

DETERMINATION DECISION 25-06

British Columbia Nurses' Union

Designated Filer: Adriane Gear

Date: May 15, 2025

SUMMARY: The organization submitted their Registration Return late, contravening section 3(3) of the *Lobbyists Transparency Act* (LTA). It promised and/or gave prohibited gifts contravening s. 2.4 of the LTA and it submitted Monthly Returns late contravening s. 4.1 of the LTA. The designated filer was issued a penalty of \$4,500 for contravening s. 3(3) of the LTA, \$3,000 for contravening s. 2.4 of the LTA and \$500 for contravening s. 4.1 of the LTA.

Statutes considered: *Lobbyists Transparency Act*, SBC 2001, c. 42. *Lobbyists Transparency Regulation*, BC Reg 235/2019

Authorities considered: Determination Decision (DD) 23-01, DD 23-02, DD 23-03, DD 23-04, DD 23-07, DD 24-02, DD 24-04

INTRODUCTION

[1] This report concerns an investigation under section 7.1 of the LTA. This section gives the Registrar of Lobbyists (the Registrar) the authority to conduct an investigation to determine compliance with the LTA and its regulations. If the Registrar or their delegate believes that the person under investigation has not complied with a provision of the LTA or its regulations, s. 7.2 of the LTA requires the Registrar to give a person under investigation notice of the alleged contravention and the reasons for the Registrar's belief that the contravention has occurred. Prior to making a determination under s. 7.2(2) of the LTA, the Registrar must, under s. 7.2(1)(b), give the person under investigation a reasonable opportunity to be heard respecting the alleged contravention.

[2] The LTA recognizes two types of lobbyists: consultant lobbyists and in-house lobbyists. This report focuses on the activities of the British Columbia Nurses' Union (BCNU), an organization that employs in-house lobbyists. An in-house lobbyist is a paid employee, officer or director of an organization who lobbies on behalf of the organization or affiliate.

[3] Under s. 7(4)(d) of the LTA, the Registrar has delegated to me the authority to conduct this investigation, make a decision about compliance and determine the appropriate penalties if appropriate.

ISSUES UNDER CONSIDERATION

[4] The issues for consideration are:

- (a) Whether designated filer contravened ss. 3(3) (Failing to Register), 2.4 (Prohibited gift) and 4.1 (late Monthly Return) of the LTA, and
- (b) If the designated filer did not comply with the requirements of the LTA, what, if any, administrative penalty is appropriate in the circumstances?

RELEVANT SECTIONS OF THE LTA

[5] **"in-house lobbyist"** means, subject to subsection (4), a person who

- (a) is an employee, officer or director of an organization
- (b) receives payment for the performance of the person's functions, and
- (c) lobbies on behalf of the organization or an affiliate

[6] **"designated filer"** means

- (a) a consultant lobbyist, or
- (b) in the case of an organization that has an in-house lobbyist,
 - (i) the most senior officer of the organization who receives payment for performing the officer's functions, or
 - (ii) if there is no senior officer who receives payment, the most senior in-house lobbyist;

[7] **"lobby"**, subject to section 2(2), means

- (a) to communicate with a public office holder in an attempt to influence
 - (i) the development of any legislative proposal by the government of British Columbia, a Provincial entity or a member of the Legislative Assembly,
 - (ii) the introduction, amendment, passage or defeat of any Bill or resolution in or before the Legislative Assembly,
 - (iii) the development or enactment of any regulation, including the enactment of a regulation for the purposes of amending or repealing a regulation,

(iv) the development, establishment, amendment or termination of any program, policy, directive or guideline of the government of British Columbia or a Provincial entity,

(v) the awarding, amendment or termination of any contract, grant or financial benefit by or on behalf of the government of British Columbia or a Provincial entity,

(vi) a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown, a Provincial entity or the public, or

(vii) a decision by the Executive Council or a member of the Executive Council to have the private sector instead of the Crown provide goods or services to the government of British Columbia or a Provincial entity,

(b) to arrange a meeting between a public office holder and any other individual for the purpose of attempting to influence any of the matters referred to in paragraph (a) of this definition;

[8] **"lobbying activity"** means any of the activities described in paragraphs (a) and (b) of the definition of "lobby";

[9] **"public office holder"** means

(a) a member of the Legislative Assembly and any person on the member's staff,

(b) an officer or employee of the government of British Columbia,

(c) a person who is appointed to any office or body by or with the approval of the Lieutenant Governor in Council, other than a person appointed on the recommendation of the Legislative Assembly,

(d) a person who is appointed to any office or body by or with the approval of a minister of the government of British Columbia, and

(e) an officer, director or employee of any government corporation as defined in the [Financial Administration Act](#).

but does not include a judge or a justice of the peace;

[10] **Gift-giving prohibition**

2.4(1) A lobbyist must not give or promise to give, directly or indirectly, any gift or other benefit to the public office holder the lobbyist is lobbying.

(2) Subsection (1) does not apply to a gift or other benefit if the following apply:

(a) the gift or benefit is given or promised to be given under the protocol or social obligations that normally accompany the duties or responsibilities of office of the public office holder;

(b) the total value of gifts or benefits described in paragraph (a) given or promised to be given, directly or indirectly, by the lobbyist to the public office holder in a 12-month period is less than a prescribed amount.

[11] Requirement to file registration return

3(3) The designated filer of an organization must file with the registrar, within 10 days of the date the organization first has an in-house lobbyist, a registration return in the prescribed form and manner and containing the information required by section 4.

[12] Requirement to file monthly return

4.1 A designated filer who has filed a registration return under section 3 must file with the registrar a monthly return, in the prescribed form and manner and containing the information required under section 4.2, no later than 15 days after the end of every month, beginning with the month in which the registration return under section 3 is filed.

[13] 4.2 (2) Each monthly return filed under section 4.1 must include the following information in relation to each lobbying activity carried on, as applicable:

(g) if a lobbyist named in the monthly return gave or promised to give a gift or other benefit to a public office holder, the name of the public office holder, a description of the gift or benefit, the value of the gift or benefit and the circumstances under which the gift or benefit was given and accepted or promised to be given;

[14] Power to investigate

7.1(1) If the registrar considers it necessary to establish whether there is or has been compliance by any person with this Act or the regulations, the registrar may investigate.

(2) The registrar may refuse to investigate or may cease an investigation with respect to any matter if the registrar believes that

(b) the matter is minor or trivial,

(c) dealing with the matter would serve no useful purpose because of the length of time that has elapsed since the matter arose,

[15] Hearing and administrative penalty

7.2 (1) If after an investigation under section 7.1 the registrar believes that a person under investigation has not complied with a provision of this Act or the regulations, the registrar must

(a) give notice to the person

(i) of the alleged contravention,

(ii) of the reasons why the registrar believes there has been a contravention, and

(iii) respecting how the person may exercise an opportunity to be heard under paragraph (b) of this subsection, and

(b) give the person a reasonable opportunity to be heard respecting the alleged contravention.

(2) If after giving a person under investigation a reasonable opportunity to be heard respecting an alleged contravention the registrar determines that the person has not complied with a prescribed provision of this Act or the regulations, the registrar

(a) must inform the person of the registrar's determination that there has been a contravention,

(b) may impose an administrative penalty of not more than \$25 000, and

(c) must give to the person notice

(i) of the registrar's determination that the person has not complied with a prescribed provision of this Act or the regulations and the reason for the decision,

(ii) if a penalty is imposed, of the amount, the reason for the amount and the date by which the penalty must be paid, and

(iii) respecting how the person may request reconsideration, under section 7.3, of the determination of non-compliance or the imposition or amount of the penalty.

RELEVANT SECTION OF THE LOBBYISTS TRANSPARENCY REGULATION

[16] Prescribed amount for gift-giving prohibition

6 For the purposes of section 2.4 (2)(b) [*gift-giving prohibition*] of the Act, the prescribed amount is \$100.

BACKGROUND

[17] On May 18, 2023, the ORL notified the British Columbia Nurses' Union (BCNU) that it learned the BCNU may be engaged in lobbying and may need to register with the BC Lobbyists Registry. The ORL provided the BCNU with information and references to guidance documents to help the BCNU determine if their interactions with government met the definition of lobbying.

[18] Several discussions ensued to establish whether BCNU's activities constituted lobbying and what BCNU's reporting requirements were. BCNU confirmed that it had been lobbying public office holders since May 4, 2020, without being registered.

[19] Section 3(3) of the LTA requires an organization's designated filer to submit a Registration Return within 10 days of the date it first has an in-house lobbyist. Since BCNU was lobbying public office holders from May 4, 2020, it was required to submit a Registration Return no later than May 14, 2020. It appeared BCNU failed to file its Registration Return within the required time frame set out in s. 3(3) of the LTA.

[20] The BCNU reported it had lobbied senior public office holders while it was unregistered. Section 4.1 of the LTA requires organizations to submit a Monthly Return to report its lobbying of senior public officer holders. In its July 28, 2023, Registration Return, BCNU reported that it had lobbied senior public office holders since May 26, 2020.

[21] The Registration Return showed gifts of \$120 were given to two public office holders, Harry Bains (Minister of Labour) and Jasmeet Sangha (Ministerial Assistant). On August 29, 2023, the ORL asked several questions about the gifts and recommended BCNU review the ORL's gift guidance document.¹

[22] On September 1, 2023, BCNU provided the following information. The gift was for meals and beverages at a banquet. BCNU stated: "[The] [p]urpose of the convention banquet dinner was to celebrate the convention delegates and provide an opportunity to host external partners that have maintained relationships with the union in various capacities throughout the past year."

[23] The venue was the Hyatt Regency Hotel in Vancouver. The banquet dinner was part of a three-day convention. The total cost of food at the banquet was \$85,209.82 and \$3,730.12 for drinks. The number of guests expected to attend was 650. The cost per person for the food was \$131.09 and \$5.74 for a non-alcoholic beverage. The total cost per attendee was \$136.83, not \$120, as originally reported.

¹ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=345>

[24] BCNU stated further that it did not lobby Jasmeet Sangha, who was originally entered into the Registration Return. The ORL later removed this public office holder from BCNU's Registration Return and corrected the amount of the gift given to Harry Bains to \$136.83, from \$120.

[25] BCNU submits that the gift "...was given to the public office holders under their social obligation that normally accompanies their duties or responsibilities of the office. That is, given the ongoing relationship between this ministry [Ministry of Labour] and government with the BCNU, the public office holders were extended the invitation as a professional courtesy and gesture of recognition."

[26] BCNU provided the wording of the invitation sent to the public office holders. The invitation stated:

On behalf of Aman Grewal, President of the British Columbia Nurses Union, we would like to invite you to our annual Convention Banquet on Wednesday, May 31st at the Hyatt Regency, Downtown Vancouver. We will have more details on the event in coming days.

Kindly RSVP to [BCNU email address] by May 6th to confirm your attendance and any dietary requirements or preferences you may have.

Thank you and we look forward to having you join us."

[27] BCNU stated the invitation sent to public office holders "...implied there'd be food served."

[28] In a September 6, 2023, email, the ORL pointed out that the invitation promised a gift when it implied there would be food served. BCNU was asked to update their Registration Return with the information about the gift promised to public office holders.

[29] The BCNU confirmed it had lobbied the public officer holders that it promised to give a gift to.

[30] The LTA prohibits a lobbyist from promising or giving, directly or indirectly, a gift to a public office holder the lobbyist is lobbying, unless the exceptions in s. 2.4(2) apply. For s. 2.4(2) to apply, it must meet two conditions; if either condition does not apply, then the gift is prohibited. Section 2.4(2)(a) of the LTA requires that the gift or benefit is given or promised under the protocol or social obligations that normally accompany the duties or responsibilities of office of the public office holder. Section 2.4(2)(b) stipulates the total value of the gifts described in paragraph (a), given or promised to be given, directly or indirectly must be less than the prescribed amount of \$100 (s. 6 of the LTA Regulations) within a 12-month period. In this case, the gifts appear to have exceeded this prescribed maximum.

INVESTIGATION

[31] The ORL commenced an investigation under s. 7.1 of the LTA to determine whether the designated filer had contravened ss. 3(3) and 2.4 of the LTA.

[32] On March 11, 2024, I provided BCNU's designated filer with formal notice under s. 7.2(1)(a) of the LTA that, given the circumstances, it appeared the designated filer had submitted BCNU's Registration Return late in contravention of s. 3(3) of the LTA. Additionally, it appeared BCNU contravened s. 2.4 of the LTA when it gave or promised to give a prohibited gift. The designated filer was asked to respond in writing to the alleged contravention and to provide any information pertinent to the contraventions and any potential penalties.

Late Registration Return section 3(3) of the LTA

[33] On May 6, 2024, the BCNU responded, acknowledging that it failed to meet its obligations to submit a Registration Return within the time limit set out in s. 3(3) of the LTA. It stated further that it "...failed to observe the required considerations outlined in section 2.4 of the LTA when inviting senior public office holders to attend the union's annual convention."

[34] BCNU asked that financial penalties to be waived since it made a "...genuine effort [to fully] understand the technical language of the various guidance documents provided" by the ORL. The BCNU stated that understanding the LTA created a "tremendous learning curve." It had difficulty understanding the "technical language of the various guidance documents." I understand from this that it had difficulty in interpreting its responsibilities under the LTA.

Late Monthly Returns section 4.1 to report gift

[35] On June 16, 2024, BCNU submitted a Monthly Return, Registration Return update version 9. It reported gifts promised and/or given to public office holders. In reviewing the dates gifts were promised or given, it appeared that BCNU failed to submit three Monthly Returns no later than 15 days after the end of the month the gifts were promised or given, as required by s. 4.1 of the LTA. See Table 1 and Table 2 in the Appendix.

Prohibited gifts section 2.4 of the LTA

[36] Section 2.4(2)(b) of the LTA limits the **total value** of gifts or benefits promised or given to a public office holder to an amount less than \$100 (s. 6 of the LTA Regulations) within a 12-month period (s. 2.4(2)(b) of the LTA). Upon inspection of the total value of gifts promised or given to public office holders, BCNU exceeded the total amount of \$100 within a 12-month period. See Table 3 in the Appendix.

[37] In summary, it appeared that BCNU did not file a Monthly Return no later than 15 days after the end of the month in which it promised and/or gave a gift. Additionally, it appeared

BCNU contravened s. 2.4 of the LTA when it gave or promised to give a prohibited gift. In this case, the total amount of the gift exceeded the prescribed amount of \$100 (s. 6 of the LTA Regulations) within a 12-month period (s. 2.4(2)(b) of the LTA).

[38] On July 11, 2024, I sent BCNU a second formal notice under ss. 7.1 and 7.2 of the LTA, informing them that upon further investigation, it appeared BCNU did not report gifts it promised and/or gave within the mandatory time limit set out in s. 4.1 of the LTA. Moreover, it appeared BCNU gave or promised to give prohibited gifts, contrary to s. 2.4 of the LTA.

[39] On August 8, 2024, BCNU responded to the July 11, 2024 notice. It acknowledged that it failed to meet its obligations to submit a Monthly Return within the time limit set out in s. 4.1 of the LTA. Additionally, it stated that it exceeded “...the total amount of \$100 stipulated in section 6 of the LTA regulations, within a 12-month period (section 2.4(2)(b)) when inviting public office holders to events involving what the LTA describes as a ‘gift.’”

[40] BCNU stated “...the organization has since understood the contraventions stemmed from a lack of coordinated education on the topic of lobbying activity of our staff at various levels of the organization. BCNU Director responsible for overseeing the organization’s compliance and reporting to the Office of the Registrar of Lobbyists (ORL), has since conducted one-on-one training with key staff persons and is committed to offering ongoing support to ensure understanding of the requirements.”

[41] BCNU requests that any financial penalties be waived given the effort BCNU has made to understand and execute its obligations under the LTA. It states “...BCNU is committed to fully understanding the technical language of the various guidance documents provided by the Office of the Registrar of Lobbyists and has been making good strides towards not only mastering the requirements but also sharing that knowledge across the organization.”

DISCUSSION AND FINDINGS

Registration Return section 3(3) of the LTA

[42] An organization is required to submit a Registration Return under s. 3(3) of the LTA within 10 days after it first has an in-house lobbyist. BCNU did not submit its Registration Return until July 28, 2023, over three years after it was required to do so, yet its in-house lobbyist(s) were lobbying since May of 2020. BCNU lobbied senior public office holders on 60 separate occasions over the three-year period while unregistered. This does not include lobbying of public office holders.²

² Unlike the requirement under s. 4.1 of the LTA to submit lobbying activity reports with the information described in s. 4.2(2)(a) to (d) of the LTA when a senior public office holder is lobbied, there is no such requirement in the LTA to provide similar information when Lobbying a public office holder.

[43] BCNU admitted that it submitted its Registration Return late. It stated that it had difficulty understanding the “technical language of the various guidance documents ...creating a tremendous learning curve.” A lack of understanding of how the LTA operates is not an excuse for failing to register. If an organization is having difficulty determining its obligations under the LTA, they can review the guidance documents found on the ORL website. If they are still in doubt, they can contact the ORL for assistance.

[44] I find that BCNU contravened s. 3(3) of the LTA when it failed to submit a Registration Return within 10 days of first having an in-house lobbyist.

Late Monthly Return section 4.1 of the LTA – gifts promised and given

[45] An organization is required to submit a Monthly Return under s. 4.1 with information required under s. 4.2 of the LTA, in relation to each of its lobbying activities, no later than 15 days after the end of every month. In this case, the BCNU was required under s. 4.2(2)(g) of the LTA to report gifts or benefits it promised or gave to public office holders it lobbied.

[46] On June 16, 2024, the BCNU submitted a Monthly Return (Registration Return update version 9) reporting a number of gifts promised and or given to public office holders over a three-month period, March 2024, April 2024 and May 2024.

[47] Table 1 shows that BCNU was required to submit two Monthly Returns reporting the gifts promised to public officer holders, the first no later that April 15, 2024 and the second no later that May 15, 2024. It did not submit a Monthly Return (Registration Return update version 9) until June 16, 2024, two months and one month late, respectively.

[48] BCNU was required to submit a third Monthly Return reporting the gifts given to public officer holders no latter that June 15, 2024. It did not submit its Monthly Return until June 16, 2024, one day late (See table 2).

[49] Given the circumstances, I find that the BCNU contravened s. 4.1 of the LTA when:

- a. it failed to submit two Monthly Returns reporting the information required under section 4.2(2)(g) of the LTA, gifts **promised** to public office holders, and
- b. it failed to submit a Monthly Return reporting the information required under section 4.2(2)(g) of the LTA for gifts **given** to public office holders,

no later than 15 days after the end of the month in which the gift was promised or given.

Prohibited Gifts section 2.4 of the LTA

[50] Section 2.4(1) of the LTA prohibits a lobbyist from giving or promising a gift, directly or indirectly, to a public office holder who the lobbyist is lobbying. The exception

to this is found in s. 2.4(2) of the LTA. If the gift or benefit is given or promised to be given under the protocol or social obligations set out in s. 2.4(2)(a) of the LTA. Additionally, the total value of gift promised or given to the public office holder is less than the prescribed amount of \$100 identified in s. 6 of the LTA Regulations within the 12-month period specified in s. 2.4(2)(b) of the LTA. An in-house lobbyist must meet both s. 2.4(2)(a) and (b) of the LTA before a gift promised and or given is excepted from the prohibition.

[51] Upon inspection, it is clear the value of gifts BCNU promised or gave to public office holders it was lobbying exceeded the \$100 amount. See Table 3 in the Appendix.

[52] Since the total value of the gifts exceeds the prescribed amount set out in s. 2.4(2)(b) of the LTA, there is no need for me to determine whether the circumstances specified in s. 2.4(2)(a) are satisfied.

[53] In all 14 instances, the total value of the gifts promised and/or given exceeded the \$100 limit prescribed in s. 6 of the LTA Regulations, within 12 months of lobbying the public office holders, contrary to s. 2.4(2)(b) of the LTA (See Table 3). Therefore, the gifts are prohibited. I find BCNU contravened s. 2.4(1) when it promised or gave prohibited gifts to public office holders.

ADMINISTRATIVE PENALTY

[54] Section 7.2(2) of the LTA provides that if, after giving a person under investigation a reasonable opportunity to be heard respecting an alleged contravention, the Registrar determines that the person has not complied with a prescribed provision of the Act or the regulation, the Registrar must inform the person of the Registrar's determination that there has been a contravention and may impose an administrative penalty of not more than \$25,000 and may impose a prohibition on lobbying if it is in the public interest.

[55] Such person must be given notice of the contravention determination. If a monetary administrative penalty is imposed, the notice must include "the reason for the prohibition and the start date and end date of the prohibition."

[56] Section 7.2 of the LTA confers discretion on the Registrar to impose administrative penalties. To provide a measure of structure in the exercise of that discretion, the ORL has published a guidance document *Registrar of Lobbyists: Guide to Investigations* (guide to investigations) to advise members of the public and those engaged in lobbying about what will guide the ORL in exercising its duties under the LTA and the regulations. As the Guide makes clear, its purpose is to structure discretion. It does not fetter discretion. It is not law. I have followed that guidance in the exercise of my delegated discretion to determine a penalty based on the facts before me.

[57] The guide to investigations first sets out a general financial range for a particular contravention of the LTA (depending on whether it is a first, second or third contravention). Second, it provides a list of factors that will be considered in determining the amount of administrative penalty. Finally, it includes a clear statement that the guide “does not fetter the ORL’s ability to conclude that no administrative penalty is appropriate in the circumstances, or to fashion a remedy on either side of the range set out in the general policy, in special circumstances.”

[58] The penalty range for Registering late is \$100 - \$5,000 for a first contravention. The range for failing to submit a Monthly Return is \$100 - \$5,000 for a first contravention and the range for giving and or promising a prohibited gift is \$1,000 - \$7,500 for a first contravention.

[59] In determining the appropriate administrative penalty within that range, I have taken the following factors into account:

- Previous enforcement actions for contraventions by this person;
- The gravity and magnitude of the contravention;
- Whether the contravention was deliberate;
- Whether the registrant derived any economic benefit from the contravention;
- Any efforts made by the registrant to report or correct the contravention;
- Whether a penalty is necessary for specific and general deterrence; and
- Any other factors that, in the opinion of the registrar or their delegate, are relevant to the administrative penalty.

Previous enforcement

[60] BCNU states it has no previous contraventions. This makes sense since BCNU was not previously registered with the ORL.

Was the contravention deliberate

[61] I have no information which would lead me to believe that these contraventions were deliberate. This is a factor that weighs in favour of penalties at the low range of the scale.

Was there an economic benefit

[62] There is no information which would lead me to believe there was an economic benefit resulting from these contraventions. Again, this is a circumstance that weighs in favour of a penalty in the low range.

Reporting and correcting the contravention

[63] It was the ORL who contacted BCNU on May 18, 2023, after the ORL learned BCNU may be lobbying while not registered. Prior to this, the ORL was unaware of BCNU's lobbying activity.

[64] After discussing this with the BCNU, it was evident that BCNU had engaged in lobbying without submitting a Registration Return within the time limit set out in s. 3(3) of the LTA. BCNU worked with the ORL to ensure they properly registered. BCNU registered within two months of being contacted by the ORL. The steps they took to rectify the situation were conducted over a reasonable period of time. This weighs in favour of a penalty in the low to mid range.

[65] However, BCNU failed to submit Monthly Returns within the time limits set out in s. 4.1 of the LTA. Furthermore, it failed to realize its responsibility to limit the dollar amount of gifts promised or given to public office holders. These circumstances weigh in favour of penalties in the mid range.

Any other factors

[66] BCNU states it made a "...genuine effort...to full[y] understand the technical language of the various guidance documents provided" by the ORL. The BCNU stated that understanding the LTA created a "tremendous learning curve." It had difficulty understanding the "technical language of the various guidance documents." Simply put, it had difficulty in interpreting its responsibilities under the LTA.

[67] I understand that BCNU is referring to its efforts to understand its duties under the LTA after it was contacted by the ORL and provided with guidance materials. It does not address the fact that they had not registered for approximately three years prior to being contacted by the ORL.

[68] The ORL raised awareness in the lobbying community about the changes to the *Lobbyists Registration Act* (LRA), by publishing guidance documents, providing FAQs, infographics and webinars on its website.³ It also led presentations within the lobbyist community. BCNU should have been aware of the transition from the LRA to the LTA and the requirements that followed.

[69] If after becoming aware of its obligation to register, BCNU was still having difficulty understanding the guidance material, it could have contacted ORL staff for guidance.

³ <https://www.lobbyistsregistrar.bc.ca/resources/guidance-documents/>

[70] In response to the second notification under s. 7.1 of the LTA, dated July 11, 2024, BCNU stated that its failure to register stemmed from a “...lack of coordinated education on the topic of lobbying.” Since then, BCNU has initiated training to inform BCNU members of their obligations under the LTA.

[71] BCNU was unaware of their requirement to register with the ORL for three years. It did not become aware of their obligations until notified by the ORL. I understand that meeting its responsibilities under the LTA was a challenge due to their difficulty in understanding LTA’s requirements. A lack of knowledge is not an excuse for failing to meet one’s obligations under the LTA, since resources are available through the ORL to educate designated filers. However, BCNU has taken steps to overcome its knowledge gap by initiating training. This weighs in favour of a penalty in the low to mid range.

Gravity and magnitude

[72] The goal of the LTA is to promote transparency, to provide the public with accurate and timely information about who is lobbying government and the purpose of the lobbying. The failure to file a Registration Return in a timely manner undermines the LTA’s goal of transparency because it prevents the public from knowing who is attempting to influence government at any point in time. The 10-day time limit is not optional or arbitrary. It is connected to the public’s right to know the information set out in s. 4 of the LTA and to have it in a timely manner.

[73] BCNU contravened s. 3(3) of the LTA when it failed to submit a Registration Return. It lobbied 60 senior public office holders over a period of three years. This is a significant amount of lobbying over the three-year period. This does not include public office holders it may have lobbied. BCNU’s delay in filing its Registration Return undermines the public’s right to know who is lobbying government and on what topics it is lobbying. The magnitude of lobbying occurring, while unregistered, over this period of time elevates the gravity of the contravention. This is a circumstance that weighs in favour of a penalty in the high range.

[74] BCNU also failed to file Monthly Returns under s. 4.1 of the LTA with information required under s. 4.2(2)(g) of the LTA, gifts promised and or given to public office holders. This is a serious oversight made even after the BCNU sought guidance from the ORL. This elevates the magnitude of the contravention. However, these returns were only two months, one month and one day late, respectively, which considerably reduces the gravity of the contravention. This weighs in favour of a penalty in the low range.

[75] BCNU promised or gave prohibited gifts to 14 public office holders in contravention of s. 2.4(1) of the LTA. The promise and or giving of a gift potentially undermines public trust in the integrity of decision-making. The number of prohibited gifts given or promised exacerbates public perceptions of misconduct. The prescribed limit set out in s. 6 of the LTA Regulations is less than \$100, yet gifts promised and or given by BCNU totaled between \$192.83 and \$337.08, well over the prescribed limit. The number and amount of the prohibited gifts is serious,

elevating the gravity of the contraventions. This circumstance weighs in favour of a penalty in the mid range.

Necessary for specific and general deterrence

[76] I considered and rejected the idea that this is a situation where no penalty is appropriate. The provision on Registration Returns in the LTA and its predecessor the LRA have been in place since April 2010. Designated filers are responsible for their obligations under the statute. A penalty in this circumstance is appropriate for the purpose of encouraging the designated filer to take their obligations under the LTA seriously and to remind all designated filers of their legal obligations in keeping registrations current and accurate.

Decisions considered

[77] I have reviewed past decisions to determine what may be a reasonable penalty taking into consideration the circumstances of this case.

Late registration section 3(3) of the LTA

[78] In Determination Decision (DD) 23-04, the designated filer submitted their Registration Return 16 months late, contravening s. 3(3) of the LTA. During this period the organization lobbied senior public office holders on 10 separate occasions. The investigator issued a **\$4,000 penalty** for this contravention.

[79] The designated filer submitted their Monthly Return late, contravening s. 4.1 of the LTA; however, the investigator did not issue a penalty for the contravention given it was only one day late.

[80] Similar to the decision before me, in DD 23-04, there were no previous contraventions or warnings. There was no economic benefit, and the contravention did not appear to be deliberate. It was the ORL who reached out to the organization questioning whether it was required to register.

[81] In DD 24-02, the organization approached the ORL to advise it had been lobbying while unregistered. The designated filer submitted its Registration Return approximately two years late contravening s. 3(3) of the LTA. The organization lobbied senior public office holders on 43 occasions while it was unregistered. Given the circumstances, the designated filer was issued a penalty of **\$3,500** for failing to submit their Registration Return within the time limit set out in s. 3(3) of the LTA.

[82] Similar to this case, the organization did not have any previous contraventions or warnings. It did not receive an economic benefit, nor was the contravention deliberate. Unlike this case, the BCNU was approached by the ORL who questioned whether they should register.

[83] In DD 25-01, the ORL learned that the organization may be lobbying without being registered. It contacted the organization to establish whether it was lobbying and to provide guidance to meet its obligations under the LTA. The ORL discovered the organization had been lobbying since August of 2020. It was required to submit a Registration Return no later than September 15, 2020. It did not submit its Registration Return until August 18, 2024, 35 months late. During this period, the organization lobbied senior public office holders on 26 occasions.

[84] Similar to this case, the ORL was not aware of the organization's lobbying activity. The organization worked diligently with the ORL to correct its failure to register. However, the nature of the transgression led to a delay of several months before the organization submitted its Registration Return. The contravention was not deliberate, nor did it result in an economic benefit.

[85] Unlike this case, the investigator took into consideration the fact it was the former CEO who did not take their obligations to register under the LTA seriously, which led to the contraventions. They also considered the type of non-profit work the organization did. Taking all the factors into consideration, the investigator issued a penalty of **\$4,000**.

[86] The BCNU lobbied senior public officer holders on 60 occasions over three years while unregistered. The period and amount of unregistered lobbying exceeds those of the decisions above.

[87] Given all of the circumstances listed above, a reasonable penalty for contravening s. 3(3) of the LTA is **\$4,500**.

Prohibited gift section 2.4 of the LTA

[88] In DD 23-04, the organization gave a gift to a public office holder. Unlike this case, the gift was under the prescribed amount, \$59.35, but it was found to be prohibited because the gift did not meet the requirement under s. 2.4(2)(a) of the LTA: it was not given under the protocol or social obligation that normally accompanies the duties or responsibilities of the office of the public office holder. Consequently, the gift was prohibited under s. 2.4(1) of the LTA. The investigator issued a penalty of **\$1,000** for this contravention.

[89] In DD 23-03 the organization promised prohibited gifts to two public officer holders and promised and gave a prohibited gift to one public officer holder. The organization contacted the ORL and took immediate action to correct the contravention. The Deputy Registrar did not have any information that would lead them to the belief that the contravention was deliberate, or that the organization received an economic benefit. The Deputy Registrar determined that

penalties for a gift promised should not be as high as for a gift given. The Deputy Registrar issued penalties of **\$500** for each of the two gifts promised and **\$1,200 for the one gift given, totaling \$2,200.**

[90] In DD 24-04, 28 public office holders were promised prohibited gifts. The gift was an invitation to a luncheon. The value of the gift exceeded the prescribed limit. Sixteen of the public officer holders received a prohibited gift. The organization approached the ORL and discussed this matter. It worked with the ORL to report the gifts. It was the organization's first contravention. There was no economic benefit. However, the organization was aware that if it proceeded with the luncheon, it would be in contravention of s. 2.4 of the LTA. The organization went ahead with the luncheon, knowingly contravening s. 2.4 of the LTA when it gave the prohibited gift. The gifts only exceeded the prescribed limit by a small amount. The organization was penalized **\$4,000.**

[91] In DD 23-03 and 23-04, the designated filers approached the ORL reporting the contravention, unlike in this case where it was the ORL who contacted the BCNU.

[92] In this case, 14 public office holders who BCNU lobbied were promised or given gifts where the total value exceeded the prescribed limit within a 12-month period. Five were promised one gift, three were promised two gifts, and four were promised three gifts. Eleven public office holders were given a gift. The combined value of the promised/given gifts exceeded the prescribed limit from \$44.25 to \$237.08.

[93] In DD 24-04, the designated filer had been in contact with the ORL and knew the gift promised was prohibited prior to giving the gift. Yet, the designated filer gave the prohibited gift, leading to a higher penalty. This is not the case here: the gift had already been given to the public officer holders, prior to any interaction with the ORL.

[94] In DD 24-04, 28 public office holders were promised gifts, 16 received gifts. In DD 23-03, three public office holders were promised gifts, only one received the gift.

[95] The amount of the gifts promised or given in DD 23-03 was higher than in this case, but only marginally once the total amount of gifts promised or given to each public office holder is calculated (see Table 3). The gift amounts in this case were similar to those in DD 24-04.

[96] Taking all the circumstances into consideration, I believe a reasonable penalty for contravening s. 2.4(1) of the LTA is **\$3,000.**

Late Monthly Return - section 4.1 of the LTA - gifts promised and given

[97] In DD 23-01, the designated filer contacted the ORL with questions about changes to the *Lobbyist Registration Act*. Through communications with the organization, the ORL realized that

the designated filer failed to submit Monthly Returns on time.⁴ The investigator took into consideration that the Monthly Return was **only two days late**. The organization did not derive an economic benefit, nor was the contravention deliberate. The organization had no prior contraventions. The investigator imposed a penalty of **\$150**.

[98] In DD 23-07, the ORL informed the organization that its registration was about to be terminate. Approximately five months later, the organization submitted its Registration Return. The ORL learned that the designated filer failed to submit two Monthly Returns to report its lobbying activity on time, one **nine months** late the other **one month late**. Additionally, the organization **failed to submit** a Monthly Return **reporting changes** to its designated filer. The organization did not have any prior contraventions, nor where the contraventions deliberate. It worked with the ORL to resolve these errors. The investigator issued a penalty of **\$1,500**.

[99] In DD 23-02, the designated filer submitted a Monthly Return to update its Registration Return information. The ORL noticed errors in the return. Through correspondence with the organization, the ORL learned it had lobbied without submitting Monthly Returns to report this activity. The designated filer worked with the ORL and quickly rectified this error. It was determined that the organization had failed to submit **15 Monthly Returns** on time, some up to approximately two years late. There was a total of **29 occasions where it lobbied** without submitting a Monthly Return. There were no previous contraventions. The organization did not obtain an economic benefit, nor was the contravention deliberate. Given the circumstances, the investigator issued a penalty of **\$3,000**.

[100] In this case there are only three Monthly Returns that were submitted late. The first by two months, the second by one month, and the third by one day. Taking all the circumstances into consideration, I consider a reasonable penalty to be **\$500**.

CONCLUSION

1. Under section 7.2(2) of the LTA, I find that the BCNU contravened:
 - i. Section 3(3) of the LTA (late Registration Return)
 - ii. Section 2.4(1) of the LTA (Prohibited gift)
 - iii. Section 4.1 of the LTA (late Monthly Return)
2. I impose the following administrative penalties for the reasons set out above:
 - i. \$4,500
 - ii. \$3,000
 - iii. \$500

⁴ This was one of other contraventions that were identified.

The total amount of administrative penalties is **\$8,000**.

3. The designated filer must pay the amount for the penalties no later than **June 26, 2025**.
4. If the designated filer requests reconsideration under s. 7.3 of the LTA, they are to do so within 30 days of receiving this decision by providing a letter in writing directed to the Registrar of Lobbyists at the following address, setting out the grounds on which reconsideration is requested:

Office of the Registrar of Lobbyists for British Columbia
PO Box 9038, Stn. Prov. Govt.
Victoria, BC V8W 9A4
Email: info@bcorl.ca

Date: May 15, 2025

ORIGINAL SIGNED BY

Tim Mots, Investigator and
Delegate of the Registrar of Lobbyists

Appendix

Table 1. Late Monthly Return – Gifts Promised – Registration Return version 9.

Name of Public Office Holder	Date Gift Promised	Monthly Return Due
Monthly Return - Two Months Late		
Harwinder Sandhu	2024-03-11	2024-04-15
Mark Armitage	2024-03-11	2024-04-15
Kerry Morrison	2024-03-11	2024-04-15
Tania Dick	2024-03-11	2024-04-15
Adrian Dix	2024-03-28	2024-04-15
David Eby	2024-03-28	2024-04-15
Harry Bains	2024-03-28	2024-04-15
Dan Levitt	2024-03-11	2024-04-15
Jennifer Whiteside	2024-03-28	2024-04-15
Monthly Return - One Month Late		
Adam Olsen	2024-04-12	2024-05-15
Adam Walker	2024-04-12	2024-05-15
Adrian Dix	2024-04-12	2024-05-15
Aman Singh	2024-04-12	2024-05-15
Andrew Mercier	2024-04-12	2024-05-15
Anne Kang	2024-04-12	2024-05-15
Ben Stewart	2024-04-12	2024-05-15
Bowinn Ma	2024-04-12	2024-05-15
Brenda Bailey	2024-04-12	2024-05-15
Brittany Anderson	2024-04-12	2024-05-15
Bruce Ralston	2024-04-12	2024-05-15
Coralee Oakes	2024-04-12	2024-05-15
Dan Ashton	2024-04-12	2024-05-15
Dan Davies	2024-04-12	2024-05-15
David Eby	2024-04-12	2024-05-15
Doug Clovechok	2024-04-12	2024-05-15
Doug Routley	2024-04-12	2024-05-15
Elenore Sturko	2024-04-12	2024-05-15
Ellis Ross	2024-04-12	2024-05-15
Garry Begg	2024-04-12	2024-05-15
Greg Kylo	2024-04-12	2024-05-15
Harry Bains	2024-04-12	2024-05-15
Harwinder Sandhu	2024-04-12	2024-05-15
Henry Yao	2024-04-12	2024-05-15

Determination Decision 25-06 – Registrar of Lobbyists for BC

Ian Paton	2024-04-12	2024-05-15
Jagrup Brar	2024-04-12	2024-05-15
Janet Routledge	2024-04-12	2024-05-15
Jennifer Rice	2024-04-12	2024-05-15
Jennifer Whiteside	2024-04-12	2024-05-15
Joan Phillip	2024-04-12	2024-05-15
John Rustad	2024-04-12	2024-05-15
Josie Osborne	2024-04-12	2024-05-15
Karin Kirkpatrick	2024-04-12	2024-05-15
Katrine Conroy	2024-04-12	2024-05-15
Kevin Falcon	2024-04-12	2024-05-15
Lisa Beare	2024-04-12	2024-05-15
Lorne Doerkson	2024-04-12	2024-05-15
Mable Elmore	2024-04-12	2024-05-15
Megan Dykeman	2024-04-12	2024-05-15
Michael Lee	2024-04-12	2024-05-15
Michele Babchuk	2024-04-12	2024-05-15
Mike Bernier	2024-04-12	2024-05-15
Mike Morris	2024-04-12	2024-05-15
Nathan Cullen	2024-04-12	2024-05-15
Niki Sharma	2024-04-12	2024-05-15
Norm Letnick	2024-04-12	2024-05-15
Peter Milobar	2024-04-12	2024-05-15
Renee Merrifield	2024-04-12	2024-05-15
Roly Russell	2024-04-12	2024-05-15
Ronna-Rae Leonard	2024-04-12	2024-05-15
Sheila Malcolmson	2024-04-12	2024-05-15
Shirley Bond	2024-04-12	2024-05-15
Sonia Furstenau	2024-04-12	2024-05-15
Susie Chant	2024-04-12	2024-05-15
Susie Chant	2024-03-11	2024-04-15
Tania Dick	2024-03-11	2024-04-15
Teresa Wat	2024-04-12	2024-05-15
Tom Shypitka	2024-04-12	2024-05-15
Trevor Halford	2024-04-12	2024-05-15

Table 2. Late Monthly Return – Gifts Given – Registration Return version 9.

Name of Public Office Holder	Date Gift Given	Monthly Return Due
Monthly Return One Day Late		
Mark Armitage	2024-05-29	2024-06-15
Kerry Morrison	2024-05-29	2024-06-15
Dan Levitt	2024-05-29	2024-06-15
Adam Olsen	2024-05-02	2024-06-15
Adam Walker	2024-05-02	2024-06-15
Adrian Dix	2024-05-02	2024-06-15
Ben Stewart	2024-05-02	2024-06-15
Bruce Ralston	2024-05-02	2024-06-15
Coralee Oakes	2024-05-02	2024-06-15
David Eby	2024-05-02	2024-06-15
Doug Routley	2024-05-02	2024-06-15
Elenore Sturko	2024-05-02	2024-06-15
Ellis Ross	2024-05-02	2024-06-15
Garry Begg	2024-05-02	2024-06-15
Harry Bains	2024-05-02	2024-06-15
Henry Yao	2024-05-02	2024-06-15
Jennifer Whiteside	2024-05-02	2024-06-15
Karin Kirkpatrick	2024-05-02	2024-06-15
Kevin Falcon	2024-05-02	2024-06-15
Lisa Beare	2024-05-02	2024-06-15
Lorne Doerkson	2024-05-02	2024-06-15
Mable Elmore	2024-05-02	2024-06-15
Mark Armitage	2024-05-29	2024-06-15
Renee Merrifield	2024-05-02	2024-06-15
Roly Russell	2024-05-02	2024-06-15
Ronna-Rae Leonard	2024-05-02	2024-06-15
Shirley Bond	2024-05-02	2024-06-15
Sonia Furstenuau	2024-05-02	2024-06-15
Susie Chant	2024-05-02	2024-06-15
Susie Chant	2024-05-29	2024-06-15
Tania Dick	2024-05-29	2024-06-15
Teresa Wat	2024-05-02	2024-06-15
Tom Shypitka	2024-05-02	2024-06-15
Trevor Halford	2024-05-02	2024-06-15

Table 3. Gifts promised and/or given in excess of \$100 within 12 months.

Name	Date Promised	Amount	Date Given	Amount	Total Amount within 12 months
Adrian Dix	2024-03-28	\$144.25			
Adrian Dix	2024-04-12	\$56.00	2024-05-02	\$56.00	
Adrian Dix	2023-05-02	\$136.83			\$337.08
David Eby	2024-03-28	\$144.25			
David Eby	2024-04-12	\$56.00	2024-05-02	\$56.00	\$200.25
Dan Levitt	2024-03-11	\$144.25	2024-05-29	\$144.25	\$144.25
Harry Bains	2024-03-28	\$144.25			
Harry Bains	2024-04-12	\$56.00	2024-05-02	\$56.00	
Harry Bains	2023-05-02	\$136.83	2023-05-31	\$136.83	\$337.08
Harwinder Sandhu	2024-03-11	\$144.25			
Harwinder Sandhu	2024-04-12	\$56.00			
Harwinder Sandhu	2023-05-02	\$136.83			\$337.08
Isobel Mackenzie	2023-05-02	\$136.83			\$136.83
Michael McMillan	2024-03-11	\$144.25	2024-05-29	\$144.25	\$144.25
Jennifer Rice	2024-04-12	\$56.00			
Jennifer Rice	2023-05-02	\$136.83			\$192.83
Jennifer Whiteside	2024-03-28	\$144.25			
Jennifer Whiteside	2024-04-12	\$56.00	2024-05-02	\$56.00	
Jennifer Whiteside	2023-05-02	\$136.83			\$337.08
Kerry Morrison	2024-03-11	\$144.25	2024-05-29	\$144.25	\$144.25
Mark Armitage	2024-03-11	\$144.25	2024-05-29	\$144.25	\$144.25
Shirley Bond	2023-05-02	\$136.83			

Determination Decision 25-06 – Registrar of Lobbyists for BC

Shirley Bond	2024-04-12	\$59.00	2024-05-02	\$59.00	\$195.83
Susie Chant	2024-03-11	\$144.25	2024-05-29	\$144.25	
Susie Chant	2024-04-12	\$56.00	2024-05-02	\$56.00	
Susie Chant	2023-05-02	\$136.83			\$337.08
Tania Dick	2024-03-11	\$144.25	2024-05-29	\$144.25	\$144.25