

BILL

No. 120

An Act respecting Lobbying

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(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I Preliminary Matters

Short title

1 This Act may be cited as *The Lobbyists Act*.

Interpretation

2(1) In this Act:

(a) “**client**” means an individual or organization on whose behalf a consultant lobbyist undertakes to lobby;

(b) “**consultant lobbyist**” means an individual who, for payment, undertakes to lobby on behalf of a client;

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- (c) **“Crown”** means the Crown in right of Saskatchewan;
- (d) **“designated filer”** means:
- (i) a consultant lobbyist; or
 - (ii) in the case of an organization that has an in-house lobbyist:
 - (A) the most senior officer of the organization who receives payment for performing his or her functions; or
 - (B) if there is no senior officer, the most senior in-house lobbyist of the organization;
- (e) **“former public office holder”** means:
- (i) a former member of the Executive Council and any individual formerly employed on the former member’s staff, other than an individual employed in the former member’s constituency office or as administrative support staff;
 - (ii) a former member of the Legislative Assembly;
 - (iii) any individual who:
 - (A) was formerly a permanent head, as defined in *The Public Service Act, 1998*; or
 - (B) formerly occupied the position of associate deputy minister, assistant deputy minister or a position of comparable rank in a ministry; or
 - (iv) any individual or category of individuals who formerly occupied a prescribed position in a government institution;
- (f) **“government institution”** means a government institution as defined in *The Freedom of Information and Protection of Privacy Act*;
- (g) **“grassroots communication”** means appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion;
- (h) **“in-house lobbyist”** means an employee, an officer or a director of an organization:
- (i) who is paid for performing his or her functions; and
 - (ii) whose lobbying activity or duty to lobby on behalf of the organization or an affiliate of the organization, either alone or together with other individuals in the organization or the affiliate:
 - (A) is performed or is required to be performed for at least 100 hours annually, as the case may be, as calculated in the prescribed manner; or
 - (B) otherwise meets the prescribed criteria;

- (i) **“lobby”** means, subject to subsection 4(2):
 - (i) in relation to either a consultant lobbyist or an in-house lobbyist, to communicate with a public office holder in an attempt to influence:
 - (A) the development of any legislative proposal by the Government of Saskatchewan, a government institution or a member of the Legislative Assembly;
 - (B) the introduction of any Bill or resolution in the Legislative Assembly or the amendment, passage or defeat of any Bill or resolution that is before the Legislative Assembly;
 - (C) the development or the enactment of any regulation within the meaning of *The Regulations Act, 1995* or any order in council;
 - (D) the development, establishment, amendment or termination of any program, policy, directive or guideline of the Government of Saskatchewan or a government institution;
 - (E) the awarding, amendment or termination of any grant, contract or financial benefit by or on behalf of the Government of Saskatchewan or a government institution;
 - (F) a decision by the Executive Council or a minister of the Crown to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or a government institution or to the public; or
 - (G) a decision by the Executive Council or a minister of the Crown to have the private sector instead of the Crown provide goods or services to the Government of Saskatchewan;
 - (ii) in relation to a consultant lobbyist, to arrange a meeting between a public office holder and any other individual; and
 - (iii) in relation to an in-house lobbyist, to arrange a meeting between a public office holder and any other individual for the purposes of attempting to influence any of the matters mentioned in subclause (i);
- (j) **“local authority”** means a local authority as defined in *The Local Authority Freedom of Information and Protection of Privacy Act*;
- (k) **“minister”** means the member of Executive Council to whom for the time being the administration of this Act is assigned;
- (l) **“ministry”** means a department, ministry, secretariat, office or other similar agency of the executive government of Saskatchewan;
- (m) **“organization”** includes any of the following, whether incorporated, unincorporated, a partnership or a sole proprietorship:
 - (i) a person other than a person on whose behalf a consultant lobbyist undertakes to lobby;
 - (ii) an organization or institution engaged in a business, trade, industry, enterprise or a professional or voluntary activity;
 - (iii) a union or labour organization;

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- (iv) a chamber of commerce or board of trade;
 - (v) a non-profit organization, association, society, coalition or interest group;
 - (vi) a government other than the Government of Saskatchewan;
 - (n) **“payment”** means, except in section 11 but subject to section 10, money or anything of value and includes a contract, promise or agreement to pay money or anything of value, but does not include a reimbursement of expenses;
 - (o) **“prescribed”** means prescribed in the regulations;
 - (p) **“public office holder”** means:
 - (i) a member of Executive Council and any individual on that member’s staff;
 - (ii) a member of the Legislative Assembly and any individual on that member’s staff;
 - (iii) an employee of a ministry;
 - (iv) any person appointed by the Lieutenant Governor in Council or by a member of the Executive Council;
 - (v) a public officer as defined in *The Interpretation Act, 1995*; and
 - (vi) an employee, officer, director or member, as the case may be, of a government institution;
 - (q) **“registrar”** means the conflict of interest commissioner appointed pursuant to *The Members’ Conflict of Interest Act* and includes:
 - (i) any acting conflict of interest commissioner appointed pursuant to that Act; and
 - (ii) any individual to whom the registrar has delegated any of the registrar’s powers pursuant to section 13;
 - (r) **“registry”** means the registry required pursuant to section 14;
 - (s) **“undertaking”** means, with respect to a consultant lobbyist, an undertaking to lobby on behalf of a client.
- (2) For the purposes of this Act, the following are not considered to be consultant lobbyists or in-house lobbyists when acting in their official capacity:
- (a) members of the Legislative Assembly and members of the Executive Council and any individuals on the staff of any of those members;
 - (b) officers and employees of the Legislative Assembly Service as defined in *The Legislative Assembly and Executive Council Act, 2007*;
 - (c) members of the public service appointed pursuant to *The Public Service Act, 1998*;
 - (d) employees, officers, directors and members of a government institution;
 - (e) any other prescribed individuals or category of individuals.
- (3) For the purposes of this Act, a consultant lobbyist engaged by a government institution or local authority is considered to be a consultant lobbyist.

(4) For the purposes of this Act, a corporation is a subsidiary of another corporation if:

- (a) securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation are held, otherwise than by way of security only, directly or indirectly, whether through one or more subsidiaries or otherwise, by or for the benefit of the other corporation; and
- (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

(5) For the purposes of this Act, persons are associated or affiliated with each other if they are associated or affiliated within the meaning of *The Business Corporations Act*.

Crown bound

3 The Crown is bound by this Act.

Application of Act

4(1) This Act does not apply to any of the following when acting in their official capacity:

- (a) members of the Senate or House of Commons of Canada, the legislative assembly of another province, the council or legislative assembly of a territory, or individuals on the staff of any of those members;
- (b) employees of the Government of Canada or of the government of another province or of a territory;
- (c) officers, directors or employees of a local authority;
- (d) officers, directors or employees of the Saskatchewan Urban Municipalities Association, the Saskatchewan Association of Rural Municipalities or the Saskatchewan School Boards Association;
- (e) officers or employees of the Métis Nation – Saskatchewan Secretariat Inc.;
- (f) officers or employees of the Federation of Saskatchewan Indian Nations;
- (g) members of the council of an Indian band as defined in the *Indian Act* (Canada), individuals on the staff of any of those members or employees of any of those councils;
- (h) diplomatic agents, consular officers or official representatives in Canada of a foreign government;
- (i) officers, directors or employees of an entity mentioned in subclause 2(1)(m)(v) that:
 - (i) is not constituted to serve management, union or professional interests; and
 - (ii) does not have a majority of members that are profit-seeking enterprises or representatives of profit-seeking enterprises;
- (j) officials of a specialized agency of the United Nations in Canada or officials of any other international organization to whom privileges and immunities are granted by or pursuant to an Act of the Parliament of Canada;
- (k) a person acting as a volunteer who does not receive a payment;
- (l) any other prescribed individuals or categories of individuals.

(2) This Act does not apply with respect to a submission made in any manner as follows:

- (a) in proceedings that are a matter of public record to a committee of the Legislative Assembly or to any body or person having jurisdiction or powers conferred by or pursuant to an Act;
- (b) to a public office holder by an individual on behalf of a person or organization concerning:
 - (i) the enforcement, interpretation or application of any Act or regulation by the public office holder with respect to the person or organization; or
 - (ii) the implementation or administration of any program, policy, directive or guideline by the public office holder with respect to the person or organization;
- (c) to a public office holder by an individual on behalf of a person or organization in response to a request initiated by a public office holder for advice or comment on any matter mentioned in subclause 2(1)(i)(i);
- (d) to a member of the Legislative Assembly in his or her capacity as a member of the Legislative Assembly by a constituent of the member, unless the submission concerns the introduction, passage or amendment in the Legislative Assembly of a private Bill for the special benefit of that constituent.

PART II

Regulation of Lobbyists' Activities

Interpretation of Part

5 In this Part, “**six-month period**” means:

- (a) with respect to a return filed by a consultant lobbyist:
 - (i) in the case of the first return following the filing of a return pursuant to clause 6(1)(a), the period that:
 - (A) commences on the date on which the return pursuant to clause 6(1)(a) was filed; and
 - (B) ends six months after the date mentioned in paragraph (A); or
 - (ii) in the case of a return other than one mentioned in subclause (i), the period that:
 - (A) commences on the first day following the end of the previous six-month period; and
 - (B) ends six months after the date mentioned in paragraph (A);
- (b) with respect to a return filed by a designated filer that has an in-house lobbyist:
 - (i) in the case of the first return following the filing of a return pursuant to clause 7(1)(a), the period that:
 - (A) commences on the date on which the return pursuant to clause 7(1)(a) was filed; and
 - (B) ends six months after the date mentioned in paragraph (A); or

(ii) in the case of a return other than one mentioned in subclause (i), the period that:

(A) commences on the first day following the end of the previous six-month period; and

(B) ends six months after the date mentioned in paragraph (A).

Returns by consultant lobbyist

6(1) A consultant lobbyist shall file with the registrar a return in the prescribed form and containing the information required in section 8:

(a) with respect to an undertaking, within 10 days after entering into the undertaking; and

(b) within 30 days after the end of each six-month period.

(2) A consultant lobbyist is required to file only one return pursuant to subsection (1) even though he or she may, in connection with that undertaking:

(a) communicate with one or more public office holders on one or more occasions; or

(b) arrange one or more meetings between a public office holder and any other individual.

(3) If, on the coming into force of this section, a consultant lobbyist is performing an undertaking, the consultant lobbyist shall file a return with the registrar in accordance with subsection (1) not later than 30 days after the day on which this section comes into force and after that in accordance with clause (1)(b).

Returns by in-house lobbyist

7(1) The designated filer of an organization that has an in-house lobbyist shall file with the registrar a return in the prescribed form and containing the information required in section 8:

(a) within 60 days after the day on which an individual in that organization becomes an in-house lobbyist; and

(b) within 30 days after the end of each six-month period.

(2) A designated filer is required to file only one return pursuant to subsection (1) even though an in-house lobbyist named in the return may communicate with one or more public office holders on one or more occasions.

(3) If, on the coming into force of this section, an organization has an in-house lobbyist, the designated filer of the organization shall file a return with the registrar in accordance with subsection (1) not later than 30 days after the day on which this section comes into force and after that in accordance with clause (1)(b).

Form and content of returns

8(1) Each return filed pursuant to section 6 or 7 must include the following information, as applicable:

(a) the name and business address of the designated filer, and whether he or she is a consultant lobbyist or the designated filer for an in-house lobbyist;

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- (b) if the return is filed by a consultant lobbyist:
 - (i) the name and business address of the firm, if any, where the consultant lobbyist is engaged in business;
 - (ii) the date on which the undertaking with the client was entered into and is scheduled to terminate; and
 - (iii) the name of each individual engaged by the consultant lobbyist to lobby on behalf of the client;
- (c) if the return is filed with respect to an in-house lobbyist, the name of each in-house lobbyist for the organization;
- (d) the name and business address of the client or organization and of any individual who or organization that, to the designated filer's knowledge after reasonable inquiry:
 - (i) controls or directs the client's or organization's activities and has a direct interest in the outcome of the lobbying activities on behalf of the client or organization; or
 - (ii) during the individual's or organization's financial year that preceded the filing of the return, contributed \$1,000 or more towards lobbying activities on behalf of the client;
- (e) a summary of the business or activities of the client or organization;
- (f) if the client or organization is a corporation, the name and business address of each affiliate of the corporation that, to the designated filer's knowledge after reasonable inquiry, has a direct interest in the outcome of the activities of each lobbyist named in the return who lobbies on behalf of the client or organization;
- (g) without limiting clause (f), if the client or organization is a corporation that is a subsidiary of another corporation, the name and business address of the other corporation;
- (h) if the client or organization is a member of a coalition, the name and business address of each member of the coalition;
- (i) the name of any government or government institution that funds or partly funds the client or organization and the amount of the funding;
- (j) particulars to identify the subject-matter concerning which a lobbyist named in the return has lobbied or expects to lobby during the six-month period covered by the return;
- (k) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, order in council, program, policy, directive, guideline, decision, grant, financial benefit or contract that is or will be the subject of the lobbying;
- (l) if a lobbyist named in the return has lobbied or expects to lobby, during the six-month period covered by the return, a public office holder employed by or serving in a ministry or a government institution, the name of the ministry or government institution;
- (m) if a lobbyist named in the return has lobbied or expects to lobby, during the six-month period covered by the return, a member of the Legislative Assembly or an individual on the staff of a member of the Legislative Assembly concerning a matter that involves the member's capacity as a member, the name of that member;

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- (n) if a lobbyist named in the return has lobbied or expects to lobby, during the six-month period covered by the return, a minister of the Crown or an individual on the staff of a minister of the Crown concerning a matter that involves the minister's capacity as a minister of the Crown, the name of that minister;
 - (o) a declaration that no lobbyist named in the return is in contravention of section 9 or 10;
 - (p) if any lobbyist named in the return is a former public office holder, the nature of the office formerly held by the lobbyist and the term of office;
 - (q) the techniques of communication, including grassroots communication, that a lobbyist named in the return has used or expects to use to lobby;
 - (r) a statement:
 - (i) stating whether any lobbyist named in the return holds a contract for providing paid advice to a ministry or another government institution, and if so, the name of the ministry or government institution; and
 - (ii) stating whether, to the designated filer's knowledge after reasonable inquiry, any person associated with a lobbyist named in the return holds a contract for providing paid advice to a ministry or a government institution, and if so, the name of the ministry or government institution;
 - (s) any additional prescribed information.
- (2) A designated filer who files a return shall supply the registrar with the following information within the applicable period:
- (a) particulars of any change to the information in the return, within 30 days after the change occurs;
 - (b) any information required to be supplied pursuant to subsection (1) the knowledge of which the individual acquired only after the return was filed, within 30 days after the knowledge is acquired;
 - (c) any information requested by the registrar to clarify any information supplied by the individual pursuant to this section, within 30 days after the request is made.
- (3) Within 30 days after the completion or termination of an undertaking for which a return was filed, the consultant lobbyist who filed the return shall:
- (a) inform the registrar of the completion or termination of the undertaking; and
 - (b) indicate the date on which the completion or termination occurred.
- (4) Within 30 days after an individual named in a return as an in-house lobbyist ceases to be an in-house lobbyist for the organization named in the return, the designated filer shall:
- (a) inform the registrar of the event; and
 - (b) indicate the date on which the event occurred.
- (5) Any information required pursuant to subsections (3) and (4) must be supplied to the registrar in the prescribed form and manner.

Prohibitions on former public office holders lobbying

9(1) No former public office holder who is a former minister of the Crown shall lobby a ministry or government institution for a period of one year after the date on which he or she ceases to be a minister of the Crown.

(2) No former public office holder who is a former member of the Legislative Assembly shall lobby a ministry or government institution for a period of six months after the date on which he or she ceases to be a member of the Legislative Assembly.

(3) Subject to subsection (4), no former public office holder who was formerly employed in the office of a minister of the Crown or the office of a former minister of the Crown shall lobby the ministry or government institution for which the minister or former minister is or was responsible for a period of six months after the date on which he or she ceases to be employed in the office.

(4) No former public office holder who was formerly employed in the premier's office or in a former premier's office shall lobby a ministry or government institution for a period of six months after the date on which he or she ceases to be employed in the office.

(5) Subject to subsection (6), no former public office holder who was formerly a permanent head, as defined in *The Public Service Act, 1998*, or who formerly occupied the position of associate deputy minister, assistant deputy minister or a position of comparable rank in a ministry shall lobby the ministry for a period of six months after the date on which he or she ceased to be a permanent head or to occupy the position of associate deputy minister, assistant deputy minister or a position of comparable rank in the ministry.

(6) No former public office holder who, in the Office of the Executive Council, was formerly a permanent head, as defined in *The Public Service Act, 1998*, or who formerly occupied the position of associate deputy minister, assistant deputy minister or a position of comparable rank in that Office shall lobby a ministry or government institution for a period of six months after the date on which he or she ceased to be a permanent head or to occupy the position of associate deputy minister, assistant deputy minister or a position of comparable rank in the Office of the Executive Council.

(7) No former public office holder or member of a category of former public office holders who formerly occupied a prescribed position in a government institution shall lobby the government institution for a period of six months after the date on which he or she ceased to occupy that prescribed position.

(8) The registrar may exempt a person from the application of this section if the registrar is of the opinion that it would not be contrary to the public interest to do so.

(9) The registrar may impose terms and conditions on any exemption given pursuant to subsection (8).

(10) The registrar shall:

- (a) provide reasons for giving an exemption; and
- (b) ensure that information relating to the exemption, including any terms and conditions imposed, and the reasons for giving the exemption are entered into the registry.

Prohibitions respecting contracting

10(1) In this section, “**contract for providing paid advice**” means an agreement or other arrangement under which a person directly or indirectly receives or is to receive payment for providing advice to the Government of Saskatchewan or a government institution.

(2) For the purposes of this section, payment does not include reasonable remuneration received for serving on a board, commission, council or other similar body established by or under the authority of an Act on which there are at least two other members who represent other organizations or interests.

(3) No person shall lobby on a subject-matter if that person, or another person associated with that person, holds a contract for providing paid advice on the same subject-matter.

(4) No person shall enter into a contract for providing paid advice on a subject-matter if that person, or another person associated with that person, lobbies on the same subject-matter.

(5) Without restricting the generality of subsections (3) and (4), an officer, director or employee of an organization shall comply with subsections (3) and (4) regardless of:

(a) the number of hours he or she or other persons in the organization lobby or are required to lobby as part of their duties each year; and

(b) whether or not he or she is otherwise an in-house lobbyist as defined in clause 2(1)(h).

(6) The registrar may exempt a person from the application of subsection (3) or (4) if the registrar is of the opinion that it would be consistent with the purposes of this Act to do so.

(7) The registrar may impose terms and conditions on any exemption given pursuant to subsection (6).

(8) The registrar shall:

(a) provide reasons for giving an exemption; and

(b) ensure that information relating to the exemption, including any terms and conditions imposed, and the reasons for giving the exemption are entered into the registry.

(9) If on the coming into force of this section a person, or another person associated with that person, holds a contract for providing paid advice on a subject-matter and either the person or the associated person lobbies on the same subject-matter:

(a) the person holding the contract shall cease to hold the contract within 60 days after the coming into force of this section; or

(b) the person lobbying shall cease to lobby on that subject-matter, within 60 days after the coming into force of this section.

Payment information

11(1) In accordance with the regulations, the Minister of Finance shall publish information relating to payments made by ministries to lobbyists.

(2) In accordance with the regulations, a government institution other than a ministry shall publish information relating to payments made by the government institution to lobbyists.

Submission of documents in electronic or other form

12(1) Subject to the regulations, any return or other document that is required to be filed with or submitted to the registrar pursuant to this Act may be filed or submitted in electronic or other form by the means and in the manner specified by the registrar.

(2) For the purposes of this Act, any return that is filed or other document that is submitted in accordance with subsection (1) is deemed to be received by the registrar at the time provided for in the regulations.

PART III**Registrar and Registry****Delegation of registrar's powers**

13(1) The registrar may, in writing, delegate to any individual any of the registrar's powers pursuant to this Act other than:

- (a) the power of delegation pursuant to this section; and
- (b) the power or duty to make a report.

(2) A delegation pursuant to this section may be made either generally or in relation to a particular case or class of cases.

(3) The registrar may revoke a delegation at any time.

(4) No delegation prevents the exercise of any power by the registrar.

(5) The registrar may impose any restrictions or conditions that the registrar considers appropriate on a delegation.

(6) A delegation continues in effect until it is revoked.

(7) If the registrar who made a delegation ceases to hold office, the delegation continues in effect as if it were made by that registrar's successor.

Registry

14(1) Subject to the regulations, the registrar shall establish and maintain a registry.

(2) The registry must include a record of all returns filed and other information submitted to the registrar and any information that is required to be entered in the registry pursuant to this Act.

(3) The registrar may:

- (a) verify the information contained in any return filed or other document submitted pursuant to this Act;

- (b) subject to subsection (4), refuse to accept a return or other document if:

- (i) the return or other document does not comply with the requirements of this Act;

- (ii) the return or other document contains information not required to be provided or disclosed pursuant to this Act; or

- (iii) the designated filer who submitted the return or document has not complied with this Act; and

- (c) remove a return from the registry if the designated filer who filed the return does not comply with this Act.

- (4) On refusing to accept a return or other document pursuant to clause (3)(b), the registrar shall:
- (a) inform the designated filer who filed or submitted it of the refusal and the reason for the refusal; and
 - (b) allow a reasonable extension of the time set pursuant to this Act for filing the return or submitting the document if the registrar is satisfied that the designated filer cannot reasonably be expected to file another return or submit another document within the set time.
- (5) A return that is filed or a document that is submitted within the time allowed pursuant to clause (4)(b) and accepted by the registrar in place of one refused pursuant to clause (3)(b) is deemed to have been filed or submitted, as the case may be, on the date the registrar received the return or document that was refused.
- (6) If a return is removed from the registry pursuant to clause (3)(c):
- (a) the registrar shall inform the designated filer who filed the return of its removal and the reason for the removal; and
 - (b) the designated filer mentioned in clause (a) is deemed, for the purposes of his or her existing and future obligations pursuant to this Act, not to have filed the return.

Public access to registry

15 The registrar shall permit the public to inspect the registry during normal office hours of the registrar.

Storage of documents and use of documents as evidence

16(1) Subject to the regulations, the information contained in any return or other document that is received by the registrar pursuant to this Act may be entered in or recorded by any information storage device, including any system of mechanical or electronic data processing, that is capable of reproducing the stored return or other document in intelligible form within a reasonable time.

(2) In any prosecution for a contravention of this Act, a copy of a return or other document that is reproduced as permitted by subsection (1) and certified under the registrar's signature as a true copy:

- (a) is admissible in evidence without proof of the office or signature of the person purporting to have signed the certificate; and
- (b) has the same probative force as the original return or document.

Directions

17(1) The registrar may provide directions to lobbyists individually or generally with respect to the enforcement, interpretation or application of this Act.

(2) The registrar may make those inquiries that the registrar considers appropriate to provide lobbyists with a direction.

(3) On the request of a lobbyist, the registrar may provide a confidential direction to the lobbyist if the registrar is satisfied that to do so will promote compliance with this Act.

Investigations

18(1) The registrar may conduct an investigation if the registrar has reason to believe that an investigation is necessary to ensure compliance with this Act.

(2) For the purpose of conducting an investigation pursuant to subsection (1), the registrar has all the powers conferred on a commissioner pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

Report

19(1) After an investigation has been conducted by the registrar, the registrar shall prepare a report of the investigation, including findings and conclusions and reasons for the findings and conclusions.

(2) The registrar shall submit the report mentioned in subsection (1) to the Speaker of the Legislative Assembly.

(3) In accordance with *The Tabling of Documents Act, 1991*, the Speaker shall lay each report received by him or her before the Legislative Assembly.

(4) Notwithstanding any other Act or law, a report pursuant to this section may contain details of any payment received, disbursement made or expense incurred by an individual who is named in a return required to be filed pursuant to section 6, 7 or 8 with respect to any communication or meeting mentioned in clause 2(1)(i) if the registrar considers publication of the details to be in the public interest.

Administrative penalty

20(1) Subject to the regulations, if the registrar is of the opinion that a person has contravened clause 25(1)(a), (b), (c) or (d), the registrar may assess an administrative penalty.

(2) The maximum amount of an administrative penalty that may be imposed pursuant to subsection (1) is \$25,000.

(3) Before assessing an administrative penalty, the registrar shall provide notice to the person:

(a) setting out the facts and circumstances that, in the registrar's opinion, render the person liable to an administrative penalty;

(b) specifying the amount of the administrative penalty that the registrar considers appropriate in the circumstances; and

(c) informing the person of the person's right to make representations to the registrar.

(4) No administrative penalty is to be assessed by the registrar more than two years after the act or omission that renders the person liable to an administrative penalty first came to the knowledge of the registrar.

(5) A person to whom notice is sent pursuant to subsection (3) may make representations to the registrar respecting whether or not an administrative penalty should be assessed and the amount of any penalty.

(6) Representations pursuant to subsection (5) must be made within 30 days after the person received the notice pursuant to subsection (3).

- (7) After considering any representations, the registrar may:
- (a) assess an administrative penalty and set a date by which the administrative penalty is to be paid in full; or
 - (b) determine that no penalty should be assessed.
- (8) The registrar shall serve a copy of his or her decision pursuant to subsection (7) on the person who made the representations.
- (9) The registrar may assess an administrative penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the administrative penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the administrative penalty.

Certificate re administrative penalty

21(1) The registrar may file in the Court of Queen's Bench a certificate signed by the registrar and setting out:

- (a) the amount of the administrative penalty assessed pursuant to subsection 20(7); and
 - (b) the person from whom the administrative penalty is to be recovered.
- (2) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.

Confidentiality

22(1) Except where otherwise provided by this Act for the purposes of the registry, the registrar shall not disclose any information that comes to the knowledge of the registrar in the exercise of the powers, performance of the duties or carrying out of the functions of the registrar pursuant to this Act.

(2) Subsection (1) applies, with any necessary modification, to the staff of the registrar or any person to whom the registrar has delegated any powers pursuant to section 13.

(3) Notwithstanding subsection (1), the registrar may:

- (a) disclose any information that comes to the knowledge of the registrar in the performance of the registrar's duties and functions pursuant to this Act if:
 - (i) the disclosure of the information, in the opinion of the registrar, is necessary for the purposes of conducting an investigation pursuant to this Act;
 - (ii) the information is disclosed in a report pursuant to section 19 or in the course of a proceeding for perjury with respect to a statement made to the registrar; or
 - (iii) the disclosure is, in the opinion of the registrar, necessary for the purpose of enforcing administrative penalties; and
- (b) disclose information as permitted pursuant to subsection (4).

(4) If in the opinion of the registrar there is evidence of the commission of an offence, the registrar may disclose to the Attorney General for Saskatchewan or the Attorney General of Canada information that relates to the commission of an offence against:

- (a) an Act; or
- (b) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada.

Immunity

23 No action lies or shall be instituted against the registrar, the staff of the registrar, a delegate of the registrar or any person employed or engaged by the registrar and no action lies or shall be instituted against any member of the public service if the registrar, the staff, person or member of the public service is acting pursuant to the authority of this Act, the regulations or an order made pursuant to this Act, for any loss or damages suffered by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in exercise of or in supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

Non-compellability

24(1) The registrar is neither competent nor compellable to:

- (a) give evidence in any civil proceeding concerning any information that comes to the knowledge of the registrar in the exercise of the powers, performance of the duties or carrying out of the functions of the registrar pursuant to this Act; or
- (b) produce any files, papers, information, reports, correspondence or other documents relating to the business or activities of the registrar.

(2) Subsection (1) applies, with any necessary modification, to the staff or a delegate of the registrar.

PART IV

General

Offences and penalties

25(1) No person shall:

- (a) lobby without having filed a return as required by this Act;
- (b) make a false statement or provide false information to the registrar or any person acting on behalf of the registrar;
- (c) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the registrar or any person acting on behalf of the registrar;
- (d) fail to comply with an order of the registrar made pursuant to this Act; or
- (e) fail to comply with any provision of this Act or the regulations.

(2) A person does not contravene clause (1)(b) or (c) if, at the time the information was provided, the person did not know that it was false or misleading and, with the exercise of reasonable diligence, could not have known that it was false or misleading.

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- (3) Every person who contravenes a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to:
- (a) for the first offence, a fine of not more than \$25,000; and
 - (b) for a second or subsequent offence, a fine of not more than \$100,000.
- (4) Subject to subsections (5) to (7), if a person is convicted of an offence against this Act and the registrar is satisfied that it is necessary in the public interest taking into account the gravity of the offence and the number of previous convictions or administrative penalties imposed on the person who committed the offence, the registrar may make an order doing either or both of the following:
- (a) prohibiting the person who committed the offence from lobbying for a period of not more than two years;
 - (b) prohibiting the person who committed the offence from filing or having a return filed with respect to the person.
- (5) Before imposing any prohibition pursuant to subsection (4), the registrar shall:
- (a) provide the person with written notice of the registrar's proposed action; and
 - (b) give the person an opportunity to make written representations within 30 days after the date on which the person received the written notice pursuant to clause (a).
- (6) After considering any representations, the registrar may:
- (a) impose the prohibition; or
 - (b) determine not to impose the prohibition.
- (7) The registrar shall serve a copy of his or her decision pursuant to subsection (6) on the person who made the representations.
- (8) If a person is convicted of an offence against this Act, the registrar may make public:
- (a) the nature of the offence;
 - (b) the name of the person who committed the offence;
 - (c) the punishment imposed; and
 - (d) if applicable, the nature of any prohibition ordered pursuant to subsection (4).
- (9) If the registrar imposes a prohibition pursuant to subsection (4), the registrar shall ensure that information relating to the prohibition is entered into the registry.

Limitation of prosecutions

26 No prosecution for a contravention of this Act or the regulations is to be commenced more than two years from the date on which the offence is alleged to have been committed.

Appeal to Court of Queen’s Bench

27(1) Any person aggrieved by a decision of the registrar pursuant to this Act may appeal that decision on a question of law to the Court of Queen’s Bench within 30 days after the date of service of the registrar’s decision.

- (2) The record of an appeal pursuant to subsection (1) consists of:
- (a) the registrar’s decision;
 - (b) any written representations made to the registrar by the person named in the decision;
 - (c) the originating application commencing the appeal;
 - (d) any other prescribed documents or material; and
 - (e) any other material that the Court of Queen’s Bench may require.
- (3) On hearing an appeal pursuant to this section, the Court of Queen’s Bench may issue an order:
- (a) confirming the decision;
 - (b) amending the decision; or
 - (c) quashing the registrar’s decision.

Regulations

28 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of subclause 2(1)(e)(iv), prescribing positions in a government institution;
- (c) for the purposes of paragraph 2(1)(h)(ii)(A), prescribing the manner in which hours are to be calculated;
- (d) for the purposes of paragraph 2(1)(h)(ii)(B), prescribing criteria that, if met, will result in an individual becoming an in-house lobbyist;
- (e) for the purposes of clause 2(2)(e), prescribing individuals or categories of individuals who are not to be considered as consultant lobbyists or in-house lobbyists;
- (f) for the purposes of clause 4(1)(l), prescribing individuals or categories of individuals to whom this Act does not apply;
- (g) for the purposes of subsections 6(1) and 7(1), prescribing the form of a return;
- (h) for the purposes of clause 8(1)(s), prescribing additional information to be included in a return;
- (i) for the purposes of subsection 8(5), prescribing the form and manner of providing information to the registrar pursuant to subsections 8(3) and (4);
- (j) for the purposes of section 11, prescribing the manner of publishing information and the contents of the information to be published;
- (k) for the purposes of section 12, respecting the filing or submission of information in an electronic or other form;

- (l) for the purposes of section 14, respecting the establishment, maintenance and operation of the registry;
- (m) for the purposes of section 16, respecting the recording and storage of information in the registry;
- (n) for the purposes of section 20 respecting the form and contents of notices of administrative penalties;
- (o) prescribing and requiring the payment of fees for the filing of returns and for any service or information provided by the registrar pursuant to this Act or the regulations;
- (p) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (q) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Coming into force

29 This Act comes into force on proclamation.

THIRD SESSION

**Twenty-seventh
Legislature**

SASKATCHEWAN

B I L L

No. 120

An Act respecting Lobbying

Received and read the

First time

Second time

Third time

And passed

Honourable Gordon Wyant
