

Statement of Principles

Summary

THE ACT MUST ESTABLISH A FRAMEWORK FOR THE TRANSPARENCY OF LOBBYING ACTIVITIES BASED ON THE SIMPLICITY AND CLARITY OF THE APPLICABLE RULES, THE RELEVANCE OF THE INFORMATION FOR CITIZENS AND THE OPERATION'S EFFICIENCY FOR USERS

In order to address Quebecers' concerns and interests and to maintain and encourage their trust in public institutions, and being founded on:

- the study of best practices for lobbying frameworks identified at the national and international levels;
- the need to adapt those practices to Québec, in particular to the activities, persons and institutions covered, the terminology used and the willingness to encourage positive, modern regulation of lobbying activities;
- the diagnosis that the Commissioner of lobbying made with respect to the application of the current *Lobbying Transparency and Ethics Act*, passed in 2002;

the Québec Commissioner of lobbying recommends that the National Assembly mandate a committee to study the following principles and make recommendations to the Gouvernement du Québec to begin redesigning the regulatory framework on lobbying in Québec.











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PREAMBLE

This section presents the preamble, which constitutes the foundation for the principles appearing in the following sections

A		Access to institutions	Everyone must have access to public institutions.	It is in the public interest for everyone to have access to public institutions in order to participate in their policies and decisions.
B		Submissions' usefulness	Submissions of interest contribute to the policies and decisions of public institutions.	The submissions made to elected officials, officers and employees of public institutions generally contribute to bringing useful elements of information and understanding into reflection and decision making.
C		Transparency	Lobbying activities relevant to the public must be transparent.	In order to encourage the exercise of citizens' fundamental rights and to maintain their trust in public institutions, the State and public institutions must ensure the transparency of submissions of interest relevant to the public that aim to exercise an influence on the policies or decisions of the institutions and constitute lobbying activities.
D		Legitimate activities	Transparency and sound practice ensure legitimacy.	Transparency and sound practice in lobbying render it legitimate.
E		Shared responsibility	Transparency is a shared responsibility between all stakeholders.	All stakeholders in lobbying activities, including entities and their interest representatives, beneficiaries of the activities and public institutions have the shared responsibility of ensuring transparency for the public's benefit.
F		Mandatory regulation	The regulatory framework must be mandatory and complied with.	In order to ensure the transparency of lobbying activities, the State must maintain a mandatory regulatory framework that includes disclosure rules and an ethics framework as well as the powers necessary to ensure compliance.
G		Information relevance	The regulatory framework must be founded on the disclosure of relevant information in a timely manner.	The regulatory framework must be founded on the relevance of disclosing lobbying activities so that everyone may be adequately informed in a timely manner.
H		Adapted to reality	The plan must be adapted to the reality of both activities and institutions.	The regulatory framework must be adapted to the reality of lobbying different levels of public institutions and be in accordance with the nature of those lobbying activities.
I		Consistency	The regulatory framework must be simple, clear and consistent with its environment.	In the spirit of simplicity, clarity, relevance and efficiency, the framework must be consistent with others dealing with transparency and integrity put in place by public institutions.
J		Citizen dialogue	The State must ensure a space for open and fair dialogue with its citizens.	The State must maintain a space for fair and accessible dialogue with its citizens and, to this end, the lobbying framework must not wrongfully restrict access to public institutions.









SCOPE OF THE ACT

This section aims to clearly set out the scope of the regulatory framework, including the activities, institutions, individuals and entities it covers

1	 Clear definition	Activities are clearly defined and target policies or decisions relevant to the public.	Define the following as lobbying activities relevant to the public and require their disclosure: <ul style="list-style-type: none"> ■ any intervention, either direct or through an intermediary, with a public institution, whose goal is ■ to suggest or change the development, content, drafting or implementation of any type of legislative, regulatory, strategic or administrative policy; or ■ to influence the decision-making process of a public institution concerning any financial investment, contract, permit or other authorization determined by the Act or by regulation, or the appointment of any person holding a key position within the State.
2	 Grassroots lobbying	The Act regulates grassroots lobbying.	Regulate grassroots lobbying activities.
3	 Adapted regulations	The framework must be adjusted by regulation according to the institutions and activities covered.	By regulation, establish specific, adapted rules concerning the regulation and disclosure of certain lobbying activities towards different levels of public institutions, especially concerning any form of financial investment, contract, permit or other form of authorization that it is relevant to regulate.
4	 All interest representatives	The Act covers all relevant interest representatives.	Regulate lobbying activities exercised by all interest representatives acting on behalf of an individual or entity, regardless of its nature, including a grouping of entities.
5	 No threshold	No minimum threshold is required to regulate activities.	No minimum threshold of activity is required, nor do interest representatives need to be remunerated for the Act to apply.
6	 All institutions and their representatives	All public institutions and their representatives are covered by the Act.	Cover all public institutions and the elected officials, officers and employees of those institutions that lobbying activities may be directed towards, including the legislative, executive and administrative systems at the provincial and municipal levels.
7	 Citizen dialogue	The Act ensures a space for dialogue with public institutions.	Exclude submissions of interest made without an intermediary: <ul style="list-style-type: none"> ■ by an individual or group of individuals to promote their own rights or interests as citizens or taxpayers of the State; ■ by an entity, in its role as citizen or taxpayer of the State, to promote its own rights or interests if its intervention is specifically provided for or required by law and carried out in accordance with specific processes; ■ by a community organization primarily offering support services directly to the public.

RESPONSIBILITIES AND OBLIGATIONS IN LOBBYING ACTIVITIES

This section sets out the principles linked to the obligations and responsibilities of stakeholders in lobbying activities

8		Mandatory registration	An individual or entity must be registered in order to carry out an activity.	Require all individuals and entities to register in the disclosure system established by the Act if they wish to carry out lobbying activities with or without an intermediary.
9		Entity responsibility	Entities are responsible for authorizing intermediaries to undertake lobbying activities on their behalf.	Assign the represented entities the responsibility of authorizing any interest representative to carry out lobbying activities on its behalf and of ensuring the disclosure, truthfulness, reliability and follow-up of lobbying activities performed by their in-house interest representatives.
10		Delegation of responsibility	Entities can delegate responsibilities to external representatives.	Assign external interest representatives the responsibility of ensuring the disclosure, truthfulness, reliability and follow-up of lobbying activities made on behalf of their clients.
11		Ethical framework	Lobbying activities must be subject to ethical principles and obligations of conduct.	Establish an ethical framework applicable to entities and interest representatives for the disclosure, carrying out and follow-up of lobbying activities in a way that maintains the highest standards of integrity and professionalism and promotes citizens' trust in public institutions.
12		Joint responsibility	Entities and their representatives are jointly responsible for compliance with the Act.	Assign the interest representative and the entity for which they are an administrator, associate, officer, employee or member the joint responsibility of ensuring compliance with the ethical framework for the interest representative in carrying out lobbying activities.
13		Keeping information	Regulations prescribe requirements on keeping information relevant to the activities.	By regulation, prescribe the requirements for keeping information on lobbying activities for verification and inquiry purposes.
14		Institutional reference person	All public institutions must designate a reference person for the application of the Act.	Designate the primary officer of any public institution or any person within that institution to whom the officer will delegate the responsibility as reference person for the application of and compliance with the Act within the institution.
15		Rules during and after holding public office	The framework establishes ethical principles and obligations of conduct during and after the terms of office of elected officials and certain officers from public institutions.	Establish disclosure and confidentiality obligations, an ethical framework and specific prohibitions applicable to lobbying activities undertaken by elected officials or officers designated by public institutions during and after the end of their term or duties for the public institutions with which they had or maintained connections or official relations. The framework must also allow the Commissioner of lobbying to grant a full or partial exemption from such obligations, rules or prohibitions when doing so is not contrary to the spirit of the Act.






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DISCLOSURE REGIME











This section introduces the principles linked to the disclosure plan for lobbying activities

16	 Disclosure in a timely manner	The disclosure system is efficient and open, providing access to the relevant information in a timely manner.	Establish a mandatory, public disclosure system for lobbying activities based on open data and providing free access, at all times, to relevant and verifiable information allowing anyone to be aware of and understand the lobbying activities and respond to them in a timely manner.
17	 Information relevance	All relevant information must be disclosed.	Require all relevant information to be disclosed, including the identity of interest representatives and entities undertaking or benefiting from lobbying activities, public institutions targeted and all information, financial or otherwise, that is deemed relevant for understanding the goals of a lobbying activity and the means used to carry it out.
18	 Administrative responsibility	The Act confers the responsibility for the plan on the Commissioner of lobbying.	Confer the responsibility and administration of the disclosure system on the Commissioner of lobbying.
19	 Disclosure of intent and follow-up	The Act must require disclosure of intent and follow-up for lobbying activities.	Require the disclosure of any intention to undertake lobbying activities and the follow-up of any activity undertaken, especially if an elected official or an officer designated by a public institution is being lobbied.
20	 Umbrella disclosure	Organizations may disclose the entirety of the activities carried out by their members.	Allow an entity to disclose, for a specific mandate, the entirety of the lobbying activities undertaken by the individuals or entities that are its members, by assuming, on their behalf, the responsibility for and conformity of the lobbying activities.

LEGISLATIVE COMPLIANCE, RESPONSIBILITIES, POWERS AND DUTIES

This section covers the administrative portion of the principles, in particular powers and duties, penalties and certain obligations of the Québec Commissioner of lobbying

21	 The National Assembly's responsibility	The lobbying framework is under the jurisdiction of the National Assembly.	Confirm that the framework for lobbying public institutions is under the authority of the National Assembly and maintain the Commissioner of lobbying's responsibilities as the person designated to perform the functions provided for in the Act.
22	 The Commissioner's responsibilities	The Commissioner of lobbying acts independently in accordance with his or her powers and duties.	Set out the Commissioner of lobbying's duties in a way that ensures impartiality, independence of action and fairness of decisions, and set out the establishment by the National Assembly of the Commissioner's powers, the appointment, replacement and remuneration procedure as well as the method of financing and accountability for activities.
23	 The Commissioner's powers and duties	The Commissioner of lobbying's powers and duties are consistent with those of other designated persons.	Set out the powers and duties for the Commissioner of lobbying that are adapted to the position and consistent with those of other persons designated by the National Assembly.
24	 Implementation powers	The Act provides for a range of powers necessary for the plan's application.	For the Commissioner of lobbying and the persons the Commissioner designates, maintain the powers and protection for commissioners appointed under the <i>Act respecting public inquiry commissions</i> as well as the powers of inquiry, verification and inspection, and introduce the power to make formal demands to provide information as well as the power to publish certain reports and recommendations or penalties when deemed relevant for the purposes of the Act.

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25	 Adapted penalties	Penalties imposed are proportional and adapted to the offences.	Maintain penal and disciplinary penalties and introduce monetary administrative penalties that are proportional and adapted to the nature and seriousness of the offences, allowing for a sliding scale of penalties and their publication if deemed relevant for the purposes of the Act.
26	 Mandatory training	Mandatory training can be imposed as a disciplinary penalty.	Grant the Commissioner, as part of disciplinary powers, the capacity to impose mandatory training on any interest representative.
27	 Consistent prescription period	Prescription periods must be consistent.	Establish a prescription regime adapted to the nature of the offences provided for by the Act and consistent with similar existing regimes in Québec.
28	 Notices and orders	The Commissioner may issue notices, orders or exemptions.	Set out the Commissioner's power to issue guidelines, orders and interpretive notices covering interpretation, application and compliance with the Act, as well as the power to exempt the publication of information related to lobbying activities if its disclosure may be prejudicial to an individual, entity or public institution.
29	 Power to recommend	The Act allows recommendations to be issued.	Grant the Commissioner the power to issue recommendations to a public institution, interest representative or any other individual or entity in order to ensure that the Act and its ethical principles and obligations of conduct are respected.
30	 Educational mission	The Commissioner's mission includes an educational portion.	Introduce an educational mission specifically for the Commissioner of lobbying and the obligation to offer public institutions, interest representatives and citizens a program and tools for training and education on the regulatory framework established by the Act.
31	 Training program	A training program is introduced for all stakeholders.	Introduce a training program for elected officials and officers designated by public institutions, continuing education for external interest representatives and the responsibility for all registered entities to offer such training to their in-house interest representatives.
32	 Regulatory power	A regulatory power, subject to the National Assembly's approval, allows the Act to be adapted as needed.	Set out a regulatory power, subject to the National Assembly's approval, for efficiently adapting and developing the legislative framework according to societal expectations and best practices concerning the lobbying activities' framework.
33	 Residual powers and duties	The National Assembly may assign other powers and duties to the Commissioner of lobbying.	Set out, for the Commissioner of lobbying, any other duty, power or function that the National Assembly deems necessary to ensure the Act is complied with.
34	 Legislative revision	A revision and consultation process allows the framework to evolve.	Establish a regular, mandatory process for the Act's revision as well as a submission and consultation mechanism allowing the Commissioner to formulate, in a timely manner, recommendations to a committee or any other appropriate authority under the jurisdiction of the National Assembly.