



# Creating a Lobbyist Registry

## What we heard



Government of Yukon – Executive Council Office

October 2018

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## What we heard report

### Background

We are planning to create a mandatory, publicly-accessible lobbyist registry that is similar to what is available in other jurisdictions in Canada. The purpose is to make lobbying more transparent to the public. A lobbyist registry identifies who is lobbying the government and what issues they bring forward.

The Yukon Bureau of Statistics conducted an online survey regarding the creation of a lobbyist registry. Input on these topics assisted in further defining and clarifying lobbying, determining who a lobbyist is, as well as the specific requirements for lobbyists when they register.

This report provides a summary of the survey results and the feedback provided in written submissions.

### Purpose

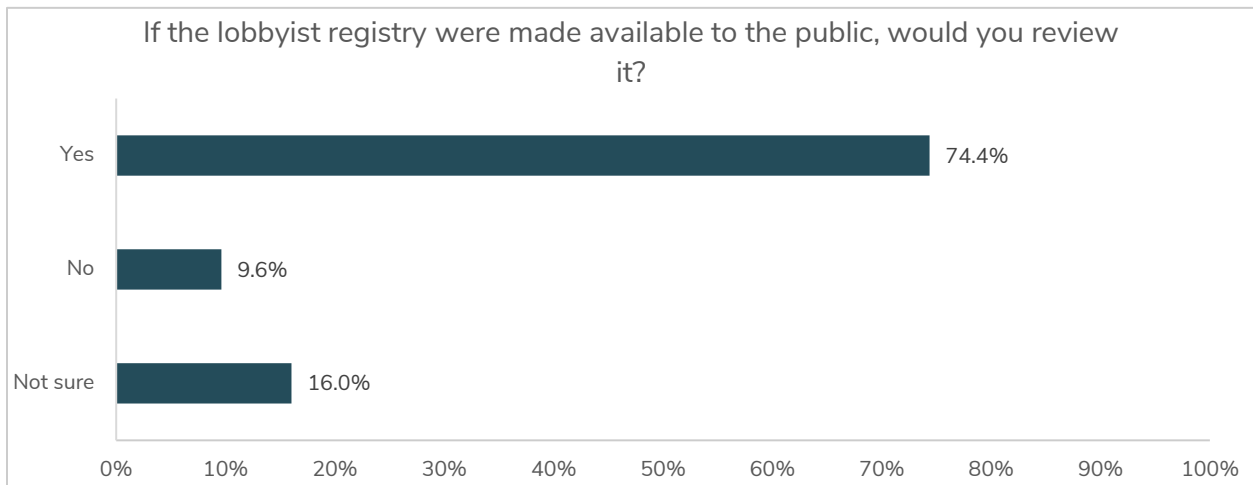
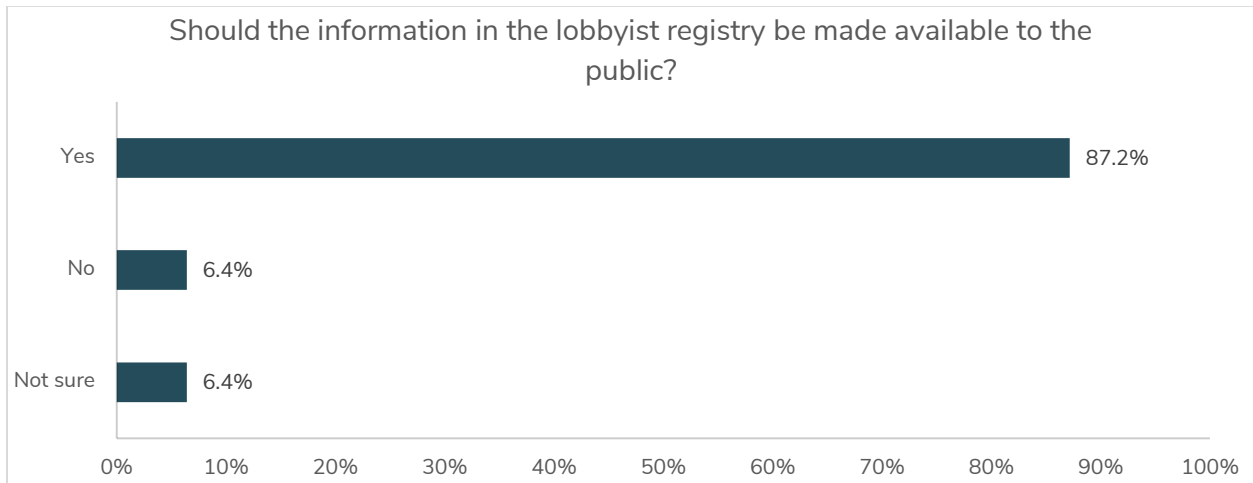
We asked Yukoners their thoughts on creating a lobbyist registry in Yukon. Our goal in engaging the public was to learn about people's views on lobbying and who must register as a lobbyist. With this input, we prepared legislation that will establish a lobbyist registry.

### What we heard

*At a glance:*

- We heard comments on the scope of the lobbyist registry, including who should be required to register and who should not.

- We received requests for greater clarification regarding the terms used in the survey to describe lobbying concepts. In particular, respondents indicated that the following concepts needed further clarification: compensation, attempt to influence, communication with a public office holder and in-house lobbyist.
- Respondents were largely in favour of making a lobbyist registry available to the public, but comments varied regarding its scope.



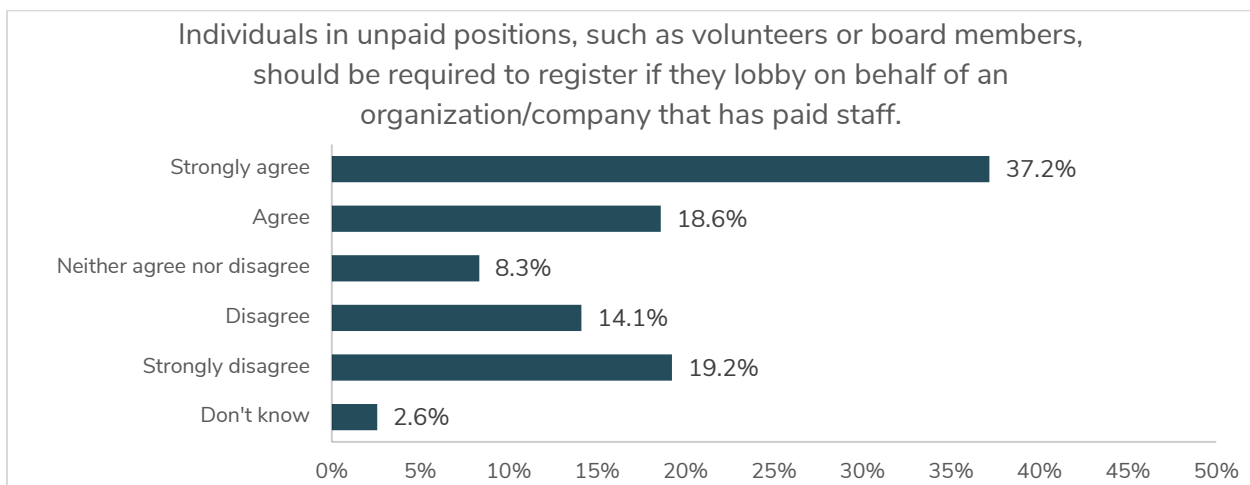
### *Defining lobbying and lobbying concepts*

- We heard from several respondents that lobbying should not be limited to attempts to influence a program, policy, law or funding, as it was suggested that the reasons for lobbying may benefit the lobbyist's organization or client, such as awarding of government contracts.
- Several respondents identified circumstances where communication with public office holders would need to be clarified to avoid circumstances where individuals, organizations or businesses are required to register for participating in a government program or service, requesting information or providing feedback to an engagement process.
- Some respondents suggested explicitly identifying activities that would not be considered lobbying, such as responding to requests for feedback initiated by the Government of Yukon.
- Some respondents identified differences between formal lobbying techniques, such writing a letter to a public office holder, and informal lobbying, such as talking with a public office holder at an event or dinner party.
- Several respondents suggested including informal techniques, while most comments on this issue focused on whether requiring lobbyists to register their informal lobbying techniques could be enforced or consistently applied.
- Some respondents also identified indirect forms of communication, such as petitions, as a method of lobbying a public office holder.

### *Determining who is and who is not a lobbyist*

- Majority of survey comments regarding who needs to register and what criteria should be considered in determining who is a lobbyist focused on the issue of whether unpaid positions should be included.
- We received comments that focusing on compensation may exclude influential positions within an organization.
- Several respondents commented that volunteer positions and unpaid board members lobby, while others suggested that these positions should be excluded from needing to register.
- We also received comments that compensation should be defined as a term if used as a criterion for determining who needs to register.

- Some respondents suggested excluding any non-profit entity due to the potential burden of registering.
- Several comments suggested considering the best practices in other jurisdictions regarding criteria for determining who needs to register, such as establishing thresholds for amount of lobbying (e.g. percentage of time spent lobbying).
- Some respondents raised the issue of positions listed as exempted from needing to register as lobbyists, such as employees of the Government of Yukon, should be clarified if the purpose is to only provide the exemption when these individuals are acting in their official capacity.



### Other

- Some respondents suggested the definition of public office holder (the positions that may be persuaded by lobbyists) include employees of government corporations.
- Other comments included avoiding instances of conflict of interest, ways to involve the public when making government decisions, and reporting on funding directed to political parties.

### What's next?

The input received during the public engagement informed the scope of a future lobbyist registry. Most notably, compensation is not identified as a criterion for determining who will need to register as a lobbyist. This change comes from respondents indicating that focusing on compensation may exclude influential but unpaid positions within an organization from the requirement to register.

We also heard requests for clarification of the type of communication with public officer holders that would require registration as a lobbyist. In response, we clarified that certain types of communication with public officer holders is not considered lobbying for the purposes of the Act, such as providing feedback to an engagement process.

The parameters for determining who must register as lobbyists are outlined in the Bill that was tabled on October 4, 2018. If the Bill passes, we will begin work on creating a system for collecting lobbyist registrations and a method of publishing this information for the public to view. The lobbyist registry is anticipated for spring 2019.

## Participation

### *Engagement Methods*

We used an online survey and sent letters to Yukon First Nations, a random sample of societies, and the Chambers of Commerce in the territory.

Between August 2 and September 4, leaders of the opposition were invited to comment. Engagement was open to members of the public, stakeholders and Yukon First Nations between August 6 and September 4, 2018.

### *Participation by the numbers:*

- 156 completed surveys
- 7 letters or emails received by the Minister or the department

### *Survey responses overview:*

- 135 members of the public responded to the survey
- 8 businesses responded to the survey
- 13 non-profit organizations, First Nations and other responded to the survey

### *Notification*

We sent out a new release, posted on EngageYukon.ca and used social media to inform the public of the engagement period and invite them to participate in the online survey. We also sent letters to a random sample of organizations to invite them to participate in the survey to ensure responses were received from those that may be directly

affected. A random sample of societies was used because lobbying could be done by an organization from any sector of the economy, social issue or interest group.

Yukon First Nations and the Council of Yukon First Nations (CYFN) received letters (by mail and email) to notify them of the initiative and invite feedback. The leaders of each opposition party were also provided letters and background materials with the invitation to provide their input.

*Notification by numbers:*

- 15 letters sent to Yukon First Nations and CYFN
- 6 letters sent to the Chambers of Commerce in Yukon
- 40 letters were sent to a random sample of Societies
- 2 letters were sent to the leaders of the opposition
- 7,500 people reached on Facebook, targeted to Yukoners

## Appendix A – Survey



The Government of Yukon would like to know what you think about our plans to develop a lobbyist registry for Yukon. We want your input on how the lobbyist registry will work and who should be classified as a lobbyist. A lobbyist registry will make information available to the public about lobbying activities in the territory. The purpose of a lobbyist registry is to make lobbying activities more transparent for the public while supporting open access to government.

This survey is hosted by the Yukon Bureau of Statistics. Your participation in this survey is voluntary, and your responses will remain confidential in accordance with the *Statistics Act* (Yukon). The survey should take between 10-15 minutes to complete depending on your answers.

Click "Next" to start the survey.



**\*Are you completing this survey as an individual or on behalf of an organization or government?**

- An individual
- A business
- A non-profit organization
- An economic development corporation
- A First Nation government
- Other (please specify):

### **Types of lobbyists**

Lobbying is communicating with a public office holder in an attempt to influence the outcome of a government decision related to a program, policy, law or funding.

Creating a lobbyist registry means we would require lobbyists to register and make their activities public. Lobbyists fall into two categories:

- 1) Consultant lobbyist: An individual or an organization/company that undertakes lobbying activities on behalf of a client for payment.
  
- 2) In-house lobbyist: Staff or members of a company or organization whose duties include lobbying activities. The head of the organization is also included in the definition of in-house lobbyist.

**\*In your opinion, are the above definitions clear enough?**

- Yes
- No
- Not sure

**If no, please describe how these definitions could be made more clear.**

**\*Considering the definitions above, would any of your interactions with the Government of Yukon qualify as lobbying?**

- Yes, as an in-house lobbyist
- Yes, as a consultant lobbyist
- None of the above

**Exclusions**

The Government of Yukon is currently considering excluding some individuals and organizations from needing to register with the lobbyist registry.

We have already decided that members of the general public will not be required to register when they contact Ministers, Members of the Legislative Assembly (MLAs) or staff of the Government of Yukon or the Yukon Legislative Assembly about matters of personal interest. This will apply when a member of the public contacts the government as a resident of Yukon rather than on behalf of a client, company or organization.

We are also considering excluding staff employed with the Government of Yukon or other governments who contact other employees or Ministers of the territorial government to influence government decisions as part of their job. This includes:

- MLAs and their staff;
- members of the Senate or House of Commons of Canada or employees of those members;
- employees of the public service of the Government of Canada, the Government of Yukon and other territorial governments or provincial governments;
- employees and members of municipalities and of local advisory councils;
- members or employees of a First Nations government;
- employees of the Council of Yukon First Nations; and
- diplomatic agents, consular officers or official representatives in Canada of a foreign government, including officials of specialized agencies of the United Nations.

**\*In addition to the above list, are there any other individuals or positions that we should exclude if their job involves communicating with public office holders in an attempt to influence a government decision?**

- Yes
- No

**If yes, please describe which individuals or positions you believe should be excluded in addition to those identified above.**

### Criteria for determining who will need to register as a lobbyist

The Government of Yukon is considering three criteria to determine whether an individual, organization, or company will need to register as a lobbyist. All three criteria must be met for an individual or organization to be required to register:

1. There must be communication with a public office holder (Government of Yukon employees, Members of the Yukon Legislative Assembly (MLAs) and their staff, Ministers, or the Premier);
2. There must be an attempt to influence the outcome of a government decision (for example decisions on laws, programs, policies or funding); and
3. The lobbyist receives compensation for work that includes lobbying, either a) for lobbying on behalf of his/her organization/company (in-house lobbyist), or b) for lobbying on behalf of a client (consultant lobbyist).

#### \*Are there any changes to these criteria we should consider?

- Yes
- No

**If yes, please describe the changes or additions to the above criteria that should be considered.**

#### \*Can you think of a situation that you would categorize as lobbying that does not fall within the above criteria?

- Yes
- No

**If yes, please describe which situations you think should also be considered as lobbying activity.**

#### \*Using the scale below, please rate your level of agreement or disagreement with the following:

**Individuals in unpaid positions, such as volunteers or board members, should be required to register if they lobby on behalf of an organization/company that has paid staff.**

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree
- Don't know

## The lobbyist registry

The Government of Yukon wants to require lobbyists to register as a lobbyist so we can provide meaningful information to the public. At the same time, we also want to avoid imposing too much of an administrative burden on local organizations and companies.

Our proposed approach will require lobbyists to register by completing a form that identifies them and some key aspects of their lobbying. Following that initial registration, lobbyists will provide an update on their lobbying activities every six months, instead of reporting after each communication (for example, meetings, letters, emails, etc.).

The Government of Yukon is considering requiring the following information from lobbyists:

- the name of the individual doing the lobbying and the name of their organization;
- the lobbyist's client's name, if applicable;
- whether the lobbyist is local to Yukon or not;
- whether the lobbyist's organization or client received funding from the Government of Yukon that relates to the lobbying activity;
- the government department, agency or corporation being lobbied;
- the subject matter by issue (for example, agriculture, conservation, housing, infrastructure, mining, taxation, tourism);
- the communication methods (for example, by email, letter, in-person meeting, phone call); and
- the names of the MLAs or their staff if they are being lobbied.

**\*In addition to the above list, is there any other information you think lobbyists should be required to provide?**

- Yes
- No

**Please tell us your thoughts about the proposed information requirements in the registry. If you believe additional information should be required than what is proposed above, please describe what additions should be made.**

**\*Should the information in the lobbyist registry be made available to the public?**

- Yes
- No
- Not sure

**\*If the lobbyist registry were made available to the public, would you review it?**

- Yes
- No
- Not sure

**Do you have any other comments or feedback on the development of the new Act that would create a lobbyist registry?**

**About you**

**\*Are you a Yukon resident?**

- Yes
- No
- Prefer not to say

**\*What is your age?**

- 17 or younger
- 18-24 years old
- 25-34 years old
- 35-44 years old
- 45-54 years old
- 55-64 years old
- 65 or over
- Prefer not to say

**\*What is your gender?**

- Male
- Female
- Other
- Prefer not to say

Thank you for taking the survey.