

IS COVID-19 GOVERNMENT ASSISTANCE NO STRINGS? NO WAY! ALL LOBBYISTS HAVE REPORTING REQUIREMENTS

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In the past year, many Canadian businesses have taken advantage of government assistance programs such as the Canada Emergency Wage Subsidy and the Canada Emergency Rent Subsidy. While many of these financial supports have been offered without special conditions *vis-à-vis* the government writing the cheque, non-repayable COVID-19 emergency funding is not without strings if you are (or soon to be) registered as an In-House or Consultant Lobbyist. All lobbyists must comply with government funding disclosure obligations under Canadian lobbying laws.

In Canada, reporting government funding is a key aspect of lobbying compliance that ensures an open and transparent system. In light of the COVID-19 pandemic new, widely used, government programs are being accessed by companies that have never received government funding before. As such, it is more important than ever that those engaging in lobbying activities understand disclosure requirements for government funding.

Generally, disclosure of government funding is required upon filing a lobbying registration for In-House (corporations, organizations) and Consultant Lobbyists. For lobbyists that are already registered, registrations must be updated to reflect new sources of (and in some jurisdictions requests for) funding. This means that the senior officer of an In-house Lobbyist must report if their **business** or **organization** has received (or applied for) government funding, and notably, it also means that Consultant Lobbyists must report if their **client** has received (or applied for) government funding.

The deadline for updating an existing registration is determined by law and differs depending on the jurisdiction. For example, at the federal level, the obligation for reporting government funding occurs no later than 15 days after the end of each month. In Alberta, changes to registration information must be updated within 30 days and Alberta requires lobbyists to report both government funding received and government funding *requested but not received* (BC similarly requires reporting of funding requested or received, but has a reporting deadline similar to the federal law). In Ontario, new registration information must also be updated within 30 days, but in the context of government funding, Ontario's Integrity Commissioner has advised in an [Interpretation Bulletin](#) this means that amounts must be updated 30 days after the end of the government's

fiscal year. However, nothing precludes entities from reporting earlier.

Government funding generally includes but is not limited to:

- Grants
- Transfer payments
- Employer wage subsidies
- A forgivable loan or part of a loan that is forgiven
- Other non-repayable contributions

Government funding generally does not include:

- Repayable contributions
- Repayable portions of loans or any loan guarantee
- Tax credits, refunds, exemptions, rebates, and remission of taxes
- Payment of goods or services contracts
- Payments directly to employees

When reporting government funding, registrants must typically include the name of the government entity providing funding, the amount of funding received from the entity, and in certain circumstances, confirmation that the funding is expected or was received during the prior or current fiscal year. Across Canada the federal, provincial and territorial lobbying laws are similar, but unique. As demonstrated in the chart below, specific requirements differ depending on where the lobbying occurs.

If you have questions about reporting requirements or the rules that may apply to your company or client, McMillan LLP is here to help navigate the complex world of lobbying compliance. For more information, please contact [Timothy Cullen](#).

Government Funding Disclosure Requirements Across the Country

Jurisdiction	Registration Disclosure Requirement	Update Requirement
Canada	The funding received or expected to be received from any government or government agency	Within 15 days of the following month
British Columbia	The name of any government, government agency, or Provincial entity that has funded or has received a request to fund, in whole or in part, the client or organization within the preceding 12 months, and the amount of that funding	Within 15 days of the following month

Alberta	Government, government agency, or prescribed Provincial entity funding received or requested within the last 12 months	Within 30 days of a change to the information in a return
Saskatchewan	The name of any government or government institution that funds or partly funds the client or organization and the amount of the funding	Within 30 days of a change to the information in a return
Manitoba	The name of any government or government agency that funds or partly funds the client and the amount of the funding	Within 30 days of a change to the information in a return
Ontario	The name of the government or government agency and the amount of funding received during that government's fiscal year that precedes the filing of the return	Within 30 days after the end of the government fiscal year
Quebec	The name of any government, municipality, or municipal body or agency that funds or partly funds the client and the amount of the funding	Within 30 days of a change to the information in a return
New Brunswick	The name of any government or government agency that funds or partly funds the client and the amount of the funding	Within 30 days of a change to the information in a return
Nova Scotia	The name of the government or government agency and the amount of funding received	Within 30 days of a change to the information in a return
Prince Edward Island	The name of the government or government agency and the amount of funding received	Within 30 days of a change to the information in a return
Newfoundland & Labrador	The source and amount of any funding received by the client or organization from government or the City of St. John's	Within 30 days after the expiration of each 6 month period after the date of filing the previous return for in-house lobbyists; within 30 days of any change to an existing return for consultant lobbyists

Yukon	Grants from the Government of Yukon within the one year period preceding a registration specifically related to a matter that has been or will be undertaken	Within 30 days of a change to the information in a return for in-house lobbyists; Not later than 30 days after the end of each six-month period that starts when the most recent return was submitted for consultant lobbyists
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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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