

GOVERNMENT RELATIONS & PUBLIC POLICY BULLETIN

by Mike Richmond

ONTARIO'S LOBBYISTS REGISTRATION ACT

The Lobbyists Registration Act (the "Act") came into force in Ontario on January 15, 1999. This act creates a registration system for lobbyists which is almost identical to the system already established for the lobbying of federal officials under federal legislation.

Any individual or organization that lobbies an official of the provincial government, or any Ontario board, agency or commission, is now required to register with the Office of the Integrity Commissioner (the "Registrar"). Failure to file on time could result in a fine of up to \$25,000.

WHO MUST FILE?

The new Act requires the following individuals and entities to file certain specified information with the Registrar:

- any individual who, for payment, lobbies a provincial official on behalf of a client ("Consultant Lobbyist");
- any employee who spends over 20% of his or her time lobbying provincial officials on behalf of his/her employer, including a corporate employer ("In- House Lobbyist"); and
- the senior officer of any organization employing an In-House Lobbyist. This includes non-profit and charitable organizations, as well as business, trade and professional organizations.

WHAT ARE THE FILING DEADLINES?

Consultant Lobbyists are required to register each and every time they commence lobbying for a client. Registration must occur within 10 days of the start of the lobbying activity. Subsequent changes or new information must be filed within 30 days of the change. The end of a lobbying undertaking must also be reported.

In-House Lobbyists and senior officers of organizations employing In-House Lobbyists generally have two months from the time they become "In-House Lobbyists" in order to file. In-house lobbyists must file confirmations annually, and organizations must re-register every six months.

WHAT IS "LOBBYING"?

An individual is considered to be lobbying if he or she is communicating with a public office holder in an attempt to influence the progress or development of any legislative proposal, bill, resolution, policy or program. This includes decisions relating to outsourcing, privatisation, or the awarding of any grant, contract or other financial benefit. In addition, being paid to arrange a meeting between a government official and a client is also considered to be lobbying. It should be noted that the following activities are not considered lobbying: public submissions to a legislative committee; submissions with respect to the enforcement of any Act against a lobbyist's client or employer; direct responses to an official's written request for advice or comment; and submissions to an MPP on behalf of a constituent.

WHAT SHOULD I DO NEXT IF ANY OF THIS APPLIES TO ME?

If you are unsure about whether the Act applies to you, please contact a member of McMillan Binch LLP's Government Relations & Public Policy Law Group. If the Act applies, we can also assist in preparing and filing the necessary returns.

The foregoing provides only an overview. Readers are cautioned against making any decisions based on this material alone. Rather, a qualified lawyer should be consulted.

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