Commissioner of Lobbyists

Annual Report

April 1, 2007 – March 31, 2008

(Plus January1, 2007 – March 31, 2007)

MESSAGE FROM THE COMMISSIONER

In October 2005, the Government of Newfoundland and Labrador introduced the *Lobbyist Registration Act,* which defines appropriate lobbying registration and activity. It also provided for the creation of a Registry of Lobbyists, which is governed by a Deputy Registrar. In addition, the province is one of only two jurisdictions to have implemented a Code of Conduct, the compliance with which is overseen by the Commissioner of Lobbyists.

Why was such legislation necessary? It is because government recognizes that lobbying is a necessary and legitimate adjunct to modern government and its decision-making processes, but because these decision-making processes are often very complicated, these businesses need informed advisors –lobbyists—to act as advised and informed guides.

It is legitimate for parties to pay third parties to lobby. But just as important, the public has the right to know lobbying is carried out in a legitimate manner; in other words, that bribery and other corrupt practices will not be tolerated. The public relies on the fact that government works for them and is not the private domain of those who can afford to pay for lobbying. From government's point of view, policy makers are often overwhelmed by the variety and complexity of the information showered on them, and seek to regulate, through the lobbyists' help, the flow of that information.

In conclusion, lobbying is both necessary and legitimate. It aides in the creation of a free and open government – one that does not give the perception that a third party considers the government a private domain for its lobbying activities. Checks and balances must be put in place to ensure and promote the practice and perception that all lobbying is accountable and accessible.

This annual report covers the past fiscal year plus the preceding three months of the calendar year. This was necessary to begin reporting on a fiscal year basis as opposed to the calendar year.

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

LeeAnn Montgomery

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.

There are 88 lobbyists registered. Of these, 28 are now inactive or terminated. The remaining 60 active lobbyists comprise 19 consultants and 41 organizations with in-house lobbyists. In all, there are 140 individuals lobbying the Government of Newfoundland and Labrador.

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 investigation 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 Cod of Conduct.

STATISTICS/HIGHLIGHTS OF ACCOMPLISHMENTS

Registrants

Historical Total

There have been 88 lobbyists registrations – 32 by consultant lobbyists and 56 by organizations with in-house lobbyists.

Active Registrations:

Sixty registrations are active and ongoing - 19 by consultant lobbyists and 41 by organizations with in-house lobbyists

There are approximately 140 individuals listed as lobbying from these active registrations.

Inactive Registrations:

Twenty-eight registrations are inactive. They have been marked as completed or terminated – 13 consultant lobbyists and 15 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.*

Although my office received several queries regarding the purpose of, and the guidelines under which a Confidential Order would be issued, there was no formal request for the issuance of such an Order.

ACTIVITIES

Issue 1: Public Knowledge

The initial publicity efforts surrounding the proclamation of the Act in October 2005 were accompanied by information sessions held in St. John's and Corner Brook. These sessions served to answer questions concerning who is required to register as a lobbyist. Given that there is turnover in those who engage in lobbying and the nature of issues on which to lobby is ever changing, there is a need to ensure that information on the *Act* and *Code* are communicated regularly to the public. The Commissioner of Lobbyists is available upon request to provide such information.

Goal 1: By the end of fiscal year 2007/08, the Commissioner of Lobbyists will have conducted regional information sessions for the public about the *Lobbyists Registration Act* and the role of the Commissioner of Lobbyists.

Measure Information sessions

Indicators Number and location of information sessions
Number in attendance at information sessions

Results

During the 2007-08 fiscal year, the Commissioner of Lobbyists did not deliver any regional information sessions, as none were requested. The Commissioner contacted Cable 9 and offered to appear to provide general information to the public province-wide, however, there were no opportunities available in the schedule at that time. While information sessions were not held, the Commissioner did provide information through other means. The Commissioner of Lobbyists has a website that is accessible year round at http://www.gs.gov.nl.ca/cca/cr/lobby-commissioner.stm . General telephone inquires are answered on an ongoing, daily basis. Additionally, other jurisdictions call to inquire about the office structure and activities. In particular, during this reporting period, the province of Alberta established a registry and Commissioner of Lobbyists Office. In establishing this office, the Commissioner of Lobbyists in this province was contacted to share information about the structure and activities of its office. The Commissioner of Lobbyists is also open to invitations to present and share information on its mandate and role.

Issue 2: Administrative Review Process

Prior to initiating a formal investigation, the Commissioner of Lobbyists assembles all relevant factual evidence for analysis and to determine whether there are reasonable grounds to proceed. This process is known as an Administrative Review.

Goal 2: By the end of fiscal year 2007/08, the Commissioner of Lobbyists will have created an Administrative Review Procedure.

Measure	Procedure document
Indicators	**Results**
Research existing provincial and Canadian legislation	• Provincial and Canadian legislation was researched. In particular, provinces of Quebec and Ontario were used as models in the development of a Administrative Review Procedure for Newfoundland and Labrador.
Author Administrative Review Procedure	• An Administrative Review Procedure document was authored and finalized by December 31, 2007.

OPPORTUNITIES AND CHALLENGES FOR THE FUTURE

Nationally, there continues to be concern regarding the role of persons who report alleged inappropriate lobbying activity. It is important to ensure that these people – so called "whistle blowers" are protected under the law and are not inhibited by possible recriminations. This provides an opportunity to develop and implement measures that appropriately protect these individuals. This topic was discussed at the meeting of Commissioners in Vancouver and is on the agenda again for the next meeting which will take place in September 2008.

An ongoing challenge will be to continually review and assess the effectiveness of the relatively new *Lobbyist Registration Act*. However, doing this will provide an opportunity to continually improve the service provided by the Office of the Commissioner of Lobbyists. This will enhance the accountability to the public we serve.

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:

Salaries:	$25,000.00
Operating Costs:	20,000.00
TOTAL:	**$45,000.00**

To Reach Us

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