

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

Autumn is, for many, a time to reflect on the year that's been and look forward to the coming year and its new opportunities.

Looking back on 2013, our most significant accomplishment was a comprehensive proposal to amend the legislation regulating lobbying in B.C. After more than six months of consultations with lobbyists, public office holders and key stakeholders, I tabled a report in the Legislature recommending five critical amendments to the *Lobbyists Registration Act* (LRA).

My recommendations are, in brief: change the registration requirement from lobbyists naming who they "expect to lobby" to who they actually lobby; harmonize registration requirements for different types of lobbyist; add a "cooling-off period" for former public office holders; mandate the disclosure of third-party interests when lobbying; and add a statutory review of the LRA every five years.

There are widespread benefits in adopting the proposed amendments. By improving existing reporting requirements, we will ensure that the data in the Lobbyists Registry is accurate and current. As a result, citizens will find it easier to see who is attempting to influence public officials' decision making. These five

recommendations also have broad appeal for a majority of the stakeholders we consulted.

I would like to thank everyone who took the time to engage in this process. Your thoughtful feedback helped us to identify and build consensus around the most critical changes needed in the regulatory regime for lobbying in B.C.

In the coming year, I look forward to consulting with government to ensure these changes are implemented, so we can better support increased openness and transparency for citizens.



Elizabeth Denham
Registrar of Lobbyists for B.C.

IT TAKES TWO TO LOBBY: SEVEN WAYS POLITICIANS AND GOVERNMENT CAN IMPROVE LOBBYING TRANSPARENCY

BY GUY GIORNO

Guy Giorno is leader of the Government Ethics, Transparency and Political Law practice at Fasken Martineau. He chairs the Law of Lobbying and Ethics Committee of the Canadian Bar Association and serves on the Steering Committee of the Council on Governmental Ethics Laws. He is a former chief of staff to the Prime Minister of Canada.



Guy Giorno

Earlier this year, B.C.'s Registrar of Lobbyists [recommended](#) that the *Lobbyists Registration Act* (LRA) be amended to include elements of a code of conduct for lobbyists.

A lobbyists' code — something that already exists at the [federal level](#) and in [two other provinces](#) — is overdue in B.C.

As much as we need to hold lobbyists accountable to act in a transparent and ethical manner, it seems that something is missing. It takes two to lobby, yet nobody advocates new rules for the officials being lobbied. This oversight is unbalanced and unfortunate. After all, the general public has as many trust issues with politicians as with lobbyists.

To fill the gap, I propose seven principles that should bind government officials, including politicians, in their dealings with lobbyists. These recommendations are equally applicable to B.C., the federal government, and every other jurisdiction in Canada. I base them on my legal background in lobbying transparency plus a decade's experience in government.

I became Chief of Staff to the Prime Minister one day before the *Federal*

Accountability Act amendments to the *Lobbyists Registration Act*, now the *Lobbying Act*, took effect. Federal officials and lobbyists both lived through implementation, but I saw it from a unique perspective. I also happened to work for the Premier of Ontario when the *Lobbyists Registration Act* in that province was developed, introduced, passed and implemented.

My seven principles for government officials are as follows:

First, while the law makes lobbying disclosure the responsibility of the lobbyist, not the government, government officials have a moral obligation to avoid meeting unregistered lobbyists.

In British Columbia, as elsewhere in Canada, both consultant lobbyists and in-house lobbyists are required to be registered. Before accepting a meeting request, a public officer holder could easily consult the registry to check for the individual's name.

If the individual is not registered, this should be pointed out. The vast majority of unregistered lobbying occurs due not to ill intent but a lack of awareness or understanding of the law.

Sometimes the individual requesting the meeting will claim registration is not required (*e.g.*, because he is a volunteer, or she works in an organization falling beneath the 100-hour threshold). In that case the public office holder should request a written attestation (email would suffice) that the individual is aware of the LRA and claims to comply with it. Unless the individual is

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registered or attests to compliance, the meeting should be declined.

The B.C. Registrar has proposed a change to the LRA clarifying that registration should occur after lobbying has actually occurred. One downside of this recommendation is that it would shield the public office holders from any moral responsibility not to facilitate unregistered lobbying.

Second, governments should identify specific officials responsible for dealing with lobbyists, and no other public office holders should take a lobbying meeting.

I enforced this rule when I was Chief of Staff to the Prime Minister. Only policy advisors and people responsible for stakeholder relations (in addition to the chief and deputy chiefs of staff) were permitted to meet with lobbyists. In my view, if you did not have involvement in the policy process, and you had no responsibility for stakeholders, then you had no business consorting with lobbyists.

It compromises the integrity of the policy development process to have lobbyists encourage uninformed government officials to insert themselves into a policy file. When a lobbyist tries to talk policy with someone who's not responsible for policy, it's usually because of a personal connection or some other dodgy reason the lobbyist wants to circumvent those handling the file. Such "end runs" should be disallowed.

Government officials who are part of the policy development process are responsible for balanced consultation and receiving balanced input. If certain interests get to lobby other government officials, then that balance can be upset. All stakeholders and interests should have a fair opportunity to be heard and

to influence policy. A one-window approach places everyone on an equal footing.

Third, government should reserve the right to limit the access of consultant lobbyists.

Open government benefits from the input of citizens directly affected by policy – individual citizens, corporate citizens, association citizens. From a consultation perspective, and from a policy development perspective, the contribution of the person directly affected is worth much more than the talking points of some hired gun.

In the PMO, I enforced the following protocol:

- Almost never was it appropriate to meet a consultant lobbyist in the absence of a client.
- We reserved the right to tell stakeholders that their consultants were not required at meetings, and we exercised it when we felt the consultants would add no value to the dialogue. (For example, rarely does useful input come from those high-volume, garbage-can lobbyists whose principal business is arranging meetings for clients.)
- We would not accept the involvement of consultants where we felt it was unseemly to do anything but deal directly with their clients (e.g., universities, charities).

Were we saying not to hire consultants? No, the message was: "Hire a consultant if you wish, but if we prefer to deal with you directly, we'll only deal directly with you."

It's a matter of common sense. There is no good reason for a consultant to meet government in the

It compromises the integrity of the policy development process to have lobbyists encourage uninformed government officials to insert themselves into a policy file.

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absence of the client — that is, no reason that government should countenance. Besides, the optics are terrible.

Fourth, government officials should actively report the slightest hint of lobbying impropriety.

That was my practice inside government. When we became aware of information that the rules *might* have been contravened — unregistered lobbying, a misleading lobbyist disclosure report, a breach of the conflict rules — we routinely referred it to the authorities.

Premiers' offices and the PMO are not structured to investigate. My practice, when there was the slightest doubt or any suggestion that a rule might have been violated, was to ship whatever information we had to the authorities and let them sort it out.

Some critics say this involved snap



judgments. On the contrary, we were not making judgments at all. We were letting the authorities make judgments.

When the Premier's Office or Prime Minister's Office receives an allegation, I don't think there is a decision point: to refer the allegation or not to refer the allegation to the authorities. It's not a decision because non-referral just isn't an option. It's not an option for the centre of government to receive an

allegation and just sit on it.

Other critics say it's wrong to forward every allegation, and that government must first confirm the allegation meets some threshold of proof. Otherwise (the critics claim), government is throwing people to the wolves or under the bus.

I reject that criticism. To start, it's simply dishonest to suggest that an arm's length, independent review by competent legal authorities is like being set upon by wolves or squished under a bus.

More importantly, I don't believe we want our elected officials, or their offices, weighing allegations. We don't want them gathering evidence, interviewing witnesses or assessing credibility.

I say that's precisely what we *don't* want a premier's office to do. It's not structured to investigate. As an institution it lacks the systems, the training and the competence to do so. This leaves, as the only option, immediately forwarding an allegation to the authorities who know how to conduct investigations, gather evidence, interview witnesses and assess credibility.

Fifth, lobbying transparency laws should require public officials to disclose their contacts with lobbyists.

No law in this country mandates reciprocal reporting, and that's unfortunate.

As a federal Conservative, I campaigned on the party's platform during the 2005-06 election campaign. At page 8 of [*Stand Up for Canada*](#), at the bottom, we pledged: "A Conservative government will ... Require ministers and senior government officials to record their

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contacts with lobbyists.”

That policy was right and sound when we campaigned on it, and remains so today. If you work for the public, and are paid by the public, then you should be accountable to the public for meetings you hold while on the job. It's as simple as that.

Sixth, we must sever the link between lobbying and campaign fundraising — and politicians must shoulder responsibility for doing so.

The B.C. Registrar [proposes](#) greater transparency of political contributions by lobbyists. She's right, but attention must also be paid to the political fundraising process.

One of my proudest achievements as Chief of Staff to the Prime Minister was involvement in the promulgation of new guidelines for political fundraising. These [guidelines](#), appearing as part of the Prime Minister's rules for his Cabinet, tell politicians not to involve lobbyists in their fundraising, and also not to target lobbyists and stakeholders as the objects of fundraising.

These guidelines should be enshrined in federal law, and it would be wonderful if provincial governments and Legislatures adopted the same rules.

In many provinces, it is common for provincial politicians and their fundraisers to target (a less generous observer might say shake down) lobbyists and lobbyists' clients. What else can be said of intimate receptions, with extremely high ticket prices, that target members of a particular industry or sector of the economy?

Nobody is innocent. The lobbyists benefit from introducing their clients to the politicians in an intimate setting, and the politicians rely for the success of

their fundraising on the benefit to the lobbyists and lobbyists' clients.

Lobbying is a treasured right. Making and soliciting political contributions are also rights. However, lobbying and political financing, mixed together, form a dangerous cocktail that can be toxic to democracy.

Seventh, organizations that form part of the provincial public sector should not use taxpayers' money to lobby the provincial government. Nor should organizations that form part of the federal public sector use taxpayers' money to lobby the federal government.

This principle is already being respected in British Columbia, where neither the public sector nor the broad public sector is hiring consultant lobbyists to talk to the provincial government. (Municipalities are the exception; several of them are spending tax dollars on consulting lobbying.)

Hiring consultants with public funds is, or has been, an issue in other jurisdictions. When I worked in the PMO, it came to our attention that many organizations in the federal public sector, never mind the broader public sector, were hiring consultant lobbyists to deal with the federal government. In fact, I was shocked to see the extent to which consultant lobbyists, representing these federal entities, were meeting with federal Ministers and officials.

It made no sense. Federal ports, for example, report to the federal Minister of Transport. By what logic should a federal port hire a consultant lobbyist to get in touch with the Minister of Transport?

In November 2009, at the Prime Minister's request, the Clerk of the Privy

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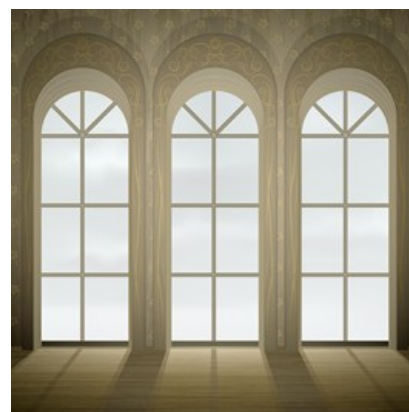
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Council wrote to remind federal Crown corporations and other federal bodies not to engage consultant lobbyists to communicate with the Government of Canada. His [letter](#) argued that, “accountability and the public interest are best served when its relationship with these organizations is conducted via candid and direct communications between corporate officers and responsible Ministers and their officials, and [therefore] the use of consultant lobbyists for this purpose is unnecessary and an inappropriate use of public funds.”

In the same vein, Ontario has enacted a [law](#) that prohibits broader public sector organizations from using taxpayers’ funds to hire consultant lobbyists.

While this is not currently a problem in British Columbia, public officials should remain vigilant about the use of consultants.

The common thread of all seven recommendations is that transparency is a two-way street. For all the progress that has been made forcing transparency on lobbyists, public officials aren’t doing their part. As Homer Simpson famously said: “Marge, it takes two to lie. One to lie and one to listen.”



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LOBBYISTS’ REGISTRY SYSTEM UPGRADES

Two recent upgrades to the B.C. Registry of Lobbyists make re-registration easier for organizations and enhance the quality of statistical data in the registry.

First, when designated filers for organizations log on to re-register, they will no longer be presented with their previous registrations’ data.

Organizations that lobby are required to re-register every six months. When the lobbyists registry was first launched, the hope was that organizations would find it easier to re-register if they could start by viewing their previous registrations’ lobbying details.

However, many organizations reported

that they found it more difficult to start with deleting old information than to start fresh. With the system change, organizations now receive a template with their “tombstone data”— information about the organization — filled in, but the lobbying details sections blank. Now, organizations can enter their current lobbying details with no need to ensure that they have deleted all the lobbying details from the previous registration.

Second, registrants will no longer be able to choose “Other Public Agency” as a lobbying target. When people register lobbying activities, they choose expected lobbying targets from a list in

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REGISTRAR RECOMMENDS CHANGES TO B.C. LOBBYING LEGISLATION

Registrar Elizabeth Denham has recommended five amendments to the B.C. *Lobbyists Registration Act*:

1. Instead of requiring filers to register who they “expect to lobby,” require that they list who they have lobbied, by the 15th of the following month.
2. Remove the requirement for organizations to lobby “at least 100 hours in 12 months” before they are required to register their in-house lobbyists.
3. Require former public office holders to refrain, for 12 months after leaving public office, from lobbying the agency where they worked and

lobbying on matters they engaged during the last 12 months of their employment.

4. Require filers to list any third-party interests that, to the filer's knowledge after making reasonable inquiries, controls, directs or is a major funding source for the lobbying or has a direct interest in the outcome of the lobbying.
5. Require a mandatory review of the LRA every five years.

To view the full report and recommendations, visit the ORL website at www.lobbyistsregistrar.bc.ca/ or click [here](#).

Registrar Elizabeth Denham has recommended five amendments to the B.C. Lobbyists Registration Act.

LOBBYISTS REGISTRY SYSTEM UPGRADES

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a drop-down menu. Among the options are public agencies such as Crown corporations, commissions, and other public bodies that are not part of government per se.

Previously, when registrants chose “Public Agency,” they were presented with a list of public agencies or they could choose “Other Public Agency,” and enter an agency name in a text window. The intention was to allow registrants to add new agencies that have come into existence since the registry was created.

However, most registrants who chose this option entered ministries or branches of ministries that should be entered under the relevant ministry's name. This error did not negatively affect transparency — registrants were being very transparent in naming the agency they intended to contact — but it did skew the statistical reports for



the lobbyists registry.

If you aren't able to find the agency you wish to name as a lobbying target, please contact the Registry Manager at info@bcorl.ca. ORL staff will advise you on how to proceed and add the agency to the list of existing agencies, if we determine that it should be on the list.

HOW TO BE AN EFFECTIVE LOBBYIST

BY DR. J. STEPHEN ANDREWS



J. Stephen Andrews

J. Stephen Andrews, Ph.D, is a Government Relations Advisor with Borden Ladner Gervais, LLP in its Toronto office. His practice involves advising clients on lobbying law and compliance, lobbying strategy and stakeholder management.

What makes an effective lobbyist? In the media and popular culture, effective lobbying is usually construed to mean someone with a lot of political connections. The speed and/or frequency he or she can connect their clients, organizations or businesses with political decision makers is viewed as the hallmark of success. The questions people ask lobbyists typically are of the following variety: Do you have access to key decision makers? What relationships do you have? Have you developed a network of contacts in various political parties? Can you get sensitive information from your political contacts that will benefit my business? In other words, an effective lobbyist is someone who knows a lot of government and political actors and can exercise some degree of influence over them.

This view of lobbying also seems to underlie some aspects of the regulation of lobbyist and lobbying activity in Canada. For example, the federal *Lobbyists' Code of Conduct* contains a rule (8) that states, "Lobbyists shall not place public office holders in a conflict of interest by proposing or undertaking a course of action that would constitute an improper influence on a public office

holder." The clear cases of conflict in this instance would include a lobbyist giving the public office holder an expensive gift. This could look like a way of influencing his or her decision making inappropriately.

However, in a more controversial vein, this rule has also been interpreted by the federal Lobbyist Commissioner in such a way that places restrictions on various "political activities" (such as working on a political campaign in any capacity), if a lobbyist were to then use his or her relationship with a successful political candidate to influence the policy or decision making process. This would, in other words, create the "appearance" of a conflict of interest between the private interests of a politician (getting elected) and his public duty (acting in the public interest in respect of governmental decision making). This view of the rule, at its heart, is about restricting a lobbyist from exploiting his or her *relationship* with a politician gained from political activities. This usually is taken to mean that because of the lobbyist's relationship with a politician, he or she has greater *access* to him or her and thus a greater and potentially improper form of influence over them.

In contrast, and much more rarely, is the view that an effective lobbyist is a professional with a deep understanding of government and policy decision making *processes* and a wide range of knowledge about various public affairs techniques used for influencing public policy and political decision making. Having some special form of access to a government decision maker in this view is largely irrelevant for successfully influencing public policy. He or she may

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HOW TO BE AN EFFECTIVE LOBBYIST (CONT'D.)

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not know any specific individual actors in the policy process but know the function and role of the office of say a cabinet minister's Chief of Staff. Simply getting a meeting with someone in the complex machinery of government may create the perception of influence, but it is not likely going to result in significant change.

In this article, I develop a conception of what it takes to be an effective lobbyist that elaborates on this latter view of lobbying. To put it simply, I develop the view of lobbying as a form of "what you know" and not "who you know" business enterprise.

Effective lobbyists have characteristics that may be distinguished along two dimensions: their personality and their knowledge base. On the first of these two dimensions, effective lobbyists have a strategic mindset or the ability to determine goals and objectives, develop a sound strategy for achieving those goals and objectives and the ability to execute a strategy development for influencing public policy. He or she also understands tones and forms of communication that resonate with different individuals. And they have a mindset that respects and values government timelines and various pressures.

Another key personality feature of an effective lobbyist is the ability to cultivate a wide range of networks — from interest group leaders to business contacts. This enables him or her to gain critical forms of intelligence for the formulating of strategic plans. Further, lobbyists need an ethical core to work within strict boundaries of what is acceptable and what is not. Often, lobbyist regulators spell such requirements out in codes of conduct

that ensure honest, transparent and professional behaviour. The idea here is that lobbyists are open about their advocacy activities and respect various rules and regulations related to the profession.

Effective lobbyists are also tenacious by nature, so that they can persist in the face of set-backs and new challenges. Success in lobbying is often about persistence and not giving up when adversity falls upon them (which, sooner or later, it always does). And, lastly, effective lobbyists are those individuals that have the capacity and drive to continuously learn new information. That could be new government processes, new actors, as well as new developments in their clients' or organizations' businesses.

The knowledge base of what it takes to be an effective lobbyist is more complex and requires significant background in the following five (at least) areas:

- Government processes and policy development models;
- Public affairs research techniques, communications and stakeholder relations;
- Motivational psychology;
- Strategic planning; and
- Business and organizational drivers.

(1) Government processes and policy development models

This is the most critical area of knowledge to be an effective lobbyist. It involves knowing about and having some hands-on experience with government and public policy decision-making. Many government departments will have their own models

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HOW TO BE AN EFFECTIVE LOBBYIST (CONT'D.)

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Effective lobbyists must also understand the role and value of various forms of public affairs research — from quantitative and qualitative intelligence gathering to media audits and stakeholder analysis and mapping.

for identifying policy issues, formulating and evaluating policy options and shifting means of gaining internal approvals. Effective lobbyists have gained knowledge of these systems by working in government in policy and advisory capacities, as a rule. In addition, they have the ability to navigate through these government processes to achieve a specific outcome. In other words, not only do they know the policy processes, they have the ability to resolve difficulties they encounter when moving through the various stages of policy development.

(2) Public Affairs Research, Communications and Stakeholder Relations

Effective lobbyists must also understand the role and value of various forms of public affairs research — from quantitative and qualitative intelligence gathering to media audits and stakeholder analysis and mapping. Sometimes, the key to a successful lobbying strategy is knowing the public opinion landscape — knowledge gained through polling and focus group research. This type of information is key to informing elected officials and their political staff who are keen to understand the political landscape of an issue. Also knowing how media shapes government policy and issue agendas is critical to develop the right timing to advance a lobbying campaign.

Effective lobbyists also know how to use strategic communications techniques to help set policy agendas and to deliver the right types of messages through the right medium. Will social media be the right medium for this message? How do face to face meetings play in a given

context? Will leaking a story to the media or opposition parties help to achieve my objectives?

Stakeholder analysis and mapping involves understanding the arguments, tactics and position of allies and opponents in relation to the specific issue a lobbyist is attempting to manage. Determining the key messages that could disarm or neutralize opponents, persuade those on the sidelines and motivate allies to align their strategies are key skills effective lobbyists all share.

(3) Motivational Psychology

Effective lobbyists also understand what motivates or drives different government decision makers and stakeholders. This involves, at a minimum, an actor's interests, key drivers (e.g., maintaining control, acquiring power, improving their reputation, expanding their relationships, etc.) and the "mental models" each has for ordering and evaluating information and making sense of the world.

(4) Strategic Planning

The ideal lobbyist obviously knows the key elements of developing a government relations strategy: identifying key objectives, conducting a SWOT analysis, leveraging opportunities and managing down risks or threats, pinpointing key success factors and designing tactical plans. But he or she must also be able to integrate government, public affairs and stakeholder relations strategies together with business or organizational strategies that promote the interests of the business or organization. Strategic thinking is being able to recognize and

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HOW TO BE AN EFFECTIVE LOBBYIST' (CONT'D.)

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formulate action plans that maximize advantage and minimize the risks posed by government.

(5) *Business and Organization Drivers*

Effective lobbyists also understand what is really driving a client's business and assessing how government policy may impact that business. The key is to convince a client or organization that a good government relations strategy that links to its core business objectives is an integral feature of a sophisticated overall corporate strategy. An effective lobbyist also knows the capacity of his or her clients or organizations to engage in various lobbying or government relations campaigns — the time, effort, money and other resources for effective execution. If a client or organization has few resources, then it is likely that their lobbying efforts will be unsuccessful.

If effective lobbying requires anywhere near the set of skills, knowledge and

experience I have outlined, then it clearly involves a lot more than knowing government decision-makers. This is not to say that having some relationships with policy makers is not important — it often is and can assist in different aspects of lobbying campaigns — it is just that relationships of that sort are not a defining feature of the effective lobbyist. What are the defining features of an effective lobbyist is his or her ability to consistently advocate sound public policy options through the maze of government decision-making, his or her capacity to adjust tactics to new developments in the stakeholder community and to use a wide range of strategic communications tools to persuade policy makers to adopt the policy options being promoted. By exercising these diverse skills, effective lobbyists improve public policy and the integrity of government decision making.

If effective lobbying requires anywhere near the set of skills, knowledge and experience I have outlined, then it clearly involves a lot more than knowing government decision-makers.

FEDERAL LOBBYING COMMISSIONER LAUNCHES CODE REVIEW

The Federal Commissioner of Lobbying, Karen Shepherd, is inviting online submissions on the federal *Lobbyists' Code of Conduct*.

In September of 2013, the Office of the Commissioner of Lobbying (OCL) released a consultation paper, which includes a series of 10 questions for consideration. The federal *Lobbying Act* allows the Commissioner to develop a code of conduct for lobbyists, after carrying out a broad consultation with interested persons and organizations.

The current *Lobbyists' Code of Conduct*, in effect since 1997, has not changed between 1997 and now. The aim of the

Code is to promote ethical lobbying and enhance public trust in government decision making. Commissioner Shepherd stated that she "believes it is timely to seek input from lobbyists, public office holders, academics and other interested parties on whether changes to the Code are necessary to ensure it continues to meet its stated objective."

The OCL will accept submissions until December 20, 2013. More information about the consultation process is available at http://ocl-cal.gc.ca/eic/site/012.nsf/eng/h_00800.html.

CONSULTANT LOBBYIST FINED AND PROHIBITED FROM LOBBYING UNDER FEDERAL *LOBBYING ACT*

A consultant lobbyist has been issued a fine under the federal *Lobbying Act* and prohibited from lobbying for four months.

Andrew Skaling, a consultant lobbyist with the firm Skaling Knox et al. Incorporated, was fined \$7,500 by the Ontario Court of Justice in July for failing to register within 10 days of entering into an undertaking to lobby on behalf of a client, as required by the *Lobbying Act*.

The Office of the Commissioner of Lobbying (OCL) of Canada received a complaint in 2011 alleging that Andrew Skaling had undertaken to lobby on behalf of a client organization, but had not registered the undertaking. The OCL conducted an investigation and determined that there were reasonable grounds to believe that an offence under the *Lobbying Act* had been committed. Commissioner Karen Shepherd referred the matter to the RCMP, as required by the *Lobbying Act*.

The *Lobbying Act* gives the Commissioner of Lobbying power to

conduct reviews and investigations to ensure compliance with the Act, but the Commissioner has no authority to issue administrative monetary penalties or other sanctions for breaches of the Act. However, the Commissioner may prohibit a person from lobbying for up to two years, if the person is found guilty of an offence under the Act.

Following the RCMP investigation, Mr. Skaling was charged in January, 2013 with committing an offence under the *Lobbying Act*. He pled guilty in July and was sentenced to pay a fine of \$7,500. This is the first time that a person has been convicted of an offence under the federal *Lobbying Act*.

In October, 2013, Commissioner Shepherd prohibited Mr. Skaling from lobbying for four months, from September 16, 2013 to January 16, 2014.



The [Office of the Commissioner of Lobbying] conducted an investigation and determined that there were reasonable grounds to believe that an offence under the Lobbying Act had been committed.

OTTAWA INTEGRITY COMMISSIONER RELEASES FIRST ANNUAL REPORT

Robert Marleau, Ottawa's Integrity Commissioner, released his office's first [annual report](#) in November of 2013. The report covers the year since the position of Integrity Commissioner was created and Mr. Marleau was appointed to the position.

Highlights of the year noted in the report include establishing the lobbyist registry and the registration of 748 lobbyists. Top subject matters reported

by lobbyists during this first year were:

- Planning and Development;
- Zoning By-Law; and
- A tie between Infrastructure and Real Estate/Property.

Mr. Marleau's initial appointment as Integrity Commissioner was for one year. In August, 2013, he was reappointed for a five-year term.

ASK THE REGISTRAR

Q. I'm a new consultant lobbyist, and I'm not quite sure when I'm supposed to register my undertakings. Do I register when I sign a contract with a client or when I actually start to lobby for that client?

A. Although these events — signing a contract or beginning to lobby — might seem like logical triggers for registering, neither one of them is the actual legal requirement. The law says that a consultant lobbyist must register “within **10 days** after entering into an undertaking to lobby on behalf of a client,” and the undertaking to lobby does not have to be in writing. Failing to register within the 10 days allowed by the law has consequences: you might be investigated for non-compliance with the law and subject to a fine. So, remember that the law requires you to register within 10 days of agreeing to lobby, even if all the details of the agreement have not yet been worked out.

Note, also, that the registry system calculates a “day” as a calendar day, not a business day, and calculates a “month” as 30 days.

Q. When I registered, I planned to meet with a minister and listed that person as a lobbying target. I actually met with their chief of staff. Do I need to do anything with my registration?

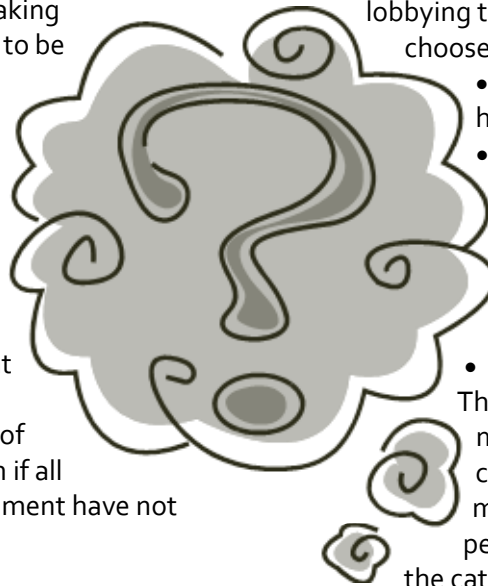
A. Yes, the law requires that you update your target list to reflect the fact that you met with a different person. There are two things to note in this situation. First, whenever there is a change to your existing registration — a different focus for your lobbying, a new target contact, etcetera — you are required to log into your existing registration and update it to reflect the change. Lobbyist registrations are meant to be living documents that reflect accurately your ongoing lobbying efforts and any changes as they occur.

Secondly, there are five categories of lobbying targets for you to choose from:

- MLA him- or herself;
- Person on the MLA's staff;
- Minister him- or herself;
- Person on the Minister's staff; or
- Public Agency.

These are distinct and mutually-exclusive categories. That means that if you list people from some of the categories as intended

lobbying targets and then end up communicating with a person from another one of these categories, you must update your registration to reflect the new — and different — target(s). You have **30 days** to update, once you become aware of any reportable changes. The main thing to remember is that the law requires you to update your registration to reflect any *new* or *different* information about your lobbying effort as it evolves.



*The law requires [consultant lobbyists] to register within **10 days** of agreeing to lobby, even if all the details of the agreement have not yet been worked out.*



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THANKS FOR READING THIS ISSUE OF INFLUENCING B.C.

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