

Canada Sees First Conviction Under 1989 Lobbying Act

September 2013

A Canadian lobbyist was recently convicted for violating Canada's federal Lobbying Act—more than two decades after the law's enactment. The conviction, which was the first in the Lobbying Act's history, resulted in a \$7,500 fine after the lobbyist pled guilty.

In the case, a charity retained the lobbyist to assist the organization with securing accreditation and funding from the federal government for one of its charitable programs, which would involve lobbying on the organization's behalf with federal officials. Under Canada's Lobbying Act, the individual should have registered as a consultant lobbyist with the Office of the Commissioner of Lobbying of Canada within 10 days of being retained. Although the lobbyist reportedly never met with federal officials, the Lobbying Act nevertheless required him to register as a lobbyist because he was retained by the charity for that purpose.

In addition to this case, the Office of the Commissioner of Lobbying has referred three additional matters to the Royal Canadian Mounted Police for possible prosecution. The recent conviction and referrals indicate that enforcement of Canada's federal lobbying laws is on the rise.

The Lobbying Act carries stiff penalties. The maximum penalty for failing to register as a lobbyist, which is a summary conviction offence, is six months in jail or a \$50,000 fine. (In Canada, a summary conviction offence is a type of less serious criminal act that may be prosecuted summarily, meaning that it does not require an indictment and/or jury trial.) The maximum penalty for more serious, indictable offences under the Lobbying Act is two years in jail or a \$200,000 fine.