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# A General Guide to Registration

## Introduction

### Purpose of this guide

This guide has been developed to provide general information about the *Lobbying Act* (the Act). It provides guidance regarding when and how to register. It is intended to cover all three categories of lobbyists: consultant lobbyists, in-house lobbyists (organizations) and in-house lobbyists (corporations). Separate, more specific guides are also available for each category of lobbyists on the Website of the Office of the Commissioner of Lobbyists (OCL).

Individuals who are paid to communicate with federal public office holders (POHs) with regard to matters listed in sections 5 and 7 of the Act - i.e. to lobby - may be subject to the disclosure requirements established in the *Lobbying Act*.

We have endeavoured to answer as many questions as possible pertaining to the *Lobbying Act* and the Lobbyists Registration Regulations (the Regulations). However, it should be noted that this guide is not a legal document. For additional information, refer to the *Lobbying Act*, Regulations and Code of Conduct section of this Web site. You may also wish to read the Frequently Asked Questions (FAQs) also published on the OCL's Website.

### Facts about the *Lobbying Act*

Four basic principles are set out in the preamble to the 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; and
- The system for the registration of paid lobbyists should not impede free and open access to government.

The old *Lobbyists Registration Act* originally came into force on September 30, 1989 and was amended in 1995, 1996 and again in 2005. The latest amendments came into force on July 2, 2008. The latest amendments changed the name of the legislation to the *Lobbying Act*, replaced the position of Registrar of Lobbyists with the position of the Commissioner of Lobbying, who now reports directly to Parliament, and provided the Commissioner with enhanced investigative powers and an education mandate.

Among other important changes, the Act introduced the concept of designated public office holders (DPOH), who are individuals occupying senior or important positions within the government and who will be subject to a 5-year lobbying prohibition. Moreover, pre-arranged verbal communications between a lobbyist and a DPOH will

need to be disclosed by the lobbyist on a monthly basis, except in certain cases when the communication was initiated by a DPOH. The *Lobbying Act* also states that DPOHs and former DPOHs may be asked by the Commissioner to verify the disclosure, filed by lobbyists or registrants, of certain lobbying activities.

The Act also includes a ban on paying to lobbyists or lobbyists accepting contingency or success fees. As for stricter enforcement provisions, lobbyists may be subject to double the amount of monetary penalties for breaches of the Act.

## **General Information about Lobbyist Registration**

### **Registry of Lobbyists**

All information collected under the *Lobbying Act*, the *Lobbyists Registration Regulations* and the *Designated Public Office Holder Regulations* is a matter of public record. The objective of the Registry is to ensure transparency of lobbying activities, so that the general public, the media and public office holders may know who is lobbying the government, for what purpose and in whose interests.

The information published in the Registry is publicly available on the Internet via the on-line Lobbyists Registration System or by writing, calling or visiting the Office of the Commissioner of Lobbying, located at 255 Albert Street, 10th Floor, in Ottawa, Ontario, K1A 0R5. In order to protect privacy, lobbyists and registrants should ensure they do not inadvertently provide information that is not required under the Act and the Regulations.

### **Public Office Holder (POH)**

Lobbying involves individuals who are paid to communicate with Public Office Holders (POHs) with regard to certain matters stated in the Act. A POH is defined broadly in the *Lobbying Act* as “any officer or employee of Her Majesty in right of Canada.” This includes:

- Members of the Senate or of the House of Commons (Senators, Members of Parliament,
- Ministers) and their staff;
- Persons appointed to an office by a Minister of the Crown or the Governor in Council;
- An officer director or employee of any federal board, commission or other tribunal;
- Members of the Canadian Armed Forces;
- Members of the Royal Canadian Mounted Police; and
- Employees of federal departments.

## Designated Public Office Holders (DPOHs)

Designated public office holders (DPOHs) constitute a category within the broader group of federal officials defined as public office holders (POHs) by the *Lobbying Act*.

Designated public office holders include:

- A Minister of the Crown or a minister of state or their exempt staff appointed pursuant to subsection 128(1) of the Public Service Employment Act;
- Any other public office holder who works for a department and occupies a senior executive position, such as deputy minister (DM), associate deputy minister, assistant deputy minister (ADM) and chief executive officer (CEO), or a position of comparable rank, as well as any other individual who is designated by regulation.

The Commissioner has the responsibility of establishing criteria to be used in order to determine if a particular POH position is equivalent to DPOH positions such as deputy minister, associate deputy minister, assistant deputy minister or chief executive officer. The following positions and classes of positions are listed as occupied by DPOH in the Schedule (Section 1) of the Designated Public Office Holder Regulations. The first 6 positions are within the Canadian Forces

<b>Positions and classes of positions designated as occupied by Designated Public Office Holders (DPOHs) Designated Public Office Holder Regulations - Schedule (Section 1)</b>	
<b>Item #</b>	<b>Positions and classes of positions</b>
1.	Chief of the Defence Staff
2.	Vice Chief of the Defence Staff
3.	Chief of Maritime Staff
4.	Chief of Land Staff
5.	Chief of Air Staff
6.	Chief of Military Personnel
7.	Judge Advocate General
8.	Any positions of Senior Advisor to the Privy Council to which the office holder is appointed by the Governor in Council
9.	Deputy Minister (Intergovernmental Affairs) Privy Council Office
10.	Comptroller General of Canada
11.	Any position to which the office holder is appointed pursuant to paragraph 127.1(1)(a) or (b) of the <i>Public Service Employment Act</i> .

## Members of transition teams

Subsection 2(3) of the Lobbying Act defines members of a Prime Minister's transition team as:

“Any person identified by the Prime Minister as having had the task of providing support and advice to him or her during the transition period leading up to the swearing in of the Prime Minister and his or her ministry is subject to the Act,

except subsections 10.11(2) to (4), as if the person were a designated public office holder during that period.”

This definition applies to all individuals who have been members of a Prime Minister’s transition team since January 24, 2006. They are subject to the *Lobbying Act*’s five-year prohibition on lobbying activities and can submit requests for exemption from the prohibition to the Commissioner of Lobbying.

### **Who does not need to register?**

The Act excludes the following public officials from registration as lobbyists when they are acting in their official capacity:

- Members of the legislature of a province or territory or their staff;
- Employees of provincial and territorial governments;
- Members of local or municipal governments or their staff;
- Employees of local or municipal governments;
- Members of the council of a band as defined in subsection 2(1) of the *Indian Act* or of the council of an Indian band established by an Act of Parliament, or their staff;
- Members of an aboriginal government or institution that exercises jurisdiction or authority under a self-government agreement, or self-government provisions contained in a land-claims agreement given by or under an Act of Parliament, their staff or members or employees of that government or institution;
- Diplomatic agents, consular officers, or official representatives in Canada of foreign governments; and
- Officials of a specialized agency of the United Nations or officials of any other international organization granted privileges and immunities by Parliament.

*Note: If any of the above public officials or their organizations hire and pay third-party consultants to lobby on their behalf, these consultant lobbyists may be subject to the usual registration requirements.*

### **The Act does not apply to:**

- Any oral or written submission made to any committee of either House of Parliament, or to any organization created by an Act of Parliament, in proceedings that are a matter of public record;
- Any oral or written communication with a POH by a person on behalf of a person or organization with respect to enforcement, interpretation or application of any Act of Parliament or regulation, concerning the person or organization;
- Any oral or written communication with a POH by a person on behalf of a person or organization, provided the communication is restricted to a request for information; or
- Unpaid volunteers who lobby on behalf of individuals or organizations, such as universities or colleges.

## Who must register?

The registration requirements for the three categories of lobbyists can be summarized as follows:

**Consultant lobbyists.** Generally, these are individuals who, for payment, lobby for one or more clients. Moreover, this category also includes paid members of associations who lobby on behalf of associations to which they belong, as well as paid external members of Board of Directors who lobby on behalf of corporations or organizations for which they are Directors and that they have identified as their client.

Individuals who must file a disclosure (also referred to as a return) as consultant lobbyists must submit it within 10 days of entering into a lobbying undertaking, i.e., after they accept, either verbally or in writing, to lobby. Every month, consultant lobbyists must file a monthly communications report about arranged oral communications they may have had with federal Designated Public Office Holders (DPOHs) and/or about any changes that could have occurred in relation with their lobbying activities.

Those disclosures must be filed no later than 15 days after the end of every month. If no monthly report has been filed for 5 consecutive months following the end of the month in which a return was last filed, then a “six-month return” must be filed and certified by the lobbyist before the 15th day of the month following this period. (\*).

**In-house corporate lobbyists.** These are individuals employed by for-profit corporations (entities who carry out commercial activities for financial gain). A corporation must register when the collective time devoted to lobbying activities by all of its employees reaches or exceeds, when added up, 20% of the duties of a single equivalent paid employee of the corporation over a monthly reporting period.

It is the most senior paid officer employed by the corporation (the Registrant) who is responsible and accountable for completing and filing an in-house corporate lobbyists’ disclosure (or return) for the whole corporation. It must include the name of all employees who need to be registered as in-house corporate lobbyists. The initial disclosure must be filed within 2 months from the day the corporation begins to lobby.

Subsequently, monthly communications reports will need to be filed with respect to certain prescribed communications (i.e. oral and arranged communications) between any employee of the corporation and DPOHs, or to report changes to the information included in the registration of the corporation no later than 15 days after the end of every month. If no monthly communications report has been filed for 5 consecutive months following the end of the month in which a disclosure or

report was last filed, then a “six-month return” must be filed and certified by the Registrant. (\*).

**In-house organization lobbyists.** These are not-for-profit organizations (charities, associations, learning institutions, etc) in which one or more paid employees lobby, and the collective time devoted to lobbying amounts to 20% or more of a single equivalent paid employee’s time. The most senior paid officer employed by the organization (the Registrant) is responsible and accountable for completing and filing an in-house organization lobbyists’ disclosure (or return) for the whole organization within 2 months of when the organization begins to lobby, and to register the organization with the Commissioner of Lobbying.

Note that volunteers are not required to be registered given that a necessary condition to be a lobbyist is to be paid or to expect to be paid over and above the reimbursement of reasonable expenses such as travel. One notable exception, however, relates to individuals who are remunerated employees of corporations that are themselves members of trade, industrial or other associations. Those individuals, as part of their duties, sometimes participate in lobbying activities coordinated by such organizations. In cases such as those, the individuals’ lobbying activities should be disclosed by their employers, subject to all other applicable registration requirements.

Subsequently, monthly returns need to be filed with respect to communications with DPOHs or to report changes to the organization’s registration no later than 15 days after the end of every month. If no monthly report has been filed for 5 consecutive months following the end of the month in which a return was last filed, then a “six-month return” must be filed and certified by the lobbyist. (\*).

*(\* This means that disclosure is required if there are no changes or monthly communications with DPOHs to report during a period which cannot exceed six months, but which will generally be a little bit less, depending on the date of the last transaction. For example, if a disclosure was filed on March 8, and then no changes or DPOH communications entries were filed during the following 5 months (April, May, June, July, August), a “six-month return” would consequently need to be filed before September 15th. However, if a DPOH communication entry or a change in the registration had been filed on May 22nd, and no other transaction had occurred over the subsequent five months (June, July, August, September, October), then a “six-month return” would need to be filed before the 15th of November.*

More detailed information on the registration requirements for the three categories of lobbyists is provided in the next three sections.

## **Registration Requirements for Consultant Lobbyists**

(Section 5 of the *Lobbying Act*)

### **Overview**

Consultant lobbyists are individuals who, for payment and on behalf of one or more clients, communicate with public office holders with regard to certain matters described in the Act. Consultant lobbyists may include government relations professionals, lawyers, notaries, engineers, accountants or other professional advisors who provide lobbying services, among other services, to their clients.

They are also required to register when they arrange a meeting between their client and a federal public office holder, even when they do not participate in this meeting. Consultant lobbyists must therefore register for each undertaking, i.e., for each client, when they lobby for:

- The making, developing or amending of legislative proposals, bills or resolutions, regulations, policies or programs;
- The awarding of grants, contributions, or other financial benefits;
- The awarding of contracts; and
- Arranging a meeting with a public office holder (POH).

A consulting firm may assign several consultant lobbyists to work on the same undertaking for the same client. In such a case, much of the information to be disclosed may end up being common to these consultants. However, each consultant lobbyist is individually responsible for compliance with the Act, and must disclose and certify the information in his or her individual return.

A “client” is an individual, an organization or a corporation on whose behalf the consultant undertakes the lobbying activities and who would be the true beneficiary of the lobbying activities.

An “undertaking” is defined as an agreement or contract, written or verbal, between a client and a consultant lobbyist, within the context of which the lobbyist will seek to communicate with public office holders on behalf of the client. The scope of these agreements or contracts may be very broad and can refer to a variety of lobbying activities or, alternatively, it may be more narrowly focused on only one activity or one subject matter. Generally speaking, it is preferable that such agreements describe as precisely as possible the nature and the objective of the lobbying activities. They should document as precisely as possible the relationship between consultant lobbyists and their clients. Also, undertakings may be concurrent or sequential.

Agreements or contracts with substantially different nature and objectives may in fact represent brand new undertakings. In such cases, additional registrations would be required.

Individuals who have to file disclosures (or returns) as consultant lobbyists must complete and file a consultant lobbyist's disclosure with the Commissioner within 10 days of entering into an undertaking on behalf of a client. Separate disclosures (also referred to as communication monthly reports or entries) will need to be filed for each prescribed communication with a DPOH each month thereafter. The communications entries are separate but simple returns which are linked to, and coherent with, the lobbyist's underlying registration.

As well, the consultant lobbyist will be required to keep the registration current and decide, on a monthly basis, if any changes or amendments to its registration are necessary. In this context, changes to any information previously submitted must be reported no later than 15 days after the end of the month in which the change occurred, in accordance with the requirements for consultant lobbyist's registrations.

Thereafter, if no changes to the registration and no monthly DPOH communications reports have been filed for 5 consecutive months following the end of the month in which a return was last filed, then a "six-month return" must be filed and certified by the lobbyist. (\*)

*(\*) This means that re-certification of the registration's content is required if there are no changes or monthly communications with DPOHs to report during a period which cannot exceed six months, but which will generally be a little bit less, depending on the date of the last transaction. For example, if a disclosure was filed on March 8, and then no changes or DPOH communications entries were filed during the following 5 months (April, May, June, July, August), a "six-month return" would consequently need to be filed before September 15th. However, if a DPOH communication entry or a change in the registration had been filed on May 22nd, and no other transaction had occurred over the subsequent five months (June, July, August, September, October), then a "six-month return" would need to be filed before the 15th of November.*

### **Monthly Communications Reports**

Lobbyists must now report monthly about certain oral and arranged communications with DPOHs, (except if initiated by a DPOH), related to the development of policies, programs or legislations. However, oral and arranged communications related to contracts and financial benefits are required to be reported, even when initiated by a DPOH.

The table below summarizes the criteria to be used in order to determine whether or not to report certain communications with DPOHs, (Yes) or (No).

<b>Monthly Communications Reports (or Entries)</b>			
<b>Communications with DPOHs by Consultant Lobbyists *</b>			
<b>Oral and arranged communication(s)</b>	<b>Related to the development of policies, programs or legislations</b>	<b>Related to government contracts</b>	<b>Related to financial benefits, i.e., grant or contribution</b>
<b>Initiated by the lobbyist:</b>	Yes	Yes	Yes
<b>Initiated by the DPOH:</b>	No	Yes	Yes

*\* Note: Communications initiated by a DPOH may not be subject to the monthly reporting requirement in accordance with the above table. However, this should not be confused with the requirement to register overall lobbying activities and subject matters within the underlying registration. Consequently, if the subject matter related to a particular communication with a DPOH differs from what appears in the underlying registration, it will be necessary to update the subject matter in the underlying registration at the latest on the 15th of the month following the month in which the communication with the DPOH took place. For greater convenience, the Lobbyists Registration System will automatically compare monthly communication entries with active underlying registrations and prompt registrants to file an update if changes are needed to the information related to the Subject Matter or to Government Institutions.*

The following information must be disclosed for each lobbying undertaking:

- Name, position title and business address of the lobbyist;
- Name and business address of the lobbying firm;
- Client name and business address;
- An indication of whether or not the lobbyist is a member of the Board of Directors of the corporation or organization, or a member of the association, that is identified in the registration as the client;
- Name of the principal representative of the client;
- Name and business address of any person or organization that controls or directs the client's activities;
- If the client is a corporation, the name and business address of the parent corporation and those subsidiaries which directly benefit from the lobbying;
- An indication as to whether or not the consultant lobbyist organizes a meeting with a public office holder for the client;
- If the client is a coalition, the names and business addresses of the corporate and organizational members;
- If the individual is a former public office holder or a former designated public office holder, a description of the offices held;

- If the individual is a former public office holder or a former designated public office holder, the period during which those positions were held;
- If the individual is a former member of a Prime Minister's transition team, the period during which the individual was a member of that team;
- If applicable, the number of the exemption granted by the Commissioner of Lobbying with regard to the five-year prohibition on lobbying activities;
- Subject matters including the specific legislative proposal, bill or resolution, regulation, policy, program, grant, contribution, or other financial benefit or contract sought, as well as details related to these;
- Name of each department or other governmental institution lobbied;
- Source and amount of any government funding provided to the client, as well as information indicating if the client is expecting to receive public funding; and
- Communication techniques used, including grass-roots lobbying (see FAQs for definition).

*Note: Under the Lobbying Act, the payment of contingency or success fees to lobbyists and the receipt of these fees by lobbyists are prohibited.*

## Registration Requirements for In-house Lobbyists (Corporations)

(Section 7 of the *Lobbying Act*)

### Overview

Disclosures for in-house lobbyists (corporations) must be completed and filed by the most senior paid officer employed by the corporation (the Registrant) when one or more of the corporation's employees is involved in lobbying activities as defined by the Act, and where the accumulated activity of all such employees would constitute a significant part (20% or more) of the duties of a single equivalent employee. For the purpose of estimating the proportion of the employees' duties devoted to lobbying, one can use time as an indicator to estimate the part of the duties which constitutes lobbying. Note that the time spent communicating, travelling and preparing for communicating with public office holders should be included in the estimation. Other means of estimation may be also used by the most senior officer, which could be qualitative as well as quantitative, in order to estimate the significance of each employee's duties devoted to lobbying. If, over the course of a month, the 20 % threshold is met or exceeded, or is expected to be met or exceeded, then registration becomes necessary for the corporation.

### **Registration is required with respect to the following matters:**

- The making, developing or amending of legislative proposals, bills or resolutions, regulations, policies, programs; or
- The awarding of grants, contributions, or other financial benefits.

In-house corporate lobbyists are usually full-time employees and senior officers of the company. Their primary function is usually not public affairs or government relations

work, although large corporations often have one or a few individuals whose primary duties involve communicating with public office holders. Hence, their duties would include communicating with federal public office holders, whether formally or informally. When the accumulated lobbying duties by all paid employees of the corporation constitutes 20% of the duties of a single equivalent employee over a one-month period, the officer responsible for filing returns must file a registration in which the names of those employees would be listed. The officer responsible is usually the employee who holds the most senior remunerated executive position within the corporation.

It is the responsibility of the most senior paid officer employed by the corporation to complete and file an in-house lobbyists corporation initial disclosure within two months after the obligation to register first arises, and to register the corporation with the Commissioner of Lobbying. In the disclosure, the Registrant will be required to disclose the name of all senior paid officers of the corporation (the most senior executive and all of his or her direct reports) who perform lobbying activities, no matter what proportion of their duties such lobbying activities may represent. The Registrant must also disclose the name of all employees of the corporation for whom lobbying activities represent 20% or more of the duties estimated over a one-month period.

Note that, from now on, Registrants will be required to indicate whether corporation employees whose names appear in the disclosure were former POHs or former DPOHs. Former DPOHs who are subject to the *Lobbying Act*'s five-year prohibition on lobbying activities will be permitted to lobby as in-house corporate lobbyists if such lobbying activities represent less than 20% of their duties. Based on the information provided by the Registrant, the Lobbyists Registration System will automatically create the two lists of corporate lobbyists required under sub-paragraph 7(3)(f.1) of the *Lobbying Act*.

As well, a monthly communications reports (or entries) will need to be filed monthly by the Registrant for all communications between any employee of the corporation and a DPOH. Changes to any information contained in the corporation's underlying registration will also need to be disclosed no later than 15 days after the end of the month in which the change occurred, in accordance with the requirements for the registration of in-house lobbyists (corporations).

Thereafter, if no changes are submitted during a six-month period (in effect, for 5 months after the month of filing), a "six-month return" must be filed for each active registration no later than 15 days after the end of that period. This means that on the 15th day of every six month period, a new certification of the registration's content is required, if there are no changes or monthly communications with DPOH to report during that period (\*).

*(\* This means that re-certification of the registration's content is required if there are no changes or monthly communications with DPOHs to report during a period which cannot exceed six months, but which will generally be a little bit less, depending on the date of the last transaction. For example, if a disclosure*

*was filed on March 8, and then no changes or DPOH communications entries were filed during the following 5 months (April, May, June, July, August), a “six-month return” would consequently need to be filed before September 15th. However, if a DPOH communication entry or a change in the registration had been filed on May 22nd, and no other transaction had occurred over the subsequent five months (June, July, August, September, October), then a “six-month return” would need to be filed before the 15th of November.*

**Monthly Communications Reports (or Entries)**

Registrants must now report oral and arranged communications with a DPOH, (except if initiated by the DPOH), related to the development of policy, programs or legislation. However, oral and arranged communications related to financial benefits are required to be reported, even when initiated by a DPOH.

The table below summarizes the criteria to be used to determine whether or not to report certain communications with a DPOH, (Yes) or (No).

<b>Monthly Communications Reports (or Entries)</b>		
<b>Communications with DPOHs by In-House Lobbyists (Corporations) *</b>		
<b>Oral and arranged communication(s)</b>	<b>Related to the development of policies, programs or legislations</b>	<b>Related to financial benefits, i.e., grant or contribution</b>
<b>Initiated by the lobbyist:</b>	Yes	Yes
<b>Initiated by the DPOH:</b>	No	Yes

*\* Note: Communications initiated by a DPOH may not be subject to the monthly reporting requirement in accordance with the above table. However, this should not be confused with the requirement to register overall lobbying activities and subject matters within the underlying registration. Consequently, if the subject matter related to a particular communication with a DPOH differs from what appears in the underlying registration, it will be necessary to update the subject matter in the underlying registration at the latest on the 15th of the month following the month in which the communication with the DPOH took place. For greater convenience, the Lobbyists Registration System will automatically compare monthly communication entries with active underlying registrations and prompt registrants to file an update if changes are needed to the information related to the Subject Matter or to Government Institutions.*

**The following information must be disclosed:**

- Name and position title of the officer responsible for filing returns;
- Name and business address of the corporation;
- A general description of the corporation’s business or activities;

- Name and business address of the parent corporation and those subsidiaries that directly benefit from the lobbying;
- Names of the senior officers (chief executive officer, chief operating officer or president, and any other senior officer who reports directly to them) who communicate at any time with public office holders;
- Names of other employees of the corporation who lobby as a significant part of their duties (20% or more over a one-month period);
- If any of the employees is a former public office holder or a former designated public office holder, a description of the offices held;
- If any of the employees is a former public office holder or a former designated public office holder, the period during which those positions were held;
- If any of the employees is a former member of a Prime Minister's transition team, the period during which the individual was a member of that team;
- If applicable, the number of the exemption granted to the employee by the Commissioner of Lobbying with regard to the five-year prohibition on lobbying activities;
- Subject matters including the specific legislative proposals, bills or resolutions, regulations, policies, programs, grants, contributions, or other financial benefits sought, as well as details related to those;
- Name of each department or other governmental institution lobbied;
- Source and amount of any government funding provided to the client, as well as information indicating if the corporation is expecting to receive public funding; and
- Communication techniques used, including grass-roots lobbying (see FAQs for definition).

The Act requires that the names of employees of the corporation who are involved in lobbying activities be displayed using two lists: one for senior officers and other employees of the corporation for whom lobbying activities represent a significant part of their duties (20% or more); and another list that includes the names of each of the senior officer for whom lobbying activities does not represent a significant part of their duties (less than 20%). Based on the information disclosed by the Registrant, the Lobbyists Registration System will create those two lists of in-house corporate lobbyists.

## **Registration requirements for In-House lobbyists (Organizations)**

(Section 7 of the *Lobbying Act*)

### **Overview**

Many organizations have paid employees who work on government relations, public affairs or specific policy areas or issues. These employees may communicate, even though infrequently, with elected or appointed federal public office holders in the context of lobbying activities, as defined by the *Lobbying Act*.

The need to register arises when one or more of those employees communicate with public office holders to lobby and when the total lobbying activities of all such

employees would constitute a significant part of the duties (20% or more) of a single equivalent employee. For the purpose of estimating the proportion of an employee's duties devoted to lobbying, one can use as an indicator the time spent lobbying and preparing for lobbying public office holders over a period of one month. If, over the course of that period, the 20 % threshold is met or exceeded, then registration becomes necessary for the organization and its employees.

An initial disclosure (also referred to as an initial return) for in-house lobbyists (organization) must then be completed and filed by the most senior paid executive employed by the organization (the Registrant) in order to register the organization and its paid employees involved in lobbying activities.

**Lobbyist registration is required with respect to the following matters:**

- The making, developing or amending of legislative proposals, bills or resolutions, regulations, policies, programs; or
- The awarding of grants, contributions, or other financial benefits.

The most senior paid executive employed by the organization (the Registrant) is responsible for completing and filing an in-house lobbyist (organization) initial disclosure within two months after the need to register arises and to register the organization with the Commissioner of Lobbying. In the disclosure, the Registrant will be required to disclose the name of all of the organization's paid employees who perform lobbying activities on behalf of the organization. If the most senior officer (the Registrant) also undertakes lobbying activities on behalf of the organization, his or her name will need to be listed as an in-house lobbyist for the organization.

Registrants will be required to indicate whether organization's employees whose names appear in the disclosure were former POHs or former DPOHs. Former DPOHs who are subject to the *Lobbying Act's* five-year prohibition on lobbying activities will not be permitted to lobby as in-house organization lobbyists for five years after they ceased to hold a designated public office, unless they were granted an exemption by the Commissioner of Lobbying.

Monthly communications reports will also need to be filed for all prescribed communications taking place between any of the organization's employees and a DPOH thereafter. Changes to any information contained in the corporation's underlying registration will need to be disclosed no later than 15 days after the end of the month in which the change occurred, in accordance with the requirements for the registration of in-house lobbyists (organizations).

Thereafter, if no changes are submitted during a six-month period (in effect, for 5 months after the month of filing), a "six-month return" must be filed no later than 15 days after the end of that period. This means that on the 15th day of every six month period, a new certification of the registration's content is required, if there are no changes or monthly communications with DPOH to report during that period (\*).

*(\*) This means that re-certification of the registration’s content is required if there are no changes or monthly communications with DPOHs to report during a period which cannot exceed six months, but which will generally be a little bit less, depending on the date of the last transaction. For example, if a disclosure was filed on March 8, and then no changes or DPOH communications entries were filed during the following 5 months (April, May, June, July, August), a “six-month return” would consequently need to be filed before September 15th. However, if a DPOH communication entry or a change in the registration had been filed on May 22nd, and no other transaction had occurred over the subsequent five months (June, July, August, September, October), then a “six-month return” would need to be filed before the 15th of November.*

**Monthly Communications Reports (or Entries)**

Registrants must now report oral and arranged communications with a DPOH, (except if initiated by the DPOH), related to the development of policy, programs or legislation. However, oral and arranged communications related to financial benefits are required to be reported, even when initiated by a DPOH.

The table below summarizes the criteria to be used to determine whether or not to report certain communications with a DPOH, (Yes) or (No).

<b>Monthly Communications Reports (or Entries) Communications with DPOHs by In-House Lobbyists (Organizations) *</b>		
<b>Oral and arranged communication(s)</b>	<b>Related to the development of policies, programs or legislations</b>	<b>Related to financial benefits, i.e., grant or contribution</b>
<b>Initiated by the lobbyist:</b>	Yes	Yes
<b>Initiated by the DPOH:</b>	No	Yes

*\* Note: Communications initiated by a DPOH may not be subject to the monthly reporting requirement in accordance with the above table. However, this should not be confused with the requirement to register overall lobbying activities and subject matters within the underlying registration. Consequently, if the subject matter related to a particular communication with a DPOH differs from what appears in the underlying registration, it will be necessary to update the subject matter in the underlying registration at the latest on the 15th of the month following the month in which the communication with the DPOH took place. For greater convenience, the Lobbyists Registration System will automatically compare monthly communication entries with active underlying registrations and prompt registrants to file an update if changes are needed to the information related to the Subject Matter or to Government Institutions.*

**The following information must be disclosed:**

- Name and position title of the senior officer;
- Name and business address of the organization;
- General description of the organization’s business or activities;
- General description of the organization’s membership;
- Names of employees who lobby including, as applicable, the senior officer;
- If any of those employees is a former public office holder or a former designated public office holder, a description of the offices held;
- If any of those employees is a former public office holder or a former designated public office holder, the period during which those positions were held;
- If any of those employees is a former member of a Prime Minister’s transition team, the period during which the individual was a member of that team;
- If applicable, the number of the exemption granted to one of those employees by the Commissioner of Lobbying with regard to the five-year prohibition on lobbying activities;
- Subject matters including the specific legislative proposals, bills or resolutions, regulations, policies, programs, grants, contributions, or other financial benefits sought, as well as details related to those;
- Name of each department or other governmental institution lobbied;
- Source and amount of any government funding provided to the client, as well as information indicating if the client is expecting to receive public funding; and
- Communication techniques used, including grass-roots lobbying (see FAQs for definition).

**What Activities Do Not Require Registration?**

Registration is not required for:

- Oral or written submissions to parliamentary committees where there is a public record;
- Oral or written submissions made to any person or body which has jurisdiction or powers under a federal statute, in proceedings that are a matter of public record;
- Oral or written communications made to a public office holder with respect to the enforcement, interpretation or application of any existing federal statute or regulation by that official (for example, routine dealings with government inspectors and other regulatory authorities; other law enforcement officers; licensing authorities; taxation, legal, and customs officials); or
- Oral or written communication made to a public office holder if the communication is restricted to a simple request for information.

**How Are the Registration Requirements Enforced?**

It is the responsibility of lobbyists to comply with the *Lobbying Act*.

The Commissioner has an education mandate and a communications program which are intended to help facilitate compliance with the Act. The Commissioner may also issue advisory opinions and interpretation bulletins to help lobbyists and registrants understand the Act's registration provisions as well as the requirements of the *Lobbyists' Code of Conduct*.

The Act provides for substantial penalties for lobbyists if they fail to register, or make false or misleading statements in their disclosures. The Commissioner shall conduct an investigation if he or she has reason to believe that an investigation is necessary to ensure compliance with the *Lobbyists' Code of Conduct* or the Act. If, during the course of an investigation, the Commissioner believes on reasonable grounds that a person has committed an offence under the Act or any other Act of Parliament or of the legislature of a province, the Commissioner may advise a peace officer having jurisdiction to investigate the alleged offence.

Section 14 of the Act states that such contraventions may carry fines of up to \$50,000 and/or jail terms of up to 6 months upon summary conviction, and up to \$200,000 and/or two years imprisonment on indictment. The Act sets a 5-year limitation period for summary conviction from the date the Commissioner became aware of the offence and 10 years after the day the alleged offence occurred. Further, the Commissioner may prohibit a person convicted of an offence under the Act from lobbying for up to 2 years.

The Commissioner (and his/her delegates) has the authority to request clarification or verification of any information submitted by lobbyists, including monthly reports regarding communications with designated public office holders. Under the Act, lobbyists are required to respond to these requests within 30 days. As well, lobbyists and registrants must make any corrections to their submitted disclosures within 10 days of the Commissioner's or his/her delegate's request.