

# C ommissioner of Lobbyists

**Annual Report 2012-13**

# Message From the Commissioner

On October 11, 2005, the Government of Newfoundland and Labrador introduced the *Lobbyists Registration Act*, which defines appropriate lobbying activities and provided for the creation of a Registry of Lobbyists, governed by a Registrar. It also created the Office of the Commissioner of Lobbyists.

The government took this important step for a number of reasons. First, government recognizes that lobbying is a necessary and legitimate activity. Lobbyists can act as informal advisors and guides to often very complex information and thus can help in formulating policy-making decisions.

At the same time, government recognizes that the public has the right to know who is doing the lobbying and whom is being lobbied. It is important that all stakeholders—ministers, departments, agencies, lobbyists and citizens—understand the transparent nature of lobbying and know that all lobbying activities are carried out in a legitimate manner.

This is why Newfoundland and Labrador also has a Code of Conduct in place that puts forth the rationale for, and approved activities of, lobbyists. 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 breached the *Act* or the Code.

I am pleased to present the 2012-13 Annual Report of the Office of the Commissioner of Lobbyists. This report covers the period of April 1, 2012 to March 31, 2013.

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 689 Topsail Road 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 77 active lobbyists. Of these, 19 were consultant lobbyists and 58 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.*

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>.

<b>Commissioner of Lobbyists:</b>	LeeAnn Montgomery Tel: (709)729-2918
<b>Registrar:</b>	Dean Doyle Tel: (709)729-4043
<b>Administrative Support:</b>	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 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.

# 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 175 lobbyist registrations – 49 by consultant lobbyists and 126 by organizations with in-house lobbyists.

### Active Registrations:

77 registrations are active and ongoing - 19 by consultant lobbyists and 58 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 remains consistent over three years of the plan. Given this, the Commissioner will report on the results of the following objective again in 2013-14.

<b>Objective</b>	
<b>The Commissioner of Lobbyists will have addressed all alleged violations of the <i>Lobbyist Registration Act</i> or code of conduct.</b>	
<b>Measure</b>	All alleged violations addressed
<b>Indicators</b>	<b>Actual Results</b>
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 remains consistent over three years of the plan. Given this, the Commissioner will report on the results of the following objective again in 2013-14.

Objective	
<b>The Commissioner of Lobbyists will have addressed all requests for Confidentiality Orders.</b>	
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

Ensuring 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, 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.



# 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 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
<b>Total</b>	<b>\$45,000</b>

# To Reach Us

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