

COMMISSIONER'S NOTICE

NOTICE N^o 2012-01

FILING RETURNS WITH THE REGISTRY OF LOBBYISTS: THE SUBJECT-MATTER OF LOBBYING ACTIVITIES AND PUBLIC INSTITUTIONS INVOLVED

All returns filed with the registry of lobbyists must clearly and accurately describe lobbying activities carried out by the lobbyist with Québec public office holders on behalf of an enterprise, organization, or client.

The purpose of this notice is to specify the information that must be filed with the registry of lobbyists concerning the subject-matter of lobbying activities and particulars to identify such subject-matter, and the institutions targeted and time periods during which these lobbying activities took place.

Sections 9 and 10 of the Act stipulate notably that returns filed by lobbyists must include the following:

- The subject-matter of the consultant lobbyist's activities, and particulars to identify such subject-matter
- The name of any parliamentary, government, or municipal institution in which any public office holder is employed or serves with whom the consultant lobbyist has communicated or expects to communicate, as well as the nature of the functions of the public office holder
- The duration of the lobbying activities

“CATCH-ALL” RETURNS

Some lobbyists, in order to cover all possibilities and avoid clearly identifying the nature of their lobbying activities with public institutions or having to make changes to their return as their current activities progress or new activities are undertaken, may wish to file returns that describe the subject-matter of their lobbying activities in the most general of terms, provide a long duration, and name all public institutions liable to

be part of their activities. This type of “catch-all” return is not specific enough and does not fulfill the Act's objectives.

The purpose of the return is to make known the nature of lobbying activities carried out by a lobbyist, the public institutions involved, and the time period concerned. The return is not intended to cover any and all situations liable to arise over a long time period.

THE SUBJECT-MATTER OF LOBBYING ACTIVITIES AND PARTICULARS USEFUL FOR DETERMINING IT

For returns filed by a lobbyist with the registry of lobbyists to comply with the Act, the subject-matter of the lobbying activities must be described so that all relevant particulars for determining the aim of the lobbyist are filed with the registry.

An enterprise, organization, or lobbyist that files a general description of its business or professional activities as the subject-matter of its lobbying activity for a specific mandate has not provided an appropriate level of detail to be in compliance with the Act. The mere act of separating the business or professional activities of the enterprise, organization, or lobbyist into several different mandates likewise fails to attain the level of detail required under the Act.

The return filed with the registry of lobbyists must include enough information so that a person who consults the registry can precisely ascertain, at the time of this consultation, the decision the lobbyist is seeking to influence. The return must also specify the concrete need of the public institution the lobbyist is seeking to meet, the policy direction they are seeking to influence, the regulation they are seeking to amend, the type of subsidy or pecuniary benefit they are seeking to obtain and any other such information. The lobbyist's ultimate goal must also be set out.

Thus, in the case of representations aiming to obtain a contract to provide a service, the return filed with the registry of lobbyists must specify information such as the project, infrastructure, or equipment of the public

institution the contract would involve as well as the nature of the services to be provided. It is not enough for the return to show that the lobbyist will make representations with the goal of obtaining contracts in a specific field or sector.

PUBLIC INSTITUTIONS AND TIME PERIODS COVERED BY LOBBYING ACTIVITIES

In returns, using generic expressions such as “all municipalities” and “the Québec government,” in combination with a very long time period, is insufficient to accurately ascertain the public institutions with which lobbying activities are being carried out or will shortly be carried out; consequently, this type of return is unacceptable.

Returns filed with the registry must enable the reader to clearly identify the time period of lobbying activities and the public institution involved. Since the return must cover ongoing lobbying activities, it follows that filing returns is an ongoing process. When lobbying activities

are completed, they must be removed from the registry; when new activities are undertaken, they must be added.

The duration of a lobbying mandate must reflect the type of lobbying activity carried out, the scope of representations, or the complexity of the lobbying activities. Thus, the time period dedicated to lobbying activities aiming to bring about amendments to a law, regulation, or policy may be longer than that for activities whose purpose is to provide a product or service to a public institution. In all cases, the time period recorded must cover only lobbying activities either already under way or on the point of being undertaken at the time of filing, and not those that may potentially be undertaken over the course of the year.

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Lobbyists Commissioner