



OFFICE OF THE ETHICS COMMISSIONER OF ALBERTA

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Ethics Commissioner

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Ron Wiebe, MLA
Chair, Standing Committee on Alberta's Economic Future
3rd Floor, 9820 – 107 Street NW
Edmonton, AB T5K 1E7

Dear Chair Wiebe,

As the Registrar appointed under section 11(2) of the *Lobbyists Act*¹, I am pleased to provide the following submissions to aid the Standing Committee on Alberta's Economic Future (the "Committee") in its review of the Act.

Introduction: Preamble and Purpose

The Preamble to the *Lobbyists Act* sets out the two public interests that the Act seeks to address. These are:

1. Lobbying is a legitimate activity and free and open access to government is an important matter of public interest.
2. Lobbying activities should be transparent as transparency aids public trust in government decision making.

Put another way, the Act recognizes that the government and the legislature can make better decisions when those decisions are informed by the views of a variety of stakeholders and the Act should not impede that dialogue.

At the same time, the Act recognizes that public trust in government can suffer if lobbying activity is not transparent. The Act is premised on the idea that the public will have more faith in government decisions if they know who is providing input on government policy.

These submissions raise matters that the Committee may wish to consider in conducting its review of the Act. These matters are raised with an eye towards ensuring that the Act aligns with the above public interests.

¹ *Lobbyists Act*, SA 2007, c L-20.5 (the "Act").

Section A discusses where transparency could be improved under the Act. For each matter, these submissions explain how the current Act impacts transparency, how other jurisdictions have addressed the same issue and, to the extent known, how making similar changes to Alberta's Act would impact the public, lobbyists and the administration of the Alberta Lobbyist Registry.

Section B is more technical in nature. This section raises matters where the Act could be streamlined or simplified, with an aim to making registration less burdensome for lobbyists and more understandable for the public.

Section A: Improving Transparency

I. Is the 50-hour organization lobbyist threshold the appropriate threshold to address administrative burden concerns from small organizations?

Organizations with paid employees, officers or directors who lobby or have a duty to lobby are not required to register in the Alberta Lobbyist Registry unless the collective time that those employees, officers and directors spend lobbying or have a duty to lobby is 50 hours or more annually.² Time spent preparing to lobby is included in this calculation.³

The 50-hour threshold limits transparency because information about lobbying activities by organizations that do not meet the threshold is not contained in the Alberta Lobbyist Registry, unless those organizations voluntarily register.

This threshold is in place to avoid placing an administrative burden on small organizations that might only lobby periodically.⁴ However, the 50-hour threshold applies to all organizations, regardless of size. It also places an unrecognized administrative burden on organizations to monitor their lobbying hours to determine when registration is required. This results in a situation where the lobbying activities of a large organization with direct access to decision-makers may not be transparently disclosed while a small organization is still left with the burden of tracking its hours.

The *Lobbyists Transparency Act* in British Columbia, introduced in 2020, removed a 100-hour threshold and replaced it with a small organization threshold, which exempts most organizations that have fewer than 6 employees from the requirement to register⁵. In New Brunswick, the Legislative Assembly recently passed Bill 41, *An Act to Amend the Lobbyists'*

² *Lobbyists Act*, s1(1)(h).

³ *Lobbyists Act*, s 1(3).

⁴ *Final Report – Review of the Lobbyists Act, May 2022*, Standing Committee on Alberta's Economic Future, pg 6 (the "2022 Report").

⁵ *Lobbyists Transparency Act*, SBC 2001, c 42, s 1(4).

*Registration Act*⁶, which also removes a lobbying time-based threshold, while allowing certain other exemptions to be included in regulations. Bill 41 will come into force on proclamation.

An exemption based on the size of the organization, rather than the number of hours spent lobbying or preparing to lobby, ensures that the concerns of small organizations are recognized without creating the unintended consequences outlined above.

This change would almost certainly require more organizations to register. BC's Lobbyists Registry saw an increase of over 100% in the number of registered organizations in the year following the removal of the 100-hour threshold⁷. It is expected there would be less of an impact in Alberta given that Alberta currently has a 50-hour, rather than 100-hour, threshold. While this increase could be viewed as increasing administrative burden, it would also be evidence of the amount of lobbying that is currently occurring without transparency in the Alberta Lobbyist Registry.

For the Lobbyist Registrar, this change would not require any changes to the Lobbyist Registry system. However, depending on the increase in the number of registered organizations, some limited additional resources may be required to review registrations.

II. Should lobbyists be required to provide specific information about the lobbying activity that takes place, in addition to providing general information about the subject of its lobbying?

Currently, the Act requires lobbyists to disclose the subject-matter of their lobbying, the name of the legislation or policy they are lobbying about and the name of the department or Provincial agency that is being lobbied⁸. However, it does not require lobbyists to disclose the names of senior public office holders they meet with or the number and subject of specific meetings that are held. This means that the information provided is less specific and transparent than in some other jurisdictions.

The federal *Lobbying Act*⁹ requires lobbyists to file monthly returns disclosing particulars of meetings with certain senior public office holders. This is also required in British Columbia¹⁰ and will soon be required in New Brunswick¹¹. These communication reports are typically

⁶ Bill 41, *An Act to Amend the Lobbyists' Registration Act*, 2nd Sess, 61st Leg, New Brunswick, 2026 (Royal Assent: June 12, 2026; not yet in force).

⁷ Michael Harvey, April 16, 2026 Testimony to the Standing Committee on Access to Information, Privacy and Ethics, House of Commons.

⁸ *Lobbyists Act*, Schedules 1 and 2.

⁹ *Lobbying Act*, RSC 1985, c 44 (4th Supp), s 5(3) and 7(4).

¹⁰ *Lobbyists Transparency Act*, s 4.1.

¹¹ Bill 44, s 18.3.

limited to disclosure of meetings with senior level public office holders to reduce the burden on lobbyists.

Monthly communication reports may not be the only option to increase transparency in this area. Schedules 1 and 2, which set out the information that lobbyists are required to disclose in their registrations, could be amended to require more specific information in filings, such as the names or positions of certain senior public office holders they met with and the number and subject of those meetings within a specified period, such as the previous 12 months.

These changes would provide the public with further transparency about the lobbying that is taking place in Alberta. Lobbyists would be required to provide more information and register more often. For the Lobbyist Registrar, the impact would need to be assessed considering the actual changes made. However, it is anticipated that these changes would have a minimal impact as the Lobbyist Registry application already includes a meeting registry that is ready to “go live” should the Act be amended and that registry would not require significant resources to monitor.

III. Should the non-profit exemption be maintained in its current form?

Non-profit organizations 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 are not required to be registered in the Alberta Lobbyist Registry.¹² This is typically referred to as the “non-profit exemption”.

The non-profit exemption limits transparency because the lobbying activities of these non-profits are not contained in the Alberta Lobbyist Registry, unless the organizations register voluntarily. This can create an incomplete picture of what lobbying is occurring on a particular issue.

Justifications for the non-profit exemption vary but are typically based on not creating an administrative burden for small organizations with limited resources and not discouraging advocacy from these organizations¹³.

Across Canada, only Manitoba¹⁴ and Quebec¹⁵ contain similar non-profit exemptions in their lobbying legislation. Saskatchewan has a more limited exemption focused on small charitable organizations¹⁶. Outside of these jurisdictions, lobbying legislation across

¹² *Lobbyists Act*, s 3(1)(i)

¹³ 2022 Report, pg 6.

¹⁴ *Lobbyists Registration Act*, CCSM c.L178, s 3(1)(e)

¹⁵ *Lobbying Transparency and Ethics Act Exclusions Regulation*, c T 11.011, r. 1, s 1(11).

¹⁶ *The Lobbyists Act*, SS 2014, c L-27.01, s 4(1)(i).

Canada applies what might be called a “values-neutral” approach, such that lobbying by non-profit organizations is treated the same as lobbying by for-profit organizations.

Adopting this approach would result in more non-profit organizations being required to register, which would provide more transparency. Concerns regarding an administrative burden being placed on small non-profit organizations could be addressed by applying a small organization threshold, as discussed above.

Section B: Technical Matters

I. Could Schedules 1 and 2 of the Act be streamlined to reduce any unnecessary administrative burden while maintaining sufficient transparency?

Schedules 1 and 2 of the Act set out the information that lobbyists are required to disclose in their registrations. The Alberta Lobbyist Registry application is designed to ensure lobbyists provide the information required by Schedules 1 and 2.

To align with the Preamble to the Act, these schedules should be designed to make sure that registrations provide transparency to the public about lobbying activities while not placing an administrative burden on registrants that is not related to this transparency purpose.

For the most part, Schedules 1 and 2 appear this purpose and are in line with many other jurisdictions across Canada. However, we have identified two places where the Schedules could be amended to reduce complexity:

- 1. Disclosure of Organizations Contributing to Lobbying:** Section 2(d)(ii) of both Schedules requires that the registering organization disclose the identity of any individual or organization that contributed \$1,000 or more towards the lobbying activities “during the individual’s or organization’s financial year that preceded the filing of the return”.

This requirement is unnecessarily complex because it relies on determining the financial year for the contributing organization, which may be different from the financial year of the registering organization. This becomes even more complex if there are multiple contributing organizations.

Rather than referring to the preceding financial year, these sections could be amended to refer to the 12 months immediately preceding the filing. This is a simpler period to identify and is the same as the period lobbyists must consider when disclosing government funding.

- 2. Reference to “Every person associated”:** Section 2(r)(ii)(B) in Schedule 1 and section 2(q)(ii)(B) in Schedule 2 requires that registrants declare that every person associated with the registered lobbyists is not in contravention of sections 6, 6.1 or 6.2 of the Act. This declaration makes sense in relation to section 6 as section 6 places restrictions on lobbyists and persons associated with lobbyists. However, sections 6.1 and 6.2 do not place any obligations on persons associated with lobbyists. Therefore, requiring this declaration in relation to sections 6.1 and 6.2 is unnecessary.

II. Should the Act permit someone other than the highest-ranking paid senior officer to certify filings?

Currently, the Act requires that the highest-ranking senior officer of an organization certify all registrations in the Alberta Lobbyist Registry¹⁷. In most cases, this will be the CEO, President or similarly situated person. This can create difficulties, especially for large organizations, because this person may be difficult to reach and is not necessarily aware of the lobbying activities taking place in Alberta.

While the Alberta Lobbyist Registry currently allows account managers to draft registrations, the designated filer must still certify all filings. This could be streamlined by allowing the designated filer to certify that account managers may certify registrations on behalf of the organization. Designated filers would need to recognize that they and the organization are still responsible for the accuracy of filings but that they have delegated the certification task to the account managers.

This change would ensure better compliance as organizations would not need to run each registration by their highest-ranking paid senior officer prior to submission.

III. Should a contravention of sections 6.1 or 6.2 of the Act be an offence under section 19 of the Act?

The Registrar is empowered by section 18 of the Act to impose an administrative penalty for contraventions of sections 4, 5, 6, 6.1, 6.2 and 10 of the Act¹⁸. However, it is only an offence under the Act to contravene sections 4, 5, 6 or 10 of the Act¹⁹. In other words, it is not an offence under the Act to breach section 6.1 (prohibition on contingent payments for consultant lobbyists) or section 6.2 (prohibition on certain gifts from lobbyists).

It is unclear why this is the case. It is possible that, when sections 6.1 and 6.2 of the Act were added in 2018, consideration was not given to whether these contraventions of these sections should be added to the list of offences.

¹⁷ *Lobbyists Act*, s 1(1)(d), 4, 5.

¹⁸ *Lobbyists Act*, s 18(1).

¹⁹ *Lobbyists Act*, s 19(1).

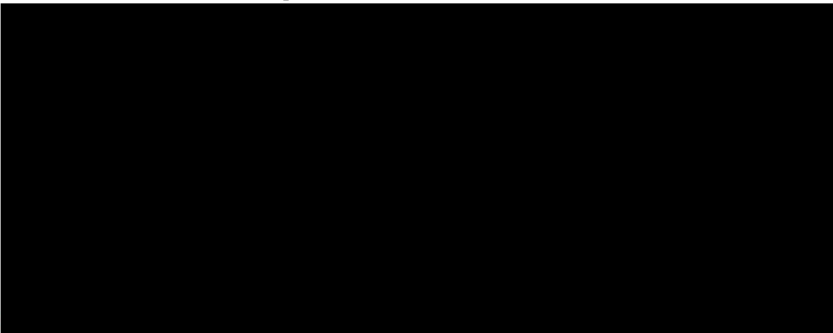
Administrative penalties imposed by the Registrar are limited to \$25,000. Offences, which would be prosecuted in the courts, can result in fines of up to \$100,000 for repeat offences and prohibitions on lobbying for up to two years.

The Act benefits from flexibility in enforcement options, depending on the severity of a contravention. The Committee may wish to recommend including contraventions of sections 6.1 or 6.1 to the list of contraventions that can be subject to prosecution as an offence to enhance that flexibility.

Closing

Thank you for extending the invitation to provide these submissions. If it is the will of the Committee, I would be pleased to provide an oral presentation and answer any questions that you may have about these submissions.

Sincerely,

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