



Province of Alberta

## **LOBBYISTS ACT**

Statutes of Alberta, 2007  
Chapter L-20.5

Current as of December 11, 2018

### Office Consolidation

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2012 cE-0.3 s288 amends s3(1)(k).

2018 c9 s2(a)(i), (vi) and (vii) amends s1, s3(a)(ii) amends s3, s12 amends s20, s13(a) amends Schedule 1 s1(3), s14(a) amends Schedule 2 s1.

### Regulations

The following is a list of the regulations made under the *Lobbyists Act* that are filed as Alberta Regulations under the Regulations Act

	<b>Alta. Reg.</b>	<i>Amendments</i>
<b>Lobbyists Act</b>		
Lobbyists Act General.....	247/2009 .....	254/2009, 164/2010, 89/2013, 45/2014, 174/2016, 8/2019

# **LOBBYISTS ACT**

## Chapter L-20.5

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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) “client” means an individual or organization on whose behalf a consultant lobbyist undertakes to lobby;
- (b) “consultant lobbyist” means, subject to subsection (2), 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;
- (c) “department” means a department established under section 2 of the *Government Organization Act*;
- (d) “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;

- (e) “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, but does not include communication between an organization and its members, officers or employees or between a person or partnership and its shareholders, partners, officers or employees;
- (f) “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, directly or through grassroots communication, 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;
- (g) “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 non-profit organization, association, society, coalition or interest group;
  - (v) a government other than the Government of Alberta;
- (h) “organization lobbyist” means, subject to subsection (2), an employee, officer or director of an organization who receives a payment for the performance of his or her functions, or a sole proprietor, or a partner in a partnership,
  - (i) who lobbies or whose duty is to lobby on behalf of the organization at least 50 hours annually, or
  - (ii) whose lobbying or duty to lobby on behalf of the organization together with the lobbying or the duty to lobby of other persons in the organization amounts to at least 50 hours annually;
- (i) “payment” means, except in section 7 but subject to sections 6 and 6.1, 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;
- (j) “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.1) “public agency” means a public agency within the meaning of Part 4.3 of the *Conflicts of Interest Act*;
- (k) “public office holder” means
  - (i) a Member of the Legislative Assembly and any individual on a Member’s staff,
  - (ii) a member of the Executive Council,
  - (iii) a member of the Premier’s and Ministers’ staff as defined in the *Conflicts of Interest Act*,
  - (iv) an individual appointed to a board, committee or council established under section 7 of the *Government Organization Act*, and
  - (v) an employee, officer, director or member, as the case may be, of a department or prescribed Provincial entity;
- (l) “Registrar” means the Registrar referred to in section 11;
- (m) “regulation” means a regulation as defined in the *Regulations Act*;
- (n) “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 any individuals on their staff;
- (a.1) members of the Executive Council;
- (a.2) a member of the Premier’s and Ministers’ staff as defined in the *Conflicts of Interest Act*;
- (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;

- (d.1) a designated senior official as defined in Part 4.3 of the *Conflicts of Interest Act*;
  - (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.
- (3.1)** For the purposes of determining whether lobbying amounts to at least 50 hours annually under subsection (1)(h), time spent lobbying includes time spent preparing for communication and communicating with a public office holder.
- (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) repealed 2009 c5 s2,
  - (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),



- (e.1) a partner in a partnership of which that person is also a partner, 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.

2007 cL-20.5 s1;2009 c5 s2;2014 c9 s2;2017 c20 s4;  
2018 c9 s2

### **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;

- (g.1) individuals who are recognized as elders by their aboriginal community;
- (h) diplomatic agents, consular officers or official representatives in Canada of a foreign government;
- (i) directors, officers or employees of an organization referred to in section 1(1)(g)(iv) not constituted to serve management, union or professional interests nor having a majority of members that are profit-seeking enterprises or representatives of profit-seeking enterprises;
- (j) 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;
- (k) members of the boards of trustees under the *School Act*, individuals on the staff of any of those members, or officers or employees of the boards;
- (l) a person acting as a volunteer who does not receive a payment;
- (m) 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 a person or organization concerning
  - (i) the enforcement, interpretation or application of any Act or regulation by the public office holder with respect to the person or organization, or
  - (ii) the implementation or administration of any program, policy, directive or guideline by the public office holder with respect to the person or organization;
- (c) to a public office holder by an individual on behalf of a person or organization if the individual is participating on a board, commission, council or other similar body established by a public office holder, the Government or a

prescribed Provincial entity on any matter referred to in section 1(1)(f)(i), unless the submission is not related to the individual's participation on the board, commission, council or other similar body;

- (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.

2007 cL-20.5 s3;2009 c5 s3;2018 c9 s3;2018 c20 s10

### Identifying prescribed Provincial entities

**3.1(1)** In this section and section 3.2, "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

**(2)** Subject to subsection (3)(b), a public agency within the meaning of Part 4.3 of the *Conflicts of Interest Act* is a prescribed Provincial entity for the purposes of this Act.

**(3)** The Minister may by order

- (a) identify any Provincial entity referred to in section 1(1)(j.1)(ii) as a prescribed Provincial entity for the purposes of any provision of this Act in which the term "prescribed Provincial entity" is used, and
- (b) indicate that any Provincial entity referred to in section 1(1)(j.1) is not a prescribed Provincial entity for the purposes of this Act.

2018 c9 s4

### Prescribed positions and excluded individuals

**3.2(1)** The Minister may by order identify any position with a prescribed Provincial entity as a prescribed position for the purposes of any provision of this Act in which the term "prescribed position" is used.

**(2)** For the purposes of section 3(1)(m), the Minister may by order identify individuals or categories of individuals to whom the Act does not apply when they are acting in their official capacity.

2018 c9 s4

### Publication of orders

**3.3(1)** The *Regulations Act* does not apply to an order under section 3.1 or 3.2.

(2) Orders made under sections 3.1 and 3.2 must be published in Part 1 of *The Alberta Gazette*.

2018 c9 s4

**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) Repealed 2018 c9 s5.

2007 cL-20.5 s4;2018 c9 s5

**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) Repealed 2018 c9 s6.

2007 cL-20.5 s5;2018 c9 s6

**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) For the purpose of this section, payment does not include reasonable remuneration received for serving on a board, commission, council or other similar body established by or under

the authority of an enactment on which there are at least 2 other members who represent other organizations or interests.

**(3)** No person shall lobby if that person holds a contract for providing paid advice.

**(3.1)** No person shall lobby in respect of a subject-matter if a person associated with that person holds a contract for providing paid advice on the same subject-matter.

**(4)** No person shall enter into a contract for providing paid advice if that person lobbies.

**(4.1)** No person shall enter into a contract for providing paid advice in respect of a subject-matter if a person associated with that person lobbies on the same subject-matter.

**(4.2)** Subsections (3), (3.1), (4) and (4.1) apply regardless of how many hours the person's lobbying or duty to lobby on behalf of an organization together with the lobbying or the duty to lobby of other persons in the organization amounts to annually.

**(5)** The Ethics Commissioner may exempt a person from the application of subsection (3), (3.1), (4) and (4.1) but only if the Ethics Commissioner is of the opinion that it would be in the public interest to do so.

**(6)** The Ethics Commissioner may impose terms and conditions on any exemption given.

**(7)** The Ethics Commissioner must provide reasons for giving an exemption and must ensure that information relating to the exemption, including any terms and conditions imposed, and the reasons for giving the exemption are entered into the registry.

**(8)** Repealed 2018 c9 s7.

2007 cL-20.5 s6;2009 c5 s4;2014 c9 s2;2016 c18 s11;  
2018 c9 s7

#### **Contingent payment to consultant lobbyist prohibited**

**6.1(1)** A consultant lobbyist shall not receive any payment that is, in whole or in part, contingent on the consultant lobbyist's degree of success in lobbying.

**(2)** A client of a consultant lobbyist shall not make any payment to a consultant lobbyist that is, in whole or in part, contingent on the consultant lobbyist's degree of success in lobbying.

**(3)** Despite subsections (1) and (2), where a consultant lobbyist, before the coming into force of this section, has entered into an

agreement that provides for payment that is, in whole or in part, contingent on the consultant lobbyist's degree of success in lobbying, such payment is permitted until the earlier of

- (a) the date on which the agreement that provides for the payment expires, and
- (b) 24 months after this section comes into force.

(4) The portion of an agreement referred to in subsection (3) that provides for payment that is, in whole or in part, contingent on the consultant lobbyist's success in lobbying may not be renewed or extended.

2018 c9 s8

#### **Prohibited gifts**

**6.2** A consultant lobbyist or organization lobbyist shall not, in the course of lobbying activities, give or promise any gift, favour or other benefit to the public office holder being or intended to be lobbied that the public office holder is not allowed to accept or that, if given, would place the public office holder in a conflict of interest.

2018 c9 s8;2018 c20 s10

#### **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)(d)(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.

2007 cL-20.5 s10;2009 c5 s5

### **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.

(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, which shall include a record of all returns filed and other information submitted to the Registrar and any information that is required to be entered in the registry.

(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) subject to subsections (9), (10) and (11), remove a return from the registry if the designated filer who filed the return does not comply with
  - (i) section 5(1)(b),
  - (ii) section 10, or



(iii) the extension of time allowed for the filing of a return under subsection (7)(b).

**(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 the Registrar proposes to remove a return from the registry under subsection (6)(c),

- (a) the Registrar shall first provide a notice to the designated filer who filed the return of its proposed removal and the reason for the proposed removal, and
- (b) within 30 days after the provision of a notice under clause (a), the designated filer may file a response including the returns and information necessary to bring the return into compliance with section 5(1)(b) or 10 or with an extension of time under subsection (7)(b), as applicable.

**(10)** Following the expiry of the 30 days referred to in subsection (9)(b), if the Registrar is not satisfied that section 5(1)(b) or 10 or an extension of time under subsection (7)(b), as applicable, have been complied with, the return may be removed from the registry under subsection (6)(c).

**(11)** 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,
- (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, and

- (c) the Registrar shall publish a notice of the removal of the return from the registry in any form and manner that the Registrar considers appropriate.

2007 cL-20.5 s11;2018 c9 s9

#### **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 Ethics Commissioner 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,
- (b.1) the disclosure is, in the opinion of the Registrar, necessary for the purpose of enforcing administrative penalties, or
- (c) the Registrar believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Solicitor General or a law enforcement agency of 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.

2007 cL-20.5 s15;2009 c5 s6;2013 c10 s34

#### **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 an investigation has been conducted by the Registrar, the Registrar shall prepare a report of the investigation, including findings and conclusions and reasons for the findings and conclusions.

**(1.1)** The Ethics Commissioner shall submit the report referred to in subsection (1) to the Speaker of the Legislative Assembly.

**(2)** On receiving the report from the Ethics Commissioner, the Speaker shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

**(3)** If the Legislative Assembly is not sitting when the Ethics Commissioner submits the report to the Speaker, the Speaker shall forthwith distribute a copy of the report to the office of each Member of the Legislative Assembly.

**(4)** After the copies of the report have been distributed under subsection (3), the Ethics Commissioner may make the report public.

**(5)** Despite subsection (3), if there is no Speaker or if the Speaker is absent from Alberta, the Clerk of the Assembly shall comply with subsection (3) as if the Clerk were the Speaker.

**(6)** 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)(f) or any meeting referred to in section 1(1)(f)(ii) if the Ethics Commissioner considers publication of the details to be in the public interest.

2007 cL-20.5 s17;2009 c5 s7

**Administrative penalties**

**18(1)** Where the Registrar is of the opinion that a person has contravened one or more of sections 4, 5, 6, 6.1, 6.2 and 10, the Registrar may, 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.

**(1.1)** A notice of administrative penalty must be given in writing and must contain the following information:

- (a) the name of the person required to pay the administrative penalty;

- (b) the particulars of the contravention;
- (c) the amount of the administrative penalty and the date by which it must be paid;
- (d) a statement of the right to appeal to the Court of Queen's Bench.

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

**(2.1)** The amount of an administrative penalty shall be determined by the Registrar, who shall take into account the following factors:

- (a) the severity of the contravention;
- (b) the degree of wilfulness or negligence in the contravention;
- (c) whether or not there was any mitigation relating to the contravention;
- (d) whether or not steps have been taken to prevent reoccurrence of the contravention;
- (e) whether or not the person who received the notice of administrative penalty has a history of non-compliance;
- (f) whether or not the person who received the notice of administrative penalty reported himself or herself on discovery of the contravention;
- (g) whether or not the person who received the notice of administrative penalty has received an economic benefit as a result of the contravention;
- (h) any other factors that, in the opinion of the Registrar, are relevant.

**(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) Repealed 2009 c5 s8.

(9) The Lieutenant Governor in Council may make regulations

- (a) repealed 2018 c9 s10;
- (b) prescribing additional 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) repealed 2018 c9 s10;
- (d) respecting any other matter necessary for the administration of the system of administrative penalties.

2007 cL-20.5 s18;2009 c5 s8;2018 c9 s10

#### **Appeal of administrative penalty**

**18.1(1)** A person who is served with a notice of administrative penalty may appeal the Registrar's decision to impose an administrative penalty by filing an application with the Court of Queen's Bench within 30 days from the date the notice of administrative penalty was served.

(2) The application shall describe the notice of administrative penalty and state the reasons for the appeal.

(3) A copy of the application shall be served on the Registrar not less than 30 days before the appeal is to be heard.

(4) The Court may, on application either before or after the time referred to in subsection (1), extend that time if the Court considers it appropriate to do so.

(5) On hearing the appeal, the Court of Queen's Bench may confirm, rescind or vary the amount of the administrative penalty.

2018 c9 s11

**Offences and penalties**

- 19(1)** A person who contravenes section 4, 5, 6 or 10 or a prohibition imposed under subsection (6) is guilty of an offence.
- (2)** A person who lobbies without a return being filed as required by this Act is guilty of an offence.
- (3)** 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.
- (4)** A person does not commit an offence under subsection (3) 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.
- (5)** A person who is guilty of an offence under subsection (1), (2) or (3) is liable
- (a) for a first offence, to a fine of not more than \$25 000, and
  - (b) for a 2nd and each subsequent offence, to a fine of not more than \$100 000.
- (6)** If a person is convicted of an offence under this Act, the Ethics Commissioner 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.
- (7)** The Ethics Commissioner 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 (6).
- (8)** If the Ethics Commissioner imposes a prohibition under subsection (6), the Ethics Commissioner shall ensure that information relating to the prohibition is entered into the registry.
- (9)** 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;



- (a.1) prescribing individuals or categories of individuals that are not considered to be consultant lobbyists or organization lobbyists when they are acting in their official capacity;
- (a.2) prescribing individuals or categories of individuals to whom this Act does not apply when they are acting in their official capacity;
- (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 determination of what constitutes “to communicate with a public office holder” for the purpose of section 1(1)(f);
- (f) respecting the determination of what constitutes time spent lobbying for the purpose of section 1(1)(h);
- (g) 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;
- (h) prescribing the amount of any fee required to be paid under clause (g) 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;
- (i) respecting the entering or recording of information contained in any return or other document under section 13(1);
- (j) prescribing any matter or thing that by this Act may or is to be prescribed;

- (k) defining any word or expression used but not defined in this Act;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

2007 cL-20.5 s20;2009 c5 s9

#### **Review of Act**

**21** Within 2 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.

*(NOTE: Proclaimed in force September 28, 2009.)*

### **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 of this Schedule, “former public office holder” means

- (a) a former member of the Executive Council,
- (b) a former member of the Premier’s and Ministers’ staff as defined in the *Conflicts of Interest Act*,
- (c) any individual who formerly occupied a prescribed position with a prescribed Provincial entity,
- (d) a former designated office holder as defined in Part 2 of the *Public Service Act*,

- (e) a former designated senior official within the meaning of Part 4.3 of the *Conflicts of Interest Act*, and
- (f) any individual who
  - (i) formerly occupied a senior executive position in a department, whether by the title of 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.

**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)(d)(i) of this Act or described in section 1(1)(d)(ii) of this Act;
- (b) if the return is filed by a designated filer described in section 1(1)(d)(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 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 and, if known, the completion or termination date of the undertaking;
- (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) during the 24 months following the coming into force of section 6.1 of this Act, in the case of an agreement entered into before the coming into force of section 6.1 of this Act, whether the payment to the consultant lobbyist is, in whole or in part, contingent on the consultant lobbyist's degree of success in lobbying as described in section 1(1)(f) of this Act;
  - (l) if any consultant lobbyist named in the return became a former public office holder within the previous 2 years, the nature of the office the consultant lobbyist formerly held, the length of time the consultant lobbyist held that office, and the date on which the consultant lobbyist ceased to hold that office;
  - (m) the name of any government, government agency or prescribed Provincial entity that funded the client, in whole or in part, within the last 12 months and the amount of the funding;
  - (m.1) the name of any government, government agency or prescribed Provincial entity from which the client requested funding within the last 12 months and the amount of the funding requested;
  - (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
  - (i) no consultant lobbyist named in the return holds a contract for providing paid advice to a department or prescribed Provincial entity, or that each consultant lobbyist named in the return who holds a contract has an exemption from the Ethics Commissioner for the contract, and
  - (ii) the following are not in contravention of section 6, 6.1 or 6.2 of this Act:
    - (A) every consultant lobbyist named in the return;
    - (B) to the knowledge of the designated filer after reasonable inquiry, every person associated with those consultant lobbyists;
- (s) a statement stating whether, to the knowledge of the designated filer 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)(d)(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.

2007 cL-20.5 Sched. 1;2009 c5 s10;2014 c9 s2;  
2017 c20 s4;2018 c9 s13

## 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,
- (b) a former member of the Premier’s and Ministers’ staff as defined in the *Conflicts of Interest Act*,
- (c) a former designated office holder as defined in Part 2 of the *Public Service Act*,
- (c.1) a former designated senior official within the meaning of Part 4.3 of the *Conflicts of Interest Act*,
- (d) any individual who formerly occupied a prescribed position with a prescribed Provincial entity, and
- (e) any individual who
  - (i) formerly occupied a senior executive position in a department, whether by the title of 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.

**2** The designated filer shall set out in the return for the purpose of section 5 the following information:

- (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)(d)(i) of this Act or described in section 1(1)(d)(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)(d)(i) of this Act, the name of each organization lobbyist in the organization;
- (d) the name and 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 the return became a former public office holder within the previous 2 years, the nature of the office the organization lobbyist formerly held, the length of time the organization lobbyist held that office,

and the date on which the organization lobbyist ceased to hold that office;

- (l) the name of any government, government agency or prescribed Provincial entity that funded the organization, in whole or in part, within the last 12 months and the amount of the funding;
- (l.1) the name of any government, government agency or prescribed Provincial entity from which the organization requested funding within the last 12 months and the amount of the funding requested;
- (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



- (i) no organization lobbyist named in the return holds a contract for providing paid advice to a department or prescribed Provincial entity, or that each organization lobbyist named in the return who holds a contract has an exemption from the Ethics Commissioner for the contract, and
- (ii) the following are not in contravention of section 6 or 6.2 of this Act:
  - (A) every organization lobbyist named in the return;
  - (B) to the knowledge of the designated filer after reasonable inquiry, every person associated with those organization lobbyists;
- (r) a statement stating whether, to the knowledge of the designated filer 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)(d)(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).

2007 cL-20.5 Sched. 2;2009 c5 s11;2014 c9 s2;  
2017 c20 s4;2018 c9 s14







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