

**Title: Friday, November 2, 2007 Government Services Committee**

Date: 07/11/02

Time: 10:02 a.m.

[Mr. Cenaiko in the chair]

**The Chair:** Good morning, everyone. I'd like to call the meeting to order and just mention that there are a few of us wearing jeans, supporting United Way and the CFR, the rodeo, this week in Edmonton, and would encourage all the staff and MLAs to participate. It's a great opportunity to fund raise for United Way but, as well, provides that western theme and culture here in Edmonton.

We'll start by introducing ourselves around the table. I'm Harvey Cenaiko, chair of the Standing Committee on Government Services and MLA for Calgary-Buffalo.

**Ms Rempel:** Jody Rempel, committee clerk with the Legislative Assembly Office.

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

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

**Ms Neatby:** Joan Neatby, Alberta Justice.

**Ms Barnsley:** Alice Barnsley, Alberta Justice.

**Ms Dafoe:** Sarah Dafoe, Alberta Justice.

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

**Ms Sorensen:** Rhonda Sorensen, manager of communications services.

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

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

**Mr. Reynolds:** Good morning. Rob Reynolds, Senior Parliamentary Counsel, Legislative Assembly.

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

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

**Mr. Hayden:** Jack Hayden, Drumheller-Stettler.

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

**Mr. Elsalhy:** Good morning. Mo Elsalhy, deputy chair, Edmonton-McClung, and I bring you greetings from Lethbridge.

**The Chair:** Thank you very much. We'll move to agenda item 2, Approval of Agenda. I'd like a motion to approve today's agenda.

**Mr. VanderBurg:** So moved.

**The Chair:** Moved by George VanderBurg that the agenda for the November 2, 2007, meeting of the Standing Committee on Government Services be adopted as circulated. All those in favour? Opposed, if any? Carried.

We'll move to number 3 on our agenda, the Review and Approval

of Minutes from the October 25, 2007, Meeting, which you all have a copy of. If you've all had an opportunity to review the minutes, does anyone have any corrections to the October 25 minutes? If not, could I ask for a motion to approve.

**Ms Pastoor:** So moved.

**The Chair:** Moved by Bridget Pastoor that the minutes of the October 25, 2007, meeting of the Standing Committee on Government Services be adopted as circulated.

Item 4, Review and Approval of Draft Report on Bill 1. Last week the committee directed staff to prepare a revised version of the draft final report on Bill 1 for discussion at today's meeting. I believe there is also a handout to accompany this material. Rob, would you like to start us off with a quick review of the document?

**Mr. Reynolds:** Thanks. I may turn it over to Philip, here. Essentially, committee members should have two documents with respect to Bill 1. One would be the redlined version that we talked about at the last meeting. In the interests of time we didn't go through all the slight changes that we had recommended with respect to the report, but those are now found in the draft report and are indicated in red, hence the red line. On the side they indicate what was deleted, or what was taken out. Then you have another document that, perhaps presumptuously, incorporates the changes that were redlined in draft 1 and makes those changes in draft 2.

I'll turn that over to Philip because he actually had control of the document.

**Dr. Massolin:** Yes. Thanks. Mr. Chair, I just wanted to point out as well that these reports for both Bill 1 and Bill 2 follow a standard general format that we've adopted for other committees, namely the Standing Committee on Community Services. The documents themselves have a number of sections. The ones to highlight, of course, in the case of the Bill 1 report are 3.0, Recommendations, the proposed amendments to Bill 1; and, second of all, 3.2, Other Recommendations. Then in appendix A we have the explanatory notes, which, as advertised, explain in brief form the rationale for the amendments. Appendix B is the list of presenters. Appendix C – that's new for Bill 1 – is the flow chart on the subject of: are you a lobbyist? That was, basically, an adaptation of work that had been done by the Department of Justice.

I think that's all I have to say in terms of the format and what we've done to put this document together. Maybe I'll turn it back to you, Mr. Chair, and ask through you if the committee members have any questions or issues, additions, subtractions.

**The Chair:** Thank you very much, Philip. In reviewing it last night, I thought it was an excellent document. In fact, I like appendix A because it does provide sort of an overview of the work that was conducted by the committee and the proposed amendments to Bill 1. I thought that was a very good addition to the legislation because in most cases when legislation goes through the Assembly, you don't have those explanatory notes. It's usually all debated and discussed. I thought appendix A, the explanatory notes were very good. Appendix C, the flow chart that you have, as well was very interesting.

I'll open it up to the members of the committee if they have any questions or would like to go through any areas on this and/or any other feedback from other members or government staff or from the Ethics Commissioner regarding Bill 1.

Mo.

**Mr. Elsalhy:** Thank you, Mr. Chair. I'm not sure where it fits,

actually, which clause and which section. I met with some members of the CCVO in Calgary, the voluntary organizations council in Calgary, and they expressed some happiness with the progress of the committee. They also indicated that they've met with you. They follow the transcripts, and they listen to the audio. These people are really keen to see what we do and how we do it and who says what and so on. I'm really pleased that some people are now showing that increased interest.

**10:10**

However, they identified one or two new concerns, and they were hoping that, potentially, they could present to the committee. I indicated that that was very difficult given the fact that we concluded the oral presentations. The new concerns were not captured in their earlier submission either alone or as part of that Muttart Foundation submission.

If I can remember correctly, I think one of these two concerns was basically having to do with the information that is on the registry and if, in fact, some people can use that for mischief-making in terms of going to some department or some ministry and saying: "Organization X is getting this much, and they're lobbying for 80 hours; organization Y is getting this sum, and they're lobbying for 40 hours. Please explain yourself and why the discrepancy. Is their work more important than ours?" All that stuff.

Now, yes, we look at this and we say: "You know what? This is probably unfounded." These are people who are not certain yet how the law is going to affect them, and it's the anxiety out there that these people are expressing. But to them it's a real thing, and they're really concerned that maybe some of the information collected or recorded in that registry is going to be used (a) to make funding decisions or (b) to start creating that mischief and to start comparing organizations against each other. So that was one.

The other one. In their point of view, they don't think that we've gone far enough in addressing the issue of contracts and associated persons. They think that what we've done was a great improvement, but they still think that we should offer more clarity and maybe limit the definition of associated person even more because they're volunteers, for the most part, and they don't view it as fair that those restrictions are placed on a spouse or a son or a daughter, you know, quite seriously affecting somebody's volunteering experience and maybe threatening their continuing in that volunteer capacity.

Anyways, I wanted to put this on the record. Maybe there is no space for it to be discussed, but I'm not sure if in the context of this draft report anything could be done further or if the committee would just maybe take this under advisement and maybe discuss it more in Committee of the Whole in the Assembly at the later stage. I'm interested in seeing how people react and how we can alleviate that concern and that anxiety that's out there.

**Mr. VanderBurg:** Well, I know that people out there listening and following this will know that we have changed this bill considerably. Many of the folks that have talked to me as recently as yesterday on this said they were glad that there was a mandated review so that if there were issues that became difficult for Albertans within this legislation, we would have that opportunity to fix it.

I really don't feel that the issues you brought up are that big of a concern that we should open this process up again and get back to bare bones. Again, you have the opportunity during Committee of the Whole to raise this.

**The Chair:** Richard Marz.

**Mr. Marz:** Thanks, Mr. Chair. I think the committee did an

excellent job in their work on this particular bill in capturing the essence of what the public told us in the concerns that were brought forth through the public consultation process. No piece of legislation is perfect to the state that it'll never have to be amended sometime in the future because things do change. But I think this is a fantastic start for the introduction of a lobbyist registry in the province of Alberta. You know, anything is open for future amendments. If they're identified some time in the future, they can certainly look at that. But I think that as a start, as I said, this is an excellent piece of work that we've done, and if these are all adopted in the Legislature, I think it'll be a great start for a lobbyist registry in the province.

**The Chair:** Dave.

**Mr. Eggen:** Thanks. Yes. My understanding is that this committee did quite a good job in recognizing the specific concerns of the voluntary sector. I think the provision for review is an important one here for this bill as it goes before the Legislature because this is an entirely new set of parameters that we're placing on the lobbyists and such. To keep the whole framework intact, I think the things that you did build into it are sufficient for now, and if it causes problems for the voluntary sector, then I think that everybody wants to be helpful for that, number one, for that part of this legislation and, number two, that the review can take care of it later.

**The Chair:** Thank you very much. You know, I appreciate the tremendous amount of work that Katherine van Kooy from the Calgary Chamber of Volunteer Organizations has done over the last few months in lobbying members of the committee regarding their concerns.

With the issue that Mo brings up regarding mischief, obviously there could be a potential concern there other than that the whole idea behind the act is to ensure that any lobbying of government MLAs or ministers or deputy ministers should be transparent, and they should be held accountable. I think the whole idea behind this act is to ensure that individuals who lobby that are required to register will register, and those that are not do not have to, but as well, if they are lobbying, who they're lobbying and for what.

**Ms DeLong:** I'm sorry. I missed those first few moments here. I don't know whether this is something that is part of this discussion or not. It has to do with note 1 in our Lobbyists Act regarding section 1(1)(j)(iv), and it has to do with what the definition of a public office holder is.

My understanding of the situation we have is that supposing that in children's services – you have an organization which, of course, is giving services to children. Now, they have to interact an awful lot with the board of their children's services organization, and I'd say that at least on a weekly basis they're going to have issues coming up where they're going to be talking to that organization. I guess they're sort of feeling like all the nonprofits that deal with that organization are going to have to be registered as lobbyists even though they're not dealing with MLAs; they're not dealing with ministers; they're not dealing with anyone who is making the laws. But, at the same time, you know, because they're dealing with what would be "an employee, officer, director or member, as the case may be, of a prescribed Provincial entity," I guess they're seeing that that is the situation with their lobbying. You know, maybe they all should be registered as lobbyists. I just wonder whether we could sort of cut back on who the public office holder is if we were to make the definition of the public office holder tighter, and that was the request that I got.

**The Chair:** I'm just wondering if maybe we can get some clarification from Rob or the legal staff regarding section 1(1)(j).

10:20

**Mr. Reynolds:** Well, there's a recommendation for an amendment to section 1(1)(j) . . .

**The Chair:** On page 11?

**Mr. Reynolds:** Yeah.

. . . essentially by striking out subclause (iii) in the bill, which removes the subclause about "an individual who is appointed to any office or body by or with the approval of the Lieutenant Governor in Council or a member of the Executive Council." It takes out the words after what is subclause (iv), but that's an exclusion. I don't know if that has much implication for what Ms DeLong is talking about.

But, yes, "an employee, officer, director or member . . . of a prescribed Provincial entity" is in there as being someone who is a public office holder because, consistent with lobbyist legislation across Canada – and Joan and Alice can speak to this – I mean, officials are caught. People who lobby officials are considered to be lobbying.

Joan, would you care to speak to that?

**Ms Neatby:** One of the questions I have for Ms DeLong is: what's the subject matter of the conversations between the not-for-profit groups and the children's services boards? One of the first questions to ask is: does that communication fall within the definition of lobbying? Then you can determine whether or not there's a requirement to register the lobbyist, provided that the threshold has actually been met.

**The Chair:** What you're saying is that the board of a not-for-profit organization that may be speaking with a board member of a children's services board – it'll be dependent upon the definition of what a public office holder would be. But I think we've been dealing with issues related to ministers, deputy ministers, senior staff, executive assistants regarding lobbying.

**Ms Neatby:** Well, I think I would like to get some more information from Ms DeLong about: do the conversations that are being held between the not-for-profits and the board members of the children's services authorities actually amount to lobbying?

**Ms DeLong:** I thought that we defined lobbying as communicating.

**Ms Neatby:** Well, we would want to look at the subject matters in the definition of lobbying.

**Ms DeLong:** Sorry. Can somebody help me out in terms of pointing me to where our definition of lobbying is?

**Ms Neatby:** It's in section 1(1)(e) of the bill itself.

**The Chair:** Bridget.

**Ms Pastoor:** Yeah. Could I ask Joan a question? If the person that is the nonprofit person providing the service is speaking to the board that may run that nonprofit, if they're discussing internal workings of how they actually deliver their service, that would not be lobbying, right?

**Ms Neatby:** It would depend on whether or not they were talking about things like trying to influence the development of policy.

**Ms Pastoor:** Or if they were asking for money.

**Ms Neatby:** Right.

Also, if the board member asked those people with the not-for-profit for their advice and comments on matters that are within the definition of lobby, then that communication would fall into the exception in section 3(2)(c) of the bill.

**Ms Pastoor:** Right. Okay. Thank you. I think I understand that in the context of what we're talking about now.

**The Chair:** If the legal staff can provide a clearer definition for us here now regarding section 1(1)(j), the definition of a public office holder, I think that'll clarify Alana's question of who is or who isn't a public office holder. I think we know the difference between lobbying the government for cash or program funding or changing legislation. The issue that I think Alana has is the definition of a public office holder versus a member of a board.

**Ms Neatby:** If I can rephrase the question just to make sure I understand it correctly, the question would be: are the members of the children's services boards public office holders under the definition of the act in section 1(1)(j)? They are if the children's services boards are prescribed provincial entities or if they're already part of a department, and I don't know off the top of my head which one they would be, but let's assume they're one of them. Then, yes, Alana DeLong is correct. The employees, officers, directors, and members of those children's services boards are public office holders. So that's one of the questions answered in terms of: is the requirement to register as a lobbyist triggered?

The other question is: does the communication fall within the definition of lobbying, and has the threshold been met, or does one of the exemptions in the act apply? If a board member has asked the members of the not-for-profit sector for their advice and comment on policy procedure, how the operation should run, then that does not fall within the definition of lobby. In respect of those communications, the obligation to register as a lobbyist has not been triggered.

**Ms DeLong:** Someone did provide me with the actual definition of lobbying, and the only grey areas that I would see in terms of when they're talking to the people on the board would be "the development, establishment, amendment or termination of any program, policy, directive or guideline of the Government or a prescribed Provincial entity." So if there is a children's services regulation – you know, if you're dealing with a regulation and an interpretation of a regulation, I suppose that's a little bit grey area there.

"The awarding of any grant or financial benefit." I know that they're always concerned about costs, so I don't know whether that could be considered a grey area when they're dealing with the board.

I think that counsel has made it clear that we have something workable now.

**The Chair:** Any other questions from committee members?  
Rob, go ahead.

**Mr. Reynolds:** I just want to reinforce what Joan said, and I think it's important to look at section 3(2), where it says:

This Act does not apply in respect of a submission made in any manner as follows: . . .

- (b) to a public office holder by an individual on behalf of an organization concerning
  - (i) the enforcement, interpretation or application of any Act or regulation by the public office holder with respect to the organization, or
  - (ii) the implementation or administration of any program, policy, directive or guideline by the public office holder with respect to the organization

Now, from the example you gave, it seems that some of that may be covered by that section, so that would not be considered as lobbying as I read the bill.

**The Chair:** Yeah, I think that's quite clear.

Any other questions from members of the committee? Mo.

10:30

**Mr. Elsalhy:** Thank you, Mr. Chair. Not directly on this, but just before we go into the appendices, just before appendix A under 3.2, Other Recommendations, I want to introduce a motion. I'll try to say it to the liking and the approval of our trusted Parliamentary Counsel people, and they can fine-tune it if they so choose. I move that the Standing Committee on Government Services recommend to the Minister of Justice and Attorney General that there be an information and education campaign started before the act comes into force and/or immediately after to, one, announce its coming into force and, two, explain to all interested or affected parties how to comply with its requirements. Now, this is basically the motion.

In terms of the explanation, actually, it came up time and time again that people are really apprehensive. They're extremely anxious. You know, they're not sure how to comply, if they can comply. They're worried about huge fines and penalties in terms of breaches of the act and so on. I think the idea of having this flow chart is really good. Once this report is finalized and submitted in the House, I think we can all photocopy this flow chart and give it to everybody who approaches us and say: "You know what? Just refer to this first." This should hopefully alleviate some of this concern.

I think also the registry itself, in terms of it being on the Internet, maybe the greeting page, the front page, should have a very prominent link for people who are going to be affected by this act as to how to comply, almost like a manual or a cheat sheet, you know: this is basically how it goes.

The third thing would be for the ministry in charge, being Justice, to provide or offer workshops or seminars for anybody who is willing to participate in a training session, something in terms of having like a half a day over lunch, maybe, and then educating people how to behave, how to comply with the act, and how to avoid being captured under it in terms of penalties and fines and stuff like that.

The motion is there, and I am hoping that my explanation would entice members of the committee to support it. It would be captured under 3.2, Other Recommendations, the recommendation being information and education.

**The Chair:** Discussion on the motion?

I know that Justice will obviously be involved, but the control of the act is going to be by the Ethics Commissioner, so I would want to ensure that what you're suggesting, Mo, would fall under the office of the Ethics Commissioner versus the Ministry of Justice and Attorney General. They're just sort of sponsors of the bill, but the work will be conducted by the Ethics Commissioner, where the actual registry or registrar's office will be housed. I think it would be prudent upon the Ethics Commissioner's part and/or role to ensure the public awareness campaign and to ensure that if individu-

als had some concerns whether they themselves were lobbying or not lobbying, they could phone the Ethics Commissioner's office and get that clarification for them.

**Mr. Elsalhy:** I can live with this. I would consider it a friendly amendment. I was just interested in, you know, alerting the Department of Justice because they're the ones who are sponsoring this bill. But, yes, you're right. The Ethics Commissioner is going to administer the registry, and maybe they should be the ones launching that awareness campaign.

**Mr. VanderBurg:** I understood that that was going to happen anyways.

**Mr. Hayden:** Well, yeah, that sounds good. The only concern I had was in the wording. Of course, you can't seek out everybody that's going to be affected, but you can make available information for those that are interested in checking out if they're going to be affected and if it's covered. That's wonderful.

**The Chair:** David.

**Mr. Eggen:** Yes. Thanks. I think the friendly amendment is captured, as the previous speaker said, but I certainly appreciate bringing it up on record here today because, of course, the proof is in the pudding with any law. You know, if people are (a) unaware of the details of this or (b) choosing through lack of information not to comply with it, then it's not functional, so your comments are very much appreciated.

**Mr. Coutts:** Just on the recommendation that has been brought forward, I think it should be noted that any time that a bill becomes an act and is enforced in the province of Alberta, history has shown that a good communications plan by the department has always been put in place to communicate with affected stakeholders on what the new responsibilities are or what the amended responsibilities are. I am very confident that the Department of Justice and the Ethics Commissioner will carry out that responsibility, as all departments have in the past. I certainly support this because it's very important. I think that particularly when you have a new act, it's important that a good communications plan is in place.

I just have to make the point that I know that these folks work very, very hard. When they have to deal with the stakeholders in explaining the act, they have some very good methods of seminars and information workshops to let stakeholders know what is contained in the act and how you comply. I'm sure that that tradition will continue.

Thank you, Mr. Chairman.

**The Chair:** Karen, would you on behalf of the Ethics Commissioner?

**Ms South:** It certainly is our anticipation to put information out as quickly as the Assembly passes the bill. It was anticipated when we made our budget submission back in March that we would have funds available for the registrar to travel throughout the province if needed to meet with interested parties. We have already commenced work at no cost other than for my time on preparing a website that will be up and running as quickly as we have a domain name for it. We've started working on a draft guide, draft brochures, so a lot of information will be ready as soon as the Assembly passes the legislation.

**The Chair:** Okay.

The appropriate wording for the motion.

**Mr. Reynolds:** Mr. Chair, if I might just take a stab at what Mr. Elsalhy has put forward. In light of the fact that it may be the Ethics Commissioner's office that undertakes this, would it be sufficient to say that the committee recommend that there be an education campaign undertaken prior to the coming into force of the act?

**Mr. Elsalhy:** You don't want sort of the detail as to announcing its coming into force and then how to adhere to its requirements?

**Mr. Reynolds:** Well, certainly, Mr. Elsalhy, I don't want to contradict your motion in any way, but these things are all done on some element of faith. I would imagine that the education campaign undertaken would, as in the past, as Mr. Coutts pointed out, indicate to people when the act was likely to come into force or when it would come into force, if the proclamation date is set far enough in advance, and alert people to other aspects of it, or it wouldn't be much of an education campaign, I would say.

**Mr. Elsalhy:** Sure.

**Mr. Reynolds:** But that's just my view. I don't want to substitute your intention in any way.

**The Chair:** Bridget.

**Ms. Pastoor:** Thank you, Mr. Chair. I just think the difference between what Mr. Coutts has explained and we know happens in terms of communication and the fact that you've used the word "education" – I'm very happy with the fact that there would be education because sometimes communication can be just "I'm telling you" as opposed to "I'm educating you." I think that there are so many anxious people out there. This is a whole new way of doing things, and a great, great many organizations are going to be affected by this. I think hands-on, in-classroom type of education is going to be called for, so I like the word "education."

**Mr. Reynolds:** How about that the committee, et cetera, recommend that

there be an education campaign about the act undertaken prior to its coming into force.

**Mr. Elsalhy:** Sure. I so move.

**The Chair:** Okay. It's moved by Mo. We don't need a seconder. All those in favour of the motion? Opposed, if any? Unanimous. Thank you very much. Very good.

Members will note on the agenda, though, as well under agenda item 6 that we'll be discussing communication issues between now and when the legislation goes through third reading and/or up to the date of proclamation. I think the LAO and/or this committee will have that responsibility between now and then. Then, obviously, the Ethics Commissioner's office, once the bill is passed, will take over and be responsible for the legislation at that point in time.

There's one other area under Bill 1 that Rob wanted to bring to our attention. I think everybody received a copy. I think it's 1.4, the last section. Rob, is that the plan?

10:40

**Mr. Reynolds:** Well, it relates to what is section 17 in the bill. The amendment is covered on what is page 10 of the redlined version.

Initially this section just had the Speaker tabling the report of the Ethics Commissioner, as it were – originally it said the registrar, I believe – on an investigation. There was no provision about making it public beforehand. Now, the amendment went forward to make it public beforehand, but it omitted to include a provision that it would be tabled in the Assembly too.

I had a hasty discussion with Peter Pagano yesterday, and we think we've solved that problem now and have got both ends of the equation in place. It doesn't change the policy that members have agreed to in any way; it just sort of closes the loophole. It would be made publicly available if the Assembly is not sitting. If the Assembly is sitting, it would be tabled in the Assembly. It would be made public that way. If it's made public when the Assembly isn't sitting, it'll be tabled when the Assembly reconvenes. That's all the amendment does.

I would like the indulgence of the committee to agree to that revised version of section 17 of Bill 1.

**Mr. Hayden:** So moved.

**The Chair:** Any discussion on the issue?

Okay. Jack Hayden made it a motion. All those in favour of the motion? Unanimous. Thank you very much, Rob.

We'll move on now.

**Dr. Massolin:** Sorry, Mr. Chair, to interrupt, but just one other thing to point out about the Bill 1 report, the redlined version as compared to the so-called clean version. You'll notice that in section 3.0 of the redlined version the notes have been retained. On page 6, for instance, you've got note 1. Those notes are not really necessary to the proposed amendment section; therefore, they've been taken out in the clean version. I just wanted to point that out to you and the committee members. I'm not talking about the explanatory notes, of course. I'm talking about the notes that are indicated in section 3.0.

**Mr. Reynolds:** Because, Mr. Chair, if I might, those notes just state what the section presently reads. That was for your information. Essentially, without getting into the details, if this was the amending bill, you'd have notes saying what the section presently reads. This is a new act, as it were, so what Legislative Counsel did and Dr. Massolin did was just incorporate what the bill presently reads in the text of the recommendations. The point is that that's not technically or in any way required. It might be confusing in the final report.

**Mr. VanderBurg:** Just a question. Where will the public see appendix C? Where will that information be distributed? How will it be distributed? Is that on the website? Will that be attached to the bill? Will that go to the Assembly when it's tabled?

**The Chair:** It'll be attached to the report as appendix C. On Monday or Tuesday, when it's tabled in the Legislature, it'll become public, so it will be available.

**Mr. VanderBurg:** Okay. I think appendix C is very helpful for those that may wonder whether they fit into this bill or not, so I think it's important that appendix C gets as wide a distribution as possible.

**The Chair:** Okay. If there are no other questions, I'd like to call for a motion to

adopt the final report on Bill 1, the Lobbyists Act, as revised, including the circulated revisions.

**Mr. Marz:** I would make that motion.

**The Chair:** Richard Marz made the motion. Questions on the motion? All those in favour? Opposed? Unanimous.

We'll move to agenda item 5, Review and Approval of Draft Report on Bill 2. As we move on to the draft final report of Bill 2, I'd like to begin the discussion once again by having Mr. Reynolds review the contents of the report with us.

**Mr. Reynolds:** Thank you very much, Mr. Chair. I really don't have much to say about this at all. It's as discussed at the last meeting. The only real change was that there was an amendment to change six months to 12 months. The committee rescinded that amendment, so that's been removed from the report. As you see, the recommendations are contained on page 5, and the explanatory notes are on page 6. I don't know whether Dr. Massolin has anything to add or Ms Dafoe.

**Dr. Massolin:** No, I really don't have anything to add.

**The Chair:** Any questions from committee members?

**Mr. Marz:** I just want to say that I'm a little disappointed that we didn't take the opportunity to address light aircraft travel within the province even if it was to put a 200-kilometre limit on it. It doesn't affect me, but it does affect a lot of our northern MLAs to get around and see parts of their constituency. I think it's onerous on them, having to remember to report it all the time. We missed an opportunity, in my mind, to bring this into the 21st century.

**The Chair:** Well, I think, Mr. Marz, your comments at this committee will obviously land on the Speaker of the Assembly's desk. I'm sure that when he has the opportunity to read *Hansard* and look at those areas of concern regarding the northern MLAs, regardless of what party they may belong to, the issue of providing them with possibly additional funding for travelling throughout their geographic areas might be something that has to be looked at in the future because, of course, they are very large and geographically spread out. I think that's something that should be looked at in the future.

Moe Amery.

**Mr. Amery:** Thanks, Mr. Chairman. My question is for Karen. How onerous is this reporting issue that Mr. Marz is talking about? Is it going to be a simple phone call to your office, or is it going to be by way of application or written application?

**Ms South:** We accept any mode of communication.

**Mr. Amery:** Yeah? So Mr. Marz can simply make a phone call.

**Ms South:** Yes, he can.

**Mr. Amery:** Thank you.

**The Chair:** Bridget, you want a helicopter in Lethbridge, I take it.

**Ms Pastoor:** I do. I absolutely want my own private aircraft in Lethbridge. I could pick up Dave and Clint on the way, and we could all ride in together.

No, I just was going to make the comment, I think, that the onus isn't necessarily on the MLA – and it's just much easier – it'll be on

the staff. I mean, surely your staff knows where you're going and what you're doing, so it would be them that would be reporting it.

**Mr. Marz:** I think some members, if I may, Mr. Chairman, are missing the point here. If your neighbour wants to take you to a fly-in breakfast 30 miles away, you have to remember to report that. If you don't, it's not that you're going to be in big trouble, but you end up on the front page of the local paper, and the perception is that you've done something extremely wrong. But you can travel twice as far in a limousine or a yacht, and there's no reporting requirement. I think that's a bit contradictory, and we had an opportunity to correct that. I'll certainly take every opportunity in the Legislature when this comes up to reiterate those comments at that time.

**The Chair:** Thank you very much, Mr. Marz.

10:50

**Mr. VanderBurg:** I think there is some misconception about what you have to report and when you do, you know, and I'd ask Karen for some clarification. When you have a friend or a neighbour that has an aircraft, you're not obliged to report every time you catch a ride with that neighbour. So if Karen can clear that up.

**Ms South:** The concern expressed by our office was really to deal with the situation where members accept noncommercial air travel where it is connected directly or indirectly with the performance of their public responsibilities. Under section 7(1) you cannot accept any fee, gift, or benefit that is connected directly or indirectly with the performance of your public responsibilities. We recognize that there are situations where MLAs may need to accept noncommercial air travel to see a forestry operation or a disaster area, that that is the most efficient way of seeing that, and that clearly is connected directly or indirectly and, therefore, shouldn't be prohibited, but we need a mechanism to allow for that to happen. Taking a short trip with a neighbour by any mode of transportation is not what we expect to be captured by section 7 at all.

**The Chair:** Thank you very much, Karen. I think that explains it. I think that's very clear. Again, the issue there is: is it for personal use because you're the neighbour or your very good friend has a helicopter or an airplane, or are you using the flight for any elected official business?

**Ms South:** The connection to your public responsibilities is the factor that you should be considering. If your neighbour has no business dealings with the province other than normal dealings, but if you're sitting on the chair of a committee that is regulating an industry that that person happens to have a business in and they really wanted to take you for a flight to talk to you about their business and what your committee might be doing, that's a different question. But if your neighbour is simply a good friend and you want to hop over to something, that's not what we would see being captured by section 7.

**The Chair:** Okay. I'll call the question. Actually, I guess, I need a motion, first to  
adopt the final report on Bill 2, Conflicts of Interest Amendment Act, 2007, as circulated.

**Ms DeLong:** I so move.

**The Chair:** All those in favour? Opposed, if any? That's unanimous.

We'll move on to item 6, Printing and Tabling of Final Report, Communications Issues. I believe that at the last meeting the committee requested that the staff prepare a draft news release, which Jody is handing out now, and a notification to stakeholders regarding the committee's reports. These documents were part of the briefing material for today's meetings.

Rhonda, would you like to take us through these documents?

**Ms Sorensen:** Certainly. Thank you, Mr. Chair. Jody is now passing out a copy of the draft news release. I do want to point out that it is a draft. Actually, as I was listening to the discussions today, I think it's important that we do include something pertaining to Mr. Elsalhy's motion that there be an education campaign recommended. I think Ms Pastoor had mentioned that there is a difference between information and education, and at this point all we can do is provide information.

Essentially, what this news release is intended to do is provide information about the work of this committee. I did not want to focus too much on specific recommendations, but the intent would be to post the report on the website and guide people to the website in order to read the report and the recommendations for themselves.

**The Chair:** Rhonda, will you take into account now the new motion that came to the committee this morning, then, regarding an education campaign somewhere in the new draft?

**Ms Sorensen:** Absolutely.

**The Chair:** Obviously, we'll discuss that in Other Business regarding a motion for you to be able to do that because a lot of members may not see it in time if it gets entered on Monday. But as long as it addresses Mr. Elsalhy's motion, that was unanimous by the committee, regarding education.

**Ms Sorensen:** Yes. Absolutely. That's the intent.

**Mr. VanderBurg:** Will appendix C appear on the website?

**Ms Sorensen:** I guess that was a question I had to the committee. I had done a couple of drafts of this, and one of the drafts was including the flow chart. If you look in the third paragraph under the Lobbyists Act where it says, "The recommendations put forward by the committee deal in large part with defining a lobbyist and what sorts of activities determine that definition," the intent then was to draw them to the flow chart. However, the flow chart is also a part of the report, which will also be a part of this news release, so I wasn't sure if it was going to be too repetitive.

**Mr. VanderBurg:** I don't know how many times you can clear it for the public. I know it's all dependent upon whether it's passed, but I don't know if you can show that chart too often.

**The Chair:** I think there's a consensus in the committee that that's what we'll look at.

Alana DeLong.

**Ms DeLong:** Yes. I'd agree. We should include it in the news release. I'm a little concerned that the news release that we have right now essentially talks about the Lobbyists Act just the same as it was first presented rather than actually talking about all of the ways that we have refined the act. I'm just wondering whether we need to concentrate, especially in this news release, on where we had all those people who were concerned, you know, how much we have

addressed their concerns. I'd really like to see the news release actually address the concerns rather than just talk about: "Yeah. Here. We've still got the Lobbyists Act."

**The Chair:** Well, we have to be careful because these are proposed amendments which will be debated in the Assembly.

**Ms DeLong:** Yes. Again, I would think that the announcement should be more about the proposed amendments rather than about the Lobbyists Act.

**Mr. Elsalhy:** But you're attaching the report. The report is going to be attached to this.

**Ms DeLong:** Yeah.

**Mr. Marz:** If we could maybe get some comments from our legal department. This is a committee of the Legislature, and our mandate is to report to the Legislature, not to the public first.

**The Chair:** This isn't going to go out till after the report is tabled in the Legislature.

**Mr. Reynolds:** Mr. Chair, I don't know how to deal with this. There are just a few, perhaps, inconsistencies in the news release that we don't want to take up the time of the committee with, necessarily, at this stage. They're just sort of changes to where I think there's a sentence missing at the bottom, because the cooling-off period for former ministers is still one year. It's just that the committee did not decide to proceed with extending that period for senior political staff and officials. That would have to be cleaned up.

The other thing is that in the last paragraph on Bill 1 it doesn't just apply to small not-for-profit or charitable organizations; it applies to all organizational lobbyists with respect to the 100 hours limit. It may impact that group, but it applies to all organizational lobbyists. I apologize for that. We should have – not Rhonda, but the rest of us should have . . .

**The Chair:** Don't apologize, because I know Rhonda has only had a few days to work on this.

**Mr. Reynolds:** No, it's not Rhonda. It's the rest of us. Rhonda has done a fabulous job as always.

If the committee would feel comfortable with something like perhaps leaving those matters to the chair or deputy chair to sort out before it was issued, perhaps that might be one avenue that you'd wish to proceed down. You know, I wouldn't want to suggest wasting the time of members to come back for another meeting on anything like this.

11:00

**The Chair:** No. I agree with you. We won't be doing that. But if there's consensus among the committee members that the deputy chair and myself receive the new draft version of the media news release, Mo and I can work on it together later today or over the weekend. Obviously, it'll become public after the report is tabled. I just don't know on what date that's going to happen yet.

**Mr. VanderBurg:** Just to note, Mr. Chair, that in my constituency, in my case, I had more communication from school boards than I did from nonprofits, so in the communications if you could remember that point.

**The Chair:** Rob, maybe you and Rhonda and maybe officials even from Justice and the Ethics Commissioner as well could work on the release together just to ensure that we're not missing anything but, as well, maybe highlighting a few of the areas which were deemed via phone calls to MLAs more critical than others.

**Mr. Reynolds:** Yes.

**The Chair:** If the committee is agreed with that, then Mo and I will approve that later this afternoon or over the weekend sometime.

**Hon. Members:** Agreed.

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

Agenda item 6(b), Tabling of the Final Report. As I mentioned, during the fall session, which begins on Monday, I will be tabling this committee's reports on Bill 1 and Bill 2 and the appropriate copies that are required. As well, copies will be distributed to all MLAs at that time. As noted, we will also make the reports publicly available to interested parties through the committee's website. Any comments from the staff regarding that? If not, that's for information purposes.

We'll move on to agenda item 7. Before I open the floor, I have one other item to raise. The minutes from today's meeting are of course not completed. In the interests of maintaining the records of this committee in a timely manner and ensuring access to these records, I'd look for someone to make the following motion: that

the chair be authorized to review, amend, and approve the minutes of the November 2, 2007, meeting on behalf of the Standing Committee on Government Services.

Therefore, we can get the minutes approved later this afternoon, and they can be up on the website as well.

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

**The Chair:** Mr. Coutts.  
Mo Elsalhy.

**Mr. Elsalhy:** Thank you, Mr. Chair. Just a question. Typically we approve the minutes at the next meeting. Are you somehow telling us that we're not likely to meet before the new year maybe?

**The Chair:** No.

**Mr. Elsalhy:** You said: in the interest of time and having the records complete and available. Are we not going to meet before the new year?

**The Chair:** The date of the next meeting will be at the call of the chair. At this point in time the work that the Assembly asked us to do will be completed unless, of course, during the fall session they ask us to reconvene and look at some other areas. At this point in time this will be the last meeting of the committee until, I believe, so ordered or so asked by the Assembly. Therefore, if we can approve the minutes this way, then they can be as well updated. The website can be updated as we move forward with the reports being entered into the Legislative Assembly.

**Mr. Elsalhy:** I'm not actually opposed to the chair doing that. I just wanted to bring up the idea that maybe we have that other mandate, the expanded mandate to maybe look at things that we want to discuss instead of just waiting for the Assembly to refer things to us. So I see great potential for members of this committee to meet again

and discuss many more wonderful things on our own accord, actually, stuff that we initiate. I would definitely advocate that we meet early in the new year, if you don't mind, Mr. Chair, and set our course for the next few months.

**The Chair:** That's something that maybe during the fall session we can have some discussion on as we're sitting in the Assembly debating issues and legislation. I do thank you, Mr. Elsalhy, for your comments on the committee.

Okay. I'll call the question on the motion. All those in favour? Opposed, if any? It's unanimous.

Now, is there any other business that members would like to raise at this point in time?

**Mr. VanderBurg:** Well, Mr. Chairman, I want to thank you and the deputy chair, Jody and her staff, and all the staff here that have helped in this review. Many times over the past number of months we've all had our jokes and our laughter on some of the processes involved here, but I think history will prove that this is a new way of doing business for the province of Alberta. I think that, you know, everybody taking their party colours off at the door and talking about how we can strengthen a bill is important. It's an important step in the new democracy that's being set for the province of Alberta. I want to congratulate everybody, staff and members, that has helped me through this process. Congratulations, Mr. Chair.

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

Any other committee members have any other business they'd like to raise?

**Mr. Reynolds:** Just one point, Mr. Chair. On behalf of the LAO staff – and I wouldn't be presumptuous enough to speak for Justice or the office of the Ethics Commissioner – I want to point out what a pleasure it's been to work with this committee on the matter of both bills, how much we've appreciated your patience, your indulgence. We very much appreciated working with you, the insight, the kindness that you've extended, your understanding.

I think that all of us have been very impressed with the process. This is the committee that had the first bill referred to it as a policy field committee, and we want to thank you for your patience as the process evolved. As this is the first time it's been done, in concert with the Community Services Committee, for which Mr. Marz is the acting chair, we were trying to struggle along to find a process that worked best for you as members, for the Assembly, and for the public, and I think it's been accomplished. I think that you can have pride in knowing that you've set a precedent for how other policy field committees will be conducting their business. I know that we're very pleased with how the process has worked out and the ability of Albertans to communicate with you on this in public. If I may be so presumptuous, I think that the amendments will be seen as improving this piece of legislation. So thank you.

I also want to say that we've received tremendous co-operation from the Department of Justice and the Ethics Commissioner's office in going forward to prepare the best advice we could for the committee. These are the people who were involved in drafting the legislation in the first place. We thought it was very important to collaborate to ensure that there wasn't a division in the advice that you were getting so that by participating in the public process, all members had access to just the best advice they could.

Thank you very much.

11:10

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

On behalf of the committee members I do want to thank the LAO staff. They've done a tremendous job of keeping us informed and



always getting the information to us ahead of time and/or through the intranet.

As well, to our staff from Justice and from the Ethics Commissioner's office, thank you for taking the time over the last four months to work with us. As Rob mentioned, this is a new committee. Both Bill 1 and Bill 2 are, obviously, very important pieces of legislation. We look forward to continuing to work with you. As the legislation moves through the Assembly, of course, it'll be an opportunity for all committee members to speak on behalf of the contents and/or the amendments that have been voted on and have been approved to move forward. So thank you very much. And to your department, thank you very much for being here.

And to the LAO staff, you've done a remarkable job. Thank you.

Number 8, Date of Next Meeting. The next meeting, as I mentioned, will be at the call of the chair.

Other than that, we'll move to agenda item 9, which is the motion to adjourn.

**Mr. Coutts:** So moved.

**The Chair:** All those in favour? The meeting is adjourned.

[The committee adjourned at 11:11 a.m.]

