

INFLUENCING B.C.

An e-zine on lobbying, lobbyists, and transparency in public influence

O.R.L.
 office of the
 registrar
 of lobbyists
BRITISH COLUMBIA

Transparent Lobbying.
 Accountable Government.

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REGISTRAR'S MESSAGE

In January the ORL partnered with SFU and the Public Affairs Association of Canada to host a conference in Vancouver that focused on the Future of Lobbying. I was very pleased to see such a great turnout.

In particular, it was great to have an open discussion between regulators and lobbyists. These conversations are critical as we move forward with our work.

It was also an opportunity for me to listen to your questions and concerns. The ORL is always looking for ways to help you get the information you need to stay in compliance with the legislation. Knowing what we need to do from your perspective will be very valuable for future planning.

I think many, if not all, of the attendees appreciated the Public Office Holders Panel, which gave lobbyists a unique opportunity to get the inside scoop on what works, and what doesn't, when dealing with public officials.

Finally, on a more personal note, this will be my last year as Registrar of Lobbyists, as my term will end on July 6.

More than anything else, my parting wish would be to see lobbying reform in British Columbia. In 2013 I wrote to the

Legislature to ask that the law be changed so that what is registered is actual lobbying and not prospective lobbying. Such a reform would help you, as lobbyists by making registration simpler, as you would only need to register actual lobbying that occurs.

I hope to see such change in the near future.

As always, we welcome your comments, questions and suggestions for topics and authors for future issues.

It has been a pleasure serving in this capacity over the last six years.



Elizabeth Denham
 Registrar of Lobbyists for B.C.

VANCOUVER CONFERENCE EXPLORES THE FUTURE OF LOBBYING



John Capobianco is Public Affairs National Practice Lead in FleishmanHillard's Toronto office.

Before joining FleishmanHillard in 2010, Mr. Capobianco was senior vice president of Edelman's public affairs practice.

He has more than 25 years of political experience at all three levels of government and twice won the Conservative Party of Canada nomination for the Toronto-area riding of Etobicoke-Lakeshore.

He is currently president of the Public Affairs Association of Canada, past president of the Canadian Club of Toronto, and sits on the boards of the Albany Club of Toronto and Ontario Chamber of Commerce.

I had the pleasure of recently attending a conference sponsored by the Office of the Registrar of Lobbyists (ORL) for British Columbia, Simon Fraser University's Institute of Governance Studies and the Public Affairs Association of Canada (PAAC – our BC chapter, led by Serge Corbeil) titled: "The Future of Lobbying". As president of PAAC, I was thrilled to not only have been in attendance for this conference, but to have moderated a session by two former BC Ministers and a former Deputy Minister on a very popular topic dealing with how to effectively lobby public office holders. Former Ministers George Abbott and Elizabeth Cull, along with former Deputy Minister Gerry Armstrong, provided an illuminating and, at times, humorous presentation on best practices when lobbyists interact with public office holders. Learning from these august panelists on what worked when they were lobbied and, more importantly, what didn't was extremely well received from the audience, which was comprised of both in-house lobbyists and consultant lobbyists.

I congratulate BC Registrar Elizabeth Denham and her team who put on this conference and invited other regulators from other jurisdictions, including Stephen Littlejohn representing the City of Toronto and Cathryn Motherwell representing Ontario. Federal Commissioner Karen Shepherd was also in attendance, who along with the other officials, presented their points of view on national trends in the lobbying sector. This session started off the conference and really laid the foundation for the rest of the conference.

The conference also allowed the BC chapter of PAAC to hold their annual general meeting during the lunch break. Serge Corbeil, who over the last couple of years has been a strong proponent of

VANCOUVER CONFERENCE

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ensuring BC had their own chapter and worked tirelessly to promote and be a voice for the lobbying industry in BC, passed the torch to Tamara Little, Vice President of NATIONAL Public Relations who took over as President at the meeting. Tamara, along with Norma Miller and the rest of the board, will continue with the work Serge has done in growing the association. Having recently met with Tamara while in Toronto, I know she will do an amazing job with the BC chapter and will represent the lobbying sector extremely well.

Our industry has at times been misunderstood and often compared to the lobbying sector to the south of us, as a result of many negative news stories and movies that have come out of the US. It is something that both PAAC and the Government Relations Institute of Canada (GRIC) continually try to correct through education and consultative advocacy.

Lobbying is a legitimate activity and a very critical part of the public policy process – this is something that is mentioned in the preamble of the federal Lobbyists Code of Conduct and something we ask all Registrars to include in their respective codes.

It is important that we always start off discussions about the industry in a positive light, based on the principle that we all want to ensure free and open access to government, while conducting lobbying activities with transparency and integrity.

ASK THE REGISTRAR

Q: I think I may lobby for my client in the future, but I don't have an undertaking to lobby at this time. Should I register out of an abundance of caution?

No. This is a great question, as there may be a misconception that it is better to be safe than sorry.

However, registering an undertaking that has not occurred frustrates the intended transparency and openness that the LRA promotes just as much as a lobbyist who registers late.

If a lobbyist registers out of an abundance of caution in the name of transparency, they are actually giving the impression that lobbying is occurring, which is misleading to the public. In addition, this could result in a contravention of s. 4(1) for filing information that is not true.

The best way to make sure you are in compliance with the LRA is to register an undertaking as soon as it has been established. And, as always, if you are not sure if you have entered an into an undertaking, contact us! We are always glad to help.



PUBLIC AFFAIRS IS A PROFESSION, NOT A MOVIE



Tamara Little is Vice President, Public Affairs, Vancouver for NATIONAL Public Relations.

specializing in the energy sector, mining, infrastructure, transportation, ports, utilities, and Aboriginal relations.

She is also the President of the Public Affairs Association of Canada (PAAC) – BC Chapter Executive.



Norma Miller is the Manager of Government Relations for the British Columbia Real Estate Association, which represents the provincial interests of 11 real estate boards and more than 18,500 REALTORS®.

She is also the Vice-President of PAAC BC.

West Wing. House of Cards. Thank You for Smoking.

What do these movies and TV shows have in common? They all have characters who are involved in government relations and lobbying.

But what do they have in common with reality? Very little.

The public affairs profession includes policy analysts, government relations, lawyers, public relations professionals and others. The work is based on best practices on how to support our organizations and clients to engage effectively with governments and stakeholders. And to do this in a way that is publicly transparent – as it should be. However, the administrative rigour behind the lobbying portion of the work we do is rarely depicted on TV or in the movies.

The newly-formed British Columbia Chapter of the Public Affairs Association of Canada (PAAC BC) was created to serve a growing group of professionals, many of whom do work that is covered by the *Lobbyists Registration Act*. We bring together professionals to learn from each other, connect and engage constructively with our stakeholders, including the Office of the Registrar of Lobbyists.

PAAC BC is part of an organization that has been a key professional development organization and voice in the industry across the country. The BC lobbying community, including consultants and in-house staff, saw what members of PAAC were doing at the national office and wanted to partner. We are excited to be the first chapter outside the main Toronto-based group.

The creation of PAAC BC speaks to a growing professionalization of our industry here, where a full 2,400 people participate in some form in work designated as lobbying. We are proud of the fact that there is a very high rate of compliance with the Act. In fiscal 2014/15 a mere 6 out of 2,514 registered lobbyists (this is .0024 of a per cent) were ruled out of compliance by the Registrar. This is an indicator of our industry's commitment to registering properly and the work by the Registrar's Office on education.

PUBLIC AFFAIRS IS A PROFESSION, NOT A MOVIE

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You may be a not-for-profit executive director working on social housing issues. You may be a small business association ensuring government understands how your industry creates jobs in BC. You may be a single consultant specializing in a specific sector, where you are a window into decision making and the complex work of government for your clients. What we have in common is a desire to bridge the gap between government and the broader community.

As a consultant lobbyist, public affairs and public relations practitioner at NATIONAL Public Relations, I see a wide range of professionals doing excellent work across all sectors. Increasingly, we are seeing a new young generation of professionals starting their careers. I encourage those new professionals to attend PAAC BC's events and engage with the public affairs community.

This year, we at PAAC BC will be increasing our activity, growing our membership, and serving our members. We encourage the public affairs community to reach out to myself or our Vice President, Norma Miller, to provide feedback on what you want **your** organization to do.

PAAC BC looks forward to working with all our new members and hopes to see you at our events. We may even screen a movie or two!
@PAAC84



Did you Know?

The ORL has several Guides
and Quick Tips
available at

www.lobbyistsregistrar.bc.ca

Don't Get S.T.U.M.P.E.D.!

Tips to avoid common misconceptions



S

Submit v. Save: In order to complete your registration you will need to submit it to the Lobbyists Registry. Registrations that have been **SAVED** but not **SUBMITTED** will be deleted by the system after **10 days**. If you do not receive an email confirming the activation of your registration, check to ensure your registration was submitted successfully.



T

Timelines (10/30/100): Consultant lobbyist have **10 days** to register an undertaking to lobby. All filers are required to report any changes within **30 days**. Organizations must register once the collective time spent on lobbying related activities amounts to **100 hours** in a previous 12-month period.



U

Undertaking: A verbal or written agreement between a consultant lobbyist and a client where the services the lobbyist will perform on behalf of a client may include lobbying. This includes setting up a meeting between any individual and a public office holder.



M

Minister's Staff: The 'Minister Staff' option should only be selected to report lobbying of political staff in the Minister's Office, such as the Chief of Staff or Executive Assistant.



P

Public Agency: The "Public Agency" option should be selected to report lobbying of public servants of a ministry or staff of any crown corporation or other entity meeting the definition of a provincial entity.



E

Education: On the ORL website under the Resources tabs, there are many documents that will provide you with useful information on registering, searching the public registry, and potential contraventions of the LRA.



D

Designated Filer: The designated filer is responsible for registering with the Lobbyists Registry; providing complete, unambiguous and accurate information; and responding to requests for information or corrections from the Registrar or her delegate in a timely manner.

LESSONS LEARNED

ADMINISTRATIVE PENALITIES ISSUED BY THE BC ORL

The purpose of the B.C. LRA is to promote transparency in lobbying by requiring lobbyists to register. However, the Registry will only provide transparency if the information it records is accurate. Neglecting to register, entering incorrect information, or not maintaining registrations with accurate timelines undermines the integrity of the Registry and clouds the transparency it is supposed to provide. If the public cannot trust the information in the Registry is accurate, then the Registry will cease to fulfill the function legislators intended.

This is why the ORL takes investigating alleged contraventions so seriously. In assessing each alleged infraction, investigators review the circumstances of the case, examine the evidence, and, if the contravention is substantiated, issue an investigation report and levy an appropriate penalty. Penalties are determined by the severity of the contravention, previous enforcement actions, whether the contravention was deliberate, if the contravention resulted in economic gain, if the registrant sought to report or correct the contravention, and whether a penalty is needed for general or specific deterrence.

The full version of all reports can be found at www.lobbyistsregistrar.bc.ca

Consultant lobbyist fails to register undertaking within 10 days

[Investigation Report 15-04](#)

On January 15, 2015, Mr. Hrushowy registered a January 1, 2015 undertaking as a consultant lobbyist for the Construction Labour Relations

Association (CLRA). ORL staff contacted Mr. Hrushowy to determine if the registration was an extension of a previous undertaking (with the same client) with a July 31, 2014 end date. Mr. Hrushowy confirmed that he had forgotten to update his registration, which resulted in the lapse. Mr. Hrushowy amended the January 2015 registration to accurately reflect August 1, 2014 as the start date.

The investigator found that Mr. Hrushowy did not comply with s. 3(1) of the LRA by failing to register the undertaking within 10 days. An administrative penalty of \$750 was imposed.

Consultant lobbyist fails to update registration within 30 days

[Investigation Report 15-08](#)

On January 21, 2015 Mr. Hunter, a consultant lobbyist, updated his registration to lobby on behalf of Akamai Technologies Incorporated. The lobbyist updated his undertaking end date from January 22, 2015 to August 14, 2014 to reflect the early termination of his agreement with his client. ORL staff contacted Mr. Hunter, as the change was made more than 30 days after the change occurred. Mr. Hunter confirmed that his contract to lobby expired on August 14, 2014, and that the failure to update the registration in a timely matter was due to an administrative error.

The investigator found that Mr. Hunter did not comply with s. 4(3) of the LRA by failing to update his registration within 30 days of the completion of his undertaking. An administrative penalty of \$500 was imposed.

LESSONS LEARNED

ADMINISTRATIVE PENALITIES ISSUED BY THE BC ORL

(Cont'd)

Lobbyist staff misinterprets meaning of 'undertaking', resulting in a failure to register within 10 days

Investigation Report 15-09

On April 22, 2015, Mr. Jepsen, a consultant lobbyist for AuRico Gold Inc., registered an undertaking with a start date of April 1, 2015. When questioned about the late registration, Mr. Jepsen explained that the staff member responsible for keeping the registry up to date misinterpreted the meaning of undertaking to refer to the scheduling or execution of meetings, not the date when the agreement to lobby on behalf of a client occurred. Mr. Jepsen promptly updated his registration to reflect a March 26, 2015 undertaking start date.

The investigator found that Mr. Jepsen did not comply with s. 3(1) of the LRA by failing to register the undertaking within 10 days. An administrative penalty of \$700 was imposed, in part due to the fact that the lobbyist had previously received a warning letter from the ORL.

Consultant lobbyist unaware of obligation to register, fails to register within 10 days

Investigation Report 15-10

On March 11, 2015, Mr. Lindstrom, a consultant lobbyist, contacted the ORL advising that the registration he had previously started was no longer available. Saved registrations are cancelled after 10 days if the lobbyist does not complete and submit the registration to the Lobbyists Registry.

On March 24, 2015, Mr. Lindstrom registered an undertaking with a start date of November 25, 2014 on behalf of Teal Jones Group. When questioned about the reason for the late registration, Mr. Lindstrom admitted that he was not aware of his obligation to register at the time of the undertaking.

The investigator found that Mr. Lindstrom did not comply with s. 3(1) of the LRA by failing to register the undertaking within 10 days. An administrative penalty of \$600 was imposed.

Lobbyist misinterprets classification of consultant lobbyist

Investigation Report 15-11

On February 26, 2015, Ms. Beuhler, a consultant lobbyist, contacted the ORL for assistance in registering an undertaking. She confirmed a registration would be forthcoming, as she was not aware that she was classified as a consultant lobbyist. On March 9, 2015 and March 26, 2015 ORL staff followed up to inquire why a registration had not been received. The registration was submitted on March 27, 2015 with an undertaking start date of March 26, 2015.

In response to a request for more information from ORL staff, Ms. Buehler confirmed that an agreement with the client was reached on December 22, 2014. Ms. Buehler was asked to correct the registration to reflect the accurate

LESSONS LEARNED

ADMINISTRATIVE PENALITIES ISSUED BY THE BC ORL

(Cont'd)

undertaking start date. The registration was updated on May 19, 2015.

The investigator found that Ms. Buehler did not comply with s. 3(1) of the LRA by failing to register the undertaking within 10 days, and s. 4(1)(b)(ii) of the LRA by entering inaccurate information in her registration. An administrative penalty of \$1,700 was imposed.

Consultant lobbyist unaware of lobbyist requirements under the LRA

Investigation Report 15-12

On August 17, 2015, Mr. Walters, a consultant lobbyist, registered an undertaking on behalf of Oka Holdings with a start date of March 2, 2015. When questioned by ORL staff about the delay in registration, Mr. Walters confirmed



that he was not aware of the registration requirement under the LRA, and did not consider the work conducted on behalf of his client to be lobbying. During the investigation, Mr. Walters provided information that made it clear that lobbying occurred between April 7 and August 17, 2015.

The investigator found that Mr. Walters did not comply with s. 3(1) of the LRA by failing to register the undertaking within 10 days. An administrative penalty of \$700 was imposed.

Lobbyist incorrectly identified as an in-house lobbyist

Investigation Report 15-13

On May 31, 2015, Mr. Kennedy, a consultant lobbyist, registered an undertaking with a start date of April 1, 2015 on behalf of TransCanada Pipelines Ltd. When asked to provide further information regarding the delay in registration, Mr. Kennedy advised that he was contracted as a consultant for TransCanada from November 27, 2012 to December 31, 2015. He noted that TransCanada had entered him as an in-house lobbyist from November 2012 to March 2015. He was then informed by TransCanada that moving forward he would have to register as a consultant lobbyist. Mr. Kennedy adjusted his registration to reflect the correct November 27, 2012 start date.

The investigator found that Mr. Kennedy did not comply with s. 3(1) of the LRA by failing to register the undertaking within 10 days. An administrative penalty of \$700 was imposed.