

2009 Bill 2

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Second Session, 27th Legislature, 58 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 2

## LOBBYISTS AMENDMENT ACT, 2009

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THE MINISTER OF JUSTICE AND ATTORNEY GENERAL

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 2*

## **BILL 2**

2009

### **LOBBYISTS AMENDMENT ACT, 2009**

*(Assented to , 2009)*

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

#### **Amends SA 2007 cL-20.5**

**1 The *Lobbyists Act* is amended by this Act.**

#### **2 Section 1 is amended**

**(a) in subsection (1)(k) by striking out “and” at the end of subclause (ii) and by adding the following after subclause (ii):**

(ii.1) an individual appointed to a board, committee or council established under section 7 of the *Government Organization Act*, and

**(b) by repealing subsection (5)(a).**

#### **3 Section 3(2) is amended**

**(a) in clause (b) by adding “by an individual” before “on behalf of a person or organization concerning”;**

## Explanatory Notes

**1** Amends chapter L-20.5 of the Statutes of Alberta, 2007.

**2** Section 1 presently reads in part:

*1(1) In this Act,*

*(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, and*

*(iii) an employee, officer, director or member, as the case may be, of a prescribed Provincial entity;*

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

*(a) the person’s spouse or adult interdependent partner,*

**3** Section 3 presently reads in part:

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

- (b) **in clause (c) by adding** “by an individual” **before** “on behalf of a person or organization in response to”.

**4 Section 6 is amended**

- (a) **in subsection (3) by adding** “, or a person associated with that person,” **after** “if that person”;
- (b) **in subsection (4) by adding** “, or a person associated with that person,” **after** “if that person”;
- (c) **by adding the following after subsection (4):**
  - (4.1) Subsections (3) and (4) 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 Section 10(4) is amended by striking out** “section 1(1)(c)(i)” **and substituting** “section 1(1)(d)(i)”.

**6 Section 15(7) is amended**

- (a) **by striking out** “or” **at the end of clause (b) and by adding the following after clause (b):**

- (b) *to a public office holder 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 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);*

**4** Section 6 presently reads in part:

*(3) No person shall lobby on a subject-matter if 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 lobbies on the same subject-matter as that of the contract.*

*(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.*

**5** Section 10(4) presently reads:

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

**6** Section 15(7) presently reads:

*(7) The Registrar, and every individual acting on behalf of or under the direction of the Registrar, may not disclose any information that*

- (b.1) the disclosure is, in the opinion of the Registrar, necessary for the purpose of enforcing administrative penalties, or
- (b) in clause (c) by striking out** “a peace officer having jurisdiction to investigate” **and substituting** “the Minister of Justice and Attorney General or a law enforcement agency of”.

**7 Section 17 is amended**

- (a) by repealing subsection (1) and substituting the following:**

**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.

- (b) in subsection (4) by striking out** “Ethics Commission” **and substituting** “Ethics Commissioner”.

**8 Section 18 is amended**

- (a) by repealing subsection (8);**
- (b) in subsection (9)**
  - (i) in clause (a) by striking out** “prescribing” **and substituting** “respecting”;

*comes to their knowledge in the performance of their duties and functions under this section, unless*

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

**7** Section 17(1) and (4) presently read:

*17(1) After an investigation has been conducted by the Registrar, the Ethics Commissioner shall prepare a report of the investigation, including the findings and conclusions and reasons for the Registrar's conclusions, and submit the report to the Speaker of the Legislative Assembly.*

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

**8** Section 18 presently reads in part:

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

*(9) The Lieutenant Governor in Council may make regulations*

**(ii) by repealing clause (c) and substituting the following:**

- (c) respecting appeals from notices of administrative penalties issued under this section;

**9 Section 20 is amended**

**(a) by adding the following after clause (a):**

- (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) in clause (h) by striking out “under clause (b)” and substituting “under clause (g)”.**

- (a) *prescribing the form and contents of notices of administrative penalties for the purposes of subsection (1);*
- (c) *respecting appeals from notices of administrative penalties issued under this section, including, without limitation, regulations respecting*
  - (i) *the composition and manner of appointment of the appeal body;*
  - (ii) *the evidence to be considered by the appeal body and the factors that the appeal body is to consider in reaching its decision;*
  - (iii) *the powers of the appeal body to confirm or reverse a notice of administrative penalty and to vary the amount of an administrative penalty;*
  - (iv) *the procedure to be followed in an appeal and the procedure before the appeal body;*

**9** Section 20 presently reads in part:

*20 The Lieutenant Governor in Council may make regulations*

- (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 (b) or the manner of determining the amount of the fee, and providing for different fees or for the waiver of a fee based on one or more of the following:*
  - (i) *the manner in which a return is filed with the Registrar;*
  - (ii) *the time at or within which a return is filed with the Registrar;*
  - (iii) *the category of lobbyist by or in relation to whom a return is filed with the Registrar;*
- (i) *respecting the entering or recording of information contained in any return or other document under section 13(1);*

**10 Schedule 1, section 2(l) is amended by striking out** “the nature and term of office of the office the consultant lobbyist formerly held” **and substituting** “the nature of the office the consultant lobbyist formerly held and the term of office”.

**11 Schedule 2, section 2 is amended by striking out** “The designated filer shall set out in the return the following:” **and substituting** “The designated filer shall set out in the return for the purpose of section 5 the following information:”.

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

**10** Schedule 1, section 2(1) presently reads:

*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:*

*(l) if any consultant lobbyist named in the return is a former public office holder, the nature and term of office of the office the consultant lobbyist formerly held;*

**11** Schedule 2, section 2 presently reads in part:

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

**12** Coming into force.

