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## Government of Canada Responds to Committee Report on Statutory Review of the *Lobbying Act*

By Cyrus Reporter

Yesterday, the Government of Canada formally responded to the May 14, 2012 *Parliamentary Standing Committee on Access to Information, Privacy and Ethics* report with respect to the Statutory Review of the *Lobbying Act*. Under the Act, a review is required every five years. While “concluding the Act is generally working well in accordance with its objectives,”<sup>1</sup> the Committee had issued [eleven recommendations for changes](#) to the *Lobbying Act*. In response the Government of Canada, without indicating it would pursue any immediate legislative action to modify the Act, addressed each of the committee’s recommendations. In doing so it emphasized its desire to “improve the transparency and accountability aims of the legislation while maintaining balance amongst the Act’s objectives.”<sup>2</sup>

### 1. Full Support

The Government indicated it was supportive of Committee recommendations #5 and #9.

**Recommendation 5:** Ensure that monthly communications reports contain the names of all in-house lobbyists who attended oral pre-arranged meetings [in addition to the senior reporting officer].

**Recommendation 9:** The five-year ban should be retained, and post-employment

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<sup>1</sup> <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=5579611&Language=E&Mode=1&Parl=41&Ses=1>

<sup>2</sup> <http://library.constantcontact.com/download/get/file/1102645146249-13/Gov+Response.pdf>

restrictions on public office holders should be interpreted and administered by a single authority.

## 2. Qualified Support

The Government offered qualified support of several recommendations by agreeing with their intent but suggesting it will investigate means of implementation that will “minimize administrative burden”<sup>3</sup>.

**Recommendation 1:** All public servants serving in a Director General’s position, or serving in a more senior position than Director General, should now be considered Designated Public Office Holders and held subject to all applicable laws governing this designation.

**Recommendation 3:** Eliminate the distinction between in-house lobbyists (corporations) and in house lobbyists (organizations).

**Recommendation 4:** Require in-house lobbyists to file a registration, along with the senior officer of the company or organization.

**Recommendation 6:** Allow board members (corporation and association directors), partners and sole proprietors to be included in an in-house lobbyist’s returns.

**Recommendation 7:** Impose an explicit ban on the receipt of gifts from lobbyists.

**Recommendation 8:** Prohibit an individual or entity from lobbying the government on a subject matter, if they have a contract to provide advice to a public office holder on the same subject matter.

## 3. Lack of Support

The Government indicated it will “take note” of Committee recommendations #2, # 10, and #11,

which suggests it is unlikely to address them at this time or the near future.<sup>4</sup>

**Recommendation 2:** Remove the ‘significant part of duties’ threshold for in-house lobbyists.

**Recommendation 10:** Enshrine the administrative review process in the Act.

**Recommendation 11:** Empower the Commissioner of Lobbying to impose administrative monetary penalties. Perhaps consider temporary bans for breaches of the law (as in the Newfoundland and Labrador and Quebec provincial legislation).

## Conclusion

Though the Government has indicated it will support certain recommendations and further investigate others, it has not outlined a legislative timeline or process for implementation. Changes to the Act will not take place until new legislation is introduced.

## Contact Us

For further information, please contact a member of our [National Public Policy Group](#).

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<sup>3</sup> Ibid.

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<sup>4</sup> <http://library.constantcontact.com/download/get/file/1102645146249-13/Gov+Response.pdf>