

Commissioner of Lobbyists

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Annual Report 2008-09



Message From the Commissioner

Lobbying is a legitimate activity, necessary to modern government and decision-making processes. As Commissioner of Lobbyists, my principal responsibility is to provide assurance that lobbying activities are conducted in a way that is both transparent and ethical. The Registry of Lobbyists is the core instrument for recording the registration information of lobbyists. This Registry gives citizens easy access to information regarding lobbying activity and helps assure them that bribery and other corrupt practices will not be tolerated. Just as important, policy makers, who have complex information showered on them, can regulate, with the lobbyists' help, the flow of that information.

The Commissioner of Lobbyists also has a mandate to provide ministers, departments and agencies, lobbyists and citizens with a better understanding of lobbying and transparency. To that end, my Office has produced a brochure on the Code of Conduct which puts forth the rationale for, and the requirements of, approved activities of lobbyists.

In addition, although educating people is important, violators of the *Lobbyist Registration Act* and of the Code of Conduct must be dealt with vigorously. Newfoundland and Labrador is still one of only two provincial jurisdictions to have implemented a Code of Conduct and I intend to continue to use my powers as Commissioner to enforce the provisions of the Act and the Code with due diligence.

Finally, accountability is the foundation on which Canada's system of responsible government rests. The Office of the Commissioner of Lobbyists is committed to implementing and administering the *Lobbyist Registration Act* in accordance with government's desire for increased transparency and integrity.

I am pleased to present this 2008-2009 Annual Report of the Office of the Commissioner of Lobbyists. This report covers the period of April 1, 2008 to March 31, 2009.

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, 18 were consultant lobbyists and 43 were organizations with in-house lobbyists.

The Deputy Registrar and the Registry of Lobbyists are located at the Confederation Building, East Block, Ground Floor, 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

Deputy Registrar

Dean Doyle

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

Legislative Amendment

The *Lobbyist Registration Act* was amended effective January 1, 2009. This amendment broadened the definition of public officer holder to include the City of St. John's. Public office holders are members of council, an officer, director or employee of the city, or a member of the board of a city-controlled entity and the chief executive officer, officers, directors and employees of that entity. Consultants or in-house lobbyists who lobby the city or its controlled entities must now register with the Registry of Lobbyists.

Public Information

In an effort to ensure the general public and lobbyists, in particular, are aware of their responsibilities pursuant to the *Lobbyist Registration Act*, the Commissioner of Lobbyists developed an information brochure. The brochure outlines specific information regarding the object of the Code and the duties and obligations of lobbyists, as well as the information regarding the potential for a conflict of interest. The brochure will be distributed to all persons when they register as lobbyists as well as to all current lobbyists. This brochure will also be available on the Commissioner of Lobbyists website.

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 2008-09, all registered lobbyists used this service to complete the registration process.

Historical Total:

There have been 104 lobbyist registrations – 37 by consultant lobbyists and 67 by organizations with in-house lobbyists.

Active Registrations:

61 registrations are active and ongoing - 18 by consultant lobbyists and 43 by organizations with in-house lobbyists.

Confidentiality Order

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

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. The Commissioner of Lobbyists received several general inquiries during the fiscal year for information about the requirements for registration as lobbyists, and the guidelines under which a confidentiality order would be granted. There were no formal requests for a confidentiality order and so no investigations were required. In a jurisdiction this size, it would not be uncommon to have no formal requests for a confidentiality order in a given year. This Office exists to ensure there is an appropriate avenue for individuals who require such orders and to keep a watchful eye on lobbyist activities to ensure transparency and accountability in the lobbying process.

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 2009-10 and 2010-11.

Issue 2: Code of Conduct

Newfoundland and Labrador is one of only two provincial jurisdictions to have a Code of Conduct (Quebec being the other). The purpose of the Code of Conduct is to ensure that the public knows that lobbying must be guided by the highest principles of openness, transparency and accountability. The Code of Conduct helps maintain public confidence in the ethical nature and open-mindedness of government decision making. The Code of Conduct will be reviewed annually to ensure that it is still reflective of the needs of lobbyists in outlining the strict measures to which they must adhere, in order to maintain public confidence.

During the fiscal year, the Commissioner of Lobbyists reviewed the Newfoundland and Labrador Code of Conduct, which was in place prior to the Commissioner being appointed to this role. The Commissioner also reviewed the Quebec Code of Conduct and held discussions with the Commissioner of Lobbyists for Quebec about their experience with the Code they have established. Additionally, the Commissioner contacted other jurisdictions across Canada regarding the possible establishment of Codes of Conduct in their respective jurisdictions. It was found that two other jurisdictions are considering establishing a Code of Conduct. They also recognize the value of providing additional information and guidance to what already exists in legislation.

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	The Commissioner researched Codes of Conduct across Canada. It was determined that Quebec and Newfoundland and Labrador remain the only two provinces to have implemented Codes of Conduct. An additional two provinces are considering the implementation of Codes. It was also determined that the city of Toronto now has a Commissioner of Lobbyists appointed and it is considering the implementation of a Code of Conduct.
Consultations with other jurisdictions completed	The Commissioner contacted all the Commissioners of Lobbyists in other provinces across Canada to discuss what the content of the Code should include.

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 2009-10 and 2010-11.

Opportunities and Challenges Ahead

In 2010, this Province will host the Annual Convention of Commissioners and Registrars of Lobbyists of Canada. The purpose of the annual convention is to share best practices in carrying out the responsibilities of Commissioners and Registrars. It will provide an opportunity for all to network with other jurisdictions and to share information with government officials.

An ongoing challenge will be to keep the public informed of the role to the Office of the Commissioner of Lobbyists in an environment where citizens are becoming disillusioned due to the actions of some public officials. This Office plays an important role in contributing to transparency and accountability in government decision-making and it is essential that private citizens understand the importance of their role in reporting suspected non-compliance with the Act.

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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