



**OFFICE OF THE ETHICS COMMISSIONER  
PROVINCE OF ALBERTA**

**Report**

**of the Investigation**

**by**

**Hon. Marguerite Trussler, Q.C.,  
Ethics Commissioner**

**into allegations involving**

**Robin Campbell**

**May 4, 2016**

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## **Introduction**

A letter was received on April 4, 2016, from Mr. Duncan Kinney on the letterhead of Progress Alberta alleging a violation of the post-employment provisions of the Conflicts of Interest Act by former Cabinet Minister, Robin Campbell. Mr. Kinney's concern was stated as follows:

...I am writing to you today to file a complaint against Robin Campbell. Mr. Campbell is a former cabinet minister in the Alberta government and is now employed as the president of the Coal Association of Canada...

It appears as if Robin Campbell has engaged in significant lobbying efforts over the past few months. These lobbying efforts put him in direct contravention of the Conflict of Interest Act...

Robin Campbell appears to have communicated with public office holders via mass media and via grassroots communication where he is persuading member of the public to communicate directly with public office holders in an attempt to influence public office holders on amending or terminating the government of Alberta's plan to phase out coal as well as invest in technology that would benefit the coal industry.

Mr. Kinney also queried whether Mr. Campbell disclosed in the registration of the Coal Association of Canada, the plan to engage in a grassroots communications campaign.

## **Investigative Process**

When I received the letter of complaint from Mr. Kinney, I acknowledged receipt of it. I also advised Mr. Campbell by letter of the complaint. Given the nature of the complaint, I felt it was appropriate to conduct an investigation.

The following people were interviewed in person and under oath, and their conversations were taped on a confidential basis:

1. Mr. Duncan Kinney, Executive Director of Progress Alberta
2. Mr. Barret Weber
3. Mr. Robin Campbell, President of Coal Association of Canada
4. Mr. John Sparks, consultant lobbyist
5. Ms. Sarah Hamilton, Director of Communications and Media Relations, Coal Association of Canada
6. Mr. Reise O'Hara, Director of Government Relations, Coal Association of Canada

## **Relevant Legislation**

Section 23.1(1) of the Conflicts of Interest Act provides:

No former Minister shall, for a period of 12 months from the last day the former Minister held his or her appointment as a Minister, lobby, as defined in the *Lobbyists Act*, any public office holder as defined in the *Lobbyists Act*.

The Lobbyists Act, in section 1(1) (k) specifies:

“public office holder” is a Member of the Legislative Assembly and any individual on a Member’s staff.

Lobbying is defined in s.1(1)(f) of the Lobbyists Act:

(f) “lobby” means, subject to section 3(2),

- (i) In relation to either a consultant lobbyist or an organization lobbyist, to communicate with a public office holder in an attempt to influence
  - (A) the development of any legislative proposal by the Government or a prescribed Provincial entity or by a Member of the Legislative Assembly,
  - (B) the introduction of any bill or resolution in the Legislative Assembly or the amendment, passage or defeat of any bill or resolution that is before the Legislative Assembly,
  - (C) the development or the enactment of any regulation or any order in council,
  - (D) the development, establishment, amendment or termination of any program, policy, directive or guideline of the Government or a prescribed Provincial entity,
  - (E) the awarding of any grant or financial benefit by or on behalf of the Government or a prescribed Provincial entity,
  - (F) a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or prescribed Provincial entity or to the public, or
  - (G) a decision by the Executive Council or a member of the Executive Council to have the private sector instead of the Crown provide goods or services to the Government,

Grassroots communication is defined in s. 1(1) (e). It means:

“Appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion.”

Also of relevance is s.3 (2) (c) which reads:

This Act does not apply in respect of a submission made in any manner as follows:

....

(c) to a public office holder by an individual on behalf of a person or organization in response to a request initiated by a public office holder for advice or comment on any matter referred to in section 1(1) (f) (i)

## **Facts**

Mr. Campbell was Minister of Finance in the former Progressive Conservative government. The government was defeated in the election held on May 5, 2015. The one year period in which Mr. Campbell was forbidden to lobby ceases on May 25, 2016. Prior to taking the position as the President of the Coal Association of Canada, Mr. Campbell sought advice from our office. He was advised on the facts presented that he could take the position. He was appointed as the President of the Coal Association of Canada on November 12, 2015.

Mr. Campbell was clearly told by our office when he sought advice that he could not lobby the government until one year from the time he left office. However, there was no discussion about grassroots communication and whether it was considered to be lobbying.

Mr. Campbell's predecessor at the Coal Association of Canada, Ann Marie Hann, submitted an initial return to register the Coal Association's lobbying activities in the Alberta Lobbyist Registry on January 31, 2012. On November 24, 2015, after the appointment of Mr. Campbell as President of the Coal Association, she submitted a Notice of Termination to terminate the Coal Association's registration.

She was asked by our office if they would not be engaging in lobbying activities and to confirm if she wanted to terminate their registration. In a discussion with Ms. Hann, she advised that the Coal Association did not wish to end its lobbying activities completely. Several alternatives were discussed with her regarding the Association's registration. She was advised that they could maintain their registration but would need to have all lobbying activities directed by a senior executive other than Mr. Campbell, who was not permitted to lobby.

Alternatively, they could hire a consultant lobbyist to engage in lobbying for them provided that the consultant lobbyist not take any direction from Mr. Campbell. She was also advised that if they chose to hire a consultant lobbyist, the Notice of Termination they had previously submitted would not be processed until after the consultant lobbyist had submitted a registration.

On November 27, 2015, Ms. Hann advised our office that the Coal Association had decided to engage Mr. John Sparks of Sparks and Associates Inc. as their consultant lobbyist, and confirmed that all lobbying activities would be directed by Mr. John Schadan, the Chairman of the board of directors of the Coal Association.

Mr. Sparks' contract with the Coal Association commenced on December 14, 2015. He initiated registration as a consultant lobbyist for the Coal Association on December 23, 2015 and the registration was finalized on January 19, 2016. He indicated in the registration that he would be engaging in grassroots communication for the Coal Association. On January 19, 2016, Mr. Sparks' registration was approved as was the Notice of Termination previously filed by the Coal Association.

Mr. Sparks stated that he had previously worked with the Association. He was asked by Ann Marie Hann to take on the government relations work for the Association as Robin Campbell could not.

Both the Association and Mr. Campbell were clearly cognizant there could be a problem and were concerned not to contravene the Act. The Association deliberately engaged Mr. Sparks because it was aware that Mr. Campbell could not lobby.

The Minister of the Environment and Parks released the "Climate Leadership Plan" on November 22, 2015 which identified four key areas that the Alberta Government was moving forward on, including phasing out emissions from coal-generated electricity and developing more renewal energy. The Climate Leadership Plan further provided that pollution from coal-fired sources of electricity will be phased out on an accelerated schedule.

In response to the Government's Climate Leadership Plan, the Coal Association of Canada initiated the ACT campaign.

The purpose of the ACT campaign was to educate people and to talk to them about the Climate Leadership Plan and what it could do to their livelihoods and communities. Meetings were held in Grand Cache, Edson, Stony Plain, Wabamun, Warburg, Rocky Mountain House, Forestburg, Hanna, Keephills and Crowsnest Pass.

The Association issued a press release indicating it was advocating for electricity consumers, protecting coal communities and suggesting coal innovation.

Mr. Campbell wrote an opinion piece that was published April 2, 2016 in the Calgary Herald wherein he urged the slowdown of the phase out of coal and raised concern about the policy. Previously, on March 21, 2016, an article appeared in the Calgary Herald wherein it was reported that Mr. Campbell was urging the Government to reconsider its plan to phase out coal-fired generators by 2030. According to the article Mr. Campbell also spoke on a radio talk show about the subject

The ACT initiative was authorized by the Board of the Association. Mr. Sparks provided extensive advice to Mr. Schadan and the Association's Director of Communications and Media Relations, Sarah Hamilton. National Public Relations was also involved. Advertisements about the meetings were developed and placed in local newspapers by this firm. Posters were also put up in the local areas, particularly at the coal mines. The local Mayor was invited to each meeting. Mr. Sparks advised the constituency office of the local MLA about the meeting. Mr. Sparks attended a number of the meetings and spoke to any MLAs that were present.

Mr. Campbell made the presentation at each meeting. For the most part, except for minor details, the presentations were the same. At the Keephills meeting on April 4<sup>th</sup>, apparently six Wildrose Party MLAs were in attendance. Mr. Sparks spoke to them. However, Mr. Campbell did not speak to them except to say "hello". Mr. Campbell stated under oath during the investigation that he made clear to people that he could not lobby on their behalf and they would have to ask the questions of their MLAs. He stated that he had not talked to any public office holders. I have no grounds on which to disbelieve him.

The various accounts of the meetings are consistent. Mr. Barret Weber, who appears to have been independent when he attended two of the meetings out of an academic interest indicated that the handout at the meeting mirrored the presentation. Attached to this decision are examples of the handout and the PowerPoint shown at each meeting. The PowerPoint goes into more detail about the effect of the Climate Leadership Plan. The call to the attendees seems to have been to contact the various Ministers involved or the local MLA for more information and to find out about what would happen to their jobs. Also attached is a poster advertising a meeting. The salient parts are "Albertans need to connect directly with their elected officials to find out how their jobs, lifestyles and communities will be impacted – and what the government plans to do about it" and "Our town will be significantly impacted by the unintended consequences of the Climate leadership Plan. We need to be involved in the discussion".

## **Issues**

The issues raised in this investigation are quite complex. Just answering the question as to whether Mr. Campbell engaged in grassroots lobbying is not sufficient. The Lobbyist Act is convoluted and there are many restricted definitions and exemptions. The issues that arise are the following:

1. Is giving public speeches urging the government to reconsider a policy lobbying?
2. Did Mr. Campbell directly lobby any public office holder?
3. Is grass roots communication a form of lobbying?
4. Are the things that Robin Campbell told people to do lobbying under S. 1(1)(f) of the Lobbyists Act?
5. Is there an exemption under s. 3(2)(c) of the Lobbyists Act?

## **Findings**

### 1. Public speaking

I am of the view that a former Cabinet Minister speaking out on an issue publicly through speeches and published articles within the period of post-employment restrictions is not lobbying a public office holder. However, while an opinion may be expressed about an issue, a former cabinet minister cannot use these occasions to seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion. I did not hear what Mr. Campbell said on the radio show but his opinion piece and the interview with the Calgary Herald did not go that far.

### 2. Direct lobbying

There is no evidence that Mr. Campbell directly lobbied any public officer holder. I believe him that he has been very careful not to do so.

### 3. Grassroots lobbying

This matter raises the issue of whether it is “lobbying” for the purposes of the *Alberta Lobbyist Act* if a person initiates or leads a grassroots communication campaign but does not directly communicate with public office holders as part of that campaign.

Section 1(1)(e) of the Act defines “grassroots communication” as:

appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion.

This term is only used in Schedule 1, s.2(q) and Schedule 2, s.2(p) of the Act, which require consultant lobbyists and organization lobbyists to report on their returns if they have used or expect to use grassroots communication as a technique of communication in their lobbying activities.

“Lobby” is defined in section 1(1)(f) of the Act as “to communicate with a public office holder” in an attempt to influence the public office holder with regard to certain matters.

The definition does not specify whether the communication with a public office holder must be *direct* communication, nor does it refer to indirect lobbying or grassroots communication.

There is no question on the meaning of “grassroots communication” itself. However, given the inclusion of the definition of grassroots communication in the Act, and the requirement to report it as a technique of communication, it needs to be considered whether grassroots communications is implicitly a form of (indirect) lobbying under the Act.

There are two possible interpretations. The first is that “grassroots communication” is only a *technique of communication* for the purposes of the Act, and should not on its own be considered to be lobbying in the absence of direct communication between the lobbyist and a public office holder. The second interpretation is that, because it is specifically reportable as a technique of communication for lobbying, it is implicit that engaging in this type of activity is lobbying for the purposes of the Act.

There are six provinces that refer to “grass-roots communication” in their lobbyists legislation. The Nova Scotia *Lobbyists Registration Act* in particular is slightly different than other jurisdictions, as it defines lobbying as communicating “with a public-office holder, *directly or through grass-roots communication*, in an attempt to influence” certain matters. As grass-roots communication is specifically referenced in this definition, there is no question as to whether engaging in grass roots communication is captured in the definition of lobbying.

Of the remaining five provinces, the Acts are similar to Alberta’s in that grassroots communication is reportable as a technique of communication but is not clearly defined as being lobbying. While Canada and Ontario have both interpreted grass-roots communication to be included as lobbying, Newfoundland and Labrador, Alberta and Saskatchewan have not yet definitively interpreted this issue for the purposes of their respective jurisdictions.

The City of Toronto’s Lobbying By-law also considers grass-roots lobbying to be a form of lobbying.

In the United States, the federal government does not regulate grassroots lobbying, but over 30 states do, with some defining lobbying as direct or indirect communication with public officials, and others defining it as any attempt to influence public officials. Reporting requirements varying from state to state. Washington, West Virginia, Oregon, California, Florida and New York are among those states that regulate grass-roots lobbying in one form or another.

No Canadian courts have yet considered whether the wording in one of the respective provincial Acts should be interpreted to include grass-roots communication as implicit within the definition of lobbying, and not just as a technique of communication that would only need to be reported if employed if used in conjunction with other direct lobbying activities that are clearly subject to the Act(s).

American courts have been more active in this area, including the key case of *U.S. v. Harriss* [347 U.S. 612 (74 S.Ct. 808, 98 L.Ed. 989)], a 1954 decision of the U.S. Supreme Court, in which the Court considered the constitutionality of the (then) Federal Lobbying Act. While the court in *Harriss* purported to limit the scope of the federal lobbying statute to “direct communication with members of Congress on pending or proposed federal legislation”, it then went on to define “direct communication” as including “direct pressures, exerted by the lobbyists themselves *or through their hirelings or through an artificially stimulated letter campaign*”, thereby suggesting that an “artificially stimulated letter campaign” could be considered a “direct” communication with Members of Congress. This interpretation has been followed by several U.S courts since.

In considering this matter, one must also consider the *Alberta Interpretation Act*, which applies to every Alberta enactment, as it may provide a clear answer to the question of interpretation that has been raised. In this case, however, it does not assist in the interpretation of this issue. Absent a clear answer within either the definitions of the legislation in question or in the *Interpretation Act*, it is necessary to apply the principles of statutory interpretation.

In the Supreme Court of Canada case of *Canada (Canada Human Rights Commission) v. Canada (Attorney General)* [2011 SCC 53], the Supreme Court of Canada reiterated the preferred approach to statutory interpretation as has been repeatedly cited by the Supreme Court:

The question is one of statutory interpretation and the object is to seek the intent of Parliament by reading the words of the provision in their entire context and according to their grammatical and ordinary sense, harmoniously with the scheme and object of the Act and the intention of parliament (E.A. Driedger, *Construction of Statutes* (2<sup>nd</sup> ed. 1983), at p.87, quoted in *Rizzo & Rizzo Shoes Inc. Ltd. (Re)*, 1998 CanLII 837 (SCC), [1998] 1 S.C.R. 27, at para. 21).

In interpreting the meaning of a provision in a statute, one must therefore consider the plain and ordinary meaning of the text, as well as the broader context of the legislation as a whole, including the intent of the Legislature, history of the legislation, and what the consequences would be if the proposed interpretation was adopted.

a. Plain and Ordinary Meaning

To determine whether the legislature intended to have grassroots communication implicitly included in the definition of lobbying, it is useful to consider the plain and ordinary meaning of “lobby”.

www.dictionary.com, an online dictionary, defines “lobby” as including:

- a group of persons who work or conduct a campaign to influence members of a legislature to vote according to the group's special interest.
- to solicit or try to influence the votes of members of a legislative body
- to try to influence the actions of (public officials, especially legislators).

Black’s Law Dictionary defines “lobbying” as:

*All attempts including personal solicitation to induce legislators to vote in a certain way or to introduce legislation. It includes scrutiny of all pending bills which affect one’s interest or the interest of one’s client, with a view toward influencing the passage or defeat of such legislation. (emphasis added).*

The Oxford Dictionary defines “lobby” as including:

- A group of people seeking to influence politicians or public officials on a particular issue; and
- An organized attempt by members of the public to influence politicians or public officials.

The plain and ordinary meaning of the terms “lobby” based on the above definitions appears to be broad enough to encompass both direct and indirect lobbying. The key to these definitions also does not appear to be whether the lobbying is done either directly or indirectly, but whether the activity – however carried out – accomplishes, or is trying to accomplish, the purpose of seeking to influence the actions of public officials.

While the term “grassroots lobbying” is not defined in these dictionaries, it appears to have a very specific meaning in the lobbying industry. This definition is expressed on Wikipedia as including the following elements:

- Grassroots lobbying, or indirect lobbying, is a form of lobbying that focuses on raising awareness in the general population of a particular cause at the local level, with the intention of influencing the legislative process.
- It is an approach that separates itself from direct lobbying through the act of asking the general public to contact legislators and government officials concerning the issue at hand, as opposed to conveying the message to the legislators directly.
- The unique characteristic of grassroots lobbying, is that it involves stimulating the politics of specific communities.
- The main two tactics used in indirect advocacy are contacting the press (by either a press conference or press release), and mobilizing the mass membership to create a movement.

- Grassroots lobbying oftentimes implement the use of media, ranging from television to print, in order to expand their outreach. Other forms of free media that make a large impact are things like boycotting, protesting and demonstrations.
- The trend of the past decade has been the use of social media outlets to reach people across the globe. Using social media is, by nature, a grassroots strategy.
- Mobilizing a specific group identified by the lobby puts pressure on the legislators to address the concerns of this group. These tactics are used after the lobbying group gains the public's trust and support through public speaking, passing out flyers, and even campaigning through mass media.

Study.com's website also states the following regarding direct versus grassroots lobbying:

#### Direct vs. Grassroots Lobbying

Official lobbying organizations engage in direct lobbying, through which they appeal directly to members of the U.S. Congress, or their staff members, for changes in legislation.....

By comparison, grassroots lobbying involves appealing to the general public in the hopes that people, rather than lobbyists, will contact government officials about an issue. Grassroots lobbying can take the form of petitions....signed by members of the public and presented to Congress. It also involves members of the public calling, emailing, faxing or even visiting their congressional representatives.....

Grassroots lobbying is also recognized by some in the lobbying industry as a highly effective method of lobbying. Scott Proudfoot, for example, in an online article by entitled *The Elements of Successful Lobbying* states that effective grassroots lobbying, for which increasingly the internet is the organizational medium of choice for organizing and managing effective grassroots campaigns, "extends the strength and impact of your organization well beyond your actual economic impact and numerical strength."

"Lobbying" in its ordinary and grammatical sense can therefore be interpreted to include both direct and grassroots (or indirect) lobbying. Notwithstanding this, it is necessary to consider this issue in the broader context of the Act as a whole to determine whether the Legislature intended "lobby" to implicitly include engaging in grassroots communications.

b. Broader context of legislation

The history of the legislation and the practical consequences of adopting a particular interpretation also need be considered when trying to determine the Legislature's intention.

In this case, the definition of "lobby" and the references to "grassroots communication" were part of the original version of the Act. However, a review of the Alberta Hansard does not reveal any discussions with regard to this particular issue and is not of assistance in trying to determine the Legislature's intention with regard to these provisions.

The practical consequences if a proposed interpretation is adopted must also be considered, and specifically, whether the interpretation would result in an absurd or impractical result. One must consider the purpose of a grassroots communication campaign, and what it is attempting to accomplish. Grassroots lobbying is a common technique of lobbying and can be an effective means of lobbying public officials. If the purpose of the activity at its core is to communicate with a public office holder in an attempt to influence certain matters, whether that communication is done directly or indirectly does not change the purpose of the activity.

To interpret this otherwise would result in potentially absurd consequences. For example, organizations that would be otherwise be subject to registering under the Act could put all of their lobbying efforts into organizing grassroots campaigns to have others contact public officials in their stead and as their (unofficial) agent, to accomplish the lobbying objectives of the organization, but argue that, because this was not a "direct" effort on their behalf, that they should not be required to report such activities due to the term "grassroots communication" or "grassroots lobbying" not being specifically referenced in the definition of lobbying in the Act.

It must also be considered that the Legislature did not need to include any reference to "grassroots communications" at all in the legislation (and indeed some jurisdictions have not included any reference to grassroots communications in their Acts). It follows that specifically including "grassroots communication" as a technique of communication reportable on lobbying returns was done both with intention and for a specific purpose. If there was no intention to also implicitly capture grassroots communications within the definition of lobby then it is unclear why such activities would even require reporting in the lobbyists' returns as they would be irrelevant for the purposes of the Act.

The key consideration is whether the lobbyist has communicated with a public officer *for the purposes defined in the Act*. The method of communication is only the means to accomplish the larger purpose, which is the lobbying of the public office holder. Whether this communication with the public office holder was direct or indirect is simply describing how the lobbying was effected.

In summary, considering:

- the specific inclusion of the requirement to report “grassroots communication” as a technique of lobbying,
- the reference to “communication” in the definition of lobbying not being specifically limited to direct communication only,
- how similar wording has been considered and interpreted in other provinces and jurisdictions,
- the plain and ordinary meaning of the relevant terms, and
- the potential consequences of the respective interpretations

in my view it is implicit in the Act that communicating with a public officer indirectly through a grassroots communications campaign in an attempt to influence certain matters as set out in the Act is lobbying for the purposes of the Act.

#### 4. Did the meetings constitute grass roots lobbying?

The express intent of the meetings was to educate the public in the areas in the Province where there were coal mines and coal-generated electricity plants and to encourage local residents to contact their MLAs to request further information about the Climate Leadership Plan and to expressly inquire about impact on employment. Requesting further information and asking questions about employment impact by itself does not constitute lobbying. Obviously educational sessions are also not lobbying.

The posters advertising the meetings do not go further than this intent. For the most part the presentation was factual. However, the handout states: “We need to encourage the government to consult with Albertans and provide details, potential costs, and how they will address the community impacts and unintended consequences” and refers to a “grassroots information and mobilization effort”. It also tells people to “Contact the Provincial Government to express concern and request more information about the Plan”.

A biography of Robin Campbell was on a table at each meeting with the handout. At the bottom of the biography there is box with a statement:

“As a former MLA, Robin suggests that Albertans need to connect directly with their elected officials to find out how their jobs, lifestyles and communities will be impacted-and what the government plans to do about it.”... “Alberta will be significantly impacted by the unintended consequences of the Climate Leadership Plan. We need to be involved in the discussion.”

As well, comments were made during the presentation that the Government should be investing research and development money into making the use of coal greener.

I am of the view that the sessions go further than education and asking people to contact their MLAs to ask questions. The nature of the presentation and the background of those attending is such that it stretches all credibility to think those contacting their MLAs or named Ministers would merely ask questions. They undoubtedly would have expressed their opinion on the Climate Leadership Plan. To do so would bring them within section 1(1)(f) of the Lobbyists Act in that they would be attempting to influence policy.

Therefore, given that the ACT campaign was a grassroots campaign and given that grassroots communication is a form of lobbying, the ACT campaign constitutes lobbying.

5. Is there an exemption under s. 3(2)(c) of the Lobbyists Act?

Section 3 of the Lobbyists Act sets out restrictions on the application of the Act. There are many. Of relevance to this investigation is subsection (2)(c). It reads:

(2) This Act does not apply in respect of a submission made in any manner as follows:

(c) to a public office holder by an individual on behalf of a person or organization in response to a request initiated by a public office holder for advice or comment on any matter referred to in section 1(1)(f)(i);

It is my view that the phasing out of coal generated electricity on an accelerated schedule would fit within section 1(1)(f)(i).

The Government of Alberta has a website dedicated to climate leadership. It can be found at [www.Alberta.ca/climate.cfm](http://www.Alberta.ca/climate.cfm). It is entitled Alberta Climate Leadership Plan. It features a section "Tell us what you think" which invites Albertans to give feedback on the plan.

Also embedded in the website is a video of the Premier making the announcement on the Climate Leadership Plan wherein she says: "I'm inviting all Albertans to read it [referring to the Plan] carefully and to let us know what you think of our proposals."

This call for a response clearly fits within the exception in section 3(2)(c) of the Lobbyists Act. As a result the Act does not apply and Mr. Campbell cannot be said to have engaged in lobbying for the purposes of either the Lobbyists Act or the Conflicts of Interest Act.

## **Conclusion**

Fortunately for Mr. Campbell, given that he took precautions not to offend the post-employment provisions of the Conflicts of Interest Act, the government asked for input into the plan so what was done does not constitute lobbying. Fortunately for the Coal Association of Canada, the ACT campaign was not lobbying but a response to a request for input as the Coal Association even though it had hired a consultant lobbyist, was not itself registered as a lobbyist and would probably have been in breach of the Lobbyist Act.

The result is that Mr. Campbell has not committed any breach of the post-employment provisions of the Conflicts of Interest Act by lobbying, as defined in the Lobbyists Act, any public office holder as defined in the Lobbyist Act.



Hon, Marguerite Trussler, Q.C.  
Ethics Commissioner

## **List of Exhibits**

1. Example of a handout for a meeting
2. Poster advertising meeting
3. Sample meeting power point
4. E-mail notice of meeting sent to MLA



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## It's Time to ACT to Get Information About Alberta's Proposed Climate Leadership Plan

On November 22, 2015, Premier Rachel Notley announced Alberta's new Climate Leadership Plan. The proposal to accelerate the retirement of coal-fired power generation and eliminate it totally by 2030 will have significant impacts on every Albertan and jeopardize the economic advantage coal-fired generation provides Alberta industries. As well, there appear to be serious 'unintended consequences' for the people and communities that work for, support, and rely on the coal industry in this province.

It has been more than three months since the announcement of the Plan, and Albertans, especially employees, families and community partners related to the coal industry, do not have the details and clarity needed to plan their lives. We need to encourage the government to consult with Albertans and provide details, potential costs, and how they will address community impacts and unintended consequences.

The Coal Association of Canada (CAC) has launched a grassroots information and mobilization effort. The CAC wants to give Albertans an opportunity to come together to share information, connect directly with politicians, and help hammer out what the Climate Leadership Plan means for the future.

ACT encourages employees, families, suppliers and neighbours to learn more about how to get involved. Together with local partners, ACT is hosting information meetings in communities directly impacted by the plan to accelerate the retirement of coal-fired electricity generation. The first meetings will be held in Grande Cache (Feb. 18), Edson (Feb. 22), Wabamun (Feb. 23), Warburg (Feb. 24), Stony Plain (Mar. 1), Forestburg (Mar. 2), and Hanna (Mar. 3). The Call to Action will be supported by an interactive website ([www.ACTforthefuture.ca](http://www.ACTforthefuture.ca)).

### ACT Principles

- ACT supports thoughtful action to address climate change, help meet Canada's international obligations and allow an orderly transition to a smaller carbon footprint
- ACT is from the grassroots up: it is about local jobs and the communities the coal industry supports
- ACT is apolitical and non-confrontational
- ACT believes in research and development to support the mining industry and the proposed transition of electricity generation to keep Alberta competitive and preserve the quality of life of Albertans





## What Can I Do?

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- Attend community information sessions
- Sign the ACT Petition
- Talk to your neighbours
- Visit ACT's website at [www.ACTforthefuture.ca](http://www.ACTforthefuture.ca)
- Show your support
  - Sign up to add a pin to our website map
  - Put a decal in your car or place of business
  - Wear an ACT button proudly
- Contact the Provincial Government to express concern and request more information about the Plan:

### Call, write, or visit your MLA

**Stony Plain:** Erin Babcock Email: [stony.plain@assembly.ab.ca](mailto:stony.plain@assembly.ab.ca)  
Phone: Legislature Office: 780-638-1422; Constituency Office: 780-963-1444

**Spruce Grove-St. Albert:** Trevor Horne Email: [sprucegrove.stalbert@assembly.ab.ca](mailto:sprucegrove.stalbert@assembly.ab.ca)  
Phone: Legislature Office: 780-638-1415; Constituency Office: 780-962-6606

**Drayton Valley-Devon:** Mark Smith Email: [draytonvalley.devon@assembly.ab.ca](mailto:draytonvalley.devon@assembly.ab.ca)  
Phone: Legislature Office: 780-644-7146; Constituency Office: 780-542-3355

### Call, write, or visit Premier Rachel Notley

[premier@gov.ab.ca](mailto:premier@gov.ab.ca)  
307 Legislature Building, 10800 - 97 Avenue, Edmonton, AB T5K 2B6  
Phone: Toll free 310-0000 then 780 427-2251

### Call, write, or visit Environment & Parks Minister Shannon Phillips

[aep.minister@gov.ab.ca](mailto:aep.minister@gov.ab.ca)  
208 Legislature Building, 10800 - 97 Avenue, Edmonton, AB T5K 2B6  
Phone: Toll free 310-0000 then 780 427-2391

### Call, write, or visit Energy Minister Marg McCuaig-Boyd

[minister.energy@gov.ab.ca](mailto:minister.energy@gov.ab.ca)  
408 Legislature Building, 10800 - 97 Avenue, Edmonton, AB T5K 2B6  
Phone: Toll free 310-0000 then 780 427-3740

*ACT is coordinated and led by the Coal Association of Canada, endorsed by its Board of Directors, and funded by its membership. As directly interested parties, Canadian coal miners, coal-fired electricity generators and the unions who represent many of their workers will be contacted from time to time for input, data, and advice, as will the municipalities directly impacted by the accelerated retirement of coal-fired generation.*

### About Robin Campbell, President, Coal Association of Canada



As a 4<sup>th</sup> generation coal miner who has spent over 30 years in the industry, Robin Campbell understands the issues facing coal from the inside out. Starting his mining career in 1973, and transitioning specifically into coal in 1979, he has held positions ranging from loader operator to various executive postings. As former treasurer and President of the United Mine Workers of America Local 1656, Robin has local perspective and understanding of the challenges miners and their families are facing during this economic downturn. He also served as a representative of the International Union of the UMWA and gained global perspective of the industry.

Like most Albertans, Robin has a strong passion for the outdoors and takes pride in the environmental record of Alberta's coal mining industry. He has been a registered fishing guide in the Jasper and Hinton area for over 30 years and places tremendous value in the protection of our natural landscapes, rivers and lakes.

Robin also served as MLA for West-Yellowhead and represented the people of Grande Cache in the Alberta Legislature from 2008 to 2015. He was appointed to Cabinet as the Government Whip in 2010 and then served as Minister of Aboriginal Relations, Minister of the Environment and most recently as Minister of Finance and Treasury Board until May 2015. His experience as a public servant and insight into the workings of government translate well into his role at the Coal Association of Canada.

Robin accepted the role as President of the Coal Association of Canada in November, 2015 and is leveraging his decades of experience to help preserve jobs and ensure the coal industry remains an important part of our economy.

As a former MLA, Robin suggests that Albertans need to connect directly with their elected officials to find out how their jobs, lifestyles and communities will be impacted – and what the government plans to do about it.

The Coal Association of Canada is launching the ACT initiative to give Albertans an opportunity to come together to share information about Alberta's Climate Leadership Plan. It's been more than three months since the Plan was announced but there are no details.

Alberta will be significantly impacted by the unintended consequences of the Climate Leadership Plan. We need to be involved in the discussion.

Follow us on Twitter @actftf and connect with us on Facebook

I'M READY TO



FOR  
ALBERTA'S  
ENERGY  
FUTURE

It's time to ACT – Let's talk about Coal  
and the Climate Leadership Plan

The Coal Association of Alberta is launching the ACT initiative to give Albertans an opportunity to come together to share information about Alberta's Climate Leadership Plan. It's been two months since the Plan was announced but there are no details. Albertans need to connect directly with their elected officials to find out how their jobs, lifestyles and communities will be impacted – and what the government plans to do about it.

Together with local partners, ACT is hosting information meetings in communities directly impacted by the plan to accelerate the retirement of coal-fired electricity generation and related mining operations.

ACT invites you to come out, talk to your neighbours, community and business leaders to learn more about the Climate Leadership Plan and what it might mean to Stony Plain.

**Our town will be significantly impacted by the unintended consequences of the Climate Leadership Plan. We need to be involved in the discussion.**

Date: Tuesday, March 1, 2016

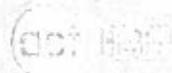
Location: Royal Canadian Legion Branch 256, 4902 44 Ave, Stony Plain

Time: 7:00 – 9:00 p.m.

Families welcome.

Refreshments will be served.

For more information, please visit [www.actforthefuture.ca](http://www.actforthefuture.ca).





**FOR THE  
FUTURE**

**STONY PLAIN COMMUNITY SESSION**

**Stony Plain Legion #256  
4902 44 Ave Stony Plain  
Tuesday, March 1, 2016**

# Stony Plain Community Information Session

act

## Introductions

### Tonight's Agenda

- Mayor of Parkland County, Rod Shaigec
- Mayor of Stony Plain, William Choy
- Robin Campbell, President, Coal Association of Canada
- Question & Answer Period
- Informal Community Discussion

## The ACT Initiative

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- A grassroots information and mobilization effort started by the Coal Association of Canada (CAC)
- CAC members, industry employees, community leaders, businesspeople, and concerned citizens
- An opportunity for Albertans to share information, connect directly with politicians, and participate in confirming what the Climate Leadership Plan means

*This initiative will provide opportunities for Albertans to actively engage in this process and **ACT for the Future***

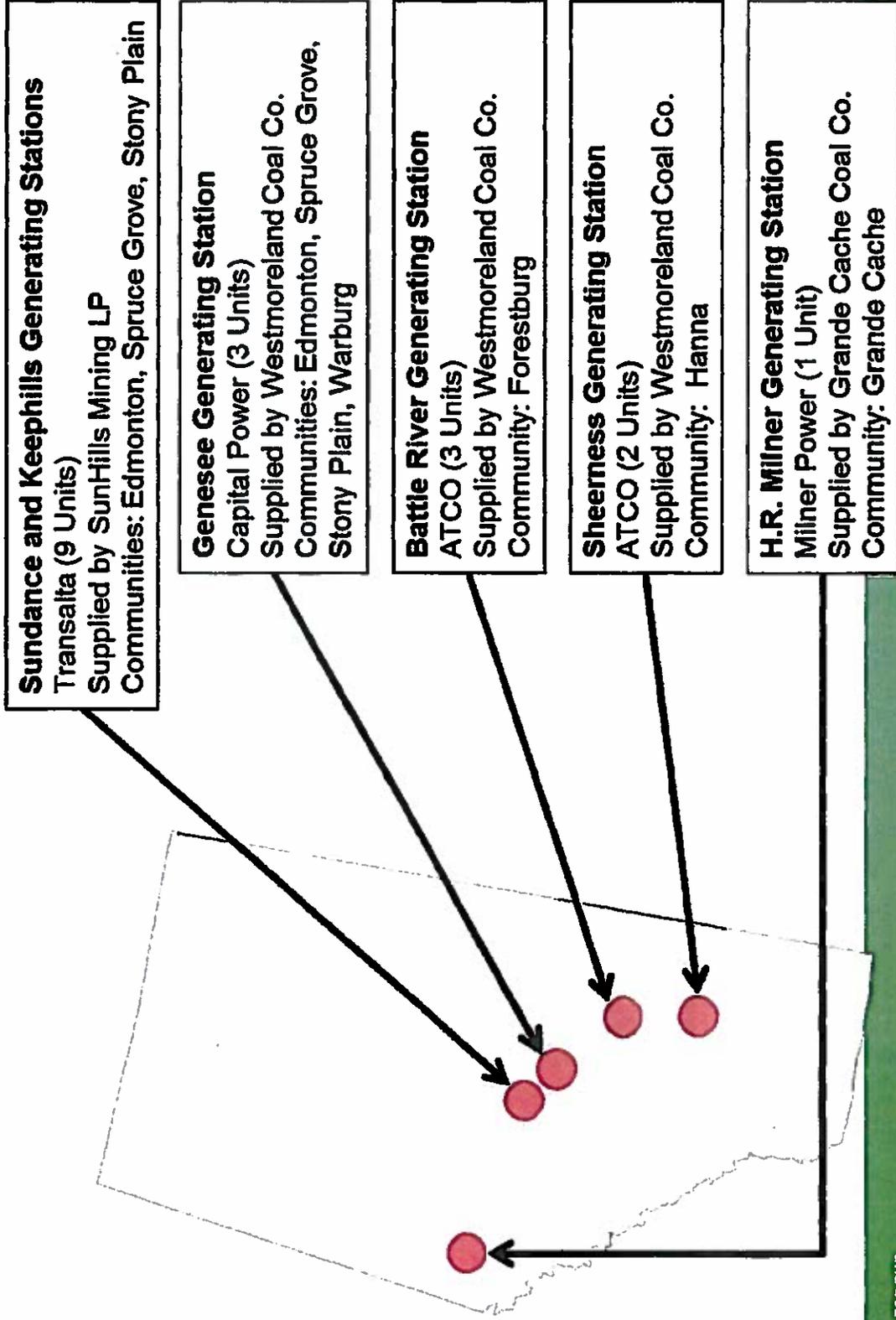
# Alberta's Coal Industry

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- 33 billion tonnes of high quality, low sulfur coal reserves
- Until recently, annual production rate of ~32 million tonnes per year
- **Thermal Coal:** Used to generate electricity
  - Alberta production primarily consumed locally (power generation)
  - 7 mines: 28 Mt of thermal coal
- **Metallurgical Coal:** Key ingredient in steel-making
  - Alberta production exported
  - 2 mines: 4 Mt of metallurgical coal
- Thousands of direct and indirect jobs
  - Mines, plants, community businesses, schools, hospitals

# Coal Power Plants, Mines and Communities

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## New Carbon Competitiveness Regulation

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- Takes effect January 1, 2018, covers 90% of emissions
- New large emitter industry benchmarks
- **Punishing standards for coal-fired electricity**
  - Whether or not they operate, electricity prices will be impacted
- Dramatic impact on operating margins could force early retirement
- Shutdowns of support services before federal end-of-life timetable could have unintended consequences for communities

## It's About Jobs

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- Behind every coal-fired generator is a mine, a community, and a quality of life
- Coal mines and coal-fired generation directly employ about 3,500 Albertans
- But in towns like this, they have a huge multiplier
  - Support services and suppliers
  - Schools and government services
  - Dealerships, hotels, grocery stores, restaurants, etc.
- **Real Leadership is about People**

# Technology

act

- Alberta has an abundance of high quality, low sulphur coal
- We should be investing in technology to use coal with higher efficiency and reduced emissions
- Carbon Capture and Sequestration (CCS) was endorsed in Paris and is working with coal-fired generation in Saskatchewan
- The infrastructure is in place for existing generation, so transition should be paced to recoup that investment and maintain Alberta's reliable, cost-efficient power market
- Coal-fired generators have paid into Alberta's Climate Change and Emissions Management Fund since 2007
- None of these funds have been re-invested in coal R&D
- Other jurisdictions are investing in cleaner coal and carbon capture technology – why does Alberta's Technology Fund not invest in coal R&D?

## Export Opportunities

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- Developing countries will continue to use coal-fired generation to provide base load power for their growing economies
- Alberta could become a leader in technology development that could be exported to reduce global emissions
- Alberta and Canada have a history of technological breakthroughs and innovation in natural resource development

## What We Know

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- Carbon Tax of \$30 per tonne takes effect January 1, 2018
- The proposed Carbon Competitiveness Regulation could force some power plants to close in 2018
  - Coal contracts would be filled earlier than that
- Coal mines and coal power generators directly and indirectly employ 7,000 -10,000 Albertans
  - Behind every coal-fired generator is a mine, a community, and a quality of life
  - Coal mining and power generation supports family farms, communities and local businesses
- The proposed carbon tax will impact all Albertans
  - 7 cents per litre on transportation fuel
  - \$1.68 per gigajoule on natural gas (furnaces, water heaters, stoves)
  - CCR tax will raise electricity costs by as much as \$20-\$25/MWh
  - It can't help but raise the cost of living, particularly in rural Alberta

## What We Don't Know

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- How and where will the government collect \$3 billion in new carbon taxes every year?
- How will that money be re-invested in Alberta?
- How will your community be compensated for higher operating costs and lost local jobs?
  - Town Office, transportation and snow removal, arenas,
  - Who pays for higher fuel and electricity costs for schools, medical facilities, etc.
- How will employees be retrained and “transitioned” to green jobs? Where they be, and what will they pay?
- What will electricity cost due to “carbon competitiveness” and subsidies to renewable electricity?
- Is anyone in Edmonton listening?

## How to ACT

The ACT logo consists of the lowercase letters "act" in a white, sans-serif font, centered within a solid green circle.

- Attend community information sessions, talk to your neighbours
- Sign the Commitment to ACT at registration
- Visit ACT's website at [www.ACTforthefuture.ca](http://www.ACTforthefuture.ca)
- Show your support
  - Sign up to add a pin to our website map
  - Put a decal in your car or place of business
  - Wear an ACT button proudly
- Call, write or visit your MLA and other elected officials
  - Express concern and request more information
  - Phone calls are free - see *handout at sign-in desk*

## Contact the Provincial Government

The logo consists of the word "act" in a white, lowercase, sans-serif font, centered within a dark green circle.

- **Stony Plain MLA Erin Babcock**  
([stony.plain@assembly.ab.ca](mailto:stony.plain@assembly.ab.ca))
- **Spruce Grove MLA Trevor Horne**  
([sprucegrove.stalbert@assembly.ab.ca](mailto:sprucegrove.stalbert@assembly.ab.ca))
- **Drayton Valley – Devon MLA Mark Smith**  
([draytonvalley.devon@assembly.ab.ca](mailto:draytonvalley.devon@assembly.ab.ca))
- **Premier Rachel Notley**  
([premier@gov.ab.ca](mailto:premier@gov.ab.ca))
- **Environment & Parks Minister Shannon Phillips**  
([aep.minister@gov.ab.ca](mailto:aep.minister@gov.ab.ca))
- **Energy Minister Marg McCuaig-Boyd**  
([minister.energy@gov.ab.ca](mailto:minister.energy@gov.ab.ca))



## Stay informed

First Name

Last Name

Email

Yes, I would like to receive emails from ACT.

Postal code

Add Pin to Map

**Tell Your MLA**  
Contact your MLA and tell them  
what you think

# “Make The Commitment”



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714-200-0100

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Add to the Map

Submit

## Questions to Consider

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- Why did you attend tonight's information session?
- Why is this important to you and your family?
- What questions do you need answers to?
  - And how do you get them?
- What outcome would you like to see from that discussion?

**Steven Dollansky**

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**From:** JOHN SPARKS <jsparks@shaw.ca>  
**Sent:** Thursday, April 14, 2016 10:13 AM  
**To:** Ryan Martin  
**Subject:** Fwd: Please advise the MLA  
**Attachments:** ACT-Wabamun v1.0.pdf; ACT-Stony Plain v1.0.pdf

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**From:** "JOHN SPARKS" <jsparks@shaw.ca>  
**To:** "stony plain" <stony.plain@assembly.ab.ca>  
**Sent:** Tuesday, 23 February, 2016 9:01:25 AM  
**Subject:** Please advise the MLA

...that ACT, and initiative of the Coal Association of Canada, will be holding an information session tonight in Wabamun and in Stony Plain next Tuesday, March 1. This is a community-based initiative, designed to share information about the proposed Climate Leadership Plan, which could have unintended consequences for communities that support Alberta's coal industry.

We look forward to further conversations with Ms. Babcock, and hope she can work with us and these communities to get more clarity regarding the proposed plan and how its potential impacts can be mitigated.

For further information, please contact me or the Coal Association (780.757.9488)

Best regards.

John Sparks  
Strategic Counsel  
403.660.8885