

Appendix A – Definitions of Lobbying from Selected Canadian Jurisdictions

Government of Canada

Lobbying is communicating, with public office holders, for payment with regard to:

- the making, developing or amending of federal legislative proposals, bills or resolutions, regulations, policies or programs;
- the awarding of federal grants, contributions or other financial benefits; and
- in the case of consultant lobbyists, the awarding of a federal government contract and arranging a meeting between their client and a public office holder.

British Columbia

A lobbyist is defined as someone who is paid to communicate or to arrange a meeting for the purpose of lobbying with a public office holder in an attempt to influence any of the matters set out in the LTA definition of “lobby”.

“lobbying activity” means to

(a) to communicate with a public office holder in an attempt to influence

(i) the development of any legislative proposal by the government of British Columbia, a Provincial entity or a member of the Legislative Assembly,

(ii) the introduction, amendment, passage or defeat of any Bill or resolution in or before the Legislative Assembly,

(iii) the development or enactment of any regulation, including the enactment of a regulation for the purposes of amending or repealing a regulation,

(iv) the development, establishment, amendment or termination of any program, policy, directive or guideline of the government of British Columbia or a Provincial entity,

(v) the awarding, amendment or termination of any contract, grant or financial benefit by or on behalf of the government of British Columbia or a Provincial entity,

(vi) a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown, a Provincial entity or the public, or

(vii) a decision by the Executive Council or a member of the Executive Council to have the private sector instead of the Crown provide goods or services to the government of British Columbia or a Provincial entity,

(b) to arrange a meeting between a public office holder and any other individual for the purpose of attempting to influence any of the matters referred to in paragraph (a) of this definition;

"public office holder" means

(a) a member of the Legislative Assembly and any person on the member's staff,

(b) an officer or employee of the government of British Columbia,

(c) a person who is appointed to any office or body by or with the approval of the Lieutenant Governor in Council, other than a person appointed on the recommendation of the Legislative Assembly,

(d) a person who is appointed to any office or body by or with the approval of a minister of the government of British Columbia, and

(e) an officer, director or employee of any government corporation as defined in the Financial Administration Act,

but does not include a judge or a justice of the peace;

Alberta

Lobbying is a legitimate activity in a free and democratic society. "Lobbying" means to communicate with a public office holder in an attempt to influence:

- the development of any legislative proposal by the Government or a prescribed Provincial entity or by a Member of the Legislative Assembly (MLA);
- the introduction, amendment, passage or defeat of any bill or resolution in or before the Legislative Assembly;
- the development or the enactment of any regulation or any order in council,
- the development, establishment, amendment or termination of any program, policy, directive or guideline of the Government or a prescribed Provincial entity; •
- the awarding of any grant or financial benefit by or on behalf of the Government or a prescribed Provincial entity;
- a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or a prescribed Provincial entity or to the public, or
- A decision by the Executive Council or a member of the Executive Council regarding privatization of any goods or services to the Government.

For consultant lobbyists only, "lobbying" also includes arranging a meeting between a public office holder and any other individual, or communicating with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Government or a prescribed Provincial entity.

Grassroots communication, defined in the Act as "appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion" is also considered to be a form of lobbying under the Act.

Saskatchewan

In order for someone to be lobbying, four components must be present:

- There must be payment to the lobbyist;
- There must be a form of communication;
- Communications must be with a public office holder; AND
- There must be an attempt to influence one or more outcomes.

All four variables must be present before a person is considered to be lobbying. There are two distinct types of lobbyists – consultant lobbyist and in-house lobbyists.

Manitoba

Lobbying is a legitimate activity in a free and democratic society. The Act defines "lobby" to mean in relation to a consultant lobbyist or an in-house lobbyist, to communicate with a public official in an attempt to influence:

- the development of a legislative proposal by the government of Manitoba or by a member of the Legislative Assembly (MLA);
- the introduction of a bill or resolution in the Legislative Assembly or the amendment, passage or defeat of any bill or resolution that is before the Legislative Assembly;
- the making or amendment of a regulation as defined in The Regulations Act;
- the development, amendment or termination of a program or policy of the Government of Manitoba or a government agency;
- the awarding of a grant, contribution or other financial benefit by or on behalf of the Crown; and

In relation only to a consultant lobbyist, "lobbying" also includes:

- arranging a meeting between a public official and any other individual; or
- communicating with a public official in an attempt to influence the awarding of any contract by or on behalf of the Crown.

Ontario

"Lobby" means to communicate with a public office holder in an attempt to influence,

- the development of any legislative proposal by the Government of Ontario or by a member of the Legislative Assembly,
- the introduction of any bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any bill or resolution that is before the Legislative Assembly,
- the making or amendment of any regulation as defined in Part III (Regulations) of the Legislation Act, 2006,

- the development or amendment of any policy or program of the Government of Ontario or the termination of any program of the Government of Ontario,
- a decision by the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or to the public,
- a decision by the Executive Council, a committee of the Executive Council or a minister of the Crown to have the private sector instead of the Crown provide goods or services to the Crown,
- the awarding of any grant, contribution or other financial benefit by or on behalf of the Crown, and
- in relation to a consultant lobbyist,
 - to communicate with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Crown, or
 - to arrange a meeting between a public office holder and any other person; (“exercer des pressions”)

Quebec

Lobbying is the act of communicating verbally or in writing with an elected official or a public official on behalf of a client, company or organization¹ in order to influence one or more of these decisions: • the development, introduction, amendment or defeat of any legislative or regulatory proposal, resolution, policy, program or action plan;

- the issuance of any permit, licence, certificate or other authorization;
- the awarding of any contract, other than by way of a call for public tenders, or of any grant or other financial benefit, or the granting of any other form of benefit determined by government regulation;
- the appointment of any public office holder within the meaning of the Loi sur le Ministère du Conseil exécutif (member of a board of directors, or member of a government agency or enterprise) or senior public officials (Secretaries-General or Secretaries of the Ministère du Conseil exécutif and the Secrétariat du Conseil du trésor, and the deputy ministers).

¹Non-profit organizations constituted to serve management, union or professional interests, or those mostly constituted of for-profit enterprises, or representatives of such enterprises, are subject to the Act.

New Brunswick

To lobby is to communicate with a public office holder by a consultant or in-house lobbyist in an attempt to influence:

- the development of a legislative proposal,
- the introduction of a public bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any public Act or resolution before the Legislative Assembly,
- the making or amendment of a regulation as defined in the Regulations Act,
- the development, amendment or termination of any policy or program of the Government of New Brunswick,

- a decision by the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provide goods or services to the Crown or to the public,
- a decision by the Executive Council, a committee of the Executive Council or a minister of the Crown to have the private sector instead of the Crown provide goods or services to the Crown, and
- the awarding of any grant, contribution or other financial benefit by or on behalf of the Crown. In the case of a consultant lobbyist, lobbying also includes arranging a meeting between a public office holder and any other person and communicating with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Crown.

Newfoundland and Labrador

Lobbying is communicating with a public office holder in an attempt to influence government policy or program decisions, including:

- the development, introduction, passage, defeat, amendment or repeal of any legislation, bill, resolution, rule, regulation or a by-law;
- the development, amendment or termination of any policy or program of Government or a public body or by the City of St. John's or its controlled entities;
- a decision about privatization or outsourcing;
- the awarding of any contract, grant, contribution or other financial benefit by or on behalf of the Crown or the City of St. John's or its controlled entities;
- arranging a meeting between a public office holder and any other person;
- the procurement of goods and services;
- the terms of a tender or request for proposals or other procurement solicitation prior to the awarding of that tender or the acceptance of the request for proposals or other procurement solicitation;
- the terms of a contract, the choice of a contractor, or the administration, implementation or enforcement of a contract, or
- the appointment of any public official.

Nova Scotia

Communicating with a public servant in an effort to influence a decision is called lobbying. Under the Act, anyone who is paid to do this is considered a lobbyist; regardless of whether they are a hired consultant such as a lawyer or public relations professional, or an employee of a company or organization.

Under the LRA, 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).

City of Toronto

The by-law defines lobbying to mean communication for payment with a public office holder on the wide range of decisions made by City Council and local boards, and those made by staff acting under delegated authority. The by-law defines three classes of lobbyist:

- Consultant lobbyists;
- in-house lobbyists;
- Voluntary unpaid lobbyists acting for for-profit enterprises.

City of Hamilton

"Lobby", used as a verb, means to communicate with a public officer holder on:

(a) any of the following subject matters with the goal of advancing a business or financial interest:

- the development, introduction, passage, defeat, amendment or repeal of a City by-law, bill or resolution on any matter;
- the development, approval, amendment or termination of a City policy, program, directive, guideline, including but not limited to a service delivery model;
- the purchase of goods, services or construction and the award of a contract by the City;
- the approval, approval with conditions, or refusal of an application for a service, grant, planning approval, permit or other licence or permission by the City;
- the award of any financial contribution, grant or other financial benefit by the City;
- the transfer to or from the City of any interest in or asset of any business, enterprise or institution;
- to arrange a meeting between a public office holder and any other person on any of the subject matters listed in paragraphs (i) to (vi) inclusive; and (b) the hiring, promoting, demoting, disciplining or terminating of an employee of the City who is a member of the City's Senior Management Team.

"Lobbyist" means a consultant lobbyist, in-house lobbyist or voluntary unpaid lobbyist and:

- "consultant lobbyist" means an individual who lobbies for payment on behalf of a client (another individual, a business or other entity);
- "in-house lobbyist" means an individual who is an employee, partner or sole proprietor and who lobbies on behalf of his or her own employer, business or other entity; and
- "voluntary unpaid lobbyist" means an individual who lobbies without payment on behalf of an individual, business or other entity for the benefit of the interests of the individual, business or other entity;

City of Vaughn

Any communication with a public office holder by an individual who represents a business or financial interest with the goal of trying to influence any legislative action, including, but not exclusively, development, introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution or the outcome of a decision on any matter before Council or a Committee of Council, or staff member acting under delegated authority.

City of Ottawa

Lobbying occurs when an individual representing a financial or business interest, or the financial interest of a not-for-profit with paid staff, communicates with a Member of Council or City staff to try to influence a decision on governmental matters that are outside of standard processes.

City of Winnipeg

A lobbyist is an individual who, when representing a financial or business interest, or the financial interest of a not-for-profit with paid staff, communicates with a Member of Council or City staff with the intent of influencing a decision on governmental matters outside of the standard process.

Some general examples include:

Individuals seeking direct or indirect financial benefit, or increased / decreased / changed City services, policies, practices or legislation that may lead to direct or indirect financial benefit.

City of Edmonton

You will be considered a lobbyist if you wish to meet with the Mayor or the Mayor's Office staff outside of a formal public meeting with the intent of influencing or changing:

- An existing City of Edmonton program or policy;
- An upcoming or future Committee or City Council decision.

This may include:

- Development of a legislative proposal;
- Amendment, passage or defeat of a by-law;
- The development, establishment, amendment or termination of a program, policy, directive or guideline of the government or government entity;
- The awarding of a grant or financial benefit;
- A decision by the City to transfer assets or privatize provision of goods and services;
- If you are communicating for a client, arranging a meeting or trying to influence the awarding of a contract.

You will not be considered a lobbyist if you are meeting regarding a local constituency matter.