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LOBBYISTS

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ACT

ANNUAL REPORT
for the year ended March 31, 1994

Canada

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Industry Canada

Industrie Canada

Lobbyists Registration
Branch

Direction de l'enregistrement
des lobbyistes

Place du Portage
Tower II, 4th floor
165 Hôtel-de-Ville Street
Hull, Québec
K1A 0C9

Place du Portage
Tour II, 4ième étage
165, rue Hôtel-de-Ville
Hull (Québec)
K1A 0C9

June 30, 1994

Registrar General of Canada
Confederation Building
Ottawa, Ontario
K1A 0A6

Dear Sir:

I have the honour to present to you the fifth Annual Report on the administration of the *Lobbyists Registration Act* in accordance with the provisions of subsection 11(1) of the Act. The report covers the fiscal year ending March 31, 1994.

Yours sincerely,

Corinne MacLaurin
Registrar




TABLE OF CONTENTS

1.	PURPOSE AND DESCRIPTION OF THE ACT	5
2.	REVIEW BY PARLIAMENT	6
3.	REGISTRY ACTIVITY	6
4.	STATISTICAL REVIEW	7
5.	COMPLIANCE	12
6.	INFORMATION REQUESTS	12

This is the fifth Annual Report on the administration of the *Lobbyists Registration Act* (R.S.C. 1985, c. 44 (4th Supp.)). This report covers the period from April 1, 1993 to March 31, 1994.

1. PURPOSE AND DESCRIPTION OF THE ACT

The purpose of the *Lobbyists Registration Act*, as stated in its preamble, is to bring transparency to the activities of paid lobbyists without impeding access to government. The Act accomplishes this purpose by requiring that individuals who, for pay, engage in certain lobbying activities, register so that the public, as well as those holding public office, can be aware of who is lobbying, and on whose behalf.

The Act distinguishes between two types of lobbyists: Tier I and Tier II. A Tier I lobbyist is an individual who, for payment and on behalf of a client, undertakes to arrange a meeting with a public office holder or to communicate with a public office holder in an attempt to influence the development, making or amendment of any federal law, regulation, policy or program or the award of any federal monetary grant or the award of any federal contract. "Public officer holder" means any officer or employee of Her Majesty in right of Canada and includes virtually everyone occupying a position in the federal government.

Tier I lobbyists (sometimes referred to as "professional lobbyists") must file one registration for each of their undertakings to lobby on behalf of a client. These lobbyists are required to disclose their clients, and, if the client is a corporation, the parents and subsidiaries of that corporation. They are also required to disclose the subject-matter of their undertaking. Tier I lobbyists must register within 10 days of commencing their lobbying activity.

A Tier II lobbyist is an individual who, on behalf of an employer and as a significant part of his or her duties, communicates with a public office holder in an attempt to influence the same type of activities as apply to Tier I lobbyists, except the awarding of contracts.

Tier II lobbyists (sometimes referred to as "employee lobbyists") are required to register annually, providing their name and the name and address of their employer. These lobbyists must register within two months of assuming their duties and must renew their registration before the end of February each year.

The *Lobbyists Registration Regulations* set out the manner and form of the returns to be filed and the applicable fees for services provided by the Registry of Lobbyists.

The *Budget Implementation (fiscal measures) Act* 1992 received Royal Assent on April 2, 1993. It amends the *Lobbyists Registration Act* to give the authority to charge lobbyists fees for registration. The process of establishing actual fee schedules has been deferred.

2. REVIEW BY PARLIAMENT

The *Lobbyists Registration Act* came into effect on September 30, 1989. There is a provision after three years for a comprehensive review of the administration and operation of the Act by a parliamentary committee. The review process was completed when the House of Commons Standing Committee on Consumer and Corporate Affairs and Government Operations tabled its report to Parliament on June 1, 1993.

Entitled *A Blueprint for transparency: review of the Lobbyists Registration Act*, the report makes recommendations for more timely and comprehensive information on the activities of paid lobbyists, as well as changes to strengthen enforcement.

In November and December, 1993 under the direction of the Minister, departmental officials held extensive consultations with a large number of individuals and organizations that would be affected by changes. These included broad-based business associations, sectoral trade associations, individual companies, organized labour, and social action groups, including charitable organizations. The consultations were held to determine how best to implement the recommendations of the Standing Committee report.

The January 18, 1994 Speech from the Throne announced that "legislation will be placed before [Parliament] to increase the transparency of the relations between lobbyists and the Government".

3. REGISTRY ACTIVITY

Responsibility for the administration of the Act is assigned to a registrar who is appointed by the Registrar General of Canada and who is required to establish and maintain a public Registry of Lobbyists. The Registry is located at the Lobbyists Registration Branch of the Office of the Assistant Deputy Registrar General within Industry Canada.

In 1993-94, the Lobbyists Registration Branch was allocated four person-years. One additional part-time person was required to provide service and to maintain a consistent approach to the interpretation of the legislation. The Branch expenditures were \$396,500, including salaries and operating costs.

The Branch provides advice to potential lobbyists, public office holders, and the general public with respect to filing requirements under the Act and the Regulations. It also disseminates information by a variety of other means, including distributing information packages, corresponding with potential lobbyists, providing interviews to the media, and giving presentations to professional associations and federal government officials.

Branch staff review the returns submitted for registration. Information is checked for completeness, and inconsistencies or obvious omissions are communicated to the lobbyist for correction or for supplementary information.

The Registry is computerized and reports by registrant, employer or client name can be produced from the database. Branch staff assist members of the general public and public office holders to obtain information from this Registry.

4. STATISTICAL REVIEW

Registrations

In 1993-94, a total of 6 236 registrations were processed. Table 1 provides data on the number of new returns processed. Amendments include changes to existing returns as well as notifications of termination of lobbying activity.

The number of registrations and lobbyists represent the total active population on March 31. At the end of the 1993-94 fiscal year, there were 944 active Tier I lobbyists registered, an increase of 12% over the previous year. There were 1 815 Tier II lobbyists, a decrease of 4%.

Table 1: Registration Information

		1992-1993	1993-1994
Registrations Processed between April 1 and March 31	Tier I	1 341	1 234
	Tier II	2 166	2 016
	Amendments	3 488	2 986
		<u>6 995</u>	<u>6 236</u>
Registrations Active on March 31	Tier I	3 728	3 421
	Tier II	1 974	1 880
		<u>5 702</u>	<u>5 301</u>
Lobbyists Active on March 31	Tier I	832	944
	Tier II	1 898	1 815
		<u>2 730</u>	<u>2 759</u>

Subject-Matter of Tier I Lobbying Undertakings

Tier I lobbyists are required to disclose the subject-matters of their lobbying undertakings from a pre-selected listing of 52 subjects. Table 2 lists, by descending order of frequency, the subject areas lobbied.

Table 2: Ranking of Subject-Matter

SUBJECT-MATTER	1992-1993	1993-1994
	RANK	RANK
Industry	2	1
International Trade	1	2
Regional Economic Development	3	3
Government Procurement	4	4
Taxation	8	5
Science and Technology	5	6
Corporate Affairs	6	7



Table 2: (continued)

SUBJECT-MATTER	1992-1993	1993-1994
	RANK	RANK
Investment	7	8
Environment	10	9
Consumer Issues	9	10
Transportation	12	11
Health	11	12
Foreign Affairs	14	13
Intellectual Property	13	14
Fiscal and Monetary Policy	16	15
Federal-Provincial Relations	15	16
Energy	18	17
Communications	17	18
Defence	19	19
Employment	22	20
Public Works	21	21
Financial Institutions	23	22
Natural Resources	24	23
Administration of Justice	20	24
Aboriginal Affairs	31	25
Privatization	26	26
Small Business	28	27
International Development	27	28
Social Policy	25	29
Agriculture	29	30

Table 2: (continued)

SUBJECT-MATTER	1992-1993 RANK	1993-1994 RANK
Labour	30	31
Fisheries and Oceans	32	32
Arts and Culture	36	33
Public Safety	33	34
Tourism	34	35
Forestry	35	36
Postal Services	39	37
Immigration	37	38
Mining	38	39
Housing	41	40
Senior Citizen Issues	43	41
Post-Secondary Education	44	42
Other (not listed elsewhere)	45	43
Youth Issues	40	44
Women's Issues	42	45
Parole and Penitentiaries	51	46
Amateur Sports	48	47
Criminal Law	46	48
Veterans Affairs	47	49
Human Rights	52	50
Citizenship	50	51
Multiculturalism	49	52

Types of Tier I Lobbying Activities

Tier I lobbyists are also required to disclose the object of their lobbying activity. Seven types of activity are identified on the registration form. Table 3 lists, by descending frequency, the type of lobbying activities identified in registrations filed.

Table 3: Ranking of Lobbying Activities

TYPE OF ACTIVITY	1992-1993 RANK	1993-1994 RANK
Arranging a meeting with a public office holder	2	1
Communicating with a public office holder in an attempt to influence the development of a policy or program of the Government of Canada	1	2
Communicating with a public office holder in an attempt to influence the awarding of any contract by or on behalf of Her Majesty in right of Canada	4	3
Communicating with a public office holder in an attempt to influence the awarding of any monetary grant or contribution or any other financial benefit by or on behalf of Her Majesty in right of Canada	6	4
Communicating with a public office holder in an attempt to influence the making or amending of any regulation within the meaning of the <i>Statutory Instruments Act</i>	3	5
Communicating with a public office holder in an attempt to influence the development of a legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons	5	6
Communicating with a public office holder in an attempt to influence the introduction, passage, defeat or amendment of any Bill or resolution before either House of Parliament	7	7



5. COMPLIANCE

Investigation and enforcement under the Act is the responsibility of the Royal Canadian Mounted Police. Potential lobbyists are informed of the registration requirements of the Act through information campaigns, speeches, the issuance of guidelines and information kits, and the provision of advice. When incomplete registration returns are filed, the Lobbyists Registration Branch requests lobbyists to correct the observed deficiencies.

During the year, one case for alleged failure to register was reviewed, but did not proceed because the statutory period for action had elapsed prior to information concerning the alleged noncompliance becoming known.

6. INFORMATION REQUESTS

In 1993-94, 1 316 telephone calls for information on the legislation, as well as on registered lobbyists and their clients, were received from public office holders, the media, and members of the general public. Staff produced 507 reports from the Registry's database.

The Registry is open to the public Monday to Friday, except holidays, between 8:30 a.m. and 4:30 p.m.

For further information, contact:

Lobbyists Registration Branch
Industry Canada

General:	(819) 953-7144
Legislative Enquiries:	(819) 953-7145
Lobbyists Registry Information:	(819) 953-9246
FAX:	(819) 953-9247