



# Canada's *Lobbying Act*

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# Core principles

As stated in preamble to the *Lobbying Act*:

- ***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***
- ***a system for the registration of paid lobbyists*** should not impede free and open access to government



# Evolution of lobbying legislation

## 1989

Registration only required where  
“intent to influence”

Limited information required from  
lobbyists (e.g. names, addresses)

No information required on specific  
communications

Administered by registrar within  
government with no investigative  
powers

No rules for how lobbying conducted



## 2012

Registration required for any  
communication on prescribed  
subjects

Full identification of lobbyists, clients,  
employers, controlling interests,  
targets and subject matter

Monthly disclosure of specific  
communications

Administered by Commissioner  
independent from government with  
full investigative powers

Lobbyists must comply with  
*Lobbyists' Code of Conduct*

# What is lobbying?

Scope of Act defined by type of activity, not who is conducting it

**Lobbying** = communication with a **public office holder\*** about ...

- legislative proposals
- changes to regulations, policies and programs
- awarding of contracts, grants and other financial benefits
- arranging meetings with public office holders

... in a professional capacity (paid, not volunteer or on own behalf)

**\*public office holders** = virtually all public officials, including all Members of the House of Commons and Senate, Ministers, political staff, government employees, and members of armed forces and federal police



# What is not lobbying?

- Communication from other governments (provincial, municipal, First Nations, international)
- Submissions to parliamentary committees and other public proceedings
- Requests for information
- Representations on behalf of a party with respect to the application or enforcement of a law



# Consultant and in-house lobbying

- Consultants who lobby on behalf of clients must file individual registrations
  - e.g., members of government relations or legal firms
- Corporations and organizations must file registrations if they use their own “in-house” employees or officers to lobby
  - Includes for-profit corporations, industry associations, unions, non-profit organizations, interest groups, charities, etc.



# The lobbying industry

Type of lobbyists	2006	2007	2008	2009	2010	2011
Consultant lobbyists	732	860	867	873	753	814
Individuals within organizations	2,306	2,539	2,439	2,936	2,725	2,507
Individuals within corporations	1,809	1,882	1,754	1,817	1,791	1,808
Total	4,847	5,281	5,060	5,626	5,269	5,129

Source: Commissioner of Lobbying



# Providing transparency

- Registrations must be filed with Commissioner of Lobbying, identifying:
  - Who is engaged in lobbying, their clients and employers, and lobbying targets
  - Subject matter of lobbying, including relevant legislative proposals, resolutions, regulations, policies, programs, financial benefits or contracts;
  - Former public offices held by lobbyists
  - Communication techniques (including “grass roots” lobbying)
- Published online by the Commissioner of Lobbying @ [www.ocl-cal.gc.ca](http://www.ocl-cal.gc.ca)



# Office of the Commissioner of Lobbying of Canada

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## ● Active Registration: 777586-297865-1

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Lobbyist:	TRACEY HUBLEY
Consulting firm:	SUMMA STRATEGIES CANADA INC.
Client:	RPM Canada Company
Version:	777586-297865-1
Type:	New registration
Active from:	2012-05-28

[Name change history](#)

### A. Registrant

Consultant lobbyist name:	TRACEY HUBLEY <a href="#">Lobbyist business address</a>
Consulting firm:	SUMMA STRATEGIES CANADA INC. 1000 - 100 SPARKS STREET OTTAWA, ON K1P 5B7 Canada
Telephone number:	613-235-1400
Fax number:	613-235-1444

Former public office holder: [Yes](#)

## B. Information about Client

Client: RPM Canada Company  
220 Wicksteed Avenue  
Toronto, ON M4H 1G7  
Canada

Telephone number: 416-421-3300

Fax number: 416-467-2448

Website: www.rpminc.com

Principal representative of the client: Matt Ratajczak

Position title: Vice President - Global Taxes

Parent: RPM International, Inc.  
2628 Pearl Road, P.O. Box 777  
Medina, OH  
United States of America 44258

Coalition: The client is not a coalition.

Subsidiary: DAP Brands Company  
2628 Pearl Road  
Medina, OH  
United States of America 44256

Rust-Oleum Brands Company  
2628 Pearl Road  
Medina, OH  
United States of America 44256

Zinsser Brands Company  
2628 Pearl Road  
Medina, OH  
United States of America 44256

Person or organization: The client's activities are not controlled or directed by another person or organization with a direct interest in the outcome of this undertaking.

Was the client funded in whole or in part by any domestic or foreign government institution in the **last completed financial year**, or does the client expect funding in the **current financial year**?

No

## C. Lobbying Activity Information

Federal departments or organizations which have been or will be communicated with during the course of the undertaking:

Finance Canada (FIN), House of Commons, Prime Minister's Office (PMO)

Communication techniques that have been used or are expected to be used in the course of the undertaking:

Oral communication, Other types: Meeting, Written communication

I arranged or expect to arrange one or more meetings on behalf of my client between a public office holder and any other person in the course of this undertaking:

Yes

Information about Subject matter:

Taxation and Finance

## Details Regarding the Identified Subject Matter

Categories	Description
Regulation	Department of Finance proposed foreign affiliate provisions change to the Canada Income Tax Act. Discussions on modifications. Regulation 5907(1.4) Foreign Affiliate Regulations




# Monthly communication reports

- Lobbyists must provide monthly reports on specific meetings and telephone calls they have initiated with officials with direct influence on government decision-making:
  - “designated public office holders” = Members of House of Commons and Senate, Ministers, political staff, senior public servants (assistant deputy minister and above)
- Must also include communications initiated by officials about contracts and financial benefits

# Communication Report Summary

Registrant name: FRANCIS SCHILLER

Client: **TRANSPORT NANUK INC.**

Associated registration:  [777690-890-14](#)

Communication number: 890-167077

Communication date: 2011-02-16

Date of submission: 2011-03-01

Designated Public Office Holders who participated in the communication: **Nicole Jauvin**, Deputy Minister and President Canadian Northern Economic Development Agency (CanNor)

Subject Matter of the communication: Infrastructure , Transportation



# Commissioner of Lobbying

- Administers registry
- Verifies information filed by lobbyists
- Investigates alleged violations, and reports directly to Parliament
- Refers possible offences to police
- Education and awareness campaigns for lobbyists and public office holders
- Develops and administers code of conduct for lobbyists



# *Lobbyists' Code of Conduct*

## Lobbyists must:

- Clearly identify themselves
- Provide accurate and factual information to public office holders
- Disclose to clients and employers their obligations under *Lobbying Act*
- Not divulge confidential information
- Not use insider information to detriment of clients and employers
- Avoid conflicts of interest, and placing public office holders in conflict of interest

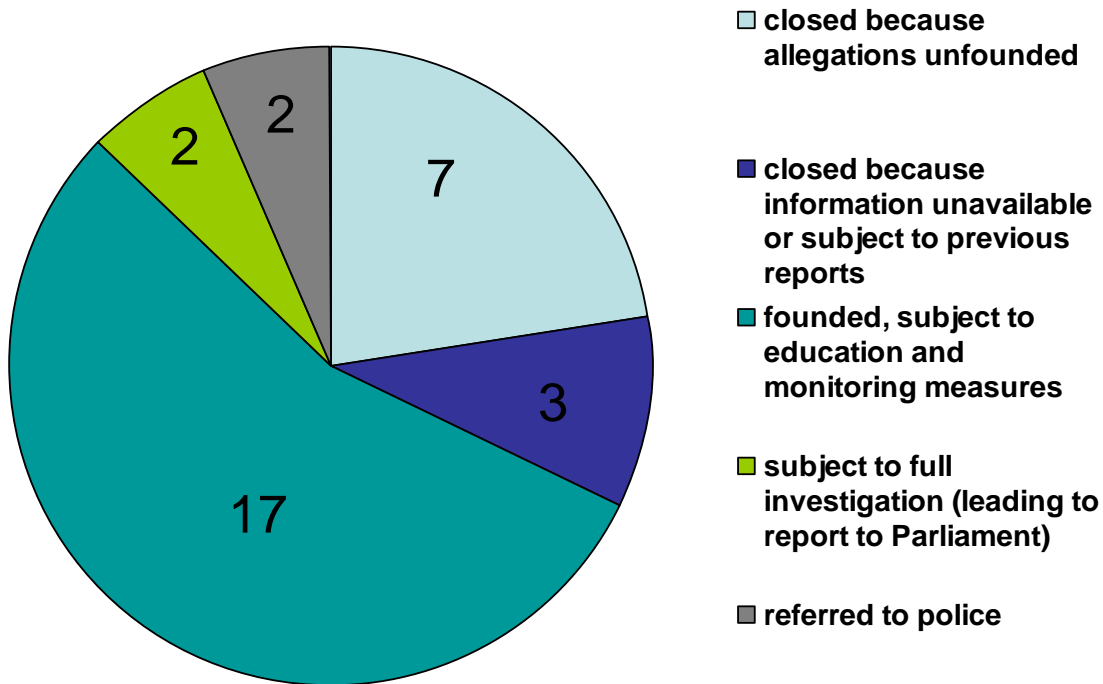


# Prohibitions and offences

- Lobbyists may not receive “contingency fees”
- Former designated public office holders may not lobby government for 5 years after leaving office
- Maximum penalties:
  - Failing to register, or giving false information to Commissioner: \$200,000 / 2 years imprisonment
  - Other breaches of Act: \$50,000

# Enforcement outcomes

## Outcome of administrative reviews, 2010-11



## Since 2005:

- **11** cases referred to police (1 prosecution)
- **12** investigation reports to Parliament (10 finding breaches of Act or Code)

Source: Commissioner of Lobbying



# 2012 parliamentary review

- Issues considered by parliamentary committee:
  - Enforcement powers of Commissioner
  - Interrelation with *Conflict of Interest Act*
  - Thresholds for registration and 5-year prohibition
  - Scope of “designated public office holder” category
- Government Response September 2012