



ommissioner of Lobbyists

Annual Report 2019-20

Message from the Commissioner

In keeping with the requirements of a Category 3 entity under the **Transparency and Accountability Act**, I am pleased to present the 2019-20 Annual Report of the Office of the Commissioner of Lobbyists. This report covers the period of April 1, 2019 to March 31, 2020.

As Commissioner of Lobbyists, I am accountable for the preparation of this report and the actual results reported.



LeeAnn Montgomery
Commissioner of Lobbyists

Table of Contents

Message from the Commissioner.....	i
Table of Contents.....	ii
Overview.....	1
Highlights and Partnerships	2
Report on Performance.....	2
Opportunities and Challenges Ahead.....	3
Financial Report.....	4

Overview

The Office of the Commissioner of Lobbyists is located at 120 Conception Bay Highway, Suite 114, Villa Nova Plaza, in Conception Bay South. Administrative support is shared among the Royal Newfoundland Constabulary Public Complaints Commission (RNCPC), the Criminal Code Mental Disorder Review Board (CCMDRB) and the Office of the Commissioner of Lobbyists and is provided by a manager (RNCPC) and a secretary (RNCPC and CCMDRB).

The Registry of Lobbyists is maintained by the Director of Commercial Registrations, Service NL. This office is located at 59 Elizabeth Avenue, St. John's, and the Registry of Lobbyists is accessible at <https://cado.eservices.gov.nl.ca/CADOInternet/Lobbyist/Menu.aspx>. During fiscal year 2019-20, there were 216 active lobbyist registrations. Of these, 105 were consultant lobbyists and 111 were organizations with in-house lobbyists.

A consultant lobbyist is one who for remuneration or other gain, reward or benefit, undertakes to lobby on behalf of a client. A consultant lobbyist is not an employee of the client or organization.

An in-house lobbyist is defined by paragraph 6(1)(b) of the **Lobbyist Registration Act**, which states that an "in-house lobbyist means a person who is employed by an organization:(i) 20% of whose duties as an employee, as assessed in a 3 month period, are to lobby on behalf of that organization; or (ii) a part of whose duties as an employee is to lobby on behalf of that organization if the employee's duties to lobby together with the duties of other employees to lobby would constitute 20% of time at work of one full-time employee, assessed in a 3 month period, were those duties to lobby to be performed by only one employee."

Mandate

The Mandate of the Office of the Commissioner of Lobbyists is contained in the **Lobbyist Registration Act**. The Commissioner of Lobbyists is responsible for investigating alleged violations of the Act or the Code of Conduct, denying or cancelling a lobbyist's registration where the Act or Code has been breached, and ordering, upon application, that some or all registration information be kept confidential. The Commissioner may also recommend changes to the Code of Conduct.

Who We Are

Commissioner of Lobbyists:

LeeAnn Montgomery Tel: (709) 834-6159

Administrative Support:

Randy Doyle Tel: (709) 834-6173

Gerry Peach Tel: (709) 834-6171

Highlights and Partnerships

Registrants

An online registry of lobbyists exists and there is no fee to access this information. The online registry can be found at <https://cado.eservices.gov.nl.ca/CADOInternet/Lobbyist/Menu.aspx>.

Historical Total: There were 36 new lobbyist registrations between April 1, 2019 and March 31, 2020 – 26 by consultant lobbyists and 10 by organizations with in-house lobbyists. There have been 414 lobbyist registrations since the Act came into force in 2005: 182 consultant lobbyists and 232 organizations with in-house lobbyists.

Active Registrations: 216 registrations are active and ongoing - 105 by consultant lobbyists and 111 by organizations with in-house lobbyists.

Over the last fiscal year, the Commissioner of Lobbyists has also responded to an increase in inquiries regarding what constitutes lobbying activity. Lobbying is a legitimate activity in Newfoundland and Labrador and is held to the strictest of guidelines to ensure accountability and full disclosure. However, there is often some confusion about what activities would be lobbying and what activities would not be considered lobbying. For example, a member of the public may ask the Commissioner whether any question directed to a Member of the House of Assembly (MHA) constitutes lobbying or whether questions about and clarifications of a Request for Proposals or a tender would be considered lobbying. Generally, such interactions would not be considered lobbying. Section 5(1)(a) of the Act defines consultant lobbyist as a person who for remuneration or other gain, reward or benefit, undertakes to lobby on behalf of a client. Therefore, if a consultant lobbyist was hired by a developer who had an application for funding before government, wanted to pay for dinner for an MHA or a member of the Cabinet, then this could constitute an offence under the Act. In accordance with the Act, lobbyists must be registered with the Registry in order to conduct business in Newfoundland and Labrador.

Report on Performance

Issue 1: Investigating Alleged Violations of the Act or Code of Conduct

The Commissioner of Lobbyists is responsible for investigating alleged violations of the **Lobbyist Registration Act** or the Code of Conduct. Subsection 27(1) of the Act states: “where the commissioner believes, on reasonable grounds, that a provision of this Act or of the Code of Conduct has been violated, he or she may investigate that violation and where the commissioner believes there is sufficient reason to proceed, may conduct an inquiry into that violation.”

Objective: By March 31, 2020, the Commissioner of Lobbyists will have addressed all alleged violations of the **Lobbyist Registration Act** or Code of Conduct.

Indicators	Actual Results
All alleged violations investigated	There were no alleged violations of the Lobbyist Registration Act or Code of Conduct
Reports prepared for each alleged violation	Since there were no alleged violations, no reports were required.

Issue 2: Confidentiality Orders

Pursuant to subsection 18(1) of the **Lobbyist Registration Act**, a lobbyist may request the Commissioner of Lobbyists to issue a confidentiality order. This is done when the lobbyist feels that the disclosure of some or all of the information contained in the registration may seriously prejudice his or her economic or financial interest or enterprise.

In smaller jurisdictions like Newfoundland and Labrador, it is common for the Commissioner to receive no formal requests for Confidentiality Orders. However, this does not diminish the important function the office serves. Although no formal requests were received in 2019-20, the Commissioner responded to several informal inquiries.

Objective: By March 31, 2020, the Commissioner of Lobbyists will have addressed all requests for Confidentiality Orders.

Indicators	Actual Results
Investigations conducted for each request	There were no requests for Confidentiality Orders
Decisions rendered for each request	Since there were no requests, no decisions were required.

Opportunities and Challenges Ahead

Ensuring that the public is informed about the mandate and authority of the Office of the Commissioner of Lobbyists continues to be an ongoing challenge. The Office relies on the public to report alleged non-compliance with the **Lobbyist Registration Act** and/or the Code of Conduct, which will only happen if individuals know their rights and responsibilities under the Act. The public has an opportunity to become part of the process and contribute to ensuring that transparency and accountability remain key elements in any lobbying activity. The Commissioner will continue to seek opportunities for public engagement through personal interviews on local community television and all forms of social and print media.

Financial Report

The budget of the Office of the Commissioner of Lobbyists is contained within the Administrative Support (Professional Services) budget of the Department of Justice and Public Safety and, as a result, the Office is not required to provide a separate audited statement. While the Office of the Commissioner of Lobbyists does not appear as a separate line in the Program Expenditures and Revenues of the Consolidated Revenue Fund, the approximate budget is provided below:

Approximate Budget Office of the Commissioner of Lobbyists	
Salaries	\$25,000
Operating Costs	\$20,000
Total	\$45,000.00

To Reach Us

Office of the Commissioner of Lobbyists

Suite. 114, Villa Nova Plaza
120 Conception Bay Highway
Conception Bay South, NL A1W 3A6

Telephone: (709) 834-6159
Fax: (709) 834-6178
Email: LeeAnnMontgomery@gov.nl.ca