

Guide for Lobbyist Registration

Service Nova Scotia

Introduction

This guide is to help members of the public who wish to access the Lobbyists Registry. It explains the terms and the requirements under the *Lobbyist Registration Act, 2001* (LRA).

Anyone wanting to search the Lobbyists Registry to find out about the activities of paid lobbyists may do so by visiting the Registry's website. This can be done online through the Internet website at: lobbyist.novascotia.ca. There is no cost to members of the public wishing to find out about lobbyists' activities.

Lobbying is

Under the *Lobbyist Registration Act*, lobbying means to communicate with a public servant in an attempt to influence:

- the development of a legislative proposal;
- the introduction, passage, defeat or amendment of a bill or resolution;
- the making or amendment of a regulation;
- the development, amendment or termination of a policy or program;
- a decision about privatization or outsourcing;
- the awarding of a grant, contribution, or other financial benefit by or on behalf of the government;
- the awarding of a contract by or on behalf of the government (consultant lobbyists only); or
- the arrangement of a meeting between a public servant and another person (consultant lobbyists only).

Lobbying is not

Under the Act, certain communications with public servants are not viewed as lobbying. For example, when the government requests comment on an issue, the responses are not considered to be lobbying. Other examples include:

- a submission to a committee of the House of Assembly that is on the public record or to anybody or person with jurisdiction under legislation;
- a submission to a public servant about how he or she enforces, interprets, or applies legislation or regulations, or administers a policy, program, directive, or guideline with respect to the person, partnership or organization being represented; Guide to the Nova Scotia Registry of Lobbyists 5
- a submission to an MLA on behalf of a constituent about a personal matter;

- communication by a trade union regarding administration or negotiation of a collective agreement;
- communication by a trade union related to representation of a member or former member who is or was employed in the public service; and
- a submission by a barrister of the Supreme Court of Nova Scotia regarding drafting of a legislative proposal.

The three types of Lobbyists

The *Lobbyists' Registration Act* defines three categories of lobbyists:

1. **Consultant Lobbyists:** An individual paid to lobby on behalf of a client is considered a consultant lobbyist. These can include lawyers, accountants, and other professionals.
2. **In-house Lobbyists (Company):** An employee of a person, partnership or company whose lobbying activity is a significant part of their duties or whose lobbying activity along with that of other employees would amount to a significant part of one staff member's duties.
3. **In-house Lobbyists (Organization):** An employee of an organization such as a professional association, society or chamber of commerce, whose lobbying activity is a significant part of their duties or whose lobbying activity along with that of others employees would amount to a significant part of one staff member's duties.

Who are not considered lobbyists

Generally, public servants acting in an official capacity do not need to register as lobbyists. These include:

- An MLA, official or servant of the House of Assembly and their staff;
- Employees in the public service of the Province;
- Members, officers and employees of a municipal council or village commission;
- members, officers and employees of a school board;
- officers, directors or employees of the Union of Nova Scotia Municipalities;
- officers, directors or employees of the Nova Scotia School Boards Association;
- federal senators, MPs, elected members of the legislative assembly of another province, or their staff;
- employees of the government of Canada or of the government of another province;

- members of a band council (defined in subsection 2(1) of Canada's *Indian Act* or as established by an act of Parliament), their staff and employees of the council;
- diplomatic agents, consular officers or official representatives of a foreign government operating in Canada;
- officials of a specialized agency of the United Nations or any international organization that is granted privileges and immunities under an Act of Parliament.

Who is a public office holder

A public servant, referred to in the Act as a public office holder, includes:

- an MLA, official or servant of the House of Assembly and their staff;
- officers, directors and employees of Nova Scotia government departments, agencies, boards and commissions;
- a person appointed by the Cabinet or a Minister to any office or body; and
- an officer or employee of the government, or employee of an officer or Minister not otherwise specified.

Who is not a public office holder, as defined in the Act

The following people are *not* considered to be public office holders under the *Lobbyists' Registration Act*:

- judges;
- justices of the peace;
- Small Claims Court adjudicators;
- members of an administrative tribunal, such as the Labour Relations Board, exercising a judicial function.
- the Ombudsman; and the *Freedom of Information and Protection of Privacy Act* review officer;

The role of the Registrar

The Registrar has several responsibilities. These include:

- Administering the registration process
- Identifying omissions and inconsistencies, and asking the lobbyist to correct the information
- Informing lobbyists, public servants, the general public and others about the Registry
- Ensuring that the public has access to the information in the Registry

- Issuing bulletins about the enforcement, interpretation or application of the Act or its regulations.

Who needs to register and when

Anyone who is paid to lobby a public servant may need to register.

- a consultant must register within 10 days of being retained by a client
- company employees who spend significant time lobbying must register within two months after becoming a lobbyist
- the senior officer of an organization such as a professional association or society must register employees who spend significant time lobbying within two months after they become lobbyists
- all active registrations must be renewed every six months
- where required, updates such as address changes must be made within 30 days

How to register

Registration can be done:

- online at <https://beta.novascotia.ca/programs-and-services/registry-of-lobbyists>
- by mail using a form available from the Registry of Lobbyist
- fax using a form available from the Registry of Lobbyist,
- Access Nova Scotia,
- Registration Fees vary depending on the type of lobbyist you are and how you apply (noted below);
- Renewal fees vary depending on the type of lobbyist you are (noted below).

Consultant Lobbyists

An individual paid to lobby on behalf of a client is considered to be a consultant lobbyist under the Act. Consultant lobbyists can include lawyers, accountants and other professionals. A client is a person, partnership or organization that hires or retains a consultant lobbyist for an undertaking. In the Act, person refers to a legal person, such as a corporation, as well as a natural person.

Registration and Renewal requirements

A consultant lobbyist must register within 10 days of beginning an undertaking for a client. Usually, this means within 10 days of signing a contract with a client. The lobbyist

must re-register within 30 days of each six-month anniversary of the most recent registration.

Undertakings are

An undertaking is defined by the contract between a consultant lobbyist and the client; not by the government activities that the lobbyist is trying to influence. An undertaking may be very broad and require lobbying on several activities, or it may be narrowly focused on only one activity. For example, an undertaking could involve lobbying to have more government funding allocated to highway maintenance, or it could involve lobbying to have a new highway interchange located in a specific place.

Each consultant lobbyist must file a return at the start of an undertaking. Each lobbyist is responsible for reporting changes and the end of an undertaking.

Information a consultant lobbyist must disclose

Consultant lobbyists must disclose the following information for each undertaking:

- their name, business address, phone number and, if applicable, the name, business address and Registry of Joint Stock Companies number of their firm;
- the name and business address of the client and the name and business address of any person, partnership or organization that controls or directs the activities of the client or has a direct interest in the outcome of the undertaking;
- if the client is a corporation, the name and business address of each subsidiary of the corporation that has a direct interest in the outcome of the lobbyist's undertaking;
- if the client is a subsidiary of a corporation, the name and business address of the parent corporation;
- if the client is a coalition, the name and business address of each partnership, corporation or organization that is a member of the coalition;
- whether payment is contingent on the success of the lobbying;
- the source and amount of any government funding received by the client;
- the name and business address of any non-government entity that provided \$750 or more to the client to support the undertaking;
- the name and business address of any individual who provided \$750 or more to the client, on behalf of a non-government entity, to support the undertaking;
- the subject matter of the lobbying;
- specific information regarding any relevant legislative proposal, bill, resolution, regulation, policy, program, decision, grant, contribution, financial benefit or contract;

- the name of any department, agency, board or commission that has been or will be lobbied;
- whether an MLA or an MLA's staff has been or will be lobbied; and any lobbying techniques that have been or will be used.

Changes or new information for my registration

New information or changes to a registration, including the end of an undertaking, must be reported to the Registrar within 30 days of the change occurring or the lobbyist becoming aware of the change. Agreements or contracts with major changes are considered as new undertakings and require a new registration. For example, a new registration is necessary if there are changes to the terms or scope of an undertaking such as the subject of lobbying. Simple changes, such as a consultant or client's change of address, must be updated in the Registry but do not require a new registration.

Stopping Lobbyist activities

The lobbyist must file a Notice of Termination with the Registrar of Lobbyists within 30 days.

Volunteers

If you are voluntarily lobbying for the organization, and you are not paid for your services, you do not have to register. If you are paid a salary (over and above expenses) to lobby for the organization, you must register as a consultant lobbyist.

Registration Fees

Consultant Lobbyists

- on-line registration: \$66.35
- paper registration (postal mail, fax, or drop-off at Access Nova Scotia): \$132.70
- renewal, every six months, paper or on-line: \$33.15
- updates, paper or on-line: Free

In-house Lobbyist (Company)

An employee of a person, partnership or company whose lobbying activity is a significant part of his or her duties or whose lobbying activity along with that of other employees' would amount to a significant part of one staff member's duties. A "significant part of duties" is defined as an average of 20 per cent of an employee's time over a three month period. This applies to individual employees and a collective of employees conducting lobbying activities. For example, if you assume a five-day

workweek, then over a three-month period an employee or group of employees would reach the 20 per cent threshold in 12 days of lobbying. Two employees working six days each would meet this requirement.

Organization vs. Company

An organization can be distinguished from a person, partnership or company because it is, generally, a non-profit or non-commercial operation. This is not a fail-safe rule, but is a useful starting point when distinguishing between an in-house lobbyist (company) and an in-house lobbyist (organization).

Registration and Renewal requirements

In-house lobbyists must register within two months of becoming a lobbyist (i.e., when their lobbying constitutes a significant part of their duties). The lobbyist must re-register within 30 days of each six-month anniversary of the most recent registration.

Each in-house lobbyist (company) must register within 60 days of determining that lobbying will take up a significant part of his or her duties.

“Significant part of duties” definition

The regulations to the Lobbyists' Registration Act define "significant part of duties" as when lobbying takes up 20 per cent (or more) of an employee's time over a three-month period. For example, if one assumes a five-day workweek, then an employee would have to lobby at least 12 days over a three-month period to reach the 20 per cent threshold. If the time spent lobbying by 2 or more employees takes the equivalent of 20% or more of the time of one employee, each of the 2 or more employees must register individually as lobbyists.

Information an in-house (company) must disclose

In-house lobbyists (company) must disclose the following information:

- their name, business address and phone number, and the employer's name, business address and, if applicable, Registry of Joint Stock Companies number;
- if the employer is a corporation, the name and business address of each subsidiary of the corporation that has a direct interest in the outcome of the in-house lobbyist's activities on behalf of the employer;
- if the employer is a subsidiary of a corporation, the name and business address of the parent corporation;
- the fiscal year of the employer;

- a general description of the employer’s business or activities;
- the source and amount of any government funding received by the employer;
- the name and business address of any non-government entity that provided \$750 or more to the employer in support of the lobbyist’s activities;
- the name and business address of any individual who provided \$750 or more to the employer on behalf of a non-government entity in support of the lobbyist’s activities; the subject matter of the lobbying;
- specific information regarding any relevant legislative proposal, bill, resolution, regulation, policy, program, decision, grant, contribution or financial benefit; the name of any department, agency, board or commission that has been or will be lobbied;
- whether an MLA or an MLA’s staff has been or will be lobbied; and any lobbying techniques that have been or will be used.

Changes or new information for my registration

The lobbyist must also report any changes to information previously submitted – including when they stop their lobbying activities or when the employer ceases the lobbying activities – within 30 days. The end of the lobbying activities could be the result of the conclusion of a project, the employee’s resignation or the employee’s dismissal.

Stopping Lobbyist activities

The lobbyist must file a Notice of Termination with the Registrar of Lobbyists within 30 days.

Changing job or company requirement

If you stop lobbying for your employer or are no longer employed by the company, you must file a Notice of Termination with the Registrar within 30 days. (This is not the Termination of Employment form required by Human Resources and Development Canada to apply for Employment Insurance benefits.)

Registration Fees

In-house Lobbyists (Company)

- on-line registration: \$66.35
- paper registration (postal mail, fax, or drop-off at Access Nova Scotia): \$132.70
- renewal, every six months, paper or on-line: \$33.15
- updates, paper or on-line: Free

In-house Lobbyist (Organization)

An organization is:

- A business, trade, industry, professional or voluntary organization
- A trade union or labour organization
- A chamber of commerce or board of trade
- A charitable or non-profit organization, association, society, coalition or interest group
- A government other than the government of Nova Scotia

In general, an organization can be distinguished from other entities subject to the Act (a consultant, person, partnership or company) because it is a non-profit or non-commercial operation. Fees for organizations are lower.

An employee of an organization such as a professional association, society or chamber of commerce whose lobbying activity is a significant part of his or her duties or whose lobbying activity along with that of other employees' would amount to a significant part of one staff member's duties. A "significant part of duties" is defined as an average of 20 per cent of an employee's time over a three month period. This applies to individual employees and a collective of employees conducting lobbying activities for the organization. For example, if you assume a five-day workweek, then over a three-month period an employee or group of employees would reach the 20 per cent threshold in 12 days of lobbying. Two employees working six days each would meet this requirement.

Senior officer and employee definition

The senior officer is the organization's top person who is compensated for his or her work. An employee is any person who is compensated for performing his or her duties.

"Significant part of duties" definition

The Lobbyists' Registration Act defines "significant part of duties" as when lobbying takes up 20 per cent (or more) of an employee's time over a three-month period. For example, if one assumes a five-day workweek, then an employee would have to lobby at least 12 days over a three-month period to reach the 20 per cent threshold.

If the time spent lobbying by 2 or more employees takes the equivalent of 20% or more of the time of one employee, each of the 2 or more employees must be registered as lobbyists.

Information a senior officer must disclose

The senior officer must disclose the following information:

- their name, business address and phone number, and the organization's name, business address and, if applicable, Registry of Joint Stock Companies number;
- the name of each in-house lobbyist employed by the organization;
- a summary description of the organization's business or activities;
- a general description of the organization's membership, including the names of its officers and directors;
- the name of any in-house lobbyist identified in the last return filed who has ceased to be an in-house lobbyist or to be employed by the organization;
- the source and amount of any government funding received by the organization;
- the name and business address of any non-government entity that provided \$750 or more to the organization in support of the organization's lobbying activities;
- the name and business address of any individual who provided \$750 or more to the organization on behalf of a non-government entity in support of the organization's lobbying activities;
- the subject matter of the lobbying;
- specific information regarding any relevant legislative proposal, bill, resolution, regulation, policy, program, decision, grant, contribution or financial benefit;
- the name of any department, agency, board or commission that has been or will be lobbied;
- whether an MLA or an MLA's staff has been or will be lobbied; and any lobbying techniques that have been or will be used.

Registration and Renewal requirements of the senior officer

The senior officer must register the organization when it employs an in-house lobbyist. The registration must be filed within two months of the person(s) meeting the definition of in-house lobbyist. The senior officer must re-register within 30 days of each six-month anniversary of the most recent registration.

The senior officer must file a return with the Registrar every six months to report current and planned activities for the filing period, even if none of the information has changed since the last report was filed.

Stopping Lobbyist activities

The lobbyist must file a Notice of Termination with the Registrar of Lobbyists within 30 days.

Volunteers

Volunteers do not need to register as a lobbyist. The Act only applies to individuals who are compensated for their lobbying efforts.

Registration Fees

In-house Lobbyists (Organization)

- on-line registration: Free
- paper registration (postal mail, fax, or drop-off at Access Nova Scotia): \$66.35
- paper renewal, every six months: \$33.15
- on-line renewal, every six months: Free
- updates, paper or on-line: Free

OFFENSE PROVISION

Penalties are defined under the Act as

The *Lobbyists' Registration Act* applies to any individual or organization that lobbies a Nova Scotia public office holder as they are defined under the Act. Anyone lobbying a public servant, regardless of whether the lobbyist or the organization they represent is located in Nova Scotia, must register. Failure to register properly could result in prosecution leading to a fine of up to \$25,000 for a first offence and to a fine of up to \$100,000 for a second or subsequent offence. It is an offence to:

- lobby without registering within the time limits set out in the Act;
- fail to provide the required information;
- fail to provide the Registrar with changes to a registration, new information or a requested clarification of information;
- make false or misleading statements; or
- knowingly place a public servant in a position of real or potential conflict of interest.

A public servant is in a position of conflict of interest if they engage in an activity that is prohibited by Sections 7 or 22 of the *Members and Public Employees Disclosure Act* or that would be prohibited if the public servant were a member of the House of Assembly or a public employee as defined by that Act. Legal proceedings must begin within two years of the offence.

How to report offenders

You may call the Office of the Registrar at (902) 424-7770 (in Metro) or 1-800-225-8227 (toll-free in Nova Scotia) or by going to the comments section of the Lobbyist Registry website at: <https://beta.novascotia.ca/programs-and-services/registry-of-lobbyists>

Or you may write to:

Registry of Lobbyists
Service Nova Scotia and Municipal Relations
PO Box 1523
Halifax, NS B3J 2Y3

Registration Fees

Consultant Lobbyists

- on-line registration: \$66.35
- paper registration (postal mail, fax, or drop-off at Access Nova Scotia): \$132.70
- renewal, every six months, paper or on-line: \$33.15
- updates, paper or on-line: Free

In-house Lobbyists (Company)

- on-line registration: \$66.35
- paper registration (postal mail, fax, or drop-off at Access Nova Scotia): \$132.70
- renewal, every six months, paper or on-line: \$33.15
- updates, paper or on-line: Free

In-house Lobbyists (Organization)

- on-line registration: Free
- paper registration (postal mail, fax, or drop-off at Access Nova Scotia): \$66.35
- paper renewal, every six months: \$33.15
- on-line renewal, every six months: Free
- updates, paper or on-line: Free

Contact Information

Registry of Lobbyists

Service Nova Scotia

PO Box 1523

Halifax, NS B3J 2Y3

Download: Guide to Lobbyists

Online: <https://beta.novascotia.ca/programs-and-services/registry-of-lobbyists>

Phone: 902-424-7770 (in Halifax Metro) or toll-free (within Canada) 1-800-225-8227

Email: lobbyist@novascotia.ca

Fax: 902-424-4633

In person: Visit an [Access Center](#) or our [Head Office](#)

Disclaimer

The information in this guide is provided for general information purposes only and is not a substitute for legal or other professional advice. It is the responsibility of the lobbyist and/or the lobbyist's employer to determine if registration is necessary. Registry staff cannot give advice on what type of lobbyist you should be or if your activities fall under this Act. For more information, refer to the Act and its regulations or contact your legal counsel. The Registry of Lobbyists does not accept responsibility for any errors or omissions in this document.