



Legislative Assembly of Alberta

The 29th Legislature  
Second Session

Standing Committee  
on  
Resource Stewardship

Office of the Property Rights Advocate  
Lobbyists Act Review

Tuesday, February 21, 2017  
10 a.m.

Transcript No. 29-2-11

**Legislative Assembly of Alberta  
The 29th Legislature  
Second Session**

**Standing Committee on Resource Stewardship**

Loyola, Rod, Edmonton-Ellerslie (ND), Chair  
Hunter, Grant R., Cardston-Taber-Warner (W), Deputy Chair

Babcock, Erin D., Stony Plain (ND)  
Clark, Greg, Calgary-Elbow (AP)  
Dang, Thomas, Edmonton-South West (ND)  
Drysdale, Wayne, Grande Prairie-Wapiti (PC)  
Hanson, David B., Lac La Biche-St. Paul-Two Hills (W)  
Kazim, Anam, Calgary-Glenmore (ND)  
Kleinsteuber, Jamie, Calgary-Northern Hills (ND)  
Loewen, Todd, Grande Prairie-Smoky (W)  
MacIntyre, Donald, Innisfail-Sylvan Lake (W)  
Malkinson, Brian, Calgary-Currie (ND)  
Nielsen, Christian E., Edmonton-Decore (ND)  
Rosendahl, Eric, West Yellowhead (ND)  
Woollard, Denise, Edmonton-Mill Creek (ND)

**Also in Attendance**

Strankman, Rick, Drumheller-Stettler (W)

**Office of the Ethics Commissioner**

Marguerite Trussler, QC	Ethics Commissioner
Lana Robins	Lobbyist Registrar and General Counsel
Kent Ziegler	Chief Administrative Officer

**Support Staff**

Robert H. Reynolds, QC	Clerk
Shannon Dean	Law Clerk and Director of House Services
Trafton Koenig	Parliamentary Counsel
Stephanie LeBlanc	Parliamentary Counsel
Philip Massolin	Manager of Research and Committee Services
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications and Broadcast Services
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

## **Standing Committee on Resource Stewardship**

### **Participants**

Ministry of Environment and Parks

Rick Blackwood, Assistant Deputy Minister, Strategy

Ministry of Justice and Solicitor General

Frank Bosscha, Assistant Deputy Minister, Legal Services

Joan Neatby, Barrister and Solicitor, Legislative Reform

Ministry of Municipal Affairs

Gary Sandberg, Assistant Deputy Minister, Municipal Services and Legislation



**10 a.m. Tuesday, February 21, 2017**

[Loyola in the chair]

**The Chair:** Good morning, everybody. I'm going to call us to order. Welcome to members, staff, and guests in attendance for this meeting of the Standing Committee on Resource Stewardship. My name is Rod Loyola, and I am the MLA for Edmonton-Ellerslie and chair of this committee.

I would ask that members and those joining the committee at the table introduce themselves for the record, and then I'll call on the members teleconferencing in to introduce themselves. We'll start over here to my right.

**Mr. Hunter:** Thank you. My name is Grant Hunter. I am the MLA for Cardston-Taber-Warner.

**Mr. Hanson:** David Hanson, MLA for Lac La Biche-St. Paul-Two Hills.

**Mr. MacIntyre:** Don MacIntyre, MLA for Innisfail-Sylvan Lake.

**Mr. Sandberg:** Good morning. Gary Sandberg with Alberta Municipal Affairs.

**Mr. Bosscha:** Good morning. Frank Bosscha with Justice and Sol Gen.

**Mr. Blackwood:** Good morning, everyone. Rick Blackwood from Environment and Parks.

**Mr. Kleinsteuber:** Good morning. Jamie Kleinsteuber, MLA for Calgary-Northern Hills.

**Ms Babcock:** Erin Babcock, MLA for Stony Plain.

**Mr. Malkinson:** Brian Malkinson, MLA for Calgary-Currie.

**Ms Woollard:** Denise Woollard, MLA for Edmonton-Mill Creek.

**Mr. Nielsen:** Good morning. Chris Nielsen, MLA, Edmonton-Decore.

**Mr. Rosendahl:** Morning. Eric Rosendahl, MLA, West Yellowhead.

**Mr. Dang:** Good morning. Thomas Dang, MLA for Edmonton-South West.

**Ms Robert:** Good morning. Nancy Robert, research officer.

**Dr. Massolin:** Morning. Philip Massolin, manager of research and committee services.

**Ms Dean:** Shannon Dean, Law Clerk and director of House services.

**Ms Rempel:** Good morning. Jody Rempel, committee clerk.

**The Chair:** Now we'll go to the members who are joining us on the phone.

**Ms Kazim:** Anam Kazim, MLA for Calgary-Glenmore.

**Mr. Drysdale:** Wayne Drysdale, MLA, Grande Prairie-Wapiti.

**Mr. Strankman:** Rick Strankman, MLA, Drumheller-Stettler.

**Mr. Clark:** Good morning. Greg Clark, MLA, Calgary-Elbow. I can hear the chair when he speaks. I can barely hear any other members except those on the phone. Maybe it's just me, but I just want to let you know that.

**The Chair:** Thank you, Mr. Clark.

I believe we have one more member.

**Mr. Loewen:** Yeah. Todd Loewen, MLA, Grande Prairie-Smoky.

**The Chair:** Okay. A few housekeeping items to address before we turn to the business at hand. The microphone consoles are operated by the *Hansard* staff, so there's no need for members to touch them. Please ensure all cellphones, iPhones, BlackBerrys are on silent mode. Audio of committee proceedings is streamed live on the Internet and recorded by the *Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

Up next is the approval of the agenda. Would a member move a motion to approve? Mr. Malkinson moves. All in favour? Anybody opposed? Okay. That motion is carried.

I'm just going to take this opportunity to remind people that we've kind of set a past practice that when I ask for all those in favour, I also expect those on the phone to say if they're in favour. I'm not going to be going, "All in favour? Opposed?" then go to the phones. So just a reminder about that practice.

We have the minutes from our last meeting. I'd like to ask members if there are any errors or omissions to note. If not, would a member move adoption of the minutes, please? Mr. Rosendahl. Thank you. All in favour of the motion? Any opposed? Okay. Thank you. That motion is carried.

At our last meeting this committee passed a motion inviting three ministries to appear before the committee and provide status reports on past recommendations made by the Property Rights Advocate. At this time I would like to invite our guests from Environment and Parks, Justice and Solicitor General, and Municipal Affairs to join us at the table. Well, they're already at the table. Thank you very much for joining us today. Each ministry representative will have 10 minutes to make their opening remarks, and then I'll open the floor to questions from committee members. We'll begin with Mr. Rick Blackwood from Environment and Parks.

**Mr. Blackwood:** Thank you, everyone, and I welcome the opportunity to provide an update this morning on recommendations from the Property Rights Advocate. We certainly recognize that the Property Rights Advocate plays a critical role in connecting with Albertans concerned about their property rights. The intelligence garnered from the advocate supports government in making informed decisions on Alberta's property rights legislation and policies. As the Property Rights Advocate stated when they sat before this committee in January of this year, this is indeed a very complex issue. The Department of Environment and Parks is currently preparing for engagement on the Surface Rights Act review and supporting regulations. The engagement will seek input from key stakeholders, including those recommended by the Property Rights Advocate office in their recommendation and also restated in January of this year.

In keeping with previous instructions from this standing committee, the review will not include the advocate's recommendations for a full review of the Surface Rights Act and the Expropriation Act, but it will focus on specific issues such as the operational conflict between the act and the federal Bankruptcy and Insolvency Act. The government is also committed to strengthening landowner rights and due process in surface rights related manners.

The key stakeholders that we plan to engage with going forward will include landowners' advocates, land agents, surface rights groups, landowners, industry – for example, oil and gas associations – other government departments, the general public, the Property Rights Advocate, and the Farmers' Advocate.

The department has conducted policy analysis for the last number of months and has prepared for this engagement with key stakeholders on those two critical issues. We are just in the process now of gaining support to move out to consult, and then we'll begin that process.

That is where Environment and Parks is at this point in time.

**The Chair:** Mr. Bosscha, would you please continue.

**Mr. Bosscha:** Certainly. Thank you for the opportunity to provide an update regarding two recommendations of the past annual reports of the Property Rights Advocate. In response to recommendation 2014.01, the repeal of section 4 of the Property Rights Advocate Act, the government of Alberta recognizes that landowners need an accessible process to resolve disputes relating to expropriation or compensation for land taking. Provincial legislation authorizes the manner in which land is expropriated or compensated for. Any dispute between the landowner and the taking authority are resolved through the court or compensation board that is dealing with the taking of the land.

The additional complaint process established through section 4 of the Property Rights Advocate Act authorizes the Property Rights Advocate to prepare a report that the court or compensation board would consider when determining any costs payable by the taking authority. In practice, while a number of landowners have made complaints citing section 4, upon review by the Property Rights Advocate in each case it was determined that the complaint related to a matter within the jurisdiction of another body such as the Surface Rights Board or Land Compensation Board. As a result, the Property Rights Advocate has never issued a report under section 4. Not surprisingly, some Albertans have found the intended outcomes of this additional complaint process to be unclear.

The government of Alberta appreciates the perspectives provided by the committee and the Property Rights Advocate. The department is currently assessing how property-related issues are dealt with in Alberta but as yet has not reviewed section 4.

In response to 2014.03, the review of adverse possession, a comprehensive review of the law of adverse possession has some merit as both retaining and abolishing the law of adverse possession are valid policy options. However, abolishing adverse possession should not be done without carefully considering the availability and effectiveness of alternate remedies to resolve boundary and other private land disputes. It may be that more robust rules would be needed to replace adverse possession, including the possibility of payment of appropriate compensation between landowners.

In addition to possible amendments to the Limitations Act, Law of Property Act, and Land Titles Act a review of related legislation such as the Municipal Government Act and Public Lands Act should take place. These statutes are under the responsibility of a variety of ministries.

Transitional issues would also need to be considered such as how to deal with existing rights and claims of owners or occupiers, which have vested or are in progress.

Consultation should occur with affected ministries and stakeholders to minimize any negative impacts. The Department of Justice and Solicitor General is conceptually in favour of a thorough review of the law with other departments and developing options for government's decision; however, it's not possible to make a

commitment at this time as to when government could undertake such a review.

Thank you.

**10:10**

**Mr. Sandberg:** Good morning. Thanks very much for the opportunity to be here today. We were asked to respond to a recommendation from 2014 that reads as follows: that the Municipal Government Act incorporate an administrative quasi-judicial dispute resolution process, giving landowners the option to resolve disputes on land use with municipalities and avoid court.

We had the opportunity to meet with representatives from the Property Rights Advocate's office in 2014, when we were doing a thorough review of the Municipal Government Act, a chance to understand where they were coming from and the issues that they were flagging and understand their recommendations. Candidly, the concerns that they had flagged were not inconsistent with some of the concerns that we were hearing across the province. In 2014 we did comprehensive public consultation that heard from about 2,400 Albertans in 77 different sessions across the province. There was a fair amount of concern from a number of Albertans around issues of municipal accountability and the tools that are available to the public to hold municipalities accountable for the decisions they make.

In recognition of the fact that the act is founded on the idea that municipal councils have and merit a substantial degree of autonomy, that these councils are elected by their local citizens to provide them with decision-making authority, to make decisions on behalf of the community. There is a great deal of reluctance to interfere with that autonomy, and the act typically tries to put very loose bounds around councils but to deal with issues around procedural fairness and administrative fairness. Again, the issues that were brought forward by the Property Rights Advocate were very consistent with some of the concerns that we were hearing, so we looked at options within the MGA review on how we could address those.

I will say that in terms of the quasi-judicial appeal that was looked for, there is currently a quasi-judicial appeal process dealing with land-use matters under the MGA, and that is through the subdivision and development appeal process. So we felt that that particular request had been addressed, but the issues around administrative fairness were issues that we thought we could make some headway on.

In terms of addressing those issues, we've made a number of amendments to the MGA in both 2015 and, more importantly, this past fall through Bill 21 in the fall of 2016. The changes that we've made that we believe address these concerns: first of all and most importantly, the mandate of the provincial Ombudsman has been expanded to address concerns relating to municipalities. The Ombudsman's mandate is very clear that it is dealing with administrative fairness. We believe that that particular change is in fact very much aligned with the recommendations that the Property Rights Advocate had made to come up with a tool for Albertans to deal with administrative fairness concerns around land-use decisions.

There are some other changes we made that we think will also support this kind of movement forward. The first change is that we are requiring all municipalities after the 2017 election to offer training to council members. This would be broad training on a variety of their roles and responsibilities, but it would include their responsibilities as decision-makers on land use.

We're also making mandatory training for all members of subdivision and development appeal boards and clerks, which will, again, deal more directly with the land-use concern.

We're also requiring municipalities to operate within a hierarchy of land-use plans so that each municipal plan will fit within an overarching hierarchy, starting with the regional plans that are developed under the Alberta Land Stewardship Act and moving down through municipal development plans, area structure plans, and such. The legislation actually spells out that hierarchy, and that will help Albertans to understand the way in which decisions will be made on land use and how the rules cascade upon each other.

And then the last relevant change is with respect to a requirement for municipalities to publicize what are called nonstatutory plans. These are not required under the act, but a number of municipalities use them to supplement the statutory plans I just mentioned. The act simply requires that if a municipality is choosing to use those kinds of additional plans – for example, neighbourhood plans or concept plans – those plans need to be very publicly listed so that everyone in the community looking to develop land or subdivide land will understand not only the statutory plans that are in existence but also any additional decision-making tools that the municipalities have in place, so it's very clear and transparent what the rules are.

We think that suite of changes in essence addresses the concerns that the Property Rights Advocate had raised with us, and they were very helpful with us in the MGA review process to help us understand those concerns. Those are the changes that we've made.

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

I'll now open it up to committee members so that they may ask questions. Go ahead, sir.

**Mr. MacIntyre:** Thank you. I have a question for Mr. Blackwood regarding the engagement process on the review of both acts that you're going to be conducting. We just had the Minister of Finance conduct a review across the province on the budget. That review and the engagement process that he put in place really restricted the numbers of Albertans and type of Albertans that could address him. They had to be invited by an NDP MLA. Can you tell me: what is going to be the process for your engagement?

**Mr. Blackwood:** Absolutely. Thanks for the question. As I'd mentioned earlier, when we go out to consult – again, we're just seeking endorsement to do that right now – we will formally go and meet directly with the various groups that I'd mentioned: landowners' advocates; land agents; surface rights groups; landowners; industry, and there are a number of industry representatives; other government departments, some of which are here; the general public; the Property Rights Advocate; and the Farmers' Advocate. We will have a very targeted but direct consultative process, which is very typical for a number of the things that we put forward.

**Mr. MacIntyre:** Can I infer, then, from what you've told us that there will not be political interference limiting who you contact?

**Mr. Blackwood:** Our process will be open and transparent.

**Mr. MacIntyre:** Thank you.

**The Chair:** We're going to go to Mr. Strankman on the phone.

**Mr. Strankman:** Thank you, Mr. Chair. I've been listening intently to the comments here. I was wanting to question Mr. Sandberg in regard to his comments regarding the MGA and its presentation. You talked about the overarching training, et cetera, for council members. Mr. Sandberg is well aware that I am a resident of an area of land controlled by a government corporation known as the special areas. I was wondering, Mr. Sandberg: is some of that

training going to be continuing on for those people in the advisory council of that area? I also understand that the special areas are under a provincial government review process. Could you speak to that to some extent, please, and explain also to the board how the property rights of those residents of the special areas are being protected?

**Mr. Sandberg:** Thanks for the question. I'll do my best. I may forget one of the questions you've asked there, so feel free to remind me if I've missed one. The first question, I believe, was around whether the training requirements would be in place for the Special Areas Board. We would expect that that would be the case. The Special Areas Board, for all intents and purposes, is treated as a municipal authority for the large majority of their activities, and we would expect that they would offer the training to their advisory boards in the same way that the training will be offered to councillors in other municipalities.

With respect to the special areas review – I know that you and I have had a chance to talk about this – at this point in time there is no further update. The minister's office is still considering options to proceed with the review. At this point we're awaiting, you know, decisions from the minister about how to move forward with that.

I think the last question was around property rights in the special areas. Again, from our perspective there is no fundamental difference between the special areas and the rest of the province. I know that the legislation is different and provides different tools for the minister, but the minister typically has not ever used those tools. We work in partnership particularly with Environment and Parks in terms of some of the leases that are held in that region, but for the most part we operate within the special areas very, very similarly to the way that it's operating in the rest of the province.

**Mr. Strankman:** I appreciate that, Mr. Sandberg, but I understand that your department has created a government-public engagement document or series of documents in that regard, which I have not been able to achieve or see. Is that for the potentiality of this review process?

**Mr. Sandberg:** Thanks for the question. We have been working with the Special Areas Board to try and get a sense of: if and when a review proceeds, what would be the most appropriate way to engage with the public? At this point there is no confirmed plan for how we would do that engagement, but we've had conversations with the chair of the Special Areas Board, and I've been down to meet with the Special Areas Board three times myself over the last year and a half. We've put forward straw dogs, I guess I would call them, but at this point, again, no decision has been made because we're waiting on the intention of the minister for the review.

**10:20**

**Mr. Strankman:** Well, that leads to my other questions here. Mr. Chair, I hope I'm not monopolizing the questions here, but they do pertain to property rights. Mr. Sandberg commented that the special areas operate similarly to municipal jurisdictions and county jurisdictions, so I'm wondering if other municipalities and counties, if they are being operated in a similar fashion, are going to be having the same sorts of reviews. It doesn't appear to me to be the case. I think you need to be definitive, Mr. Sandberg, for the understanding of this committee, as to the mandate of the minister in regard to a special area.

**Mr. Sandberg:** Okay. I'll do my best to interpret the question. The mandate of the minister at its most simple is that the minister is in fact the mayor and council of the special areas. However, in practice – and this has been the practice for decades – the special areas

conduct local elections under the Local Authorities Election Act in the same way that any other municipality does. They elect a local advisory council. Again, because the legislation states that the minister is in fact the mayor and council, the minister needs to formally appoint that advisory council to act in effect as the municipal council.

On a day-to-day basis the Special Areas Board acts as a municipal government and makes all of the decisions and implements those decisions in the same way as any other municipality, but because the legislation technically specifies that the minister is the mayor and council, key decisions of the Special Areas Board – for example, passing a budget and setting tax rates – require the minister’s approval. It is in practice the minister’s approach to take the advice of the Special Areas Board. I don’t recall the last time that a recommendation of the board was not adopted by the minister, but in theory the minister must approve those decisions.

**Mr. Strankman:** Just for the advisement of the rest of the committee, any direction coming from the local level has to be approved by the minister. In the case of ongoing discussions in the area where they wish to sell some of the land that was tax recovery land back to the residents of the area and create possibly more property rights, that has to be approved only by the minister. Would that be correct, Mr. Sandberg?

**Mr. Sandberg:** If you’re talking about the sale of Crown lands, yes.

**Mr. Strankman:** I’m talking about the sale of tax recovery land, sir.

**Mr. Sandberg:** Under the Special Areas Act of I’m going to say 1937 or 1938 – I don’t have the exact date in front of me. When the legislation was passed in the 1930s, legally speaking, all tax recovery land was extinguished, and there is only Crown land in the special areas. Again, in practice the ministry has tried to maintain a separation between the land that came to the Crown through tax recovery and the land that was always Crown land, but legally speaking, there is only Crown land in the special areas and, of course, privately owned land.

**The Chair:** Okay. Mr. Strankman, we’re going to move on to several members here who have questions.

I’m going to go to Mr. Malkinson next.

**Mr. Malkinson:** Thank you very much, Chair. This question is for Mr. Blackwood. Do you see any risks in accepting the recommendation to amend section 36 as, you know, an increase in civil property rights cases perhaps would have an increased workload for your office? Would the Land Compensation Board and Surface Rights Board be equipped to manage this increased caseload?

**Mr. Blackwood:** It certainly would result in an increase in caseload, and we would have to then work with both the Surface Rights Board and the Land Compensation Board in regard to resourcing to make sure that they were adequately supported to carry that load.

**Mr. Malkinson:** And you feel like you’d be able to accomplish that?

**Mr. Blackwood:** Yeah. We work with both entities very closely right now, and if we saw a dramatic increase in those resource demands, we would help them to move to that next level that they need to work through.

**Mr. Malkinson:** Okay. Thank you.

**The Chair:** Before we go to Mr. Hanson, I’m just going to ask the members on the phone if they’d like to be on the speakers list. Anybody have any questions on the phone?

Okay. Please go ahead, Mr. Hanson.

**Mr. Hanson:** Thank you very much, Chair. This question is for Mr. Sandberg. In regard to the new Ombudsman under the MGA, I’m just curious as to what powers they will have, whether any of their decisions or recommendations will be binding on the municipalities, where that falls in with the MGA, and how it’s going to be dealt with.

**Mr. Sandberg:** Sure. Thanks very much. In essence, all we have done is to expand the mandate of the Ombudsman to deal with municipal complaints in the same way that the Ombudsman may deal with complaints dealing with the provincial government.

The Ombudsman has purely a recommendation function, not a decision function. The Ombudsman will be able to make a determination, first of all, in terms of whether they believe there are significant grounds to conduct an investigation. In some cases, if a person has not availed themselves of available opportunities – for example, the existing appeal processes – the Ombudsman is likely to say: we need to go through those processes first. But assuming that the Ombudsman decides to undertake an investigation, then the Ombudsman has the ability to gather all the information they need. Ultimately, though, they will come back with a recommendation to the municipal council.

If the council chooses not to act, I guess that arguably the largest consequence is that they need to be able to explain to their public why they have not acted. The Ombudsman does have the ability to come to the minister and express their dissatisfaction with the municipality’s response. In extreme cases the minister will have the ability to issue binding directives on the municipality, flowing from the Ombudsman’s report, but we expect that to be extremely unlikely, if ever.

**Mr. Hanson:** Just a follow-up if I could. Will the recommendations of the Ombudsman be made public?

**Mr. Sandberg:** The recommendations of the Ombudsman will go to the municipal council. I guess it will be up to the council to determine what they decide to make public.

The Ombudsman will also provide regular reporting to the minister, but it will not be at a detail level. It will be at a level of the number of complaints that have been heard and the number of investigations that have been made. Again, if there are those rare instances where the Ombudsman is dissatisfied with the municipality’s response, then the Ombudsman would have the ability to provide a more specific report to the minister, and the minister will have to determine the actions to be taken from there.

**Mr. Hanson:** And that communication would be communicated to the complainant as well?

**Mr. Sandberg:** You know, I will have to get back to you on that. I will admit that I’m not a hundred per cent familiar with all of the Ombudsman’s rules and regulations, but I can make a commitment to get an answer back to the chair.

**Mr. Hanson:** Great. Thank you.

**The Chair:** Okay. We’re going to go on to Mr. Kleinstaub.



**Mr. Kleinsteuber:** Thank you, Chair. Yeah. The same question, directed to Mr. Blackwood. I was just wondering: again referring to section 36 of the Surface Rights Act, within the scope of the review you talked about delays in compensation. What are some of the reasons for the delays that were referred to?

**Mr. Blackwood:** Well, one of the big challenges with section 36 in the Surface Rights Act is potential conflicts with the federal Bankruptcy and Insolvency Act. So we need to be very clear with how we proceed. Again, we've worked with our legal counsel, and it's become very clear that we can't make necessary legislative changes without reviewing the act. The federal Bankruptcy and Insolvency Act actually supersedes ours, so we have to make sure that whatever changes we make are in alignment with the federal regulation.

**Mr. Kleinsteuber:** Okay. Thank you.

**Mr. Rosendahl:** Good morning. My question is for Frank Bosscha. The areas of questions that I'm concerned with are in regard to section 4, that the property rights office has never issued a report. Is there any reason for that? Can you enlighten us as to what is going on there?

**Mr. Bosscha:** My understanding is that the other mechanisms that are already in existence provide a better option or resolution for the issue that's out there. If you look at the complaints or the matters that have been brought before the Property Rights Advocate, none of them have met sort of the intent of section 4. They've always been covered off by other parts of the compensation legislation or resources that are out there for those types of situations. They've never found something that it actually fits nicely with.

**Mr. Rosendahl:** In your opinion, it wouldn't really be a concern, or what's your opinion on that, then?

**Mr. Bosscha:** In terms of having it basically deleted, there would be no impact down the road. Anyone who has used it has found that it was not useful, so if you had it removed from the act, it would have no impact.

**Mr. Rosendahl:** Okay. Thank you.

*10:30*

**The Chair:** Good. Thank you.

Now we'll go to Mr. MacIntyre, please.

**Mr. MacIntyre:** Thank you, Chair. I have a question for Mr. Blackwood again. No. I'm sorry. For Mr. Sandberg. You mentioned earlier in your presentation details regarding the quasi-judicial nature of a particular board. Can you please elaborate on the definition as it is defined for you of quasi-judicial? Specifically, what I'm concerned with is: does it, then, negate the plaintiff's or the person's ability to seek recourse in the courts, or, having participated in that quasi-judicial process, are they now barred or limited in some way from seeking recourse in the public courts?

**Mr. Sandberg:** Sure. What I was referring to was that in the 2014 recommendation one of the aspects that the Property Rights Advocate had suggested we look at was sort of twofold. One aspect was a quasi-judicial opportunity for folks to resolve their disputes without having to go to court, and the second angle was around the administrative fairness. As I've noted, most of the changes that we've made really deal with the administrative fairness side of things because there is already a quasi-judicial body in place, which is the subdivision and development appeal board. It has the ability

to, you know, have people come forward and make representations, and then it is required to follow appropriate processes, due process, and arrive at a binding decision. However, I should note that there is nothing that would prevent someone – and it does happen occasionally. If they're dissatisfied with the decision of the subdivision and development appeal board, they may access the courts on questions of law and jurisdiction.

**Mr. MacIntyre:** Is there anything in that entire process that either encourages the parties or requires the parties to seek mediation rather than these other methods?

**Mr. Sandberg:** To my knowledge, there's nothing in the legislation that would require or encourage mediation. It certainly, again, in practice would be something that we do encourage, and the ministry does provide, actually, funding support for municipalities who wish to engage in mediation. I will admit that the mediation that we support is typically mediation between municipalities to resolve intermunicipal disputes. The prevailing philosophy has been that if it's a dispute between a municipality and their ratepayer, then that's really a discussion that needs to happen between the municipality and its residents and that the ministry does not belong in that conversation.

**Mr. MacIntyre:** Okay. Thank you very much for that. I have another question if I may, Chair.

**The Chair:** Actually, there are several people on the list.

**Mr. MacIntyre:** Okay.

**The Chair:** Just as a suggestion, I'm just going to say a question with one follow-up, and then we'll go back, so I'll put you back on the list.

I just want to give this opportunity for those on the phone because they haven't engaged too much. This is our second call for questions for those on the phone. Does anybody want to be on the speakers list?

Okay. Hearing none, we're going to go with Ms Babcock, please.

**Ms Babcock:** Thank you, Chair. Mr. Sandberg, we've talked a little bit about the ability to appeal a decision related to zoning bylaw or subdivision bylaw. Can you elaborate on the process to appeal a decision related to those two things for me?

**Mr. Sandberg:** Under the MGA there are a number of very specific requirements for how a municipality must go about making the decision, whether it's a land-use bylaw or a zoning change. Other items that often get appealed are questions around approval of development permits. The legislation sets out specific timelines that the municipality must follow in terms of making the decision, and then part of that process is that the municipality must make notice of that decision so that all affected parties have the ability. Usually that notice would be by way of advertisement in newspapers that circulate in the local community, as an example, although some municipalities will also make use of websites and things like that. But once that public notification is made, then affected parties have the ability, should they choose and they have a concern with a decision, to file a notice of appeal.

**Ms Babcock:** If I could continue, Chair? Thank you.

Could you identify what concerns or additional powers the Property Rights Advocate is asking for at this time?

**Mr. Sandberg:** Well, I'm hesitant to speak on their behalf, but I can say that in the discussions that we had with them in 2014, again,

the first concern was around a quasi-judicial process. I think we've been able to satisfy that that exists now.

The second concern was really around this question of administrative fairness and the feeling that a number of Albertans have had that the decisions of municipalities sometimes aren't following due process and that there isn't necessarily an opportunity for those people to really express themselves or to explain their concern or to feel like they've been heard. Again, the changes I mentioned earlier are really designed to address that by giving folks an avenue, through the Ombudsman in particular, to say: if you feel you haven't been heard and you haven't been treated fairly, this is an avenue that you can follow to have an independent third party look at those concerns.

**Ms Babcock:** Thank you.

**The Chair:** We're going to carry on with Mr. Malkinson.

**Mr. Malkinson:** Thank you very much, Chair. This question is going to be for Mr. Blackwood. You know, I'm going to follow up with what my colleague Mr. Kleinsteuber was saying earlier. In your answer to his question you were mentioning that there were some operational conflicts between the federal Bankruptcy and Insolvency Act and the Surface Rights Act, and you just sort of alluded to them a little bit in your answer. I was wondering if you could expand on that a bit, on what those conflicts are and how they're causing problems currently.

**Mr. Blackwood:** Certainly. Thank you for the question. Most of you may or may not be aware that there was legal action taken by the Alberta Energy Regulator in 2016 in a case called the Redwater case, which was actually trying to look at in terms of a bankruptcy or insolvency who was in the appropriate position as a creditor after an insolvency was declared. During that case, which was decided in May 2016, it was determined that in this case the Alberta Energy Regulator was not a creditor, if you will. The lending institutions ended up being first in line.

I spoke to the Alberta Energy Regulator again this morning. That decision was appealed, and on appeal it now appears as well that they've upheld that original decision. As a result, where different entities are in terms of accessing any available assets after a bankruptcy has been declared is very much in play right now. So in terms of "Can the Alberta Energy Regulator garner assets from the bankruptcy and then use them for either cleanup or remediation of the abandoned wells, or can they use them to satisfy unresolved rental costs from the landowner?" these are all subtleties that we have to work our way through to make sure that whatever changes we make to the Surface Rights Act actually now help us to resolve those questions.

**Mr. Malkinson:** Just as a follow-up, you know, I think that it would make sense to explore that as I think many Albertans would – if a company were to go bankrupt, especially an energy one, landowners would be compensated for the rent on their properties as well as the government being paid back for any remediation that has to happen on the site. That sort of seems to be the example everyone has in their heads when thinking about this conflict between the Bankruptcy and Insolvency Act and the Surface Rights Act. Have there been other conflicts between these federal-provincial statutes, or has that sort of been the main one where that's come up?

**Mr. Blackwood:** To my knowledge, this has been the main example that has come up. The current economic situation that Alberta has been working through for the last couple of years has

really raised the profile of this question. It's come about in a volume that we haven't seen historically, so it has really accentuated this particular weakness in the system.

**Mr. Malkinson:** Okay. Perfect. Thank you.

**The Chair:** I'm going to go to Mr. MacIntyre.

**Mr. MacIntyre:** Thank you, Chair. I have a question for Mr. Bosscha. Regarding the review back in 2016 regarding the law of adverse possession, a recommendation from 2014 was referred to Justice and Solicitor General for review. As I understand it, you've got 150 days to report on that particular review item, and I'm wondering if you have.

**Mr. Bosscha:** You're talking about 2014.03, review of the law of adverse possession?

*10:40*

**Mr. MacIntyre:** Correct.

**Mr. Bosscha:** Okay. For that one that is our submission. We provided a written submission to the committee, and then my response this morning was that a review has not been undertaken. At this point we have not settled on a commitment as to when that review will take place.

**Mr. MacIntyre:** But under our standing orders is it not required within 150 days?

**Mr. Bosscha:** My understanding was that it was to provide a response back as to whether a review was done, not that the review would be undertaken. Maybe I misunderstand the question that was posed when we received the recommendation.

**Mr. MacIntyre:** Okay. Well, I'll leave it at that, but that'll be something, I think, for some follow-up because it's my understanding that under standing orders when something is referred to you for review, you've got 150 days to respond back to the committee. You haven't started the review yet. Is that correct? I may be misunderstanding that, but that's the way I read it.

**Mr. Bosscha:** No, that is correct. Although the review has merit to determine whether or not adverse possession should continue to be the law in the province, at this point there has not been a commitment made as to when that review would be undertaken.

**Mr. MacIntyre:** A commitment by your department?

**Mr. Bosscha:** Or a commitment by the government.

**Mr. MacIntyre:** Okay. Fair enough.

**The Chair:** We'll carry on with Ms Woollard, please.

**Ms Woollard:** Thank you, Mr. Chair. This is another question on that same recommendation about adverse possession, so this is for Mr. Bosscha. In the written response it says that "the law of adverse possession has some merit, as both retaining and abolishing the law of adverse possession are valid policy options." I'm wondering if you could expand upon that, please.

**Mr. Bosscha:** Certainly. In terms of adverse possession it allows for disputes that arise when there's been either an actual taking of land through, you know, opening, building on a person's property or taking it for oneself. It also arises in circumstances where there has just been a mistake, where someone thinks they own the land and they build on or use the land for their own purposes. So at times

it can be something that is very – you know, you’re balancing interests, where you’ve got something that has happened through an intention, and the law allows that to be addressed through the courts, or you can have a situation where something has happened through no fault of either person. It is just something that has occurred, and the law allows that to be resolved as well. That’s where we say that there’s a positive side to it and a negative side to it. We have either: you remove the adverse possession law and you find other ways to deal with land disputes, or you allow the law to remain as a mechanism that has been around for many generations as a way for resolving land disputes. So that’s where you have the balancing.

**Ms Woollard:** Just interestingly enough, it’s been used I think it said 23 times in the last 27 years, and only five of those were successfully claimed. So this is seldom used.

**Mr. Bosscha:** That is correct.

**Ms Woollard:** Okay. Thank you.

**Mr. Bosscha:** You’re welcome.

**The Chair:** We’re going to carry on with Mr. Rosendahl.

**Mr. Rosendahl:** Yes. My question is still in relation to section 4, and this is for Frank Bosscha again. When you look at the related functions of the Surface Rights Board and the Land Compensation Board, can you expand on the relationship between the two and how it works?

**Mr. Bosscha:** Sorry. Could you repeat the question, please, in terms of the Surface Rights Board?

**Mr. Rosendahl:** Yeah. The related functions of the Surface Rights Board and the Land Compensation Board in regard to section 4.

**Mr. Bosscha:** That, actually, I would have to come back to you with some further information on. I’m not as familiar with those, how section 4 relates into those two in a detailed level. I mean, you know, the Property Rights Act, section 4, allows the property advocate to provide information on behalf of the person that had brought the complaint into those mechanisms. But I can’t get too much more detail than that for you, sir. My apologies.

**Mr. Rosendahl:** Okay. Thank you.

**The Chair:** I just want to check for a third time with members who are joining us on the phone if they’d like to be put on the speakers list in order to ask a question.

Okay. Hearing none, we will move on with Mr. Hanson.

**Mr. Hanson:** Thank you very much, Mr. Chair. I’m not really sure who this question should go to. Maybe if one of you is familiar with it, you can just jump in. We’ve talked about insolvency. We have a particular instance in one of my municipalities where a green energy biodiesel or bioenergy project went bankrupt and left the municipality on the hook for about \$1.2 million in unpaid fuel bills and linear mechanical taxation. Unfortunately, I believe it was FCC that provided funding for this project, and they were put first in line for any money that was recoverable. Is there any way that we can protect landowners and municipalities? I know that there are billions of dollars being put into green energy in the province here. From our understanding, the municipalities and landowners aren’t going to have a lot of choice when it comes to fighting these projects. Who’s going to pay the landowners and the municipalities

or protect them when it comes to the insolvency of some of these other projects?

**Mr. Blackwood:** I can take that question. Certainly, you’ve raised a new emerging issue because even the Surface Rights Act, when it was created, was largely meant to deal with oil and gas development in the province. One of the things that we’re looking at right now, certainly with the desire to move toward significant contribution of renewables, particularly solar and wind, is that we need some sort of an equivalent or a new package that actually deals with renewables. Within Environment and Parks there has been significant discussion and work under way to explore what different options we need to try to protect landowners in that regard, at least from an Environment and Parks perspective, for lands that may be either Crown land or private land that have fish- and wildlife-related issues in particular. It’s something that we’re working on right now because there is not an equivalent on the renewables side, and if that is going to be a growing sector of the economy, we absolutely need to fill that void.

Is there anything . . .

**The Chair:** Go ahead, Mr. Sandberg.

**Mr. Sandberg:** Yeah. I can speak to the municipal side alone. I certainly can’t speak to the private landowner issue. Certainly, not just in terms of renewables but in terms of the energy industry in general I know this has been an issue that’s kind of come to light over the last year or so in terms of municipalities losing out on tax revenue that these firms are not able to pay. I can tell you that the ministry has created a crossministry working group with Energy and with Treasury Board and Finance. We have the AAMD and C at the table as well, the Association of Municipal Districts and Counties, and we are looking at trying to develop some options for how we address the revenue shortfall for municipalities.

There are really two issues here. One is in terms of the property tax revenue that the municipality loses. The second issue is around the fact that when the firm is not paying their property taxes, they’re also not paying their education property taxes, and the municipality is still required to forward those to the province. There may be different solutions to those two different problems, but we’re well aware of both those problems, and we have the Association of Municipal Districts and Counties working with us and other ministries to try and come up with some solutions that we hope we’ll be able to bring forward later this year.

**Mr. Hanson:** Can I just follow up, please?

**The Chair:** Sure. Please go ahead.

**Mr. Hanson:** Just a couple of things. I’d like to see a timeline on when we can see some recommendations for the municipalities so they have some idea of what they’re looking at there.

Also, in the instance that I was bringing up here, this project has been purchased by another company, and in this instance the county has a gas co-op that provides fuel to this outfit to the tune of about \$200,000 a month. They’re very reluctant to sign another deal, and I can’t really say that I blame them. We need something put in place there to protect municipalities; \$1.2 million doesn’t sound like much when you’re talking about a \$45 billion provincial budget, but when you’re a small municipality, a loss of \$1.2 million is very significant. It can be, you know, anywhere from 10 to 30 per cent or whatever depending on the size of the municipality. Just leaving them out in the dark on their own is kind of unfair, especially when

as a provincial government we're pushing a lot of these projects on the province.

Thanks.

**Mr. Blackwood:** I'll follow up with my colleagues in the Alberta climate change office on that as well, and we can get back to you.

**Mr. Hanson:** Thank you.

*10:50*

**The Chair:** We're going to carry on with Mr. Kleinsteuber, followed by Ms Babcock.

**Mr. Kleinsteuber:** Okay. This is another question for Mr. Blackwood on the topic of fee transparency. I was wondering what mechanisms are being explored to enhance fee transparency with stakeholders.

**Mr. Blackwood:** When you reference fee transparency, are you speaking about the exchange, if you will, between the landowner and the company itself or in what regard? Just for clarity.

**Mr. Kleinsteuber:** Yeah, between the landowner and the company, then.

**Mr. Blackwood:** Because those are private business dealings between a company and a landowner, we typically don't have a lot of transparency. That's a private business deal between the two entities, if you will. So those numbers typically are not publicly posted because they are between the private land owner and the corporate entity that they're dealing with.

**Mr. Kleinsteuber:** Okay. Thanks.

**The Chair:** Please go ahead, Ms Babcock.

**Ms Babcock:** Thank you, Chair. Mr. Sandberg, has the Property Rights Advocate reached out to the municipal organizations of AUMA and AAMD and C to receive their input on removing their powers of expropriation?

**Mr. Sandberg:** I don't know. We haven't had any recent conversations with the Property Rights Advocate, so I'm not familiar with what they may or may not have done on that front.

**Ms Babcock:** Is that a conversation that you've heard anything about in your office? The removal of those powers, you know, is something that's very concerning for our municipalities.

**Mr. Sandberg:** I'm not aware of any conversations around that front. I haven't heard anything either from the Property Rights Advocate or from the municipal associations, but I would imagine that the municipal sector would have some concerns around that recommendation.

**Ms Babcock:** Thank you.

**The Chair:** Ms Woollard.

**Ms Woollard:** Thank you. Going back to the review of adverse possession, I was wondering: are there any other Canadian jurisdictions that allow for adverse possession? If so, how do they handle it? This is for Mr. Bosscha.

**Mr. Bosscha:** Thank you for the question. The only other province that we know of from sort of a very cursory jurisdictional review is Nova Scotia, that still allows for it, and it is very similar to what we have. Most other jurisdictions have some form of legislation that

will deal with the boundary disputes or land disputes between different landowners.

**Ms Woollard:** Thank you.

Does that seem to be working satisfactorily, to the best of your knowledge?

**Mr. Bosscha:** Yes. To the best of my knowledge, it is working across Canada.

**Ms Woollard:** Thank you.

**Mr. Bosscha:** You're welcome.

**The Chair:** I currently have no other speakers on the list. Just want to make sure one more time. Oh, Mr. Rosendahl.

**Mr. Rosendahl:** Again the question that I have is in regard to section 4, and it's to Mr. Bosscha. Is there an advantage in repealing section 4, and what would be the drawbacks of doing that? Can you explain that a little bit further?

**Mr. Bosscha:** In terms of the advantage if it was to be withdrawn, you would have a piece of legislation that has been corrected for what seems to have caused some confusion for landowners when they seek out the assistance of the Property Rights Advocate and then they're told that, no, this isn't going to – you know, they haven't found a situation where this mechanism works in the circumstances.

The drawback would be that we'd want to do a more fulsome review to truly understand why this part of the statute has not been as effective as it was originally intended to be. It is supposed to provide some support to a property owner, where they have an additional mechanism for information to be provided into the system when there's a taking of the lands.

**Mr. Rosendahl:** To expand on that, then, how would it affect the work of the Property Rights Advocate office if that was to be repealed?

**Mr. Bosscha:** Based on my understanding, it has not had a huge impact on them in terms of the number of times that it has been requested to be used or that someone has brought a complaint that would fall within section 4. Having said that, it does take away one of their tools that at some point they might find the right fit for, a set of circumstances that would allow it to be effective.

**Mr. Rosendahl:** Okay. Thank you.

**The Chair:** Okay. Mr. Malkinson.

**Mr. Malkinson:** Thank you very much, Chair. This is going to be a question for Mr. Blackwood as well as Mr. Sandberg. I can't remember who asked the question originally, but you mentioned, you know, with the concentrations the risks that are identified around emerging technology such as solar or wind farms. I was wondering if you could sort of expand on what some of those risks might be.

My follow-up question to Mr. Sandberg would be whether, from your ministry's perspective again, you've seen similar risks or additional ones compared to Mr. Blackwood's perspective from Environment and Parks. I would put that question to both of you.

**Mr. Blackwood:** Maybe I'll start that one. The risk that we would see, again, like with for any type of activity on public land, or Crown land, is that there's a footprint of some kind, be it a solar installation or a wind installation. The concerns that we would see

would be, again: does the solar installation or the wind installation have impacts on fish and wildlife resources? In many parts of the province some of the highest valued land for the best solar and wind installations are in areas that have high grassland habitat values. So the risks for us would be predominantly environmental in terms of understanding what those environmental risks are. Then, ultimately, at the end of the day, should a particular installation, perhaps, be no longer viable, what's the cleanup process and the reclamation and remediation process? From our perspective, those would be the most substantive risks.

**Mr. Sandberg:** From a municipal perspective, I'll admit that there hasn't been a lot of conversation about this because, again, this is a relatively new activity, a relatively new technology. The municipalities I've talked to that have had any engagement with it typically, first off, have been very pleased with the increase in their assessment base, quite frankly, because things like wind farms, as an example, come with a relatively solid addition to the municipal assessment base.

Most of the concerns I've heard have really been around a lack of knowledge and awareness around the impact of the technology and the approval requirements needed. Again, typically you are talking about smaller and more rural municipalities that may not have as much familiarity or capacity. The questions and concerns we get asked about are in essence: how do we deal with public reaction? For example, with a wind farm you have to be able to sort out the mythology, what is true and what is not, around the impacts of wind turbines as well as approvals. So particularly if they are looking at Crown land as opposed to private land, then you need to be in connection with probably Rick's area. We've mostly directed the municipalities with questions to Environment and Parks because they're kind of the subject matter experts on this stuff.

**Mr. Malkinson:** Thank you.

I guess my follow-up would be: for the few municipalities that do have wind farms, from a property rights standpoint how have those communities worked with it so far? Have you had any issues thus far, or has it been smooth? Any feedback?

**Mr. Sandberg:** Again, I will admit that there's very limited feedback or very limited experience at this point. I've only talked with two municipalities that have had recent experience with this. In both cases, again, their fundamental issue was around public engagement to make sure that people understood what was really happening and what is fact and what is fiction around the impacts of this technology. In both cases the municipalities have been, again, very pleased. It's an addition to their assessment base, so it strengthens their financial viability, and they've found that as long as they engaged with their public very openly and had a good partnership either with the province if it's Crown land or with the firm – it's obviously very critical to have good communication with the firm. The two that I've talked to have had very positive experiences because the vendor, if you will, has been very engaged with the community to make sure there was understanding early on in the process.

**Mr. Blackwood:** Just a bit of a supplemental as well. One of the things that helps us as well from Environment and Parks is that we do have a few southern municipalities that have been heavily vested in wind power, in particular, for many, many years now. We have a really good example that we can draw upon in regard to successes and failures based on that experience because they've been in this game for quite some time.

**The Chair:** If you don't mind, we'll carry on with Mr. MacIntyre.

**Mr. MacIntyre:** Thank you, Chair. A question for Mr. Blackwood regarding the conversations you're having internally regarding reclamation and abandonment on renewable projects. This government has already issued a call for 400 megawatts of generation to be built in renewables. They are forging ahead with that. At the same time, as you have aptly pointed out, we don't have protection in place for landowners and municipalities. We did, just FYI, try to put through an amendment to the act last fall regarding reclamation, and the NDP unanimously voted that down. That sent, to me, a rather disturbing signal. I'm really glad that your department is talking about it.

**11:00**

My concern is that this government is fully prepared to issue contracts already to the tune of 400 megawatts of generation and that you don't have protections in place. Has the minister advised you or directed you and your department to have these policies in place prior to the issuing of such contracts, or are we going to be having contracts issued and projects built with no protection in place yet?

**Mr. Blackwood:** As I shared earlier, certainly within the department we've been having a lot of discussion and doing a lot of work in regard to what those protections would look like before any approvals would be granted, but we have certainly not gone as far as you've suggested yet. I can go back and get the most pertinent details as to where we are today and promise to get those back to you.

**Mr. MacIntyre:** Then that leads to the next question, and that is: will your department defer any approvals until you have those protections in place?

**Mr. Blackwood:** My suggestion would be that because we're pretty well versed on the issues that need to be addressed, we can deal with those through the approval process in terms of conditions. But, again, I'll go back and find out where we currently are on that policy piece and get back to you.

**Mr. MacIntyre:** Okay. Thank you.

**The Chair:** Thank you.

Ms Woollard.

**Ms Woollard:** Thank you very much. Yet one more question for Mr. Bosscha. This is again having to do with adverse possession. When landowners or neighbours are in a dispute over the boundary between their properties, what are the alternatives to the courts that they can take to resolve their dispute? If we did not have the adverse possession law, what would they do to resolve the dispute, their conflict over landownership?

**Mr. Bosscha:** If we didn't have the law of adverse possession, hopefully there would be within the transition period and the changes to a new system where you would actually have built into either the Municipal Government Act, the Land Titles Act, the Law of Property Act, or some piece of legislation a dispute mechanism. If we just removed the law of adverse possession directly, you would then probably look to mediation as an option, and you might look to some of the legislation that currently exists under the Municipal Government Act to see what kind of dispute mechanisms are there that might allow you to fit what would have been a claim of adverse possession into existing legislation.

But, for the most part, you would want to, if we were to remove the existing law, have done a thorough review to find out just

exactly what mechanisms are available and which ones you'd want to bring in to deal with these types of situations.

**Ms Woollard:** Thank you.

Am I correct in presuming, then, that because we have so few cases, as I said, in the last 27 years under adverse possession – I would assume that there'd be probably more conflicts than 23 over 27 years – other conflicts would be resolved some other way?

**Mr. Bosscha:** That would be correct, yes.

**Ms Woollard:** Okay. Thank you very much.

**The Chair:** I currently have no other members on the list for asking questions. I will check with those on the phone just to make absolutely, one hundred per cent sure. Anybody on the phone have any questions for any of our three guests?

**Mr. Strankman:** Yes, Mr. Chair, please.

**The Chair:** Please go ahead.

**Mr. Strankman:** Thank you, Mr. Chair. Mr. Sandberg commented that in the special areas sometimes what is proceeded with in practice is somewhat different than the legislation. I was wondering. To Mr. MacIntyre's questions about the renewables and the property rights or the surface rights available there: does he know if the special areas corporation has any sort of renewables policy that they might be practising?

**Mr. Sandberg:** I've had recent conversations with the chair of the special areas, and to my knowledge they do not have any current renewable projects although they've had, as I understand it, some tire-kicking, for lack of a better term, a few folks exploring and asking about possibilities.

At this point in time, because they haven't to my knowledge dealt with it, our advice to them has been to connect with our colleagues at Environment and Parks and talk about what kind of process would need to be followed. But I'm not aware of anything specific happening in the area right now.

**Mr. Strankman:** Yes. You're correct that there are some projects potentially in the works, but the approval for those, then, would have to rest with the minister to be under the direct mandate of the legislation. Would that be correct?

**Mr. Sandberg:** The special areas, again, as a municipal entity have a fair amount of authority to deal with land-use approvals. However, if we're dealing with something like this, it is most likely to be on Crown land, and in that case we would be working with Environment and Parks to sort through how that process should go.

**Mr. Strankman:** Well, Mr. Sandberg, I'm not wishing to be argumentative, but you talk about these special areas as a municipal entity. I've sought legal opinion that that's not necessarily the case. The special areas are a government corporation, a corporation of the government.

**Mr. Sandberg:** That is correct. The comment I made earlier is that while the legislation provides the minister with significant authority as the mayor and council, in practice that authority has largely been delegated to the Special Areas Board. However, when we're dealing with Crown land, as is the case in any other municipality, Crown land requires some engagement and approvals from the provincial government, typically through Environment and Parks.

**Mr. Strankman:** Yes, and that's the reason for my question regarding the development of renewables.

**Mr. Sandberg:** Yes. I'm not sure how much farther to go. If there is a renewables project application that comes forward, the Special Areas Board will need to engage with Environment and Parks.

**The Chair:** Great. Mr. Strankman, we're going to move on to Mr. Hunter, and then we're going to go to Mr. Hanson.

**Mr. Hunter:** Thank you, Mr. Chair. My question is for Mr. Blackwood. In my riding there is a solar plant being presented in an area that is an irrigated field, so it's prime land in terms of production. There was a recommendation made to move it to grassland. It would be a little better position. What is the ministry's position on where they would prefer to see these renewable projects go up? I get that Environment and Parks has, you know, the mandate to make sure that there's grassland for the grouse and different species, but do you guys have some kind of a recommendation to these organizations about where they put these things up? It doesn't make sense to me that they would choose, you know, prime irrigated land over grassland. I'm just trying to find out what you see this as.

**Mr. Blackwood:** Thanks for the question. I think that your point is very well taken in the sense that we are, as I talked about earlier, working on certain policies that would try to identify areas of least conflict, if you will. We don't want to see development as – you used the example of sage grouse. We certainly wouldn't want to steer any proponent or developer into an area where immediately we would see conflict with endangered or rare species. If we have very high or significant value native grasslands, we would want to try to steer people away from that. The policy will certainly try to identify areas that have not only high renewable value but also minimize disturbance of other land values or fish and wildlife values, that have the highest potential for solar or wind but, as you say, try to avoid displacing other high-value uses as well. Part of our land-use planning and policy development will be to look at areas that have the highest potentials, if you will, but the least conflict.

**Mr. Hunter:** As a follow-up, Mr. Blackwood, do your department and the department of agriculture have dispute when it comes to where these things would be set up? I mean, I think that the department of agriculture would have a say in terms of agriculture – you know, high-producing, irrigated land – versus what your guys' criteria would be. How do you work that out between the two of you?

**11:10**

**Mr. Blackwood:** Mr. Sandberg had mentioned our regional planning process. As an example, we have a number of different tables through the regional planning process and subregional planning, which is the next level down, that actually involve a host of different ministries that have related mandates; as an example, Environment and Parks and Agriculture and Forestry. We typically have a lot of those discussions in advance to try to avoid those conflicts and to make sure that we can surface everyone's key interests and, at the end of the day, develop policies that are not conflicting or contrary to one another. Through both regional planning and subregional planning we have both assistant deputy minister tables that involve multiple ministries as well as working staff at the executive director level and below to try to sort those issues out before they become conflicts.

**Mr. Hunter:** Is there a hierarchy of needs? Is there a list of hierarchy of needs, like, where one would trump another?

**Mr. Blackwood:** There's not a hierarchy of needs, but again the intent is to try to make sure that we're looking at highest value land for the highest purpose. Again, when I talked about something that may be of high value for an endangered species or a native fescue grassland, certainly that gives it a much greater value in terms of the conservation objectives or the resource management objectives we're trying to achieve. We make sure, as an example, that when we deal with Agriculture and Forestry, we're not just putting Environment and Parks' views forward. We make sure that we listen to the views and desires of other ministries as well to try to make that collective decision.

**The Chair:** Okay. Thank you.  
Mr. Hanson.

**Mr. Hanson:** Thank you, Chair. I just wanted to make sure that I was clear. You talked about some municipalities that are looking at some green energy projects that are quite excited about the potential for linear and some fairly remote municipalities that aren't used to dealing with oil and gas, so they haven't been seeing a lot of linear. Is there any opportunity to engage with these municipalities on the risk involved; you know, using my previous example, where the county got put on the hook for \$1.2 million? We've looked at green energy, wind turbines and solar panels. Some of the largest corporations in the world that are involved in those industries have gone bankrupt. In a lot of cases it's not a matter of if these projects are going to fail; it's when. There should be some substantial policy in place to protect municipalities and landowners for reclamation and to cover the lost taxes. I shudder to think that some of these municipalities would start banking on these linear and mechanical assessments to budget five and 10 years forward when the potential for failure is so great.

I'd just want to, like I said, make it very clear that we need to engage with the municipalities to make sure that they understand the risk that is involved. I know that even something as significant as a photovoltaic cell, for reclamation of that and to dispose of it properly, can be quite expensive. I just want to make sure that municipalities and our landowners are given proper information as to what they're involved in and what their risks are, and if there is no policy in place to protect them, then I think that before we approve any of these projects, this should be mandated from our government to make sure that our municipalities are protected.

Thank you.

**The Chair:** Great.

Gentlemen, thank you very much for your time today. We appreciate your participation in our review process. You're welcome to stay and watch the rest of the proceedings if you wish, or you may want to leave so that you can attend to other commitments.

That being said, I'd like to suggest to the rest of the committee that we take a quick health break here, coming back at 11:20. How does that sound to everybody? Okay. So we'll take a break until 11:20, when we will reconvene.

Thank you.

[The committee adjourned from 11:14 a.m. to 11:22 a.m.]

**The Chair:** Okay, everyone. I'm going to call us back to order.

Hon. members, as we turn to deliberation on the matter before us, I'll remind you that this committee has already made two recommendations as part of our review of the 2015 annual report of

the Property Rights Advocate office. We've also received a written submission from Mr. Doug Martenson in response to questions raised at previous meetings regarding well reclamation. We have heard from the ministries today.

With all this in mind, is there anything else committee members wish to put forward for consideration? I'll open the floor. Mr. MacIntyre, go ahead.

**Mr. MacIntyre:** Thank you, Chair. I would like to introduce a motion. By way of introduction to it I just want to make a couple of comments. Just recently in the news we had . . .

**The Chair:** Sorry, Mr. MacIntyre. May I suggest that you make the motion, and then we'll have a seconder, and then we'll get into discussion. Would that be all right?

**Mr. MacIntyre:** Okay. Yeah. I'm good with that.

**The Chair:** Oh, no. No seconder required. Pardon me.

**Mr. MacIntyre:** Be it resolved that the Standing Committee on Resource Stewardship recommend that the government introduce legislation abolishing the common-law doctrine of adverse possession in Alberta and all statutory references supporting adverse possession in Alberta legislation.  
Do you want it?

**The Chair:** Do you have a copy? Would you mind sharing it with the clerk just to make sure that we get that?

**Mr. MacIntyre:** I don't mind sharing it at all.

**The Chair:** Just to let all committee members know, it will be up on the screen.

Okay. Please continue with your remarks, Mr. MacIntyre.

**Mr. MacIntyre:** Thanks very much. As recently as just a day or two ago we had this issue of adverse possession come up in Cardston. You know, it was a situation where someone owned land, paid taxes on that land for a very, very long time, but there was someone else claiming ownership of that land, and under the law of adverse possession that person was successful in the courts. I believe that in one of the judge's statements he pointed out that, you know, it's an old law, and something needs to be done about it was the inference I drew from his ruling, anyway. We have a situation where we've got a law that has been dealt with right across Canada with the exception of our province and perhaps Nova Scotia, as was mentioned earlier. Really, I think we need to deal with it as a legislative committee.

Now, there was a recommendation from the Property Rights Advocate back in 2014 to abolish the law of adverse possession. In 2016 this committee referred that recommendation to Justice and Solicitor General for review. Now, under section 52.09 of the standing orders the Solicitor General's office had 150 days to deal with that. As we've heard today, they haven't even begun the review. As I understand 52.09, that department is in violation of that standing order.

That said, though, it's obvious that this is a rather archaic piece of legislation. I think it's one that we should abolish, and that's why the motion comes forward. It was the recommendation of the Property Rights Advocate back in 2014. The Solicitor General's department hasn't seen fit to even begin the review, so how important is that? To have a law on the books simply to have a law on the books when it is that archaic and problematic – I think it

behooves the government to simply remove it. That is the nature and reason for that motion.

**The Chair:** Thank you very much, Mr. MacIntyre.  
We're going to open it up to discussion. Mr. Nielsen.

**Mr. Nielsen:** Sorry, Chair. I'm just waiting to see the whole motion on the screen.

**The Chair:** Sure.

**Mr. Drysdale:** Whenever there's a chance, I would like to speak.

**The Chair:** Sure. Mr. Drysdale, how about you go ahead.

**Mr. Drysdale:** Okay. I just wanted to vote in favour of this motion. There was a private member's motion brought up a few years ago that all but passed but kind of died on the Order Paper and never got finished. I know that there's another private member's motion coming up this session from one of our members to do the same thing. So, you know, I'll be definitely speaking in support of this motion. Sooner or later, hopefully, it gets done.

Thank you very much.

**The Chair:** Thank you, Mr. Drysdale.  
Anybody else care to comment on the motion?

**Mr. Clark:** Mr. Chair, I'd appreciate being put on the speakers list, please.

**The Chair:** Okay. We're going to go to Mr. Nielsen and then to you, Mr. Clark.

**Mr. Clark:** All right. Thank you.

**Mr. Nielsen:** Sorry, Chair. I had a hard time hearing the beginning of what the last speaker said. If I could just get him to repeat that, that would be great.

**The Chair:** Thank you.  
Over to you, Mr. Drysdale. If you could just repeat what you said at the beginning.

**Mr. Drysdale:** Yeah. Hopefully, he can hear me. There was a private member's motion brought up a few years ago that all but passed but ended up dying on the Order Paper, and now there's a new one coming up from our caucus to do the same thing. So I will be speaking in favour of this motion. It's the right thing to do. It's an old law that's crazy and should be abolished.

Thanks.

**The Chair:** Thank you very much, Mr. Drysdale.  
Mr. Nielsen, did you want to comment?

**Mr. Nielsen:** No, thanks. Let Mr. Clark go ahead.

**The Chair:** Mr. Clark, please go ahead.

**Mr. Clark:** Thank you very much. I'm not as eloquent as Mr. Drysdale, but I certainly agree that it seems to be an archaic law. The fact that Alberta is one of only two jurisdictions, as I understand it, that has this law still on the books seems odd to me.

What I'd be interested to hear from any member of the committee is: can any member of this committee make a compelling case to keep the law of adverse possession? Is there any reason as to why we ought to keep it? I haven't heard one here today. I haven't heard one in previous meetings. It just seems that it's almost inertia as to why we've kept it, and it seems certainly to do a lot more harm than

good. Now, I suppose I'd be open to having my mind changed on that if someone can make a compelling case. I would be surprised if they could, but I have yet to hear any reason why we ought to keep this law, and I'm very interested to hear any perspective otherwise.

Thank you.

**The Chair:** Thank you, Mr. Clark.  
We're going to go to Ms Babcock, followed by Mr. MacIntyre.

**Ms Babcock:** Thank you, Chair. You know, the only comment that I have is that I think that the speakers from the Justice and Solicitor General were very clear that there are some adverse effects of taking this law off the books as well because there's nothing else in place. I think that as a committee we should absolutely, you know, take some time to look at what those implications would be on both sides of this issue. I don't think making a hasty decision in the heat of the moment would be the right avenue to go, and I think that more research should be done on the matter at hand by the committee.

Thank you.

**The Chair:** Mr. MacIntyre.

*11:30*

**Mr. MacIntyre:** Thank you. With all due respect to Member Babcock, the Solicitor General has had this thing in their hands for well over a year now and have not even done a review. So I take the comments that were made by the presenter within that context. If it was as important an issue, with those kinds of ramifications as you're purporting here today, then that department would have looked at it and not violated Standing Order 52.09 when they had 150 days to respond and did not. That tells me that they're not really interested in it. The recommendation that was before them was that the law be abolished, so their review was specifically to look at what would be the implications of having that law abolished. They didn't so much as even start the review, from what we heard today, so I don't believe it's that important. We have not yet heard a compelling reason to keep it.

Insofar as using that law as some sort of dispute resolution mechanism, we already have policies and regulations and law under the MGA and under other laws in this province that allow a judicial recourse between, you know, disputing parties over land issues. We already have that covered off, and I don't believe the imperative tone to what we were told today at all.

**The Chair:** Ms Babcock.

**Ms Babcock:** Thank you, Chair. You know, all I can say in response to that, Mr. MacIntyre, is that I am not an expert on all of the legislative mechanisms or judicial mechanisms in this province in regard to property rights, and I assume that nobody at this table is. I think that as a committee, because we do not work in the Solicitor General's office, we probably don't have that information at our fingertips, and we should probably take the time as a committee to look at those implications so that we are aware of what we are looking at, not what they are looking at.

Thank you, Chair.

**The Chair:** Okay. I have Mr. Hanson on the list.

**Mr. Hanson:** Yeah. Thank you, Chair. You know, we've changed a lot of laws in the last 18 months that obviously didn't have a lot of forethought, so I find it a little interesting that we're going to hold back on this one, that's been on the books for years, and say that we haven't given it any forethought. I would say that we go



ahead. It's been a long time coming. Other jurisdictions in this country and indeed in North America have removed this law without imploding. I think it's time that we take a step forward.

Thanks.

**The Chair:** Go ahead, Mr. MacIntyre.

**Mr. MacIntyre:** Thank you, Chair. Let's remember that the recommendations that come from this committee go to the Legislature as a recommendation, and what this motion is doing is asking the Legislature to introduce legislation abolishing this common-law doctrine of adverse possession. Now, in the legislative process that we have in place right now, that proposed legislation would come forward as a bill. It can be referred to a standing committee. In answer to Ms Babcock's question, experts can then be brought in, evidence can be submitted, tweaking of the legislation can be done, and the whole legislative process can take place to come up with an appropriate conclusion at the end of it.

Rather than do nothing, this motion is to recommend that the government move on this, and the reason for it is because the Solicitor General's office has, you know, violated Standing Order 52.09 and not done their job to provide you and me and the rest of us with the information that we needed. Somebody needs to move on this. We already had a situation just a few days ago that wouldn't have existed if we'd dealt with this back in 2014 when the Property Rights Advocate first said: let's abolish this thing. I believe what this motion will do, hopefully, is get the government moving forward on it. Let's put it through the whole parliamentary procedures that we've got, and in the end, after it goes to the standing committee for review at second reading, we can look at it, we can have people come in, and we can deal with this thing once and for all in this Legislature's term at least.

Thank you.

**The Chair:** Thank you, Mr. MacIntyre.  
Anybody else wish to comment?

**Mr. Clark:** I would appreciate being put on the list, please.

**The Chair:** Please go ahead, Mr. Clark.

**Mr. Clark:** Yeah. Thank you. I just want to echo what Mr. MacIntyre is saying. What this motion does is make a recommendation. We are not today changing the law of adverse possession, but frankly, given all of the recommendations, given the damage that it apparently is doing – even if it were a somewhat rare case, it's not never, not zero – I think it would be irresponsible of this committee not to make a recommendation. The last thing we ought to be doing is kicking it down the road yet again. We have a chance to do it now. I think we have the information and the evidence that we need to make a decision as a committee, and I think that we should all as committee members come prepared to make a decision like that and really encourage government members in particular to support this motion.

Thank you.

**The Chair:** Thank you, Mr. Clark.  
We're going to go to Mr. Nielsen.

**Mr. Nielsen:** Thanks, Mr. Chair. Definitely what I'm hearing I think from committee members here is that we need to look at this. We need to understand what's going on, what we need to change, if anything, or just outright get rid of it. We do have some work in front of us that we need to complete to make sure that we get that

done first, and then we start looking at this and anything else that might be relevant around it.

Mr. Chair, if it's okay, I'd like to make an amendment, and I might require Parliamentary Counsel just where the wording might need to go.

**The Chair:** Please go ahead.

**Mr. Nielsen:** Essentially, we're looking at having the committee consider reviewing the Property Rights Advocate's recommendation on abolishing adverse possession in more detail along with other items after the review of the Lobbyists Act is finalized. That way we can get our work done, but this becomes important, too, so that we don't lose sight of it and we get on to it.

**The Chair:** Okay. We're just going to wait for our committee clerk to get it up on the screen here.

Can you just take a look and see if this reflects your intention, sir.

**Mr. Nielsen:** Yes. I think that is what my intention is.

**The Chair:** Okay. Mr. MacIntyre, you'd like to speak to the potential amendment?

**Mr. MacIntyre:** Yeah, I would. I want to hear from Parliamentary Counsel first because this substantially, fundamentally changes the intent of the original motion.

**Ms Dean:** Mr. Chair, it does appear to be addressing a different decision for the committee.

**The Chair:** Okay. Thank you.  
Yes, Mr. Nielsen.

**Mr. Nielsen:** I'm certainly open if we want to play with some of the wording a little bit, so if it, I guess, helps some of the committee members – like I said, the intention is: let's finish our mandated work, which means finishing the Lobbyists Act, before we start adding any other work before this.

**The Chair:** Okay. I'm going to go with Mr. Hanson.

**Mr. Hanson:** Thank you very much, Chair. This isn't going to interfere with the work of this committee. It's very, very clear. The motion is very clear. It is to send this to the government to introduce legislation abolishing the common-law doctrine of adverse possession in Alberta. It's very simple, very clear, and I'd like to vote on that motion, please.

**The Chair:** Based on what we have before us, I'm going to rule that the amendment isn't exactly in line with the motion that was originally presented. We're going to take that amendment as was proposed by Mr. Nielsen off the table.

I'd like to offer the opportunity first for more discussion on the motion itself as presented by Mr. MacIntyre. Mr. Hunter.

**11:40**

**Mr. Hunter:** Thank you, Mr. Chair. This issue that Mr. MacIntyre was talking about was in my riding, and I became acquainted with this whole concept. I guess the nickname for it is squatter rights, and I think that the reason why it was maybe relevant in times past is because of the transient nature of society whereas it's not something that we really deal with right now. You know, when I was looking at this with the people in my riding that are dealing with this, they realized that this law was very archaic and had no relevance to our society today, and they just didn't know why it was still on the books.

This is about us as a committee and as the government being able to send a clear message that we respect landowner rights and that we're going to do something about it, so I would be very much in favour of this motion.

**The Chair:** Thank you, Mr. Hunter.

Would anybody else care to comment on the motion as presented by Mr. MacIntyre?

**Mr. Nielsen:** If I can just get clarification from Mr. MacIntyre, then. Your intention is not to hold up the work of this committee so that we can get to the Lobbyists Act. We won't constantly be coming back to: "Well, we have to do this first. Let's get the work we've been mandated done, and that will happen when it happens."

**Mr. MacIntyre:** Actually – well, I'll wait.

**The Chair:** Please go ahead, Mr. MacIntyre.

**Mr. MacIntyre:** As the motion is worded, that actually gets something handled, done, and out of our way and speeds up the process by which we can deal with the other issues before us. It does not slow us down at all. If we make a recommendation to the government regarding this particular act, then that motion really punts it out of here and into the government's hands to deal with. Then, having it there, whatever legislation may come forward from it can be put through the entire parliamentary process that we've got in place, come back to this standing committee, where we can have, as I said before, all kinds of people come and present regarding this proposed legislation to abolish adverse possession. We can deal with it here at that time when it comes forward. This really is doing the job that the committee tried to do back in 2014 and again in 2016, referring it to Solicitor General, who has done nothing with it. That's all this motion does. It deals with it now, and we're done with it now.

**Mr. Nielsen:** Okay. Thanks. I just wanted clarification on that.

**The Chair:** Okay. Mr. Malkinson, followed by Ms Babcock.

**Mr. Malkinson:** Thank you very much, Mr. Chair. This is an interesting topic because, I mean, it's obvious that from what we've seen in this committee, this needs to be changed, abolished, or otherwise updated for the modern world.

Mr. Hunter, I believe you made that point quite eloquently, that there was perhaps a time and a place where this made sense. With the motion, you know, this is one that, personally – for how I'd want to vote on it, I'm kind of waffling either way. Mr. MacIntyre, you bring up some points, as did Mr. Hunter, that perhaps this needs to be abolished, changed, or updated.

You know, hearing the points that my colleagues made here, I also want to make sure that we're not doing something where there is not going to be a hole in the legislation where you end up with either a loophole or an unintended consequence to that. I just want to make sure that when we do this, it would go through the full process with this recommendation. My understanding from Parliamentary Counsel is that this is not binding on the government. It would be our recommendation to the government, correct?

**Mr. MacIntyre:** Right.

**Mr. Malkinson:** Okay.

**The Chair:** Ms Babcock.

**Ms Babcock:** Thank you, Chair. I was actually just going to ask if it would be possible because I just – the way this is written, I think

that this is not something that I'm willing to vote yes on. I want more information before I make that decision. Would it be possible to, you know, maybe go through this and put forward another motion to study what we should put forth as a committee?

**The Chair:** Mr. MacIntyre.

**Mr. MacIntyre:** We're looking at making a recommendation, not a piece of legislation. This thing has . . .

**An Hon. Member:** Can I . . .

**Mr. MacIntyre:** Just let me finish. I do have the floor.

To delay now, to review and review some more when we have the opportunity to do that thoroughly when legislation comes forward in the Legislature and comes back to this committee, hopefully, for review – that's the point in time where we bring in the evidence and we review things and make recommendations for changes to the legislation, as this committee sees fit.

Right now what we're debating about is whether we're going to make a recommendation that the government introduce legislation abolishing the common-law doctrine of adverse possession, and I just don't see why certain members here are digging in their heels and saying: "No, no, no. Let's not deal with it now. Let's deal with it later. We need more review." No, we don't. We have a perfect opportunity for review later on. The Solicitor General has had this thing since 2016 and has done nothing to review it. We do have a situation where, obviously, based on what happened in Cardston a couple days ago, something needs to be done with this sooner than later, and I don't believe it's appropriate to put our people, Albertans, on hold longer while we decide what we're going to recommend to the government.

Either we as a group of people recommend that the government needs to abolish this law and throw the legislation to the Legislature and bring it back here for review and debate and amendment and all the other things that happen to legislation – to be going around in circles right now over a recommendation from this committee, I think, well, frankly, just doesn't make any sense to me. Let's get this thing into the government's hands as a recommendation. Hopefully, the government will move on it, and we can deal with that legislation as it comes through the parliamentary process. That's the legislative process.

Thank you.

**The Chair:** Mr. Nielsen.

**Mr. Nielsen:** Thanks, Mr. Chair. I don't think anybody's digging in their heels and saying: no, no, no. I think we're just trying to get clarity, make sure we know where everything's coming from here. I mean, I've certainly seen folks opposite complain that we're moving too fast, we don't think about things, and then here we are trying to make sure we think about things, and we're getting criticized for that, too. We're not saying: no, no, no. We just want to be safe in what we're thinking, what the intentions are. I think you've made a very good argument. You know, let's not start pointing fingers as to what people are doing. We're trying to slow down a little bit and just think through decisions here.

That was my comment.

**The Chair:** Ms Woollard.

**Mr. Clark:** Can I be added to the list, Mr. Chair?

**The Chair:** Yes. I'll put you on the list.

**Ms Woollard:** Thank you, Mr. Chair. I do support the motion. What I'm really interested in finding out, whether it's after it goes through or whenever, is how other jurisdictions in Canada have implemented the abolition. Right now, if Nova Scotia is in the process of getting rid of it, how are they doing it? What's their transitional process like? I think that will make our work a lot simpler in Alberta.

**Mr. MacIntyre:** Mr. Chair, just in response to Ms Woollard.

**The Chair:** Okay. Go ahead, Mr. MacIntyre.

**Mr. MacIntyre:** That is exactly what the Solicitor General should have been doing for us since 2016. It didn't happen.

Thank you.

**The Chair:** I have Ms Babcock, followed by Mr. Clark.

11:50

**Ms Babcock:** Thank you, Chair. I think that my concern is mostly around not taking the time to look at any adverse complications that come out of changing this legislation. A recommendation from our committee to go to the government to introduce legislation is a very serious recommendation, and I don't enter it lightly. I think that my hesitation comes more from not understanding what those adverse complications would be. Now, obviously, we have, you know, Parliamentary Counsel, and we have the legislative process that comes forth during the building of the legislation itself. I think I would like to know more about what exactly it is that would be the downside of taking away adverse possession. In reality, I think adverse possession is an outdated law. You know, it's something that we've seen in my region and something that we've seen go wrong in my region, so I'm not in favour of adverse possession. I think that, for me, I just want to know, everything going forward, what the implications are.

Having heard the opposition and having heard the comments made in this room today, I am more than willing to make this recommendation and vote yes on this motion. I think that the conversation has been really good, and having been reassured that this is exactly what the intent behind it was, I thank everybody here for indulging mostly my qualms about how far we had to go with this.

**The Chair:** Thank you very much, Ms Babcock.

I'm going to go to Mr. Clark on the phone.

**Mr. Clark:** Thank you, Mr. Chair. It sounds like we might be getting there, so I'll be brief. You know, I don't see this – there are no tricks here. This is not a trap for the government. The process, again, as I think we've discussed here, is that the committee makes a recommendation, the government drafts the legislation, and then we debate it in the full Assembly. In so doing, in drafting the legislation, there is the opportunity to work with experts, with Parliamentary Counsel, with the Solicitor General, and to look at other jurisdictions, and then we as members of the Assembly have an opportunity to do the same thing in the full view of the public. The Assembly may entertain the opportunity to refer it to a standing committee, to perhaps go to a deeper dive, or may simply decide, based on the way the legislation is presented, that in fact we do pass that legislation and eliminate adverse possession.

So I see really no downside, frankly, in passing this motion. I think it is the right recommendation to make from this committee at this stage. I do think we have all the information we need. I see no reason for Alberta to continue to be an outlier. It seems like there's an awful lot more harm than good that comes from this law

being on the books, and there's an opportunity here for us in the committee to pass this motion and then move on.

Thank you.

**The Chair:** Good.

We're going to go to Mr. Rosendahl.

**Mr. Rosendahl:** Well, I'm totally concerned in the fact that I know that we have situations in West Yellowhead that certainly fall into this issue, and if we turn around and suggest doing this, what's going to happen? Until I know for sure what's going to happen to people that may fall in this category, I am totally concerned for how it may affect them, and not knowing, because we're going to do this, how it's going to relate to these people is concerning. If they contact my office, how am I going to answer that? How can I answer to these people saying the situation that they're in here? That's why I'm concerned, because of the fact that we haven't looked at all the resulting things that may arise from what we're proposing to do here. That is a concern.

**The Chair:** Okay.

**Mr. Hunter:** Mr. Rosendahl, I would have to say that the proper response to these people would be: "You need to pay for the land that you possess. You can't squat on someone else's land." This is a very black-and-white position, that we can take because we have to take seriously people's land rights.

When someone squats on another person's land and this adverse possession law says that as long as you're on there for a certain amount of time, you can have title to that land without proper compensation, this is wrong. Our whole society was based upon and built upon the ability for us to be able to work hard, to buy land, to own it, and to have certain rights because we own that land. This circumvents that ability for people to feel confident in our common law for those land rights. Again, I appreciate what you're saying, but we do have the right to be able to own land here, and they do have the right to be able to purchase land.

For people who are squatting on that land without the right to do that – I think we need to rectify that. That's where we as lawmakers and policy-makers have the ability to set something straight and right.

**The Chair:** Okay. Mr. Rosendahl, you wanted to comment.

**Mr. Rosendahl:** Well, I mean, I appreciate your comment, Mr. Hunter, but the problem here has been long-standing. Some of the people in West Yellowhead, especially the members that have been displaced from Jasper national park, for example, are displaced somewhere else because somebody made the decision that they need to move out of the park, but there has been a total failure to address this issue as to whether or not, when they move, the land they move to is theirs. That decision has never been made. Never. Nobody has touched it. Nobody will address the whole thing. So how is it going to affect all these people? It will affect them in a big way.

**Ms Woollard:** I won't take long, but I do know the situation that Member Rosendahl is talking about. But as I asked the representative, Mr. Bosscha – there are other mechanisms being used to resolve land disputes. As I said, this adverse possession law has only been used 23 times in the last 27 years, had successful claims only five of those times. So it's just obvious that there are other mechanisms which are being used to resolve land disputes. That's a sad situation, and I hope very much that it'll get settled and

resolved soon, but I think it will be able to be resolved with or without this particular law.

Thank you.

**Mr. Drysdale:** Mr. Chair.

**The Chair:** Please go ahead, Mr. Drysdale.

**Mr. Drysdale:** I won't draw this out any longer than I have to. I won't repeat it, but I agree a hundred per cent with Mr. Clark. What Mr. Rosendahl is talking about is Crown land, not private land. This adverse possession is only dealing with private land. I think we just need to pass this motion and get on with it.

Thank you.

**The Chair:** Okay. I'm hearing that we're all in the spirit of trying to get this resolved right now. I'm going to call for the vote, and I'm going to ask our committee clerk to just read the motion into the record before we vote on it. Jody, if you don't mind.

**Ms Rempel:** Thank you, Mr. Chair. Moved by Mr. MacIntyre that the Standing Committee on Resource Stewardship recommend that the government introduce legislation abolishing the common-law doctrine of adverse possession in Alberta and all statutory references supporting adverse possession in Alberta legislation.

**The Chair:** All in favour of the motion as presented by Mr. MacIntyre, please say aye. Is there anybody opposed? [An electronic device sounded] Is that in opposition? Okay. I don't know how to read that one, but I'll assume that it was not. Well, it seems that the motion passed.

The lunch hour is upon us, ladies and gentlemen. I guess we'll break for lunch now. We'll be back at 1 o'clock. Lunch is in the Canadian Shield Room. We'll see you all at 1 o'clock.

[The committee adjourned from 12 p.m. to 1 p.m.]

**The Chair:** Welcome back, members. I just want to acknowledge everybody that's in the room, so as is customary, we're just going to go quickly around the table so that everyone can state that they're here for the record. Of course, I'm Rod Loyola, chair of the Resource Stewardship Committee. I'll continue here to my right.

**Mr. Hunter:** Thank you, Mr. Chair. Grant Hunter, and I'm the deputy chair.

**Mr. MacIntyre:** Don MacIntyre, MLA for Innisfail-Sylvan Lake.

**Mr. Kleinsteuber:** Jamie Kleinsteuber, the MLA for Calgary-Northern Hills.

**Ms Babcock:** Erin Babcock, Stony Plain.

**Mr. Malkinson:** Brian Malkinson, MLA for Calgary-Currie.

**Ms Woollard:** Denise Woollard, MLA, Edmonton-Mill Creek.

**Mr. Nielsen:** Good afternoon. Chris Nielsen, Edmonton-Decore.

**Mr. Rosendahl:** Afternoon. Eric Rosendahl, West Yellowhead.

**Mr. Dang:** Good afternoon. Thomas Dang, Edmonton-South West.

**Ms Robert:** Good afternoon. Nancy Robert, research officer.

**Dr. Massolin:** Hi. Philip Massolin, manager of research and committee services.

**Ms Rempel:** Hello. Jody Rempel, committee clerk.

**The Chair:** We'll now go to the members who are on the phone. Please go ahead.

**Ms Kazim:** Anam Kazim, the MLA for Calgary-Glenmore.

**Mr. Drysdale:** Wayne Drysdale, MLA, Grande Prairie-Wapiti.

**The Chair:** Okay, everyone. We were on item 4(b) of our agenda, deliberations and recommendations regarding the Property Rights Advocate office. We finished off with a motion that was put forward by Mr. MacIntyre which was approved and carried forward.

I'd like to provide the opportunity for further discussion and to see if anybody else would like to bring forward any issues or recommendations, motions, and such.

Okay. Hearing none, I just want to make absolutely . . .

**Mr. MacIntyre:** I'm sorry. Could you repeat the request, Chair?

**The Chair:** We are currently deliberating on the Property Rights Advocate office and any recommendations coming out of that. We did already move one motion that you put forward, Mr. MacIntyre, and I'm just requesting from all members of the committee to see if they have any other issues or concerns that they would like to bring forward at this time.

You're good, Mr. MacIntyre? Thank you very much for that.

That being the case, we will now move on to item 4(c) on our agenda. The committee has determined its position regarding the recommendations contained in the 2015 annual report of the Property Rights Advocate office. The last time the committee made recommendations with respect to the annual report of the Property Rights Advocate office, the committee authorized the chair to approve the committee's final report, which was drafted by research services and provided to committee members for comment. Are there any comments or questions from members about this process at this time?

I also want to offer the opportunity to Dr. Massolin if you have any questions or issues or concerns that you want to bring forward or questions for us.

**Dr. Massolin:** Thank you, Chair. At the last committee meeting I explained what the contents of the report will be, so I don't think that I need to add anything to that, but I'm happy to answer any questions should there be any.

Thank you.

**The Chair:** Mr. MacIntyre, please go ahead.

**Mr. MacIntyre:** I just have one question. Regarding the issue that came up earlier today with Justice and Solicitor General not issuing a report back to this committee under section 52.09, I guess what I would like to ask in a general way to all the members of the committee is: do we want to address that in this committee now, or should we address it at some other later date? I think it's rather important that the government departments adhere to the standing orders, and this government department did not, so my question in the general way is: what are we going to do about that?

**The Chair:** I would like to think that we can bring that up under other business, unless, Dr. Massolin, you'd like to comment on that at this time.

**Dr. Massolin:** Yeah. Thank you, Chair. I just would want to remind the committee that at the last committee meeting of Resource Stewardship the committee did pass a motion basically indicating that the Ministry of Alberta Justice and Solicitor General "develop

a process to ensure recommendations made by the Property Rights Advocate . . . are followed up on after they are endorsed by [the] standing committee.” So I would think that that would take care of this concern, maybe not the general concern in terms of legislative policy committees but in this case and in the case of the Property Rights Advocate reports, that that recommendation was geared towards that problem.

**The Chair:** Okay. Does that satisfy any issues or concerns on behalf of the committee members? Okay. Thank you.

We will require a possible motion, and I’m just going to put that forward now, that

the Standing Committee on Resource Stewardship direct research services to prepare a report regarding the review of the 2015 annual report of the Property Rights Advocate and that the committee authorize the chair to approve the committee’s final report.

**Mr. Rosendahl:** So moved.

**The Chair:** Thank you, Mr. Rosendahl.

I’ll remind even those on the phone that I’m going to ask for approval. Everyone who is in agreement, please say aye. All in favour of the motion? Anybody opposed? Thank you. That motion is carried.

I’m now going to ask that the officials from the office of the Ethics Commissioner and Alberta Justice and Solicitor General, who are here in the room in a technical support capacity, to join us at the table. We’ll give them a minute or two to do so so that we can continue with our meeting. As they take their seats at the table, they’re here in their capacity to share their expertise, when requested, during our deliberations.

For the benefit of those listening in, I would like to take a moment to quickly go around – oh, pardon me; we’ve already done that.

Before we discuss the issues document prepared for us by research services, I would like to advise the committee that a written submission regarding our review of the Lobbyists Act came in last week, expressing support for the recommendations made by the nonprofit groups that we heard from in January. This committee has already extended the due date for written submissions once to December 14, 2016, and I would look to the committee for instruction as to how to proceed. Shall we rescind our previous motion and revisit this issue, or will we let our original decision stand?

Yes, Mr. Malkinson.

**Mr. Malkinson:** Mr. Chair, just a quick point of clarification. We’d be voting to allow or follow our original committee decision to not allow this particular late submission, which you said is from the – I missed that. Sorry, Chair.

**The Chair:** I don’t have it in front of me who it was actually from. It was just whether we wanted to accept it or not.

**Mr. Malkinson:** Okay. Thank you for that clarification.

**The Chair:** Yes, Ms Woollard.

**Ms Woollard:** When did it come in? I’m not sure what we’re looking at.

**The Chair:** Dr. Massolin or any of our legislative support staff, could you refer to the specific document?

**Ms Rempel:** Thank you, Mr. Chair. The document that the chair referred to was just received last week, so we are looking for the

committee’s direction on how to handle it because you’ve already made a formal decision which set the date at December 14. It was not from one of the groups that came and presented, because, of course, you gave those folks until February 15 to respond, and they did. I’m sure that you’ve all seen that. We have a document, and we’re looking for your direction. Are you going to continue to keep accepting submissions on this, or are you going to go with the original motion, which set it at December 14, and move ahead?

*1:10*

**The Chair:** If I may, I’ll just make a comment quickly here. I think that past precedent has been that any late submissions we’ve tended just to accept as a late submission. However, I give it back to the committee to offer any suggestions at this point.

Mr. Hunter.

**Mr. Hunter:** Thank you, Mr. Chair. I think that the late submissions we accepted last time came in very close after the deadline. This is a long time after the deadline. I would imagine that we’re setting a dangerous precedent if we say that we’re going to accept this kind of late submission. So I would say that we don’t accept this in order to be able to establish good timelines.

**The Chair:** Okay. Mr. Nielsen.

**Mr. Nielsen:** Thanks, Mr. Chair. Yeah. I would definitely agree with Mr. Hunter. I mean, it’s one thing accepting something, you know, that comes in a little bit late, but after a certain point of time I think you really do need to just sort of draw that line and say: I’m sorry. You know, you don’t mind giving a little bit of leeway here, but you don’t want to set the precedent where we’re just constantly moving the line after that. So I would also say that we don’t accept it.

**The Chair:** Okay. Thank you, Mr. Nielsen.

Back to Mr. Hunter.

**Mr. Hunter:** Mr. Chair, can I get some clarification on this? Was this submission based upon further deliberations that we had as a committee, or was this just based upon what we had asked for originally? We actually did talk about a lot of different things. Would it affect not-for-profits and charities? I just want to get some clarity on that.

**The Chair:** I’ll let the committee clerk correct me if I’m wrong, but my understanding is that after the presentations were made to us in January, there was another person or party wanting to support the nonprofits and the points of view that they were putting forward. That submission that came in, the one that is currently under discussion, supports the nonprofit view. It wasn’t either of the nonprofits or the Ethics Commissioner. This is somebody completely outside of that. Am I correct in my understanding, Jody?

**Ms Rempel:** Yes. I would say that that’s accurate. It is essentially expressing support for what the nonprofits that you met with have already put forward.

**The Chair:** Please go ahead, Mr. Hunter.

**Mr. Hunter:** So this submission was made after our deliberations with the not-for-profit organizations?

**The Chair:** Indeed.

**Mr. Hunter:** It might be material to have that information for us to be able to – because remember that the not-for-profit organizations and the charity organizations were concerned about how little time

they had to be able to really address these issues. So I think that we made some allowances for that as a committee. If this is actually one of those submissions, then, now that I'm thinking about, I think that maybe we might want to accept them.

**The Chair:** I'll just make the point that in the past organizations that are invited to present to committees, not just this committee, are not given the opportunity to respond to one another. There's an initial request for submissions, those submissions come in, and then those are made public once the committee decides to make them public. Normally there's not an opportunity for one to respond to the other and vice versa. I just wanted to make the point that that has been the historical precedent set before. But I leave it up to you as the committee.

Please go ahead, Mr. MacIntyre.

**Mr. MacIntyre:** Thank you, Chair, for that last point that you made. Given that last point that you made, obviously it isn't the committee's purview to allow for an open forum for debate amongst those coming to present, so my vote would be that we not.

**The Chair:** Okay.

Mr. Dang.

**Mr. Dang:** Thank you, Mr. Chair. It's one of these rare occasions where I think that I agree with Mr. MacIntyre. Yeah, I think we've had a number of extensions already. Having somebody be able to then see what's being presented and make a submission again could have altered their view, whatnot, and it goes on and on. I think that I would also vote against accepting it. If we're prepared, I could make a motion to that effect.

**The Chair:** We don't require a motion, Mr. Dang. What I'll state, then, is that based on what I'm hearing from the committee members, we would only require a motion if there was a date change being proposed. That not being the case, we will just say that this last submission will not be accepted, and then we'll carry on. Is that okay? Is that clear for everybody? For those on the phone? I just want to make sure that everyone understands why we're not voting on this. Okay. Fantastic.

As we move on with our consideration of the Lobbyists Act, I would like to note that written responses from the office of the Ethics Commissioner and from the nonprofit organizations that participated in our last meeting were received and distributed to committee members. Having received both written submissions and oral presentations on this matter, our research support staff have put together an issues document, reflecting the input we have received, for our reference.

At this point I would like to ask Ms Robert to give us an overview of this document.

**Ms Robert:** Thank you, Chair. Yes, a summary of issues and proposals with respect to the review of the Lobbyists Act was provided to the committee last week. It's this document. I'm sure you've all seen it and reviewed it. I'll just give you a brief overview of the way that the document is organized.

What we did was that we gathered all of the issues and proposals made by stakeholders and members of the public and also, of course, the office of the Ethics Commissioner, and we organized them by category in this document for ease of reference by the committee. Some of the categories that are included are reporting requirements, restrictions on lobbyists, grassroots lobbying, that sort of thing. I'll also note that there's a section in the document called Other Issues for Possible Consideration. These are proposals

that were made that wouldn't necessarily involve an amendment to the act but, rather, would be made at more of a management level.

The submission of the office of the Ethics Commissioner was, of course, received by the committee as well as the office's follow-up document. I'll just note that the majority of those recommendations were addressed by the office of the Ethics Commissioner in its presentation to the committee and are therefore included in this issues document.

I'll also just note that the document is not a comprehensive summary of all of the opinions and comments made by stakeholders. For the full text of written submissions, of course, the committee can refer to the transcript when the submissions were discussed.

The way the document is organized: as I said, everything is organized by category. The proposals are listed in column 2. The other thing you may want to note is that there is a notes section in the far right-hand column, which has anything we thought was relevant to draw to this committee's attention; for instance, statements or excerpts from different submitters' submissions, provisions of the act, provisions of the federal act, notes about the follow-up information that was received by the office of the Ethics Commissioner and by the nonprofit groups, that sort of thing. That's there for your reference as well. That's basically the way the document is organized.

Of course, it says in the document – but it may be worth repeating – that the committee can make whatever recommendations the committee chooses to. The committee does not have to follow this document. This is just sort of to provide you with something to get started with.

Thank you.

1:20

**The Chair:** Okay. At this moment I'd like to open it up to any questions from committee members to Ms Robert.

Okay. Hearing none, I just want to address an issue that has been brought to my attention. Normally staff is not permitted to sit at the table with the members. However, my understanding, Mr. MacIntyre, is that you are in need of your staff because you've forgotten your glasses today.

**Mr. MacIntyre:** Yes. It's very tiny. I'm just saying. Next time think of us senior citizens. We need large-print Bibles. We need large-print documents.

**The Chair:** Well, that being the case, we will make this a one-time exception.

**Mr. MacIntyre:** Thank you. I appreciate it.

**The Chair:** Yeah. Okay. I hope that satisfies the issue and that we can carry on.

Just another call for questions or comments on Ms Robert's report to us. I want to make sure those on the phone have an opportunity. Okay.

As we move into the deliberations and recommendations stage of our review, I would like to take some time to determine as a committee how we would like to organize our deliberations. For example, what are the focus issues that committee members have identified as requiring further discussion? Does anyone have any thoughts on this?

**Mr. MacIntyre:** I would appreciate it if we could go through it more or less line by line, as is mapped out in the document. It can go fairly fast. If we don't have an issue with one of those recommendations, just move on.

**The Chair:** Okay. How does everyone feel about Mr. MacIntyre's recommendation? I'm seeing nodding of heads. Okay. So that is the way that we will proceed.

I just realized I don't have my own copy of the issues document. Is there an extra one here? I fear I will require glasses in the very near future, so I understand.

We're going to go through line by line. Number 1, value and legitimacy of lobbying, (a), "lobbying is a legitimate activity." I hope that everyone has the document in front of them so that I don't need to read the entire proposal, or would people prefer that I read the proposal? I'm looking to you all. Just the issue? Okay. I'm hearing: just the issue. People are fine with that? Okay.

Any questions or concerns regarding "lobbying is a legitimate activity"? Okay. I want to just double-check with those on the phone. We are currently on value and legitimacy of lobbying, point (a) in the issues document, "lobbying is a legitimate activity."

Okay. Hearing no comments, we'll move on to (b), "lobbying should be prohibited." A second call for "lobbying should be prohibited." Okay. I'm not going to ask a third time.

We'll go on to (c), "Consultant lobbyists should be prohibited."

**Mr. Hunter:** Mr. Chair, obviously, we have three different views, or one and then two other ones that are different from it. I think it's important to realize, you know, that lobbying has been around for a long time. We have to be careful that the lobbyists don't take over, as we've seen south of the border. I do think that it's important to make sure that we recognize that lobbying is a legitimate activity, but how is it performed? I don't think that prohibiting it or prohibiting consultants is actually what we should be looking at doing.

**The Chair:** Okay. Thank you, Mr. Hunter.

Does anybody else have any comments under this particular item? Okay. Well, I imagine that we can always come back if people feel the need.

We're going to move on, then, to reporting requirements, organization lobbyists, to (a), "frequency of registration renewals." Any issues?

**Mr. MacIntyre:** I don't have an issue with it. The Ethics Commissioner's proposal to change reporting requirements from semiannual to annual I thought was a good one, and that seemed to be the opinion of those who came as well. Effectively, we are chopping in half the administrative burden that they have for reporting. I think that it's a good idea. I guess the only question that I would have is: in the Ethics Commissioner's opinion, is she certain that there's not going to be a decrease in the transparency of lobbying activity as a result of this? I can't think of any.

**Ms Trussler:** We don't think there will be any decrease in transparency. We just think it's an administrative burden to have to do it twice a year.

**Mr. MacIntyre:** Yeah. I agree. That's all I had to say on it.

**Mr. Dang:** Mr. Chair, if I could, there are just some people I don't recognize as our guests here. Could we have them introduce themselves for the record?

**The Chair:** Pardon me. You are completely correct, sir. I failed to recognize and have the people introduce themselves. I apologize for that. How about we start over on the left side, and we'll move on over to the right.

**Ms Neatby:** Good afternoon. I'm Joan Neatby with Justice and Solicitor General.

**Ms Trussler:** Good afternoon. I'm Marguerite Trussler, Ethics Commissioner.

**Ms Robins:** Hello. I'm Lana Robins, lobbyist registrar.

**Mr. Ziegler:** Hello. Kent Ziegler, office of the Ethics Commissioner.

**The Chair:** Thank you very much for joining us here today.

Okay. Any more comments on frequency of registration renewals?

**Ms Kazim:** Yes.

**The Chair:** Please go ahead.

**Ms Kazim:** Yes. In terms of the frequency I can see the argument as proposed by the Ethics Commissioner as well as by Syncrude when they were referring to having it on a quarterly basis. I would be happy to learn more about what other members would think in terms of how we can consider both sides of the argument. For example, Syncrude was suggesting that having a biannual collection "does not report on the number of meetings. We believe more frequent reporting, balanced against more focused reporting, would both support transparency and efficient public process" whereas the Ethics Commissioner believes that they have found that in the vast majority of cases the activities reported for the past six months and the next six months are identical, so it wouldn't make much difference to have that frequency.

I would like to open the floor to learn more about how the members would like to go about it in terms of, I mean, looking at both sides of the argument and if there is any part that we could look into and discuss with each other.

[Mr. Hunter in the chair]

**The Deputy Chair:** Is there any discussion on this? Would the Ethics Commissioner like to discuss this or comment on this?

Mr. MacIntyre.

**Mr. MacIntyre:** Thank you, Chair. Am I correct that if we pass over something right now, we can come back to it later on?

**The Deputy Chair:** That is correct.

**Mr. MacIntyre:** Okay. Well, if I may, with respect to this particular issue regarding the frequency of reporting, let's not forget that if we as a committee recommend a meeting registry, the meeting registry is monthly, and the meeting registry actually gives us more information than just filing annually or semiannually. I think filing annually is fine, especially if we're also going to recommend we have a meeting registry where we have details coming monthly.

That's all I wanted to add to that.

**The Deputy Chair:** Any other discussion?

Hearing none, we'll move on. The next issue is scope of reporting. Dr. Massolin.

1:30

**Dr. Massolin:** Yeah. Thank you, Mr. Chair. I just wanted to ask: has there been a decision by the committee whether to deal with this reporting requirement of the year versus six months versus quarterly?

**The Deputy Chair:** We've actually passed over it.

**Dr. Massolin:** Okay.

**The Deputy Chair:** I'm going to come back to that.

**Dr. Massolin:** We're going to come back to it?

**The Deputy Chair:** Mr. MacIntyre was suggesting . . .

**Mr. MacIntyre:** If I may. Thank you, Chair. Are you asking for a motion on that?

**Dr. Massolin:** It's up to the committee if you want to change that requirement.

**Mr. MacIntyre:** Is that what you see as . . .

[Loyola in the chair]

**Dr. Massolin:** No. I don't have an opinion on this except that I'd like to know whether the committee wants to deal with this issue at this point or you are deferring it.

**Mr. MacIntyre:** Okay. If that requires a motion, I'll make it, Chair, if that's helpful. Maybe that's the right thing to do, deal with it, finish it. It's off our table now if everybody is open to that.

**The Chair:** Sure.

**Mr. Hunter:** If we're going to do that, then I think we need to go back to the value and legitimacy of lobbying. We didn't actually identify which way we'd like to go. Are we going to say that it's a legitimate activity? Are we going to say that it should be prohibited? We didn't make a motion on that. We didn't actually establish what the committee was willing to accept or support or oppose.

**Mr. Malkinson:** Going back to what Mr. Hunter said and going back to the point Mr. MacIntyre was making, perhaps a suggestion would be that we keep going through the document line by line as was initially proposed. Then if we need to make motions or there are interrelating issues, we have the chance to fully discuss those amongst ourselves and sort of see the pros and the cons. At least, that's sort of how I imagine this going. Perhaps I'll put that out there as a suggestion to proceed. I don't think we need to make a motion. I just think we need to work through it, and then we can see where the interrelating issues are. I think that makes sense.

**The Chair:** Okay. Mr. Dang, followed by Mr. MacIntyre.

**Mr. Dang:** Thank you, Mr. Chair. Yeah. Since this issues document is quite complex and a lot of these issues do seem to almost, I guess, loop back on each other, if you would, I think it might be useful for us to sort of just go through them, ask any questions we have relative to all the issues, and then come back and make decisions on individual items if that's what we want because I think we'd be able to get a better feel for what the room and the members believe about these issues as a whole.

**Mr. MacIntyre:** So like we did earlier today, where there was a moment in our agenda for deliberations and motions and everything else to be introduced: then I'd be open to that. We can just rip on through this as long as there is going to be a point in time to come back and time allotted to come back, revisit it, introduce motions if we feel that motions need to be made.

**The Chair:** Okay. Sounds good. We'll carry on as we were, then. So my understanding is that we're – sorry. Is that someone on the phone wanting to interject?

**Ms Kazim:** Yes. I was just saying that I would like to express some thoughts for approval reporting. I didn't mean to interrupt you, so whenever it's the time.

**The Chair:** Well, we are currently discussing the frequency of registration and renewals. Is there anything that you would like to add to the discussion at this time, Ms Kazim?

**Ms Kazim:** Not this particular item but the next item. You were moving to scope of reporting.

**The Chair:** Okay. I'll just double-check with all those in the room and on the phones if we can move on to the next item. Item (b) under 2, reporting requirements. I'm seeing nodding of heads.

Then we do have section (c), which is the removal of the 100-hour threshold. Ms Kazim, I believe you have comments on this.

**Ms Kazim:** Yes. For the removal of the 100-hour threshold plank, again, there were different ideas presented through the Ethics Commissioner. As well, we have Devon Canada and Alberta Counsel in the issues report that are actually in favour of having that threshold. However, when we look at the Calgary Chamber of Voluntary Organizations and Janssen Inc. and Lafarge Canada, they basically have a different opinion on this matter. Because it's kind of an intricate issue when it comes to defining how many hours should be assigned and because different organizations work differently, I would be curious to know if other members would like to share their thoughts so that we could see what would work best because we do have the opinions of various organizations as well as the Ethics Commissioner. It is something that is a topic of discussion quite a lot when we speak with stakeholders. I would be happy if there are other members who can share their thoughts.

**The Chair:** Thank you, Ms Kazim.

We'll open up the floor on this issue. Would anybody like to interject?

**Mr. Hunter:** Well, I think that the issue is setting an arbitrary number, 99 or 100 – it's an hour – yet one doesn't have to register as a lobbyist if you're under 100. I think that if you're lobbying, you're lobbying, and you need to be considered as a lobbyist.

**The Chair:** Okay. Mr. Malkinson.

**Mr. Malkinson:** Thank you. I would agree with what Mr. Hunter said. I think I saw some nodding in the room as we were talking about it, especially for the section we're on, being for organization lobbyists. I think there perhaps seems to be agreement in the room that 100 hours is definitely way too high a threshold, as was pointed out by many presenters. I think sort of the main issue here is, you know, to see the arguments from both sides, whether that should be right down to zero if you're an organization lobbyist and you're lobbying, which, as I believe, was in the Ethics Commissioner's presentation, or perhaps some other number that's lower, say 20 hours. I'd just be interested to hear what other members of the committee's thoughts are on that. Since there seems to be agreement that 100 is too high, I guess the question is: what are people's thoughts, pro or con, versus it being, you know, zero for an organization lobbyist, which is that if you do any amount, then you're lobbying and you have to register? I was wondering if perhaps . . .

**The Chair:** Sure.



**Mr. Rosendahl:** Well, the question I have is that 100 is way too high, but the problem is: how do you monitor this? You can't. It's impossible. How do you track when they're up to 100 hours, what they're doing, and everything else? It's impossible to track, so you have no idea what they're doing or who they're meeting with or anything else. So it needs to be changed and addressed now.

**Mr. Hunter:** I'd actually like to ask the Ethics Commissioner: if we were to decrease this by 10 hours to 90 hours, how much more workload would that add to your department? If it was to be brought down to zero, have you done any studies to figure out how much that would increase the workload? Would you have to increase staffing by a magnitude of 10? I'd like to know that.

**Ms Trussler:** We think that if you dropped it to zero, we could handle it with our new lobbyist registry and with the staff that we have.

1:40

**Mr. Hunter:** Thank you.

**The Chair:** Okay. Mr. Nielsen.

**Mr. Nielsen:** Thanks, Mr. Chair. Maybe to the Ethics Commissioner: is there a number that you think is – like, is it zero that you would say is a good place to be?

**Ms Trussler:** I think Member Rosendahl expressed it best of all. We can't monitor it if it's anything but zero. It seems to me that you can do a lot of lobbying in one hour, in a one-hour meeting. So as an organization lobbyist if you're lobbying, you need to be registered just like the consultants. Now, I have to tell you that there are a lot of organization lobbyists that don't do 100 hours a year who already register because they want to be transparent.

**Mr. Nielsen:** Thank you.

**Ms Kazim:** Anam Kazim here.

**The Chair:** We're going to Mr. Hanson, and then we'll go to you, Ms Kazim.

**Ms Kazim:** Okay. Thank you very much.

**Mr. Hanson:** Thank you, Mr. Chair. To the Ethics Commissioner: just to be clear that this, again, doesn't involve people that are just filling out a grant application or anything like that, nonprofits that are just basically filling out paperwork. That's not considered that one hour or more of lobbying.

**Ms Trussler:** No. There are exemptions in the act, and it wouldn't involve anybody who was filling out an application for a grant. If it applies to organization lobbyists, it would just be for organization lobbyists.

**Mr. Hanson:** Yeah. Thank you. I just wanted to make sure that that was very clear.

**The Chair:** Go ahead, Ms Kazim.

**Ms Kazim:** Yes. My question is for the Ethics Commissioner. When it comes to the hours threshold, we did have a little bit of discussion, I believe, in the past about other jurisdictions and what worked, what is working, and what is not working in terms of defining how the hours can be defined and how we can monitor those hours. In that case, I would say a little bit more elaboration in terms of making it a little bit more clear. As of now, there is still

some confusion when it comes to the number of hours, how lobbying is defined, and how people are supposed to record those hours. I wonder if there's any jurisdiction that has very much clarity when it comes to lobbying and if that system is actually working.

**Ms Trussler:** The situation across Canada varies, but I think I can say, by speaking to other lobbyist commissioners across Canada, that they're not happy with it being hours because it's so difficult to monitor. There is some sort of threshold across Canada. Sometimes it's what your duties are, that sort of thing. But there are jurisdictions in the States that don't tie the definition of a lobbyist to the number of hours. Sometimes it's, you know, whether they're being paid. Sometimes it's what they're doing. There's nothing that's consistent. But I think I would be correct in saying that most of the lobbyist registrars across Canada, particularly those that have an hourly threshold, would like to be rid of that threshold altogether.

**Ms Kazim:** Okay. So do you think it would be a successful model, getting rid of the hours, or do you think that if we get rid of the number of hours and come up with another framework, it would be a more effective way to do that?

**Ms Trussler:** I think that getting rid of the hours would be the most effective way to do it. It would be the easiest to monitor.

**Ms Kazim:** Oh. Okay. All right. Thank you very much.

**The Chair:** Anybody else have questions on this matter? Okay.

We will then move on to section 3, reporting requirements for consultant lobbyists. Under item (a) we have "clarifying timeframe for reporting." Mr. Dang.

**Mr. Dang:** Thank you, Mr. Chair. I guess I have a question for the Ethics Commissioner here. The recommendation here was to have a return filed no later than 10 days after the undertaking of lobbying, essentially. Is there a large amount of administrative burden for your office or anything along those lines or systems that would have to be put in place that don't exist already that might cause undue work?

**Ms Trussler:** I'll let Ms Robins answer that question. She deals with it day to day.

**Ms Robins:** What we're finding is that we're getting a lot of questions on this particular issue. It's actually already in the act, that they have to file within 10 days of entering into the undertaking, but we do get a lot of calls with consultant lobbyists not understanding that the undertaking start date is the date they enter into the agreement and that it's not from the date they start to actually lobby. We're seeing a lot of confusion on that point from consultant lobbyists, so this amendment would clear that up. It would be right in the act that the requirement to file is within 10 days from the start of the undertaking, whether or not the lobbying has occurred.

**Mr. Dang:** So that would be the day, essentially, that a contract is signed that "I'm going to do lobbying on behalf of company X."

**Ms Robins:** That's exactly it.

**Mr. Dang:** Okay. Thank you.

**The Chair:** Okay. Any other questions, comments on this particular item? I just want to double-check with those on the phone. We're currently under section 3, reporting requirements, consultant lobbyists, item (a), "clarifying timeframe for reporting."

Okay. We will move on, then, to the next section, section 4, reporting requirements in general. Item (a) is “clarifying level of detail required.” Mr. Hanson, please go ahead.

**Mr. Hanson:** Yeah. Thank you. I’d just like to, you know, point out that we do need a certain amount of detail with the reporting. Otherwise, there’s not much point to it if you’re just going to report that a lobbyist had a meeting with the minister and don’t give any detail of what it involved or what act it was involving or what kind of funding it was involving. So I really think that we need to get some clarity on exactly what kind of detail is required.

**Mr. MacIntyre:** A question for the commissioner: doesn’t this already exist in the act under section 2(j)? I’m just going to read this. Make sure I’m understanding it correctly, please. Section 2(j) reads as follows:

2 The designated filer shall set out in the return for the purpose of section 4 of this Act the following with respect to the undertaking . . .

(j) particulars to identify any relevant legislative proposal, bill, resolution, regulation, order in council, program, policy, directive, guideline, decision, grant, financial benefit or contract that is or will be the subject of the lobbying.

So isn’t the level of detail required already clarified?

**Ms Trussler:** Ms Robins will answer the question.

**Ms Robins:** I would agree with you on that. The section is already fairly detailed in what we do require. As I understand the concern of the Alberta Forest Products Association just from reading the submission, perhaps they’re not clear on whether or not they have to enumerate a particular section of an act or just name an act. Currently we just require them to name an act if they are lobbying in respect to the particular act. This particular comment might be just a matter of us speaking with the Alberta Forest Products Association to clarify what the current requirements are under the act.

**Mr. MacIntyre:** It seems to me that if this is in the act, then the prescriptive solution that you’re looking for: would that not be within your purview under policy in-house, of yourself, and not require a change in the act to be as prescriptive as you’re asking?

**Ms Robins:** That’s correct. We’re not seeking an amendment to this section.

**Mr. MacIntyre:** Okay.

**The Chair:** Mr. Malkinson.

**Mr. Malkinson:** Thank you very much, Chair. Just a follow-up to that. This would be a question for the Ethics Commissioner or research services. Do other jurisdictions have any issues with this particular section about the amount of clarity that’s needed in the reporting? Is there something from another jurisdiction, that perhaps they were alluding to, that we might want to consider or loosen up? I’m just wondering if there was any feedback from other jurisdictions in regard to this particular point about clarifying the level of detail required for the reporting.

*1:50*

**Ms Trussler:** We haven’t had any difficulties with people who are registering with this particular section in the schedule. I was quite surprised that Alberta Forest Products Association raised this issue because I think it’s really clear in the act right now.

**Mr. Malkinson:** All right. Thank you.

**The Chair:** Thank you, Mr. Malkinson.

Anybody have any other comments regarding this item?

Okay. We’re going to move on to 4(b), “meeting registry.” Mr. Malkinson, please go ahead.

**Mr. Malkinson:** Thank you very much. You know, looking through this one, I think it’d be interesting to hear a little bit more clarification from the Ethics Commissioner because you had put forward that no other provinces in Canada have actually yet put this in their act. It seemed to be, throughout the presentations, that it sort of went both ways. I know that the Alberta Roadbuilders & Heavy Construction Association, as mentioned in the issues document, disagreed with the recommendation, saying that the federal lobby registration process “not be adopted in Alberta because the federal rules would unnecessarily expand the administrative burden for lobbyists which would ‘create a prohibitive barrier’ for lobbyists.” I’m wondering, just to try and see it from both sides: what would be your response to that as far as the administrative burden that this recommendation might have?

**Ms Trussler:** Well, the federal government has a registry, but their registry is far more extensive. We have recommended that there only be a fairly narrow class of people that you have to report the meetings of, which is Premier, minister, MLA, deputy minister, assistant deputy, political staff, or senior officer of a prescribed entity.

On the federal level, I think, no matter who you meet with – Ms Robins will correct me if I’m wrong. The list is very extensive. You could pick up the phone or have a short meeting with somebody, say, at a director level, and then you would have to go back and register the meeting.

We didn’t think it was really fair in Alberta to have that heavy a burden, but we thought that if you’re meeting people at this particular level, it wasn’t that great a burden. If you’re able to organize the meeting and everything else, it’s not that great a burden, then, to go in afterwards and just report that you had the meeting.

**Mr. Malkinson:** Perfect. My understanding, going to the previous question about, you know, the level of detail required, is that if this recommendation was to be put in, you’d be imagining that the level of detail would be the same as for point 4(a), about the level of detail required currently in the act. If one of these lobbyists were to meet with an MLA, it would be, for example: lobbyist X met with MLA Malkinson to discuss some transport issue or a contract. Is that sort of what you were imagining for the level of detail? I mean, feel free to jump in there. I’m just trying to imagine in my head what looking through that meeting registry that you’re proposing would look like, just so I can understand the recommendation more fully.

**Ms Robins:** What we’re envisioning there is a one-page form where they have to input the date of the meeting and which senior officer they held the meeting with. There would be a pull-down list so only select senior officers would be captured. It wouldn’t be any employee of the province, but it would be restricted to the Premier, a minister, an MLA, a deputy minister, an assistant deputy minister, any political staff in the Premier’s or minister’s office, a senior officer of a prescribed political entity, or a chair of a board, commission, or council established by government.

There would be a few categories that they would have to – if they’re having a meeting with one of those persons, that’s when the

requirement to report that meeting would trigger. They'd have to go into the system within 30 days, fill out that form, and then they'd have to put in the subject matter of what was discussed at the meeting. Then we would also ask that a few details be provided, two to three sentences, just to explain what was discussed in that meeting in a brief fashion.

**Mr. Malkinson:** Could you give me just, you know, a theoretical example of what that might look like?

**Ms Robins:** In terms of the details?

**Mr. Malkinson:** Yeah. Like, what a couple of those sentences would look like.

**Ms Robins:** "Met with minister X with regard to the implementation of a new grant program to provide grant funding in respect of establishing a new community program to benefit . . ."

**Mr. Malkinson:** Children.

**Ms Robins:** ". . . children." That sort of thing. It would be a couple of sentences, not to provide an essay about what they're discussing but so that any member of the public who's reading that could get a very good sense of what was discussed at that meeting. We would also ask, if it's a consultant lobbyist who's filling that out, if there are any client attendees, that the client be named as well.

**Mr. Malkinson:** Okay. Basically, the main things are the who, the what, the approximate position they're lobbying for. Like I said, if there are consultant lobbyists, any other people in the room, it's like: I was also there with company X, Y, Z representative. Would you imagine that being reported as well?

**Ms Robins:** That's right. If they were there with their client, we would need the client's name.

**Mr. Malkinson:** Okay. Perfect.

I feel like I've been monopolizing the committee's time a bit on this one, so I will open it up to anyone else.

**The Chair:** We're going to go to Ms Woollard, followed by Mr. Nielsen.

**Ms Woollard:** Thank you, Mr. Chair. I've got a question for the Ethics Commissioner or whoever you designate to do it, just a question about responding to the registrar's inquiries. I was just wondering: what kind of concerns have you experienced that would necessitate the change from having lobbyists respond within 30 days to within 10 days? What have been the concerns there?

**Ms Trussler:** What you're asking is a different topic than the registry. We can deal with it now if you'd like. It really depends on what the chair wishes on this. That's just when somebody does something and, say, a member of the public complains about a lobbyist. We then send them a request for some information. They've got 30 days right now, and it really takes too long for them to get back to us. But that's totally different from the meeting registry.

**Ms Woollard:** Sorry. I jumped ahead one accidentally. Excuse me.

**The Chair:** Mr. Nielsen.

**Mr. Nielsen:** Thanks, Mr. Chair. I guess, to our Ethics Commissioner: just so that I'm completely clear – and I'm probably feeding off what Mr. Malkinson was talking about – the suggestion you're

making with regard to that is that it's not really anything new that's going on because it's already happening at the federal level. We're saying: let's duplicate it but only some of it. We're not duplicating all of it, just some of it.

**Ms Trussler:** Yes, some of it. We just don't think it needs to be as extensive. But, really, you make the policy decision about how extensive it should be.

**The Chair:** Okay. Do we want to revisit responding to the registrar's inquiries, then? Would you like the commissioner to elaborate, perhaps, a little bit more, Ms Woollard, at this time?

**Ms Woollard:** I think that was quite good. It helped to answer my question. Thank you.

**The Chair:** Okay. Any other questions regarding this particular item? I just want to double-check with those on the phone.

Okay. Now we're going to go on to 4(d), "requirement to report government funding on returns." Mr. Malkinson, please go ahead.

2:00

**Mr. Malkinson:** For this one here I was wondering if there would be any issues with resourcing or being able to follow up as far as, you know, checking whether indeed a particular lobbyist who had lobbied some time in the previous 12 months was essentially successful – is more or less sort of how I'm interpreting this particular recommendation. Would that be correct?

**Ms Robins:** Actually, the act right now currently requires that they report all government funding received. What we're asking is that that be defined further and that it be clarified that it's government funding received in the past 12 months because that is a question that regularly comes into our office because some of these organizations have numerous years of government funding they've received. So we get the call in terms of: how far back do I need to go?

What we've been advising on a policy basis is, "Please put the last 12 months of funding that either your client or," if it's an organization lobbyist, "your organization has received" just to give them some parameters. That's how that section has been filled out. What this is asking for is just a clarification that that be put in the act so that when they read that section, there's an understanding of what sort of information needs to be provided in the return.

**Mr. Malkinson:** So your recommendation here would basically be to sort of solidify current practice.

**Ms Robins:** That's right.

**Mr. Malkinson:** Okay. Thank you for that clarification.

**The Chair:** Okay. Anyone else wishing to interject?

Okay. We're going to go on to 5(a), "public benefit non-profit organizations." I thought I saw hands going up. Okay. Mr. MacIntyre.

**Mr. MacIntyre:** Thank you. A question to the commissioner. Commissioner, you issued a follow-up letter to us after the last time together on this very issue. Can you perhaps elaborate on the difference between your original submission and the follow-up submission that you made to us, please?

**Ms Trussler:** After we heard from the not-for-profit organizations, we realized that they had made some quite legitimate points, and we thought that there's always a problem in talking about not-for-

profit because that can be absolutely anything, include all sorts of advocacy groups.

**Mr. MacIntyre:** Right.

**Ms Trussler:** And then when you get into charitable, you run into problems. Is this the definition under the Income Tax Act? Is it a common-law definition? So what we did in changing it is talk about community service groups. Those are sort of 90 per cent or 95 per cent of the organizations in your community that want to come and talk to you. Most of those don't have any paid staff. Some of them may have one or two paid staff. We thought that they really don't do a lot of lobbying. Sometimes they have an issue, but it's an issue that they should be able to talk to their MLA about. So instead of saying for these ones that have four or fewer staff members that they should have 30 hours, we've said, you know, that this is really small stuff and we will get 90 per cent, 95 per cent of all the not-for-profits out of the picture by saying that there's no limit for them and that if we then define it as community service organizations, we'll get those organizations that are providing minor hockey, some of the cultural groups, the small theatre groups totally out of the picture, and they will not have to register. So they won't have any sort of administrative burden on them in order to carry out their work and to speak to their MLA if they think they need to speak to their MLA.

Where we've really left it is that if you have four or fewer paid staff and you're one of the organizations that we put forward – and we put quite a few forward – then you would still be exempt from the act. We would want them to be using their resources to provide this community benefit or community service. They still might want to do a little bit of advocacy, but if it wasn't more than 10 per cent, then they would still be exempt under the act.

We also suggested, because in our list we may have forgotten somebody, that there be a clause where if they don't fit right within the sort of nine or 10 that we suggested – I guess it's 11 that we suggested – that they be able to apply for an exemption. So if we've missed somebody, they wouldn't be caught by just the way the act reads when they probably shouldn't have to register. We suggested that there be an exemption process as well.

This will get rid of, I think – or not get rid of but mean that almost all the smaller organizations out in the community that you deal with on a day-to-day basis would not have to register. But the bigger charities, the ones that have five or more, and the not-for-profits that just do advocacy would have to register under the act.

It's really the advocacy groups that are doing a lot of lobbying or the bigger charitable groups or not-for-profit groups that are the ones that are coming to the government for funding for various programs. Those are the ones that we think there isn't enough transparency with right now.

**The Chair:** I have Mr. Malkinson, followed by Ms Woollard.

**Mr. Malkinson:** Thank you very much. You know, this is definitely one of the more interesting regulations because this is one where there are very clear pros and cons for it. In your letter to the committee you basically laid out two possible approaches for how you envisioned that we could address this issue. One is, as you mentioned, the 30-hour threshold with four or fewer paid employees or directors, or the other approach being that there's no hour number but there would be specific community service organizations that would be exempted. I'm wondering, from my own background as I think about this: is there one that's administratively easier for you to keep track of as the Ethics

Commissioner between those two proposed approaches? Would one be easier for you to track versus the other?

**Ms Trussler:** I think the second one would be.

**Mr. Malkinson:** Would be easier?

**Ms Trussler:** Yes. And it would be less burden on the not-for-profits because they wouldn't have to keep track either if they fell within that category.

**Mr. Malkinson:** And now, for you and your office would that also be the case that that would be, you know, the one that's administratively easiest for you?

**Ms Trussler:** Yes.

**Mr. Malkinson:** Okay.

**The Chair:** One after Woollard?

**Mr. Malkinson:** I think I'll cede.

**The Chair:** Please go ahead, Ms Woollard.

**Ms Woollard:** Thank you, Mr. Chair. I like that exemption, that area of community service for these smaller groups, and I can see that that would be a big help in lightening the load of the people that actually have to go through the formal registration.

I'm just thinking about instances where a group may change somewhat over the years. Do you think that is likely to cause any problem, that, you know, a group that starts growing a little bit and branches out somewhat, at 30 – is it exact or would it be over 30? – hours of the community service, and then they would have to go into the need-to-be-registered category? Do you see that as being a concern at all?

**2:10**

**Ms Trussler:** Well, one of the reasons we reconsidered and got away from the 30 hours was that the groups do grow and they do change and also then they would have to keep track. We thought: well, maybe this other way is a fair way to do it for them, and it would be easier for us to do it that way. So if a group grew and they became a larger group, as long as they were within this definition and they weren't five or more employees, then they would stay exempt from having to register under the act.

**Ms Woollard:** Okay. Just a little follow-up question. I know in some cases a small community organization may start growing a little bit and branch out, split up. That wouldn't be a problem, then? They wouldn't be designated as a larger group. Okay. Thank you.

**The Chair:** Mr. Hunter.

**Mr. Hunter:** Thank you, Mr. Chair. If an organization came to you and asked for an exemption, who would be making that decision? Would that be you as the Ethics Commissioner? How would that be done?

**Ms Trussler:** I think the act would – we had suggested that it would be me, but actually we'd make it as a group decision in the office.

**The Chair:** Okay. Mr. Malkinson, please go ahead.

**Mr. Malkinson:** Thank you very much. I was just wondering, thinking about this because, as I said, this is something that, you know, would be a fairly serious change. Just playing devil's advocate a little bit, what would be your response to some of the

other submissions where lobbying is lobbying? What would be sort of your response to either proposed method to capture that, to say that any amount of lobbying is still lobbying even if it's a nonprofit or charitable organization?

**Ms Trussler:** Well, lobbying is lobbying; however, I think you can go too far. I don't think you want to have these smaller community groups not able to speak to their MLA if they want to. If you have some of these groups, you may have three members of the executive or four members and one of them speaks to an MLA at one function, one speaks to him at another. It makes it difficult, then, to keep track of how many hours they've done this. You can go too far with regulation. You have to look at what the ill is that you're trying to prevent, and I think that with these small groups there's not much. There's very little ill as long as they are a community service organization. If they're an advocacy group, that's different.

**Mr. Malkinson:** Okay. Mr. Chair, I had another question but on a different topic if there's no one else on the speakers list.

**The Chair:** We'll continue with you, Mr. Malkinson.

**Mr. Malkinson:** Okay. Thank you very much. Switching gears a little bit, you know, following up on what was mentioned previously, about what Mr. Hunter said, about what the criteria would be for a decision if the committee decided to go in the direction of your second recommendation. Some nonprofit community organization group came to you and said: hey, we feel like we need an exemption. What would be the criteria you would imagine you and your staff would use in your office in regard to that?

**Ms Trussler:** Well, they would have to be a community service organization, and there are some court cases in this area. They would be akin to the list of 11. So they'd have to be somewhat like the other 11, and they would have to be a community service organization. It's really the spirit and intent of the act and the provision. If they were quite a bit like these others but there was something a little bit different that we didn't think about, because I can't tell you that this is an all-inclusive list, then we would say: well, you shouldn't have to register because you're like these other ones. The reason we put in that exemption is in case we have missed somebody.

**Mr. Malkinson:** Okay. I take it this would be set up and the reason why this is here would be to prevent the example of if you have a nonprofit that is doing political advocacy work – I know that's something I've heard the opposition talk about through our debates as well – that, you know, happens to be doing it for children and happens to be a nonprofit but isn't in that spirit of community service, that would be a way for you to say: well, you're doing it for children, but you're a political organization or foundation that happens to be a nonprofit. That would be the intent to separate those two.

**Ms Trussler:** It would depend if they were actually providing a program in the community and not just doing advocacy.

**Mr. Malkinson:** So it's not just advocacy. Even if they're nonprofit, even if it's in one of these areas of children, arts, disabilities, which of course are all good things, they would have to also be providing those services as a majority of their reason for existing?

**Ms Trussler:** Yes.

**Mr. Malkinson:** Perfect. All right. Thank you.

**The Chair:** Thank you, Mr. Malkinson.

I just had a couple of clarifying questions that I hope people don't mind if I ask. I think we're getting to it, and that is, of course, the definition of a community service organization. Just for the record, if you could put the definition that you're thinking of when you say community service organization. I know I could be belabouring it, but just so that we have it on the record, how do you define it?

**Ms Trussler:** They would be providing a tangible service or program in one of the 11 areas that we set out.

**The Chair:** Okay. Thank you, Commissioner Trussler.

The other thing that I just wanted to ask was the distinction that the nonprofit organizations made between – the way that, I believe, they phrased it, from my recollection, was that lobbying was done more by those who had a self-interest, perhaps, and that community organizations were doing it more for the common good. I was just hoping that we could get your response to their opinions expressed at our last meeting and have that on the record as well.

**Ms Trussler:** I think if you have self-interest on one side and public interest on the other side, that's probably not the way to draw the line. You can have people who can have a public interest that, in fact, are doing serious advocacy work in terms of changing government programs or government legislation, and those are the people that we think: if they are lobbying government to that extent, they should be registered. We thought about this a lot because we knew that that was their position, and we really felt that it was different whether you were providing a service to the community as opposed to providing full-time advocacy on an issue, whether it was political or otherwise.

**The Chair:** Okay. Thank you.

**Ms Trussler:** I just think that they've drawn the line in the wrong place.

**The Chair:** Okay. Well, thank you to the committee members for indulging me. Those are just kind of clarifying questions. I thought it would be great for all of us to have the information. Any further questions on this item? Okay.

If not, we're going to go on to 5(b), "application of Act should not have exclusions." Mr. Hunter, please go ahead.

**Mr. Hunter:** I'll speak to this, Mr. Chair. I imagine that the definition of MLA if you're in opposition versus the government side would have a big part to play in this. I can tell you that from my perspective as an opposition MLA I actually have no sway with the government. I don't know if lobbying me would have any effect, so I'm not sure how MLAs in the broad sense would actually make sense in this situation. I get that if you have the ear of the decision-makers, that would make a lot of sense, but having the ear of an MLA that is as far removed from the decision-making as anybody else: I don't understand why they would be a part of this. If you could add clarity.

**Ms Trussler:** Sorry, sir. Are we on page 8, subsection (b)?

**The Chair:** Indeed, we are.

**Ms Trussler:** Okay. All right. That was not a recommendation that we made, so I'm not sure what they're getting at except to think that it does tie in a little bit to the not-for-profits in that they think that absolutely everyone – even if you talk to your MLA, that's lobbying – should be registered. At least that's how I read it, but I don't know because we didn't make that recommendation.

2:20

**Mr. Hunter:** No, I – sorry, Mr. Chair.

**The Chair:** Please go ahead.

**Mr. Hunter:** I was just speaking to the committee on this issue, not so much to your group.

**Ms Trussler:** Oh, sorry.

**The Chair:** Okay. Any other further comments or questions regarding this item?

Okay. We're going to go on to 5(c), "exclusion of municipalities and schools from application of the Act."

**Ms Woollard:** I'm very interested in this one. What's your feeling about the rationale for excluding municipalities and schools from the act?

**Ms Trussler:** That wasn't our recommendation. They're already excluded.

**Ms Woollard:** Oh, no, no. What do you think about the recommendation? I understand.

**Ms Trussler:** They're already excluded.

**Ms Woollard:** Okay. And the justification for having them excluded still holds? You don't see any change there, any reason not to have them excluded, I guess?

**Ms Trussler:** That's government-to-government relations. We didn't have any position on it.

**Ms Woollard:** Okay. I just found that kind of intriguing. Thank you.

**The Chair:** Mr. Malkinson, followed by Mr. MacIntyre.

**Mr. MacIntyre:** Nope.

**Mr. Malkinson:** I was just going to point out a . . .

**The Chair:** Oh, sorry. Pardon me.

**Ms Neatby:** Yes. I'd just like to say something if I might, Mr. Chair.

**The Chair:** Sure. Please go ahead.

**Ms Neatby:** I believe there are some municipalities across Canada that do have lobbying rules and regulations, bylaws in place, so I think that they would see that as within their purview and not within the government of Alberta's.

**The Chair:** Okay. Mr. Malkinson, did you have a comment?

**Mr. Malkinson:** Just very quick. I was hoping you could expand on that a little bit more about how those municipalities were doing the lobbying because, I mean, obviously Dorosh had made this recommendation that municipalities that were doing lobbying – they had a concern there to have them be included and have their current exemption removed. I'm just wondering, for the other municipalities you talked about that do do the lobbying, what their rationale was and how that's working for them just so we can perhaps get a little bit of your insight into this recommendation or your perspective on the recommendation.

**Ms Neatby:** I don't have any insight on what the recommender's views are. I do know that some municipalities have bylaws in place governing lobbying in those municipalities.

**Ms Robins:** I can perhaps clarify that a bit as well. Under municipal government acts in different provinces there is authority for municipalities to establish basically their own lobbyist registry, and that gives them the authority to establish a bylaw where they require lobbyists who are lobbying municipal councillors to register. Right now if someone is lobbying a municipality, that is not captured within our act, so if somebody phones us and says, "I'm lobbying this councillor. Do I need to register?" the answer is no because it's not within the purview of this particular act. However, if a municipality does hire a consultant lobbyist, those consultant lobbyists do register with the municipality as a client.

**Mr. Malkinson:** Okay. A follow-up clarification. Just having a chance to look back at a different set of notes here, it seemed to be that the rationale for this was that with a close relationship with government, you could have school boards and other levels of government that aren't a provincial government actively lobbying behind the scenes. That perhaps could make decisions with respect to the entities difficult or troublesome. I know, Ethics Commissioner, you've historically said even with us as MLAs that conversations with other levels of government or fully government-funded nonprofits are fine. I was just wondering if you had a thought on that point, on whether, at least from your perspective as Ethics Commissioner, you see that as an issue or a concern or potentially as an issue or concern.

**Ms Trussler:** It would certainly broaden the scope of the act if you made municipalities register. That also holds true for universities. I'm sure that both universities and municipalities are lobbying the government. In particular with municipalities, they are another level of government, and it seems to me to be overkill to require them to register as well. But this is a policy decision for this committee to make.

**Mr. Malkinson:** Thank you. Just continuing with that clarification, you had mentioned things like universities. You know, universities and school boards, of course, do a lot of lobbying of government. Leaving municipalities and cities alone, would you imagine that there would be any validity or – by all means, I'm playing devil's advocate here trying to get your thoughts on this recommendation. Would there be any validity to perhaps having it for things like the university or a school board, for example, not so much municipalities, cities?

**Ms Trussler:** Well, school boards are also elected, so it's another level of government. That would be a huge policy change. I know universities have to register federally, but they've never had to register provincially, and I don't have huge concerns about them.

**Mr. Malkinson:** Thank you. I appreciate you bearing with us on this one, where we work through that recommendation.

Thank you.

**The Chair:** We're going to go to Mr. Nielsen.

**Mr. Nielsen:** Well, thanks, Mr. Chair. I'm almost certain I know the answer to this, but I'll ask just in any case to the Ethics Commissioner. What kind of implications would removing this have for your office? I would guess it would be a rather large change to what you would have to try to manage, going from already exempted to having to keep track of everybody.

**Ms Trussler:** I don't think it would be that difficult, but I think that if you recommended this, there would be huge outcry from those two other levels of government.

**Mr. Nielsen:** Thank you.

**Ms Robins:** If I could just add to that. We prepared a jurisdictional comparison of lobbyist legislation in Canada that was circulated. There's just a summary of how this issue is dealt with in other provinces, which might be of assistance to the committee as well to see how it's dealt with in other jurisdictions. Just reading from that: each jurisdiction exempts municipalities, some exempt councils only, and some also exempt municipal associations. Then with regard to school boards: except for B.C., Ontario, Newfoundland, and the federal act all jurisdictions exempt either school boards, school board associations, or both. So you'll see a bit of a different approach depending on the jurisdiction. All exempt municipalities. The majority exempt school boards as well.

**The Chair:** We're going to go over to Mr. Hanson.

**Mr. Hanson:** Yeah. It's more of a comment than a question for the commissioner. You've pointed out a couple of times that these are elected officials and elected bodies, and as a taxpayer I'd be more disappointed if they weren't lobbying the government for the benefit of their constituents. So, yeah, I think this is a good one to exempt.

Thank you.

**The Chair:** Any more comments on this item?

I just want to throw out the suggestion that we take a health break for about 10, 15 minutes. It's up to the committee how long. Ten? Okay. We'll take 10 minutes here for a bit of a health break. People can get a walk around, and we'll be back at 2:40.

[The committee adjourned from 2:30 p.m. to 2:40 p.m.]

**The Chair:** Okay, everybody. I'm going to call us back to order. Please take your seats.

Just before we move on to item (d) under number 5, I just want to make sure that we don't have any other comments or questions in regard to 5(c), "exclusion of municipalities and schools from application of the Act." I want to double-check with our members who are on the phone. I just want to make sure that you have the opportunity to interject as well.

Okay. We're going to move on to 5(d), "pro bono activities." Anybody have any questions or issues on this matter? Yes, Ms. Woollard. Please go ahead.

**Ms Woollard:** Okay. Thank you, Chair. Basically, if a consultant is working for clients but on a pro bono basis, right now they're exempt, but with the amendment they would be not exempt. Am I correct?

**Ms Trussler:** I don't know who proposed this amendment. We didn't. However, we did raise in our last letter that there is this situation in the act as it now stands that to be a lobbyist, you have to be paid. So if you're a volunteer working for an organization, no matter if the organization has 16 employees, and you're a member of the board and you've got contacts and you go and do the lobbying, then you would not be a lobbyist. This is an issue that I think you need to consider, as to whether or not this loophole should be closed or whether it should be completely closed. There may be some things in between. It is a bit of an issue, but it wasn't our recommendation.

You could have a charitable organization that has 20 employees and who frequently come to the government to ask for funding. As long as they don't send their paid staff to do the lobbying but send their influential board of directors to do the lobbying, then they would not have to register. I think this is a loophole under the act, and it's something for you to have a debate about, whether or not you want to close that loophole. This person did suggest it.

**Ms Woollard:** So this is something that you're aware of in your experience?

**Ms Trussler:** Yes.

**Ms Woollard:** Okay. Thank you.

**The Chair:** Mr. Dang, please go ahead.

**Mr. Dang:** I just have a follow-up question to that. So if you're aware (a) that this is actually happening in real life, that there are purported instances of this, then (b) I guess the follow-up to that would be: if that is the case, would they be using paid staff to do the preparation work but not the actual lobbying work? I guess it's hard since we're not tracking preparation work at all right now in these areas.

**Ms Trussler:** There are actually two things between this particular recommendation and having volunteer lobbyists. You can have consultant lobbyists, who actually as part of their volunteer work in the community go out and lobby for groups. They use their expertise for groups. I think they probably should have to register, definitely with that provision. But then you have the other problem, where you have nonpaid lobbyists, volunteer lobbyists, for other organizations lobbying. I guess they're two different issues.

**Mr. Dang:** Okay.

**Ms Trussler:** But I think that if somebody is a professional lobbyist and they're doing it on a volunteer basis for a not-for-profit or some other group, they probably should register.

**Mr. Dang:** Thank you.

**Ms Robins:** Just to expand on that, we've actually had a situation arise a few times where the consultant lobbyist will phone and say that exact situation: I'm volunteering to do my lobbying. They themselves feel they should be registering, but they're not quite sure because the act says: we have to be paid. I advise them every time that if you're doing this, you know, and you're doing this on work time and you're representing your company, you need to be registering. Even though you might not be receiving direct payment from that organization, you are indirectly getting a benefit from that, whether it be client development or getting your name out there. They have been willing to comply. There have been no issues there.

**Mr. Dang:** Thank you.

**The Chair:** Mr. Malkinson, please go ahead.

**Mr. Malkinson:** Yes. It does make sense that there is a bit of a loophole here. I'm going to ask sort of a theoretical question, which feels like it's been my theme for the afternoon here. Would it make sense to you – and I'm going to pose this question to you, Ms Trussler, or to you, Ms Neatby – if we were to basically take this out that's saying that "a person acting as a volunteer who does not receive a payment," you know, is excluded from the act, just took that out in its entirety, and then basically relied on other exemptions

as they may exist for nonprofits? Would that make sense to you as potentially trying to sort of solve the loophole that was brought up in this recommendation? Would that make sense as a solution?

**Ms Trussler:** If I can just make sure I understand you, you would take this particular provision out, but then there would be other organizations that would be exempt, and it wouldn't matter whether they had volunteer lobbyists or not. All the people that were, say, community service organizations wouldn't be caught. Is that what you mean?

**Mr. Malkinson:** Yeah. Like I said, as was pointed out, there seems to be a bit of a loophole here, so I'm just wondering whether, if you just took it completely out, it would cover the nonprofits.

**Ms Robins:** I can address that. I mean, in Canada there's currently no legislation that captures volunteers. However, it is not unprecedented. There are at least four states in the U.S. that capture everybody, including volunteers. It has definitely been done. It's a policy decision in terms of if you want to capture volunteers or not. It has been done in some jurisdictions in the States.

**Mr. Malkinson:** Okay.

**Ms Trussler:** It would be a big change, but as long as you made sure that it didn't go too far, if you had some groups exempted otherwise, it would work. But you just have to be careful that you don't cause some damage by it.

**Mr. Malkinson:** So to sort of just summarize that, if it was to be struck out and that was the direction we wanted to go, it would have to be in concert with perhaps other amendments as they relate to volunteer nonprofit organizations as per what we were discussing earlier, in some sort of co-ordinated thought with that. Would that be a correct summation?

**Ms Trussler:** Yes.

**Mr. Malkinson:** Perfect. Thank you for the clarification.

**The Chair:** Okay. I'm just going to finish up with the next one, then, 5(e), "sales activity with Government Officials." Please go ahead, Mr. Malkinson.

**Mr. Malkinson:** I feel like I'm the only one talking on this section here. For this one I have a bit of bias to you just because I came from a sales background. It seems like sales activity – I mean, if somebody's looking to be able to get it or is actively trying to solicit that sales activity, to me that would still sort of seem like a type of lobbying. I was just wondering if, you know, the Ethics Commissioner would have any thoughts on, like I said, this particular recommendation, that was presented to us, just so we have it on the record.

2:50

**Ms Trussler:** I'll let Ms Robins respond because she's dealt with this issue.

**Ms Robins:** We do take the position that sales activity does fall within lobbying activity because you're seeking the awarding of a financial benefit. That's what we have advised some lobbyists. Some have not been happy to hear that, but they have complied with registering.

**Mr. Malkinson:** Perfect. Thank you.

**The Chair:** Okay. Mr. Clark, followed by Mr. MacIntyre.

**Mr. Clark:** Thank you very much. In this submission the individual organization made the point that there's a distinction between influencing policy and what I would interpret – these are my words, not the submitter's – as sort of making a sale and that the interaction between a vendor or potential vendor and the government is adequately covered through the RFP procurement process. It sounds like you're taking a different position than that. Can you just elaborate a bit on how you see that difference?

**Ms Robins:** The definition of lobby is actually very broad. It doesn't just encompass influencing policy. If you look at the definition in the act, it's regarding developing legislative proposals, introductions of bills, resolutions. One of those is the awarding of a grant or financial benefit. So when somebody's setting up a meeting to meet with the government to sell their product, the ultimate lobbying goal or outcome sought is to get the financial benefit derived from the sales of their product. We see that as falling squarely within the definition of lobbying.

**Mr. Clark:** Thank you.

**Mr. MacIntyre:** My question, I guess, is: do we not have already something in place under other legislation with regard to the procurement of contracts or the attempt at winning contracts? Is there not something already in place where the participants are known? I'm thinking specifically of the awarding of contracts that are put out by the government for tender, and companies respond to the tender. Of course, that, in a way, is lobbying, too. They're responding to a call. Don't we already have some things covered off with regard to that? Now, that is different than, say, single-source contracts. I can see, you know, individual companies coming and approaching a minister wanting a sole-source contract, but that's different than, say, the tendering process. Help me understand the difference here and whether we already have some of this covered off.

**Ms Trussler:** Well, the tendering process, which is a good process, doesn't cover when somebody who is putting in a tender decides to make an appointment with the minister and goes and talks to the minister about why their proposal is better than somebody else's who's tendered.

**Mr. MacIntyre:** All right. Thank you.

**The Chair:** Any more questions or comments on this particular item?

Okay. We'll move on to 6(a), "prescribed provincial entities – process to define." Mr. Nielsen, please go ahead.

**Mr. Nielsen:** Well, thanks, Mr. Chair. I've just got a couple of questions here. I guess, first off, I mean, just so that I understand here – being a safety guy and coming from that, you know, PPE means personal protective equipment – can you just for my own benefit clarify: what is a prescribed provincial entity? Maybe if you could give an example just so I'm absolutely clear.

**Ms Robins:** Prescribed provincial entities are designated provincial entities as set out in regulation so that if somebody is lobbying one of those entities, those lobbying activities are registerable under the act. The way it's been dealt with is that there is a comprehensive list of entities in the regulation, over 250, I believe, that are all within that definition. So if someone is lobbying one of those entities, then that counts towards their 100-hour threshold. There are also, as part of that, some exempted entities in there. I believe there are nine that are specifically exempted.



**Mr. Nielsen:** What would be an example of one of them, just so I've got something to attach it to?

**Ms Robins:** Of prescribed . . .

**Mr. Nielsen:** Yeah.

**Ms Robins:** Alberta Health Services would be an example.

**Mr. Nielsen:** Okay. Perfect.

The other question I have, then. You're recommending establishing a new process. The current one that we have: like, is it not currently working, or is it a case of "We could be doing better with something redefined"?

**Ms Robins:** Part of the difficulty in having a set list is that it has to be constantly updated. What we've found is that there are entities that aren't on the list that should be on the list. It's just a matter of going through those administrative processes, which are cumbersome, in terms of getting those entities on the list. Perhaps Joan could speak more to that process, but it's my understanding that it's not an easy process to consult with all of the different departments to get them to identify which entities within their purview should fall within this list and then which should be taken off. It's just a process that has to be periodically undertaken. I believe it may be a resourcing issue or perhaps a priorities issue; I'm not sure. In any event, we're finding that the list is not up to date, and it may never be up to date in terms of keeping up with entities that come on the list and should fall off the list.

We're just recommending that a different approach be taken in terms of how we're defining them. Instead of creating a set list, perhaps a different way to look at it would be just to create a definition, and if they fall within that definition, then they would be considered to be a prescribed provincial entity.

**Ms Trussler:** For example, under the regulation right now the Alberta Gaming and Liquor Commission is excluded, so if you lobby them, then it's not considered that you're lobbying a provincial entity, and you don't have to register. I can tell you from personal experience that there are lots of people that lobby the Alberta Gaming and Liquor Commission, and they probably should be registered.

**Mr. Nielsen:** So this would create a bit more of a living document, for lack of a better term, rather than just a static, let's-hope-it's-right kind of list.

**Ms Robins:** Right.

**Mr. Nielsen:** With your indulgence?

**The Chair:** Please continue.

**Mr. Nielsen:** Obviously, it sounds like this would make a bit more of a streamlined system for you guys. Any kind of downside you see out of this?

**Ms Neatby:** What we hope to do is to be able to draft something so it would be a lot easier for lobbyists to know whether or not the entity that they're lobbying is a PPE and triggers the obligation to register. I think there's some more discussion that's going to be needed, and it would be a drafting issue. We've started those discussions, and we're hopeful that there's something we could create.

**Mr. Nielsen:** Fantastic. Thank you.

**The Chair:** Any other questions or comments on this one? I suspect that it is completely related to the next one, "Prescribed provincial entities – adding to list."

Okay. I'm not seeing any hands go up, so we'll go on to 6(c), which is "provincial entities that are not prescribed." Yes, Mr. Nielsen. Go ahead.

**Mr. Nielsen:** Thanks Mr. Chair. Am I to guess, then, that this would be what you were talking about, trying to figure out who belongs and who doesn't, and this will help to clarify the "who doesn't" part?

**Ms Trussler:** Yes.

**The Chair:** Oh, Mr. MacIntyre. Please go ahead.

3:00

**Mr. MacIntyre:** Not with respect to part 6(c) here but just in a general sense we've now covered off all the way to the end of 6(c), and it's 3 o'clock. I'd like to propose to the committee that we go back through to the beginning now. I think that we have seen some places where we may want to introduce some motions, but in those discussions I think that it would be very valuable to have our guests here. When we come back later, if we didn't cover any motions off today, it may be that we cannot have them come back to us for those discussions at a later date. So I would like to ask the whole committee, Mr. Chair, if I may, if they would consider going back to the beginning right now. For this last hour let's just deal with any discussions over potential motions that we may have to put forward.

**The Chair:** Just as a point of information I've checked with the committee clerk. There wouldn't be an issue with inviting the commissioner's office and the Department of Justice and Solicitor General back again for a future meeting. I'll leave that as a point of information, and I'll open it up to discussion on behalf of all the committee members.

**Mr. MacIntyre:** I appreciate that.

**The Chair:** Yeah. Mr. Hunter, go ahead.

**Mr. Hunter:** Well, I think that the issue here is that when it's clear in our minds – we've just gone through these six points. We've been able to formulate some of our ideas and some of our thoughts. It's just a lot easier than at the next meeting going through and restarting from fresh. It might be a month down the road before we actually can get back together again, so I think it's a good motion, and I support it.

**The Chair:** Okay.

**Mr. Malkinson:** Just so that I can get the spirit of your motion there, Mr. MacIntyre, your idea would be, since we've just talked through to section 6, just to go back, and if any members of the committee want to make some motions – we're basically just sort of chopping it up into two chunks. I'm imagining that by extension your suggestion would be that if we run out of time, we would go through section 7 onwards with the Ethics Commissioner at a future meeting and then discuss all the motions later. Is that correct?

**The Chair:** Mr. MacIntyre, followed by Ms Babcock.

**Mr. MacIntyre:** Yes, you are, the issue being that, you know, it's all fresh in our minds right now. We've had a lot of discussion with our guests. It's all here right now. If we wait a month and come back and then we go through the process of any motions, we have to remember everything that we've discussed. But everything is in

our minds right here, right now. We've covered a lot of ground, and I think that it would give us an opportunity to deal with some things and get them off the table so that the next time we come together, we're not having to rehash, you know, and burn up time rehashing things that we have already discussed thoroughly here today. I think that given the spirit of co-operation that we have enjoyed today, this would be a good opportunity to get these points dealt with and off the table and out of our hair today.

**The Chair:** Ms Babcock.

**Ms Babcock:** Thank you, Chair. My only other option would be that we finish this step of the process. You know, as we are short on time, we could always read any motions into the record. Then we can come back for deliberations, having set all of that up so that the next step in the process is a logical step to be proceeded with at the next meeting. That's just an option to put on the table.

**The Chair:** Okay. Mr. Dang, did you want to interject?

**Mr. Dang:** Thank you, Mr. Chair. Yeah, I was thinking that Ms Babcock's idea might have some merit just because I think that we are on a bit of a roll here as we move through them. I think that we can bang the rest of these ideas out fairly quickly for the next three points in this document. If we can keep on our train of thought to just have them all finished with our guests here, then, if necessary, we can read everything into the record and come back.

**The Chair:** Mr. Hanson.

**Mr. Hanson:** Yeah. Thank you, Mr. Chair. It's just that we're going to come back a month from now and have to refresh our memories on everything that we've gone through here today. I think that it makes more sense to stop, throw a couple of motions on while everybody is fresh in their minds rather than come back in a month from now and spend the first two hours just refreshing our memories on this stuff. It doesn't make any sense at all.

Thank you.

**The Chair:** Okay. I believe where we stand – Mr. Kleinsteuber, you had a comment?

**Mr. Kleinsteuber:** Sure. I just wanted to support, I guess, what Member Babcock and Member Dang said. Seeing as how we're so close to the end of this list here, I think it would make better sense and use of the time just to get to the end of it and then consider some of the motions that some people want to put forward.

**The Chair:** Mr. MacIntyre, I technically don't have a motion on the table.

**Mr. MacIntyre:** I'll give you one.

**The Chair:** Please go ahead.

**Mr. MacIntyre:** Being that it is this particular point in time, I am going to introduce a motion, and then we have to deal with it. That is to move that

the Standing Committee on Resource Stewardship recommend that the Lobbyists Act be amended by requiring public office holders to record, register, and file, by means acceptable to the office of the Ethics Commissioner, any lobbying between their office and directors, officers, or employees of an organization referred to in section 1(1)(g)(iv).

The reason for that is that it covers off an awful lot of the things that we've been discussing thus far, issues of, for example, the enormous amount of administrative burden placed on our not-for-

profit sector. The transparency we're looking for is from our government. We want our government to be transparent about who is talking to them and trying to influence them, so why not put the onus of resource burden on the government to report rather than burdening the not-for-profit sector at all? The government agencies already have scheduling assistants. They already have people doing this within their departments. Now all they have to do in order to meet the requirements of transparency is cut and paste that information into a filing to ethics.

**The Chair:** Okay. Mr. MacIntyre, can I just ask you just for a moment . . .

**Mr. MacIntyre:** Go ahead.

**The Chair:** Because, one, I thought you were going to put a motion on how you wanted to discuss this.

**Mr. MacIntyre:** I know you did.

**The Chair:** I know.

**Mr. MacIntyre:** I'm busted.

**The Chair:** It's all good. That being the case, you have every right to put the motion that you want to in front of us. I just want to make sure that we capture it so that everybody knows what it is that we're talking about.

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

**The Chair:** Okay. We're going to get it up on the screens just so that everybody can see exactly what the motion is.

Have you completed speaking to your motion, would you say?

**Mr. MacIntyre:** Close.

**The Chair:** Then I just want to remind all members, since we're going to be entering a few of these into the record, I assume, that when you do put a motion forward, just give us a moment to get it up on the screens, and, of course, then speak to your motion.

We have it up on the screen, and now I just want to give you the opportunity to speak to it again, Mr. MacIntyre.

**Mr. MacIntyre:** Certainly. We have heard a ton of things today, and I feel like this kind of motion answers some of those needs. For example, we had an issue under 6(b), prescribed provincial entities. Well, here again, if we put the onus on the government to report who's talking to them, that solves that problem.

We've had a number of not-for-profits come and address us with really serious concerns about the amount of resources that they're going to have to put forward in order to meet the requirements of this act when, in fact, what we're after, what the act is after is transparency in governance, transparency from government departments over who is influencing them. So why not make it easy on our not-for-profit sector by simply absolving them of the responsibility to report and putting that responsibility on the government departments?

If the government departments aren't going to be transparent about it, then, you know, we'll all find out, and we can go after them for it. This way we're using information that the government departments already collect. There's nothing in either the meeting registry or in the lobbyist registry that scheduling assistants and other assistants within government departments don't already collect. It's all there already. We're asking not-for-profits to actually duplicate all that work in their filing whereas that

information is already all gathered by every government department.

**3:10**

As an MLA each one of us, when we have somebody coming to visit us, I'm sure you do as I do. My staff prepares a briefing note. I know what they want to come and talk to me about. I've already got that information in front of me. It's a no-brainer just to put that into a report for a filing. I don't think that would be at all difficult, but it would set the burden upon the government's shoulders to be transparent, and it would relieve the burden completely from our charities, from our not-for-profit sectors. We wouldn't have to then try to come up with a recommendation for legislation that is so prescriptive: well, they've got to have four employees, oh, maybe three, or maybe it's a hundred hours, or maybe it's 20 hours. No. Just put the onus where the onus should be, on government transparency. The information, as I said, is already there. It's already collected. It just needs to be put into a report and filed with the commissioner, a simple, straightforward done deal, and we all look like winners to the not-for-profit sector, right?

**The Chair:** Okay. We're going to open up the floor for discussion. I currently have Mr. Hunter on the speakers list. We're going to follow up with Mr. Malkinson. I just want to make sure that those on the phone, if they want to participate, please let me know if you want to be on the speakers list.

Mr. Hunter, take it away.

**Mr. Hunter:** Thank you, Mr. Chair. I would like to ask the Ethics Commissioner what she thinks of this motion in terms of being able to facilitate the concerns of not-for-profits and charities. We did hear from them that they were very concerned about the red tape required to be able to do this. Would this facilitate their concerns but also facilitate yours?

**Ms Trussler:** This is a whole new concept, and I would want to think about it very carefully. The first thing that comes to mind is that this would just be recording meetings in a meeting registry as opposed to having them register as lobbyists. The second thing, given the very broad definition of public office holder, is what sort of burden this would be on the government. Those are two things I'd want to have to think about and discuss within our office. I don't think it's an approach that's ever been taken anywhere else. Governments have not had the burden on them to do any of the registrations, so I can't give you an opinion right now.

**The Chair:** Clarifying on the commissioner's statement?

**Mr. MacIntyre:** Yeah. Just to clarify, part (iv) reads, "a non-profit organization, association, society, coalition or interest group." That's all I'm talking about.

**Ms Trussler:** Yes. I understand that.

**Mr. MacIntyre:** Okay.

**Ms Trussler:** I still would want to think about it to see whether or not it would work. Public office holder is very broadly defined under the act. It's just how much administrative burden it would be on the various departments.

**The Chair:** Mr. Malkinson.

**Mr. Malkinson:** Thank you very much. I'm going to just do a quick clarifying question with Mr. MacIntyre, and then I'll ask my question sort of more broadly if the chair will indulge me.

Mr. MacIntyre, I just want to confirm because I don't have the act in front of me at the moment. In the motion you refer to section 1(1)(g)(iv). I don't know my Roman numerals. That's referring to the nonprofits, correct? I just want to make sure so I understand your motion before I go on to my next bit.

**Mr. MacIntyre:** Do you want me to read you 1(1)(g)?

**Mr. Malkinson:** What's your section where you are referring to the nonprofits?

**Mr. MacIntyre:** In this section, section (g)(iv), (g) is an organization, and this is the definition: "'organization' includes any of the following, whether incorporated, unincorporated, a partnership or a sole proprietorship." Then I'm only talking about part (iv) of that definition, which is "a non-profit organization, association, society, coalition or interest group." That's it in part (iv).

**Mr. Malkinson:** Perfect. Thank you for that clarification.

**Mr. MacIntyre:** You're welcome.

**Mr. Malkinson:** Sort of moving on to my broader point, my initial thought on this, of course, we did hear concerns in the committee from nonprofits about not wanting to place an unfair burden. I mean, earlier we had a fairly lengthy discussion back and forth about how, you know, lobbying is lobbying. We discussed with the Ethics Commissioner various different points of view on at what point doing something becomes lobbying and on what the threshold should be. My thought, from a transparency standpoint, is that I'm reminded of when we were in a Public Accounts meeting where we were talking about the Redford era and the famed sky palace that's on the top of this building and how procedures weren't followed and how some questionable spending happened as a result of that.

One advantage that I see with the system, where the lobbyists themselves are doing the reporting to the Ethics Commissioner, is that it provides a degree of transparency in that it sort of goes around the government to an arm's-length agency, which is the Ethics Commissioner, and, you know, the same with the public office holders. Because it's not reliant on the government, as the thing with the sky palace showed, perhaps that government or public office holder for whatever reason might decide that they don't want it to be public knowledge and might just neglect to report. The advantage of the current system, where we're having it on the lobbyist, is that they are not within the government sphere, for example, and are reporting directly to an arm's-length agency, the Ethics Commissioner, as opposed to the government.

I'm not saying that there can't be holes in it either way. You know, I get that it's entirely possible for a lobbyist to not report. I mean, these are issues, of course, that the Ethics Commissioner needs to deal with. I feel that by having it on the government side, perhaps that might create a different set of issues than the one it's trying to solve.

I don't know if you want to jump in – I'm putting you on the spot here, Ms Trussler – on sort of my logic.

**Ms Trussler:** One concern I might have in terms of MLAs is that you go to a community event and somebody pulls you aside for half an hour or even 10 minutes and talks to you about something, and it, in fact, is something that is lobbying. Then you've got to go home afterwards and remember who talked to you that night and what they talked to you about and make yourself notes on it so that then you can as an MLA do this recording. You might want to be concerned about what sort of burden you're putting on yourselves,

let alone the people in government. I don't know. This is really a policy decision for you to decide.

**The Chair:** Okay. I have Mr. Nielsen, followed by Mr. MacIntyre.

**Mr. Nielsen:** Well, thank you, Mr. Chair. I'm certainly glad that in our collective wisdom we decided to make use of our experts in the room. The expert is telling us that we need to go away and think about this a little bit, so I'm definitely leaning in that direction if the expert is telling me that.

**The Chair:** Mr. MacIntyre.

**Mr. MacIntyre:** Yeah. Again, in responding to Mr. Malkinson's suggestion, as he pointed out, there can be cheating on both sides here. The difference is this. If a not-for-profit isn't going to do the right thing and report their interactions with the government, we don't have a process to hold them accountable for that, but if we have a government department or a minister in the government who is cheating in the same way and not reporting, you know full well we can hold their feet to the fire. We can't do that with someone that isn't part of the government, not in the same way. If the onus is on the government, the accountability built into our parliamentary system then kicks into play to hold the government accountable for being transparent, and that is the intent of the act, to have transparent governance.

3:20

Specifically, when it comes to the not-for-profits and the charities – a lot of them are completely volunteer organizations – it's not only going to put a burden upon them, but there could be a financial or a resource burden of some description. Here again, if they do something inaccurate with their reporting that was an honest mistake that was made, well, that's one thing, but when we have a government department that is not doing their job – and we had some of that occur right here today, where we had Justice not filing review documents with this committee after 150 days. Now, we can hold them fully accountable, but we can't do that with a not-for-profit or a charity.

Again I come back to this concept that this transparency issue is for transparent governance, so it really should fall to the government departments to be transparent on who is influencing them, especially when it comes to not-for-profits. Let's just eliminate the burden from them completely. I mean, we heard a lot of really good arguments from them when they were here. This answers that.

**The Chair:** Okay. I have Ms Babcock. Then we're going to go to Mr. Hunter, followed by Mr. Clark.

**Ms Babcock:** Thank you, Mr. Chair. I have a bit of a worry around this motion. Now, the definition within it is of public office holder, which isn't just government. A public office holder according to the act itself is

- (i) a Member of the Legislative Assembly and any individual on a Member's staff,
- (ii) an employee of a department,
- (ii.1) an individual appointed to a board, committee or council established under section 7 of the Government Organization Act, and
- (iii) an employee, officer, director or member, as the case may be, of a prescribed Provincial entity.

So that is a very large definition, and I think that it's definitely going to make things a little more complicated.

My worry comes down to this. It comes down to the fact that we talk a lot about red tape, and we talk a lot about streamlining. I think that putting this onus back on the government instead of having one streamlined process for every lobbyist would actually create a lot more red tape within our government and our governmental body, as the case may be, with any of these holders of public office. I think this is a system that should be simple and should be efficient for every lobbyist or every advocacy group to be part of, and I think that having a two-tiered system such as what this suggests would definitely add to the red tape.

Thank you.

**Mr. MacIntyre:** May I respond?

**The Chair:** Actually, we're going to stick to the speakers list if you don't mind, Mr. MacIntyre. You're welcome to interject at a later time.

We're going to go with Mr. Hunter, then Mr. Clark.

**Mr. Hunter:** I just wanted to respond to Ms Babcock's statement. In terms of red tape what they do in the Maritimes is that they've had the bureaucrats have to go through all the stuff that any business organization or not-for-profit organization has to fill out, and it's shown them the bureaucratic red tape that they have to follow through with, which has forced them to say: you know, we need to do something about this. It's actually opened their eyes to this issue. The nice thing about this is that I think it would probably open the eyes of the government to make it more streamlined. In terms of you saying that it would be more red tape, I imagine that if they had to do this, it would probably force them to make it more streamlined just by virtue of them wanting to have sanity. I think that that's not a bad idea.

The one concern that I do have with this, though – actually, I won't even get into the other concern that I have. But I do believe that the intent of this is to say: look, we have paid employees that are doing the work, we have not-for-profit organizations that are trying to do the best they can with very limited resources, so why not put the onus back on the people who have the paid employees to do it? They have the resources to do it, and they would streamline it if they had to do it themselves.

**The Chair:** Mr. Clark.

**Mr. Clark:** Thank you, Mr. Chair. I understand the intent of this motion is to ease the burden on not-for-profits, or at least certainly one of the intentions is that. Certainly, I'm supportive of that. I'm still not entirely convinced of the problem that we're trying to solve in terms of even including not-for-profits in the lobbyist registry in the first place. I could be convinced, but at this point I'm not certain that including not-for-profits in lobbyist legislation, in fact, necessarily solves a big problem that we have in this province.

What I didn't hear from the not-for-profit stakeholders who presented was: sure, we don't mind showing up on a list somewhere so long as you do it. I didn't hear that from them. What I heard were concerns around that stream of activity being captured, a sense from them that there was no need to capture those meetings and that activity and that there may potentially be a chilling effect on their willingness to talk with government should they be included at all.

While I see what this is trying to do, as I understand it, to reverse the onus and put the burden on those of us who are public office holders to record those interactions, as someone who did in excess of 65 or 70 Stampede events last year, I can't begin to tell you – I honestly have no idea – how many people representing how many different not-for-profit agencies I would have interacted with. I think that probably two-thirds of those events that I attended were

not-for-profit sponsored events, and therefore some of the conversation naturally tends to that.

To the Ethics Commissioner's point, to put the burden, then, on us to record that, capture who it was we talked with, make sure we get the card, all of those sorts of things, I'm not sure that that actually satisfies a public policy objective either. I'm not convinced that we necessarily need to be rolling not-for-profits into the lobbyist registry in the first place, but if we are, I'm not also equally convinced that this is necessarily the best way to go about doing that.

Thank you.

**The Chair:** Mr. MacIntyre, go ahead.

**Mr. MacIntyre:** Thank you. A couple of questions for the commissioner. In the description that my esteemed colleague just gave you of people coming up to him at events and talking to him at Stampede events on different issues, would that constitute lobbying under the act?

**Ms Trussler:** It could, depending on what they were talking about.

**Mr. MacIntyre:** Thank you.

The next thing is: why should the onus be placed upon them and not upon the government person?

To, I believe, Ms Babcock's concerns: it sounded to me more that you had a problem with the definition than anything else, and that's something that we can deal with as to: who within government needs to be included in this as someone that must be reporting?

Again, as far as the increase in red tape, I don't believe that that is true since there are already people in government agencies and ministries recording all of this information that would be needed, both in the meeting registry and for the lobbyist registry. That work is already being done. There's no additional red tape being done here, no additional cost being incurred by the government because it's already being done.

**The Chair:** Go ahead, Mr. Kleinsteuber.

**Mr. Kleinsteuber:** Thank you, Chair. Yeah, I guess I just wanted to follow up on this motion, basically. I think some of the interesting parts of this are – in the summary document here, that we've been asked to look at, in section 2, for example, they were talking about removing 100 hours and in section 5 debating whether individuals or nonprofits should even apply. These are the questions that are here. This seems to contradict some of these points that we were supposed to be discussing today.

In fact, it takes us on a bit of a different course. We're now asked to do something that, as the Ethics Commissioner said, is kind of a whole new concept, and I'm not sure if it's even an approach that's been done anywhere else. I find that where we've gone here is someplace outside of the scope of what it is that we're supposed to be discussing here today.

Maybe the member would like to clarify some of those points.

**Mr. MacIntyre:** Sure.

**The Chair:** Sure, since you've been asked to clarify.

3:30

**Mr. MacIntyre:** Yeah. The document that we have in front of us is called an issues document. It's a document that specifies the issues that the Ethics Commissioner and her department have identified as being issues with this act as well as the submissions from different people. It is not necessarily a prescriptive road map for us to have to stick to. It's an issues document. That's all it was intended to be.

Insofar as some of these other things that you raised, such as the 100 hours and so on, this motion completely eliminates even the need to try to prescribe the number of hours. Lobbying is lobbying, and if you're a not-for-profit, it doesn't matter whether it's an hour or 100 hours or 1,000 hours. This motion would say that the government needs to report that lobbying, and you're absolved of any responsibility to have to do it. You don't need to spend money or hire people or anything like that as a not-for-profit organization or a charity. I think that if we were to run this motion passed those people who were here, I believe that they'd support it, and maybe that's what we should do.

**The Chair:** Mr. Nielsen.

**Mr. Nielsen:** Well, thank you, Mr. Chair. I know that our friends who were wanting to get to business of the committee, you know, have some motions here, and I think we're getting a little bit stuck. So with the expert opinion of our folks here in the room, I'll move to adjourn this motion for now.

**The Chair:** Thank you.

So having heard the motion to adjourn, all in favour? Any opposed? Okay. That motion carries. Thank you, Mr. Nielsen.

Now, do people want to revert to how we were going through the issues document, or are there more motions that people would like to bring forward?

**Mr. MacIntyre:** I've got lots of motions.

**The Chair:** Mr. MacIntyre, since you have lots of motions, would you like to make a following one?

**Mr. MacIntyre:** Sure. Thank you. Thank you very much for that.

**The Chair:** No problem. Take us away.

**Mr. MacIntyre:** Take you away.

If you will look in your issues document under 4(b), it was specific to the meeting registry, and I'd like for us to discuss this motion. I'll make the motion, and then we can talk about it, that

the Standing Committee on Resource Stewardship recommend that the Lobbyists Act be amended by adding that both consultant lobbyists and organization lobbyists must file monthly returns setting out information with respect to communication made in that month involving designated office holders in a manner satisfactory to the office of the Ethics Commissioner, which would include the particulars identified in section 2(j) of the act.

To read you 2(j):

2 The designated filer shall set out in the return for the purpose of section 4 of this Act the following with respect to the undertaking . . .

- (j) particulars to identify any relevant legislative proposal, bill, resolution, regulation, order in council, program, policy, directive, guideline, decision, grant, financial benefit or contract that is or will be the subject of the lobbying.

**The Chair:** Could you just double-check that we have it up on the screens as you intended, sir?

**Mr. MacIntyre:** Sure.

**The Chair:** Is it all good? It seems that we have Parliamentary Counsel suggesting a small edit.

**Mr. MacIntyre:** Yeah. I would be open to something from Parliamentary Counsel.

**Ms Dean:** Thank you, Chair. The correct reference, I believe, is section 2(j) of schedule 2.

**Mr. MacIntyre:** Thank you. Yes, you're right.

**The Chair:** Okay. So it does accurately reflect the motion that you intend to put forward, sir?

**Mr. MacIntyre:** It does.

**The Chair:** Okay. Would you like to speak to your motion?

**Mr. MacIntyre:** Yeah. The narrowing of this definition would change the act as it is currently written, from "any public office holder" meaning – I'm reading the wrong one.

This meeting registry is used at the federal government level and provides more clarity on who senior officials meet with and how often they are meeting. This is especially important during different times of the year. Albertans have the right to know who is lobbying their public officials, when, and how often. The Ethics Commissioner did recommend this registry be put in place. A monthly report of who has met with public office holders is not an overly onerous task since both offices already would be keeping track of who they met with and what was being discussed. This registry just makes that information public. For those organizations that are already meeting the requirements of the federal registry, this would be a no-brainer. It would almost be like a cut-and-paste. So, again, trying to make it as easy as possible.

**The Chair:** Okay. Please go ahead, Ms. Dean.

**Ms Dean:** Mr. Chair, I believe that there needs to be another reference here to capture both consultant and organization lobbyists, that's been pointed out to me, because schedule 1 deals with consultant lobbyists. It's schedule 1, section 2(j) as well that deals with the issue addressed by the member.

**The Chair:** Are you okay with that change, Mr. MacIntyre?

**Mr. MacIntyre:** Yeah. We're good to go.

**The Chair:** Okay. I just want to draw everyone's attention that there has been a small change in adding schedule 1, section 2(j).

So having heard Mr. MacIntyre's arguments in favour of his motion, I'd like to open it up for discussion. Ms Babcock, please go ahead.

**Ms Babcock:** Thank you, Chair. I actually just had a question for Mr. MacIntyre. Can you please just maybe explain this a little more to me? I'm not sure I understand the difference between your motion and what the proposal already is other than "designated" compared to "certain." So maybe you could explain that a little more broadly to me.

**Mr. MacIntyre:** Uh-huh. This motion is actually really just supporting the recommendation from the commissioner's office that was made to us initially. Updating who lobbyists are meeting with in a 30-day period allows for, you know, greater transparency and accountability. Again, this would mirror what is required by the federal government as well, and that was a recommendation from the Ethics Commissioner.

I would invite the commissioner to comment, too, and see if I've captured this appropriately.

**The Chair:** Commissioner Trussler, please go ahead.

**Ms Trussler:** Thank you. Designated office holder is not presently defined in the act. I am assuming that the motion involves defining that as Premier, minister, Member of the Legislative Assembly, deputy minister, assistant deputy minister, or political staff or a senior officer of a provincial entity or chair of a board because our suggestion was somewhat narrower than the federal registry in that regard.

The only other thing is that we had recommended you only had to file within 30 days if you had a meeting, but this mirrors the federal registry that says you have to file monthly returns whether or not you had a meeting.

**The Chair:** Mr. MacIntyre, please go ahead.

**Mr. MacIntyre:** Yeah. Thanks. So if I reworded that to be public office holder rather than designated office holder, then we're in alignment with the wording in the act? Would that be correct?

3:40

**Ms Trussler:** Yes. It's very broad, and it's very hard to define public office holder. I know that the lobbyists feel the federal one is somewhat onerous, which is why we narrowed it down a little bit, but it would depend on how you defined designated office holder if you wanted it wider than what we suggested.

**Mr. MacIntyre:** Okay. I get that. I do have another amendment that fixes that, but we'll deal with the one we've got up here right now.

**The Chair:** Okay. I have Mr. Dang, followed by Ms Babcock.

**Mr. Dang:** Thank you, Mr. Chair. In just hearing that from the Ethics Commissioner, I guess, unless you have an amendment coming forward, there is concern about how this is worded as is. If we're looking at the issues document and the specific recommendations and concerns with that recommendation, a lot of it was around how onerous this may be for some of the lobbyist partners.

Further to that, I guess, unless this motion gets clarification on how some of those definitions work, it would be difficult to move forward with it while it's so open right now. Perhaps, Commissioner, you could elaborate a little bit on some of your ideas around how your registry was going to be less onerous than the current motion that's being presented.

**Ms Robins:** If you have that term, "designated office holder" is not a defined term in the act. "Public office holder" is, but it's very broad. It includes MLAs, persons appointed to a council or commission, any committee established under section 7, all government employees. If "public office holder" were substituted there, that would be extremely broad.

"Designated office holder": if you left that term in there, you would have to define it in some fashion. If the intent would be to define it, we recommended that that category be limited to a certain group, that would include the list that the commissioner previously listed out: the Premier, a minister, a member of the Legislature, a deputy minister, an assistant deputy minister, any political staff in the Premier's or a minister's office, a senior officer of a prescribed provincial entity, or the chair of a board, commission, or council established by government. That would be a subset, if you will, of the public officer definition. If you use that type of term, you would have to define it somehow in the act.

**Mr. Dang:** I guess I have a follow-up.

**The Chair:** Go ahead, Mr. Dang.

**Mr. Dang:** I'm also curious, I guess, about the way the motion is worded. To me, it reads that they must file monthly returns made in that month involving public office holders. That would include if there was no contact made at all, in my interpretation. Maybe Parliamentary Counsel could jump in as well. Was your original recommendation to include that type of requirement as well?

**Ms Trussler:** We had recommended that if you have a meeting, you must file within 30 days. It's not quite as onerous as the federal one.

The other thing is that this has communications. This would be even letters written as opposed to having a meeting, so it's broader.

**Mr. Dang:** Thank you.

**Ms Trussler:** But it's a policy decision for this committee to make.

**The Chair:** We're going to go to Ms Babcock, followed by Mr. MacIntyre.

**Ms Babcock:** Thank you, Mr. Chair. You know, looking at this, at the way it's worded, I think we're partially having a bit of a language issue here, not a discussion about what the intent of it is. The way it's worded right now, looking at those definitions, it's quite onerous to a good number of people. We go back to this: how do we be efficient with our staff? How do we be efficient with our resources in government or as a public office holder? We've all talked about how we want to be more efficient in these spaces. I don't think, with the way that it's worded with these massive definitions, it quite hits that.

I think I see the intent of what this motion is, and I really respect the intent of it, but the way it's worded today, I think, is a bit of an issue. Saying, for example, "must file monthly returns" setting out the information whereas the Ethics Commissioner has just stated "within 30 days": that is a different definition of 30 days within a meeting, or do you have to do it monthly? Those are, again, very different ways of looking at it. I think, at the end of the day, that this one is very much just a language issue that we're having, that we're trying to get past, and on both sides here we're kind of beating at that. I just worry that if it were left as is, it would be inefficient for our staff, it would create more red tape than it would help, and it would be onerous to all of the lobbyists, that we have just looked at in the last motion to help take the burden off.

**The Chair:** Mr. MacIntyre.

**Mr. MacIntyre:** Thank you. A question for counsel. The Ethics Commissioner had made – I believe it was the Ethics Commissioner – a recommendation that we redefine something here, specifically public office holder, and that it be amended to be a person who is employed in a minister's office, a public office holder in a government department who occupies a senior executive position, an associate or assistant deputy minister, or a comparable person. That was it. Now, the question I have for you is: to enter that kind of a very concise definition, is this the place to do that, or is that a separate motion?

**Ms Dean:** Well, I think the comment is that you would have greater clarity to what the ambit of designated office holders is if you had some sort of explanatory language embedded in your motion. I mean, the motion isn't technically out of order the way it's been presented, but it's not quite clear what the scope of your intent is because that's not a defined term in the legislation.

**Mr. MacIntyre:** So the issue is that a designated office holder is currently undefined, and that, I think, is what was being communicated over here and over there. So if that definition was included in this amendment, is it all right to have that definition here? Now we're introducing a new term, which is a designated office holder.

**Ms Dean:** Well, you could cross-reference the suggested definition that's in the materials if you wanted to provide greater clarity.

**Mr. MacIntyre:** Okay. I'd be okay if we want to adjourn this and let me have some time at it because I don't think that anyone from the committee is averse to the concept. Am I correct? I'm seeing . . .

**The Chair:** Okay. If I could, rather than adjourn your own motion, sir . . .

**Mr. MacIntyre:** Let somebody else do it?

**The Chair:** No. I recommend that you withdraw it and then think about it and then bring it back. Change it as much as you want, and then bring it back.

**Mr. MacIntyre:** Let's do that.

**The Chair:** Okay. So you're withdrawing the motion?

**Mr. MacIntyre:** You bet.

**The Chair:** Okay. Perfect. Excellent.

We need unanimous consent. All those in favour of withdrawing the motion, say aye. Anybody opposed? Okay. Hearing none, the motion is now withdrawn.

I just want to bring members' attention to the time. We are supposed to be here until 4 o'clock. However, I leave it up to you all on how you would like to proceed. I suspect that around 3:55, which is in five minutes, we just want to try to get through the kind of more logistical items on the agenda such as small business and, of course, discuss the date of the next meeting and then, finally, adjourn the meeting. But I'll kind of leave it open to you as to what you want to do next.

Mr. Nielsen.

**Mr. Nielsen:** Thanks, Mr. Chair. Hopefully without causing any problems, I do have other commitments right after, so if we could wrap up as close as possible, that would really be helpful.

**The Chair:** Would people be open to adjourning just a little bit early?

Okay. That being said, then, we're going to move over, obviously, directions for the report of the committee to other business. Is there any other business that people would like to bring forward at this time?

Okay. Hearing none, our next meeting will be at the call of the chair or scheduled in accordance with the schedule for consideration of the 2017-2018 main estimates, that will be tabled in the Legislative Assembly. All good with that? Okay. I'm seeing nodding of heads. Thank you.

I will now call for a motion to adjourn.

**Mr. Rosendahl:** So moved.

**The Chair:** Thank you, Mr. Rosendahl. All in favour of the motion to adjourn? Anybody opposed? That motion is carried.

Thank you, all. Have a wonderful evening.

[The committee adjourned at 3:50 p.m.]











