

November 8, 2007

To all Alberta MLAs;

In the coming days, you will be asked to consider Bill 1, the proposed Lobbyists Act. It's a Bill that the Calgary Chamber of Voluntary Organizations (CCVO) and more than 160 other nonprofits and charities have been following closely. In fact, there has been an unprecedented level of engagement from community organizations, because the Act's potential impacts are equally unprecedented.

Right now in Alberta, nonprofits are struggling to meet community needs and opportunities, retain staff, and pay for rising costs in an environment that is difficult and complex. Bill 1 – even with the changes recommended – will only serve to increase their struggle. We don't think that's what Albertans want, or even what the government originally intended.

Understanding and complying with the legislation will force nonprofits to take time away from their work. It will reduce their ability to attract high-level volunteers and staff, complicate their most innovative work, and hinder the voice that they work so hard to try and give to their causes.

The community price for this Bill is too high to pay, particularly when concerns regarding improper lobbying do not stem from the activities of nonprofit organizations that serve the community.

The Bill is like no other in Canada. Other Acts have a minimum threshold much higher than the proposed 100 hours per year, ensuring very few nonprofits are covered. Quebec completely exempts public-service nonprofits from its lobbying legislation.

Alberta's proposed legislation is also the only one to contain a dual-role prohibition on simultaneously lobbying and providing paid advice to government on the same topic. The extension of this prohibition to Associated Persons is particularly problematic for voluntary/nonprofit organizations who will have to canvass their employees, their employees' spouses, board members and their spouses and other persons and organizations to ensure none of them – or the people they work for – have contracts to advise government. This may have a significant impact on an organization's ability to recruit or retain staff and valued Board members. This provision is unduly onerous.

At a time when organizations are expected to spend less and less time on administrative tasks and more time on mission-focused work, this legislation will increase the administrative burden. It is not a matter of the simply registering or reporting. Rather, our concern is the work involved in tracking lobbying activities in order to report, something that is seriously complicated by the broad definitions of lobbying and Public Office Holders.

Using the present definition of Public Office Holders, Bill 1 would require organizations to track and report on their communications with not only Ministers and other high-level decision-makers, but potentially with thousands of employees of the government, school boards, universities, health regions, and many other organizations in Alberta. If there is due cause for the administrative burden that will come from this, it has not been communicated to us.

The cumulative impact of complying with an increasing number of legislation and regulation is an unrecognized (and uncompensated) burden on nonprofits and charities.

We do not believe that government wants to impact voluntary-sector organizations in this way. We do not believe that MLAs want these community organizations to be devoting time and resources to compliance with this act, rather than doing what they do best – improving the quality of life of Albertans.

We respectfully suggest that the concerns expressed by the voluntary/nonprofit sector can be addressed by:

1. Emulating Quebec's position of exempting public-service not-for-profit organizations. This could easily be done by amending section 3 of the Bill to include an exemption for: "any person whose job or function consists, even substantially, in lobbying on behalf of an association or other non-profit group not constituted to serve management, union or professional interests, nor composed of a majority of members that are profit-seeking enterprises or representatives of profit-seeking enterprises."
2. If such an exemption is not deemed possible, then we would suggest you consider:
 - o Changing the threshold recommended by the committee to mirror the 20% equivalent of one employee's time threshold used by the federal government and by most other provinces.
 - o Amending section 6 of the Bill – the so-called "dual-role prohibition" – to remove the concept of associated persons for nonprofit organizations serving the community.
 - o Narrowing the definition of Public Office Holders to elected officials, their staff, and senior bureaucrats (Deputy Ministers and Assistant Deputy Ministers).

Finally, we also ask that representatives of the voluntary sector be permitted to have input in the drafting of regulations under the Bill so as to minimize any adverse effect. CCVO and other lead organizations would be pleased to work with government on this process.

An unprecedented law deserves unprecedented levels of consideration. We sincerely hope significant changes will be made to ensure Bill 1 benefits all Albertans.

Sincerely,



Katherine van Kooy
President and CEO

The Calgary Chamber of Voluntary Organizations (CCVO) is a registered charity working to strengthen Calgary's diverse voluntary/nonprofit sector and provide leadership on policy issues affecting the sector as a whole. Through providing professional development and research and acting as a clearinghouse of information, we help nonprofits – and those they serve – to thrive. We support, and are supported by, more than 340 member organizations.