

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 June I released the 2014-15 annual report for the Office of the Registrar of Lobbyists (ORL). In the report, we highlight our commitment to public education, which we are working to implement in the coming year. Stay tuned as we continue to make new learning opportunities available.

In this issue, we focus on the year to come. I am excited to announce that we are working with the B.C. chapter of the Public Affairs Association of Canada and the Simon Fraser University Institute of Governance Studies to present *The Future of Lobbying*, a conference designed for lobbyists and public affairs professionals.

The conference, which will be held at the SFU Harbour Centre in Vancouver on January 22, promises to be an exciting opportunity to discuss topics that are important to you.

In September, we sent out a survey to all registered consultant lobbyists, designated filers, and interested stakeholders to see whether our website and *Influencing B.C.* publication are meeting your expectations.

Based on your valuable feedback, we have included the Ask the Registrar column in this issue, as well as an infographic that offers an at-a-glance look at how to register with the Lobbyists Registry. I would like to thank everyone who took the time to complete the survey.

As always, we welcome your comments, questions, and suggestions for topics and authors for future issues. We are especially interested in including articles from lobbyists and those involved in lobbying activity in B.C.



Elizabeth Denham
Registrar of Lobbyists for B.C.

THE FUTURE OF LOBBYING IS HERE



THE FUTURE OF LOBBYING CONFERENCE

Friday, January 22, 2016

SFU Harbour Centre
Vancouver BC

On **January 22, 2016**, public affairs professionals and lobbyists will converge on downtown Vancouver at the Simon Fraser University Harbour Centre campus for *The Future of Lobbying* conference.

The program, presented by the Office of the Registrar of Lobbyists (ORL), the Simon Fraser University Institute of Governance Studies, and the B.C. chapter of the Public Affairs Association of Canada (PAAC), will offer delegates practical advice and opportunities for engagement.

Speakers will include lobbying regulators, former public office holders, and public affairs professionals. Sessions will cover:

- trends in lobbying at the national, provincial, and municipal levels;
- new directions, challenges, and trends in lobbying in B.C.;
- tips for effective lobbying, with direct advice from former public office holders; and
- tips for navigating the B.C. Lobbyists Registry and clarification of common misconceptions.

In addition to the sessions, the seminar will also offer an excellent opportunity to network with colleagues and connect with ORL staff.

Mark your calendars now for the *Future of Lobbying*, and watch for more details in the weeks to come.

For more information, email the ORL at info@bcorl.ca

THE FUTURE OF LOBBYING

Notional Agenda

SFU Harbour Centre, 515 West Hastings Street, Vancouver, B.C.

Friday, January 22, 2016

Welcome *Elizabeth Denham, Registrar of Lobbyists for British Columbia*

Session 1: National Trends in Lobbying

Moderated Panel Discussion

This discussion will focus on national, provincial and municipal lobbying activities. Hear from practitioners from across the country about best practices, trends and lessons learned.

Break

Session 2: The Future of Lobbying in B.C.

Moderated Panel Discussion

Come learn about new directions, challenges and trends in lobbying in British Columbia from our panel of experts.

Lunch (Provided)

Session 3: Tips for Effective Lobbying of Public Office Holders

Moderated Panel Discussion

Government decision-makers are inundated with messages. Learn from public office holders about how to make your message memorable.

Break

Session 4: Lobbyists Registry Tips from the ORL and PAAC

Join us for this informative session and take away quick, beneficial tips that will help you navigate the B.C. Lobbyists Registry and provide you with some clarification around common misconceptions.

What I've learned working on the Lobbyists Registry

ORL Staff

Top 10 Tips about how to register with the Lobbyists Registry

PAAC-BC

Closing Remarks

Presented by:



ASK THE REGISTRAR



Q: What is the most common misunderstanding about lobbying among consultant lobbyists?

Many consultant lobbyists have a hard time determining when an undertaking begins. They have **10 days** from entering into an undertaking (agreement) to lobby on behalf of a client to register.

An essential component to remember is that the agreement to lobby can be verbal, and doesn't refer to when the contract is signed between client and lobbyist or the effective date of the agreement. Rather, it is when there is a "meeting of the minds" between the client and lobbyist that the work to be done by the lobbyist may include lobbying. This includes setting up meetings with public office holders and does not need to be for the purposes of lobbying. Many lobbyists register late or enter the wrong date because they misunderstand when the undertaking begins.

Q: How do I know if I am a consultant or an in-house lobbyist?

Consultant lobbyists receive payment from a client and have an agreement to communicate with a public office holder on behalf of a client.

In-house lobbyists are employees, officers or directors of an organization who are paid for the performance of their functions. If their collective lobbying efforts on behalf of the organization amount to at least 100 hours annually, the organization must register.

Q: The end date for my undertaking has changed. What should I do?

You have **30 days** to update your registration with any changes. You can update the details of your registration at any time on the ORL registry. If your agreement with your client terminates or completes before the date you had originally entered in your registration, you are required to amend the end date. If your agreement with your client has been extended, you have 30 days to extend the end date on your registration.

Q: I am trying to add public office holders I have met with to my registration and I can't find the list of target contacts. How should I proceed?

When you access the Lobbyists Registry to make updates, you are presented with the review screen. Each of the underlined sections are links to allow you to go directly to the information in that section to make your updates. To find the list of public office holders you have already entered, you need to click into the appropriate link found in the Lobbying Activities section.

If you are a consultant lobbyist, click on the subject matter link and all your lobbying details, including the list of public office holders, will now be visible for you to add more.

If you are the designated filer of an organization, click on the name of the appropriate in-house lobbyist and then the subject matter link to find the lobbying details for that in-house lobbyist.

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ASK THE REGISTRAR

(CONT'D)

Q: When submitting a return, I am confused about which target contact category I should select. What is the difference between “Minister Staff Contact” and “Public Agency”?

This is a great question, and one that we get a lot.

The “Minister Staff Contact” option should be selected to report lobbying of any political staff in the Office of the Premier or any other Minister’s Offices. Some examples are the Chief of Staff or Executive Assistant. There is a field on the registration that will require you to identify the specific person targeted. You will have the option to enter the name of the staff member or make an entry like “various staff.” This name field was added during the drafting of the new legislation. However, the *Lobbyists Registration Act* requires the filer to identify only the name of the minister and the fact that they have or expect to lobby a staff member of that minister.

On the other hand, any public servant in a ministry can be captured by reporting “Public Agency” and identifying the appropriate ministry name. This entry line covers lobbying of any ministry staff from the Deputy Minister and downward. In addition, this captures lobbying of staff of other public agencies. Names are not required.

These distinctions are also referenced in our Quick Tips guides for consultant lobbyists and for designated filers of organizations. These guides can be found on the ORL website under the Resources tab.

ORL RELEASES NEW INVESTIGATIONS GUIDE



The ORL recently released a new guide to help lobbyists understand the ORL investigation process.

The guide is an informal way to provide filers with a better understanding of what to expect if they appear non-compliant with the LRA.

The purpose of the Lobbyists Registry is to provide an accurate and transparent public record of who is lobbying whom, and to what end.

The ORL is responsible for ensuring that lobbyists are in compliance with the LRA by conducting compliance reviews and investigations of filers or lobbyists who may be non-compliant.

The ORL is made aware of potential non-compliant activity by:

- information submitted to the Registry in a return;
- automatic system notifications;
- media reports;
- environment scans; or
- information received from the public.

To assist lobbyists with this process, the ORL has created a guidance document that can be used as general information by anyone who is interested in the ORL’s investigation process.

The *Investigations Guide* can be found at:
<http://www.lobbyistsregistrar.bc.ca>

WE ASKED... YOU ANSWERED!



In September, the ORL issued a survey to current lobbyists, designated filers, and other interested parties to determine how its website and the *Influencing B.C.* online publication might be improved.

The ORL received 50 responses, which will be used to determine the type of content we will provide in the future and how it will be made available to the public.

Results showed that there is a desire for improved navigation and organization of the ORL website. Visitors to the website are mainly looking for information about:

- how to update a current registration;
- lobbying requirements in B.C.; and
- information about who is lobbying whom.

The survey was sent to 117 consultant lobbyists, 162 designated filers and 91 additional parties.

The ORL received 50 responses between September 16 and October 13.

Thank you to everyone who completed the survey. We value your feedback as we work to optimize our services.

In response, the ORL has begun the process of evaluating the current website to address potential improvements to the areas identified in the survey.

When it comes to *Influencing B.C.*, 75% of respondents answered that they find the information in the publication useful. A few suggested publishing the content in an HTML format versus the pdf format currently used. Although there was insufficient time to research this option for the current issue, ORL staff will investigate other formats in which to present the online journal in the future.

The Future of Lobbying Conference

January 22, 2016, Vancouver BC

Contact: info@bcorl.ca

How do I register with the Lobbyists Registry?

A quick guide for lobbyists

Consultant lobbyists have **10 days** to register an undertaking to lobby with the Lobbyists Registry

Designated filers for organizations must register their in-house lobbyists when collective lobbying of the organization amounts to at least **100 hours annually**

Step 1

To register, you will need a B.C. electronic ID (BCeID). If you do not have one, visit www.bceid.ca/register to apply for either a business or basic BCeID. This is a free service provided by the BC government.

Step 2

Go to <https://justice.gov.bc.ca/lra/> to register your lobbying activity. Remember, consultant lobbyists have **10 days** from the undertaking to register. Designated filers must register once the collective lobbying efforts on behalf of the organization amounts to at least **100 hours**.

Step 3

Once you have filled in all applicable fields, make sure the "Certify" radial button is selected and hit Submit. You will receive an email confirming your registration was submitted.

Tip: If you do not receive confirmation, check your registration to make sure you did not hit the Save and Exit button, as the registration will only remain in the saved status for 10 days, at which time it will be deleted. Failing to properly submit the registration could result in non-compliance.

Questions?

visit www.lobbyistregistrar.bc.ca for more info

The Office of the Registrar of Lobbyists is an independent office of the legislature

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

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 contravenes ss. 3 (1), 4(1)(b)(iii) and 4(2)(a) of LRA*

Investigation Report 15-01

On August 13, 2013, Mr. Brad Zubyk filed a return for an undertaking with Urban Impact and certified an undertaking start date of July 1, 2013. An investigation by the ORL determined that the lobbyist was in contravention of S. 3(1) of the LRA for failing to file his return within 10 days of entering into an undertaking to lobby. Mr. Zubyk requested that the Registrar of Lobbyists reconsider the investigator's findings.

Mr. Zubyk explained that the intent was to lobby municipal officials on behalf of Urban Impact; therefore he was not required to register with the ORL. This new evidence led the Registrar to rescind the findings and initiate a new investigation to determine whether Mr.

Zubyk was in contravention of s. 4(1) by entering an incorrect undertaking start date.

Based on all the evidence in a further investigation, the investigator determined that Mr. Zubyk did not comply with s. 3(1) of the LRA by registering the undertaking within 10 days. In addition, the lobbyist was found to have contravened s. 4(1)(d) by failing to enter Recycle First as the name of his client, s. 4(1)(b)(iii) by entering incorrect information (the additional lobbyist), and s. 4(2)(a) by failing to remove the incorrect information from his registration. An administrative penalty of \$1,500 was imposed for filing late and \$2,000 for entering the incorrect client on his return.

Reconsideration: Mr. Zubyk requested a reconsideration of the investigator's decision. The Registrar upheld the findings that Mr. Zubyk failed to register within 10 days, entered incorrect information and failed to remove incorrect information from his registration and upheld the \$1,500 penalty. The Registrar did not confirm the finding that Mr. Zubyk failed to enter the correct client name in his return and rescinded the \$2,000 penalty.

***This investigation stems from Reconsideration 14-06, which arose from Investigation Report 14-06. As Mr. Zubyk provided new information in his reconsideration request, the Registrar rescinded the findings in Investigation Report 14-06 and opened a new investigation.**

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Did you Know?

The ORL has several Guides and Quick Tips available at

www.lobbyistsregistrar.bc.ca

LESSONS LEARNED

ADMINISTRATIVE PENALITIES ISSUED BY THE BC ORL

(Cont'd)

Consultant lobbyist fails to register undertaking within 10 days

Investigation Report 15-02

On July 10, 2014, Mr. Ian Todd filed a return for an undertaking with Black Diamond Group Ltd. and submitted an undertaking start date of June 15, 2014. When ORL staff contacted Mr. Todd to identify the reason for the late filing, Mr. Todd responded that the June 15 start date was a clerical error, and was not relevant as he had not conducted any lobbying on behalf of his client.

Mr. Todd informed the ORL that he had arranged an introductory meeting between his client and a British Columbia cabinet minister on May 23, 2014, and that he did not consider this to be lobbying.

Upon request, Mr. Todd provided an unsigned copy of his consultancy agreement with his client, which indicated an initial six month agreement between Mr. Todd and his client, effective November, 2013. The contract was later extended from April 1, 2014 to December 31, 2014. This agreement was deemed to be an undertaking to lobby. As such, Mr. Todd adjusted the undertaking start date to September 1, 2013 with a June 30, 2015 end date.

The investigator found that Mr. Todd did not comply with s. 3(1) of the LRA by failing to register the undertaking within 10 days. An administrative penalty of \$1,200 was imposed.

Designated filer fails to file return within 30 days

Investigation Report 15-03

On August 15, 2014, Ms. Moira Mackenzie, the designated filer for the British Columbia Teachers' Federation ("BCTF"), was notified by ORL staff that BCTF's return had expired on August 13, 2014. Ms. Mackenzie was therefore required to file a return by September 11, 2014 if BCTF had an in-house lobbyist that met the



criteria of 100 hours in the previous 12-month period.

ORL staff sent an additional follow up email to Ms. Mackenzie on September 10, 2014, advising her that if it met the criteria the BCTF was required to file a return by September 11, 2014.

Having received no response or a registration, ORL staff contacted the BCTF on October 23, 2014, asking Ms. Mackenzie to confirm whether or not the BCTF still met the criteria for registration. Ms. Mackenzie confirmed the need for registration and filed a return on the same day.

The investigator found that Ms. Mackenzie did not comply with s. 3(3) of the LRA by failing to file the return within 30 days of the expiration of the previous return. An administrative penalty of \$1,000 was imposed.