

SOME FACTS OF INTEREST

1. Lobbying is Legitimate

Individuals, groups or companies have a right to communicate with elected or appointed government officials. The purpose of the Lobbying Act is to ensure transparency and accountability in the lobbying of federal public office holders in order to contribute to increasing Canadians' confidence in the integrity of the government decision-making process.

2. The Lobbying Act

The preamble of the Act sets out four principles:

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

3. The Lobbyists' Code of Conduct (the Code)

Four overriding principles in the Code require lobbyists to demonstrate respect for democratic institutions; to conduct themselves with integrity and honesty; to be open and frank about their lobbying activities; and to observe the highest professional and ethical standards. Under the Code, lobbyists are also required to follow ten rules regarding their conduct.



4. What is Lobbying?

Lobbying is communicating, with public office holders, for payment with regard to:

- Making, developing or amending of federal legislative proposals, bills or resolutions, regulations, policies or programs;
- Awarding of federal grants, contributions or other financial benefits;
- In the case of consultant lobbyists, the awarding of a federal government contract and arranging a meeting between their client and a public office holder.

5. Two Types of Lobbyists — Consultants & In-House Lobbyists

Generally speaking, consultant lobbyists are employed by firms that have a specialty in government relations. Consultant lobbyists are required to register all of their lobbying activities. Some consultant lobbyists are self-employed but most are active in the fields of government relations, law, accounting or strategic advice.

In-house lobbyists communicate with public office holders on behalf of the corporation or the organization which employs them. Registration is required when one or more of the employees communicate with public office holders regarding certain subjects and that those duties constitute a significant part of the duties of one employee.



6. Public Office Holders (POHs) & Designated Public Office Holders (DPOHs)

Federal public office holders are virtually any employee of the federal government, whether elected or appointed. This broad category includes Members of Parliament, Senators, parliamentary staff, members of the Canadian Armed Forces and the Royal Canadian Mounted Police, and federal government employees.

The Lobbying Act and its related regulations also created a sub-category of public office holders, namely the designated public office holders. This category includes Members of Parliament, Senators, ministers, ministers of state, staff working in the office of ministers, ministers of state and the Leader of the Opposition in the House and in the Senate who were appointed pursuant to subsection 128(1) of the Public Service Employment Act, deputy ministers, associate and assistant deputy ministers, as well as any individual who occupies a position that has been designated by regulation.

When an oral and arranged communication with a DPOH takes place, lobbyists are required to file a monthly communication report. The Commissioner of Lobbying may ask a DPOH to confirm the accuracy of a monthly communication report. As a best practice, DPOHs may wish to keep records of these meetings in the event the Office of the Commissioner of Lobbying (OCL) requests confirmation of the information reported by lobbyists.



7. Designated Public Office Holders and the Five-Year Prohibition on Lobbying

Former designated public office holders and members of a Prime Minister's transition team are prohibited from carrying on most lobbying activities for a period of five years. The Commissioner of Lobbying may grant an exemption if doing so would not be contrary to the purposes of the Lobbying Act.

8. The Role of the Commissioner of Lobbying

The Commissioner of Lobbying is an independent Agent of Parliament who reports directly to Parliament. The Commissioner's role is to administer the Lobbying Act and the Lobbyists' Code of Conduct and to carry out three main activities: maintain a Registry of Lobbyists; develop and implement educational programs; and ensure compliance with the Act and the Code.

9. The Registry of Lobbyists

The online Registry of Lobbying is accessible on the website of the Office of the Commissioner of Lobbying, at www.ocl-cal.gc.ca. You may wish to consult it to find out more information about lobbyists, their clients and the nature of their lobbying activities.



10. Compliance Does Not Always Require Registration

Not all lobbying activity requires registration. For example: Corporations and not-for-profit organizations may conduct some lobbying activities and not be required to file a registration if the cumulative lobbying activities of all employees do not constitute 20% or more of one person's duties over a period of a month.

Volunteers are not required to register as they are not paid to communicate with public office holders.

Citizens may communicate with government officials on their own behalf without being required to register.

Certain communications with public office holders, such as a request for information, the interpretation of a Canadian law, and an oral or a written submission to a parliamentary committee, do not require a registration.

Certain individuals, such as members of other levels of government, members of an aboriginal government or band council, and diplomatic officials, are exempted from registration.



WE MUST BE THE CHANGE WE WISH TO SEE IN THE WORLD.

- AUDRE LORDE