

**O.R.L.**

office of the registrar of lobbyists  
**BRITISH COLUMBIA**

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# **INFLUENCING BC**

**SPECIAL AMENDMENT ISSUE**



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## REGISTRAR'S MESSAGE

I recently spoke at a “Lunch and Learn” event hosted by the Public Affairs Association of Canada – BC Chapter to update lobbyists on the impending changes to the *Lobbyists Registration Act* (LRA). I’d like to share this information with those of you who couldn’t attend the Vancouver event.

The amendments introduced by government on November 28, 2018, in Bill 54, the *Lobbyists Registration Amendment Act*, 2018, include recommendations my office made to the province in 2013 to increase transparency in lobbying. Like you, we await the regulations for more details.

We do know that when the legislation comes into effect, the title of the statute will change from the *Lobbyists Registration Act* to the *Lobbyists Transparency Act*, or LTA. We also know that this new legislation will usher in a number of changes to lobbying across BC, including the requirement for lobbyists to complete a Monthly Return by the 15th of each month (see page 5).

My staff are working hard behind the scenes to help lobbyists understand these changes (see page 4). We are developing a new Registry, adapted from the federal system, which will be easier for lobbyists to use. And, to ensure that compliance with the new legislation is clear and easy, my office is also preparing an education campaign that will begin three months prior to the LTA coming into force.

I welcome these changes to our lobbying legislation in BC. Lobbying plays an important role in our democracy, and I am confident that the *Lobbyist Transparency Act* will further enhance the public’s trust in how their elected officials make decisions.

Please don’t hesitate to contact my team at [info@bcorl.ca](mailto:info@bcorl.ca) with any questions or comments.

**Michael McEvoy, Registrar of Lobbyists for British Columbia**

## NEWS

The *Lobbyists Transparency Act* is coming, and we're working hard to get ready for it, including developing a new Lobbyists Registry and preparing an education plan to support you.

### New Lobbyists Registry under development

Over the years, many lobbyists have asked if the BC Lobbyists Registry could be more like the federal system. When the *Lobbyists Transparency Act* comes into force, it will be. We were able to licence the federal registry and are working hard to make sure it is user-friendly and meets BC's legislative requirements. We'll be keeping the features users like, and we'll provide guides to help lobbyists use the new Registry.

### Three-month education campaign to support lobbyists

Easing the transition to the *Lobbyists Transparency Act* is our top priority. We want to make it as easy as possible for lobbyists to understand and comply with the new Act and regulations.

We don't yet know the coming into force date, but once we do, we will publish an announcement on our website and via email to lobbyists. For three months prior to the coming into force date, we will deliver an education campaign, including guidance materials and events, to help lobbyists familiarize themselves with the legislation and their obligations. We will also be sending *Influencing BC* emails with useful updates and links.

All active registered lobbyists will be emailed. If you are not currently an active registered lobbyist but would like to receive these updates, please email us at [info@bcorl.ca](mailto:info@bcorl.ca) and ask to be added to our distribution list.



# READY, SET, REPORT

Monthly Returns will be an important new requirement of the *Lobbyists Transparency Act*. Here's what you need to know.

When the *Lobbyists Transparency Act* comes into force, one of the biggest changes will be the introduction of Monthly Returns. These reports, which lobbyists will need to submit through the new Lobbyists Registry, will gather details about lobbying activities for the previous month.

Two questions will trigger the need for lobbyists to file a Monthly Return:

## 1. Has the lobbyist carried out any lobbying activity?

Emails, phone calls, letters, texts, in-person meetings – they all count. Lobbyists will need to submit a Lobbying Activity Report by the 15th of each month for each lobbying activity of senior public office holders that took place in the previous month. The Lobbying Activity Report forms part of the Monthly Return.

## 2. Has any information on the registration changed?

Under the *Lobbyists Transparency Act*, lobbyists will be required to update their registrations by the 15th of each month if any of their details have changed, including

government/government agency funding, if they are lobbying on a new subject matter or have a new intended outcome. Updates to a lobbyist's registration form part of the Monthly Return.

### A bit about contributions and gifts

When lobbyists log into the new Registry to file their

Lobbying Activity Report and/or to update their registrations, they will need to confirm that their declarations regarding gifts and contributions are up to date. The ORL suggests that lobbyists keep track of contributions and gifts to ensure accurate reporting.

If a lobbyist or their client made a political, sponsorship or recall contribution, they will have to declare this in the Registry. We are working with Elections BC to put guidance in place to ease compliance.

- Did I give or promise any gifts?

If a lobbyist gave or promised a gift or other benefit to a public office holder, they will have to declare it in the Registry.

### We're here to help

There's lots to learn about the new legislation, so watch for our detailed written guidance in the three months leading

up to the coming into force of the *Lobbyists Transparency Act*, including guidance documents and FAQs.

If you have any questions that are not covered in the FAQs, starting on page 6, email us at [info@bcorl.ca](mailto:info@bcorl.ca)

One of the biggest changes will be the introduction of Monthly Returns, which gather information about lobbying activities.

# AMENDING THE LRA

Your questions, our answers, as we wait for the BC Government to bring the *Lobbyists Transparency Act* into force.

## 1. What is the difference between a Registration Return and a Monthly Return?

The Registration Return will contain the information required by section 4 of the *Lobbyists Transparency Act*. The Registration Return will set out profile information and the lobbying you intend to do. The Monthly Return will contain the information required by section 4.2 of the *Lobbyists Transparency Act* about lobbying that actually took place in the previous month.

## 2. What is a Monthly Return?

When it comes into force, the *Lobbyists Transparency Act* will require a designated filer who has filed a Registration Return to file a Monthly Return by the 15th of each month, unless no lobbying activity occurred in the previous month and there are no changes to the registration. Lobbyists must file one Lobbying Activity Report for each lobbying activity. The requirements to file a Monthly Return include:

- A Lobbying Activity Report that reports on any lobbying activity of senior public office holders for the previous month (e.g. phone calls, emails, letters and meetings).
- An update to the underlying registrations if anything has changed.

Note: When lobbyists log into the Registry to file a Lobbying Activity Report and/or to update their registration, they must also declare any gifts or other benefits given or promised to a public office holder as well as any political, sponsorship or recall contributions.

## 3. What will lobbyists need to include in their Lobbying Activity Report?

A Lobbying Activity Report must be filed for each lobbying activity and it must include:

- the name and position title of the “senior public office holder(s)” who

was the object of the lobbying activity;

- the date of the lobbying activity;
- the names of the lobbyist(s) who participated in the lobbying activity;
- the details to identify the subject matter of the lobbying activity.

## 4. What will constitute a “lobbying activity”?

A lobbying activity will be any communication with a public office holder for the purpose of lobbying and includes the following:

- Phone call
- Email
- Text
- Letter
- In-person meeting

In addition, arranging a meeting between a public office holder and any other individual for the purpose of lobbying will be included in the definition of lobbying.

## 5. Will lobbyists need to register all of their lobbying activities by the 15th of each month?

Lobbyists will be required to declare their lobbying of “senior public office holders” as part of their requirement to file a Monthly Return. They must declare their lobbying activities for the current month by the 15th of the next month.

## 6. Who will be considered a “senior public office holder”?

“Senior public office holders” are a subset of “public office holders” and are defined in section 4.2(1) of the *Lobbyists Transparency Act* as follows:

- Minister
- Staff of Minister
- MLA
- Staff of MLA

- Parliamentary Secretary
- Deputy Minister, Chief Executive Officer or a position of comparable rank in a Ministry
- Associate Deputy Minister, Assistant Deputy Minister or a position of comparable rank in a Ministry
- Any other individual who occupies a prescribed position in a Provincial entity.

### **7. I understand the definition of “lobby” in the Lobbyists Transparency Act will change for consultant lobbyists when they arrange meetings. Can you explain what the new definition will mean?**

Under the current *Lobbyists Registration Act*, consultant lobbyists must declare any meeting arranged between a public office holder and any other individual, even if the purpose of the meeting is not to influence any of the matters found in the definition of “lobby.”

The *Lobbyists Transparency Act* will change the above definition so that only meetings arranged by a consultant lobbyist between a public office holder and any other individual for the purpose of lobbying need to be declared in the Lobbyists Registry. Any meetings arranged where the purpose of the meeting is not to influence any of the matters found in the definition of “lobby” are not considered lobbying and will not need to be registered.

### **8. What will the threshold for organizations required to register be? Will it still be 100 hours?**

The *Lobbyists Transparency Act* will remove the 100-hour threshold. An organization that does any lobbying will be required to register within 10 days of starting to lobby.

There is an exception to this requirement for organizations that have fewer than six employees and lobbied fewer than 50 hours in the preceding 12-month period, *unless* the primary purpose of the organization is to represent the interests of its members, or to promote or oppose issues. Note: The calculation of the 50 hours includes

preparation time.

### **9. When will lobbyists need to register?**

Both consultant lobbyists and organizations will have 10 days to file a registration after starting to lobby (see previous question).

Consultant lobbyists will have 10 days to file a registration after starting to lobby on behalf of a client. The designated filer of an organization will have 10 days to register once the organization has an in-house lobbyist.

See Question 4 for on what constitutes a lobbying activity.

### **10. How long will lobbyists have to make updates to their registrations?**

The requirement to file a Lobbying Activity Report by the 15th of each month includes the requirement to update your registration regarding any change that occurs, such as new subject matters or a change in government funding.

More questions? Please contact us at [info@bcorl.ca](mailto:info@bcorl.ca) if you require any clarification.

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