

**Title:** Thursday, September 13, 2007 **Government Services Committee**

Date: 07/09/13

Time: 10:06 a.m.

[Mr. Cenaiko in the chair]

**The Chair:** Good morning, everyone. Welcome. I'd like to call the meeting to order. Before we introduce ourselves, I'd like to advise the committee that I received notification under the provisions of temporary Standing Orders 56(2.1) to (2.3) of a substitution in the committee's membership. Mr. Hayden will be substituting for Mrs. Forsyth through to mid-November.

I'll ask now, for the record, that all of us introduce ourselves, and we'll start to my right with the co-chair.

**Mr. Elsalhy:** Good morning. Mo Elsalhy, Edmonton-McClung.

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

**Ms Sorensen:** Rhonda Sorensen, manager of communication, Legislative Assembly Office.

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

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

**Mrs. Kamuchik:** Louise Kamuchik, clerk assistant, director of House services.

**Ms Marzalik:** Anne Marzalik, legislative research, Ontario Legislative Assembly.

**Mr. Coutts:** Dave Coutts, Livingstone-Macleod.

**Ms Pastoor:** Bridget Pastoor, Lethbridge-East.

**Mr. Reynolds:** Robert Reynolds, Senior Parliamentary Counsel.

**Mrs. Dacyshyn:** Corinne Dacyshyn, committee clerk.

**The Chair:** Harvey Cenaiko, Calgary-Buffalo, and chair of the Standing Committee on Government Services looking at both Bill 1 and Bill 2.

We'll move to number 2 on the agenda, Approval of Agenda. I'd ask that a motion that the agenda for the September 13 meeting of the Standing Committee on Government Services be adopted as circulated.

**Mr. Coutts:** So moved, Mr. Chairman.

**The Chair:** All in favour? Carried.

Number 3, Review and Approval of Minutes from the July 18, 2007 Meeting. The transcript of the July 18 meeting was made available online in July. Does anyone have any corrections to the minutes? If not, could I ask for a motion, please, to accept the minutes?

**Mr. Marz:** I would move that, Mr. Chair.

**The Chair:** Okay. Moved by Mr. Marz. All in favour? Carried.

Number 4 is an information item only. There were some questions raised at the July meeting about discussions held by the Select Special Conflicts of Interest Act Review Committee. As a result,

excerpts from the December 16, 2005, *Alberta Hansard* transcripts of the Conflicts of Interest Act Review Committee meeting were distributed to the members of this committee in July. It was just some concern, Rob, that was raised.

**Mr. Reynolds:** Yes. I believe that was the case, Mr. Chair. I believe that at the last meeting Sarah Dafoe of the Department of Justice undertook to select the proper excerpts from the Conflicts of Interest Act Review Committee transcript, and she's done that. They appeared in an electronic form on the internal website. It was pages CR-169 to CR-176 of the review committee, where there was a discussion about noncommercial air travel and how it should be characterized under the Conflicts of Interest Act, and it led to a recommendation by the committee. So it's there for members to review because I believe that at the last meeting people just wanted to see how that came about.

**The Chair:** Okay. Any questions on that? It's there for the members to review. Okay. Thank you very much, Rob.

We'll move on to 4(b) Joint Advertising by Policy Field Committees. At the request of the committee, staff of the Legislative Assembly Office, including the Clerk, Senior Parliamentary Counsel, communications services, and committees branch, looked into the possibility of combining the advertising efforts of all the policy field committees. Then they presented the results of their investigation to me as the committee chair.

It was determined that the idea of combined advertising may be an option in the future where circumstances allow it. However, combined advertising was not recommended in the initial strategies for the field policy committees for a number of reasons, including the independence of each committee and the difference in the mandates, objectives, and timelines for each committee. I think we felt at our last meeting that if there was an opportunity to share advertising costs, it would make sense, but obviously each of the mandates is different, with different timelines, different dates.

Members should be aware, however, that each committee does see a significant cost savings in advertising due to the fact that LAO communications services does all the design work in-house and also books and places all the advertising. Also, due to the volume of advertising resulting from all of the committees, we are often given significant discounts on costs, which are then applied to the appropriate committee.

Rhonda, can you add anything further from a communications perspective?

**Ms Sorensen:** You've certainly covered it very well, Mr. Chair. I think we don't want to rule it out at this point, but if we were to go with joint advertising, I think there would need to be a lot of work at the outset, before the committees began operations, to make sure that they all agreed on where the ads would run, what the content would be, and to ensure that their deadlines were somewhat similar. Otherwise, you might get into a position where you're having to run the ad more than once, which wouldn't be saving you anything. You would just be doubling your costs in that way. So I think the bottom line is that communications always is looking for the most cost-effective method, and we will continue to do so. If that is joint advertising or separate advertising, the recommendations will be put forward.

**The Chair:** Thank you very much.

Any questions? David.

**Mr. Coutts:** Mr. Chairman, just a comment about that. I think we really researched this and talked about it at length and came up with

the opportunity to try and see if we could sort of piggyback on other committees and that type of thing that were virtually doing the same kind of work.

I'm pleased that in your report at least an effort was made, recognizing the fact that the timelines were in a really bad crunch. But I'm hoping that you as chair will now take this experience and in some kind of a report or some kind of a communication to the other chairs will point out that planning in advance could save some dollars on the advertising, given the comments that we've just heard from the staff as well, in their endeavour to try and save some dollars and inform the people in a co-ordinated way as well. We don't need 14 advertisements going out there for the same kinds of committees.

That takes me to my next comment. The mandate of these committees is pretty well the same, and I'm hoping that you'll have that kind of input once this process is over and that before the next process starts, after the next legislative session, you'll have direct input to see if we can overcome some of these difficulties in the future, making sure that the mandate is the same and that we do look at some opportunities to save some dollars amongst all the committees. Having said that, I'm putting that onus on you as the chair to make sure that that report is given.

Thank you.

10:15

**The Chair:** Okay. Thank you very much, Dave. I agree. I think that with session going through to mid-June, the policy field committees just starting up, the LAO staff being given new responsibility: this is all new to all of us. As we explore further amendments to various pieces of legislation, I think it's a great opportunity in really getting to the nuts and bolts of certain pieces of legislation and/or those amendments, but again this is a new process that we're exploring. Other provinces have had this in place already. This is new for us, so I want to thank the LAO staff who've been doing a lot of work for us besides their normal duties. Their responsibilities have almost doubled, I think, so I want to thank the LAO staff for keeping us moving forward as the timelines are short.

We will go to Richard and then Bridget.

**Mr. Marz:** Yeah. I agree totally with what Mr. Coutts said. In addition, the committees then have to report on legislation, this committee and Community Services, by November. Any ad that goes out from here for public consultations is going to end up in a fairly tight time frame for that, and quite likely the ads would be side by side in the same papers. I see no reason why we couldn't investigate having those ads condensed into one ad. I'd like to see the staff investigate that possibility.

**Ms Sorensen:** If I could?

**The Chair:** Go ahead, Rhonda.

**Ms Sorensen:** That was exactly what we looked into, and certainly it will be an option if we can come to an agreement well in advance of the committee operations that they will all run in the same publications. You know, some wanted to go in dailies. Others wanted to go in weeklies. Some wanted to do both dailies and weeklies. So there would need to be a lot of co-ordination up front and agreement in terms of the content and where they run.

**Mr. Marz:** If I may, Mr. Chair. If one committee just wants to run in the major dailies and another wants to do the dailies plus the weeklies, you could still co-ordinate the daily ads.

**Ms Sorensen:** Absolutely.

**Mr. Marz:** Okay. Thanks.

**The Chair:** Thanks, Richard.  
Bridget.

**Ms Pastoor:** Thanks, Mr. Chair. First, I want to apologize for having missed the last meeting because I think there was a lot of really good work done with good conversation. I just wanted to make a couple of comments. At the first meeting we talked about the advertising, and I had voted against having it just continue on as sort of what we were doing without the advertising. I've probably rethought that for a number of reasons. This is a new process for Alberta. I totally believe in the all-party committees that we're doing now, and I think that the work is really, really important, but I think it's also important for me to at least say that I also believe that they should be nonpolitical, and I think that the work that we're doing should reflect those sorts of conversations. So I think my conversation from my first meeting would probably reflect that, and I would like to reiterate that I truly believe that we will get good work done if it's nonpolitical.

Thank you.

**The Chair:** Thank you very much.

Okay. Actually I'd like to just move back to agenda item 1, and I'd like to welcome Jack Hayden to our committee. Jack, thank you very much for coming today.

**Mr. Elsalhy:** Is this Jack's first meeting with our committee?

**The Chair:** Yes, it is.

**Mr. Elsalhy:** Welcome.

**The Chair:** Thank you very much for coming. I know you'll play an integral part as we move forward on both of these bills, Jack, so thank you very much for being here.

Also, Louise has a guest that she'd like to introduce. So, Louise, go ahead.

**Mrs. Kamuchik:** Thank you, Mr. Chair. I am very pleased indeed to introduce you to Anne Marzalik. Anne is a research officer with the Ontario Legislative Assembly who has kindly agreed to spend some time with us to assist Philip and the research team with the research and report-writing component of the Assembly's standing committee activities.

Anne holds an undergraduate degree in political science and economics from York University and a masters of business administration from McMaster University. She's been with the Ontario Legislative Library's research and information services since 1997 and has provided research and analysis on a range of public policy issues. She's also been the lead researcher for the standing committees on Estimates and on Finance and Economic Affairs and has provided research support to other specialist and general policy committees dealing with topics such as energy, pensions, and municipal affairs. She's prepared summaries of recommendations arising out of public hearings, drafted committee reports, and provided research and analyses on various topics of interest to committees. She's also authored a number of Legislative Library electronic publications on topics of interest to Ontario legislators.

We're indeed very fortunate to have such an experienced and talented individual to assist us during these busy times, and I'm sure

everyone will wish her the warm traditional Alberta welcome that we are known for.

Thank you, Mr. Chairman.

**The Chair:** Thank you very much. I hope you enjoy the process that we're embarking on.

**Ms Marzalik:** I'm delighted to be here. Thank you very much.

**The Chair:** Okay. Before we move on to the next agenda item, I just want to ask the members – I hope you have your calendars available. We are going to have to pick dates in agenda item 7, so if you don't, can you maybe e-mail your staff or call your staff and have them bring over a calendar for you for September, October, and November because I think that as we go through the agenda, we're going to have to find some dates. We'll have to ensure that the members that weren't available today or that couldn't make it today are well aware of the dates, and we'll discuss that at the conclusion of the meeting.

We'll move to item 5, Submission List and Analysis. First of all, I'd like to have Philip discuss on both Bill 1 and Bill 2 the cross-jurisdictional comparison. Then I'd like Rob to maybe provide us with the legal background regarding that and/or issues that may be related to it, and then we'll move to the summary of written submissions. We'll do the cross-jurisdictional first – it sort of takes us in a nice flow from what other provinces are doing – and then to the list of submissions that we received. Philip, would you mind taking us through that?

**Dr. Massolin:** Thanks very much, Mr. Chair. Yes, we've undertaken to study Bill 1 and Bill 2 in light of what other jurisdictions do on the Lobbyists Act and registries if they have that legislation and in terms of conflicts of interest legislation as well. My colleague, Heather Close, who is the committee research librarian, has taken the lead on this, so I'll turn it over to her to explain to you her reports on these two bills.

**Ms Close:** Thank you, Phil. As Phil mentioned, we've prepared two documents in response to a request by the committee for a cross-jurisdictional comparison of bills 1 and 2. Both of the documents are available on the committee intranet site via a link from today's agenda. The first document I'll outline covers Bill 1. Six Canadian jurisdictions have enacted lobbyist legislation. The focus of this report is on how the key principles of the act and the more salient issues compare with other jurisdictions.

The first issue addressed is the definition of lobbyist. All jurisdictions differentiate between consultant lobbyists and in-house lobbyists. Many jurisdictions further distinguish between in-house lobbyists employed by for-profit and not-for-profit organizations. There's also a comparison of the definition of a public office holder. Section 3.2 covers which officials each jurisdiction has excluded from being defined as a lobbyist and what types of representations may be made to public office holders that are not considered lobbying.

Next, section 6 of Bill 1, sometimes referred to as the prohibition on the dual role, was examined. This is where a lobbyist or a person associated with a lobbyist is prohibited from lobbying on the same subject matter for which they are or will provide paid advice to the government. It was found that no other jurisdiction has a similar provision as was brought up in the technical briefing. In all legislation lobbyists are required to file returns identifying and describing their lobbying activities. While the contents for returns for both consultant and in-house lobbyists appears to be substantially the same in all legislation, one area where the different categories of

lobbyists are treated differently is with respect to the schedule for filing of returns, and this has been addressed in the briefing.

#### 10:25

Section 3.5 highlights the variation in penalties or enforcement measures across jurisdictions.

Finally, section 3.6 briefly covers other points of comparison such as the appointment of the registrar or commissioner, how privacy is addressed in the legislation, which jurisdictions require disclosure of lobbying for which compensation is contingent on the success of the lobbying, which jurisdictions prohibit contingency fee arrangements by lobbyists, and lastly which jurisdictions have a provision for the creation of a lobbyists' code of conduct.

Now, the second document prepared is a cross-jurisdictional comparison of Bill 2 with respect to conflicts of interest acts in most Canadian jurisdictions. The focus here is on how the key provisions in Bill 2 compare to equivalent legislation. The report first reviews the obligations of members to avoid conflict of interest. Legislation differs amongst jurisdictions with respect to third-party private interests. Therefore, table 1 of the report identifies and compares whose private interests a member may not improperly advance.

Section 3.2 reviews rules on accepting fees, gifts, and benefits. As Bill 2 increases the monetary limit of gifts that members may accept, receive as incidence of protocol or social obligation, we've compared these limits across jurisdictions. Bill 2 also provides exemptions for gifts and noncash benefits received by members from their constituency associations, their political parties, and charitable organizations. It was found that no other jurisdiction has a similar provision.

The proposed amendment in Bill 2 pertaining to the acceptance and disclosure of travel on noncommercial aircraft is compared to a similar provision in the federal legislation and somewhat related provisions in two other jurisdictions.

The Bill 2 proposed amendments to provisions of the act dealing with contracting with the Crown are compared with respect to who is subject to restrictions on contracting, which jurisdictions permit exemption from this rule at the discretion of the commissioner, and which jurisdictions allow members to meet their obligations by placing interests in trust.

Section 3.5 examines disclosure and reporting requirements. There's also a brief overview of the restrictions on outside activities of ministers and the Leader of the Opposition followed by a table which highlights which, if any, activities may be exempt with the permission of the commissioner. The section covering investigations into a breach of the act compares the limitation for commencing investigations and inquiries, the timeline of the Assembly's response, and it identifies which jurisdictions have provisions for reimbursement of legal costs to the members or an order of restitution against a member.

Lastly, postemployment or cooling-off provisions are compared with respect to the cooling-off period: provisions for exceptions, who is subject to the cooling-off period, and penalties for breach of the cooling-off provisions.

So that gives you an outline of the two documents that we've prepared for you. Any questions?

**The Chair:** Very good. I had the opportunity to review them over the weekend. I'll tell you what. I mean, the work that you've done here is tremendous. So it really does provide us with an overview of what's happening in Alberta and proposed in Bill 1 and Bill 2, but as well what the other provinces have. It really gives you a clear picture. I'm hoping that everybody's had a chance to take a look at what other provinces have. Thank you very much for the work.

Richard.

**Mr. Marz:** Thanks, Mr. Chair. I, too, commend the staff for the job they did. I read the submissions first, and I was relieved to see that the summary made it a lot easier to go through and review. I'm just wondering, Mr. Chair, when we get a chance to kind of dissect some of this stuff and get into the debate of it. I'm getting kind of anxious at some of the recommendations that were brought forward here. Is there a timeline that we can get into this?

**The Chair:** Well, Richard, I think that one of our agenda issues is going to be first of all determining whether we'll have public hearings before we do that to get a better understanding versus what was written on paper. Again, as a committee we'll have to make the decision whether in fact we'll do that or whether we'll take the submissions and/or the summary and as a committee debate any amendments and/or changes to the proposed legislation.

**Mr. Marz:** If that's the format, if I may, Mr. Chair, then it may have some impact on who some of the members want to see in a public presentation, particularly to have that back and forth discussion with.

**The Chair:** That's right. We'll discuss that, I think, as we move on. Philip, does that end that submission regarding the research service, then?

Rob, from a legal perspective what are the issues that we're looking at?

**Mr. Reynolds:** Well, I think Heather covered most of the issues with respect to the bills. I mean, as you pointed out, from reading it, the cross-jurisdictional analysis is quite thorough with respect to the different provisions that are contained in the bills and what other jurisdictions are doing. Really, it's just a matter of if members have any questions about that that they want to address at this point or whether they just want to digest that information. It's really background both for the public – if you undertake to have public hearings, it would be background for that, so when people come to you and discuss provisions from other provinces, you'll have perhaps a better idea of what's going on there – and also for your deliberations at some point, when you consider your report on the bills.

I don't have anything further unless there are questions about that.

**The Chair:** Any questions?

**Mr. Elsalhy:** Was Philip going to walk us through his findings in terms of the submissions and tell us who's for and who's against and the undecideds, why they're undecideds?

**The Chair:** Yes. We're going to. You're one step ahead of me.

**Mr. Elsalhy:** All right.

**The Chair:** That's a good thing, though.

Okay. Well, we'll move on, then. Thank you very much again.

Philip, if you want to lead us through the summary of written submissions for both Bill 1 and Bill 2, and then we'll continue on.

**Dr. Massolin:** Certainly. I will do that, Mr. Chair. But before I do that, may I ask that Parliamentary Counsel just inform the committee about some potential legal issues with respect to posting submissions on the external site?

**The Chair:** Oh. Okay. Yeah.

**Mr. Reynolds:** Right. Thank you, Philip.

This isn't really a discussion about what's in the submissions. It's a discussion of some of the considerations you might have with respect to what's posted on the external website. As members may know, all the information that's received is posted on what you might call the internal website, that's available to members and their staff. So, of course, you see the entire information.

Now, there is some of that information that may not be appropriate, in our view, to go out on the external website, which is available to the public and everyone else. Let me just run through some of the considerations there. While the committee, because it's a committee of the Legislative Assembly, is not bound by the Freedom of Information and Protection of Privacy Act because that doesn't apply to the Legislative Assembly, you may wish to be guided by the principles in that legislation concerning privacy. I know, certainly, that Mr. Coutts, on my left here, was the minister responsible for that legislation at one point, so he's clearly well versed in it.

In any event, with respect to the handling of personal information, some of the principles that would apply to these submissions would be identifiable information about an individual, what's otherwise known as personal information. Now, of course, in our view, the person's name would remain on the external site because it may not be serving the public if no one knows who made the submission. But certainly the identifying information such as address, telephone number, e-mail address: we would recommend that that be severed before it goes on the external website because while the Internet is just another way of communication, it does lend itself to easy communication, if you will. We believe that people who make submissions still have a reasonable expectation of privacy in some of their dealings. In any event, that would be one principle: to sever personal information other than the person's name.

There is another issue that comes up, although I don't believe it's relevant to this committee, with respect to information about a third party, which is to say if someone writes in and talks about someone else: you know, person X did this, that, and the other thing. I mean, it's not personal information about them. Right? It's personal information about another person. We would recommend that such a submission not be posted because it's about someone else. In keeping with the principles of the Freedom of Information and Protection of Privacy Act, that person's privacy, if you will, depending on the nature of the submission of course, could be violated.

10:35

Another thing that we would seek direction on is where there are comments that are potentially defamatory. Now, I realize that that's perhaps more art than science, but you can fairly readily discern these when they come in. Once again, I don't believe that that is the case with the submissions that have come in for this committee, but it's potentially an issue. Someone might write in and make allegations and potentially defamatory comments about someone. Our recommendation would be that those not be posted on the external site.

Just finally, another category would be other offensive material. It's difficult to nail that down precisely, but, for instance, if there is a submission that contained a lot of profanity – it was laced with profanity – that may not be something that the committee would want to have put on the external website. Once again, that's not an issue, I don't believe, with any of the submissions that have come in for this committee, but I should point out that I made a similar presentation before the Resources and Environment Committee that led them to adopt a motion, a draft form of which I believe Corinne has just circulated, which covers the points I've just made and provides a general direction to the staff.

Now, let me reassure you: the final decision about what submis-

sions are posted is, obviously, up to the committee. The staff have recommendations, but you're the committee. You are the ones who determine what it is you want to see made public. It leads into an interesting situation potentially down the road. Once again, I don't think it's an issue for this committee, but obviously, if someone says something that the staff would recommend not be posted externally and committee members want to see it posted externally, you'd almost have to have an in camera discussion because if you start discussing it in public, then you've lost the sort of confidentiality of it, right?

In any event, Mr. Chair, I won't go on any longer except that I believe the motion that is circulated would be that the Standing Committee on Government Services make the submissions received available to the public on the external website except for personal information other than name, instances where the submitter has requested certain information not be made publicly available, where the submission contains information about a third party, or where the submission is potentially defamatory or otherwise objectionable.

Sorry. I missed one category. If people write in and say, "I don't want this to be made public," we would recommend that that request be acknowledged and accepted by the committee. Once again, this may have come up in this committee, but I'm not sure. I don't believe. Are there any submissions? There may be.

Anyway, those are the concerns, Mr. Chair.

**The Chair:** Thank you very much, Rob. I'll throw it out to the members of the committee. The proposed motion is very good. Obviously, we want to make this as public as we can, but I think there could be areas that we want to ensure that we're not placing in public: some defamatory/otherwise objectionable comments and/or submissions. I think the issues that Rob speaks about will be a minority and only a very few. I think the vast majority will be appropriate to place on the website, but I think it's a very good motion.

Any questions?

**Mr. Marz:** Yes, Mr. Chair. The material presented to this committee probably doesn't contain as much potential material as some other committees that are dealing with the Mental Health Act and the Health Professions Act, where confidentiality is key. To have some compatibility between the committees, I think this committee, too, should probably adopt that type of a standard. I was wondering if a sentence could be added to this, if "or where the information presented is requested to be kept confidential" would be adequate.

**Mr. Elsalhy:** Where the submitter has requested.

**Mr. Marz:** Okay. It's already in there.

**The Chair:** Any other?

**Ms Pastoor:** Just a comment, Mr. Chair. I'm certainly comfortable with this motion and more so knowing that it would come back to the committee if it was questionable whether it should go forward or not.

**The Chair:** I don't have a problem with that. Obviously it would probably have to be done in camera, mind you.

**Mr. Reynolds:** I just had one point, and it was a point that was raised in the Resources and Environment Committee. This doesn't apply with respect to corporations who make submissions. I mean, there's no privacy that attaches. Their address and telephone

number, et cetera, would appear. This applies to personal information, where you have an identifiable individual as opposed to a corporation. Maybe you're all clear on that. I just want to do it for completeness.

**Mr. Elsalhy:** Do you still need someone to move it?

**The Chair:** Yes, so we'll ask for a mover.

**Mr. Coutts:** I'll move that

the Standing Committee on Government Services make the submissions received available to the public on the external website except for personal information other than name, instances where the submitter has requested certain information not be made publicly available, where the submission contains information about a third party, or where the submission is potentially defamatory or otherwise objectionable.

And I'm going to add "or where the submitter wishes to remain anonymous." Would that satisfy your last condition?

**Mr. Reynolds:** Sorry. Yes, I misspoke. I think it was covered by the "personal information" or "instances where the submitter has requested certain information not be made publicly available." I think that that could capture their name.

**Mr. Coutts:** That captured it?

**Mr. Reynolds:** Yeah. I just pointed it out because I hadn't mentioned it in my commentary before.

**Mr. Coutts:** I would then move that the end would be after the word "objectionable."

**The Chair:** Questions on the motion? Okay. All in favour? Carried. Unanimous. Okay. Thank you very much, Rob.

Let's see where we are here. The submissions listing and the analysis completed by the research staff were posted on the committee website on September 11. We received 29 submissions on Bill 1 and eight submissions on Bill 2, responses. The listing references those who included a request to appear before the committee. I'll turn it over to Phil Massolin to review his analysis of the submissions, and then I'll open it to the floor for questions. Philip?

**Dr. Massolin:** Great. Thank you, Mr. Chair. You have before you two reports, both on the written submissions to this committee. One has to do with the report on the written submissions for Bill 1, the other on written submissions for Bill 2.

The first thing I should point out is just in terms of the number of submissions. The reports deal with 27 submissions for Bill 1 and only six for Bill 2. That's a little bit fewer than the chair just mentioned. The reason for that is that two submitters for each of those bills really were not submissions. They were just sort of thanking us for approaching them but really didn't have anything of substance to say. I just wanted to point that out first off.

**10:45**

So what I want to do, as the deputy chair has said, is walk you through these reports. The basic structure presents summaries of the written submissions that we received. The body of these reports is divided into two main divisions. The first division indicates remarks by solicited stakeholders, who are those stakeholders that we sent the stakeholder letter to and asked for their feedback. The second main section includes comments from members of the general public or other stakeholders whom we did not approach for a review of the bills.

These reports also contain information on the main issues raised by the submitters, and I'd like to just take a moment or two to go over that for you. Then I'll move on to sort of a statistical report on the submitters themselves – whether they're for or against, where they come from – and talk a little bit about the submitters who wanted to make an oral presentation at a potential public hearing.

So the issues raised in the submissions. For Bill 1 – you can see that on page 3 – I've summarized those issues that have been raised. Basically, the ones that I want to highlight now: there were a lot of comments on the issue of whether or not the not-for-profit sector and charitable organizations ought to be included in the lobbyist registry. You can see some of the major concerns that were raised. Among them are that fees and penalties are prohibitively high, also the fact that the definition of a public office holder would restrict participation in the not-for-profit sector by members who are public office holders.

There is also concern about the need to clarify the legal language and some of the definitions in the bill. One other major consideration that came up was that Bill 1 does not delineate a threshold of lobbying activity, unlike other legislation across Canada. There was one submission that supported that decision. There were others, however, that said that there should be a delineation of such a threshold.

So those are the major issues that were raised with respect to Bill 1.

In terms of Bill 2 the major issues that were raised among the six submitters were as follows. There were submissions in favour of and opposed to the notion of broadening the definition of advancing the interests of family members. There were also submissions with respect to parties to contracts; that is, furthering a third party's interest. There was a submission as well that talked about the travel provision. Importantly, there were submissions as well that talked about the cooling-off period, both again in favour of the inclusion of that provision within Bill 2 but also at least one submission that said that the cooling-off period was too short and should be lengthened. There were also submissions in terms of time periods for retaining records, submissions pertaining to fines and maximum fines for breaching lobbyist prohibitions, and there was also a submission that spoke to the idea of the apparent conflict of interest, that this bill should in fact account for not only actual conflicts of interest but also apparent conflicts of interest.

Those are basically some of the major issues that were raised on both bills by submitters. As I said, I've also included summaries of the actual comments in the next section, section 2, for both bills. I would also remind committee members that if they want to see elaborations on these comments, then please do obviously refer to the full submissions, that are also posted on that internal website.

The last thing I want to comment on is the statistical portion of these reports, which occurs at the end of the reports. I'll deal with Bill 1 first. I'm referring to page 18 of the report on Bill 1. Here you have statistical information in terms of the opinion of Bill 1 and the geographical origins of the submitters. Under Opinion of Bill 1 you can see that there are seven whom we've categorized as in favour of the bill, two opposed, and 18 undecided. Maybe to address the question that was posed earlier, the reason for this large number of undecided is because it was difficult to categorize in a yea or nay way because these individuals had some positive things to say about the bill in many cases but also some recommendations and criticisms of the bill, so we couldn't categorize them one way or the other.

The other thing to note here in terms of the geographical location is that there was a fairly even split in terms of respondents from northern Alberta and southern Alberta, and you can see the specific breakdown in that one far-right column.

Lastly, a total of 11 respondents – and it should be 11; I think it's indicated elsewhere as 10, but there are 11 – have actually requested to make an oral submission. You can see them listed there in table 2. Just to point out for the committee members, six of those organizations or individuals are from northern Alberta, defined as north of Red Deer; three from southern Alberta, defined as from Red Deer south; and there is one from Toronto.

In terms of the Bill 2 summary and statistical information specifically, you can turn to page 6 of the report on Bill 2. We only had six submissions, so this is a lot briefer, obviously. We've indicated that one submitter was in favour of the bill in an outright way, five undecided for the same reason that I explained for Bill 1, and you can see again a fairly even split between submitters from northern and southern Alberta.

Lastly, there was only one respondent who wished to appear at a potential public hearing, and that's Dow Chemical. I just want to point out the fact that Dow Chemical made a submission for both bills, but really they're interested in Bill 1, the Lobbyists Act. Their letter made sort of a vague reference that they would be available to comment on Bill 2, but I think they really only want to comment on Bill 1. That was my reading of it.

I think that's about all I have to say, but I'm available right now to answer any questions that the committee members may have.

**The Chair:** Thank you very much, Philip.

Rob, did you want to add anything?

**Mr. Reynolds:** No.

**The Chair:** I'll open it up to the floor for discussion regarding the submissions. Mo.

**Mr. Elsalhy:** Thank you, Mr. Chair. Building on one thing that Mr. Marz mentioned, depending on whether we decide to go forward with public hearings or not, I think one component which I would like to really focus on is the nonprofits. Maybe if we have that discussion now and we decide to go one way or the other, that might impact if the nonprofits still require to come and speak to us. If we do something that they think is favourable and it might address their concern, then maybe they would not feel as determined to come and speak before the committee, and maybe that might cut down some of the interest in people making verbal submissions or, you know, in-person submissions. I bet you that every member on this committee, those who are present today and those who are not, is receiving some sort of communication from the nonprofit sector and the charitable organization sector that they would like us to talk about this. Maybe if we have that discussion now, it might impact who still wants to come.

10:55

**The Chair:** Phil, for clarification, on page 19 of the submission lists for Bill 1 is there a breakdown of which are not-for-profits?

**Dr. Massolin:** No, there is not, Mr. Chair, but we could certainly provide that if you'd like.

**The Chair:** Well, that would probably help.

**Mr. Marz:** I think you can pick them out by title as you go down.

**The Chair:** Well, yeah, I know. I'd just like to know how many are which. Obviously, you can pick some of them out, but I wasn't sure if you knew the numbers on that.

**Dr. Massolin:** I can provide some guidance in terms of the ones that I know for sure are. I mean, the major submission on this is definitely the one from the Muttart Foundation, which is sort of a compilation of submissions.

**The Chair:** Eighty-five organizations.

**Dr. Massolin:** Exactly. So they have a lot to say on that issue. Also Volunteer Alberta. But there are other submissions too; you know, the Sport Council, Sport Alberta, and a few others.

**The Chair:** Thank you, Philip.

I'll open up the floor just to discuss the issues related to not-for-profit organizations before we make any decisions and/or determine moving on to the next step regarding public hearings.

**Mr. Marz:** Mo raises a very good point, but I wonder: making a decision on this aspect now, before we open it up to public hearings, may give the very strong impression that we are prejudging what the whole process is by making a decision of exclusion at this point. I agree that we probably all have had submissions regarding nonprofits, but perhaps to make a decision to exclude them would put the committee in the light that we're prejudging and, you know, making decisions before we have all the information. That's my only concern about that.

**The Chair:** A point well taken. Thank you very much.

**Mr. Elsalhy:** Well, thank you, Mr. Marz. That basically emphasizes my second point which I was going to raise: the need, in fact, to actually have a public hearing. I know that we're rushed, and I know that the committee has to report before November, but I think this is sort of the first kick at this cat, and we will not have another kick at this cat for at least five years if we are to review the legislation again. Yes, we definitely need to have public hearings – I would say a minimum of one, if not more – and if we can maybe have one in Edmonton and one in Calgary, it would be tremendous.

**The Chair:** Well, I agree. We can discuss that as we move forward. I would prefer, myself, to have organizations come forward where we can actually physically ask them what their thoughts are, why they feel that way. As well, there are not-for-profit organizations that are very small. There are some that are multimillion dollar organizations that receive funding from government. So we want to obviously ensure that we get a full, I guess, perspective from those agencies as well as the for-profit organizations that have concerns regarding lobbying.

**Mr. Hayden:** Mr. Chair, just for information for myself, is there a way that you can designate by those that are recognized as a society so that they can be categorized as for certain not-for-profits? There is some sort of criteria you have to go through to achieve society status. Is there anything there that we could use to direct us?

**The Chair:** A good question. We'll ask our legal counsel that.

**Mr. Reynolds:** Well, you mean with respect to the people that have made submissions or going out and getting people?

**Mr. Hayden:** No. I'm just referring to if the committee decides to recommend that a certain group would be excluded from this. Does the Societies Act or whatever designates a society protect us to make sure that these groups were, in fact, not-for-profits and being checked out?

**Mr. Reynolds:** You know, that certainly gets into the heart of the bill there with respect to Bill 1. That's what you're talking about primarily?

**Mr. Hayden:** Yes.

**Mr. Reynolds:** I mean, the Societies Act does have a registration component, and it does have a provision whereby you're supposed to update your records – there's a registrar who's supposed to keep track of this – and if you don't, I believe you can be knocked off the societies list. But I'm not sure how that would necessarily relate to registering to be a lobbyist in the sense that I imagine that some of these organizations might be not-for-profit. I'm not sure that a society has to be a not-for-profit, but that's something I might want to check.

The other thing that the committee might want to do – you know, this is why you have public hearings, I guess, or you may consider them because some of these groups may have considered it. I don't want to prejudge too much what we're going to talk about later, but it might be an idea that after the committee has heard these presentations, you might want to hear from the Department of Justice again because they made a submission in the first instance at the last meeting. You might want to run this by them and say, "Well, what if we did this, or did you explore this possibility?" to see whether that thinking process had been initiated when the bill was being drafted.

Anyway, the point is that I think your question would be addressed maybe a little bit down the road. I can look at it, but it may be something that you want to address with the groups or when we're considering the report.

**The Chair:** Bridget, go ahead.

**Ms Pastoor:** Thanks, Mr. Chair. The people that have been contacting me are obviously out of the volunteer sector, nonprofit volunteer. They're very, very concerned, so I think it's very important. One point as I'm looking down this list: the people, obviously, that contact me and probably Richard as well are rural. These are small organizations that will be really severely impacted. I believe that they really have to be able to come, and we have to listen to that. Certainly, I think their first request was that small, however you would define small, would actually be exempt from this act. I think it's something that should be discussed with the view in mind that out in the rural areas it's quite a bit different than the people I see on this page.

**The Chair:** Thank you very much, Bridget. That's a good point.

I think the overall issue regarding Bill 1 is to ensure that there's openness and transparency, that organizations that are lobbying government regarding dollars, regarding policy change, regarding legislative change are there in an open and transparent manner. I'd like to know, though – and I'll throw this out to the committee members – would it be of interest to the committee how many dollars we are talking about yearly that might go to the not-for-profit sector? Is it \$35 million? Is it \$235 million? I have no idea. I'll throw that out to the members for comments.

I don't know if we can get that information from Finance, but obviously we could try. Whether they track it, it has to be recorded in the blue book, other than the fact that it may not be classified as a volunteer sector, other than the fact that all payments by government are recorded. It would take some research, Philip, to determine which organizations are from the not-for-profit sector. That might be of interest to us as well as we determine what type of dollars we

are talking about. Are we talking about a small community, Fort Macleod, that received, you know, \$10,000 for this project or \$50,000 for a rink versus a not-for-profit receiving millions of dollars for something else? I mean, I think that's where really we want to be careful.

I do agree with you regarding those smaller organizations in rural Alberta that formed a not-for-profit society to help keep the curling rink going and to help fund, you know, a walk for breast cancer or things like that versus some of the larger not-for-profits. So I'll open that up.

Bridget.

11:05

**Ms Pastoor:** Yeah, I'll just follow up on that, Mr. Chair. I think that particularly the smaller groups look at: "Okay. We've received, let's say, \$10,000. But how much time and effort did we have to put into it? What did it really cost us?" Because these are all volunteers that are doing this work. When you look at, say, that they get \$10,000, it might have cost them maybe \$3,000 or \$4,000 just to be able to get it done. These are all volunteer hours, so there's no way to capture what it's costing them to do it. Often, with time and as we are all getting busier, there are less and less people in the volunteer sector to actually get this done.

**The Chair:** The issue is: are they lobbying government for those dollars? That's the big issue. Are they lobbying government for the dollars for this project, or are they lobbying government for a change in policy or legislation to their benefit? As we move forward, I think that's the distinction that we're going to have to look at. Clearly, it's: are they lobbying for a policy change or for a legislative change?

Rob, what would be your legal response to that?

**Mr. Reynolds:** About lobbying for legislative change versus . . .

**The Chair:** Lobbying for dollars.

**Mr. Reynolds:** Yes. Well, it's something that the committee could consider, and you could recommend an amendment on that. I mean, I was just thinking ahead as to, you know, at the end of the day what you want to see. It might be worth seeing if you want to incorporate certain amendments or recommend certain amendments to do that. Now, when you're talking about amendments, I don't know whether the legislation draws a distinction, really, between lobbying for dollars and lobbying for legislative change as an organization. I'm willing to be corrected. I mean, there are two types of lobbyists. Yes, there's the sort of in-house consultant lobbyist and the other type of lobbyist; that's the distinction. I don't think that there is a distinction with respect to lobbying for money or lobbying for legislative change as an organization.

Philip, what do you want to say?

**Dr. Massolin:** Yeah, I think that's absolutely correct. There is not a distinction.

**The Chair:** Richard?

**Mr. Marz:** Yeah. On that point, Mr. Chair, I don't see how you could classify lobbying for dollars if it's applying for dollars under an existing program that's already there, like CFEP or CIP, as lobbying. That's just a normal course of doing business under an existing policy. It's if you're approaching government or an MLA to change the policy to allow for an expanded program or a different

program that would give them more money. I think that would be the distinction there. Under an existing program it's just a normal application.

**Mr. Elsalhy:** Well, actually, part of that question would be: what if they approached the MLA for a letter of endorsement? Sometimes, you know, they come to us. They are applying for a playground or a rink, and they say: can you put in a letter to attach to my application? All of us have done it. Would that be considered lobbying too? I mean, it's an existing program, and the rules are known. They've done it before, and it's no different. Now under Bill 1 when they approach one of us as MLAs and they say, "Can you put in a reference letter or an endorsement?" how would that affect it?

**Mr. Reynolds:** Well, let me just say that I don't mind going through this. I can take another look. We are here to be your legal advisers, or that's our position.

Now, we didn't draft this legislation. This isn't our legislation; it's the government's legislation. So I'm sort of in an uncomfortable position in the sense that I can tell you what I think. I don't know whether that was the government's intention when the bill was brought in. These are questions that you might have. I'm not really prepared to answer a lot of them right now as a sort of off-the-cuff legal opinion because I wouldn't want to get it wrong for you. I mean, it's something I can certainly look into for you.

**The Chair:** We don't have anyone from Justice here, do we? No, not today. I think you may want to make a note of that to maybe have someone from Justice at our future meetings.

These are good questions.

**Mr. Reynolds:** There is someone here from Justice. Joan Neatby is here, but I don't know whether she's prepared to say anything.

**Ms Neatby:** I haven't actually been instructed by my minister to come to this meeting. I came as an observer, so I don't really know if that causes an issue or not.

**The Chair:** No. We welcome you, but obviously you may want to let Minister Stevens know that you are here and invited to the table. If you can as well, though, let him know that these are some of the issues that we're dealing with from the committee's point of view.

One other issue that we'll mention. I've dealt with an issue of a not-for-profit organization that provides health care in the community that, of course, applied for an RFP, and they didn't receive it. I then organized meetings with ministers for them, and then they did receive later on – months, months later – funding from the government to continue this program providing health care to certain individuals. Is that lobbying? They're a not-for-profit organization that was lobbying for hundreds of thousands of dollars to provide that. That's where we have to make this distinction of whether it's an organization that's providing something back to the community, like you mentioned. We all sign letters of support for CFEP and CIP applications, but we also assist not-for-profit organizations in providing services to their sectors.

**Mr. Hayden:** Mr. Chairman, I think that if we got some clarification on the societies, as an example, and if there are any other categories, because they can issue tax receipts – that's the thing that's specific about them: they can actually issue tax receipts because it's a charitable donation. I don't know if the same holds true for foundations, if there are other categories where this sort of thing exists, but it does show a real line that you have to meet, a standard



in that particular case before you're allowed to do that, and you're definitely not for profit. There's no one inside making a profit. I don't know if there are categories that really define that in other areas or not, but I think that really has to be checked into.

**The Chair:** I think it's quite clear regarding legislative changes or policy changes. I think that's very clear with where we're moving forward on Bill 1. It's this issue surrounding not-for-profit organizations, from small ones to large ones, and maybe we have to look at the background of the request and/or how they're tied to the community, but maybe that's something that we could have Justice look at or assist us in providing us with additional background information with the LAO research and with LAO counsel.

**Ms Neatby:** Alberta Justice is very interested in knowing what the concerns are, the concerns that the committee is hearing, so I can definitely say that that's the case. We are interested in finding out what all the concerns are with Bill 1. With respect to the question that was asked earlier – is there a distinction between lobbying for dollars or lobbying for legislative change? – I can confirm Mr. Reynolds' statement that there is no distinction. If you look at the definition of lobbying, it includes communication in an attempt to influence public office holders' decisions on legislative and policy changes and also an attempt to influence the awarding of grants or contracts.

**The Chair:** Could you repeat that last part you just mentioned?

**Ms Neatby:** Okay. If you look at the definition of lobby in Bill 1, there's a long list, and it includes communication in an attempt to influence public office holders' decisions on legislation and policy, guidelines, and directives, and there are a few others. It also includes attempting to influence the awarding of contracts and also of grants. So if a not-for-profit society or association or organization communicates with public office holders to get money for one of their causes, that currently falls within the definition of "lobby."

11:15

**The Chair:** That's exactly what we're talking about. That last area we may want to explore more because I think all of us around the table have heard from the not-for-profit organizations that they feel that if they have to register to be a lobbyist – of course, there will be a fee, and they'll have to report – especially for some of the smaller organizations it just may not make sense. For some of the larger organizations I think it may be appropriate, but if we can maybe get some clarification from Justice regarding that, that would assist our committee in ensuring fairness to the not-for-profit sector.

I think, personally, that from my review of the legislation and all the information that we have in the binders that we have, the intent of the bill is very good. As you mentioned in your remarks, the list of lobbying activities is straightforward. It's very easy to read and very easy to understand. But when it comes to the not-for-profit and/or lobbying for grants or lobbying for dollars, that's where there are some issues that I think all of us are going to have to deal with as we work in the community. We see these organizations probably almost on a daily basis regarding providing programs in the community, whether they're social programs, whether they're community programs. So I think those are some of the questions.

Any questions from the members? Anything else you might want to add? Bridget.

**Ms Pastoor:** Yeah. Just a comment. Again, back to the volunteer sector side of it, just because something is not for profit doesn't

mean to say – all the people involved may well be paid, whereas then you've got the other organization where there may be only one paid member or two at most, and you may have 10 to 20 volunteers. That impact is so different on whether both are considered not for profit.

**The Chair:** That's a very good comment, Bridget. You are right. There are not-for-profit societies out there that are strictly totally all volunteer, but there are some that, of course, have an executive director and staff that are being paid by the not-for-profit dollars. They will, as well, in some instances have a board of directors that may be volunteer, so now you have a volunteer board with paid staff. Do they require a lobbyist?

**Ms Pastoor:** Mr. Chair, if I might add too. There are not-for-profits out there that are actually delivering social services, and they, again, would kind of fall under a different line as well. They may not have any volunteers, but they are delivering very valuable social services not for profit and definitely are always looking for money. So, you know, where would they fit in if they spend half their time filling out forms?

**The Chair:** Including the United Way.

I just want to make a note that we have Joan registered on *Hansard* for us.

**Ms Neatby:** Okay. I'm Joan Neatby, for the record, from Alberta Justice.

I just wanted to comment, Mr. Chairman, on something you said earlier about fees. The ability to charge fees is left to the regulations. Just one thing for the committee's consideration is that in several jurisdictions there are no fees, especially for online registration. I can provide your researcher with a chart – they may already have it – that shows what the fee schedules are like in other jurisdictions.

**The Chair:** I think that would help us as well because that, again, would be a point. We could make that recommendation other than the fact that it may not change the legislation in the act that would follow and the regulations. We won't be drafting regulations.

**Mr. Elsalhy:** We could.

**The Chair:** It'll be tough enough getting through this act, let alone drafting new regulations. Obviously, that will take a good part of 2008.

Any others? Mo, go ahead.

**Mr. Elsalhy:** I have a question which is probably going to be directed at research. How easy is it for people to register and to update the records online or otherwise in those other jurisdictions in your cross-jurisdictional analysis? Maybe I'm thinking ahead; maybe I'm thinking far ahead. If we as the committee deem it necessary to still require nonprofits and charities to register, how easy is it in those other jurisdictions for these types of organizations to register, and how easy is it for them to click-click and update and to click-click and tell who they met and what the subject matter of that discussion was? You know, how easy is it? I mean, they might not mind if they know that it's only one web page and only five questions and that it's three minutes and you're done. How easy is it in those other jurisdictions?

**Dr. Massolin:** Well, the other thing to note as well, as was just

pointed out by our colleague from Justice, is that it's free, right? That's the other thing.

Would you like to elaborate on how easy it is, Heather, in other jurisdictions or how hard?

**Ms Close:** In fact, I didn't look at that distinction. I didn't go into the ease of filing, so I don't think I can answer that. There is a table in the cross-jurisdictional comparison that looks at the schedule for filing returns, and it's divided by category of lobbyists.

**Mr. Elsalhy:** How frequently is it? Every six months? Every three months? Annually?

**Ms Close:** Across the board consultant lobbyists file returns after every undertaking, so there is some consistency there. Then you do see a breakdown. There is a breakdown between in-house lobbyists for nonprofit organizations versus in-house lobbyists for for-profit organizations where in the other jurisdictions that distinction has been made. That's one point where there are differences. Again, we didn't look into the differences between the fees that these different types of lobbyists might have to pay because that is something that would be provided for in the regulation. I guess my straight answer is that I can't really speak to that at this time.

**Mr. Elsalhy:** Okay.

**The Chair:** David?

**Mr. Coutts:** I was hoping that you wouldn't notice that I was about to put my hand up. I was formulating what's going through my mind here, and sometimes that's difficult.

I'm trying to understand. What we were trying to deal with here is, I understand, Mr. Chairman, a process of submissions and public appearances before this committee, and while we were looking at that, I felt, and trying to look at how we might accept those submissions and have them appear before the committee, we got involved in some questions about the bill itself and some of the issues that might be raised by submitters. Am I pretty accurate in my summation of what's happened in the last 20 minutes?

**The Chair:** Yeah. I think you make a good point, David.

**Mr. Coutts:** Okay. That takes me back, then, to the original submissions we had from Justice about the bill and our understanding of it. Now, I'm trying to say to myself as a member of this committee: are we ready to have the submitters come before us? My personal opinion is that the submitters should come before us if they wish, and I think the nonprofit sector and the volunteer sector need to be part of that for two reasons. Number one is to have their input but also for their ability to understand the legislation and have an interaction with the committee but also the expertise that we have in terms of our researchers and the Department of Justice.

I want to get back to what we were to be doing in the first place: ask the department to make sure that they're ready and available for those submissions so that we don't appear to be trying to refigure and understand for ourselves what the legislation actually means when submitters come before us. I don't think that's necessarily good for us as a committee. I don't think it's particularly reassuring to all the staff, and obviously it won't be reassuring to the people that are making presentations in front of us.

11:25

After that long dissertation, I would be hopefully recommending,

Mr. Chairman, that we could go forward and in some way have either written submissions or, if they wish, have them present themselves in front of us but have staff here to answer those questions and have basically a two-way conversation so that it's information for us from the presenters but, at the same time, information for them and a better clarification. At the end of this process we in the report make recommendations where we feel there might be some additions or deletions that might be needed. I think that's part of our job here. I assume that. I hope I've made it reasonably clear.

**The Chair:** Yeah. David, thank you very much. The Justice department did provide us with an excellent guide to the Lobbyists Act. It's very, very clear as you read through it, and it's extremely easy to understand. I enjoyed reading it over because it gave me a much greater understanding of the legislative template in Bill 1.

I just want to read the one paragraph here at the bottom of page 4.

The Bill does not distinguish between the for-profit and non-profit sectors. A person can be a lobbyist even though the organization on whose behalf they lobby is a non-profit organization. For example, when the paid director of a non-profit organization engages in lobbying, he or she is an organization lobbyist. When a non-profit organization contracts with a person to lobby on its behalf, that person is a consultant lobbyist.

We want to move on to number 6 on our agenda, but I think the discussion that we've been having here is regarding volunteers from not-for-profit organizations. We talk about not-for-profit organizations, and we mention here: "when the paid director of a non-profit." Do we just draw on the inference that a nonpaid director would then not be? Is that the inference that we're drawing? I'm not a lawyer.

**Ms Neatby:** Mr. Chairman, the act applies to persons who are paid to lobby. So a person who is not paid does not fall within the definition of lobbyist under the act.

**The Chair:** A volunteer?

**Ms Neatby:** A volunteer is not a lobbyist and is not required to register.

**The Chair:** I don't want to belabour this point. If the chairman of a board who is a volunteer lobbies government on behalf of his organization, but the organization has paid staff, is he a volunteer lobbyist?

**Ms Neatby:** If he is not paid, including that he receives no stipend, he is not a lobbyist and is not required to register. His paid staff, if they engage in lobbying activity, will have to register.

**The Chair:** Okay. The executive director of an organization would then have to register, but the chairman of the board and/or board members who are volunteers would not have to register.

**Ms Neatby:** Assuming that members of the board do not receive any kind of payment – and you would want to look at the definition of payment – they would not have to register. The paid executive director who engages in lobbying activity would have to register.

**Mr. Elsalhy:** We clarified that if they engage in lobbying and they're paid or they're on the payroll or they receive a stipend, then, yes, they have to register, and they have to update the record. If that chairman of the board who is a volunteer lobbies or does lobbying, he or she is not required.

**Ms Neatby:** If he receives no payment?

**Mr. Elsalhy:** Yes.

**Ms Neatby:** He does not fall under the definition.

**Mr. Elsalhy:** If they are absolutely volunteering, they can still talk to MLAs, talk to government, and do all sorts of things.

**Ms Neatby:** That's correct.

**Mr. Elsalhy:** Okay.

**The Chair:** I think that's a good point of clarification for us, and that leads us into number 6.

**Ms Pastoor:** Just a very quick comment, if you wouldn't mind. I think that that was a stumbling point for some of the people that I spoke with. What exactly is the definition of a stipend? Like, if we've given them a nice little Christmas card and a lottery ticket – what exactly is that stipend? Lots of places give gifts or small payments as thank-yous, or they buy them lunch, you know. They still need the definition of a stipend to determine if their person is paid or not.

**The Chair:** Is that Bill 2?

**Ms Pastoor:** Sort of.

**Ms Neatby:** Fortunately or unfortunately, I know very little, if anything, about Bill 2, but we have heard that there are some terms and phrases used in the bill that could benefit from definition. That's one option. Another option – and it has been used in other jurisdictions – is that the legislative officer responsible for lobbying legislation in other jurisdictions issues advisory opinions or interpretation bulletins. Very frequently those sorts of terms or even how to apply and interpret the act are explained by that person in an interpretation bulletin or an advisory opinion.

**The Chair:** That's very good. Rob, is legal counsel on the right track?

**Mr. Reynolds:** Yes.

**The Chair:** Okay. Thank you very much. I appreciate Justice being here and assisting us.

We're done number 5. We'll move on to number 6, public hearings. From our discussion I think we're probably pretty much all in favour of trying to schedule dates for these organizations, and I hope everyone has their calendars here. We're going to have to set dates now.

**Mrs. Dacyshyn:** Can I speak to that?

**The Chair:** Yeah. I want to just let the committee know that we can make decisions on Bill 1 and Bill 2. Bill 2, obviously, from research and from the submissions, isn't as, I guess, an intense issue in the community, so we may not need to have presentations for Bill 2. I'd like to get your input on that. We can travel the province, but knowing the timelines, I don't think we have the opportunity to do that. I think it would be preferable that we meet here in Edmonton because of the staff and *Hansard*; the LAO staff is all here as well.

The Standing Committee on Resources and Environment is

allowing 15 minutes for presentations and 10 minutes for Q and A. That gives you five minutes, so it's a half an hour per presenter. We're going to have to look at how much time we may need or require for those presentations as well.

There's also an opportunity for a teleconference and video-conferencing that we could use, but I would personally prefer to speak directly to them if possible. I'll open that up to the floor.

**Mrs. Dacyshyn:** I just thought, Mr. Chair, that I would review the dates that you've already set aside. Rhonda might want to speak to the timeline for advertising, sort of a date that you'd have to work with there.

**The Chair:** Should we first go into public hearing, then? We'll finish number 6, and then we'll go into the dates, number 7.

**Mrs. Dacyshyn:** Sure.

**The Chair:** Are there any questions regarding opening up the meetings to the public and having presentations made?

**Ms Pastoor:** Just to point out – and I'm not sure how this breaks down – that it looked like the submissions were evenly split between the north and the south. I realize that it's a lot of work, and so I probably would support having them all here; however, I'd like that distinction made that it's pretty even north-south, so probably it would be good to have a meeting in the south.

**The Chair:** Mo.

**Mr. Elsalhy:** Yes. Part of that discussion would have to centre around: do we open it up to only the people who've made written submissions, or do we expand for those ones who might have missed the cut-off or people who didn't make the deadline and are still interested in talking to us? You know, it could be an either/or, or it could be that, well, the ones who've made a written submission get the 30 minutes, the ones who haven't, maybe, get 15, and so on and so forth. But we don't want to be seen as restricting access to the committee. If anybody is passionate about something and they would like to come and speak to us, I think we should grant them that opportunity.

11:35

**The Chair:** The concern that I have is that, for example, the Muttart Foundation is representing 85 organizations. If all 85 want to do a 15-minute presentation, there's no way we'll be done by November. I think we're going to have to stick with the fact that it was advertised in the paper for written submissions. This committee now is making the decision to allow for presentations to be made, but I think that if we open it up again, I don't think we're going to meet the timelines that we have. I'm just concerned that we may get sidetracked with some presenters. We can discuss this. If they've made a written submission, they've taken the effort to contact this committee in writing; they have made contact with other organizations and are representing a number of other organizations as well. I definitely would want to hear from those organizations that have taken the time and the commitment to make that written submission versus someone off the street deciding to come in and make a presentation.

**Mr. Elsalhy:** We still have the option to reject a request to appear before the committee. We can actually have the discussion and say: "You know what? This looks frivolous, they look fringe, and, you

know, we are not going to grant you that opportunity.” But I know of some people, at least in southern Alberta, who missed the deadline because they saw the deadline as too quick or too soon or too narrow. They couldn’t submit it in writing, and they’re still interested in talking to us.

**The Chair:** Well, if they missed it in writing, I think we might be able to open it up for them to submit it and make it a submission in writing, but those that have provided submissions in writing should be allowed an opportunity to make a presentation in person. For those individuals that missed the submission in writing, we can allow them, possibly, additional time if they wanted to make a submission in writing. I think we have to respect the work and efforts of the hundreds of organizations that did make those written submissions over the summer, and we have six weeks to have our process done here.

**Mr. Elsalhy:** I agree with you. I’m not disagreeing, but I think that even from an optics standpoint, you know, we don’t want to be seen as restricting them accessing the committee. We know about that other committee which is discussing bottles and recycling and deposits on milk cartons. They’re opening it up to everybody to come. I’m not saying that the other committee’s work is not important, but our work is a great opportunity for openness and transparency in this province. We don’t want to be seen as restricting access.

**The Chair:** No. No. We don’t want to be seen as restricting access. Rhonda, and then Richard.

**Ms Sorensen:** Thank you, Mr. Chair. I just wanted to speak a little bit to what the other committee is doing just so that it can be out there for consideration by this committee.

When we originally advertised for this committee, we advertised only for written submissions. If we were looking to open it up for oral submissions at a public hearing, what we have done with the other committee is: we advertise the date and location of the public hearings, and we give them a 48-hour turnaround, where they have to register within that 48 hours in order to make oral presentation before the committee. That way you do kind of shut down the option of an open mike, where people might just show up and starting speaking. That way they can be scheduled, and the committee clerks and the members of the committee have some idea of what the day might hold for them. The 48 hours start when the ads run but can take place about a week before the actual hearings are scheduled, so there is quite a bit of time for scheduling.

**The Chair:** What are the committee’s thoughts on that?

**Mr. Marz:** It was my understanding that if we were going to have some public hearings, some of the presenters would be at the invitation of the committee. I think that would be a high priority because we probably want to talk to certain groups, especially based on some of the written submissions that some of these groups put in. I think we need to do that.

As far as the other committees go, this committee and Community Services have mandates to report by the 1st of November, so we are obliged to a very tight timeline. I think we have to adhere to that because this is dealing with legislation that we have to report back to the Legislature on, whereas some of the other ones that have gone out seeking information on various things basically can set their own time frames. I think we’re kind of bound by the time frame, and I think we have to kind of put those parameters around that.

**Ms Pastoor:** Mr. Chair, just based on my experience from an MLA task force, I think that half an hour is an exceedingly generous time frame for a presentation because some of the things that I’ve read, these organizations come with very specific concerns and actually very specific parts of the legislation. I think that when we listen, particularly – and I’m back on my soap box about the volunteer sector – that we will hear repeat concerns, but they want to be heard whether it’s a repeat concern or not. I think, if I might, I would suggest that half an hour is being exceedingly generous. It could really be turned back to 10 minutes even.

**The Chair:** Okay.

**Ms Pastoor:** Which would allow more.

**Mr. Marz:** In total with questions or just a 10-minute presentation?

**Ms Pastoor:** Well, I think just a 10-minute presentation. Again, I’m basing that on my experience from the task force. Once you get into question and answer, it goes beyond presentation. I think that when these people are going to present to us, they’re very clear what they want us to hear. I’m not sure that questions and answers are really sometimes that valuable.

**Mr. Marz:** Well, for clarification, some committee members may want to question certain members. I certainly would. Just going through the written submissions, if some people show up, I have a list of questions already jotted down. I’m not sure why they came up with these certain recommendations. I think you have to afford for two-way dialogue with some of these presenters because they may not understand all aspects of why they’re making the presentations or making a particular presentation. Any one I’ve ever been at there was always an opportunity for the committee to ask questions, and whether you go to a five-minute presentation, you can say an awful lot in five minutes.

**Ms Pastoor:** And then 10 minutes for questions?

**Mr. Marz:** Or the reverse. You can say absolutely nothing in the same time frame or longer. Then afford a 10-minute period for questions and answers, up to 10 minutes.

**Ms Pastoor:** Okay. Sure.

**The Chair:** Now, there are two areas we’re dealing with. One is opening it up to the public, and the other one is the submissions that we received. Are we in agreement, or do we have consensus around the table that we do not need presentations regarding Bill 2?

**Mr. Marz:** No, I wouldn’t agree with that.

**The Chair:** There are only – how many – eight submissions.

**Mr. Elsalhy:** One requested to attend.

**The Chair:** One requested it.  
Go ahead, Phil.

**Dr. Massolin:** Well, I just wanted to also add that we received three submissions just very recently, so we were not able to incorporate those remarks within these reports. One submitter said: if you are not able to do that due to the lateness of our submission, we would request the opportunity to present orally to the committee. I just wanted to make that point.

**The Chair:** That's Bill 2.

**Dr. Massolin:** On Bill 1.

**The Chair:** No, no, Bill 2. We're talking about Bill 2. There's one.

**Dr. Massolin:** There's one.

**The Chair:** Okay. So we could include him at the end of the day of Bill 1 discussions.

**Dr. Massolin:** Well, the fact is that that submitter . . .

**The Chair:** That's Dow Chemical. We could do both at the same time.

**An Hon. Member:** Exactly.

**The Chair:** Okay. Thank you very much. So we don't need to have special meetings for Bill 2. We don't need a motion on that. That's a consensus from the table. Agreed? Great. Do you want a motion?

**Mrs. Dacyshyn:** No.

**The Chair:** Okay. We'll keep moving forward. Regarding the 29 submissions, how many presentations have been requested, Philip?

**Dr. Massolin:** Eleven.

**The Chair:** Eleven. Okay. Eleven plus two.

**Dr. Massolin:** Right.

**The Chair:** That doesn't count Dow.

**Dr. Massolin:** Right. Got it.

**The Chair:** Okay. So 13.

**Mr. Elsalhy:** Well, yeah, it does.

**The Chair:** It does because they'll do both at once.

**Dr. Massolin:** For Bill 1, yes. Exactly.

**The Chair:** Okay. So that's 13.

**Mrs. Dacyshyn:** Okay. I've done some math here. It could be grade 5 math the way I'm working it out here. I don't know if you've a hundred per cent decided exactly on how long the presentations were going to be, but if they were five minutes for the presentation and 10 for questions, or the other way around – basically you need a few minutes in between for the changeover – you'd have three an hour. If you had all – I think we're now at 32 – you're looking at 11 hours.

11:45

**Mr. Reynolds:** No. Thirteen.

**The Chair:** Thirteen presentations.

**Mrs. Dacyshyn:** Oh, sorry. Were you not suggesting earlier that everyone who made a written submission be invited?

**The Chair:** No. No.

**Mr. Elsalhy:** Only the ones who signalled.

**Mrs. Dacyshyn:** Only the ones who asked?

**The Chair:** That's right.

**Mrs. Dacyshyn:** Oh, my apologies. Okay.

**The Chair:** But we haven't got to the public ones yet.

**Mrs. Dacyshyn:** You're looking at four hours, then, with what you've got.

**The Chair:** Okay. Four hours. We could schedule that.

So that we're clear on this now, the 13 that want to make a presentation will be invited.

**Mrs. Dacyshyn:** Okay.

**The Chair:** Now, 15 minutes or 20 minutes? If we allow 20 minutes, we'll have time for the changeover, but we'll try to get it to 15 minutes. I'd say 15 minutes, and if they do go over by a couple of minutes, then it doesn't draw us back. That's three per hour.

**Mrs. Dacyshyn:** Okay. Including questions from the members?

**The Chair:** Yes. About seven minutes for the presentation, seven for Qs and As; maybe a five-minute presentation, ten minutes for Qs and As. We'll let them know that they have a five-minute presentation, to be specific regarding the section they want to speak about. They don't have to speak about the whole act but the section that they want to be specific on, and then I'll offer Qs and As.

At 20 minutes, then, how many . . .

**Mrs. Dacyshyn:** That's still about four hours. That's three an hour, so you're looking at four and a little bit, four and a half.

**The Chair:** We'll have to schedule a five-hour meeting. Okay. We've got that. We're all in agreement there.

**Mr. Elsalhy:** Yes. Now the thing about opening it up.

**The Chair:** Well, now the next question is: do we want to hold some meetings in Calgary or southern Alberta and a meeting in northern Alberta for members from the public or hold it in Red Deer, which is central?

**Mr. Marz:** Edmonton is central, more central than Red Deer.

**The Chair:** Yeah, that's true.

**Ms Pastoor:** Lethbridge is south.

Mr. Chair, in light of the little time that we have, and as much as I would like to see it come south – and I know that it's a huge job to move people and equipment and *Hansard* and all of that sort of stuff – I would probably recommend that it stay here for time and for convenience. But have it open. At least people can come.

**Hon. Members:** Agreed.

**The Chair:** Yeah. Okay. Well, we'll do that. The consensus

around the table is that we're in agreement that we're going to have a public meeting and that it'll be here in committee room A.

Now, we'll have to advertise that through communications, Rhonda, with a 48-hour notice, so we'll have to pick out a date. How long does the committee want to have that meeting for? What have the other committees done? Nine to 4?

**Ms Sorensen:** Although we do schedule a full day, we only advertise the start time. That leaves us leeway, and it doesn't peg us into sticking around till 8 o'clock at night if the presentations are done by 5.

**The Chair:** Okay. Any questions regarding having a day that we hold public presentations?

**Mr. Marz:** Did we have some tentative dates set aside before?

**The Chair:** Yeah, we did. We had some tentative dates. I just want to get agreement on the public hearings and the dates. We're having it in Edmonton. So everybody's in agreement? That's what we'll do then.

**Mr. Elsalhy:** How will we be advertising it again?

**The Chair:** We'll be advertising it through the LAO.

**Mr. Elsalhy:** In print or just on the website?

**Ms Sorensen:** Well, what we did with the other committee and what I would be recommending here if the public hearing is going to be held in Edmonton is that you do hit the two Edmonton dailies as well as the website. We did put a province-wide news release and media advisory letting all the media know as well. Then it hits southern Alberta so that they also know that these hearings are taking place.

**The Chair:** Is everybody happy with that?

**Mr. Marz:** Did you say just the Edmonton dailies?

**Ms Sorensen:** For specific advertising, yes, although the media advisory and the news release go out province-wide.

**The Chair:** You want them in the *Herald* and the *Calgary Sun*?

**Mr. Marz:** Yeah. I think we should do that.

**The Chair:** Can we do that?

**Ms Sorensen:** Sure, we can. You want to advertise in Calgary that we're holding hearings in Edmonton?

**The Chair:** Well, I think we have to because they're going to have to come to Edmonton. I think we have to do the four, the two major Edmonton and the two major Calgary, and the news release. Do you want a motion on that?

**Mrs. Dacyshyn:** Sure.

**The Chair:** Richard, do you want to make that motion?

**Mr. Marz:** I would move that  
we advertise in the two Edmonton dailies, the two Calgary dailies,  
a committee news release, and the website.

**The Chair:** All in favour? Unanimous.

Okay. Now, we have dates. Does everybody have a copy of these?

**Mrs. Dacyshyn:** I don't think they do. That might have just been prepared by Jody.

**The Chair:** Can you run off copies? Then we'll look at dates.

I hope you were notified last week. I sent an e-mail to Jody to send to all the board members that we have to cancel the meeting on the 19th of September and that we apologized. I sent that out I think it was last Thursday. I do believe it was last Thursday. We have to cancel the 19th, so we're going to have to refill that day, which is fine, though, because there was not really a lot scheduled for that day.

In advertising, it's my understanding – I guess we're on number 7 right now. We have to advertise. If we want to hold any kind of public hearings, these would need to be scheduled during the week of September 24 or after to permit time for Rhonda to advertise them.

Wednesday, September 19, will be cancelled. Okay? Corinne, can you ensure that all the members are made aware that the meeting on Wednesday, the 19th of September, is cancelled?

Now, everybody has a copy of the tentative dates. We'll just go through those. The tentative dates that we have scheduled already are Thursday, September 27; Friday, the 28th; Wednesday, October 3; Thursday, October 4; October 9; October 18; and October 25. I think we decided these back in July, at the July 18 meeting, just to try to ensure that we have dates coming up. If these dates are good, Rhonda or Phil, who will organize the presentations in these time periods? Corinne, it would be you?

**Mrs. Dacyshyn:** That would be Jody and me, yeah.

**The Chair:** Okay. What would be the earliest date, then, that we could in fact have the presentations? Then we'll take a couple of these dates and determine which will be the public meeting here so that Rhonda can advertise that in the paper tomorrow. We need to know the date and time, and we need the schedule for this committee room as well.

**Mrs. Dacyshyn:** It's booked. We have it.

**The Chair:** We have it? Okay.  
Mo.

**Mr. Elsalhy:** Yes. I just need to draw to everyone's attention that the week of October 3 and 4 is Read In Week. MLAs typically go and read to kids in their schools and so on. I know we do it in Edmonton, and I know that people in Calgary do it as well. So please don't pick the 3rd or the 4th because I want to be at the meeting, and I will not if it's the 3rd or the 4th.

**The Chair:** Are you in a school all day?

**Mr. Elsalhy:** Yes, actually, and all five days, Monday to Friday. I read to 18 different schools and sometimes multiple classes within each.

11:55

**The Chair:** Well, we may have to use one of those days, Mo. I mean, if we can get out of one, that would still give you the afternoon of that one day.

**Mr. Elsalhy:** Yeah, if we only require one day for public hearings, and I don't mind it being the 27th or the 28th.

**The Chair:** Okay. But if we do need one day, the 3rd or the 4th, it would just be one of those days.

**Mr. Marz:** Perhaps, Mr. Chair, you could just do a quick poll to see who can make it on each of those dates, instead of one on one.

**The Chair:** Yeah. Let's start with September 27. Now, is that enough time to get the presenters here?

**Ms Sorensen:** Mr. Chair, just to let you know, all of these dates are well within the timelines that we would need as well as the committee clerk.

**The Chair:** On Thursday the 27th everybody is available? Jack's not. That's not bad out of five-plus. There are the committee members who aren't here, so we'll have a quorum. On the 27th what time would we start, then?

**Mrs. Dacyshyn:** At 9 or 9:30?

**The Chair:** If you're driving in from Calgary, 9:30 might be better. And we need how many hours? Four or five hours?

**Mrs. Dacyshyn:** Five hours, so 2:30.

**The Chair:** Nine-thirty to 2:30.

**Mr. Marz:** Could we start earlier? We can take presenters that are closer in, book the closer ones earlier.

**The Chair:** What time do you want to start? At 8:30?

**Mr. Marz:** Sure. Or 8 o'clock would be fine.

**The Chair:** Eight-thirty would be better.

**Ms Pastoor:** Oh, wait a minute. If I'm flying in that day, I don't get here until about a quarter to 9. I have it tentatively scheduled on that day, but I'm not sure if I fly in that morning. If I do, I can't be here until a quarter to 9.

**Mr. Marz:** Fly in the night before.

**The Chair:** How about if we start at 9, then?

**Ms Pastoor:** Just a sec. I'll see if I can fly in the night before. Yes, I could fly in the night before.

**The Chair:** Now, I've got to see where I am the day before that. Okay. So 8:30 till what time, then? We need five hours.

**Mrs. Dacyshyn:** That would take you to about 2 o'clock.

**Mr. Elsalhy:** Yeah, it will take us to about 2 o'clock for those people who made the written submissions, but we're now advertising for other people, so we need it longer than five hours. [interjection] Oh, you're doing two.

**The Chair:** There are two dates. One is going to be for the presenters.

**Mrs. Dacyshyn:** You could do it all in one day.

**The Chair:** You could, but you may not want to. Then you could do one for public hearings, which will be scheduled from 8:30. If we get 20, we won't get through it.

**Mr. Reynolds:** Mr. Chair, if I might make a suggestion. It might be the case that perhaps you won't be inundated with additional requests to present. You're quite right: you may be. If you start at 8:30 in the morning – and I realize that it's a long day for members – it may be something that you want to leave open until perhaps 4 in the afternoon. Then after the ads have run, obviously you'll know how many presenters you'll have. I guess the suggestion would be that you might want to leave a lot of time on that Thursday and then have sort of an overflow day, if you will.

**The Chair:** Well, we have to invite the 13 that would like to, okay? So that's five hours, including lunch. We could open it up after that, but I'd prefer to say: "Okay. The next day," which is the 28th, "here's all the public, and we start at 9 o'clock." I'd rather start at 9 o'clock than 8:30.

**Mr. Marz:** I can't make it.

**The Chair:** You can't make it on the 28th?  
Jack, can you make it?

**Mr. Hayden:** No.

**Ms Pastoor:** Mr. Chair, could I speak for a lot of us that are out of town? If I'm going to come up for the day, I'd like to make it a huge day. I'm prepared to put in those kinds of hours rather than, you know, stay overnight and take another day out of my schedule. If I'm here, I'd like to get the work done, and I think probably people from out of town feel that way too.

**Mr. Marz:** I would even be open to taking a break and doing some in the evening.

**The Chair:** Unless you want to do some in the evening of the 26th and then go into the full day on the 27th because you can't be there on the 28th. How's that?

**Mr. Marz:** Yeah, I could do that.

**Mr. Elsalhy:** We might only have one person who expresses an interest or five.

**Mr. Marz:** But we should have a swinging gate set aside.

**The Chair:** Yeah, that's the problem.

**Ms Sorensen:** Mr. Chair, I just wanted to give you a little bit of insight into what has happened with the other committees where we're going through this same process. Because you're only giving 48 hours, you're probably not going to be inundated with people who aren't already aware of this process. We may be getting two or three additional people who want to speak who couldn't make the written submission deadline. What we've done with the other committees has been to schedule, you know, from 9 a.m. to 4 p.m., and if our presentations end at 2:30, there's still that buffer zone to add a few more in.

**The Chair:** That would be enough time to see at least 12 more if we make it a full day. That makes for a long day.

Okay. We'll schedule the 27th as a full day, and then we'll want to make sure that all of the members of the committee are well aware that they be here.

**Mrs. Dacyshyn:** Starting at 8:30?

**The Chair:** I would prefer to start at 9 myself. I think we'll start at 9, Richard. I can meet you for coffee at 8:30 if you want.

**Mr. Elsalhy:** So 9 until 4?

**The Chair:** Nine until 4:30. That gives us eight hours times three; that's 24 presenters.

**Mr. Marz:** And an option to go in the evening?

**The Chair:** I guess that if we have to go late that night, then we'll go as late as we have to.

**Mr. Marz:** I'd prefer that, rather than setting another day aside.

**The Chair:** Okay. We'll go 9 till whenever.

**Mr. Marz:** The chair could take us out for supper, and then we could come back.

**The Chair:** Yes, of course.

**Ms Pastoor:** Or we could have a working supper.

**The Chair:** We could have a working supper. I like that.

Okay. That's Thursday the 27th, so we don't need Friday the 28th. Or do we want to hold on to Friday the 28th just in case? But you can't make it; Richard can't make it; Jack can't make it.

**Mr. Hayden:** Mr. Chairman, what day do you have?

**The Chair:** Friday the 28th would be the next day, so if it was a spillover day, I can make that day. Why don't we hold on to the morning again or from 9 till 1?

**Mr. Elsalhy:** If it needs to be cancelled, then it gets cancelled.

**The Chair:** We can cancel it.

**Ms Sorensen:** Just a question. Would we be advertising both days or just the 27th?

**The Chair:** No. We're advertising the 27th. But if it's full and we can't make it, then obviously we'll go to the next morning, even if there are three that we miss or five that we miss.

**Ms Sorensen:** Okay.

**The Chair:** Maybe some can't make it. I mean, they want to but they can't. We can maybe accommodate them the next morning, I suppose.

Again, we have to let our committee members know because we have to have a quorum. We want a quorum.

Okay. That's future dates, then, so we have that. That will be for

both the invited presentations and the public on the 27th. I had better make a note of this. The 27th at what time now?

**Mrs. Dacyshyn:** Nine o'clock.

**The Chair:** Okay.

**Ms Pastoor:** The 27th is in ink, and the 28th is in pencil.

**The Chair:** That's right. Both starting at 9 o'clock.

**Mrs. Dacyshyn:** Are we still taking evening presentations, if we have to, on the 27th?

**The Chair:** Well, I'll talk to Rhonda. If we go that far.

**Ms Sorensen:** Just to reiterate, we only advertise the start time, and that allows us the flexibility in ending when the presentations are done.

**The Chair:** Okay. We'll see what the response is like. We know that we have 13 for sure.

Okay. I will continue with the tentative calendar, then. Are there other specific dates that we need regarding any future presentations? Or we'll just concentrate, then, on the days we need to review the material and discuss potential amendments.

**12:05**

**Mr. Reynolds:** That's what I was going to say, Mr. Chair. At the end of the public hearings that may be a time when you might say: we'd like to hear from the Department of Justice, or we have questions for Justice about what they intend about the bill or whether they've considered this or how this would fit or something like that. I mean, that might be something you'd want to do, perhaps, at the meeting after the public hearings.

**The Chair:** Phil, how much time do you need after the public hearings to bring back sort of a summary of the presentations?

**Dr. Massolin:** I guess that's what the committee wants. That was, I guess, the question. So you do want the submission summaries thereafter as opposed to sort of an amalgamation at the end for the report. Would you like sort of an interim report on oral submissions, or would you like a combination of the written and oral a little bit after the fact? I guess that's the question.

**The Chair:** What does the committee want?

**Ms Pastoor:** Just a comment. We have these submissions to read. Do we really think they're going to come up with something different, or are they just going to be very specific about what they're going to say, which might make it easier and quicker just to amalgamate sort of what they've already said?

**Dr. Massolin:** It's hard to predict what they're going to say, but I tend to agree with what you're suggesting in terms of just reiterating some of the points and being able to elaborate on them if they have the opportunity.

**Mr. Elsalhy:** Well, we have *Hansard*, and that same evening or the next day I can go back and read *Hansard* and basically read verbatim what these guys said. But if you give me a one-pager, that would be very useful.



**The Chair:** I think that's the consensus of the committee.

**Dr. Massolin:** Absolutely. I can certainly do that within a few days afterwards.

**The Chair:** Okay, Philip. Thank you very much. That could come relatively quickly, then, is what you're saying.

**Dr. Massolin:** Yes.

**The Chair:** There are issues, though, regarding the 3rd and the 4th. Do we need the meeting dates on the 3rd and the 4th? No?

**Mr. Reynolds:** Well, I'm just wondering how much time you might think, if you want to preserve one day. I realize that you've mentioned some scheduling conflicts, but it might be the case, if you're concerned about time at the end, that if you started a little earlier, you might have some questions addressed or it might be a time to focus on whether, in fact, you did have questions. So maybe one of those days.

**The Chair:** Keep the 3rd and cancel the 4th? Okay. We'll keep the 3rd, but it may be a quick meeting. That way, Mo, you can get to your schools. At 9 o'clock, then, or 9:30? Nine o'clock? I think we're doing everything at 9.

**Mrs. Dacyshyn:** Nine to noon?

**The Chair:** Yeah, and take off the 4th. I just want to make sure: Wednesday the 3rd at 9 o'clock to noon; the 4th is cancelled. Do we want to get Justice in on the 3rd? Justice, I'm sure, will be at the presentations, and I think it might be an opportunity to get them to provide us with some follow-up from what they've heard as well. I'll let the Minister of Justice know that we'd like representation from his department on the 3rd of October.

Okay. The three following scheduled dates are October 9, October 18, and October 25. I would think we're going to use all of those three dates for debate and discussion. Maybe we won't, but I'd like to keep them in there. Now, I have them scheduled from 10 until 1. Is that okay?

**Mr. Elsalhy:** Mr. Chair, I will just let you know now that on the 9th I might not be able to attend because there is an international crime reduction conference that's happening, and I bet you that the Solicitor General is attending.

**The Chair:** Is that in Banff?

**Mr. Elsalhy:** In Banff. I know that Fred might be going, and I am going as well.

**The Chair:** Are you? Okay. I thought I was going. I don't know if I'm going or not.

Well, I'm just concerned about the dates going in.

**Mr. Coutts:** I'm committed the morning of the 9th; I am available later in the afternoon. On October 18 and October 25 I'm available both days.

**Mr. Marz:** There's a CPC in the afternoon, I think.

**The Chair:** There is?

**Mr. Marz:** Yeah.

**The Chair:** So the 9th looks not very good, then.

**Mr. Marz:** The morning is fine.

**The Chair:** The morning is fine for me. I just want to be careful. If we don't schedule the dates now, we're going to be hooped.

**Mr. Elsalhy:** What if both of us attend that crime reduction thing? You're not going?

**The Chair:** Well, I don't know. I was invited.

**Mr. Elsalhy:** You're not confirmed?

**The Chair:** No.

**Ms Pastoor:** All of these dates my office has in my BlackBerry locked aside as tentative, so I'm probably okay.

**The Chair:** Okay. We'll keep the 9th, Mo, and then you can always send a substitute as well.

**Mr. Elsalhy:** Right. Yeah.

**The Chair:** We'll keep the 9th. Can we leave it 10 till 1? On the 9th, 10 till 1; on the 18th, again 10 till 1; and on the 25th, 10 till 1. Do we want to schedule one more after that? In fact, we have November 2. For November 2 I've got on my calendar 10 till 1 as well.

**Mr. Marz:** That's a Friday?

**The Chair:** That's a Friday, and that will be our last opportunity before the LAO prepares it for the start-up of session on the 5th.

**Mr. Elsalhy:** So 10 till 1 is right?

**The Chair:** Ten till 1, November 2.

**Mr. Coutts:** It's a Friday.

**The Chair:** Yeah.

**Ms Pastoor:** Mr. Chair, would it be possible instead, again for the outside people, to have a full day – we've got three half-days – and knock at least one of those days off? November 2 would not be any good for me. Are you coming south?

**The Chair:** Well, Bridget, as we go through the submissions, I think we'll be able to determine how much time we're going to need to debate this.

**Ms Pastoor:** Okay. If we could make it in one day, it would be appreciated.

**The Chair:** Yeah. The issue is that I'd rather have extra days than not enough days. We could go longer on October 9 and the 18th. We'll get a clearer picture, obviously, I think on the 27th, 28th. Then on the 3rd – there may be minimal amendments to the legislation, or there may be some major, but I'd like to have the time booked just in case. On October 9 we may be able to cancel the November 2 and October 25 meetings if we're getting there. We'll have to be very clear.

The other issue is that in drafting the amendments, we'll have to ensure that the LAO has time to do that and bring that back to us so that we can approve what's going to be going into the Assembly.

Those are some of the requirements for the shorter meetings, but we will have to obviously have motions to approve any amendments that'll go forward.

**Mr. Marz:** I, too, would prefer the longer days and less of them because I've got so many commitments on my calendar that are coming up for me right through.

12:15

**The Chair:** If we have some idea, for example, after the presentations, then we'll be able to clearly say: okay; we'll extend the meeting on this day from 9 until whenever, and we can cancel another day. But for now if we can just book them in, and then that way we do have the time and all the committee members are aware and all the committee members know. These dates did go out in July to all the members, other than that these dates are new for Jack. That was number 7 on the agenda.

Corinne would like me to go to Other Business right now, extension of submission deadline. This is, I think, an issue that's related. The Environmental Law Centre and the Excel Society have both made submissions on Bill 1 that were received by the committee well after the August 24, 2007, deadline. These submissions were not included with the meeting package or in the analysis due to their late arrival date. We've also received a letter from the Alberta Law Society indicating that they would be interested in making a presentation to the committee on Bill 1. Regarding the public hearings, I would like to suggest that their groups be invited to make submissions at our public meeting. However, I don't believe that the committee with its present time frame can continue to accept further submissions or requests after today. Okay? Do members have any concerns with that? So we'll include these ones that are late, but after today's date that's it.

**Dr. Massolin:** Can I just clarify that? I think only the Law Society actually wants to make an oral presentation, so I would, you know, ask the committee to consider inviting them alone and then that we consider the three late written submissions as part of my final report on all oral and written submissions. Is that a possibility?

**The Chair:** Yeah. I don't have a problem with that.

**Ms Pastoor:** I think my office had a request in, if they could accept a written. They don't want to make a presentation, just a written one. My understanding is that my office did it yesterday. Would that be accepted or not?

**The Chair:** If we get it today. The committee is in agreement with that.

Now we're back to number 8. Do we want to break for lunch?

**Mrs. Dacyshyn:** We're just about done.

**The Chair:** Are we? Okay. Let's keep going. Number 8, then, Web Trends Report. The communications branch, Rhonda, out of the LAO has provided a handout to the committee with the web trends report. At this point I'll turn it over to Rhonda Sorensen for a brief explanation.

**Ms Sorensen:** Thanks, Mr. Chair. This is mainly just for your information and hopefully your interest. It's a measurement tool that

we use in communications to measure the success of all of our public endeavours. I just want to draw your attention to a few items here, and that's that off the Assembly main site we're getting significant requests for information about all of the committees. While we may only have 13 people coming to present, I think it's interesting to note that Bill 1 has been downloaded a total of 4,478 times since we actually started this committee and put up the site.

In terms of the specific Government Services website you'll notice on the charts on the first page that the spikes happened immediately following the advertising, so it just shows that the public are responding to the pieces that we're putting out there. It just gives you some basic information on what people are looking at when they're on the website.

I also just wanted to point out that we did have some statistics on the submissions that were received on Bill 1. Close to 60 per cent of that were directly from advertising whereas 40 per cent were from stakeholders. On Bill 2 it was a little bit the opposite, where only 33 per cent came from the advertising and 66 per cent came from the stakeholders, which was to be expected given the target audiences. I leave it with you for your information or if you have an specific questions. It just kind of gives you an idea of where the public are looking.

**The Chair:** Very good. That's interesting. That's good. Okay. Any other business?

**Mr. Reynolds:** Mr. Chair, just a point of clarification before you entertain a motion to adjourn.

**The Chair:** We're not doing that yet.

**Mr. Reynolds:** Okay. There we go.

One thing is that with respect to the advertising – I just wanted to be clear for Rhonda's sake – you're advertising both bills 1 and 2 to make submissions on?

**The Chair:** No, just Bill 1 because we know already that Dow Chemical is going to be doing it for Bill 2 when they do the presentation on Bill 1.

**Mr. Reynolds:** So the advertisement would indicate that the committee was having hearings on bills 1 and 2? I'm just wondering.

**The Chair:** What did we decide?

**Mr. Reynolds:** You didn't.

**The Chair:** Well, what would the committee like to do? Again, there was only one request for a presentation. We can open it up. I don't have a problem with opening it up for both days. There's only one written submission that we are going to be sending out to say: please do it. That'll be covered in Bill 1. If there are individuals out there that want to provide their five minutes on Bill 2, then let them. Again, we have the 27th and the 28th in the morning. I don't want to sit here for 12 hours, though, and I don't think anybody can because you're not going to be thinking properly. We're not in the Assembly right now, where you can sit for 12 hours.

I think it would be best if we would start from roughly 9 to whenever and then the following morning 9 to whenever. These are extremely important bills and pieces of legislation, and we want to

ensure that the majority of our committee members are able to attend as well.

Go ahead.

**Mr. Reynolds:** Just one other thing. I just wanted to make a note that it was great that the committee was able to be advised by Ms Neatby here today. I feel a little bit guilty about this. I was talking to her this morning and said, “Well, you know, come over to the committee meeting” and everything. I didn’t know – and I want on the record that I didn’t know – that there were going to be any questions to you at that time. I certainly wasn’t trying to ambush you. I’m sure that Mr. Chair may wish to extend the appreciation to the Minister of Justice for this.

**The Chair:** Well, I surely do. Rob as LAO counsel has a responsibility to all Albertans in a different capacity than that of the Minister of Justice and/or their staff, so I do want to thank you, Ms Neatby, for being here, for coming up from the public audience and sitting at our table and responding to some questions that we had.

We also appreciate the minister possibly providing your expertise or your colleagues’ expertise from the ministry at future meetings and welcome you to sit at the table. One committee member has a legal background, and he’s not with us today. We do appreciate you being with us as well as the LAO legal advice through Rob.

**Mr. Reynolds:** Just in the spirit of co-operation, because I think you’ve asked Ms Neatby for some things, I was wondering if the committee would mind if we shared the cross-jurisdictional analysis with the Department of Justice, just to facilitate so that there wasn’t a duplication.

**The Chair:** Yeah. I think the research that we’ve done may assist Justice in looking at the work that they’ve done but as well looking at where we’re going in the future.

**Mr. Reynolds:** Thank you, Mr. Chair.

**The Chair:** Again, thank you for being here.

I just want clarification on the dates before we have a motion to adjourn. I’ve got Thursday, September 27, 9 o’clock till whenever; Friday the 28th, 9 o’clock till 1; Wednesday, October 3, 9 o’clock till noon. On that day are we going to ask Justice to provide us with their comments regarding the information that they’ve heard from both the presentations from stakeholders as well as members of the public? Is that okay for feedback or questions that the members may have?

October 4 is cancelled. So we have October 9, October 18, October 25, and November 2 from 10 o’clock till 1 o’clock. Not all those dates will be required, but we want to tentatively book them all in just to ensure that if there is heated debate in amending the legislation going forward, we have the time to do it. I don’t want to be short of time.

12:25

**Mr. Marz:** Can we extend those dates to longer days? We’re travelling. If we could eliminate one of those days by having a long day, it would be good.

**The Chair:** Well, the only concern I’m looking at is that on a couple of those days, Richard, I think we have to be in – where are we here? On the 25th we have to be in Lethbridge. We have to be in Lethbridge that night.

**Mr. Marz:** On the 4th in Grande Prairie.

**The Chair:** On the 18th we have to be in Red Deer. On the 9th, no. There’s a CPC on the afternoon of the 9th.

So that’s sort of the concern. For now we’ll keep them. If we have to go over 1 o’clock to 2 o’clock, then we may have to do that. But I agree with everyone: if we can get more done in one day, you know, if this all-party committee is all in agreement with an amendment, we may have our work done much sooner than later.

**Ms Pastoor:** Mr. Chair, could I just reiterate that November 2 is really bad for me? If we can kind of amalgamate it somehow, I would appreciate it.

**The Chair:** Well, that’s sort of the last day, and I don’t think we’ll need it because that doesn’t provide the LAO with a lot of time to prepare the template that will have to go into the Assembly the following week. But if it came down to a point of heated discussion, we may require that date.

**Ms Pastoor:** And that’s why I should be here for that day: it’s going to be heated.

**The Chair:** Exactly. Unless you want to change it to another day. I’m hoping that, obviously, all parties will be working together. This is good legislation.

Any other questions? Concerns?

Thank you very much to all the LAO staff for being here again today – I appreciate your guidance and wisdom – and to the Justice staff, the public gallery, and all the committee members. Corinne, when you send the memo out with these days, I want to stress that their attendance is extremely important.

**Mrs. Dacyshyn:** Yes. I’ll do that this afternoon.

**The Chair:** A motion to adjourn.

**Ms Pastoor:** So moved.

[The committee adjourned at 12:29 p.m.]

