

# INFLUENCING BC

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



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## THE WAY FORWARD:

### READERS INVITED TO PARTICIPATE IN A PUBLIC CONSULTATION ON A LOBBYIST CODE OF CONDUCT

As forecasted in the May, 2011 edition of *Influencing BC*, I invite all readers to participate in a public consultation that my office is facilitating on the issue of whether a BC lobbyist code of conduct is warranted and, if so, what it should contain.

It has long been my belief that lobbyists play an important role in promoting effective public decision-making in British Columbia. For example, lobbying can sharpen debate and improve decision-making by giving public office holders a wider range of evidence, perspectives and advice to inform their decisions and promote the public interest. As you may be aware, in many jurisdictions, lobbyists follow, either on a voluntary or a mandatory basis, a code of conduct. These codes of conduct are designed to promote integrity in public decision-making by requiring lobbyists to be visible and ethical in their attempts to influence public office holders. The current lobbyist oversight system in BC does not include a code of conduct.

We have produced a public consultation paper about the possibility of developing a lobbyist code of conduct in BC. The purpose of the paper

is to stimulate thought and discussion amongst interested stakeholder groups and the general public concerning the idea of adopting a BC lobbyist code of conduct, what effects it might have, and how a code might be enforced. The paper discusses codes of conduct, in general, and the role of lobbying in a democracy. It reviews matters that are typically addressed in lobbying codes of conduct, such as transparency, accuracy and completeness, confidentiality, conflict of interest, and undue influence. It also reviews several possible models for a lobbyist code of conduct, including a voluntary code, a code enforced by a third party, or a hybrid code that blends features of these two.

The consultation paper and details about the consultation process can be found on our website at [www.lobbyistsregistrar.bc.ca](http://www.lobbyistsregistrar.bc.ca).

Consultation feedback will be incorporated into a report that I will present to the Attorney General. The report will also be tabled in the British Columbia Legislative Assembly and published on our website.

I thank you in advance for your participation in this important project.

- Elizabeth Denham,  
Registrar of Lobbyists



### Websites of Interest

**Registrar of Lobbyists for BC**  
[www.lobbyistsregistrar.bc.ca](http://www.lobbyistsregistrar.bc.ca)

**Office of Commissioner of Lobbying of Canada**  
[www.ocl-cal.gc.ca](http://www.ocl-cal.gc.ca)

**Office of the Lobbyist Registrar for Manitoba**  
[www.lobbyistregistrar.mb.ca](http://www.lobbyistregistrar.mb.ca)

**Government Relations Institute of Canada**  
[www.gric-irgc.ca](http://www.gric-irgc.ca)

## ROADWORKS: THE CONSTRUCTION OF CANADA'S LOBBY LAWS

BY DR. PAUL PROSS

*This is the first installment of a three-part series adapted from Paul Pross's keynote address, which was presented at the lobbying conference, "Why the Road Exists and Where the Rubber Hits It," held in Vancouver, BC, on December 2, 2011. The conference was co-sponsored by the Office of the Registrar of Lobbyists for B.C. and the Institute of Governance Studies at Simon Fraser University. In this first installment, Dr. Pross examines the impetus for and development of Canada's lobbying laws.*

Canada's first lobby legislation was the federal *Lobbyists Registration Act* (LRA), which was brought in by the conservative government of Brian Mulroney and came into force on September 30, 1989.

Why did the Mulroney government embrace lobby regulation? Primarily because lobbyists were getting to be too good at their job. They were filling a critical vacuum in policy communication and, in doing so, they challenged traditional policy processes and the public's long-held views about democracy.

The 20<sup>th</sup> century witnessed immense changes in the roles of government and the processes they used to develop policy. For some fifty years, through the Depression, World War II and their aftermath, Canadians created a welfare state, which entailed establishing complex bureaucracies and decision-making processes. So complex, in fact, that it became difficult for governments and members of the public to communicate with each other. At the grass roots, citizens found that political parties were losing the ability to carry their messages to policy makers. The more affluent interests evolved sophisticated lobbying enterprises.

They hired consultant lobbyists, formed business interest groups and patronized public interest groups. Bureaucrats encouraged these developments, because they facilitated communication between their agencies and the "functional constituencies" that depended on them. The number of interest groups and lobbyists grew, but the general public and weaker interests were left out.

Compounding these trends were significant demographic changes and the revolutions in technologies that are so universally present in our lives today. By the 1970s and 1980s, governments were becoming ever more complex and there was a corresponding growth in lobbying. The public was becoming restive, evincing signs of alienation, particularly at elections, where declining voter turnouts came to be seen as an alarming trend. Amongst politicians, there was a growing awareness of what we now call "the democratic deficit."

Backbench M.P.s who saw the new problems of democracy at street level were especially troubled and blamed some of the difficulties on the increasing influence of professional lobbyists. Between 1969 and 1985, a group of backbenchers, drawn from all parties, presented 20 private members' bills to the House of Commons with a view to regulating lobbying. The Trudeau government was discouraging, but the M.P.s' activism did push the issue up the public agenda, so that by 1985 the need for lobby regulation was an issue ripe for government action.

Integrity had been a leading issue in Brian Mulroney's successful 1984 election

campaign. Consequently, as Prime Minister, he felt compelled to address integrity issues when, in 1985, members of his own government were accused by the media and the Opposition of pandering to lobbyists. Deciding to present Parliament with an "integrity package," he picked up on backbenchers' promotion of lobby regulation and included in the package the promise of a lobbying bill.

As a result of following, and sometimes having a minor part in, the discussions surrounding the evolution of Canadian lobby regulation from 1985-89, I believe that three main concerns influenced the design of the original legislation. They were (1) a bureaucratic concern, (2) an integrity concern, and (3) a need to shore up Canadian democracy.

If you read the statements made by the Prime Minister and his colleagues at the time, you will see that they were chiefly interested in verifying lobbyists' credentials

and intentions, not with sharing that information with the public. In other words, they put bureaucratic concerns first in the early formulation of the legislation. These concerns grew out of the need, within government, to identify clearly those whose interests were being represented by lobbyists and what objects those interests were pursuing. When he announced the integrity package on September 9, 1985, the Prime Minister emphasized this aspect of the legislation, stating that it would...

... "provide a reliable and accurate source of information on the activities of lobbyists... (and) enable persons who are approached by lobbyists... to be clearly aware of who is behind the representations."

The proposed bill reflected this preoccupation. Neither registration nor disclosure was necessary when lobbyists and their clients were providing information requested by officials. No publicity was given to their participation in

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Paul Pross, Professor Emeritus,  
Dalhousie University

## GOVERNMENT COMMITTEE RECOMMENDS CHANGES TO FEDERAL LOBBYING ACT

The Government of Canada's Standing Committee on Access to Information, Privacy and Ethics ("ETHI Committee") has recommended that the federal *Lobbying Act* be amended in an effort to enhance transparency, increase restrictions on public office holders and expand the powers of the federal Commissioner of Lobbying.

The ETHI Committee released a report in May, 2012 on its review of the federal *Lobbying Act*. The review is mandated by legislation to be carried out every five years. The report comprises the first review of the legislation since it came into force in 2008.

Key recommendations include:

- To remove the "significant part of duties" threshold for in-house lobbyists;
- To ensure that monthly communication reports contain the names of all in-house lobbyists who attended oral pre-arranged meetings (in addition to the senior reporting officer);
- That the existing five-year ban on lobbying by former Designated Public Office Holders ("DPOHs") should be retained, and post-employment restrictions on public office holders should be interpreted and administered by a single authority;
- That all public servants serving in a Director General's position, or in a more senior position, should now be considered DPOHs and held subject to all applicable laws governing this designation;
- Following BC's and other provincial lobbying legislation, to prohibit individuals or entities from lobbying an individual on a subject matter if they also have a contract to provide advice on that matter;
- To empower the Commissioner of Lobbying to impose administrative monetary penalties; and
- To consider temporary bans for breach-

es of the law (as in the Newfoundland and Labrador and Québec provincial legislation.

BC Registrar of Lobbyists, Elizabeth Denham, appeared before the ETHI Committee by invitation in February, 2012. In her submission, Ms. Denham urged the Committee to give the Commissioner the power to investigate possible non-compliance and to levy administrative penalties. Ms. Denham said, "In BC, it has been our experience that, once lobbyists became aware that we have the authority to issue administrative penalties, they made greater efforts to comply with the requirements of registration. I'm pleased that the Committee has endorsed this recommendation in their report."

## BC ORL ISSUES ADMINISTRATIVE PENALTIES UNDER BRITISH COLUMBIA'S LOBBYISTS REGISTRATION ACT

A lobbyist has been assessed an administrative penalty of \$325 for 13 contraventions of the British Columbia *Lobbyists Registration Act* ("LRA").

Acting Deputy Registrar for BC, Jay Fedorak, investigated consultant lobbyist Michael Bailey for 14 alleged infractions. The Acting Deputy Registrar examined whether Mr. Bailey had kept his lobbying registrations up to date and whether the

information Mr. Bailey provided in his registrations was accurate.

The Acting Deputy Registrar found that in seven instances, Mr. Bailey had registered undertakings for clients when no such undertaking existed, and in six instances, Mr. Bailey had updated registrations by extending the end date of the undertaking, when in fact the undertaking had ended. In one instance, the undertaking

was found to have been filed accurately and on time.

The LRA requires that all investigations resulting in administrative penalties be tabled in the BC Legislative Assembly. The investigation reports were tabled on April 24, 2012. The full text of the reports can be found at the BC ORL website,

[www.lobbyistsregistrar.bc.ca](http://www.lobbyistsregistrar.bc.ca).



# THE INDUSTRY PERSPECTIVE

## THE TOP TEN MYTHS OF THE LOBBYING INDUSTRY

BY MICHAEL HARRISON



One of the most important things we can do as government relations professionals is to de-mystify the industry. Certainly, the Hollywood image of the lobbyist hasn't helped. The public's view has been shaped by movies such as *Casino Jack* or *Thank You for Smoking* – neither film being conducive to an elevated discussion of the lobbying industry.

The media has also contributed to the perception that lobbying is less a profession than an exercise in the lucrative brokering of selective access to decision makers and power brokers. As a result, in the public's imagination, there is little distinction between influence peddling and the pursuit of legitimate public policy objectives.

That's why lobbyists need to follow their own advice and start engaging in a more proactive approach to explaining what we do. Unfortunately, this isn't as easy as it sounds. In a highly competitive industry, there isn't much incentive for lobbyists to act collectively. Moreover the inherent rivalry of the profession and its tribalization along party lines militates against the kind of collegiality often found in other professions (at least among consultant lobbyists).

Yet public engagement should be a top priority for an industry that is increasingly seen as antithetical to open and transparent government. Canadian governments at all levels have introduced legislation to regulate lobbyists to ensure increased scrutiny, accountability and transparency. As practitioners, we need to be in front of that wave and help inform public office holders about what we can do to assist in the formulation of constructive rules and regulations.

Here are the Top Ten Myths that we should help dispel:

### 1. *Lobbying is inherently dishonest*

The response to this is always one of perspective. There are

a multitude of organizations that engage in lobbying activity: industries, unions, professional organizations, for-profit and non-profits, environmental groups. In almost all cases, these constitute legitimate advocacy by stakeholders representing a point of view that's important for an office holder or decision maker to hear.

### 2. *Lobbyists pervert the democratic process*

Because of the American media's fixation on the Washington lobbying industry, this is one of the more prevalent

myths. In Canada, lobbyists have far less influence on the legislative process *per se* because of the more centralized nature of party politics and government. Majority governments can exercise considerable power and resist the most concentrated lobbying campaigns.

### 3. *Lobbyists trade in back-room secrets*

In fact, lobbyists rarely trade in government secrets, because in most cases it's illegal or highly unethical to do so. For the most part, lobbyists merely conduct research on behalf of clients to help them navigate the shoals of public policy or legislation. Given the size of modern government and its growing presence in our economy and society, this is hardly surpris-

ing. It's also not unusual for lobbyists to be taken by surprise by government initiatives (an embarrassment we try to avoid at all costs).

### 4. *Lobbyists pursue agendas against the public interest*

While it's true some lobbying activity is political in nature, the majority of it is not. Some of it is mundane. As noted above, there is a broad cross-section of stakeholder groups who regularly engage in government relations of one kind or another for a bewildering number of reasons. Often, these reasons for lobbying

can range from professional associations concerned about the scope of self-governance regulations to non-profits seeking taxpayer support for charitable activities.

### 5. *Lobbyists have the "inside track" for government contracts*

This is another popular misconception. And given the strict rules and protocols surrounding the provision of contracts through the RFP process, it's one of the simplest to dispel. The vast majority of Canadian/provincial government contracts are let through a competitive bidding process accessible by anyone who wishes to submit a proposal. The bids are scrutinized by professional civil servants, and any attempt to directly interfere in the process by lobbyists results in automatic disqualification.

### 6. *Lobbying is about political access, period*

An effective government relations program is not about access. It's about *presence*, which is a very different thing. Savvy GR practitioners will ensure organizations have a sustained contact with government that goes beyond political office holders. A Minister and his or her staff can be preoccupied by events that make meaningful engagement over the long term difficult. Civil servants are therefore an integral part of any sound strategy, because they possess expertise and knowledge in depth.

### 7. *Lobbyists are the ultimate insiders and masters of government*

This is one of my favourites, and it goes to the heart of popular stereotypes. Lobbyists are in fact a varied bunch, some of whom are intimately connected with

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*"...[L]obbyists need to follow their own advice and start engaging in a more proactive approach to explaining what we do."*

## THE INDUSTRY PERSPECTIVE THE TOP TEN MYTHS OF THE LOBBYING INDUSTRY

BY MICHAEL HARRISON

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certain political parties and others who are not. (In-house lobbyists tend to be more agnostic.) There is also a considerable gap in expertise and knowledge among practitioners. One should never assume that lobbyists possess a deep understanding of government process, procedure and policy making. Once again many, if not most, need to seek out the expertise of the permanent bureaucracy.

### 8. Lobbyists prefer to operate in secret

Almost all lobbyists I know support a high degree of transparency along with progressive legislation to govern the industry. Often, individual practitioners are deeply involved in debates and public discussions about how the industry should be regulated. Sure, this could be dismissed as self-interest, but most lobbyists are as concerned with

their reputations and public image as any other profession. Consequently, they want a regulatory environment that conforms to public expectations.

### 9. Only corporate interests count for lobbyists

While lobbyists do represent corporations, this is only one part of what we do. As noted earlier, the activity of lobbying and its gentler cousin, advocacy, runs the gamut of groups, causes or interests in our society. Lobbyists work with every conceivable kind of organization, many of them in the forefront of social justice or public causes. Indeed, corporate

interests may represent only a minority of clients engaging with public office holders at any given time.

### 10. You never know who is lobbying who

In fact, there is more transparency than ever. Almost all major governments (and many municipal ones) in Canada have some form of lobbyist registration and oversight.

In BC, it's possible to track lobbyist activity through the lobbyist registry data base. There are numerous search parameters that can be directly accessed by the public at no charge. Other jurisdictions, including the federal government, even

go further and record individual meetings with public office holders.

The above Top Ten list represents the most enduring myths about the lobbyist industry. Undoubtedly, I have missed some. But it's important for us to have a firm understanding of the public's view of the lobbyist (no matter how negative), if we are going to address these misconceptions. And as long as the public demands greater transparency and accountability, government relations practitioners must be prepared to meet those demands through constructive engagement with regulatory authorities or continue to have our industry defined by caricature.

Michael Harrison, the Principal at Power Town Public Affairs, is based in Victoria., BC.



## MANITOBA LAUNCHES NEW LOBBYING LEGISLATION AND REGISTRY

The new Manitoba *Lobbyists Registration Act* came into force April 30, 2012. The legislation is the first of its kind to be passed in Manitoba.

As with other lobbying legislation, the Manitoba *Lobbyists Registration Act* recognizes that lobbying is part of the democratic process, when it is conducted appropriately, and an important matter of public interest.

With the Act's coming into force on Monday, April 30,

2012, consultant lobbyists must file returns on their lobbying activity, and senior officers for organizations with in-house lobbyists must file returns on behalf of their organizations. The new online lobbying registration system allows lobbyists to file returns electronically at any hour and also allows the public to access information in the registry. All those who lobby provincial public office holders in Manitoba are required to register their lobbying activity. There is no fee to file a registration.

The new legislation and registry will be administered by the Manitoba Office of the Lobbyist Registrar. The Registrar has the duty to enforce the legislation and the power to administer a fine of not more than \$25,000.00 for contraventions of the Act. The Office of the Lobbyist Registrar is an independent office of the Legislative Assembly for Manitoba.

For more information, visit: [www.lobbyistregistrar.mb.ca](http://www.lobbyistregistrar.mb.ca) or email [info@lobbyistregistrar.mb.ca](mailto:info@lobbyistregistrar.mb.ca).



## ROADWORKS: THE CONSTRUCTION OF CANADA'S LOBBY LAWS

BY DR. PAUL PROSS

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agency advisory committees. The disclosure requirements were modest. Consultant lobbyists had to provide their names and addresses and those of their clients, together with the subject matter of proposed meetings or communications. Corporate and organization representatives were required, annually, to register their names and the names of their employers. It seems to have been assumed that public officials meeting with these lobbyists would know or could easily discover the nature of the employer's interest. On the other hand, officials might find it difficult to trace the corporate linkages that would indicate what related businesses had an interest in the decisions they were being asked to consider. Consequently the act's only extensive disclosure requirement obliged consultant lobbyists to report a client corporation's ownership links.

and minimized the inconvenience that registration imposed on lobbyists.

When we turn to the integrity concern, we are reminded that integrity was a sensitive issue for the Mulroney government. The media, then as now, was always interested in influence peddling, bribery and corruption, so penalties for non-compliance appeared to be tough. But if it is extremely difficult to proceed to prosecution, penalties are no real deterrent, no matter how tough. That was the case with the 1989 LRA. The federal registrar had no power to verify or investigate registrations and no investigatory resources. The legislation seemed to assume that the RCMP or other police forces would investigate, but there appear to have been no investigations in the early years.

The public service is becoming suspect. The trust which existed pretty well throughout the country with respect to all kinds of institutions is breaking down."

have been the first in the world to use technology to make it readily accessible online to the general public. In 1989, when it came into effect, the act, though it provided for timely reporting and public access,

*"[T]he backbenchers felt there was a pressing need to maintain public trust in government..."*

Perhaps most indicative of the bureaucratic preoccupation behind this first legislation was the fact that the registry itself was located deep in the public service and that departmental officials had a passive role in lobby regulation. They were not required to check the registration status of lobbyists or to report non-complying lobbyists. Even those aspects of the registration scheme that directly served the public also served bureaucratic interests. The on-line registry was a step toward transparency, but it was also cost effective, allowed efficient access to data

Concern for the democratic deficit was a driving force behind backbencher calls for lobby regulation, but the 1989 act was only a timid first step towards addressing their concerns. These had three aspects. First, the backbenchers felt there was a pressing need to maintain public trust in government. Speaking in the House on January 19, 1983, Walter Baker, Conservative M.P. for Nepean-Carleton, put the case with passion:

"All our instruments are becoming suspect. This Parliament is becoming suspect..."

He, and others, stressed the need to avoid unequal access and behind-the-scenes dealing in public policy, and to do it in a way that ensured easy and economical access to government by Canadians in general. The LRA, it was hoped, would address these concerns by enhancing transparency, opening government decision-making to a broader public and lessening the inequality between interests.

Even in the best of circumstances, these were expectations of a high order, and the LRA did not meet them. The most important consequence of the legislation was that it put lobby regulation on the public agenda and established a mechanism that would improve over time. Through the LRA, Canada became the first country outside the United States to establish a publicly accessible lobbyist registration system at the national level. We may



required minimal disclosure, particularly disclosure of corporate and organization activities. Later, many amendments were necessary to expand disclosure requirements.

*In the next issue of Influencing BC, Dr. Pross will assess the current state of lobbying laws in Canada.*



# BRITISH COLUMBIA NEEDS A MUNICIPAL REGISTRAR OF LOBBYISTS

BY DR. PATRICK SMITH



suggest perhaps the value of some legislative/institutional reforms as answers to "what is needed" here. Ethical

Much of 2011 in BC's municipal world was taken up with discussions about a provincial plan to create an Auditor General for Local Government (AGLG). When the plan was announced by new Premier Christy Clark in January at the annual meeting of the BC Chambers of Commerce, the subsequent reaction, expressed most vocally through the Union of BC Municipalities, was "what is the problem that requires the creation and costs of such an office." Despite such concerns, and local fears about the potential for provincial intrusions into matters of traditional municipal governing, during the autumn, 2011 session of the BC Legislature, Bill 20 was introduced. Its passage into law took effect in spring 2012. The relative speed with which this legislation was posed, discussed and passed attested to the priority given to the change by the province, if less so by many of BC's municipal governments.

If BC had some convincing to do on the value of a Municipal Auditor General, there would appear to be much clearer understanding by the province's municipal councillors of a larger local governing problem area: that concern, variously expressed, is around local election financing and potential influence on local decision-making. This would

guidance from a Municipal Conflict Commissioner and a Municipal Registrar of Lobbyists would go some way in dealing with these issues. In 1998, in *Making Local Accountability Work* (a Report for the BC Ministry of Municipal Affairs), Patrick Smith and Kennedy Stewart recommended an addendum to the Office of the BC Conflict of Interest Commissioner. The simple proposition was to create an Assistant Conflict of Interest Commissioner whose responsibilities would be to deal with ethical questions by elected officials in BC's local governing system. Each of BC's Conflict of Interest Commissioners has concluded that the largest segment of their "non-jurisdictional" business/requests for advice comes from the local government sector. This suggests that local politicians largely grasp – and share – public concerns regarding public sector ethics and trust; and, given the lack of more formal procedures, many have sought informal advice from the provincial office. Such advice has been forthcoming, but without any legislative base. The volume of their requests to BC's Conflict of Interest Commissioner/Office These actions of local officials support a conclusion that institutional reforms to assist

this ethics/trust work would be timely and well-received.

On November 19, 2011, BC held its most recent set of local government elections. Six months from then – in mid-May, 2012 – the public got somewhat limited access to the submissions of all candidates on how they funded their campaigns, and who contributed. A recent "Municipal Affairs" Minister, Bill Bennett, referred to the state of local elections financing in BC as "the Wild West." BC local elections certainly represent the least regulated democratic process in the country; they also fail to meet internationally-recognized democratic standards.

For example:

- There are no limits on who can contribute – including no limits on foreign contributions;
- There are no limits on what any person or entity can contribute;
- There are no spending limits for candidates;
- Third party spending has been allowed;
- Financial statements are not audited; and
- Connections between those who contribute and those who make local governing decisions are not monitored or regulated.

This makes for a potential morass of perceived dangers for local councillors. Preliminary assessment of recent local election finance submissions (for 2002, 2005, 2008 and now 2011) in approximately 30 municipal settings indicate that amongst the most consistent and largest contributors to local election campaigns are interests associated with the property and development industry. Public

sector unions are also amongst the larger contributors. This is not to suggest such involvements are not allowable or are in appropriate. It is to note that the intersection between local council matters and decision-making and property and development interests, etcetera, is substantial. That makes the potential for conflicts high – a point apparently well understood by the many local councillors regularly seeking ethics advice. As Justice Parker noted in a 1980's examination of conflict of interest and ethics, there are three types of conflict of interest. In his 1987 report, Mr. Justice Parker defined these as follows:

#### *Real conflict of interest*

There are "at least three prerequisites ...to...real conflict of interest. They are: the existence of a private interest; that it is known to the public office holder; and that it has a connection or nexus with his or her public duties or responsibilities that is sufficient to influence the exercise of those duties or responsibilities."

#### *Apparent conflict of interest*

"An apparent conflict of interest exists when there is a reasonable apprehension, which reasonably well-informed persons could properly have, that a conflict of interest exists."

#### *Potential conflict of interest*

A potential conflict "exists as soon as the public office holder can foresee that he or she has a private economic interest that may be sufficient to influence a public duty or responsibility."

For Mr. Justice Parker, "as soon as a real conflict of interest is foreseeable, the public office holder must take all appropriate steps

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## BRITISH COLUMBIA NEEDS A MUNICIPAL REGISTRAR OF LOBBYISTS

BY DR. PATRICK SMITH

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to extricate himself or herself from the predicament." Significantly, Parker argued that "the line is crossed and a situation of real conflict ensues ... if the caution signs are ignored and (a) ... duty ... (is) discharge(d) ... that could affect or be affected by the private interest."

As Canada's Library of Parliament has noted, "the principles underlying conflict of interest are impartiality and integrity: a decision-maker cannot be perceived by the public as being impartial and acting with integrity," if the individual could benefit personally from their decision. The same holds true for the connection between public trust and lobbying. Central to ethics/lobbying legislated offices such as ethics commissioners or more recently,

lobbyist registrars, is public confidence and trust.

BC, like many jurisdictions, has moved to attend to such issues. We established a Conflict of Interest Commissioner in the mid-1990s and a Registrar of Lobbyists in 2001. As the recent Library of Parliament study concluded, such issues may be recognized, but getting to real, on-the-ground solutions is sometimes a longer, even harder, road. To illustrate, there was considerable bureaucratic ambivalence to BC's initial Ombuds office in the early 1980's. Over time, public servants came to see the Ombudsperson as supporting, encouraging and recognizing good work in the public sector. BC's still-new *Lobbyists Registration Act* has some of the same still-early in the game challenges - but it

is committed to a similarly positive outcome. Those who reflect on public sector ethics understand that cultural change often follows legislative shifts; and getting there involves ongoing dialogue.

The big gap in British Columbia is the application of these now legislatively-established principles at the local governing level. Given the significance of local budgets and the impact of local decisions on provincial economic development, ensuring a broad public confidence in our local governments is essential. Accountability and transparency codes, regulations and offices are found increasingly throughout the democratic world. Given this trend, the lack of much of this discourse having formal/institutional

impact in our local/municipal governing makes the need for some simple and clear regulatory forms - such as a Municipal Registrar of Lobbyists - all the more apparent.

Is it time for a Municipal Registrar of Lobbyists in BC? Such an argument can be made. With still relatively new municipal councils settling in for 2012-2015, such action would be both timely and beneficial.

*Dr. Patrick J. Smith is a professor of Urban Studies and Political Science at Simon Fraser University. He is active in the Graduate Urban Studies program and serves as Director of the Institute of Governance Studies at Simon Fraser University.*

## ASK THE REGISTRAR

Q. I understand that the *Lobbyists Registration Act* requires us to report government funding we receive. I'm not sure how to report this. Our agency receives government funding for a year, but I have to re-do my organization's registration every six months. How do I enter our funding?

A. Government funding is usually provided for a fiscal year, which runs from April 1 of one year to March 31 of the following year. If your organization received government funding for a fiscal year, please report the full amount of funding you received for that government fiscal year. If you re-register in

the same government fiscal year, you report the same amount again in your re-registration. Report only the funding you received for the current fiscal year, not funding you received in previous years.

Q. Why is the Registry Manager asking me to provide more details about my lobbying activities in my registration?

A. The Registry Manager is responsible for reviewing and verifying information contained in any return, and may refuse to accept any return that does not comply with the *Lobbyists*

*Registration Act* ("LRA"). The purpose of the LRA is transparency, which means that the public should be able to discern,



at first read, exactly what is occurring with respect to any lobbying. If the information is too generic or vague, the Registry Manager will ask you to provide further details.

Q. The LRA requires me to identify public office holders I have lobbied and those I "expect to lobby." Since I am not sure who I'll end up contacting, I put down all Ministers and MLAs, and my return has been sent back to me for revision. I am confused!

A. The term "expect" means "to regard as likely to happen." From our perspective, that means that either a communication will take place (i.e. 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."



## BC LOBBYISTS REGISTRY UNDERGOES SYSTEM ENHANCEMENTS

In response to suggestions from lobbyists and the public, the BC Lobbyists Registry recently underwent system improvements. As a result of these upgrades:

- It is now possible to perform expanded searches of the Registry, and the capacity to search by partial name has been improved;
- The Registry can now be searched according to firms that employ consultant lobbyists;
- Designated filers and the public can now use the "Printer Version" option to view and print registrations. This condensed view of the registration makes the screen view and printed copy easier to read;
- Registrations that have been active, and are being updated by filers, are now visible on the Registry, with a note advising that the registration is not active while in update or pending status;
- System email notifications of registration end dates have been amended and re-written to help

designated filers access the Registry and re-register (for organizations) or amend the end dates of their undertakings (for consultants);

- It is now possible to search both former and current lobbying targets, instead of only current ones.

We appreciate your ongoing comments and suggestions and will continue to look for ways to improve the registration process and search functions as our budget permits.



## CALENDAR OF EVENTS

### May – July, 2012

Ongoing public consultation on whether BC needs a lobbyist code of conduct. For a copy of the consultation paper, please click [here](#) or visit our website at [www.lobbyistsregistrar.bc.ca](http://www.lobbyistsregistrar.bc.ca).

### June, 2012

The Office of the Registrar of Lobbyists for BC is convening discussion groups as part of its public consultation on whether BC needs a lobbyist code of conduct. Space is limited. To express your interest in participating in a discussion group, please contact the Office at [info@bcorl.ca](mailto:info@bcorl.ca).

### September 10-11, 2012

Toronto: Annual Conference of Lobbyist Commissioners and Registrars.



## We're Online!

[www.lobbyistsregistrar.bc.ca](http://www.lobbyistsregistrar.bc.ca)

### Thanks for reading this issue of *Influencing BC!*

To find out more about the Office of the Registrar of Lobbyists for British Columbia, or to comment on any of the information contained in this e-zine, please visit our website at [www.lobbyistsregistrar.bc.ca](http://www.lobbyistsregistrar.bc.ca), or contact our office.

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