

Office of the Commissioner of Lobbying of Canada

2011–12

Report on Plans and Priorities

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President of the Treasury Board

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Message from the Commissioner of Lobbying



I am pleased to present the 2011–12 Report on Plans and Priorities for the Office of the Commissioner of Lobbying. My primary responsibilities are to provide a public registry for lobbyists to disclose their activities and to ensure compliance with the *Lobbying Act* and the *Lobbyists' Code of Conduct*. My mandate also requires me to implement an education program to raise awareness of the legislation and its requirements among lobbyists, their clients and public office holders.

The *Lobbying Act* is based on the premise that lobbying is legitimate and must be conducted in a transparent manner. The Registry of Lobbyists continues to be the primary instrument for the public disclosure of lobbying activities. As such, my Office strives to make the system easier to use and more dependable, both for lobbyists to report on their activities and for Canadians to search for this information.

In 2011–12, I intend to continue to reach out to key stakeholder groups, both in the National Capital Region and across the country, to ensure that lobbyists, their clients and public office holders are fully informed of the requirements of the *Lobbying Act*. It is my belief that the more people know about the *Lobbying Act* and the *Lobbyists' Code of Conduct*, the more likely lobbyists are to comply with the requirements set out in the Act and the Code.

I will continue to deal with alleged breaches of the *Lobbying Act* and the *Lobbyists' Code of Conduct* in a serious manner. Since becoming Commissioner of Lobbying, I have referred six files to the Royal Canadian Mounted Police. My Office's new Case Management System will help streamline and monitor the investigation process. The objective is to close as many files as we open, in order to keep pace with a growing caseload.

The Office of the Commissioner of Lobbying remains committed to fulfilling Parliament's goal of increased transparency and accountability in the lobbying of public office holders. To that end, I intend to support parliamentarians who will be responsible for reviewing the Act in 2011.

Karen E. Shepherd
Commissioner of Lobbying

Section I — Departmental Overview

Raison d'être

The mandate of the Office of the Commissioner of Lobbying is derived from the *Lobbying Act* (the Act). The Commissioner of Lobbying is an Agent of Parliament and is responsible for the administration of the *Lobbying Act*. The Act provides for the establishment of a Registry of Lobbyists that seeks to improve transparency and accountability regarding communications by lobbyists with public office holders. This contributes to increasing the confidence of Canadians in the integrity of government decision-making.

Responsibilities

The Commissioner of Lobbying is responsible for the administration of the *Lobbying Act* (the Act). The authority of the Commissioner, who is an independent Agent of Parliament, derives from the Act.

The Office of the Commissioner of Lobbying (OCL) is responsible for the implementation and the administration of the Act. The Act provides for the establishment of a Registry of Lobbyists that seeks to improve transparency and accountability regarding communications by lobbyists with public office holders. This contributes to increasing the public's confidence in the integrity of government decision-making.

The OCL has three primary activities. They are: to establish and maintain the Registry of Lobbyists, which contains and makes public the registration information disclosed by lobbyists, as well as their monthly returns regarding communications with designated public office holders; to develop and implement educational programs to foster public awareness of the requirements of the Act; and to ensure compliance with the Act and the *Lobbyists' Code of Conduct* (the Code).

Under the Act, the Commissioner of Lobbying has the authority to grant exemptions to former designated public office holders who are subject to a five-year prohibition on lobbying activities.

The Commissioner reports annually to Parliament on the administration of the Act and the Code and is required to table reports on completed investigations.

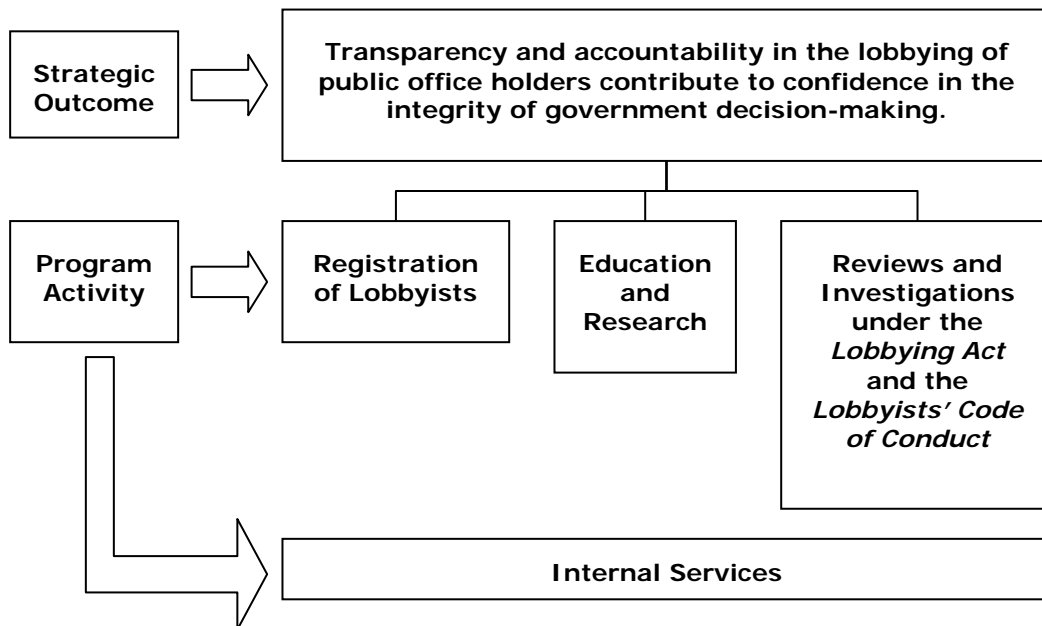
Strategic Outcome

In order to effectively pursue its mandate, the OCL aims to achieve the following strategic outcome:

Transparency and accountability in the lobbying of public office holders contribute to confidence in the integrity of government decision-making.

Program Activity Architecture

The Program Activity Architecture (PAA) for the OCL is its basis for reporting to Parliament. The PAA describes the relationship between the activities the OCL undertakes and the strategic outcome it is working to achieve, in order to produce results for Canadians. In addition, the PAA also provides the framework that links the expected results and the performance measures to individual program activities. The PAA clarifies why the OCL does the work it does and provides a framework to measure the results achieved. Finally, the PAA also serves as a framework to link the financial resources to each program activity, indicating how the OCL manages the resources under its control to achieve its intended outcomes.



Planning Summary

The table below provides a summary of the total planned spending for the OCL for the next three fiscal years.

Financial Resources (\$ thousands)

2011–12	2012–13	2013–14
4,637	4,637	4,637

The table below provides a summary of the total planned human resources for the OCL for the next three fiscal years.

Human Resources (Full-time Equivalent — FTE)

2011–12	2012–13	2013–14
28	28	28

Planning Summary Table

Strategic Outcome: Transparency and accountability in the lobbying of public office holders contribute to confidence in the integrity of government decision-making.					
Performance Indicator			Target		
The level of compliance with the <i>Lobbying Act</i> and the <i>Lobbyists' Code of Conduct</i> .			100%		
Program Activity ¹	Forecast Spending 2010–11 (\$ thousands)	Planned Spending (\$ thousands)			Alignment to Government of Canada Outcomes
		2011–12	2012–13	2013–14	
Registration of Lobbyists	1,121	1,072	1,072	1,072	An accountable, transparent, and responsive government
Education and Research	909	916	916	916	An accountable, transparent, and responsive government
Reviews and Investigations under the <i>Lobbying Act</i> and <i>Lobbyists' Code of Conduct</i>	1,092	1,137	1,137	1,137	An accountable, transparent, and responsive government
Internal Services	1,505	1,512	1,512	1,512	
Total Planned Spending		4,637	4,637	4,637	

¹ For program activity descriptions, please access the Main Estimates online at <http://www.tbs-sct.gc.ca/est-pre/index-eng.asp>.

Contribution of Priorities to Program Activities and Strategic Outcome

Operational Priorities	Type	Links to Program Activity	Description
Maintain the Lobbyists Registration System	Ongoing	Registration of Lobbyists	The Lobbyists Registration System (LRS) is an Internet-based software application used by lobbyists to report lobbying activity. It is also used by lobbyists, public office holders and the public to do a wide range of searches related to lobbying of the federal government. The OCL uses a combination of frontline assistance, user training and system improvements to ensure that the LRS and the registration process remain as effective and efficient as possible.
Raise awareness of the requirements of the <i>Lobbying Act</i> and the <i>Lobbyists' Code of Conduct</i>	Ongoing	Education and Research	The OCL promotes awareness of the <i>Lobbying Act</i> to public office holders, designated public office holders and individuals who may be required to register their activities in order to be in compliance with the <i>Lobbying Act</i> . The OCL relies on a comprehensive education and awareness strategy to reach a broad range of stakeholders. Maximum use is made of partnerships and information technology in order to leverage the OCL's outreach capacity.
Pursue enforcement of the <i>Lobbying Act</i> and the <i>Lobbyists' Code of Conduct</i> and communicate the results	Ongoing	Reviews and Investigations under the <i>Lobbying Act</i> and the <i>Lobbyists' Code of Conduct</i>	The OCL monitors media and other sources of information for indications of illegal or unethical lobbying activity. Outcomes of administrative reviews and investigations are made public in accordance with the <i>Lobbying Act</i> , the <i>Privacy Act</i> and other relevant legislation.
Management Priorities	Type	Links to Strategic Outcome	Description
Internal Management	Ongoing	SO	The OCL continuously strengthens its management capacity by improving its reporting instruments, such as the Performance Measurement Framework, Corporate Risk Profile, Integrated Business and Human Resources Plan, and Information Management/Information Technology Strategic Plan.
Human Resources Renewal	Ongoing	SO	The OCL continues to increase its organizational learning capacity and improve its adaptation to change, notably changing demographics. This includes efforts to ensure that its workforce continues to reflect the diversity of the Canadian population.

Risk Analysis

The Office of the Commissioner of Lobbying (OCL) has established and maintains the federal registry of lobbyists and lobbying activities known as the Lobbyists Registration System (LRS). The OCL shares the challenges of any Office charged with maintaining a large-scale registry in terms of accuracy and timeliness of disclosure while ensuring registrant compliance and system integrity. The LRS is a very complex system which continually requires monitoring, maintenance and improvements to ensure it remains accessible to users and the information it contains is accurate.

OCL strives to ensure that the LRS is continually accessible to registrants so that the goal of transparency of lobbying activities can be achieved. Therefore, the OCL minimizes registration delays by preventing system interruptions. To this end, the Registry has a number of built-in failsafe mechanisms. In the unlikely event that the Registry does shut down, either intentionally or otherwise, the OCL has processes and systems in place to limit the amount of downtime to a minimum.

The Act requires that registrants disclose certain communications involving “designated” public office holders, e.g. ministers, ministerial staff, deputy ministers, Members of Parliament and Senators. This reporting requirement is satisfied online by registrants directly inputting the data. As a result, reporting errors may occur. The OCL continues to educate lobbyists and designated public office holders regularly on how to reduce reporting errors. The OCL monitors the overall accuracy of monthly communication reports through regular sampling. It also developed a system functionality that allows external users to amend incorrect monthly communication reports without the need for OCL involvement, thus freeing up resources for other priorities.

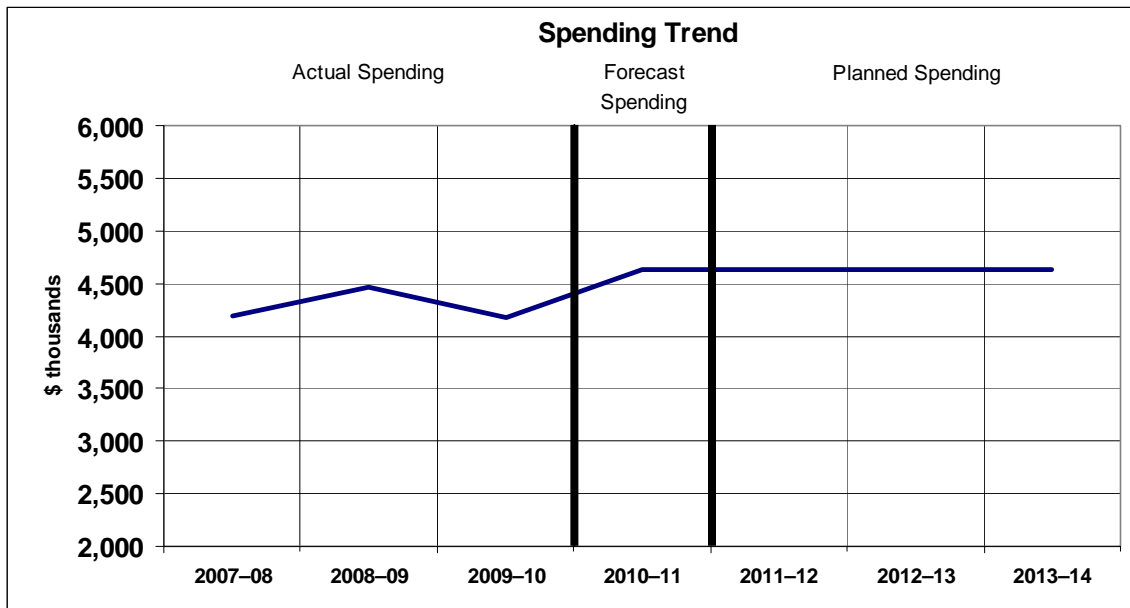
The OCL conducts administrative reviews and investigations to ensure compliance with the Act and the Code. It also reviews applications for exemption from the five-year lobbying prohibition for former designated public office holders. The Commissioner’s decisions with respect to administrative reviews, investigations and applications for exemption may be subject to judicial review by the Federal Court. It is possible that judicial review decisions could affect the Commissioner’s ability to complete investigations in a timely manner. The OCL conducts reviews and investigations that are fair, thorough and well-documented, and that will stand the test of litigation, if required.

The OCL is a small department that relies on other federal organizations for most of its corporate services, including information technology, human resources and financial services. Service agreements with providers are carefully monitored to ensure that all practices and services are consistent with OCL requirements, standards, and internal controls. With respect to departmental management generally, the Departmental Audit and Evaluation Committee (DAEC) also supports the Commissioner in her role of Deputy Head of a federal organization. DAEC is an independent advisory committee that provides objective advice and recommendations regarding the department’s risk management, control and governance frameworks and processes. The Committee also exercises oversight of core areas of departmental management, control and accountability, including reporting.

Expenditure Profile

Over the next three fiscal years, the OCL plans to spend \$4.6 million annually to deliver its mandate and meet the expected results of its program activities and contribute to its strategic outcome.

The figure below illustrates the spending trend for the OCL from 2007–08 to 2013–14.



Actual spending corresponds to total expenditures as published in the Public Accounts of Canada. The forecast spending reflects the expected expenditures for 2010–11. Finally, the planned spending from 2011–12 to 2013–14 reflects the resources approved through Main Estimates.

Estimates by Vote

For information on our vote and statutory expenditures, please see the 2011–12 Main Estimates publication. An electronic version of the Main Estimates is available at <http://www.tbs-sct.gc.ca/est-pre/20112012/me-bpd/toc-tdm-eng.asp>.

Section II — Analysis of Program Activities by Strategic Outcome

Strategic Outcome

Transparency and accountability in the lobbying of public office holders contribute to confidence in the integrity of government decision-making.

The following section describes the program activities of the Office of the Commissioner of Lobbying (OCL) and identifies expected results, performance indicators and targets. This section also explains how the OCL plans to meet its expected results and presents the financial and non-financial resources that will be dedicated to each program activity.

This section contains a discussion of plans surrounding the following program activities:

- Registration of Lobbyists;
- Education and Research;
- Reviews and Investigations under the *Lobbying Act* and the *Lobbyists' Code of Conduct*; and
- Internal Services.

Registration of Lobbyists

Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
6	1,072	6	1,072	6	1,072

Expected Results	Performance Indicators	Targets
Lobbyists can register in accordance with the requirements of the <i>Lobbying Act</i> .	Percentage of registrations that are processed in accordance with client service standards.	100% of registrations received are processed in accordance with client service standards.
Canadians have access to information about lobbyists and lobbying activities.	Online availability of the Registry of Lobbyists.	The Registry of Lobbyists is available to the public 95-98% of the time.

Program Activity Summary: Lobbying the federal government is a legitimate activity which must be done transparently. The Lobbying Act requires that individuals who are paid to lobby public office holders disclose their lobbying activities. The Office of the Commissioner of Lobbying reviews all lobbyists' registrations for completeness and makes them accessible to the public through an online registry, the Lobbyists Registration System (LRS). The performance of this program activity is measured by specific indicators, such as the percentage of registrations that are processed within established service standards.

The OCL devotes considerable efforts to ensuring the integrity of the LRS through a quality assurance program. It also works at improving the accessibility of the Registry of Lobbyists through the development of new functionalities aimed at improving user-friendliness.

Planning Highlights: In order to achieve the expected results, the OCL plans to undertake the following activities:

- An internal audit of the LRS to ensure its data integrity, dependability and responsiveness to user requirements.
- Implementation and monitoring of service standards in relation to the processing of lobbyists' registrations.
- Improvements to the capability and user-friendliness of the search function of the Registry.
- Improvements to the reporting capability of the LRS, including the range of available statistical information.

Benefits for Canadians: This program activity directly contributes to greater transparency of lobbying activities at the federal level which, in turn, increases the confidence of Canadians in federal institutions and in the integrity of government decision-making.

Education and Research

Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
7	916	7	916	7	916

Expected Result	Performance Indicator	Target
Lobbyists, their clients, public office holders and the public are aware of the scope and requirements of the <i>Lobbying Act</i> .	Awareness of the Act on the part of lobbyists, their clients, public office holders and the public is medium to high.	80% say that their awareness is medium to high.

Program Activity Summary: The *Lobbying Act* provides the Commissioner of Lobbying with a mandate to develop and implement educational programs to ensure that lobbying activities at the federal level are conducted in an ethical and transparent manner, in compliance with the requirements of the Act. The Education and Research Program Activity includes the development and implementation of an outreach strategy to educate lobbyists, their clients, public office holders and the public about registration requirements under the *Lobbying Act*.

Planning Highlights: In order to achieve the expected result, the OCL plans to undertake the following activities:

- Refine the OCL outreach strategy to identify and reach out to selected stakeholder groups across the country.
- Use web-based and other electronic approaches to reach large groups of stakeholders in an effective and cost-efficient manner, including revitalizing and reorganizing the OCL website to improve functionality and navigability.

Benefits for Canadians: This program activity contributes to greater awareness of the requirements of the *Lobbying Act* and the *Lobbyists' Code of Conduct* in order to increase accountability and transparency in the lobbying of federal public office holders, which, in turn, increases the confidence of Canadians in federal institutions and in the integrity of government decision-making.

Reviews and Investigations under the *Lobbying Act* and the *Lobbyists' Code of Conduct*

Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
9	1,137	9	1,137	9	1,137

Expected Results	Performance Indicators	Targets
Suspected, alleged or known breaches of the <i>Lobbying Act</i> and the <i>Lobbyists' Code of Conduct</i> are reviewed or investigated and appropriate measures taken to ensure compliance.	Percentage of suspected, alleged or known breaches of the Act or Code that are subject to review or investigation.	100% of suspected, alleged, or known breaches are subject to review or investigation.
Exemptions from the five-year prohibition are granted or denied in a manner consistent with the purposes of the <i>Lobbying Act</i> .	Percentage of exemption reviews completed in compliance with service standards.	100% of exemption reviews are completed in compliance with service standards.

Program Activity Summary: This program activity includes a range of activities to ensure compliance with the *Lobbying Act* (the Act) and the *Lobbyists' Code of Conduct* (the Code), such as monitoring of lobbying activities reported in the media, validation of selected monthly communication returns, review of applications for exemption from the five-year prohibition on lobbying, and investigations of allegations of non-compliance with the Act or the Code. Reports are submitted to the Commissioner to recommend appropriate compliance measures.

Planning Highlights: In order to achieve the expected results, the OCL plans to undertake the following activities:

- Investigate alleged breaches of the Act and the Code, recommend appropriate compliance measures and communicate results.
- Review applications for exemption from the five-year prohibition on lobbying and provide timely and informative recommendation reports.
- Implement an automated Case Management System to facilitate priority setting, planning, tracking and reporting of reviews and investigations and other Directorate activities.

Benefits for Canadians: This program activity contributes to public confidence in decisions made by federal institutions by ensuring that lobbying activities are conducted in accordance with the requirements of the Act, and that lobbyists adhere to the principles and rules set out in the Code. Compliance with the Act and the Code leads to accountability and transparency in the lobbying of public office holders.

Internal Services

Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
6	1,512	6	1,512	6	1,512

Program Activity Summary: Internal Services are activities that support programs and corporate obligations of the organization. They include activities such as: Management and Oversight Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management; and Information Technology Services. Internal Services include only activities and resources that apply across the organization and not to those provided specifically to a program activity.

Given the mandate of the OCL to develop and implement educational programs to foster public awareness of the requirements of the *Lobbying Act*, Communications Services are not included in Internal Services, but rather form part of the Education and Research Program Activity.

Planning Highlights: The OCL will continue to strengthen its management accountability framework, including reporting instruments such as Performance Measurement Framework, Corporate Risk Profile, Integrated Business and Human Resources Plan, and Information Management/Information Technology Strategic Plan.

Section III — Supplementary Information

Financial Highlights

The future-oriented financial highlights presented within this Report on Plans and Priorities are intended to serve as a general overview of the operations of the Office of the Commissioner of Lobbying. These future-oriented financial highlights are prepared on an accrual basis to strengthen accountability as well as to improve transparency and financial management. The Future-Oriented Financial Statements and related notes can be found on the OCL website at <http://www.ocl-cal.gc.ca/eic/site/lobbyist-lobbyiste1.nsf/eng/nx00505.html>.

This is the first time that the OCL has prepared future-oriented financial highlights; therefore there is no comparison to previous years.

(in \$ thousands)

Condensed Statement of Operations For the Year (Ending March 31)	% Change	Future-oriented 2011–12	Future-oriented 2010–11
EXPENSES			
Total Expenses	N/A	5,375	N/A
REVENUES			
Total Revenues	N/A	0	N/A
NET COST OF OPERATIONS	N/A	5,375	N/A

Supplementary Information Tables

All electronic supplementary information tables found in the 2011–12 Report on Plans and Priorities can be found on the Treasury Board of Canada Secretariat's website at <http://www.tbs-sct.gc.ca/rpp/2011-2012/info/info-eng.asp>.

- Greening Government Operations
- Upcoming internal audits over the next three fiscal years