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**IC** LOBBYISTS REGISTRATION ACT

# Annual Report

FOR THE YEAR ENDED  
MARCH 31, 2000

Canada

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June 30, 2000

The Honourable John Manley, P.C., M.P.  
Registrar General of Canada  
House of Commons  
Confederation Building  
Ottawa ON K1A 0A6

Dear Sir:

I have the honour to present to you the eleventh Annual Report by the Registrar on the administration of the information disclosure and public registry provisions of the *Lobbyists Registration Act* (R.S.C. 1985, c.44 (4<sup>th</sup> supp.) as amended by S.C. 1995, c.12). This report is presented in accordance with the provisions of subsection 11(1) of the Act. The report covers the fiscal year ending March 31, 2000.

Yours sincerely,

Diane Champagne-Paul  
Registrar

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This is the eleventh Annual Report by the Registrar on the administration of the information disclosure and public registry provisions of the *Lobbyists Registration Act* (R.S.C. 1985, c.44 (4th supp.) as amended by S.C. 1995, c.12). This report covers the period from April 1, 1999, to March 31, 2000.

## **Purpose and Description of the Act**

Major amendments to the *Lobbyists Registration Act* and the *Lobbyists Registration Regulations* came into force on January 31, 1996, and require lobbyists to disclose more comprehensive information about their activities.

The Act provides for the public registration of those individuals who are paid to communicate with federal public office holders in attempts to influence government decisions, i.e., lobby. Public office holders are virtually all persons occupying an elected or appointed position in the federal government, including members of the House of Commons and the Senate and their staff, officers and employees of federal departments and agencies, members of the Canadian Armed Forces and the Royal Canadian Mounted Police (RCMP).

Four basic principles are set out in the preamble to the Act:

- free and open access to government is an important matter of public interest;
- lobbying public office holders is a legitimate activity;
- it is desirable that public office holders and the general public be able to know who is attempting to influence government; and
- the system for the registration of paid lobbyists should not impede free and open access to government.

Lobbying, or the activity that is subject to the requirements for registration as a lobbyist, is communicating with federal public office holders, whether formally or informally, in attempts to influence:

- the making, developing or amending of federal legislative proposals, bills or resolutions, regulations, policies or programs;
- the awarding of federal grants, contributions or other financial benefits.

The Act provides for three categories of lobbyists.

Consultant lobbyists are individuals who, for payment, lobby on behalf of a client. Consultant lobbyists are also required to register if they undertake to arrange a meeting between their client and a public office holder, and if they lobby for the awarding of a federal contract. Consultant lobbyists may include government relations consultants, lawyers, accountants or other professional advisors who provide lobbying services for their clients.

In-house lobbyists (corporate) are employees of corporations that carry on commercial activities for financial gain who lobby as a significant part of their duties. These employees of a company are usually full-time officers who devote a significant part of their duties to public affairs or government relations work.

For non-profit organizations such as associations, the senior paid officer must register as an in-house lobbyist (organizations) when one or more employees lobby federal public office holders and where the accumulated lobbying activity of all such employees would constitute a significant part of the duties of one employee.

Specifically excluded from the registration requirements are public proceedings before parliamentary committees or other federal bodies; submissions to a public office holder with respect to the enforcement, interpretation or application of a federal law or regulation by that official; and submissions in direct response to written requests from a public office holder for advice or comment.

All lobbyists are required to disclose certain information within time limits specified in the Act. The information includes the name of the client, corporate or organizational employer; the names of the parent or subsidiary companies that would benefit from the lobbying activity; the organizational members of coalition groups; the specific subject matters lobbied; the names of the federal departments or agencies contacted; the source and amount of any government funding received; and the communication techniques used, such as grass-roots lobbying. Corporations and organizations must also provide a general description of their business or activities.

The *Lobbyists Registration Regulations* set out the detailed forms that lobbyists must complete and file. Lobbyists may complete and file these registration forms electronically, free of charge. The fee schedule for processing of forms submitted in paper format was published in the *Canada Gazette* Part I, December 16, 1995.

Registration under the Act is the responsibility of the individual lobbyist. The Act provides severe penalties for those who fail to register or who submit false or misleading information in their registration forms. Enforcement is the responsibility of the RCMP, and the limitation period for such proceedings is two years.

During the year, one case of alleged lobbying without registration was referred to the RCMP for investigation. This investigation is still ongoing.

Separately, the Act also provides for a mandatory code of conduct for lobbyists, and the submission of an Annual Report on this code. The *Lobbyists' Code of Conduct*, which took effect March 1, 1997, is the responsibility of the Ethics Counsellor.

The statute provides for a review of the administration and operation of the Act by a parliamentary committee four years after the coming into force.

To prepare for this, on November 1, 1999, the Lobbyists Registration Branch, through the Office of the Ethics Counsellor, launched a consultation process on its Web site and by means of a mass mailing. Although the mailing was extensive (it involved sending approximately 1800 letters inviting comments) and included all registered lobbyists as well as other interested individuals and groups, few responses were received. The majority of respondents felt that the Act is working well; however, there were a few of the opinion that some improvements are necessary. The comments received will be provided to the parliamentary committee when it begins its review of the Act.



## **Lobbyists Registration Branch**

Responsibility for administration of the information disclosure provisions of the Act and maintenance of the public registry is assigned to a Registrar designated by the Registrar General of Canada (Minister of Industry). The Registrar heads the Lobbyists Registration Branch of the Office of the Ethics Counsellor.

Under the Act, lobbyists must provide clarification of any information they submit in their registration forms in response to a request from the Registrar. The Registrar also has the authority to verify this information. All forms submitted for registration are checked for completeness and clarity. Inconsistencies or obvious omissions are communicated to the lobbyist for correction or for supplementary information.

The Act authorizes the Registrar to issue advisory opinions and interpretation bulletins in order to provide greater certainty regarding the registration provisions.

Although in the previous year, consultations were undertaken with a view to making revisions to the interpretation bulletin addressing the meaning of the expression “significant part of the duties” as it applies to in-house lobbyists (corporate), it was concluded that this would be more appropriately addressed as part of the forthcoming review of the Act by a parliamentary committee.

All of the publications and bulletins issued on the Act, as well as those on the code of conduct for lobbyists, are available at <http://strategis.gc.ca/lobbyist>

The Registrar continued an active public information campaign to discuss and provide advice to lobbyists and potential lobbyists about the requirements for registration and to encourage firms, companies and associations to review their situations. The Lobbyists Registration Branch also disseminated information on the Act and Regulations through interviews with the media, and discussions with professional and industry associations, universities and government officials.

Federal government public office holders were reminded about the registration requirements for lobbyists and informed about the services of the registry in letters sent with the Annual Report to federal deputy ministers and Governor-in-Council appointees.

During the year, the Registrar responded to queries about the federal lobbyists legislation and its supporting computer systems from provincial government officials in Ontario, Quebec and British Columbia, as well as officials from Washington, D.C. She also continued to participate actively in the work of an international council of government administrators of ethics laws.

## **Electronic Filing**

Lobbyists may file their registration forms electronically, free of charge, through the Internet (<http://strategis.gc.ca/lobbyist>). This user-friendly interactive technology validates basic data such as names and addresses, reminds lobbyists to complete all required information and permits them to easily edit their own forms. Data, once verified, are moved immediately to the registry database where the general public can search for information and produce reports from their own computers.

Of the total registrations received as of March 31, 2000, 98 percent of the consultant lobbyists actively lobbying continue to register electronically. This year, 97.5 percent of both organizations and in-house lobbyists (corporate) filed their registrations electronically, an increase of 1.5 percent since last year.

Before lobbyists can use the computer systems to file the registration forms required by the Act, they must provide identification for system access. They must then also sign a contractual agreement acknowledging the responsibility for security of their electronic signature or password used to certify the validity of the information they submit.

Officials from several organizations, companies and firms that do not yet have the necessary equipment used the facilities within the Lobbyists Registration Branch to file their registrations electronically. As well, lobbyists may use the facilities of the Industry Canada regional offices.

## Public Registry

The concept of openness is one of the fundamental principles that underlie the registration system of the *Lobbyists Registration Act*. All information collected under this Act and its Regulations is a matter of public record. The objective of the registry is to ensure that the general public and public office holders know who is paid to attempt to influence government decisions.

The registry database is available to all Canadians (<http://strategis.gc.ca/lobbyist>). Anyone can use their own computer to easily search and retrieve information on who lobbies for which firms, corporations, organizations or associations; the parent and subsidiary companies or corporations that benefit from the lobbying; the organizational members of coalition groups; a general description of the activities of corporations and associations; which government departments or agencies are contacted; and the name or description of the specific legislative proposals, bills, regulations, policies, programs, grants, contributions or contracts sought.

As well, users can produce their own summary reports of lobbyists registered as well as copies of the individual registration forms. It is also possible to access a list of recent registrations that includes all new registrations, amendments and terminations that were processed within the past 30 days.

Users who search and retrieve the data directly from their own computers may do so free of charge. If registry staff are requested to search and retrieve information, a service charge is applicable.

## Statistical Review

### ADVISORY AND INFORMATION SERVICES

The Lobbyists Registration Branch provides advice on the registration requirements, reminds lobbyists to update and refile their registration forms, and verifies that all forms are consistent and complete.

This year, as a result of the initiation of consultations in preparation for the upcoming parliamentary review, the Lobbyists Registration Branch received a number of calls inquiring as to the timing of, and the process to be followed for, the review. General information and compliance calls were also received. In total, there were 1042 program calls in 1999–2000, a slight decrease from the 1134 calls received the previous year.

The number of calls for technology assistance increased from last year, which can be explained by the increase in the percentage of electronic filings. Branch staff and the Industry Canada *Strategis* help desk personnel responded to calls for the lobbyists registry site address, navigational assistance, forgotten passwords, broken links and other technical problems. This year, there were 949 help line calls, compared to 776 calls last year.

The key principle of the *Lobbyists Registration Act*, transparency, is that public office holders and the public should be able to know who is attempting to influence government. The lobbyists registry is directly accessible through *Strategis* to all users for searches and information retrieval on their own computers. Users are gaining their own expertise in how to directly access and search the computerized registry system.

Again this year, there has been an increase in the number of pages of text and data accessed on *Strategis* by users from their own computers. In 1999–2000, there were 27 365 visits to the Lobbyists section of the site, during which some 219 400 pages were accessed, an impressive total for a small program.

## SUBJECT MATTER OF LOBBYING ACTIVITIES

All lobbyists are required to identify the broad subject matter of their lobbying activities from a pre-selected checklist. The following list identifies, in descending order from active registrations, the 20 subject areas most frequently identified by lobbyists in their registrations as of March 31.

	<u>1998-99</u>	<u>1999-2000</u>
Industry	1	1
International trade	3	2
Taxation and finance	2	3
Environment	4	4
Science and technology	5	5
Health	6	6
Consumer issues	8	7
Transportation	7	8
Employment and training	10	9
Internal trade	9	10
Government procurement	12	11
International relations	14	12
Regional development	16	13
Energy	11	14
Intellectual property	15	15
Agriculture	20	16
Telecommunications	18	17
Small business	19	18
Financial institutions	13	19
Labour	17	20

## GOVERNMENT DEPARTMENTS AND AGENCIES

All lobbyists are required to identify the names of the government departments and agencies that they contact or expect to contact in the course of their lobbying activities. The following list identifies, in descending order from active registrations, the 20 departments and agencies most frequently identified by lobbyists in their registrations as of March 31.

	<u>1998-99</u>	<u>1999-2000</u>
Industry Canada	1	1
Finance Canada	2	2
Foreign Affairs and International Trade	3	3
Revenue Canada	4	4
Environment Canada	5	5
Privy Council Office	8	6
Health Canada	6	7
Transport Canada	7	8
Human Resources Development Canada	11	9
Natural Resources Canada	9	10
Public Works and Government Services Canada	10	11
Treasury Board of Canada	12	12
Canadian Heritage	13	13
Agriculture and Agri-Food Canada	14	14
Fisheries and Oceans Canada / Justice Canada*	15 & 17	15
National Defence	16	16
Statistics Canada	19	17
Canadian International Development Agency	18	18
Indian and Northern Affairs Canada**	n/a	19
Western Economic Diversification Canada	20	20

\* These two government departments were equally identified by lobbyists in their registrations for the reporting period.

\*\* This department did not form part of the 20 most frequently identified departments for the previous reporting period.

## REGISTRATIONS

On March 31, 2000, there were 702 registered active consultant lobbyists, an increase of 14 percent from the 618 consultants registered last year. These consultants, who work for 364 firms across Canada, include government relations consultants, lawyers, accountants, and other professionals who provide lobbying services for their clients.

During the year, to help ensure that the lobbyists registry remained up-to-date, the Registrar asked all consultant lobbyists who had registered between January 1998 and June 1998 to review and update the 209 registrations they had filed during this period. Subsequently, 29 registrations, or 14 percent, were terminated and an additional 27 registrations, or 13 percent, were amended for client contact name, telephone number or address, or for more substantive changes such as subject matter or the various government departments and agencies to be contacted.

On March 31, 2000, there were 335 employees registered as lobbying the federal government on behalf of their corporate employer as a significant part of their duties. These in-house lobbyists (corporate) include 36 presidents/chief executive officers. The interests of 179 corporations were represented in the registry systems, a decrease from last year due to corporate mergers and re-evaluations by officials of their need to register when lobbying activity is less than 20 percent of their duties.

Senior paid officers had registered as in-house lobbyists (organizations) for 382 non-profit societies and interest groups as well as business, trade, industry, and professional organizations or associations, an increase of 5.5 percent since last year.

	<u>1998-99</u>	<u>1999-2000</u>
Lobbyists active as of March 31		
Consultant lobbyists	618	702
In-house lobbyists (corporate)	352	335
Organizations (senior officers)	362	370
Registrations active as of March 31		
Consultant lobbyists	2060	2401
In-house lobbyists (corporate)	352	336
In-house lobbyists (organizations)	362	382

## Additional Information

For the legal text of the Act and Regulations, consult:

- *Lobbyists Registration Act*, R.S.C. 1985, c.44 (4th supp.);
- *Lobbyists Registration Regulations*, *Canada Gazette* Part II, December 27, 1995; and
- *Lobbyists Registration and Service Fees*, *Canada Gazette* Part I, December 16, 1995.

Publications available on the Internet include the *Guide to Registration*, which covers the basic requirements of the *Lobbyists Registration Act* and contains a summary *Quick Reference Guide to Registration*; the advisory opinions and interpretation bulletins; an informal consolidation of the Act; previous annual reports; and the *Lobbyists' Code of Conduct*.

The lobbyists registry data are accessible free of charge on the Internet for viewing, searching, and production of summary reports.

Consult: <http://strategis.gc.ca/lobbyist>

For further information, please contact:

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