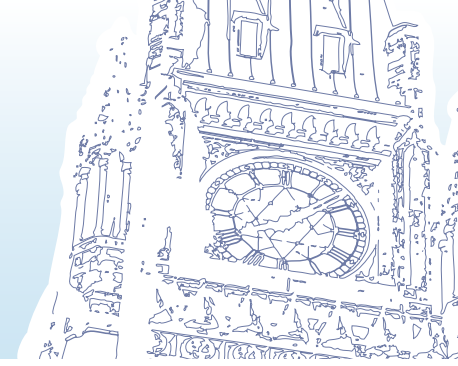




Lobbying Act Implementation Notice #9



Miscellaneous Changes to Lobbyists Registration Requirements

Date: February 1, 2009

Background

Several changes to registration requirements became effective on July 2, 2008 as a result of the coming-into-force of the *Lobbying Act* and the *Lobbyists Registration Regulations*. Some of these changes are modifications to current requirements while others are new.

Time Limit for Correction of Information in a Return

The *Lobbyists Registration Act* required that individuals who have filed a return clarify any information that they have provided in the return within 30 days of receiving a request from the Registrar. The *Lobbying Act* continues this requirement in relation to requests from the Commissioner of Lobbying and this time limit; however, a new requirement has been introduced. Individuals who have filed a return must correct any information that they have provided in the return within 10 days of receiving a request to do so from the Commissioner. In practice, a correction would be required if information is missing, incomplete, or incorrect.

Mandatory Subject Matter and Particulars

The previous *Lobbyists Registration Regulations* stated that consultant lobbyists must disclose the subject matter of their lobbying activity and a name or description to provide more detail on the identified subject matter. The use of the word “or” led some lobbyists to include only a name or a brief description, which, in many cases, provided little useful information. The current *Lobbyists Registration Regulations* states that registrants must disclose a name and a description to provide details of the subject matter they have identified. For example, “Science and Technology policy with regard to funding of indirect costs of research,” would be a correct disclosure.

Elimination of Retrospective and Prospective Activity Descriptions

The previous *Lobbyists Registration Regulations* stated that in-house lobbyists in both corporations and organizations must include in their returns a “retrospective” description of lobbying activities that they have carried out during the previous six-month period and a “prospective” description of lobbying activities that they expect to carry out over the next six-month period. This requirement has been replaced in the new *Lobbyists Registration Regulations* by disclosure requirements that are identical to the new subject matter details that will be required of consultant lobbyists. That is, in-house lobbyists are required to disclose a name and a description to provide details of the subject matter they have identified. This change was made for two reasons: first, the six-month retrospective and prospective description will no longer be consistent with the new requirement to file returns on a monthly basis; second, the narrative form of these six-month activity descriptions was not easily or consistently searchable, and therefore not very transparent.

Reporting of Government Funding

The *Lobbying Act* continues the requirement of the *Lobbyists Registration Act* that certain government funding must be reported. For consultant lobbyists, funding received by the client must be reported, whereas in-house lobbyists must report funding received by their corporation or organization.

However, the previous requirements and format for reporting government funding in place under the previous *Lobbyists Registration Regulations* led, in some cases, to confusion and to unintentionally incorrect disclosures. In addition, reporting of past funding was not always relevant to the present or future. The requirements under the current *Lobbyists Registration Regulations* are expected to provide more useful information and more consistent reporting.

The requirements include:

- whether the entity in question receives funding from a domestic or foreign government or government agency,
- the name of the entity that is providing the funding,
- the end-date of the entity's last completed fiscal year,
- the dollar amount of public funding received in the entity's last completed fiscal year, and
- whether public funding is expected in the entity's current financial year.

Limiting of the Option to File Returns on Paper

The percentage of registrations filed electronically has been in excess of 99% for several years. In view of this, as well as of the ever-increasing availability of Internet access, the option to file a return on paper is limited under the current *Lobbyists Registration Regulations*. Paper filing is only permitted for persons who have difficulty filing a return in electronic format due to a disability or for those who do not have reasonable access to a computer and the Internet. This allows Registry staff to increase the time spent assisting registrants with substantive issues, rather than manually entering registrations.

Change in the Format for Disclosing Former Public Offices Held

For returns submitted since July 2, 2008, a structured data entry format has been used to collect the information relating to disclosure of previously held public offices. For each "former public office held" entry, fields will be provided for the:

- name of federal department or organization
- branch or unit
- position title, and
- the time period during which the public office was held.

Lobbyists who have an active registration filed under the previous system will need to carry out a one-time re-entry of required information in the new format. A specially-designed user interface has been provided, with cut-and-paste capability to facilitate the re-entry process. The information will automatically be attached to all of the registrant's active registrations. The information can then be re-used for any future registrations and edited by the lobbyist at any time. The new reporting format is used for both former public office holders and former designated public office holders.

Related Documents

Guide to Registration (2008) – Consultant Lobbyists

Guide to Registration (2008) – In-house Lobbyists (Corporations)

Guide to Registration (2008) – In-house Lobbyists (Organizations)

