

**DEVELOPING A CODE OF CONDUCT FOR
LOBBYING IN BRITISH COLUMBIA:
A PUBLIC CONSULTATION PAPER**

**OFFICE OF THE REGISTRAR OF LOBBYISTS
VICTORIA, BRITISH COLUMBIA**
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1. INTRODUCTION

The purpose of this paper is to stimulate thought and discussion amongst stakeholder groups and the general public about whether British Columbia should have a lobbyist code of conduct, and, if so, what effects it might have, and how such a code might best be enforced. We invite members of the public and interested stakeholders to participate in this consultation by reading this paper and responding to the questions contained therein and/or providing relevant feedback concerning a lobbyist code of conduct.

On any given day in this province and across the country, lobbyists communicate with public office holders in an effort to persuade them to support certain causes. Non-profit organizations lobby for increased funding for health care research and treatment, increased social security and changes to the judicial system. Canadian businesses lobby for economic subsidies and changes to laws, regulations and trade agreements. Labour organizations lobby for increases to the minimum wage, safer working conditions and changes to workers' compensation benefits. These conversations provide public office holders with information relevant to their efforts to achieve public policy goals.

Lobbyists play an important role in promoting effective public decision-making. Through lobbying, citizens and organizations can retain lobbyists to communicate their ideas and concerns to public office holders. Lobbying can sharpen debate and improve decision-making by giving public office holders a wider range of evidence, perspectives and advice to inform their decisions and promote the public interest.

Lobbying meets these objectives as long as all parties and interests have fair and equitable opportunities to communicate their ideas and concerns. It is essential that there be appropriate safeguards to minimize the opportunities for individual parties and interests to exert undue influence on public office holders. Sound public decision-making breaks down whenever officials receive only a single perspective on issues or allow personal relationships or private interests to influence outcomes in ways that may be contrary to the public interest.

The British Columbia *Lobbyists Registration Act* ("LRA") helps to minimize secret influencing of government by making lobbying activities transparent via mandatory declarations filed in a public registry. Through registration, key aspects of any lobbying activity are made public: who is being lobbied, on what subject matter, on whose behalf, toward what outcome and whether the client or organization is receiving any government funding. Registration does not, however, shed any light on the manner in which lobbyists interact with public office holders.

In many jurisdictions, lobbyists follow, on either a voluntary or a mandatory basis, a code of conduct. These codes of conduct are designed to promote integrity in public decision-making by requiring lobbyists to be open and ethical in their attempts to influence outcomes. Registration and codes of conduct, when combined, may provide a stronger framework to hold lobbyists accountable for the manner in which they attempt to influence public decisions. The current lobbyist oversight system in British Columbia does not include a code of conduct.

2. CODES OF CONDUCT

Codes of conduct are common in many professions and occupations. Codes of conduct provide guidance to individuals on responsible and ethical professional practices. They define rules of behaviour based on core principles and ethical standards for members of the profession or occupation. They increase peer pressure on professionals to comply with certain generally accepted standards. They can also enhance the reputations of individuals by publicizing the principles for which they stand, and provide a means of evaluating the ethics of individuals who practise in the profession.

A number of professions go further, developing self-governing bodies that establish and enforce qualifications for membership. Some set high standards of behaviour and discipline members for infractions. For example, the Law Society of BC can issue penalties ranging from a letter of reprimand to disbarment. Similarly, the Certified General Accountants Association of BC, which trains and regulates certified general accountants in BC, can impose disciplinary penalties ranging from a fine to expulsion from the Association, with or without the possibility of reinstatement. Both groups publish on their websites the names of members who have been disciplined for ethical misconduct.

Many lobbyists, in Canada and in other countries, are guided by codes of conduct. The governments of Canada, Québec, Newfoundland and Labrador, and the City of Toronto have all adopted codes of conduct for lobbying, as have the governments of the Commonwealth of Australia and the European Commission. The Government Relations Institute of Canada (“GRIC”), an organization of professional lobbyists, also has a code of conduct for its members, as does the American League of Lobbyists (“ALL”).¹

In British Columbia, the conduct of civil servants is regulated by a mix of laws and policies. The BC Public Service Agency *Standards of Conduct* policy prohibits civil servants from, amongst other things, being in an actual or perceived conflict of interest; the BC *Freedom of Information and Protection of Privacy Act* prohibits all public office holders from improperly disclosing confidential information; the BC *Members’ Conflict of Interest Act* prohibits Members of the Legislative Assembly from accepting cash or other gifts of value, or operating in a conflict of interest position. However there is no equivalent mechanism regulating lobbyists who interact with public office holders. There is no legal impediment preventing lobbyists from soliciting, receiving, and using confidential information, attempting to influence by providing gifts or other benefits, or attempting to influence an outcome that could put a public office holder in a potential conflict of interest.

¹ See Appendix A for copies of the Canadian federal and provincial codes of conduct, and those of GRIC and ALL.

Find the Australian Commonwealth’s *Lobbying Code of Conduct* at http://lobbyists.pmc.gov.au/conduct_code.cfm. March 20, 2012.

Find the European Commission’s *Code of Conduct for Interest Representatives* at http://ec.europa.eu/transparency/docs/323_en.pdf. March 20, 2012.

The regulation of lobbying is particularly challenging, due to several factors. First, it is difficult to identify lobbyists. Unlike in the legal, accounting, or other self-regulating professions, there is no formal system of certification for lobbyists prior to their being able to practice. There are no centralized lists identifying practitioners. Public office holders have no obligation to confirm that a lobbyist is registered prior to communicating with them. The diversity and dispersion of the lobbying community make it difficult for the profession to define a set of shared professional standards, because there is a lack of a common culture within which those agreed-on standards might naturally evolve.

These factors argue in favour of a multi-faceted approach to the regulation of lobbying. It can include tools such as public education, incentives to comply, and penalties for non-compliance, among others. Based on the arguments set out above, many observers suggest that some form of a lobbying code of conduct would be a useful addition to the current oversight system in this province. It could function as a public education strategy to raise awareness about the role of lobbying in public policy decision-making, and provide an incentive to conduct lobbying according to generally accepted standards.

3. WHAT CODES OF CONDUCT DO

Codes of conduct typically address the relationships inherent in lobbying amongst lobbyists and their clients or employers, public office holders, and the general public. While existing codes of conduct differ in detail, they all incorporate similar principles, such as the need for frank disclosure, appropriate confidentiality, and the avoidance of real or perceived conflicts of interest.

Founded in 1994, GRIC adopted a code of conduct in November, 2010. Its preamble states, “What is required of all involved – those with an interest or point of view to assert, facilitators of the process, and the ultimate decision makers – is a standard of conduct that is ethical and professional.”² The aim of the GRIC code is “to strengthen the practice and conduct of government relations in Canada.”³

The American League of Lobbyists (“ALL”), which has represented lobbyists in the United States since 1979, adopted a code of ethics in 2010.⁴ The preamble to ALL’s Code of Ethics identifies its underlying aims:

To help preserve and advance public trust and confidence in our democratic institutions and the public policy advocacy process, professional lobbyists have a strong obligation to act always in the highest ethical and moral manner in their

² [GRIC. Code of Professional Conduct](#), September 29, 2011.

³ Ibid.

⁴ Marlowe, Howard, President, [American League of Lobbyists](#) (Advocacy, Ethics, Education) August 25, 2011.

dealings with all parties. Lobbyists also have a duty to advance public understanding of the lobbying profession.⁵

TRANSPARENCY

By definition, transparency means a condition in which something can be seen through. Lobbying legislation establishes minimum standards for transparency. In British Columbia, for example, the LRA requires all lobbyists to make public declarations about their lobbying activities on the registry administered by Office of the Registrar of Lobbyists (“ORL”). Lobbyists must register and provide details identifying themselves, their clients, their lobbying subject matters, their lobbying targets and the intended outcomes of their lobbying efforts. Transparency in lobbying laws means that members of the public can visit the lobbyists’ registry to see who is lobbying whom, on what issues, and for what purpose.

However, public office holders who are approached by lobbyists may be unaware that they are in fact, being lobbied. They may be unaware of the particulars of lobbying laws and the legal obligations of the lobbyists they encounter to register. Some codes of conduct address this gap by requiring lobbyists to identify themselves as lobbyists when they approach a public office holder, and to disclose the identity of the client or employer for whom they are working and the purpose of the lobbying. In other words, disclosure obligations mandated by a code require that lobbyists be frank about their intentions when approaching public office holders.

ACCURACY AND COMPLETENESS

Codes of conduct also govern how lobbyists present information to public office holders. Most codes require lobbyists to provide accurate, current, and complete information. Codes require that lobbyists not knowingly provide false or misleading information, and to take all possible steps to ensure that inaccurate information is not inadvertently provided to public office holders, clients or employers, or the public. In the same spirit, some codes expect that lobbyists present their case persuasively without resorting to manipulating information in ways that could reasonably be interpreted as dishonest or false.

CONFIDENTIALITY

Many professional codes also contain clauses about confidentiality and require lobbyists to be principled in the ways they acquire and use confidential client information. Typically, lobbyist codes prohibit lobbyists from sharing – without the informed consent of affected persons or organizations – confidential information they acquire through lobbying activities, and stipulate that they not use confidential or insider information they learned through lobbying in ways that might harm the clients, employers, or organizations for which they work.

⁵ [American League of Lobbyists. Code of Ethics](#), September 29, 2011.

CONFLICT OF INTEREST

In the lobbying context, a conflict of interest can arise in two ways: (1) conflicts that pertain to lobbyists themselves; and (2) situations in which lobbyists' activities place a public office holder in a real or perceived conflict of interest.

Codes often require lobbyists to avoid conflicts of interest in representing different clients. For example, codes of conduct discourage lobbyists from representing competing interests. Lobbyists must not represent two clients in the same industry or two clients with opposing objectives, without the informed consent of those affected.

With respect to public office holders, conflicts of interest occur when tension between a person's personal interests and public duties threatens their neutrality or judgement. The nature of the relationship between lobbyists and public office holders makes it especially vulnerable to conflicts of interest or perceived conflicts of interest. Lobbyists might have previously worked for elected officials as public servants or as political staff. Lobbyists might also have worked on the electoral campaigns of elected officials. These relationships have the potential to place a public office holder in a conflict of interest situation. Conflicts of interest can compromise sound public policy decision-making, if they lead to decisions being made based on narrow personal interests rather than the broader public interest.

UNDUE INFLUENCE

The goal of lobbyist regulation is to promote sound public policy decision-making through facilitating lobbying, while minimizing undue influence.

Black's Law Dictionary defines "undue influence" as "unfair persuasion of a party who is under the domination of the person exercising the persuasion or who by virtue of the relation between them is justified in assuming that the person will not act in a manner inconsistent with his welfare."⁶

Codes ban lobbyists from attempting to influence public office holders by means other than communicating evidence and valid arguments. For example, they often prohibit lobbyists from offering gifts or benefits, or using any other means that might be seen as currying favour or creating a sense of obligation in their attempts to influence public office holders.

Lobbyists and public office holders who have frequent contact might naturally develop cordial working relationships. Cordial business relationships often evolve into personal relationships. The lines between the two can become blurred. Codes of conduct can help lobbyists operate so that the line between these relationships is not crossed, and does not even appear to be crossed, in the professional context.

⁶ *Black's Law Dictionary: Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern*. 8th edition, St. Paul, Minn.: Thomson West Publishing Co., 2004.

5. ENFORCEMENT OPTIONS

There are at least three options for code enforcement:

- voluntary self-regulation;
- regulation by a public regulator; or
- a hybrid model combining elements of self-regulation and regulator enforcement options.

VOLUNTARY SELF-REGULATION

Many professions or occupations have developed their own, self-administered codes of conduct, such as the lobbyists' codes developed by GRIC and ALL. These codes can be specifically tailored to the industry to which they apply, and be relatively easy to develop and adapt, because only the members of the industry need be involved in the process. In the case of GRIC and ALL, membership in the organization is voluntary. Although the two organizations have the ability to enforce their codes with respect to their members, the codes of bodies with voluntary membership exert no influence on individuals who do not choose to be members of these organizations.

Strengths of self-regulated codes:

- Suitability: industry insiders understand the business and know what kinds of incentives and disincentives would be effective.
- Flexibility: codes can be refined efficiently where needed, whereas publicly-appointed regulators are subject to lengthier approval processes to change laws, regulations or policies.
- No cost to taxpayers: administrative costs are absorbed by the industry itself.⁷

Weaknesses associated with voluntary codes:

- Voluntary nature: businesses may abide by codes' requirements only if they lead to financial savings; those requirements that do not save businesses money might be ignored.⁸
- The diverse nature of the lobbying community makes it challenging to reach consensus on the contents and enforcement of a lobbyist code.⁹

INDEPENDENT REGULATOR

Under this model, the oversight and enforcement of a lobbying code of conduct would be carried out by a regulator who is independent of the industry being regulated. This is the case with the

⁷ Ian Ayers and John Braithwaite, *Responsive Regulation: Transcending the Deregulation Debate*. New York: Oxford University Press, 1992, p. 128.

⁸ Ayres and Braithwaite, *Responsive Regulation*, p. 106.

⁹ An international report about lobbying regulation found voluntary codes of conduct to be ineffective, partly because they are voluntary and partly because of the difficulty of creating a commonly-held set of values in a professional field that draws practitioners from such a wide range of diverse backgrounds. See, János Bertók, *Lobbyists, Governments and Public Trust: A Legislative Framework for Enhancing Transparency and Accountability in Lobbying*, Organisation for Economic Co-operation and Development: August 2008, p. 67.

federal *Lobbyists' Code of Conduct*, which is enforced by the Commissioner of Lobbying. In British Columbia, enforcement of the code's requirements could be added to the duties of the Registrar of Lobbyists or assigned to another authority.

Compared to self-regulation, this model could result in a less tailored and less responsive code, particularly if the code were developed without industry input. For a government regulator, the process of developing a code of conduct might entail more involved planning and analysis, broader public consultation, review by legal counsel, and review and possible revisions by the sponsoring ministry before the code is approved. However, an enforceable code administered by a third party might well be taken more seriously by lobbyists than a voluntary code, and oversight of a code by an independent authority could inspire greater public confidence.

Strengths of government regulation:

- Integrity: there is greater public confidence when the regulatory authority is independent from the regulated entities, avoiding perceptions of conflicts of interest that might result where lobbyists are regulating lobbyists.
- Effectiveness: independent regulators might be more rigorous and transparent in conducting investigations.

Weaknesses of this model are:

- Relative inflexibility: the code would be established by government, making it comparatively difficult to amend quickly, due to the lengthier consultation and approval processes required of public agencies.
- Costly: if supported by public money, administering the code would be more expensive for taxpayers.

HYBRID

Hybrid models for regulation combine some features of self-regulation and some features of government regulation. A model based on "enforced self-regulation" might require individual companies to create and enforce their own codes of conduct.¹⁰ The codes would conform to minimum standards, and be subject to approval by an independent regulator. If the regulator found that a code did not meet minimum standards, the regulator would return the code for revision. If serious breaches occurred, regulators could assume an enforcement role.

Strengths of hybrid codes include:

- Suitability: beyond even broad industry standards, rules could be shaped to suit individual organizations and to be comprehensive for each organization.

¹⁰ The discussion of this hybrid model is based on these sources: John Braithwaite, "Enforced Self-Regulation: A New Strategy for Corporate Crime Control." *Michigan Law Review* (1982) 80: 1466-1507; Ayres and Braithwaite. *Responsive Regulation*.

- Flexibility: as with self-regulation, codes can be refined quickly as a need is demonstrated, whereas publicly-appointed regulators require a relatively lengthy approval process in order to change laws, policies or regulations.
- Possible increased compliance and oversight: organizations might be very committed to enforcing rules they devised, and closer oversight is possible through in-house oversight.
- Efficiency in relation to direct oversight: as with self-regulation, some of the costs associated with hybrid self-regulation are lower, because the administrative costs are absorbed by the industry itself.

Weaknesses of hybrid codes are:

- Inefficiency: both companies and the regulatory agency would bear costs of regulation. Companies would bear costs of administering the code, and regulators would bear the cost of vetting codes for their adherence to minimum standards.
- Inconsistency: there could be considerable variations in the codes across industry organizations. Some would likely be more rigorous than others.
- Administrative fairness: there could be issues related to establishing fair avenues of appeal on enforcement decisions.

6. QUESTIONS FOR DISCUSSION

The Office of the Registrar of Lobbyists would like to hear from you on the issue of a lobbyist code of conduct for British Columbia. To promote feedback, we offer the following questions as a starting point, and encourage you to provide any comments or suggestions you believe are relevant to the discussion.

1. Is a lobbyist code of conduct necessary or desirable?
2. What should be the objectives of a code of conduct?
3. What should be included in the code of conduct?
4. What should not be included?
5. How should a code be developed?
6. By whom?
7. How should a code be implemented?
8. How should a code be enforced?
9. Who should have oversight of a lobbyist code?
10. How should the administration of the code be financed?

7. MAKING A SUBMISSION

Submissions are requested by Friday, July 6, 2012. Submissions may be emailed to us at info@bcorl.ca, mailed to us at PO Box 9038 Stn Prov Govt, Victoria, BC V8W 9A4 or faxed to us at 250-387-1696.

To promote transparency in this process, our intention is to reference in the report those organizations and individuals that have made submissions, and to make those submissions available upon request. If you wish to keep your identity confidential, we will not disclose your identity but will make public the text of your submission. If making the text public will identify you, we will attempt to make only a summary of your comments available. We will also accept anonymous submissions.

Your feedback will be incorporated into a report that will be presented by the Registrar to the Minister of Justice and Attorney General, tabled in the British Columbia Legislative Assembly, and published on our website.

Thank you for your participation in this consultation. If you have any questions about the process, please visit our website at www.lobbyistsregistar.bc.ca, email us at info@bcorl.ca or contact the Deputy Registrar of Lobbyists Mary Carlson at (250-953-4190), or through Enquiry BC at the following numbers:

Victoria:	250-387-6121
Vancouver:	604-660-2421
Elsewhere in B.C.:	1-800-663-7867
Outside B.C.:	604-660-2421

APPENDIX A: LOBBYING CODES OF CONDUCT

THE GOVERNMENT OF CANADA'S CODE OF CONDUCT

Lobbyists' Code of Conduct

Preamble

The *Lobbyists' Code of Conduct* is founded on four concepts stated in the *Lobbying Act*:

- Free and open access to government is an important matter of public interest;
- Lobbying public office holders is a legitimate activity;
- It is desirable that public office holders and the public be able to know who is engaged in lobbying activities; and,
- A system for the registration of paid lobbyists should not impede free and open access to government.

The *Lobbyists' Code of Conduct* is an important initiative for promoting public trust in the integrity of government decision-making. The trust that Canadians place in public office holders to make decisions in the public interest is vital to a free and democratic society.

To this end, public office holders, when they deal with the public and with lobbyists, are required to honour the standards set out for them in their own codes of conduct. For their part, lobbyists communicating with public office holders must also abide by standards of conduct, which are set out below.

Together, these codes play an important role in safeguarding the public interest in the integrity of government decision-making.

Principles

Integrity and Honesty

Lobbyists should conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

Openness

Lobbyists should, at all times, be open and frank about their lobbying activities, while respecting confidentiality.

Professionalism

Lobbyists should observe the highest professional and ethical standards. In particular, lobbyists should conform fully with not only the letter but the spirit of the *Lobbyists' Code of Conduct* as well as all the relevant laws, including the *Lobbying Act* and its regulations.

Rules

Transparency

1. Identity and purpose

Lobbyists shall, when making a representation to a public office holder, disclose the identity of the person or organization on whose behalf the representation is made, as well as the reasons for the approach.

2. Accurate information

Lobbyists shall provide information that is accurate and factual to public office holders. Moreover, lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.

3. Disclosure of obligations

Lobbyists shall indicate to their client, employer or organization their obligations under the *Lobbying Act*, and their obligation to adhere to the *Lobbyists' Code of Conduct*.

Confidentiality

4. Confidential information

Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.

5. Insider information

Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

Conflict of interest

6. Competing interests

Lobbyists shall not represent conflicting or competing interests without the informed consent of those whose interests are involved.

7. Disclosure

Consultant lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest, and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.

8. Improper influence

Lobbyists shall not place public office holders in a conflict of interest by proposing or undertaking any action that would constitute an improper influence on a public office holder.

THE GOVERNMENT OF QUEBEC'S CODE OF CONDUCT



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Updated to 1 July 2011

This document has official status.

c. T-11.011, r. 2

Code of Conduct for Lobbyists

Lobbying Transparency and Ethics Act

(R.S.Q., c. T-11.011, s. 37)

PREAMBLE

The Lobbying Transparency and Ethics Act (R.S.Q., c. T-11.011) recognizes that lobbying is a legitimate means of access to parliamentary, government and municipal institutions and that it is in the interest of the public that it be able to know who is attempting to influence such institutions.

As part of the pursuit of the Act's objectives to foster transparency in and the proper conduct of lobbying activities, this Code of conduct for lobbyists enacts standards to govern and guide lobbyists in the course of lobbying activities, which activities may contribute to informed decision-making by public office holders.

Together with the standards of conduct applicable to public office holders, this Code of conduct for lobbyists aims at contributing, in the best interest of democratic life, to the preservation and enhancement of the confidence citizens place in their parliamentary, government and municipal institutions.

Decision 2004-01-29, preamble.

CHAPTER I

OBJECT

1. The object of this Code is to establish standards of conduct for lobbyists in order to ensure that lobbying activities are properly conducted and to foster transparency in the lobbying of public office holders.

Decision 2004-01-29, s. 1.

CHAPTER

II

GENERAL PROVISIONS AND INTERPRETATION

2. In case of doubt, lobbyists shall act in accordance with the spirit of the Lobbying Transparency and Ethics Act (R.S.Q., c. T-11.011), the regulations thereunder and this Code. For that purpose, lobbyists shall, in particular, take into account the notices issued and published by the Lobbyists Commissioner and the Lobbyists Registrar pursuant to sections 22 and 52 of the Act.

Decision 2004-01-29, s. 2.

3. In representing the special interests of a client, a business or an organization, lobbyists shall take the public interest into account.

Decision 2004-01-29, s. 3.

CHAPTER III

DUTIES AND OBLIGATIONS

DIVISION I

RESPECT FOR INSTITUTIONS

4. In carrying on their activities, lobbyists shall be respectful of parliamentary, government and municipal institutions and of public office holders. They shall also respect the right to equal access to those institutions.

Decision 2004-01-29, s. 4.

DIVISION II

HONESTY AND INTEGRITY

5. Lobbyists shall discharge the obligations pertaining to their lobbying activities and conduct such activities with honesty and integrity.

Decision 2004-01-29, s. 5.

6. Lobbyists shall ensure that the information they provide to a public office holder is, to their knowledge, accurate, complete and kept up to date.

Decision 2004-01-29, s. 6.

7. Lobbyists shall respect the right of the public to accurate information where, in support of lobbying activities, they use written or electronic means of communications to influence public opinion.

Decision 2004-01-29, s. 7.

8. Lobbyists shall refrain from making false or deceptive representations to a public office holder and from intentionally misleading anyone.

Decision 2004-01-29, s. 8.

9. Lobbyists shall not induce a public office holder to contravene the standards of conduct applicable to him or her.

Decision 2004-01-29, s. 9.

10. Lobbyists shall refrain from directly or indirectly exerting undue pressure on a public office holder.

Decision 2004-01-29, s. 10.

11. Unless they have obtained the informed consent of the persons whose interests are at stake and notified accordingly the public office holder they are lobbying, lobbyists shall not

(1) represent competing or adverse interests; or

(2) place themselves in a situation where there is a real, potential or apparent conflict between their direct or indirect personal interest and the interests they represent.

Decision 2004-01-29, s. 11.

12. Lobbyists shall not use, for purposes other than those of their mandate, confidential information obtained in the course of their lobbying activities.

Decision 2004-01-29, s. 12.

13. Lobbyists who are retained for compensation to advise a public office holder shall not lobby the parliamentary, government or municipal institution in which the public office holder exercises his or her functions, in connection with any question for which the lobbyists act as advisors.

Decision 2004-01-29, s. 13.

DIVISION III

PROFESSIONALISM

14. Lobbyists shall foster, among the public and through their professional dealings, a good understanding of their activities and of the legitimacy of such activities. In addition, they shall refrain from acting in any manner that may discredit the occupation of lobbyist.

Decision 2004-01-29, s. 14.

15. Lobbyists shall inform the client, business or organization whose interests they are representing, of their duties and obligations under the Lobbying Transparency and Ethics Act (R.S.Q., c. T-11.011), the regulations thereunder and this Code.

Decision 2004-01-29, s. 15.

16. When they communicate with a public office holder, lobbyists shall specify the identity of the client, business or organization whose interests they are representing as well as the purpose of the communication.

Decision 2004-01-29, s. 16.

17. Lobbyists shall not, by any means whatsoever, conceal or try to conceal the identity of the client, business or organization whose interests they are representing.

Decision 2004-01-29, s. 17.

18. Lobbyists shall be diligent and cooperative in their relations with the Lobbyists Commissioner and the Lobbyists Registrar. They shall particularly, within reasonable time,

(1) answer any request for particulars relating to the information entered or to be entered in the registry of lobbyists;

(2) upon request, amend or clarify any return, notice or request that is incomplete or is not in conformity with the Lobbying Transparency and Ethics Act (R.S.Q., c. T-11.011) or the regulations thereunder;

(3) answer any request addressed to them by the Lobbyists Commissioner in the course of an inquiry or inspection.

Decision 2004-01-29, s. 18.

CHAPTER IV

FINAL PROVISIONS

19. Under section 33 of the Lobbying Transparency and Ethics Act (R.S.Q., c. T-11.011), the Lobbyists Commissioner is responsible for monitoring and controlling the lobbying of public office holders.

In accordance with Chapter IV of the Act, disciplinary measures and penalties may be imposed on a lobbyist in the event of a breach or infringement of this Code.

Decision 2004-01-29, s. 19.

20. *(Omitted).*

Decision 2004-01-29, s. 20.

REFERENCES

Decision 2004-01-29, 2004 G.O. 2, 1017

THE GOVERNMENT OF NEWFOUNDLAND AND LABRADOR'S CODE OF CONDUCT

Lobbyists' Code of Conduct under the *Lobbyist Registration Act*

Introduction

This Code of Conduct is founded on the principles set out in section 3 of the *Lobbyist Registration Act*.

The purpose of this Code is to assure the public that lobbying is done ethically and with the highest standards, with a view to maintaining and enhancing public confidence in the integrity and impartiality of government decision-making. In this regard, the Code complements the registration requirements of the *Lobbyist Registration Act*.

Lobbyists are required to comply with the provisions of the Code of Conduct. This Introduction states the purposes of the Code and places it in a broader context. Next comes a body of overriding principles, which set out in positive terms the goals and objectives to be attained. Then there are specific rules, which provide more detailed requirements for behaviour in certain situations.

Principles

Integrity and Honesty

Lobbyists should conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

Openness

Lobbyists should at all times be open and frank about their lobbying activities, while respecting confidentiality.

Professionalism

Lobbyists should observe the highest professional and ethical standards. In particular, lobbyists should conform fully not only with the letter but also with the spirit of the *Lobbyists' Code of Conduct* as well as all relevant laws, including the *Lobbyist Registration Act* and its regulations.

Rules

Transparency

1. Identity and purpose

Lobbyists shall, when making a representation to a public office holder, disclose the identity of the person or organization on whose behalf the representation is made, as well as the reasons for the representation.

2. Accurate information

Lobbyists shall provide information that is accurate and factual to public office holders. Moreover, lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.

3. Disclosure of obligations

Lobbyists shall indicate to their client, employer or organization their obligations under the *Lobbyist Registration Act*, and their obligation to adhere to this Code.

Confidentiality

4. Confidential information

Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.

5. Insider information

Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

Conflict of Interest

6. Competing interests

Lobbyists shall not represent conflicting or competing interests without the informed consent of those whose interests are involved.

7. Disclosure

Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest, and obtain the informed consent of each client concerned before proceeding or continuing with the undertaking.

8. Improper influence

Lobbyists shall not place public office holders in a conflict of interest by proposing or undertaking any action that would constitute an improper influence on a public office holder.

Commencement

This Code of Conduct comes into force on the same day the *Lobbyist Registration Act* comes into force. (October 11, 2005)

THE MUNICIPAL GOVERNMENT OF TORONTO'S CODE OF CONDUCT

TORONTO MUNICIPAL CODE LOBBYING

ARTICLE VI

Lobbyists' Code of Conduct

§ 140-38. Standard of behaviour.

A. Lobbyists shall comply with the standards of behaviour for lobbyists and the conduct of lobbying activities set out in this article when lobbying public office holders.

B. Lobbyists shall observe and comply with the highest ethical and professional standards.

C. The Code of Conduct in this article sets out minimum standards of behaviour for lobbyists in their dealings with the City government, including local boards and public office holders.

§ 140-39. Honesty.

Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

§ 140-40. Disclosure of identity and purpose.

A. Lobbyists communicating with a public office holder shall disclose the identity of the individual, corporation, organization or other person, or the partnership, on whose behalf they are acting, as well as the reasons for the communication.

B. Lobbyists communicating with a public office holder on a duly registered and disclosed subject matter shall not use that opportunity to communicate on another subject matter, unless first having registered as required and disclosing the identity and purpose.

§ 140-41. Compliance with policies restricting communication.

A. Lobbyists shall not communicate in relation to a procurement process except as permitted by applicable procurement policies and procurement documents.

B. Lobbyists shall not communicate in relation to an application for approval and the associated review process, except as permitted by applicable policies and procedures.

§ 140-42. Prohibited activities.

- A. Lobbyists shall not undertake to lobby in a form or manner that includes offering, providing or bestowing entertainment, gifts, meals, trips or favours of any kind.
- B. Lobbyists shall not request public office holders to endorse or recommend their services.
- C. Lobbyists shall not conduct lobbying activities at a charitable event, community or civic event, or similar public gathering.

§ 140-43. Information; confidentiality.

- A. Lobbyists shall inform their client, employer or organization of the obligations under this chapter.
- B. Lobbyists shall provide information that is accurate and factual to public office holders.
- C. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
- D. Lobbyists shall be open and frank about their lobbying activities, while respecting confidentiality.
- E. Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.
- F. Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

§ 140-44. Competing interests.

- A. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- B. Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.

§ 140-45. Improper influence.

- A. Lobbyists shall avoid both the deed and the appearance of impropriety.

B. Lobbyists shall not place public office holders in a conflict of interest or in breach of the public office holders' codes of conduct or standards of behaviour.

C. Lobbyists shall not propose or undertake any action that would bestow an improper benefit or constitute an improper influence on a public office holder.

GOVERNMENT RELATIONS INSTITUTE OF CANADA CODE OF PROFESSIONAL CONDUCT



Code of Professional Conduct **Approved by the Board of Directors** **November 4, 2010**

Preamble

Government relations and public affairs professionals facilitate the interchange of information, experience and ideas between government decision makers and those affected by their decisions.

What is required of all involved – those with an interest or point of view to assert, facilitators of the process, and the ultimate decision makers – is a standard of conduct that is ethical and professional.

To strengthen the practice and conduct of government relations in Canada, the following rules and guidelines define a standard of professional conduct for members of the Government Relations Institute of Canada and apply to all members of the Institute.

This code of professional conduct applies to both individual professionals and to organizations. Any provider of public affairs or government relations services who knowingly causes or permits one of their representatives to act in a manner inconsistent with this Code is party to such action and shall itself be deemed in breach of it. Organizations will ensure they direct and conduct their activities in compliance with this code.

General Conduct

Members of the Institute shall at all times:

- a. Comply with the letter and the spirit of all applicable laws and regulations regarding lobbying, campaign finance, political activities and business-government relations;
- b. Conduct their relations with and discharge their duties to employers and clients, elected and non-elected public office holders and officials, the public and fellow members of the profession with integrity, and professionalism;
- c. Serve recipients of their public affairs and government relations services (including employers, clients and members) in a conscientious, diligent and efficient manner;

- d. Not knowingly disseminate false or misleading information, and exercise care not to do so inadvertently;
- e. Disclose fully all fees, dues and other charges to the recipients of their public affairs and government relations services, and ensure the latter are fair and reasonable;
- f. Honour confidences given in the course of professional activity;
- g. Avoid any conflict of interest and where conflict is unavoidable, communicate the facts fully and freely to those involved;
- h. Participate in the activities of the Institute and assist in maintaining its effectiveness;
- i. Strive to increase public understanding of the role of government relations through individual and collective educational efforts;
- j. Continue to pursue professional development through various means to acquire enough knowledge to continue to effectively discharge their duties, and enhance the reputation of the profession.

AMERICAN LEAGUE OF LOBBYISTS CODE OF ETHICS

Code of Ethics

"An important document which recognizes the critical need for ethical behavior in public affairs."

— Pat Roberts, Former Chairman
Senate Select Committee on Ethics

The ALL Code of Ethics is utilized as a model by various organizations and serves to strengthen our image and enhance our role as a vital and respected link in the democratic process.

Lobbying is an integral part of our nation's democratic process and is a constitutionally guaranteed right. Government officials are continuously making public policy decisions that affect the vital interests of individuals, corporations, labor organizations, religious groups, charitable institutions and other entities. Public officials need to receive factual information from affected interests and to know such parties' views in order to make informed policy judgments. In exercising their rights to try to influence public policy, interests often choose to employ professional representatives to monitor developments and advocate their positions, or to use lobbyists through their membership in trade associations and other membership organizations. Tens of thousands of men and women now are professional lobbyists and represent virtually every type of interest.

To help preserve and advance public trust and confidence in our democratic institutions and the public policy advocacy process, professional lobbyists have a strong obligation to act always in the highest ethical and moral manner in their dealings with all parties. Lobbyists also have a duty to advance public understanding of the lobbying profession. The American League of Lobbyists ("ALL"), accordingly, has adopted the following "Code of Lobbying Ethics" to provide basic guidelines and standards for lobbyists' conduct. In general, this Code is intended to apply to independent lobbyists who are retained to represent third party clients' interests and to lobbyists employed on the staff of corporations, labor organizations, associations and other entities where their employer is in effect their "client." Lobbyists are strongly urged to comply with this Code and to seek always to practice the highest ethical conduct in their lobbying endeavors. Individual members of American League of Lobbyists affirm their commitment to abide by this Code. Any ALL member found guilty by a court of a crime of moral turpitude or of violating a law directly related to any professional lobbying or political campaign activity shall forfeit ALL membership.

ARTICLE I - HONESTY & INTEGRITY

A lobbyist should conduct lobbying activities with honesty and integrity.

- 1.1. A lobbyist should be truthful in communicating with public officials and with other interested persons and should seek to provide factually correct, current and accurate information.
- 1.2. If a lobbyist determines that the lobbyist has provided a public official or other interested person with factually inaccurate information of a significant, relevant, and material nature, the lobbyist should promptly provide the factually accurate information to the interested person.
- 1.3. If a material change in factual information that the lobbyist provided previously to a public official causes the information to become inaccurate and the lobbyist knows the public official may still be relying upon the information, the lobbyist should provide accurate and updated information to the public official.

ARTICLE II - COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS & RULES

A lobbyist should comply fully with all laws, regulations and rules applicable to the lobbyist.

- 2.1. A lobbyist should be familiar with laws, regulations and rules applicable to the lobbying profession and should not engage in any violation of such laws, regulations and rules.
- 2.2. A lobbyist should comply with all campaign finance laws, regulations and rules. Additionally, a lobbyist should remain informed on updates in campaign finance laws that affect their rights and responsibilities, as a lobbyist and a citizen, under the First Amendment right to participate in the political process.
- 2.3. A lobbyist should not cause a public official to violate any law, regulation or rule applicable to such public official.

ARTICLE III - PROFESSIONALISM

A lobbyist should conduct lobbying activities in a fair and professional manner.

- 3.1. A lobbyist should have a basic understanding of the legislative and governmental process and such specialized knowledge as is necessary to represent clients or an employer in a competent, professional manner.
- 3.2. A lobbyist should maintain the lobbyist's understanding of governmental processes and specialized knowledge through appropriate methods such as continuing study, seminars and similar sessions in order to represent clients or an employer in a competent, professional manner.
- 3.3. A lobbyist should treat others — both allies and adversaries — with respect and civility.
- 3.4. A lobbyist should participate in continuing education and training programs, including those addressing compliance with laws, rules, and ethical standards applicable to the profession, on an annual basis.

ARTICLE IV - CONFLICTS OF INTEREST

A lobbyist should not continue or undertake representations that may create conflicts of interest without the informed consent of the client or potential client involved.

- 4.1. A lobbyist should avoid advocating a position on an issue if the lobbyist is also representing another client on the same issue with a conflicting position.
- 4.2. If a lobbyist's work for one client on an issue may have a significant adverse impact on another client's interests, the lobbyist should inform and obtain consent from the other client whose interests may be affected of this fact even if the lobbyist is not representing the other client on the same issue.
- 4.3. A lobbyist should disclose all known conflicts to the client or prospective client and discuss and resolve the conflict issues promptly.
- 4.4. A lobbyist should inform the client if any other person is receiving a direct or indirect referral or consulting fee from the lobbyist due to or in connection with the client's work and the amount of such fee or payment.

ARTICLE V - DUE DILIGENCE & BEST EFFORTS

A lobbyist should vigorously and diligently advance and advocate the client's or employer's interests.

- 5.1. A lobbyist should devote time, attention, and resources to the client's or employer's interests that are commensurate with client expectations, agreements, and compensation.
- 5.2. A lobbyist should exercise loyalty to the client's or employer's interests.
- 5.3. A lobbyist should keep the client or employer informed regarding the work that the lobbyist is undertaking and, to the extent possible, should give the client the opportunity to choose between various options and strategies.

ARTICLE VI - COMPENSATION AND ENGAGEMENT TERMS

- 6.1. A lobbyist who is retained by a client should have a written agreement with the client regarding the terms and conditions for the lobbyist's services, including the amount of and basis for compensation. The agreement should include the subject of expenses, and the lobbyists should charge only those expenditures made on behalf of the client and in furtherance of the objective pursued on the client's behalf.
- 6.2. The fees charged by a lobbyist should be reasonable, taking into account the facts and circumstances of the engagement.
- 6.3. A lobbyist shall disclose to other clients and, if requested, to government officials the existence of any agreement for the receipt of contingent fees or bonuses for obtaining or preventing the enactment of legislation.
- 6.4. Upon termination of representation, a lobbyist should take steps to the extent reasonably practicable to protect an employer's or client's interests, such as giving reasonable notice to the employer or client, allowing time for employment of another lobbyist, and surrendering papers and property to which the employer or client is entitled.

ARTICLE VII - CONFIDENTIALITY

A lobbyist should maintain appropriate confidentiality of client or employer information.

- 7.1. A lobbyist should not disclose confidential information without the client's or employer's informed consent.
- 7.2. A lobbyist should not use confidential client information against the interests of a client or employer or for any purpose not contemplated by the engagement or terms of employment.

ARTICLE VIII - PUBLIC EDUCATION

- 8.1. A lobbyist should seek to ensure better public understanding and appreciation of the nature, legitimacy and necessity of lobbying in our democratic governmental process. This includes the First Amendment right to "petition the government for redress of grievances."
- 8.2. A lobbyist is encouraged to devote a not insubstantial amount of time each year to providing lobbying or related services to persons or organizations that are pursuing objectives that advance the public good, but who do not have the resources to compensate lobbyists to represent them in that endeavor.

ARTICLE IX - DUTY TO GOVERNMENTAL INSTITUTIONS

In addition to fulfilling duties and responsibilities to the client or employer, a lobbyist should exhibit proper respect for the governmental institutions before which the lobbyist represents and advocates clients' interests.

- 9.1. A lobbyist should not act in any manner that will undermine public confidence and trust in the democratic governmental process.
- 9.2. A lobbyist should not act in a manner that shows disrespect for government institutions.

Approved by the Board November 2010.