



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 6
(2019, chapter 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**

**Introduced 13 February 2019
Passed in principle 10 April 2019
Passed 6 June 2019
Assented to 19 June 2019**

EXPLANATORY NOTES

This Act amends the Lobbying Transparency and Ethics Act in order to transfer the responsibility for keeping the registry of lobbyists to the Lobbyists Commissioner.

The Act furthermore provides that penal proceedings are prescribed three years after the prosecutor becomes aware of the commission of the offence but that such proceedings may not be brought if more than seven years have passed since the offence was committed, as recommended by the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry.

The Act also amends the Act respecting Access to documents held by public bodies and the Protection of personal information so that the latter will not apply to the registry of lobbyists.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);
- Lobbying Transparency and Ethics Act (chapter T-11.011).

REGULATIONS REPEALED BY THIS ACT:

- Lobbyists Registry Regulation (chapter T-11.011, r. 3);
- Tariff of fees respecting the lobbyists registry (chapter T-11.011, r. 4).

Bill 6

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

LOBBYING TRANSPARENCY AND ETHICS ACT

1. Section 1 of the Lobbying Transparency and Ethics Act (chapter T-11.011) is amended by inserting “, in particular through its objective of having a simple and efficient registry” at the end.

2. The Act is amended by replacing subdivision 3 of Division I of Chapter II by the following:

“§3. — *Filing, certification and receipt*

“**18.** Returns and notices must be filed in the registry of lobbyists on an information technology-based medium in the form and manner determined by the Lobbyists Commissioner.

They must bear a certification by the person filing them that the information they contain is true.

Such returns and notices are deemed to be filed at the time they are received by the Commissioner.”

3. The heading before section 19 of the Act is replaced by the following heading:

“REGISTRY OF LOBBYISTS”.

4. Section 19 of the Act is replaced by the following section:

“**19.** The Lobbyists Commissioner is responsible for keeping the registry of lobbyists.

The Commissioner keeps the registry in the manner the Commissioner determines.

The registry is public and available on the Commissioner's website, with the exception of information covered by a confidentiality measure."

5. Section 20 of the Act is amended

- (1) by replacing "Registrar" by "Commissioner";
- (2) by replacing both occurrences of "submitted" by "filed".

6. Section 21 of the Act is replaced by the following section:

"21. If a return or notice does not contain all the required information, or if it contains an error or is not filed in the prescribed form or manner, the Commissioner may require the consultant lobbyist or, in the case of an enterprise lobbyist or organization lobbyist, the senior officer of the enterprise or group to make the necessary corrections within 20 days after the Commissioner's request. In such a case, a note that corrections were required is made in the registry.

If the required corrections are not made within the allotted time, the Commissioner may, in whole or in part, refuse the return or notice or remove it from the registry."

7. Section 22 of the Act is repealed.

8. Section 23 of the Act is amended by replacing both occurrences of "Registrar" by "Commissioner".

9. Section 24 of the Act is repealed.

10. The heading before section 49 of the Act is amended by replacing "orders" by "measures".

11. Section 49 of the Act is amended

- (1) in the first paragraph,
 - (a) by replacing "order" by "decide";
 - (b) by replacing "be kept" by "is to be kept";
- (2) in the second paragraph,

(a) by replacing "Unless the Commissioner extends the order at the request of the interested person for the period determined by the Commissioner" by "Unless the interested person requests an extension of the measure and the Commissioner grants one for the period he or she determines";

- (b) by striking out the last sentence;

(3) by striking out “of the order” in the third paragraph.

12. Section 50 of the Act is replaced by the following section:

“50. When granting a confidentiality measure, the Commissioner shall register the return filed but shall ensure that the information covered by the measure is kept confidential.

When the measure expires and after the Commissioner has informed the person who requested it of its expiry, the information it covered becomes available to the public.”

13. Section 51 of the Act is amended by replacing “orders issued or renewed” by “confidentiality measures granted or extended”.

14. Section 52 of the Act is amended by striking out “Except as regards matters that are within the purview of the Lobbyists Registrar pursuant to section 22,”.

15. Section 53 of the Act is amended by replacing “order the cancellation of” in the first paragraph by “cancel”.

16. Section 56 of the Act is repealed.

17. Section 64 of the Act is amended by replacing “ordering the cancellation of” by “cancelling”.

18. The Act is amended by inserting the following section after section 65:

“65.1. Penal proceedings for an offence under this Act are prescribed three years after the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have passed since the date of the commission of the offence.

The first paragraph does not apply to proceedings for an offence under section 62, which are prescribed one year after the date of the commission of the offence.”

19. Section 66 of the Act is amended by striking out paragraphs 3 to 5.

20. The Act is amended by inserting the following section after section 66:

“66.1. The Commissioner shall post any draft provisions specifying the form or manner to be determined under sections 18 and 19 on the Commissioner’s website.

Any interested person may send comments to the Commissioner within 45 days after such draft provisions are posted. The Commissioner shall cause the provisions specifying the form or manner the Commissioner determines to be published in the *Gazette officielle du Québec*, with or without changes.

Those provisions come into force on the 15th day after the day they are published.”

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

21. Section 2 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) is amended by inserting the following paragraph after paragraph 2:

“(3) the registry of lobbyists provided for by the Lobbying Transparency and Ethics Act (chapter T-11.011);”.

TRANSITIONAL AND FINAL PROVISIONS

22. The Lobbyists Commissioner is substituted for the Personal and Movable Real Rights Registrar as to the functions exercised by the latter with regard to the keeping of the registry of lobbyists. The Commissioner acquires the rights and assumes the obligations of the Registrar.

23. The information contained in the registry of lobbyists as well as the records and other documents of the Personal and Movable Real Rights Registrar and of the Ministère de la Justice pertaining to activities related to the keeping of the registry of lobbyists become the information, records and documents of the Commissioner.

24. The information contained in the registry of lobbyists on the date preceding the date of coming into force of this Act is kept by the Personal and Movable Real Rights Registrar for a period of one year after the date of coming into force of this Act or for any longer period the Government may determine on the Commissioner’s recommendation.

25. The Commissioner may, to put a new platform in place for the registry of lobbyists, require the Personal and Movable Real Rights Registrar to communicate any information contained in the registry. The information must be communicated according to the conditions and in the manner determined in an agreement to be entered into not later than 19 June 2020. The agreement must also stipulate cooperative arrangements between the parties.

Full communication of the information must be provided not later than the date preceding the date of coming into force of this Act.

26. Within 60 days after the date of coming into force of this Act, a consultant lobbyist or, in the case of an enterprise lobbyist or organization lobbyist, the senior officer of the enterprise or group must make sure that the information contained in the returns and notices filed by him or her that appear in the registry is accurate, complete and up-to-date. He or she must, if necessary, complete or amend it within the same 60-day period.

The Commissioner may extend the period provided for in the first paragraph if it is shown to the Commissioner that more time is needed for the lobbyist or senior officer to complete or amend the information contained in those returns and notices because, among other reasons, of the number of active mandates.

27. The Lobbyists Registry Regulation (chapter T-11.011, r. 3) and the Tariff of fees respecting the lobbyists registry (chapter T-11.011, r. 4) are repealed.

28. Notices issued and published by the Lobbyists Registrar in accordance with section 22 of the Lobbying Transparency and Ethics Act (chapter T-11.011) cease to have effect on the date of coming into force of this Act.

29. This Act comes into force on 19 December 2021 or on an earlier date that may be set by the Government on the Commissioner's recommendation, except sections 18, 24 to 26 and 28, which come into force on 19 June 2019.