



Legislative Assembly of Alberta

The 27th Legislature
First Session

Standing Committee
on
Community Services

Thursday, September 25, 2008
10:05 a.m.

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Standing Committee on Community Services

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Hehr, Kent, Calgary-Buffalo (L), Deputy Chair

Benito, Carl, Edmonton-Mill Woods (PC)
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)
Blakeman, Laurie, Edmonton-Centre (L) *
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Doerksen, Arno, Strathmore-Brooks (PC)
Johnson, Jeff, Athabasca-Redwater (PC)
Johnston, Art, Calgary-Hays (PC)
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* substitution for Harry Chase

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Rachel Stein	Research Officer
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10:05 a.m.**Thursday, September 25, 2008**

[Mr. Rodney in the chair]

The Chair: Well, good morning, ladies and gentlemen. I will now call this meeting to order. I want to especially thank Mr. Hehr, my co-chair, for making an extra-special effort to be here and everybody else around the table for coming from near and far. If you look around the table, you'll notice that there are some familiar faces and some that are here on occasion. Maybe they are or maybe they are not on the committee. But I will tell you that Ms Blakeman is here in an official capacity as a temporary substitution for Mr. Chase, and I thank you for that. Why don't we start with you with my favourite greeting in all of Alberta legislative practices.

Ms Blakeman: Thank you, Mr. Chair. I'd like to welcome everyone present and everyone listening in to my fabulous constituency of Edmonton-Centre. My name is Laurie Blakeman, and I'm sure we're all enjoying this very crisp fall day.

Mr. Benito: Good morning. Carl Benito, Edmonton-Mill Woods.

Mr. Bhardwaj: Good morning. Naresh Bhardwaj, Edmonton-Ellerslie.

Mr. Johnston: Art Johnston, Calgary-Hays.

Mr. Hehr: Kent Hehr, Calgary-Buffalo.

The Chair: Your chair from Calgary-Lougheed, Dave Rodney.

Mrs. Dacyshyn: Corinne Dacyshyn, committee clerk.

Ms Norton: Erin Norton, committee clerk.

Mr. Doerksen: Arno Doerksen, Strathmore-Brooks.

Mr. Sandhu: Good morning. Peter Sandhu, Edmonton-Manning, covering off for Jeff Johnson.

Mrs. Sarich: Good morning. Janice Sarich, MLA for Edmonton-Decore.

The Chair: I'm sure that at this point, folks, I don't need to remind you not to touch the microphones. *Hansard* staff have that taken care of. But I will remind folks that if you happen to have Black-Berrys with you, if you can keep them away from the microphones, that will not disrupt *Hansard's* recording. We have had problems in the past on different committees. We are, of course, live on the Internet; we are audiostreamed. So enough said about that.

On to point 2, Approval of Agenda. I wonder if we can move that the agenda for the September 25, 2008, meeting of the Standing Committee on Community Services be adopted as circulated. Ms Blakeman.

Ms Blakeman: Mr. Chairperson, I don't know that it necessitates a change in the agenda particularly, but I'll ask for your assistance with that. In the focus document that we were given, I'm just wondering if we could address the secondary ticket sales issue earlier in the discussion of the many issues. I notice they're not ranked or numbered. I, unfortunately, have been asked to attend a public function and will have to leave in about an hour, and I would really like to address this. I have two motions that I've given to the

clerk already. So if it's possible to move that from the end of that list to the beginning. I don't know if it changes your agenda because this is falling under 4(a), Review of Focus Issues, just the order inside of that.

The Chair: Well, colleagues, I'll ask for your consideration. It seems to me that under item 4(a) there will be 10 issues as brought forward in the LAO document. We can attack those any way we want. For the sake of Ms Blakeman and her time schedule, I have no problem with moving that up, but I don't think it requires changing the agenda.

Ms Blakeman: Okay. I asked for your advice and am happy. Thank you.

The Chair: Good. So would you like to, then, move that we accept the agenda?

Ms Blakeman: Certainly.

The Chair: Perfect.

Just before we vote on that, it seems that from Dr. Phil on we somehow don't have your voices and names on the public record. So if you can introduce yourselves, we'll have the vote right after that.

Dr. Massolin: Thank you, Mr. Chair. I'm Philip Massolin. I'm the committee research co-ordinator, Legislative Assembly Office.

Ms Stein: Rachel Stein, research officer, Legislative Assembly Office.

Ms Sorensen: Rhonda Sorensen, manager of communications services, Legislative Assembly Office.

Ms Dean: Shannon Dean, Senior Parliamentary Counsel.

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

The Chair: Welcome, but not to the point of voting.

The rest of the people now get to vote on whether or not they accept the agenda. All those in favour? Anyone objecting? That motion is carried.

Point 3, adoption of minutes from September 18. I wonder who might move that the minutes for the September 18, 2008, meeting of the Standing Committee on Community Services be adopted as circulated.

Mr. Hehr: Well, I have one change, Mr. Chair.

The Chair: Could we make the motion, and then we'll have you do that. Okay. Mrs. Sarich made that motion. Now, speaking to the motion, co-chair Kent Hehr.

Mr. Hehr: It's just a technical change. Ms Notley, I believe, drafted the motion under meeting note 9. I, in fact, made it. So I believe it was moved by Kent Hehr, not moved by Ms Notley. Just a technicality, nothing major.

The Chair: Okay. Any other further discussion on that? I wonder, Mrs. Sarich: might we have a friendly amendment that you have the minutes adopted as corrected? Are you okay with that?

Mrs. Sarich: So moved as corrected.

The Chair: Okay. All those in favour? Any opposed? That motion is carried as well.

Flying right along to point 4, the big one for today, Committee Discussion and Deliberations – Bill 18. We have here our crack team of researchers, who have been very much under the gun. They serve a number of committees. They might have hoped to have had a report a little bit earlier – I might have hoped to have had a report a little bit earlier – but we do have the report with us. There are 10 points to discuss, and they summarize the focus issues raised in both our written submissions and our oral presentations.

I wonder if Dr. Phil could now take us through that document, after which we will decide exactly how we are going to attack it, including entertaining motions, quite possibly starting with the resale of tickets.

Dr. Massolin: Thank you, Mr. Chair. I just wanted to reiterate what you said as well about what this document is. It contains, basically, the salient issues raised by the submissions and by the committee members. These issues are organized thematically by issue, as you can see. The purpose is to see what the committee's interest is in terms of the deliberations on these issues and potential recommendations if that's appropriate. This document, I think, will form the core of what will come next, which will be a draft report that eventually will be tabled in the Assembly.

That's kind of what the document's purpose is. I'm at your disposal in terms of how to proceed from this point, Mr. Chair. Would you like me to lead the discussion following this, or would you like to do that yourself?

The Chair: Well, for the sake of expediency, colleagues, I wonder if we should go right to Ms Blakeman's consideration of the last point. It's point 10. We could actually work backwards from there. It's page 11 of your document. It's entitled Secondary Ticket Sales. The question in the left column is: should Bill 18 omit the provision (included in the Amusements Act) to prohibit secondary ticket sales? Of course, on the right side you'll see that our staff, again, has done a cross-jurisdictional analysis, and we have reports on what happens in the jurisdictions of Ontario and Manitoba.

As Dr. Philip has said, what needs to happen is that we need to report on this before the end of October. We need to have that report done, obviously, well before that date, so we have to come forward with our list of recommendations. Our recommendations would be based on what we decide here and in our next meeting or two.

We would need motions. For instance, Ms Blakeman would bring forward a motion with respect to secondary ticket sales. What we need to do, really, is go through each of these 10 items. Would you like to go through them backwards starting with this one? That is a question that I have for you people.

I have a question that maybe you're not ready for because, you know, we didn't have any kind of premeeting here. Because not everyone can be here and not everyone can stay and all the votes are important and we don't know what time we're going to get done, should we entertain the motions, should we talk them out and, like many Legislatures, have a vote at the next meeting, when people can ensure that they are actually here for sure for the votes? In other words, that would give you time to think about it a little bit more, do a little more research. We could entertain up to 10 motions or however many come forward and vote on them at the next meeting.

10:15

Ms Blakeman: It's a timing issue, if we've got time. Because it

puts us one more meeting off. Do we have the next meeting scheduled?

The Chair: No. For that one we were getting close to the sitting of the Leg., so we thought we'd wait and see how many meetings we actually needed, what the timelines were like for Dr. Philip and his staff and so on. Yeah, I'm concerned about timing, too.

Dr. Philip, maybe let's turn it over to you. If we had a number of motions come forward today – I'm just anticipating there's more than one – and decided on them at the next meeting, would that give you folks enough time to present a draft report that we could have a meeting on and then table after that?

Dr. Massolin: Well, it depends, again, on the timing of all that. This would probably necessitate an extra meeting, which I guess is up to the committee to decide whether they want to do. But I think we could put together a report pretty expeditiously after the motions have been passed. That's not a big problem.

The Chair: How soon would you need us to meet and pass or defeat motions?

Dr. Massolin: In order to have the report ready by – what? – the third week of October at the latest.

The Chair: Sure.

Dr. Massolin: I think we could probably put together a draft report within two or three days of that meeting.

The Chair: Okay. If we were to have a meeting the first week of the Leg., which is the week right after Thanksgiving, for instance, when everyone is here for sure anyway, then what we could do is take a look at what you have, and if we like your report, we pass it, and it gets tabled. It's either that or we vote on them right now.

Ms Blakeman: I would say vote on them now. I mean, people come to these meetings knowing that there are votes every meeting. We've voted on different things. There are a fair number of people here.

The Chair: Okay.

Mrs. Sarich, you're next on the list.

Mrs. Sarich: Thank you very much, Mr. Chairman. Perhaps, at least for me and from my perspective, what might be helpful is for us to explore each of the issues and see how the dialogue goes because maybe some would be a little bit quicker than others. Then we could use our judgment at that point. You know, if we're clearly not even at the 10-issues dialogue by the end of the time frame today, then obviously we need another meeting.

The Chair: Right. Okay.

Mrs. Sarich: It all depends on the dialogue.

The Chair: Well, rather than talking about talking, why don't we go ahead and have Ms Blakeman talk out Bill 18. You can bring your motion forward, and we'll make sure that everybody is prepared to vote on the motion. If that happens, then we'll have the vote, and we'll continue on. Are you okay with that?

Ms Blakeman: Thank you. Yes, I'm fine with it.

The Chair: I just want to make sure that people know what they're voting on, that they're prepared to do it. I know there are a few members that couldn't be here today. It's not my job to comment on who is here and who is not; the record shows it. But, you know, we want the best legislation brought forward, so sometimes if it takes one short extra meeting, then I'm happy to do it. But if we can get it done today, that might be even better.

Over to you with your motion on secondary ticket sales, Ms Blakeman, please and thanks.

Ms Blakeman: Thank you. I'm raising this issue because section 22 of the bill under our consideration – that is, Bill 18, the Film and Video Classification Act – repeals the Amusements Act in its entirety. When you look at the Amusements Act – this is all stuff that will no longer exist; it will be wiped off the books – section 25 of that act, which is in existence right now, offers a protection to cultural workers in Alberta. It prohibits resale of admission tickets.

I'll just read it out into the record for you. Section 25 of the Amusements Act says, "No person shall sell, barter or exchange a ticket of admission to a place of amusement for a price or consideration greater than that paid or given for it to the owner of the place to which it authorizes admission." If we lose that or don't protect that, we will lose the small amount of protection that is currently available to our cultural workers.

Let me describe to you the situation that we have noticed happening with increasing frequency. It started with big rock concerts, and now it has moved a little closer to home, especially for those of us in Edmonton and Calgary, with Alberta Ballet tickets. Performing cultural workers in Alberta are paid on a scale that is arrived at based on the price of the ticket and the number of seats in the theatre. So for both the Calgary and Edmonton Jubilee auditoria, Winspear, Jack Singer, all of those large and many of our small theatres, that's how the pay scale is arrived at. That's how your musician gets paid: so much per performance based on that scale.

What's happening is that we have some large ticket vendors who do a good job for us selling these tickets, but what has developed is that the ticket vendor is purchasing all available single tickets, a lot of them. This is why you're hearing about people going online to find a ticket to a rock band or in this case a ballet concert, and the tickets are sold out in four minutes – yes, they are – because through the Internet this company has been able to buy a couple of hundred tickets for each performance in a nanosecond. They are then reselling these tickets for a considerably elevated price.

Is that a bad thing that we would be charging more for people to enjoy culture? No. But are our cultural workers enjoying that? No, they're not because the higher profit is being made by the secondary ticket selling company, and frankly it's headquartered in Chicago. We have a situation where increasingly our cultural workers – and these are your neighbours, even for those of you that are representing rural ridings. You will have musicians that live there that play for the Edmonton symphony or the Calgary philharmonic. You will have dancers that come from families in your community. You will have actors whose families live outside of major centres. This affects all of us, and that's the situation that we're facing.

If we pass section 22, which completely wipes out the Amusements Act, we've taken away any grasp at being able to chase these people through the courts to say: you cannot resell these tickets higher.

Let me give you a specific example that I came up with the other day. TicketsNow, which is the secondary ticket seller, has an inventory of tickets to every performance of the Alberta Ballet season. In the example that I found, they only display 10 available tickets for a performance, so if you wanted to buy a ticket to Alberta

Ballet, it would give you a choice of 10 tickets at this point. Then they point you to their secondary ticket site, where they're selling orchestra seats, which are the better seats. These tickets would usually be \$90. They're reselling them for \$343. There is no way to audit this ticket trail either.

I have copies of the website tracking that I did on the Metallica rock band tickets, if you wish to see what happens. It says, "Sorry, we have no tickets for what you're looking for," and it points you to the secondary ticket seller who, gosh, has lots of tickets in every possible price but inflated by 10 times.

Most Albertans work on a budget, and we might have in our heads that we're going to pay \$600 or a thousand dollars for tickets to entertainment events in a year. Well, if you're now paying a \$400 ticket price to see an Alberta Ballet or an Edmonton symphony, you've almost reached your max. Yet a significant portion of that \$400 is not moving in our economy. It has left our economy and does not benefit our constituents at all.

What I'm proposing is that we do two things. We leave in place that very small protection that is available by saying in section 22 of Bill 18 – and this is the first motion I've got on the page that was distributed to you – that the committee recommend to the Legislature that all sections except for section 25 and section 26, which is the penalties clause, of the Amusements Act be repealed. Oops. That's what's missing out of that. I've already made a mistake in my haste this morning. It should read that the committee recommend to the Legislature that all sections except for sections 25 and 26 of the Amusements Act be repealed until such time as new legislation can be introduced which prohibits ticket resale. So it's keeping that one clause in there.

The second thing is that as a committee we would recommend to the Legislature that the government pursue introducing legislation similar to Ontario's Ticket Speculation Act as soon as possible.

The Chair: Ms Blakeman, I wonder if we should work on your first motion and vote on that if we're going to, and/or table it, and then move on to the second. Is that okay with you?

Ms Blakeman: Yeah. I just wanted to make sure that I had given people a good understanding of why this is an issue for all of us. I'm happy to circulate the background information that I have if you'd like to see it. I only have one copy, but you can read through it if you want so that I can help you with any questions. Other than that, I will move that motion, with the slight amendment that I made adding in that it be repealed, onto the floor for discussion.

10:25

The Chair: Okay. Thank you. We will entertain your second motion after we talk this first one out. For those playing along at home, in case you missed it, moved by Ms Blakeman that the committee recommend to the Legislature that all sections except for sections 25 and 26 of the Amusements Act be repealed until such time as new legislation can be introduced which prohibits ticket resale. Speakers to the motion?

Ms Blakeman: I'm sorry. I need to add one other thing. Many of you will say: who cares about Metallica rock tickets? Where that affects us and our constituents is all of the stagehands and technical workers that work in these large houses. There are a lot of people that make their living building that scaffolding and hanging those lights and running the computer systems and the sound systems in those venues all across the province. Those are regular working folks. Again, their pay rate is established under this system, and they're getting ripped off, too.

The Chair: Okay. Thank you.

Speakers to the motion? I see Mr. Hehr, and I see other speakers to the motion.

Mr. Hehr: Well, I'd like to thank Ms Blakeman for her knowledge of the cultural industry and how we are quite possibly, by taking out the legislation as it was previously written, missing out on an opportunity to really protect workers who are in a vulnerable field here in Alberta. I would say that her knowledge of this brings to light the people who work in the background, who work on the scaffolding, who work on putting up Metallica's speakers, and all of that deserves protection. I am speaking in support of her motion. I believe it would be right of us to leave that protection in place for these workers, who are obviously very busy Albertans trying to make our cultural scene better.

The Chair: Okay. Good.

I'll add Mr. Johnston to the list, but first we have Mrs. Sarich.

Mrs. Sarich: Thank you very much, Mr. Chair. I was just wondering about the motion that we're looking at right now. I'm wondering if there is any tie to the Fair Trading Act that could address the concerns of the member. I can't recall at this point what the specifics are, but I have some familiarity. I'm wondering if there was any support here to get that piece of information clarified, if there's a tie to cover off this motion in the Fair Trading Act.

The Chair: Did you care to speak to that, Ms Blakeman?

Ms Blakeman: Yes. That was why I wanted to go back and have the ministry staff come back to us because they've made statements saying that that protection was offered under the Fair Trading Act. It's actually not. The wording in the Fair Trading Act does not prohibit ticket resale. It says: you can do it, but you have to tell people the difference between what you bought the ticket at and what you're selling the ticket at. Of course, two things happen that help companies get around that. One, it's in the small print, that is so small that I don't know a human being that could read it.

Secondly, you get involved in these computer programs where you're getting shuffled from one particular ticket seller to a second ticket seller. They have a way of saying: well, this is a comparable or better price. But if there are no tickets left, then they have a legal argument that that's the sale. The Fair Trading Act does not prohibit it. It in fact allows it but says you're supposed to do this. There are too many ways around it. Almost every day I'm going to the websites and tracking, and this is accelerating. This resale is accelerating. They have no protection. At this point if the Edmonton symphony or the Alberta Ballet or the Jubilee auditoria wanted to go after a ticket company and go, "Just a minute. You're reselling our tickets," they have no way to do it that's a legal basis for them to do it.

The Chair: Okay. Thank you, Ms Blakeman.

Mr. Johnston, you're next.

Mr. Johnston: Thank you, Chair. I had a question as to the Fair Trading Act, which was answered. I'll just throw a general question out there, and maybe Ms Blakeman can answer it or someone else can. Wherever it might be, in Calgary or Edmonton or wherever, for the people that work the lighting crews, the stagehands, we say they're regular Albertans and I understand that, but would they be unionized? Does anyone know?

Ms Blakeman: Yeah. Some are, and some aren't. Some are casual.

Mr. Johnston: So not all are?

Ms Blakeman: Not all are, no. Ballet dancers certainly aren't.

Mr. Johnston: No. Support.

Ms Blakeman: For the support people, they hire casual people who may well be skilled and often are drawn from other trades, but they may or may not be union people.

The Chair: I can definitely verify that. In my experience not only in Alberta but across Canada and beyond, as a speaker I've met folks who were unionized or not unionized clear across North America, so there's quite a mix.

Mr. Johnston: Okay. Thank you.

The Chair: Are there other speakers to the motion? Mr. Doerksen, do I see you inching towards the microphone?

Mr. Doerksen: Yes.

The Chair: The floor is yours, sir.

Mr. Doerksen: Thank you, Mr. Chairman. I guess another consideration with regard to the resale of tickets, the activity that is going on with regard to purchasing tickets and holding them, basically that increases the price of the tickets, which ultimately, if things shake out, should increase the return to these cultural workers, at some point in the future anyway. I understand the argument about the extra activity that goes on. On the other hand, what is the baseline cause of that? I mean, partly it's people buying up a major number of tickets and then defining what the market is, but really that serves over a long period of time to drive the price up on those tickets anyway, which could in fact result in some activity for the original seller of the tickets to increase the return back to the people that are providing the service if that is how their wages are being determined.

I expect there are probably two different streams of influence here. Particularly in the cultural industry there are probably a large number of activities where this happens where it's strictly on a commercial basis, and really the people providing the service don't see any variability based on what the ticket ultimately sells for.

Ms Blakeman: What you're describing is exactly what it is, which is market manipulation. There is no added value that comes to Albertans, and that's why I've brought this forward. Whether we remove a protection from a group of people on the basis that at some point in the future it might result in better pay for them is something that makes me a bit uneasy. The protection was there in the first place because it's an easy mark, and I'm assuming we legislators tried to protect our workers in the first place in the same way that we protect workers in a number of other ways. That's why there are the double motions. One is to continue the protection until we've got something else, and the second is to get something else.

We have not seen this result in any additional pay to any of our citizens, and that's who I'm talking about here. Paying \$338 to a secondary ticket seller: that money is in Chicago. The only money that the sponsoring organization got was the original \$90 ticket. They did not get any additional money out of that. Without the legal mechanisms for the producing companies to start to hold those ticket

reseller companies accountable, there is no opportunity for us to try and up the ante and get more money for our workers. They'll just continue to do what they're doing, which is resell the ticket for a higher price and take all the profit out of our country.

The Chair: Thank you, Ms Blakeman.

10:35

Mr. Bhardwaj: I want to talk a bit on what Arno was just saying. My question really is: when we're talking about this protection and all these international companies based out of Chicago, how is this different than people buying tickets and selling them on the street, like, scalping on the games? Is there any protection against that if we take this out, for example? This is maybe more organized. People buying tickets for games and symphonies and others: are we doing anything about that? How is that different? It goes back to basically the same thing: if the demand is there, people are paying for it. So, you know, maybe these entertainment companies who are putting on these shows can increase the price to start off with. The market is there.

Ms Blakeman: The local city bylaws address scalpers I think for the actual activity. I'm sorry; I'm not aware of that. But as it stands right now, this clause is in place. What we're considering is that if you pass Bill 18 as is, it would be gone. That's the difference. So any possibility to use it as a way of correcting an imbalance or righting a wrong is taken away from our citizens.

The Chair: Thank you, Ms Blakeman.

I'll put out the call for any further speakers. I don't want to cut it off. I will have Ms Blakeman conclude if she cares to if we don't have any other speakers. I do have a comment after Mr. Doerksen. Go ahead.

Mr. Doerksen: Just to make the point again that the fact that someone pays more for a ticket, the fact that that activity happens really doesn't change the amount of reimbursement to the cultural industry, which I think you're speaking to. It just cuts them out of that additional action. In fact – and this is partly a question – I expect that there are a number of events that sell out because of that activity that otherwise wouldn't. Do we know about that? Is that the case? You know what I'm saying? Somebody comes in and buys up all the tickets. They sometimes buy up all the tickets for an event that might not otherwise sell out to the general public.

The Chair: Ms Blakeman, I'll have you conclude in just a second.

I know that often, Mr. Doerksen, I've seen the experience where a corporation will buy out a whole venue so that they can treat all of their customers and all of the people who work for them for free. That does happen, as Ms Blakeman alluded to. Department staff and others have indicated, of course, the whole idea behind the resale of tickets is so that, for instance, if you're a Calgary Stampeders season ticket holder and you can't go to the game on Sunday and you can't find anybody to go, you could turn it in to a reputable source that could sell it for a similar price, and someone who really wanted tickets who couldn't get them will get them, and everybody is happy.

Now, with Bill 18, you look at the title, Film and Video Classification Act. Film and video have told us it's a nonissue, and let's face it, that when it comes to most of our Canadian sports, scalping is not an issue. We don't want it to become an issue, but department staff and others have told us that this is – and I hate to sound redundant – indeed part of the Fair Trading Act. I wonder, if we don't like the way the Fair Trading Act reads, if we should be

dealing with it as we go forward with the Fair Trading Act, not this one. It certainly seems to me that this is not part of film and video classification, which is the exact title of the bill. You folks and others may agree that there may be pitfalls, there may be problems. But we should deal with them where we deal with them. If we're trying to score a goal in the Stanley Cup playoffs, we don't go down to McMahon Stadium. We need to go to the right place. The industry will tell you that online reselling of tickets has become a huge industry that is meant to police itself. If it needs some help from the Fair Trading Act, perhaps that's where we should deal with it.

Back to you, Ms Blakeman. You're the last person to conclude if you want, and we'll have the vote right after that.

Ms Blakeman: Well, thank you. I'll conclude where I started. I take the point from the chairperson that Bill 18 is dealing with film classification, but section 22 and the whole *raison d'être* of bringing forward Bill 18 was to repeal a mostly redundant but not entirely redundant Amusements Act. That's why, in fact, section 22 of Bill 18 repeals it. All I'm saying is that it offers a protection to our citizens. I think it's incumbent on us to leave that protection in place until we can get something better. Your suggestion that perhaps the better is through the Fair Trading Act: fair enough. Let's explore that. But in the meantime I don't want to take away what small protection is available to our citizens by entirely repealing the act, which is a part of Bill 18. That's where it comes from.

That's why I'm asking for the motion, which would repeal all of the act except sections 25 and 26, which are the resale section and the penalty section. I urge you all to support that motion, and I hope you will on behalf of your constituents.

The Chair: Okay. I'll look around the table. Are all members comfortable and confident with taking a vote on this motion right here, right now? Yes? I'm seeing nodding around the table. Okay. I'll read it into the record, then. Moved by Ms Blakeman that the committee recommend to the Legislature that all sections except for sections 25 and 26 of the Amusements Act be repealed until such time as new legislation can be introduced which prohibits ticket resale.

All those in favour of the motion, please indicate. Three for the motion. All those against? Five. That motion is defeated.

On to motion 2.

Ms Blakeman: Indeed. Well, I guess the scene is set.

Okay. The second motion I had was that as part of our recommendations on this bill that would go forward to the Legislative Assembly, we would include a recommendation that in order to protect our cultural workers and institutions, the committee recommend to the Legislature that the government pursue introducing legislation similar to Ontario's Ticket Speculation Act as soon as possible.

Now, some of you say: well, if we look at Dr. Philip's issue identification, a number of other provinces have not bothered to put back in place anything around resale. True enough. But you have to recognize that Ontario and Alberta are the largest. We have more cultural activities here in Alberta than the other provinces. I suspect this is just not an issue for them. They don't have performing houses that are big enough for them. But for Ontario and for us, this is a big issue and getting bigger, and I think we want to ask the government to investigate the possibility of bringing in such an act.

Now, perhaps once they investigate it, they would rather bring forward a change in the Fair Trading Act. Fair enough. But I think it's important that once we've identified a situation that is affecting

a significant portion of an identifiable sector of our population, we would want to do something about it. So that's the second motion I brought forward, that in order to protect our cultural workers and institutions, the committee recommend to the Legislature that the government pursue introducing legislation similar to Ontario's Ticket Speculation Act as soon as possible.

As I say, that leaves it open. I mean, we can't tell the government what to do. All we can do is recommend to the Legislature. If the Legislature wishes to pursue that and recommend it to the government, so be it. Our powers are somewhat limited. I'm asking that we recommend it to the Legislature, and then it can go from there.

The Chair: Okay. That's in the record officially.

Speakers to the motion? Mr. Hehr, lead us off, please.

Mr. Hehr: I would like to support Ms Blakeman's motion. Again, the comments she gave earlier were recently identified in *Maclean's* magazine, which shows Alberta as being actually the leading jurisdiction in people spending on cultural activities. A fair bit of money right now is being spent and has been verified in *Maclean's*. Take their research for what it is. I believe the article, and I believe that much money is actually spent on cultural activities here. You can see that Ontario has done that, you know, probably because they have houses similar to what we have here – Jack Singer, Jubilees – that really have a vibrant industry. Nonetheless, because this is an issue, Ontario has brought in legislation that attempts to deal with this issue. I'm in support of us looking at a ticket speculation act similar to what Ms Blakeman has proposed here. I am in support of the motion.

10:45

Also, just a comment. The chair mentioned that this may be better suited for the Fair Trading Act. That's fair enough. It may well be there, but we need some protection right now that isn't there until we get to the Fair Trading Act. This recommendation may get us there sooner rather than later. You know, who knows when the Fair Trading Act will come to our minds in the Legislature? This at least puts it in a recommendation, where we can deal with this sooner rather than later.

That's all I have to say. Thank you.

The Chair: Thank you.

Other speakers to the motion? Mrs. Sarich.

Mrs. Sarich: Thank you very much, Mr. Chair. I noticed in the document that the Ontario example is, it seems to me, a stand-alone piece of legislation under the title Ticket Speculation Act, and then it provided the supplemental information to understand that piece to address the issue of secondary ticket sales. I think that at this time the issue of secondary ticket sales may be more appropriately addressed in taking steps and measures through changes to the Fair Trading Act, or in the Ontario example, if there wasn't a best fit under the Fair Trading Act here in Alberta, perhaps there would be, you know, enough interest to have a stand-alone piece of legislation to address that particular issue.

That's all. Thank you.

The Chair: Any other speakers to the motion?

I'll just chime in briefly and say thank you, Mr. Hehr, for drawing attention to the fact that Alberta is a cultural leader even according to an eastern magazine like *Maclean's*. You wouldn't necessarily expect that. I was surprised to read that myself to a certain point until I thought of all of the things that I've seen you at, that you and

I have attended and that all sorts of others have as well. It's very, very good to see.

We have had assurance from department officials in the past that we do have the protection now in the Fair Trading Act. Again, if we need to make adjustments, that's perhaps where we should do it. As Mrs. Sarich has drawn to our attention, the truth is that Ontario has a stand-alone bill, and if we look at the name of our bill, Bill 18, the Film and Video Classification Act, that's what it is. It isn't about ticket speculation. I truly – and I mean this sincerely – appreciate where Ms Blakeman is coming from on this. Again, though, we just have to fight our fights in the correct arena, and that would be my two cents.

But to conclude the debate, back to Ms Blakeman.

Ms Blakeman: I am prepared to make a friendly amendment to the motion that would add in pursuing legislation similar to Ontario's Ticket Speculation Act or modifying the Fair Trading Act if that is going to make people happier with that motion. I'm just concerned that we're not protecting our people, and there are a significant number of people that take home a paycheque from arts and culture in this province.

Yes, Mr. Chairperson, it is called the Film and Video Classification Act, but it contains in it the references that take us back to that ticket reselling. It has been an issue. It has been raised by presenters that came before us. To keep dismissing it by saying, you know, that the title of this act doesn't include ticket reselling is, I think, a misdirection, if I may be so bold, because it has been an issue that has been raised before this committee.

I'd like to see the committee deal with it by moving a recommendation forward to the Legislative Assembly, who can take it or not. All this committee does is recommend it forward to the Legislature. I can't say what the Legislature would do or even if the Legislature is willing to send it forward to the government. But given what we've dealt with here and the information we've had presented to us here, including what I've given to you today, that's why I've recommended that we actually do it and try and move it forward.

I am prepared to change the motion, as I indicated. Are you okay with it, Corinne? Did you get it? Okay. So I'll amend it to add amending the Fair Trading Act if that works better.

The Chair: Okay. My job as chair is to ensure that the modification is accepted by committee members. Committee members, are you okay if she just adds that friendly amendment to her own motion?

Mr. Johnston: I'd just like to hear again what it is, please.

The Chair: Okay. Corinne, would you care to repeat it?

Mrs. Dacyshyn: Moved by Ms Blakeman that

in order to protect our cultural workers and institutions, the committee recommend to the Legislature that the government pursue introducing legislation similar to Ontario's Ticket Speculation Act or modifying the Fair Trading Act as soon as possible.

The Chair: Any other questions or speakers to the motion? We're okay to go ahead and vote on this one? Okay. All those in favour of the motion, please indicate. Seven in favour. Those opposed? I think we're missing one vote. Let's try that vote one more time just to see exactly where people sit on the issue. Those in favour of the motion, please raise your hands nice and high. Okay. That motion is passed.

Going backwards according to the document, on to page 10. We'll start at the bottom. Should Bill 18 contain a provision for the

appointment of inspectors? Do we have anyone who would like to speak to this question?

Mr. Johnston: Could you just repeat the question?

The Chair: Should Bill 18 contain a provision for the appointment of inspectors? It's page 10, at the bottom. The issue is the appointment of inspectors.

Dr. Philip, do you need direction on this, or will you have a report based on simply whether we have motions or not?

Dr. Massolin: Well, it sounds as though there is – and perhaps you can verify this – no interest in discussing this further, in which case, you know, we'd stay silent on the issue. That's sort of the direction, I guess. What we need from the committee is what the will of the committee is on this point.

The Chair: Right. It makes complete sense to me that if we're silent on the issue, it's exactly that.

Speakers? I see at least three people. First Ms Blakeman.

Ms Blakeman: It appears in section 14 of the proposed act, and therefore if we say nothing on it, it stays in the act as is.

The Chair: Right.

Ms Blakeman: Okay. Thank you.

The Chair: Actually, it looks like we will remain silent.

We can move on to the next issue above that, the authority of the executive director and the right of appeal. The question as identified by Dr. Philip and his staff: should the executive director have the powers ascribed to it as outlined in section 4(1) – for example, power to classify or reclassify films, exempt films from classification – without there being an appeals procedure in place for industry? Comments or questions – well, comments mostly – possibly motions, or do we stay silent? What is the will of the committee?

Ms Blakeman: I would ask that we do recommend back to the Legislature as part of our report on this bill that an appeal process be integrated into the bill. All of the other relevant comparative documents from across the country offer an appeal, as does Alberta in every other sense. There's always an opportunity, if a decision is not there for you, to appeal it. In some cases they require new information in order to come back for an appeal, but whether you're talking social services or workers' compensation or any number of programs, we already offer it. I think that to not offer it in this bill is making a bigger statement than we probably want to make, and I think I would argue it puts that executive director in a very difficult position because they have no ability to revisit a decision once they've made it if there's no appeal process that's in place. So I would argue that we should recommend that an appeal process be added.

10:55

The Chair: Would you like to bring forward a motion? Would you like to word it for us, Ms Blakeman?

Ms Blakeman: If you want to move on, I will try and do that and pass it up to you.

The Chair: Okay, but, you know, I wonder if we should wait for that so that we can speak to the motion.

Ms Blakeman: But there are other people. I mean, she might want to do a motion that's better than mine.

The Chair: Okay. We'll see.
Mrs. Sarich, please.

Mrs. Sarich: Thank you, Mr. Chair. Mine is just a point of information on the document that has been provided for us. There's a bit of a notation for us saying, "Section 19(1)(m) (regulation-making authority) of Bill 18 contemplates an appeals process but leaves the details to be addressed in the regulations." By virtue of there being something to address the appeal, then organizations would look to the regulations, which isn't what we're looking at. We're looking at the bill itself as to what exactly the appeal steps and measures would be. I am quite comfortable, taking a look at this note, in suggesting that there is already an avenue for appeal there. So I think it might be redundant to have a motion or make another recommendation on top of something that already exists.

The Chair: Thank you for that.

Mr. Bhardwaj: Well, I was just going to say that the provision is being provided in the note, section 19(1)(m), the regulation-making authority of the bill, so it would be redundant to modify this.

The Chair: Right. Just to qualify, 19(1)(m). Yes?

Mr. Bhardwaj: Section 19(1)(m).

The Chair: That's correct, sir.

Others to speak? Actually, do you have a motion for us, Ms Blakeman? Sorry to put it back to you, but we don't have other speakers at the moment.

Ms Blakeman: No, and I'm gathering from the temperature of the room that it wouldn't be successful.

The Chair: Well, you did say that it was a frosty morning.

Ms Blakeman: I said that it was crisp. I didn't say that it was frosty.

The Chair: Well, let's be crisp and move back to page 9. The question is: are the penalties provided for in Bill 18 too high? Discussion and/or motions from the floor? I see none except Ms Blakeman.

Ms Blakeman: I'm just asking if members of the committee could search their memory banks. I mean, when I look at this, Ontario's fines are much higher than ours: \$50,000 compared to our \$10,000 for an individual and \$250,000 compared to \$100,000 for a corporation. All the other ones are smaller. But when we talk about cultural activity, as we have been, Alberta and Ontario are much closer. Did those that brought before us a concern that it was too high in Alberta and would absolutely shut down small operators comment on their reaction to the Ontario levels? If this was too high, they must be apoplectic about Ontario. Anybody remember?

The Chair: Anyone care to comment on that? I'm looking to staff at this point.

Dr. Massolin: I'm not absolutely sure, but I don't think so. I don't think that they did comment on that.

The other thing that I would offer is that these are maximum penalties, and everybody around the table, I think, understands what that means. Also, there was another comment made that perhaps a graduated system might be adopted. The Canadian Motion Picture Distributors Association was in favour of a graduated system just so that the maximum penalty would not be applied with the first infraction.

The Chair: Right.

Mr. Hehr: Just following up on that, I don't believe that any of the presenters commented directly on Ontario's fine situation, but given our comments earlier that Alberta seems to be more in line with Ontario's cultural scene, I'm fair with having the ranges of what they are up to a hundred thousand dollars. I think that leaves room, if the circumstance dictates, to have a harsh penalty imposed of a hundred thousand dollars. Again, it's the range. I have full confidence in people laying out the fines, that they will use the range accordingly, so I find it fair and reasonable.

The Chair: Fair and reasonable is what we need to be to get anywhere on this committee, and it seems we are getting somewhere. I don't hear a motion because it seems there is agreement with it as written. We wouldn't recommend to keep it as it is because then you'd have to do that for every single clause. I think we're looking for differences and so on.

With the permission of the committee we'll move to page 8, the bottom issue, the removal of the adult category from the age rating category scheme and the definition of adult video film. The question garnered by our staff was this: is section 13(2)(b) so broad that it may inadvertently apply to films – for example, R-rated films – not intended to be caught by the legislation? Comments or motions to be entertained now.

Ms Blakeman: Can I get more of an explanation on this?

The Chair: Dr. Philip, this is thanks to you that we have this document. I mean, you've got columns on the left and the right. I don't know what you would want to add, but feel free, please.

Dr. Massolin: Sure. I think the point was that section 13(2)(b) should be deleted because it might unintentionally catch or apply to R-rated or perhaps even 18A films because of what it says in terms of the definition of what an adult movie is. This stems from the fact that Bill 18 actually takes out adult movies from the rating category and establishes a separate definition under that section that I cited. That was the concern, that it would capture films that were unintended to be captured. Does that help clarify?

Ms Blakeman: No. Well, when I read this, 13 actually says:

- (1) No video exchange operator shall sell, rent or otherwise make available to a minor an adult video film.
- (2) In this section, "adult video film" means
 - (a) a video film that is classified by a classification agency . . . to be viewed by adults only, or
 - (b) a video film that depicts explicit sexual activity or any other activity or conduct prescribed by the regulations.

Dr. Massolin: Yes. May I just explain what that might mean in terms of the 18A? In other words, an 18A or an R film might have that sort of content that's described in 2(b), yet it's not an adult film. That was the point the submission was trying to make, that 2(b) might be too broad.

Ms Blakeman: Okay. Can you talk to me about consequences, then?

Dr. Massolin: The consequence might be that an 18A or an R-rated film be considered an adult film when it should be in fact considered an 18A or an R-rated film.

Ms Blakeman: Okay. All right. So it's going to possibly take an 18A with certain things in it and classify it as an adult film, which takes it into a whole other range, and we shouldn't be doing that to the 18A range because it deals with a certain set of things. Okay-dokey. Thank you. Yikes. If we don't want that to happen, should we take it out?

Dr. Massolin: Well, the recommendation on the part of the CMPDA was that that subsection should either be deleted or reworked.

11:05

Mrs. Sarich: It's just a question of a little bit more information on this. I would have a tendency to agree with Ms Blakeman that it's kind of grey right now what the consequences or impact would be in/out, you know. I'm very appreciative of the information that has flowed through to our committee thus far from the stakeholders, but I'm wondering if perhaps reworked means a little bit more consultation with the stakeholders so that there's clarity around this issue and if it would make sense to build a recommendation around that piece.

We have to be absolutely clear – I guess that's my point – that if it stays in, this is what it means, or if we recommend that it goes out, this is what it means, and we clearly understand what the consequences are. If we're not clear, maybe we should be leaning in the direction of having something reworked with a little bit more dialogue to be absolutely sure. I'm not even clear at this point what the impact would be, you know, with the information that's been provided by the stakeholders, unless somebody else from the committee can help me out on this one.

Ms Blakeman: I guess I'm concerned about playing around with other classifications and inadvertently putting stuff in or taking stuff out that affects that classification that's working pretty well for us. I wouldn't want to be impairing that in any way.

What I can also say from my experience now – and I'm in my fourth term – is that if you don't put it in the legislation, nobody ever goes and reads the *Hansard* that supports how the legislation came into being. They just read the legislation. So 10 years from now when that misunderstanding is going to get consolidated and it goes to court, the judge looks at the legislation. He doesn't look at the conversation that happened in a consultation process outside of it. If we're trying to get it right, we have to try and get it right in the legislation or recommendations about what the regulations would deal with. Saying that it'll be solved somewhere else doesn't happen, unfortunately.

Mrs. Sarich: Just supplemental to that, then, I would need some more information to be clear here what it really means if it remains or if it's taken out.

The Chair: Okay.

Mrs. Sarich: Thank you.

The Chair: I'm seeing nodding around the table. That kind of indicates to me that we need some kind of motion. Do we have someone who would like to make a motion in this respect? The truth

is that we can make recommendations and suggestions. Far be it from the chair to try to stickhandle things, but if I can offer what might be a help, I wonder about a motion to the effect that this committee recommend to the Legislature that section 13(2)(b) be reviewed to ensure that films are not inadvertently categorized, especially R-rated films.

Mr. Doerksen: Could we have a clarification again from Phil with regard to what the concern was about this issue? Was it about 18A films fitting into this category or not fitting into it?

Dr. Massolin: The concern was, if I may, Mr. Chair, that R-rated films, which are rated as R and not as adult films, and 18A films, which are rated as 18A and not as adult films, both potentially might be caught as adult films because of the description of video film that depicts explicit sexual activity or any other activity or conduct prescribed by the regulations. Those films, the 18A- or R-rated films, might have that content and therefore be considered an adult film when they should not be. That was an inadvertent sort of situation.

Ms Blakeman: If I might offer, I think we can make the decision on the committee, but we're asking for clarification. Maybe the issue is to ask our support staff if they could bring us back an expanded A, B, C version to help us understand exactly what the issues are here. I think we're prepared to deal with it, and it may not need a recommendation to go forward. We just need more help in understanding it.

The Chair: Okay. We actually don't need a motion for that. We can just go ahead and ask the staff. Dr. Philip, would you mind having your people look into that and report back to us at the next meeting just for clarification?

Dr. Massolin: Sure. Yes. We'll try to get some more information on this and maybe work with the department on that.

Ms Blakeman: Well, even examples of 18A films that are currently up that would fit into this category and could inadvertently slop over into the adult. What's running in the theatres today, that we would know about, that would now be caught in this other category and have a whole other series of criteria? We can't do that?

Dr. Massolin: Well, it's just that I don't think I'm qualified to make a judgment call in terms of the potential application of this section in screening these films.

Ms Blakeman: True enough. Well, any help you can give us.

Mr. Benito: Would this mean that we're going to have a sample of these films also?

Ms Blakeman: And popcorn.

The Chair: I don't know about that. I don't know about the popcorn either.

In any case, I'm looking at my watch here, and it's not a concern, but it's more an observation that two of our members have other duties that take them elsewhere right now. I wonder if this might be a good time for a short little break. We can come back in 10 minutes. Are colleagues open to that? Great. Looking up there, it says 11:12 on the nose. We'll see you at 11:22, please and thanks.

[The committee adjourned from 11:12 a.m. to 11:32 a.m.]

The Chair: We are back. Thank you, colleagues. It looks like that 10 minutes I lost this morning I still haven't quite gotten back, but I think it was worth spending because just on the way back in here Dr. Philip and I had a conversation about the last issue we left, which was on page 8 referring to section 13(2)(b). He wouldn't mind taking one last stab at it. It seems we do have clarification. If we were able to pass a motion with respect to this, you wouldn't have to come back to us, Dr. Philip. We wouldn't have to have further deliberation or vote. You could include it in a report. Again, not that we're trying to cut out one last meeting, but it seems like we might be able to deal with this here and now.

Dr. Philip, I know you can't propose a motion, but perhaps as you speak, some of our members might think of a way to phrase it so that we can do something that's quite general and make sure the legislation speaks the way that we truly intend it to because that's what these interest groups are suggesting. Go ahead.

Dr. Massolin: Thank you, Mr. Chair. If I could, yes, take this opportunity to try to explain this one last time in terms of what the submission really was concerned about. Now, the submitter basically said, bearing in mind that this is access by minors to adult video films and that prohibition, that under 13(2)(b) a film that would under other circumstances be classified as an R-rated film or an 18A rated film would unintentionally be classified as an adult film. The consequence, to give you an example, might be that that 18A film would be in the adult section in a video store, therefore prohibiting access by minors to that film, and I think that's the concern.

The Chair: Can you give us the example that you used outside? Just again, it's the practical nuts and bolts for people walking into the store, into your local Alberta video store. I think members will get a better idea if you share that.

Dr. Massolin: Right. Well, I'm not up on my recent films, but I believe *Juno* was the example that was given. *Juno*, I believe, depicts explicit sexual activity, and I believe it's certainly not rated as an adult film, so that type of film might be prohibited to minors if it were rated as an adult film, if the minor were trying to get it in the video store.

The Chair: So you're saying that if this committee were to recommend to the Legislature that section 13(2)(b) be reviewed so as not to inadvertently classify films, with specific reference to R-rated films, then we wouldn't have that problem of people who shouldn't be able to see films seeing them.

Dr. Massolin: Perhaps all that need happen, Mr. Chair, is that the Legislative Assembly take a look at that section to ensure that the situation that I described would not happen.

The Chair: Is that clear as mud there, Mr. Hehr?

Mr. Hehr: Yeah. I think I reasonably get it. I'm not ready to formulate any motion, but if someone else is.

The Chair: You're suggesting that the Legislature simply review that section to ensure that there is not inadvertent classification?

Dr. Massolin: Application. Application of the adults video film definition.

The Chair: Co-chair, are we getting warmer to having a motion on this?

Mr. Hehr: I think we just need a motion that sends this section to the Legislature for review.

The Chair: Yeah, 13(2)(b), to ensure . . .

Mr. Doerksen: That that section doesn't result in the inappropriate classification of films.

The Chair: Okay? Did we get that, staff?

Mrs. Dacyshyn: More or less, yeah.

The Chair: Well, we will get this right to the more, not the less. Let's see what you've got, Corinne.

Mrs. Dacyshyn: I need a minute, then.

The Chair: Okay. We can help you along.

Mr. Hehr, let's say that this is your motion. Moved by Mr. Hehr that this committee recommend to the Legislature that section 13(2)(b) be reviewed to ensure that there is no inadvertent application . . .

Mrs. Dacyshyn: "Inappropriate" was the next thing.

The Chair: Yes. We have some legal counsel. Maybe they could help us out.

Ms Dean: So that there is no inadvertent application of the definition of adult video.

The Chair: Okay. Thank you so much for chiming in. I believe this is one of those circumstances where we all know what we're talking about, but the words are hard to come by. That's tough for politicians, you'd think, or public servants or those with a few degrees in English and literature and all the rest.

Mr. Johnston: Could we hear it now?

The Chair: I think we should hear it, Mr. Johnston. Over to you, Corinne.

Mrs. Dacyshyn: Moved by Mr. Hehr that
the Standing Committee on Community Services recommend to the
Legislature that section 13(2)(b) be reviewed to ensure that there is
no inadvertent application of the definition of adult video.

Right?

The Chair: Right. Discussion on the issue, ladies and gentlemen, if it hasn't been discussed enough already? Seeing none, I will call the question. All those in favour of the motion? Any opposed? That is unanimously passed. Excellent. So you don't have to come back, Dr. Phil. We don't have to deliberate again. It is going forward as a recommendation. I believe that pretty much everyone is going to be happy with that one, just to be sure of who is seeing what and why.

On to the next point, on page 8: should stakeholders be involved in the development of the regulations for Bill 18?

Dr. Massolin: Can I just make a suggestion, Mr. Chair, at this

point? Can we just turn to maybe page 4 and deal with all of these issues in the order in which they're laid out? The reason for that is that they're set out so that the key issue is first, and then there are a bunch of subordinate or subissues that follow along, so it sort of makes sense that way. If you can turn to page 4, it's actually the only page that's lacking a page number for some technological reason.

The Chair: As you may know, Dr. Philip, there is only one reason I was doing it in the reverse order, and that was for the sake of Ms Blakeman's schedule. She's not here, but, Mr. Hehr, I don't want her coming back saying: well, I left and you guys were going backwards. This is chronological. It is the recommendation of Legislature staff. Mr. Hehr, I know you can't speak on behalf of Ms Blakeman, but do you have any problems with us going in order from this point?

11:40

Mr. Hehr: I have no issue with that.

The Chair: Anybody else have any issues with that? Fantastic.

Page 4, item 1 under List of Issues, Items for Discussion and Jurisdictional Comparison: clarification regarding the classification scheme. Should the classification scheme be made known? A wide open question. Dr. Philip, you've got the situation in Ontario and B.C. and Nova Scotia and Quebec. You have a comment or two under the left column as well. Anything further you care to add before I open the floor to members?

Dr. Massolin: Only to say that a number of submitters indicated that because the classification scheme was not made known to them, they could not comment on such things as whether the scheme would adopt a national standard for classification. As well, I would add that one submitter, AMPIA, stated that there was no purpose statement in the bill indicating what type of classification scheme would be adopted, and that submitter would like to see that type of purpose statement indicated in Bill 18.

In terms of the jurisdictional comparison all that I was indicating there is that every jurisdiction that we looked at, excluding Quebec, uses a similar approach to the one that Bill 18 uses in terms of specifying the classification schemes in the regulations.

The Chair: Okay. I don't know about you, members, but I certainly tuned into the last few words that Dr. Philip shared in that as it is, Bill 18 is similar to all of the jurisdictions in the country other than Quebec already. Correct?

Dr. Massolin: Correct in the sense that the classification scheme is made known in the regulations.

The Chair: Right. In the regulations. So this is a question: do we need a motion? Do we stay silent on the issue? What's the will of the committee? I open it to you. Then as you've said, Dr. Philip, silence means consent, that we're okay with it as it is. Okay? Good.

Page 5. Should Bill 18 contain a provision preventing anyone under the age of 14 from being accompanied into an 18A movie by an adult? That is the question, again raised by certain groups. Discussion on this topic? If there is no discussion, Dr. Philip, again I presume that what it means is that people realize that this is already addressed in Bill 18 adequately. I don't see anyone speaking to it, so I guess we continue. Isn't it too bad that all of our meetings don't go this quick?

Page 6, the subissue of the classification scheme. Again, this is

why Dr. Philip suggested doing it in this order. Should Bill 18 provide for the use of the CHVRS, which is the Canadian home video rating system? I know that people have discussed that there already is that provision and that it would be unnecessary; it's actually implicit. Anyone to speak to the question? No? Again, it seems it's adequately addressed.

Page 7. Should the regulation-making power, 19(1)(d), provide for the adoption of the ESRB system? The Entertainment Software Association of Canada.

Mr. Hehr: I just have some comments on this, and maybe Dr. Philip could clarify if a question comes out of my comments. I thought that what I reviewed on the ESRB system was very good and very complete. I note that Ontario has adopted it and that Nova Scotia has tacitly adopted it with some provision, I think, that if the ESRB goes out of business or something like that, it can prescribe things in the legislation. It looked like they went through things in painstaking detail, and I note for everyone's record what they do for the Sony PlayStation 3. They have an EC rating; an E rating; an E10+ rating; a teen rating; a mature, 17-plus rating; and an adult-only rating on these gaming systems. So it appears like they go through it in painstaking detail and really try to do a yeoman's service in describing what the games are.

If we can simply adopt their rating system, I'm fairly comfortable with the literature they provided. To not have to do things twice and to rely on this organization I'm fairly comfortable with. Those are just my thoughts on what they have provided to us. I thought they were an excellent organization. It looks like other Legislatures are comfortable with it, so I would make that recommendation to adopt the ESRB rating system.

The Chair: Mr. Hehr, you're correct. Ontario and Manitoba do adopt it, but B.C. does not, nor does Saskatchewan, right? Okay.

Mr. Bhardwaj, you wanted to . . .

Mr. Bhardwaj: Withdraw.

The Chair: Okay.

Over to Mr. Doerksen, then, please.

Mr. Doerksen: Well, I don't think the legislation as it's presented restricts that. That can happen in the regulations, and I simply think that that's available there. It says that we're going to have a system, and if there's one in place, they can use that through the regulations rather than the legislation. I think to be silent on this is not unreasonable.

The Chair: That's to your satisfaction, then, Mr. Hehr?

Mr. Hehr: Sure.

The Chair: Good. No further speakers?

Onward. I believe this is where we left off: should stakeholders be involved in the development of the regulations for Bill 18? Page 8. Yes, no, or silence on the issue? I think you have your answer as to what to put in the report, then, Dr. Philip.

Well, I'm sorry to disappoint you, ladies and gentlemen, but that is the last of 10 issues brought forward in the identified focus issues report prepared by Dr. Philip Massolin. I now ask the question: is there other business pertaining to this committee's business that you folks need to discuss today?

I think we've made great progress, and that moves us to point 6, the date of the next meeting. In consultation with our fine clerk

here, often what we do is that we have her canvass all of you as to when the most members can actually be here. She'd give a listing of dates, and then you would say: I can make this one, I can't make that one, or so on. I wonder if that's the way that we should go.

First I have a question for Dr. Philip. As we go forward here, you'll be able to present a draft report that will be the reason for us coming to the next meeting. We would have that report how much in advance before the next meeting? Let's put it this way: would you need a week to prepare the draft report? Would you need two? Again, with the Legislature reconvening, should we just take a look at doing it shortly after Thanksgiving?

Dr. Massolin: I would only need about three days, I think, to put together a draft report.

The Chair: Okay. That's not an issue, but the issue may be the other time. I'm just really sensitive to folks who come from out of town. I'm thinking specifically of our co-chair. He does a valiant job of coming here, obviously, for session, but it's not easy coming here otherwise, is it Kent?

11:50

Mr. Hehr: Yeah. I'd prefer it in session.

The Chair: Okay. Is that okay with you if we were to aim for that first week of session, possibly over dinner, which we have to eat anyway? Is that okay with you, Dr. Philip? That would require it to be, actually – I'm guessing – that Wednesday.

Mrs. Dacyshyn: On the Wednesday there already is a Health Committee meeting.

The Chair: Okay. I guess my question is: would the second week work? I know that there's a Calgary Homeless Foundation fundraiser on the night of the 14th that a lot of you – and Thursday everybody is going to be gone. If Wednesday we already have a meeting, could we meet . . .

Mrs. Dacyshyn: Sorry. That doesn't mean this committee couldn't meet. I just can't remember off the top of my head if there's an overlap in membership.

The Chair: Which meeting is it?

Mrs. Dacyshyn: It's Health. On the Wednesday at dinner. I know that is Rachel Notley's committee as well.

The Chair: But she can get a designate, can't she?

Ms Dacyshyn: She can, yeah. Everybody always has the option to do a temporary substitution.

The Chair: Right. If we did that Wednesday night, that would give you enough time because we would have you make any revisions that the committee might want from that report. We'd have lots of time to take a look at that, obviously, if you can get it done, say, in the next three days or perhaps six. If that doesn't work, though, sir, if we met the following week, would that be putting too much pressure on you to finalize so that we can table?

Mrs. Dacyshyn: We're talking now about the week of October 20th.

The Chair: The week of October 20.

Dr. Massolin: Yeah. The week of October 20th would be absolutely fine.

The Chair: I'm seeing counsel down the way saying that that's no problem.

Ms Dean: There's lots of time for processing.

Dr. Massolin: Oh, yes. No problem at all.

The Chair: Okay. Great. Then what we will do is canvass the members.

Mrs. Dacyshyn: Or you can choose a date right now if you want. It's up to you. We can canvass.

The Chair: Do you want to choose a date right now, folks? I don't know if you've got your calendars in front of you.
How about you, Kent?

Mr. Hehr: If we could canvass a little later when I confer with my office.

The Chair: Okay, then that's what we'll do. But it kind of looks as though the one date that we'll look at is the Wednesday just over dinner. Again, if people read the report, come prepared, and say: "You know what, it's perfect," or "Let's change this section," or "Let's add that one," then we'll have one last meeting to rubber-stamp it because we don't need more than one stab at it after that stage.

Okay. We might have got more than 10 minutes back; we might have got a couple of hours back. There's so much work to be done, and we have lunch sitting out there waiting for us, folks. May I have someone make a motion to adjourn? Mr. Doerksen, thank you very much. And thank you, everyone, for being here and your cooperation here today. Cheers.

[The committee adjourned at 11:53 a.m.]

