

OVERVIEW OF PROPOSED AMENDMENTS TO THE LOBBYING ACT (QUÉBEC)
BILL 56 – LOBBYING TRANSPARENCY ACT
IMPACT ON NON-PROFIT ORGANIZATIONS

AUGUST 2015

Mr. Jean-Marc Fournier, Minister responsible for Canadian Intergovernmental Affairs and the Canadian Francophonie, Minister responsible for Access to Information and the Reform of Democratic Institutions, and Government House Leader tabled Bill 56: *Lobbying Transparency Act* on June 12, 2015, which would replace the current act on lobbying, i.e., the *Lobbying Transparency and Ethics Act*. The objective of this new act is to, “*ensure transparency in lobbying, proper conduct of lobbyists, as well as to comply with similar laws in the rest of Canada.*” An important amendment to the act is the inclusion of non-profit organizations, who were previously exempted from the Act.

Summary of the important amendments being proposed by the government:

- Distinguishing three types of lobbyists:
 - *Consultant lobbyist*: any person who lobbies for a third person for compensation (otherwise than as an enterprise or organization lobbyist).
 - *Enterprise lobbyist*: any director, officer, employee (etc.) whose function within the organization substantially includes lobbying for the for profit enterprise.
 - *Organization lobbyist*: any person whose job or function within the organization constitutes of lobbying for the association or not for profit group.
- IMP: The proposed amendments proposes the inclusion of non-profit organizations, which were exempted from the Act when it was first introduced in 2002.
- “Non-profit organization” includes an employer association, employee association, professional association or professional order, and any other non-profit group constituted as a legal person;
- This will create significant administrative duties for organizations whose activities fall under the definition of “lobbying”. Still, specific exclusions are made for non-profit organizations, specifically:
 - oral or written communications made for a non-profit organization to reach an agreement to have certain operating or mission support expenditures covered
 - to obtain a grant or subsidy to cover such expenditures, or made by a volunteer of a non-profit organization or group not constituted as a legal person, are not considered lobbying.
- The mandate regarding the lobbying activity must be filed with the registry of lobbyists **before the lobbying activity is conducted** and within the prescribed timeframe. If the first lobbying activity was unplanned, the return must be filed no later than the fifth business day following the start of the activity.
- In addition, **enterprise lobbyists** and **organization lobbyists** will no longer be registered by the most senior officer of the enterprise or organization but by the lobbyist him or herself (s. 17), who will be required to provide detailed information for each mandate. The same rule will apply in the case of quarterly reports (s. 22).
- The introduction of an obligation, for public office holders, to ensure that any person lobbying them complies with the obligation of filing a return in the registry of lobbyists for each mandate.
- A more specific and complete list of the communications that clarifies the terms defining what is and what is not considered a lobbying activity.
- No lobbying activity is to be permitted with regard to a contract to be awarded through a public call for tenders between the time the call for tenders is published and the time the contract is awarded.
- Lobbyists must now file a quarterly report of their lobbying activities.

Stakeholders’ reaction – At the present time, there is only limited opposition to the bill:

- MNA Agnès Maltais, Member for Taschereau for the Parti Québécois recalled that elected representatives had voluntarily excluded NPOs during the adoption of the law in 2002 and that including some 60,000 Quebec community organizations in the lobbying legislation may dilute the registry’s interest.
- Among NPOs, the *Réseau québécois des groupes écologistes*, Greenpeace Québec, the *Conseil pour la protection des malades*, and the *Réseau québécois de l’action communautaire autonome (RQ-ACA)*,

Coalition québécoise pour le contrôle du tabac, Coalition québécoise sur la problématique du poids, Eau Secours!, Coalition pour une gestion responsable de l'eau, Coalition pour le contrôle des armes came out in the media, mainly denouncing the heaviness and hassle of the administrative structure with regards to this decision.

- However in general, it seems there is much support in the adoption of the bill.

Process – To be completed over the next six to nine months.

As any bill that is being proposed by the government, the process will follow the established legislative process at the National Assembly before it is adopted. Of note, Mr. Fournier has suggested he favours a special committee to review the Bill. The new law is scheduled to come into force 24 months after it is adopted. To review Bill 56 in its entirety please visit, the National Assembly website at: <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projets-loi-41-1.html>

ASSOCIATED DOCUMENTS

National Assembly – Bill 56

<http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-56-41-1.html>

Related articles/press release:

Modifications à la loi sur le lobbyisme: les OBNL sont-ils des lobbyistes?

29 avril 2015

Huffington Post Québec

Patrick Bellerose

http://quebec.huffingtonpost.ca/2015/04/29/modifications-a-la-loi-sur-le-lobbyisme-les-obnl-sont-ils-des-lobbyistes_n_7164682.html

Québec soupçonné de vouloir museler les OSBL

18 juin 2015

TVA Nouvelles

<http://tvanouvelles.ca/lcn/infos/national/archives/2015/06/20150618-131854.html>

Le projet de loi 56 entravera la défense de l'intérêt public

12 juin 2015

Coalition québécoise sur la problématique du poids

<http://www.cqpp.qc.ca/fr/salle-de-presse/communiqués-et-publications/262/le-projet-de-loi-56-entravera-la-defense-de-l-interet-public>