

Lobbying Act (R.S.C. (Revised Statutes of Canada), 1985, c. 44 (4th Supp.))
Act current to 2023-10-31 and on 2022-07-26.

Lobbying Act

R.S.C. (Revised Statutes of Canada), 1985, c. 44 (4th Supp.)

An Act respecting lobbying

[1988, c. 53, assented to 13th September, 1988]

Preamble

WHEREAS free and open access to government is an important matter of public interest;

AND WHEREAS lobbying public office holders is a legitimate activity;

AND WHEREAS it is desirable that public office holders and the public be able to know who is engaged in lobbying activities;

AND WHEREAS a system for the registration of paid lobbyists should not impede free and open access to government;

NOW THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., 1985, c. 44 (4th Supp.), preamble; 2003, c. 10, s. 1.

Short Title

Short title

1 This Act may be cited as the *Lobbying Act*.

R.S., 1985, c. 44 (4th Supp.), s. 1; 2006, c. 9, s. 66.

Interpretation

Definitions

2 (1) In this Act,

designated public office holder means

(a) a minister of the Crown or a minister of state and any person employed in his or her office who is appointed under subsection 128(1) of the *Public Service Employment Act*,

(b) any other public office holder who, in a department within the meaning of paragraph (a), (a.1) or (d) of the definition **department** in section 2 of the *Financial Administration Act*,

(i) occupies the senior executive position, whether by the title of deputy minister, chief executive officer or by some other title, or

(ii) is an associate deputy minister or an assistant deputy minister or occupies a position of comparable rank, and

(c) any individual who occupies a position that has been designated by regulation under paragraph 12(c.1). (*titulaire d'une charge publique désignée*)

Ethics Counsellor [Repealed, 2004, c. 7, s. 19]

organization includes

(a) a business, trade, industry, professional or voluntary organization,

(b) a trade union or labour organization,

(c) a chamber of commerce or board of trade,

(d) a partnership, trust, association, charitable society, coalition or interest group,

(e) a government, other than the Government of Canada, and

(f) a corporation without share capital incorporated to pursue, without financial gain to its members, objects of a national, provincial, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character or other similar objects; (*organisation*)

payment means money or anything of value and includes a contract, promise or agreement to pay money or anything of value; (*paiement*)

prescribed means prescribed by regulation; (*Version anglaise seulement*)

public office holder means any officer or employee of Her Majesty in right of Canada and includes

(a) a member of the Senate or the House of Commons and any person on the staff of such a member,

(b) a person who is appointed to any office or body by or with the approval of the Governor in Council or a minister of the Crown, other than a judge receiving a salary under the *Judges Act* or the lieutenant governor of a province,

(c) an officer, director or employee of any federal board, commission or other tribunal as defined in the *Federal Courts Act*,

(d) a member of the Canadian Armed Forces, and

(e) a member of the Royal Canadian Mounted Police; (*titulaire d'une charge publique*)

registrar [Repealed, 2006, c. 9, s. 67]

Subsidiary corporation

(2) For the purposes of this Act, a corporation is a subsidiary of another corporation if

(a) securities of the first-mentioned corporation to which are attached more than fifty per cent of the votes that may be cast to elect directors of the first-mentioned corporation are held, otherwise than by way of security only, directly or indirectly, whether through one or more subsidiaries or otherwise, by or for the benefit of the other corporation; and

(b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the first-mentioned corporation.

Transition team

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

R.S., 1985, c. 44 (4th Supp.), s. 2; 1995, c. 12, s. 1; 2002, c. 8, s. 182; 2003, c. 10, s. 2; 2004, c. 7, s. 19; 2006, c. 9, s. 67.

Application

Binding on Her Majesty

3 This Act is binding on Her Majesty in right of Canada or a province.

Restriction on application

4 (1) This Act does not apply to any of the following persons when acting in their official capacity, namely,

(a) members of the legislature of a province or persons on the staff of such members;

(b) employees of the government of a province;

(c) members of a council or other statutory body charged with the administration of the civil or municipal affairs of a city, town, municipality or district, persons on the staff of such members or officers or employees of a city, town, municipality or district;

(d) 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, persons on their staff or employees of such a council;

(d.1) members of an aboriginal government or institution that exercises jurisdiction or authority under a self-government agreement, or under self-government provisions contained in a land claims agreement, given effect by or under an Act of Parliament, persons on the staff of those members or employees of that

government or institution;

(d.2) [Repealed, 2003, c. 10, s. 3]

(d.3) [Repealed, 2004, c. 17, s. 20]

(e) diplomatic agents, consular officers or official representatives in Canada of a foreign government; or

(f) officials of a specialized agency of the United Nations in Canada or officials of any other international organization to whom there are granted, by or under any Act of Parliament, privileges and immunities.

Idem

(2) This Act does not apply in respect of

(a) any oral or written submission made to a committee of the Senate or House of Commons or of both Houses of Parliament or to any body or person having jurisdiction or powers conferred by or under an Act of Parliament, in proceedings that are a matter of public record;

(b) any oral or written communication made to a public office holder by an individual on behalf of any person or organization with respect to the enforcement, interpretation or application of any Act of Parliament or regulation by that public office holder with respect to that person or organization; or

(c) any oral or written communication made to a public office holder by an individual on behalf of any person or organization if the communication is restricted to a request for information.

Idem

(3) Nothing in this Act shall be construed as requiring the disclosure of the name or identity of any individual where that disclosure could reasonably be expected to threaten the safety of that individual.

R.S., 1985, c. 44 (4th Supp.), s. 4; 1994, c. 35, s. 36; 1995, c. 12, s. 2; 2000, c. 7, s. 24; 2003, c. 10, s. 3; 2004, c. 17, ss. 17, 20.

Office of the Commissioner of Lobbying

Commissioner of Lobbying

Commissioner of Lobbying

4.1 (1) The Governor in Council shall, by commission under the Great Seal, appoint a Commissioner of Lobbying after consultation with the Leader of the Government in the Senate or Government Representative in the Senate the Leader of the Opposition in the Senate, the Leader or Facilitator of every other recognized party or parliamentary group in the Senate and the leader of every recognized party in the House of Commons and approval of the appointment by resolution of the Senate and House of Commons.

Tenure of office and removal

(2) Subject to this section, the Commissioner holds office during good behaviour for a term of seven years, but may be removed for cause by the Governor in Council at any time on address of the Senate and House of Commons.

Further terms

(3) The Commissioner, on the expiry of a first or any subsequent term of office, is eligible to be reappointed for a further term not exceeding seven years.

Interim appointment

(4) In the event of the absence or incapacity of the Commissioner, or if that office is vacant, the Governor in Council may appoint any qualified person to hold that office in the interim for a term not exceeding six months, and that person shall, while holding office, be paid the salary or other remuneration and expenses that may be fixed by the Governor in Council.

2006, c. 9, s. 68; [2022, c. 10, s. 250](#).

Rank and powers

4.2 (1) The Commissioner has the rank and powers of a deputy head of a department, shall engage exclusively the duties of the office of Commissioner under this Act or any other Act of Parliament and shall not hold any other office or employment for reward.

Duties and functions

(2) The Commissioner's duties and functions, in addition to those set out elsewhere in this Act, include developing and implementing educational programs to foster public awareness of the requirements of this Act, particularly on the part of lobbyists, their clients and public office holders.

Remuneration and expenses

(3) The Commissioner shall be paid the remuneration and expenses set by the Governor in Council.

Pension benefits

(4) The provisions of the *Public Service Superannuation Act*, other than those relating to tenure of office, apply to the Commissioner, except that a person appointed as Commissioner from outside the public service, as defined in the *Public Service Superannuation Act*, may, by notice in writing given to the President of the Treasury Board not more than 60 days after the date of appointment, elect to participate in the pension plan provided in the *Diplomatic Service (Special) Superannuation Act*, in which case the provisions of that Act, other than those relating to tenure of office, apply to the Commissioner from the date of appointment and the provisions of the *Public Service Superannuation Act* do not apply.

Other benefits

(5) The Commissioner is deemed to be employed in the federal public administration for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.
2006, c. 9, s. 68.

Staff

Staff of the Commissioner

4.3 (1) Any officers and employees that are necessary to enable the Commissioner to perform the duties and functions of the Commissioner under this Act or any other Act of Parliament shall be appointed in accordance with the *Public Service Employment Act*.

Technical assistance

(2) The Commissioner may engage on a temporary basis the services of persons having technical or specialized knowledge of any matter relating to the work of the Commissioner to advise and assist the Commissioner in the performance of the duties and functions of the Commissioner under this Act or any other Act of Parliament and with the approval of the Treasury Board, may fix and pay the remuneration and expenses of those persons.

2006, c. 9, s. 68.

Delegation

Delegation by Commissioner

4.4 The Commissioner may authorize any person to exercise or perform, subject to any restrictions or limitation that the Commissioner may specify, any of the powers, duties or functions of the Commissioner under this Act except

(a) the power to delegate under this section; and

(b) those set out in subsections 10(1), 10.2(1), 10.5(1) and sections 11, 11.1, 14.01 and 14.02.

2006, c. 9, s. 68.

Registration of Lobbyists

Consultant Lobbyists

Requirement to file return

5 (1) An individual shall file with the Commissioner, in the prescribed form and manner, a return setting out the information referred to in subsection (2), if the individual, for payment, on behalf of any person or organization (in this section referred to as the "client"), undertakes to

(a) communicate with a public office holder in respect of

(i) the development of any legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons,

(ii) the introduction of any Bill or resolution in either House of Parliament or the passage, defeat or amendment of any Bill or resolution that is before either House of Parliament,

(iii) the making or amendment of any regulation as defined in subsection 2(1) of the *Statutory Instruments Act*,

(iv) the development or amendment of any policy or program of the Government of Canada,

(v) the awarding of any grant, contribution or other financial benefit by or on behalf of Her Majesty in right of Canada, or

(vi) the awarding of any contract by or on behalf of Her Majesty in right of Canada; or

(b) arrange a meeting between a public office holder and any other person.

Time limit for filing return

(1.1) An individual shall file the return referred to in subsection (1) not later than 10 days after entering into the undertaking.

(1.2) and (1.3) [Repealed, 2006, c. 9, s. 69]

Contents of return

(2) The return shall set out the following information with respect to the undertaking:

(a) the name and business address of the individual and, if applicable, the name and business address of the firm where the individual is engaged in business;

(b) the name and business address of the client and the name and business address of any person or organization that, to the knowledge of the individual, controls or directs the activities of the client and has a direct interest in the outcome of the individual's activities on behalf of the client;

(c) where the client is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the individual, has a direct interest in the outcome of the individual's activities on behalf of the client;

(d) where the client is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation;

(e) where the client is a coalition, the name and business address of each corporation or organization that is member of the coalition;

(e.1) the client is funded in whole or in part by a government or government agency, the name of the government or agency, as the case may be, and the amount of funding received;

(f) particulars to identify the subject-matter in respect of which the individual undertakes to communicate with a public office holder or to arrange a meeting, and any other information respecting the subject-matter that is prescribed;

(g) the fact that the undertaking does not provide for any payment that is in whole or in part contingent on the outcome of any matter described in subparagraphs (1)(a)(i) to (vi) or on the individual's success in arranging meeting referred to in paragraph (1)(b);

(h) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, program, grant, contribution, financial benefit or contract;

(h.1) if the individual is a former public officer holder, a description of the offices held, which of those offices if any, qualified the individual as a designated public office holder and the date on which the individual last ceased to hold such a designated public office;

(i) the name of any department or other governmental institution in which any public office holder with whom the individual communicates or expects to communicate in respect of any matter described in subparagraph (1)(a)(i) to (vi) or with whom a meeting is, or is to be, arranged, is employed or serves;

(j) if the individual undertakes to communicate with a public office holder in respect of any matter described in subparagraphs (1)(a)(i) to (vi), particulars to identify any communication technique that the individual uses or expects to use in connection with the communication with the public office holder, including any appeals to members of the public through the mass media or by direct communication that seek to persuade those members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion (in this Act referred to as "grass-roots communication"); and

(k) such other information relating to the identity of the individual, the client, any person or organization referred to in paragraph (b), any subsidiary referred to in paragraph (c), the other corporation referred to in paragraph (d), any member of a coalition referred to in paragraph (e) or any department or institution referred

to in paragraph (i) as is prescribed.

Requirement to file monthly return

(3) The individual shall file a return, in the prescribed form and manner, not later than 15 days after the end of every month, beginning with the one in which the return is filed under subsection (1), that

(a) sets out, with respect to every communication referred to in paragraph (1)(a) that is of a prescribed type and that was made in that month involving a designated public office holder and relating to the undertaking,

(i) the name of the designated public office holder who was the object of the communication,

(ii) the date of the communication,

(iii) particulars, including any prescribed particulars, to identify the subject-matter of the communication, and

(iv) any other information that is prescribed;

(b) if any information contained in the return filed under subsection (1) is no longer correct or additional information that the individual would have been required to provide under that subsection has come to the knowledge of the individual after the return was filed, provides the corrected or additional information; and

(c) if the undertaking has been performed or terminated, advises the Commissioner of that fact.

First monthly return

(4) The first return filed under subsection (3) shall, despite paragraph (3)(a), set out the information required by that paragraph in respect of communications made between the day on which the undertaking referred to in subsection (1) was entered into and the end of the month immediately before the filing of the return.

Exception

(4.1) Subject to subsection (4.2), no return is required under subsection (3) if no communication referred to in paragraph (3)(a) was made during the period with respect to which the return is to set out information, and if the circumstances referred to in paragraphs (3)(b) and (c) have not arisen.

Return — six-month period

(4.2) In any case, no more than five months shall have elapsed since the end of the month in which a return was last filed without a return being filed by the individual under subsection (3), even if, since the last return, no communication was made as referred to in paragraph (3)(a) and the circumstances referred to in paragraphs (3)(b) and (c) have not arisen, in which case the report shall so state.

Termination of reporting obligation

(4.3) The obligation to file a return under subsection (3) terminates when the undertaking has been performed or is terminated and a report has been filed under that subsection advising of that fact in accordance with paragraph (3)(c).

Information requested by Commissioner

(5) An individual who files a return shall provide the Commissioner, in the prescribed form and manner, with such information as the Commissioner may request to clarify any information that the individual has provided to the Commissioner pursuant to this section, and shall do so not later than thirty days after the request is made.

Restriction on application

(6) This section does not apply in respect of anything that an employee undertakes to do on the sole behalf of their employer or, where their employer is a corporation, in respect of anything that the employee, at the direction of the employer, undertakes to do on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.

For greater certainty

(7) For greater certainty, an individual who undertakes to communicate with a public office holder as described in paragraph (1)(a) is not required to file more than one return under subsection (1) with respect to the undertaking even though the individual, in connection with that undertaking, communicates with more than one public office holder or communicates with one or more public office holders on more than one occasion.

R.S., 1985, c. 44 (4th Supp.), s. 5; 1995, c. 12, s. 3; 1999, c. 31, s. 163(F); 2003, c. 10, s. 4; 2006, c. 9, ss. 69, 81.

6 [Repealed, 2003, c. 10, s. 5]

In-house Lobbyists (Corporations and Organizations)

Requirement to file return

7 (1) The officer responsible for filing returns for a corporation or organization shall file with the Commissioner, in the prescribed form and manner, a return setting out the information referred to in subsection (3) if

(a) the corporation or organization employs one or more individuals any part of whose duties is to communicate with public office holders on behalf of the employer or, if the employer is a corporation, on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary, in respect of

(i) the development of any legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons,

(ii) the introduction of any Bill or resolution in either House of Parliament or the passage, defeat or amendment of any Bill or resolution that is before either House of Parliament,

(iii) the making or amendment of any regulation as defined in subsection 2(1) of the *Statutory Instruments Act*,

(iv) the development or amendment of any policy or program of the Government of Canada, or

(v) the awarding of any grant, contribution or other financial benefit by or on behalf of Her Majesty in right of Canada; and

(b) those duties constitute a significant part of the duties of one employee or would constitute a significant part of the duties of one employee if they were performed by only one employee.

Time limit for filing return

(2) The officer responsible for filing returns shall file a return not later than two months after the day on which the requirement to file a return first arises under subsection (1).

(2.1) [Repealed, 2006, c. 9, s. 70]

Contents of return

(3) The return shall set out the following information:

(a) the name and business address of the officer responsible for filing returns;

(b) the name and business address of the employer;

(b.1) if the employer is a corporation, the name and business address of every subsidiary of the corporation that, to the knowledge of the officer responsible for filing returns, has a direct interest in the outcome of an employee's activities on behalf of the employer in respect of any matter described in subparagraphs (1)(a)(i) to (v);

(b.2) if the employer is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation;

(c) a description in summary form of the employer's business or activities and any other information to identify its business or activities that is prescribed;

(d) if the employer is an organization, a description of the organization's membership and any other information to identify its membership that is prescribed;

(e) if the employer is funded in whole or in part by a government or government agency, the name of the government or agency, as the case may be, and the amount of funding received;

(f) if the employer is an organization, the name of each employee any part of whose duties is as described in paragraph (1)(a);

(f.1) if the employer is a corporation,

(i) a list including the name of each senior officer or employee a significant part of whose duties is as described in paragraph (1)(a), and

(ii) a second list including the name of each other senior officer any part of whose duties is as described in paragraph (1)(a) but without constituting a significant part;

(g) particulars to identify the subject-matter of any communication that any employee named in the return has made or is expected to make with a public office holder in respect of any matter described in subparagraph (1)(a)(i) to (v) and any other information respecting that subject-matter that is prescribed;

(h) if any employee named in the return is a former public office holder, a description of the offices held, which of those offices, if any, qualified the employee as a designated public office holder and the date on which the employee last ceased to hold such a designated public office;

(h.1) to (h.3) [Repealed, 2006, c. 9, s. 70]

(i) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, program, grant, contribution or financial benefit;

(j) the name of any department or other governmental institution in which any public office holder with whom any employee named in the return communicates or is expected to communicate in respect of any matter described in subparagraphs (1)(a)(i) to (v) is employed or serves;

(k) particulars to identify any communication technique, including grass-roots communication within the meaning of paragraph 5(2)(j), that any employee named in the return uses or is expected to use in connection with any communication in respect of any matter described in subparagraphs (1)(a)(i) to (v); and

(l) any other information that is prescribed that relates to the identity of the officer responsible for filing returns, the employer, any subsidiary referred to in paragraph (b.1), any corporation referred to in paragraph (b.2) of which the employer is a subsidiary, any employee referred to in paragraph (f) or (f.1) or any department or institution referred to in paragraph (j).

Requirement to file monthly return

(4) The officer responsible for filing returns shall file a return, in the prescribed form and manner, not later than 15 days after the end of every month, beginning with the one in which the return is filed under subsection (1), that

(a) sets out, with respect to every communication referred to in paragraph (1)(a) that is of a prescribed type and that was made in that month involving a designated public office holder,

(i) the name of the designated public office holder who was the object of the communication,

(ii) the date of the communication,

(iii) particulars, including any prescribed particulars, to identify the subject-matter of the communication, and

(iv) any other information that is prescribed;

(b) if any information contained in the return filed under subsection (1) is no longer correct or additional information that the officer would have been required to provide under that subsection has come to the knowledge of the officer after the return was filed, provides the corrected or additional information; and

(c) if the employer no longer employs any employees whose duties are as described in paragraphs (1)(a) and (b), advises the Commissioner of that fact.

First monthly return

(4.1) The first return filed under subsection (4) shall, despite paragraph (4)(a), set out the information required by that paragraph in respect of communications made between the day on which the requirement to file a return first arose under subsection (1) and the end of the month immediately before the filing of the return.

Exception

(4.2) Subject to subsection (4.3), no return is required under subsection (4) if no communication referred to in paragraph (4)(a) was made during the period with respect to which the return is to set out information and if the circumstances referred to in paragraphs (4)(b) and (c) have not arisen.

Return — six-month period

(4.3) In any case, no more than five months shall have elapsed since the end of the month in which a return was last filed without a return being filed under subsection (4), even if, since the last return, no communication was made as referred to in paragraph (4)(a) and the circumstances referred to in paragraphs (4)(b) and (c) have not arisen, in which case the report shall so state.

Termination of reporting obligation

(4.4) The obligation to file a return under subsection (4) terminates when the employer no longer employs any employees whose duties are as described in paragraphs (1)(a) and (b) and a report has been filed under that subsection advising of that fact in accordance with paragraph (4)(c).

Information requested by Commissioner

(5) If the Commissioner requests information to clarify any information that has been provided to the Commissioner under this section, the officer responsible for filing returns shall, in the prescribed form and manner, not later than thirty days after the request is made, provide the Commissioner with the information.

Definitions

(6) In this section,

employee includes an officer who is compensated for the performance of their duties; (*employé*)

officer responsible for filing returns means the employee who holds the most senior office in a corporation or organization and is compensated for the performance of their duties; (*déclarant*)

senior officer, in respect of a corporation, means

(a) a chief executive officer, chief operating officer or president of the corporation, or

(b) any other officer who reports directly to the chief executive officer, chief operating officer or president of the corporation. (*cadre dirigeant*)

R.S., 1985, c. 44 (4th Supp.), s. 7; 1995, c. 12, s. 3; 2003, c. 10, s. 7; 2006, c. 9, ss. 70, 81.

Certification

Certification

7.1 Every individual who submits a return or other document to the Commissioner pursuant to this Act shall certify on the return or other document or, where it is submitted in electronic or other form in accordance with subsection 7.2(1), in such manner as is specified by the Commissioner, that the information contained in it is true to the best of their knowledge and belief.

1995, c. 12, s. 3; 2006, c. 9, s. 81.

Documents in Electronic or Other Form

Submission of documents

7.2 (1) Subject to the regulations, any return or other document that is required to be submitted to the Commissioner under this Act may be submitted in electronic or other form by such means and in such manner as is specified by the Commissioner.

Time of receipt

(2) For the purposes of this Act, any return or other document that is submitted in accordance with subsection (1) is deemed to be received by the Commissioner at the time provided for in the regulations.

1995, c. 12, s. 3; 2006, c. 9, s. 81.

Storage

7.3 (1) Subject to the regulations, any return or other document that is received by the Commissioner may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing, that is capable of reproducing the stored return or other document in intelligible form within a reasonable time.

Evidence

(2) In any prosecution for an offence under this Act, a copy of a return or other document that is reproduced as permitted by subsection (1) and certified under the Commissioner's signature as a true copy is admissible in evidence without proof of the signature or official character of the person appearing to have signed the copy and, in the absence of evidence to the contrary, has the same probative force as the original would have if it were proved in the ordinary way.

1995, c. 12, s. 3; 2006, c. 9, s. 81.

Registry

8 [Repealed, 2006, c. 9, s. 71]

Registry

9 (1) The Commissioner shall establish and maintain a registry in which shall be kept a record of all returns and other documents submitted to the Commissioner under this Act and of any information sent under subsection 9.1(1) and responses provided relative to that information.

Form of registry

(2) The registry shall be organized in such manner and kept in such form as the Commissioner may determine.

Audit

(3) The Commissioner may verify the information contained in any return or other document submitted to the Commissioner under this Act.

Clarifications and corrections

(3.1) Every individual who is required to submit returns or other documents referred to in subsection (1), or to provide responses referred to in that subsection, shall provide in the prescribed time, manner and form any clarification or correction to them that the Commissioner requires.

Access to registry

(4) The registry shall be open to public inspection at such place and at such reasonable hours as the Commissioner may determine.

R.S., 1985, c. 44 (4th Supp.), s. 9; 1995, c. 12, s. 5; 2006, c. 9, ss. 72, 81.

Confirmation of lobbying activity information

9.1 (1) The Commissioner may send to any present or former designated public office holder information derive from that referred to in paragraph 5(3)(a) or 7(4)(a) and provided in returns filed under subsection 5(3) or 7(4) in order that the office holder — in the prescribed time, manner and form — confirm to the Commissioner its accuracy and completeness or correct and complete it.

Report

(2) The Commissioner may, in a report under section 11 or 11.1, report on the failure by a present or former designated public office holder to respond relative to information sent under subsection (1) or the provision by such a person of an unsatisfactory response.

2006, c. 9, s. 73.

Interpretation bulletins

10 (1) The Commissioner may issue advisory opinions and interpretation bulletins with respect to the enforcement, interpretation or application of this Act other than under sections 10.2 to 10.5.

Interpretation bulletins not statutory instruments

(2) The advisory opinions and interpretation bulletins are not statutory instruments for the purposes of the *Statutory Instruments Act* and are not binding.

R.S., 1985, c. 44 (4th Supp.), s. 10; 1995, c. 12, s. 5; 2004, c. 7, s. 20; 2006, c. 9, s. 74.

Lobbyists' Remuneration

Prohibition — lobbyist

10.1 (1) An individual who is required to file a return under subsection 5(1) shall not receive any payment that is whole or in part contingent on the outcome of any matter described in subparagraphs 5(1)(a)(i) to (vi) or on the individual's success in arranging a meeting referred to in paragraph 5(1)(b).

Prohibition — client

(2) The client of an individual referred to in subsection (1) shall not make any such payment to the individual.

1995, c. 12, s. 5; 2004, c. 7, s. 21; 2006, c. 9, s. 75.

Restriction on Lobbying Activity

Five-year prohibition — lobbying

10.11 (1) No individual shall, during a period of five years after the day on which the individual ceases to be a designated public office holder,

(a) carry on any of the activities referred to in paragraph 5(1)(a) or (b) in the circumstances referred to in subsection 5(1);

(b) if the individual is employed by an organization, carry on any of the activities referred to in paragraph 7(1)(a) on behalf of that organization; and

(c) if the individual is employed by a corporation, carry on any of the activities referred to in paragraph 7(1)(a) on behalf of that corporation if carrying on those activities would constitute a significant part of the individual's work on its behalf.

Exception

(2) Subsection (1) does not apply in respect of any designated public office that was held only because the individual participated in an employment exchange program.

Exemption

(3) On application, the Commissioner of Lobbying may, on any conditions that the Commissioner specifies, exempt an individual from the application of subsection (1) if the Commissioner is of the opinion that the exemption would not be contrary to the purposes of this Act having regard to any circumstance or factor that the Commissioner considers relevant, including whether the individual

- (a) was a designated public office holder for a short period;
- (b) was a designated public office holder on an acting basis;
- (c) was employed under a program of student employment; or
- (d) had administrative duties only.

Publication

(4) The Commissioner shall without delay cause every exemption and the Commissioner's reasons for it to be made available to the public.

2006, c. 9, s. 75.

Application for exemption

10.12 (1) Any person who is subject to this Act as if they were a designated public office holder by reason of subsection 2(3), may apply to the Commissioner for an exemption from section 10.11.

Commissioner may exempt

(2) The Commissioner may, on any conditions that the Commissioner specifies, exempt the person from the application of section 10.11 having regard to any circumstance or factor that the Commissioner considers relevant, including the following:

- (a) the circumstances under which the person left the functions referred to in subsection 2(3);
- (b) the nature, and significance to the Government of Canada, of information that the person possessed by virtue of the functions referred to in subsection 2(3);
- (c) the degree to which the person's new employer might gain unfair commercial advantage by hiring the person;
- (d) the authority and influence that the person possessed while having the functions referred to in subsection 2(3); and
- (e) the disposition of other cases.

Publication

(3) The Commissioner shall without delay cause every exemption and the Commissioner's reasons for it to be made available to the public.

Audit

(4) The Commissioner may verify the information contained in any application under subsection (1).

2006, c. 9, s. 75.

Lobbyists' Code of Conduct

Lobbyists' Code of Conduct

10.2 (1) The Commissioner shall develop a Lobbyists' Code of Conduct respecting the activities described in subsections 5(1) and 7(1).

Consultation

(2) In developing the Code, the Commissioner shall consult persons and organizations that the Commissioner considers are interested in the Code.

Referral

(3) The Code shall be referred to a committee of the House of Commons before being published under subsection (4).

Code not a statutory instrument

(4) The Code is not a statutory instrument for the purposes of the *Statutory Instruments Act*, but the Code shall be published in the *Canada Gazette*.

1995, c. 12, s. 5; 2003, c. 10, s. 8; 2004, c. 7, ss. 22, 39; 2006, c. 9, s. 81.

Compliance with Code

10.3 (1) The following individuals shall comply with the Code:

- (a) an individual who is required to file a return under subsection 5(1); and
- (b) an employee who, in accordance with paragraph 7(3)(f) or (f.1), is named in a return filed under subsection 7(1).

Non-application of section 126 of the *Criminal Code*

(2) Section 126 of the *Criminal Code* does not apply in respect of a contravention of subsection (1).

1995, c. 12, s. 5; 2003, c. 10, s. 9.

Investigations

Investigation

10.4 (1) The Commissioner shall conduct an investigation if he or she has reason to believe, including on the basis of information received from a member of the Senate or the House of Commons, that an investigation is necessary to ensure compliance with the Code or this Act, as applicable.

Exception

(1.1) The Commissioner may refuse to conduct or may cease an investigation with respect to any matter if he or she is of the opinion that

- (a) the matter is one that could more appropriately be dealt with according to a procedure provided for under another Act of Parliament;
- (b) the matter is not sufficiently important;
- (c) dealing with the matter would serve no useful purpose because of the length of time that has elapsed since the matter arose; or
- (d) there is any other valid reason for not dealing with the matter.

Powers of investigation

(2) For the purpose of conducting the investigation, the Commissioner may

- (a) in the same manner and to the same extent as a superior court of record,
 - (i) summon and enforce the attendance of persons before the Commissioner and compel them to give oral or written evidence on oath, and
 - (ii) compel persons to produce any documents or other things that the Commissioner considers relevant for the investigation;
- and
- (b) administer oaths and receive and accept information, whether or not it would be admissible as evidence in a court of law.

Investigation in private

(3) The investigation shall be conducted in private.

Evidence in other proceedings

(4) Evidence given by a person in the investigation and evidence of the existence of the investigation are inadmissible against the person in a court or in any other proceeding, other than in a prosecution of a person for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made to the Commissioner.

Opportunity to present views

(5) Before finding that a person has breached the Code, the Commissioner shall give the person a reasonable opportunity to present their views to the Commissioner.

Confidentiality

(6) The Commissioner, and every person acting on behalf of or under the direction of the Commissioner, may not disclose any information that comes to their knowledge in the performance of their duties and functions under this section, unless

- (a) the disclosure is, in the opinion of the Commissioner, necessary for the purpose of conducting an investigation under this section or establishing the grounds for any findings or conclusions contained in a report under section 10.5;
- (b) the information is disclosed in a report under section 10.5 or in the course of a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made to the Commissioner; or
- (c) the Commissioner believes on reasonable grounds that the disclosure is necessary for the purpose of advising a peace officer having jurisdiction to investigate an alleged offence under this or any other Act of Parliament or of the legislature of a province.

Advice to peace officers

(7) If, during an investigation under this section, the Commissioner believes on reasonable grounds that a person has committed an offence under this or any other Act of Parliament or of the legislature of a province, the Commissioner shall advise a peace officer having jurisdiction to investigate the alleged offence and immediately suspend the Commissioner's investigation.

Suspension of investigation

(8) The Commissioner shall immediately suspend an investigation under this section if he or she discovers that the subject-matter of the investigation is also the subject-matter of an investigation to determine whether an offence under this or any other Act of Parliament or of the legislature of a province has been committed or that a charge has been laid with respect to that subject-matter.

Investigation continued

(9) The Commissioner may not continue an investigation under this section until any investigation or charge regarding the same subject-matter has been finally disposed of.

1995, c. 12, s. 5; 2003, c. 10, s. 10; 2004, c. 7, ss. 23, 39; 2006, c. 9, ss. 77, 81.

Report on investigation

10.5 (1) After conducting an investigation, the Commissioner shall prepare a report of the investigation, including the findings, conclusions and reasons for the Commissioner's conclusions, and submit it to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides forthwith after receiving it or, if that House is not then sitting, on any of the first fifteen days on which that House is sitting after the Speaker receives it.

Contents of report

(2) The report may contain details of any payment received, disbursement made or expense incurred by an individual who is required to file a return under subsection 5(1) or by an employee who, in accordance with paragraph 7(3)(f) or (f.1), is named in a return filed under subsection 7(1), in respect of any matter referred to in any of subparagraphs 5(1)(a)(i) to (vi) or 7(1)(a)(i) to (v), as the case may be, or of any payment made by the client of an individual who is required to file a return under subsection 5(1) in respect of any matter referred to in any of subparagraphs 5(1)(a)(i) to (vi), any communication referred to in paragraph 5(1)(a) or any meeting referred to in paragraph 5(1)(b), if the Commissioner considers publication of the details to be in the public interest.

1995, c. 12, s. 5; 2003, c. 10, s. 11; 2004, c. 7, ss. 23, 39; 2006, c. 9, s. 78.

10.6 [Repealed, 2006, c. 9, s. 78]

Reports to Parliament

Annual report

11 The Commissioner shall, within three months after the end of each fiscal year, prepare a report with regard to the administration of this Act during that fiscal year and submit the report to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides forthwith after receiving it or, if that House is not then sitting, on any of the first fifteen days on which that House is sitting after the Speaker receives it.

R.S., 1985, c. 44 (4th Supp.), s. 11; 1995, c. 12, s. 6; 2004, c. 7, s. 24; 2006, c. 9, s. 78.

Special reports

11.1 (1) The Commissioner may, at any time, prepare a special report concerning any matter within the scope of the powers, duties and functions of the Commissioner if, in the opinion of the Commissioner, the matter is of such urgency or importance that a report on it should not be deferred until the next annual report.

Tabling of special report

(2) The Commissioner shall submit the special report to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides forthwith after receiving it or, if that House is not then sitting, on any of the first fifteen days on which that House is sitting after the Speaker receives it.

2006, c. 9, s. 78.

Regulations

Regulations

12 The Governor in Council may make regulations

- (a)** requiring a fee to be paid on the filing of a return or a return of a class of returns under section 5 or 7, or for any service performed or the use of any facility provided by the Commissioner, and prescribing the fee or the manner of determining it;
- (b)** respecting the submission of returns or other documents to the Commissioner under this Act, including those that may be submitted in an electronic or other form under section 7.2, the persons or classes of persons by whom they may be submitted in that form and the time at which they are deemed to be received by the Commissioner;
- (c)** respecting the entering or recording of any return or other document under section 7.3;
- (c.1)** designating, individually or by class, any position occupied by a public office holder as a position occupied by a designated public office holder for the purposes of paragraph (c) of the definition *designated public office holder* in subsection 2(1) if, in the opinion of the Governor in Council, doing so is necessary for the purposes of this Act;
- (d)** prescribing any matter or thing that by this Act is to be or may be prescribed; and
- (e)** generally for carrying out the purposes and provisions of this Act.

R.S., 1985, c. 44 (4th Supp.), s. 12; 1995, c. 12, s. 7; 2003, c. 10, s. 12; 2006, c. 9, ss. 79, 81.

Recovery of Fees

Recovery of fees

13 Any fee required by the regulations to be paid constitutes a debt due to Her Majesty in right of Canada and may be recovered in any court of competent jurisdiction.

R.S., 1985, c. 44 (4th Supp.), s. 13; 1995, c. 12, s. 7.

Offences and Punishment

Contravention

14 (1) Every individual who fails to file a return as required under subsection 5(1) or (3) or 7(1) or (4), or knowingly makes any false or misleading statement in any return or other document submitted to the Commissioner under this Act or in any response provided relative to information sent under subsection 9.1(1), whether in electronic or other form, is guilty of an offence and liable

- (a)** on summary conviction, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding six months, or to both; and

(b) on proceedings by way of indictment, to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding two years, or to both.

Other contraventions

(2) Every individual who contravenes any provision of this Act — other than subsections 5(1) and (3), 7(1) and (4) and 10.3(1) — or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000.

Limitation

(3) Proceedings by way of summary conviction in respect of an offence under this section may be instituted at any time within but not later than five years after the day on which the Commissioner became aware of the subject-matter of the proceedings but, in any case, not later than ten years after the day on which the subject-matter of the proceedings arose.

R.S., 1985, c. 44 (4th Supp.), s. 14; 1995, c. 12, s. 7; 2006, c. 9, s. 80.

Prohibition on communication

14.01 If a person is convicted of an offence under this Act, the Commissioner may — if satisfied that it is necessary in the public interest, taking into account the gravity of the offence and whether the offence was a second or subsequent offence under this Act — prohibit for a period of not more than two years the person who committed the offence from effecting any communication described in paragraph 5(1)(a) or 7(1)(a) or arranging a meeting referred to in paragraph 5(1)(b).

2006, c. 9, s. 80.

Publication

14.02 The Commissioner may make public the nature of the offence, the name of the person who committed it, the punishment imposed and, if applicable, any prohibition under section 14.01.

2006, c. 9, s. 80.

Review by Parliament

Review of Act by parliamentary committee

14.1 (1) A comprehensive review of the provisions and operation of this Act must be undertaken, every five years after this section comes into force, by the committee of the Senate, of the House of Commons, or of both Houses of Parliament, that may be designated or established for that purpose.

Review and report

(2) The committee referred to in subsection (1) must, within a year after the review is undertaken or within any further period that the Senate, the House of Commons, or both Houses of Parliament, as the case may be, may authorize, submit a report on the review to Parliament that includes a statement of any changes to this Act or its operation that the committee recommends.

2003, c. 10, s. 13.

Coming into Force

Coming into force

¹⁵ This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation.

[Note: Act in force September 30, 1989, see SI/89-193.]

RELATED PROVISIONS

— 2003, c. 10, s. 14

Definitions

14 The following definitions apply in sections 15 to 17.

new Act means the *Lobbyists Registration Act* as it reads on the day on which this Act comes into force. (*nouvel*

old Act means the *Lobbyists Registration Act* as it read immediately before the day on which this Act comes into force. (*ancienne loi*)

— 2003, c. 10, s. 15

Requirement to file return

15 (1) Subject to subsection (2), if, on the day on which this Act comes into force, an individual is engaged in an undertaking described in subsection 5(1) of the new Act, the individual shall, not later than two months after the day on which this Act comes into force, file a return with respect to the undertaking with the registrar in accordance with subsection 5(1) of the new Act.

Exception

(2) An individual is deemed to have filed a return with respect to an undertaking in accordance with subsection (1)

(a) the individual filed a return with respect to the undertaking in accordance with subsection 5(1) of the old Act within the five months before the day on which this Act comes into force;

(b) there is no change to the information provided in the return referred to in paragraph (a); and

(c) the individual has no knowledge of any information required to be provided under subsection 5(2) of the new Act that was not provided in the return referred to in paragraph (a).

Deemed date of filing

(3) For the purpose of paragraph 5(1.1)(b) of the new Act, the day on which a return referred to in subsection (1) or paragraph (2)(a) is filed is deemed to be the date of filing a return under paragraph 5(1.1)(a) of the new Act.

— 2003, c. 10, s. 16

Requirement to file return

16 If, on the day on which this Act comes into force, a corporation employs one or more employees whose duties as described in paragraphs 7(1)(a) and (b) of the new Act, the officer responsible for filing returns, as defined in subsection 7(6) of the new Act, shall, not later than two months after the day on which this Act comes into force, file a return with the registrar in accordance with subsection 7(1) of the new Act.

— 2003, c. 10, s. 17

Requirement to file return

17 (1) Subject to subsection (2), if, on the day on which this Act comes into force, an organization employs one or more employees whose duties are as described in paragraphs 7(1)(a) and (b) of the new Act, the officer responsible for filing returns, as defined in subsection 7(6) of the new Act, shall, not later than two months after the day on which this Act comes into force, file a return with the registrar in accordance with subsection 7(1) of the new Act.

Exception

(2) An officer responsible for filing returns for an organization is deemed to have filed a return in accordance with subsection (1) if

(a) the senior officer of the organization, as defined in subsection 7(6) of the old Act, filed a return in accordance with subsection 7(1) of the old Act within the five months before the day on which this Act comes into force;

(b) there is no change to the information provided in the return referred to in paragraph (a); and

(c) the officer responsible for filing returns has no knowledge of any information required to be provided under subsection 7(3) of the new Act that was not provided in the return referred to in paragraph (a).

Deemed date of filing

(3) For the purpose of paragraph 7(2)(b) of the new Act, the day on which a return referred to in subsection (1) or paragraph (2)(a) is filed is deemed to be the date of filing a return under paragraph 7(2)(a) of the new Act.

— 2006, c. 9, s. 3.1

Reference to Act

3.1 (1) In this section, the **other Act** means, before the day on which section 66 of this Act comes into force, the *Lobbyists Registration Act* and, from that day, the *Lobbying Act*.

Five-year prohibition — lobbying

(2) If, on the day on which section 27 of this Act comes into force, section 10.11 of the other Act, as enacted by section 75 of this Act, is not yet in force, persons who would otherwise be bound by section 29 of the *Conflict of Interest and Post-Employment Code for Public Office Holders* by virtue of their office and who cease to hold that office on or after that day but before the day on which that section 10.11 comes into force, are subject to the obligations established by section 29 of that Code, despite the coming into force of section 27 of this Act.

Jurisdiction of registrar

(3) The registrar referred to in section 8 of the other Act has, with respect to the persons and obligations referred to in subsection (2), the same powers, duties and functions that the Ethics Commissioner would have in relation to those persons and obligations if section 27 of this Act were not in force.

— 2006, c. 9, s. 83

Reference to Act

83 In sections 84 to 88.2 of this Act, the **other Act** means, before the day on which section 66 of this Act comes into force, the *Lobbyists Registration Act* and, from that day, the *Lobbying Act*.

— 2006, c. 9, s. 84

Commissioner

84 (1) The person who holds the office of registrar immediately before the day on which section 68 of this Act comes into force is authorized to act as the Commissioner of Lobbying under the other Act until the appointment of a Commissioner under subsection 4.1(1) of the other Act — or of a person under subsection 4.1(4) of the other Act enacted by section 68 of this Act.

Employees

(2) The coming into force of section 68 of this Act does not affect the status of an employee — as defined in subsection 2(1) of the *Public Service Employment Act* — who occupied, immediately before the day on which that section 68 comes into force, a position in the Office of the Registrar of Lobbyists, except that the employee from that day occupies that position in the Office of the Commissioner of Lobbying.

— 2006, c. 9, s. 85

Pending investigations

85 Any investigation by the registrar under the other Act that is pending immediately before the day on which section 77 of this Act comes into force may continue to be conducted by the Commissioner of Lobbying under the other Act.

— 2006, c. 9, s. 86

Transfer of appropriations

86 Any amount that is appropriated, for the fiscal year in which section 71 of this Act comes into force, by an appropriation Act based on the Estimates for that year for defraying the charges and expenses of the federal public administration for the former registrar designated under section 8 of the other Act, as it read before the day on which that section 71 comes into force, and that, on that day, is unexpended is deemed, on that day, to be an amount appropriated for defraying the charges and expenses of the Office of the Commissioner of Lobbying under the administration of the Commissioner of Lobbying referred to in subsection 4.1(1) of the other Act, as enacted by section 68 of this Act.

— 2006, c. 9, s. 87

Contingent payments

87 Section 10.1 of the other Act, as enacted by section 75 of this Act, does not apply with respect to any contingent payment that, on the day on which that section 75 comes into force,

(a) was mentioned in a return in accordance with paragraph 5(2)(g) of the other Act as it read before the day on which subsection 69(2) of this Act comes into force; or

(b) was provided for in an undertaking entered into before the day on which that section 75 comes into force for which a return was neither filed nor yet required, under subsection 5(1.1) of the other Act as it read before the day on which subsection 69(1) of this Act comes into force, to be filed.

— 2006, c. 9, s. 88

Former designated public office holders

88 (1) For greater certainty, section 10.11 of the other Act, as enacted by section 75 of this Act, does not apply with respect to any ceasing to hold office or to be employed that is referred to in that section 10.11 and that occurred before the day on which that section 75 comes into force.

Assistant deputy ministers

(2) Section 10.11 of the other Act, as enacted by section 75 of this Act, also does not apply in respect of any ceasing to be a designated public office holder with the rank of assistant deputy minister or any office of equivalent rank that occurs during the six months after the day on which that section 75 comes into force.

— 2006, c. 9, s. 88.1

Five-year prohibition — lobbying

88.1 (1) No individual who was a member of a transition team who ceased to carry out his or her functions as a transition team member after January 24, 2006 but before the coming into force of section 10.11 of the other Act, enacted by section 75 of this Act, shall, during a period of five years after the day on which he or she ceased to carry out those functions

(a) carry on any of the activities referred to in paragraph 5(1)(a) or (b) of the other Act in the circumstances referred to in subsection 5(1) of the other Act;

(b) if the individual is employed by an organization, carry on any of the activities referred to in paragraph 7(1)(a) of the other Act on behalf of that organization; and

(c) if the individual is employed by a corporation, carry on any of the activities referred to in paragraph 7(1)(a) of the other Act on behalf of that corporation if carrying on those activities would constitute a significant part of the individual's work on its behalf.

Exception

(2) Subsection (1) does not apply to a member of a transition team in respect of any activities referred to in that subsection that were carried out before the day on which this Act is assented to.

Contravention

(3) Every individual who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000.

Limitation

(4) Proceedings by way of summary conviction in respect of an offence under this section may be instituted at any time within but not later than five years after the day on which the registrar referred to in section 8 of the other Act became aware of the subject-matter of the proceedings but, in any case, not later than ten years after the day on which the subject-matter of the proceedings arose.

Definition

(5) For the purposes of this section, members of a transition team are those persons 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.

— 2006, c. 9, s. 88.11

Application for exemption

88.11 (1) Any member of a transition team referred to in section 88.1 may apply to the Commissioner of Lobbying for an exemption from that section.

Commissioner of Lobbying may exempt

(2) The Commissioner of Lobbying may, on any conditions that the Commissioner of Lobbying specifies, exempt a member from the application of section 88.1 having regard to any circumstance or factor that the Commissioner of Lobbying considers relevant, including the following:

- (a) the circumstances under which the member left the functions referred to in subsection 88.1(5);
- (b) the nature, and significance to the Government of Canada, of information that the member possessed by virtue of the functions referred to in subsection 88.1(5);
- (c) the degree to which the member's new employer might gain unfair commercial advantage by hiring the member;
- (d) the authority and influence that the member possessed while having the functions referred to in subsection 88.1(5); and
- (e) the disposition of other cases.

Publication

(3) The Commissioner of Lobbying shall without delay cause every exemption and the Commissioner of Lobbying reasons for it to be made available to the public.

Audit

(4) The Commissioner of Lobbying may verify the information contained in any application under subsection (1).

— 2006, c. 9, s. 88.2**Publication**

88.2 The registrar referred to in section 8 of the other Act may make public the nature of an offence committed under section 88.1, the name of the person who committed it and the punishment imposed.

Date modified:

2023-11-10