected.

Mr. Bhullar: Sir, for a couple of hours of meetings I'd rather not spend an hour debating whether or not we should have those couple of hours of meetings. So let's say: if you want to show up and present, we're here to listen.

The Chair: Okay. All right. We'll move on, then.

Is the committee also interested in scheduling public meetings or advertising for other interested presenters? Now, we did have a presentation with regard to the communication that was there to date. We did have the number of people who have given submissions. Is it worth while doing this? I think that perhaps we've gotten our answers on the concerns anyone may have or may not have just by the number of submissions that are there.

Ms Blakeman: As I said, my crystal ball is at the cleaners. Is communications able to give us any sense of how many hits there were or how many people downloaded information?

Ms Sales: Okay. Well, I can round out to give you a better idea of possibly the number of Albertans that we reached. For instance, if you look at our print advertising, we can extrapolate, based on the reach of the different newspapers, that sort of thing, that we probably reached around 1.5 million Albertans. That's if they actually looked at the ads that ran in the paper, right?

When you look at the online advertising, it's a little bit different. The sheet that I handed out talks about impressions. If you look at the number of impressions we got online, around 350,000 impressions, that's the number of times the ad was seen online. Does that mean that people necessarily noticed it? No. If you look at our clicks, *Edmonton Journal*, we had 89 clicks. That means that someone saw the ad, but only 89 of the 83,567 impressions

chose to click on the ad and go to the website for more information. I would say that although we did generate traffic to the website, that doesn't necessarily show a large amount of interest. But that's for the committee to decide. I do think that we did have a nice wide net cast, and we did get the information out there.

Ms Blakeman: Thank you very much.

The Chair: Mr. Rogers.

Mr. Rogers: Thank you, Mr. Chairman. I would just follow up on the comments that were made about the net that we cast and the responses that we got from it. I don't personally see the need for a public hearing. I believe that the hearing or whatever you want to call it, the presentations that we are discussing there – I sense that the consensus is that we will invite the seven groups to present – will be sufficient. I don't believe, from the level of interest that's been expressed based on the advertising and the web entries, that there would be any need for a public hearing. I'm quite confident with what's being proposed, that we allow these seven groups to come and present, that we schedule enough time to appropriately hear and have some dialogue with these individuals and move on from there.

The Chair: Well, that asks the next question, then. Do we need any further advertising?

Hon. Members: No.

The Chair: Okay. With that, then I guess this takes us to the fall meeting schedule. We want to try and see if we can't get this thing done. We've got, as I said, seven presenters. We have some information. We also have the issues discussion paper that Mr. Odsen prepared for us plus a recap of a lot of the questions that were asked today during his presentation. We've got decisions to make on those and, as I said, the presentations, and I think it would be well worth our time to try and get this done as soon as possible.

I think that if there are going to be oral presentations – and I think there are – we're looking at probably three more meetings: one to hear the oral presentations; one to discuss the act and give some direction for a draft report; and the final meeting to review and edit and approve the final report. It's been suggested that perhaps the last week of September we could have oral presentations, that week of the 26th to the 30th of September. I think we could handle all the presentations in one day and include any other business we may have with this committee for that day.

Ms Blakeman: Sorry. We're looking at Monday the 26th?

The Chair: Well, I've just opened up the week, from the 26th to the 30th.

Mr. Campbell: You've got AUMA that week.

The Chair: AUMA starts on the Monday?

Mr. Campbell: The 28th, 29th, 30th.

The Chair: The 28th, 29th, 30th. How about the 26th, 27th?

Mr. Campbell: The 27th you've got caucus.

The Chair: How about the 26th?

Mr. Campbell: The 26th do what you like. I'm in Vancouver.

The Chair: Monday the 26th. The meeting will be on Monday the 26th. We're looking at possibly two and a half hours for the presentations. Can we go 10 to 3? Does that work? It will be 10 to 3, through lunch, on Monday the 26th for presentations. The staff can make arrangements with the seven who had requested presentations. That's our date that they have to accommodate us, I guess.

How about the next meeting? The next meeting will be really, I guess, to discuss the act and give direction re the draft report.

Ms Blakeman: And get any proposed amendments or recommendations.

The Chair: Uh-huh. That's where we'll be probably trying to finalize any issues or concerns that we didn't discuss on the 26th. The 26th will also include the issues discussion paper that Mr. Odsen had as well as a synopsis, as I mentioned, of some of the questions that were asked today, the answers to those. The second meeting shouldn't be all that long.

Ms Blakeman: No. That's the longest meeting.

The Chair: It would be longer?

Ms Blakeman: Yeah. In the way these things flow, that's the longest meeting because that's where you get the motions brought forward and the haggling over that and blah, blah.

The Chair: Okay. All right. Can we do anything the first week of October, the week of the 3rd to the 7th?

Ms Blakeman: For Edmonton people that is Read In Week. How many Edmonton folks? Not many.

The Chair: Read In Week?

Ms Blakeman: It's done by the schools. People are invited to go into the schools and read to children. So it's a heavy-duty week for any Edmonton MLA.

The Chair: The whole week?

Ms Blakeman: Yeah. It's a week.

Mr. Hinman: So Monday doesn't work, then?

Ms Blakeman: Well, we just have to know enough in advance. But if you've got 30 schools, which some people do . . .

The Chair: Well, that takes us to October 10, then.

Ms Blakeman: Which is a holiday.

1:05

The Chair: Which is a holiday, which then takes us to October 11.

Mr. Campbell: How about the 12th? That way people from out of town don't have to travel on Thanksgiving Day.

Ms Blakeman: The 12th is looking pretty good.

The Chair: I'd sooner go to Thursday the 13th.

Mr. Hinman: The 12th works better for me.

Ms Blakeman: Sorry, Mr. Chairman. I'm just wondering if we could take a brief hiatus from *Hansard* so that those people following us don't have to listen to us go through our Day-timers. Is that allowed? Then we can just discuss that and come back on.

The Chair: You move that we go in camera?

Ms Blakeman: No. I just think we could take a brief recess.

The Chair: Okay. We'll recess for about five minutes while we discuss our schedules for our next meeting dates.

[The committee met in camera from 1:06 p.m. to 1:18 p.m.]

The Chair: We are on *Hansard* now. To recap the discussion that we had, the next three meetings for our fall 2011 meeting schedule: to hear the oral presentations will be October 13 from 10 in the morning till 3, to discuss the act and give direction re the draft report will be October 18 from 11 till 4, and to review, edit, and approve the final report will be October 26 in the evening from 6:30 till 8:30.

Mr. Campbell: What time is the October 13?

The Chair: October 13 was from 10 till 3.
Okay. Everyone is agreeable to those?

Hon. Members: Agreed.

The Chair: Okay. Is there any other business that the members wish to raise?

Seeing none, the date of the next meeting, I guess, is October 13.

Mr. Campbell: I move that we adjourn.

The Chair: Mr. Campbell moves that we adjourn. All in favour? Opposed? That is carried.

Thank you.

[The committee adjourned at 1:19 p.m.]

