



*Office of the
Registrar of
Lobbyists*

*Presentation to the OECD Symposium on
Lobbying: Enhancing Transparency and
Accountability*

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Government of Canada
Gouvernement du Canada

Canada

Federal Legislation in Canada

- ❖ From 1965 to 1985, 20 Private Members' Bills proposing lobbying regulation were introduced in Parliament
- ❖ The first *Lobbyists Registration Act* (LRA) was passed in 1989
- ❖ In 1995 an updated LRA was passed, including a *Lobbyists' Code of Conduct*
- ❖ Important amendments passed in 2003 came into force in 2005
- ❖ Bill C-2 (*The Federal Accountability Act*), was passed on December 12, 2006. This act includes major amendments to the LRA



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 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



Major features of the LRA

- ❖ Definition of lobbying
- ❖ Timely registration and disclosure requirements
- ❖ Accountability of lobbyists and others
- ❖ *A Lobbyists' Code of Conduct*
- ❖ A framework for penalties
- ❖ An official to administer and enforce the law



Evolution – Definitions

1988

- ❖ Lobbying is communicating with the intent to influence a public office holder, for payment, with respect to certain matters

1995

- ❖ Categories of lobbyists re-named and increased from two to three
- ❖ “Grass roots” lobbying added to the lobbying activities that must be disclosed

2003

- ❖ “communicating with the intent to influence” is removed and replaced simply by “communicating”

2006

- ❖ “Designated Public Office Holder” is added as a special category of Public Office Holder



Evolution – Disclosure

1988

- ❖ Little detail required on exact nature of lobbying activity and its purpose

1995

- ❖ More detail on subject-matter and departments lobbied
- ❖ In-house lobbyists must disclose details similar to consultant lobbyists
- ❖ Coalition members must be disclosed

2003

- ❖ Semi-annual renewal required for all categories of lobbyist
- ❖ Former public offices held must be disclosed

2006

- ❖ Monthly reporting on communication with any Designated Public Office Holder is required



Evolution – Accountability

1988

- ❖ Self-regulation is considered but rejected
- ❖ Accountability is with individual lobbyists

1994 - 1995

- ❖ Lobbyists form a Professional Association, the Government Relations Institute of Canada (GRIC)
- ❖ Three-year review of the Act by Parliament is increased to five years

2003

- ❖ “Senior Officer” of Corporations made accountable for all lobbying registration for the entity

2006

- ❖ Designated Public Office Holders must validate lobbyists’ monthly reports, if requested by the Commissioner of Lobbying
- ❖ Five-year post employment ban on lobbying for certain senior positions
- ❖ Clients must not pay contingency fees



Evolution – Lobbyists Code of Conduct

1988

- ❖ Standards of behaviour are not legislated

1995

- ❖ Lobbyists' Code of Conduct is introduced
- ❖ GRIC adopts a self-regulating code of conduct

1997-2006

- ❖ Several complaints of alleged breaches of the Code but no investigations are initiated
- ❖ In 2006, Registrar announces broader interpretation of the Code

2007

- ❖ First investigation reports are tabled in Parliament



Evolution – Penalties

1988

- ❖ a fine of up to \$25 000 and/or up to 6 months in jail, upon summary conviction
- ❖ A fine of up to \$100 000 and/or 2 years in jail upon conviction by way of indictment.
- ❖ Charges must be laid by RCMP within six months

1995

- ❖ Six-month limitation period increased to two years
- ❖ Breaches of the Lobbyists Code of Conduct result in a report being tabled in Parliament
- ❖ No limitation period on breaches of the Code of Conduct

2006

- ❖ All monetary penalties are doubled
- ❖ Limitation period on prosecutions in court increased to 10 years



Evolution – Administrator of the Act

1988

- ❖ The Registrar is an official within the Department of Consumer and Corporate Affairs

1995

- ❖ The position of Ethics Counsellor is established, reporting to the Prime Minister. The Registrar reports to the Ethics Counsellor

2004

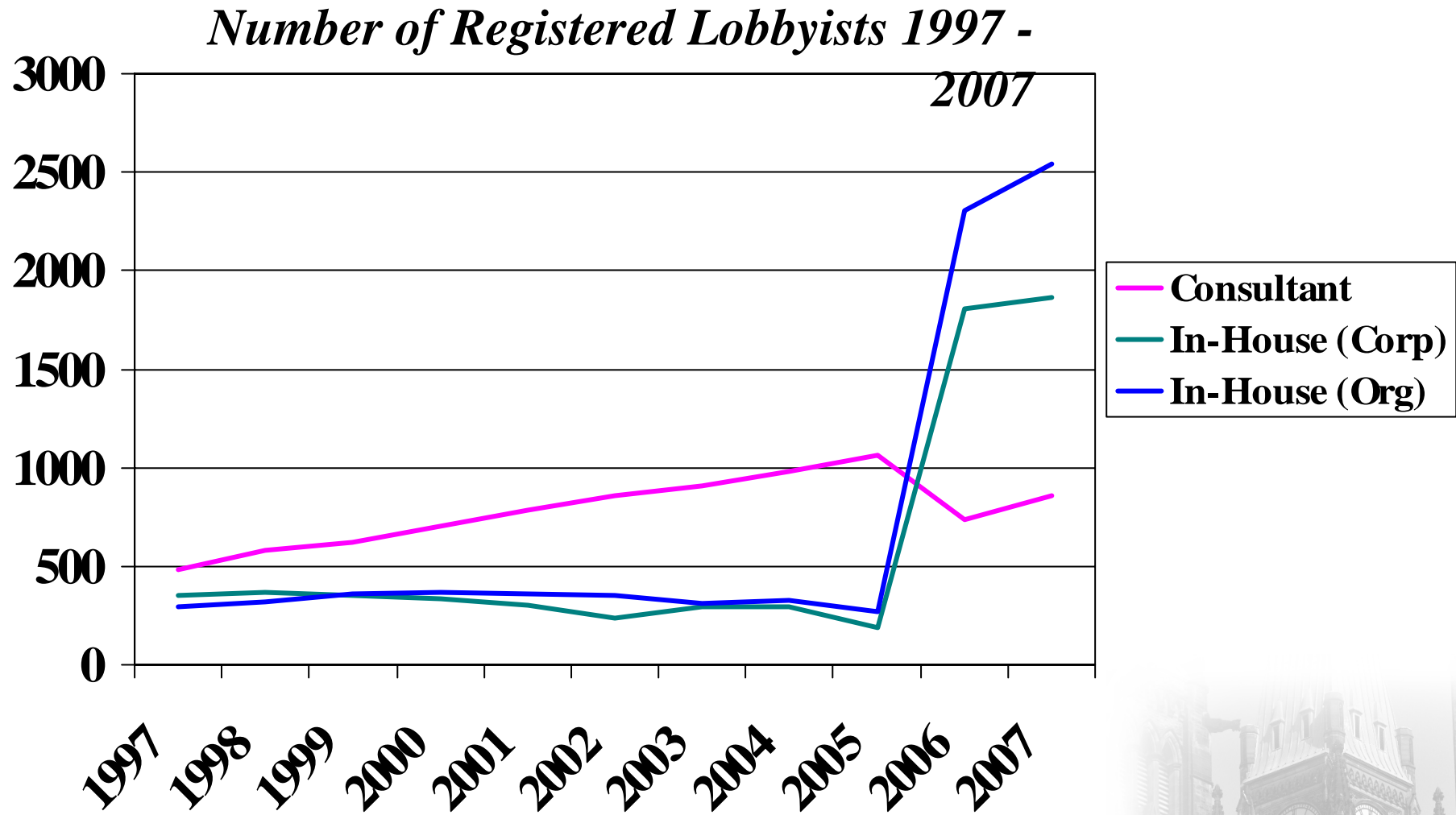
- ❖ Position of Ethics Counsellor abolished and an Assistant Deputy Minister in Industry Canada is designated as Registrar on a part-time basis

2006

- ❖ Office of the Registrar of Lobbyists is moved from Industry Canada and becomes an independent organization
- ❖ Significant increase in staff and resources
- ❖ Position of Commissioner of Lobbying created, reporting to Parliament



Impact of Evolution – Data



Impact of Evolution – Statistics

As at April 23, 2007

<u>Type of Lobbyist</u>	<u>Total Registrations</u>	<u>Active Lobbyists</u>
Consultant:	3049	888
In-house (Corporations):	1889 (320 Corps)	1889
In-house (Organizations):	<u>2545</u> (469 Orgs)	<u>2545</u>
Grand Totals:	<u>7483</u> registrations	<u>5322</u> lobbyists

Note: There are 320 corporations, listing a total of 1889 in-house lobbyists in their returns and 469 organizations, listing a total of 2545 in-house lobbyists in their returns.



Impact of Evolution – Culture

- ❖ Registration is seen by many lobbyists as a legitimization of their work
- ❖ More lobbyists are registering “just to be safe”
- ❖ More public office holders are requiring registration before they will grant a meeting
- ❖ Journalists are relying on the Registry and mentioning it regularly in their stories
- ❖ Cumulative impact is “strategic enforcement”



Conclusions

- ❖ Federal lobbying law in Canada has evolved relatively rapidly over nearly 20 years
- ❖ Parliament has moved progressively towards greater regulation, relying less on “voluntary” behaviours
- ❖ Data and anecdotal evidence show that compliance has increased in recent years, due in part to:
 - A focus on transparency and accountability
 - An adequately resourced Registrar
 - Education about the obligations of lobbyists
 - Visible enforcement
 - A change in culture around the lobbying issue
- ❖ In 2010, Parliament will have the opportunity to review the outcomes of this evolutionary process

