

CHAPTER 5

What should be Disclosed

The subject of disclosure lies at the very heart of the *Lobbyists Registration Act*. The fundamental principles underlying the original Act sought to balance the need for transparency with the need for open access to government and administrative simplicity. This was accomplished by requiring Tier I and Tier II lobbyists to disclose only information deemed necessary to reveal who was lobbying for whom and Tier I lobbyists to disclose the subject-matter.

It is worth stressing that the *Lobbyists Registration Act* clearly opts for disclosure over regulation as a means of dealing with lobbying at the federal level. At least one witness emphasized that disclosure is preferable as being the most useful approach for controlling “excesses” in efforts to influence public policy — an observation with which the Committee is in full agreement.

During the course of our hearings, the Committee heard from several witnesses who felt that the current disclosure requirements were sufficient and argued that they should not be extended. Concerns were expressed that, were more information required, the Registry would become overburdened. From the perspective of many of these witnesses, more stringent enforcement of the existing rules was required. Of those who supported the status quo, only a few stated that they found present requirements burdensome or unnecessary.

Critics have, however, argued that the Act’s disclosure requirements are insufficient, and some witnesses spoke in favour of enhancing current disclosure requirements.

The Committee looked at the areas of disclosure deemed to be unsatisfactory by witnesses in an attempt to determine whether improvements were necessary and if so, how they might be achieved.

A. SUBJECT-MATTER REPORTING

1. How the Current System Works

An important goal of the *Lobbyists Registration Act* is public disclosure of the issues which lobbyists are paid to represent before public office holders. The present Act assumes that because it is clear whose interests Tier II lobbyists represent, specifics regarding their lobbying issues are not required. Tier I lobbyists, however, who represent the interests of several clients on a variety of issues, must disclose the subject-matter of their lobbying efforts. In order to facilitate subject-matter disclosure, the *Lobbyists Registration Regulations* specify 52 subject-matter areas from which Tier I lobbyists must choose when registering.

The 52 areas of concern relate to broad subjects such as agriculture, human rights, defence, and regional economic development, each of which is assigned a numerical code to facilitate registration. In addition, Tier I lobbyists are required to report on six types of activities which specify the purpose of their communications with office holders with respect to any one of the 52 subject-matter categories. These activities are given alphabetical codes for the purposes of registration. Thus, Tier I registrants must indicate whether the purpose