

2007 Bill 1

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Third Session, 26th Legislature, 56 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 1

## LOBBYISTS ACT

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THE PREMIER

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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# **BILL 1**

2007

## **LOBBYISTS ACT**

*(Assented to , 2007)*

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### **Preamble**

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 the public and public office holders be able to know who is engaged in lobbying activities; and

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

WHEREAS it is desirable that the public and public office holders be able to know who is contracting with the Government of Alberta and Provincial entities;

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

### **Interpretation**

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

- (a) “consultant lobbyist” means a person who, for payment, undertakes to lobby on behalf of a client, and includes an individual engaged by a consultant lobbyist to lobby in respect of an undertaking;
- (b) “department” means a department established under section 2 of the *Government Organization Act*;
- (c) “designated filer” means
  - (i) the senior officer of an organization who occupies the highest ranking position in that organization and receives payment for the performance of his or her functions, or
  - (ii) if there is no senior officer, the organization lobbyist or consultant lobbyist, as the case may be;
- (d) “grassroots communication” means 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;

- (e) “lobby” means, subject to section 3(2),
  - (i) in relation to either a consultant lobbyist or an organization lobbyist, to communicate with a public office holder in an attempt to influence
    - (A) the development of any legislative proposal by the Government or a prescribed Provincial entity or by a Member of the Legislative Assembly,
    - (B) the introduction of any bill or resolution in the Legislative Assembly or the amendment, passage or defeat of any bill or resolution that is before the Legislative Assembly,
    - (C) the development or the enactment of any regulation or any order in council,
    - (D) the development, establishment, amendment or termination of any program, policy, directive or guideline of the Government or a prescribed Provincial entity,
    - (E) the awarding of any grant or financial benefit by or on behalf of the Government or a prescribed Provincial entity,
    - (F) a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or a prescribed Provincial entity or to the public, or
    - (G) a decision by the Executive Council or a member of the Executive Council to have the private sector instead of the Crown provide goods or services to the Government,

and

- (ii) only in relation to a consultant lobbyist,
  - (A) to arrange a meeting between a public office holder and any other individual, or
  - (B) to communicate with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Government or a prescribed Provincial entity;
- (f) “organization” includes any of the following, whether incorporated, unincorporated, a partnership or a sole proprietorship:
  - (i) a business, trade, industry, enterprise, professional or voluntary organization or institution;
  - (ii) a trade union or labour organization;
  - (iii) a chamber of commerce or board of trade;
  - (iv) a charitable or non-profit organization, association, society, coalition or interest group;
  - (v) a government other than the Government of Alberta;
- (g) “organization lobbyist” means, subject to subsection (2),
  - (i) an employee, officer or director of an organization who receives a payment for the performance of his or her functions and who lobbies on behalf of
    - (A) the organization, and
    - (B) if the organization is a corporation, any subsidiary of the corporation or any corporation of which that corporation is a subsidiary,
  - (ii) a sole proprietor who lobbies on behalf of his or her business, or
  - (iii) a partner who lobbies on behalf of his or her partnership;

- (h) “payment” means, except in section 7, money or anything of value and includes a contract, promise or agreement to pay money or anything of value, but does not include a reimbursement of expenses;
- (i) “Provincial entity” means a Provincial agency as defined in section 1 of the *Financial Administration Act* and includes any body or entity referred to in the List of Government Entities set out in the most recent Government Estimates and any body or entity set out in the most recent Government of Alberta Annual Report;
- (j) “public office holder” means
  - (i) a Member of the Legislative Assembly and any individual on a Member’s staff,
  - (ii) an employee of a department,
  - (iii) an individual who is appointed to any office or body by or with the approval of the Lieutenant Governor in Council or a member of the Executive Council, and
  - (iv) an employee, officer, director or member, as the case may be, of a prescribed Provincial entity,

but does not include a master in chambers of the Court of Queen’s Bench, a judge of the Provincial Court, a presiding or sitting justice of the peace, an officer of the Legislature or a member of a body acting in an adjudicative capacity;
- (k) “Registrar” means the Registrar referred to in section 11;
- (l) “regulation” means a regulation as defined in the *Regulations Act*;
- (m) “undertaking” means, with respect to a consultant lobbyist, an undertaking to lobby on behalf of a client.

**(2)** For the purposes of this Act, the following are not considered to be consultant lobbyists or organization lobbyists when acting in their official capacity:

- (a) Members of the Legislative Assembly and members of the Executive Council, and any individuals on their staff;

- (b) officers and employees of the Legislative Assembly Office under the *Legislative Assembly Act*;
- (c) individuals appointed under the *Public Service Act*;
- (d) employees, officers, directors and members of a prescribed Provincial entity;
- (e) any other individuals or category of individuals prescribed in the regulations.

**(3)** For the purposes of this Act, a consultant lobbyist engaged by a prescribed Provincial entity is considered to be a consultant lobbyist.

**(4)** 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 corporation.

**(5)** For the purposes of this Act, a person is associated with a person or entity if that person or entity, as applicable, is

- (a) the person's spouse or adult interdependent partner,
- (b) a corporation of which the person is a director or senior officer,
- (c) a private corporation carrying on business or activities for profit or gain if the person owns or is the beneficial owner of shares of the corporation,
- (d) an individual, partnership or corporation of which the person is an employee,
- (e) a partnership
  - (i) of which the person is a partner, or



- (ii) of which one of the partners is a corporation associated with the person by reason of clause (b) or (c),

or

- (f) a person or group of persons acting as the agent of the person and having actual authority in that capacity from the person.

**(6)** Nothing in this Act requires the disclosure of any identifying information about an individual if the Registrar is satisfied that disclosure of that information could reasonably be expected to threaten the individual's safety.

#### **Crown bound**

**2** This Act binds the Crown.

#### **Restrictions on application of Act**

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

- (a) members of the Senate or House of Commons of Canada, the legislative assembly of another province, the council or legislative assembly of a territory, or individuals on the staff of any of those members;
- (b) employees of the Government of Canada or of the government of another province or of a territory;
- (c) members of a council or other statutory body charged with the administration of the civic or municipal affairs of a municipality, or individuals on the staff of any of those members;
- (d) officers or employees of municipalities;
- (e) members of a Metis settlement council or the General Council under the *Metis Settlements Act* or individuals on the staff of any of those members;
- (f) officers or employees of a Metis settlement or the General Council under the *Metis Settlements Act*;

- (g) members of the council of a band as defined in subsection 2(1) of the *Indian Act* (Canada) or of the council of an Indian band established by an Act of the Parliament of Canada, individuals on the staff of any of those members, or employees of any of those councils;
- (h) diplomatic agents, consular officers or official representatives in Canada of a foreign government;
- (i) officials of a specialized agency of the United Nations in Canada or officials of any other international organization to whom privileges and immunities are granted by or under an Act of the Parliament of Canada;
- (j) any other individuals or categories of individuals prescribed in the regulations.

**(2)** This Act does not apply in respect of a submission made in any manner as follows:

- (a) in proceedings that are a matter of public record to a committee of the Legislative Assembly or to any body or person having jurisdiction or powers conferred by or under an Act;
- (b) to a public office holder by an individual on behalf of an organization concerning
  - (i) the enforcement, interpretation or application of any Act or regulation by the public office holder with respect to the organization, or
  - (ii) the implementation or administration of any program, policy, directive or guideline by the public office holder with respect to the organization;
- (c) to a public office holder by an individual on behalf of an organization in response to a request initiated by a public office holder for advice or comment on any matter referred to in section 1(1)(e)(i);
- (d) to a Member of the Legislative Assembly in his or her capacity as a Member of the Legislative Assembly by a constituent of the Member, unless the submission concerns the introduction, passage or amendment in the

Legislative Assembly of a private bill for the special benefit of that constituent.

**Duty to file return: consultant lobbyist**

**4(1)** The designated filer in respect of an undertaking entered into by a consultant lobbyist shall file with the Registrar a return in the prescribed form and containing the information required in Schedule 1 with respect to the undertaking not later than 10 days after entering into the undertaking.

**(2)** A designated filer is required to file only one return under subsection (1) even though a consultant lobbyist named in the return may, in connection with that undertaking, communicate with one or more public office holders on one or more occasions or arrange one or more meetings between a public office holder and any other individual.

**(3)** If, on the coming into force of this section, a consultant lobbyist is performing an undertaking, the designated filer shall file a return with the Registrar in accordance with subsection (1) not later than 30 days after the day on which this section comes into force.

**Duty to file return: organization lobbyist**

**5(1)** The designated filer of an organization that has an organization lobbyist shall file with the Registrar a return in the prescribed form and containing the information required in Schedule 2

- (a) within 2 months after the day on which an individual in that organization becomes an organization lobbyist, and
- (b) within 30 days after the expiration of each 6-month period after the date of filing the previous return.

**(2)** A designated filer is required to file only one return under subsection (1) even though an organization lobbyist named in the return may communicate with one or more public office holders on one or more occasions.

**(3)** If, on the coming into force of this section, an organization has an organization lobbyist, the designated filer of the organization shall file a return with the Registrar in accordance with subsection

(1) within 2 months after the day on which this section comes into force and after that in accordance with subsection (1)(b).

#### **Contracting prohibitions**

**6(1)** In this section, “contract for providing paid advice” means an agreement or other arrangement under which a person directly or indirectly receives or is to receive payment for providing advice to the Government or a prescribed Provincial entity.

**(2)** No consultant lobbyist or organization lobbyist shall lobby on a subject-matter if that lobbyist or a person associated with that lobbyist is holding a contract for providing paid advice on the same subject-matter.

**(3)** No person shall enter into a contract for providing paid advice on a subject-matter if that person, or a person associated with that person, is a consultant lobbyist or organization lobbyist who lobbies on the same subject-matter as that of the contract.

**(4)** If on the coming into force of this section a person is in contravention of subsection (2) or (3), the person shall comply within 90 days.

#### **Payment information**

**7(1)** The President of the Treasury Board shall, in accordance with the regulations, publish information relating to payments made by departments.

**(2)** Prescribed Provincial entities shall, in accordance with and subject to the regulations, publish information relating to payments made by those Provincial entities.

#### **Submission of documents in electronic or other form**

**8(1)** Subject to the regulations, any return or other document that is required to be filed with or submitted to the Registrar under this Act may be filed or submitted in electronic or other form by the means and in the manner specified by the Registrar.

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

**Certification of documents and date of receipt**

**9(1)** A designated filer who files a return or submits a document to the Registrar under this Act shall certify

- (a) on the return or document, or
- (b) in the manner specified by the Registrar, if the return or document is filed or submitted in electronic or other form under section 8,

that, to the best of the designated filer's knowledge and belief, the information contained in the return or document is true.

**(2)** Subject to sections 8(2) and 11(8), for the purposes of this Act,

- (a) the date on which a return is received by the Registrar is the date on which the return is considered to have been filed, and
- (b) the date on which information or a document other than a return is received by the Registrar is the date on which the information is considered to have been provided or the document is considered to have been submitted to the Registrar.

**Subsequent filings**

**10(1)** A designated filer who files a return under section 4 or 5 shall provide the Registrar with the following information within the applicable period:

- (a) particulars of any change to the information in the return, within 30 days after the change occurs;
- (b) any information required to be provided in a return under section 4 or 5 the knowledge of which the designated filer acquired only after the return was filed, within 30 days after the knowledge is acquired;
- (c) any information requested by the Registrar to clarify any information provided by the designated filer under this section, within 30 days after the request is made.

**(2)** Within 30 days after the completion or termination of an undertaking for which a return was filed, the designated filer who

filed the return shall inform the Registrar of the completion or termination of the undertaking.

**(3)** Within 30 days after an individual named in a return as an organization lobbyist ceases to be an organization lobbyist or ceases to be an employee of the employer named in the return, the designated filer shall inform the Registrar of the event.

**(4)** Where a return has been filed by a designated filer described in section 1(1)(c)(i), the designated filer shall, within 30 days after an individual becomes an organization lobbyist or is engaged as a consultant lobbyist with respect to an undertaking, inform the Registrar of that event.

**(5)** Any information required under subsections (1) to (3) must be provided to the Registrar in the prescribed form and manner.

#### **Registrar**

**11(1)** There shall be a Registrar for the purposes of this Act.

**(2)** The Ethics Commissioner may authorize any individual in the Office of the Ethics Commissioner to be the Registrar and to exercise or perform, subject to any restrictions or limitations that the Ethics Commissioner may specify, any of the powers, duties or functions of the Registrar under this Act except those powers, duties or functions set out in sections 14, 17 and 19(5), (6) and (7).

**(3)** To the extent that the Ethics Commissioner does not make an authorization under subsection (2), the Ethics Commissioner shall act as Registrar.

**(4)** Whether or not the Ethics Commissioner makes an authorization under subsection (2), the Ethics Commissioner has the powers, duties and functions of the Registrar for the purposes of this Act.

**(5)** The Registrar shall establish and maintain a registry in which a record of all returns filed and other documents submitted to the Registrar under this Act are to be kept.

**(6)** The Registrar may

- (a) verify the information contained in any return filed or other document submitted under this Act,

- (b) subject to subsection (7), refuse to accept a return or other document that does not comply with the requirements of this Act or the regulations or that contains information not required to be provided or disclosed under this Act, and
- (c) remove a return from the registry if the designated filer who filed the return does not comply with section 10(1)(c).

**(7)** On refusing to accept a return or other document under subsection (6)(b), the Registrar shall

- (a) inform the designated filer who filed or submitted it of the refusal and the reason for the refusal, and
- (b) allow a reasonable extension of the time set under this Act for filing the return or submitting the document if that designated filer cannot reasonably be expected to file another return or submit another document within the set time.

**(8)** A return that is filed or a document that is submitted within the time allowed under subsection (7)(b) and accepted by the Registrar in place of one refused under subsection (6)(b) is deemed to have been filed or submitted, as the case may be, on the date the Registrar received the one that was refused.

**(9)** If a return is removed from the registry under subsection (6)(c),

- (a) the Registrar shall inform the designated filer who filed the return of its removal and the reason for the removal, and
- (b) that designated filer is deemed, for the purposes of his or her existing and future obligations under this Act, not to have filed the return.

**Public access to registry**

**12** The registry established under section 11(5) must be made available for public inspection in the manner and at the times that the Registrar may determine.

### **Storage of documents and use of documents as evidence**

**13(1)** Subject to the regulations, the information contained in any return or other document that is received by the Registrar under this Act 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

- (a) is admissible in evidence without proof of the official character of the individual appearing to have signed the copy, and
- (b) has, in the absence of evidence to the contrary, the same evidentiary value as the original would have if it were proved in the ordinary way.

### **Advisory opinions and interpretation bulletins**

**14(1)** The Registrar may issue advisory opinions and interpretation bulletins with respect to the enforcement, interpretation or application of this Act or the regulations under this Act.

**(2)** Advisory opinions and interpretation bulletins issued under subsection (1) are not binding.

### **Investigations**

**15(1)** The Registrar shall conduct an investigation if the Registrar has reason to believe that an investigation is necessary to ensure compliance with this Act.

**(2)** The Registrar may refuse to conduct or may cease an investigation with respect to any matter if the Registrar is of the opinion that

- (a) the matter is one that could more appropriately be dealt with according to a procedure provided for under another enactment,
- (b) the matter is minor or trivial,



- (c) dealing with the matter would serve no useful purpose because of the length of time that has elapsed since the matter arose, or
- (d) there is any other valid reason for not dealing with the matter.

**(3)** For the purpose of conducting an investigation, the Registrar may

- (a) in the same manner and to the same extent as a justice of the Court of Queen's Bench,
  - (i) summon and enforce the attendance of individuals before the Registrar and compel them to give oral or written evidence on oath, and
  - (ii) compel persons to produce any documents or other things that the Registrar considers relevant to the investigation,

and

- (b) administer oaths and receive and accept information, whether or not it would be admissible as evidence in a court of law.

**(4)** An investigation must be conducted in private.

**(5)** Evidence given by an individual in an investigation and evidence of the existence of an investigation are inadmissible against the individual in a court or in any other proceeding, other than in proceedings for perjury in respect of a statement made to the Registrar.

**(6)** The Registrar shall not make adverse findings against an individual unless that individual has had reasonable notice of the substance of the allegations against him or her and a reasonable opportunity to present his or her views.

**(7)** The Registrar, and every individual acting on behalf of or under the direction of the Registrar, may 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 Registrar, 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 17,

- (b) the information is disclosed in a report under section 17 or in the course of a proceeding for perjury in respect of a statement made to the Registrar, or
- (c) the Registrar believes on reasonable grounds that the disclosure is necessary for the purpose of advising a peace officer having jurisdiction to investigate an alleged offence under this Act or any other enactment of Alberta or under an Act of Parliament.

**(8)** The Registrar shall immediately suspend an investigation under this section if the Registrar discovers that the subject-matter of the investigation is also the subject-matter of an investigation to determine whether an offence under this Act or any other enactment of Alberta or under an Act of Parliament has been committed or that a charge has been laid with respect to that subject-matter.

**(9)** The Registrar may not continue an investigation under this section until any investigation or charge regarding the same subject-matter has been finally disposed of.

#### **Limit on liability**

**16(1)** No action lies against the Registrar or any former Registrar or any other individual who is or was employed or engaged by the Registrar for anything done in good faith under this Act.

**(2)** No action lies against an individual who in good faith provides information or gives evidence in an investigation under this Act or to an individual employed or engaged by the Registrar.

#### **Report**

**17(1)** After conducting an investigation, the Registrar shall prepare a report of the investigation, including the findings and conclusions and reasons for the Registrar's conclusions, and submit the report to the Speaker of the Legislative Assembly, who shall lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(2) The report may contain details of any payment received, disbursement made or expense incurred by an individual who is named in a return required to be filed under section 4 or 5 in respect of any communication referred to in section 1(1)(e) or any meeting referred to in section 1(1)(e)(ii) if the Registrar considers publication of the details to be in the public interest.

#### **Administrative penalties**

**18(1)** Where the Registrar is of the opinion that a person has contravened a provision of this Act or the regulations, the Registrar may, subject to the regulations under subsection (9), by notice in writing served on the person personally or by mail, require that person to pay to the Crown an administrative penalty in the amount set out in the notice for each contravention.

(2) The maximum amount of an administrative penalty that may be imposed under subsection (1) is \$25 000.

(3) A person who pays an administrative penalty in respect of a contravention may not be charged under this Act with an offence in respect of that contravention.

(4) A notice under subsection (1) may not be issued more than 2 years after the date on which the contravention occurred.

(5) A person who has been served with a notice of administrative penalty pursuant to this section shall pay the amount of the penalty within 30 days from the date of service of the notice.

(6) A person who has been served with a notice of administrative penalty may appeal the imposition of the penalty in accordance with the regulations under subsection (9).

(7) Subject to the right to appeal, where a person fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations under subsection (9), the Registrar may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench and, on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

(8) An appeal panel established under this section may for the purpose of carrying out its duties and functions collect, use and disclose personal information.

- (9)** The Lieutenant Governor in Council may make regulations
- (a) prescribing the form and contents of notices of administrative penalties for the purposes of subsection (1);
  - (b) prescribing contraventions in respect of which an administrative penalty may be imposed and, subject to subsection (2), prescribing the amounts, or the manner of determining the amounts, of the administrative penalties that may be imposed;
  - (c) respecting appeals from notices of administrative penalties issued under this section, including, without limitation, regulations respecting
    - (i) the composition and manner of appointment of the appeal body;
    - (ii) the evidence to be considered by the appeal body and the factors that the appeal body is to consider in reaching its decision;
    - (iii) the powers of the appeal body to confirm or reverse a notice of administrative penalty and to vary the amount of an administrative penalty;
    - (iv) the procedure to be followed in an appeal and the procedure before the appeal body;
  - (d) respecting any other matter necessary for the administration of the system of administrative penalties.

**Offences and penalties**

**19(1)** A person who contravenes section 4, 5, 6 or 10 or a prohibition imposed under subsection (5) is guilty of an offence.

**(2)** A person who provides false or misleading information in a return filed or other document submitted to the Registrar under this Act is guilty of an offence.

**(3)** A person does not commit an offence under subsection (2) if, at the time the information was provided, the person did not know that it was false or misleading and, with the exercise of reasonable diligence, could not have known that it was false or misleading.

- (4) A person who is guilty of an offence under subsection (1) or (2) is liable
- (a) for a first offence, to a fine of not more than \$50 000, and
  - (b) for a 2nd and subsequent offence, to a fine of not more than \$200 000.
- (5) If a person is convicted of an offence under this Act, the Registrar may, if satisfied that it is necessary in the public interest, taking into account the gravity of the offence and the number of previous convictions or administrative penalties imposed, if any, prohibit the person who committed the offence for a period of not more than 2 years from lobbying and from filing or having a return filed in respect of the person.
- (6) The Registrar may make public the nature of an offence, the name of the person who committed it, the punishment imposed and, if applicable, any prohibition under subsection (5).
- (7) If the Registrar imposes a prohibition under subsection (5), the Registrar shall ensure that information relating to the prohibition is entered into the registry.
- (8) A prosecution for an offence may not be commenced more than 2 years after the date on which the contravention occurred.

### **Regulations**

- 20** The Lieutenant Governor in Council may make regulations
- (a) prescribing Provincial entities for the purpose of any provision of this Act in which the term “prescribed Provincial entity” is used;
  - (b) respecting generally the establishment, maintenance and operation of the registry;
  - (c) respecting the filing of returns with and the submission of other documents to the Registrar under this Act, including the time at which returns filed and other documents submitted in electronic or other form under section 8 are deemed to be received by the Registrar;
  - (d) respecting the information and the form and manner of publishing information for the purpose of section 7;

- (e) respecting the circumstances in which individuals or categories of individuals are considered not to be organization lobbyists for the purposes of this Act;
- (f) requiring a fee to be paid on the filing of a return or a category of return under section 4 or 5 or for any service provided by the Registrar;
- (g) prescribing the amount of any fee required to be paid under clause (b) or the manner of determining the amount of the fee, and providing for different fees or for the waiver of a fee based on one or more of the following:
  - (i) the manner in which a return is filed with the Registrar;
  - (ii) the time at or within which a return is filed with the Registrar;
  - (iii) the category of lobbyist by or in relation to whom a return is filed with the Registrar;
- (h) respecting the entering or recording of information contained in any return or other document under section 13(1);
- (i) prescribing any matter or thing that by this Act may or is to be prescribed;
- (j) defining any word or expression used but not defined in this Act;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

#### **Review of Act**

**21** Within 5 years after this Act comes into force and every 5 years after that, a special committee established by the Legislative Assembly shall begin a comprehensive review of this Act and shall submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

**Coming into force**

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

**Schedule 1**

**Consultant Lobbyist Return**

**1(1)** Words and expressions used in this Schedule have the same meaning as in sections 1 and 6 of this Act.

**(2)** In section 2(n), (o) and (p) of this Schedule, “relevant period” means the period beginning on the date on which the undertaking for which the return is filed was entered into and ending on the date of completion or termination of the undertaking.

**(3)** For the purpose of section 2(l) of this Schedule, “former public office holder” means

- (a) a former member of the Executive Council and any individual formerly employed in the former member’s former office,
- (b) any individual who
  - (i) formerly occupied a senior executive position in a department, whether by the title of deputy minister, chief executive officer or some other title, or
  - (ii) formerly occupied the position of assistant deputy minister or occupied a position of comparable rank in a department,

and

- (c) any individual who formerly occupied a prescribed position with a prescribed Provincial entity.

**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:

- (a) the name and business address of the designated filer required to file the return and whether the person is a designated filer described in section 1(1)(c)(i) of this Act or described in section 1(1)(c)(ii) of this Act;

- (b) if the return is filed by a designated filer described in section 1(1)(c)(i) of this Act, the name of each consultant lobbyist who will be engaged in lobbying with respect to the undertaking;
- (c) if applicable, the name and business address of the firm where the consultant lobbyists named in the return are engaged in business;
- (d) the name and business address of the client and of any individual or organization that, to the designated filer's knowledge after reasonable inquiry,
  - (i) controls or directs the client's activities and has a direct interest in the outcome of the lobbying activities on behalf of the client, or
  - (ii) contributed during the individual's or organization's financial year that preceded the filing of the return \$1000 or more toward lobbying activities on behalf of the client;
- (e) the date the undertaking was entered into;
- (f) if the client is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the designated filer after reasonable inquiry, has a direct interest in the outcome of the lobbying activities on behalf of the client;
- (g) if the client is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation;
- (h) if the client is a coalition, the name and business address of each organization that is a member of the coalition;
- (i) particulars to identify the subject-matter concerning which any consultant lobbyist named in the return has undertaken to lobby and any other prescribed information respecting the subject-matter;
- (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;

- (k) if applicable, whether the payment to the consultant lobbyist is, in whole or in part, contingent on the degree of success in lobbying as described in section 1(1)(e) of this Act;
- (l) if any consultant lobbyist named in the return is a former public office holder, the nature and term of office of the office the consultant lobbyist formerly held;
- (m) the name of any government or government agency that funds the client, in whole or in part, and the amount of the funding;
- (n) the name of any department or prescribed Provincial entity in which any public office holder is employed or serves whom a consultant lobbyist named in the return has lobbied or expects to lobby during the relevant period;
- (o) whether a consultant lobbyist named in the return has lobbied or expects to lobby during the relevant period any Member of the Legislative Assembly or any individual on a Member's staff;
- (p) whether a consultant lobbyist named in the return has lobbied or expects to lobby during the relevant period any member of the Executive Council or any individual on a member's staff;
- (q) the techniques of communication, including grassroots communication, that a consultant lobbyist named in the return has used or expects to use to lobby;
- (r) a declaration stating that every consultant lobbyist named in the return and, to the knowledge of the designated filer after reasonable inquiry, every person associated with those consultant lobbyists are not in contravention of section 6 of this Act;
- (s) a statement
  - (i) stating whether any consultant lobbyist named in the return holds a contract for providing paid advice to a department or a prescribed Provincial entity, and if

so, the name of the department or prescribed Provincial entity, and

- (ii) stating whether to the designated filer's knowledge after reasonable inquiry any person associated with a consultant lobbyist named in the return holds a contract for providing paid advice to a department or a prescribed Provincial entity, and if so, the name of the department or prescribed Provincial entity;
- (t) if a return is filed by a designated filer described in section 1(1)(c)(i) of this Act, the name of any consultant lobbyist named in the last return filed who has ceased to be engaged with respect to the undertaking;
- (u) any additional information that is prescribed respecting the identity of a client, but not including the names of individuals or other information that might identify individuals if their names are not otherwise required by this section.

## **Schedule 2**

### **Organization Lobbyist Return**

**1(1)** Words and expressions used in this Schedule have the same meaning as in sections 1 and 6 of this Act.

**(2)** For the purpose of section 2(k) of this Schedule, "former public office holder" means

- (a) a former member of the Executive Council and any individual formerly employed in the former member's former office,
- (b) any individual who
  - (i) formerly occupied a senior executive position in a department, whether by the title of deputy minister, chief executive officer or some other title, or
  - (ii) formerly occupied the position of assistant deputy minister or occupied a position of comparable rank in a department,

and

- (c) any individual who formerly occupied a prescribed position with a prescribed Provincial entity.

**2** The designated filer shall set out in the return the following:

- (a) the name and business address of the designated filer required to file the return and whether the person is a designated filer described in section 1(1)(c)(i) of this Act or described in section 1(1)(c)(ii) of this Act;
- (b) the name and business address of the organization;
- (c) if the return is filed by a designated filer described in section 1(1)(c)(i) of this Act, the name of each organization lobbyist in the organization;
- (d) the name and business address of any individual or organization that, to the knowledge of the designated filer after reasonable inquiry, contributed during the individual's or organization's financial year that preceded the filing of the return \$1000 or more toward the lobbying activities;
- (e) if the organization is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the designated filer after reasonable inquiry, has a direct interest in the outcome of the lobbying activities on behalf of the corporation;
- (f) if the organization is a subsidiary of another corporation, the name and business address of that other corporation;
- (g) a general description of the membership of the organization, including the names of the directors and officers of the organization;
- (h) a description in summary form of the organization's business or activities and any other prescribed information to identify its business or activities;
- (i) particulars to identify the subject-matter concerning which any organization lobbyist named in the return
  - (i) has lobbied during the period for which the return is filed, or

- (ii) expects to lobby during the next 6-month period,  
and any other prescribed information respecting the  
subject-matter;
- (j) particulars to identify any relevant legislative proposal,  
bill, resolution, regulation, order in council, program,  
policy, directive, guideline, decision, grant or financial  
benefit that is or will be the subject of the lobbying;
- (k) if any organization lobbyist named in a return is a former  
public office holder, the nature and term of office of the  
office the organization lobbyist formerly held;
- (l) the name of any government or government agency that  
funds the organization, in whole or in part, and the  
amount of the funding;
- (m) the name of any department or prescribed Provincial  
entity in which any public office holder is employed or  
serves whom an organization lobbyist named in the return
  - (i) has lobbied during the period for which the return is  
filed, or
  - (ii) expects to lobby during the next 6-month period;
- (n) whether any organization lobbyist named in the return
  - (i) has lobbied a Member of the Legislative Assembly  
or an individual on the staff of a Member during the  
period for which the return is filed, or
  - (ii) expects to lobby a Member of the Legislative  
Assembly or an individual on the staff of a Member  
during the next 6-month period;
- (o) whether any organization lobbyist named in the return
  - (i) has lobbied a member of the Executive Council or an  
individual on the staff of a member during the period  
for which the return is filed, or
  - (ii) expects to lobby a member of the Executive Council  
or an individual on the staff of a member during the  
next 6-month period;

- (p) the techniques of communication, including grassroots communication, that any organization lobbyist named in the return has used to lobby during the period for which the return is filed or expects to use to lobby during the next 6-month period;
- (q) a declaration stating that every organization lobbyist named in the return and, to the knowledge of the designated filer after reasonable inquiry, any person associated with an organization lobbyist are not in contravention of section 6 of this Act;
- (r) a statement
  - (i) stating whether any organization lobbyist named in the return holds a contract for providing paid advice to a department or a prescribed Provincial entity, and if so, the name of the department or prescribed Provincial entity, and
  - (ii) stating whether, to the designated filer's knowledge after reasonable inquiry, any person associated with an organization lobbyist named in the return holds a contract for providing paid advice to a department or a prescribed Provincial entity, and if so, the name of the department or prescribed Provincial entity;
- (s) if a return is filed by a designated filer described in section 1(1)(c)(i) of this Act, the name of any organization lobbyist named in the last return filed who has ceased to be an organization lobbyist;
- (t) any additional information that is prescribed respecting the identity of the designated filer, the organization, an organization lobbyist or any department or prescribed Provincial entity referred to in clause (m).





### RECORD OF DEBATE

Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Questions and Comments</b>	<b>From</b>	<b>To</b>