

Notice

Lobbying Transparency and Ethics Act
(Chapter T-11.011)

Note

Coming into force 15 days following publication
in the Gazette officielle du Québec on
September 28, 2022, i.e. October 13, 2022

Determination of the manner for keeping the Québec Registry of lobbyists

WHEREAS the Act to transfer responsibility for the registry of lobbyists to the Lobbyists Commissioner and to implement the Charbonneau Commission recommendation on the prescription period for bringing penal proceedings (SQ 2019, chapter 13), as amended by the Act to postpone the coming into force of certain provisions of the Act to transfer responsibility for the registry of lobbyists to the Lobbyists Commissioner and to implement the Charbonneau Commission recommendation on the prescription period for bringing penal proceedings (SQ 2021, chapter 38), transfers responsibility for keeping the registry of lobbyists to the Lobbyists Commissioner on the date or dates to be set by the Government, on the Commissioner's recommendation;

WHEREAS Order in Council 1329-2022 dated 29 June 2022, sets to 13 October 2022 the coming into force of the provisions of the Act to transfer responsibility for the registry of lobbyists to the Lobbyists Commissioner and to implement the Charbonneau Commission recommendation on the prescription period for bringing penal proceedings;

WHEREAS sections 2 and 4 of the Act amend sections 18 and 19 of the Lobbying Transparency and Ethics Act and provide that the Commissioner determines the manner for keeping the registry of lobbyists;

WHEREAS section 20 of the Act introduces section 66.1 in the Lobbying Transparency and Ethics Act which provides the procedure for determining the manner for keeping the registry;

WHEREAS the Commissioner published on his website the draft provisions specifying the manner for keeping the registry of lobbyists on 11 May 2021, and any interested person was able to send comments up to June 25 inclusively, in accordance with section 66.1 of the Act;

CONSEQUENTLY, notice is hereby given that the Lobbyists Commissioner determines the manner for keeping the registry of lobbyists set out below, which will become effective on 13 October 2022.

Québec city, 14 September 2022



The Lobbyists Commissioner of Québec
Jean-François Routhier

MANNER FOR KEEPING THE REGISTRY OF LOBBYISTS

Lobbying Transparency and Ethics Act
(chapter T-11.011, s. 66.1)

Section 1 Definitions

1.1 For the purposes of these provisions specifying the manner for keeping the registry of lobbyists, the following terms shall have the meanings hereinafter assigned to them:

“Act”: Lobbying Transparency and Ethics Act (chapter T-11.011).

“Carrefour Lobby Québec”: Web platform for the management and disclosure of lobbying activities that implements the registry of lobbyists within the meaning of the Act and brings together all collective spaces and professional spaces.

“Collective space”: Account of an enterprise or organization created in Carrefour Lobby Québec that contains, among other things, the required information about the enterprise or organization, as well as the roles assigned to the individuals who are members thereof.

“Draft”: A draft mandate or update of a mandate that has not yet been published.

“Enterprise or organization”: An enterprise or group within the meaning of the Act, including, but not limited to, a legal person, a partnership, a sole proprietorship and an organization, such as a group, an association and a coalition.

“Enterprise or organization record”: Public record of an enterprise or organization generated from the information disclosed in the mandates published concerning it.

“Former registry”: Former registry of lobbyists platform hosted at www.lobby.gouv.qc.ca.

“Lobbyist record”: Public record of a lobbyist who has a professional space, generated from the information concerning him or her disclosed in the mandates to which he or she is attached.

“Mandate”: Public record of the lobbying activities disclosed for one or more lobbyists that contains, among other things, the information required by sections 9 or 10 of the Act, as applicable, including any updates.

“Period”: The period covered by the lobbying activities of a lobbyist attached to a mandate pursuant to subparagraph (7) of section 9 or subparagraph (8) of section 10 of the Act, as applicable.

“Professional space”: Account created in Carrefour Lobby Québec for any individual involved in the performance or disclosure of lobbying activities, or in the management of a collective space, which contains, among other things, the required information about this individual and a workspace grouping together all the collective spaces that he or she has joined as a member.

“Return”: A lobbyist’s return as of a specific date, within the meaning of sections 9 and 10 of the Act, consists of the information published as of that date in all the mandates to which the lobbyist is attached and for which the period has not expired.

“Role”: The rights and privileges of an individual as a member of a specific collective space.

“Statute 13”: An Act to transfer responsibility for the registry of lobbyists to the Lobbyists Commissioner and to implement the Charbonneau Commission recommendation on the prescription period for bringing penal proceedings (2019, chapter 13).

“Update of a mandate”: Any change in the content of a previously published mandate, constituting a notice of change within the meaning of section 15 of the Act.

Section 2 Carrefour Lobby Québec

- 2.1** The registry of lobbyists provided for in the Act is implemented through Carrefour Lobby Québec.
- 2.2** Any return or notice provided for in the Act must be filed in Carrefour Lobby Québec by electronic means.
- 2.3** The creation of a professional space and a collective space, the filing of a return or a notice and the consultation of Carrefour Lobby Québec are free.
- 2.4** The return of an enterprise lobbyist or an organization lobbyist is filed, within the meaning of the Act, by the publication of mandates in Carrefour Lobby Québec from the collective space of the enterprise or organization on whose behalf the lobbyist is lobbying.
- The return of a consultant lobbyist for a client is filed, within the meaning of the Act, by the publication of mandates in Carrefour Lobby Québec from the collective space of his or her enterprise.
- 2.5** Except in the case where a request for a confidentiality measure is submitted or for exceptional reasons determined by the Lobbyists Commissioner, the publication of a mandate or its update in Carrefour Lobby Québec is immediate and without prior verification by the Commissioner.
- 2.6** As soon as a mandate or its update is published or as soon as a registration is renewed in Carrefour Lobby Québec, the exact date, hour and minute of its filing are assigned to it.
- In a case provided for in section 2.5 when a mandate or its update is subject to prior verification, this mandate or this update is filed in Carrefour Lobby Québec only at the time of its publication, but the exact date, hour and minute of its filing are deemed to be those of its submission.
- 2.7** When a mandate is published, of all the information disclosed in Carrefour Lobby Québec, only the information contained in a professional or collective space which is required to be disclosed under sections 9 and 10 of the Act and that which the declarant expressly consents to be made public are released through the enterprise or organization record, the lobbyist record and the mandate.
- 2.8** The Commissioner does not have access to professional spaces and collective spaces, except upon request and with the express permission of an authorized person.
- The Commissioner also does not have access to information disclosed in these spaces that has not been made public, except for information necessary for the administration of the platform and the application of the Act, including, but not limited to, the roles and personal information contained in an individual's professional space.
- The Commissioner has access to all of the information contained in a draft that is submitted to him or her in accordance with section 2.5.
- 2.9** The Commissioner may make available, in accordance with applicable laws in the matter, public data disseminated in Carrefour Lobby Québec, in the form of open data files or otherwise.

Section 3 Creation of a professional space

- 3.1** A professional space must be created in Carrefour Lobby Québec for any individual involved in the performance or disclosure of lobbying activities or in the management of a collective space.
- The creation of a professional space entails the provision of the required information, including that which is necessary for identity verification.
- 3.2** An individual can only have one professional space in Carrefour Lobby Québec, regardless of his or her roles and the number of collective spaces of which he or she is a member.
- 3.3** The information contained in a lobbyist's professional space that must be made public according to the requirements of the Act and the information that the declarant expressly consents to make public are made so automatically through the publication of the mandates to which he or she is attached and their updates.

Section 4 Creation of a collective space

- 4.1** Every enterprise or organization must have a collective space in Carrefour Lobby Québec when an enterprise or organization lobbyist is lobbying on its behalf.
Every enterprise of a consultant lobbyist must have a collective space in Carrefour Lobby Québec.
- 4.2** An enterprise or organization can only have one collective space in Carrefour Lobby Québec.
- 4.3** Any individual expressly authorized by an enterprise or organization may create a collective space by providing the required information.
- 4.4** Every individual must have a professional space to create a collective space or become a member thereof in accordance with Division 5.
- 4.5** The Québec business number assigned by the Registraire des entreprises du Québec, if applicable, must be used for the purpose of creating a collective space and identifying a client in a mandate.
If an enterprise or organization does not have a Québec enterprise number, all required information must be provided.
- 4.6** The creation of a collective space must be validated by the Commissioner in order to activate the submission and publication functionalities.
- 4.7** The information concerning an enterprise or organization required in subparagraphs (1) to (6) of section 10 of the Act must first be completed in the designated section of the collective space in order for the functionalities of submission and publication of an enterprise lobbyist or organization lobbyist mandate to be activated.
- 4.8** The information contained in the collective space of an enterprise or organization that must be made public as required by the Act, and that which the declarant expressly consents to be made public, shall automatically be released through the publication of the mandates.

Section 5 Becoming a member of one or more collective spaces

- 5.1** Save for some exceptions, any individual involved in the performance or disclosure of lobbying activities or in the management of the collective space of an enterprise or organization must become a member of that collective space.
For the disclosure of lobbying activities, the consultant lobbyist must be a member of the collective space of his or her enterprise and not that of this client on whose behalf he or she is lobbying.
- 5.2** Any individual may become a member of several collective spaces and perform different roles within them.

Section 6 Drafting and publishing a mandate

- 6.1** The mandate of an enterprise lobbyist or organization lobbyist or its update shall be written and published from the collective space of the enterprise or organization on whose behalf a lobbyist is lobbying.
The mandate of a consultant lobbyist on behalf of a client or its update shall be written and published from the collective space of the enterprise of this lobbyist.
- 6.2** Any individual who is a member of a collective space may write a draft.
- 6.3** Only a senior officer or a member of the collective space authorized by him or her may publish or submit a mandate of an enterprise lobbyist or an organization lobbyist or its update.
Only a consultant lobbyist or a member of the collective space authorized by him or her may publish or submit a mandate of a consultant lobbyist or its update.
- 6.4** In order to publish or submit a mandate or its update, the declarant shall provide all the information required by the Act and:
1° in the case of a mandate as an enterprise lobbyist or organization lobbyist, he or she shall attach the lobbyists in his or her collective space who are engaged in lobbying activities within the scope of that mandate;
2° in the case of a mandate as a consultant lobbyist, he or she shall be attached to that mandate.
- 6.5** When publishing or submitting a mandate or its update, the declarant must certify that the information contained therein is true, in accordance with section 18 of the Act.
- 6.6** The end of the stated period for a mandate shall not exceed one year from the date of its publication. It may be extended by updating it at any time, not to exceed one year from the date of publication of such update.
Several non-concurrent periods may be declared for the same lobbyist in the same mandate.
- 6.7** Any information contained in a draft submitted to the Commissioner and any mandate or update published in Carrefour Lobby Québec must respect its Terms of Use.

Without limiting the foregoing, a draft, mandate or update thereof may not contain any personal attack, insult, threat, or statement that are defamatory, discriminatory, hateful, harassing, that incite to violence or to commit a criminal act or that may constitute a violation of privacy.

Section 7 Follow-up to representations

7.1 In addition to the information required under section 9, subparagraph (8) or section 10, subparagraph (9) of the Act, as the case may be, a declarant may at any time, on a voluntary basis, when the feature becomes available, indicate the status of representations made to certain public office holders in parliamentary, governmental and municipal institutions.

Section 8 Renewal

8.1 The declarant shall renew the registration of a lobbyist within the meaning of section 16 of the Act by certifying, within the prescribed period, that the mandates for which the period has not expired are still active.

Where registration is not renewed in accordance with the first subparagraph, the Commissioner may suspend the functionalities of submission and publication of new mandates or updates until such time as the renewal is made. A note indicating the failure to renew the registration is then entered in Carrefour Lobby Québec, until such time as it is corrected.

Section 9 Transitional and final manners for keeping the registry

9.1 Returns and notices published in the former registry may be consulted through Carrefour Lobby Québec, but the mandates to which they refer must be updated, if necessary, in accordance with section 6 of the manners set out herein.

9.2 To allow a possible association between the return of a consultant lobbyist published in the former registry and his professional space in Carrefour Lobby Québec, the information required for this purpose must be provided when required.

9.3 To allow a possible association between the return of an enterprise lobbyist or an organization lobbyist published in the former registry and the collective space of his or her enterprise or organization in Carrefour Lobby Québec, the information required for this purpose must be provided when required.

9.4 Within the period provided for in section 26 of Statute 13, the consultant lobbyist or, in the case of an enterprise lobbyist or an organization lobbyist, the senior officer of the enterprise or organization shall republish or submit in Carrefour Lobby Québec all the mandates that remain active beyond the sixtieth day following the date of entry into force of Statute 13, as well as all mandates that will no longer be active after such date but for which an update is required, in the form and according to the manners set out herein, and must certify that the information contained therein is true, in accordance with section 18 of the Act.

In the case of mandates of enterprise lobbyists or organization lobbyists, each lobbyist who is lobbying on behalf of the enterprise or organization must be attached to each specific mandate in which he or she is involved and such mandate must indicate the period or periods covered by the lobbying activities of each lobbyist.

9.5 The publication in Carrefour Lobby Québec, within one year of the coming into force of Statute 13, of any mandate, including any mandate remaining active in accordance with section 9.4, shall be considered a renewal of registration for the purpose of section 16 of the Act.