



Notice no. 2005-05

February 9, 2005

This notice is issued and published by the Lobbyists Commissioner pursuant to section 52 of the *Lobbying Transparency and Ethics Act* (R.S.Q., c.T-11.011).

Subject : Interpretation of the expression “any submission made in or prior to judicial or adjudicative proceedings” used in paragraph 1 of section 5 of the *Lobbying Transparency and Ethics Act*.

Website: www.commissairelobby.qc.ca

Paragraph 1 of section 5 of the *Lobbying Transparency and Ethics Act* provides that the Act does not apply in respect of “any submission made in or prior to judicial or adjudicative proceedings”.

“Judicial proceedings” means proceedings leading to decisions rendered by courts of justice, including the Court of Appeal, the Superior Court, the Court of Québec and the municipal courts.

“Adjudicative proceedings” are proceedings leading to decisions made by bodies charged with resolving disputes between a citizen and an administrative authority, such as the Administrative Tribunal of Québec.

Submissions made to a public office holder on behalf of a party to proceedings, in an effort to reach an out-of-court settlement, are considered to be “made in (...) judicial or adjudicative proceedings”.

Submissions made to a public office holder while judicial or adjudicative proceedings are imminent are considered to be “made (...) prior to judicial or adjudicative proceedings”. Such submissions may be made in a formal notice or in the course of conciliation or mediation aimed at avoiding court litigation. However, a simple reference to the possibility that proceedings might be brought is not sufficient to conclude that they are imminent.

André C. Côté
Lobbyists Commissioner