



Notice no. 2005-01

February 3, 2005

This notice is issued and published by the Lobbyists Commissioner pursuant to section 52 of the *Lobbying Transparency and Ethics Act* (R.S.Q., c.T-11.011).

Subject: Interpretation of the expression “any legislative or regulatory proposal, resolution, policy, program or action plan” used in subparagraph 1 of the first paragraph of section 2 of the *Lobbying Transparency and Ethics Act*.

Website: www.commissairelobby.qc.ca

Subparagraph 1 of the first paragraph of section 2 of the *Lobbying Transparency and Ethics Act* provides that “[a]ny oral or written communication with a public office holder in an attempt to influence or that may reasonably be considered by the initiator of the communication as capable of influencing a decision concerning (1) the development, introduction, amendment or defeat of any legislative or regulatory proposal, resolution, policy, program or action plan, (...) constitutes lobbying or a lobbying activity within the meaning of this Act.”

Legislative or regulatory proposal

With respect to a legislative proposal, such as a bill, any communication in an attempt to influence a minister, a Member of the National Assembly, a member of their personnel or a member of the personnel of the Government, for example, constitutes a lobbying activity. A regulatory proposal includes a draft regulation of the Government of Québec or of a government agency or enterprise that has the power to adopt such a regulation, or a by-law of a municipality. All communications in an attempt to influence a decision concerning the development, introduction, amendment or defeat of any legislative or regulatory proposal are governed by the Act.

Resolution

Government or municipal administrations usually express a decision by adopting a resolution. For example, the board of directors of a government enterprise may adopt resolutions at its meetings. The same is true of municipalities, which often express themselves by adopting resolutions.

Considering the context in which the expression is used in the Act, it generally means a resolution having a general scope rather than a resolution concerning a particular case otherwise referred to in section 2.

For example, the Act applies to a resolution of a municipal council imposing a moratorium on the establishment of super malls, while it does not apply to a resolution of a municipal council concerning the hiring of a professional as a permanent employee.

Program

Government departments, agencies and enterprises and municipalities often adopt programs. In fact, according to the definition given by the Office québécois de la langue française, programs are coordinated measures or projects that are supported financially by a government authority in order to achieve specific objectives. For instance, such programs include the Renovation Québec Program or the Assistance Program for the Development of Private Woodlots. Communications in an attempt to influence a decision by a public office holder concerning the development, introduction, amendment or defeat of a program are governed by subparagraph 1 of the first paragraph of section 2 of the Act.

Action plan

Public administrations sometimes adopt action plans. Documents setting out action plans describe the actions to be taken and the means necessary to reach the objectives set in a specific area. For instance, such plans include the Québec Government Action Plan for Legislative and Regulatory Streamlining, the 2000-2002 Québec Action Plan on Climate Change or the Government Action Plan to Combat Poverty and Social Exclusion. Communications in an attempt to influence a decision by a public office holder concerning the development, introduction, amendment or defeat of an action plan constitute lobbying activities within the meaning of the Act.

Policy

This is a generic term that may cover different realities. For example, before adopting an Act, a regulation, a resolution, a program or an action plan, the Government may make its policies known. Communications intended to influence public office holders that are effected during the reflection phase are considered to be lobbying activities within the meaning of the Act. For example, submissions in an attempt to influence the Government of Québec in its reflection on the manner of implementing the Kyoto Protocol in Québec would be governed by the Act.

A policy may also take the form of a document describing the administrative policies adopted by a public authority to delimit the exercise of the responsibilities conferred on it by the law or to guide public servants in the exercise of their functions. So, a person attempting to influence the content of such a document by communicating with a public office holder would be subject to the Act.

André C. Côté
Lobbyists Commissioner