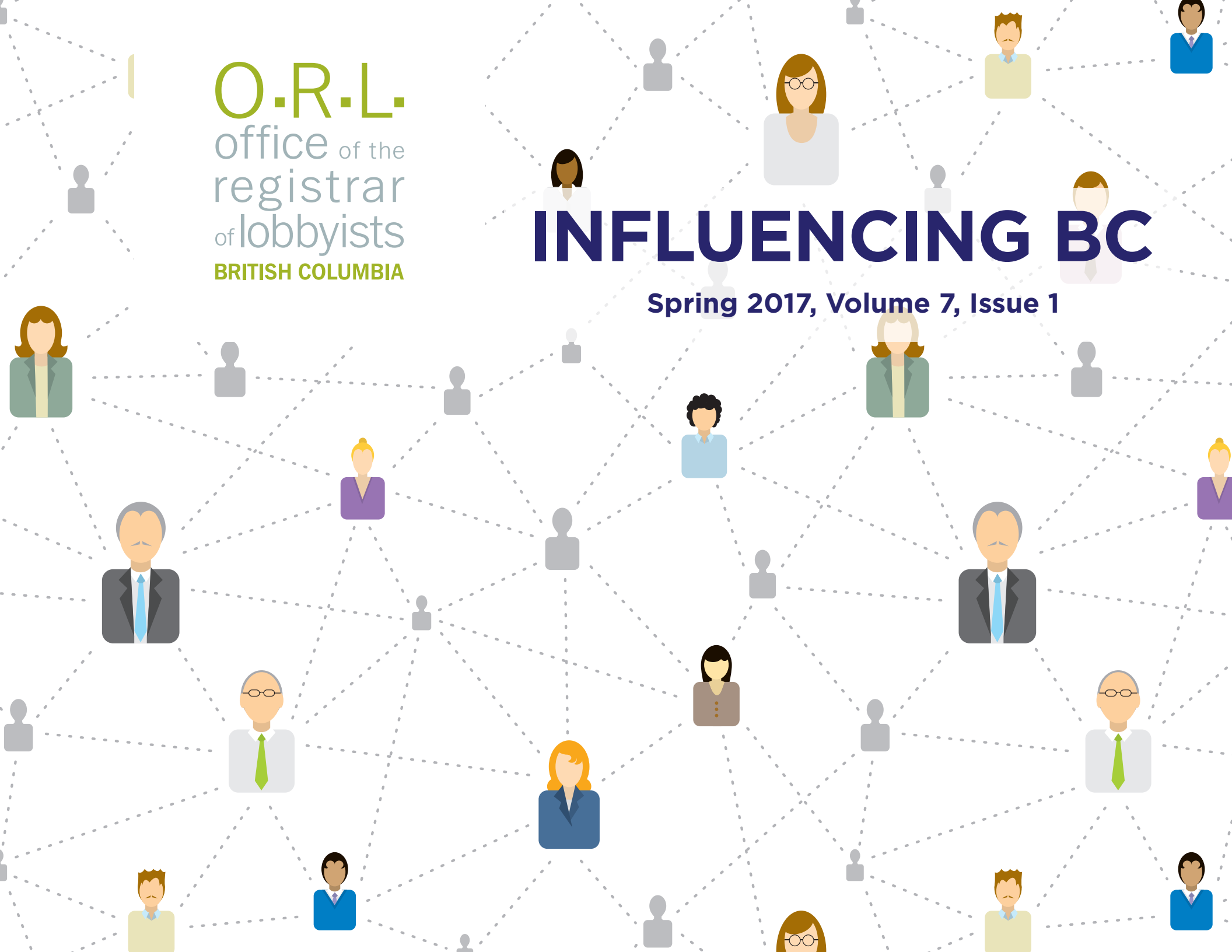


O.R.L.
office of the
registrar
of lobbyists
BRITISH COLUMBIA

INFLUENCING BC

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Drew McArthur

Acting Registrar of Lobbyists
for British Columbia

REGISTRAR'S MESSAGE

The provincial election means the lobbying community will have new relationships to build, new meetings to plan, and new registrations to file. We have also been busy here at the Office of the Registrar of Lobbyists for BC. Morag Ross has capably assumed the reins of Registry Manager following the retirement of Carol Searle. If you have questions about your registration, don't hesitate to contact Morag at (250) 387-2686.

On the federal front, Karen Shepherd, Commissioner of Lobbying of Canada, is leaving her position at the end of June. Karen reflects on her more than nine years in office in this issue of *Influencing BC*, beginning on page 6. We have also just learned that François Casgrain, le Commissaire au Lobbyisme du Québec, will resign his post at the end of June. We wish them both the very best in their future endeavours.

Lobbying in BC has received a lot of public attention in recent months, along with calls for greater transparency. Still, I am pleased to report that over the past year, compliance with the LRA has improved. This is an encouraging result of the Office's educational efforts over the past seven years.

Speaking of education, if you haven't already done so, I would encourage all lobbyists to join the BC chapter of the Public Affairs Association of Canada (PAAC-BC). This growing organization provides lobbyists with opportunities for professional development and networking. You can read more about PAAC-BC from two of its executive members, beginning on page 5.

Returning to the election, I leave you with a gentle reminder: be sure to update your registrations with any appropriate new contacts. Check out our "Ask the Registrar" column on page 4 for some tips. My thanks to the lobbying community for their efforts to remain transparent and compliant with BC's *Lobbyists Registration Act*.



ASK THE REGISTRAR

What do I need to do with my registrations following the provincial election?

The *Lobbyists Registration Act* requires you to update your registration within 30 days of any changes to the information or within 30 days of the date you became aware of any changes to the information. After an election, both designated filers for organizations and consultant lobbyists must ensure their registrations accurately reflect the correct targets. Two scenarios can arise. The first is when you have lobbied or expect to lobby the previous position-holder and you intend to lobby the new position-holder. In this case, you would be required to update the “Target Contacts” portion of your registration with the new names, subject matter, and intended outcome details. The fact that you lobbied or intended to lobby the previous position-holder will remain on your registration. The second scenario is when you have already lobbied the previous position-holder but do not intend to lobby the new position-holder. In this case, you would not be required to update your registration.

When the Lobbyists Registry asks if I am a former public office holder, does that include positions I held with the federal government?

You only need to list positions you have held in BC, for example, Minister, MLA, political staff, or senior public servant (Deputy Minister/Assistant Deputy Minister).

I’m preparing to re-register my organization and I want to confirm that the registration should reflect current and future lobbying over the next six months, not historical lobbying for the past six months?

Yes, you are correct. When you register your organization every six months, you detail who you expect to lobby in that upcoming six-month period. For example, from May 12, 2017 – November 12, 2017.

Your registration should also indicate who you expect to lobby during that six-month period and the topic. The term “expect” means “likely to happen.” From our perspective, that means that either a communication will take place (e.g.: a meeting is scheduled, a letter will be sent) or there is a strong likelihood that a communication will take place. “Expect” should not be confused with “might.”

You then have 30 days to add further lobbying details, not previously reported in your registration, during the timeframe of your registration. In the above example, if you have a meeting on June 30, 2017 with a public office holder where you lobby, and this lobbying detail is not already captured in your registration, you would have 30 days to add that meeting to your registration.

Do you have a question for the Registrar? Email it to us at info@bcorl.ca

AGENTS OF CHANGE

PAAC-BC explains why government relations professionals matter in today's knowledge economy

by Tamara Little and Norma Miller

Few people are aware that John A. MacDonald's office in the Parliament Buildings is kept as it was when he was Prime Minister, with tours occasionally available. Imagine how different governing was for him, as Canada was becoming the country it is today.

Surely there were lobbyists then, too, because non-profit and for-profit groups have always sought to have their voices heard by government. But consider how different their work was compared to today. As government, business, environmental management, fiscal regimes – all of society – has evolved into this current, complex web, so too has government relations work.

What has changed?

Firstly, government relations professionals are increasingly diverse. No longer is it just a network of well-connected older people (mostly men!) who get their influence from whom, rather than what, they know. We are experts who are in these roles because of our deep knowledge of both government and industry. We are former government policy,

communications, and political advisors with deep knowledge of the policymaking process, and we choose to contribute to policy development from outside government.

Would it have been possible in John A.'s era for a woman from a small town, blue-collar, and entrepreneurial family to engage with cabinet ministers and advise CEOs on government, as one of us (Tamara) does? Unlikely.

Secondly, we are now part of a profession that is starting to achieve its goal of having a seat at the executive table. We are becoming trusted advisors to CEOs. We have professional associations, like the Public Affairs Association of Canada, that have codes of ethics, professional development and training programs, and an increasingly complex set of best practices.

Thirdly, we are very much a part of the knowledge economy. Our deep insights, based on both data and experience, enable us to understand

where the goals of government and stakeholders intersect and where they diverge. Government relations professionals help organizations explain complex industries to government so everyone can be successful. We help ensure that government gets the best input and advice into the art of the possible, because we understand both sides.

We are experts... with deep knowledge of both government and industry

Our profession will evolve alongside government and society. One factor that will remain the same, however, is the true value of the work government relations professionals do to help the public policy process be successful.

Tamara Little is the President of the Public Affairs Association of Canada's BC Chapter and a Vice President, Public Affairs at NATIONAL Public Relations.

Norma Miller is Vice President of the Public Affairs Association of Canada's BC Chapter and the Acting Director of Communications and Public Affairs for the British Columbia Real Estate Association.

PARTING WORDS

As her current term ends, Karen Shepherd reflects on her years as Canada's Commissioner of Lobbying

Lobbying is a legitimate activity and plays an important role in democracy. I have always said that governments cannot operate in a vacuum and they need all the relevant information about the risks and benefits of choosing one option over another. The key is that when lobbying occurs, it must be transparent.

The passing of the federal *Lobbying Act* almost 10 years ago continued a trend toward greater transparency and accountability in interactions with government officials. Since then, Canada's lobbying legislation has gone a long way to help to increase the public's confidence in the integrity of

government decisions by ensuring that lobbying activities are more open and transparent. I believe this trend toward more disclosure will continue in Canada and around the world.

Much has been accomplished since I became Commissioner. As the first Commissioner of Lobbying, I am proud of how I was able to manage the lobbying regime in its early stages, setting up the office with a highly skilled group of professionals, and putting all the elements in place to ensure transparency and accountability in lobbying.

One of my biggest challenges was striking the right balance of enhancing and encouraging a culture of compliance while not impeding or creating undue barriers to free and open access to government.

I put in place three programs to deliver on my mandate: establishing a registry, raising awareness through outreach and education, and ensuring compliance with the *Lobbying Act* and the *Lobbyists' Code of Conduct*.

In my experience, lobbyists want to comply with the legislation and the *Lobbyists' Code of Conduct* and they take the appropriate steps to do so. This is a point I stress nationally and internationally. By doing this, lobbyists

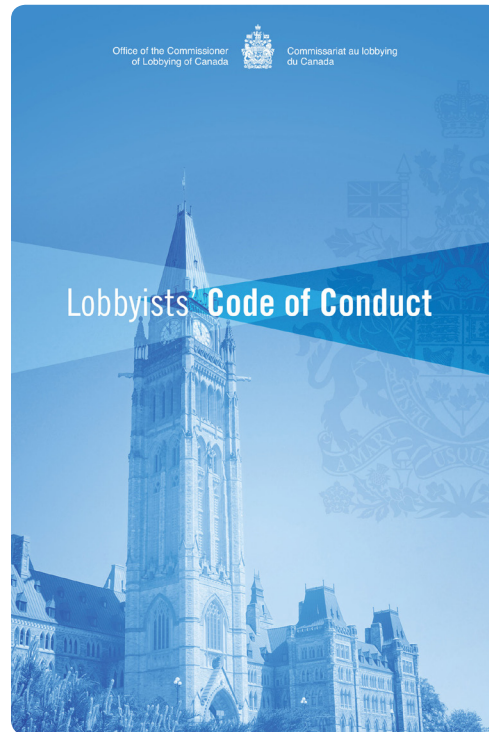


contribute to a culture of compliance by not only respecting the letter of the law but also the spirit of the federal regime.

Today the Canadian Registry of Lobbyists is recognized as one of the best registration systems in the world. Even so, I continue to find ways to improve it to ensure that it serves Canadians' need for transparency and accountability.

Recently, I made upgrades to the Registry to help users find information faster while also improving the user experience. I am working on making the registry more mobile friendly, so it works seamlessly on smartphones and tablets, and I am implementing recommendations from a review of the Lobbyists Registration System to improve functionality and consider new registration and search features.

As Commissioner, I believe that education plays a key role in ensuring that individuals understand their responsibilities and obligations so they can comply with the *Lobbying Act* and the *Lobbyists' Code of Conduct*. Part of my outreach effort included the recent launch of a social media program, using Twitter and LinkedIn. I have committed to posting a blog entry every month on LinkedIn and tweeting once or twice per week. I invite you to follow the Office on



both platforms.

While education is important to ensure compliance, it must be accompanied by a strong enforcement program. This is why, on the compliance front, I continue to adopt an integrated approach that my Office implemented a few years ago. This includes not only looking into allegations of non-compliance but also verification and other preventive measures.

I am particularly proud of the new *Lobbyists' Code of Conduct*, which I brought into force in December 2015.

Unlike the lobbying legislation, which has been amended several times over the past two decades, the code had not changed since it first came into force in 1997. Given the importance of the code in outlining the high ethical standards expected of lobbyists, I felt it was important to hear from key stakeholder groups. The result of the consultation is a stronger, clearer code.

It has been an honour to serve as Canada's first Commissioner of Lobbying and create the first fully independent Office, and to ensure that lobbying at the federal level is conducted in a transparent and ethical manner. Along this journey, I have been fortunate to meet and collaborate with regulators on provincial and municipal levels, officials from government departments, and those working nationally and internationally to make a difference in improving transparency, particularly in the area of lobbying.

I am very proud of Canada's strong lobbying regime and the dedicated professionals in the Office of the Commissioner of Lobbying. I would like to take this opportunity to thank them for all that we have accomplished.

[Karen Shepherd's term is scheduled to end in June 2017.](#)



The purpose of the 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, it 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, 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 on the ORL website at lobbyistsregistrar.bc.ca.

Consultant lobbyist fails to register undertaking within 10 days

Mr. McAlpine submitted a return as a consultant lobbyist for Atlantic Power Williams Lake on March 8, 2016. He certified an undertaking start date of June 15, 2015 and an end date of July 15, 2016. On March 9, 2016, ORL staff sent Mr. McAlpine an email asking him to make unrelated corrections to his registration and to explain the delay in filing his return.

The lobbyist said that his previous work in communications did not include lobbying. He noted that his work with his client focused on "...communications, community and First Nations engagement." The lobbyist stated he filed a return because he had "...recently had reason to come into contact with provincial elected officials."

The lobbyist stated that he had set up and attended two meetings with public office holders on behalf of his client, one on January 18, 2016, and the other on March 4, 2016, both prior to the lobbyist filing a return. These meetings on behalf of his client fall clearly within the LRA definition of lobbying. Therefore, the lobbyist had actually lobbied in advance of filing a return with the Lobbyists Registry.

The investigator found that the lobbyist contravened s. 3(1) of the LRA and imposed an administrative penalty of \$500.

Consultant lobbyist fails to file a return within 10 days

Ms. Mitchell, a consultant lobbyist, registered an undertaking for her client, McKesson Canada, on March 12, 2013 with an end date of March 12, 2015. On August 31, 2015, the lobbyist filed a return for an undertaking for the same client, certifying the start date as August 3, 2015. ORL staff noticed the previous end date for this client, March 12, 2015, which raised a concern about whether this was an extension of an existing undertaking or whether the lobbyist had entered into a new undertaking with her client at a later date. ORL staff followed up to ask why the undertaking end date had not been extended according to the timelines set out in s. 4(2) of the LRA.

The lobbyist explained that she had missed the end date on the first registration and confirmed that her undertaking with her client was ongoing. Ms. Mitchell also stated that during the period she was not registered with the Registry, she had provided advice to her client derived from occasional discussions she had with Ministry officials about policy matters.

Ms. Mitchell admitted that she failed to monitor her registration and allowed it to terminate. She did not realize her error until approximately five and a half months after her return had terminated. She filed a new return on August 31, 2015, certifying that the start date was August 3, 2015. When challenged on the start date of her new return, she changed it to the correct start date of March 13, 2015.

The investigator found that the lobbyist contravened s. 3(1) of the LRA for submitting her return past the timelines. An administrative penalty of \$750 was imposed. The penalty was upheld in a Reconsideration Report on November 29, 2016 on the basis that Ms. Mitchell did not provide

compelling grounds that the investigator's findings should be changed. The Registrar agreed with the investigator that the penalty was appropriate to meet the objectives of special and general deterrence in relation to the contravention of s. 3(1) of the LRA.

Consultant lobbyist fails to register undertaking within 10 days

Mr. Brown submitted a return as a consultant lobbyist for Atlantic Power Williams Lake on February 2, 2016. He certified an undertaking start date of June 15, 2015 and an undertaking end date of January 18, 2016. Based on these dates it appeared the undertaking had started and terminated prior to the lobbyist filing his return.

Mr. Brown stated that the discrepancy between the timeline for registration and when he submitted a registration was because he did not understand that contacting government officials to schedule meetings for a client to share information was lobbying and put him into conflict with the LRA. He further stated that he submitted a registration upon learning that the work he had undertaken could be considered lobbying under the LRA.

The meetings Mr. Brown arranged with public office holders on behalf of his client between May and December 2015 clearly fall within the definition of lobbying. The investigator found that Mr. Brown did not comply with s. 3(1) of the LRA when he failed to file a return within 10 days after entering into an undertaking to lobby on behalf of his client and imposed an administrative penalty of \$700.

Consultant lobbyist fails to register undertaking within 10 days

Mr. Jiles, a consultant lobbyist for the BC Salmon Farmers Association, filed a return to register as a lobbyist on behalf of his client after the deadline required by the LRA.

On May 31, 2016, the lobbyist contacted the ORL to advise that he had forgotten to extend the registration for his client within 30 days of the end date of March 31, 2016. He submitted a registration for his undertaking and certified an undertaking start date of April 1, 2016. The ORL received an automatic system alert that this registration appeared to contravene the required timeframes under the LRA. On June 13, 2016, the ORL asked Mr. Jiles to explain the discrepancy between the deadline for submitting a registration and the date on which he registered.

The lobbyist responded on July 7, 2016 and detailed a number of meetings that he both arranged and participated in during the period of April 1 to May 31, 2016.

The lobbyist admitted he contravened s. 3(1) of the LRA and that it was an oversight and an administrative error on his part.

The meetings the lobbyist arranged and/or attended with public office holders on behalf of his client between April 1, 2016 and May 31, 2016 clearly fall within the definition of lobbying in the LRA. Therefore, the lobbyist engaged in lobbying in advance of registering with the ORL on May 31, 2016.

The investigator found that the lobbyist did not comply with s. 3(1) of the LRA when he failed to file a return within 10 days after entering into an undertaking to lobby on behalf of his client and imposed an administrative penalty of \$500.



Consultant lobbyist fails to register undertaking within 10 days

On July 21, 2016, Mr. Goehring, a consultant lobbyist, advised the ORL that he had forgotten to extend a return for his client, Catalyst Paper Corporation, within 30 days of the June 2, 2016 end date. On August 4, 2016 and August 10, 2016, the ORL reminded the lobbyist that he had not yet submitted the return. On August 16, 2016, he submitted a registration for his undertaking and certified an undertaking start date of June 2, 2016. The ORL received an automatic system alert that this registration appeared to contravene

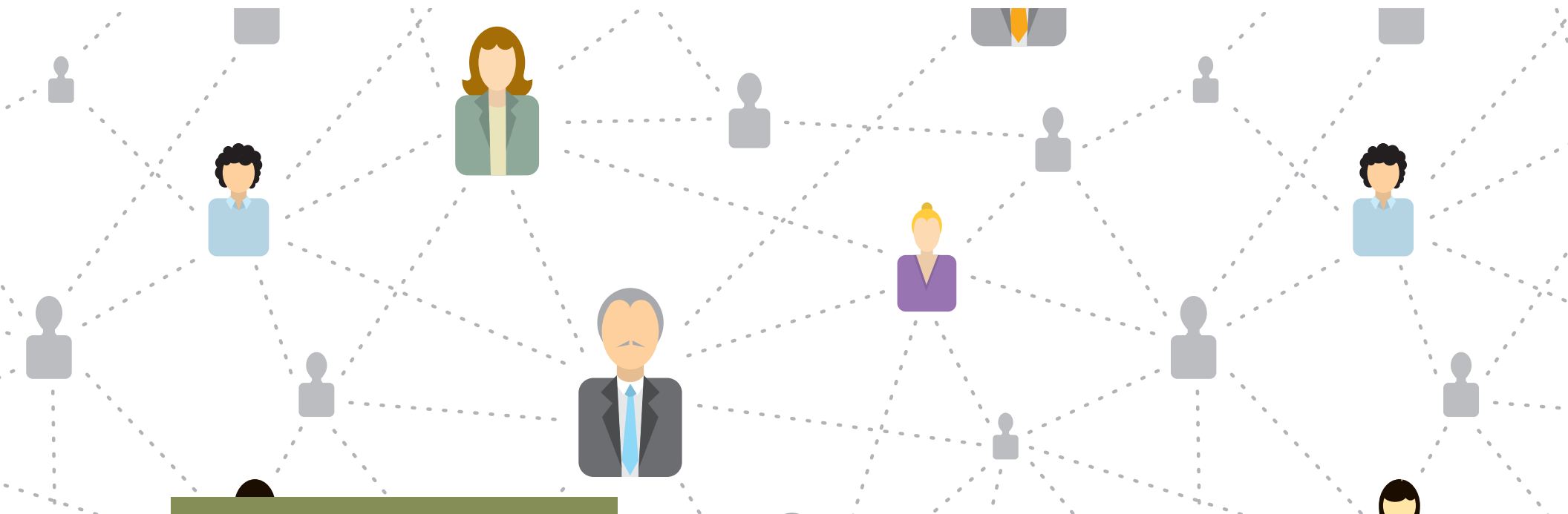
the required timeline set out under the LRA. On August 18, 2016, the ORL asked Mr. Goehring to explain the discrepancy between the deadline for submitting a registration and the date on which he registered.

The lobbyist noted that he had received two notifications from the ORL about two unrelated returns, which he subsequently modified on July 21, 2016. While he was making these changes he noticed a third registration that had passed its end date of June 2, 2016. He mentioned that he did not receive an automatic notification from the ORL that this return was about to end. The ORL is not obliged to notify lobbyists of impending changes to their registration. These notices are offered as a courtesy only and should not be relied upon. The lobbyist informed the ORL that his office has since improved its internal processes to ensure future deadlines are not missed.

The lobbyist also advised that he had set up one meeting on June 13, 2016, which took place on July 18, 2016. He did not attend this meeting or any other meeting during the period he was unregistered. Mr. Goehring acknowledged that he failed to file his return within the timelines set out in s. 3(1) of the LRA.

The meeting the lobbyist arranged with public office holders on behalf of his client on June 13, 2016 clearly falls within the definition of lobbying in the LRA. Therefore, the lobbyist engaged in lobbying in advance of registering with the ORL on August 16, 2016.

The investigator found that Mr. Goehring did not comply with s. 3(1) of the LRA by failing to file a return within 10 days after entering into an undertaking to lobby on behalf of his client and imposed an administrative penalty of \$500.



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