

February 15, 2017

Mr. Rod Loyola, MLA
Chair
Standing Committee on Resource Stewardship
c/o Committee Clerk
3rd Floor, 9820 107 Street
Edmonton, AB T5K 1E7

Re: Lobbyists Act Review

Dear Mr. Loyola:

The Calgary Chamber of Voluntary Organizations, the Edmonton Chamber of Voluntary Organizations, and Volunteer Alberta would like to thank you and your fellow Committee members for the opportunity to present January 12th on the mandatory five-year review of the Alberta *Lobbyists Act*. We are pleased to provide the following additional feedback to the Committee in the form of a joint submission.

On the advice of the Committee, we met with the Office of the Ethics Commissioner to better understand the rationale behind recommendations to lift the current exemption for public benefit nonprofits. We have given careful consideration to what we heard from the Commissioner during our meeting, in addition to her presentation at the January 12th Standing Policy Committee meeting. While we have a deeper understanding of the thinking behind the recommendations, we continue to come back to three fundamental points.

1. Removing the exemption for public benefit nonprofits is a solution to a problem that does not exist.

We are unaware of any evidence that has been put before the Committee to suggest Albertans believe a problem exists. At the January 12th meeting, some members raised concerns about advocacy undertaken by certain environmental organizations, and the Commissioner spoke of nonprofits that aren't "proper" charities. We strongly advise against making changes to the exemption that will impact broadly across Alberta's nonprofit sector in an attempt to capture a select few organizations with whom some members disagree. This is not the purpose of a lobbyists registry, and to quote one of the members at the January 12th meeting, this is akin to driving a finishing nail with a sledgehammer.

2. The current test applied to the exemption of whether an organization exists for public or private benefit remains appropriate.

The distinction between private and public benefit was at the heart of the decision to exempt public benefit nonprofit organizations from the *Lobbyists Act* when it was first introduced. What citizens are most concerned about is where individuals receive private benefit as a result of influencing government officials. There is a fundamental difference between lobbying government for a policy change that is aimed at reducing teen suicide rates (public benefit), and lobbying around a commercial interest (private benefit). If we accept the principle underpinning this distinction, then it is not necessary to remove the exemption for public benefit nonprofits. It is important to point out that this form of exemption is also reflected in the Quebec legislation and since the time of the last review of the Alberta legislation, Manitoba, Saskatchewan and the City of Toronto have all introduced similar exemptions. It serves as a simple, effective, and elegant policy solution.

3. The overall effect of the changes recommended by the Commissioner would be to create a situation that is confusing, burdensome, and alters the working relationship with government.

The Ethics Commissioner presented a series of recommendations; however, we will focus our comments on the recommendations we find the most concerning.

If the recommendations related to exemptions are adopted, organizations will be confused about if and how the legislation applies to them. It will be difficult for organizations to self-identify and comply with the regulation. The proposed changes to definitions around which organizations would be eligible for exemption and which would not (including the arbitrary thresholds around numbers of paid staff and the number of hours preparing for, traveling to, and participating in meetings with public office holders) will cause considerable confusion. We have concerns that these changes will contribute toward an advocacy chill, wherein boards of directors, concerned about violating the rules, will choose not to support advocacy efforts. This will deprive public policy makers of the expertise and ground-level perspective that resides with nonprofits and charities. The confusion that results from the recommended thresholds will also result in high levels of noncompliance, defeating the very purpose of a registry.

The burden associated with the recommended changes is not related to the act of registering, but rather with the practice of tracking, given the broad scope of activities that would be constituted as lobbying. In addition, reporting requirements for meetings held with certain public office holders, and reporting when there are changes to government funding add to the reporting burden. The cumulative effect on nonprofit organizations of layering the reporting requirements of multiple pieces of legislation is increasingly problematic, adding financial costs and diverting attention from organizations' mission.

Finally, the Ethics Commissioner is recommending stricter rules to the exemption that applies to interactions initiated by a public office holder, which includes elected officials and all government employees. The recommendation is that this exemption only apply when the request from the public office holder comes in written form. It would capture the numerous interactions between public office holders and nonprofits, such as providing policy advice or feedback on government programs, or queries about grant programs, under the definition of "lobbying". The net effect is that additional barriers are created that unnecessarily constrain the

routine work that is performed in the public interest by both government and the nonprofit sector.

We agree that clarity is essential for a registry to function. The current exemption of public benefit nonprofits is clear. There is simply no need to layer an additional administrative burden on Alberta's public benefit nonprofits, thereby requiring them to divert resources away from their missions, for the purpose of arriving at a more complete registry. Nor is there a need to create unnecessary barriers between government and nonprofits working for the public benefit.

Sincerely,



Katherine Van Kooy
President and CEO
Calgary Chamber of Voluntary Organizations



Jann Beeston
Executive Director
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Russ Dahms
Executive Director
Edmonton Chamber of Voluntary Organizations



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