

A GUIDE TO THE LOBBYISTS ACT

Updated December 3, 2010



TABLE OF CONTENTS:

INTRODUCTION:.....	2
THE LOBBYIST REGISTRY:.....	3
GENERAL DESCRIPTION:.....	3
WHO IS A LOBBYIST:.....	3
Two Types of Lobbyists:.....	3
Organization Lobbyists:.....	3
Consultant Lobbyists:.....	4
Lobbyists are paid:.....	5
Excluded Persons:.....	5
WHAT IS LOBBYING:.....	7
Media of communication is irrelevant:.....	7
Must attempt to influence:.....	7
Must be with a public office holder:.....	7
Must relate to certain types of matters:.....	7
Communications that are not lobbying:.....	9
FILING OBLIGATIONS FOR LOBBYISTS:.....	9
Filing obligations for consultant lobbyists:.....	9
Filing obligations for organization lobbyists:.....	10
Information included in returns:.....	10
Who is responsible for filing returns:.....	11
Subsequent filings to reflect new or changed information:.....	12
Transitional filings:.....	12
Fees:.....	13
PUBLIC REGISTRY:.....	13
OVERSIGHT OF THE REGISTRY AND ACT:.....	13
Ethics Commissioner and Registrar:.....	13
Advisory opinions and interpretation bulletins:.....	14
Powers with respect to returns filed with the registry:.....	14
Administrative Penalties:.....	15
Disclosure of identifying information:.....	15
Limit on Liability:.....	15
INVESTIGATIONS:.....	16
Commencing and discontinuing investigations:.....	16
Conduct of the investigation:.....	16
Report of the investigation:.....	17
Privacy and confidentiality in investigations:.....	17
ENFORCEMENT:.....	18
Administrative Penalties:.....	18
Offence provisions:.....	19
Prohibition against lobbying:.....	20
PROHIBITION AGAINST DUAL ROLE:.....	22
PUBLISHING PAYMENT INFORMATION:.....	24
GOVERNMENT DEPARTMENTS:.....	24
PRESCRIBED PROVINCIAL ENTITIES:.....	24
PRESCRIBED PROVINCIAL ENTITIES:.....	25
ONGOING REVIEW:.....	25
APPENDIX A.....	27
APPENDIX B.....	27
Consultant Lobbyist Return.....	28
Organization Lobbyist Return.....	28
APPENDIX C.....	32

INTRODUCTION:

This document has been prepared by Alberta Justice to facilitate understanding of the *Lobbyists Act*.

It reviews some of the most significant aspects of the Act, but is not exhaustive. Additionally, preparation of a plain language guide to the Act has at times required the simplification of this relatively complex legislation.

This guide is not a substitution for legal advice as to how the Act may apply in any particular fact situation.

Once it is in force, the Office of the Ethics Commissioner will be responsible for oversight of the Act. This document does not necessarily reflect the views of the Ethics Commissioner with respect to the interpretation and application of the Act.

There are three key elements to the Act.

First, it establishes a lobbyist registry. Information regarding paid lobbyists, and their activities, must be provided to the Registrar of the lobbyist registry. That information will be available to the public.

Second, the Act prohibits both lobbying and providing paid advice to government or a prescribed provincial entity on the same issue, at the same time.

Third, the Act requires the publication of information respecting payments made by government departments and prescribed provincial entities.

THE LOBBYIST REGISTRY:

GENERAL DESCRIPTION:

Individuals who are paid to communicate with public office holders, in an attempt to influence certain types of government decisions, are called lobbyists. Under the *Lobbyists Act*, these individuals must identify themselves and file a range of information with the lobbyist registry. These filings are called returns and the information in them will be publicly available through the registry.

A flowchart, to assist in identifying who is a lobbyist for the purposes of the Act, is attached as Appendix A. Individuals who are concerned or have questions about their obligations under the *Lobbyists Act* should contact the Registrar, Lobbyists Act, Mr. Brad Odsen, Q. C., by telephone at 780-422-2273 and by email at registrar@ethicscommissioner.ab.ca.

WHO IS A LOBBYIST:

Two Types of Lobbyists:

The Act identifies two different types of lobbyists – consultant lobbyists and organization lobbyists. The distinction between them is relevant to defining what activities amount to lobbying, and what information must be filed with the registry.

Organization Lobbyists:

An organization lobbyist is a person:

- who is a paid employee, officer or director of an organization; a sole proprietor; or a partner in a partnership;
- who lobbies on behalf of that organization; and
- whose lobbying activities, together with those of other lobbyists in that organization, amount to at least 100 hours annually.

If a person's lobbying activities, together with those of other lobbyists in the same organization, do not exceed 100 hours annually, then he or she is not an organization lobbyist. When determining whether the threshold has been met, time spent communicating with a public office holder is included, but time spent preparing for the communication is not included.

- s. 1(1)(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 100 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 100 hours annually;

Lobbyists Act General Regulation:

- s. 2 For the purposes of determining whether lobbying amounts to at least 100 hours annually under section 1(1)(h) of the Act, time spent lobbying is indicated by the time spent communicating with a public office holder but does not include time spent preparing for the communication.

“Organization” is a defined term, and includes incorporated or unincorporated entities, partnerships, and sole proprietorships, of all kinds.

- s. 1(1)(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;

There is an exemption for directors, officers or employees of non-profit organizations that do not serve management, union or professional interests and do not have a majority of members that are profit-seeking enterprises. Even though they might otherwise fall within the definition of “organization lobbyist” they are not lobbyists (see Excluded Persons, below).

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

Consultant Lobbyists:

A consultant lobbyist is a person who is retained by a client, for a fee, to lobby on behalf of that client. A consultant lobbyist could be self-employed or could be employed by a firm that provides lobbying services to the firm’s clients. A person hired or sub-contracted by a consultant lobbyist is also a consultant lobbyist.

There are two key distinctions between organization lobbyists and consultant lobbyists. First, for consultant lobbyists, unlike organization lobbyists, there is no 100-hour threshold before a person is considered a consultant lobbyist. Any amount of lobbying activity is sufficient to make a person a consultant lobbyist. Second, consultant lobbyists provide lobbying services to third-party clients, while organization lobbyists provide lobbying services to an organization with which they are otherwise affiliated.

- s.1(1)(a) “client” means an individual or organization on whose behalf a consultant lobbyist undertakes to lobby;
- s. 1(1)(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;

Lobbyists are paid:

Lobbyists are paid to lobby. "Payment" includes money or anything of value, unless that payment is limited to the reimbursement of expenses.

s. 1(1)(i) "payment" means, except in section 7 but subject to section 6, 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;

For example, if a person undertakes to lobby, on a volunteer basis, receiving only reimbursement of expenses, then he or she is not a lobbyist. However, if that person is paid a fee, honorarium, stipend, or receives anything of value for those services, beyond mere reimbursement of expenses, then he or she may be a lobbyist.

Excluded Persons:

Certain categories of individuals, when acting in their official capacity, are not lobbyists, even if they otherwise come within the definition of either a consultant lobbyist or an organization lobbyist.

The excluded categories include:

- MLAs;
- Cabinet Members;
- Individuals on the staff of MLAs and Cabinet Members;
- Officers and employees of the Legislative Assembly Office;
- Alberta public servants;
- Employees, officers, directors and members of Provincial entities identified in the regulations;
- Members of the Senate or House of Commons or their staff;
- Members of a legislative assembly of another province or territory or their staff;
- Public servants of Canada or other provinces or territories;
- Officers or employees of municipalities;
- Members of a Metis settlement council, or the General Council under the *Metis Settlements Act*, and their staff;
- Officers or employees of a Metis settlement or the General Council under the *Metis Settlements Act*;
- Members of a band council under the *Indian Act* or other federal legislation, and their staff;
- Foreign diplomats;
- Directors, officers or employees of non-profit organizations that do not serve management, union or professional interests and do not have a majority of members that are profit-seeking enterprises;
- Officials of United Nations agencies and other international organizations;
- School board trustees under the *School Act*, individuals on their staff, or officers or employees of school boards; and
- Unpaid volunteers.

Further individuals or categories of individuals can be added to this list, by way of regulation.

Consultant lobbyists that are engaged by prescribed provincial entities are not included in this list, and are therefore required to file returns. This is in contrast to the exemption for employees, officers, directors and members of prescribed provincial entities, when acting in their official capacity.

s. 1(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.

s. 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) 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.

s. 1(3) For the purposes of this Act, a consultant lobbyist engaged by a prescribed Provincial entity is considered to be a consultant lobbyist.

WHAT IS LOBBYING:

Lobbying involves communicating with a public office holder in an attempt to influence certain types of decisions. In the case of a consultant lobbyist, arranging a meeting between a public office holder and a third-party is also lobbying.

Media of communication is irrelevant:

The Act does not draw distinctions based on the media of communications used for lobbying – it applies equally to telephone calls, letters, e-mails, and meetings.

Nor does it draw distinctions based on the context in which communications occur – lobbying could occur in a public office holder’s office, at a private party or function, or at a stakeholder’s business premises.

Must attempt to influence:

With the exception of arranging a meeting, lobbying involves attempting to influence. The Act does not draw distinctions based on whether or not an attempt to influence is successful.

Must be with a public office holder:

Lobbying involves communicating with a public office holder in an attempt to influence certain types of decisions. The following individuals are “public office holders”:

- an M.L.A.;
- any person on an M.L.A.’s staff;
- an employee of a government department; and
- an employee, officer, director or member of a Provincial entity identified in Schedule 1 of the *Lobbyists Act General Regulation*.

s. 1(1)(k) “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,
 - (1) an individual appointed to a board, committee or council established under section 7 of the *Government Organization Act*, and
- (iii) an employee, officer, director or member, as the case may be, of a prescribed Provincial entity;

s. 1(1)(c) “department” means a department established under section 2 of the *Government Organization Act*;

Must relate to certain types of matters:

For a communication to amount to lobbying it must relate to certain types of matters.

For both organization lobbyists and consultant lobbyists, communications that attempt to influence any of the following matters are lobbying:

- the development of legislation;

- the introduction, amendment, passage or defeat of any bill or resolution before the Legislative Assembly;
- the development or enactment of a regulation or order in council;
- the development, establishment, amendment or termination of any program, policy, directive or guideline;
- the awarding of a grant or financial benefit; or
- the decision to privatize the delivery of goods or services.

For consultant lobbyists, in addition to the matters listed above, the following activities also are lobbying:

- arranging a meeting between a public office holder and any other individual; and
- communicating with a public office holder to influence the awarding of a contract.

Applying this to the context of procurement and sales to the government, when a person acting on behalf of their employer, such as a salesperson, seeks to influence the government to enter into a contract with their employer, they are not lobbying. However, if an organization contracts with a third-party to do this, that third-party is lobbying.

While arranging a meeting between a public office holder and a third-party does not necessarily involve communicating directly with the public office holder, this activity still amounts to lobbying for a consultant lobbyist.

- s. 1(1)(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 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;

Communications that are not lobbying:

The Act includes a list of communications to which it does not apply. These communications are not lobbying, and do not trigger the obligation to file returns with the registry. The list includes the following:

- submissions to a committee of the Legislative Assembly, in proceedings that are a matter of public record;
- submissions to any body or person with jurisdiction or powers granted under legislation, in proceedings that are a matter of public record;
- submissions to a public office holder relating to: the enforcement, interpretation, or application of legislation or regulations; or the implementation or administration of a program or policy, with respect to the person or organization on whose behalf the submission is made;
- submissions in response to a request initiated by a public office holder for advice or comment on a matter; submissions to an MLA by one of their constituents, unless it concerns the introduction, passage or amendment of a private bill for the special benefit of that constituent.

s. 3(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 in response to a request initiated by a public office holder for advice or comment on any matter referred to in section 1(1)(f)(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.

FILING OBLIGATIONS FOR LOBBYISTS:

The Act requires returns to be filed with the Registrar of the lobbyist registry. These returns contain information about lobbyists and their activities.

There are some differences between the filing obligations for consultant lobbyists and organization lobbyists, with respect to the information included in the return and the timing of its filing.

Filing obligations for consultant lobbyists:

For consultant lobbyists, a return must be filed within 10 days of entering into an agreement to lobby on behalf of a client (referred to in the Act as an “undertaking”).

A return must be filed for each undertaking that a consultant lobbyist enters into. Only one return is filed for each undertaking, even though a single undertaking may involve communication with more than one public office holder, on more than one occasion. On

the other hand, when a consultant lobbyist is engaged in more than one undertaking, a separate return must be filed for each one.

s. 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.

s. 1(1)(n) "undertaking" means, with respect to a consultant lobbyist, an undertaking to lobby on behalf of a client.

Filing obligations for organization lobbyists:

For organization lobbyists, an initial return must be filed within 2 months of a person in the organization becoming an organization lobbyist. Subsequent returns must be filed at least every 7 months. One return is filed per organization, containing information respecting all of the organization lobbyists within that organization, as opposed to filing one return per lobbyist.

s. 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.

Information included in returns:

Returns respecting consultant lobbyists must include the information set out in Schedule 1 of the Act. Those respecting organization lobbyists must include the information set out in Schedule 2. A side-by-side comparison of the required information for both categories of lobbyist is found in Appendix B. Some of the required information includes:

- Information about the lobbyist and the organization/client for whom they work;
- The subject-matter of the lobbying activities and particulars of any relevant legislative proposal, regulation, order in council, policy, program, grant, benefit or contract;

- If the lobbyist is a former public office holder, the nature and term of the office held. “Former public office holder” includes former Cabinet Members and their staff, former Deputy Ministers, Assistant Deputy Ministers, or their equivalents, and those who formerly held the highest ranking and next highest ranking positions with prescribed provincial entities;
- The name of any government or government agency that funds the organization/client, and the amount of the funding;
- The name of any individual or organization that contributed \$1000 or more towards the lobbying activities;
- The name of the department or provincial entity that employs a public office holder that will be lobbied;
- Whether an MLA or Cabinet Member, or a member of their staff, will be lobbied;
- The techniques of communication to be used, including whether grassroots communication will be used. “Grassroots communication” means appealing to the public to persuade them to contact public office holders to pressure them to endorse a particular opinion;
- A declaration that the lobbyist is not in violation of s. 6 of the Act (see “Prohibition Against Dual Role,” below) and a statement as to whether the lobbyist or anyone associated with them* holds a contract for providing paid advice to government; and
- For consultant lobbyists only, whether their fee is contingent on the success of the lobbying activities.

Who is responsible for filing returns:

Returns are filed by the “designated filer.” This is the most senior paid officer of the organization for whom the lobbyist works or, if there is no such person, the lobbyist him or herself.

For a consultant lobbyist who works for a firm (as opposed to being self-employed), the designated filer would be the senior officer of that firm. For an organization lobbyist, it would be the senior officer of the organization that employs the lobbyist, or if there is no such person, the organization lobbyist him or herself.

s. 1(1)(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;

* People or entities in the following relationships are deemed to be associated: corporations and their directors or senior partners; private corporations and their shareholders; employers and employees, whether the employer is an individual, partnership or corporation; partnerships and their partners, or where the partner is a corporation, the directors, senior officers or shareholders of that corporation; and principals and agents (s.1(5)).

Subsequent filings to reflect new or changed information:

The Act provides for the updating and amending of information previously filed with the registry.

When information set out in a filed return has changed, or when the designated filer becomes aware of information that should have been included in an earlier return, the Registrar must be advised within 30 days.

When a consultant lobbyist completes or terminates an undertaking to lobby, the Registrar must be advised within 30 days.

When a person previously identified as an organization lobbyist ceases to have that role, the Registrar must be advised within 30 days.

- s. 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.

Transitional filings:

The Act provides for the filing of returns for lobbying activities that are underway at the time it comes into force.

When the Act comes into force, if a consultant lobbyist is performing a lobbying undertaking, a return must be filed within 30 days.

- s. 4(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.

When the Act comes into force, if an organization has an organization lobbyist, a return must be filed within 2 months.

s. 5(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).

Fees:

No fee applies when returns are filed electronically. A fee of \$150 is applicable to paper or faxed returns. A designated filer may apply to the Registrar for a reduction or waiver of an applicable filing fee.

Lobbyists Act General Regulation

9(1) Subject to subsection (2), the fee payable for filing a return pursuant to section 4 or 5 of the Act is \$150.

(2) No fee is payable if the return is filed electronically.

(3) On application by a designated filer, the Registrar may reduce or waive the payment of the filing fee payable by the designated filer under this section where the Registrar is of the opinion that to require payment of the filing fee would cause undue financial hardship.

PUBLIC REGISTRY:

There will be a registry, which will contain a record of all returns and other documents filed under the Act. That registry will be accessible to the public.

s. 11(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.

s. 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.

OVERSIGHT OF THE REGISTRY AND ACT:

Ethics Commissioner and Registrar:

The registry, and operation of the Act generally, will be overseen by the Ethics Commissioner. The Ethics Commissioner may appoint an individual from within his or her office to be the Registrar, in which case either the Ethics Commissioner or the Registrar can exercise the powers, duties and functions the Act gives to the Registrar.

The Act also sets out certain powers, duties, and functions that may only be exercised by the Ethics Commissioner. These are:

- Issuing advisory opinions and interpretation bulletins;
- Prohibiting a person from lobbying; and
- Publicizing the details of offences.

- s. 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.

Advisory opinions and interpretation bulletins:

The Ethics Commissioner can issue non-binding advisory opinions and interpretation bulletins regarding the enforcement, interpretation or application of the Act or its regulations.

- 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.

Powers with respect to returns filed with the registry:

The Registrar may verify the information submitted to the registry.

He or she may refuse to accept a return or document if it (1) does not comply with the requirements of the Act or regulations, or (2) contains information that is not required. When the Registrar refuses to accept a return, he or she must inform the designated filer of that decision, and allow a reasonable extension of time to file another return. A replacement return, filed within that extension of time, is deemed to have been filed on the date the refused return was filed.

The Registrar may request clarification of any information filed with the registry. The designated filer then has 30 days to provide the necessary information. If that obligation is not met, the Registrar may remove the return from the registry. The Registrar must inform the designated filer of that removal, and the designated filer is deemed not to have filed the return.

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:

- ...
- (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.

- s. 11(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.

Administrative Penalties:

The Registrar can impose administrative penalties for violations of the Act. These penalties are discussed below under “Enforcement.”

Disclosure of identifying information:

In any case where the Act would require the disclosure of identifying information about an individual, the Registrar can override that requirement, if satisfied that the disclosure could threaten the individual’s safety.

s. 1(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.

Limit on Liability:

Neither the Registrar, nor anyone employed by him or her, can be liable in a civil action for anything done in good faith under the Act.

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.

INVESTIGATIONS:

Commencing and discontinuing investigations:

The Registrar has the power to conduct investigations, and must do so if he or she believes it is necessary to ensure compliance with the Act, unless:

- the matter is more appropriately dealt with under another legislative scheme;
- it is minor or trivial;
- an investigation would serve no useful purpose because of the time elapsed since the matter arose; or
- there is another valid reason for not conducting an investigation.

Once an investigation has commenced, the Registrar may discontinue it for any of those same reasons.

s. 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.

The Registrar must suspend an investigation if he or she discovers that the matter is already under investigation, by another body. The Registrar's investigation cannot be recommenced until the other investigation, or any related charges, have concluded.

s. 15(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.

Conduct of the investigation:

When conducting an investigation, the Registrar may:

- summon witnesses;
- compel the production of documents;
- administer oaths; and
- accept information, even though it may not be admissible as evidence in court.

No adverse finding can be made against an individual, unless that person has reasonable notice of the allegations against him or her, and a reasonable opportunity to present his or her views on the matter.

s. 15(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.

Report of the investigation:

After the investigation has been concluded, the Registrar must prepare a report including the findings, conclusions, and reasons. The Ethics Commissioner must submit the report to the Speaker of the Legislative Assembly. If the Legislative Assembly is not sitting at the time, the Speaker must distribute copies to the offices of all Members of the Legislative Assembly.

s. 17(1) After an investigation has been conducted by the Registrar, the Registrar shall prepare a report of the investigation, including the 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.

If the Ethics Commissioner considers it to be in the public interest, the report may contain details of any payment to, or expense incurred by, any lobbyist with respect to lobbying activities.

s. 17(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.

Privacy and confidentiality in investigations:

Investigations are conducted in private.

s. 15(4) An investigation must be conducted in private.

Evidence given by an individual in an investigation, and the fact that an investigation occurred, cannot be used against him or her in subsequent proceedings, other than in a prosecution for perjury with respect to statements made to the Registrar.

s. 15(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.

The Registrar, and those working for him or her, may not disclose information learned in the course of an investigation unless:

- the disclosure is necessary to conduct an investigation or establish the grounds for a finding or conclusion contained in the report of an investigation;
- the information is disclosed in the report of an investigation;
- the information is disclosed in a proceeding for perjury regarding a statement made to the Registrar;
- the Registrar believes the disclosure is necessary for the purpose of enforcing administrative penalties; or
- the Registrar believes the disclosure is necessary, in order to advise a peace officer with jurisdiction to investigate an offence under the Act or other statute.

s. 15(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 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.

Those who provide information or evidence in an investigation, in good faith, are protected from civil liability for doing so.

s. 16(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.

ENFORCEMENT:

The Act provides for enforcement through either the imposition of an administrative penalty, or through offence provisions. Only one of these options, not both, can be used with respect to any given contravention of the Act.

Administrative Penalties:

When the Registrar believes that a person has contravened the Act or its regulations, an administrative penalty may be imposed. This is done by serving on that person, either personally or by mail, a written notice setting out the amount of the penalty, to a maximum amount of \$25,000. That person has 30 days to pay the penalty, failing which the Registrar may take steps to enforce the administrative penalty as if it were a judgment of the Court of Queen's Bench.

A person may appeal an administrative penalty, and such an appeal suspends the Registrar's power to enforce the penalty.

When a person pays an administrative penalty, they cannot be charged with an offence under the Act respecting the same contravention.

An administrative penalty cannot be imposed more than 2 years after a contravention occurs.

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.

The *Lobbyists Act General Regulation* provides that administrative penalties may be imposed in respect of contraventions of sections 4, 5, 6 and 10 of the *Lobbyists Act*. The regulation lists the factors that the Registrar must take into account when determining the amount of an administrative penalty.

Lobbyists Act General Regulation

s. 7 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 notice of the administrative penalty reported himself or herself upon discovery of the contravention;
- (g) whether or not the person who received 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.

Offence provisions:

Contravention of the following sections of the Act is an offence:

- s. 4, which requires the filing of returns respecting consultant lobbyists;
- s. 5, which requires the filing of returns respecting organization lobbyists;
- s. 10, which sets timelines for filing subsequent returns and information; and

- s. 6, which prohibits lobbying and providing paid advice to government, on the same subject matter, at the same time (see “Prohibition Against Dual Role,” below).

The following are also offences:

- to lobby without a return being filed as required by the Act;
- to violate a prohibition imposed by the Ethics Commissioner against lobbying or filing a return (see “Prohibition against lobbying,” below); and
- to provide false or misleading information to the Registrar, unless the person did not know it was false or misleading, and could not have discovered that with the exercise of reasonable diligence.

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 (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.

Upon conviction, a person can be fined up to \$25,000 for the first offence, and up to \$100,000 for a second or subsequent offence.

s. 19(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 subsequent offence, to a fine of not more than \$100 000.

There is a 2-year limitation period for prosecutions under the Act.

s. 19(9) A prosecution for an offence may not be commenced more than 2 years after the date on which the contravention occurred.

The Ethics Commissioner may publicize information respecting an offence committed under the Act, including information about the nature of the offence, the name of the offender, the punishment imposed, and any prohibition against lobbying that has been imposed.

s. 19(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).

Prohibition against lobbying:

When a person is convicted of an offence under the Act, the Ethics Commissioner can prohibit that person from lobbying, or filing a return, for up to two years. This decision would be based on the public interest, taking into account the gravity of the offence, and the number of prior convictions or administrative penalties, if any.

The Ethics Commissioner must ensure that information relating to a prohibition is entered into the registry.

s. 19(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.

...

(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.

PROHIBITION AGAINST DUAL ROLE:

The Act prohibits lobbying on a subject matter and holding a contract for providing paid advice to government or a prescribed provincial entity, on the same subject matter, at the same time. A flowchart, to assist in identifying whether the prohibition against a dual role applies, is attached as Appendix C.

The prohibition is against simultaneously acting as both lobbyist and paid advisor on the same subject matter. Moving from one role to the other, sequentially, is not prohibited.

Additionally, lobbying on one issue, while providing paid advice on a different issue, is not prohibited.

- s. 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 on a subject-matter if that person, or a person associated with that person, is holding a contract for providing paid advice on the same subject-matter.
- (4) 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, lobbies on the same subject-matter as that of the contract.
- (4.1) Subsections (3) and (4) apply regardless of how many hours the persons’ 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) or (4) 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) If on the coming into force of this section a person, or a person associated with that person, holds a contract for providing paid advice on a subject-matter and either the person or the associated person lobbies on the same subject-matter,
- (a) the person holding the contract must cease to hold the contract, or
 - (b) the person lobbying must cease to lobby on that subject-matter, within 60 days of the coming into force of this section.

Violation of this prohibition is an offence, punishable by a fine of up to \$25,000 for the first offence, and up to \$100,000 on a second or subsequent offence. Prohibitions against lobbying can also apply (see “Enforcement” above). Alternately, in lieu of prosecution for an offence, an administrative penalty could be imposed (see “Enforcement” above).

Some of the information included in returns filed with the registry relates to this prohibition. A return must include a declaration that, to the knowledge of the filer, this prohibition is not being violated by the lobbyist to whom the return relates. Additionally, a return must state whether that lobbyist, or anyone associated with him or her, holds a contract for providing paid advice, on any subject matter, and if so, with which department or provincial entity.

For the purposes of this filing requirement, people or entities in the following relationships are deemed to be associated:

- corporations and their directors or senior partners;
- private corporations and their shareholders;
- employers and employees, whether the employer is an individual, partnership or corporation;
- partnerships and their partners, or where the partner is a corporation, the directors, senior officers or shareholders of that corporation; and
- principals and agents.

Schedule 1, s. 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:

(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;

Schedule 2, s. 2 The designated filer shall set out in the return the following:

(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. 1(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*

(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.

PUBLISHING PAYMENT INFORMATION:

GOVERNMENT DEPARTMENTS:

Information relating to payments made by government departments must be published by the President of the Treasury Board. Details respecting the specific information to be published will be set out in regulation.

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

PRESCRIBED PROVINCIAL ENTITIES:

Prescribed provincial entities must also publish information relating to payments they make. Details respecting the specific information to be published will be set out in regulation. Additionally, the specific entities to which this obligation applies will also be set out in regulation.

s. 7(2) Prescribed Provincial entities shall, in accordance with and subject to the regulations, publish information relating to payments made by those Provincial entities.

PRESCRIBED PROVINCIAL ENTITIES:

The phrase “provincial entity” is a defined term. It describes the body of provincial entities from which the prescribed provincial entities will be selected. The phrase “prescribed provincial entities” is used throughout the Act, in a variety of contexts. For example, employees, officers, directors and members of prescribed provincial entities are public office holders under s. 1(k)(iii). Members of that same group are not considered to be lobbyists, when acting in their official capacity, under s. 1(2)(d). Prescribed provincial entities will have to publish payment information under s. 7(2).

Schedule 1 to the *Lobbyists Act General Regulation* identifies which provincial entities are be “prescribed provincial entities.” The impact of being a prescribed provincial entity is threefold: 1. Individuals who lobby a prescribed provincial entity must register as lobbyists and information about them and their lobbying activities will be publicly available as part of the lobbyist registry. 2. Those individuals must comply with the prohibition against providing paid advice and lobbying on the same issue at the same time. 3. Once regulations regarding payment information are enacted, each prescribed provincial entity will be required to publish information about the payments they have made.

Schedule 2 to the regulation lists provincial entities that are not prescribed for the purposes of the Act. The impact of not being a prescribed provincial entity is threefold: 1. individuals “lobbying” the entity need not register as lobbyists; 2. individuals within the entity must register if they lobby the government or a prescribed provincial entity on behalf of the entity; and 3. the entity will not be required to publish payment information.

Schedule 3 to the regulation lists entities to whom the Act does not apply.

s. 1(1)(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;

s. 4(1) For the purposes of the Act, the Provincial entities referred to in Schedule 1 are prescribed Provincial entities.

(2) For the purposes of the Act, the Provincial entities referred to in Schedule 2 are not prescribed Provincial entities.

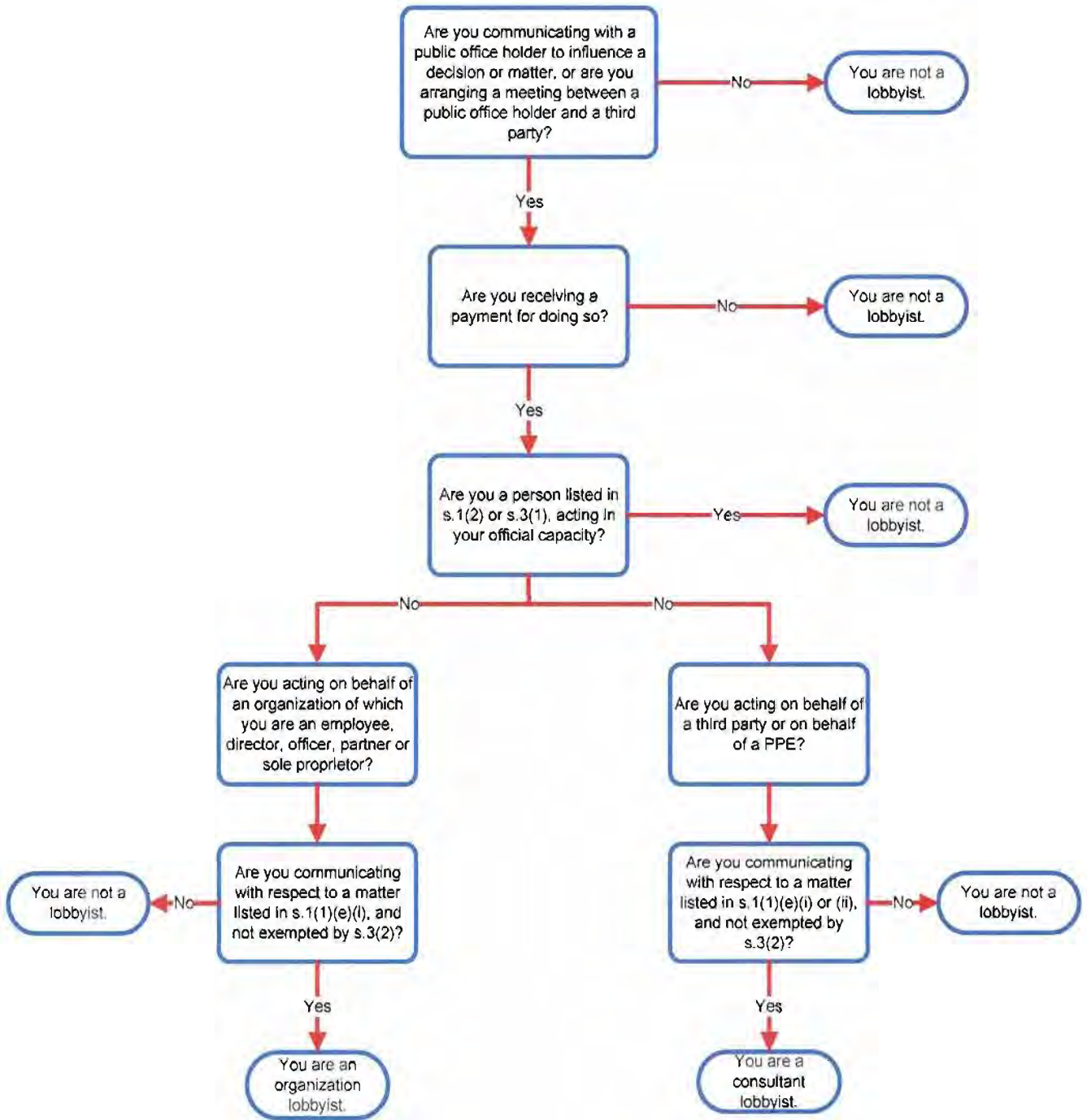
s. 5 For the purposes of section 3(1)(m) of the Act, the Act does not apply to the individuals referred to in Schedule 3 when acting in their official capacity

ONGOING REVIEW:

The Act mandates an initial review after two years, with a further review every 5 years, by a special committee of the Legislative Assembly.

s. 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.

APPENDIX A



Revised May 12, 2010

APPENDIX B

Consultant Lobbyist Return	Organization Lobbyist Return
(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;	(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;
(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 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;
(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, <ul style="list-style-type: none"> (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. 	(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) 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;	(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 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;	(f) if the organization is a subsidiary of another 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	----

Consultant Lobbyist Return	Organization Lobbyist Return
----	<p>(g) a general description of the membership of the organization, including the names of the directors and officers of the organization;</p> <p>(h) a description in summary form of the organization's business or activities and any other prescribed information to identify its business or activities;</p>
<p>(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;</p>	<p>(i) particulars to identify the subject-matter concerning which any organization lobbyist named in the return</p> <p>(i) has lobbied during the period for which the return is filed, or</p> <p>(ii) expects to lobby during the next 6-month period,</p> <p>and any other prescribed information respecting the subject-matter;</p>
<p>(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;</p>	<p>(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;</p>
<p>(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)(f) of this Act;</p>	----
<p>(l) if any consultant lobbyist named in the return is a former public office holder,¹ the nature of the office the consultant lobbyist formerly held and the term of office;</p>	<p>(k) if any organization lobbyist named in a return is a former public office holder,¹ the nature of office the organization lobbyist formerly held and the term of office;</p>
<p>(m) the name of any government or government agency that funds the client, in whole or in part, and the amount of the funding;</p>	<p>(l) the name of any government or government agency that funds the organization, in whole or in part, and the amount of the funding;</p>

¹ "Former public office holder" means former Cabinet Members and their staff, former Deputy Ministers, Assistant Deputy Ministers, or their equivalents, and those who formerly held a position as the highest-ranking executive of a prescribed provincial entity or the next highest-ranking executive to the highest-ranking executive in a prescribed provincial entity (s. 3, *Lobbyists Act General Regulation*).

Consultant Lobbyist Return	Organization Lobbyist Return
(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; ²	(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;
(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;	(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.
(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;	(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;
(q) the techniques of communication, including grassroots communication, ³ that a consultant lobbyist named in the return has used or expects to use to lobby;	(p) the techniques of communication, including grassroots communication, ³ 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;
(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;	(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;

² "Relevant period" means the time between entering into the undertaking to lobby and its completion or termination (Schedule 1, s.1(2)).

³ 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" (s.1(1)(e)).

Consultant Lobbyist Return	Organization Lobbyist Return
<p>(s) a statement</p> <p>(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</p> <p>(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;</p>	<p>(r) a statement</p> <p>(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</p> <p>(ii) stating whether, to the designated file'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;</p>
<p>(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;</p>	<p>(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;</p>
<p>(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.</p>	<p>(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).</p>

APPENDIX C

Lobbyists Act – Prohibition against a Dual Role

Section 6 of the *Lobbyists Act* prohibits lobbying and providing paid advice to government or a prescribed Provincial entity on the same subject matter at the same time.

Does the prohibition against a dual role apply?

