



Province of Alberta
Order in Council

O.C. 125 /2019

JUL 04 2019

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

WHEREAS the Government of Alberta is committed to the timely, economic, efficient and responsible development of Canada's oil and gas industry, including Alberta's oil and gas industry;

WHEREAS allegations have been made that foreign individuals or organizations have provided financial resources to Canadian organizations which have disseminated misleading or false information as part of an anti-Alberta energy campaign; and

WHEREAS it is expedient and in the public interest of Albertans and Canadians to understand the facts about foreign funding of anti-Alberta energy campaigns, and to ensure Alberta's oil and gas industry is not hindered in its reasonable opportunity to compete in international oil and gas markets by the dissemination of misleading or false information;

CHAIR

THEREFORE, the Lieutenant Governor in Council orders that a Commission issue, pursuant to the Public Inquiries Act, declaring this issue to be a matter of public concern and appointing Jackson Stephens Allan as commissioner to inquire into and report on the matters set out in the Terms of Reference in the attached Appendix.

For Information only

Recommended by: Minister of Justice and Solicitor General

Authority: Public Inquiries Act
(section 2)

APPENDIX

Terms of Reference

Definitions

1 In these Terms of Reference,

- (a) “Alberta oil and gas industry” means
 - (i) any and all aspects of Alberta’s petroleum and natural gas sectors, including the exploration, development, extraction, storage, processing, upgrading and refining of Alberta’s oil and gas resources, and
 - (ii) any aspect of marketing and delivery of Alberta’s oil and gas resources to commercial markets by any mode of transportation whatsoever, including both railways and pipelines falling under provincial or federal jurisdiction;
- (b) “anti-Alberta energy campaign” means any and all attempts to directly or indirectly delay or frustrate the timely, economic, efficient and responsible development of Alberta’s oil and gas resources and the transportation of those resources to commercial markets;
- (c) “Minister” means the Minister of Energy.

Mandate of commissioner

2(1) The commissioner shall inquire into anti-Alberta energy campaigns that are supported, in whole or in part, by foreign organizations, and in doing so shall inquire into matters including, but not limited to, the following:

- (a) whether any foreign organization that has evinced an intent harmful or injurious to the Alberta oil and gas industry has provided financial assistance to a Canadian organization that has disseminated misleading or false information about the Alberta oil and gas industry;
- (b) whether any Canadian organization referred to in clause (a) has also received grants or other discretionary funding from the government of Alberta, from municipal, provincial or territorial governments in Canada or from the Government of Canada;
- (c) whether any Canadian organization referred to in clause (a) has charitable status in Canada.

(2) As part of the inquiry, the commissioner shall examine the work completed by other investigations in other jurisdictions into similar activities or alleged activities, including but not limited to the following:

(a) the 2017 report by the Office of the Director of National Intelligence of the United States of America, entitled *Background to 'Assessing Russian Activities and Intentions in Recent US Elections': The Analytic Process and Cyber Incident Attribution*;

(b) the 2018 United States House of Representatives Committee on Science, Space and Technology Majority Staff Report, entitled *Russian Attempts to Influence U.S. Domestic Energy Markets by Exploiting Social Media*.

(3) The commissioner shall make such findings and recommendations as the commissioner considers advisable to achieve the following:

(a) make the Government of Alberta and Albertans generally aware of whether foreign funds are being provided in the manner described in subsection (1)(a);

(b) enable the Government of Alberta to respond effectively to any anti-Alberta energy campaigns funded, in whole or in part, in the manner described in subsection (1)(a);

(c) assist the Government of Alberta by recommending any additional eligibility criteria that should be considered when issuing government grants;

(d) assist the Government of Alberta and other Canadian governments by recommending the interpretation of existing eligibility criteria or the creation of new eligibility criteria for attaining or maintaining charitable status.

Report and timeline

3(1) The commissioner shall prepare an interim report with advice, proposals, recommendations, analyses or policy options related to the inquiry and submit the report to the Minister no later than January 31, 2020.

(2) The commissioner shall prepare a final report setting out the findings and recommendations of the commissioner and submit the final report to the Minister no later than July 2, 2020.

(3) The Minister shall cause the final report to be published within 90 days of receiving it from the commissioner.

Amendment of Terms of Reference

4 The commissioner may request, through the Minister, that the Lieutenant Governor in Council amend any provision of these Terms of Reference if the commissioner is of the opinion that amendment is necessary for the proper conduct of the inquiry.

Policy respecting standing

5 The commissioner may grant standing to participate in the inquiry only if, in the opinion of the commissioner,

- (a) the applicant is or may be directly or substantially affected by the subject-matter of the inquiry, or
- (b) the applicant has a clearly ascertainable interest or perspective that ought to be separately represented at the inquiry in order to assist the inquiry to fulfill its mandate.

Policy respecting financial assistance

6(1) The commissioner shall develop a policy on whether or not financial assistance will be provided to witnesses or interveners in respect of their participation in the inquiry process.

(2) If the policy referred to in subsection (1) allows financial assistance, the policy shall reflect the requirement that financial assistance may only be provided if the witness or intervener

- (a) demonstrates that he or she would not be able to participate in the inquiry without such financial assistance,
- (b) has a substantial, direct or clearly ascertainable interest in the subject-matter of the inquiry,
- (c) has a perspective that would advance the purposes of the inquiry, which cannot be acquired any other way,
- (d) has clearly outlined his or her proposed involvement in the inquiry and the estimated costs to be incurred, and
- (e) has provided a written proposal as to how the witness or intervener would account for the financial assistance received.

(3) If the commissioner determines that financial assistance will be provided to a witness or intervener in accordance with the policy under subsection (1),

- (a) costs for legal counsel shall only be provided in accordance with the Government of Alberta's established rates for retaining external legal counsel, and
- (b) disbursements shall only be provided in accordance with the Court of Queen's Bench Costs Manual.

(4) The policy referred to in subsection (1) shall be submitted to the Minister for review and approval by July 31, 2019.

(5) If the Minister approves the policy referred to in subsection (1), the commissioner shall publish the policy.

Budget for inquiry

7(1) The total budget for the inquiry shall not exceed \$2 500 000.

(2) The following expenses shall be paid out of the budget referred to in subsection (1):

(a) the commissioner's remuneration;

(b) compensation for the following:

(i) executive support to the commissioner;

(ii) retention of legal staff;

(iii) retention of experts;

(c) travel costs for the commissioner and those identified in clause (b);

(d) financial assistance, if any, provided pursuant to section 6;

(e) other costs associated with the inquiry that are not covered by section 8.

(3) The commissioner shall prepare a detailed budget and submit it to the Minister for review and approval by July 31, 2019.

(4) The commissioner shall put in place a system of budget monitoring and expenditure reporting to the Minister.

(5) The Minister shall fund the inquiry, including the compensation of the commissioner, in accordance with the approved budget.

Administrative support

8(1) In this section, "administrative support" means

(a) provision of office and hearing space;

(b) provision of security services;

(c) development and maintenance of a website;

(d) provision of clerks, reporters, researchers and assistants;

- (e) provision of services related to bookkeeping and accounting;
- (f) provision of social media support;
- (g) provision of communications support;
- (h) provision of other services necessary to ensure the effective functioning of the office of the commissioner.

(2) The commissioner may from time to time request administrative support from the Government of Alberta through the Minister if the commissioner considers this appropriate and necessary for the proper conduct of the inquiry.

Other matters

9(1) Subject to sections 7 and 8, the Government of Alberta shall support the commissioner's work through contracted resources or by Government personnel assigned for that purpose.

(2) Individuals or organizations contracted or assigned pursuant to subsection (1) shall take their directions from the commissioner.