

---

# Alberta's New Lobbyist and Conflict of Interest Legislation

---

by Neil Brown, MLA

*Alberta is poised to become the sixth Canadian jurisdiction to implement a lobbyist registry, to date the Federal Government, British Columbia, Ontario, Quebec, Nova Scotia, and Newfoundland and Labrador have registries. The Government of Manitoba has recently adopted a law along these lines. This article outlines provisions of the Lobbyists Act and the Conflicts of Interest Act.*



The recommendations for a lobbyist registry and changes to conflict of interest legislation were contained in a May 2006 report of an all party committee of the Legislative Assembly of Alberta which reviewed the *Conflicts of Interest Act*.

Bill 1, the *Lobbyists Act*, sponsored by Ed Stelmach, Premier of Alberta was passed during the autumn session of 2007. Proclamation of the Act has been delayed in order to create the software and implementation policies and the registry is currently expected to be up and running by 2009.

Like other Canadian lobbyist registries, the legislation aims to create transparency by requiring lobbyists to make public disclosure of their lobbying activities. The *Lobbyists Act* will require any person or entity to register as a lobbyist if they meet the criteria of either a "consultant lobbyist" or an "organization lobbyist". Consultant lobbyists are persons and their employees who for payment, undertake to lobby in respect of an undertaking. An organization lobbyist is someone who receives a payment for performance of their functions, who lobbies at

least 100 hours annually on behalf of their organization or who collectively with other persons in the same organization spends a total of at least 100 hours annually lobbying.

***Alberta's new Lobbyist Act prohibits any person from lobbying the government of Alberta at the same time as they are providing advice to the government, except where the Ethics Commissioner finds that it is in the public interest to do so.***

Introduction of the bill implementing the *Lobbyists Act* met with widespread public concerns that the work of charities and community oriented non-profit organizations might be impeded by requirements to register their lobbying activities and that it might impact recruitment of volunteers. As a result, the *Lobbyists Act* was amended after introduction in the house. It now provides an exemption for unpaid volunteers and for persons involved with non-profits which are 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. School board trustees or employees are also exempt.

It should be noted that all Alberta government grants over \$5,000 and other payments over \$10,000 are registered in a publically accessible "blue book" and are avail-

---

*Neil Brown represents Calgary – Nose Hill in the Legislative Assembly of Alberta.*

---

able online. Payments under \$10,000 are collectively shown as “Sundry Payments” and do not show payees unless the annual cumulative total of such payments to one entity exceeds \$10,000.

Bill 2 in the 2007 spring session of Alberta’s legislature was the *Conflicts of Interest Amendment Act*. Among the amendments was an increased post-employment prohibition on lobbying on behalf of a third party for former Ministers. Maximum penalties for breaches of the post-employment “cooling-off” rules are raised from \$20,000 to \$50,000. The bill also amended legislation to include similar post-employment restriction for former

senior political staff and for deputy ministers, both for a period of 6 months.

The new legislation broadens the definition of conflicts to prohibit an MLA from using inside government information or influence for the purpose of improperly furthering the private interest of “any other person”. Formerly the legislation only spoke to furthering the private interests of the Member, spouse, an affiliated corporation, partnership, or their minor children. The new legislation also prohibits MLA’s from accepting flights on private aircraft unless they are performing their duties as MLA’s and they disclose such flights to the Ethics Commissioner within 7 days.