



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 56

Lobbying Transparency Act

Introduction

Introduced by
Mr. Jean-Marc Fournier
Minister responsible for Access to Information and the
Reform of Democratic Institutions

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EXPLANATORY NOTES

The purpose of this bill, which replaces the Lobbying Transparency and Ethics Act, is to ensure transparency in and the proper conduct of lobbying activities.

The bill reiterates the public's right to know who is lobbying public institutions. It also more clearly sets out the responsibilities and obligations of the different players—the Lobbyists Commissioner, lobbyists and public office holders.

The definitions of the three types of lobbyists subject to the legislation—enterprise lobbyists, organization lobbyists, and consultant lobbyists—are revised. They are also extended to include all non-profit organizations, groups not constituted as legal persons and persons who lobby for entities related to profit-seeking enterprises.

The bill clarifies the notion of public office holder. It also introduces the obligation, for public office holders, of ensuring that any lobbyist lobbying them complies with the obligation of filing a return in the registry of lobbyists for each mandate, either by checking with the lobbyist, by reminding the lobbyist of this obligation or by consulting the registry of lobbyists.

The definition of lobbying remains essentially unchanged. Lobbying includes any oral or written communication made to a public office holder in an attempt to influence or capable of influencing specified types of decisions. The bill expressly includes all the stages in the process leading up to a final decision, and not just the final decision itself.

In addition, the bill provides a more specific and complete list of the communications that are not considered lobbying even if they concern a decision made by a public office holder, and adds exceptions in this regard. Specific exclusions are made for non-profit organizations. Hence, oral or written communications made for a non-profit organization to reach an agreement to have certain operating or mission support expenditures covered or to obtain a grant or subsidy to cover such expenditures, or made by a volunteer of a non-profit organization or group not constituted as a legal person, are not considered lobbying.

Lobbyists must now provide a certain number of items of information for each of their mandates by filing a return in the registry of lobbyists. The return for a mandate must be filed before the start of the lobbying activities it pertains to, except in certain cases. Lobbyists must now also file a quarterly report of their lobbying activities.

Certain rules applicable to current and former public office holders are modified. In particular, current public office holders are prohibited from lobbying unless an exception is granted, and former public office holders are subject to stricter rules. The period during which administrators of state are subject to post-term rules with regard to lobbying is increased to two years.

The functions and powers of the Lobbyists Commissioner are clarified and augmented. The Commissioner is responsible for, among other things, seeing to the administration of the Act, promoting transparency in and the proper conduct of lobbying activities, developing a code of conduct for lobbyists and keeping a registry of lobbyists.

The Lobbyists Commissioner is empowered to impose monetary administrative penalties on lobbyists who do not meet the time limits prescribed by law for providing or amending the required information and retains the power to impose disciplinary measures on lobbyists for grave or repeated breaches of their obligations. The minimum fines for most penal offences are increased.

The prescription period for disciplinary measures and penal sanctions is standardized and increased to three years. In addition, enforceable disciplinary measures and final judgments of guilty must now be registered in the registry of lobbyists.

Finally, the bill contains transitional measures.

LEGISLATION REPLACED BY THIS BILL:

- Lobbying Transparency and Ethics Act (chapter T-11.011).

REGULATIONS REPEALED BY THIS BILL:

- Lobbying Transparency and Ethics Exclusions Regulation (chapter T-11.011, r. 1);
- Lobbyists Registry Regulation (chapter T-11.011, r. 3);
- Tariff of fees respecting the lobbyists registry (chapter T-11.011, r. 4).

Bill 56

LOBBYING TRANSPARENCY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE

- 1.** This Act affirms the public’s right to know who is lobbying public office holders, while recognizing lobbying as a legitimate means of accessing public institutions.
- 2.** The purpose of this Act is to foster transparency in and the proper conduct of lobbying activities directed at public office holders.

To those ends, this Act defines the responsibilities and powers of the Lobbyists Commissioner and the obligations of lobbyists and public office holders.

CHAPTER II

INTERPRETATION

- 3.** In this Act,

“administrator of state” means the holder of an office referred to in section 55 of the Public Service Act (chapter F-3.1.1) or a person engaged by contract to hold such an office;

“consideration” means compensation such as money, property or services, or a promise of money, property or services;

“entity” means a profit-seeking enterprise, a non-profit organization or a group not constituted as a legal person;

“non-profit organization” includes an employer association, employee association, professional association or professional order, and any other non-profit group constituted as a legal person;

“public institution” means the National Assembly, a person designated by the Assembly to an office under its jurisdiction, a government department, a

local municipality or a body, agency, organization or committee referred to in section 9.

4. In this Act, natural persons or entities are related if they are related under any of sections 17 and 19 to 21 of the Taxation Act (chapter I-3) for the purposes of that Act.

CHAPTER III

SCOPE

DIVISION I

LOBBYISTS

5. Enterprise lobbyists, organization lobbyists and consultant lobbyists are lobbyists for the purposes of this Act.

6. “Enterprise lobbyist” means a member of the board of directors or an employee, officer, partner or shareholder of a profit-seeking enterprise who lobbies for the enterprise, for an entity related to it or for a non-profit organization or a group not constituted as a legal person of which the enterprise or related entity is a member.

“Enterprise lobbyist” also means a natural person who lobbies for their sole proprietorship or for a non-profit organization or a group not constituted as a legal person of which the sole proprietorship is a member.

7. “Organization lobbyist” means a member of the board of directors or an employee or officer of a non-profit organization who lobbies for the organization or for a non-profit organization or a group not constituted as a legal person of which the organization is a member.

“Organization lobbyist” also means a natural person who holds an office or position within a group not constituted as a legal person and who lobbies for that group.

8. “Consultant lobbyist” means a natural person who lobbies for a third person otherwise than as an enterprise lobbyist or an organization lobbyist.

DIVISION II

PUBLIC OFFICE HOLDERS

9. The following are considered public office holders for the purposes of this Act:

(1) Members of the National Assembly and office staff and Members' staff within the meaning of Division III.1 of Chapter IV of the Act respecting the National Assembly (chapter A-23.1);

(2) members of the personnel of the National Assembly, persons appointed to a body whose members are appointed by the Assembly, persons the Assembly designates to an office under its jurisdiction, and members of the personnel of such bodies and persons;

(3) members of the Conseil exécutif (Cabinet Ministers) and their office staff within the meaning of Division II.2 of the Executive Power Act (chapter E-18);

(4) members of the personnel of a government department, including administrators of state;

(5) members of the board of directors, officers and personnel members of a government agency within the meaning of the Auditor General Act (chapter V-5.01), and persons appointed by the Government or a Minister to such an agency, except a public health and social services institution governed by the Act respecting health services and social services (chapter S-4.2) and except an agency to which only subparagraph 4 of the first paragraph of section 4 of the Auditor General Act applies, unless it is on a list established by the Government;

(6) mayors, borough mayors, designated councillors referred to in section 114.5 of the Cities and Towns Act (chapter C-19), their office staff, members of a borough council, of an agglomeration council or of the council of a local municipality and the personnel of a local municipality;

(7) members of the council, officers and personnel members of a supramunicipal body, that is, a metropolitan community, a regional county municipality, an intermunicipal board, a public transit authority, an intermunicipal board of transport, a regional public transport board and any other supramunicipal body designated by government order under section 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);

(8) members of the board of directors, officers and personnel members of a body declared by law to be the mandatary or agent of a municipality, of a body whose board of directors is composed in the majority of members of a municipal council or members appointed by such a council, or of a body whose board of directors comprises at least one member of the council of a municipality sitting as such and whose budget is adopted by that municipality or more than half of whose financing is assumed by that municipality;

(9) members and officers of agricultural advisory committees and advisory planning committees;

(10) members of the board of directors, officers and personnel members of a body whose board of directors is composed in the majority of members of

the councils of municipalities or members appointed by those councils or by an agglomeration council or of any other body more than half of whose financing is assumed by municipalities and whose board of directors comprises at least one member of the council of any of those municipalities sitting as such;

(11) members of the board of directors, officers and personnel members of a delegate organization referred to in section 126.4 of the Municipal Powers Act (chapter C-47.1) or of a mixed enterprise company established under the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) or a similar body established under a private Act;

(12) persons engaged by contract to hold the position of a person referred to in this section; and

(13) persons whose services are retained by a public institution or by a public office holder with regard to a decision referred to in section 12 that the institution or office holder must make.

DIVISION III

RESTRICTIONS ON APPLICATION

10. This Act does not apply to the members of the board of directors, administrators or officers of the following institutions or bodies, or to the personnel members of those institutions or bodies, when acting in their official capacity:

(1) a post-secondary educational institution referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(2) a post-secondary educational institution established under the General and Vocational Colleges Act (chapter C-29) or governed by the Act respecting the École de laiterie and intermediate agricultural schools (chapter E-1);

(3) a school board established under the Education Act (chapter I-13.3), under chapter 125 of the statutes of 1966-1967, or under the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), as well as the Comité de gestion de la taxe scolaire de l'île de Montréal established under the Education Act;

(4) a private educational institution accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1);

(5) any other educational institution more than half of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(6) a public institution or a private institution under agreement governed by the Act respecting health services and social services, a legal person or a joint procurement group referred to in section 383 of that Act, or a health communication centre governed by the Act respecting pre-hospital emergency services (chapter S-6.2); or

(7) a public institution or a private institution under agreement governed by the Act respecting health services and social services for Cree Native persons (chapter S-5), as well as a health and social service council established under that Act.

11. This Act does not apply to the following persons when acting in their official capacity:

(1) the Lieutenant-Governor and the Lieutenant-Governor's office staff;

(2) members of the Senate or House of Commons of Canada, the legislative assembly of another province or the council or legislative assembly of a territory, and the members of their office staff;

(3) personnel members of a department and members, officers and personnel members of a body or agency of the Government of Canada, the government of another province or the government of a territory or members of a council or board of such a body or agency;

(4) representatives, councillors and members of the council of a band within the meaning of section 2 of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) or another federal Act and the personnel members of a band council;

(5) members of a board, council or committee, representatives, councillors, officers and personnel members of a body representing the interests of a Cree, Naskapi or Inuit community such as the Kativik Regional Government, the Cree Nation Government, the Grand Council of the Crees, the Eeyou Istchee James Bay Regional Government and the Makivik Corporation;

(6) the mayor or designated councillors of a Cree, Naskapi or northern village, their office staff or the members of the council or personnel members of such a village;

(7) official representatives of the government of another province, of a similar division of a foreign State, of a local government of another province or of a foreign State;

(8) diplomatic agents, consular officers and official representatives of a foreign government;

(9) members of a board or council, officers and personnel members of a specialized agency of the United Nations or of any other international government organization to whom privileges and immunities are granted by law because of their status; or

(10) members of a board or council, officers and personnel members of an international non-government organization to whom courtesy privileges and prerogatives have been granted by the Gouvernement du Québec.

DIVISION IV

LOBBYING ACTIVITIES

12. Any oral or written communication with a public office holder in an attempt to influence or capable of influencing, at any stage in the process, a decision about

- (1) a legislative or regulatory proposal,
- (2) a directive, guidelines or an implementation measure such as a guide, fact sheet or interpretation bulletin,
- (3) a policy direction, resolution, ministerial order, order or order in council,
- (4) a program, policy or action plan,
- (5) a permit, licence, certificate or other authorization,
- (6) a contract,
- (7) a grant, subsidy, gift or other form of financial assistance, as well as a loan, loan guarantee or suretyship granted on better-than-market terms, or
- (8) the appointment to a public institution of an administrator of state, a member of the board of directors or an officer or, subject to section 41, of a person appointed by the Government or a Minister,

constitutes lobbying or a lobbying activity.

13. A natural person who participates in or attends a meeting or discussion with a lobbyist during which lobbying is conducted is presumed to be lobbying.

14. Any oral or written communication made

- (1) during or prior to judicial proceedings or to proceedings concerning a decision made in the exercise of an adjudicative function,
- (2) before a parliamentary committee of the National Assembly or sent in writing to the committee so that it will be submitted to the committee members and made public,
- (3) during a public meeting or public consultation held by a public institution or on the initiative of such an institution,

(4) to a public office holder at the express request of the latter or of another public office holder from the same public institution, provided the request did not arise out of a lobbyist's previous intervention with either of the public office holders and the communication is limited to the subject matter of the request,

(5) during the proceedings of an advisory committee established by a public institution, by a committee member to the other committee members, provided the communication is limited to the subject matters determined by a public office holder and those subject matters did not arise out of a lobbyist's previous intervention with the public office holder,

(6) by a public office holder, including a Member of the National Assembly, in their official capacity,

(7) by a natural person in the person's own name, or by a natural person on behalf of an association exclusively made up of natural persons that is not constituted as a non-profit organization,

(8) for a non-profit organization, by one of its volunteers who is not a member of the board of directors or an employee or officer of the organization and not a member of the board of directors or an employee, officer, partner or shareholder of a profit-seeking enterprise, an entity related to such an enterprise, or a non-profit organization that is a member of that non-profit organization,

(9) for a group not constituted as a legal person, by one of its volunteers who does not hold an office or position within that group and is not a member of the board of directors or an employee, officer, partner or shareholder of a profit-seeking enterprise, an entity related to such an enterprise, or a non-profit organization that is a member of that group,

(10) for a natural person with regard to last resort financial assistance paid under the Individual and Family Assistance Act (chapter A-13.1.1), or an indemnity or allocation paid under an Act of Québec,

(11) for a natural person in order to obtain an authorization referred to in paragraph 5 of section 12 or financial assistance referred to in paragraph 7 of that section, provided the communication is made for no consideration,

(12) to obtain a contract, grant, subsidy, gift, loan, loan guarantee, suretyship or other form of financial assistance with a value of \$5,000 or less,

(13) to reach an agreement to have certain operating expenditures of a non-profit organization or certain expenditures related to supporting its overall mission covered, or to obtain a grant or subsidy to cover such expenditures, in accordance with a law or regulation or under an existing program,

(14) subsequent to the awarding of a contract, grant or subsidy or the making of an agreement, provided the communication is limited to discussing the applicable performance conditions,

(15) during the negotiation of an individual or collective labour contract or the negotiation of a collective agreement for the provision of professional services under the Health Insurance Act (chapter A-29) and limited to the subject matter of the negotiation,

(16) by an organization lobbyist for a professional order or for the Conseil interprofessionnel du Québec, to the Minister responsible for the administration of legislation respecting the professions or to a member of the board of directors or personnel member of the Office des professions du Québec concerning the development, introduction, amendment or defeat of proposals regarding the Professional Code (chapter C-26) or the Act or letters patent constituting a professional order or the regulations under those Acts, or

(17) by an organization lobbyist for the Chambre de la sécurité financière or the Chambre de l'assurance de dommages, to the Minister responsible for the administration of the Act respecting the distribution of financial products and services (chapter D-9.2) or the Act respecting the Autorité des marchés financiers (chapter A-33.2) or for the Organisme d'autoréglementation du courtage immobilier du Québec to the Minister responsible for the administration of the Real Estate Brokerage Act (chapter C-73.2) concerning the development, introduction, amendment or defeat of proposals regarding those Acts or the regulations under those Acts,

does not constitute lobbying or a lobbying activity.

15. The mere fact of

(1) making an appointment or setting up a meeting with a public office holder,

(2) making a comment or observation during a chance encounter,

(3) communicating with a Member of the National Assembly to have a petition tabled in the Assembly or signing such a petition,

(4) making the existence and characteristics of a product or service known, outside any contract award process,

(5) inquiring into the nature or the scope of the rights and obligations of a natural person or an entity,

(6) filling out an application for an authorization referred to in paragraph 5 of section 12 or for financial assistance referred to in paragraph 7 of that section, and answering the questions and providing the information required for the application to be processed,

(7) communicating with a public office holder in the manner and about the subject matters specified in tender documents or reporting any non-compliance

or irregularity relating to a call for tenders using the procedure established for that purpose,

(8) submitting a bid in response to a call for tenders,

(9) inquiring as to the status of a file, or

(10) accompanying a public office holder only to answer questions of a technical nature put by another public office holder,

does not constitute lobbying or a lobbying activity.

CHAPTER IV

DISCLOSURE OF LOBBYING ACTIVITIES

DIVISION I

RETURN

16. No lobbying activity may be conducted if a return setting out the mandate for the activity has not been filed within the prescribed time in the registry of lobbyists, or if the mandate has expired.

A lobbyist who is to conduct a lobbying activity must file a return in the registry of lobbyists for each mandate in accordance with the rules prescribed in this division and in the manner and form determined by the Lobbyists Commissioner.

The information contained in the return and any amendments to it appear in the registry of lobbyists in the manner and form determined by the Commissioner.

17. A lobbyist's return must contain the following information for each mandate:

(1) a statement that the lobbyist is acting as an enterprise lobbyist, organization lobbyist or consultant lobbyist;

(2) the lobbyist's name and the name and contact information of each natural person and each entity for whom or which the lobbyist lobbies;

(3) the name of each entity that is a member of the group not constituted as a legal person for which the lobbyist lobbies, if applicable;

(4) the name of each entity that contributes, financially or by way of property or services, to one or more of the lobbyist's lobbying activities, if applicable;

(5) the name of the person who served as an intermediary or was asked to act as an intermediary to facilitate the holding of a meeting with a public office holder, if applicable;

(6) a statement that the lobbying activities are conducted in return for consideration that is contingent on the achievement of a result or subject to the degree of success of the lobbying activities, and the terms of the consideration, if applicable;

(7) the nature and term of any public office that the lobbyist currently holds or that the lobbyist has held in the five years preceding the date of the return, if applicable;

(8) information useful in determining the purpose of the lobbying activities so that a person consulting the registry can get a clear idea of the goal and the decision sought by the lobbyist;

(9) the period covered by the mandate;

(10) the name of each public institution in which a public office holder with whom the lobbyist intends to communicate or has communicated serves;

(11) the title of each public office holder with whom the lobbyist intends to communicate or has communicated or the nature of the public office holder's functions, in accordance with the classes determined by the Commissioner;

(12) the means of communication the lobbyist intends to use or has used; and

(13) any additional information prescribed by regulation of the Commissioner.

18. A consultant lobbyist's return must also contain the following information for each mandate:

(1) the name and contact information of the lobbyist's enterprise or, if the lobbyist does not operate an enterprise, the lobbyist's personal contact information; and

(2) the amount or value of any financial or other consideration received or to be received in return for the lobbying activities, according to the value ranges determined by the Commissioner; if no consideration is to be received for the activities, this must be stated.

19. The return must be filed before the start of the lobbying activities it pertains to, except in the case provided for in the second paragraph.

If the first lobbying activity was unplanned, the return must be filed not later than the fifth working day following the start of the activity.

20. The period covered by a mandate may not exceed one year.

However, if a mandate is not completed within that time, it may be extended. Each extension may not exceed one year.

21. If the name of an entity in the return differs from that under which it generally does business, the latter name must also be given in the return.

DIVISION II

QUARTERLY REPORT

22. Lobbyists must make a quarterly report of their lobbying activities for all their mandates within the first 10 days of the months of May, August, November and February, in the manner and form determined by the Commissioner. The lobbying activities conducted in the months

(1) of January, February and March must be reported within the first 10 days of May;

(2) of April, May and June must be reported within the first 10 days of August;

(3) of July, August and September must be reported within the first 10 days of November; and

(4) of October, November and December must be reported within the first 10 days of February.

The information contained in the report appears in the registry of lobbyists in the manner and form determined by the Commissioner.

23. A report must contain the following information for each of the mandates concerned:

(1) the name of each public institution in which a public office holder with whom the lobbyist has communicated serves;

(2) the title of each public office holder with whom the lobbyist has communicated or the nature of the public office holder's functions;

(3) the means of communication used and the date of each communication;

(4) the name of each public institution with which communications have ended; and

(5) any additional information prescribed by regulation of the Commissioner.

A lobbyist all of whose mandates end during the same quarter is required to make a report of their lobbying activities.

DIVISION III

AMENDMENT OF RETURN OR QUARTERLY REPORT

24. The particulars of any change to the information contained in a return or report must be provided and any error in that information must be corrected by filing an amendment in the manner and form determined by the Commissioner, even if the mandate has ended.

The particulars of any change to a return or report must be provided by filing an amendment before the lobbying activity concerned by the change can be conducted. However, if the change could not have been known prior to the date the lobbying activity was conducted, or if the activity was unplanned, the amendment must be filed not later than the fifth working day following the activity.

Deciding not to communicate with a public office holder or terminating a mandate constitutes a change for which an amendment to the relevant return must be filed not later than the fifth working day after the decision was made or the mandate was terminated.

In the case of an error in the information contained in a return or report, an amendment must be filed not later than the fifth working day after the error is found by the lobbyist.

DIVISION IV

COMPLIANCE AND TRANSMISSION OF INFORMATION

25. Information on the mandates of more than one lobbyist from the same entity may be sent by one and the same natural person.

26. Lobbyists are responsible for ensuring that the information concerning them is sent within the prescribed time and is accurate, complete and up-to-date.

27. Returns and reports and any amendments to them must be sent to the Commissioner by electronic means or by any other means authorized by the Commissioner.

A return, report or amendment is deemed to have been filed at the time it is received.

DIVISION V

REGISTRY OF LOBBYISTS

28. The Commissioner is responsible for keeping a registry of lobbyists.

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

29. The registry is public and available at all times on the Commissioner's website, except information covered by a confidentiality measure.

30. If the Commissioner believes that a return or report does not contain all the required information, is not filed in the manner and form determined by the Commissioner or contains an error, the Commissioner may require the lobbyist to make the necessary corrections within five working days after the Commissioner's request. In such a case, a note that corrections were required is made in the registry.

If the lobbyist fails to make the required corrections within the time prescribed by the first paragraph, the Commissioner may remove all or part of the return or report from the registry.

31. A copy of an extract from the registry certified by the Commissioner as a true copy is admissible as evidence and has the same probative force as the original, without it being necessary to prove the certification or official capacity of the certifier.

DIVISION VI

CONFIDENTIALITY MEASURE

32. The Commissioner may, on request, decide that all or part of the information that must appear in the registry of lobbyists is to remain confidential for the period the Commissioner determines when

(1) the information relates to an investment project of a natural person or an entity and its disclosure could reasonably be expected to seriously prejudice the economic or financial interests of the natural person or entity;

(2) disclosure of the information could reasonably be expected to threaten the safety of a lobbyist, a public office holder or any other natural person; or

(3) such a measure is justified in light of special and exceptional circumstances.

33. A confidentiality measure may, on request, be extended by the Commissioner for the period the Commissioner determines if one of the conditions set out under section 32 is met.

The request must have been received by the Commissioner at least 10 days before the expiry of the period specified in the measure.

34. The Commissioner may revoke all or part of a confidentiality measure if the Commissioner believes that the reasons which led to its being granted no longer exist or if the information covered by the measure has become public in any manner whatsoever.

Before making such a decision, the Commissioner must notify a written notice of the Commissioner's intention to make the decision and of the reasons for the decision to the lobbyist and the natural person or entity for whom the lobbyist lobbies. The lobbyist, natural person or entity may, within 10 days after notification of the notice, submit observations to the Commissioner and produce documents.

35. The Commissioner registers each confidentiality measure granted in the registry. The Commissioner must ensure the confidentiality of the information covered by each measure.

When a confidentiality measure expires or is revoked by the Commissioner, the information concerned and the confidentiality measure become available to the public.

36. Despite a confidentiality measure, the lobbyist must amend the return as necessary and file the required report at the prescribed time.

CHAPTER V

OBLIGATION OF PUBLIC OFFICE HOLDER

37. Public office holders must ensure that any lobbyist lobbying them complies with the obligation of filing a return in the registry of lobbyists for the mandate concerned, either by checking with the lobbyist, by reminding the lobbyist of that obligation or by consulting the registry of lobbyists.

A lobbyist must give accurate, full and frank answers to any question asked by a public office holder, in particular when the latter is checking whether the lobbyist has filed a return in the registry of lobbyists for the mandate concerned. The lobbyist must also file a return for the mandate concerned when reminded to do so.

The obligation under the first paragraph does not apply in cases where the public office holder receives an unsolicited written communication, provided no reply or other follow-up is given to it or the public office holder decides to only acknowledge receipt.

CHAPTER VI

PROHIBITED ACTS

DIVISION I

GENERAL PROHIBITIONS

38. No lobbying activity may be conducted with regard to a contract to be awarded through a public call for tenders between the time the call for tenders is published and the time the contract is awarded.

39. Enterprise lobbyists and consultant lobbyists may not conduct a lobbying activity in return for consideration if the consideration is to be taken out of a grant, subsidy, loan or other form of financial assistance they are mandated to obtain from a public institution.

40. A natural person or an entity that, as a result of a lobbying activity conducted on their behalf, has obtained a mandate to award a contract or a form of assistance referred to in paragraph 6 or 7 of section 12 may not

- (1) award it to themselves;
- (2) award it to one of their employees, officers, shareholders or partners or to a member of their board of directors;
- (3) award it to a natural person that is related to them or to an entity that is related to them; or
- (4) award it to any of their clients or to any client of a natural person or entity referred to in subparagraph 3.

A natural person or an entity referred to in any of subparagraphs 2 to 4 of the first paragraph may not accept such a contract or form of financial assistance.

41. No lobbying activity may be conducted with regard to the appointment of a judge of the Court of Québec, a judge of a municipal court or a presiding justice of the peace.

DIVISION II

PROHIBITIONS APPLICABLE TO CURRENT AND FORMER PUBLIC OFFICE HOLDERS

42. A public office holder may not lobby another public office holder serving

- (1) in the same public institution as the public office holder; or
- (2) in a public institution with which the public office holder has had significant and direct official relations in the last year.

The Commissioner may, on request and on the conditions the Commissioner determines, partly or entirely exempt a public office holder subject to a prohibition under subparagraph 2 of the first paragraph from the prohibition under that subparagraph if the Commissioner considers that such a decision is not incompatible with the purpose of this Act.

The second paragraph does not apply to a Member of the National Assembly.

43. Current and former public office holders may not, in the course of lobbying activities, derive undue advantage, such as a benefit or privilege, from their current or former public office, or lobby in respect of a procedure, negotiation or other specific operation in which they are or were involved in the exercise of that office.

44. Current and former public office holders may not, in the course of lobbying activities, directly or indirectly disclose confidential information or information not available to the public obtained in or in connection with the exercise of their current or former public office, or give advice on the basis of such information.

Current and former public office holders may not directly or indirectly disclose such information or give such advice to anyone who conducts lobbying activities.

45. Former public office holders may not, during the period specified in section 47, lobby as a consultant lobbyist or serve as an intermediary to facilitate the holding of a meeting with a public office holder if, during at least one year of the two years preceding the date on which they ceased to be a public office holder, they were

(1) a Cabinet Minister, a Member of the National Assembly authorized to sit in Cabinet or an administrator of state; or

(2) a member of the office staff, other than the support staff, of a person referred to in paragraph 1.

46. Former public office holders may not, during the period specified in section 47, lobby a public office holder who serves in the same public institution in which they held a public office in the year preceding the date on which they ceased to be a public office holder or in a public institution with which they had, in that year, significant and direct official relations, if they were

(1) a Cabinet Minister, a Member of the National Assembly authorized to sit in Cabinet, an administrator of state, a person designated by the Assembly to an office under its jurisdiction, the most senior officer of a person appointed to a body whose members are appointed by the Assembly or of a government agency within the meaning of the Auditor General Act, a chair of the council or a mayor, borough mayor or warden of a metropolitan community, a member

of the executive committee of a local municipality or a director general of a municipality or metropolitan community; or

(2) a member of the office staff of a person referred to in paragraph 1, other than support staff, an officer of a public institution or a Member of the National Assembly or a member of a municipal council not referred to in paragraph 1.

47. The prohibitions under sections 45 and 46 apply for a period of two years in the cases referred to in paragraph 1 of those sections and for a period of one year in the cases referred to in paragraph 2 of those sections, from the date a public office holder ceases to exercise the functions of office.

CHAPTER VII

LOBBYISTS COMMISSIONER

DIVISION I

APPOINTMENT, FUNCTIONS AND POWERS

48. On the proposal of the Premier, the National Assembly appoints a Lobbyists Commissioner with the approval of a two-thirds majority of its Members.

The National Assembly determines the Commissioner's remuneration, employment benefits and other conditions of employment in the same manner.

The Commissioner exercises the functions of office exclusively and on a full-time basis.

49. Before taking office, the Commissioner must take an oath before the President of the National Assembly to honestly and faithfully perform the duties of office.

50. The Commissioner's term of office is five years. At the end of that term, the Commissioner remains in office until reappointed or replaced.

The Commissioner may resign at any time by giving written notice to the President of the National Assembly. The Commissioner may only be removed by a resolution of the Assembly approved by a two-thirds majority of its Members.

51. If the Commissioner leaves office or is unable to act, the Government, after consulting with the leaders of the authorized parties that are represented in the National Assembly and any independent Members of the Assembly, designates a person to act as Commissioner on an interim basis from among the personnel of a body whose members are appointed by a two-thirds majority of the Members of the Assembly or from among the personnel of a person

designated by a two-thirds majority of the Members of the Assembly to an office under the Assembly's jurisdiction.

The Government determines the designated person's additional salary and allowances.

The designated person remains in office for up to six months or until the Commissioner is able to act again or a new Commissioner is appointed by the National Assembly. The interim appointment may be renewed six months at a time in the manner set out in the first and second paragraphs.

52. The Commissioner's function is to see to the administration of this Act.

As part of the functions of office, the Commissioner must, in particular,

- (1) promote this Act;
- (2) provide information on the application of this Act to anyone who requests it;
- (3) keep the registry of lobbyists and make it available to the public on the Commissioner's website;
- (4) develop a code of conduct for lobbyists;
- (5) supervise and control lobbying activities;
- (6) receive complaints and inquiry requests;
- (7) provide the necessary support to public institutions, public office holders and lobbyists;
- (8) make the information, reports, recommendations, notices and other documents the Commissioner considers appropriate available to the public on the Commissioner's website or otherwise; and
- (9) hold information meetings and conferences for the benefit of public office holders, lobbyists and citizens.

53. As part of the functions of office, the Commissioner may, in particular,

- (1) publicize this Act;
- (2) develop documents and implement programs and training, awareness and educational tools for the benefit of public office holders, lobbyists and citizens;
- (3) conduct verifications and inquiries;

(4) issue notices concerning the application of this Act, the code of conduct or other regulations; and

(5) take any other measure for the carrying out of this Act.

DIVISION II

ORGANIZATION

54. The members of the Commissioner's personnel are appointed in accordance with the Public Service Act.

55. The Commissioner appoints a Deputy Commissioner to assist the Commissioner in the functions of office and determines the level of the position of Deputy Commissioner.

The Commissioner may delegate to the Deputy Commissioner certain functions and responsibilities conferred on the Commissioner by this Act. The instrument of delegation is published in the *Gazette officielle du Québec*.

56. The Commissioner adopts and publishes a code of ethics and conduct applicable to the Commissioner and the Deputy Commissioner, and sends it to the President of the National Assembly.

The Commissioner may amend the code, in which case the Commissioner sends the amendments to the President of the National Assembly.

DIVISION III

CODE OF CONDUCT FOR LOBBYISTS

57. The Commissioner establishes, by regulation, a code of conduct that determines the duties of and standards of conduct for lobbyists in the conduct of their lobbying activities.

The Commissioner may, for that purpose, consult any person the Commissioner considers appropriate to consult.

DIVISION IV

FINANCIAL PROVISIONS

58. The Commissioner prepares annual budgetary estimates and submits them before 1 April to the Office of the National Assembly, which approves them with or without modification.

The Commissioner may submit supplementary budget estimates to the Office of the National Assembly if the Commissioner foresees that, in the course of the fiscal year, the appropriations granted to the Commissioner will be exceeded.

59. The Public Administration Act (chapter A-6.01) applies to the Commissioner, except subparagraph 6 of the first paragraph and the second paragraph of section 9, sections 10 to 28, the second paragraph of section 32, section 44, the fourth paragraph of section 45, sections 46, 48 to 50 and 53, the third paragraph of section 57 and sections 74, 75 and 78. The report required under section 24 of that Act is incorporated into the Commissioner's annual management report.

The President of the National Assembly tables in the Assembly the strategic plan adopted by the Commissioner under section 8 of the Public Administration Act.

60. The provisions of the Financial Administration Act (chapter A-6.001) applicable to budget-funded bodies apply to the management of the Commissioner's financial resources, except sections 30 and 31.

61. The Commissioner may, by regulation, determine the conditions that are to govern the contracts that the Commissioner may enter into.

[[**62.** The sums required for the purposes of this Act and for the exercise of any other function entrusted by law to the Commissioner are taken out of the Consolidated Revenue Fund.]]

DIVISION V

ANNUAL MANAGEMENT REPORT

63. The Commissioner must, not later than 30 September each year, submit to the President of the National Assembly an annual management report that includes financial statements for the preceding fiscal year.

The President tables the report in the National Assembly within 15 days or, if the Assembly is not sitting, within 15 days after resumption, for examination by the competent committee of the Assembly.

64. The annual management report must, in particular, provide information on or state

(1) the results obtained measured against the objectives set out in the Commissioner's strategic plan;

(2) the keeping of the registry of lobbyists;

(3) the number of confidentiality measures granted;

(4) the training and information activities held;

(5) the mandates conferred by the National Assembly and their carrying out;

- (6) the verifications and inquiries conducted;
- (7) the legal proceedings brought; and
- (8) the penalties imposed.

The report must also include a statement by the Commissioner on the reliability of the data and of the monitoring mechanisms.

DIVISION VI

MISCELLANEOUS PROVISIONS

65. The Commissioner and the members of the Commissioner's personnel may not be prosecuted for an omission made or an act done in good faith in the exercise of their functions.

66. No civil action may be instituted for the publication of a report of the Commissioner or the publication in good faith of an extract from or a summary of such a report.

67. The Commissioner and the persons authorized by the Commissioner to act as verifiers and investigators cannot be compelled to give testimony relating to any information obtained in the exercise of their functions or to produce any document containing such information.

68. Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised nor any injunction granted against the Commissioner or the persons authorized to act as verifiers and investigators.

A judge of the Court of Appeal may, on a motion, summarily annul any decision rendered or any order or injunction issued or granted contrary to the first paragraph.

CHAPTER VIII

VERIFICATION AND INQUIRY

DIVISION I

VERIFICATION

69. The Commissioner may conduct the verifications required to ascertain compliance with this Act, the code of conduct and the other regulations.

The Commissioner may authorize a person to act as a verifier.

70. A person authorized to act as a verifier may

(1) by a written request, require a lobbyist, a public office holder or any other person to provide, within a reasonable time determined by the verifier, any information or document relating to the application of this Act, the code of conduct or the other regulations;

(2) enter at any reasonable hour the establishment of a lobbyist, a public office holder or any other person, or the establishment where they conduct their activities or exercise their functions, and, at that time,

(a) require from the persons present any information relating to the activities conducted or functions exercised by the lobbyist or public office holder as well as the production of any book, register, account, record or other related document; and

(b) examine and make copies of the documents containing information relating to the activities conducted or functions exercised by the lobbyist or public office holder.

71. Any person having custody, possession or control of documents referred to in section 70 must, on request, make them available to the verifier and facilitate the verifier's examination of them.

DIVISION II

INQUIRY

72. The Commissioner may, on the Commissioner's own initiative, on request or following a complaint, conduct an inquiry to determine whether a breach of this Act, the code of conduct or the other regulations has been committed.

The Commissioner may authorize a person to act as an investigator.

73. The Commissioner and a person authorized by the Commissioner to act as an investigator are, for the purposes of the inquiry, vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

74. Inquiry requests and complaints addressed to the Commissioner must, on pain of rejection, be made in writing and be accompanied by any relevant documents.

The Commissioner may reject a request or complaint if the Commissioner believes that it is frivolous, vexatious or clearly unfounded, or if the prescription periods under this Act have expired. The Commissioner must inform the person who made the request or complaint of the decision, including the reasons for it, in writing.

75. The Commissioner may terminate an inquiry at any time if the Commissioner believes that the evidence or information obtained does not justify its being continued.

DIVISION III

GENERAL PROVISIONS

76. Persons authorized by the Commissioner to act as verifiers or investigators must, on request, identify themselves and show their authorization.

77. After a verification or an inquiry, the Commissioner may make recommendations regarding the application of this Act, the code of conduct or the other regulations to

(1) the public office holder and the public institution in which the public office holder serves; or

(2) the lobbyist and the natural person or entity for which the lobbyist lobbies or has lobbied.

CHAPTER IX

REGULATORY PROVISION

78. Subject to the second paragraph, any regulation made by the Commissioner under this Act must be submitted to the competent committee of the National Assembly, which may approve it with or without amendment. The regulation comes into force on the 15th day after it is published in the *Gazette officielle du Québec* or on a later date specified in the regulation.

A regulation under section 61 is submitted to the Office of the National Assembly, which may approve it with or without amendment. The regulation comes into force on the date of its approval by the Office of the National Assembly and is published in the *Gazette officielle du Québec*.

CHAPTER X

PENALTIES

DIVISION I

MONETARY ADMINISTRATIVE PENALTIES

79. The Commissioner may impose monetary administrative penalties on lobbyists who do not comply with the time limit specified in any of sections 19, 22, 24, 30 and 70.

If a failure to comply continues for more than one day, it constitutes a new failure for each day it continues.

The monetary administrative penalty is \$50 per day up to a maximum of \$500.

For the purposes of the first paragraph, the Commissioner develops and makes public a general framework for applying such administrative penalties in connection with penal proceedings, specifying the following elements:

(1) the purpose of the penalties, such as urging the lobbyist to take rapid measures to remedy the failure and deter its repetition;

(2) the circumstances in which a penal proceeding is deemed to have priority; and

(3) the other procedures connected with such a penalty, such as the fact that it must be preceded by notification of a notice of non-compliance.

80. No decision to impose a monetary administrative penalty may be notified to a lobbyist for a failure to comply with a provision of this Act if a statement of offence has already been served for a contravention of the same provision on the same day, based on the same facts.

81. In the event of a failure to comply with this Act, a notice of non-compliance may be notified to the lobbyist concerned at the address of the entity where the lobbyist lobbies or at the address of the lobbyist's residence, urging that the necessary measures be taken immediately to remedy the failure. Such a notice must mention that the failure may give rise to a monetary administrative penalty and penal proceedings.

82. When the Commissioner imposes a monetary administrative penalty on a lobbyist, the Commissioner must notify the decision by a notice of claim.

In addition to stating the lobbyist's right to obtain a review of the decision under section 84 and the time limit specified in that section, the notice of claim must state

(1) the amount of the claim;

(2) the reasons why it is being claimed;

(3) the time from which it bears interest; and

(4) the lobbyist's right to contest the claim or, if applicable, the review decision before the Administrative Tribunal of Québec and the time limit within which such a proceeding must be brought.

The notice must also include information on the procedure for recovery of the amount owing, in particular with regard to the issue of a recovery certificate under section 91 and its effects. The lobbyist concerned must also be advised that the facts on which the claim is founded may result in penal proceedings.

83. No accumulation of monetary administrative penalties may be imposed on the same lobbyist for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts.

84. The lobbyist may apply in writing for a review of the decision within 30 days after being notified of the notice of claim.

85. After giving the lobbyist an opportunity to submit observations and produce any documents to complete the record, the Commissioner may confirm, quash or vary the decision under review if the Commissioner believes that the lobbyist's reasons are serious and that the lobbyist's intent was not to avoid meeting the prescribed time limit.

The Commissioner must make a decision within 10 days after the expiry of the time limit specified in section 84 and notify it to the lobbyist. The decision must include reasons and state the lobbyist's right to contest the decision before the Administrative Tribunal of Québec and the time limit within which such a proceeding must be brought.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, within the time prescribed for the lobbyist to submit observations or produce documents, the interest provided for in section 87 on the amount owing ceases to accrue until the decision is rendered.

86. A notice of claim or, if applicable, a review decision that confirms the imposition of a monetary administrative penalty may be contested before the Administrative Tribunal of Québec by the lobbyist concerned, within 60 days after notification of the notice or review decision.

87. The amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day following notification of the notice of claim.

88. The imposition of a monetary administrative penalty is prescribed one year after the date of the failure to comply.

89. Notification of a notice of claim interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

90. The debtor and the Commissioner may enter into a payment agreement with regard to the amount owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of penal proceedings or the imposition of a disciplinary measure under this Act, an acknowledgement of the facts giving rise to it.

91. If the amount owing is not paid in its entirety or the payment agreement is not adhered to, the Commissioner may issue a recovery certificate.

The recovery certificate must state the debtor's name and address and the amount owing.

92. Once a recovery certificate has been issued, the Minister of Revenue must, in accordance with section 31 of the Tax Administration Act, allocate any refund owing to a person under a fiscal law to the payment of any amount owed by the person under this Act.

Such allocation interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

93. On the recovery certificate being filed with the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court and has all the effects of such a judgment.

94. The debtor is required to pay the recovery charges in the cases, under the conditions and in the amount determined by regulation of the Commissioner.

95. The Commissioner may, by agreement, delegate to the Agence du revenu du Québec all or some of the powers relating to the recovery of an amount owing under this division.

96. The amounts collected under this division belong to the Commissioner.

Those amounts, except the recovery charges incurred, must be used to finance measures aimed at furthering the objectives of this Act.

DIVISION II

DISCIPLINARY MEASURES

97. If the Commissioner ascertains that a lobbyist has gravely or repeatedly breached the obligations imposed on lobbyists by this Act, the code of conduct or the other regulations, the Commissioner may impose a disciplinary measure prohibiting the lobbyist from lobbying for a period that may not exceed one year from the date on which the decision becomes enforceable.

The prohibition may be total or partial.

98. Before making a decision, the Commissioner must notify a notice of intention to the lobbyist at the address of the entity where the lobbyist lobbies or at the address of the lobbyist's residence.

The notice of intention must state or contain, among other particulars, the nature of the alleged breaches, the relevant provisions of this Act, the code of

conduct or the other regulations, the reasons for the intended decision and its terms.

99. Within 30 days after notification of the notice of intention, the lobbyist may present in writing the reasons why the disciplinary measure should not be imposed and produce any relevant documents.

The Commissioner allows the lobbyist to submit observations.

100. The Commissioner must make a decision within 10 days after the expiry of the time limit specified in the first paragraph of section 99 and notify it to the lobbyist.

101. The lobbyist concerned by the Commissioner's decision may, within 60 days after its notification and on a motion served on the Commissioner, appeal it before a judge of the Court of Québec.

The appeal does not stay execution of the Commissioner's decision unless the Court decides otherwise. The appeal is heard and decided by preference.

The decision of the Court is final.

102. The Commissioner's decision is enforceable 15 days after the expiry of the appeal period.

103. The Commissioner informs the public institutions concerned by the decision enforceable against the lobbyist.

104. The Commissioner also informs the natural person or entity for whom or which the lobbyist lobbies that a decision is enforceable against the lobbyist.

The natural person or entity must take the necessary measures to ensure that the lobbyist does not lobby during the period specified in the decision, and must inform the Commissioner of the measures taken to that end.

105. The Commissioner informs the public institutions referred to in section 103, and the natural person or entity referred to in section 104, of a judgment staying execution of the Commissioner's decision or of a final judgment quashing or varying the Commissioner's decision.

106. The imposition of a disciplinary measure is prescribed three years after the date on which the breach occurred.

The notice of intention referred to in section 98 interrupts the prescription period.

DIVISION III

PENAL PROVISIONS

107. Anyone who contravenes section 16 or 22 is guilty of an offence and liable to a fine of \$500 to \$2,500 for a first offence, \$3,000 to \$25,000 for a second offence, \$6,000 to \$50,000 for a third offence and \$9,000 to \$75,000 for a subsequent offence.

108. Anyone who

(1) provides the Commissioner with false or misleading information in a return or report or when amending a return or report,

(2) omits, neglects or refuses to file an amendment or make a correction in accordance with section 24 or 30,

(3) contravenes a provision of the code of conduct or another regulation adopted under this Act, or

(4) hinders the work of the Commissioner or of a person authorized to conduct a verification or an inquiry,

is guilty of an offence and liable to a fine of \$3,000 to \$25,000.

109. Anyone who contravenes any of sections 38 to 46 is guilty of an offence and liable to a fine of \$3,000 to \$25,000 in the case of a natural person and \$9,000 to \$75,000 in the case of an entity.

110. Anyone who does or omits to do something in order to assist a natural person or an entity to commit an offence under this Act is guilty of an offence and liable to a fine of \$3,000 to \$25,000.

111. Anyone who advises, encourages, incites or induces a natural person or an entity to commit an offence under this Act or asks the person or entity to commit such an offence is guilty of an offence and liable to a fine of \$5,000 to \$25,000.

The fact that no means or plan for committing the offence was proposed or that it was committed otherwise than as proposed is not a defence.

112. The fines prescribed in sections 110 and 111 are doubled if the offender is in a position of authority over the natural person referred to in those sections.

If the offender is a member of the board of directors or an officer or partner of an entity, the entity is presumed to have committed the offence and the fines prescribed in those sections are tripled for the entity.

113. A lobbyist who lobbies while prohibited from lobbying under a disciplinary measure is guilty of an offence and liable to a fine of \$6,000 to \$50,000.

114. An entity that refuses, neglects or omits to comply with the second paragraph of section 104 is guilty of an offence and liable to a fine of \$18,000 to \$150,000.

115. The fines prescribed in this division, except those prescribed in section 107, are doubled for a second offence and tripled for each subsequent offence.

116. Penal proceedings for an offence under this Act are prescribed three years after the date on which the offence was committed, except penal proceedings for an offence under paragraph 4 of section 108, which are prescribed one year after that date.

DIVISION IV

REGISTRATION OF PENALTIES IN THE REGISTRY OF LOBBYISTS

117. The Commissioner registers the information relating to the enforceable disciplinary measures imposed and the final judgments of guilty rendered under this Act in the registry of lobbyists.

The following information must appear in the registry of lobbyists:

(1) the name of the lobbyist concerned by the enforceable disciplinary measure or the final judgment of guilty;

(2) the name and contact information of the natural person or entity for whom or which the lobbyist referred to in subparagraph 1 was lobbying at the time of the breach for which the disciplinary measure or penal sanction was imposed on the lobbyist;

(3) whether the lobbyist referred to in subparagraph 1 is a member of the board of directors or an officer or partner of the entity referred to in subparagraph 2;

(4) in the case of an enforceable disciplinary measure,

(a) the date on which the measure became enforceable, the date and nature of the breach, and the relevant provisions of this Act, the code of conduct or the other regulations;

(b) the duration of the prohibition; and

(c) the new duration of the prohibition imposed as a disciplinary measure if a judgment rendered under section 101 varies the duration; and

(5) in the case of a final judgment of guilty,

(a) the date of the judgment, the date and nature of the offence, and the relevant provisions of this Act, the code of conduct or the other regulations;

(b) the penalty imposed by the judgment; and

(c) the name and contact information of the entity on which the judgment imposes a penalty, if applicable.

If a judgment rendered under section 101 stays or quashes the Commissioner's decision, the information referred to in this section must be removed from the registry within five working days after the judgment.

118. The information required under section 117 appears in the registry of lobbyists for a period of 10 years after the date on which the disciplinary measure became enforceable, or after the date of the final judgment of guilty.

CHAPTER XI

TRANSITIONAL AND FINAL PROVISIONS

119. This Act replaces the Lobbying Transparency and Ethics Act (chapter T-11.011), in this chapter referred to as the "former Act".

Unless the context indicates otherwise, in any text or document, regardless of its form or medium, a reference to the former Act or one of its provisions is a reference to this Act or the corresponding provision of this Act.

120. The Commissioner in office on (*insert the date preceding the date of coming into force of this Act*) remains in office for the unexpired portion of the Commissioner's term.

121. The Commissioner is substituted for the Personal and Movable Real Rights Registrar as to the latter's functions under the former Act with regard to the keeping of a registry of lobbyists. The Commissioner assumes the rights and obligations of the Registrar.

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

123. The information contained in the registry of lobbyists under the former Act must be kept by the Personal and Movable Real Rights Registrar for a period of one year from (*insert the date of coming into force of this Act*). The information must be available for public consultation on the Commissioner's website.

124. If a lobbying activity for which a return must be filed under the former Act was conducted before (*insert the date of coming into force of this Act*) and the return for that activity was not registered in the registry of lobbyists on that date, a return for the lobbying activity must be filed in accordance with the rules set out in this Act before (*insert the date occurring five days after the date of coming into force of this Act*) or within the time limit specified in section 14 of the former Act.

125. Despite section 19, if a lobbying activity for which a return must be filed under the former Act is conducted within 180 days after (*insert the date of coming into force of this Act*), a return must be filed for the activity in accordance with the rules set out in this Act within 30 days after the date on which the lobbying activity began.

126. Despite section 22, a lobbyist files a first quarterly report of their lobbying activities only once the lobbyist has filed a first return in the registry of lobbyists in accordance with this Act.

127. Despite section 24, if a change to the information contained in a return or report occurs or an error in that information is found within 180 days after (*insert the date of coming into force of this Act*), an amendment must be filed for that change or error in accordance with the rules set out in this Act within 30 days after the change occurs or the error is found.

128. In the case of returns registered in the registry of lobbyists under the former Act, the end of the period covered by the lobbying activities is the earlier of the end date of the period for which the return was filed in the former registry and (*insert the date occurring 120 days after the date of coming into force of this Act*).

129. The Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under the former Act continues to have effect, with the necessary modifications, as if it had been adopted under this Act until it is replaced or amended.

130. The Lobbying Transparency and Ethics Act Exclusions Regulation (chapter T-11.011, r. 1), 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.

131. The notices issued and published by the Commissioner under section 52 of the former Act continue to have effect only with regard to lobbying activities conducted prior to (*insert the date of coming into force of this Act*).

132. The notices issued and published by the Lobbyists Registrar under section 22 of the former Act cease to have effect on (*insert the date of coming into force of this Act*).

133. Inspections and inquiries initiated under the former Act are continued, without other formality, by the Commissioner or the person authorized by the

Commissioner, and the authorizations granted remain valid as if they had been given under this Act.

134. The verification and inquiry powers under this Act may be used to ascertain compliance with the former Act, the code of conduct for lobbyists and the other regulations as they stood on (*insert the date preceding the date of coming into force of this Act*).

135. A disciplinary measure imposed by the Commissioner under the former Act remains enforceable, according to the terms set out in the Commissioner's decision, as if it had been imposed under this Act.

136. A disciplinary measure may be imposed under the former Act for any grave or repeated breach of that Act that has not already been subject to such a measure on (*insert the date of coming into force of this Act*) and is not prescribed under the former Act.

137. For the purposes of section 97, the Commissioner may take into account breaches committed by a lobbyist under the former Act.

138. Penal proceedings may be brought under the former Act for any offence under the former Act that has not already been subject to such proceedings on (*insert the date of coming into force of this Act*) and is not prescribed under the former Act.

139. Section 117 applies when a judgment of guilty for an offence committed under the former Act becomes final after (*insert the date of coming into force of this Act*) and when a disciplinary measure imposed under the former Act becomes enforceable after that date.

140. Not later than (*insert the date occurring five years after the date of coming into force of this Act*), the Commissioner must report to the National Assembly on the implementation of this Act and the advisability of amending it.

The Commissioner sends the report to the President of the National Assembly, who tables it in the Assembly within 15 days or, if the Assembly is not sitting, within 15 days after resumption, for examination by the competent committee of the Assembly.

141. The Commissioner may take any measures the Commissioner considers necessary, before the coming into force of this Act, to see to the implementation of the registry of lobbyists.

142. This Act comes into force on (*insert the date occurring 24 months after the date of assent to this Act*), except section 92, which comes into force on the date to be set by the Government, and section 141, which comes into force on (*insert the date of assent to this Act*).