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Standing Committee on Alberta's Economic Future
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December 2, 2021

Dear Chair and Deputy Chair:

RE: COMPREHENSIVE REVIEW OF THE ALBERTA LOBBYISTS ACT

We are writing in response to your letter, dated October 22, 2021, requesting input on the Alberta *Lobbyists Act*, as part of the Standing Committee on Alberta's Economic Future's comprehensive review of that legislation.

As way of background, the Canadian Association of Petroleum Producers ("CAPP") is a not-for-profit organization that represents the interests of Canada's oil and natural gas industry. Its member companies produce about 80% of Canada's natural gas and oil—and contribute approximately \$116 billion in revenues to the economy annually.

CAPP is committed to transparently disclosing its lobbying activities. It is currently registered to lobby in British Columbia, Alberta, Saskatchewan, Ontario, Québec, New Brunswick, Nova Scotia and Newfoundland & Labrador. It is also currently registered to lobby at the federal level.

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CAPP believes that all not-for-profit organizations, with some limited exceptions, should be required to disclose their lobbying activities in an equally transparent manner. Accordingly, CAPP would like to see the Alberta *Lobbyists Act* strengthened in two ways.

I. Initial Registration Threshold Should Be Lowered

First, CAPP believes that the initial registration threshold for organizations under sub-paragraphs 1(1)(h)(i) and (ii) of the Alberta *Lobbyists Act* should be lowered from 50 hours (calculated over a 12-month period) to zero for all organizations that have annual revenues in excess of \$100,000 or that have at least five full-time employees. In other words, any organization with five or more employees or any organization with revenues over \$100,000 would be required to disclose their lobbying activities, irrespective of the volume of their lobbying.

(For organizations that have less than \$100,000 in annual revenues and less than five full-time employees, the 50-hour threshold would remain in place.)

This is consistent with the approach in British Columbia. In that province, there is no threshold for organizations that have six or more employees. (The 50-hour exemption only applies to organizations that have fewer than six employees.) It is also consistent with the trend of *lowering* initial registration thresholds at the municipal, provincial and territorial-levels. Saskatchewan, for example, recently lowered its threshold to 30 hours (calculated over a 12-month period). Yukon also recently lowered its threshold to 20 hours (calculated over a calendar year). It is also consistent with a number of municipalities in Ontario, including the City of Hamilton, the City of Toronto, the City of Ottawa and the Regional Municipality of Peel, where there is no threshold.

For greater clarity, this amendment will not increase the regulatory burden on organizations that are already registered. Instead, it will merely require more organizations to publicly and transparently disclose their lobbying activities. As the following chart illustrates, the number of active lobbyist registrations in Alberta is *significantly* lower than the number of active lobbyist registrations in British Columbia, Ontario and Québec.

	Active Consultant Lobbyist Registrations	Active In-House Registrations
Federal ¹	1005	5,407

¹ "Active Lobbyists and Registrations by Type", Office of the Commissioner of Lobbying for Canada. Link: <https://lobbycanada.gc.ca/app/secure/ocl/lrs/do/lbsRegs> (accessed on Sunday, November 28, 2021).

British Columbia ²	379	580
Alberta ³	102	321
Ontario ⁴	499	2,545
Québec ⁵	689	2,340

The public has a right to know who is lobbying its public office holders. As noted above, this amendment would substantially increase the level of transparency surrounding lobbying in Alberta. It would also bring Alberta's legislation more in line with legislation in other provinces.

II. Exemption for Not-for-Profits Should Be Amended

Second, CAPP believes that the broad, blanket exemption for not-for-profit organizations, under paragraph 3(1)(i) of the Alberta *Lobbyists Act*, should be amended.

As way of background, the current exemption provides that not-for 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 disclose any of their lobbying activities. This exemption applies irrespective of the amount of money spent lobbying. It also applies irrespective of the amount of (employee) time spent lobbying.

CAPP believes that this exemption should be removed and replaced with an exemption for organizations, including not-for-profit organizations, that have less than \$100,000 in annual revenues and less than five full-time employees.

This amendment will ensure small community groups are not be captured by the Alberta *Lobbyists Act*, while simultaneously requiring sophisticated and well-financed organizations (that do not represent labour, professional or commercial interests) to transparently and publicly disclose their lobbying.

² “Active registrations”, Office of the Registrar of Lobbyists for British Columbia. Link: <https://www.lobbyistsregistrar.bc.ca/app/secure/orl/lrs/do/guest> (accessed on Sunday, November 28, 2021).

³ “Registered Organizations by Lobbyist Type as of March 31, 2021” (2021 Annual Report), Office of the Ethics Commissioner for Alberta. Link: <http://www.ethicscommissioner.ab.ca/media/2827/oec-annual-report-2020-2021.pdf> at page 16.

⁴ “Registration Activity” (2020 Annual Report), Office of the Integrity Commissioner for Ontario. Link: <http://www.oico.on.ca/home/annual-report-2019-2020> at page 46.

⁵ “Registry statistics”, Commissaire au lobbyisme du Québec. Link: <https://www.commissairelobby.qc.ca/en/lobbyists-registry/registry-statistics/> (accessed on Sunday, November 28, 2021).

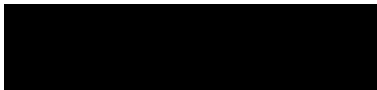
It should be noted that many jurisdictions do not have a similar blanket exemption for not-for-profit organizations. These jurisdictions include: Yukon, British Columbia, Ontario, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland & Labrador.

Alternatively, CAPP believes paragraph 3(1)(i) should be amended to make it clear that not-for-profit organizations that advocate “against” management, union or professional interests are not exempt from the application of the Alberta *Lobbyists Act*.

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Thank-you in advance for considering our recommendations.

Regards,



Tim McMillan
President and CEO
Canadian Association of Petroleum Producers