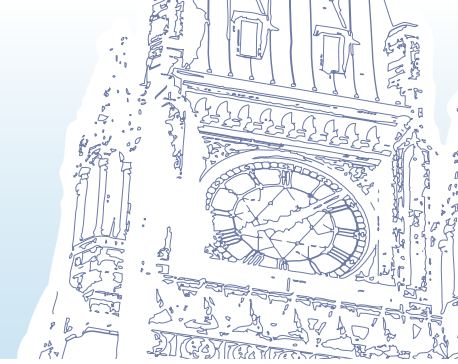




# Lobbying Act Implementation Notice #4



## Monthly Returns

Date: February 1, 2009

### Background

The *Lobbying Act* continues the requirement of the *Lobbyists Registration Act* that all three types of lobbyists must initially register their lobbying activities within defined time limits; however the *Lobbying Act* also introduced a requirement to file a return on a monthly basis if certain conditions exist.

### Monthly Returns

Lobbyists are required to file a return not later than 15 days after the end of every month, if any of the following four conditions exist:

- Communication with a designated public office holder took place during the month being reported upon (see *Lobbying Act* Implementation Notice #5 – Communication with a Designated Public Office Holder).
- Information contained in an active return is no longer correct or additional information that the lobbyist has become aware of should be included in an active return.
- The lobbying activities have terminated, or in the case of in-house lobbyists, lobbying activities no longer require registration.
- Five months have elapsed since the end of the last month for which a return was filed (a total of six months since it was filed).

The effect of these requirements is that:

- Lobbyists must review their activities at the end of every month to determine whether a return is required for that month.
- There may be months when a return is not required because the conditions set out in the *Lobbying Act* and summarized above have not been met.
- Six months is the most time that can pass without a return being filed.

**Example #1** A consultant lobbyist files a return that is dated September 13, 2008 to lobby Health Canada on a policy issue. She has two meetings with designated public office holders the following week that require reporting under the *Lobbying Act*. She has no communications with designated public office holders in October 2008, although she does meet with several officials who are not designated public office holders. In November 2008 her client advises her that there is also a need to meet with officials in the Canadian Food Inspection Agency as part of this undertaking. In this example, the *Lobbying Act* would apply as follows:

- A return must be filed no later than October 15, 2008 containing certain details of the two meetings held in late September 2008.
- No return would be required for lobbying activities carried out during October 2008.
- A return must be filed no later than December 15, 2008 to report the new information regarding the intent to lobby the Canadian Food Inspection Agency.

**Example #2** A professional association files a return as an in-house lobbyist (organizations) that is dated March 8, 2009. The return indicates that several departments will be lobbied with respect to new legislation that is of interest to the association's members. Due to other pressing matters, the association decides that lobbying will proceed at a slow pace for the next several months, with members of Parliament and others who are not designated public office holders. It is now early September 2009. In this example, the *Lobbying Act* would apply as follows:

- Returns would not be required for the months of March through August 2009.
- A return must be filed no later than September 15, 2009 (the six-month return). In the return, the association would state that no circumstances (that is, no communications with designated public office holders or changes/additions to disclosed information) had occurred during the period March through August 2009 that would require the filing of a return.

## First Monthly Return

The *Lobbying Act* specifies time limits that must be respected between the day on which the need to register arises and the day when a return must be filed. The limit is ten days for consultant lobbyists and two months for in-house lobbyists. Because of the need to capture communications with designated public office holders that take place during that period, the first monthly return must report prescribed communications for this period as well as for the month in which the registration took place.

As there were no designated public office holders before July 2, 2008, the rule regarding reporting of communications with a designated public office holder does not apply to communications which took place before July 2, 2008. They do not have to be reported, even if the registration must cover lobbying activities that took place before July 2, 2008.

**Example #3** A software company files a return as an in-house lobbyist (corporations) that is dated July 13, 2008. The return indicates that two federal government departments were lobbied in June 2008 to provide a repayable contribution to the company in support of new product development. Among the officials lobbied in June 2008 were a Deputy Minister and an Assistant Deputy Minister, both of whom would be considered to be designated public office holders under the *Lobbying Act*. In July, several meetings are held and letters written to officials who are not designated public office holders in the two departments. A meeting is held in late July with the Deputy Minister with whom a meeting was held in June. In this example, the *Lobbying Act* would apply as follows:

- A return must be filed no later than August 15, 2008 covering the period from July 2, 2008 to July 31, 2008. In the return, certain details of the July meeting with the Deputy Minister must be disclosed. There is no requirement to disclose details of the meetings held in June 2008 with the Deputy Minister and Assistant Deputy Minister because the definition of designated public office holder was not in force at that time.

**Example #4** A consultant lobbyist files a return that is dated May 4, 2009 to lobby Industry Canada on a regulatory issue. The return states that this undertaking began on April 27, 2009. On April 30, 2009 the lobbyist and his client meet with an Assistant Deputy Minister who is a designated public office holder. No lobbying activities take place in May. In this example, the *Lobbying Act* would apply as follows:

- A return must be filed no later than June 15, 2009 covering the period from April 27, 2009 to May 31, 2009. In the return, certain details of the April 30, 2009 meeting with the Assistant Deputy Minister must be disclosed.

It is important to note that in all of the examples in this Implementation Notice, the communications that take place must be covered by the registration of the lobbyist.

## Related Documents

- Lobbying Act Implementation Notice #5 – Communication with a Designated Public Office Holder Guide to Registration (2008) – Consultant Lobbyists*
- Guide to Registration (2008) – In-house Lobbyists (Organizations)*
- Guide to Registration (2008) – In-house Lobbyists (Corporations)*

