

Commissioner of Lobbyists

Annual Report 2009-10



Message From the Commissioner

Lobbying is an honourable profession and good lobbyists can contribute to good government by aiding in the decision-making process. As Commissioner of Lobbyists, my main responsibility is to ensure that lobbying activities are conducted in a transparent and ethical manner and in a way that complies with the letter and spirit of the law.

The Registry of Lobbyists is the core instrument for recording the registration information of lobbyists. Citizens can turn to the Registry to gain access to lobbying activity.

It is important that all stakeholders – ministers, departments, agencies, lobbyists and citizens – understand the transparent nature of lobbying. Therefore, my Office has a Code of Conduct in place. We have produced a brochure on that Code, available to the general public, which puts forth the rationale for, and requirements of, approved activities of lobbyists.

Newfoundland and Labrador is still one of just two jurisdictions to have implemented a Code of Conduct. Therefore, in addition to educating people about lobbying, which is of great importance, I intend to use my powers as Commissioner to enforce the provisions of the *Lobbyist Registration Act* and Code with due diligence.

Finally, since accountability is the foundation on which our system of responsible government rests, my Office is committed to implementing and administering the *Act* in accordance with government's often-stated desire for increased transparency and integrity.

I am pleased to present this 2009-2010 Annual Report of the Office of the Commissioner of Lobbyists. This report covers the period of April 1, 2009 to March 31, 2010.

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



LEEANN MONTGOMERY
Commissioner of Lobbyists

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Who We Are

The Office of the Commissioner of Lobbyists is located at Suite E160 Bally Rou Place in the City of St. John's. Administrative support is shared between the Royal Newfoundland Constabulary Public Complaints Commission (RNC PCC) and the Office of the Commissioner of Lobbyists and is provided by a Manager (RNC PCC) and a Secretary.

During the fiscal year, there were 61 active lobbyists. Of these, 14 were consultant lobbyists and 47 were organizations with in-house lobbyists.

The Registrar and the Registry of Lobbyists are located at 59 Elizabeth Avenue, St. John's.

The Registry of Lobbyists is available for free viewing on the world-wide web at <https://cado.eservices.gov.nl.ca/Lobbyist/Menu.aspx>.

Commissioner of Lobbyists: LeeAnn Montgomery
Tel: (709)729-2918

Registrar: Dean Doyle
Tel: (709)729-4043

Administrative Support: Lorraine Roche
Gerry Peach

Vision

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

Mandate

The mandate of the Office of the Commissioner of Lobbyists is contained in the *Lobbyist Registration Act, Chapter L-24.1, SNL 2004*. The Commissioner of Lobbyists is responsible for the investigation of alleged violations of the *Act* or the Code of Conduct, denying or cancelling a lobbyist's registration where the *Act* or Code have 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.

Highlights of Accomplishments

Registrants

An online registry exists for registrants and there is no fee to avail of this service. The online registry can be found at <https://cado.eservices.gov.nl.ca/Lobbyist/Menu.aspx>. In 2009-10, all registered lobbyists used this service to complete the registration process.

Historical Total: There have been 121 lobbyists registrations – 38 by consultant lobbyists and 83 by organizations with in-house lobbyists.

Active Registrations: 61 registrations are active and ongoing - 14 by consultant lobbyists and 47 by organizations with in-house lobbyists.

Annual Meeting: September 2010, St. John's

In September 2010, Newfoundland and Labrador will host the annual meeting of Commissioners and Registrars of Lobbyists of Canada. Planning is well under way, with representatives from each province hoping to attend. In addition, a number of prestigious guest speakers have agreed to address our group. The meeting will also provide an opportunity to share best practices and to network with other jurisdictions.

Confidentiality Order

Section 18(1) of the *Lobbyist Registration Act* states:

At the request of a person who is required to register in the registry of lobbyists, the Commissioner of Lobbyists may order that some or all of the information contained in the return that is required to be filed for registration purposes be kept confidential if the information relates to an investment project of the client or enterprise concerned, the disclosure of which may seriously prejudice the economic or financial interest of the client or enterprise.

Each year, the Commissioner of Lobbyists receives several queries regarding the purpose of, and the guidelines under which, a Confidentiality Order would be issued. This past year, there were no formal requests for a Confidentiality Order.

Activities

Issue 1: Confidentiality Orders

As per section 18(1) of the *Lobbyist Registration Act*, a Confidentiality Order may be issued by the Commissioner of Lobbyists if a lobbyist feels some or all of the information contained in a registration may seriously prejudice his or her economic enterprise. Several general enquiries about the guidelines for issuing such an order were received by the Commissioner during the fiscal year, but no formal requests were made for confidential orders and so, no investigations were necessary.

In a small jurisdiction like ours, this is not uncommon. Today, lobbying is more necessary, wide spread and complicated and my office exists to ensure that it is more open, more professional and practiced with a greater degree of legal compliance.

Objective	
The Commissioner of Lobbyists will have responded to all requests for Confidentiality Orders.	
Measure	All requests for Confidentiality Orders responded to
Indicators	Actual Results
Investigations conducted for each request	There were no investigations conducted during the fiscal year, as no requests for Confidentiality Orders were received.
Confidentiality Orders issued for each request	There were no requests for such orders received and thus, no Confidentiality Orders issued.

As stated in the 2008-11 Activity Plan of the Commissioner of Lobbyists, the Commissioner of Lobbyists will report on this objective and indicators again in 2010-11.

Issue 2: Code of Conduct

Lobbying is a legitimate profession, performed for the most part by law-abiding, highly skilled professionals who help government arrive at better informed decisions. To ensure the public knows that lobbying is guided by openness, transparency, and accountability, Newfoundland Labrador has in place a Code of Conduct. (Quebec is the only other province to have such a code.) The Code helps curb abuses and affords the public a better understanding of the public policy process.

Each year, the Commissioner of Lobbyists undertakes a jurisdictional review, including the Codes of Conduct, which is carried out via telephone and email. There are several reasons why the Office carries out such a review. The *Lobbyist Registration Act* was passed recently (2005) and has not been tested too extensively. The review of the relevant legislation and the cases that have arisen from it in other parts of Canada may serve as a learning tool for us. Such a review gives the Commissioner an idea of the kinds of problems that have been encountered in other jurisdictions with regard to lobbying legislation, which in turn helps the Office prepare should those problems be encountered here. It highlights best practices that have been incorporated in other provinces over the past year, which may serve as a guide for Newfoundland and Labrador. Finally, by carrying out such a jurisdictional review, we come to know our provincial and federal counterparts, who often serve as valuable resource people.

Objective	
The Commissioner will have reviewed the Code of Conduct.	
Measure	Code of Conduct Reviewed
Indicators	Actual Results
Research completed on Codes of Conduct in other jurisdictions	<p>The Commissioner researched Codes of Conduct across Canada. It was determined that to date, Quebec and Newfoundland and Labrador remain the only two provinces to have implemented Codes of Conduct.</p> <p>The province of Alberta does not presently have a Code of Conduct but the Commissioner has indicated that he will be recommending that a Code be added through regulations when the <i>Act</i> comes up for review in Fall, 2011.</p> <p>The City of Toronto has also implemented a Code of Conduct for lobbyists.</p>

	Finally, the Government of Canada has a Code of Conduct for lobbyists.
Consultations with other jurisdictions completed	The Commissioner contacted all the Commissioners of Lobbyists in other provinces across Canada to discuss the content of the Code.

As stated in the 2008-11 Activity Plan of the Commissioner of Lobbyists, the Commissioner of Lobbyists will report on this objective and indicators again in 2010-11.

Opportunities and Challenges Ahead

Lobbying is not a perfect science. There is room for improvement, especially concerning the public perception that the profession is less than honourable. The public must be kept informed of the role of the Office of the Commissioner of Lobbyists, a role that contributes to transparency and accountability. Private citizens must understand the importance of their role in reporting suspected non-compliance with the *Act*. They must be encouraged to believe that lobbying can lead to improved and politically acceptable government decisions.

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 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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