

Session title: "Me? A lobbyist?" How to communicate the rules of lobbying in a proactive manner to a sceptical audience

Moderator/Panelists:

François Casgrain, Lobbyists Commissioner of Québec

Nicholas W. Allard, Partner, Patton Boggs LLP

Guy W. Giorno, Partner, asken Martineau

Robert P. Shepherd, professor, School of Public Policy & Administration, Carleton University

Date and time: Monday December 9 2013, 1:45 pm

Rapporteur: Simon Bérubé

Session Summary

Mr. Casgrain identified four types of lobbyists who are still not listed in the registry. First, there is the "ignorant practitioner" who doesn't even know that he or she is a practicing lobbyist. Then, there is the "astonished onlooker", who knows that the law exists, but thinks that it doesn't apply to him or her. As for the "sceptical participant", he or she does not self-identify as a lobbyist and is inclined to challenge the law in its different interpretations. Finally, the "conscientious resister" knowingly decides not to register and waits for the regulator to intervene before acting. According to Mr. Casgrain, while it is relatively easy to get the first two types of people to register, the other two are often reluctant to sign on.

According to Mr. Shepherd, while education campaigns push some lobbyists to comply with the rules, many others remain reluctant to do so for various reasons. These especially include the impression that the legislation only concerns specialized consultants, big corporations and special interest groups. Others make it an ideological issue, denouncing the government's desire to censure citizens or keep them from having access to elected officials. According to the professor, the public and lobbyists are bombarded with arguments extolling transparency. However, in order to be convincing, the arguments should focus on procedural equity and accountability for public office holders as well as for lobbyists. Finally, the regulator must have the means to implement the law, and offenders must be subject to sanctions.

Himself a lobbyist, Nicholas W. Allard pleaded in favour of regulation and the need for the public to know about these activities. He believes that regulation and transparency can help solve the problems of corruption and the undue influence of money, often associated with lobbying. Mr. Allard decried the poor perception held by the public and politicians with regards to his practice, affirming that a fuller disclosure of rules and activities would be beneficial in this regard.

Mr. Giorno, for his part, identified three specific sectors that are subject to debate in Canada. First of all, a certain number of lawyers do not want to recognize that they are lobbyists, notably due to issues of professional confidentiality and their privileged relationship with clients. Moreover, some Canadian provinces have chosen not to include non-profit organizations in the lobbyist registry, while others have done so. Lastly, he noted that the burden of transparency doesn't rest solely on the shoulders of

lobbyists and that elected officials have very little responsibility with regards to legislation governing lobbying. This last finding generated a debate, with some participants fearing that by placing too much responsibility on the shoulders of elected officials we would drive lobbying activities back into the shadows.

Solutions enabling stakeholders to better comply include the existence of registries of comings and goings at the offices of elected officials and consciousness raising among the latter in this regard; the commitment by lobbyist associations in favour of respecting and promoting the rules; and the existence of a process to denounce unregistered lobbying activities. It was also pointed out that it is easier to convince politicians and lobbyists to comply with the procedure if their burden with respect to the law remains light, but public office holders' commitment is still essential.