



NANCY BÉLANGER, COMMISSIONER OF LOBBYING

STANDING COMMITTEE ON ACCESS TO INFORMATION, PRIVACY AND ETHICS

2023-06-20

OPENING REMARKS

Good afternoon Mr. Chair and members of the Committee.

I am appearing before you today to explain the lobbying restrictions under the *Lobbying Act* that apply to designated public office holders when they leave federal office.

Under the Act and its regulations, designated positions include those held by ministers and their staff and by many senior executives within government – such as deputy ministers, chief executive officers, associate or assistant deputy ministers and other executives of comparable rank. Members of the House of Commons and the Senate are also designated public office holders.

Please let me say at the outset that I cannot discuss particulars of any matter as such information would be personal to the individual and I must respect confidentiality.

5-YEAR LOBBYING RESTRICTION FOR FORMER DESIGNATED OFFICIALS

The *Lobbying Act* bans any former designated public office holder from lobbying as a consultant or as an employee of an organization (in-house organizational lobbyist) for five-years after leaving federal office.

However, if a former designated public office holder is employed by a corporation, the Act only bans the individual from lobbying when it would constitute a significant part of the individual's work on behalf of the corporation. In practice, this means that such an individual can lobby as an in-house lobbyist if the lobbying is less than approximately 20% of their work-related duties for the corporation.

There is no clear rational explanation as to why the five-year restriction applies differently depending on whether a former designated public office holder is employed by an organization as opposed to a corporation.

In February 2021, I raised this discrepancy in my preliminary recommendations for improving the *Lobbying Act*. I believe this should be studied and addressed by amending the Act.

ROLE IN APPLYING THE 5-YEAR RESTRICTION

As Commissioner of Lobbying, I do not have the authority to approve or give clearance with respect to where a former designated public office holder decides to work.

My role is to ensure that they understand their obligations under the *Lobbying Act*. Failure to comply with the five-year restriction on lobbying is an offence under the Act, and it is therefore important that it be clearly understood.

My role is also to investigate should there be concerns of non-compliance with this restriction.

CONCLUSION

Mr. Chair and Committee members, I thank you for your attention and welcome your questions.