



# **ommissioner of Lobbyists**

**Annual Report 2021-22**

## 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 2021-22 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, 2021 to March 31, 2022, which is the second year of the 2020-23 Activity Plan.

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 2021-22, there were 58 new lobbyist registrations. Of these, 39 were consultant lobbyists and 19 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.

### Vision

An environment where lobbying of government entities can take place in an open and transparent manner.

### 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/CADOLInternet/Lobbyist/Menu.aspx>.

**Historical Total:** There were 58 new lobbyist registrations between April 1, 2021 and March 31, 2022. Of these, 39 were by consultant lobbyists and 19 by organizations with in-house lobbyists. There have been 530 lobbyist registrations since the Act came into force in 2005: 254 by consultant lobbyists and 276 by organizations with in-house lobbyists.

**Active Registrations:** 282 registrations are active and ongoing – 149 by consultant lobbyists and 133 by organizations with in-house lobbyists.

Over the last fiscal year, the Commissioner of Lobbyists has also responded to 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.

### Alternate Commissioner of Lobbyists

During 2021-22, the Lieutenant-Governor in Council appointed Ms. LeeAnn Montgomery to serve as an alternate Commissioner of Lobbyists to review two complaints for which the current Commissioner had a conflict of interest. Ms. Montgomery previously served as the Commissioner of Lobbyists and had the necessary skills and experience to conduct reviews.

## 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.” During 2021-22, the Lieutenant-Governor in Council appointed Ms. LeeAnn Montgomery to serve as an alternate Commissioner of Lobbyists to conduct reviews into two matters.

**Objective:** By March 31, 2022, the Commissioner of Lobbyists will have addressed all alleged violations of the **Lobbyist Registration Act** or Code of Conduct.

<b>Indicators</b>	<b>Actual Results</b>
All alleged violations investigated	There were two alleged violations reported and investigated.
Reports prepared for each alleged violation	There were two reports prepared regarding the alleged violation. The alternate Commissioner of Lobbyists was appointed to review both matters and determined 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.

**Objective:** By March 31, 2022, the Commissioner of Lobbyists will have addressed all requests for Confidentiality Orders.

<b>Indicators</b>	<b>Actual Results</b>
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 decision 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, 2022, 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 the public during 2021-22.
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 which meant that in-person educational activities could not proceed as planned during the fiscal year. The Commissioner of Lobbyists will continue to explore ways to inform the public.

## 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. It is notable that during 2021-22, the Office also included an alternate Commissioner of Lobbyists to hear two specific matters. The additional amounts in salaries are noted. 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:

<b>Approximate Budget Office of the Commissioner of Lobbyists</b>	
Salaries	\$ 42,115
Operating Costs	\$20,000
<b>Total</b>	<b>\$62,115</b>



## To Reach Us

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