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Standing Committee on Alberta's Economic Future, c/o Committee Clerk  
3rd Floor, 9820 - 107 Street NW  
Edmonton, Alberta  
T5K 1E7  
By email: [AEFCommittee.Admin@assembly.ab.ca](mailto:AEFCommittee.Admin@assembly.ab.ca)

Dear Honourable Members:

The attached submission was developed by the Alberta Chapter of the Public Affairs Association of Canada in consultation with the Government Relations Institute of Canada (GRIC).

GRIC was founded in 1994 by government relations professionals in response to the growth and maturing of the industry over the past several decades. GRIC fosters high standards of practice through professional development and adherence to a code of business conduct. GRIC also speaks on behalf of Canada's government relations community on matters pertaining to the relationship between the lobbying industry and government. GRIC's membership includes consultant and in-house lobbyists from nongovernmental organizations (NGOs), national trade associations, universities, and private companies (both domestic and multinational), extending across the breadth and depth of the Canadian economy.

PAAC is a national, not-for-profit organization founded in 1984. Its principal objective is to help public affairs professionals succeed in their work by providing them with forums for professional development, the exchange of new ideas and networking. The Public Affairs Association of Canada (PAAC) is a gathering place for the interchange of ideas and ideologies, professional development and practical networking. As the established national organization of Public Affairs Professionals, the PAAC helps define appropriate conduct through its ethical principles. The profession is recognized increasingly for its high standard of practise and expertise, as well as the impact practitioners have on the development and debate of issues. It is acknowledged for the value and diversity of its contributions to Canadian society.

The wide-ranging activities of GRIC and PAAC's members reflect the fact that governments remain a heavy presence in today's economy. Whether as legislators, regulators, or customers, governments interact constantly with every sector of the economy, and vice versa. Efforts to ensure that these interactions are carried out in a transparent and ethical fashion are to be applauded.

Governments' legislative, regulatory and spending decisions impact every Canadian, every day. Lobbyists are a fundamental part of the process by which government and business, charities, NGOs, academia and civil society interact. Government and public relations professionals provide

advice and analysis to assist government and their clients in their interactions with each other. They are translators, explaining government's needs to their clients, and their clients' needs to government.

In recognition of this relationship, GRIC and PAAC work together on numerous events and issues of interest to our members. Since 2013, we've maintained a memorandum of understanding, committing the organizations to collaborate on a range of activities, including where possible, developing joint submissions in response to government consultations.

As such, we are pleased to jointly submit the attached letter in response to this consultation.



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President  
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Jason Kerr  
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**December 1, 2021**

**To:** Committee Clerk, Standing Committee on Alberta's Economic Future  
3 Floor, 9820 107 St Edmonton Alberta, T5K 1E7  
[AEFCommittee.Admin@assembly.ab.ca](mailto:AEFCommittee.Admin@assembly.ab.ca)

**Members of the Alberta Standing Committee on Alberta's Economic Future  
Legislative Assembly:**

**Re: Review of the Alberta Lobbyists Act**

On behalf of the Public Affairs Association of Canada (PAAC), Alberta Chapter, we are pleased to provide these comments to the Legislative committee as it considers the statutory review of the Lobbyists Act ("the Act").

**Overview of the Public Affairs Association of Canada**

PAAC's membership represents a cross-section of many disciplines involved in public affairs including: Government relations, lobbying, public relations, policy analysis, and public opinion research. The association's members come from both the private and public sectors in areas such as energy, finance, small business, charities, government departments, municipalities, law and accounting firms, colleges and universities and trade associations. At present, PAAC Alberta has roughly 55 members many of whom are active in-house, organization and consultant lobbyists.

**PAAC and Lobbying Legislation in Canada**

The Alberta Lobbyists Act is founded on the principles of transparency and accountability for the actions of those who are remunerated to influence public policy outcomes in Alberta. The Act is modeled after what was then known as the *Federal Lobbying Registration Act* (now the *Lobbying Act*) which held at its core the fact that Lobbying was a legitimate activity.

PAAC fully supports the policy objective of ensuring lobbying activity is transparent and in the public interest. PAAC is also on the record for supporting federal and existing provincial lobbying statutes and the need to ensure the highest level of transparency, predictability, and accountability for lobbying activity. PAAC has a voluntary ethics code that complements and supplements various federal and provincial lobbyist codes of conduct. This ethics code directs compliance with the provisions of both the federal *Lobbying Act*, as well as corresponding provincial statutes.

We assist our members and lobbying regulators by holding frequent educational workshops with the Federal Commissioner and provincial lobbying Registrars including Alberta's Registrar with whom PAAC Alberta has a solid working relationship. This helps to ensure that PAAC's members understand the legal and ethical requirements involved in lobbying public office holders, while providing lobbying regulators insights into the nature of the lobbying profession.

In addition, a number of PAAC's lobbyist members have been instrumental in advocating for lobbyist registration systems, codes of conduct and other regulatory provisions for many years at all levels of government in Canada. Its members have given testimony into the development of lobbyist registration systems at the City of Toronto as they developed the first mandatory lobbyist registration system for municipalities in Canada. PAAC also made a submission to the federal Standing Committee on Access to Information, Privacy and Ethics on the five-year review of the Lobbying Act in an effort to improve the disclosure and compliance requirements for all lobbyists.

PAAC supports the development of consistent lobbying rules across jurisdictions, as our national membership includes those who register in various provinces or at other levels of government find the laws and inconsistency incredibly challenging to navigate. The organization also supports increased enforcement of lobbying laws, ensuring a level-playing field for all lobbyists.

### **The Role of Lobbyists in Public Policy Discourse**

Lobbying and Lobbyists serve a critically important function in the development of sound public policy. At a general level, lobbying helps to build the policy and political case for the government to act to address an issue or opportunity that impacts a particular group, say, a region of the country, a citizen's group, a business, or an economic sector. More specifically, lobbyists provide government policy makers and decision makers information key to the development of balanced and fair policy. For example, lobbyists routinely provide impact studies on how a proposed course of action may impact a business group, charitable or industrial sector.

It bears repeating that lobbying is an essential part of the public policy process. Without the representation of public policy experts and sectoral advocates, the public discourse on an array of issues would grind to a halt. The information provided to the Alberta government by experts informs the public record and ensures all potential outcomes are laid at the feet of legislators before they make any final decisions. This exchange of information should be facilitated.

### **PAAC's Recommendations for the Alberta Lobbyists Act**

#### ***Designated Filer System and Consultant Lobbyists:***

Currently the Lobbyist Act has a 'designated filer' system, where the CEO of a consulting lobbying firm or agency has an agency-wide registration, and all employees are registered under it. In this system, the most senior officer (who is the designated filer) must oversee every interaction with anyone at the agency related to the lobbying activity undertaken. No other jurisdiction takes this approach but instead treats consultant lobbyists as separate entities from any agency they happen to be working for. At the federal level, if a consultant lobbyist changes firms, their registration number stays with them. The registration must be closed by the lobbyist and they must start a new file in their new position. In Alberta, it's the agency that is ultimately accountable for actions of their

employees and the registration must be closed by their current company and the lobbyist must start a new file at their next place of employment.

In addition, the designed filer system presents challenges for national associations that lobby across jurisdictions in Canada. The senior officer of such an organization may not be directly involved in lobbying in a given province and collecting information nationally for compliance purposes may be onerous. It may make sense to allow consultant lobbyists to act as the designated filer for their own account.

#### **PAAC Recommendation:**

- Amend the designated filer system as it relates to consultant lobbyists so that each consultant lobbyist is accountable to the Registrar directly for their lobbying activity.
- As an alternative and less preferable change, amend the designated filer system to provide flexibility for national associations to designate local senior officers as the designated filers for their Alberta lobbyist registrations.

#### **Contracting Provisions in the Act**

Section 6 of the Act generally restricts persons from providing advice to the government and lobbying the government, regardless of subject matter. This section also states that:

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

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

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

However, a person associated with another person providing advice to government can lobby the government if and only if their lobbying activity is on different subject matter.

PAAC generally supports the requirement that persons should be restricted from lobbying and providing paid advice to government on the same subject matter at the same time since it would not be in the public interest to do so. However, these subsections go too far: a person associated with a person providing advice to government should be able to lobby on the same subject matter if person lobbying has established an ethical “wall” from the person providing advice. In this case, the wall prevents the person who is lobbying from influencing the person providing advice to government. Ethical walls of this sort are a common practice in law firms working for competing firms or clients. The walls prevent information flows between the persons working on either side and thus restrict the impact such information may have on their clients’ business objectives. In the context of lobbying vs. providing advice to government for persons working in the same firm or agency, ethical

walls, if properly established and adhered to, protect government and allow lobbying to proceed on the same subject matter.

In addition, a person should be free to provide advice to the government in one subject matter area and be free to lobby the government on a different subject matter. For example, an oil economist who is contracted to provide advice to the Ministry of Energy should be able to join a lobby coalition focused on the Ministry of Education on matters related to education policy since there is no obvious conflict of interest.

On a related problem, in the lobbyist registration forms, the subject matter definitions are broad and ambiguous, preventing persons associated with another person providing advice to government from lobbying on a distinct subject matter. For example, the subject matter of “energy” does not include any sub-categories such as “electricity”. So, this unduly restricts a person associated with a person providing advice to government on the oil sector from lobbying the government on electricity policy.

### **PAAC Recommendations:**

- Amend Section 6 of the Act to allow persons associated with a person providing advice to government to lobby on the same subject matter once ethical walls are established.
- Allow persons providing paid advice to government to lobby on distinct subject matters;
- Clarify and create distinct categories of subject matter in registration forms to allow persons associated with persons providing paid advice to government to lobby on those new distinct and refined subject matters.

### **Funding Disclosures in the Act**

In the Schedules 1 and 2 of the Act, both consultant and in-house lobbyists are required to disclose the name of **any** government, agency or prescribed Provincial entity the lobbyist has **requested** funding from in the last 12 months and the amount of such funding. PAAC believes this requirement creates an undue burden on organizations that may request funding from multiple Canadian governments, especially large national associations that may request funding from municipal, federal and other provincial governments. The requirement to disclose funding **requested** from non-Alberta governments does not clearly relate to the objective of promoting transparency of lobbying activity that is based in Alberta. For example, if a national association requests funding from the federal government to assist in health promotion but lobbies in Alberta for reformed environmental policies, it is not clear that the federal funding request has anything to do with the association’s lobbying activities in Alberta. This requirement also places significant burdens on national not-for-profit organizations that request funding from multiple government sources, as well as those consulting firms who support them.

PAAC supports the disclosure of funding received from the Alberta government and its agencies and prescribed Provincial entities since this more clearly relates to lobbying activity in the province.

**PAAC Recommendations:**

- Narrow the requirement for the disclosure of funding received (not merely requested) to sources within the Alberta government, its agencies, and prescribed Provincial entities only.

**Non-Profit Exemptions in the Lobbyists Act:**

The Act in section 3.11 (l) provides for exemptions for the lobbying disclosure requirements of the directors, officers or employees of an organization not constituted to serve management, union or professional interests nor having a majority of members that are profit seeking businesses or representatives of such enterprises. PAAC supports this provision in the statute. Along similar lines, PAAC supports municipal governments and staff from being subject to the Act, when acting in their official capacity. PAAC also believes it is important that local municipalities continue to have the flexibility to develop their own lobbyist registration systems as the need arises.

**PAAC Recommendations:**

- Maintain the existing exemptions for non-profit organizations from the Act;
- Continue to allow municipalities the flexibility to develop lobbyist registration systems that reflect local conditions and decisions making.