



Notice no. 2005-06

February 9, 2005

This notice is issued and published by the Lobbyists Commissioner pursuant to section 52 of the *Lobbying Transparency and Ethics Act* (R.S.Q., c.T-11.011).

Subject : Interpretation of the expression “public proceedings, or (...) proceedings that are a matter of public record” used in paragraph 3 of section 5 of the *Lobbying Transparency and Ethics Act*.

Website: [www.commissairelobby.qc.ca](http://www.commissairelobby.qc.ca)

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According to paragraph 3 of section 5 of the *Lobbying Transparency and Ethics Act*, the Act does not apply in respect of “any submission made in public proceedings, or in proceedings that are a matter of public record, to any person or body having jurisdiction or powers conferred by an Act, an order in council or a ministerial order”.

“Public proceedings” means public sittings held, in particular, for investigation, consultation or information purposes. For example, the exception would apply to any submission made in a public hearing held by the Bureau d’audiences publiques sur l’environnement (BAPE) and to any submission made in a public consultation on a proposed municipal regulation. However, the exception does not apply to any submission made before or after public proceedings or proceedings that are a matter of public record, or to any submission made concomitantly with and outside such proceedings.

Unlike “public proceedings”, “proceedings that are a matter of public record” do not entail the holding of public sittings. These proceedings are a means which allows any person, through a process already established in an Act or regulation, to consult relevant information concerning an application or a specific project and to express agreement or opposition in an informed manner.

For example, the *Regulations Act* (R.S.Q., chapter R-18.1) provides that every proposed regulation must be published in the *Gazette officielle du Québec* and accompanied by a notice stating that interested persons may transmit their comments to a person designated in the notice within the prescribed time. Submissions made in that process are considered to be made in proceedings that are a matter of public record.

However, it cannot be concluded that submissions were made in proceedings that are a matter of public record solely because the application to a public office holder and his or her decision are published or entered in a public register, such as the List of Contaminated Sites compiled by the Ministère de l'Environnement.

**André C. Côté**  
**Lobbyists Commissioner**