



ommissioner of Lobbyists

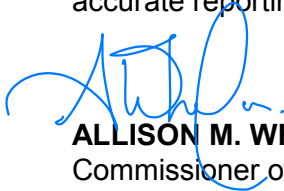
Annual Report 2020-21

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 2020-21 Annual Report of the Office of the Commissioner of Lobbyists. This report demonstrates the progress that has been made for the period of April 1, 2020 to March 31, 2021, which is the first year of the 2020-23 Activity Plan.

I was appointed Commissioner of Lobbyists effective January 14, 2021, replacing LeeAnn Montgomery, who had served in the position since 2005.

As the Commissioner of Lobbyists, I am accountable for the preparation of this Annual Report and the results reported within. My signature below affirms my commitment to openness and accurate reporting.



ALLISON M. WHELAN
Commissioner of Lobbyists

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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, Digital Government and Service NL (DGSNL). 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 2020-21, there were 56 new lobbyist registrations. Of these, 35 were consultant lobbyists and 21 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** (the 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 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:

Allison M. Whelan 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 56 new lobbyist registrations between April 1, 2020 and March 31, 2021. Of these, 35 were by consultant lobbyists and 21 by organizations with in-house lobbyists. There have been 471 lobbyist registrations since the Act came into force in 2005: 215 consultant lobbyists and 256 organizations with in-house lobbyists.

Active Registrations: 248 registrations are active and ongoing - 124 by consultant lobbyists and 124 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, 2021, 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 was one alleged violation reported and investigated.
Reports prepared for each alleged violation	There was one report prepared regarding the alleged violation. The Commissioner determined that there was no violation of the Act or the Code of Conduct.

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 2020-21, the Commissioner responded to several informal inquiries.

Objective: By March 31, 2021, 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 and thus no investigations were needed.
Decisions rendered for each request	There were no requests for confidentiality orders and thus no decisions required.

Issue 3: Public Education and Awareness

Ensuring that the public is informed about the role of the Commissioner of Lobbyists is an important component of safeguarding accountability for registrants. The Commissioner often relies on members of the public to report alleged non-compliance with the **Lobbyist Registration Act** and/or the Code of Conduct. In order for this to happen, members of the public need to be made aware, where possible, of their rights and responsibilities under the Act.

Objective: By March 31, each year, the Commissioner of Lobbyists will have engaged in public education and awareness activities.

Indicators	Actual Results
Responded to inquiries from the public	There were no inquiries from public during 2020-21.
Provided information to the public	The COVID-19 pandemic affected plans to engage with the public through awareness and education activities. Public health guidelines promoted social distancing as a means to prevent the spread of the virus, this meant that in-person educational activities could not proceed as planned during the fiscal year. The Commissioner of Lobbyists will continue exploring ways to inform the public, including online means.

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 interviews with local media across all platforms.

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

To Reach Us

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