**RETIRED TEACHERS PRESENTATION ON LOBBYING**

Since I am going to talk about lobbying today, perhaps the best place to start is with the very term itself.

Actually, the earliest references in print about lobbying date back to about 1820 in the United States.

The lobby was the room right next to Congress, where the members gathered before they went in to debate and vote.

So, people who wanted to influence those debates and votes gathered there to press the flesh, put in a good word, and beg and plead:

* “Please build the toll road through my property, so I can sell the government the land.”
* “Give me the contract to supply the army with rifles, and I will contribute to your re-election campaign.”
* “Please appoint me tax collector for the county, and I will give you 10%.”

Lobbying has come a long way since the United States of the 1820s. Over the years, it’s evolved into a sophisticated business, both in the US and here in Canada.

There are some huge differences between lobbying here in Canada and in the U.S, and the largest focuses on how campaign finance is regulated in the two countries.

In the U.S., there are 535 members of Congress—435 in the House of Representatives and 100 in the Senate. All 435 members of the House and one-third of the Senate, 33 of them, are elected every two years.

In the last U.S. election, it cost an average of $1.6 million to run for the House and $10.5 million to run for the Senate. That means that a candidate for re-election in the House needs to raise an average of $2,300 each and every day of their two-year term. A sitting Senator needs to raise more than $14,000 per day in the previous two years before the election.

So where does all this money come from to fund these electoral costs? From interest groups and businesses. And who works for these groups and businesses?

The answer is *lobbyists*, who mobilize and arrange the contributions of their clients to members of Congress, the same lobbyists who set up Political Action Committees, or PACs to raise all that money.

In Canada, these kinds of fund-raising activities are completely off-limits for lobbyists. We cannot be a conduit for our clients’ money to political parties or MPs, we cannot organize fundraisers for them, and we are limited as individuals to the same contribution limit as any other citizen.

This is a huge set of differences, but since it is often assumed that Canadian lobbyists are pretty much the same as their American counterparts, I wanted to clarify that right from the start.

So, what is lobbying, how is it defined and how does it work?

**Lobbying defined**

The Lobbying Act defines lobbying as:

“Communication with a public office holder in respect of:

* The development of any legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons;
* The introduction, passage, defeat or amendment of any Bill or resolution that is before either the House of Commons or the Senate;
* Making or amending regulations;
* Developing or amending any policy or program of the Government of Canada;
* The awarding of any contract, grant, contribution or other financial benefit by or on behalf of the federal government; or
* Arranging a meeting between a public office holder and any other person.

**Three kinds of lobbyists**

The Act identifies three kinds of lobbyists:

* **Consultant Lobbyists**, who represent and lobby on behalf of various clients (individuals, companies, coalitions, associations) for payment, on a fee for service or retainer basis, so called “guns for hire.” That’s what I am.
* **In-House Corporation Lobbyists**, who work full time for a company and who lobby as part of their job. Typically, people in these positions will carry a title such as Vice President, Government Relations, or Vice President, Public Affairs.
* **In-House Organization Lobbyists**, who work for a non-profit organization, such as a charity, a professional or sectoral association, a union or a learning institution, such as a university.

**Public office holders**

A public office holder is any MP or Senator, employee or appointee of the Government of Canada, a member or officer of any federal agency, board or commission, a member of the armed forces or RCMP.

**Lobbyist Registration**

In Canada, we have to provide detailed reports on our activities as lobbyists.

We have to report:

* Who the client is and where they are located
* If the client is a corporation, who owns and controls it, its subsidiary companies
* Whether the client is a coalition and if so, who its members are
* If the client has received public money
* The subject matter of the lobbying: the legislation, regulation, proposal, Bill, policy, program, grant, contribution financial benefit or contract
* The department or governmental institution to be lobbied
* Type of communication to be used: written, oral, grass-roots, etc.

**Reporting communication with Designated Public Office Holders**

And finally, we are required to report monthly on “oral and arranged communications” with these government officials, the subject of the communications, and the arranging of meetings with DPOHs. It’s important to note that emails are exempted, as are chance meetings.

**Who we work for**

Here are just a few of the sectors in which my company works:

Autos

Broadcast and telecommunications

Science and research

Innovation and commercialization of intellectual property

Health care and pharmaceuticals

Cultural institutions

Genomics

Financial institutions

Cannabis

Indigenous groups

**What do lobbyists do?**

What is it that we actually do, and how do we do it? Basically, we provide strategic advice to clients based on our knowledge of how things work.

**Developing a plan**

When a new client comes through the door, we start with some basic questions:

The first set of questions goes to where the decision you seek will be made and how the fix will be achieved. Is the challenge a legislative one? Is it regulatory? Is it policy, program or financial?

The reason I have laid out those five alternatives is that depending on the answer, you will be involved in one or more of five different processes, each one different from the other.

This leads directly to the next question. What are the details of the process through which the decision will be made?

* If it’s legislative, is there any interest on the part of the government in making this change at this time? Is this issue on the government’s radar? (Easier to get their attention if they already know about it.)
* If it’s regulatory, are the regulations for the Act in question due for review and updating, and if so, how will the government proceed? Will there be a consultation process?
* If it’s a financial decision, what are the rules and regulations? Is it tendered or can it be sole-sourced? Can it be signed off by an official? Or is it big enough that it needs the approval of the Ministers who sit on Treasury Board? If it’s already in the system, which week is it going to Treasury Board? And are there any ministers we need to talk with before that happens?
* If your assignment is to get approval for the routing of a bridge through a protected wetland, what’s the process? How many environmental assessments have to be done? Do they come before the public consultation or after? How do you structure your company’s public communications on the project? Do you need to brief the Mayor and City Council, and who’s going to do that and how?

Finally, on the issue of getting started, another important question to ask in the early stages is “Who could be with us, and who could be against us?”

The point here is that friends and allies are always useful when you are attempting to convince the government of a particular course of action. Many voices tend to be more effective than one; they can provide cover by proving that the issue has widespread support, and that the government is not just doing a one-off fix to benefit one organization or group.

On the other side, it’s always useful to take a moment to consider who might oppose you? What arguments would they make? And what is the best way to counter those arguments?

**Building the case**

Assuming you have learned how the process works and who your friends and enemies are, the next logical step in the process is building the case, and this applies whether you are acting proactively or defensively.

The first critical element and the key starting point is what we call alignment with the government’s agenda.

Alignment means linking your proposal, your ask to the government’s policy priorities in ways that convince them you will be helping them achieve their objectives.

The reason these are important is that it’s always useful to remind the government that the client “gets” the government’s policy direction, and that what is being proposed fits with the government’s preferences.

So if your high tech client is looking for funds for a project involved in the commercialization of advanced research, the starting point is that that’s been an important theme of the last three federal budgets, so you know the government is going to interested.

**Creating a plan**

When you are beginning to sell a new initiative that you would like the government to adopt or embrace, it’s really important that you develop a plan for what you want to achieve and how you will do it. The plan should include:

* An environmental scan of your sector and its issues, and where you fit in the government’s list of priorities;
* A clear statement of what you want to achieve and an understanding of what is required from government to achieve it;
* An analysis of who might be counted on to support it or oppose it;
* A plan for outreach to contact, brief and bring potential supporters on side;
* Hard and well-researched numbers on how many people this initiative will help and how;
* Secondary impacts such as increased labour force participation and a reduced unemployment rate, the closing of skills shortages, and data on increased tax revenue and economic growth in the wider economy;
* A plan to build support through the intervention of experts in the field through the writing of op-eds and blogs;
* A plan to counteract potential opponents; and
* A tight set of talking points to explain your proposal.

**Managing clients and expectations**

A lot of clients start with the attitude that if they could just talk with the Minister, he or she would solve all their problems, but government relations don’t work that way.

If you want to talk with the Minister eventually, you are going to have to start with the public servants. They have detailed knowledge of the files, they may give you a heads-up with useful information, and they will certainly tell you what they think of your idea.

One of the challenges we sometimes face is the client who has all the answers. These kinds of situations are pretty rare, but they often require some careful managing.

Dave MacDonald story

As I said earlier, the last place you start is with the Minister. And sometimes, it’s just better that the Minister not be involved at all.

BP story