

C ommissioner of Lobbyists

Annual Report 2011-12

Message From the Commissioner

In 2005, the Government of Newfoundland and Labrador passed the *Lobbyist Registration Act*, which outlines the regulations that govern lobbying in the province. Any communicating with a public office holder, for pay or other benefits in an attempt to influence public policy or program decisions, constitutes lobbying.

Transparency in government decision making has improved markedly by requiring lobbyists to register all their activities. In my position as Commissioner of Lobbyists, I must ensure that lobbying activities are carried out in an ethical manner that complies with the spirit of the law. These activities must be seen by all stakeholders to comply with the regulations set out in the *Act*.

As well, the Province has in place a Code of Conduct, which details very clearly the penalties for those lobbyists who do not adhere to the *Act*. Part of my mandate as Commissioner is to investigate any such irregularities. The requirements and approved activities of lobbyists are set out in a brochure that my office has produced; it is available to the general public as well as any other stakeholders.

We also have a Registry of Lobbyists, which is the key instrument for recording the registration of, and information on, lobbyists. It is through the Registry that the general public can access information regarding who is carrying out lobbying activities with public office holders, and again, the existence of the Registry highlights the spirit of accountability.

My office also keeps abreast of the legislation in other jurisdictions. Our annual meeting of Commissioners and Registrars of Lobbyists took place in September 2011 in Ottawa; it is always a forum for sharing ideas and discussing common problems.

In the future, in addition to enforcing the *Act* and the Code, I will continue to make the public aware of the legislation and encourage citizens to report any perceived wrong-doing. As mentioned before, transparency and accountability are key components of good government and all stakeholders, including elected officials, public servants, agencies, lobbyists and citizens must be assured of this.

I am pleased to present this 2011-2012 Annual report of the Office of the Commissioner of Lobbyists. This report covers the period of April 1, 2011 to March 31, 2012.

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



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 among the Royal Newfoundland Constabulary Public Complaints Commission (RNCPC), the Criminal Code Mental Disorder Review Board and the Office of the Commissioner of Lobbyists and is provided by a manager (RNCPC) and a secretary.

During the fiscal year, there were 72 active lobbyists. Of these, 17 were consultant lobbyists and 55 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, whereas an "in-house" lobbyist is employed by the organization to lobby on its behalf. Section 6(1)(b) of the *Lobbyist Registration Act* states:

(b) "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; and

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 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>.

Historical Total:

There have been 154 lobbyists' registrations – 42 by consultant lobbyists and 112 by organizations with in-house lobbyists.

Active Registrations:

72 registrations are active and ongoing - 17 by consultant lobbyists and 55 by organizations with in-house lobbyists.

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: 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. Section 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”.

The focus of the Commissioner of Lobbyists is consistent over three years of the plan.

Each year the Commissioner will report on the results of the 2011-12, 2012-13 and 2013-14 objectives.

Objective	
The Commissioner of Lobbyists will have addressed all alleged violations of the <i>Lobbyist Registration Act</i> or code of conduct.	
Measure	All alleged violations addressed
Indicators	Actual Results
All alleged violations investigated	There were no alleged violations reported and thus there was no need for an investigation.
Reports prepared for each alleged violation	There were no alleged violations and thus no need for the preparation of a report.

Issue 2: Confidentiality Orders

Pursuant to section 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 not uncommon to receive no formal requests for Confidentiality Orders. However, this does not diminish the important function the office serves. Today, lobbying is more necessary, wide spread and complicated and it requires oversight to ensure that it is open, professional and practiced within legislative requirements.

The focus of the Commissioner of Lobbyists is consistent over three years of the plan. Each year the Commissioner will report on the results of the 2011-12, 2012-13 and 2013-14 objectives.

Objective	
The Commissioner of Lobbyists will have addressed all requests for Confidentiality Orders.	
Measure	All requests for Confidentiality Orders addressed
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.

Opportunities and Challenges Ahead

The Office of the Commissioner of Lobbyists plays an important role in assuring the public that any infractions of the *Lobbyist Registration Act* or the code of conduct are investigated and that wrong-doers are penalized. The Commissioner must be vigilant in keeping the public informed of her role and must encourage citizens to report any alleged non-compliance with the *Act* and/or the code. By becoming part of the process, the general public may be reassured that transparency and accountability remain key elements in any lobbying activity.

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

Office of the Commissioner of Lobbyists

Suite E160 Bally Rou Place

370 Torbay Road

St. John's, NL

A1A 3W8

Telephone: (709) 729-2918

Fax: (709) 729-1302

Email: LeeAnnMontgomery@gov.nl.ca

