



Office of the Registrar of Lobbyists



Government of Canada
Gouvernement du Canada

Canada



*Presentation to the House of Commons
Standing Committee on Access to
Information Privacy and Ethics*

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Why do lobbying laws exist?

- ❖ To address the concern that some have more access than others to government decision-makers, and consequently, more ability to influence decisions.
- ❖ To contribute to confidence in the integrity of government decision-making.



Laws in other jurisdictions

- ❖ Considered to be part of the “family” of ethics legislation
- ❖ Emphasis is often on transparency rather than regulation
- ❖ OECD is studying lobbying laws
- ❖ U.S. has law at the federal, state and municipal levels
- ❖ Five provinces have legislation
- ❖ Most recent trend in Canada is municipal registries



History

- ❖ From 1965 to 1985, several initiatives relating to public service ethics were introduced in Parliament through Private Members' Bills
- ❖ In 1985, these initiatives resulted in Bill C-82, the first *Lobbyists Registration Act* (LRA) which came into force in 1989
- ❖ In 1996 an updated LRA came into force, including a *Lobbyists' Code of Conduct*
- ❖ Most recent amendments came into force June 20, 2005.
- ❖ Bill C-2 (*The Federal Accountability Act*), tabled in April 2006, includes major amendments to the LRA



The Office of the Registrar

- ❖ In the late 1980s, the registry function was established in Consumer and Corporate Affairs
- ❖ In 1994, the new Ethics Counsellor was made responsible for the registry
- ❖ In 2004, an ADM in Industry Canada was made responsible for the registry
- ❖ In 2005, the Office of the Registrar became independent within Industry Canada
- ❖ In 2006, the Office became an independent department in the Treasury Board portfolio, with the Registrar as deputy head



The Registrar of Lobbyists

- ❖ A public servant designated by the Registrar General of Canada but is independent — does not discuss advice, opinions or details of specific cases with any Minister or official
- ❖ Establishes and maintains the registry under the LRA
- ❖ Issues advisory opinions and interpretation bulletins regarding the Act
- ❖ Develops the *Lobbyists' Code of Conduct*
- ❖ Enforces the Act, including investigation of potential breaches of the *Lobbyists' Code of Conduct*
- ❖ Reports to Parliament on the LRA, the *Lobbyists' Code of Conduct* and on investigations carried out



The LRA Preamble

- ❖ Free and open access to government is an important matter of public interest.
- ❖ Lobbying public office holders is a legitimate activity
- ❖ It is desirable that public office holders and the general public be able to know who is engaged in lobbying activities
- ❖ The system for the registration of paid lobbyists should not impede free and open access to government.



Lobbying

Lobbying is communicating with a public office holder, for payment in respect of:

- ❖ The development of any legislative proposal
- ❖ Introduction defeat or amendment of any Bill or resolution
- ❖ Making or amendment of any regulation
- ❖ Development or amendment of any policy or program
- ❖ Awarding of any grant, contribution or other financial benefit
- ❖ Awarding of any contract (consultant lobbyists only)
- ❖ Arranging a meeting between a public office holder and any other person (consultant lobbyists only)



Exemptions

Certain Individuals

- ❖ Employees and elected members of certain governments
- ❖ Members of certain aboriginal councils and institutions
- ❖ Others as specified in the LRA

Certain communications

- ❖ Oral or written submissions to House or Senate Committees
- ❖ Communications with respect to enforcement, interpretation or application of an Act or regulation
- ❖ Requests for information



Three types of Lobbyist

Consultant Lobbyist

- ❖ A person who is hired and paid to communicate on behalf of a client

In-house Lobbyist (Corporation)

- ❖ A person who works for compensation in an entity that operates for profit
- ❖ The entity is registered by the most senior officer and the details of certain individuals who communicate with public office holders are listed in the registration

In-house Lobbyist (Organization)

- ❖ A person who works for compensation in a non-profit entity
- ❖ The entity is registered by the most senior officer and the details of certain individuals who communicate with public office holders are listed in the registration



Registry Information

Consultant Lobbyist

- ❖ Details of the lobbyist, the client, departments to be lobbied, subject matter(s), lobbying methods and other specified information.

In-house Lobbyist (Corporation)

- ❖ Details of the corporation, its parent and subsidiaries, departments lobbied, subject matter(s), communication techniques and other specified information.

In-house Lobbyist (Organization)

- ❖ Description of the organization's business or activities and its membership, departments lobbied, subject matter(s), communication techniques and other specified information.



Registration Timeframes

Consultant Lobbyist

- ❖ Registration must be filed within ten days of undertaking to carry out a lobbying activity. Any modification to the information must be made within one month of the change.

In-house Lobbyist (Corporation and Organization)

- ❖ The most senior officer must register the entity within two months of beginning lobbying activities. Any modification to the information must be made within one month of the change.

Renewals

- ❖ Lobbyist registrations must be renewed every six months.



Statistics as at September 15, 2006

<u>Type of Lobbyist</u>	<u>Total Registrations</u>	<u>Active Lobbyists</u>
Consultant:	2636	786
In-house (Corporations):	1890 (298 corps)	1890
In-house (Organizations):	<u>2424</u> (399 orgs)	<u>2424</u>
Grand Totals:	<u>6950</u> registrations	<u>5100</u> lobbyists

Note: There are 298 corporations, listing a total of 1890 in-house lobbyists in their returns and 399 organizations, listing a total of 2424 in-house lobbyists in their returns.



Lobbyists' Code of Conduct

Principles

- ❖ Integrity and Honesty
- ❖ Openness
- ❖ Professionalism

Rules

- ❖ Transparency
- ❖ Confidentiality
- ❖ Conflict of Interest



Penalties

Breaches of the *Lobbyists Registration Act*

- ❖ Up to \$25,000 and/or 6 months in jail on summary conviction
- ❖ Up to \$100,000 and/or 1 year in jail on indictment
- ❖ After two years, charges cannot be laid

Breaches of the *Lobbyists Code of Conduct*

- ❖ No fines or jail sentences
- ❖ Registrar must table investigation reports before both Houses of Parliament
- ❖ There is no limitation period for investigating breaches of the *Lobbyists' Code of Conduct*



Interpretation of the LRA

- ❖ The Registrar may issue advisory opinions and interpretation bulletins with respect to the enforcement, interpretation or application of the LRA.
- ❖ These are not statutory instruments and are not legally binding. However, they indicate how the Registrar intends to enforce the LRA.
- ❖ Some current examples are:
 - A significant part of duties
 - Communicating with public office holders
 - Disclosure of previous public offices
 - Boards of Directors
 - The Academic Sector



Annual Reports

- ❖ The Registrar must write Annual Reports on the application of the LRA and the *Lobbyists Code of Conduct*.
- ❖ The Registrar sends the reports to the President of the Treasury Board, who tables them before each House of Parliament.
- ❖ Content of the reports varies each year, but generally includes:
 - An overview message from the Registrar
 - A description of the activities of the Office with regard to the Act or the Code respectively
 - Statistics
 - A summary of enforcement activity



Strategic Issues

Desired Outcome

- ❖ Confidence in the integrity of government decision-making

Strategic Approach

- ❖ Update the Registry and enhance its transparency
- ❖ Increase awareness of LRA and *Lobbyists Code of Conduct* requirements
- ❖ Pursue enforcement and communicate the results

