

APPENDIXES

Appendix 1 List of recommendations regarding amendments to the Lobbying Act

RECOMMENDATION 1 (page 30)

Subsection 5.4 of the Act should be amended to apply to consultant lobbyists. As a result, the Act would not apply to submissions by consultant lobbyists to public office holders who have no discretionary power to make decisions regarding the awarding of contracts, subsidies, other cash benefits, permits, licenses, certificates, or other authorizations.

RECOMMENDATION 2 (page 38)

To ensure that the goals of fostering transparency and enforcing lobbying rules of conduct are met, the Lobbying Act should apply to a broader spectrum of nonprofit organizations. Like the Minister of Justice, the Lobbyists Commissioner invites lawmakers to hold a public consultation to discuss this question.

RECOMMENDATION 3 (page 39)

The Lobbying Act should require any lobbyist conducting lobbying activities on behalf of a coalition to be registered in the Lobbyists Registry. In addition, sections 9 and 10 should be amended to specify that, given the necessary adaptations, consultant lobbyists and organization lobbyists who work on behalf of coalitions must disclose the names and addresses of the organizations comprising these coalitions.

RECOMMENDATION 4 (page 41)

The Commissioner recommends that the definition of public office holder exclude persons appointed to enterprises qualified as government enterprises solely because 50% of their voting shares are part of the domain of the state or are held by the government, a public or government body, or a government enterprise.

RECOMMENDATION 5 (page 43)

To extend the scope of the principle of transparency, sections 14, 15, and 16 of the Lobbying Act should be amended to require that initial declarations of lobbying activities be made within 10 days of the start of such activities in the case of consultant lobbyists, and within 30 days in the case of enterprise or organization lobbyists. Lobbyists should be required to advise the Registry of any changes affecting their declarations within 10 days of those changes, or to renew their registration within 10 days of the anniversary date of their initial declaration.

RECOMMENDATION 6 (page 45)

Sections 9 and 10 of the Lobbying Act should be amended to require a lobbyist's declaration to include the names of any persons, enterprises, or organizations that make financial or other contribution to lobbying activities.

RECOMMENDATION 7 (page 47)

It is recommended that subsection 10.11 of the Act be amended to include a reference period for information concerning public office holders' prior positions. For example, enterprise or organization lobbyists could be required to declare any public offices held during the ten years prior to their registration in the Lobbyists Registry.

RECOMMENDATION 8 (page 49)

Following the example of the federal government and other Canadian provinces that regulate lobbying activities, the Québec Act should require lobbyists to disclose whether they intend to use “grass roots lobbying” techniques.

RECOMMENDATION 9 (page 56)

The Lobbying Act should be amended to enable the Lobbyists Commissioner to institute penal proceedings for breaches of the Lobbying Act. In addition, section 43 of the Lobbying Act should be amended to remove the Lobbyists Commissioner's obligation to submit to the Director of Criminal and Penal Prosecutions any inquiry report that documents breaches of provisions of this Act or the Code of Conduct for Lobbyists.

RECOMMENDATION 10 (page 57)

As is prescribed in the federal Lobbying Act, the Lobbyists Commissioner recommends that the prescription period for launching penal proceedings under the Lobbying Act be five years from discovery of the breach and no later than ten years from the occurrence of the breach.

RECOMMENDATION 11 (page 57)

It is recommended that section 25 be amended to provide that lobbyists may not lobby public office holders if they have not registered to conduct such activities within the time limits and terms set forth in the Act.

RECOMMENDATION 12 (page 58)

It is recommended that section 58 of the Lobbying Act be amended to confer on the Lobbyists Commissioner, rather than the Attorney General, the ability to claim the amount or value of any financial or other consideration received by or payable to lobbyists for activities conducted in breach of the Act or Code of Conduct for Lobbyists. Section 59 could also be amended to provide for a prescription period of five years from discovery of the breach and no later than ten years from the occurrence of the breach.

RECOMMENDATION 13 (page 59)

It is recommended that disciplinary measures be subject to the same prescription period used for penal proceedings or compensation claims. This prescription period could be five years from discovery of the breach and no later than ten years from the occurrence of the breach.

RECOMMENDATION 14 (page 61)

The Lobbyists Commissioner believes that the Lobbying Act cannot be fully enforced if additional efforts are not devoted to the education of lobbyists, public office holders, and citizens. He therefore recommends amending the Act to clearly extend the

Commissioner's mandate to include the development and implementation of education and awareness programs about the requirements of the Lobbying Act and Code of Conduct for Lobbyists.

RECOMMENDATION 15 (page 65)

It is recommended that the Lobbying Act be amended to include interim rules applicable in the event that the Lobbyists Commissioner is absent, unable to act, or resigns.

RECOMMENDATION 16 (page 65)

It is recommended that the Act be amended to add that the Commissioner and staff members may not be sued by reason of any act they have done or failed to do in good faith in the performance of their duties.

RECOMMENDATION 17 (page 66)

The Lobbying Act should be amended to require that the Lobbyists Commissioner, before taking up his duties, should make a prescribed oath of office before the President of the National Assembly.