

1996 BILL 223

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Fourth Session, 23rd Legislature, 45 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 223

## LOBBYISTS REGISTRATION ACT

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DR. PERCY

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 223*  
*Dr. Percy*

## **BILL 223**

1996

### **LOBBYISTS REGISTRATION ACT**

*(Assented to , 1996)*

WHEREAS free and open access to government is an important matter of public interest;

AND WHEREAS lobbying public office holders is a legitimate activity;

AND WHEREAS it is desirable that public office holders and the public be able to know who is attempting to influence government;

AND WHEREAS a system for the registration of paid lobbyists should not impede free and open access to government;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

#### **PART 1**

##### **INTERPRETATION AND APPLICATION**

Definitions

**1(1)** In this Act,

- (a) "Ethics Commissioner" means the Ethics Commissioner appointed under the *Conflicts of Interest Act*;

- (b) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (c) "municipality" means a municipality as defined in the *Municipal Government Act*;
- (d) "organization" includes
  - (i) a business, trade, industry or professional or voluntary organization,
  - (ii) a trade union or employee organization,
  - (iii) a chamber of commerce or board of trade,
  - (iv) a partnership, association, society, coalition or interest group,
  - (v) a government, other than the Government of Alberta, and
  - (vi) a corporation without share capital incorporated to pursue, without financial gain to its members, objects of a national, provincial, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character or other similar objects;
- (e) "payment" means money or anything of value and includes a contract, promise or agreement to pay money or anything of value;
- (f) "prescribed" means prescribed by the regulations;
- (g) "Provincial agency" means a Provincial agency as defined in the *Financial Administration Act*;
- (h) "public office holder" means an officer or employee of the Government of Alberta and includes
  - (i) a member of the Legislative Assembly and any person on the staff of that member,
  - (ii) a person who is appointed to any office or body by or

with the approval of the Lieutenant Governor in Council or a Minister of the Crown, and

(iii) a member or employee of a Provincial agency;

(i) "registrar" means the registrar appointed pursuant to section 10.

**(2)** For the purposes of this Act, a corporation is a subsidiary of another corporation if

(a) securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation are held, otherwise than by way of security only, directly or indirectly, whether through one or more subsidiaries or otherwise, by or for the benefit of the other corporation, and

(b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the first-mentioned corporation.

Binds the Crown

**2** This Act binds the Crown in the right of Alberta.

Restriction on application

**3(1)** This Act does not apply to any of the following persons when acting in their official capacity, namely,

(a) a member of the Senate or the House of Commons or any person on the staff of that member;

(b) a member of the Legislative Assembly of a province or territory other than the Province of Alberta or any person on the staff of that member;

(c) an employee of the government of a province other than the Province of Alberta;

(d) a member of a council or other statutory body charged with the administration of the civil or municipal affairs of a municipality, persons on the staff of such members or officers or employees of a municipality.

**(2)** This Act does not apply in respect of

- (a) any oral or written submission made to a committee of the Legislative Assembly, or to any body or person having jurisdiction or powers conferred by or under an Act, in proceedings that are a matter of public record,
- (b) any oral or written submission made to a public office holder by an individual on behalf of any person or organization with respect to the enforcement, interpretation or application of any Act or regulation thereunder by that public office holder and with respect to that person or organization, or
- (c) any oral or written submission made to a public office holder by an individual on behalf of any person or organization in direct response to a written request from a public office holder, for advice or comment about any matter referred to in any of section 4(1)(a)(i) to (vi), section 5(2)(a) to (e) or section 6(2)(a) to (e).

**(3)** Nothing in this Act shall be construed as requiring the disclosure of the name or identity of any individual where that disclosure could reasonably be expected to threaten the safety of that individual.

## **PART 2**

### **REGISTRATION OF LOBBYISTS**

#### **Consultant Lobbyists**

Consultant  
Lobbyists

**4(1)** Every individual who, for payment, on behalf of any person or organization (in this section referred to as the "client"), undertakes to

- (a) communicate with a public office holder in an attempt to influence
  - (i) the development of any legislative proposal by the Government of Alberta or by a member of the Legislative Assembly,
  - (ii) the introduction of any Bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any Bill or resolution that is before the

Legislative Assembly,

- (iii) the making or amendment of any regulation,
  - (iv) the development or amendment of any policy or program of the Government of Alberta,
  - (v) the awarding of any grant, contribution or other financial benefit by or on behalf of the Government of Alberta, or
  - (vi) the awarding of any contract by or on behalf of the Government of Alberta, or
- (b) arrange a meeting between a public office holder and any other person,

shall, not later than 10 days after entering into that undertaking, file with the registrar, in the prescribed form and manner, a return setting out the information referred to in subsection (2).

(2) The return must set out the following information with respect to the undertaking:

- (a) the name and business address of the individual and, if applicable, the name and business address of the firm where the individual is engaged in business;
- (b) the name and business address of the client and the name and business address of any person or organization that, to the knowledge of the individual, controls or directs the activities of the client and has a direct interest in the outcome of the individual's activities on behalf of the client;
- (c) where the client is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the individual, has a direct interest in the outcome of the individual's activities on behalf of the client;
- (d) where the client is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation;

- (e) where the client is a coalition, the name and business address of each corporation or organization that is a member of the coalition;
- (f) where the client is funded in whole or in part by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the client from that government or government agency;
- (g) particulars to identify the subject-matter in respect of which the individual has undertaken to communicate with a public office holder or to arrange a meeting, and such other information respecting the subject-matter as is prescribed;
- (h) where applicable, whether the payment to the individual is a whole or in part contingent on the individual's degree of success in influencing any matter described in subsection (1)(a)(i) to (vi);
- (i) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, program, grant, contribution, financial benefit or contract;
- (j) the name of any department or other governmental institution in which any public office holder with whom the individual has communication or expects to communicate, or with whom a meeting is to be or has been arranged, is employed or serves;
- (k) where the individual has undertaken to communicate with a public office holder in an attempt to influence any matter described in subsection (1)(a)(i) to (vi), particulars to identify any communication technique, including appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion (in this Act referred to as "grass-roots communication"), that the individual has used or expects to use in an attempt to influence that matter;
- (l) such other information relating to the identity of the individual, the client, any person or organization referred

to in clause (b), any subsidiary referred to in clause (d), any member of a coalition referred to in clause (e) or any department or institution referred to in clause (i) as is prescribed.

(3) An individual who files a return shall provide the registrar, in the prescribed form and manner, with any change to the information provided by the individual in the return, any information required to be provided under subsection (2) the knowledge of which the individual acquired only after the return was filed, not later than 30 days after the change occurs or the knowledge is acquired.

(4) An individual who completes or terminates an undertaking in respect of which the individual has filed a return shall advise the registrar of that fact, in the prescribed form and manner, not later than 30 days after the undertaking is completed or terminated.

(5) An individual who files a return shall provide the registrar, in the prescribed form and manner, with such information as the registrar may request to clarify any information that the individual has provided to the registrar pursuant to this section, and shall do so not later than 30 days after the request is made.

(6) This section does not apply in respect of anything that an employee undertakes to do on the sole behalf of their employer or, where their employer is a corporation, in respect of anything that the employee, at the direction of the employer, undertakes to do on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.

(7) For greater certainty, an individual who undertakes to communicate with a public office holder as described in subsection (1)(a) is required to file only one return under subsection (1) notwithstanding that the individual may, in connection with that undertaking, communicate with one or more public office holders on one or more occasions.

**5(1)** In this section, "employee" includes an officer who is compensated for the performance of their duties.

(2) Where a person employs an individual a significant part of whose duties as an employee is to communicate with public office holders on behalf of the employer or, where the employer is a corporation, on behalf of any subsidiary of the employer or any



corporation of which the employer is a subsidiary, in an attempt to influence

- (a) the development of any legislative proposal by the Government of Alberta or by a member of the Legislative Assembly,
- (b) the introduction of any Bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any Bill or resolution that is before the Legislative Assembly,
- (c) the making or amendment of any regulation,
- (d) the development or amendment of any policy or program of the Government of Alberta, or
- (e) the awarding of any grant, contribution or other financial benefit by or on behalf of the Government of Alberta,

the employee shall file with the registrar, in the prescribe form and manner and at the time or times required by subsection (3), a return setting out the information referred to in subsection (4).

**(3)** An employee to whom subsection (2) applies shall file a return

- (a) where the duties described in subsection (2) commenced to be a significant part of their duties before the date on which that subsection comes into force, within 2 months after that date;
- (b) where the duties described in subsection (2) commence to be a significant part of their duties on or after that date, within 2 months after the date on which those duties commence to be a significant part of their duties, and
- (c) within 2 months after the end of each financial year of the employer, or if the employer does not have a financial year, within 2 months after the end of each calendar year, beginning with the financial year or calendar year, as the case may be, in which the employee is required to file a return pursuant to clause (a) or (b).

**(4)** The return shall set out the following information:

- (a) the name and business address of the employee;

- (b) the name and business address of the employer;
- (c) where the employer is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the employee, has a direct interest in the outcome of the employee's activities on behalf of the employer;
- (d) where the employer is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation;
- (e) if applicable, the financial year of the employer;
- (f) a description in summary form of the employer's business or activities and such other information to identify the employer's business or activities as is prescribed;
- (g) where the employer is funded in whole or in part by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the employer from that government or government agency;
- (h) where the employee is attempting to influence any matter described in subsection (2)(a) to (e) at the time the return is filed, particulars to identify the relevant subject-matter and such other information respecting the subject-matter as is prescribed.
- (i) particulars to identify the subject-matter in respect of which the employee has communicated or expects to communicate with public office holders during the financial year of the employer in which the return is filed or, if the employer does not have a financial year, during the calendar year in which the return is filed, in an attempt to influence any matter described in subsection (2)(a) to (e), and such other information respecting those subject-matters as is prescribed;
- (j) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, program, grant, contribution or financial benefit;
- (k) the name of any department or other governmental

institution in which any public office holder with whom the employee has communicated or expects to communicate, in connection with any matter referred to in clause (h) or (i), is employed or serves;

- (l) particulars to identify any communication technique, including grass-roots communication within the meaning of section 4(2)(k), that the employee has used or expects to use in an attempt to influence any matter referred to in clause (h) or (i);
- (m) such other information relating to the identity of the employee, the employer, any subsidiary referred to in clause (c), the other corporation referred to in clause (d) or any department of institution referred to in clause (k) as is prescribed.

**(5)** An employee who files a return shall provide the registrar, in the prescribed form and manner, with any change to the information provided by the employee in the return, and any information required to be provided under subsection (4) the knowledge of which the employee acquired only after the return was filed, not later than 30 days after the change occurs or the knowledge is acquired.

**(6)** An employee who files a return shall advise the registrar, in the prescribed form and manner, if the duties described in subsection (2) cease to be a significant part of their duties or they cease to be employed by the employer, and shall do so not later than 30 days after the event.

**(7)** An employee who files a return shall provide the registrar, in the prescribed form and manner, with such information as the registrar may request to clarify any information that the employee has provided to the registrar pursuant to this section, and shall do so not later than 30 days after the request is made.

### **In-House Lobbyists (Organizations)**

Senior officer  
shall file return

**6(1)** In this section,

- (a) "employee" includes an officer who is compensated for the

performance of their duties;

- (b) "senior officer", in respect of an organization, means the most senior officer of the organization who is compensated for the performance of their duties.

(2) Where an organization employs one or more individuals any part of whose duties is to communicate with public office holders on behalf of the organization in an attempt to influence

- (a) the development of any legislative proposal by the Government of Alberta or by a member of the Legislative Assembly,
- (b) the introduction of any Bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any Bill or resolution that is before the Legislative Assembly.
- (c) the making or amendment of any regulation,
- (d) the development or amendment of any policy or program of the Government of Alberta, or
- (e) the awarding of any grant, contribution or other financial benefit by or on behalf of the Government of Alberta,

the senior officer of the organization shall, if those duties constitute a significant part of the duties of one employee or would constitute a significant part of the duties of one employee were those duties to be performed by only one employee, file with the registrar, in the prescribed form and manner and at the time or times required by subsection (3), a return setting out the information referred to in subsection (4).

(3) The senior officer of the organization shall file a return

- (a) where, on the date on which subsection (2) comes into force, the organization employs one or more individuals whose duties are as described in that subsection, within 2 months after that date and thereafter within 30 days after the expiration of each 6 month period after the date of filing, and
- (b) where, on that date, the organization does not employ any individual whose duties are as described in that subsection,

within 2 months after the date on which the organization first commences to employ such an individual and thereafter within 30 days after the expiration of each 6 month period after the date of filing.

- (4) The return shall set out the following information:
- (a) the name and business address of the senior officer;
  - (b) the name and business address of the organization;
  - (c) a description in summary form of the organization's business or activities and such other information to identify its business or activities as is prescribed;
  - (d) a description of the organization's membership and such other information to identify its membership as is prescribed;
  - (e) where the organization is funded in whole or in part by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the organization from that government or government agency ;
  - (f) the name of each employee of the organization whose duties include those described in subsection (2);
  - (g) where an employee is attempting to influence any matter described in subsection (2)(a) to (e) at the time the return is filed, particulars to identify the relevant subject-matter and such other information respecting the subject-matter as is prescribed;
  - (h) particulars to identify the subject-matter in respect of which any employee
    - (i) has communicated with public office holders during the period for which the return is filed under subsection (3), and
    - (ii) is expected to communicate with public office holders during the next following 6 month period,

in an attempt to influence any matter described in subsection

(2)(a) to (e), and such other information respecting those subject-matters as is prescribed;

(i) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, program, grant, contribution or financial benefit;

(j) the name of any department or other governmental institution in which any public office holder with whom any employee

(i) has communicated during the period for which the return is required to be filed pursuant to subsection (3), and

(ii) is expected to communicate during the next following 6 month period,

in connection with any matter referred to in clause (g) or (h), is employed or serves;

(k) particulars to identify any communication technique, including grass-roots communication within the meaning of section 4(2)(k), that any employee

(i) has used during the period for which the return is required to be filed pursuant to subsection (3), and

(ii) is expected to use during the next following 6 month period,

in an attempt to influence any matter referred to in clause (g) or (h);

(l) such other information relating to the identity of the senior officer, the organization, any employee referred to in clause (f) or any department or institution referred to in clause (j) as is prescribed.

(5) The senior officer of an organization in respect of which a return is filed shall advise the registrar, in the prescribed form and manner, if an employee who has been identified in the return ceases to perform duties described in subsection (2) or ceases to be employed by the organization, and shall do so not later than 30 days after the event.

(6) The senior officer of an organization in respect of which a return is filed shall provide the registrar, in the prescribed form and manner, with such information as the registrar may request to clarify any information that has been provided to the register pursuant to this section, and shall do so not later than 30 days after the request is made.

### PART 3

#### GENERAL REGISTRY

Appointment of  
registrar

7 The Minister may, in accordance with the *Public Service Act*, appoint a registrar.

Registry

8(1) The registrar shall establish and maintain a registry in which shall be kept a record of all returns and other documents submitted to the registrar under this Act.

(2) The registry shall be organized in such manner and kept in such form as the registrar may determine.

(3) The registrar may verify the information contained in any return or other document submitted to the registrar under this Act.

(4) The registry shall be open to public inspection at such place and at such reasonable hours as the registrar may determine.

Interpretation  
bulletins

9(1) The registrar may issue advisory opinions and interpretation bulletins with respect to the enforcement, interpretation or application of this Act other than under sections 13 to 17.

(2) The advisory opinions and interpretation bulletins are not regulations for the purposes of the *Regulations Act* and are not binding.

Certification

10 Every individual who submits a return or other document to the registrar pursuant to this Act shall certify on the return or other document or, where it is submitted in electronic or other form in accordance with section 11, in such manner as is specified by the registrar, that the information contained in it is true to the best of

their knowledge and belief.

Submission of documents

**11(1)** Subject to the regulations, any return or other document that is required to be submitted to the registrar under this Act may be submitted in electronic or other form by such means and in such manner as is specified by the registrar.

**(2)** For the purposes of this Act, any return or other document is submitted in accordance with subsection (1) is deemed to be received by the registrar at the time provided for in the regulations.

Storage

**12(1)** Subject to the regulations, any return or other document that is received by the registrar may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing, that is capable of reproducing the stored return or other document in intelligible form within a reasonable time.

**(2)** In any prosecution for an offence under this Act, a copy of a return or other document that is reproduced as permitted by subsection (1) and certified under the registrar's signature as a true copy is admissible in evidence without proof of the signature or official character of the person appearing to have signed the copy and, in the absence of evidence to the contrary, has the same probative force as the original would have if it were proved in the ordinary way.

### **Code of Conduct**

Lobbyists' Code of Conduct

**13(1)** The Ethics Commissioner shall develop a Lobbyists' Code of Conduct respecting the activities described in sections 4(1), 5(2) and 6(2).

**(2)** In developing the Code, the Ethics Commissioner shall consult persons and organizations that the Ethics Commissioner considers are interested in the Code.

**(3)** The Code shall be referred to the Standing Committee of the Legislative Assembly on Law and Regulations of the Legislative Assembly before being published under subsection (4).



**(4)** The Code shall be published in The Alberta Gazette.

Compliance  
with Code

**14(1)** The following individuals shall comply with the Code:

- (a) an individual who is required to file a return under section 4(1) or 5(2), and
- (b) an individual who, in accordance with section 6(4)(f), is named in a return filed under section 6(2).

Investigation of  
breaches

**15(1)** Where the Ethics Commissioner believes on reasonable grounds that a person has breached the Code, the Ethics Commissioner shall investigate to determine whether a breach has occurred.

**(2)** When conducting an inquiry under this section, the Ethics Commissioner has the powers, privileges and immunity of a commissioner under the *Public Inquiries Act*.

**(3)** The investigation shall be conducted in private.

**(4)** Before finding that a person has breached the Code, the Ethics Commissioner shall give the person a reasonable opportunity to present the person's views to the Ethics Commissioner.

**(5)** The Ethics Commissioner, and every person acting on behalf of or under the direction of the Ethics Commissioner, shall not disclose any information that comes to their knowledge in the performance of their duties and functions under this section, unless

- (a) the disclosure is, in the opinion of the Ethics Commissioner, necessary for the purpose of conducting an investigation under this section or establishing the grounds for any findings or conclusions contained in a report under section 16, or
- (b) the information is disclosed in a report under section 16 or in the course of a prosecution for an offence under section 131 of the *Criminal Code* (Canada) in respect of a statement made to the Ethics Commissioner.

Report

**16(1)** After conducting an investigation, the Ethics Commissioner

shall prepare a report of the investigation, including the findings, conclusions and reasons for the Ethics Commissioner's conclusions, and submit it to the Minister who shall cause a copy of it to be laid before the Legislative Assembly on any of the first 15 sittings on which the Legislative Assembly is sitting after it is received by the Minister.

(2) The report may contain details of any payment received, disbursement made or expense incurred by an individual who is required to file a return under section 4(1) or 5(2) or by an individual who, in accordance with section 6(4)(f), is named in a return filed under section 6(2), in respect of any matter referred to in any of section 4(1)(a)(i) to (vi) or section 5(2)(a) to (e) or 6(2)(a) to (e), as the case may be, if the Ethics Commissioner considers publication of the details to be in the public interest.

Annual Report **17** The Ethics Commissioner shall, within 3 months after the end of each fiscal year, prepare a report with regard to the exercise of the powers, duties and functions conferred on the Ethics Commissioner under this Act during the fiscal year and submit the report to the Minister who shall cause a copy of it to be laid before the Legislative Assembly on any of the first 15 sitting days on which the Legislative Assembly is sitting after it is received by the Minister.

Annual report **18** The registrar shall, within 3 months after the end of each fiscal year, prepare a report with regard to the administration of this Act, other than sections 13 to 17, during that fiscal year and submit the report to the Minister.

Regulations **19** The Minister may make regulations

- (a) requiring a fee to be paid on the filing of a return or a return of a class of returns under section 4, 5 or 6, or for any service performed or the use of any facility provided by the registrar, and prescribing the fee or the manner of determining it;
- (b) respecting the submission of returns or other documents to the registrar under this Act, including those that may be submitted in an electronic or other form under section 11, the persons or classes of persons by whom they may be

submitted in that form and the time at which they are deemed to be received by the registrar;

- (c) respecting the entering or recording of any return or other document under section 12;
- (d) prescribing any matter or thing that by this Act is to be or may be prescribed;
- (e) generally for carrying out the purposes and provisions of this Act.

Review of  
Regulations

**20** In this section, "Standing Committee" means the Standing Committee of the Legislative Assembly on Law and Regulations.

**(2)** Where the Minister proposes to make a regulation pursuant to section 19, the Minister shall cause to be forwarded to the Standing Committee a copy of the proposed regulation.

**(3)** On receipt by the Standing Committee of a copy of a proposed regulation pursuant to subsection (1) the Standing Committee shall examine the proposed regulation to ensure that

- (a) it is consistent with the delegated authority provided in this Act,
- (b) it is necessarily incidental to the purpose of this Act, and
- (c) it is reasonable in terms of efficiently achieving the objective of this Act.

**(4)** When the proposed regulation has been examined as required under subsection (3), the Standing Committee shall advise the Minister that the proposed regulation has been so examined and shall indicate any matter referred to in subsection 3(a), (b) or (c) to which, in the opinion of the Standing Committee, the attention of the Minister should be drawn.

Offence

**21** Any person who

- (a) contravenes any provision of this Act, other than section 14, or the regulations, or

(b) knowingly makes any false or misleading statement in any return or other document submitted to the registrar under this Act, whether in electronic or other form,

is guilty of an offence and liable to a fine of not more than \$10 000.

**Proclamation**      **22** This Act comes into force on Proclamation.