

From: [Corey Hogan](#)
To: [ResourceStewardship Committee](#)
Subject: Lobbyists Act Review
Date: Tuesday, September 20, 2016 1:28:44 AM
Attachments: [Letter to Ethics Commissioner.pdf](#)
[8BB04012-7693-4F7A-A428-CDA90EF6A36C.pdf](#)

Attached is a copy of a letter I sent to the Ethics Commissioner in May of 2016, and the Commissioner's response suggesting I may wish to make a submission to this Committee. As the government reviews lobbyist legislation I hope you will consider the issues raised within.

To answer the questions on your online form, I am not - and have not been - a registered lobbyist in Alberta or elsewhere.

Thank you,

Corey Hogan
Calgary, Alberta



Corey Hogan

Calgary, AB

Thursday, May 12, 2016

MARGUERITE TRUSSLER, Q.C.
ETHICS COMMISSIONER
OFFICE OF THE ETHICS COMMISSIONER
SUITE 1250, 9925 – 109 STREET NW
EDMONTON, ALBERTA T5K 2J8

Dear Ms. Trussler,

I'm writing today to applaud you, raise concerns and ask for clarification on your recent investigation and subsequent report on allegations involving improper lobbying by Robin Campbell. This report appears significant in two ways:

- in its clarification that grassroots communications are a form of lobbying; and
- in finding that Mr. Campbell was exempt under s. 3(2)(c) of the Lobbyists Act.

Neither's impact should be understated.

The ambiguity that previously existed around grassroots communications were indeed leading to the very absurdity you highlighted in your report: companies were able to circumvent lobbyist registry requirements by funding grassroots campaigns instead.

They were also able to undertake what is broadly known as "astroturfing" in the industry: anonymously creating and funding "grassroots" organizations designed to agitate the general public into pushing for government action. The consultants who aided them in their communications took advantage of an ambiguous situation and the connections between the two private organizations (the funder and the grassroots group) remained hidden.

This will no longer be possible. The connections between organizations will be clear from their shared lobbyists. Lobbying will have to be registered, regardless of the techniques applied. Democracy will benefit.

I would encourage you to broadcast this clarification widely so that there can be no claims of ignorance by either professional lobbyists or the numerous grassroots organizations that will now be required to register. By clarifying that grassroots communications are indeed a form of lobbying you have done a great service to the cause of transparency in the province of Alberta and it is my hope as many Albertans as possible can be made aware of the fact.

The impact of finding Mr. Campbell exempt, however, may have undone that move towards transparency in our province and then some.

My intention is not to retry Mr. Campbell. But should this report serve as precedent going forward, the impact could be enormous. It creates a loophole that for practical purposes undoes lobbying legislation in the province of Alberta.

There are very few issues that come before the government where a call for feedback either general or specific cannot be found. This is a function of a modern democracy; it is expected that our political participants are constantly reaching out to stakeholders.

My view of the situation would have been quite different if Mr. Campbell or his organization had been specifically asked by the government for their feedback. But to simply rely on a section entitled "Tell us what you think" or a political platitude that "All Albertans read the plan carefully and let [the government] know what [they] think" creates a dangerous precedent.


By defining the "request initiated by a public office holder for advice or comment" so broadly that all an organization wishing to avoid lobbyist registration needs to do is get the government to repeat the phrase "I would like to hear what Albertans think about _____" in a public setting, we can be pretty confident that any competent organization will be able to avoid registration on any issue they please altogether. It will not be challenging for an organization to tease out a public comment that has the required topical specificity.

In summary, I would ask you to consider the following:

- create and widely distribute a reference document for individuals and organizations who may be impacted by the clarification around grassroots communications, providing them with an easily understood list of their responsibilities under the Act; and
- evaluate whether the interpretation of s. 3(2)(c) should indeed be precedent setting and if it is not, similarly communicate this broadly.

Thank you for your time and your commitment to transparency and ethics in the province of Alberta.

Sincerely,



Corey Hogan
Calgary, Alberta

Cc: Premier Rachel Notley
Minister Kathleen Ganley
info@ethicscommissioner.ab.ca
Public Release



OFFICE OF THE ETHICS COMMISSIONER

Hon. Marguerite Trussler, Q.C.
Ethics Commissioner
Officer of the Legislature

May 16, 2016

Corey Hogan
[REDACTED]

Calgary, AB [REDACTED]
[REDACTED]

**sent via email, no hard copy to follow*

Dear Mr. Hogan,

Thank you for your letter dated May 12, 2016.

The Lobbyists Act is scheduled to be reviewed in autumn of 2016. You may wish to make a submission on the wording of section 3(2)(c) at that time.

Sincerely,

[REDACTED]

Hon. Marguerite Trussler, Q.C.
Ethics Commissioner