

# CONSTITUTIONAL AND PARLIAMENTARY INFORMATION

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**REPORT ON THE  
REGISTRATION OF LOBBYISTS**

## INTER-PARLIAMENTARY UNION

### AIMS

The Inter-Parliamentary Union whose international Statute is outlined in a Headquarters Agreement drawn up with the Swiss federal authorities, is the only world-wide organization of Parliaments.

The aim of the Inter-Parliamentary Union is to promote personal contacts between members of all Parliaments and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of representative institutions and in the advancement of the work of international peace and co-operation, particularly by supporting the objectives of the United Nations.

In pursuance of this objective, the Union makes known its views on all international problems suitable for settlement by parliamentary action and puts forward suggestions for the development of parliamentary assemblies so as to improve the working of those institutions and increase their prestige.

### MEMBERSHIP OF THE UNION AS OF 12 OCTOBER 1987

Albania, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Lebanon, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mexico, Monaco, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, USSR, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

### STRUCTURE

The organs of the Union are:

1. *The Inter-Parliamentary Conference* which meets twice a year.
2. *The Inter-Parliamentary Council*, composed of two members from each affiliated Group. *President*: Mr. H. Stercken (Federal Republic of Germany).
3. *The Executive Committee*, composed of twelve members elected by the Conference, as well as of the Council President acting as *ex officio* President. At present, it has the following composition:

*President*: Mr. H. Stercken (Federal Republic of Germany).

*Members*: Mr. R. Bitat (Algeria); Mr. R. Carpio Castillo (Venezuela); Mr. B. Friesen (Canada); Mr. A. Ghalanos (Cyprus); Mr. Huan Xiang (China), Mr. S. Khunkitti (Thailand), Mr. J. Maciszewski (Poland), Mr. N.C. Makombe (Zimbabwe), Mrs. M. Molina Rubio (Guatemala), Mr. R. Pedersen (Denmark), Mr. C. Pepper (United States of America); Mr. L.N. Tolkunov (USSR).

4. *Secretariat of the Union*, which is the international secretariat of the Organization, the headquarters being located at: Place du Petit-Saconnex, CP 99, 1211 Geneva, Switzerland.

*Secretary general*: Mr. Pierre Cornillon.

### OFFICIAL PUBLICATION

The Union's official organ is the *Inter-Parliamentary Bulletin*, which appears quarterly in both English and French. This publication is indispensable in keeping posted on the activities of the Organization. Subscription can be placed with the Union's Secretariat in Geneva.

INTER-PARLIAMENTARY UNION

**CONSTITUTIONAL AND PARLIAMENTARY  
INFORMATION**

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*First Series - Thirty-eighth year*

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## REPORT ON THE REGISTRATION OF LOBBYISTS

Rapporteur: Nora S. Lever  
Principal Clerk, Private Members' Business, House of Commons, Canada

### Background

At the session in Mexico (April 1986) members of the Association agreed to engage in a spontaneous topical discussion on the registration of lobbyists. The discussion was based on a document under study by a parliamentary committee of the Canadian House of Commons. A précis of that discussion has been published in *Constitutional and Parliamentary Information* (1st Series—N° 147: 3rd Quarter 1986). At that time, it was agreed that the matter be pursued by means of a short questionnaire which was presented to the Association at the ensuing meeting in Buenos Aires (October 1986).

In December 1986 the questionnaire, as revised in accordance with suggestions made at the Buenos Aires meeting, was distributed to members by the Clerk of the Canadian House of Commons and the First Report on the registration of lobbyists was considered at the Managua session in April 1987. The responses to the questionnaire which had not been included in the First Report, in addition to the comments made in Managua, were incorporated in the second draft. Further information suggested at the meeting in Bangkok in October 1987 was added to this final report.

The responses and comments demonstrated that most legislatures do not have a system of registration of lobbyists. Several respondents have indicated, nevertheless, that there may be a trend toward increased activity by lobbyists and that information regarding their identification or control would provide valuable insight for future use.

The questionnaire is concerned principally with the details of any legislation, regulations, codes of conduct or other guidelines which govern the registration of those involved in the activity of lobbying. In addition, the questionnaire seeks information about the regulation of those to whom the activity is directed (public servants, government officials, parliamentarians). This regulation may involve legislation, Standing Orders, government directives, conflict-of-interest guidelines or post-employment rules.

One of the difficulties in requesting this kind of information is the extent to which regulations governing lobbying may overlap with or to some extent be covered by regulations prohibiting the offer, solicitation or acceptance of bribes, or any other regulations dealing with conflict of interest. As much as possible the questions attempt to avoid this latter area and to concentrate specifically on the regulation of lobbying activities. It should be emphasized that the questionnaire does not deal with the matter of the financial interests of Members which was covered extensively in the Association's report of 1986 prepared by Mr. Boulton of the United Kingdom.

During the course of the discussion in Managua, several members of the Association referred to the difficulty of distinguishing between the *briefing* and the *lobbying* of Members of Parliament; it is important to attempt to be sensitive to this distinction in the discussion which follows.

The questionnaire is divided into five sections: Definitions; Registration; Activities by Persons Lobbied; Sanctions and Enforcement; and Documentation.

The report relies most heavily on responses from Australia (Senate and House of Representatives), the European Parliament, the German Federal Republic (Bundestag), Italy (Camera dei deputati and Senato), the United Kingdom (House of Commons and House of Lords) and the United States (House of Representatives) besides the report of the Standing Committee on Elections, Privileges and Procedure of the Canadian House of Commons. The following legislature have indicated either that lobbying does not exist in their country or simply that there are no existing regulations with respect to lobbying activities: Austria (Nationalrat and Bundesrat), Belgium (Senate), the Republic of Cameroon (National Assembly), the Council of Europe, the Republic of Cyprus (House of Representatives), Denmark (Folketinget), Finland (Eduskunta), France (Senat et Assemblée nationale), Greece (Parliament of the Hellenes), India (Lok Sabha), Indonesia (House of Representatives), Israel (Knesset), Japan (House of Councillors), Republic of Korea (National Assembly), New Zealand (House of Representatives), Pakistan (National Assembly), Poland (Chancellerie de la Diète), Portugal (Assembly of the Republic), Spain (Senado), Sri Lanka (Parliament), Tunisia (Assemblée nationale), Uruguay (General Assembly), and Western European Union.

### A. Definitions

After hearing witnesses and studying systems for registering lobbyists in other jurisdictions the Canadian committee decided that for the purpose of registration "lobbyist" be defined to include:

"anyone who for compensation engages in lobbying activities directed at the executive, bureaucracy, Members of the House of Commons, the Senate and their staff.

They do not attempt to include "unpaid lobbyists" in their proposed system of registration, but do include:

- (i) those who attempt to influence government policies or programs, the awarding of grants or contracts, federal appointments or the arrangement of contacts or meetings;
- (ii) full-time employees in government relations departments of private companies;
- (iii) employees of single-interest groups established to promote one cause;
- (iv) employees of non-profit organizations;
- (v) employees of agencies that conduct advertising, mass-media or mass-mailing campaigns;
- (vi) employees of specialist lobbying/government/parliamentary relations agencies.

They do not include those who are paid to collect information about Parliament for their clients but who do not themselves actively lobby. They do also

include, however, those who attempt to influence the making or amending of legislation or regulations.

The Australian Government's *Guidelines for the Lobbyists Registration Scheme* tabled in the Senate on March 29, 1984, define a lobbyist as "a person (or company) who, for financial or other advantage, represents a client in dealing with Commonwealth Ministers and officials". Representations to Members of the House of Representatives or Senate are not included in the definition of lobbying activity, nor are unpaid lobbyists. The guidelines state that "the scheme does not apply to representations made directly by representative organizations, peak councils, professional associations and community interest groups". As with the Canadian recommendation, the definition includes those who attempt to influence government policies or programs and awarding of contracts, appointments, etc., whereas responses from the European Parliament, the German Federal Republic, Italy and the United Kingdom, as well as Austria, Belgium, the Republic of Cameroon, the Council of Europe, the Republic of Cyprus, Denmark, France, Greece, India, Indonesia, Israel, the Republic of Korea, New Zealand, Pakistan, Poland, Portugal, Spain and the Western European Union indicate that no precise definition of "lobbyist" is in official use at the present time.

In the United States, the Federal Regulation of Lobbying Act of 1946 does not define the term "lobbyist", *per se*. However, it does encompass a broad and diverse body of potential registrants. The Act, as written, applied to "any person who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives any money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

- (a) The passage or defeat of any legislation by the Congress of the United States.
- (b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States."

As a point of reference, the Act defines "person" to include "... an individual, partnership, committee, association, corporation, and any other organization or group of persons." Likewise, the term "legislation" is broadly defined to include "...bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House."

In *United States v. Harris*, the Supreme Court upheld the constitutionality of the Act and set forth three prerequisites to coverage and, therefore, registration and disclosure: (1) the person must have solicited, collected or received contributions; (2) one of the main purposes of such person, or such contributions, must have been to influence the passage or defeat of legislation by Congress; and (3) the intended method of accomplishing this purpose must have been through direct communication with Members of Congress.

In stating, as one of its prerequisites to coverage, that the influencing of legislation must be accomplished through "direct communication with Members of Congress", the Court was distinguishing between direct lobbying efforts and non-direct or "grass-roots" lobbying efforts. While *Harris* makes clear that persons or organizations seeking only to advance discussion of public issues or

influence public opinion cannot be equated to persons or organizations whose relation to political processes is direct or intimate, it does not provide any support for the view that lobbying expenditures to Members of Congress alone are reportable. Again, in *Gravel v. United States* (1972), the U.S. Supreme Court recognized that

it is literally impossible in view of the complexities of the modern legislative process for Members of Congress to perform their legislative tasks without the help of aides and assistants; the day-to-day work of such aides is so critical to the Member's performance that they must be treated as the latter's *alter egos*

thus supporting the position that communication with staff members should also be included as reportable lobbying activity.

The Federal Regulation of Lobbying Act in the United States exempts certain "persons" from its provisions. Specifically, the Act does *not* apply to the following:

- any person who merely appears before a committee of the Congress in support of or in opposition to legislation. This exemption is not limited to the witness who actually appears before a committee and gives testimony, but includes any person who helps to prepare the witness for his appearance before a committee (*United States v. Slaughter*).
- any public official acting in his official capacity.
- any newspaper or other regularly published periodical including the owners, publishers, or employees of such which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, urging the passage or defeat of legislation, if such entity engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Congress.

Nor do the provisions of the Act apply to political committees whose practices or activities are regulated by the Federal Corrupt Practices Act (as superseded by the Federal Regulation Election Campaign Act).

## B. Registration

Of responses received, Australia, the German Federal Republic and the United States indicated that there are provisions for registration of lobbyists. In Australia two confidential registers are maintained by the executive government within the Department of the Special Minister of State: the General Register is used for the registration of lobbyists with Australian clients, and the Special Register for the registration of lobbyists with foreign clients. Australian lobbyists are required to register the following information:

- their business or company name and address
- name of contact partner or director
- the names of staff authorized to perform services on behalf of clients
- name, address and principal activity of their client
- a brief description of the registrable activity.

Australian requirements of lobbyists for foreign clients are similar to those above, though more detail is required regarding the client. The following infer-

mation is required respecting foreign clients: if it is a foreign government, the name of that government; if it is an agency of a foreign government, its name and the type of agency (department, statutory, authority, corporation whose majority control is vested in a foreign government, or other); the address or country of the government or agency; the name and title of the contact officer in the client's office, and the principal activity of the client.

Similarly, the Canadian committee recommended that the Assistant Deputy Registrar General be charged with the responsibility of administering the register of lobbyists, but in this case the information would be made available to the public on a cost-recovery basis.

If the Canadian government accepts the committee's proposal, the Canadian lobbyists would be required to disclose:

- their names; firm name, if applicable, and a contact person; addresses and telephone numbers
- names of clients and their place of business
- the issue or matter upon which the lobbying activity is to take place.

No guidelines have been issued concerning the updating of information in Australia, nor are any suggested in the Canadian case. The greatest difference between the Australian experience and the Canadian recommendations appears to be in the approach to disclosure of information filed by lobbyists. Whereas the Canadian committee advocates full disclosure in order to shed light upon all efforts to influence government, the Australian guidelines ensure confidentiality of the information and make it available only to Ministers and their officials on a "need to know" basis. The responsible Minister in Australia has released information to the Parliament concerning only the number of lobbyists registered.

In the German Federal Republic, the President of the Bundestag keeps a public list of all trade and industry associations representing interests vis-à-vis the Bundestag or the Federal Government. The President of the Bundestag similarly arranges for the list of associations contained in the register to be published each year in the Federal Gazette (Bundesanzeiger).

The register kept by the President of the Bundestag contains the following information:

- name and seat of the association;
- composition of the board of directors and the board of management;
- sphere of interest of the association;
- number of members;
- names of the associations' representatives; and
- address of its office at the seat of the Bundestag and of the Federal Government.

In the United States, Title 2 of the United States Code, Section 267, requires "persons" who are subject to the Act's provisions to register with the Clerk of the U.S. House of Representatives and the Secretary of the Senate. The Act specifically provides that such a person:

"... give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears of works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included".



Between the first and tenth day of each calendar quarter, a detailed report of all lobbying activities which occurred in the preceding calendar quarter must be filed with the Clerk of the House and the Secretary of the Senate.

Such report should include an accounting of all money received and expended by the registrant during the preceding calendar quarter in carrying on his work; to whom paid; for what purposes; the names of any publications in which he has caused to be published any articles or editorials; and, the proposed legislation he is employed to support or oppose. All statements and reports filed pursuant to the Federal Regulation of Lobbying Act are available for public inspection and copying. The Act further mandates the Clerk to preserve all statements for a period of two years from the date of filing. Moreover, the Clerk of the House and the Secretary of the Senate periodically compile and publish in the *Congressional Record* certain information filed by persons registered under the Act.

A resolution tabled in the European Parliament in 1981 called for the creation of a registry for lobbyists on the model adopted by the United States Congress but was not pursued.

While there are no professional associations of lobbyists in Australia and the United States and the German Federal Republic, the House of Lords and House of Commons in the United Kingdom report the existence of groups whose membership is voluntary. Members of the Public Relations Consultants' Association are required to register the following information with the association:

- number of employees
- date on which business commenced
- if sole proprietor, name and details of professional experience
- range of services offered
- names of clients who give annual retainer
- names of ad hoc clients in past year
- band of annual fee income
- main categories in which clients are served
- overseas offices
- if part of a group, name of parent company
- details of partners/directors
- holders of public office (e.g. Members of Parliament, local authorities or statutory bodies) who are directors, partners, staff, advisers or consultants
- subsidiary companies
- associate companies.

A member of the Institute of Public Relations who employs a Member of Parliament of either House, whether in a consultative or executive capacity, must register the fact and the object of the employment. A member of the institute, who is also a Member of Parliament, shall disclose any such information as may relate to himself. These registers are open to public inspection and copies are lodged in the Library of the House.

In the United Kingdom, there is a requirement in the Standing Orders for the registration of parliamentary agents who are hired by concerned interests to promote private legislation before Parliament; however, it was noted that those agents would not be considered as lobbyists in this report.

While there is no official requirement for lobbyists to register in the United Kingdom, the question has been considered on several occasions in the past

twenty years and the Select Committee on Members' Interests has been asked by the House to keep the matter under review. The committee of the Canadian House of Commons recommended a statutory requirement and, in the case of Australia, the requirement is by government directive. In the German Federal Republic, the requirement for the registration of trade and industry associations is contained in an annex to the rules of procedure of the Bundestag.

During the most recent Parliament in Italy, bills have been submitted to the Chamber of Deputies and the Senate. They have been examined by the Public Works Committee of the Chamber of Deputies where a unified text has been arranged. A request has been put down that it be finally approved by the committee itself without being reported to the floor of the House. Meanwhile, a bill which has been introduced in the Senate has not been examined by the committee in charge.

The question of regulation of the activity of lobbyists had recently become an issue in Spain and the Secretary General of the Congress of Deputies had just submitted a proposal to the Bureau of the Congress. One of the main concerns would appear to be the regulation of lobbyists' access to the facilities of the legislature.

### **C. Activities by persons lobbied**

The guidelines of the Australian Parliament make no reference to the involvement of Members of Parliament in lobbying or in providing consultancy services. The Constitution does not explicitly prevent Members and Senators from acting as lobbyists as such, although s. 45 provides that the seat of a Senator or Member of the House of Representatives shall become vacant if he or she directly or indirectly takes or agrees to take any fee or honorarium for services rendered in the Parliament "to any person or State". On one occasion an accusation to the effect that a Member had acted as a lobbyist was raised as a matter of privilege and referred to the Committee of Privileges which found that no breach had been committed.

The response from the United Kingdom indicates that Members of the House of Commons are required to register lobbying or consulting activities if they derive a personal pecuniary advantage. The Member concerned registers the interest with a Registrar of Members' Interests, whose register is open to public inspection. In the House of Lords, it is a long-standing custom of the House that Lords speak always on their personal honour. Thus those who take part in a debate where personal interest is involved—whether for individual reasons or because of a connection with an organization—are expected to declare that interest. There is no formal machinery for making such a declaration, but Lords would be expected to announce their interests at the beginning of their speeches. As for voting, a general resolution proposed in 1796 that "no Peers shall vote who are interested in a question" was not adopted. It is presumed that such a resolution was deemed unnecessary. Any connection with a lobbying firm would certainly be embraced by these conventions. There is no system of registration.

Members of the Bundestag are permitted to lobby and provide consultancy services for lobbying companies. The disclosure of activity is made to the President of the Bundestag in accordance with the Code of Conduct for Members

of Parliament and the information is partly published in the official Bundestag handbook. According to recent rules changes, Members who lobby must declare the exact income received if it exceeds U.S. \$ 1,500 per year for each activity. This information is available only to the President of the Bundestag and the Registrar.

The Rules of Procedure of the European Parliament contain certain provisions designed to guarantee to the greatest possible extent the independence of the community mandate. Appended to the rules is a form for the declaration of financial interest. It states: "Before speaking in Parliament or in one of its bodies, any Member who has a direct financial interest in the subject under debate shall disclose this interest to the meeting orally". Each Member is required to make a detailed declaration of his/her professional activities and list any paid functions or activities. These declarations are entered by the Secretary-General in a register which, like that of the British House of Commons, is open to the public for inspection.

In Canada sections of the Criminal Code protect against serious abuse wherein those who would offer advantages to elected or other officials and those who accept them can be charged with criminal offences and are liable to be punished. This is also the case with those who claim they can gain favours or have special influence with government officials. As well, the Standing Orders of the House of Commons, Beauchesne's *Parliamentary Rules and Forms*, and the Senate and the House of Commons Act all contain relevant instructions for Members of Parliament dealing with such matters as:

- a) the disqualification to vote upon any question in which a Member has a pecuniary interest;
- b) the prohibition of bribery;
- c) the preservation of the independence of Parliament through the setting of rules of eligibility for Members of Parliament.

While the Canadian committee makes no suggestions to regulate the persons who are objects of lobbying activities, there are already in place government guidelines regarding conflict of interest and post-employment regulations.

In Australia and the German Federal Republic there is no requirement for those who are lobbied to register, report or record such activity. The Australian *Government Code of Conduct* for Ministers requires that, as far as possible, lobbyists who make personal representations to them are accompanied by the principals they represent and that Ministers seek to avoid granting special privileges or advantages of access to any lobbyist by virtue of that lobbyist's particular background, for example as a former parliamentarian or official of a political party.

There is no statutory provision or rule of the U.S. House of Representatives which states a specific prohibition against a Member of the House engaging in outside private employment which may conflict with, or be inconsistent with, the Member's official duties. However, ethical standards and rules restrict Members in certain aspects of outside employment and compensation.

Specifically, a Member of the House may not:

- earn more than 30% of a Member's annual congressional salary in outside earned income in a calendar year;

- accept an honorarium of more than \$ 2,000 for one appearance, speech or article, or more than a total of 30% of a Member's congressional salary in honoraria or earned income in one year; and may not accept honoraria in excess of the customary amount for a particular appearance, article, or speech;
- use one's official position in Congress as a means for making personal gains;
- receive compensation for services rendered by himself or by anyone else before Federal agencies or departments;
- contract directly or indirectly with the Federal government;
- participate in "self-dealings" with a private foundation without incurring specific tax penalties;
- receive "emoluments", or compensation, of any kind from a foreign government.

Moreover, the Ethics in Government Act of 1978, requires Members of the House of Representatives to file annual financial disclosure statements detailing specific information or certain income received, in addition to other financial information required to be disclosed. Furthermore, the Rules of the House preclude a Member from voting on a matter in which he has a pecuniary or personal interest.

The Federal Regulation of Lobbying Act does not require registration nor reporting by those to whom lobbying activity is directed. However, taking into consideration the ethical problems arising from the receipt of gifts by members and employees, the House of Representatives has promulgated rules establishing clear limitations on certain gifts. Specifically, House Rule XLIII, clause 4, prohibits Members and employees from accepting gifts aggregating \$ 100 or more in value from any lobbyists or other persons having a direct interest in legislation before the Congress, or from a foreign national or agent of a foreign national. Gifts of \$ 50 or less, or gifts of personal hospitality of an individual are not included in the \$ 100 aggregate, and gifts from relatives are excluded from the prohibition.

#### **D. Sanctions and enforcement**

In the United States, any person who violates the relevant Act shall, upon conviction, be guilty of a misdemeanour, punishable by a fine up to \$ 5,000 or imprisonment up to 1 year, or by both such fine and imprisonment. Furthermore, any person so convicted is prohibited from lobbying or from appearing before a Congressional committee in support of or opposition to proposed legislation, for a period of three years from the date of such conviction. Any person who violates any provisions of 2 U.S.C. S269(b) shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine up to \$ 10,000, or imprisonment up to 5 years, or by both such fine and imprisonment. The Department of Justice of the United States has sole authority to enforce the provisions of the Federal Regulation of Lobbying Act.

Australian lobbyists are required to be registered before they have access to Ministers or departments concerning any registrable activity. Ministers and officials so approached confirm with the Registrar of Lobbyists that the registration remains current before granting access and receiving representations. The requirements upon lobbyists are self-enforcing. The Special Minister of State would draw to the attention of his other Ministerial colleagues the fact that a particular lob-

byist had failed to meet all the registration requirements, and advise that they should not receive representations from that lobbyist until the matter was resolved.

Lobbyists who wish to appear before a committee of the Bundestag must be registered in the official list kept by the President of the Bundestag; however, it is noted that the requirement is not strictly enforced. Recent rule changes provide that a Member who does not declare income from lobbying activity shall have his name printed officially. This sanction has not been invoked.

The House of Lords in the United Kingdom has no sanctions against those who fail to declare an interest such as lobbying activity; the House relies on the honour of the Lords. In the House of Commons, a Member who failed to register an appropriate interest would be in contempt of the House and open to its penal jurisdiction. Under present practice the House might reprimand, admonish, suspend or expel. It has not, so far, taken any of these courses but it is for the House itself to decide whether or not to proceed against a Member.

The Canadian committee has recommended that the Assistant Deputy Registrar general be given sufficient investigatory powers so that he can enforce compliance with the requirements of the register of lobbyists. This would include the authority to receive complaints, carry out investigations in order to verify the complaint and, where he deems it necessary, refer the matter to the appropriate authorities for further action. It also proposed that the statute establishing the register contain penalties for non-compliance which would be severe enough to make compliance a desirable and necessary goal on the part of lobbyists.

### E. Documentation

The following documentation has been made available:

#### *Australia*

- Discussion paper, *Lobbyists and the Australian Government and Parliament*, tabled in both Houses of the Parliament on 14 September, 1983.
- Statement by the Special Minister of State tabled in both Houses of the Parliament on 20 March, 1984.

#### *Canada*

- First Report of the Standing Committee on Elections, Privileges and Procedure, January 1987.
- Bill C-82 which received First Reading on June 30, 1987.

#### *German Federal Republic*

- Annex to the Rules of Procedure of the Bundestag containing the requirement for the registration of trade and industry associations.

#### *Italy*

The responses from the Italian Chamber of Deputies and the Senate indicate that the Confindustria organized in Trieste in October 1986, a meeting on "Lobbying: meaning and perspectives". Proceedings of the meeting and a dossier

have been published. Bills introduced in the Chamber of Deputies and the Senate are available, as is the unified text referred to above.

#### *United Kingdom*

The question of registration of lobbyists was not proceeded with in the United Kingdom because of difficulties of definition and of drafting legislation to secure the purpose of such a register, the wish to maintain access for all citizens to approach their Members with or without professional assistance (which a compulsory register might inhibit), and the unwillingness to offer a privileged position to lobbyists who might register in a voluntary or a compulsory register.

#### *Council of Europe*

- Relations between the Council of Europe and International Non-governmental Organisations (Consultative Status) (Rules adopted by Resolution (72)35 of the Committee of Ministers with effect from 1 January, 1973).

#### *United States*

- The Federal Regulation of Lobbying Act, Outline of Instructions for Instructions for Filing Reports, a Reporting Form, and the U.S. Supreme Court decision in *United States v. Harris*.
- *Report and Recommendations of the House Select Committee on Lobbying Activities*, from which the "Outline of Instructions for filing Reports" was derived.

# ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

## AIMS

The Association of Secretaries General of Parliaments, constituted as a consultative organism of the Inter-Parliamentary Union, seeks to facilitate personal contacts between holders of the office of Secretary General in any Parliamentary Assembly, whether such Assembly is a Member of the Union or not.

It is the task of the Association to study the law, procedure, practice and working methods of different Parliaments and to propose measures for improving those methods and for securing co-operation between the services of different Parliaments.

The Association also assists the Inter-Parliamentary Union, when asked to do so, on subjects within the scope of the Association.

## STRUCTURE

*President:* Mr Charles Lussier (Canada).

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