

## OPINION: LOBBYING



Photograph by Jake Wright, The Hill Times

**Lobbying world:** Lobbyists provide an essential and value-added function in our democracy and have been subject to federal legislation for more than 20 years, says lobbyist Walter Robinson.

# Lobbying public office holders is legitimate activity

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BY WALTER ROBINSON

Recent events have magnified interest in lobbying and lobbyists amongst Parliamentarians, within the media and in the broader public domain. These troubling but isolated events, magnified by political machinations and unprecedented media coverage, have regrettably framed the terms “lobbying” and “lobbyist” with a pejorative connotation. This is unfortunate, but understandable.

Yet the reality of lobbying in Canada—the daily conduct of consultant lobbyists or in-house lobbyists who work for corporations, unions, business, professions, industry associations, universities, interest groups and charities—is neither salacious nor unethical as perpetuated by some critics.

In fact, lobbyists provide an essential and value-added function in our democracy and have been subject to federal legislation for more than 20 years. And with the passage of the Federal Accountability Act in 2006, the Conservative government strengthened the legislation of the lobbying profession with a new Lobbying Act which marked an important transition from the passive registration of lobbying to the active regulation of lobbying.

Key changes included the appointment of an independent Lobbying Commissioner (who reports to Parliament), establishment of monthly reporting for registered lobbyists to reveal communications with designated public office holders (DPOHs), and expanding the commissioner’s investigative powers along with definitive penalties (substantive fines and jail terms) for those who violate the Lobbying Act.

And the registry of lobbyists which discloses clients, policy interests and reportable communications with DPOHs is publicly accessible 24/7/365 at [www.ocl-cal.gc.ca](http://www.ocl-cal.gc.ca).

Of paramount importance in the current debate is the Lobbying Act preamble which states that “lobbying public office holders is a legitimate activity.” This legitimacy in respect of access to government can be traced back to the original Magna Carta (1215) in terms of the rights of nobles’ vis-à-vis King John through to England’s Bill of Rights (1689) which asserted subjects’ right to petition the monarch.

The Government in Canada today is axiomatically far more complex than that of the 13<sup>th</sup> or 17<sup>th</sup> century England. Some 400,000 Canadians work for the federal government through its 177 departments, agencies, boards, commissions, corporations, etc. Our elected decision-makers include 308 MPs and 105 Senators. Meanwhile, non-elected decision-makers tally 25 deputy ministers, 56 chairs or chairpersons, 126 assistant deputy ministers, 304 executive directors and at least 520 directors general (just within core departments alone).

With this complexity, it is natural that some citizens and groups (companies, coalitions, chambers of commerce, charities ... to name a few) employ and/or enlist the expertise of lobbyists to assist them to achieve their government relations objectives.

These objectives can range from development of legislative proposals, matters pertaining to bills before the House or Senate,

amending statutory regulations, developing or amending federal policies or programs, the awarding of grants or contributions right through to the world of government procurement/contracts or arranging a meeting with a public office holder, elected or non-elected.

Lobbyists, whether consultant or in-house help their clients/organizations monitor, navigate, sequence, and execute a series of initiatives in support of one or more of these objectives.

For example, files such as environmental regulation, defence procurement with its associated industrial and regional benefits, or tax changes in the federal budget may necessitate a coordinated government relations campaign involving multiple departments along with representations to public servants, ministers, Parliamentarians and political staff.

Our work is an ongoing process of translating business to government and vice-versa. A lobbyist can devote countless hours to monitoring Question Period, committee proceedings, mainstream and social media scans, research of government websites, learning what has transpired in other jurisdictions, filing Access to Information requests, combing through Hansard, participating in client strategy sessions, attending issue and industry conferences, outreach to like-minded organizations, secretariat support to coalitions, along with drafting correspondence, legislative submissions, reports or media materials.

The perception that well-connected individuals—regardless of their partisan stripe or former public service title—are running around opening doors in the corridors of official Ottawa’s power circle by wining, dining and name-dropping their way to success is the stuff of fantasy and fiction.

This is not only an insult to all Parliamentarians; it is an odious affront to the independence, dedication and professionalism of our public servants, from the Clerk of the Privy Council right down to front line administrative personnel. For their efforts are governed by a system of internal checks and balances that include a Code of Conduct, the Financial Administration Act and adherence to the principles of modern comptrollership. It is a system and public service that is the envy of many other nations.

Having worked as a consultant and in-house lobbyist for most of the last 15 years, I have witnessed that the most successful lobbyists are effective communicators who combine a mix of skills that includes a thorough knowledge of government processes and structures, judgment, tact and the ability to provide strategic and integrative counsel. Tenacity, persistence, patience and a thick skin also help.

Our individual reputations and the corporate reputations of our clients/employers are at stake each and every day. As of last Friday, there were 3,533 active registered lobbyists—consultant (747) and in-house (2,786)—in Canada. It is our individual and collective duty to always act with integrity, fully understand our legal obligations and in turn, abide by the letter and spirit of the laws of the land.

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