

Tabled by Minister of Justice  
2007. 11. 05.  
WPK.

Commissioner of Lobbyists

Annual Report

October 2005 – December 2006

## MESSAGE FROM THE COMMISSIONER

Government depends on input from the people of Newfoundland and Labrador to develop programs that best serve the interests of the province. Free and open access to government is an important right and must not be impeded. However, government decision-makers and the public should have information on who is attempting to influence public policy decisions-- in other words, who is lobbying the government and about which activities. That is why on October 11, 2005, the government of Newfoundland and Labrador introduced the *Lobbyist Registration Act*. This *Act* defines appropriate lobbying activities and provides for the creation of a Registry of Lobbyists, which is governed by a Deputy Registrar.

In addition to implementing lobbying legislation, Newfoundland and Labrador is one of only two provinces that have established a Code of Conduct, whose compliance is overseen by a Commissioner of Lobbyists, who was appointed in October 2005.

The government recognizes that lobbying public office holders, when done correctly, is a legitimate activity. However, it also recognizes that checks and balances must be put in place, which do not impede free and open access to government but also ensure that all lobbying is transparent and accountable. The *Act* provides definitions and responsibilities of lobbyists and the Code of Conduct addresses appropriate behaviour for lobbyists. One of my responsibilities as Commissioner of Lobbyists is to ensure compliance with the Code.

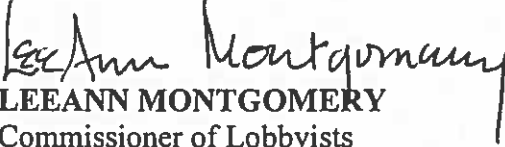
The government's commitment to upholding the standards of openness and accountability is demonstrated by the serious disciplinary measures imposed if the Commissioner determines that a lobbyist has gravely or repeatedly breached the obligations of the *Act*, or the regulations or the Code of Conduct. These measures include fines of \$25,000 to \$100,000 plus the confiscation of the proceeds of the lobbying, when those proceeds were improperly obtained.

On occasion, a lobbyist may feel that some of the information that she or he is required to provide is of a confidential nature. At the lobbyist's request, the Commissioner may grant a confidentiality order. This order would allow some of the information contained in the registration to be kept confidential if the disclosure of the information would seriously prejudice the economic or financial interest of the lobbyist's client. The Commissioner must carefully examine the reason for the request and determine if the request for confidentiality is valid.

As mentioned earlier, the government of Newfoundland and Labrador is committed to accountability and transparency in every aspect of its operation. Therefore, this past year saw the establishment of the Registry and the Office of the Commissioner of Lobbyists. Both the Deputy Registrar of Lobbyists and I have worked closely reviewing legislation in other Canadian jurisdictions. In order to educate the public about the *Act* we attended public information sessions in both St. John's and Corner Brook. At these sessions, members of the general public posed very practical questions regarding the actual effect of registration and whether or not they were required to register.

In addition, I traveled to Ottawa to meet with lawyers who both act as lobbyists and represent lobbyists; to Quebec City to meet with the Quebec Commissioner of Lobbyists and to Toronto for the first meeting of Commissioners and Registrars of Lobbyists. At these meetings, I gained first-hand knowledge of the problems that can arise as well as information on the approach other jurisdictions have taken in matters relating to the enforcement of the legislation.

As Commissioner of Lobbyists, I am accountable for the preparation of this report. The outcomes reported reflect government's strategic direction and my signature below reflect my accountability for the actual facts.

  
LEEANN MONTGOMERY  
Commissioner of Lobbyists

## **WHO WE ARE**

Commissioner of Lobbyists  
LeeAnn Montgomery

Deputy Registrar  
Dean Doyle

Administrative Support  
Lorraine Roche  
Gerry Peach

## **To Reach Us**

We can be reached by mail, email, telephone, or in person at

Office of the Commissioner of Lobbyist  
Suite E160 Bally Rou lace  
280 Torbay Road  
St. John's, NL  
A1A 3W8

Telephone: (709) 729-2918  
Fax: (709) 729-1302  
Email: [leeannmontgomery@gov.nl.ca](mailto:leeannmontgomery@gov.nl.ca)

## **CONFIDENTIALITY ORDER**

Although six individuals had indicated an intention to file a request for a Confidentiality Order, pursuant to section 18 of the *Act*, only one person did request such an order. This request was denied by my office due to a lack of supporting documentation.

## **ADMINISTRATIVE REVIEW PROCESS**

After much discussion with representatives of other jurisdictions, my office has implemented an Administrative Review Process. The Administrative Review Process is not a formal investigation. The purpose of the Administrative Review is to assemble, analyse, and verify factual evidence, in order to determine whether there are reasonable grounds to believe that a breach of the *Lobbyists Registration Act* or the Lobbyists' Code of Conduct has taken place, and whether a subsequent, formal investigation is required. All information gathered during the Administrative Review Process is managed in accordance with government information

management policies and laws. The Administrative Review Process is triggered either by receipt of a complaint or by self-initiation on the part of the Office of the Deputy Registrar of Lobbyists or the Office of the Commissioner of Lobbyists.

In November 2006 my Office received a complaint regarding the activities of the proponent of a second fibre optic link for the province. The issue was whether or not the proponent was required to register as lobbyists, pursuant to the *Lobbyists Registration Act*.

At my request, government employees and employees of the proponent provided me with detailed information regarding the meetings and contacts made respecting this matter. After a careful analysis of the facts, I determined that neither a "consultant" lobbyist nor an "in-house" lobbyist, as defined by the *Act*, had been employed by the proponent. Therefore, no disciplinary action was taken.

### **CHALLENGES FOR THE FUTURE**

There continues to be some uncertainty regarding who is required to register as a lobbyist. More public information sessions are necessary and will be held in the near future. In addition, concerns have been raised regarding the role of persons who report alleged inappropriate lobbying activity. This topic was discussed at the meeting of Commissioners in Toronto and is on the agenda for future discussion.

The Act has been in force one year and the Deputy Registrar and I will continue to review and assess its effectiveness with a view to making suggestions for any amendments we feel are appropriate.

### **FINANCIAL REPORT**

Salaries:	\$26,612.43
Operating Costs:	2,456.82
<b>TOTAL:</b>	<b>\$29,069.25</b>